

**ID-05-003**

**AMENDMENT OF PLANNING COMMISSION CONDITION  
SPECIAL DISTRICT SERVICE PLAN  
WATERVIEW METROPOLITAN DISTRICT NO. 2**

Request by Cygnet Land LLC and the El Paso County Development Services Department for modification of a Planning Commission condition to extend the period of continuance for consideration of approval of a service plan precedent to formation of a special district with the purpose of providing municipal facilities and services to the eastern portion of a development known as Waterview. The effect of this action would be to allow the original application, as modified, to be heard by the Planning Commission no later than August of 2006. The property is located along Powers Boulevard in the proposed Fountain Valley Planning Area. Tax Schedule Nos. 55000-00-135, 289.

**PREPARED BY**

Carl Schueler  
2/3/06

**COMMISSIONER DISTRICT: 4**

**BACKGROUND:**

On July 26, 2006, the Planning Commission voted to continue the above referenced Service Plan for a maximum six (6) month period based on the recommendation of the Development Services Department and with the concurrence of the applicant. At this same hearing, a Service Plan for the largely residential Waterview I District was recommended for approval and was subsequently approved by the Board of County Commissioners. The basis of the continuance for this Waterview II District Plan was that there was no water or sewer provider identified for this phase of the project. Additionally, there were questions with the market study for this largely commercial portion, and it would, therefore, have been difficult to make a finding that there was the requisite need for the district, or assurances that the accompanying financial plan could be relied on to make the related finding that the District would have the financial capability to support the proposed improvements and repayment of the proposed debt. The six (6) month period was primarily stipulated by the applicant as the maximum time they desired prior to having the opportunity to bring the item back to a hearing. Among other things, the applicant wanted to retain the option of getting the issue to a May, 2006 election.

The applicants have been coordinating with the Security Water and Sanitation Districts, but, for various reasons, including staff change at Security, do not have any formal commitments at this time. Given this situation, the applicants now have gone on record

with the intention to forgo an opportunity for a May election, pursuing a November, 2006 election instead. A request dated January 26, 2006, and related materials are attached.

The direction of the Planning Commission with respect to the prior continuance was to continue the item to a hearing to occur on or before January 2, 2006 with the application to be considered withdrawn in the event the item was not heard. The general wording of the continuance was as follows:

*District 2 – Continued until such time the applicant can provide verification of water/ sewer service or up to six months, whichever occurs first. If such letter is not received by January 2, 2006, the application will be considered withdrawn.*

Staff notes that a preliminary verification of water and sewer service was provided by this deadline. However, the necessary formal follow-up information is not yet available.

#### **IMPLICATIONS:**

Strict interpretation of the Planning Commission condition would require this application to lapse and be resubmitted in it's entirety. This would require submittal of a new processing fee. However, staff believes, the County can more or less "pick up where it left off", and sees no particular utility in letting this application lapse. The applicants are also meeting the intent of the staff recommendation by agreeing to postpone action on the service plan so that there will be more time available to fully evaluate this request once it is amended.

#### **RECOMMENDATION:**

Approve an additional continuance of this item such that it may be heard on or before the August, 2006 Planning Commission date subject to provision and potential updated agency review of a revised Service Plan which reflects and addresses the plans for provision of water and sewer service to this property, and staff comments including those on the market study. If this application is not heard by the Planning Commission on or before August, 2006, the application shall be deemed withdrawn, and shall need to be resubmitted in its entirety and processed through the procedures then in effect, with requisite application and processing fees paid.

#### **ENCLOSURES:**

- Vicinity Map
- 1/26, 2006 request from applicant

# El Paso County Parcel Information

Parcel Number: 5500000135, 231

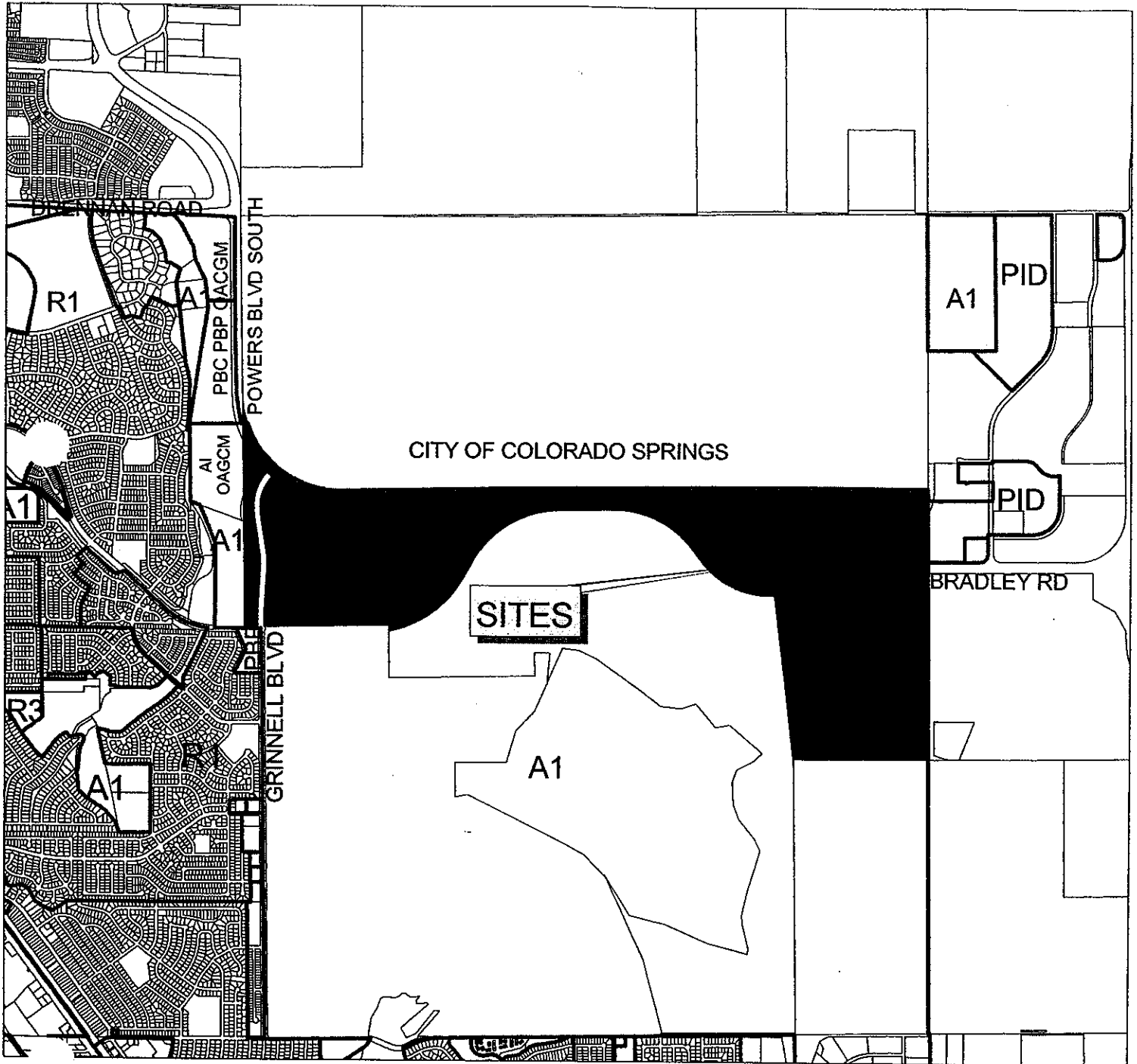
Parcel Address: 0 09-15-65

Parcel Owner: CYGNET LAND LLC

File Name: ID-05-003

Zone Map No.: 550.00

Owner Mailing Address: 24 N TEJON ST FL 2, COLORADO SPRINGS, CO 80903



Please report any discrepancies to:  
El Paso County GIS/Mapping  
325 S. Cascade  
Colorado Springs, CO 80903  
(719)520-6523

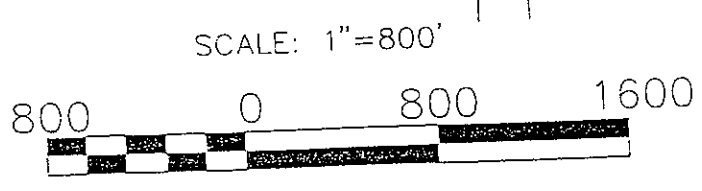
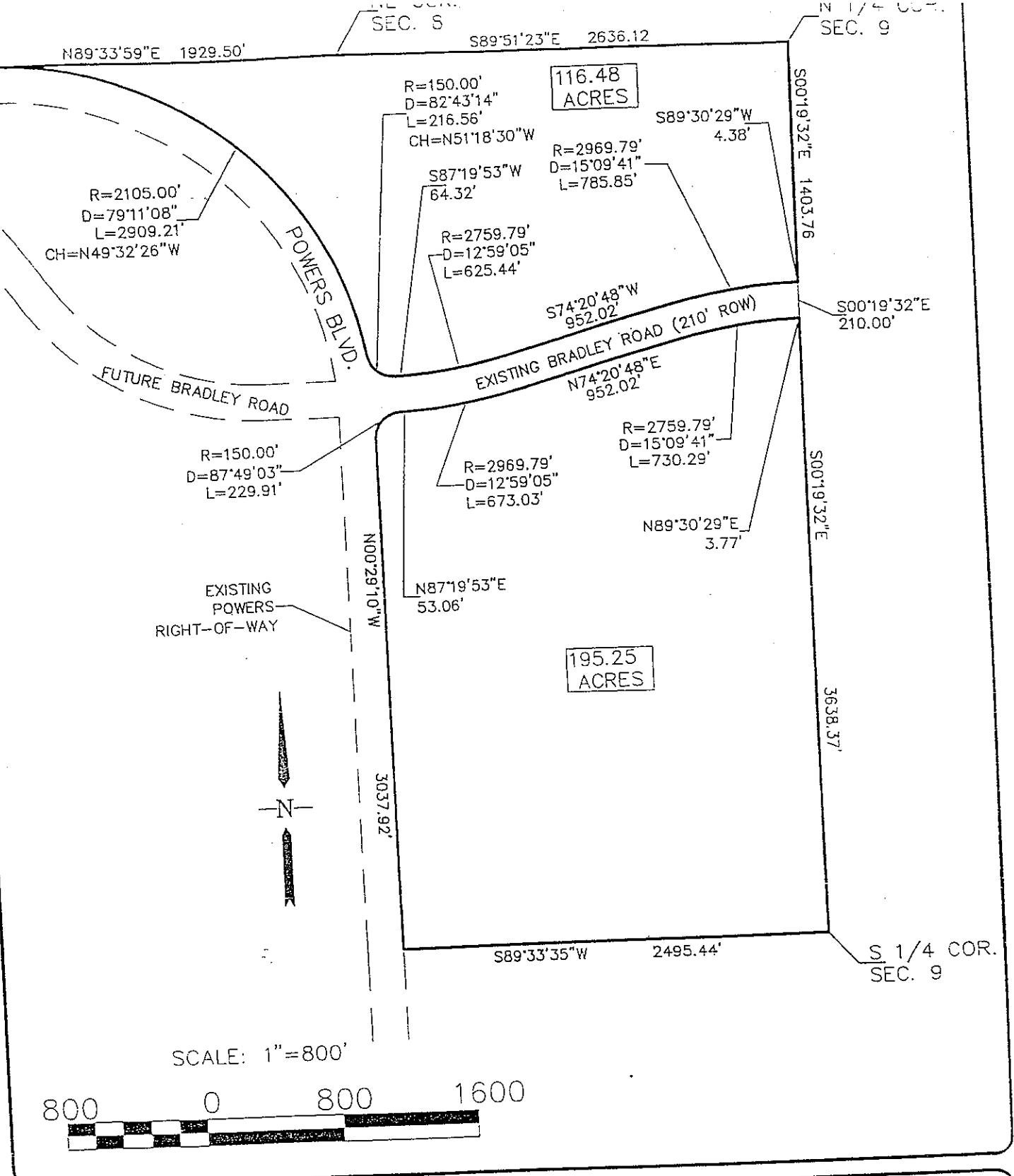
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July 19, 2005



09/28/2004 12:23:41 PM MDT

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WATERVIEW  
LEGAL DESCRIPTION  
EAST OF POWERS



PROJ NO. 67-2331

SHEET 2 OF 2

A. Kristine Young  
Attorney at Law

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January 26, 2006

Carl Schueler  
Planning Division Manager  
El Paso County Development Services  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

Re: Waterview II Metropolitan District

Dear Carl –

Please accept this letter, per our telephone conversation this morning, as the proposed Waterview II Metropolitan District's request to put its application for the formation as a Metropolitan District on hold for six (6) months due to the staff changes at Security Water and Security Sanitation Districts.

Should you have any questions, please give me a call.

Best regards,

/s/

A. Kristine Young

Cc: Greg Timm, Cygnet Land, LLC

A. Kristine Young  
Attorney at Law

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January 3, 2006

Carl Schueler  
Planning Division Manager  
El Paso County Development Services  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

Re:  
Waterview II Metropolitan District

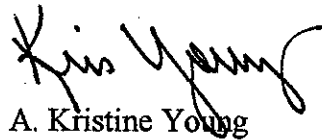
Dear Carl –

Please accept this letter, per our telephone conversation this morning, as the proposed Waterview II Metropolitan District's request to put its application for the formation as a Metropolitan District back on the agenda for the February 14, 2006 Planning Commission.

Further, please be advised that Security Water District and Security Sanitation District are the proposed District's recommended water and sanitation providers.

Should you have any questions, please give me a call.

Best regards,



A. Kristine Young

Cc: Louis Harding, Security Water and Sanitation Districts  
Greg Timm

**RECEIVED**

JAN 06 2006

EPC DEVELOPMENT SERVICES

## Carl Schueler

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**From:** Carl Schueler  
**Sent:** Tuesday, January 03, 2006 10:00 AM  
**To:** Kris La Berge (krislaberge55@yahoo.com)  
**Cc:** Mr. Greg Timm (hockydad52@aol.com); Dick Anderwald  
**Subject:** Waterview II Metro District.

Kris,

Here is the language from our approval letter. I am not sure this exactly corresponds with the intent of the PC, and we might need to check the actual resolution. In any case I (with the presumed agreement of my Director) am willing to interpret 1/2/06 as being today (1/3/06) because this office was not open on 1/2/06.

*District 2 - Continued until such time the applicant can provide verification of water/ sewer service or up to six months, whichever occurs first. If such letter is not received by January 2, 2006, the application will be considered withdrawn.*

Please get me a letter by today by e-mail and/or fax (719) 520-6695 indicating Security is now your recommended water provider. We will tentatively put this application back on the PC for 2/14/06 which will be a special PC hearing date, set aside primarily for Special Districts. Presumably, this would then go to the 3/23/06 BOCC which will also be a big day for other districts.

As noted in our conversation, we will need verification that Security agrees to water provision **and** an analysis of their available supply and proposed commitments.

Thanks

Carl F. Schueler, Long Range Planning Division Manager