



Meeting Date: August 20, 2024

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
BrieAnna Simon, Senior Planner, Development Services

Title: **Resolution Finding that Certain Property, which is the Subject of a Petition for Annexation Submitted by Castle Rock Ventures, LLC, is Eligible for Annexation Under Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 31-12-105, C.R.S. (Terra Monte Annexation)**

Executive Summary

The purpose and intent of this staff report is to demonstrate to Town Council that the proposed 32.29-acre Terra Monte Annexation meets the State of Colorado requirements for annexation, and to recommend approval of a resolution making statutory findings that the property is eligible for annexation (**Attachment B Resolution**).

The Eligibility Hearing is procedural; this hearing only determines whether the proposed annexation meets State requirements and makes findings on whether or not an election is required. The Eligibility criteria are:

- The proposed annexation complies with Section 30, Article II of the Colorado Constitution, and as applicable §§31-12-104 and 105, C.R.S.,
- More than 50% of the landowners in the area to be annexed, owning more than 50% of the area to be annexed have petitioned for annexation,
- A community of interest exists between the area proposed to be annexed and the Town, the area to be annexed is urban or will be urbanized in the near future, and the area to be annexed is integrated with or is capable of being integrated with the Town,
- At least 1/6 of the perimeter of the property to be annexed is contiguous with the Town boundary,
- No additional terms and conditions are to be imposed, and
- No election is required because 100% of the private property owners signed the annexation petition.

Only after the request is found to be eligible can the Town hold a hearing to determine whether the property should be annexed. The legal description of the property in question is found within the resolution attached (**Attachment B Resolution**). Staff finds that the proposed annexation meets State of Colorado requirements and recommends approval.

Notification and Outreach Efforts

The Town has published notice of the Eligibility Hearing in the Douglas County News-Press for four consecutive weeks prior to the hearing date. The Town also provided notice to all tax entities within the proposed annexation, as well as to the Douglas County Commissioners and the Douglas County Attorney's Office.

History of Past Town Council, Boards & Commissions, or Other Discussions

On Tuesday July 2, 2024, Town Council found that the application was in substantial compliance with the State of Colorado requirements for annexation requests and scheduled the Eligibility Hearing for Tuesday August 20, 2024.

Discussion

The Property:

The Terra Monte Annexation property is located at the northwest corner of Plum Creek Parkway and Ridge Road (**Attachment A Vicinity Map**). The 32.29-acre property is zoned RR – Rural Residential in unincorporated Douglas County and is undeveloped.

Substantial Compliance and Eligibility:

The applicant's petition for annexation was filed with the Town Clerk on June 13, 2024. On Tuesday July 2, 2024, Town Council approved Resolution 2024-071 finding the annexation petition to be in substantial compliance with relevant State Statutes regarding annexation and setting the Eligibility Hearing for Tuesday August 20, 2024.

There are three steps required in the annexation process. The first two steps, Substantial Compliance and Eligibility, are procedural; the Town can only determine whether or not an annexation request meets State requirements, as set forth in the Colorado Revised Statutes (C.R.S.) regarding annexations. The third step is when the Town determines whether a request complies with the Town's Vision, Comprehensive Master Plan and Municipal Code through advertised public hearings at Planning Commission and Town Council. Those hearings will be scheduled for future meetings.

Analysis:

The Resolution presented does not commit the Town to annexing the property, but only declares that the land is eligible to be annexed. Town Council is required to set forth its

findings of fact, and its conclusion thereon, based on the requirements found in Section 31-12-110 C.R.S.:

1. Whether or not the requirements of the applicable parts of Sections 31-12-104 and 31-12-105 C.R.S. have been met;
2. Whether or not an election is required under Section 31-12-107(2) C.R.S.;
3. Whether or not additional terms and conditions are to be imposed.

Staff recommends that Town Council accept and make the findings that the following conditions are true:

1. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. exist or have been met in that:
 - a. Not less than one sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Castle Rock, Colorado (**Attachments A & B**).

This requirement is met in that 71 percent of the boundary of the proposed annexation is contiguous with the existing boundaries of the Town of Castle Rock.

- b. A community of interest exists between the area proposed to be annexed and the Town of Castle Rock, Colorado.

The Town of Castle Rock designates this area for future growth and annexation.

- c. The proposed area to be annexed is urban or will be urbanized in the near future, and the area to be annexed is integrated with, or is capable of being integrated with, the Town of Castle Rock, Colorado.

The Town of Castle Rock's Comprehensive Master Plan identifies this property for future residential and commercial development.

If the annexation is approved the owner proposes a Planned Development (PD) Plan that is consistent with the anticipated land uses identified in the Town's Comprehensive Master Plan.

- d. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the

landowner(s) thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way.

The petitioners own 100 percent of the privately held land proposed to be annexed. The petitioners did not provide any evidence that their land has been divided into separate tracts or parcels without their consent.

- e. In establishing the boundaries of the area to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate, or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more (together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed area and is included without the written consent of the land owners.

All private landowners have consented to the annexation.

- f. No annexation proceedings have been commenced for the annexation of part or all of the property to another municipality.

This is a true statement.

- g. The territory proposed to be annexed by the Town of Castle Rock has not been the subject of an election for annexation to the Town within the preceding twelve (12) months.

No annexation election has been held in the preceding twelve (12) months.

- h. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.

The territory proposed for annexation is currently in unincorporated Douglas County.

- i. The area proposed for annexation will not result in the detachment of area from any school district or the attachment of the same to another school district.

This is a true statement; the proposed annexation area will remain under the Douglas County School District.

- j. The area proposed for annexation will not have the effect of extending the municipal boundary of the Town of Castle Rock, Colorado more than three miles in any direction from any point of such municipal boundary within one year.

This annexation will not extend the boundary of the Town of Castle Rock more than three miles.

- k. In establishing the boundaries of the area for annexation, if a portion of a platted street or alley is to be annexed, the entire width of said street or alley has been included in the area to be annexed.

The annexation area does not include any partial streets or alleys.

2. No election is required.

The Town of Castle Rock did not receive a petition from qualified electors requesting an annexation election so no election is required.

3. Additional terms or conditions will not be imposed.

No additional terms or conditions will be unilaterally imposed on the area proposed for annexation.

Budget Impact

The finding of eligibility does not have any financial impact. Financial impacts will be addressed through the annexation hearing process, the third and final step in the annexation process.

Recommendation

Based on the findings above, the proposed annexation area is eligible per State Statute and staff recommends that Town Council approve the Resolution finding the property eligible for annexation.

Proposed Motion

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

Attachments

- Attachment A: Vicinity Map
- Attachment B: Resolution
- Attachment C: Annexation Plat/Map