Jefferson County
Planning & Zoning

Application Review Process

GUIDES

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Special District Process

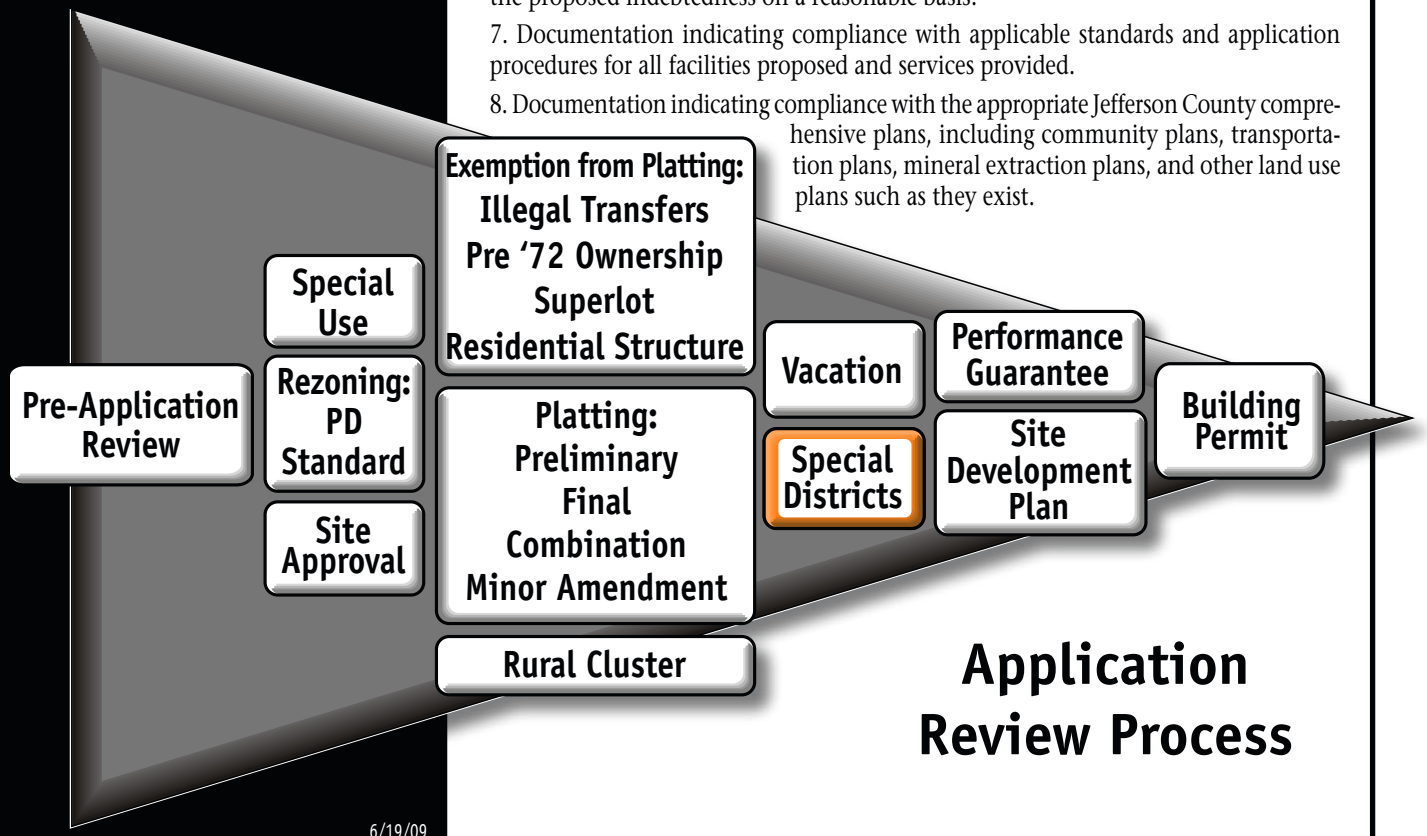
This guide describes the Special District Process for approving Service Plans. Users should utilize this guide in conjunction with the Policy and Procedure Manual and the Colorado Revised Statutes.

One mechanism for providing public improvements and services for a new development is the creation of a Special District. A Special District, among other taxing entities, determines the mill levies that will be assessed on the developing property. The Board of County Commissioners, in accordance with State Statute, approves all Special Districts within unincorporated Jefferson County.

Review Criteria

All service plan applications will be reviewed using criteria established in Section 32-1-203(2), C.R.S. and the following.

1. The existing zoning authorizes the types, uses, and densities to support the services proposed.
2. Documentation indicating that the area within the proposed special district boundary is currently under-served.
3. Documentation indicating inability and/or unwillingness of all existing adjacent or nearby service providers offering similar services to provide the proposed services.
4. Documentation indicating that the area within the proposed special district boundary is currently under-served.
5. For special districts offering water services, documentation indicating sufficient water supply (both physical and legal) to meet the proposed needs of the district.
6. Documentation indicating that the proposed special district is capable of providing economical service to the area within its proposed boundaries and is able to discharge the proposed indebtedness on a reasonable basis.
7. Documentation indicating compliance with applicable standards and application procedures for all facilities proposed and services provided.
8. Documentation indicating compliance with the appropriate Jefferson County comprehensive plans, including community plans, transportation plans, mineral extraction plans, and other land use plans such as they exist.



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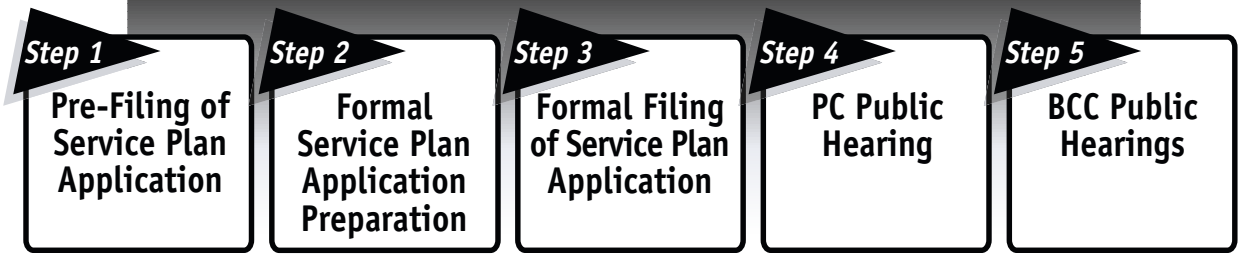
6/19/09

Typical Special District Process



The Special District's Service Plan application process has two main parts:

- the Pre-Filing Application, and
- the Formal Filing Application.

Step 1 Pre-Filing of Service Plan Application

The Pre-filing Application process provides for an eight-week (40 working days) period to review the proposed service plan. The Case Manager will coordinate a referral of the proposal to other county departments and divisions and other agencies as determined by the case manager. All municipalities and special districts that have levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three (3) miles of the proposed special district boundarys will be sent a referral. The case manager will identify concerns and evaluate the feasibility of the proposed service plan.

A fee covering estimated direct costs related to professional services contracted to undertake special review of the Service Plan might be required if special review is requested. Examples of special reviews are requesting review of physical and legal water supply to be done by the Colorado Geologic Survey or review of the financial plan by an independent professional service.

Step 2 Preparation of the Formal Service Plan Application

The applicant should revise the application to address those issues and concerns identified in the review of the pre-filed application. Once the Formal Service Plan is prepared, the applicant should contact the case manager to identify the number of copies needed for submittal and to coordinate a time to submit the application packets.

Step 3 Formal Filing of Service Plan Application

The Formal Filing of the Service Application must be to the Clerk of the Board in the County Clerk and Recorder's Office. A processing fee must be submitted to the Clerk of the Board with the formal submittal. Before submitting the formal application, arrange for the case manager to accompany you to the Clerk and Recorder's Office. Fees are on-line at our web site or call 303-271-8700. Make checks payable to Jefferson County Treasurer.

The Case Manager will coordinate a referral of the service to other county departments and divisions and other agencies as determined by the case manager. All municipalities and special districts that have levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three (3) miles of the proposed special district boundarys will be re-sent a referral. The case manager will identify concerns and evaluate the feasibility of the proposed service plan.

The applicant shall address, in writing, all issues and deficiencies identified in writing by the Case Manager, other county divisions, and any referral agency.

Step 4 Planning Commission Public Hearing

The Planning Commissioner's Hearing must be scheduled within 30 days from the day the application is filed with the Clerk to the Board- per C.R.S. 32-1-204(2). Additional copies of the service plan will be required for this hearing. The Planning Commission shall review the service plan, staff report, other evidence, and public testimony at one or more public hearings. The Planning Commission shall recommend approval, conditional approval, or denial of the application to the Board of County Commissioners at one or more public hearings.

Step 5 BCC Public Hearings

There will be two public hearings before the Board of County Commissioners. The first hearing is required to occur at least 10 days after the final Planning Commission action. At this first hearing, the Board will schedule a date to consider the final service plan. At the second hearing, which will be held within 30 days, the Board will consider evidence and testimony to make a determination on the service plan. Additional copies of the service plan will be required for this hearing. The Board of County Commissioners shall review the service plan, staff report, other evidence, and public testimony at one or more public hearings. Upon conclusion of the presentation of testimony, evidence and arguments in the hearing(s) before the Board of County Commissioners, the Board may render a decision which approves or denies the application unless the Board of County Commissioners continues the case for further testimony and/or decision.

Notification Requirements

1. Within 5 days of receiving the service plan, the Case Manager must send notification of the date, time and location of the PC and BCC hearings to:

• The Division of Local Government (Department of Local Affairs)* Use the Notice of Filing of Special District Service Plan Form (DLG-60) provided by the Division of Local Government. On the Date of Hearing Line, include the dates of all three hearings.

2. Not more than 30 days nor less than 20 days prior to the final BCC hearing, the Case Manager must send notification of the date, time and location of the BCC hearing to:

• The governing body of any municipality or special districts which have levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three (3) miles of the proposed special district boundaries.

• The Division of Local Governments (Department of Local Affairs)-resend form DLG-60.

3. Not more than 30 days nor less than 20 days prior to the final BCC hearing, the Applicant must send notification of the BCC hearing to:
• The property owners within the proposed boundaries. The applicant must provide Assessor printouts to the Case Manager.

Submittal Requirements

The submittal items for the Pre-filing Application and the Formal Application are the same.

Descriptions:

- A description of the proposed services. C.R.S. 32-1-202
- A description of how the service plan Service Plan meets the Review Criteria. See the Review Criteria section of this guide.

Maps:

- A boundary map (on paper no larger than 24x36 inches in size) indicating the proposed special district boundaries in heavy lines. Within the special district boundaries, this map shall show existing contour lines, proposed parcels, and approximate 100-year floodplain (where applicable). Immediately abutting and adjacent to the proposed special district boundaries, this map shall show existing parcels, and the name and location of all existing special districts immediately abutting and/or overlaying the proposed special district. P&P 5.35
- A vicinity map (on paper no larger than 8.5x11 inches in size) indicating, within a 3-mile radius of the proposed special district boundaries, the general location of the special district in relation to primary streets/roads and section lines, names of adjacent subdivisions, unsubdivided parcels, public lands, and other existing special districts. P&P 5.35

Financial Plan:

- 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 section 32-1-207 or 29-1-302, C.R.S. 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 County Commissioners or the governing body of the municipality of any alteration or revision of the proposed schedule of debt issuance set forth in the financial plan. C.R.S. 32-1-202
- A written statement indicating the source and assumptions for each category of numbers presented (including but not limited to interest rates, buildout rates, and mill levies) plus all calculations performed. P&P 5.35
- A development anticipation section which describes development projections in amount, time, type, value, including an estimate of the population and valuation for assessment of the proposed special district. These projections shall be supported by a report from an independent market analyst, which report provides sufficient background information supporting the growth rates utilized in the financial alternatives, or a market study to support the alternative financial scenarios. P&P 5.35 A map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district. C.R.S. 32-1-202
- A year by year listing for the period of expected indebtedness beginning with the expected date of special district formation, including a detailed description of all funding mechanisms to be employed by the district; a list of individual yearly totals for bond issues, debt service, operating and maintenance expenses, legal and administrative expenses, capital expenses, buildout rate, assessed valuation, mill levy, facility fees, development fees, tap fees, and other fees; and all other costs and revenues. Any extraordinary or one-time expenses shall be explained. P&P 5.35
- Maximum bonded indebtedness proposed to be incurred by the special district and assumptions supporting that amount of indebtedness. Because the issuance of bonds by one entity may adversely affect the bond rating of another entity due to overlapping debt, the plan shall contain a list of indebtedness for all cities, counties, and special districts within which any part or all of the proposed special district will be located. P&P 5.35
- A description of the relationship between the scheduling and phasing of improvements and the financial stability of the special district. P&P 5.35
- A description of the percentage of improvements to be financed. P&P 5.35
- If the financial plan identifies any contributions by the developer to the special district, a copy of any agreement between the developer and the proposed special district explaining the developer's financial participation shall be included. P&P 5.35

- A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision, and, if the form contract to be used is available, it shall be attached to the service plan. C.R.S. 32-1-202
- A description of the flexibility that has been built into the financial plan, including alternative means of repaying the debt, if the estimated revenue stream is not realized. P&P 5.35
- A mill levy and fees comparison of proposed, operating and overlapping mill levies and fees with at least two other special districts in Colorado supplying similar services for a similar market. P&P 5.35
- A mill levy statement listing all of the taxing entities within the special district boundaries and their respective mill levies, complete with an estimate of the total taxes that can be expected by a resident of the proposed special district. P&P 5.35
- A cost estimate 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. P&P 5.35 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

Engineering Survey:

- A detailed written description of the improvements proposed to be constructed, listing local and regional infrastructure improvements, the standards of such construction (including a statement of how the facility and service standards of the proposed special district are in compliance with standards of the county and other permitting agencies), materials and labor costs, a preliminary or potential siting of the infrastructure improvements, and the scheduling and phasing of the construction. P&P 5.35 A preliminary engineering or architectural survey showing how the proposed services are to be provided. C.R.S. 32-1-202 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 proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of municipalities and special districts which are interested parties pursuant to section 32-1-204 (1). C.R.S. 32-1-202

Statement of Compliance with Water Plans:

- For proposed special districts offering water or sanitation services, a written statement from the Denver Regional Council of Governments indicating compliance or noncompliance with their most recent Clean Water Plan; a written statement from the Board of existing watershed associations within the boundaries of the special district indicating compliance or noncompliance with their plans or policies; and a written statement indicating compliance or noncompliance with the Clean Water Act. If water is proposed by another entity, a letter shall be provided from that entity showing agreement with the proposal, adequate capacity and willingness to serve. P&P 5.35

Other Agency Reviews and Agreements:

- For proposed special districts offering sanitation services, information regarding the wastewater treatment facility, including any existing local and state reviews of the facility plan for wastewater treatment facilities and copies of all written arrangements and agreements relating to wastewater treatment and effluent disposal. If treatment is proposed by another entity, a letter shall be provided from that entity showing agreement with the proposal, adequate capacity and willingness to serve. P&P 5.35

Mosquito Control Report:

- For special districts proposing mosquito control services, a report shall be submitted by an entomologist indicating the need or lack thereof for an Integrated Mosquito Management (IMM) program within the special district and extending outside the special district to the average flight distance of indigenous mosquitoes. This report shall include, as appropriate, but not be limited to: the basis of the recommendation; the nature of the threat in nuisance and public health terms; a mapping of potential mosquito harborages/hatching areas; ongoing surveillance and monitoring data of the mosquito populations and mosquito borne public health threats; any type of control proposed; and the estimated cost of the IMM program. This report shall be coordinated with the Jefferson County Department of Health and Environment, Environmental Health Services Division prior to prefiling of the Service Plan application. P&P 5.35

Inclusion Policy:

- An explanation of the proposed special district's policy for inclusion which provides objective procedures for the determination of costs, standards and criteria to allow the orderly extension of services to adjacent lands. P&P 5.35

List of Contacts:

- A list of all persons or organizations responsible for each section of the service plan including names of persons and organizations, addresses, telephone numbers, and professional stamps or seals (where applicable). P&P 5.35

Legal Description:

- A description of the area to be included in the proposed special district.

Ownership:

- A list of residents and owners of real property within the proposed district complete with a map indicating the location of their property. P&P 5.35

Maintenance/Operational Plan:

- A 10-year maintenance/operational plan, including costs, for the improvements proposed within the special district and a description of who will be responsible for maintenance of the proposed improvements. P&P 5.35

Fees:

- Fees are on-line at our web site or call 303-271-8700. Make checks payable to Jefferson County Treasurer.