

AGENDA MEMORANDUM

To: Mayor and Members of Town Council

From: Tara Vargish P.E., Director, Development Services Department

Title: **Ordinance No. 2025-031: Ordinance Approving the Initial Zoning for 0.21 Acres of Land Owned by the Town and Located in the Northeast Quarter of Section 22, Township 8 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado [East Plum Creek Trail Initial Zoning] [Second Reading]** [0.21 acres, located north of Crystal Valley Parkway, east of I-25 between the East Frontage Road and the Union Pacific Railroad Right-of-Way]

Executive Summary

The Ordinance was approved on first reading on August 19, 2025 with a vote of 7 to 0, with no changes.

The Town of Castle Rock (Town), property owner and applicant, has submitted an application proposing to annex and zone a 0.21-acre parcel, to be known as the East Plum Creek Trail Annexation (Attachments B through D). The East Plum Creek Trail traverses the property.

This Town-owned parcel is located north of Crystal Valley Parkway, east of the East Frontage Road and west of the Union Pacific Railroad (RR) Right-of-Way (ROW) (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 and under Town jurisdiction.



Figure 1: East Plum Creek Trail Vicinity Map

The parcel is currently zoned Agricultural One (A-1) in unincorporated Douglas County. The proposed Town zoning is Public Land-2 (PL-2), a straight zone district classification established in the Municipal Code, Section 17.30.030 and intended for municipally owned property and public uses (Attachment E). Permitted uses in the PL-2 zone district include open space and public trails. The Town does not intend to change the current use of the property as a public trail.

Per the Colorado Statutes and the Town's Municipal Code, annexations that do not include public ROW are required to be heard by Town Council only. Therefore, Planning Commission was asked to consider and provide a recommendation on the zoning proposal only. At a public hearing on July 24, 2025, Planning Commission voted 7 – 0 to recommend approval of the Public Land – 2 zoning to Town Council.

Background

Existing Conditions and Surrounding Uses

The 0.21-acre parcel is adjacent to County property zoned Agricultural One (A-1) to the west and Union Pacific Railroad (RR) ROW to the East. East of the RR ROW is the Plum Creek Amended PD and Plum Creek golf course. To the north is the Brookside Business Center Planned Development (PD), to the south is the Creekside PD. All three PDs are within the Town boundaries.

The East Plum Creek Trail is a Town-owned and maintained hard surface trail that extends from downtown Castle Rock south following East Plum Creek, west of the Union Pacific RR, crossing the subject property, to Crystal Valley Parkway.

Zoning Regulations

The parcel is currently zoned Agricultural - 1 in Douglas County. Uses allowed under the current zoning include agriculture, churches, open space and parks, private recreation facilities, schools, fire/sheriff station, event center, greenhouse, vet clinic and single family residential, etc.

Discussion

Annexation Request

There are several Town-owned parcels that are currently unincorporated, and the Town is in the process of annexing those eligible parcels. Annexation allows for the enforcement of Town zoning regulations and Municipal Code regulations, as well as law enforcement. Annexation also avoids service conflicts or redundancy as to what jurisdiction governs the property.

The proposed East Plum Creek Trail Annexation consists of one parcel that is approximately 0.21 acres. The property is located approximately one-third of a mile north of the Crystal Valley Parkway, between the East Frontage Road ROW and the Union



Figure 2: East Plum Creek Trail NearMap Aerial Image

Pacific Railroad ROW. The East Plum Creek Trail traverses the property (Figure 2). The Town acquired the property from a private property owner in 2017.

Zoning Request

The Town is proposing to zone the property as Public Land-2. PL-2 is a straight zone classification established in the Town of Castle Rock Municipal Code, Section 17.30.030. The PL-2 zoning allows open space and trail uses, as well as associated service facilities and parking. The Town intends to continue the current use of the property as a public trail corridor (Figure 2).

Notification and Outreach

Public Notice

Public hearing notice signs were posted on August 4, 2025. Written notice letters were sent to property owners and Homeowner Associations (HOA) within 500 feet of the property, at least 15 days prior to the public hearings.

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

A hybrid neighborhood meeting was held on June 10, 2025, and 8 members of the public attended (Attachment F). General questions were asked to clarify the location and ownership of the parcel to be annexed, whether the annexation was related to future East Frontage Road improvements, and uses associated with Public Land-2 zoning. No objections to the annexation or zoning were expressed. The second and third neighborhood meetings were waived by the Town Manager.

External Referrals

External referrals were sent to local service providers and Douglas County agencies. No objections were raised and there are no outstanding comments.

Annexation Analysis

This staff analysis takes into consideration the East Plum Creek Trail annexation map and petition which were processed and reviewed in accordance with the requirements of the Colorado Constitution, and Colorado Revised Statutes Title 31, Title 20 of the Town of Castle Rock Municipal Code and the 2030 Comprehensive Master Plan (Master Plan), Responsible Growth Principles for annexation.

Colorado Constitution and Colorado Revised Statutes Title 31

The proposed annexation meets the requirements of the Colorado Constitution and the Colorado Revised Statutes (C.R.S.), in that

- The parcel is more than 1/6th contiguous with the Town boundary,
- The Town is the sole petitioner and owns 100% of the property,
- A community of interest exists between the property and the Town, as the Town owns and maintains the Town trail that traverses the property,
- Annexation of the parcel will not result in the property being divided into separate parts,
- The parcel does not have an assessed value in excess of \$200,000 for an ad valorem tax purpose,
- No annexation proceedings have commenced for annexation of the property to another municipality,
- There are no streets or alleys within the parcel to be annexed,
- Annexation of the property does not result in the detachment of any area from the school district,
- Annexation of the property will not have the effect of, and will not result in, the denial of reasonable access to landowners, owners of easements or owners of a franchise, and

- The property is located within the Town's 3-mile boundary.

Lastly, Substantial Compliance and Eligibility public hearings, established in the C.R.S., are not required when a parcel is owned by the municipality and is not street ROW, as is the case with this East Plum Creek Trail parcel.

Town of Castle Rock Municipal Code, Title 20

Annexation is generally a 3-step process. Substantial Compliance and Eligibility public hearings, Steps 1 and 2, were not required for the annexation of this parcel. The third step in the process is the Annexation and Zoning public hearings. Section 20.02.040 of the Municipal Code sets forth the review and determination criteria for annexations. Town Council shall

- Consider the policies, guidelines and criteria in the Town's Comprehensive Master Plan, as amended, along with other relevant information in determining whether it is in the best interests of the Town to grant or deny the petition for annexation.

The principles and criteria for annexation outlined in the 2030 Comprehensive Master Plan are outlined and addressed in the section below.

- Consider whether the annexation is in compliance with the Intergovernmental Development Plan (IGA).

The Intergovernmental Development Plan between the Town of Castle Rock and Douglas County expired several years ago and has never been renewed, therefore the IGA is not applicable to this proposed annexation.

2030 Comprehensive Master Plan

RG 2.1 Castle Rock Annexation Areas: Annexation of areas with the potential to accommodate growth in a fiscally and environmentally sound manner. Annexation request must take into consideration the following items:

- A. Is a logical extension or infill of Town boundaries.

The proposed annexation is a logical extension of the Town boundaries. The parcel is owned by the Town with trail amenities that are owned and maintained by the Town and meets the adjacency requirements for annexation. It is located well within the Town's 3-mile boundary and is partially surrounded by the Town boundaries.

- B. Has demonstrated a significant benefit to the Town.

The parcel was acquired by the Town in 2017 and is an integral portion of the Town's East Plum Creek Trail network.

- C. Will be provided with adequate urban services.

The property is currently managed and maintained by the Town's Parks and Recreation Department, and Castle Rock Fire District provides fire and rescue services. Once annexed, the property will be under the jurisdiction of the Castle Rock Police Department, rather than the Douglas County Sheriff. Water, wastewater and storm sewer facilities are not necessary for the existing and proposed uses on the property.

D. Is fiscally responsible.

The Town currently owns and maintains the property. No new infrastructure improvements are planned with the proposed annexation and zoning.

E. Conveys to the Town all water rights appurtenant to the ground at the time of annexation.

Conveyance is not necessary, as the Town would already own groundwater rights conveyed at the time the property was acquired via Special Warranty Deed.

F. Secures renewable water to 100 percent of the expected development on the annexed area.

The property will be zoned as open space, and no development is planned on the site.

RG 2.2 Annexation of Infill Areas: Consider annexations and development of areas surrounded, or partially surrounded, by the Town boundary that can demonstrate a benefit to the Town, with the goal of encouraging development that creates a contiguous municipal boundary.

As detailed in the body of this report, this Town-owned parcel is partially surrounded by the Town boundaries and meets the adjacency requirements for annexation. The benefit to annexing this parcel is to bring it under Town jurisdiction for zoning, code enforcement, law enforcement and life/safety.

RG 2.3 Annexation for Non-Urban Purposes: Annexations may be pursued by the Town for purposes other than urban development, such as securing land use control over the open space areas. Annexations for open space shall include legal instruments prohibiting future urban development.

By annexing the property, the Town will bring the property fully under the jurisdiction of the Town's Municipal Code, law enforcement, code enforcement and life/safety response. The proposed Public Land-2 zoning designation, as well as the limited size of this parcel, will prevent urban level development of the site.

Zoning Analysis

The following analysis considers the proposed PL-2 zone district per the criteria found in Section 17.02.060 – Zoning Process. Straight zone district classifications shall be evaluated under the following criteria:

- Compatible with Land Use Intergovernmental Agreements

The Douglas County/Town of Castle Rock Land Use Intergovernmental Agreement is no longer in effect. There are no other land use intergovernmental agreements applicable to this property.

- Conformance with the Town's Guiding Documents and Criteria Manuals

The East Plum Creek Trail property is an integral piece of the Town's trail system. It is located within the Town's 3-mile boundary and the future Town boundary. Annexation of the parcel complies with the annexation criteria of the Town Vision and 2030 Comprehensive Master Plan.

- Compatible with Surrounding Uses

The proposed PL-2 zoning is consistent with the current A-1 zoning on the property, in that both allow open space and trails. The current use of the parcel as part of the East Plum Creek Trail will continue.

The passive use of the parcel as open space is compatible with the surrounding uses. The large lot residential property to the west is zoned A-1 in Douglas County. The parcel abuts Union Pacific RR ROW to the east, and the Plum Creek golf course, just beyond the RR. Town open space abuts the parcel to the north and south.

- Impacts on the Natural Environment

The hard surface trail through the parcel has already been installed. No further improvements to the site are proposed. The PL-2 zone district uses by right are limited to open space, trails, wildlife sanctuary, parking and associated service facilities. The small size of the parcel and its lack of connection to public ROW inherently excludes some of the PL-2 permitted uses.

- Available Services and Infrastructure

The trail portion contained within this parcel connects to the remainder of the East Plum Creek Trail to the north and south. No other Town services or infrastructure is necessary for the site to continue its current trail use.

- Economic Potential

The Town's open space, trail amenities and access to natural resources make Castle Rock a desirable place to live, work, shop and dine, all of which are economic drivers.

Budget Impact

The proposed annexation and zoning will not generate impact fees. As owner of the property the Town is already maintaining the site and the trail, so there is no additional budget impact.

Findings

Annexation

All staff review comments and external referral comments have been addressed. Town staff finds that the proposed annexation

- Meets the requirements for annexation prescribed in the Colorado Constitution and Title 31 of the Colorado Revised Statutes,
- Meets the requirements found in Title 20 of the Town of Castle Rock Municipal Code, and
- Meets the objectives and criteria for responsible growth and annexation established in the Town's 2030 Comprehensive Master Plan.

Zoning

Planning Commission found that the Public Land – 2 zoning of the East Plum Creek Trail parcel

- Meets the zoning procedures and approval criteria outlined in Section 17.02.060 of the Town of Castle Rock Municipal Code.

Recommendation

Town staff recommends approval of the proposed East Plum Creek Trail annexation, as outlined in this report.

Planning Commission voted 7-0 to recommend approval to Town Council of the proposed Public Land – 2 zoning for the East Plum Creek Trail parcel, as outlined in this report.

Proposed Motions

Option 1: Approval

"I move to approve the Zoning Ordinance, as introduced by title."

Option 2: Approval with Conditions

"I move to approve the Zoning 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 item to the Town Council meeting on [date] at [time]."

Attachment

- Attachment A: Vicinity Map
- Attachment B: Annexation Ordinance
- Attachment C: Annexation Petition
- Attachment D: Annexation Map
- Attachment E: Public Land – 2 Zone District
- Attachment F: Neighborhood Meeting #1 Summary