



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES
Land Use Hearing Held in the BOCC Meeting Room
March 9, 2023 at 1:00 PM

A. CALL TO ORDER AND ROLL CALL

The land use hearing was called to order at 1:00 PM. Deputy Clerk Amanda Moore called the roll and all commissioners were present.

B. LAND USE HEARINGS 1:00 P.M.

Motion: To Open a Public Hearing for Independence 3 New and 3 Amended Metropolitan Districts and Service Plans

Commissioner Dallas Schroeder made a motion to open a Public Hearing for Independence 3 New and 3 Amended Metropolitan Districts and Service Plans. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:02 PM.

1. Independence 3 New and 3 Amended Metropolitan Districts and Service Plans.

CDS Director Greg Thompson presented a request to approve 3 new metro districts and amend 3 existing metro districts. Mr. Thompson

Graham Anderson of Anderson Analytics explained that metro districts are a form of government and the process of forming the metro districts. Mr. Anderson stated that the proposal includes creation of metro districts 5 and 6 and a commercial one. This will not change the mill levy cap and involves an increase to the debt authorization amount. Mr. Anderson said that bonds are not a debt of the County.

Mr. Thompson presented the findings and the recommendation of the Planning Commission.

Attorney Dianne Miller explained the benefits of a metro district and how it pays its own way for growth. Ms. Miller explained that only homes in the district contribute, no one outside of the district.

Applicant Representative Lacy Knowles explained the protection of the districts and that after 40 years the debt is forgiven.

Ms. Miller explained that after the debt is paid, the metro district can dissolve, consolidate into one district or continue.

Commissioner Richardson called a recess at 2:22 PM and returned at 2:43 PM.

Commissioner Schroeder asked if they were going to the open market for the bonds.



Commissioner Thayer explained that the county does not take responsibility for the roads until after the two-year warranty period.

Commissioner Richardson asked if there was an overlay of tax districts.

Public Comment:

Greg Lopez - Elizabeth - feels this meeting has been illegally noticed and asked if CDS created the signs for publication.

Nicole Hunt - Elizabeth - concerns over the notices for each of the districts.

Dale Varner - Elizabeth - question regarding planning commission recommendation. Asked about the requested debt limit.

Diane Varner - Elizabeth - was concerned over a news article on the flying horse Metro district and asked about debt limits.

Diana Edstrom - Elbert - asked how the county pays for additional maintenance.

Commissioner Richardson called a recess at 2:57 PM and returned at 3:16 PM.

Public Comment Closed

CDS Director Greg Thompson discussed the notice requirements.

Dianne Miller explained title 32 and Metro Districts notice requirements.

Lacy Knowles stated that Flying Horse MD had been completely built out and they were able to refinance their bonds.

Commissioner Richardson explained the mill levy that goes to Road and Bridge for the roads.

Motion: To Continue to March 13th at 1:00 PM.

Commissioner Dallas Schroeder made a motion to Continue to March 13th at 1:00 PM. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Independence 3 New and 3 Amended Metropolitan Districts and Service Plans

Commissioner Dallas Schroeder made a motion to close a Public Hearing for Independence 3 New and 3 Amended Metropolitan Districts and Service Plans. Commissioner Grant Thayer seconded the motion.



Yes - Chris Richardson, Grant Thayer, Dallas Schroeder
No - None

Public Hearing Closed at 3:32 PM

C. ADJOURNMENT

Motion: To Adjourn

Commissioner Dallas Schroeder made a motion to Adjourn. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder
No - None

The meeting Adjourned at 3:32 PM



Dear Commissioners,

I will not be able to attend the meeting tomorrow. I am a Realtor in the area with over 25 years experience and will be out with clients.

I want to go on the record as a very close neighbor as being opposed to the approval of the Metro Districts, I am against the added commercial at the corner of 158 and Delbert and I am also against awarding the developer the additional 400+ units he is requesting.

I live on the old Wilson Dairy which is just up the road from the entrance to Independence. I have watched and been involved throughout the approval and construction process. While I understand the need for Elbert County to grow and expand housing opportunities, I believe that the "Metro District" model is broken and being taken advantage of at this point.

If you research the current Metro Districts that are formulated similarly to those being proposed by Independence, there are currently multiple law suits filed with the courts and more on the way. The abuse has been in place for quite a few years now and it is finally catching up as home owners and HOAs fight for a reasonable solution to the insane debt they are being saddled with. Independence has structured the Metro Districts in the same way that other HOAs are fighting against. The developer maintains a Metro District that controls the others and has the power to make the decisions. They say that the Metros are run by homeowner is possible but the actual power remains with the District that the Developer controls. This parcel is usually a very small piece of ground within the community and creates a situation where the homeowners are powerless.

Developers have increasingly used the Metro Districts as an additional profit center and they have insured themselves against losses through the bonds that they straddle the neighborhood with long after they are gone. I myself as a Realtor have not sold homes to my clients in neighborhoods that have newly created Metro Districts for just this reason.

Independence was approved and we as neighbors realized we had to learn to live with a lot of changes. I want to be clear that I have accepted Independence as planned and originally approved. The last requests for an additional 400+ homes, additional Metro Districts, Commercial development and even a phase with the option for Multi Family Housing was never a part of the bargain and should not be approved at this late date.

The real estate market has never been stronger than the last 2 years. If Mr. Scott is not able to make a profit with what has been approved and planned for, then he has mismanaged his opportunities. Why would he not also mismanage these Metro Districts?



Independence has worked to create the image of a good neighbor and pledged to be a part of the Elizabeth community but beyond that image lies the truth in that they are behind on promised payments to the Park and Recreational Department. They are being challenged in water court. They are unwilling to discuss their problems with acquiring water. They are pushing ahead without being on solid ground and want these Metro Districts to foot the bills. The developer and all of the experts and managers that he continues to bring to meetings, do not live in our county or town. They change our lives and drive home to their houses in the city.

Please work with us to allow Independence to happen but to cap it where it stands now.

Our county and those of us in Elizabeth beg you to draw the line at Developer greed and Urban sprawl at the Douglas County Line.

Sincerely -

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Broker Associate - LIV Sothebys Realty International



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

CHRIS RICHARDSON, Chair, COMMISSIONER District 1

DALLAS SCHROEDER, COMMISSIONER District 2

GRANT THAYER, Vice-Chair, COMMISSIONER District 3

ATTEST: Amanda Moore

Deputy Clerk

BY:

Deputy Clerk to the Board of County Commissioners