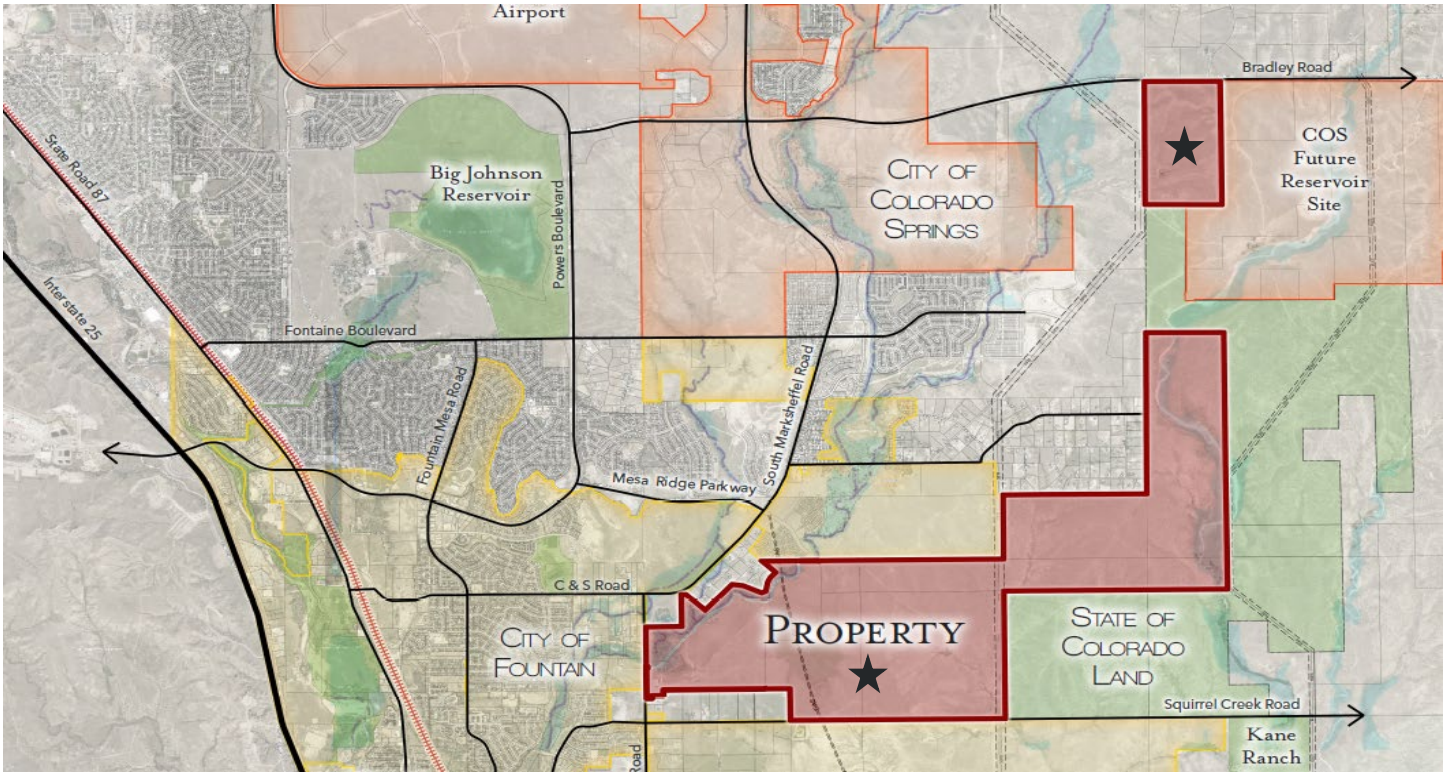
AMARA ANNEXATION
Planning Commission April 16, 2024
Staff Report



Quick Facts

Applicant
La Plata, LLC

Property Owner
Tee Cross Ranches LLC

Developer
La Plata Cruz Holdings LLC

Address / Location
Northeast of Squirrel Creek Rd. and Link Rd.

Zoning and Overlays
Current: within El Paso County zoned RR-5 (Rural Residential) and A-35 (Agricultural)

Proposed: A (Agricultural) as a holding zone

Site Area
Vacant grasslands.

Proposed Land Use
Commercial, Industrial, Civic, Residential, Parks and Open Space

Applicable Code
Chapter 7

Project Summary

The proposed project includes concurrent applications for the Amara Annexation of approximately 3200 acres (Annexation Addition no. 1-23), establishment of zoning, and establishment of the Amara Master Plan.

File Number	Application Type	Decision Type
ANEX-23-0030, ANEX-23-0031, ANEX-23-0032, ANEX-23-0033, ANEX-23-0034, ANEX-23-0035, ANEX-23-0036, ANEX-23-0037, ANEX-23-0038, ANEX-23-0039, ANEX-23-0040, ANEX-23-0041, ANEX-23-0042, ANEX-23-0043, ANEX-23-0044, ANEX-23-0045, ANEX-23-0046, ANEX-23-0047, AENX-23-0048, ANEX-23-0049, ANEX-23-0050, ANEX-23-0051, ANEX-23-0052	Annexation	Legislative
LUPN-24-0006	Land Use Plan (Master Plan)	Legislative
ZONE-24-0008	Zone Establishment	Legislative

Background

Site History

As the City has expanded over the last several decades, we can see larger areas of annexation throughout our City history. During the 1980's the City experienced a very active period of annexation including areas of North Gate, Briargate and Banning Lewis Ranch. In the early 2000's we see the annexation of Flying Horse. Much of these areas have now been developed; however, there are existing areas of greenfield that still exist, particularly in Banning Lewis Ranch. (see 'City Annexations by Decade' map)

The proposed annexation is located south of Bradley Road and northeast of Squirrel Creek Road and Link Road. The proposed annexation area is currently within El Paso County and is mostly vacant, with some minor abandoned buildings remaining on the southwest corner of the property. The overall site comprises of several El Paso County zone districts (listed above) and is situated in an area of residential development within El Paso County and the surrounding City of Fountain.

El Paso County's master plan – "Your El Paso County Master Plan" – identifies the subject area as an area of 'Potential Annexation' on the Key Areas Map. This map identifies areas of the County that are defined by "unique localized characteristics having influence on future land use and development." The master plan discusses that significant portions of the County's expected development population growth will locate in surrounding incorporated municipalities. It further states that, as the largest municipality, the City of Colorado Springs will need to annex parts of unincorporated County to plan for and accommodate new development. This Key Areas Map also outlines portions of the County that are anticipated to be annexed. In addition, the subject site is classified as 'New Development' in the Areas of Change analysis of the Your El Paso Master Plan. The plan states these areas are expected to be significantly transformed as projected new development takes place on lands currently largely designated as undeveloped or agricultural areas. It is further anticipated that these areas of change will see development similar to that already established or complementary to an urban neighborhood.

In combination with the above approach from Your El Paso Master Plan, in 2021 the City of Colorado Springs and El Paso County entered into an Intergovernmental Agreement (IGA) for review of development and evaluation of possible annexations. The IGA memorialized the shared vision that it is best practice for logical extensions of urban level developments to be within the City. The IGA also established an Area of Planning Interest Map (running north to south about 3+ miles east of existing City limits), which establishes a collaborative protocol for the County to notify the City of new development with that area. Amara Annexation is within this Area of Planning Interest.

Applicable Code

The subject applications were submitted prior to the implementation date (06/05/2023) of the Unified Development Code therefore the subject applications were reviewed under previous Chapter 7. All subsequent references within this report that are made to "the Code" and related sections are references to previous Chapter 7.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	*Existing Use*	*Special Conditions*
North	El Paso County: RR-5 (Rural Residential)	Residential and Open Space	Portions in El Paso County and City of Fountain
West	City of Fountain: LLR (Large Lot Residential) and PUD (Planned Unit Development)	Residential and Open Space	
South	City of Fountain: PUD (Planned Unit Development), VC (Village Center), R1 (Single-family Residential)	Residential, Multi-family, Neighborhood Commercial, and Open Space	
East	El Paso County: RR-5 (Rural Residential) State of Colorado A-35 (Agricultural)	All land is mostly vacant	

Stakeholder Involvement

Public Notice

Public Notice Occurrences *(Poster / Postcards)*	Due to the magnitude of this proposal 12 posters were posted around the area of this site. Additionally, postcards were sent at initial submittal and prior to all public hearings.
Postcard Mailing Radius	1000-feet
Number of Postcards Mailed	184
Number of Comments Received	3 comments in opposition received with the initial submittal

Public Engagement

As part of this public outreach three letters of opposition were received. (see 'Public Comment' attachment) Comments received are focused on concerns for phasing of development, infrastructure and roadway alignments and overall impacts to the City. The owner and applicant responded to these concerns in a response letter to the neighbors. (see 'Public Comment Response' attachment) Please see sections below for further information from City agencies on the above listed concerns.

Timeline of Review

Initial Petition Submittal	October 12, 2021
City Council Petition Acceptance	November 23, 2021
Initial Land Use Submittal	December 13, 2021 (Six review cycles)
Parks, Recreational, and Cultural Services Advisory Board	June 9, 2022
City Council Annexation Checkpoint Work Session	March 11, 2024

Agency Review

As with other applications, annexations are reviewed by many City departments, and in some cases outside agencies. Any necessary terms and conditions from those departments are incorporated into an annexation agreement, as applicable. It is important to note that once an area is annexed into the City, any future development must comply with City Codes and regulations. For example, it is not necessary to specify that future development must obtain a Development Plan or pave roads, as those are standard City requirements. Below is a summary of agency reviews.

Colorado Springs Police Department

The City of Colorado Springs Police Department (CSPD) has reviewed the annexation and master plan and worked with the owner to understand the scope of development and timing. CSPD is not asking for any station location within the Amara annexation area. While analyzing the overall development along the southeastern edge of the City of Colorado Springs it was determined that a CSPD substation would better be located north of the Amara development. The functions of the police force are mobile in their staffing of areas and will be able to serve the Amara development through its initial phases and will be working to determine a location for a future station along with continuing to evaluate future development plans as they come in for the Amara development. (see 'CSPD Amara Response' attachment)

Comments were received from the City of Fountain with concerns for police service and Fountain Police Department's (FPD) assisted response. FPD did assist the El Paso County Sheriff's Office with calls for response, but since these are for the Sheriff's Office this is not relevant to level of service CSPD would be able to provide to the Amara annexation. As discussed above as development occurs CSPD will have the opportunity to structure itself appropriately to provide services as the area begins to be developed. Except perhaps for large scale emergency incidents (which are rare), CSPD does not intend to use FPD to supplement its resources.

Colorado Springs Fire Department

The master plan review process included development of fire station locations that would assist the City of Colorado Springs Fire Department (CSFD) to be well positioned for service of the future development. (see 'CSFD Amara Response' attachment) As seen on the master plan there are two (2) permanent fire station locations proposed, and one temporary station. As Phase 1 develops the owner will be required to provide a site (as indicated on sheet 4 of the master plan) for a temporary fire station. This will remain in operation to serve the new development and until the first permanent station is developed in Phase 3. The final remaining station site is provided within Phase 4 to serve the north stretching later phases of the development. CSFD has reviewed and supports the master plan and identified locations for stations.

Parks

The proposed Amara Master Plan creates a total parkland dedication obligation of 127.6 acres and reflects nine (9) Neighborhood Parks totaling 58 acres and two (2) Community Park sites totaling 70 acres. The parkland shown on the proposed master plan provides acceptable size, distribution, and developable locations. (see 'Amara Parks and Trails' attachment) The nine neighborhood parks are proposed to be built by the master developer, La Plata Communities.,. They will convey the parkland to a new metropolitan district, which will own and maintain the completed neighborhood parks. These parks are also shown on the master plan phasing plan including obligations regarding when those parks will be built. The community park sites will be the responsibility of the City of Colorado Springs to construct, maintain and operate, the developer will dedicate these lands to the City after being zoned PK (Parks). The associated parkland as part of the Amara Master plan was unanimously approved by the Parks, Recreational, and Cultural Services Advisory Board on June 9, 2022.

La Plata coordinated with Parks Department staff on many of the early aspects of the parks and trail planning. Because the owners of this property are seeking annexation, the Parks Department is able to require that City standards with regard to park and trail location be consistently applied across the master plan. This includes confirming the number of park acres per one thousand residents in the new development, achieving greater confidence that their park land truly is suitable park space, confirming that the parkland is distributed within the community consistent with the 10-minute walk (to a park) campaign and that the community development is in alignment with the planned regional and urban trail corridors. If annexation did not occur, Parks staff could work with El Paso County parks staff to try to align these objectives, but annexation gives the City and its Parks Department the capacity to seek the alignment and standards which would otherwise not be directly available.

City Public Works

The expansion of public transportation to the proposed annexation area will utilize existing infrastructure such as Marksheffel Road, Link Road, and Powers Boulevard. The roadway system associated with the proposed annexation area connects to these existing roadways which will allow for the expansion of transit services into the annexation area. The proposed extension of new roadways logically ties into existing roadways in the area. In addition, new roadways and the extension of existing roadways are consistent with the City's draft Major Thoroughfare Plan currently being refined and expanded with ConnectCOS (the City's transportation plan update). The proposed new roadway system of arterials and collectors has sufficient capacity to accommodate the full build out of the annexation area. Furthermore, proposed typical sections meet city criteria for accommodating non-motorized uses such as biking and walking. Both the traffic study and the annexation agreement describe the phasing for implementation of the proposed roadway system.

City Traffic Engineering has determined that the traffic study met city criteria and was comprehensive and complete in its evaluation of traffic impacts and traffic operations for the Amara development. The study identified the number of lanes needed for new roadways internal to the development and identified roadway and intersection improvements needed to existing roadways such as Marksheffel, Mesa Ridge Parkway, Link Road, Squirrel Creek Road, and Bradley Road. (see 'Amara Roadway Exhibit') Recognizing that not all recommended improvements are needed during the initial phase of development, Traffic Engineering worked closely with the developer to create a road phasing plan that links roadway improvements with the developer's need for access and the public's need for an adequate transportation system that meets the traffic demands of both the development and non-development traffic anticipated to be using the roadway network. The proposed annexation does impact adjacent and near-by roadways, but as required the traffic study identifies the transportation improvements and the timing of these improvements to mitigate impacts to Marksheffel Road, Link Road and Squirrel Creek Road. As the proposed annexation area develops the traffic study, as well as the annexation agreement, identify a development phase of the number of building permits that will trigger these improvements. The annexation agreement further provides the percentage share of the cost of the improvements required to be paid by the applicant due to traffic generated by the proposed annexation.

The phased implementation of future roadway and intersection improvements are documented in the Traffic Study and in the Amara Annexation Agreement. These documents described the timing and the extent of improvements to both internal and external roadways. Since the internal roadways will be constructed as Amara develops, only the external improvements to existing roadways and intersections are listed and described below:

- Mesa Ridge Parkway: Access to the Amara property requires the extension of Mesa Ridge Road east from Marksheffel Road and a new bridge over Jimmy Camp Creek. This extension and bridge will be a joint effort with the property to the north of Amara.
- Mesa Ridge Parkway / Marksheffel Road Intersection: Phase I improvements at the intersection include all single left turn lanes, a northbound Marksheffel Road single right turn lane, a westbound Mesa Ridge Parkway single right turn lane, and all single eastbound and westbound through lanes at the Marksheffel Intersection. As Mesa Ridge Parkway

is extended further east additional improvements needed at the intersection include dual left turn lanes and dual eastbound and westbound through lanes.

- Marksheffel Road: At later Amara development phases, Marksheffel Road between C&S Road and Fontaine Boulevard will need to be widened from its current two-lane configuration to a four lane Principal Arterial. Based on Amara generated traffic and per the annexation agreement, the Amara development shall contribute a maximum of 43% of the total Marksheffel Road widening construction costs.
- Link Road: Phase I improvement includes a new intersection on Link Road. This new intersection will be controlled by a signal or a roundabout. If signalized, the intersection will require left and right turn lanes. At later Amara development phases, Link Road between C&S Road and Squirrel Creek Road will need to be widen from its current two-lane configuration to four lanes. Based on Amara generated traffic and per the annexation agreement, the Amara development shall contribute a maximum of 64% of the total Link Road widening construction costs.
- East Squirrel Creek Road: Later development phases will require the widening of East Squirrel Creek Road from its current two-lane configuration to four lanes from the easternmost Amara property boundary to the Powers Boulevard right-of-way. Based on Amara generated traffic and per the annexation agreement, the Amara development shall contribute a maximum of 100% of the total East Squirrel Creek Road widening construction costs.
- West Squirrel Creek Road - Later development phases will require the widening of West Squirrel Creek Road from its current two-lane configuration to four lanes from the Powers Boulevard right-of-way to Link Road. Based on Amara generated traffic and per the annexation agreement, the Amara development shall contribute a maximum of 69% of the total West Squirrel Creek Road widening construction costs.
- Meridian Road: As the eastern portions of Amara develop, Meridian Road will need to be constructed north from Mesa Ridge Parkway to Bradley Road. This roadway will be constructed in segments to provide access to the Amara development phases. As it is constructed, it is anticipated that it will initially only need two lanes but as Amara and other properties build out, Meridian Road will ultimately need to consist of four lanes. The roadway phasing plans, and the annexation agreement describe the phasing for the construction and widening of future Meridian Road.
- South Powers Boulevard: An extension of Powers Boulevard is contemplated to extend south-easterly from Mesa Ridge Parkway through the Amara Development to a connection with Interstate 25. This extension is currently being studied and the final alignment has not yet been determined. The Amara development will dedicate a maximum of 300 feet of right-of-way for the South Powers Extension.

In addition to these specific major roadway improvements, the Annexation Agreement also includes a requirement for dedicating land for a maintenance facility and developing necessary stormwater infrastructure.

Water Resource/ Floodplain

A Preliminary Drainage Report was completed and reviewed by City Stormwater Enterprise (SWENT). Future development will follow standard processes, comply with all drainage criteria, and will require a Final Drainage Report prior to any approval of a development plan and subdivision plat. SWENT will continue working with the El Paso County Engineering Division to ensure drainage patterns and future facilities consider surrounding county property and ensure runoff from this proposed development is captured and facilitated appropriately. Items addressed in the drainage section of the annexation agreement are standard requirements that have been modified to be more specific for the project area. The applicant will be required to provide the City with a Master Drainage Development Plan (MDDP) that fully establishes required water quality needs for the developable areas, as per the City's drainage criteria.

Geological Hazard and Land Suitability

A Geological Hazard review is triggered by the establishment of a master plan that is required with proposed annexation. (City Code 7.4.502) For this project the developer prepared a Geologic Hazard Report that was reviewed by Colorado Geological Survey (CGS). CGS stated they concur with the geologic interpretations and geologic hazard identification and conceptual

mitigation for those hazards. CGS has no objections to the proposed development with support of recommendations identified in the report. The City Engineer has approved and signed the Geologic Hazard Study Report and supports the findings.

School District Analysis

The Amara Master Plan covers three separate school districts that are subject to the PLDO Ordinance for school dedications: Fountain Fort Carson District 8, Widefield District 3 and Ellicott District 22. The master plan provides a breakdown of the total school land dedication provided based on input from each District. In analysis of each District's area, school sites have been established within that District's boundaries. (see 'Amara Master Plan' attachment) These sites are further accounted for in the phasing plan for understanding when each area will be developed, and an applicable school site dedicated to the District.

Each School District has been included in an in-depth review of the needed school facilities; City staff has received final letters of support (see 'School District Letters' attachment) from all three Districts. Per the master plan, the developer has an obligation for a total of 139.98 acres of school land. They are currently providing nine (9) school sites equaling a total of 125 acres; any outstanding balance will be paid in fees in lieu of land per the school land dedication requirements in City Code.

Colorado Springs Utilities

Springs Utilities has studied the subsections of the Conditions for Annexation related to its utility services in order to assist in the evaluation of the proposed annexation. Springs Utilities has negotiated an annexation agreement with the annexor that includes the terms by which Springs Utilities will be able to provide utility services to the annexing property. Per City Code Section 12.1.111 with annexation Springs Utilities shall be the exclusive provider of utility services. Springs Utilities has reviewed the master plan for areas of impact and needed extensions; the exact details of extension responsibilities are captured in the annexation agreement. All standards per the utilities code will be required for future entitlements for the specifics of development. Through responsible, timely and ongoing planning initiatives, Springs Utilities has developed existing, and identified future, utility facilities that currently serve or will be needed to serve all present and future users whether within or outside the corporate limits of the City.

Springs Utilities has completed an analysis. Based on the current Integrated Water Resource Plan, there are available water resources to meet another approximately 23,000 acre-feet per year of demand. At full buildout, Amara is expected to require approximately 3,505 acre-feet per year of water. Pursuant to City Code sections 7.6.201 (C)(6) and 7.6.204, the City does not reserve water for undeveloped land either within or outside City limits, and, therefore, water service is provided on a first-come, first-served basis, which means water service or water system capacity is not secured until the owner/applicant pays applicable Development Charges and Fees for the specific premise to be served. The owner/applicant is also subject to all requirements set forth in City Code section 12.4.416. Failure to comply shall result in cancellation of Springs Utilities' approval of the water connection permit and may result in the owner/applicant forfeiting water system capacity for the associated premise subject to water system capacity availability at the time of reapplication for service. Water resource and finished water system modeling has demonstrated that water service to Amara can be accomplished without adversely impacting water service to existing customers. In addition, the analysis of the proposed annexation has demonstrated no adverse impact to the capability to treat wastewater for existing developed areas within the City limits.

Water

Currently, applying a first-come, first-serve approach, Springs Utilities has adequate water resources and existing and projected water facilities are expected to be sufficient available to serve the annexation area as required by City Code section 7.6.203(C). The requirements to connect the annexation area to existing water infrastructure are included in the proposed

Amara Annexation Agreement and are consistent with the City Code, Utilities Rules and Regulations (URRs), and Line Extension and Service Standards (LESS).

On February 14, 2023, City Council approved Ordinance No. 23-02 pertaining to the extension of water services to area not located within either existing City limits or the water service boundary, including all proposed annexations. Codified as 12.4.305, the ordinance aims to ensure that the City's existing water rights will meet existing and anticipated service obligations by requiring that the City's available water supply is sufficient to meet at least 128% of existing usage and the projected demand for water services within the proposed extension(s) of service area and not less than 25% of the perimeter of the area to be served is contiguous with the City (as defined by State law).

Additionally, the ordinance and City Code provide for several other conditions or exceptions under which the proposed extension of water service may be warranted without respect to the 128% water supply or 25% contiguity requirements, including 1) a unique and extraordinary event of circumstance necessitates and extension of water services to serve critical interests of the City, or 2) the area is an enclave (as defined by State law), or the area is owned or leased by the City, or extension of water service to the area will have a de minimis impact on the overall City's available water supply.

Applying City Code section 12.4.305 to the proposed Amara annexation, Springs Utilities staff determined that while it did not meet any of the exceptions listed above, Amara's projected water demand of 3,505 acre-feet/year at full build out met the 128% water supply requirement, but not the 25% contiguity with City limits requirement. On June 21, 2023, Utilities Board made a conditional recommendation of approval based on staff's evaluation, under the condition that the applicant submit revised annexation plats to City Planning demonstrating compliance with the 25% contiguity with City limits requirement. The applicant subsequently submitted new annexation plats that satisfied the conditional recommendation of approval and full compliance with City Code section 12.4.305.

Wastewater

Springs Utilities has sufficient treatment capacity to serve the annexation area for the foreseeable future. The proposed provision of wastewater service to Amara would be accomplished in two (2) ways:

1. Development and execution of a wholesale wastewater service agreement with Fountain Sanitation District (FSD), whereby, Springs Utilities would contract with FSD to provide conveyance and treatment services directly to Springs Utilities using existing infrastructure and facilities designed and constructed by or that FSD has ownership stakes in. The proposed agreement, in which Springs Utilities and FSD have largely agreed to terms but has not been approved by FSD's board of directors or executed, would serve the majority of Amara (~20%). (see 'Wastewater Service Information attachment')
2. Wastewater flows generated by areas of Amara not subject to the proposed wholesale wastewater service agreement would be conveyed to and treated at the Las Vegas Street Water Resource Reclamation Facility

The requirements to connect the annexation area to existing wastewater infrastructure are included in the proposed Amara Annexation Agreement and are consistent with City Code, URRs and LESS.

Electric

Electricity to serve the annexation area will be generated and/or purchased in accordance with Springs Utilities' electric integrated resource plan process. The requirements to connect the annexation area to existing electric infrastructure are included in the proposed Amara Annexation Agreement and are consistent with City Code, URRs and LESS. Springs Utilities will be ready, willing, and able to serve electricity to the annexation area within a reasonable period of time after the annexation. The Amara property is located entirely within Mountain View Electric Association's (MVEA) electric service area. If annexed, provision of electric service by Springs Utilities would constitute a service territory invasion, and as the incumbent service provider, MVEA would be entitled to just compensation in accordance with Colorado Revised Statutes. All associated

costs would be the owner/annexor's responsibility. These conditions are captured in the proposed Amara Annexation Agreement.

Natural Gas

Natural gas service to the annexation area will be in accordance with Springs Utilities' gas integrated resource plan process. The requirements to connect the annexation area to existing gas infrastructure are included in the proposed Amara Annexation Agreement and are consistent with City Code, URRs and LESS. Springs Utilities will be ready, willing, and able to serve gas to the annexation area within a reasonable period of time after the annexation.

Portions of the Amara property are located within Black Hills' natural gas service area. If annexed, provision of natural gas service by Springs Utilities in these areas would constitute a service territory invasion. Since Colorado Revised Statutes contain no provisions concerning just compensation to incumbent natural gas service providers in instances of service territory invasion, any resulting just compensation would be subject to a negotiated settlement between Springs Utilities and Black Hills. All associated costs would be the owner/annexor's responsibility. These conditions are captured in the proposed Amara Annexation Agreement.

Annexation

Summary of Application

Landowners seeking voluntary annexation must petition the municipality to request annexation into the City. The Annexation Petition for this property was heard and accepted by City Council on November 23, 2021. The City's authority to annex land is established by Colorado Revised Statues (C.R.S. 31-12-101), which sets requirements and procedures that 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, and that area proposed for annexation has more than 50% ownership within the City 3-Mile Buffer for annexation. (see '3-Mile Buffer' attachment) The proposed annexation meets both requirements.

The petitioner proposes to annex just under 3200 acres of property into the municipal limits of the City of Colorado Springs. The proposed annexation also includes a portion of Bradley Road from its current terminus with the City boundary to the eastern portion of the Amara annexation off Bradley Road. This annexation is comprised of twenty-three serial annexations which make up a flagpole annexation approach. (see 'Amara Annexation Addition No. 1-23' attachment) In addition, the property proposed for annexation begins at Bradley Road and moves southwest and does skip over a portion of state land. Each of these are discussed below for better clarification.

Flagpole Annexation

The proposed area for development, as the real property of the annexation, does not currently have contiguity with the current City boundary. A flagpole annexation allows the property owner to configure a series of annexations, that meet the state statute required contiguity, and use a roadway as a 'flagpole' to gain contiguity (Colorado Revised Statute 31-12-105(e.3)). (see 'Amara Additions' attachment) Per Colorado Revised Statute a property owner may achieve required contiguity by annexing a public street. In this case the Amara Annexation additionally had to meet the requirements in place with the Water Ordinance of 25% contiguity. The applicant updated their original petitioned plats, not including any more land than was originally proposed, but drew new areas to meet the 25% contiguity required by this ordinance. With this configuration additions no. 1-10 are annexing right-of-way only. This extends the City boundary down Bradley Road and allows for contiguity to be gained for addition no. 11; the subsequent additions then build upon this contiguity as a serial annexation.

Serial Annexation

A serial annexation allows property owners petitioning a municipality to "portion-off" the intended whole annexation boundary into separate annexations if the whole portion does not meet the state statue required one sixth contiguity (Colorado Revised Statute 31-12-105). In this case, a serial annexation is needed to facilitate the annexation of land where the proposed development will occur. For the total annexation of Amara there are twelve proposed additions which make up the total land for annexation. Each addition on its own meets the state requirements for contiguity and builds on each other to accomplish the whole annexation. (see 'Amara Additions' attachment)

Public Lands Contiguity

Per Colorado Revised Statute 31-12-104(a) "contiguity shall not be affected by the existence of… public lands, whether owned by the state, the United States or an agency thereof." As such, the proposed annexation incorporates this provision and contiguity is not affected, although maintained, between addition no. 13 and addition no. 14 where state owned land is 'jumped'. The remainder of the area to be annexed continues to establish the required one-sixth contiguity in the serial annexation configuration and meets the 25% required by City Code.

Conditions for Annexations

City Code Section 7.6.203 establishes "conditions for annexation" to "assist" the City Council in rendering a decision on annexations. It's important to note the distinction between the reference to "assist" in making a decision compared to "review criteria" applicable to quasi-judicial applications. The difference is important because annexations are legislative and discretionary in nature and these "conditions" are intended to advise and guide.

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 set forth in City Code, in early 2024 the City Council established guidelines for reviewing annexations to help aid in analyzing annexations. Although these guidelines are not expressly intended to be used by the Planning Commission, they are being provided to the Planning Commission as a reference to help the Planning Commission better understand "what the City Council is looking for" in annexation. The guidelines are:

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*

Unsurprisingly, there has been significant analysis and consideration by the City and CSU whether or not City and CSU services can be efficiently and effectively provided to the future residents and businesses ultimately living and located within the Amara annexation – not only the immediate installation of infrastructure, but also ongoing future. Should the annexation be approved by the City Council, staff believes that the Annexation Agreement addresses infrastructure needs. There has been significant financial analysis prepared by CSU on the cost sharing of initial installation of CSU infrastructure, minimizing risk to "stranded assets and ongoing maintenance costs.

The one question that is more challenging to objectively answer is whether or not this annexation is a "logical extension of City boundary". This is a City Code consideration, not a Colorado Revised Statute mandate. City Code does not define or help reach a conclusive answer to what constitutes a "logical extension". A correlation could be made – if not only an assumption – that if an annexation is within the 3-mile boundary as required by CRS and services can be provided, that the annexation could be considered logical. Other factors to consider include:

- Can the land between existing City boundary and the proposed annexation be annexed in the future (essentially infilled?)
- Is the annexation necessary for projected growth of the City?
- What is the remaining developable land within existing City boundary?
- What if the land is not annexed? Will development occur outside the City boundary anyway? What are the impacts to the City of development occurs "right outside" the City boundary?
- Can the City effectively and efficiently provide on-going services such as snowplowing, code enforcement, park maintenance, etc.?

Should the Planning Commission support the Annexation and should the City Council ultimately whish to approve the Annexation, staff believes that the Annexation Agreement adequately addresses many of these topics. It should be noted that the area between the existing City limits and the Amara Annexation is mostly developed as rural-residential and suburban-level residential with some non-residential uses. It is unlikely that this area will be annexed into the City in the near to mid-term future.

City Annexation Plan (2006)

The current City Annexation Plan was last updated in 2006 and is currently being updated through the AnnexCOS project. This 2006 plan does not contemplate the subject site for a potential annexation into the City of Colorado Springs. The cornerstone of the annexation evaluation through this plan points to the comprehensive plan, PlanCOS, that directs a focus on diversification of economic base and the City's ability to accommodate projected population increases leading to positive outcomes for annexation into the City. AnnexCOS is anticipated to recommend a strategic approach to logical annexations

that supports and encourages significant areas of newly planned urban density development to be included within City limits, in order to promote the long-term fiscal and resource sustainability of the City and region.

Fiscal Impact Analysis

A Fiscal Impact Analysis (FIA) is required for all annexations. Due to the magnitude of the proposed annexation the City Economic Development Department worked with the City Budget Office and has consulted with an outside agency, Economic Planning Systems (EPS), to conduct a Fiscal Impact Analysis. A full presentation on the FIA was given at the City Council Work Session held March 11, 2024. The FIA concludes that after a projected 25-year buildout, the Annexation will result in net positive cumulative and annual fiscal impact (this includes general fund sales tax and earmarked special purpose sales tax).

Southeastern Colorado Water Conservancy District (SECWCD)

This property has completed its required inclusion application into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. The Inclusion process will be completed with the Bureau of Reclamation with a final Letter of Assent pending.

Master Plan

Summary of Application

The establishment of the Amara Master Plan (see 'Amara Master Plan' attachment) sets the overall land use pattern to be established across the property, allowing for urban level development within the City of Colorado Springs. The proposal includes a mix of commercial, institutional, single-family, multi-family residential, and civic uses. (also see 'Amara Master Plan – Conceptual' attachment) The master plan sets out each land use category and establishes density ranges and estimated dwelling units or commercial square footage. The overall master plan proposes a 9500-unit maximum dwelling cap (which has been used to calculate school and park needs) and 2M square feet or non-residential uses. The following sections of this report dive into more detail around specific subject matters.

The overall development of this area is projected in six phases (see 'Amara Master Plan' attachment) which identify all required improvements with each phase as well as any school or park land which will be zoned and dedicated to the City or school district as part of each phase. This also outlines the roadways associated with development as it progresses through the phases and the responsibilities for those roadway improvements which are discussed in more detail below.

As part of the overall understanding of the approach for the master plan and land use establishment the applicant and owner have provided detailed information included in the Project Statement. Staff is including this attachment for the full details of the proposed master plan and each land use designation. (see 'Amara Project Statement' attachment) The land use pattern within the Amara Master Plan is first influenced by the major roadways within the plan. Mesa Ridge Parkway will remain as the major east-west corridor within the planned area while the establishment of the new Amara parkway and Norris Parkway along with the extension of Meridian Road and Powers Boulevard share the first area of higher density residential as well as commercial hubs. The more intense land uses are configured with closer proximity to these roadways with most of the commercial uses being located along these roadways.

In similar fashion, proposed residential focuses higher density along the major corridors with the classification of 'Residential Very Low' being the furthermost residential land use along the outermost portions of the development along those shared borders with El Paso County. This gives opportunity for a more suitable residential transition to rural residential that is

adjacent to the development in some areas. In addition, areas of residential, ranging from 'Very Low' to 'Medium' are established along Jimmy Camp Creek with supporting amenities of regional trails and open space. The residential density illustrated in this plan ranges from 'Residential Very Low' at 0.5-3.0 DU/AC to 'Mixed use' at 8.0-40.0 DU/AC; there is a maximum of 9500 dwelling units for the entirety of the master planned area. Within the overall master planned area, there are several sites for community and neighborhood parks as well as open space. There are also several locations identified as future school sites.

Non-residential uses include retail, office and light industrial. Specific zoning will be determined in the future as the area develops. No-residential uses are presently not subject to PLDO, but are subject to the City-wide Development Impact Fees (police and fire fees).

Application Review Criteria for Master Plans

City Code Section 7.5.408

Master plans and major and minor amendments to approved master plans shall be reviewed for substantial conformance with the criteria listed below. Minor amendments are not subject to review criteria in subsection F of this section.

- *A. Comprehensive Plan: The Comprehensive Plan is the context and benchmark for the assessment of individual land use master plans. The proposed land use master plan or the amendment conforms to the policies and strategies of the Comprehensive Plan.*
- *B. Land Use Relationships:*
  1. *The master plan promotes a development pattern characterizing a mix of mutually supportive and integrated residential and nonresidential land uses with a network of interconnected streets and good pedestrian and bicycle connections.*
  2. *Activity centers are designed so they are compatible with, accessible from and serve as a benefit to the surrounding neighborhood or business area. Activity centers also vary in size, intensity, scale and types of uses depending on their function, location and surroundings.*
  3. *The land use pattern is compatible with existing and proposed adjacent land uses and protects residential neighborhoods from excessive noise and traffic infiltration.*
  4. *Housing types are distributed so as to provide a choice of densities, types and affordability.*
  5. *Land use types and location reflect the findings of the environmental analysis pertaining to physical characteristics which may preclude or limit development opportunities.*
  6. *Land uses are buffered, where needed, by open space and/or transitions in land use intensity.*
  7. *Land uses conform to the definitions contained in section 7.5.410 of this part.*
- *C. Public Facilities:*
  1. *The land use master plan conforms to the most recently adopted Colorado Springs parks, recreation and trails master plan.*
  2. *Recreational and educational uses are sited and sized to conveniently service the proposed population of the master plan area and the larger community.*
  3. *The proposed school sites meet the location, function and size needs of the school district.*
  4. *The land use master plan conforms to the adopted plans and policies of Colorado Springs Utilities.*
  5. *Proposed public facilities are consistent with the strategic network of long range plans.*
  6. *The master development drainage plan conforms to the applicable drainage basin planning study and the drainage criteria manual.*
- *D. Transportation:*

1. *The land use master plan is consistent with the adopted intermodal transportation plan. Conformity with the intermodal transportation plan is evidence of compliance with State and local air quality implementation and maintenance plans.*
2. *The land use master plan has a logical hierarchy of arterial and collector streets with an emphasis on the reduction of through traffic in residential neighborhoods and improves connectivity, mobility choices and access to jobs, shopping and recreation.*
3. *The design of the streets and multiuse trails minimizes the number of uncontrolled or at grade trail crossings of arterials and collectors.*
4. *The transportation system is compatible with transit routes and allows for the extension of these routes.*
5. *The land use master plan provides opportunities or alternate transportation modes and cost effective provision of transit services to residents and businesses.*
6. *Anticipated trip generation does not exceed the capacity of existing or proposed major roads. If capacity is expected to be exceeded, necessary improvements will be identified, as will responsibility, if any, of the master plan for the construction and timing for its share of improvements.*

E. *Environment:*

1. *The land use master plan preserves significant natural site features and view corridors. The Colorado Springs open space plan shall be consulted in identifying these features.*
2. *The land use master plan minimizes noise impacts on existing and proposed adjacent areas.*
3. *The land use master plan utilizes floodplains and drainageways as greenways for multiple uses including conveyance of runoff, wetlands, habitat, trails, recreational uses, utilities and access roads when feasible.*
4. *The land use master plan reflects the findings of a preliminary geologic hazard study and provides a range of mitigation techniques for the identified geologic, soil and other constrained natural hazard areas.*

F. *Fiscal:*

1. *A fiscal impact analysis and existing infrastructure capacity and service levels are used as a basis for determining impacts attributable to the master plan. City costs related to infrastructure and service levels shall be determined for a ten (10) year time horizon for only the appropriate Municipal funds.*
2. *The fiscal impact analysis demonstrates no adverse impact upon the general community and the phasing of the master plan is consistent with the adopted strategic network of long range plans that identify the infrastructure and service needs for public works, parks, police and fire services.*
3. *The cost of on site and off site master plan impacts on public facilities and services is not borne by the general community. In those situations where the master plan impacts are shown to exceed the capacity of existing public facilities and services, the applicant will demonstrate a means of increasing the capacity of the public facilities and services proportionate to the impact generated by the proposed master plan. Mitigation of on site and off site costs may include, but is not limited to, planned expansions to the facilities, amendments to the master plan, phasing of the master plan and/or special agreements related to construction and/or maintenance of infrastructure upgrades and/or service expansions. Any special agreements for mitigation of on site and off site impacts for public improvements, services and maintenance are shown to be workable and supported by financial assurances. Preexisting and/or anticipated capacity problems not attributable to the master plan shall be identified as part of the master plan review.*
4. *Special agreements for public improvements and maintenance are shown to be workable and are based on proportional need generated by the master plan.*
5. *Any proposed special districts are consistent with policies established by the City Council. (Ord. 84-221; Ord. 87-38; Ord. 91-30; Ord. 94-107; Ord. 97-109; Ord. 01-42; Ord. 02-51; Ord. 19-3)*

Zone Establishment

Summary of Application

The proposed zoning request is to establish an A (Agricultural) zone district to accommodate the future development. It is required by City Code that any annexed property be accompanied by a zoning designation. If the petitioner chooses, they can establish an A (Agricultural) zone district as a 'holding zone' to proceed through the annexation process; further request for zone change is required when a final development intent is determined. Overall intent is for the annexation area to be annexed with the supporting master plan and through future Land Use or Development Plans, the owner will apply for a specific zoning designation in conformance with the master plan. This is a fairly common practice for large annexations which are then evaluated for compliance with the master plan and can allow for future specific zoning action for development. It is also captured in the Amara Annexation Agreement that future zoning actions will be required.

Application Review Criteria

City Code Section 7.5.603

Establishment Or Change Of Zone District Boundaries: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:

1. *The action will not be detrimental to the public interest, health, safety, convenience or general welfare.*
2. *The proposal is consistent with the goals and policies of the Comprehensive Plan.*
3. *Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.*
4. *For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in ARTICLE 3, "Land Use Zoning Districts", of this chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76)*

Compliance with PlanCOS

PlanCOS Vision

When the City's Comprehensive Plan (PlanCOS) was drafted in the 2017 and 2018 timeframe, and then adopted in early 2019, it did not directly contemplate an annexation scenario comparable to this one. However, PlanCOS does recommend an update of the City's Annexation Plan to accommodate more strategic annexations along the periphery of the City "that support economic growth or expansion of the regional roadway network." PlanCOS also recommends that this Annexation Plan update evaluate annexation polices "to be consistent with the vision, goals and policies of this plan and in coordination with the Colorado Springs Utilities, El Paso County, and other municipalities". In this respect it is noteworthy that the El Paso County Master Plan (Your El Paso Master Plan) identifies the Amara area as having the potential for annexation, and as an area of change for suburban level development as discussed above.

PlanCOS is oriented around six major themes, Vibrant Neighborhoods, Unique Places, Thriving Economy, Strong Connections, Renowned Culture, Majestic Landscapes. In the context of this proposed development the Comprehensive Planning Division comments on these applications have focused on the proposed development plans for the Amara project. The expectation is that, until the intervening areas between this property and the currently developed areas of the City become annexed and developed, it will be contingent upon this project to address and satisfy certain of the PlanCOS goals and objectives based on "self-contained" approach. From a development planning perspective, staff believe the applicant's development approach and its refinements have been responsive to these considerations.

Vibrant Neighborhoods

As a large master planned development, this project has the potential to result in one or more vibrant neighborhoods consistent with PlanCOS Chapter 2 Typology 4: Future Neighborhoods; by planning for and incorporating a diversity of housing types, neighborhood parks and gathering places, connections to regional trails and open space, and future multi modal connections. With its designation of mixed-use centers, providing various housing options which can support ranging densities and price points, and incorporation of stream corridor open space, the design of the master plan sets up the potential to accomplish the goal of vibrant neighborhoods.

Unique Places

The future mixed-use centers and designated residential areas create a potential for the future creation of unique places consistent with Chapter 3 Typology 1: Neighborhood Centers and Typology 2: Community Activity Centers

Strong Connections

Several of the major streets have the potential to incorporate key recommendations of Chapter 5 Typology 3: Recent Suburban Streets. These aspects include connections with and incorporation of separate facilities for bikes and pedestrians, landscaping and screening of medians and parking areas, and connections with the local sidewalk and trail network. These facilities could also be designed to incorporate the latest future "smart streets" technology and have the potential for future "transit-ready" adaptation.

Renowned Culture

The school sites designed into this plan have the potential to satisfy many of the recommended attributes of Chapter 6 Typology 2: Community Assets, including increased connections to the surrounding neighborhoods as well as serving as focal points for community engagement.

Majestic Landscapes

This master plan has incorporated a number of aspects of Chapter 7 Typology 5: Greenways including integration of natural drainageways, associated trails and corridors, public access and integration of stormwater and flood mitigation best practices. Both Jimmy Camp Creek and Williams Creek have been proposed with the intent of functioning as "complete creeks in greenways" as contemplated in PlanCOS. (see 'Amara Parks and Trails' attachment)

Statement of Compliance

ANEX-23-0030 through ANEX-23-0052, Amara Annexation Addition No. 1 - 23

After evaluation staff recognizes that the proposed annexation meets the eligibility requirements set forth in Colorado Revised Statutes; however, determination of compliance with Conditions of Annexation as set in City Code is at the discretion of City Council.

LUPN-24-0006, Amara Master Plan

After evaluation of the Amara Master Plan staff believes the application meets the review criteria as set forth by City Code.

ZONE-24-0008, Establishment of A (Agricultural) Zone District

After evaluation of the proposed establishment of the A (Agricultural) zone district for the annexed area as a "holding zone", staff believes the application meets the review criteria as set forth by City Code.