BLACK FOREST ROAD ADDITION NO. 2 ANNEXATION

Planning Commission February 14, 2024

Staff Report by Case Planner: Katelynn Wintz

Quick Facts

Applicant
City of Colorado Springs Public Works Department

Property Owner
City of Colorado Springs

Developer
Not Applicable

TSN(s)
Not Applicable

Zoning and Overlays
Not Applicable

Site Area
1.60-acres

Land Use
City-owned right-of-way

Applicable Code
UDC

Project Summary

The proposed annexation of portions of existing Black Forest Road is for the purpose to bring City-owned property into the municipal limits. The parcels proposed for annexation are for right-of-way and therefore do not require any associated entitlement applications to support the annexation request.

File Number	Application Type	Decision Type
ANEX-23-0017	Annexation	Legislative

Background

Prior Land-Use History and Applicable Actions

Action	*Name*	*Date*
Annexation	Current Consideration	------
Subdivision	N/A	N/A
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

Site History

The City-owned right-of-way was acquired from El Paso County through quitclaim deed on December 6, 2022.

Applicable Code

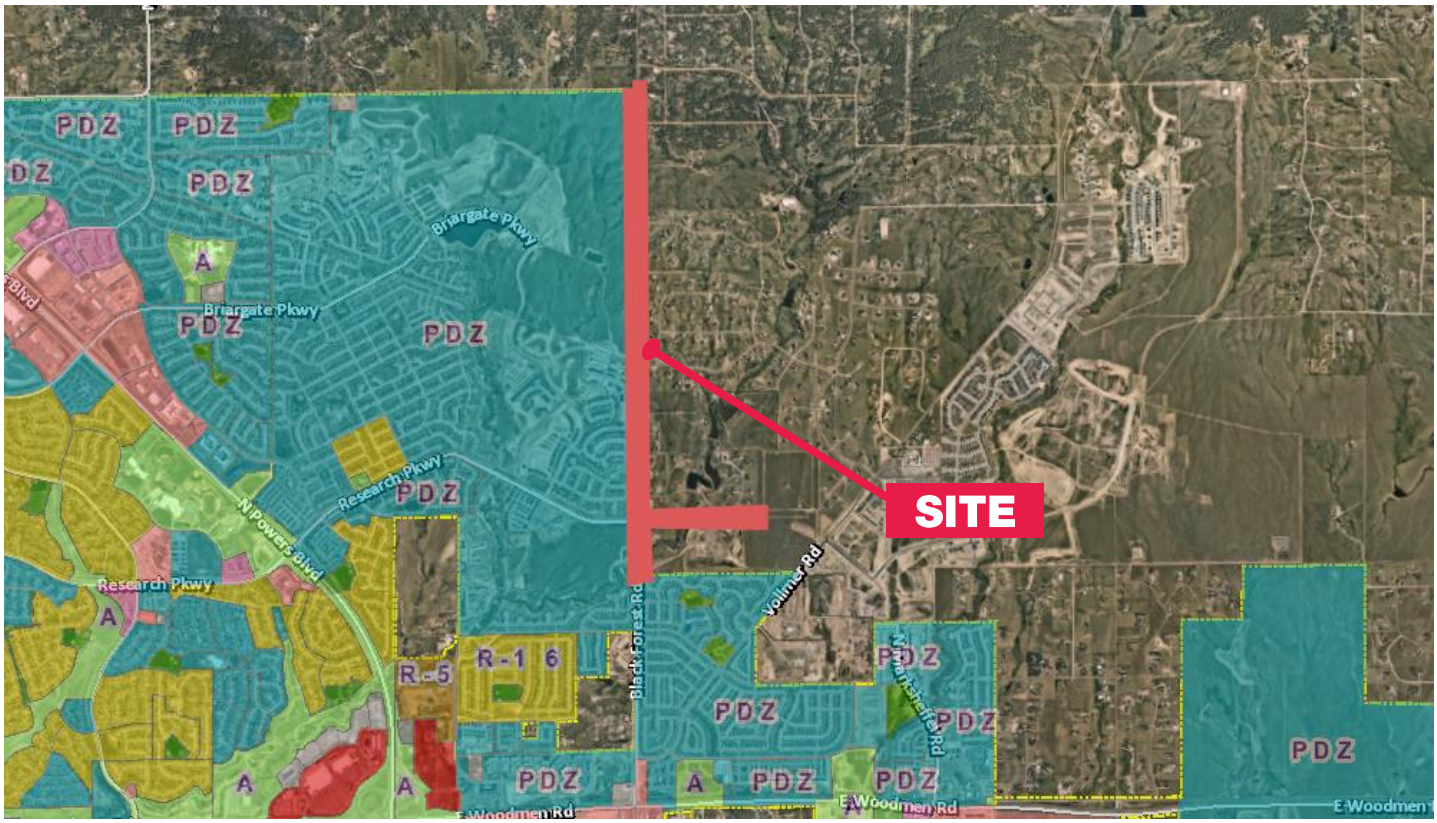
The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) were be reviewed under the Unified Development Code. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	*Existing Use*	*Special Conditions*
North	RR5 (Rural Residential)	Residential	El Paso County
West	PDZ	Residential or Undeveloped	City of Colorado Springs
South	PDZ	Residential	City of Colorado Springs
East	RR5 (Rural Residential)	Residential	El Paso County

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences *(Poster / Postcards)*	2
Postcard Mailing Radius	Not Applicable
Number of Comments Received	22 as of January 24, 2024

Public Engagement

The application was noticed with three posters along the stretch of City-owned right of way proposed for annexation on two occasions, once during initial review and again prior to the public hearing at City Planning Commission. Several residents of the area expressed concerns about annexation. The comments received are predominantly from residents of Black Forest, located in El Paso County. The concerns are related to growth, encroachment into rural El Paso County, increased traffic, and impacts to wildlife.

City Public Works held several public meetings related to the Black Forest Road Construction Project. The first was a public meeting related to a corridor widening plan in February 2020. An in-person and virtual meeting, scheduled on April 11 and April 12, 2022, respectively, highlighting the project overview, schedule, and construction impacts. This meeting included information that the project would receive Pikes Peak Regional Transportation Authority (PPRTA) funding. The proposed annexation was noted at those meetings as Segment 2 of the overall road widening project.

Timeline of Review

Initial Submittal Date	October 17, 2023
Number of Review Cycles	Two
Item(s) Ready for Agenda	January 17, 2024

Agency Review

Traffic Impact Study
No comments or concerns expressed.

Planning Surveyor
The Planning Surveyor requested several modifications to ensure the legal description and annexation plat met all applicable survey standards. After two reviews the Planning Surveyor recommended approval.

Colorado Springs Utilities
CSU requested that the applicant provide an inventory of well permits and water rights, existing utility services and list of the utility providers for each available service associated with the property. The applicant confirmed that there are no wells, water rights, or existing utility services provided in the proposed annexation area.

The project was presented to the Utilities Board on January 17, 2024, where the board found that criteria per the Water Ordinance are met.

Annexation

Summary of Application
The associated annexation follows the voluntary annexation rights under C.R.S. (Colorado Revised Statute) and owners must petition the municipality to request annexation into the City. The City's authority to annex land is established by Colorado Revised Statues (CRS. 31-12-101) which sets requirements and procedures which municipalities must follow. The application consists of requesting to annex 10,220 lineal feet of the road right-of-way of Black Forest Road and 2,600 lineal feet of the road right-of-way of Research Parkway, east of Black Forest Road. The segments of road proposed to be annexed are owned and maintained by the City after acquisition from El Paso County.

Application Review Criteria

UDC Section 7.5.701
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.

2. After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this Zoning Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met.

The criteria for consideration of annexation as noted above most explicitly note that the proposed is a logical extension of the City boundary. In this case, the City owns and maintains this area of Black Forest Road which was deeded to the City by El Paso County. Although it is along the easternmost portion of the City boundary, it meets the required contiguity requirements as set forth by Colorado Revised Statute and given the nature of the ownership, staff finds that these criteria are met.

City right-of-way annexations are unique in that many of the listed criteria are not always applicable when considering an annexation request. In this case, the right-of-way has no water or other utility implications, meets the criteria of the Water Ordinance as determined by the Utility Board and will have limited impact on future utility infrastructure. Staff finds that many of the criteria related to utility impacts are not applicable to the request.

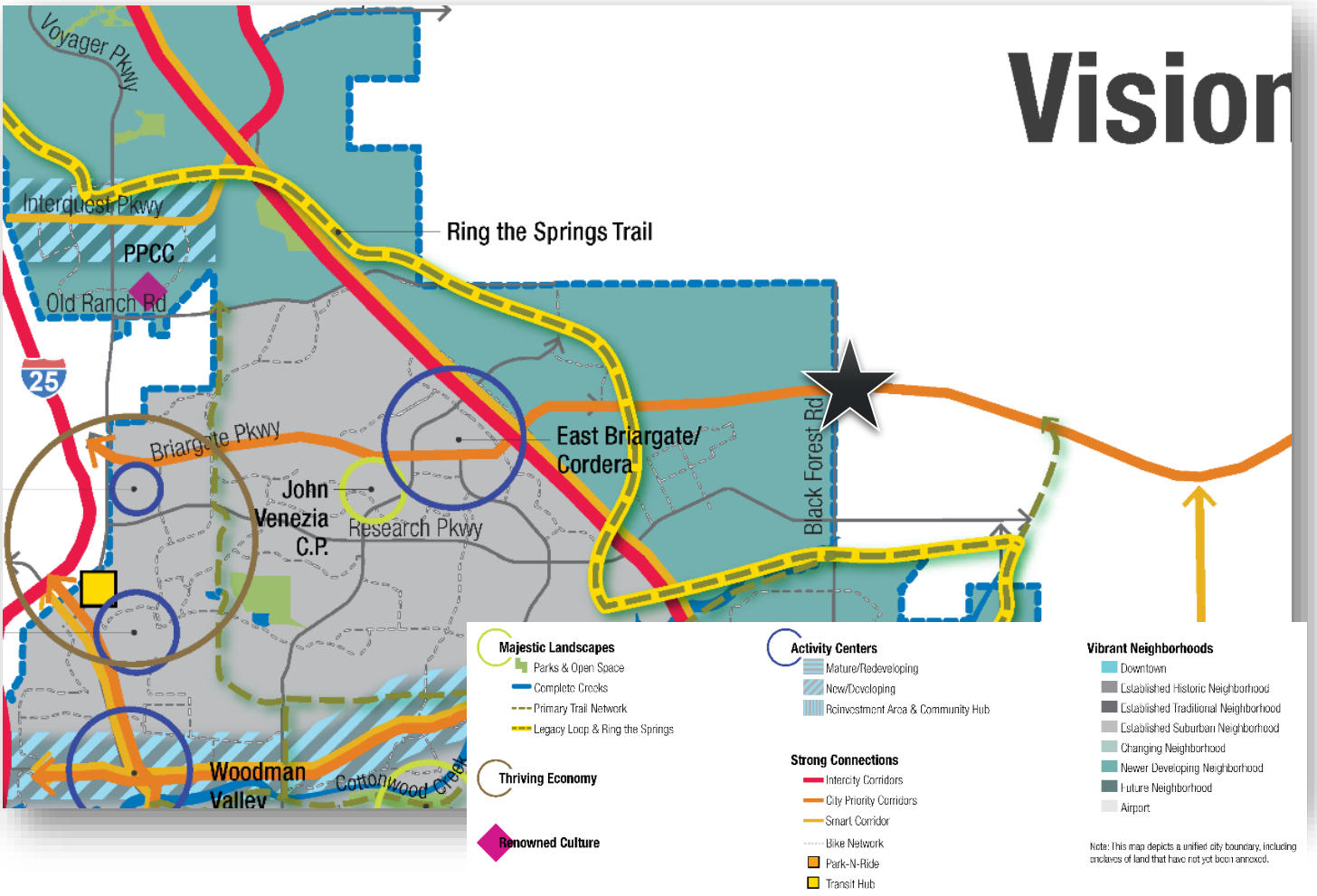
Staff finds that the above criteria are met for Black Forest Road Addition No. 2 annexation.

Compliance with Relevant Guiding Plans and Overlays

The City Annexation Plan was last updated in 2006 and is an advisory document. Staff recommends this annexation as consistent with the intent of the 2006 Plan as the proposed annexation works to close the gap to infrastructure and services being provided by the City.

Compliance with PlanCOS

PlanCOS Vision



The overall intent of annexation is to benefit the City and occur in a manner that ensures a logical extension of the City's boundary. Chapter 8 of PlanCOS provides broad policy direction for annexation; annexations will occur in accordance with State law; support of economic development objectives of the City and will be a fiscal benefit; development will be consistent with long range plans; and avoid creating enclaves while proactively work at incorporating existing enclaves into the City. Staff has evaluated the proposed annexation and determined its eligibility in accordance with State law to be acceptable. The annexation is a logical establishment; removing the remnant right-of-way cleans up City – County boundaries.

Statement of Compliance

ANEX-23-0017

After evaluation of the Black Forest Road Addition No. 2 annexation the application meets the review criteria.