

## **AGENDA MEMORANDUM**

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

**Through:** Tara Vargish, PE, Director, Development Services

**From:** Brad Boland, AICP Planner II, Development Services

**Title:** **Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation** (Memmen Parcel Annexation)

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### **Executive Summary**

Barbara J. Lincoln has submitted a Petition for Annexation for a parcel of land which is located west of Ridge Road, south of Fifth Street, and north of the Plum Creek Parkway. The property is surrounded by the Memmen Young Planned Development. On August 8, 2020, Town Council found the Petition to be in Substantial Compliance with the applicable requirements of the Colorado Municipal Annexation Act of 1965 and scheduled its Eligibility Hearing for October 6, 2020. The purpose of this hearing is for Town Council to review the statute allegation made in the Petition and make a determination as to whether or not the property is Eligible for Annexation consideration into the Town (**Attachment A**).



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 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.

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, Colorado Revised Statutes (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 attached (**Exhibit A of Attachment A**). Staff finds that the proposed annexation meets State of Colorado requirements and recommends approval of the Eligibility resolution.

### **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. As the property is less than 10 acres, an Annexation Impact Report per the requirements of § 31-12-108.5 C.R.S. is not required.

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

On August 18, 2020, Town Council found that the Petition was in Substantial Compliance with the State of Colorado requirements for annexation requests and scheduled its Eligibility Hearing for October 6, 2020.

### **Discussion**

#### **The Property**

The parcel, 5 acres in size, is located just west of Ridge Road, south of Fifth Street, and north of Plum Creek Parkway. The property is surrounded by the Memmen Young Planned Development.

Under the jurisdiction of Douglas County, the property is zoned Agricultural One (A1). The A1 zone district permits uses such as, but not limited to, agricultural uses, single-family homes and community uses. A single family home currently sits on the property.

### 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 § 31-12-104 and 31-12-105 C.R.S. have been met;
2. Whether or not an election is required under § 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 § 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 **(Attachment B)**.

*This requirement is met as the property is 100% surrounded by the Town.*

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

*The area proposed to be annexed is a logical infill site and consistent with the orderly development of the Town.*

- 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 residential use.*

- 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.

### **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 the Resolution as introduced by title.

### **Attachments**

Attachment A:	Petition
Exhibit A:	Legal Description
Attachment B:	Annexation Plat
Attachment C:	Resolution
Exhibit A:	Legal Description