



## Legislation Text

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**File #:** 24-106, **Version:** 2

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An ordinance repealing and re-ordaining Section 701 (annexation of land) of Part 7 (Policy Decisions by City Council) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to annexation.

### **(Legislative)**

#### **Presenter:**

Peter Wysocki, Director of Planning + Neighborhood Services  
Renee Congdon, Utilities Division Chief, City Attorney's Office

#### **Summary:**

Applicant: City of Colorado Springs and Colorado Springs Utilities

Section 7.5.701.C of the Unified Development Code contains Conditions for Annexation to assist the City Council in its decision on annexations. Several of the conditions, are related to Colorado Springs Utilities. The proposed ordinance amends Section 7.5.701.C. In summary:

- The revisions are intended to streamline the process, alleviate some of the unintended consequences of the water extension ordinance, and put the right steps of the process in the correct order.
- The goal with streamlining was to dramatically reduce the amount of staff time as well as applicant time dedicated to technical evaluations prior to a "policy" discussion at the City Council level.
- Many of the Chapter 7 changes are intended to formalize CSU's current practices.
- Many of the Chapter 7 additions expand annexation considerations beyond just water, and factor in the other 3 services (gas, electric, waste)

Pursuant to UDC Section 7.5.702, UDC amendments must first be reviewed by the Planning Commission and the Planning Commission shall forward its recommendation to the City Council. As noted below, the City Council acting as the CSU Board of Directors, has already reviewed this ordinance; however, only the City Council has the authority to amend City Code, including the UDC.

The ordinance is provided as Attachment 1. A table summarizing and comparing the current conditions to the "new" conditions is provided as Attachment 2.

#### **Background:**

Colorado Springs Utilities Staff and the City Attorney's Office drafted proposed changes to portions of City Code related to annexation, outside city service and special contract service as part of the initial

AnnexCOS project. Those changes were presented to the CSU Board in September 2022. The project was put on hold as the Board and Council worked on the water extension ordinance. In June of 2023, Board member/Council member Risley started a review of the annexation ordinance and process. Changes to the annexation ordinance and process were presented to CSU Strategic Planning Committee in August 2023. The committee asked for a wholistic review of all annexation-related code provisions. During the wholistic review, the proposed ordinances were revised to take into account the adoption of the Unified Development Code and the newly adopted water extension ordinance. Utilities staff and City staff reviewed the proposed ordinances and made further revisions. The revised ordinances were presented to Strategic Planning Committee in November. The committee recommended that the ordinances for review and approval CSU Board. The proposed changes include changes to the annexation section in Chapter 7, the addition of exceptions to the exclusive provider section in Chapter 12, revisions to the outside city service sections and special contract sections of Chapter 12, and changes to the water extension ordinance that will streamline the approval process for water extensions.

The proposed amendment to the UDC is complemented to additional amendments to Chapter 12 of City Code.

**Review Criteria:**

Pursuant to UDC Sections 7.5.702.C.2 and 7.5.702.D, the Planning Commission shall forward its recommendation to City Council based on the approval criteria in UDC Section 7.5.702.D, which state the following:

The Planning Commission may recommend approval or approval with conditions, and City Council may approve or approve with conditions, after paying due regard to each of the following factors:

- a. The Colorado Springs Comprehensive Plan  
<<https://online.encodeplus.com/regs/coloradosprings-co/doc-view.aspx?>
- b. The current conditions and character of current structures  
<<https://online.encodeplus.com/regs/coloradosprings-co/doc-view.aspx?>
- c. The most desirable use of land in each zone district.
- d. The conservation of sensitive environmental features.
- e. Promotion of responsible development <<https://online.encodeplus.com/regs/coloradosprings-co/doc-view.aspx?pn=0&ajax=0&secid=1696>> and growth.

Planning Commission found that the proposed UDC amendment is consistent with the review criteria.

**Previous Council Action:**

CSU Board of Directors reviewed the proposed ordinance on January 17, 2024

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

The Planning Commission unanimously recommended approval of the proposed ordinance at their February 13, 2024 meeting. There were no public comments at the hearing.

**Proposed Motion:**

Move approve an ordinance repealing and reordaining Section 701 (annexation of land) of Part 7

(Policy Decisions by City Council) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to annexation.

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