Colorado Springs, CO Planning and Development

30 S. Nevada Ave., Suite 701 Colorado Springs, CO 80903



Final Report - Corrections Required Application No. ANEX-23-0009

Description : A request by Norris Ranch Joint Venture, LLC, for annexation of 1.224 acres into the City of Colorado Springs. The annexation is a part of the overall Karman Line Land Use Plan, which is being submitted concurrently. The Land Use Plan proposes a maximum of 6,500 dwelling units, approximately 45 acres of light industrial, 105 acres of commercial/retail, 100 acres of mixed-use development, and 570 acres of park/open space. Address: 14050 BRADLEY RD Colorado Springs CO 80928

Record Type : Annexation Document Filename : Plat

Comment Author Contact Information:

Author Name	Author Email	Author Phone No.:
Zaker Alazzeh	Zaker.Alazzeh@coloradosprings.gov	-
Caroline Miller	Caroline.Miller@coloradosprings.gov	719-385-6089
Cory Sharp	Cory.Sharp@coloradosprings.gov -	
Dan Sexton	Daniel.Sexton@coloradosprings.gov	-
Joel Dagnillo	Joel.Dagnillo@coloradosprings.gov	-
Mike Gackle	mgackle@csu.org	-

General Comments

Comment ID	Author : Department	Review Comments
15	Caroline Miller : Planning	PLDO has no comments on this item, comments have been made on Land Use Plan.

Corrections in the following table need to be applied before a permit can be issued

Comment ID	Page Reference	Author : Department	Review Comments
1		Zaker Alazzeh : City Eng - Traffic Engineering	Traffic Engineering has no comments on this item.
2	1	Joel Dagnillo : City Engineering Dev Review	Engineering Development Review has no comments on this item.
29	1	Mike Gackle : Col Springs Utilities	DATE: May 5, 2023

Comment ID	Page Reference	Author : Department	Review Comments
			BUCKSLIP NUMBER: ANEX-23-0009 – Karman Line Addition No. 1 RE: Karman Line Addition No. 1 – 1st Review Colorado Springs Utilities (Mike Gackle, 719-668-8262, mgackle@csu.org)
			Action Items: 1. The Owner must provide to Colorado Springs Utilities (Springs Utilities) an inventory of well permits and water rights associated with the Property with documentation from the Colorado Division of Water Resources (or other source) identifying all the Owner's water rights associated with the property to be annexed (Property). If the Owner does not have any water rights, then the Owner must provide a letter stating such.
			2. If the Property is currently connected to or receiving electric and/or natural gas service(s) from an electric or natural gas service provider other than Springs Utilities (i.e. Mountain View Electric Association, Black Hills, or City of Fountain, etc.), then the Owner must identify and provide an inventory of all existing electric and/or natural gas services provided by the current service provider(s). If there are no such existing connections or electric and/or natural gas service(s), then the Owner must provide a letter stating such.
			Project Specific Action Items: 1.□If the Property is not currently within the boundaries of the Southeastern Colorado Water Conservancy District (SECWCD), then Owner must complete the questionnaire provided by City Planning from the Bureau of Reclamation (Bureau) and SECWCD. Springs Utilities will not be able to provide water service to the Property until the Property is included within the boundaries of the SECWCD.
			2. If the Property is within an existing water and/or sanitation district (Existing District), then Springs Utilities will not provide water or wastewater services (Services) to the Property unless the Property is annexed into the City and excluded from the Existing District(s) or the Existing District(s) consents to Springs Utilities providing such Services to the satisfaction of Springs Utilities. If the property is within an Existing District(s), then once the property is annexed into the City and excluded from the Existing District(s), or the Existing District(s) consents to Springs Utilities providing such services, then the Property owner (among other requirements) is required to: a. Design, install, and obtain easements for the water and wastewater facilities necessary for Springs Utilities to serve the Property; b. Disconnect from the Existing District's water and wastewater systems and then connect directly to Springs Utilities' water and wastewater systems; and c. Drovide payment of all applicable fees and charges, including Water and Wastewater Development Charges.
			 3. Owner must confirm that the Informational Items listed below have been reviewed. Informational Items: On February 14, 2023, Colorado Springs City Council approved a water service extension ordinance #23-02 – see attached – which directly impacts the extension of water service outside city limits, including for proposed annexations. Under the ordinance, the water service boundary can only be extended to include the proposed annexation(s) if the annexation(s) meet an exclusion(s), specified in the ordinance. An analysis of the

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			proposed annexation supports an argument that the extension would have a de minimis impact on the available water surplus.
			ollAlthough this annexation plat is for a public right-of-way, its annexation would result in a coterminous extension of Springs Utilities' water service boundary and create the potential for future water service(s) (i.e. landscaping irrigation, etc.). ollBased on the standard calculation of 1.1 acre-feet/year (AFY) per acre of land, the projected water demand for this property is 1.35 AFY, which appears to satisfy the deminimis exclusion. ll1.224 acres x 1.1 AFY = 1.35 AFY ollDe minimis = Available Water Surplus (AWS) x 1% llCurrent AWS = 3,864 AFY llDe minimis: 3,864 AFY x 1% = 39 AFY ollProjected demand < 39 AFY ll1.35 AFY < 39 AFY
			De minimis impact to the City's water supply is based on Existing Usage, which is updated annually, and, therefore, is subject to change. The de minimis calculation is also based on the assumption Utilities Board and City Council will find that 1% of the AWS is de minimis. Owner acknowledges that the assumptions, calculations and analyses performed and shown above are based on the information available as of the date of this review and may require recalculation and re-analysis subject to any update(s) to policy, Existing Usage, and the de minimis value prior to any presentation(s) to Utilities Board, City Planning Commission and/or City Council.
			•DSprings Utilities' potable water, non-potable water, wastewater, electric, streetlight, and natural gas services (Utility Services) are available to eligible customers (Customer) upon connection to Springs Utilities' facilities or utility systems on a "first-come, first-served" basis, provided that (among other things) the City and Springs Utilities determine that the Customer meets all applicable requirements of the City's Code of Ordinances and Springs Utilities' Tariffs, Utilities Rules and Regulations ("URRs"), and Line Extension and Service Standards ("Standards") for each application for Utility Service. In addition, the availability of Utility Services is contingent upon the terms detailed in an executed Annexation Agreement between the City and the Customer; and the dedication or conveyance of real and personal property, public rights-of-way, private rights-of-way, or easements that Springs Utilities that currently exist or that may exist at the time of the proposed extension or connection. In certain instances, Springs Utilities' services and system capacities are limited. Accordingly, no specific allocations or amounts of Springs Utilities' facilities or supplies are reserved to serve the subject property and no commitments are made as to the availability of utility service at future times. Further, Springs Utilities reserves the right to refuse new connections to its natural gas service system if Springs Utilities is legally constrained from doing so.

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			•□Connections to Springs Utilities' systems are contingent upon the Customer meeting all the requirements of the Utilities' Tariffs and City of Colorado Springs ordinances that are in effect for each requested Utility Serviceat the time the application for service is made by the Customer and formally accepted by the Utilities. Connection requirements may include provisions for necessary line extensions and/or other system improvements, and payment of all applicable system development charges, recovery agreement fees and other fees applicable to the requested service.
			•DSprings Utilities reserves the right to charge any development resulting from annexation a fee in an amount equivalent to the extraordinary cost of serving the development if such development does not occur adjacent to existing developed areas of the City of Colorado Springs.
			•DTo receive water service from Springs Utilities, the Property must be included in the Southeastern Colorado Water Conservatory District (SECWCD). After completing the questionnaire from the Bureau of Reclamation (Bureau), the SECWCD will determine whether the property to be annexed is within the SECWCD. If the property is not within the SECWCD, then consent from the Bureau is required for the Property to be included into the SECWCD (see item 1 under "Project Specific Informational Items" above). The Bureau may require the Owner to provide the following confirmations for the subject annexation project:
			ollEndangered Species Act - a letter or email from the Fish and Wildlife Department stating there are no Endangered Species within the Annexation Boundary.
			ollClean Water Act - a letter or email from the United States Army Corp of Engineers stating that there are no wetlands within the Annexation Boundary.
			oDNational Historic Preservation Act - a report that addresses the existence of any Native American Indian relics or buildings of historic significance (the report is to be completed by an Archaeologist that is approved Bureau of Reclamation). Once the Archaeologist is chosen, he/she must contact the Bureau for final instructions.
			Southeastern Colorado Water Conservancy District contact information: Attn: Margie Medina 31717 United Avenue Pueblo, CO 81001 (719) 766-4256 Margie@SECWCD.com (719) 948-2400
30	1	Mike Gackle : Col Springs Utilities	ORDINANCE NO. 23 - 02 AN ORDINANCE CREATING SECTION 305 (SERVICE; EXTENSION LIMITATION) OF PART 3 (WATER SERVICE) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE EXTENSION OF WATER SERVICE WHEREAS, persistent drought in the western United States and Colorado River Basin have placed a risk of future constraints on the City's water supply; and

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			 WHEREAS, the City Council recognizes that enclaves and irregularly shaped boundaries create an inefficient delivery of municipal services which should be avoided; and WHEREAS, the City Council has legislative discretion over water services within and outside of the City, as set forth in City Charter section 6-70 (Utility Rates) and Part 2 (Annexations) of Article 6 (Planning Commission and Annexations) of Chapter 7 (Planning). Development, and Building); and WHEREAS, the City Council adopts this ordinance to reasonably limit the extension of water services. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS: Section 105 (Service; Extension Limitation) of Part 3 (Water Service) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows: 12.4.305: SERVICE: EXTENSION LIMITATION: A. Due to increasing demands on the City's water service obligations, extending water service into any area not within either the existing City limits or the water service boundary as of the effective date of this section is subject to the recommendation of approval by the Utilities Board and approval by City Council. B. City Council approvala by City Council and the projected demand for water services within the proposed extension(s) of serv

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			 of Colorado Springs, Colorado Springs Utilities, El Paso County, and regional water providers to evaluate water demand and recommend water policy in the Pikes Peak area. Section 3.DThis ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter. Section 4.DCouncil deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk. Introduced, read, passed on first reading and ordered published this 10th day of January 2023. Finally passed: February 14, 2023 Tom Strand Council President ATTEST: Sarah B. Johnson HEREBY CERTIFY that the foregoing ordinance entitled "AN ORDINANCE CREATING SECTION 305 (SERVICE: EXTENSION LIMITATION) OF PART 3 (WATER SERVICE) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE THE CITY OF COLORADO SPRINGS 2001. AS AMENDED. PERTAINING TO THE EXTENSION OF WATER SERVICE" was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 10, 2023; that said ordinance was finally passed at a regular meeting of the City, held on the 14th day of February 2023, and that the same was published by title and in summary, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 14th day of February 13, 2023 2nd Publication Date: February 17, 2023 City Clerk Effective Date: February 22, 2023
-	1	Cory Sharp : Planning	
-	1	Cory Sharp : Planning	
3	1	Cory Sharp : Planning	Please complete the City File No. ANEX-23-0009
4	1	Cory Sharp : Planning	Please update the Recorder's name Steve Schleiker, Recorder
5	1	Cory Sharp : Planning	Please update the name Karman Line Addition No. 1
6	1	Cory Sharp : Planning	Please update the name accordingly
8	1	Cory Sharp : Planning	Please update the reception no. for Bradley Road 222103960
9	1	Cory Sharp : Planning	Please remove the El Paso County signature and notary
10	1	Cory Sharp : Planning	Please update the ownership: Owner: The aforementioned, City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation, has executed this instrument this day of, 20 A.D. John W. Suthers,

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			Mayor Attest: City Clerk State of Colorado) Ss County of El Paso) The foregoing instrument was acknowledged before me this day of, 20 A.D. by John W. Suthers, Mayor of the City of Colorado Springs, Colorado, a home rule city and Colorado Municipal Corporation. Witness my hand and seal My commission expires:
			Notary Public
11	1	Cory Sharp : Planning	Please update the name Karman Line Addition No. 1
12	1	Cory Sharp : Planning	Please note that the Mayor's name will need to be updated once known
13	1	Cory Sharp : Planning	Please remove El Paso County
14	1	Cory Sharp : Planning	Please update the reception no. for Bradley Road 222103960
20	1	Dan Sexton : Planning	Comments from CGS and El Paso County Planning/Engineering have been uploaded to the record under separate cover. Please address their comments on the applicable documents prior to resubmitting.
21	1	Dan Sexton : Planning	Please revise the recordation information for this adjacent parcel. The reception number is: 222051558.
22	1	Dan Sexton : Planning	Please update the recordation information for this adjacent parcel. The El Paso County Assessor's website documents a number of reception numbers for the parcel.
23	1	Dan Sexton : Planning	Please add "*Unplatted*" labeling for all adjacent parcels that are not platted.
24	1	Dan Sexton : Planning	Please add "*Unplatted*" labeling for all adjacent parcels that are not platted.
25	1	Dan Sexton : Planning	The Owner is responsible for providing staff with a copy of the Letter of Inclusion from the Southeastern Water Conservatory District once received. This letter will need to be submitted to staff prior to scheduling for City Council hearing on this annexation.
26	1	Dan Sexton : Planning	The first draft Annexation Agreement will be supplied by staff to the owner after the 2nd review of the Land Use applications. This will establish further details for contributions beyond those identified in this letter.
27	1	Dan Sexton : Planning	Please provide a separate drawing for this annexation so compliance with the City's Water Ordinance can be confirmed.
28	1	Dan Sexton : Planning	The land associated with this annexation request appears to be part of the Rolling Hills Ranch Metro District. Prior to public hearing scheduling, the documentation must be provided to show that the roadway is not part of the district or has been deannexed.

	TO TI
E IT KNOWN BY THESE PRESENTS: e City of Colorado Springs, Colorado, a home rule city and Colorado Municipal (unty, being the petitioner of the following described tract of land to wit: portion of the Northeast 1/4 of Section 11, Township 15 South, Range 65 Wes	
Scribed as follows: MMENCING at the North 1/4 Corner of said Section; thence along the North-Sc arings is the North-South Centerline of the North 1/2 of Section 11, Township ing monumented at the North 1/4 Corner of said Section by a 3-1/4" aluminum ade and at the Center 1/4 Corner of said Section by a 3-1/4" aluminum cap, d measured to bear S00*10'13"E, a distance of 2642.17 feet), a distance of 15 rcel No. 2 as described in the County Resolution recorded on August 31, 1998 the El Paso County, Clerk and Recorder, Colorado, also being the POINT OF BE stance of 493.58 feet; thence S65*02'36"W, a distance of id Center line; thence along said Center line, N00*10'13"W, a distance of 216.10 Intaining 53,317 Sq. Ft. or 1.224 acres, more or less.	buth Center line of said Section, S00°10'13"E (Basis of 15 South, Range 65 West of the Sixth Principal Meridian, m cap, properly marked, stamped PLS 23044, flush with properly marked, stamped PLS 23044, flush with grade 392.61 feet, to the northwest corner of Right-of-Way as Reception Number 098124132 in the Official Records EGINNING; thence leaving said Center line, N88°27'54"E, a southeast corner of said parcel, also being a point on 0, to the POINT OF BEGINNING. REVISED the reception no. for Bradley
N WITNESS WHEREOF:	
ohn W. Suthers, ayor	
NOTARIAL: STATE OF COLORADO SS COUNTY OF EL PASO	Please update the ownership: Owner: The aforementioned, City of Colorado Springs, Colorado Municipal Corporation, has executed this instrument this
The above and aforementioned was acknowledged before me this day of 2023, by of The City of Municipal Corporation.	ofJonn W. Suthers, Mayor of Colorado Springs, Colorado, a home rule city and Colorado Attest:
Address My Commission expires	City Clerk State of Colorado))ss County of El Paso)
	The foregoing instrument was acknowledged before me by John W. Suthers, Mayor of the City of Colorado Sprir and Colorado Municipal Corporation.
N WITNESS WHEREOF:	Witness my hand and seal
he aforementioned, El Paso County, Colorado, an organized County, has execute , 2023 A.D., by, as, as olorado, an organized County.	
	Re-cl
NOTARIAL:	does
STATE OF COLORADO SS COUNTY OF EL PASO The above and aforementioned was acknowledged before me this day 2023, by , as: of El Paso Witness my hand and seal Address	of , County, Colorado, an organized County.

