



Meeting Date: April 5, 2016

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council
From: Teri Whitmore, Planning Manager, Development Services
Through: Bill Detweiler, Director, Development Services
Tara Vargish, Assistant Director, Development Services
Title: Resolution No. 2016-___: A Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation (*Canyons South Annexation*)

Executive Summary

The purpose and intent of this staff report is to demonstrate to Town Council that the proposed 1,564 acre Canyons South 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**).

The Eligibility Hearing is procedural; this hearing only determines whether a proposed annexation application 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 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 a 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 attached (**Attachment C**). Staff finds that the 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 the Douglas County Commissioners and the Douglas County Attorney's Office.

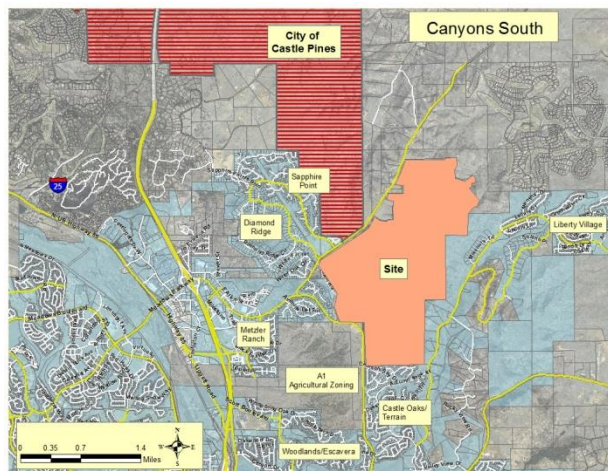
History of Past Town Council, Boards & Commissions, or Other Discussions

On February 16, 2016, 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 April 5, 2016.

Discussion

The Property

The proposed 1,564 acre annexation is located south of Crowfoot Valley Road, north and east of Founders Parkway, generally. Portions of the site are adjacent to a number of established Castle Rock neighborhoods, including: Timber Canyon, Diamond Ridge, Liberty Village, Sapphire Pointe, Terrain and others. The largest of the adjacent neighborhoods are noted on the Vicinity Map (**Attachment A**). The Canyons South annexation property is currently noted as an area of “growth and annexation” by Douglas County and the Town of Castle Rock Intergovernmental Agreement (IGA).



The Canyons South property is currently zoned by the Douglas County Commissioners for 968 residential units. The current IGA provides an ability to request annexation into the Town of Castle Rock at 968 units, with the Town having previously committed to water availability at that density. An amendment to the IGA is currently being processed to remove the cap on the units, making this area similar to the other Growth and Annexation Areas of the IGA.

Substantial Compliance and Eligibility

The applicant's petition for annexation was filed with the Town Clerk on January 28, 2016. On February 16, 2016, Town Council approved Resolution 2016-014 finding the

annexation petition to be in substantial compliance with relevant State Statutes regarding annexation and setting the Eligibility Hearing for April 5, 2016.

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 State Statutes regarding annexations. The third step is when the Town determines whether a request complies with the Town's Comprehensive Master Plan through advertised public hearings at Planning Commission and Town Council. Those hearings will be scheduled for future meetings.

Analysis

The Resolution presented does not obligate the Town to annexation, 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; and
- 3) Whether 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 Section 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 & D)**.

This requirement is met in that 48.65% 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 and Douglas County Land Use Intergovernmental Agreement (IGA) 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 Intergovernmental Agreement (IGA) between Douglas County and the Town of Castle Rock, Colorado designates the Canyons South area as Region D in the Growth and Annexation Area, capped at 968 units. There is an IGA Amendment in process that will remove the cap on the units. The IGA document outlines urban densities at 1 unit per 2.5 acres. The current entitlement for 968 units meet the standard for urban densities. If the annexation into the Town of Castle Rock is approved, the Canyons South development team is proposing an increase in density to 1,508 residential units.

- 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 property is owned by Canyons South LLC (72.4%) and the Crowfoot Valley Ranch Metropolitan District No. 1 (27.6%), to total 100% of the property ownership, with both landowners consenting to the annexation.

- e. 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, comprising 20 acres or more (together with buildings and improvements has a value for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the annexation) is included in the proposed annexation area and is included without the written consent of the landowners.

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 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 within 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.

Staff 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 Resolution No. 2016- _____.

Attachments

Attachment A: Vicinity Map
Attachment B: Resolution
Attachment C: Legal Description
Attachment D: Annexation Plat