

## Planned Development Rezoning Staff Report

**DATE:** JULY 24, 2024

**TO:** DOUGLAS COUNTY PLANNING COMMISSION

**FROM:** MATT JAKUBOWSKI, AICP, CHIEF PLANNER *MAJ*  
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**SUBJECT:** **PINE CANYON PLANNED DEVELOPMENT – REZONING**  
**PINE CANYON PLANNED DEVELOPMENT – WATER APPEAL**

**PROJECT FILES:** ZR2020-010  
MI2020-009

**OWNERS:**  
JRW FAMILY LIMITED PARTNERSHIP, LLLP  
5975 E. JAMISON PLACE  
CENTENNIAL, CO 80172

**REPRESENTATIVE:**  
JAMES WALKER  
5975 E. JAMISON PLACE  
CENTENNIAL, CO 80172

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**PLANNING COMMISSION HEARING:** AUGUST 5, 2024 @ 6:00 PM  
**BOARD OF COUNTY COMMISSIONERS HEARING:** SEPTEMBER 10, 2024 @ 2:30 PM

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I. **EXECUTIVE SUMMARY**

There are two related land use requests before the Planning Commission.

Planned Development Rezoning

The applicant requests a rezoning of the Walker property (“Pine Canyon”) from Agricultural One (A-1), Rural Residential (RR), and General Industrial (GI) to Planned Development (PD). The 535-acre site is in central Douglas County surrounded by the Town of Castle Rock. It is located on both the east and west sides of Interstate 25 (I-25). The portion of the property east of I-25 is generally north of Scott Boulevard, south of Black Feather Trail, west of Founders Parkway, and east of Front Street. The portion of the property west of I-25 is generally east of Prairie Hawk Drive, south of Highway 85 and bisected by Liggett Road.

The PD establishes a of maximum 800 single-family residential lots; a maximum of 1,000 multi-family residential units; a maximum of 600,000 square feet of non-residential square footage; an elementary school site; and approximately 176 acres of parks, open space, and trails within 20 planning areas (PAs) and 8 open space planning areas (OSPs).

The applicant has proposed a multi-modal transportation hub just west of I-25, and a resort spa within the residential planning areas east of I-25 and west of Founders Parkway.

### Water Appeal

The applicant is proposing an appeal to the water demand standards in *Douglas County Zoning Resolution (DCZR) Section 1805A* to use alternative demand standards. *DCZR Section 1808A* outlines the requirements and criteria for appeals to the water supply section. Approval of the appeal will allow for a water supply demand of 0.20 acre-feet/year per residence; a development-specific indoor demand standard of 1.38 acre-feet/year per 6,695 square feet of building space for hotels, resorts, and spas; and a reduction of the non-residential outdoor demand standard to an average of 1.58 acre-feet/year per acre for treated wastewater effluent.

A component of the request for a reduced demand standard is that the first-use groundwater will not be used for outdoor uses within the Pine Canyon PD. Outdoor water demands will be met with a separate treated wastewater effluent system operated and maintained by the proposed Pine Canyon Water and Sanitation District.

## **II. REQUEST**

### **A. Request**

The applicant has submitted two related requests which require separate consideration and motions by the Planning Commission:

- Approval of a rezoning for 535 acres of land from Agricultural 1 (A-1), General Industrial (GI), and Rural Residential (RR) to Planned Development (PD).
- Approval of an appeal to the provisions of *DCZR Section 1805A*, to establish an alternate demand standard for residential indoor uses; provide a development-specific demand standard for hotels, resorts, and spas; and establish an alternate demand standard for non-residential irrigated lawn, garden, or golf course.

Following are highlights of the proposed Pine Canyon PD rezoning request:

#### Statement of Commitments:

- Open Space (OSP-1 through 8) – 153 acres total, of which 90.6 acres are to be dedicated at final plat as part of OSP-1 through 7. The remaining 62.6 acres are proposed as a riparian park (OSP-8) along Plum Creek. OSP-1 through 7 are proposed to be owned and maintained by a future metropolitan district. The historic homestead is to be preserved within OSP-8. The applicant proposes future dedication of a conservation easement over OSP-8.

The majority of trail corridors are proposed within OSPs. To enable pedestrian and bicycle access to existing and proposed trails near Plum Creek, the applicant has

also committed to improvements at the existing underpass at the Union Pacific Railroad right-of-way (ROW) that bisects the property west of Liggett Road.

- Parks and Trails (PA 5, 7, and 15) – 23 acres of park land are to be dedicated at final plat. The balance of the applicant’s parks requirement is to be met by additional land dedication or cash-in-lieu at final plat. The applicant has committed to an outdoor fitness facility within any one of the proposed park PAs.

The PD commitments leave open the possibility for additional dedications or fees to mitigate impacts to off-site recreational facilities at subdivision. However, this is not a County requirement. The timing and amount of such fees is to occur through negotiation between the future metro district and the impacted entity.

- Road and Transportation Improvements – The applicant has proposed the following road and transportation improvements. The need for additional improvements or dedications may be determined by subsequent traffic studies at subdivision or site improvement plan:
  - Dedication of necessary right-of-way to the Colorado Department of Transportation (CDOT), Douglas County, or the Town of Castle Rock.
  - Dedication of ROW for future improvements to Founders Parkway, Liggett Road, Woodlands Boulevard, and Front Street.
  - Payment of a proportional share of improvements to the intersection of Crimson Sky Drive and Founders Parkway, the intersection of Rising Sun Drive and Founders Parkway, Liggett Road for access to PA-18 and PA-19, and Front Street for access to PA-16.
  - Construction of an underpass connecting the east and west sides of I-25, funded by the future metro district and CDOT funds as may be available.
  - Payment of a proportional share of offsite roadway improvements at Meadows Parkway and Highway 85, Founders Parkway and Woodlands Boulevard, Liggett Road and Highway 85, Black Feather Trail and Woodlands Boulevard, Woodlands Boulevard and Scott Boulevard, Fifth Street and Perry Street, and Fifth Street and Founders Parkway.
- Schools – School land for an elementary school is to be dedicated in PA-14. Additional cash-in-lieu of dedication shall be determined at final plat. The applicant has also agreed to payment of additional capital mitigation for each unit.
- Water and Sewer – Water and sewer is proposed by a future water and sanitation district.
- View Plane Protection Area – PA-1, 4, 5, 7, 9, 10, and 11 are restricted from overlot grading, and permanent structures shall not exceed 35 feet in height. A future metropolitan district shall develop and enforce design guidelines for this area.

## Development Standards:

- Residential Single-Family Detached Planning Areas (PA-1, 4, 9, 10, 11)
  - Single-family detached dwellings on minimum 4,500-square foot lots at a maximum height of 35 feet.
- Residential Single-Family Detached and Attached Planning Areas (PA-2, 3, 8, 12, and 13)
  - Single-family detached dwellings on minimum 3,500-square foot lots and attached dwellings on lots ranging from 1,200 square feet to 2,000 square feet. Maximum building height is 35 feet.
- Resort Spa (PA-6)
  - Proposed 150,000-square foot resort and spa with a maximum of 225 hotel rooms up to 65 feet in height. The applicant has proposed an option for up to 175 branded residences (either single-family detached or single-family attached units). Branded residences developed in PA-6 count against the 1,800-unit residential cap. Depending upon the number of branded residences proposed, the applicant has indicated the possibility of either no hotel rooms, or a smaller number of hotel rooms. Branded residences cannot be constructed as multifamily units.
- Residential Multifamily Planning Area (PA-16)
  - Multifamily and condominium units at no more than 24 units to the acre and 40 feet, or three stories, in height.
- Mobility Hub and Mixed Use Planning Area (PA-17)
  - Multi-modal transportation hub allowing for mass transit infrastructure and mixed use development including multifamily residential, retail, office and professional services, and general service uses. Maximum building height is 60 feet. Applicant proposes up to 225,000 square feet of non-residential square footage in PA-17.
- Mixed Use Planning Area (PA-18)
  - Mixed use development including multifamily residential, transportation infrastructure, retail, office and professional services, and general service uses. Maximum building height is 60 feet. Applicant proposes up to 275,000 square feet of non-residential gross floor area in PA-18.
- Business and Light Industrial Planning Area (PA-19)
  - Business and light industrial development including office and business uses, wholesale and warehousing uses, and manufacturing and assembly uses that do not create significant smoke, gas, dust, odor, or vibration. A minimum

10,000-square foot lot size and a maximum 40-foot building height is proposed. Applicant proposes up to 100,000 square feet of non-residential gross floor area in PA-19.

- General Industrial Planning Area (PA-20)
  - Approximately 1.5-acre area for a maximum 10,000-square foot water treatment facility up to 40 feet in height.
- Parks Planning Areas (PA 5, 7, and 15)
  - Passive and active recreation space. Any proposed structures not to exceed 35 feet in height.
- Open Space Planning Area (OSP-1 through 7)
  - Passive open space, trails, community picnic areas, and community gardens. Any proposed structures not to exceed 35 feet in height.
- Riparian Preserve and Historic Homestead (OSP-8)
  - Preservation of wildlife habitat along Plum Creek, as well as preservation of the existing single-family residential homestead and agricultural use, all within a conservation easement. Trails, a picnic area, and nature education center are permitted in OSP-8. Agricultural activities currently occurring on the historic homestead are allowed. Any proposed structures not to exceed 35 feet in height.

## **B. Process**

### Planned Development – Rezoning

A PD Rezoning application is processed pursuant to Section 15 of the *Douglas County Zoning Resolution (DCZR)*. Per DCZR Section 1505.06, “The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request. The Planning Commission’s decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.”

### Water Appeal

An appeal to the water demand standards of Section 18A, Water Supply Overlay District, of the *Zoning Resolution*. Section 1808A.06 states: “At a public hearing, the Planning Commission shall evaluate the application based on the technical data, the water consultants’ opinions, site-specific data, the water demand standards, the staff report, and public testimony and shall make a recommendation to approve, conditionally approve, or deny the appeal. The Planning Commission’s comments shall be based on the evidence presented.”

The residential development proposed in the Pine Canyon Planned Development is predicated on the approval of an alternative water demand standard. If the water appeal is denied, then the rezoning would not be compliant with approval criterion 1503.10, as the available water supply is not sufficient to meet the County’s presumptive water demand standards for the proposed level of development.

Pine Canyon and its water appeal is subject to the *Zoning Resolution* in effect in May 2020 as Section 18A was amended in 2022 and section numbering changed. All references to Section 18A in the staff report reflect the 2020 version of the Zoning Resolution. A copy of the 2020 version of Section 18A of the Zoning Resolution has been included in the attachments for reference.

**C. Location**

Pine Canyon is surrounded by the Town of Castle Rock in central Douglas County and split into two pieces by I-25. The easternmost border is Founders Parkway, and its westernmost border is Prairie Hawk Drive. Black Feather Trail, Highway 85, and Scott Boulevard are the closest major streets to the north and south. Vicinity, Zoning, and Aerial Maps are attached to the staff report and highlight site location and existing conditions.

**III. CONTEXT**

**A. Background**

The properties were zoned Agricultural with the inception of zoning in Douglas County in 1955. In 1982, approximately 51 acres of land that straddle the Union Pacific Railroad, just west of Liggett Road, were zoned General Industrial. Approximately 78 acres in the southeast corner of the site against Founders Parkway were zoned Rural Residential in 1982. The properties have historically been used for agricultural and ranching purposes.

**B. Adjacent Land Uses and Zoning**

Abutting development east of I-25 includes single-family residential parcels in the Town of Castle Rock. An undeveloped A-1 property in unincorporated Douglas County (the Scott Property) separates the PD from residential development in the Town to the north. West of I-25, abutting land uses include open space adjacent to Plum Creek, existing railroad ROW, and light industrial and warehouse uses within the Town.

	<b>Zoning</b>	<b>Use</b>
North	Agricultural One (A-1)	Undeveloped land in Douglas County (Scott Property)
	Town of Castle Rock	Single-family residential (Hazen Moore)
East	Town of Castle Rock	Single-family residential (Terrain)

South	Town of Castle Rock	Multi & single-family residential, indoor/outdoor storage
West	Town of Castle Rock	Plum Creek, railroad, industrial, commercial, warehouses, single-family residential (Red Hawk & Meadows)

**IV. PHYSICAL SITE CHARACTERISTICS**

**A. Site Characteristics and Constraints**

Site terrain generally rises from west to east, with lower elevations near the Plum Creek floodplain, and higher elevations to the east toward Founders Parkway. Areas of greatest slope (20% or greater) are within the eastern third of the site also toward Founders Parkway. Land cover generally consists of native grasses, Gambel Oak, trees, and bushes. Vegetation along Plum Creek includes trees, shrubs and grasses as would be common in a riparian corridor. Due to the historic use of the property for agriculture and ranching, the area east of Plum Creek to I-25 generally consists of native grasses, hayed fields, and pastureland. East of I-25, land cover consists of native grasses, Gambel Oak, and pine trees. Those areas near Founders Parkway contain significant numbers of pine trees.

There are several existing physical constraints that impact the property. The far west side of the site includes Plum Creek and its floodplain. Liggett Road serves as the access for the west side of the site and is restricted by the existing Union Pacific Railroad, which both travel in a northwesterly direction through the site. I-25 separates the east and west sides of the PD.

**B. Transportation and Access**

The subject property has multiple potential points of access to rights-of-way (ROW) owned by the Town of Castle Rock. At the writing of the staff report, the Town of Castle Rock has indicated that no access will be permitted to any Town ROW (generally Liggett Road, Front Street, or Woodlands Boulevard) and no proposed roads may pass over or under Town ROW. No access is proposed to the site directly from I-25. Founders Parkway is a CDOT ROW and could provide access. No Douglas County ROW provides access to the site. The applicant has shown conceptual future connections in the PD plan to or from Town or CDOT ROW. Conceptual locations of major internal street connections are also shown on the PD plan to provide access to PD planning areas. Access is determined during the subdivision or applicable site improvement plan processes.

Access within the west side of the site is complicated by I-25 and the existing Union Pacific ROW. An at-grade vehicle access over Union Pacific ROW to OSP-8 and PA-20 is shown. The applicant indicates this access is possible via an existing access agreement that will apply going forward. The applicant will confirm access from this point during subdivision. The applicant has also proposed enhancement to an existing

grade-separated underpass to allow for pedestrians and bicyclists to cross Union Pacific ROW for access to OSP-8. Finally, the applicant has proposed an underpass to allow vehicular, pedestrian, and bike connections to both the east and west sides of the PD at I-25.

The applicant submitted a Traffic Impact Analysis (TIA) which was accepted by Douglas County. CDOT also reviewed the TIA during the referral process, and technical comments were resolved by the applicant. Analysis of traffic will occur during future subdivision review. Additional CDOT comments related to drainage, environmental, or permits will be addressed with future subdivision reviews. The Town of Castle Rock has not accepted the traffic study and indicated that its comments have not been addressed.

The applicant has committed to mitigation of traffic impacts from the development of Pine Canyon. Additional improvements will be determined by subsequent traffic studies with subdivision or site improvement plans. Proposed commitments include:

- Dedication of necessary right-of-way to CDOT, Douglas County, or Castle Rock.
- Dedication of right-of-way for future improvements to Founders Parkway, Liggett Road, Woodlands Boulevard, and Front Street.
- Proportional share of intersection improvements to Crimson Sky Drive and Founders Parkway, Rising Sun Drive and Founders Parkway, Liggett Road for access to PA-18 and PA-19, and Front Street for access to PA-16.
- Underpass beneath I-25 to connect the east and west sides of the PD.
- Proportional share of offsite roadway improvements at Meadows Parkway and Highway 85, Founders Parkway and Woodlands Boulevard, Liggett Road and Highway 85, Black Feather Trail and Woodlands Boulevard, Woodlands Boulevard and Scott Boulevard, Fifth Street and Perry Street, and Fifth Street and Founders Parkway.

As described in the applicant's project narrative, PA-17 and PA-18 are proposed as a mixed-use public transit mobility hub. The applicant has coordinated with CDOT as part of its efforts in evaluating regional transit. PA-17 and 18 have been identified as one of multiple sites in the Castle Rock area for study of a future regional multimodal transit hub for CDOT Bustang service and future commuter rail service utilizing existing railroad ROW on the property. The permitted land uses in PA-17 and 18 as well as development standards for mass transit land uses and infrastructure allow density complementary to the development of a transit village.

### **C. Soils and Geology**

The *Douglas County 2040 Comprehensive Master Plan (CMP)* Class 3 Hazards and Environmental Constraints map indicates the presence of a rockfall-rockslide and



debris flow area within the far eastern end of the site near Founders Parkway. Colorado Geological Survey (CGS) reviewed the proposal and the applicant's geotechnical report. Comments made by CGS on the report during the referral period have been addressed. Site-specific evaluation of parcels and larger development sites will occur as part of subdivision review and future referrals to CGS.

#### **D. Floodplain and Drainage**

Plum Creek, its 100-year floodplain, and two unnamed tributaries are present in the western portion of the property. The applicant proposes to preserve the floodplain as part of an open space planning area and a future conservation easement.

The applicant submitted a Phase I (preliminary) drainage report which was accepted by Douglas County Engineering. If the rezoning is approved, any future subdivision process will require Phase II (intermediate) and Phase III (final) drainage reports as well as stormwater construction plans. Section 2 (Stormwater Management and Drainage Improvements) of the PD Statement of Commitments includes general detail and requirements for stormwater on site.

#### **E. Wildlife**

The *CMP* Wildlife Resources map identifies the majority of the site as moderate habitat value. The far southeastern portion of the PD, and areas directly abutting I-25 are considered low habitat value. Plum Creek, which traverses the westernmost portion of the PD is considered a Wildlife Movement Corridor. The portion of the site adjacent to Plum Creek is proposed as a 62-acre riparian preserve of which a conservation easement will be dedicated for additional protection.

Colorado Parks and Wildlife (CPW) reviewed the proposal and noted that the main impacts to wildlife include fragmentation and loss of habitat, which can be alleviated by clustering, open space, and buffers. CPW indicated the importance of weed management and indicated that trails should avoid cutting through open space or riparian areas. Other comments provided by CPW concern issues that would typically be addressed at subdivision.

Douglas County Open Space and Natural Resources (DCOS) also reviewed the proposal. DCOS primarily addressed the importance of the Plum Creek Corridor, surrounding habitat, and overall open space throughout the development. DCOS supports the proposed riparian preserve in OSP-8 and further supports the use of a conservation easement to protect the Plum Creek corridor.

Inclusion of OSP-8 in a riparian preserve, as well as the proposed conservation easement are in response to CPW and DCOS comments. The applicant proposes to make trail connections to an existing trail already on the property with the Plum Creek corridor. The applicant further completed a natural resources assessment to address general CPW comments. The applicant anticipates additional site-specific wildlife

assessments of the property during future subdivision or site improvement processes on the site.

**F. Historic Preservation**

The applicant has completed a cultural resources survey. The recommendations of the cultural resources survey will be implemented prior to submittal of the first preliminary plan for the development. Douglas County Historic Preservation will receive referrals with the preliminary plan.

**G. Noise**

The applicant has analyzed noise data to depict a 65 DNL (Day-Night Average Sound Level) contour on the land use plan adjacent to I-25 and adjacent to Founders Parkway. DNL measures the average day and night sound level, in this case, for noise associated with roadway traffic. The *CMP* supports location of residential development outside areas that exceed 65 DNL consistent with the contour shown on the PD plan. Window and construction treatments within multifamily development may be used for mitigation of sound to meet proper interior noise levels. Additional site-specific noise analysis or studies may be required for future multifamily or residential development adjacent to a state or federal highway, or to railroad ROW.

**V. PROVISION OF SERVICES**

**A. Schools**

The Douglas County School District (DCSD) indicated in its referral comments that a maximum of 20.56 acres of school land dedication is required. The applicant proposed a 12.7-acre school site with cash-in-lieu of land dedication required for the remaining 7.86-acre balance. DCSD requests a voluntary contribution towards Capital Mitigation of \$2,701 per single-family dwelling and \$338 per multi-family dwelling unit. Cash-in-lieu of land dedication shall be determined at final plat.

**B. Fire Protection and Sheriff Services**

The site is within the boundaries of the Castle Rock Fire Protection District, which is currently served by the Castle Rock Fire and Rescue Department (CRFD). CRFD provided a referral response and indicated that it will petition the Castle Rock Fire Protection District to remove Pine Canyon from the district boundaries if the proposal is approved. CRFD has concerns regarding the reliability of water supply for firefighting and expressed additional concerns regarding its capacity to review permits related to Pine Canyon. Wildfire was also indicated as a concern with new development.

The applicant's position is that the Castle Rock Fire Protection District cannot legally remove Pine Canyon from its boundaries, and that many of the other concerns expressed in CRFD's referral comments do not apply to rezoning and would be addressed during development review and subdivision review. The applicant has

submitted a Forest Management Plan for the site. Site specific wildfire mitigation plans will also be required at subdivision.

The Douglas County Sheriff's Office provided no comment on the application.

### **C. Water**

Central water is proposed to be served by a new water and sanitation district to be known as the Pine Canyon Water and Sanitation District.

#### Water Supply

The Colorado Division of Water Resources (CDWR) and Lytle Water Solutions (LWS), the County water consultant, reviewed the proposal. Both CDWR and LWS have indicated that while 863.9 acre-feet of water is decreed beneath the property, the actual amount of augmented water supply available for Pine Canyon is 709.9 acre-feet per year. The reason for the applicant's Section 18A appeal request is that the development would generate an estimated 1,488.9 acre-feet of water demand per year under the County presumptive water demand standards in Section 1805A, which exceeds the amount of water available for use.

As part of its water appeal, the applicant has proposed alternative water demand standards for PD uses and estimated a reduced water demand of 458.89 acre-feet of water per year. Development of a dual-pipe system is proposed allowing for "first-use" potable water indoors, and non-potable treated effluent for both residential and non-residential irrigation. The applicant indicates the system will recycle and reuse 100% of Pine Canyon's wastewater. The applicant indicates that district wells will only provide for indoor demand.

The applicant proposes strict management and enforcement of water use. All residential units are proposed to include a smart monitoring and reporting system to keep users on a water budget. If a budget is exceeded, a series of enforcement protocols are triggered. These include financial penalties and ultimately, a discontinuation of service. The applicant has also proposed a renewable water fund within the future water and sanitation district's financial structure that allows for the purchase of future renewable water rights.

Specific to wastewater treatment infrastructure, the applicant is proposing a new wastewater treatment facility in PA-20 for the future Pine Canyon Water and Sanitation District. The applicant has already received Colorado Department of Public Health and Environment (CDPHE) site location approval for this facility. The approval allows for operation and production of reclaimed water in accordance with CDPHE Regulation 84 (Reclaimed Water Control Operation). In addition, a CDPHE Land Application Management Plan (LAMP) has been approved for the site allowing for application of effluent for reuse irrigation. The applicant indicates reclaimed water can be used to supply all the development's outdoor irrigation demands. Included in

the LAMP is application of effluent upon a minimum 42 acres of farmland at the historic homestead within OSP-8.

Pursuant to Section 18A, the applicant is also required to submit a Declaration of Restrictive Covenants acceptable to Douglas County to reserve underground water in perpetuity for the benefit of future property owners within the PD. The Declaration of Restrictive Covenants must be provided for execution to the Board of County Commissioners by the time of the Board hearing.

### Water Appeal

The proposed water appeal is to the demand standards of *DCZR* Section 1805A to allow for alternative demand standards in place of those required in Section 1805A.02.2 for residential and Section 1805A.02.3 for non-residential irrigated lawn, garden, or golf course. Pine Canyon is requesting alternative demand standards that are specific to indoor water uses, as it proposes to use a separate treated wastewater effluent water system to serve outdoor uses. No first use groundwater is proposed to be used for outdoor uses. The appeal includes these requests:

- A residential indoor demand standard of 0.20 acre-feet/year per residence. The County's residential demand standard is 0.75 acre-feet/year per residence.
- A demand standard specific to indoor uses at hotels, resorts, and spas of 1.38 acre-feet/year per 6,695 square feet of building space. *DCZR* Section 18A does not have a specific demand standard for hotels, resorts, or spas.
- The appeal request includes a proposed outdoor non-residential demand standard average of 1.58 acre-feet/year/acre. Outdoor water would be supplied from treated wastewater effluent from the Pine Canyon Wastewater Reclamation Facility (WRF). The County has a non-residential irrigated lawn, garden, or golf course demand standard of 2.50 acre-feet/year/acre.

As the rezoning application was processed, the water appeal narrative and site-specific documentation were revised for clarity. Staff and the County's water consultant reviewed and commented on the water appeal four separate times. The final versions of the documents are provided as attachments in support of the requested appeal. Due to the proximity of adjacent municipal wells (Town of Castle Rock), it was requested that the applicant provide a dynamic well-field analysis of pumping. The submitted wellfield analysis was reviewed and found to be adequate by the County's water consultant.



The indoor residential and non-residential water use would be monitored and enforced by the future Pine Canyon Water and Sanitation District.

The County residential demand standard of 0.75 acre-feet/year/residence assumes that a portion of the water will be used outdoors for pools, lawns, landscaping, and gardens. The County demand standards do not identify the proportional demand for

indoor versus outdoor uses, as it is a single demand number. In the Water Appeal Summary, the applicant provided documentation in support of the proposed 0.20 acre-feet/year/residence demand standard by estimated indoor demands from water and sanitation providers in the region.

Removing the possibility of excessive outdoor irrigation from the potable water system would reduce the overall groundwater demand. Pine Canyon's proposed residential water demand standard is predicated on limiting potable water for outdoor uses, instead capturing, treating, and reusing indoor wastewater effluent for outdoor uses. The applicant notes in its April 12, 2024 Water Appeal Summary that "100 percent of the district's wastewater effluent will be recycled and reused."

The requested demand standards of 0.20 acre-feet/year/residence and 1.38 acre-feet/year per 6,695 square feet for hotel, resort, and spa reflect no outdoor demand and are based on indoor demand only. Commercial/office/industrial (non-residential) will use the County demand standard of 0.75 acre-feet/year per 6,695 square feet of building space and provides that only 600,000 square feet will be served.

The applicant also is requesting an appeal to the non-residential irrigated lawn, garden, or golf course (non-residential outdoor uses) demand standard in *DCZR 1805A.02.4*. The request is for a proposed demand standard of an average of 1.58 acre-feet/year/acre which is 0.92 acre-feet less than the County standard of 2.50 acre-feet/year/acre. There will be no demand placed on first use groundwater for the non-residential outdoor uses since it will be supplied by the treated wastewater effluent system. The outdoor demand will be solely on the treated wastewater effluent system. The treated wastewater effluent will be delivered via separate outdoor use-only supply lines. Like the residential outdoor uses, the non-residential outdoor use is based on the submitted information in the *Water Supply Summary*. It appears that there will be adequate treated wastewater to serve all outdoor non-residential uses at a reduced demand standard of 1.58 acre-feet/year/acre.

The wastewater system proposes effluent treatment, storage, irrigation uses, land application, and a no-discharge treatment plant to meet Regulation #73 of the Colorado Department of Public Health and Environment, Water Quality Control Commission that limits phosphorous amounts in the Plum Creek watershed and ultimately Chatfield Reservoir. The proposed Pine Canyon Water and Sanitation District (PCWSD) will be responsible to monitor, manage, and enforce residential and nonresidential water demands. The future PCWSD would have the responsibility to ensure that the reused wastewater effluent is safely and appropriately used on every park, open space, and residential and commercial lot in Pine Canyon in perpetuity.

The PCWSD would own and operate a Water Reclamation Facility (WRF) that would treat the wastewater effluent to the Colorado Department of Public Health and Environment (CDPHE) Regulation 84 Class 3+ level and then deliver it via a separate

system to customers for outdoor uses only. The WRF would not discharge water to Plum Creek but store and deliver the treated wastewater for outdoor uses. PCWSD would control, monitor, and enforce all outdoor water uses. Surplus wastewater (during periods of lower outdoor demands) would be available for the conserved agricultural land at agronomic rates.

The proposed Pine Canyon water appeal was sent out for referral and several area water providers supplied comments. The Town of Castle Rock provided the most detailed opposition (see Water Appeal Referral Correspondence) to the proposed Pine Canyon PD and associated water appeal since it surrounds Pine Canyon. The Town's concerns with the demand standard appeal were in "stretching the supply as far as possible to entitle as much development as possible." The Town also cited concerns about having a wastewater treatment facility in its Watershed Protection District. Castle Rock Town Council also signed resolutions in opposition to Pine Canyon's water appeal and the proposed water treatment plant.

#### **D. Sanitation**

Sanitation is proposed to be provided by a new water and sanitation district to be known as the Pine Canyon Water and Sanitation District.

#### **E. Utilities**

Utility services are provided by Black Hills Energy and CORE Electric Cooperative. No response was received from Black Hills Energy. CORE responded with comments regarding future easements, an existing transmission line on the property, and that no structures will be allowed within CORE easements. Each of these issues will be addressed during future subdivision or site improvement plan review following rezoning.

### **VI. AMENITIES**

#### **A. Parks, Trails, and Open Space**

The applicant is proposing approximately 176 acres of open space and parks throughout the PD (or 33% of the site), which includes 8 open space planning areas, 3 local park planning areas, and various trails throughout the development. Where possible, connection to existing trails is proposed, particularly for the existing Plum Creek trail. A portion of the existing Plum Creek trail runs through the applicant's property. Proposed trails would allow an east-west connection from Founders Parkway to Plum Creek utilizing a proposed I-25 underpass (with detached sidewalk) and a grade-separated crossing at the Union Pacific railroad ROW. Open space or trails will be owned and maintained by a future metropolitan district or homeowners association as determined at final plat. At the writing of the staff report, Castle Rock has indicated that no connection to Town trails, and no easements under or above Town land, will be permitted.

Overall, the applicant is committing to a park land dedication of 82.6 total acres (or cash-in-lieu equivalent) per *Douglas County Subdivision Resolution (DCSR) Section 1003* at final plat. This includes a dedication of 3% of total nonresidential acreage. The area included in the calculation includes the PA-6 resort spa, the PA-19 business and light industrial PA, and estimates that 60% of PA-17 and 18 will include non-residential acreage. The PA-14 school site and PA-20 water treatment facility are excluded from the calculation.

The applicant's open space table within Sheet 7 of the PD, indicates that 32 acres of park land and trail corridor is proposed. The applicant will address the balance of its park land dedication requirement through cash-in-lieu fees or potential eligible improvements or dedications at subdivision.

No recreation centers are proposed in the PD, although the applicant has committed to installation of an outdoor fitness facility in either PA-5, 7, or 15. To mitigate offsite recreation impacts, the applicant has voluntarily committed to additional recreation dedications or fees not required by Douglas County. Such additional dedications or fees will be determined by negotiations with districts or municipalities at subdivision.

## **VII. PUBLIC NOTICE AND INPUT**

Notifications of an application in process were mailed to abutting property owners. *DCZR* Section 1511 requires mailed, published, and posted notice of the public hearing for the PD rezoning. Published and posted public notice is also required for the water appeal request per Section 1809A of the *DCZR*.

In addition to required notice, the applicant held outreach meetings with area residents and property owners during the review process.

The Castle Pines Homes Association was the only registered HOA notified as part of the County referral process. No response was received from the Castle Pines Homes Association.

Multiple pieces of public correspondence regarding the application were received. Comments or questions from the public generally concerned:

- Informational requests on the application and process.
- Support for the proposal and the proposed water plan.
- Concerns regarding:
  - Negative impacts on residents, infrastructure, and services in Castle Rock.
  - Density and loss of open space.
  - Increased traffic volume and infrastructure that has not caught up to growth.
  - Impacts from traffic including noise, pollution, and safety.

- No public transportation or bike infrastructure.
- Impacts on school capacity.
- Strain on water resources, and concern regarding the sufficiency of water for adequate water and sanitary service.
- Impacts to wildlife and wildlife habitat
- Removal of trees and other natural site features.

All public correspondence including the applicant's response to citizen comments is in the appendix of the staff report.

## VIII. **STAFF ANALYSIS**

### **Water Appeal**

DCZR 1808A.07 provides three standards for evaluation of a water appeal request and are discussed below.

#### **DCZR 1808A.07.1: The request will not be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.**

*Staff comment: Currently, the appeal assumes a reduced demand standard that is approximately 73 percent less than the County's demand standard. The applicant proposes a separate treated wastewater effluent reuse system to eliminate the first use of groundwater for outdoor uses that are factored into the presumptive County demand standards. The proposed demand standard of 0.20 acre-feet/year/residence (indoor use only) includes a margin of safety for system losses, limited outdoor use, or for periods of increased demand. When providing a separate treated wastewater effluent system for outdoor water, State Regulation 84 requires an exterior hose bib is provided at each residence.*

*To preserve the first use groundwater for indoor uses, outdoor irrigation will be provided via recycled wastewater effluent. The complex wastewater reuse system proposes effluent storage, irrigation uses, land application, and a no-discharge treatment plant to meet the requirements of the Plum Creek watershed. The proposed water and sanitation district will own, operate, and maintain the outdoor irrigation system throughout Pine Canyon. The district would have the responsibility to ensure that the recycled wastewater effluent is safely and appropriately used on every park, open space, and residential and commercial lot in Pine Canyon in perpetuity.*

*The Pine Canyon Water and Sanitation District will be the responsible entity for protecting the health, safety, and welfare of the public. This may create a large burden on a newly formed district to manage, monitor, and enforce limitations on residential and non-residential uses, let alone the State requirements associated with a Water Reclamation Facility that supplies treated wastewater effluent for all outdoor uses. It will take time until enough treated wastewater is generated to be available for outdoor uses.*



**DCZR 1808A.07.2: For appeals to the Water Demand Standards set forth in Section 1805A, or to the Documentation Standards set forth in Section 1806A, the application provides sufficient supporting data of alternate water demand criteria so the water supply is still considered sufficient in terms of quantity, quality, and dependability.**

*Staff comment: Supporting data for an alternate demand standard of 0.20 acre-feet per year per dwelling unit has been provided by the applicant. The applicant has provided detailed documentation of how the reduced indoor demand will be controlled, monitored, and enforced by the future Pine Canyon Water and Sanitation District. The development and operation of a treated wastewater effluent system to provide outdoor water instead of using first-use groundwater is critical to Pine Canyon having sufficient water quantity and dependability. The reduced demand standard is asserted to conserve groundwater that will be used to meet “unforeseen variable demands” in Pine Canyon.*

*A 0.20 acre-feet/year per residence demand for 1,800 dwelling units equates to approximately 360 acre-feet annually. The demands for non-residential indoor uses (commercial/office/industrial, hotel, school) are approximately 99 acre-feet annually. This places a proposed demand of 459 acre-feet per year on the 708 acre-feet of available groundwater. 259 acre-feet will remain in reserve for unplanned demands. The reduced demand standard is based on indoor residential uses and is proposed to supply a sufficient quantity of water to the development.*

*When the proposed demand is compared to other area water providers, Pine Canyon provided information that its proposed 0.20 acre-feet/year of indoor demand is similar to larger providers. The County’s water consultant noted that most water providers use a larger demand number for system budgeting and planning purposes for outdoor uses and “unforeseen variable demands.” Castle Rock, Centennial, and Parker are established water providers with years of data to support their average indoor demand numbers.*

*The County water consultant noted that a “more conservative residential unit demand value,” i.e., a larger demand number, could provide additional annual volume since there is 259 acre-feet of first-use groundwater held in reserve. In response, Pine Canyon increased to a 0.20 acre-feet/year per residence (indoor) demand standard that includes an 18% buffer to cover variability, unforeseen circumstances, and limited outdoor uses (food gardens).*

*The applicant proposes a development-specific indoor water demand standard of 1.38 acre-feet/year/ per 6,695 square feet of building space for hotels, resorts, and spas. The County does not have a presumptive standard for this specific use, but using common standards for hotel uses, the County water consultant estimates this to be 2.30 acre-feet/year/ per 6,695 square feet due to the “transient water use of rooms and spas.” The difference between the two demands is estimated to be 60 versus 100 gallons per room or approximately 0.92 acre-feet per year. There is insufficient data to support a lesser demand standard for a hotel, resort, and spa. There is adequate groundwater in reserve to provide for the demand standard, if needed.*

*The applicant is using the established County demand standard for commercial/office/industrial uses of 0.75 acre-feet/year per 6,695 square feet of building space. The Pine Canyon PD limits the total commercial/office/industrial to 600,000 square feet and when applying the demand standard, it projects demand to be 67.2 acre-feet/year. If the total commercial/office/industrial square footage were to be increased, the PD would need to be amended to demonstrate the adequacy of the water supply.*

*The proposed non-residential average outdoor demand standard of 1.58 acre-feet/year/acre of landscape irrigation is based on information from industry experts. The outdoor irrigation is supplied by a separate treated wastewater effluent system (indoor return flows). The proposed Pine Canyon Water and Sanitation District will own and operate all outdoor watering infrastructure to ensure a sufficient outdoor non-residential water supply.*

*The proposed Pine Canyon Water and Sanitation District will have the responsibility to monitor and enforce demand standards. A tiered rate system will be used to control indoor water use in Pine Canyon. Individual indoor water meters will be used to monitor the amount of water supplied to individual development. Curtailment of excessive water consumption will be enforced through increasing financial penalties from the district to ensure that there is a dependable quantity of water available for its residents.*

**DCZR 1808A.07.3: For appeals to the timing of determining the adequacy of the water supply; the application identifies the stage at which the determination of adequacy shall be made.**

*Staff comment: This criterion is not applicable as the request is not appealing the timing or stage of determining the adequacy of the water supply. All determinations of the adequacy of the water supply shall be in accordance with Section 18A.*

### **Planned Development – Rezoning**

Per Section 1503 of the DCZR, the Planning Commission is to consider the following criteria when making its recommendation to the Board.

**1503.01: Whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan.**

*Staff Comment: The property is located within the urban Castle Rock Municipal Planning Area as identified in Section 2 of the CMP. The Castle Rock Municipal Planning Area generally follows the municipal boundaries of the Town of Castle Rock but includes unincorporated parcels surrounded by the Town (like Pine Canyon).*

*The applicant has provided a CMP analysis in its application materials. The applicant indicates that numerous goals, objectives, and policies within CMP Section 2 (Urban Land Use), Section 5 (Community Resources), Section 6 (Transportation), Section 7 (Water Supply), Section 8 (Environmental Quality), and Section 9 (Wildlife), are supported by the*

*elements of the PD. Overall, the applicant's PD commitments, PD plan, and documents associated with the application and water appeal address each of these topic areas.*

*The CMP states that while approval criteria for land use applications requires a finding of compliance with the CMP, "...the competing values of the Plan must be balanced through the public review process to achieve the larger vision of the community." As such, the CMP acknowledges its own competing values and that implementation can only be achieved through the balancing of community values during the review process.*

*CMP Sections 2, 5, 6, 7, 8, and 9 cover a diversity of topics. Goals, objectives, and policies in Section 2 support urban level development on parcels in Municipal Planning Areas (like the Pine Canyon site). The CMP supports the creation of communities that balance growth, infrastructure, economic development, open space, and recreational opportunities, and where possible, complement the natural environment. CMP Section 2-16 specifically applies to parcels within Municipal Planning Areas and supports coordinated planning and potential annexation of unincorporated parcels into municipal boundaries. Referral comments from the Town of Castle Rock do not support the proposal without annexation into the Town. As a result, there has not been coordination between the Town and the applicant on this proposal. The County will continue to coordinate and cooperate with the applicant and Town in the future.*

*Section 5, Community Resources, supports new communities that provide adequate locations for schools, as well as the coordination of development with districts, utilities, and emergency services.*

*Section 6 addresses the road and transportation network, for which Pine Canyon has committed to road and infrastructure improvements and has proposed development standards for creation of a multi-modal transit hub.*

*Section 7 addresses the efficient use, conservation, and innovative management of water supply. To support these policies, the applicant has proposed a dual-pipe water system that allows for use of recycled water for irrigation. Section 7 also encourages development to obtain services from existing water providers to leverage economies of scale instead of new providers being formed.*

*Section 8 regards the natural environment and natural hazards, including such issues as geologic hazards, flooding, and wildfire. The applicant's geotechnical report, forest management plan, drainage report, and natural resources assessment address these issues. The proposed network of open space (including the riparian preserve) and parks support preservation of natural site features and addresses the existing Plum Creek floodplain. This similarly supports policies within Section 9 related to protection and preservation of wildlife habitat. During subdivision and development review, the applicant will require more focused analysis of individual parcels and development sites.*

**1503.02: Whether the application is in compliance with all applicable statutory provisions.**

*Staff Comment: The application complies with applicable provisions of the Colorado Revised Statutes.*

**1503.03: Whether there has been a substantial change in the character of the neighborhood, since the land was last zoned.**

*Staff Comment: The character of the neighborhood has changed since this property was last zoned in 1982. Some undeveloped parcels border the PD, particularly the far west side of the site, as well as the Scott Property, located east of I-25 abutting the PD's northern border. However, light industrial, storage, and warehouse uses have emerged in the Liggett Road area. Castle Rock has substantially grown and developed around the property, particularly east of I-25, and south and east of the PD boundaries. The applicant has indicated that much of the now developed areas surrounding the subject property were once part of the original family ranch.*

**1503.04: Whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.**

*Staff Comment: The DCSD reviewed the application and calculated a land dedication amount of 20.56 acres. The applicant proposes a future 12.7-acre school site and cash-in-lieu for the balance of the school land dedication.*

*The applicant has proposed parks, open space, trails, and an outdoor fitness facility. The applicant has voluntarily proposed additional land dedication or fees beyond County requirements to be determined by negotiations with the impacted entity or municipality at subdivision to offset recreation impacts generated by Pine Canyon.*

*The Douglas County Sheriff's Office provided no comment on the application. Pine Canyon is within the service area of the Castle Rock Fire Protection District (CRFPD). CRFPD provided a response to the application and indicated it will petition for removal of the property from its boundaries if the application is approved. It is the applicant's opinion that CRFPD cannot legally remove property from its boundaries, and fire service will be provided.*

*Black Hills Energy provided no response to the referral request. CORE Electric did not object to the proposal and provided comments that will be addressed during subdivision review.*

**1503.05: Whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development.**

*Staff Comment: Engineering Services has accepted the TIA and the applicant's proposed PD traffic commitments. CDOT's remaining comments on the TIA can be addressed at subdivision. The Town of Castle Rock has not accepted the TIA and the traffic*

*commitments proposed by the applicant and indicates that its comments have not been addressed. Considering the impacts, mitigations, and findings in the accepted traffic impact analysis, Engineering Services concurs with the conclusion of the traffic analysis; that sufficient roadway capacity is expected to be available for the roadways within the scope of the traffic impact study to maintain the County's adopted levels-of-service for the impacted transportation facilities.*

**1503.06: Whether the proposed rezoning is compatible with surrounding land uses.**

*Staff Comment:* *The applicant proposes parks, a ring of open space, and single-family residential within the eastern portion of the PD for consistency with the neighboring development to the south and east. The residential planning areas include similar densities to adjoining development. The applicant has further committed in the PD to matching or exceeding adjoining lot sizes when development in Pine Canyon occurs within 300 feet of existing communities along the southern PD boundary. The proposed hotel and spa site is centered within the eastern portion of the PD, away from the perimeter of the PD, to reduce impacts.*

*Multifamily development, the mixed-use mobility hub, and nonresidential planning areas are proposed adjacent to I-25 or railroad ROW. These uses are better able to absorb the impacts of these existing physical land uses. At the same time, the location of these PAs allows separation from single-family neighborhoods to the east. Abutting land uses in this area generally include undeveloped parcels, light industrial, or warehouse development.*

*The westernmost portion of the PD, which includes the Plum Creek corridor, is proposed as a riparian preserve maintaining sensitive habitat and providing a buffer to development to the west and an open space parcel within the Town.*

**1503.07: Whether the subject land is suitable for the intended use and is compatible with the natural environment.**

*Staff Comment:* *The applicant proposes approximately 33 percent of the site for open space, parks, or trails. All of OSP-8 is to be preserved via a conservation easement, which maintains the most sensitive portion of the property along Plum Creek. The applicant has also proposed a view plane protection area within the east side of the PD to reduce the amount of overlot grading and to protect slopes and treed area. All of the above assist in the preservation of natural site features, vegetation, slopes, and floodplain. The applicant has satisfied CGS's current comments on the geotechnical report. CGS will continue to review any future subdivision applications.*

**1503.08: Whether the proposed Development Plan complies with the general requirements in 1502 herein.**

*Staff Comment:* *The general requirements in Section 1502 provide for the unified development of a PD and bind the owners of the property to the requirements of the PD. The proposed PD provides for unified development with a plan that is binding on the current and future owners.*

**1503.09: Whether the planned development provides for unified development control under a unified plan.**

Staff Comment: *The owners, successors, and assigns are bound by the terms of the development plan which will provide for unified control.*

**1503.10: Whether the application is in conformance with Section 18A, Water Supply Overlay District, herein.**

Staff Comment: *The application has been reviewed under the provisions of DCZR Section 18A. Based upon approval of the related Water Appeal, the application meets the requirements of DCZR 18A applicable to the rezoning phase of land use review. Below is a discussion of the approval standards in Section 1803A.*

**1803A.01: The applicant has demonstrated that the water rights can be used for the proposed use(s).**

Staff Comment: *The applicant has provided documents that the water rights can be used for the uses proposed in the planned development.*

**1803A.02: The reliability of a renewable water right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration.**

Staff Comment: *There are no renewable water rights associated with this application.*

**1803A.03: The Water Plan is deemed adequate and feasible by the County to ensure that water supply shortages will not occur due to variations in the hydrologic cycle.**

Staff Comment: *The future Pine Canyon Water and Sanitation District will be required to provide a Water Plan.*

**1803A.04: The Water Plan is sufficient to meet the demand applicable to the project based on the minimum water demand standards in Section 1805A herein.**

Staff Comment: *Without approval of the related Water Appeal, this criterion cannot be met as the rezoning does not have an adequate supply of water to meet the minimum residential demand standard in Section 1805A.*

## **IX. STAFF ASSESSMENT**

Two motions are required for the project, one for the appeal to Section 18A and the second for the PD rezoning.

### Water Appeal

Staff has evaluated the water appeal in accordance with Section 1808A of the Zoning Resolution. The water appeal proposes:

- A residential indoor demand standard of 0.20 acre-feet/year per dwelling unit.

- A demand standard specific to indoor uses at a hotel, resort, and spa of 1.38 acre-feet/year per 6,695 square feet of building space.
- A demand standard of 1.58 acre-feet/year/acre non-residential outdoor water uses. This would be supplied from treated wastewater effluent from the Pine Canyon Wastewater Reclamation Facility (WRF).

Without approval of the appeal to the water demand standards, the rezoning is not in conformance with the residential demand standards of Section 1805A as required in Section 1803A.04.

Should the Planning Commission find that the approval criteria for an appeal to the Water Supply Overlay District are met, the following condition should be considered for inclusion in its recommendation to the Board of County Commissioners:

1. Prior to recordation, all minor technical corrections will be made to the Water Appeal Summary to the satisfaction of Douglas County.

#### Planned Development Rezoning

Staff has evaluated the planned development rezoning in accordance with Section 15 of the *DCZR*. The applicant has proposed a planned development with multi- and single-family residential, a mixed-use transit hub, open space, parks, and trails (including a riparian preserve at Plum Creek), a school site, a hotel and spa, business, commercial, and light industrial uses. If the Planning Commission finds that the approval standards for a Planned Development Rezoning are met, the following proposed conditions should be considered for inclusion in the motion:

1. Prior to recordation, all minor technical corrections will be made to the Planned Development document to the satisfaction of Douglas County.
2. Concurrent with the recordation of the Pine Canyon Planned Development, a Declaration of Restrictive Covenants to reserve all water rights contained within the property for future landowners within the Planned Development shall be recorded.
3. The appeal to the standards in Section 18A of the *DCZR* shall be approved prior to, or concurrently with, the rezoning.

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