

Zone Map Change Staff Report

Date: May 28, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Trevor Bedford, AICP, Senior Planner
Curtis J. Weitkumat, AICP, Long Range Planning Manager
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:	June 2, 2025 @ 6:00 p.m.
Board of County Commissioners Hearing:	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.

The Planning Commission is scheduled to hear the application at its June 2, 2025 public hearing. Staff will provide an update on the outcome of the Planning Commission hearing at the Board of County Commissioners’ public hearing.

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 112.06 of the DCZR, “The Board shall evaluate the proposed amendment, staff report, referral agency comments, public testimony, and the Planning Commission recommendation, and shall approve, approve with conditions, table for further study, remand to the Planning Commission or deny the 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. PLANNING COMMISSION

The Planning Commission is scheduled to hear the application at its June 2, 2025 public hearing. Staff will provide an update on the outcome of the Planning Commission hearing at the Board of County Commissioners’ public hearing.

VII. 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 Board of County Commissioners may approve of the zone map change and sign the resolution.

<u>ATTACHMENTS</u>	<u>PAGE</u>
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**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 archaeological 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

Comprehensive Master Plan Land Use Reference Map

Comprehensive Master Plan Areas

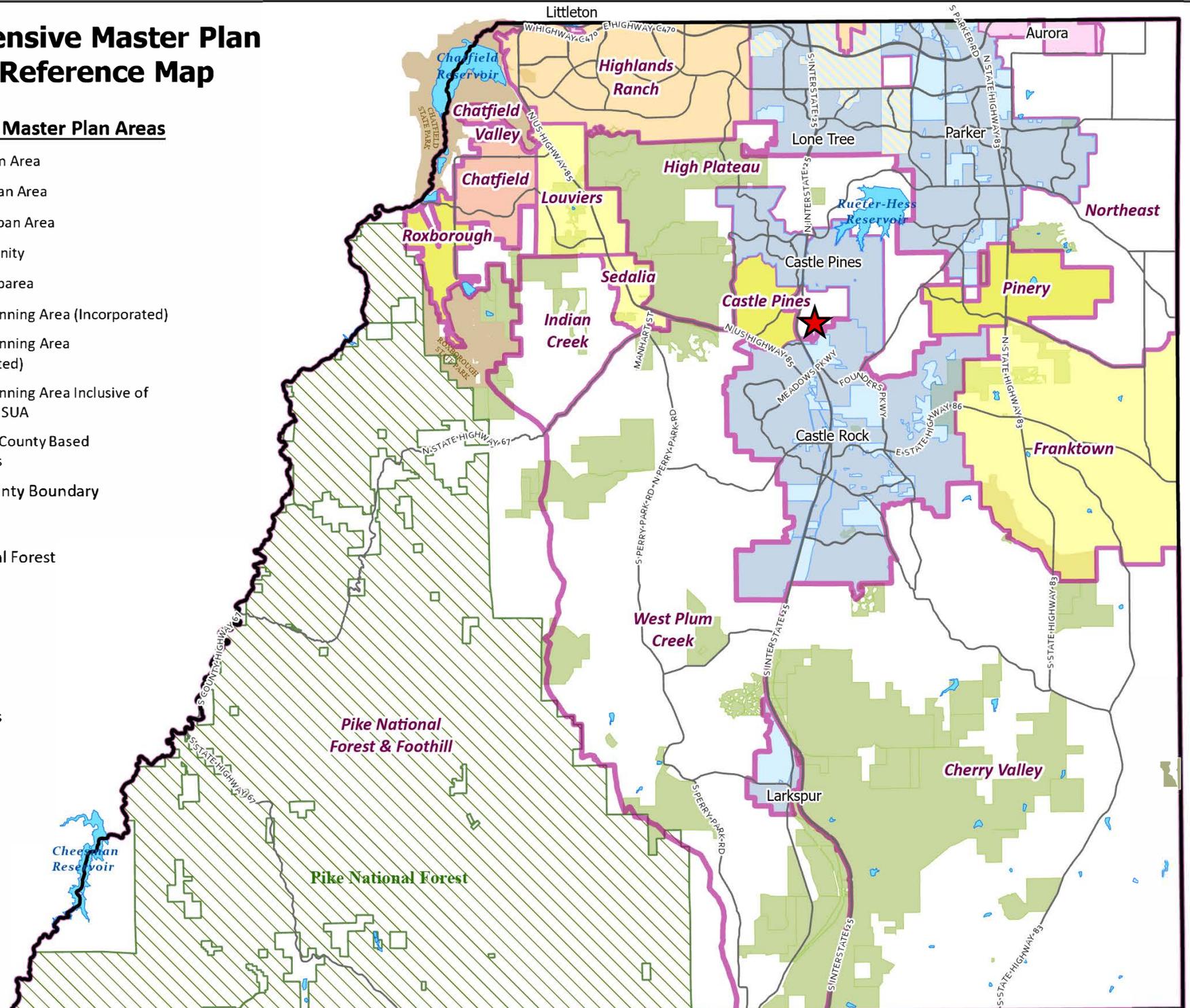
- Primary Urban Area
- Chatfield Urban Area
- Separated Urban Area
- Rural Community
- Nonurban Subarea
- Municipal Planning Area (Incorporated)
- Municipal Planning Area (Unincorporated)
- Municipal Planning Area Inclusive of County PUA / SUA
- Non-Douglas County Based Municipalities
- Douglas County Boundary

Parks

- Pike National Forest
- State Parks
- Open Space
- Lakes

Roadways

- Major Roads



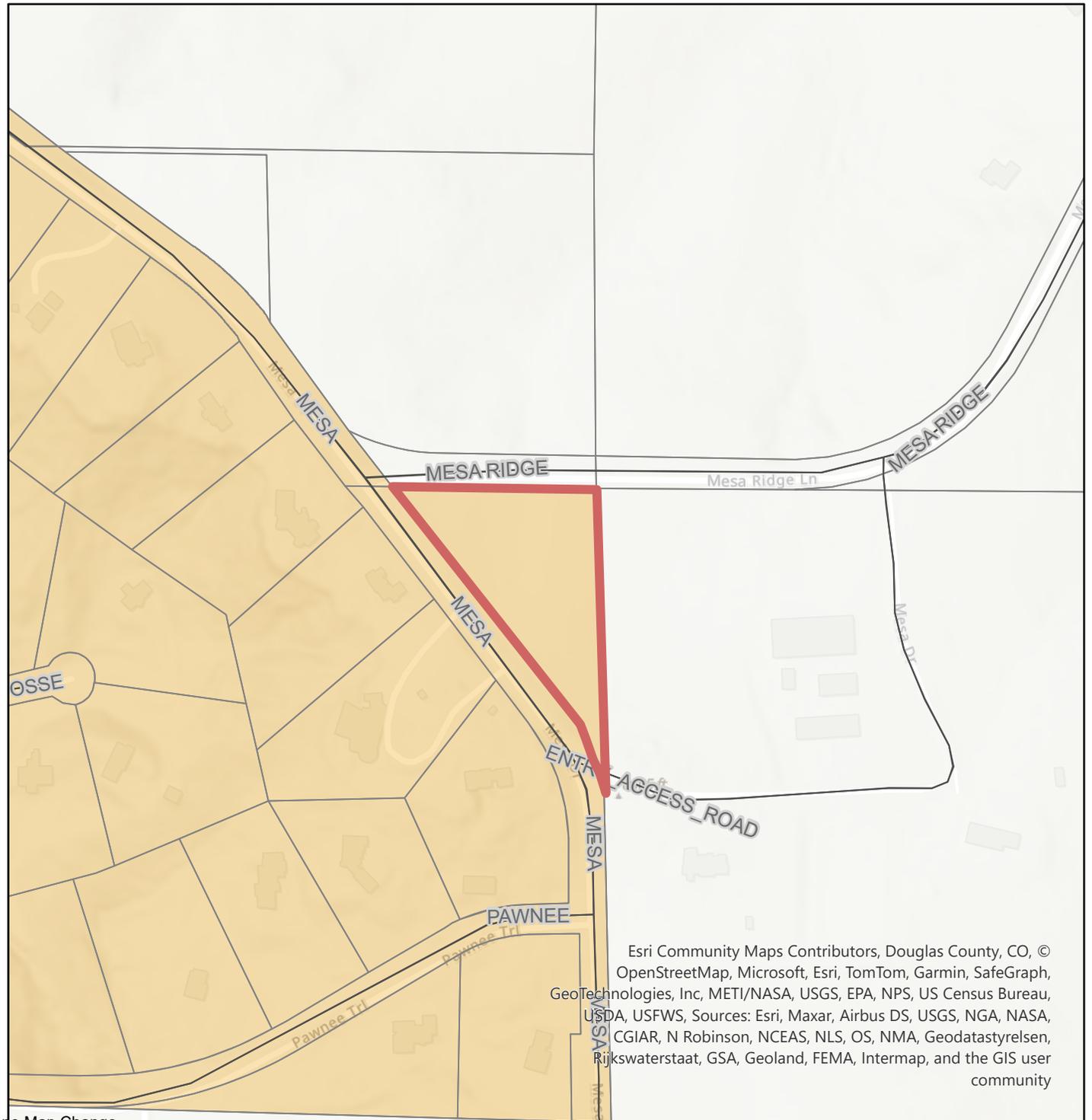
Happy Canyon Filing 4, Tract F

DR2024-005
Zoning Map



LEGEND

-  Roads
-  Major Roads
-  Parcels - PARCELS
-  A1 - AGRICULTURAL ONE
-  ER - ESTATE RESIDENTIAL
-  CTY



Esri Community Maps Contributors, Douglas County, CO, ©
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CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen,
Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user
community

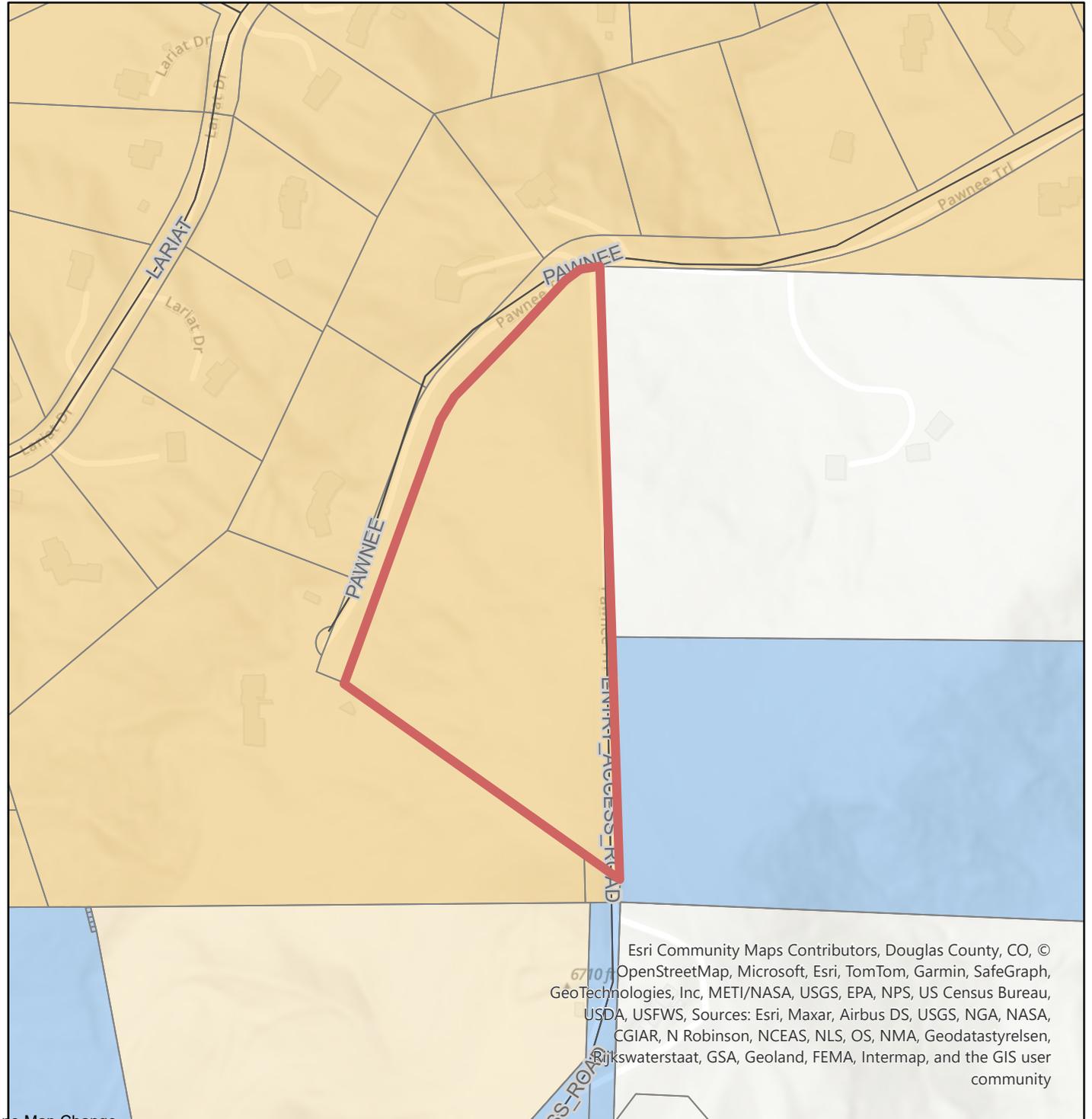
Happy Canyon Filing 4, Tract G

DR2024-005
Zoning Map



LEGEND

-  Roads
-  Major Roads
-  Parcels - PARCELS
-  A1 - AGRICULTURAL ONE
-  LRR - LARGE RURAL RESIDENTIAL
-  ER - ESTATE RESIDENTIAL
-  CTY



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CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,
Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user
community

Happy Canyon Filing 4 Tracts F and G

DR2024-005



LEGEND

- Roads
- Major Roads
- Parcels - PARCELS



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USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N
Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat,
GSA, Geoland, FEMA, Intermap and the GIS user community



Happy Canyon Filing 4 Tract F

DR2024-005



LEGEND

- Roads
- Major Roads
- Parcels - PARCELS



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GSA, Geoland, FEMA, Intermap and the GIS user community



Happy Canyon Filing 4 Tract G

DR2024-005



LEGEND

- Roads
- Major Roads
- Parcels - PARCELS



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GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,
USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N
Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat,
GSA, Geoland, FEMA, Intermap and the GIS user community

Referral Agency Response Report**Project Name:** Happy Canyon, Tracts F, G, and J**Project File #:** DR2024-005**Date Sent:** 03/05/2025**Date Due:** 03/26/2025

Agency	Date Received	Agency Response	Response Resolution
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**Date Sent:** 03/05/2025**Date Due:** 03/26/2025

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 legally via an access easement.	Tract J is no longer part of the request.
Town of Castle Rock	03/26/2025	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

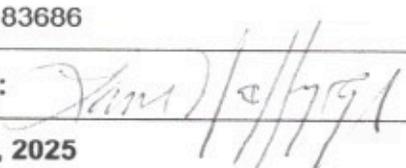
REFERRAL RESPONSE REQUEST

Date Sent: March 5, 2025

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 identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input type="checkbox"/> No Comment	
<input checked="" type="checkbox"/> Please be advised of the following concerns: Fully agree with tracts F and G being rezoned as they are large enough to be considered open space and wildlife are using currently. Tract J is a strip that is too small to be considered open space and the rezoning could be prejudicial to Happy Canyon residents for any future use. A one-foot strip of land is not currently being used by any wildlife as a space. Rezoning would be too limiting for this strip.	
<input type="checkbox"/> See letter attached for detail.	
Agency:	Phone #: 7605183686
Your Name: Lane Naffziger <i>(please print)</i>	Your Signature: 
	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