

sumed Loidolt's lot would stay in the town of Monument when developed rather than his new proposal to de-annex his lot back to the unincorporated county.

Note: Since the Aug. 14 meeting, Loidolt and Cummins had learned that a recent revision to the town code now prohibits Loidolt from temporarily using water from a well on a different town lot for his proposed house. Loidolt said that Classic wanted the revised agreement's prompt deeding of Classic's Sanctuary Pointe water to Triview to act as a motivator to allow Loidolt to use water for his new house from the existing well on the town lot next to Loidolt's lot. The exempt well would remain in the town of Monument. By staying in Triview, Loidolt would provide a revenue incentive of a future tap fee and water and wastewater monthly fees for the new house.

Cummins said he had prepared two revisions for the Triview board to choose from regarding Loidolt's new request. One revision specifies that the county's final plat approval for Loidolt's lot, assuming the lot is de-annexed by the town, would trigger deeding of Classic's water rights to Triview. The other revision states that Triview accepts that final plat approval by the county meets the spirit of the existing current requirement for town approval of Loidolt's final plat, and county plat approval would be a sufficient trigger to require Classic to deed its water to Triview even though the existing legal language does not specify such a procedure for this de-annexation contingency.

The expansion of Loidolt's lot to the south, if approved by Triview, would also create a new southern boundary that is contiguous with the county. Enlarging the lot to 5 acres would also make it easier for Loidolt to have the county rezone it for his proposed residential use while temporarily using town water from an existing "grandfathered" off-lot town well and a new septic system. Loidolt said putting in a new well on a new property would require a change to a modern county zone, a more difficult process under current county zoning rules. He said this type of zoning would also make things more difficult for a future property owner. "It would be easier to just de-annex."

As currently platted by the county, Loidolt's 3.4-acre lot would have had no contiguous boundary with the county, making it ineligible for de-annexation from the town because it would have been completely surrounded by town properties. Cummins characterized Loidolt's proposed new lot as a chip in the town's south boundary rather than a hole within the town.

Loidolt said he has already obtained an access easement to a driveway that his proposed driveway will connect to. This driveway connects to a dirt road in the original Baptist Camp plat. This dirt road connects to the north end of Kingswood Drive at the current boundary between the county and the town. Kingswood Drive has a southern access on Baptist Road. Loidolt needs access from his lot to Baptist Road via Kingswood Drive in order for emergency vehicles to have access to his expanded lot.

Cummins stated that Triview has never before provided services to properties that had not already been annexed into the town before being included by Triview. He asserted that there is no existing legal language in the Triview intergovernmental agreements, the Triview annexation documents, or the county-approved service plan for Triview's formation that bars Triview from providing services to a lot that remains included in the district after it has been de-annexed from the town, as Loidolt is now proposing.

In Loidolt's proposed revised agreement, he still agrees to keep his now 5-acre lot included in Triview. Loidolt said he would not be proposing to have his lot annexed back into the town after he connects his new home to a future Triview water distribution system and wastewater collection system.

Director Steve Hurd expressed a concern about a Monument well that would now be serving a de-annexed Triview property if Triview agreed to the revised proposal. Cummins said that was a town question, not a Triview question. Cummins said some town staff members think

that making an exception for Loidolt may be hard to undo, and that Loidolt's proposed exception would become the rule in the future.

Monument Treasurer Pamela Smith, who was also serving as Triview treasurer until Oct. 31, asked if Triview would still get property taxes from Loidolt. Hurd said, "But we would not get the Monument share that Monument gives us." Smith said the town currently evenly splits Triview sales tax, motor vehicle tax, Regional Building use tax for construction materials, and 6.289 mills of property tax. Monument collects all of this tax revenue and then writes Triview checks for its half. Fisher said this loophole needed to be closed with a mechanism that would be equivalent and fair.

Shupp stated that the board would be discriminating against a specific property with a tax policy that was not uniform if Loidolt's proposal was accepted. "I'm not sure I know the answer to that," he said.

An offer to pay a higher tax

Loidolt offered to pay about 38 mills instead of the regular Triview 35 mill levy.

Smith said, "You can't do that." Cummins said he and Shupp would have to do some research to determine if Loidolt's new mill levy proposal to pay an additional fee equal to Triview's tax loss from the town was "technically legal or not" in order to comply with the law and not create a preferential tax rate.

Loidolt said the Triview board should consider that he would be paying 35 mills of property taxes to Triview now instead of him not building anything on the lot for the next five to eight years.

Smith said that Loidolt would have to pay a fee to the Town of Monument to make up for the town's loss of property tax if the town allowed it to de-annexed, as well as require future owners of Loidolt's lot to pay a fee. "Who's going to pay that when you're gone?" She added that others would say his proposed compensating fee is actually a tax.

Loidolt said there should only be a one-time inclusion fee.

Fisher said the time value of the property tax Loidolt would pay Triview for his new house and his offer to pay an additional fee was a good input.

Hurd asked whether a company like McDonald's could use Loidolt's requested exception as a precedent for requesting a de-annexing from the town. Cummins said he would have to research that issue.

Shupp added that someone else requesting to come into Triview in the future without being annexed into

Monument would use the Loidolt exception as a precedent. He added that it would be hard to calculate an inclusion fee.

Loidolt said Classic had owned the 460 acres of Sanctuary Pointe since 2006 and "I'd like to build a house on it." Loidolt offered to deed the water rights for his lot to Triview right away. Cummins said this would not resolve the differential tax rate problem.

Cox asked if the board could take a couple of weeks



Start Your Holiday Shopping NOW!
Call for Store Hours

Lots of handmade alpaca products, raw fiber, and yarn. Give the feeling of warmth and comfort this holiday season.
Call to confirm and we will be sure to be open for you.

Check out our fiber store online at:
<http://www.lonepinealpacos.com/store/>
19605 Oslo Grove 719-488-8045
Colorado Springs, CO 719-440-8150
80908 cathy@lonepinealpacos.com




Neighborhood Housecleaning, LLC

Reliable Retired Military

Call Mary
Cell: 719-338-1212
painthorse50@msn.com

Cyndee Henson
719-439-1493
happytailstrialakes@gmail.com

Happy Tails
Dog Walker & Pet Sitting Service

Insured • Bonded • PSI Member
+ CPR Certified




JOHNSON Orthodontics
Braces for All Ages

13784 Gleneagle Dr.
Colorado Springs, CO 80921
719-596-3081

Offering:
- Clear Braces
- Braces & Invisalign for Children & Adults
- Multiple financing options
- Fun stylish Color Bands

SPECIAL OFFER ON BRACES!
Bring in this coupon and receive \$200 off your orthodontic fee!
Discounts are taken off regular fee for new patients and cannot be combined with any other offer.

Call us today to set up a FREE Examination
719-596-3081
www.coloradospringsortho.com

**Adult Workout Group
Masters Swimming
Mon/Wed/Sat Mornings**

PEAK SWIM TEAM

Contact: Ross Hedrick
peakswim@gmail.com
www.peakswimteamco.com

Healthy Moms 719
Specializing in Moms' Health

- Weight Management • Energy and Fitness •
- Movement • Weight Loss Challenges • FUN •

Special.....FREE Fitness Class Schedule Includes: Zumba.....Yoga.. High Intensity Interval Kick n Fit (Drop-in Classes Available. No Membership Fees)	Special...FREE Wellness Evaluation (\$75.00 Value) Includes: BMI-Body Mass Index Lean Body Mass Body Fat % Nutrition Survey Recommendations
--	--

www.healthymoms719.com (719) 487-8577



LOSE 10-15 LBS IN JUST 21 DAYS!

LOOK YOUR BEST THIS HOLIDAY LOSE WEIGHT

DIET CENTER'S FAT-BURNING 21-DAY DIET

FABULOUS RESULTS IN JUST 21 DAYS!

CALL NOW!
719-488-3564
255 N. Jefferson St., Ste 106
Monument, CO 80132
Over 39 Years of Weight Loss Success



Individual results may vary. Available at participating locations. Void where prohibited.
©2012 Diet Center Worldwide Inc., Akron, OH 44333. A Health Management Group™ company. All rights reserved.

Simple. Interior design to match your style.



designwiseinteriors
find your design style

We specialize helping you discover your own personal style and help translate that into your home design/décor.

From bedding and draperies to complete remodels, call Design Wise Interiors today and find your design style.

719.963.7438 designwisecolorado.com