

# PROPOSED SPECIAL DISTRICT REGULATIONS

## Part II, Section 26 SPECIAL DISTRICT SERVICE PLANS

TABLE OF CONTENTS	PAGE
A. INTENT OF THE SPECIAL DISTRICT REGULATION	1
B. DEFINITION OF ELBERT COUNTY SPECIAL DISTRICTS	1
C. APPLICATION TIMELINE: GENERAL REQUIREMENTS	3
D. PRE-APPLICATION REVIEW PROCESS	4
E. FORMAL SUBMISSION OF THE SERVICE PLAN	9
F. GENERAL STANDARDS OF APPROVAL FOR A SERVICE PLAN	13
G. DEFINITIONS	19
APPENDIX A - SERVICE PLAN - INFORMATION REQUIREMENTS	20
APPENDIX B - FINANCIAL PLAN - INFORMATION REQUIREMENTS	27

### A. INTENT

It is the intent of these regulations to set forth the process and procedure for creating, consolidating, and modifying Special Districts in Elbert County. This process allows adequate review time for analyzing the potential impacts upon the health, safety, and welfare of Elbert County citizens of submitted applications.

### B. DEFINITION OF ELBERT COUNTY SPECIAL DISTRICTS

1. "Special District" (*hereinafter "Special District"*) means any quasi-governmental entity organized under Colorado Law, no matter what sort of service or services is proposed, that seeks to provide those services within Elbert County, either in whole or in part, and where the statutory framework under which it is organized authorizes the proposed district to exercise:

- 1) taxing power, or
- 2) spending power (*meaning issuing bonds and/or borrowing money*) or
- 3) power of eminent domain

2. Regardless of the statutes under which it may be organized, if the proposed quasi-governmental entity is authorized to collect taxes from the public, or spend taxpayer money, or take private property for its own use, then it is considered to be a Special District, and is subject to these Special District regulations, and the public approval process set forth here.

3. Throughout this Part II, Section 26, the term “Special District” expressly encompasses more than the statutory definition at CRS §32-1-103(10), and also includes, but is not limited to, those districts organized under the following statutory provisions:

- Business Improvement Districts      CRS §§ 31-25-1201 - 1228
- Cemetery Districts                      CRS §§ 30-20-801 - 808
- Conservation Districts                  CRS §§ 35-70-101 - 122
- County Public Improvement Districts   CRS §§ 30-20-501-534
- County Recreation Districts          CRS §§ 30-20-701 - 705
- Disposal Districts (1953 Act)          CRS §§ 30-20-201 - 205
- Downtown Development Authorities   CRS §§ 31-25-801 - 822
- Federal Mineral Lease District        CRS §§ 30-20-1301 – 1307
- Internal Improvement Districts        CRS §§ 37-44-101 - 149
- Irrigation Districts                      CRS §§ 37 Articles 41, 42 & 43
- Library Districts                         CRS §§ 24-90-101 - 606
- Local Improvement Districts          CRS §§ 30-20-601 - 628
- Pest Control Districts                  CRS §§ 35-5-101 - 125
- Special Improvement Districts        CRS §§ 31-25-500.2 – 542
- Water Conservancy Districts          CRS §§ 37-45-101-153
- Water Conservation Districts        CRS §§ 37 Articles 46, 47, 48 and 50

And also includes all Special Districts organized under the Colorado Special Districts Act (CRS §§ 32-1-101 - 32-19-115), including but not limited to:

- Ambulance Districts
- Fire Protection Districts *(which may also provide ambulance and emergency medical and rescue services)*
- Health Service Districts
- Metropolitan Districts
- Park and Recreation Districts
- Sanitation Districts
- Water Districts
- Water and Sanitation Districts
- Health Assurance Districts
- Mental Health Care Service Districts
- Tunnel Districts
- Forest Improvement Districts

3. Special Districts organized under the Colorado Special Districts Act (CRS §§ 32-1-101 - 32-19-115), shall comply with the State’s Criteria for their creation, organization, amendment and modification pursuant to C.R.S. 32-1-201 to 209 [The “Control Act”] Further, all Special Districts organized under other statutory authority shall comply with the applicable statutory framework for their creation, organization, amendment and modification. These regulations complement the various statutory frameworks for Special Districts, and are in addition to all applicable statutory requirements.

4. These Elbert County Special District regulations shall not apply to Homeowners Associations organized under CRS 38-33.3-101 et seq. (*Colorado Common Interest Ownership Act*) nor to Condominium Associations organized under CRS 38-33-101 et seq. (*Colorado Condominium Ownership Act*), except to the extent that those associations may be an element of a broader Special District application submitted.

5. These regulations describe in detail the application process leading up to the BOCC's deliberation of the Special District application, and what is expected of the Applicant. Once approved by the BOCC, the approval is reviewed by the District Court and is subject to the organizational election as set forth in the applicable statutes under which the Special District is organized.

6. Once approved by the voters, and upon certification of the election by the court, the Special District may be organized for the purposes, and in the manner detailed in the Service Plan. Once the Special District is organized, material modifications to the Service Plan may be made by the governing body of such Special District only by petition to the Board of County Commissioners, following the same process as required for the approval of the original Service Plan.

7. Material modifications are changes of a basic or essential nature, including any addition to the types of services provided by the Special District, and shall not be required for changes required only for the execution of the original Service Plan, or for changes in the boundary of the Special District.

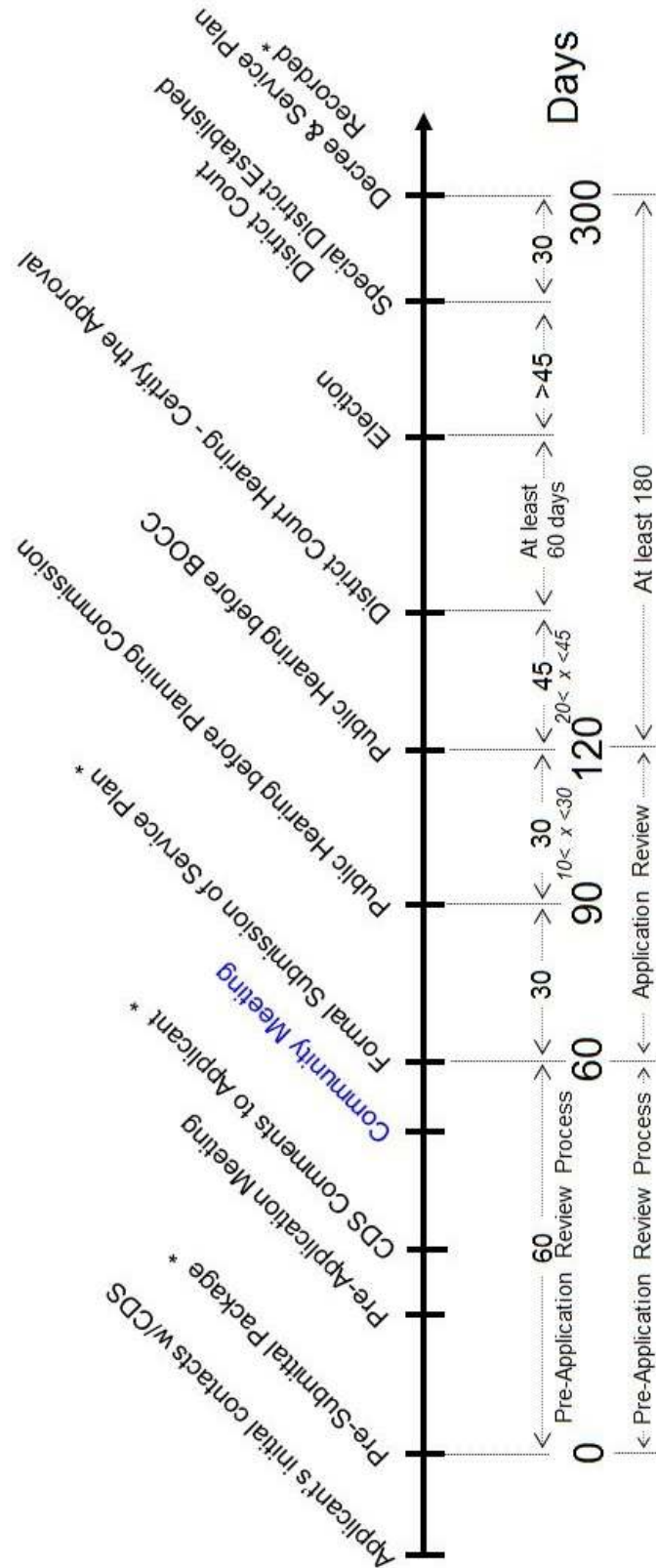
- a) Material departures not so approved can be enjoined by the court upon its own motion, or the motion of the BOCC, municipal governing board, or "any interested party" as that term is defined in CRS 32-1-207(3)(a).
- b) Any challenge to an action of a Special District as an unapproved material departure must be made within 45 days of the published notification by the Special District that it intends to undertake the activity, pursuant to the procedures set forth in CRS 32-1-207(3)(b) (*Compliance – Modification - Enforcement*).

8. These procedures along with Elbert County Regulations incorporate the requirements of Board of County Commissioners Resolution # \_\_\_\_\_ for creating, consolidating, or modifying Special Districts in Elbert County.

### **C. APPLICATION TIMELINE: GENERAL REQUIREMENTS**

1. Table 1 shows the general timeline for considering all applications for creating, consolidating, and modifying Special Districts in Elbert County. Timelines for specific applications may be longer, depending on the complexity of the application and the need for outside review by referral professionals and regulatory agencies.

# SPECIAL DISTRICT TIMELINE



**\* MADE AVAILABLE ONLINE FOR PUBLIC INSPECTION, AND ACCESSIBLE THROUGH THE COUNTY'S WEBSITE**

**Representative Timeline; not to scale**  
Depending on the Application, specific timeframes may be longer

## D. PRE-APPLICATION REVIEW PROCESS

1. Initial Contacts with CDS. Prior to submittal of any paperwork, Applicants shall contact Community & Development Services regarding the proposed application to discuss the concept of the Service Plan, procedures, submittal requirements, and fees and obtain a Pre-application checklist.

2. Pre-Submittal Package. The Pre-Submittal Package must include the Information Requirements for Special District Service Plans detailed at Appendices A and B. The Pre-Submittal Package shall be available online for public inspection, and shall be accessible through the County's web site.

a. The Pre-Submittal Package is required by Community & Development Services, at least 60 days prior to the anticipated Formal Submission of Service Plan. The 60-day period will commence when all information is stamped "received" and fees have been paid.

b. The applicant shall submit printed and digital copies as requested by Community & Development Services.

- i. Community & Development Services Pre-application file copies for a Special District Service Plan, data to be included, reference:
  - Part II, Section \_\_\_\_\_ SPECIAL DISTRICT SERVICE PLANS
  - "Information Requirements for Special Service District Plans for Statutory / Elbert County Compliance".
  - Other documentation as requested.
- ii. Referral copies
  - Copies of Service Plan, appendix, vicinity map & district site map,
  - Other documentation as requested,
  - Unsealed envelopes / mailing containers for Referral information,
  - Unfixed postage to cover cost of mailing Referral information

c. Fees: The Applicant shall be required to make a deposit with the County estimated to cover the cost of professional Services review as part of the Elbert County Review Committee described in Paragraph 6 below:

3. Incomplete Applications. If / when either a pre- or final application is found to be incomplete, Community & Development Services shall inform the Applicant, return the Application, and restart the timeline clock only after a completed application has been received.

4. **Pre-Application Meeting.** Once the Applicant submits the Pre-Submittal Package and the approved fee to CDS, a Pre-Application Meeting will be scheduled not later than 30 days or as soon as possible thereafter.

5. **Comments on Pre-Submittal Package.** Following the Pre-Application meeting, Community & Development Services shall provide notes & comments to the Applicant within ten working days regarding the Pre-Submittal Package, [or as soon as possible thereafter]. CDS' Comments on the Pre-Submittal Package shall be available online for public inspection, and shall be accessible through the County's web site.

6. **Pre-Application Review.** Referral agencies shall include any service district within three miles of the proposed Special District. The consultants and referral agencies will have 21 days to respond with comments to CDS in writing. A Referral Agency may request an additional ten [10 ] days if needed. Comments that require a written response from the Applicant will be forwarded when received. Such written responses shall be submitted to CDS and forwarded to the referral party for verification

a. Community & Development Services shall:

- Review for general completeness of information,
- Distribute referral copies to Review Committee members and other referral entities for comments,
- Review the Special District proposal for County impact and
- Coordinate referral comments to Applicant.

b. The Pre-Application Service District Plan shall be reviewed by the Elbert County Review Committee as follows:

- Community & Development Services
- Finance professional
- Engineering
- Legal
- Elbert County Water Advisory Committee & Water consultant as required
- Other professionals and Referral agencies as may be deemed necessary.

c. Review Committee professionals shall be expected to review the information relative to their professional expertise and respond in writing to CDS about:

- Completeness of information,
- Validity of assumptions,
- Being factually correct,
- Identifying risks to Health, Safety, & Welfare of Elbert County and
- Professional experience / opinion related to project feasibility for the greater good of Elbert County citizens.

7. **Community Meeting.** Unless the statutory provisions under which the Special District is organized provide otherwise, the Applicant shall then conduct a broadly noticed public meeting for the community, prior to the Formal Submission of the Service Plan. Further, Applicant shall invite to the public community meeting by certified mail, all eligible electors for the Special District, and in addition, all property owners within the proposed Service Special District boundaries, and also in addition, all property owners, to include water and mineral rights owners, within one-fourth mile of the proposed Special District boundaries, at least 14 days prior to the meeting.

8. **Addressal of Identified Issues.** Following the Community Meeting, the Applicant may address any identified issues, and submit copies to CDS showing how the identified issues will be addressed, and also for incorporation into the formal submission of the Service Plan, reference Paragraph E.

9. **Requests for Additional Details.** Elbert County may request additional detail about the project. When additional detail is requested, the project timeline will be suspended and will not restart until the additional detail is received in writing.

10. **Public Notice.** The Applicant shall publish Notice of the Planning Commission and the Board of County Commissioners' Hearings as detailed in Section F and Table 1.

11. **Schedule Changes.** When a Planning Commission hearing has been continued / changed for any reason, the following shall apply: Not earlier than 10 days after the Planning Commission hearing, at the next regular meeting, the Board of County Commissioners shall set a new hearing date. The hearing date shall not be more than 30 days following the Planning Commission hearing or as soon as possible thereafter.

12. **Weather Cancellations.** Should a hearing be cancelled due to weather, lack of a quorum, etc. that hearing will be automatically re-scheduled to the following regularly scheduled meeting date.

13. **Pre-Application Review Process must be completed.** No Special District Service Plan Application will be accepted until the Pre- Application Review Process is complete. A Pre-submittal Special District application may be accepted for an area where a Rezone / Subdivision action is underway, however, approval for service by a particular Special District shall not be approved until approval of the associated Rezone / Subdivision by the BOCC. Upon receiving a letter from Community & Development Services indicating that the pre-submittal process is complete, the Applicant may proceed with formal submittal of the Special District Service Plan application.

## **E. FORMAL SUBMISSION OF THE SERVICE PLAN**

1. **Submittal Requirements.** The Service Plan shall be presented in Sections, together with Exhibits A-G, and the information required as set forth in Appendix A & B. Each Section shall be self-contained and self-explanatory. If an Applicant believes a section

is not relevant, the section shall be included together with the Applicant's explanation of why the section does not pertain. If the Planning Commission disagrees as to the relevancy, the Application will be delayed, and the burden for such delay is on the Applicant.

2. The formally submitted Special District Service Plan shall be available online for public inspection, and shall be accessible through the County's web site. Formal submittal of the Service Plan requires the following:

**Submittals:**

- a. One original of the Special District Service Plan to the Elbert County Clerk's Office.
- b. One original, one digital and one copy of the Special District Service Plan to Community & Development Services plus a sufficient number of copies as requested for the Planning Commission, County Attorney, Board of County Commissioners, Elbert County Review Committee, and Referral Agencies.
- c. An application form provided by Community & Development Services that includes at least the following information about the Applicant, proposed District Board Members, all representatives, and landowners within the proposed Special District boundaries:
  1. Name
  2. Address
  3. Phone #
  4. Pending litigation on any present / past development in which the Developer/Applicant is named,
- d. Disclosure letter –
  - Shall include disclosure of anticipated dealings between the developer/ applicant and the Special District, subsequent to the approval, and
  - Shall also include disclosure of any existing or pending financial difficulties of the developer/applicant including insolvency, bankruptcy or foreclosure proceedings.
- e. Proof of ownership – copy of recorded deed and title policy
- f. Application Agreement Form
- g. Application fees – The costs of consultant and referral agency review are the responsibility of the applicant.
- h. Statement of current-year property taxes for the parcels involved.
- i. Copy of written comments and corresponding applicant



responses from the pre-submittal review process.

- j. Green and White postal cards from certified mailing for community meeting, along with copy of letter, sign in sheet and applicants meeting notes.
- k. Proposed Special District Exhibit – All sheets shall be in 24” X 36” format. The following information and standards shall apply to the Special District Exhibit.
- A margin, at least 1” on all sides, except the left-hand margin shall be minimum of 2;”
  - The name of the Special District Exhibit, centered on the upper portion of each sheet;
  - The sheet number in the lower right hand corner of each sheet, [Sheet 1 of \_\_\_\_];
  - Case # \_\_\_\_\_ in the upper right corner of each sheet;
  - Special District Exhibit notes and information shall be included on the first sheet, with lettering being a minimum font size of 12 point. (Note: For referral processing purposes, the information may be prepared on 11” X 17” paper format provided all information remains easily legible).
  - Legal Description – A legal description of the property designated as a Section, Township, Range, centered below the Special District name;
  - Vicinity map – Locates the parcel in the county as it relates to a known location such as towns of Elizabeth, Kiowa, Simla or other easily identifiable relationship;
  - Names, addresses, and phone numbers of all owners, representative, and individual/firm preparing the document;
  - Site Plan – Shall include layout of proposed land use areas; non-buildable areas, hazard areas, flood plain, drainage, open space easements (indicate Reception # and Book Number and Page Number, if applicable), etc;
  - The following signature blocks shall be included on the first page of the Special District Exhibit.

### **SIGNATURE BLOCKS:**

---

#### **Planning Commission**

This Special District was reviewed by and recommended for approval by the Elbert County Planning Commission on the \_\_\_\_ day of \_\_\_\_, year \_\_\_\_, AD.

---

**Board of County Commissioners**

This Special District was reviewed and approved by the Elbert County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Chairman, Board of County Commissioners

**Clerk and Recorder’s Certificate**

I, \_\_\_\_\_ hereby certify this Special District Exhibit was filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_ A.D., at \_\_\_\_\_ A.M. / \_\_\_\_\_ P.M. and was recorded at Reception Number \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Recorder

**Owners’ Certificate**

(Use the appropriate certificate for an individual owner, multiple owners, or corporation)

(Individual)

I, \_\_\_\_\_, as owner of the land affected by this Special Service District approval, accept and approve all conditions set forth herein.

Owner \_\_\_\_\_, Date \_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Printed name]

(Multiple Owners)

We, \_\_\_\_\_ and \_\_\_\_\_, etc. \_\_\_\_\_, as owners of the land affected by this Special Service District approval, accept and approve all conditions set forth herein.

Owner \_\_\_\_\_, Date \_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Printed name]

Owner \_\_\_\_\_, Date \_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Printed name]

(Corporation / LLC)

\_\_\_\_\_, as owner of the land affected by this Special District approval, accept and approve all conditions set forth herein.

\_\_\_\_\_ as President of \_\_\_\_\_  
[Name Printed] [Signature]

\_\_\_\_\_  
[Date]

\_\_\_\_\_ as Secretary of \_\_\_\_\_  
[Name Printed] [Signature]

\_\_\_\_\_  
[Date]

**NOTARY PUBLIC**

County of \_\_\_\_\_ )  
 )ss  
State of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Name Printed]

WITNESS my hand and official seal  
My commission expires \_\_\_\_\_

**F. GENERAL STANDARDS OF APPROVAL FOR A SERVICE PLAN**

1. Pursuant to the criteria set forth in CRS §32-1-203 (Action on Service Plan - Criteria), it is incumbent upon the Applicant to establish in the submitted Service Plan:

- There is existing or projected need for the services proposed, and
- Adequate service is not, or will not be, available to the area, and
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries, and
- The area within the proposed boundaries has, or will have, the financial ability to discharge the proposed indebtedness, and
- Creation of the proposed special district is in the best interests of the area proposed

2. Special Districts intending to provide services within Elbert County, either in whole or in part, will present an application, including a Service Plan, to the Elbert County Board of County Commissioners. The Board of County Commissioners shall adhere to the procedure set forth in Colorado Revised Statutes (CRS 32-1-203) where applicable;

3. **Service Plans are Binding Agreements.** Service plans and statements of purposes presented by the Applicant create binding agreements between the Special District and the Board of County Commissioners as approval authority. "Upon final approval by the court for the organization of the special district, the facilities, services, and financial arrangements of the special district shall conform so far as practicable to the approved service plan." (C.R.S. 32-1-207(1) (Compliance-Modification-Enforcement)).

4. **Annual Reports.** As a condition of approval to the Service Plan, the Special District shall make an annual report to its electors not later than January 15<sup>th</sup> of each year, which report shall be consistent with the requirements set forth in CRS 32-1-809 (*Notice to Electors*), which report shall be available online for public inspection, and shall also be accessible through the County's web site, and shall include at a minimum, the information set forth for Special District Annual Reports at Appendix A Paragraph (K):

5. **Notice of Change in Debt Issuance.** Pursuant to the requirements set forth in C.R.S. 32-1-202(2)(b), and as a condition of approval, the Special District board of directors shall notify the Board of County Commissioners and Community Development Services in writing of any alteration or revision of the proposed schedule of debt issuance set forth in the Financial Plan, and submitted in the approved Service Plan **and which Notice shall be available online for public inspection, and accessible through the County's web site.**

6. **Five-Year Reviews.** As a condition of approval to the Special District Service Plan, and where the Special District's Financial Plan calls for a general obligation indebtedness, in every fifth calendar year after the Special District's ballot issue approving a general obligation debt, the Board of County Commissioners **shall** require the Special District to file an application for a finding of reasonable diligence, in a manner consistent with the authorities and procedure set forth in CRS 32-1-1101.5 (*Special District Debt*). **The Special District's application for finding of reasonable diligence shall be available online for public inspection, and shall also be accessible through the County's web site.**

7. **Sunset Clause.** As a condition of approval to the Service Plan, the Board of County Commissioners **shall** require the Applicant **to** include a "Sunset Clause" to the Service Plan, to address dissolution of the Special District in the event that the Special District fails to provide services or if development activity detailed in the Service Plan ceases, **consistent with the provisions of CRS 32-1-701 et al (Special District Dissolution).** When **Special District** development or provision of services does not begin as called for in the approved Service Plan, Community Development Services shall request an update of Special District financials to account for the failure to comply with the approved Service Plan. **CDS** may require the Applicant to justify any non-compliance

with the approved Service Plan. Where appropriate, BOCC action may be taken to trigger the Sunset Clause to the Service Plan **after a full and fair opportunity to appear and be heard.**

8. BOCC Action **on Service Plan Applications.** In keeping with the authorities set forth in CRS 32-1-203 (Action on Service Plan), in considering the Service Plan, the Board of County Commissioners, may:

- a. Disapprove the service plan submitted:
- b. Approve, without condition or modification, the service plan submitted:
- c. Conditionally approve the service plan subject to the submission of additional information relating to, or the modification of, the proposed Service Plan.

9. The Board of County Commissioners **shall disapprove** the service plan unless evidence satisfactory to the Board of each of the following is presented:

- a. There is sufficient existing and projected need for organized service in the areas to be serviced by the proposed Special District.
- b. The existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
- c. The proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries.
- d. 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.

10. The Board of County Commissioners **may disapprove** the Service Plan if evidence satisfactory to the Board of any of the following, at the discretion of the Board, is not presented:

- a. 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.
- b. The facility and service standards of the proposed Special District are compatible with the facility and service standards of the County and each municipality which is an interested party under section 32-1-204(1).
- c. The proposal is in substantial compliance with a Master Plan

adopted pursuant to section 30-28-106, CRS.

- d. The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.
- e. The creation of the proposed Special District will be in the best interests of the area proposed to be served.

11. The Board of County Commissioners **may conditionally approve** the service plan of a proposed Special District if found not to comply with one or more of the criteria enumerated in subsection (3) of this section. **Final approval shall be contingent** upon modification of the service plan to include such changes or additional information as shall be specifically stated in the finding of the Board of County Commissioners.

12. Incomplete Submittal:

- a. Community & Development Services shall inform an Applicant of the incomplete items in writing postmarked by the 5<sup>th</sup> working day following receipt of the Application by the Office of Clerk & Recorder. The application will be cancelled and a new complete application will need to be re-submitted to the Clerk & Recorder.
- b. If information is found to be lacking from an application following the 5<sup>th</sup> working day, **the application will be suspended and only restarted** after completed information has been provided.
- c. A lack of a notice of inadequacy does not preclude an applicant from having to submit additional information as required.

13. Public Hearing Process

**Public Notice:** The applicant is responsible for all public notice as follows:  
**Newspaper**

- a. A notice shall be published in a daily or weekly newspaper of general circulation, printed or published at least in part in Elbert County, at least 20 days before the Planning Commission / Board of County Commissioners' 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}m as amended, concerning the filing of a petition for exclusion of territory.
- b. In any instance where the initial Planning Commission hearing has been continued / changed such that the ensuing Board of

County Commissioners' hearing would also require changing, the following shall apply: At least ten [10] days after the Planning Commission recommendation, the Board Of County Commissioners, at its next regular public meeting, shall set a date for a public hearing on the service plan. This public hearing date shall be within thirty [30] days of the Planning Commission public hearing. [C.R.S. 32-1-202{1}, as amended] or as soon as possible thereafter.

- c. Should inclement weather or any "like" issue cause a hearing to be cancelled, the next "date certain" for the hearing would be the next regularly scheduled meeting date for the respective Planning Commission / Board of County Commissioners.
- d. It is recommended that the applicant provide Community & Development Services with a copy of the above draft notice and a list of the municipalities or special districts prior to mailing the notice.
- e. Publishers affidavit verifying newspaper publication shall be submitted to Community & Development Services at least five [5] working days prior to the Planning Commission hearing.

\*\*\*\*\*

---

NOTICE OF PUBLIC HEARING

Creation of Special District

"Notice is hereby given that on \_\_\_\_\_[day of week] \_\_\_\_\_ [month] \_\_\_\_\_ year at \_\_\_\_\_ [time A.M./P.M.] or as soon as possible thereafter, a Planning Commission Hearing will be conducted and the Board of County Commissioner's hearing is to be held on \_\_\_\_\_ [day of week] \_\_\_\_\_ [month] \_\_\_\_\_ year \_\_\_\_\_ [time A.M./P.M.] or as soon as possible thereafter. Hearings will be conducted in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado or at such other time and place as these hearings may be adjourned. Public Hearings will be heard upon the application on file with Elbert County Community & Development Services, 215 Comanche, Kiowa, Colorado, 303-621-3136, by \_\_\_\_\_ [name of applicant], for the creation of a Special District pursuant to the current Elbert County Zoning Regulations. The proposed Special District boundaries include all or part of Section \_\_\_\_\_ Township \_\_\_\_\_ South, Range \_\_\_\_\_ West in Elbert County Colorado.

Reason:

---

Project Name & Number:

---

Legal Description of Property:

---

Date of Application:

---

Published in:

---

[Name of Newspaper]

Date of Publication:

---

\*\*\*\*\*

Publishers affidavit verifying the above publication shall be submitted to Community & Development Services at least five [5] working days prior to the Planning Commission hearing.

**Written Notice**

a. Existing surrounding Municipalities and Special Districts

- 1] At least twenty [20] days prior to the Board's hearing, a written notice stating the date, time and location of the Planning Commission and Board of Commissioners 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 three miles of the proposed Special District boundaries. [ C.R.S. 32-1-204 {1}, as amended].

b. Property Owners

- 1] Not less than twenty [20] days prior to the Planning Commission Hearing nor more than thirty [30] days prior to the Board of County Commissioners hearing, a notice stating the date, time, location and purpose of the Board of Commissioners 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 of the filing of a petition for exclusion pursuant to C.R.S. 32-1-203{3.5}, as amended, shall be sent by Certified Mail, Return Receipt Requested, to the owners of property within the proposed special district and within 1320 feet of the proposed district boundaries, and to water and/or mineral right's owners and lessees and easement holders, as listed on the records of the County Assessor . [ C.R.S. 32-1-204{1.5}, as amended ].
- 2] If the applicant represents 100 percent of the possible eligible electors, and all the landowners within 1/4 mile of the proposed Special District boundary, no mailing is required. The applicant shall submit evidence of ownership in the form of a title commitment dated within thirty days of the formal submittal of the application to Community & Development



Services.

- 3] At least fourteen [14] days prior to the date of the Public Hearing before the Planning Commission, the Applicant shall submit to Community & Development Services the following: The white postal receipts for Certified Mail mailed to required property owners, and eligible electors and; a copy of the note mailed to said property owners and eligible electors; a list, in alphabetical order, of the property owners and eligible electors; a map illustrating the location and proximity of required property owners within and adjacent to the proposed Special District.
- 4] At least five [5] working days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community & Development Services, the green postal Domestic Return Receipts mailed to the required property owners within and adjacent to the proposed Special District.

#### **Planning Commission:**

Pursuant to C.R.S. 32-1-202{1}, as amended and Board Resolution # \_\_\_\_\_, the Planning Commission shall consider public testimony given at the public hearing and make its recommendation to the Board of County Commissioners within thirty [30] days of formal submittal of the Service Plan, on whether the criteria set forth in C.R.S. 32-1-203{2}{a}-{b} and {2.5}, as amended, have been met unless the applicant consents to a continuance.

If scheduling of the Planning Commission hearing requires a Special meeting, the Applicant must agree to pay a fee to the County in advance of the meeting to cover mileage and overtime of time and a half for staff and the Planning Commission

Applicant may sign an agreement to delay the Planning Commission hearing until a regular meeting time to avoid cost of a Special meeting.

The Planning Commission hearing may be “continued” from the original scheduled date to a future “date certain” as may be necessary.

#### **Board of County Commissioners:**

- a. At least ten [10] days after the Planning Commission recommendation, the Board Of County Commissioners, at their next regular public meeting, shall set a date for a public hearing on the service plan. This public hearing date shall be within thirty [30] days of the Planning Commission public hearing [C.R.S 32-1-

202{1}, as amended] or as soon as possible thereafter.

- 1] If scheduling of the Board of County Commissioners' hearing within thirty days [30] of the Planning Commission public hearing requires a Special meeting, the Applicant must request the Special meeting of the Board of County Commissioners.
  - 2] If the Special Meeting is to be in the evening, Applicant must agree to pay a fee to the County in advance of the meeting to cover overtime equal to time and a half for staff.
  - 3] Applicant may sign an agreement to delay the Board of County Commissioners' hearing until a regular meeting time to avoid cost of a Special meeting.
- b. At least fourteen [14] days prior to the Board of County Commissioners' public hearing, the County requests the applicant to provide a draft copy of a Board resolution of approval on diskette or by e-mail, in the most current version of "Microsoft Word" as utilized by the County.
  - c. The Board of County Commissioners' may continue the public hearing for a period not to exceed thirty [30] days, and the applicant and the Board of County Commissioners may agree to continue the public hearing for a longer period. [C.R.S. 32-1-202{1}] and {3,5} as amended].
  - d. The Board of County Commissioners shall approve, disapprove, or conditionally approve the Service Plan, and may exclude territory from the proposed Special District prior to approval of the Service Plan in accordance with the procedure set forth in the Control Act. [C.R.S. 32-1-203{1}, as amended].
  - e. Within twenty days after completion of the public hearing, the Board of County Commissioners shall advise the Applicant in writing of its action on the proposed Service Plan in accordance with the procedure set forth in the Control Act. [C.R.S 32-1- 204{4}, as amended].

#### 14. Post Board of County Commissioners Hearing:

- a. After BOCC approval, and if the organization of the Special District is approved by the voters, Applicant shall transmit certified copies of the findings and the Order of the District Court organizing the Special District to

the Clerk and Recorder and the Colorado Division of Local Government, [ See C.R.S. 32-1-306, as amended ] and three final copies of the service plan and the Order and Decree provided to Community & Development Services within 30 days of approval.

- b. Clerk and Recorder shall record certified copy and retain a copy of the approved Service Plan as a public record of public inspection. Special District provides recording fee prior to recording.
- c. Special District shall file map of the Special District with County Assessor no later than May 1 of the year in which mill levy is to begin.
- d. After the Special District is established, a copy of the recorded Special District Decree & Service Plan shall be available online for public inspection, and shall be accessible through the County's web site.

#### **G. Definitions:**

“Eligible elector” means a person who, at the designated time or event, has been resident of the Special District, or area to be included in the Special District, for not less than thirty days, or who, (or whose spouse), owns taxable property in the Special District, or area to be included in the Special District, whether or not such person resides in the Special District, or area to be included in the Special District. (conforms to CRS 32-1-103 (Definitions)).

“Material Modification” means a change of a basic or essential nature, including but not limited to the following: Any addition to the types of services provided by the special district beside those necessary only for the execution of the original service plan; a decrease in the level of services necessary to the execution of the original service plan; 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. CRS 32-1-1207(2)(Compliance-Modification-Enforcement)

“Resident” means one who is a citizen of the United States and a resident of the State of Colorado, eighteen years of age or older, whose principal or primary home or place of abode for not less than thirty (30) days, lies within the boundaries or proposed boundaries of the Special District. A residence is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. CRS 1-2-102 (Rules for Determining Residence).