



## Legislation Text

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**File #:** ANEX-24-0013WS, **Version:** 1

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An informational presentation for the Annexation Policy Checkpoint on the proposed Southern Colorado Rail Park Addition No. 1 Annexation.

**Presenter:**

Gabe Sevigny, Planning Supervisor, Planning Department

**Summary:**

Owner: Southern Colorado Rail Park LLC and Edward C. Levy Company

Representative: NES, Andrea Barlow

Location: South and west of the Highway 25 and South Santa Fe intersection, adjacent to Fort Carson.

The purpose of this work session is to accomplish the Annexation Policy Checkpoint step in the adopted Annexation process. This requests the annexor to informally present the proposed annexation, and for the City Council to provide feedback to the annexor and City staff. It is important to note that this Work Session is not a decision on the Southern Colorado Rail Park Addition No. 1 Annexation - this is *Step #3 Policy Checkpoint* of the Annexation Process. A formal public hearing process will be scheduled for later City Council Regular Meetings, after Planning Commission review and recommendation.

The item is a presentation by the Annexor on the Annexation itself, which will cover topics such as land use, mobility/transportation, phasing, etc. The Fiscal Impact Analysis is being prepared and will be presented at the formal hearing. (Note: An FIA is required with annexation land use plans to help inform the decision on a proposed annexation.)

CSU staff will also be available to brief the Council or address questions on utility-related topics.

**Background:**

The proposed project includes concurrent applications for an annexation of approximately 3,107.90 acres, establishment of zoning, and establishment of the Southern Colorado Rail Park Land Use Plan (see 'Land Use Plan' attachment). The land is located south and west of the Highway 25 and South Santa Fe intersection, adjacent to Fort Carson (see 'Aerial' attachment).

The initial petition of annexation was accepted by City Council on November 26, 2024. 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 or can utilize State or Federal lands to 'leap frog' to gain contiguity. Also, that area of the proposed annexation is located within a 3-mile radius of the municipality's exterior

boundary, unless located within an Enterprise Zone then the 3-mile buffer can be exceeded. The proposal is also located within an Enterprise Zone (see 'Enterprise Zone Determination' attachment) and is located adjacent to Fort Carson which is Federally owned, with the western edge having contiguity with the City of Colorado Springs Municipal Boundary. It was determined that the Southern Colorado Rail Park Addition No. 1 Annexation meets those criteria.

Although no decision is to be rendered at this Work Session, for reference, UDC Section 7.5.701.C, establishes the following Conditions for Annexation:

#### Conditions for Annexation

1. To assist the City Council in its decision, each proposal for annexation shall be studied to determine whether:
  - a. The area proposed to be annexed is a logical extension of the City's boundary;
  - b. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;
  - c. There is a projected available water surplus at the time of request;
  - d. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;
  - e. The annexation can be effected at the time the utilities are extended or at some time in the future;
  - f. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;
  - g. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;
  - h. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.

In addition to the Conditions for Annexation ratified in the UDC, the City Council recently accepted the following "guidelines" to further aid in analyzing annexations:

1. Offers housing diversity
2. Sufficiency of existing or planned roadway infrastructure
3. Sufficiency of existing or planned public safety staffing
4. Proximity/opportunity to serve employment centers
5. Diversity of development (commercial/industrial/residential)
6. Economic impact on city
7. Reasonable utilities cost recovery / ROI projections
8. Connectivity / Proximity to transportation options

- 9. Desirable parkland/open space
- 10. Ability to fund / offset costs for needed public facilities

**Previous Council Action:**

Other than accepting the initial petition for annexation, the Council has not held any formal meetings or hearings on the Southern Colorado Rail Park Addition No. 1 Annexation or the other related applications.

**Financial Implications:**

A Fiscal Impact Analysis is currently be prepared and will be presented at a future public hearing.

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

The Planning Commission has not yet held a hearing on the Annexation or the other related applications.

**Proposed Motion:**

N/A