



Meeting Date: November 21, 2023

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
Sandy Vossler, Senior Planner, Development Services Department

Title: **Ordinance 2023 – 035: Ordinance Annexing to the Town of Castle Rock, Colorado, 5.31 Acres of Land Located in the North Half of Section 25, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, Pursuant to an Annexation Petition Submitted by the Town of Castle Rock, Colorado (Crowfoot Valley Road Annexation) Located within the Crowfoot Valley Road right-of-way between Tower Road and Macanta Boulevard (Second Reading)**

Executive Summary

The Ordinance was approved on first reading on November 7, 2023 by a vote of 7 to 0, with no changes or conditions.

Town Council is being asked to consider an Annexation Ordinance for parcels of land within the Crowfoot Valley Road right-of-way (ROW) (Attachment B). The Town of Castle Rock (Town), as property owner and applicant, has submitted an application proposing to annex and zone four Town-owned parcels totaling 5.31 acres, known as the Crowfoot Valley Road Annexation. The property is located adjacent to the Sapphire Point Planned Development (PD) and Town Fire Station No. 155 to the north, and the Macanta neighborhood to the south that is being developed in Douglas County (Figure 1 and Attachment A).

This proposed annexation and zoning is part of a larger initiative to bring Town-owned properties into the municipal boundaries. If annexed, the property will be straight-zoned as Public Land – 1 (PL-1), and the property will continue to be used as right-of-way for Crowfoot Valley Road. PL-1 is a public use district with permitted uses and development standards established in the Town's Municipal Code, Section 17.30.020 (Attachment C).

The Planning Commission considered the proposed Crowfoot Valley Road Annexation at a public hearing held on Thursday, October 26th. No members of the public addressed the Commission. The Planning Commission voted 6-0 to recommend to Town Council approval of the Crowfoot Valley Road Annexation, as proposed.

Background

There are numerous Town-owned parcels that are currently outside of the Town boundaries. The majority of these parcels are small; less than one acre in size. The Town is in the process of annexing the qualified parcels. Gateway Mesa Open Space was the first such Town-owned property to be annexed and zoned under this initiative. Gateway Mesa Open Space consists of approximately 199-acres, was annexed in 2020, and was zoned Public Land – 2 (PL-2).



Figure 1: Vicinity Map

The purpose of annexing Town-owned property is to allow for consistent application of the Town's zoning regulations and other Municipal Code provisions, as well as law enforcement and code compliance. Annexation also avoids emergency service conflicts and jurisdictional redundancy. Future annexation proposals will include parcels located near the intersection Fifth Street and Founders Parkway, along Ridge Road, along the East Frontage Road, and within the Crystal Valley interchange area of construction.

Discussion

The Property

The four parcels proposed for annexation are currently under the jurisdiction of Douglas County. The property is located east of the intersection of Crowfoot Valley Road and Tower Road and west of the intersection of Crowfoot Valley Road and Macanta Boulevard. The 5.31-acre property is located within the Crowfoot Valley Road right-of-way (ROW) and will remain ROW, if annexed. This proposed annexation is part of a larger effort to incorporate eligible Town-owned property into the Town boundaries. If the property is annexed, it will be zoned as Public Land – 1 (PL-1), as established in the Municipal Code. Permitted uses include public improvements and public right-of-way and municipal facilities (Attachment C).

Use and Surrounding Zoning

The subject parcels are being used as right-of-way for Crowfoot Valley Road. A west-bound, right turn, deceleration lane from Crowfoot Valley Road to Sapphire Point Boulevard is existing on the property, as is a west-bound acceleration lane from Sapphire Point Boulevard on to Crowfoot Valley Road. The Town's responsibility for maintenance of the parcels will not change with annexation.

Zoning on the parcels is varied. All four parcels are zoned under the Douglas County zoning regulations. The northern two parcels are zoned Agricultural One (A1) and the southern two parcels are zoned as Planned Development (PD).

Annexation and Zoning Proposal

The Crowfoot Valley Road Annexation contains four parcels of land that are owned by the Town, but that lie outside of the Town boundaries. The parcels are identified as B, C, D, and E on the Annexation Map and combined total 5.31 acres. Per the State Statutes, properties proposed for annexation must be contiguous with the municipal boundary for at least 1/6th of the property's perimeter. The Crowfoot Valley Road Annexation exceeds the minimum 1/6th requirement. The property's total perimeter is 4,250.67 feet and it is contiguous with the Town boundary for 1,923.92 feet, or 45.26% of its perimeter.

As previously stated, the parcels are within the Crowfoot Valley Road right-of-way. Two of the parcels are zoned Agricultural 1 and two are zoned Planned Development. The zoning proposed with the annexation is Public Land – 1, a straight zoned district that allows public right-of-way as a use by right.

Annexation Analysis

Annexation is a three-step process. In the first two steps, Substantial Compliance and Eligibility, Town Council determines whether an annexation request meets the statutory requirements for annexation, as established in the Colorado Revised Statutes, specifically the Municipal Annexation Act of 1965 (Act). In the third step, Planning Commission holds a public hearing to consider the proposed annexation and zoning, and makes a recommendation to Town Council. In a public hearing before Town Council, the Council determines whether an annexation request complies with the Town's guiding documents and the Municipal Code, and if the property should be annexed into the Town.

Staff has completed an analysis of the proposed annexation and proposed PL-1 zoning. The remainder of this report focuses on how the annexation and zoning proposal complies with the State of Colorado statutory requirements, the goals and principles of the Town's 2023 Vision and Comprehensive Master Plan, and the criterion in the Town's Municipal Code.

Colorado Revised Statutes – Municipal Annexation Act of 1965 (Act)

The Town has complied with the process prescribed by the Municipal Annexation Act of 1965 (the Act). In a public hearing held on September 5, 2023, Town Council found the Crowfoot

Valley Road Annexation Petition to be in substantial compliance with the prescribed form and content required by the Act, and set the date of the Eligibility Hearing for October 17, 2023.

After proper public noticing, Town Council held the Eligibility Hearing as scheduled, reviewed the statutory statements (referred to as “allegations” in the statute) in the annexation petition and found that the allegations are accurate, supportable and that the property is eligible for annexation under the Act.

The third phase of the process is the Annexation Hearing, the purpose of which is to determine whether the property should be annexed to the Town. Section 20.02.040 of the Municipal Code states that Town Council shall consider the policies, guidelines and criteria in the Town [Comprehensive] Master Plan, as amended, along with any other relevant information in determining whether it is in the best interests of the Town to grant or deny the petition for annexation. The following section identifies the applicable principles of the Comprehensive Master Plan and summarizes how the proposed Crowfoot Valley Road Annexation achieves those principles.

2030 Vision and Comprehensive Master Plan

The principles set forth in the Town’s Comprehensive Master Plan are based on four cornerstones identified through a Town-wide visioning effort as the characteristics most important to the community. The following is an analysis of the specific annexation principles found in the Responsible Growth section of the Comprehensive Master Plan.

- *RG-2.1a: Is a logical extension or infill of the Town boundaries*

The proposed annexation complies with this principle.

- *RG-2.1b: Has demonstrated a significant benefit to the Town.*

As previously discussed, annexing these right-of-way parcels and zoning them within the Town will provide for consistent zoning standards, allow for enforcement of Town Code, eliminate conflicts between Town and County law enforcement and emergency services, and will reduce jurisdictional redundancy.

- *2.1c: Will be provided with adequate urban services.*

Provision of urban services in terms of transportation and public safety will be clarified with this annexation.

- *2.1d: Is fiscally responsible.*

The Town is currently responsible for maintenance of this portion of Crowfoot Valley Road. Annexation will not create additional financial obligations for the Town.

- *2.1e: Conveys to the Town all water right appurtenant to the ground at the time of annexation.*

The Town already owns the property and water rights not severed from the property.

- *2.1f: Secures renewable water to 100 percent of the expected development on the annexed area.*

This principle is not applicable, as no development requiring water resources exists on the property and none is proposed with the annexation and zoning.

Public Notification and Outreach

Public Hearing Notice

The notice of public hearing for the proposed Crowfoot Valley Road annexation and zoning was published in the Douglas County News Press on October 5, 2023, in compliance with the Colorado Revised Statutes. In addition, public hearing notice signs were posted on the property on October 10, 2023 and monitored throughout the public noticing period. A written notice of the public hearing was sent to property owners and Homeowner Associations (HOA) within 500 feet of the property, at least 15 days prior to the date of the Town Council public hearing. Town staff published notice of the Town Council public hearing on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

Neighborhood Meetings

The Town held two neighborhood meetings and the third neighborhood meeting was waived by the Town Manager. The neighborhood meetings were held in a hybrid format. The first neighborhood meeting was held on December 15, 2022. No members of the public attended the meeting. The second neighborhood meeting was held on July 10, 2023. No members of the public attended in-person. One person attended the meeting via WebEx. The resident had a question about the timing for the roundabout planned at Crowfoot Valley Road and Sapphire Point Boulevard intersection. He also indicated his understanding of the reason for the annexation proposal and appreciated the Town's efforts to incorporate Town-owned property.

External Referrals

External referrals were sent to local service providers and Douglas County agencies, as well as the Colorado Department of Transportation (CDOT). Of the responding agencies, no substantive comments were received from CDOT, Cherry Creek Basin Authority, or Douglas County GIS.

Douglas County Engineering recommended that the annexation include the 20-foot wide strip of land currently owned by Douglas County adjacent to the Macanta development. The Town has requested and received conveyance of the subject Douglas County owned strip of land. This parcel is included within the Crowfoot Valley Road annexation and is identified as parcel E on the Annexation Map.

Public Service Company of Colorado (PSCC) indicated they have no objection to the proposed annexation and zoning, contingent upon PSCC's ability to maintain all existing rights and to expand in the future.

There are no unresolved external referral comments.

Budget Impact

Annexation of the property will not add new budget impacts since the Town already owns and maintains this portion of Crowfoot Valley Road.

Findings

All staff review comments and external referral comments have been addressed. The Planning Commission found that the proposed annexation of Crowfoot Valley Road Town-owned parcels

- Complies with the requirements of the Colorado Revised Statutes, Municipal Annexation Act of 1965, and
- Advances the principles of the Town Vision and the Comprehensive Master Plan for Responsible Growth and Annexation.

Recommendation

The Planning Commission voted 6-0 to recommend to Town Council approval of the Crowfoot Valley Road Annexation, as proposed.

Proposed Motion

Town Council will consider the proposal in two separate Ordinances; one for annexation and one for zoning. If the annexation is not approved, no action is necessary on the zoning. The proposed motions on annexation are as follows:

Annexation Ordinance

Option 1: Approval

“I move to approve the Annexation Ordinance, as introduced by title.”

Option 2: Approval with Conditions

“I move to approve the Annexation Ordinance, with the following conditions:” [list conditions]

Option 3: Continue item to next hearing (need more information to make decision)

“I move to continue this Annexation item to the Town Council meeting on [date], at [time].”

Attachments

Attachment A: Vicinity Map

Attachment B: Annexation Ordinance

Exhibit A: Annexation Map

Exhibit B: Legal Description

Attachment C: Municipal Code Section 17.30.20: Public Land – 1

Attachment D: Annexation Petition