



Meeting Date: Aug 15, 2023

## **AGENDA MEMORANDUM**

**To:** Honorable Mayor and Members of Town Council

**Through:** David L. Corliss, Town Manager

**From:** Tara Vargish, Director of Development Services

**Title:** Ordinance Amending Chapter 17.48.090 of the Castle Rock Municipal Code Regarding Skyline/Ridgeline Variance Approval

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### **Executive Summary**

At the July 18, 2023, Town Council meeting, Town Council heard a presentation on the history of the Skyline/Ridgeline Ordinance and more specifically the details concerning the variance approval authority established by the 1999 ordinance. Staff prepared a discussion memo and presented a summary concerning the methodology of the ordinance as well as the historic outcomes of the limited variance requests received by the Town since 1999. Staff has attached the previous memo for reference (**Attachment C**). Town Council voted 7-0 to direct staff to draft and bring back an ordinance formalizing the recommended changes to the Skyline/Ridgeline Ordinance presented in the discussion memo.

### **Discussion**

Chapter 17.48 of the Castle Rock Municipal Code regulates development proposals within the Town of Castle Rock with respect to protecting identified Skyline and Ridgeline areas. This ordinance was drafted to preserve unique landforms that were identified through an extensive effort of the View Shed Study Committee, Planning Commission and the Town Council throughout most of 1998. The originating ordinance was approved by Town Council on February 25, 1999, by a vote of 5-2. The map below (Fig 1), shows the Skyline/Ridgeline areas, with the Major Skyline in solid red, Moderate Skyline in yellow, and Minor Skyline in blue; and the Major Ridgeline in hatched red and the Minor Ridgeline in hatched green.

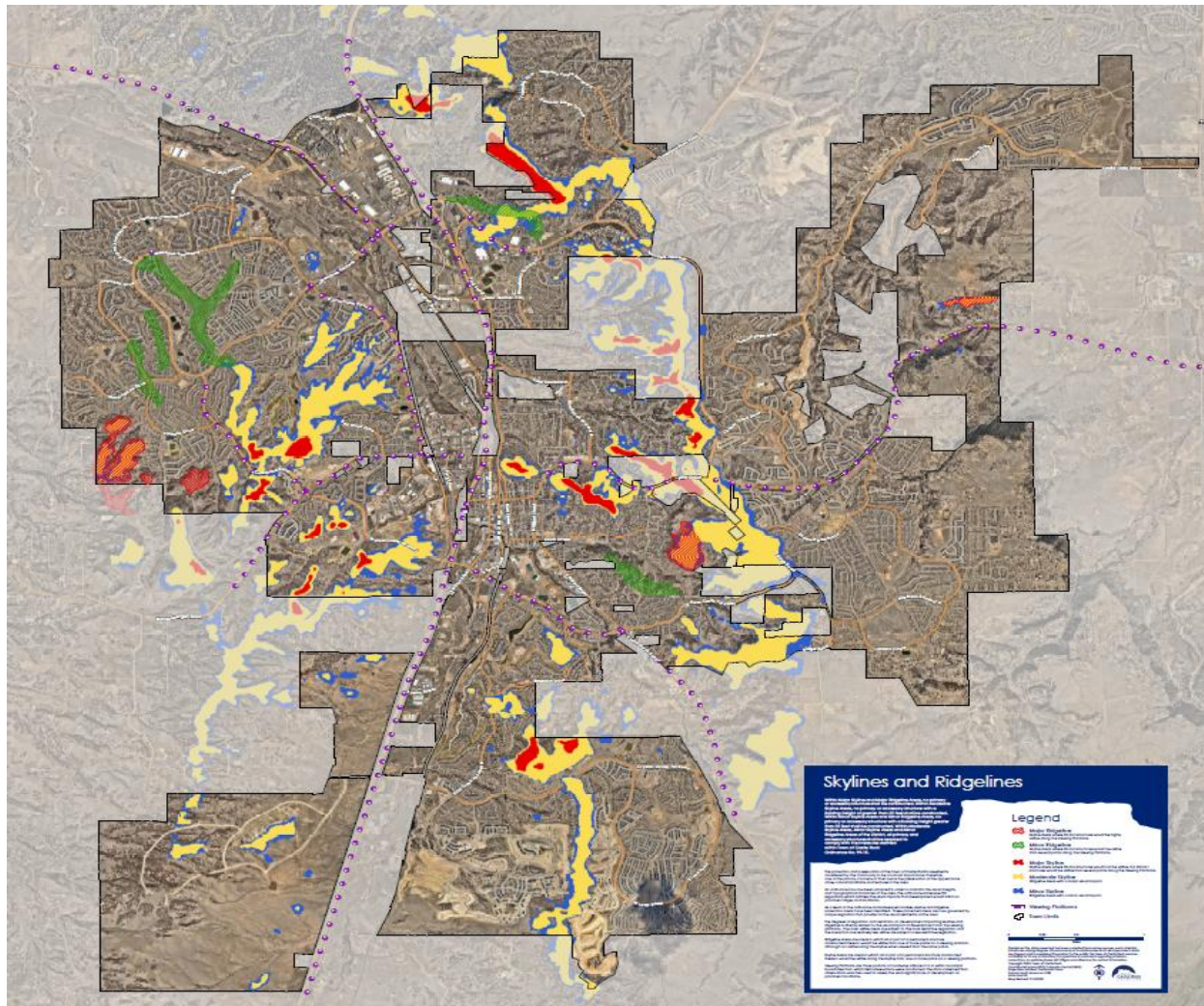


Figure 1: Skylines and Ridgelines Map

Town Council, after reviewing the initial discussion memo and information provided by Town staff with their presentation on July 18, 2023, directed Town staff to prepare an ordinance for adoption that would revise the variance procedure to make Town Council the deciding body for variance. Variances for single lots would go directly to Town Council. Variance requests for multiple lots would be part of a site development plan and go to Planning Commission for recommendation, and then on to Town Council with the site development plan for final decision. Town staff is proposing the following text in the ordinance change:

1. SINGLE LOT. ANY REQUEST FOR A VARIANCE FOR A SINGLE LOT SHALL BE REVIEWED IN A PUBLIC HEARING BEFORE THE TOWN COUNCIL. FOLLOWING SUCH HEARING, THE TOWN COUNCIL SHALL DETERMINE WHETHER TO GRANT OR DENY SUCH VARIANCE.
2. MULTIPLE LOTS. ANY REQUEST FOR A VARIANCE FOR MULTIPLE LOTS SHALL BE MADE IN CONJUNCTION WITH THE SUBMISSION FOR APPROVAL OF A SITE DEVELOPMENT PLAN FOR THE DEVELOPMENT

WITHIN WHICH SUCH LOTS ARE LOCATED. THE PLANNING COMMISSION SHALL CONDUCT A PUBLIC HEARING FOR THE PURPOSE OF PROVIDING A RECOMMENDATION TO THE TOWN COUNCIL ON THE VARIANCE REQUEST. THEREAFTER, THE TOWN COUNCIL SHALL CONDUCT A SEPARATE PUBLIC HEARING AND SHALL TAKE FINAL ACTION ON THE VARIANCE REQUEST.

3. PROCEDURE. THE PROCEDURE FOR SUCH PUBLIC HEARINGS AND ACTION BY THE PLANNING COMMISSION AND THE TOWN COUNCIL IS PRESCRIBED IN CHAPTER 17.04.

Previously, the Planning Commission was the sole decision authority for any and all skyline/ridgeline variance requests. The proposed ordinance modifies the approval authority for skyline/ridgeline variance requests to rest with Town Council. Planning Commission will provide a recommendation on any skyline/ridgeline variance request associated with an overall Site Development Plan request that requires Town Council approval.

#### **Proposed Motion**

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

#### **Alternate Motions**

*"I move to approve the Ordinance as introduced by title, with the following conditions: (list conditions)."*

*"I move to continue this item to the Town Council meeting on \_\_\_\_date to allow additional time to (list information needed)."*

#### **Attachments**

Attachment A: Title 17.48 Skyline/Ridgeline Ordinance

Attachment B: Methodology Report

Attachment C: July 18, 2023 Discussion Memo