


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
 Chair**

FROM: Ryan Howser, Planner I
Elizabeth Nijkamp, PE Engineering Manager
Craig Dossey, Executive Director

RE: Project File #: ANX-19-003
Project Name: Banning Lewis Ranch North
Parcel Nos.: 53000-00-241, 53000-00-304, 53000-00-484, 53000-00-605, 53000-00-606, and 53111-00-001

OWNER:	REPRESENTATIVE:
BLH No. 1, 2, and 3, LLC 111 S Tejon Street, Suite 222 Colorado Springs, CO, 80903	City of Colorado Springs 30 S Nevada, Suite 105 Colorado Springs, CO 80901

Commissioner District: 2

Planning Commission Hearing Date:	N/A
Board of County Commissioners Hearing Date	1/12/2021

EXECUTIVE SUMMARY

A request by the City of Colorado Springs for acceptance of an Annexation Impact Report for Banning Lewis Ranch North. The six (6) parcels and the associated right-of-way for Woodmen Road, Woodmen Frontage Road, and Golden Sage Road proposed for annexation total approximately 887.08 acres. The parcels are currently zoned RR-5 (Residential Rural), PUD (Planned Unit Development) and A-5 (Agricultural) and are subject to the CAD-O (Commercial Airport Overlay) District and are either vacant or are being used for agricultural and residential purposes. The parcels are located on the north and south sides of Woodmen Road, approximately one and one-half (1½) miles



west of the Woodmen Road and Highway 24 intersection and are within Sections 2, 3, 10, and 11, Township 13 South, Range 65 West of the 6th P.M. The annexation includes an initial zoning of the property as PUD (Planned Unit Development; Residential, Commercial, Educational Institution, Open Space, and Parks as defined with the Banning Lewis Ranch North Master Plan; with Airport Overlay). The application included an annexation impact report, which addressed all the statutory requirements. All utility and emergency services will be provided by the City of Colorado Springs upon completion of the annexation.

The City of Colorado Springs and El Paso County are coordinating how best to transfer the existing easements currently granted to El Paso County as well as the administration, maintenance and operation of the infrastructure including but not limited to roadway, intersections, frontage roads, multi-modal pedestrian and bike facilities and trails, stormwater and water quality infrastructure, and traffic signals. The traffic signals are located at the intersections of Woodmen Road and Golden Sage Road as well as at Woodmen Road and Mohawk Road.

As an update, the City has provided a list of notes to be placed upon the Annexation Master Plan which will state:

1. Upon annexation the City will take action to take ownership of all easements for public infrastructure that either includes the physical road and/or public infrastructure appurtenant to Woodmen Road and are necessary for the City to appropriately maintain Woodmen Road/Woodmen Frontage Road. The City shall prepare appropriate deeds necessary to convey easements currently owned by El Paso County to the City of Colorado Springs
2. Upon annexation the City will take action to convey ownership/maintenance and transfer of electric service of the Woodmen traffic signals at Mohawk and Golden Sage.
3. As development plans are submitted for City review the City may require traffic impact studies, per City Code Section 7.3.606 and the Traffic Criteria Manual or as amended, to assess impacts and to determine needed improvements to mitigate potential traffic impacts.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by the City of Colorado Springs for acceptance of an Annexation Impact Report for an area totaling approximately 887.08 acres including a portion of the Woodmen Road, Woodmen Frontage Road, and Golden Sage rights-of-way.

Waiver(s): No waivers are associated with this request

Authorization to Sign: N/A

B. PLANNING COMMISSION SUMMARY

Planning Commission review and recommendation is not required for an annexation impact report under the El Paso County Land Development Code (2019).

C. APPROVAL CRITERIA

Pursuant to state statute, the County does not approve or deny an annexation impact report. The annexation impact report provided by the City of Colorado Springs puts the County on notice and describes potential impacts in very general terms. This request complies with Chapter 10 Annexation and Disconnection of the Land Development Code (LDC) and with state statute. The LDC standards for review are as follows:

10.1.7. Standards for Review of Annexation Impact Reports

The Board of County Commissioners shall evaluate the annexation impact report for the following:

- Has the municipality made adequate provisions for the requisite level of utility services to the area?
- Has the municipality made adequate provisions for the requisite level of police and fire protection?
- Will the proposed annexation encourage growth patterns which are inconsistent with the Master Plan either in terms of the type of land use or the timing of such growth?
- Will the proposed annexation create unreasonable roadway maintenance/drainage problems?
- Will the proposed annexation have unreasonable detrimental impacts upon land adjoining the area proposed to be annexed in terms of land use compatibility, timing of growth or other development related concerns?
- Will the annexation create County enclaves within the municipality which have little or no possibility of future annexation by the municipality?
- Will the annexation remove land from an existing special district to the extent that the provision of service by the special district to the balance of the special district is no longer financially feasible?

The Board of County Commissioners may choose to forward written comments to the annexing municipality, time permitting, or designate an authorized representative to present the Board's comments at the annexation hearing.

The project is scheduled for consideration by the Colorado Springs City Council on January 12, 2021.

D. LOCATION

North: RR-5 (Residential Rural)	Vacant/Residential
South: City of Colorado Springs	Vacant
East: RR-5 (Residential Rural)	Residential
PUD (Planned Unit Development)	Rolling Thunder Business Park
West: RR-5 (Residential Rural)	Residential

E. BACKGROUND

The six (6) parcels included in this annexation are currently either vacant or are being used for agricultural and residential purposes. The parcels are zoned RR-5 (Residential Rural), Falcon Highlands PUD (Planned Unit Development), and A-5 (Agricultural), and are subject to the CAD-O (Commercial Airport Overlay District). The proposed annexation includes an initial zoning of the property to be zoned PUD Concept Plan (Planned Unit Development; Residential, Commercial, Educational Institution, Open Space, and Parks as defined with the Banning Lewis Ranch North Master Plan; with Airport Overlay) by the City of Colorado Springs.

The proposed annexation also includes approximately two and one-half (2.5) miles of right-of-way for Woodmen Road, approximately two (2) miles of right-of-way for Woodmen Frontage Road, and approximately 580 linear feet of right-of-way Golden Sage Road south of Woodmen Road.

F. ANALYSIS

1. Land Development Code Analysis

The annexation impact report was sent to the El Paso County Attorney's Office on December 16, 2020. The annexation impact report included all of the statutory requirements, including but not limited to, the following:

- A map of the proposed area to be annexed;
- A draft agreement of the proposed annexation; and
- A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services.

2. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. Section 6.6 of the Policy Plan supports logical annexations. The subject parcels are located within an enclave of the City of Colorado Springs.

Annexing this property into the City of Colorado Springs would be a logical extension of the City's incorporated boundaries. Relevant policies are as follows:

Goal 6.6 Encourage cooperative intergovernmental land use planning and coordination among the County, its municipalities and other governmental entities.

Policy 6.6.1 Support the municipal annexation of enclaves and other developed urban density areas, unless these areas are currently being provided with both adequate and cost-effective facilities and services.

Policy 6.6.2 Encourage municipalities to undertake complete or at least phased annexations of enclaves and other largely surrounded areas in order to avoid the problems associated with piecemeal annexations. Alternately, the cost-effectiveness of annexing remaining enclaves should be considered within the context of the overall area.

Policy 6.6.3 Encourage municipalities to utilize annexation policies which have the effect of either avoiding or remedying the service and public safety problems associated with irregular city boundaries.

Policy 6.6.4 Encourage municipalities to use appropriate flexibility in applying development standards and allocating cost in conjunction with annexation of fully or partially developed areas.

Policy 6.6.5 Support the adoption of intergovernmental policies which address land use issues of mutual concern (including development timing, phasing, location and standards) in agreed-upon City/County Cooperative Planning Areas.

Policy 6.6.6 Consider the development of cooperative building, zoning and infrastructure standards in areas that interface with municipalities and military properties.

The area being annexed is immediately adjacent to the City of Colorado Springs. A significant amount of urban development within the City of Colorado Springs as well as Sterling Ranch located within unincorporated El Paso County has resulted in the loss of rural character for this portion of the County. Urban development must be served by central water and wastewater. Many of the nearby service providers (metropolitan districts) are at or nearing capacity and cannot provide service to

additional urban developments at this time. Annexation into the City of Colorado Springs is necessary prior to development of this portion of El Paso County.

Prior annexations of Woodmen Road have been piecemealed, resulting in challenges for maintenance regarding the portions maintained by the City of Colorado Springs and remaining portions maintained by El Paso County. The annexation of Woodmen Road would consolidate maintenance responsibilities to the City of Colorado Springs after transfer of the necessary easements and right-of-way for all infrastructure have been agreed upon by the City and County and recorded with the El Paso County Clerk and Recorder.

3. Small Area Plan Analysis

The parcels are located within both the Black Forest Preservation Plan (1987) and the Falcon/Peyton Master Plan (2008).

The parcels are located within Sub-Area 10: Southern Transitional Area of the Black Forest Preservation Plan (1987). Relevant policies are as follows:

Policy 1.2 – Allow nodes of high density residential, commercial and industrial development only in those areas specifically designated on the Concept Plan and described in the Land Use Scenario.

Policy 1.4 – Provide for a mix of compatible uses within designated urban density areas.

The proposed development includes a higher density mixed use land use pattern that requires centralized water and sanitation services. The annexation of these parcels into the City of Colorado Springs facilitates this type of development since Colorado Springs Utilities will be able to readily provide these services. Properties located in the Southern Transitional Area should coordinate development between El Paso County and the City of Colorado Springs to create an appropriate mix of urban density development near major transportation corridors such as Woodmen Road.

The parcels are also located within the Falcon/Peyton Master Plan (2008). Relevant policies are as follows:

Policy 3.1.5 – Promote the idea of mixed-use, historical town centers that attract and provide for residents.

Policy 3.4.1 – Encourage development in urban areas where adequate public facilities or services exist or can be provided in an efficient manner.

Annexing the parcels helps to create and promote a mixed use, town center type of development which should help provide public services in an efficient manner. Additionally, the future land use plan of the Falcon/Peyton Master Plan identifies these parcels as suitable for urban density development and recommends this area as a transitional area between higher density and lower density developments.

4. Other Master Plan Elements

The 2016 El Paso County Major Transportation Corridors Plan (MTCP) serves as a guiding document concerning long-range transportation planning and is the adopted masterplan element focusing on the multi-modal transportation system in unincorporated El Paso County. The Plan provides for the vision for future transportation, prioritized list of transportation improvements, a funding plan for ensuring adequate resources to build the future transportation system, a look at multimodal transportation needs, a long-term right-of-way preservation plan for each roadway corridor, policies and strategies to implement the plan, and a basis for the Road Impact Fee.

“The fundamental goal of the MTCP is to identify future transportation needs, opportunities, and the best use of limited resources for implementing this plan for the next 25 years. This MTCP is extremely important, as unincorporated El Paso County is largely made up of rural communities experiencing urbanization as part of the growing Colorado Springs metropolitan area. New urban growth places unforeseen demands on a rural transportation network and rural public finances.”

Relevant policies are as follows:

1. Plan, develop and maintain a safe and efficient transportation system to meet the present and future mobility needs of people, goods, materials:
 - c. Achieve compatibility between transportation facilities and adjacent land areas through comprehensive planning.
 - d. Coordinate and integrate the planning, design and development of transportation modes including highways, public transit, bikeways, pedestrian facilities, equestrian trails, railroads, airports, ride-sharing, car-pooling and telecommunications networks with PPACG, Central Front Range Transportation Planning Region (CFR), and the County’s municipalities and military installations.
 - e. Coordinate the County’s transportation system with the transportation systems of neighboring counties, municipalities and the state.
2. Promote land use planning which maximizes transportation efficiency:
 - e. Plan, build and manage the capacity of the roadway system to accommodate maximum expected land use densities.
 - f. Evaluate land use patterns, which place exceptionally large demands on the transportation systems and mitigate their impact.

- i. Require new development to improve nearby roadways to acceptable design standards to match the functional classification.
4. Implement the planned transportation system in a coordinated and cost-effective manner utilizing a fair, equitable and sufficient method of funding:
 - a. Base funding for transportation improvements and maintenance as much as possible on a user-pay system while recognizing the unique needs of the transit-dependent along with the indirect costs and benefits of transportation projects.
 - d. Encourage processes by which development can contribute a reasonable and fair share toward necessary off-site transportation improvements by continuing the Road Impact Fee Program.

The adopted EPC 2040 Plan currently identifies the need to expand Woodmen Road (currently an expressway classification) from four to six lanes within unincorporated El Paso County from the City limit east to future Banning Lewis Parkway. This assumption is largely based upon the planned 2040 network including a full four lane principal arterial connection of Briargate Parkway-Stapleton Drive connection from Black Forest Road to US24 as well Banning Lewis Ranch Parkway as a four-lane principal arterial from Woodmen Road to the Briargate Parkway-Stapleton Drive connection. In addition, the Banning Lewis Ranch was identified in the MTCP as an area of uncertainty and at the time of the preparation of the adopted MTCP, more specifically this area was not part of the Banning Lewis Ranch Annexation Plan and development was not expected to advance this swift or with an urban intensity. Without previously described area connections and/or improvements to Woodmen Road, it is likely that Woodmen Road will become congested earlier than expected (refer to MTCP Figure 4-7) and require significant improvements include the entire area from the existing City limits to US24 well in advance what was previously anticipated in the adopted MTCP. It is anticipated that this development will have impacts which would necessitate the need to participate in equitable improvements for Woodmen Road and the Woodmen Frontage Road in unincorporated El Paso County.

Please see the Drainage and Erosion Section below for information regarding conformance with the Sand Creek Drainage Basin Planning Study.

5. Special District Issues

The proposed annexation area is within the Woodmen Road Metropolitan District (WRMD). The WRMD pertains to the completed capacity improvements of Woodmen Road. The IGA referenced in the annexation agreement does not contemplate the likely need for future capacity improvements to Woodmen Road east of the annexed area. Please see the Transportation Section below for additional information on the anticipated need for capacity improvements.

G. PHYSICAL SITE CHARACTERISTICS

1. Floodplain

As indicated on FEMA Flood Insurance Rate Maps (FIRM) Panel numbers 08041CO535G, 08041CO533G, and 08041CO545G, effective date December 7, 2018, the property contains Zone A and X floodplain areas.

2. Drainage and Erosion

The annexation area is located within the Sand Creek Drainage Basin. The annexation agreement requires the property owner to comply with City drainage criteria, standards, policies and ordinances at the time of development, to include the Sand Creek Drainage Basin Planning Study as adopted by the City of Colorado Springs. The City will take ownership and maintenance of all existing drainage infrastructure and water quality features within the area being annexed. Those features include, but are not limited to, an existing water quality feature located in the median of Woodmen Road. There are existing drainage and maintenance easements granted to El Paso County in place for the drainage facilities that are outside of the right-of-way. The City and El Paso County are coordinating how best to transfer the existing easements.

3. Transportation

The annexation area includes a portion of East Woodmen Road, a portion of Woodmen Frontage Road, a portion of Golden Sage Road, as well as two parcels to the south and four parcels to the north of Woodmen Road. Access to the parcels is anticipated from Woodmen Road via the proposed Banning Lewis Ranch Parkway that is anticipated to extend north to south for the length of the proposed annexation area; as well as Golden Sage Road. Approximately 2.38 miles of Woodmen Road, approximately two (2) miles of Woodmen Frontage Road, and approximately 570 linear feet of Golden Sage Road (south of Woodmen Road only) rights-of-way are included in this proposed annexation. The proposed section of East Woodmen Road to be annexed is an extension of the portion that is currently owned and maintained by the City of Colorado Springs. Golden Sage Road, south of Woodmen Road, is proposed to be annexed in its entirety. Woodmen Frontage Road is anticipated to be annexed from Mustang Road, east to approximately 960 feet west of the intersection with Golden Sage Road; where it then enters property (by easement) owned by United States of America then reverts to El Paso County right-of-way.

The City of Colorado Springs and El Paso County are coordinating how best to transfer the existing right-of-way and easements currently granted to El Paso County as well as the administration, maintenance and operation of the infrastructure including but not limited to roadway, intersections, frontage roads, multi-modal

pedestrian and bike facilities and trails, stormwater and water quality infrastructure, and traffic signals. The traffic signals are located at the intersections of Woodmen Road and Golden Sage Road as well as at Woodmen Road and Mohawk Road.

The County previously commented that the Traffic Impact Study is low in the estimate of the traffic going east towards Falcon; and the development should be responsible for a financial contribution toward future improvements (including but not limited to) for Woodmen Road, Rolling Thunder Way, and Woodmen Frontage Road east of the site. The County recommended that the contribution should be determined by collaboration with the City and County and should be included in the annexation agreement; or as an alternative, the County and City could enter into an IGA for future conveyance of Woodmen Road from this development east to US24. In addition to being addressed in the annexation agreement, the County recommends that the resolution to this issue be memorialized in an IGA between the City and the County.

H. SERVICES

1. Water

Water service will be provided by Colorado Springs Utilities.

2. Sanitation

Sanitation service will be provided by Colorado Springs Utilities.

3. Emergency Services

Emergency services will be provided by the City of Colorado Springs.

4. Utilities

Natural gas and electric service will be provided by Colorado Springs Utilities.

I. ATTACHMENTS

Vicinity Map

Annexation Impact Report

Draft Annexation Agreement