



Legislation Details (With Text)

File #: CPC A 21-00094R **Version:** 1 **Name:** Bear Creek Canyon Addition No. 1

Type: Resolution **Status:** Mayor's Office

File created: 10/27/2021 **In control:** City Council

On agenda: 11/9/2021 **Final action:** 11/9/2021

Title: A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Bear Creek Canyon Addition No. 1 Annexation (Legislative)

Presenter:
Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Sponsors:

Indexes: Annexation

Code sections:

Attachments: 1. RES_FindingofFacts_BearCreekCanyonAdditionNo.pdf, 2. EXHIBIT A_Legal_BEAR CREEK CANYON, 3. Planner Affidavit_Bear Creek Canyon, 4. Surveyor Affidavit_Bear Creek Canyon, 5. Vicinity Map_Bear Creek Canyon Park Addition No.1, 6. Signed Resolution 152-21

Date	Ver.	Action By	Action	Result
11/9/2021	1	City Council	adopted	Pass

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Bear Creek Canyon Addition No. 1 Annexation (Legislative)

Presenter:

Katie Carleo, Land Use Planning Manager, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Summary:

Applicant/Owner: City of Colorado Springs

This project includes concurrent applications for annexation and zone establishment to PK (Park) for five parkland areas. The proposed have been identified in a City effort to annex City owned property into the municipal city limits.

Background:

In an effort to bring City owned property into the municipal City limits the City Planning and Community Development Department, along with the City Parks, Recreation and Cultural Services Department (City Parks), has analyzed City owned parcels outside of the City boundary. **(CITY OWNED PROPERTY WITHIN EL PASO COUNTY)** Further we have determined those areas eligible for annexation based on the Colorado Revised Statues (C.R.S.) governing annexation. The City has determined these initial five parkland and open space sites for annexation as part of its initial phase

for City annexations: Corral Bluffs, Jimmy Camp Creek, North Gate Open Space, Black Canyon Quarry and Bear Creek Canyon (to include Section 16 and White Acres). The enclosed overall **CITY PARKS ANNEXATIONS** project map along with detailed site-specific maps below give details for parcels to be included.

Early evaluation of City owned parcels outside of the City boundary occurred late 2020 alongside work being developed for AnnexCOS, the Annexation Plan update. In further working with City Parks it was determined there were several locations that met the C.R.S. that would be eligible for annexation at this time. With a focus on best management practice to have City owned parcels within the City limits the Planning Department processed a request for proposals and selected a consultant in March 2021 to complete annexation platting services for the five locations identified. The annexations of parkland and open space are not intended for any development and there will be no changes to the current configuration of the parkland or open space. The proposed annexation and associated zone change is for the sole purpose to bring property already owned by the City of Colorado Springs into our municipal limits, with the appropriate park zoning, for best management of city owned parcels. The Parks, Recreation and Cultural Services Department is the steward of a diverse park system that enriches the community and the associated annexation and zone change helps support their mission and organization of resources bringing these properties within our City boundary.

Five annexation plats have been prepared to facilitate the annexation of 31 City-owned parcels in the areas identified. The annexations are envisioned that the Corral Bluffs area, Jimmy Camp Creek area, North Gate Open Space area and Black Canyon Quarry are each represented on a separate annexation plat while Section 16, White Acres and Bear Creek Canyon shall be considered one annexation described in parts and the parcel's combined continuity allows for a single annexation plat. These details for each annexation area are discussed further below.

The associated annexations follow the voluntary annexation rights under C.R.S. and owners must petition the municipality to request annexation into the City. Although the subject properties are owned by the City of Colorado Springs, they shall follow C.R.S. as it relates to municipally owned property being annexed. The Annexation Petitions for the associated properties was heard and accepted by City Council on July 27, 2021. The City's authority to annex land is established by Colorado Revised Statutes (C.R.S. 31-12-101) which sets requirements and procedures which municipalities must follow. A property is eligible for annexation if the contiguity requirement is met, not less than one-sixth the perimeter of the proposed area for annexation is contiguous with the existing boundary of the annexing municipality. City Planning has worked with our consultant to prepare the associated annexation plats and ensure all eligibility requirements are met.

In accordance with CRS 31.12.101 and Colorado Springs City Code 7.6.2, each annexation plat depicts the legal description of each of the parcels as cited in the deed vesting ownership to the City of Colorado Springs. Research was completed for each of the five areas providing recorded information in the way of original surveys, dependent resurveys, or private surveys to provide definition and geometry to each of the aliquot part descriptions under consideration. This recorded information was used to represent the boundaries of the parcels and calculations associated with contiguity or area.

As part of the associated annexations the 3-mile buffer will see some movement upon its annual analysis of the City boundary in accordance with C.R.S. You can see on the provided map, **PARKS ANNEXATIONS 3-MILE BUFFER MOVEMENT**, the minor movements of the 3-mile buffer. This

change is mostly focused east of the Jimmy Camp Creek and Corral Bluffs annexation, and west of the Black Canyon Quarry and Bear Creek Canyon annexation. The 3-mile buffer is evaluated annually per state statute to capture that area that lies within a 3-mile distance of the existing city limits and is the limit to which any annexation may occur.

A master plan is typically required with annexation; however, per City Code Section 7.5.403(B)(1), this requirement may be waived if the land area under review is part of a well-established surrounding development pattern and intended for a single primary land use. Since the intended properties will each remain as parkland and open space staff believes this condition is satisfied and no master plan is proposed. In addition staff would consider the Parks, Recreation, Trails and Open Space Master Plan as the guiding document of the City in the planning, management, and programming of all the parks, trails, and open space within the City of Colorado Springs.

The proposed zoning requests will establish the PK (Park) zone district for all associated parcels to accommodate the existing parkland and open space use. It is required by City Code that any annexed property be accompanied by a zoning designation. The Park designation will not change anything related to the allowed use for the properties and they will remain for the public use of all trails, parks and open space.

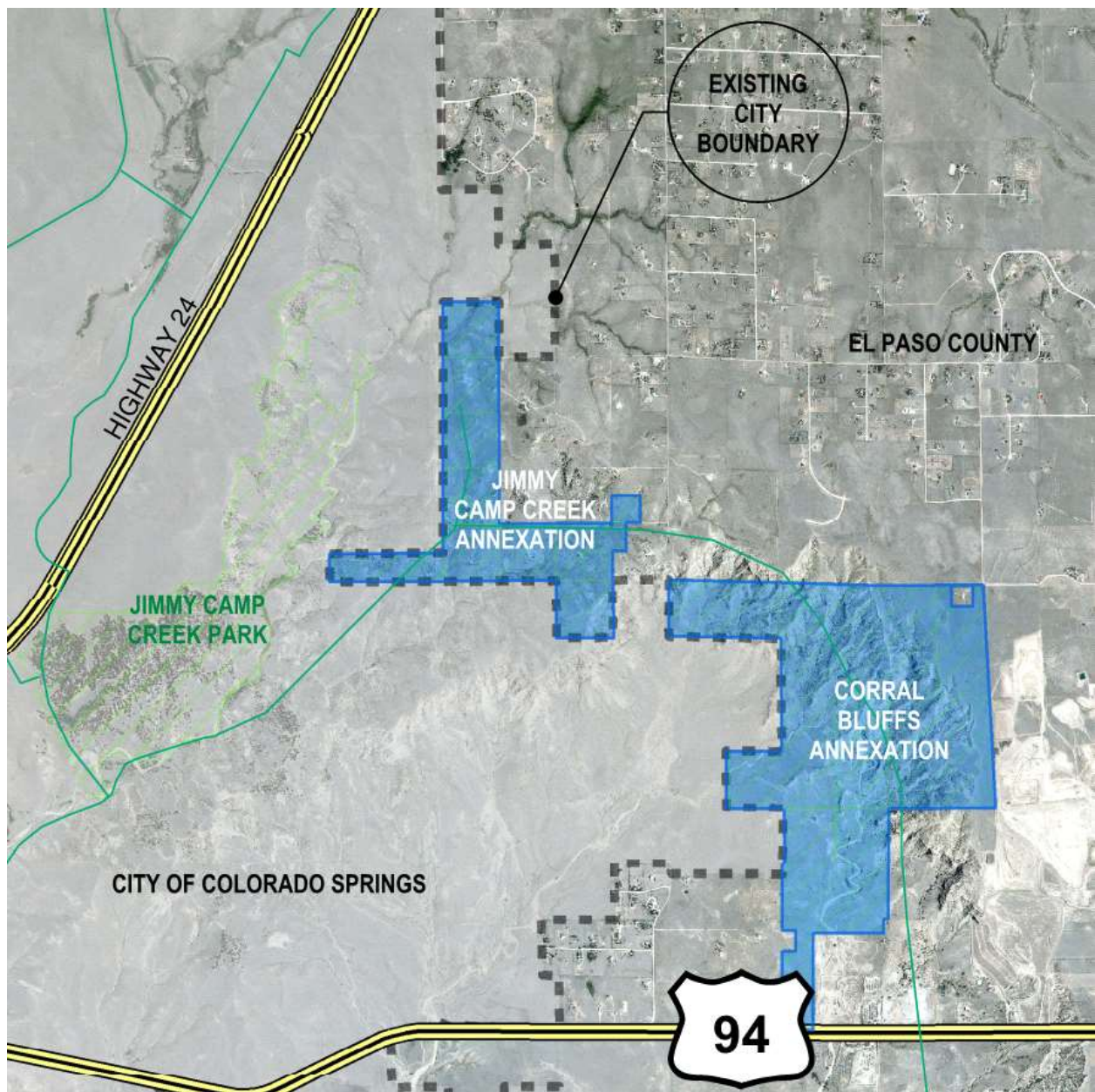
Corral Bluffs Addition No. 1 Annexation

The proposed annexation will annex 926.10 acres of property into the municipal limits of the City of Colorado Springs. The property is currently within El Paso County located east of the eastern most edge of Banning Lewis Ranch and north of Highway 94. The property is zoned RR-5 (Residential Rural) in El Paso County and shares a 30.3% contiguity with the current City boundary (where 16.6% is required for annexation per C.R.S.). This annexation will annex only real property, owned by the City of Colorado Springs, and no public right-of-way.

The site consists fully of natural vegetation with topography sloping up towards the north boundary of the property. The parcel is vacant, as are surrounding parcels. This site does abut, along its western property boundary, the eastern limits of Banning Lewis Ranch Master Plan. The property is intended to remain as the Corral Bluffs Open Space supporting the existing City Parks open space area and trail system. The site is included in the citizen-supported Corral Bluffs master plan which specifically recommended annexation of the property in order to protect the internationally recognized paleontological features of corral bluffs.

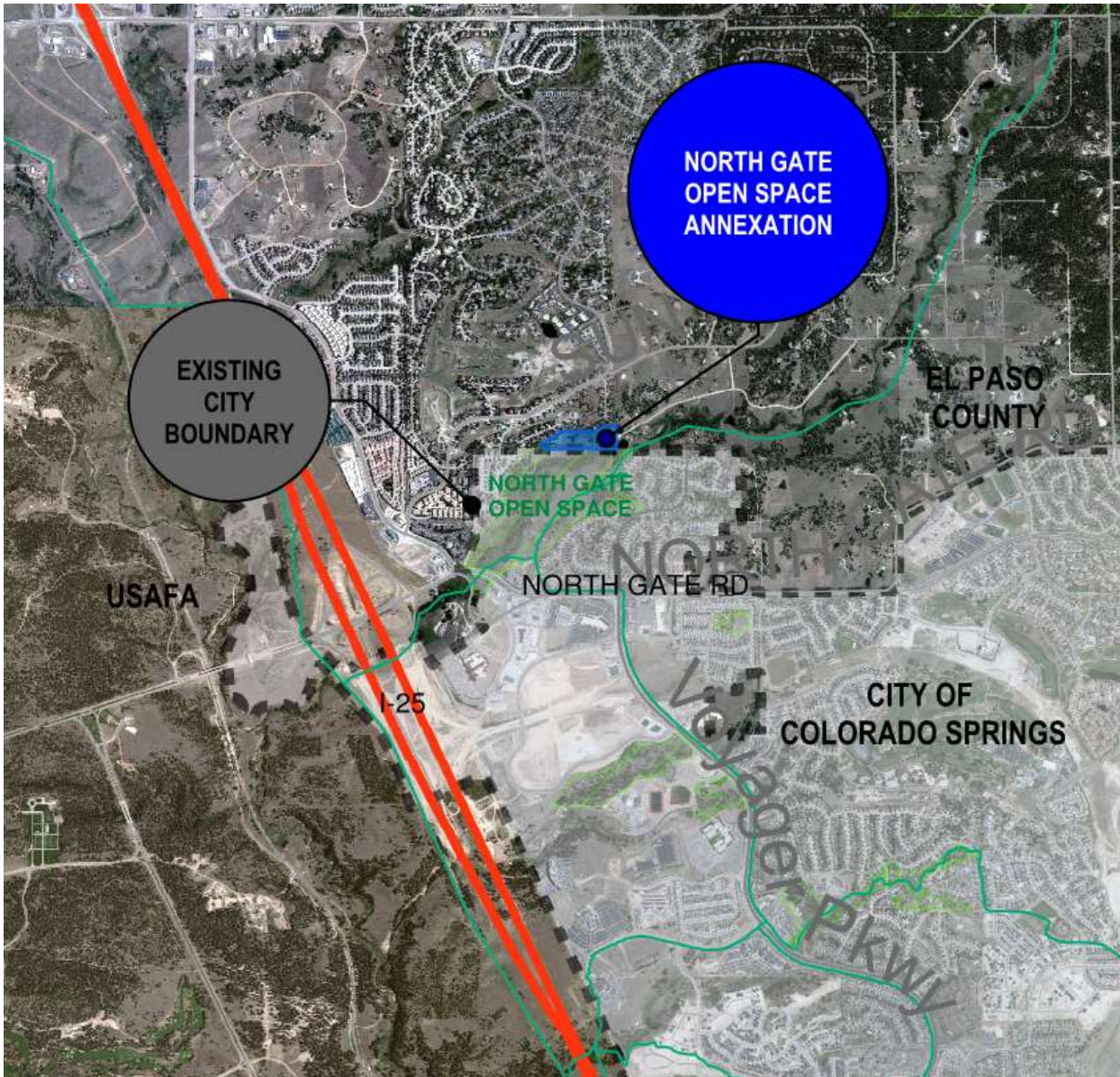
Jimmy Camp Creek Addition No. 1 Annexation

This annexation is located east of the City's Jimmy Camp Creek Park and consists of 413.76 acres. The site was originally acquired several years back by Colorado Springs Utilities but later, not fitting the needs for a facility, was purchased through the City Parks as it was seen as an opportunity for gathering open space adjacent to other portions that fill well into the City Parks mission. The site is largely flat stretching across the vacant parcels with natural vegetation with existing trails including Jimmy Camp Creek Trail and the El Paso County Trail. The property is currently wholly within El Paso County and zoned RR-5 (Residential Rural). This annexation has 66.7% contiguity, where 16.6% is required per C.R.S., for annexation eligibility. The property is intended to remain as the Jimmy Camp Creek Open Space with existing trails.



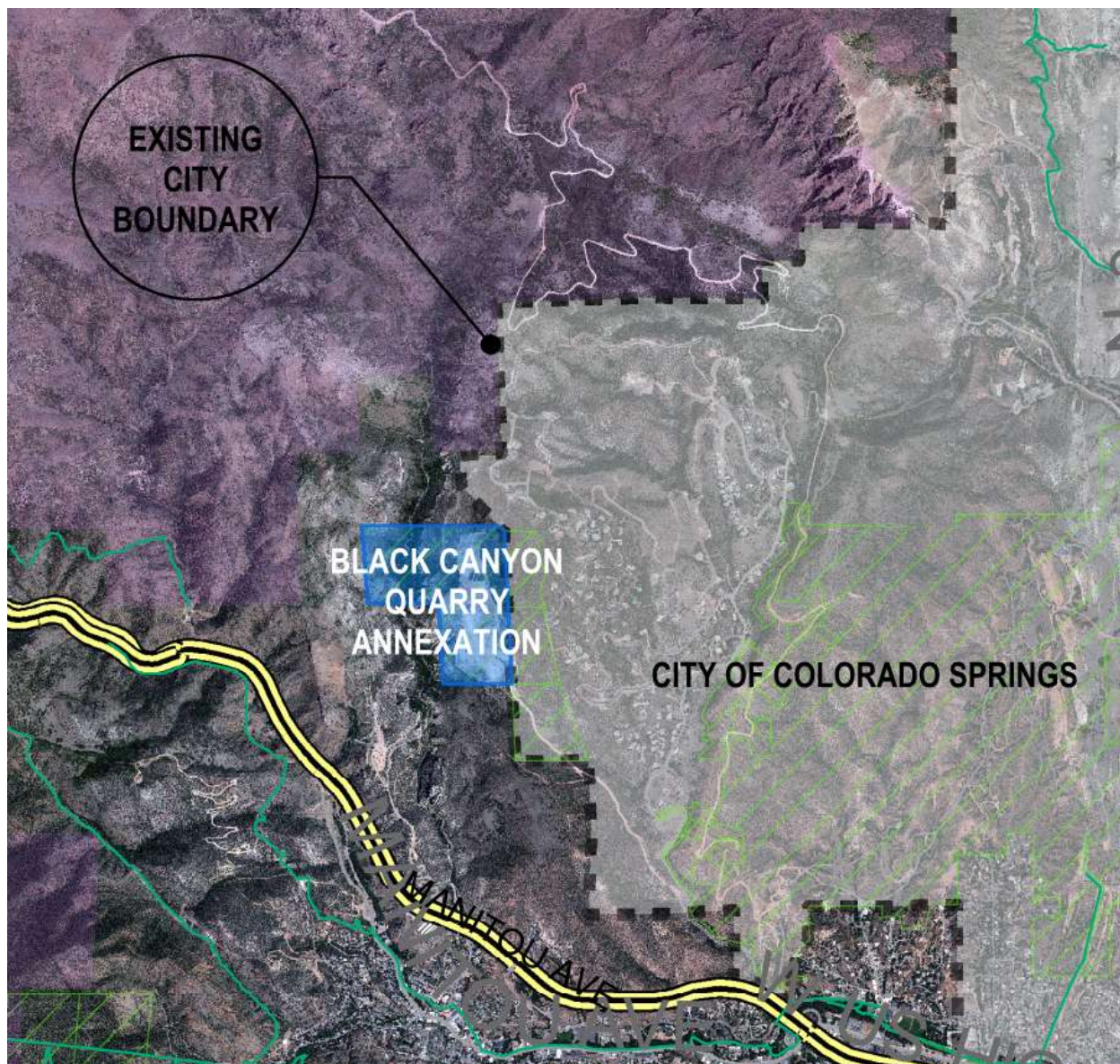
North Gate Open Space Addition No. 1 Annexation

This annexation is located at the northern most edge of the current City boundary. It consists of 9.43 acres with a contiguity of 40.8%. This annexation is really a ‘clean-up’ effort to bring in a remaining parcel of the adjoining North Gate Open Space. This will remain as City Parks Open Space with existing social trails that connect to the City’s Smith Creek Trail.



Black Canyon Quarry Addition No. 1 Annexation

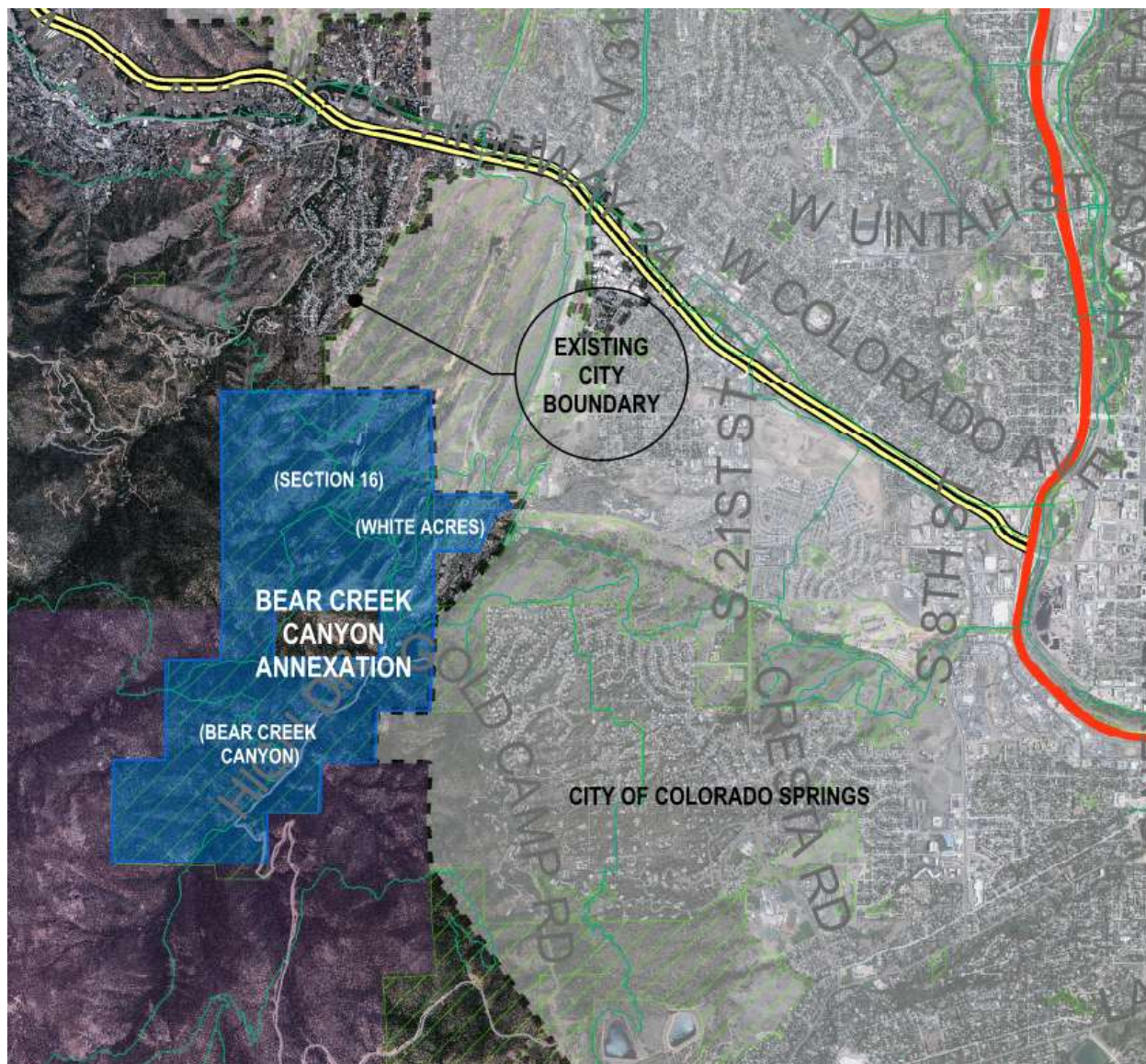
This annexation is located north of West Highway 24 at the terminus of Black Canyon Road and was the site of a former aggregate quarry. The site provides opportunity as a cultural resource to our community and aligns with the intent of the City Parks mission. As best management practice it is the City's intent to annex this property, consisting of 91.11 acres, into the City limits. The site does intersect with the Foothills Candidates Open Space area as well as the Manitou North Candidate Open Space area as included in the El Paso County Parks Master Plan, no impacts to existing parks, trails, or open space will occur. Natural resources in these areas include viewshed protection, wildfire urban interface, cave and cliff-dwelling wildlife habitats, and areas of pinion-juniper woodlands intertwined with scrub oak. The annexation of this property will not adversely affect the existing conservation efforts of the area and is intended to remain as it exists today.



Bear Creek Canyon Addition No. 1 Annexation

This annexation plat is located west of Colorado Springs and south of Manitou Springs surrounding the northern intersection of Upper Gold Camp Road and High Drive. Bear Creek and surrounding parcels have been owned by the City for several decades. Somewhat more recently, over a decade, the City acquired White Acres and Section 16. These properties are connected directly to Red Rocks Open Space which was annexed into the City in 2004. It is City Planning and Parks intent to work to bring city owned property into the City limits. This area is heavily used by our community, as well as tourists, and makes sense for the property to be within the City boundary.

The proposed annexation, a total of 1,369.65 acres, includes Section 16, White Acres, and Bear Creek Canyon that are home to numerous popular backcountry hiking trails within a diverse open space setting. Natural resources in these areas include viewshed and scenic protection, as identified in the Colorado Mountain Backdrop Study, as well as wildfire urban interface, critical wildlife habitats, and the aforementioned trail connections. The annexation of this property will not adversely impact the open spaces or any existing conservation efforts. The intent is for the parcels to remain as they are today for parks and open space use.



The current City Annexation Plan is advisory and was adopted in 2006. At the time it recommended very limited outward extensions of City limits. It is essentially silent with respect to direction concerning annexation of eligible City-owned properties. However, over the past 15 years, the operative policy has been to encourage inclusion of these properties within City limits to the extent the staff resources necessary to accomplish this are available.

The current draft version of what will be the new Annexation Plan, AnnexCOS, addresses a City property annexation program in some detail. Proposed support of this strategy, particular to parks and open space properties, include consistency with individual parks master plans, the advantage of having City property under the public safety and land use jurisdiction of the City, advantages for securing grant funding and the relatively limited service and facilities needs associated with many of these properties.

The overall comprehensive plan for the City (PlanCOS adopted in 2019) has limited language that directly address annexation priorities. In its implementation section, it does recommend the 2006

Annexation Plan be updated. For this update it specifically recommends that City-owned properties be addressed. The PlanCOS Vision Map specifically highlights several of these properties as integral to the PlanCOS Majestic Landscapes theme. Similarly, most of these properties are featured as part of the **MAJESTIC LANDSCAPES FRAMEWORK MAP**.

As part of PlanCOS 'Big Ideas' items include: Provide Parks for the People, Engage with our Landscapes, Celebrate our Scenery and Environment, and Invest in Resilient and Adaptable Landscapes. All of these focus points will be furthered by having these properties within the municipal jurisdiction of the City. PlanCOS is also supported by several related plans, of particular note is the 2014 Parks Master Plan which provides a more focused framework for the important role of these properties in the City's parks and open space system. It is the finding of the Planning and Community Development Department that the associated annexations along with associated zoning conform to the PlanCOS goals and objectives.

Previous Council Action:

Previous action by City Council included on July 27, 2021 accepted the original petition for the associated parks annexations.

Financial Implications:

At the request of the Planning Department, in accordance with City Code, the Budget Office examined the associated annexations to determine whether a full fiscal impact analysis is required. The parcels being annexed are owned by the City of Colorado Springs - Parks, Recreation, and Cultural Services Department, and was purchased for parkland and open space. As the property will be maintained as City parkland and open space the master plan requirement has been waived, as discussed above, therefore a fiscal impact analysis is not required.

City Council Appointed Board/Commission/Committee Recommendation:

This item was heard before City Planning Commission on October 21, 2021 as part of the New Business Public Hearing agenda. The Planning Commission voted unanimously to approve the annexations with a vote of 6:0:3:0.

Stakeholder Process:

The associated public process included posting each site prior to public hearing. Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included City Parks, Recreation and Cultural Services, Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Budget, surrounding school districts, Police and E-911, USAFA, SECWCD and El Paso County.

- El Paso County: Comments were received from El Paso County Development Services Division which generally involved clarifications for the needed Annexation Impact Report which will be provided by City Staff in accordance to C.R.S. timing for the associated annexations. In addition, comments were provided in support of the parks annexations from the El Paso County Park Planner.
- Traffic Analysis and Access: City Traffic Engineering did not require a Traffic Impact Study be completed for any of the associated annexations since no development is intended. The use is accounted for in already established traffic circulation pattern and the projected operation of the adjacent roadway will be at an acceptable level of service with the addition of these properties within the City limits.

- SWENT: City Stormwater Engineering (SWENT) is working with the Parks Department for internal coordination for any channel improvements. The associated annexation and zone change do not trigger a final drainage report. SWENT was supportive of the annexations.
- Geological Hazard: As part of annexation a Geological Hazard review may be required (City Code 7.4.502) but is triggered by the establishment of a master plan. The subject properties fit the criteria for waiving of the master plan per City Code. The properties did not conduct a geological hazard study at this time since they all shall remain as parks and open space but if at any future date any structure was to be built a report may be required.
- Southeastern Colorado Water Conservancy District (SECWCD): All associated properties will complete inclusion and become part of the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation.
- City Parks, Recreation and Cultural Services: The proposed annexation furthers the intent of the City Parks Department to provide exceptional services to the City of Colorado Springs and helps to organize City owned property within our City boundary. The Parks Department has reviewed this application and supports the annexation.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

Adopt a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Bear Creek Canyon Addition No. 1 Annexation

N/A