

Zone Map Change Staff Report

Date: May 21, 2025

To: Douglas County Planning Commission

From: Trevor Bedford, AICP, Senior Planner \mathcal{B}

Curtis J. Weitkunat, AICP, Long Range Planning Manager $\mathcal{C} \mathcal{W}$

Steven E. Koster, AICP, Assistant Director of Planning Services

Subject: Happy Canyon Filing 4, Tracts F and G Zone Map Change

Project File: DR2024-005

Planning Commission Hearing:

Board of County Commissioners Hearing:

June 2, 2025 @ 6:00 p.m.

June 10, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of a zone map change to rezone Tracts F and G of Happy Canyon Filing 4 from the Estate Residential (ER) zone district to the Open Space Conservation (OS) zone district in accordance with the Douglas County Zoning Resolution (DCZR) Section 112 – Zone Map Changes, under the procedure for "Rezoning of land to Open Space Conservation District."

The request consists of two county-owned tracts totaling 12.1 acres. Tract F is approximately 2.7 and Tract G is approximately 9.4 acres. Both tracts are within Happy Canyon Filing 4 and are currently undeveloped.

II. APPLICATION INFORMATION

A. Owner

Douglas County Board of County Commissioners 100 Third Street Castle Rock CO 80104

B. Owner Representative

Douglas County Department of Community Development 100 Third Street Castle Rock CO 80104

C. Request

Approval of a zone map change for two tracts in Happy Canyon Filing 4.

D. Process

A zone map change application is processed pursuant to Section 112 of the DCZR.

Per Section 112.04 of the DCZR, "The Planning Commission shall evaluate the proposed amendment, staff report, referral agency comments, public testimony, and make a recommendation to the Board of County Commissioners to approve with modifications, table for further study, or deny the proposed map amendment."

E. Location

Both tracts are located within Happy Canyon Filing 4. Tract G is located south of Pawnee Trail, approximately 1350 feet west of its intersection with Mesa Drive. Tract F is located at the southeast corner of the intersection of Mesa Ridge Lane and Mesa Drive. The properties are surrounded by residential and agricultural properties. The attached vicinity map, zoning map, and aerial map highlight site location and existing conditions.

F. Project Description

This zone map change request is to rezone two tracts in the Happy Canyon Filing 4 subdivision from ER to OS to protect areas historically used as wildlife habitat and open space. Tract F is approximately 2.7 and Tract G is approximately 9.4 acres.

If the requested zone map change is approved, the tracts will remain in County ownership and maintenance. Maintenance is the responsibility of Douglas County Open Space and Natural Resources. These tracts are natural areas, which require minimal maintenance.

III. CONTEXT

A. Background

In 1963, four tracts (E, F, G, and J) were deeded to Douglas County as part of the Happy Canyon Filing 4 subdivision. At that time, the County required a public land dedication of at least six percent (6%) with every subdivision. The land could be put to a variety of public uses such as schools, parks, open space, and libraries. There was not a cash-in-lieu option available as there is in the current County regulations.

In 1996, the County conveyed Tract E to the owner of the adjacent Lot 6 in Happy Canyon Ranches, leaving three County-owned tracts (F, G, and J) in Filing 4.

The Happy Canyon Homeowner's Association (HCHOA) submitted a request for the Board to consider rezoning Tracts F, G, and J from ER to OS. The HCHOA noted in their request that Tracts F and G have importance as wildlife habitat, while Tract J serves as a community separator parcel between Happy Canyon and the Maher Ranch subdivision within the Town of Castle Rock.

The Board of County Commissioners directed staff at the May 6, 2025, work session to proceed with the rezoning for Tracts F and G to Open Space. The Board decided to have Tract J remain zoned Estate Residential.

B. Adjacent Land Uses and Zoning

The zone map change request is adjacent to agricultural and residential properties.

Zoning and Land Use Tract F

Direction	Zoning	Land Use
North	Agricultural One	Vacant Land
South	Estate Residential	Residential
East	Agricultural One	Agricultural
West	Estate Residential	Residential

Zoning and Land Use Tract G

Direction	Zoning	Land Use
North	Estate Residential	Residential
South	Estate Residential	Residential
East	Agricultural One	Residential and Vacant Land
West	Estate Residential	Ranching and Residential

IV. ZONE MAP CHANGE ELIGIBILITY

Section 112 of the DCZR allows for changes to the zoning map. The procedure is utilized for the following:

- Zoning of land disconnected from an incorporated area.
- Rezoning of land purchased with open space funds or dedicated to the County for open space.
- Correction of zoning map errors.
- Rezone of land to Open Space Conservation district.
- Rezoning of land, when requested by the landowner, to bring it into compliance with the Master Plan.

In this case, the rezoning was requested by Happy Canyon Homeowner's Association and initiated by the County to rezone to the Open Space Conservation District. The subject property is included within the High Plateau Subarea of the CMP. The CMP includes the following goals and policies that support the zone map change request.

- Goal 3-1: Project and conserve the natural and rural character of the nonurban area.
- Policy 3-1A.2: Preserve open space through the purchase of land or conservation easements, donations, acquisitions, partnerships, or other appropriate land conservation tools.
- Objective 3-1E: Preserve and provide for the stewardship of open space and natural areas.
- Policy 3-1E.1: Identify and set aside, through the land use and development review processes, important open spaces in tracts or easements, where appropriate.
- Goal 3-2: Ensure land use and design is compatible with the natural and rural character of the nonurban area.

 Goal 3-3: Maintain the unique rural character of the Chatfield Valley (nonurban area), Cherry Valley, High Plateau, Indian Creek, Northeast, West Plum Creek, and Pike National Forest and Foothills Subareas.

V. REFERRALS

This zone map change was distributed to applicable referral agencies. The Town of Castle Rock responded with "Approved with Conditions" that the zoning change shall not impact Castle Rock Water's access to their water tank through Tract G. The zoning change will not impact access to the water tank. No other concerns were received regarding the rezoning of Tracts F and G.

Douglas County Open Space and Natural Resources responded with full support of the request and noted that the tracts have significant natural resources and are great habitat areas. HCHOA responded in support of the application. Additionally, one neighboring landowner responded with support for the rezoning of Tracts F and G.

VI. STAFF ASSESSMENT

Staff has evaluated the zone map change request. The map change rezones County-owned property to Open Space Conservation that has been historically used as wildlife habitat and open space. In staff's assessment, the request meets the eligibility criteria. After consideration, the Planning Commission may recommend approval of the zone map change to the Board of County Commissioners.

ATTACHMENTS	Page
Douglas County Land Use Application	5
Applicant's Narrative	7
Comp Plan Vicinity Map	
Zoning Maps	
Aerial Maps	
Referral Agency Response Report	

Revised 6/2024



www.douglas.co.us

LAND USE APPLICATION

Please complete, sign, and date this application. Return it with the required items listed on the Submittal Checklist to planningsubmittals@douglas.co.us. Submittals may also be mailed or submitted in person to Planning Services. NOTE: The Planning Commission or the Board of County Commissioners should not be contacted regarding an open application.

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

PROJECT TITLE:
PROJECT NUMBER:
PROJECT TYPE: Zone Map Change
MARKETING NAME:
PRESUBMITTAL REVIEW PROJECT NUMBER: \$\frac{195}{2024} - 248
PROJECT SITE:
Address: Hajopy Canyon Filing 4
State Parcel Number(s):
Subdivision/Block#/Lot# (if platted):
PROPERTY OWNER(S):
Name(s): Douglds County
Address:
Phone:
Email:
AUTHORIZED REPRESENTATIVE: (Notarized Letter of Authorization is required from the property owner, nless the owner is acting as the representative)
Name: Richard West, President, for Housevan Homeauners' Association, I Address: 598 Custle Pines PKWY, B#4 BOX 159, Castle Pines Co 80108
Address: 598 CUSTLEPINES PKWN. B#4 BOX 159, Custle Pines Co 80108
Phone: 303-619-4235
Email: rdale west @ outlook: com/happy canyon has @ qmail. com
the best of my knowledge, the information contained on this application is true and correct. I have received the ounty's information sheet regarding the Preble's Meadow Jumping Mouse.
Applicant Signature 12/14/24



www.douglas.co.us

Department of Community Development

Planning Services

ZONE MAP CHANGE Submittal Checklist

SECTION 1 of the Zoning Resolution requires the following items for a complete submittal. Please send separate documents electronically to planningsubmittals@douglas.co.us.

Submittals can also be mailed in or submitted in person to Planning Services. Completed Land Use Application. Written narrative describing the request. ☐ See Zoning Resolution Section 112 for zone map change types Notarized letter of authorization from the landowner permitting a representative to process the application. If the applicant is the landowner, this item is not applicable. Plan exhibit depicting the property subject to the zoning map change request.

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

LAND USE APPLICATION – NARRATIVE Happy Canyon Homeowners' Association

December 14, 2024

Project Type: Zone Map Change

(Rezoning of Tracts G, F, and J to Open Space Conservation

Project File #: PS2024-248

Project Name: Happy Canyon Tracts F, G & J Rezoning

Property Owner: Douglas County

The Happy Canyon Estates subdivision was one of the first rural subdivisions established in Douglas County in the early 1960s. Properties within the subdivision are zoned Estate Residential. This request from the Happy Canyon Homeowners' Association, Inc. (HCHOA) is for the rezoning of three Tracts that were dedicated from Happy Canyon's original developer to Douglas County at the time of subdivision to better protect their intended and historic uses. The affected Tracts include:

- 1. Happy Canyon Tract F identified as State Parcel #2351-232-01-002 (Assessor Account #R0353303) being approximately 2.714 acres.
- 2. Happy Canyon Tract G identified as State Parcel #2351-221-06-107 (Assessor Account #R0353304) being approximately 9.419 acres.
- 3. Happy Canyon Tract J identified as State Parcel #2351-232-03-004 (Assessor Account #R0353305) being approximately 0.0018 acres.

Tracts F and G are open space parcels providing wildlife habitat and migration corridors and are zoned Estate Residential. Below is an email from Katie Doyle, Colorado Parks and Wildlife District Manager to the HCHOA regarding wildlife activity in Happy Canyon:

Page Two December 14, 2024

From: Doyle - DNR, Katie katie.doyle@state.co.us Sent: Thursday, November 14, 2024 2:41 PM **To:** Elizabeth West westfamily@msn.com

Subject: Re: Wildlife population and species information for Happy Canyon

Hi Rich and Liz,

I am happy to provide my input on the increased wildlife activity in the Happy Canyon area.

The Happy Canyon Subdivision has experienced an increase in the wildlife population due to human caused changes in the surrounding areas. The construction of The Canyons subdivision that has been under construction since 2021 has misplaced elk, deer and pronghorn that utilized that habitat year around. On top of that in 2022, CDOT put up a wildlife exclusion fence along Interstate 25 which has minimized elk and deer herd migration into and out of the neighborhood. What Colorado Parks and Wildlife recommends in these cases, although it is impossible to eliminate fragmentation and habitat loss with any development, impacts to wildlife can be minimized through the use of clustering configurations, density reduction, and providing open space for wildlife.

Sincerely, **Katie Doyle District Wildlife Manager** Parker/Castle Rock East- Area 5





P 303.291.7139 | C 720.930.8039 6060 Broadway, Denver, CO 80216

katie.doyle@state.co.us | cpw.state.co.us





Attached is an archived Happy Canyon Community map that shows Tracts G as "deer refuge/park" and Tract F as "park." Both of these tracts have been used for wildlife habitat and migration for decades.

Tract J is a community separation parcel which is utilized as an emergency access for evacuation during disaster-emergency incidents. Track J is not currently zoned. Page Three December 14, 2024

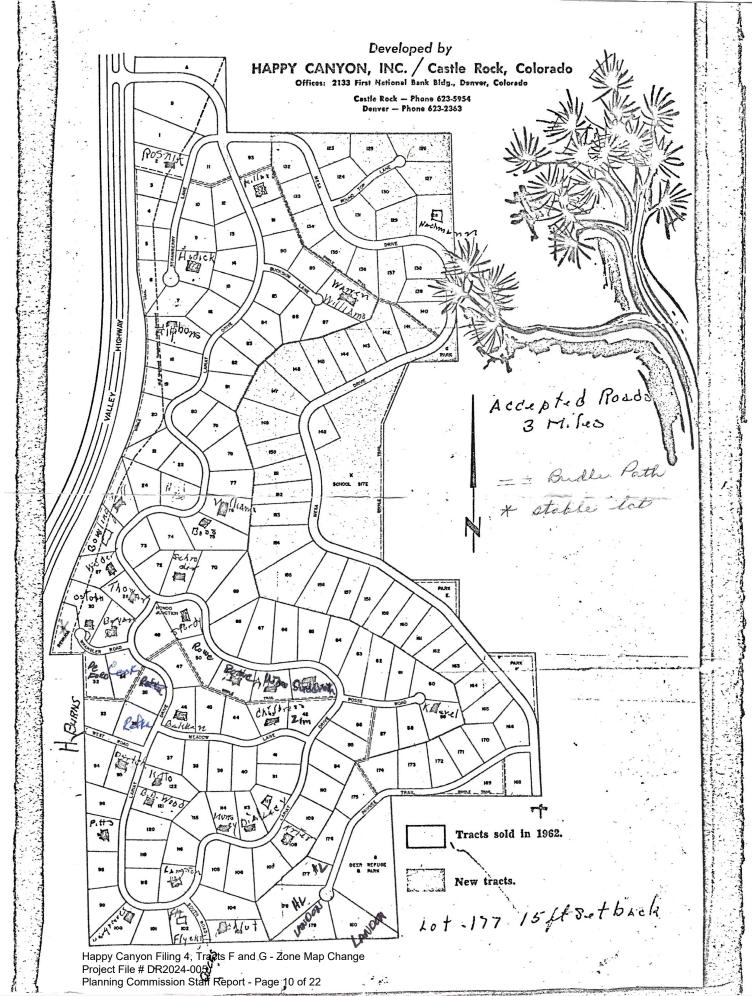
The request of the County is to recognize and protect these tracts on behalf of the HCHOA. Insofar as the Intent of the Open Space Conservation District is:

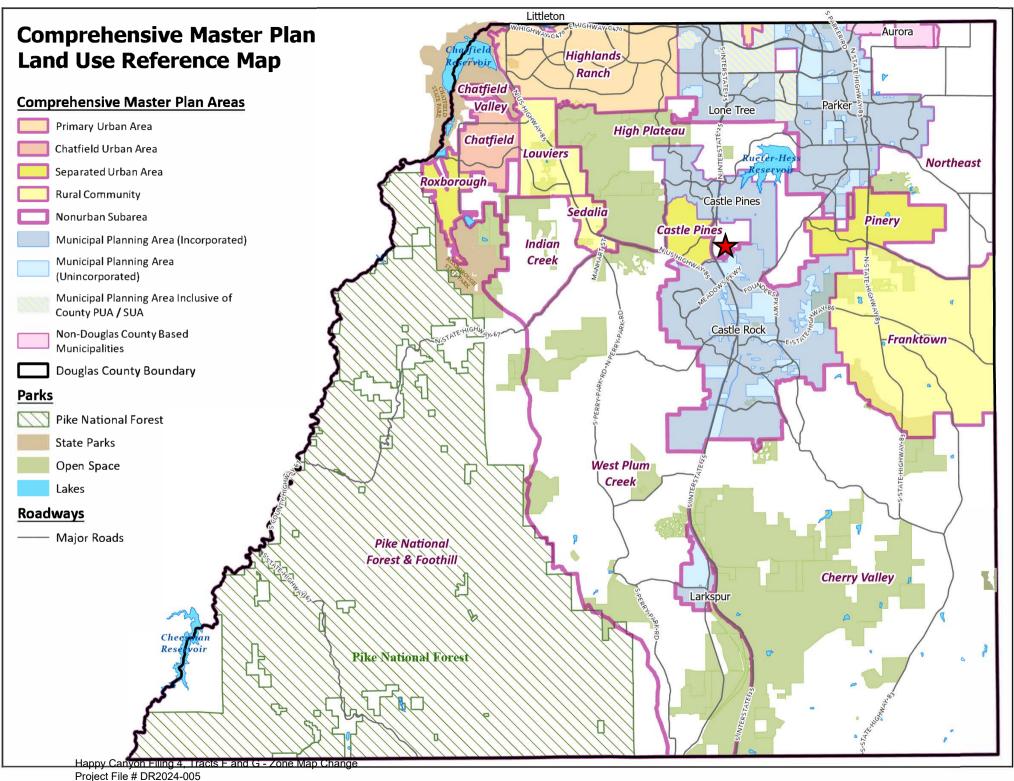
"To provide for areas intentionally left free from development, for the preservation of wildlife corridors/habitats; scenic viewsheds; cultural, historical and archaeologic areas/structures; landmarks and natural resources including forest lands, range lands, agricultural lands, aquifer recharge areas, and areas of unique biological, physical, topographical or botanical character. These areas will provide buffers to developed areas in order to maintain a separate identity for the Towns and the County. The most intensive uses of these areas will normally be for outdoor recreation activities or passive uses not requiring significant infrastructure such as roads or utility services."

It is requested that Tracts F and G be used pursuant to Section 1602.05 and that the use of Tract J be limited to emergency access by the Director and/or the Douglas County Board of Commissioners pursuant to Section 1602.06.

HCHOA is amenable to the development of a conservation easement agreement if it is determined necessary to protect the historic uses and values of these Tracts.

Submitted by Richard West, President For Happy Canyon Homeowners' Association





Happy Canyon Filing 4, Tract F

DR2024-005 Zoning Map



LEGEND

— Roads

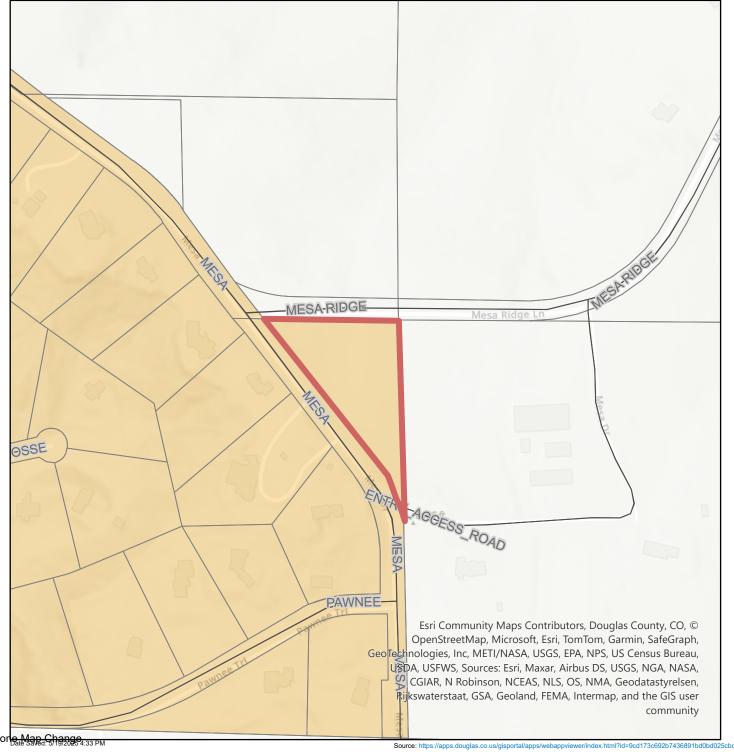
Major Roads

Parcels - PARCELS

A1 - AGRICULTURAL ONE

ER - ESTATE RESIDENTIAL

CTY



Happy Canyon Filing 4, Tracts F and G - Zor Ball Sand Change 4:33 Ph Project File # AFSO 4-003 LINTY Planning Commission Staff Report - Page 12 of 22

Happy Canyon Filing 4, Tract G

DR2024-005 Zoning Map



LEGEND

Roads

Major Roads

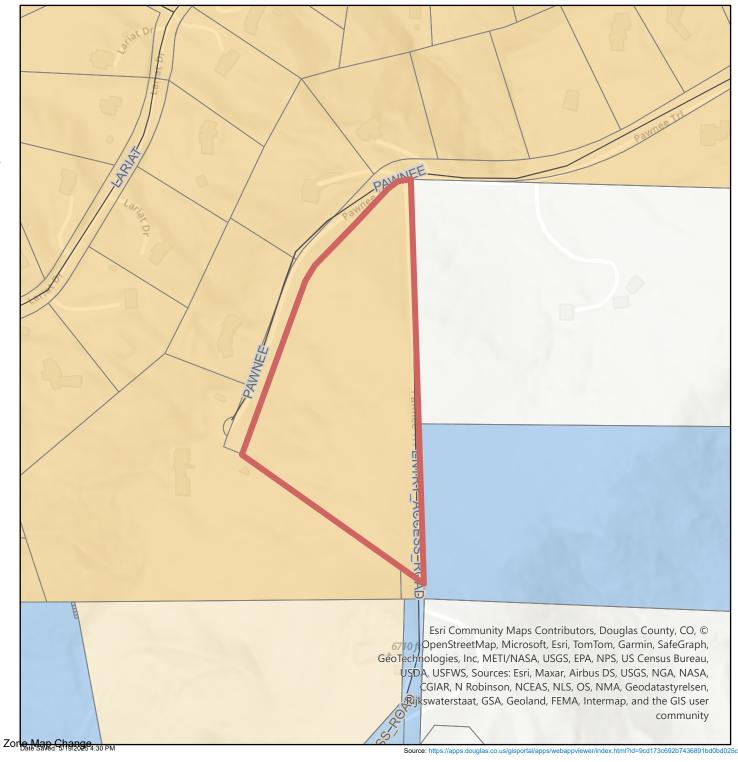
Parcels - PARCELS

A1 - AGRICULTURAL ONE

LRR - LARGE RURAL RESIDENTIAL

ER - ESTATE RESIDENTIAL

CTY





Happy Canyon Filing 4 Tracts F and G

DR2024-005



LEGEND

— Roads

— Major Roads

Parcels - PARCELS



Happy Canyon Filing 4, Tracts F and G - Zore Happy Canyon F and G - Zore Happy C

Happy Canyon Filing 4 Tract F

DR2024-005



LEGEND

— Roads

— Major Roads

Parcels - PARCELS



Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Canyon Filing 4, Tracts F and G - Zor Gale Sales Control of the Happy Control of the Hap

Happy Canyon Filing 4 Tract G

DR2024-005



LEGEND

— Roads

Major Roads

Parcels - PARCELS



Happy Canyon Filing 4, Tracts F and G - Zor Gate Salved Project File # AR 2014-003 UNITY Pranning Commission Staff Report - Page 16 of 22

Referral Agency Response Report

Project Name: Happy Canyon, Tracts F, G, and J

Project File #: DR2024-005

Agency	Date	Agency Response	Response Resolution
	Received		
Addressing Analyst	03/06/2025	No Comment:	No response necessary
Arapahoe County Public Airport Authority- Centennial	03/05/2025	Received: Thank you for the opportunity to review the rezone plan. The Arapahoe County Public Airport Authority has reviewed the documents and has no objection to the proposed development. Please reach out should you have any further questions.	No response necessary
Assessor	03/13/2025	No Comment:	No response necessary
Castle Pines Homes Association		No Response Received:	No response necessary
City of Castle Pines		No Response Received:	No response necessary
Colorado Parks and Wildlife (East DC - Dist 549)		No Response Received:	No response necessary
Douglas County Conservation District	03/26/2025	Received:	No response necessary
Engineering Services	03/05/2025	Received: Douglas County Public Works Engineering has no concern with the proposed Request for Zone Map Change. Engineering agrees with the staff assessment in the staff report that Tract J should remain within the ER Zone District so that it can remain ROW and continue to provide emergency ingress/egress access with the adjacent subdivision. Should this parcel be reclassified as open space Public Works engineering would request that an emergency access easement be provided across the tract to in order to continue to provide emergency ingress/egress access.	Tract J is no longer part of the request.
Happy Canyon HOA	03/10/2025	Received: See attached letter Summary: Provided support for the rezoning and noted valuable wildlife habitat.	No response necessary

Referral Agency Response Report

Project Name: Happy Canyon, Tracts F, G, and J

Project File #: DR2024-005

Agency	Date Received	Agency Response	Response Resolution
Open Space and Natural Resources	03/05/2025	Received: Douglas County Open Space and Natural Resources is in full support of this request. The tracts identified have significant natural resources upon them and are great habitat areas.	No response necessary
South Metro Fire Rescue	03/07/2025	Received: South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed change to Tract F and Tract G. SMFR has conditional non-objection to the proposed change to Tract J, provided the emergency access road connecting Mesa Dr and Sapphire Point Blvd is maintained physically and levelly via an access accessed.	Tract J is no longer part of the request.
Town of Castle Rock	03/26/2025	and legally via an access easement. Received: U1. Please contact Ken Torres, PE, Plan Review Engineer with questions. ktorres@crgov.com or 720-733-6072 U2. The review is rated Approved with Conditions. Only minor comments remain that can be quickly checked by the technical review team or project coordinator. Note: This rating is specific to this discipline and may not be the overall rating for this review. U3. The zoning change shall not impact CR Water's access to Tank 14 through Tract G. U4. A proposed Rueter-Hess to Plum Creek pipeline will be installed adjacent to the existing CRW pipeline near Tract J.	The rezoning will not interfere with any access to the water tank. Tract J is no longer part of the request.
Town of Parker Development Review	03/26/2025	No Comment:	No response necessary
Town of Parker Public Works	03/18/2025	No Comment:	No response necessary
Wildfire Mitigation	03/12/2025	Received: Wildfire mitigation has no comment.	No response necessary

SOUTH METRO FIRE RESCUE FIRE MARSHAL'S OFFICE



Trevor Bedford, AICP, Project Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Happy Canyon, Tracts F, G, and J

Project File #: DR2024-005 S Metro Review # REFOTH25-00045

Review date: March 7, 2025

Plan reviewer: Aaron Miller

720.989.2246

aaron.miller@southmetro.org

Project Summary: Request for a Zone Map Change for 3 Douglas County Tracts to be rezoned from Estate

Residential to Open Space.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building

Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed change to Tract F and Tract G.

SMFR has conditional non-objection to the proposed change to Tract J, provided the emergency access road connecting Mesa Dr and Sapphire Point Blvd is maintained physically and legally via an access easement.



CENTENNIAL AIRPORT ARAPAHOE COUNTY AIRPORT AUTHORITY

7565 South Peoria Street, Unit D9 Englewood, Colorado 80112 main: 303-790-0598 | fax: 303-790-2129 www.centennialairport.com

March 5, 2025

Trevor Bedford Douglas County Community Development Department 100 3rd St. Castle Rock, CO 80104

Re: DR2024-005 – Happy Canyon Tracts F, G, and J Rezone to Open Space

Dear Mr. Bedford,

Thank you for the opportunity to review the rezone plan. The Arapahoe County Public Airport Authority has reviewed the documents and has no objection to the proposed development. Please reach out should you have any further questions.

Sincerely,

Zachary Gabehart

Planning Specialist - Noise & Environmental



HAPPY CANYON HOMEOWNERS' ASSOCIATION 558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108

www.happycanyon.org happycanyonhoa@gmail.com

March 7, 2025

Trevor Bedford, AICP
Douglas County Planning Services
100 Third Street, Castle Rock, CO 80104

Re: Project number DR2024-005, Happy Canyon, Tracts F, G, and J.

Hello Trevor,

Thank you for sending the above-referenced e-referral to the Happy Canyon Homeowners' Association (HCHOA) for comment. Since HCHOA is the applicant who initiated the Zone Map Change from Estate Residential (ER) to Open Space Conservation (OS) for Tracts F, G, and J of Happy Canyon Filing 4, the HCHOA board is in unanimous support of this action.

Happy Canyon's Tracts F, G, and J are of great historic significance to our community. Tracts F and G have been used for more than 60 years for open space and wildlife refuge/corridor purposes. Tract J has been used as well for more than 60 years as a separation between our unincorporated Douglas County community and those to the south and east that are within the Town of Castle Rock. It is our sincere hope that by rezoning these tracts to Open Space Conservation, their historic uses will be preserved in perpetuity for the good of Happy Canyon residents.

We appreciate the guidance and support shown to the HCHOA by Douglas County through this process. We look forward to a positive outcome with Douglas County's Planning Commission and Board of County Commissioners at the public hearings.

Best regards,

Rich West, President Happy Canyon Homeowners' Association Cc: HCHOA Board www.douglas.co.us

Planning Services

REFERRAL RESPONSE REQUEST

Date Sent: March 5, 202	25 Comments due by: March 26, 2025	
Project Name:	Happy Canyon, Tracts F, G, and J	
Project File #:	DR2025-004	
Project Summary:	The applicant is requesting a Zone Map Change from Estate Residential (ER) to Open Space Conservation (OS) for Tracts F, G, and J of Happy Canyon Filing 4. The tracts are vacant properties within Happy Canyon, owned by Douglas County.	
Information on the iden Please review and comm	tified development proposal located in Douglas County is enclosed nent in the space provided.	
☐ No Comment		
Fully agree wi considered op small to be co Canyon reside	sed of the following concerns: th tracts F and G being rezoned as they are large enough to be sen space and wildlife are using currently. Tract J is a strip that is too nsidered open space and the rezoning could be prejudicial to Happy ents for any future use. A one-foot strip of land is not currently being vildlife as a space. Rezoning would be too limiting for this strip.	
See letter attac	hed for detail.	
Agency:	Phone #: 7605183686	
Your Name: Lane Naffz	riger Your Signature: Jan 12/791	
(please p	print) Date: March 24, 2025	

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

Sincerely,

Trevor Bedford, AICP, Project Planner

Enclosure