

ORDINANCE NO. 2022-

AN ORDINANCE AMENDING CHAPTERS 4.04 AND 13.12 OF THE CASTLE ROCK MUNICIPAL CODE AND ADOPTING THE UPDATED 2022 TOWN OF CASTLE ROCK LANDSCAPE AND IRRIGATION CRITERIA MANUAL, AS ADOPTED BY REFERENCE IN SECTION 15.48.010 OF THE CASTLE ROCK MUNICIPAL CODE

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community; and

WHEREAS, the Town Council has determined the necessity of adopting regulations and standards pertaining to landscape and irrigation installation and construction in the Town; and

WHEREAS, the Castle Rock Water Commission has reviewed the updated 2022 Town of Castle Rock Landscape and Irrigation Criteria Manual (“Landscape Manual”) and has recommended that the Landscape Manual be adopted by the Town Council; and

WHEREAS, the changes to the Landscape Manual are made in order to promote water conservation, reduce peak demand on infrastructure, reduce the total renewable water supply needed for future use, and reduce the long-term cost of water for the community; and

WHEREAS, the changes to the Landscape Manual are applicable only to new homes built in Castle Rock on or after January 1, 2023; and

WHEREAS, a copy of the Landscape Manual has been filed with the Town Clerk and a public hearing has been held regarding its adoption before the Town Council as required by Town regulations and Section 31-16-203, C.R.S; and

WHEREAS, additionally, Town staff recommends certain changes to the Town of Castle Rock Municipal Code (the “Code”) related to water dedication and public services to assist Castle Rock Water in achieving its long-term strategic goals.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Adoption. The Town Council hereby adopts the 2022 Town of Castle Rock Landscape and Irrigation Criteria Manual in the form on file with Town Clerk and as presented to the Town Council at the public hearing.

Section 2. Amendment. Section 4.04.050 of the Code is amended to read as follows:

4.04.050 Required dedication of groundwater rights with land use approval.

- A. Annexation. All groundwater rights to the Denver Basin groundwater underlying the annexed property shall be conveyed to the Town concurrently with and as a condition to the annexation. The severance of ownership or control of the groundwater rights from the annexed property shall preclude its annexation as the Town Council may determine in its sole discretion. The total development entitlements granted annexed property through concurrent zoning approval shall be limited to the development credit (as calculated pursuant to Section 4.04.080) realized from the required groundwater rights conveyance, absent a finding of the Town Council that the exceptional nature of the development proposed warrants special dispensation, such as preservation of open space, landforms or vistas of community-wide significance or interest, significant primary employment generation, or enhanced urban design and community amenities and aesthetics. ~~Regardless of any other conditions, implementation of a water efficiency plan in accordance with Section 4.04.120 is a requirement of annexation.~~ In the event that the Town Council finds that the development proposal merits special dispensation, the development agreement shall prescribe the supplemental water resource dedication and/or cash-in-lieu payment required to support full development of the annexed property.

Section 3. Amendment. Section 4.04.080 of the Code is amended to read as follows:

4.04.080 Manner of compliance.

- B. Water demand. The gross water production required to support the Town's service commitment to annexed property shall be calculated at 0.55 AF per single-family equivalent (SFE) assignment made under Subsection 13.12.080.A of the Municipal Code; provided, however, THAT FOR PURPOSES OF CALCULATING WATER RIGHTS DEDICATION REQUIREMENTS, AN SFE ASSIGNMENT OF LESS THAN .60 SFE MAY BE UTILIZED UNDER THIS SECTION, IF OTHERWISE QUALIFYING UNDER THE APPLICABLE ENGINEERING CRITERIA ADOPTED ADMINISTRATIVELY BY THE DIRECTOR. ~~that for purposes of calculating water rights dedication requirements within an area governed by a water efficiency plan, the SFE assignment for calculated water demand under Section 13.12.080 shall not be limited to the .67 SFE minimum assignment prescribed in Section 13.12.080. Consequently, an SFE assignment of less than .67 SFE may be utilized under this Section, if otherwise qualifying under the applicable water efficiency plan and the engineering criteria adopted administratively by the Director.~~

Section 4. Amendment. Section 4.04.120 of the Code is amended to read as follows:

~~4.04.120 Water efficiency plan.~~

~~In the event that a water efficiency plan is approved and implemented in accordance with applicable Town regulations, the SFE assignment for tap connections within the area~~

subject to the water efficiency plan may be reduced in accordance with Sections 4.04.150 and 13.12.080.

Section 5. Amendment. Section 4.04.150 of the Code is amended to read as follows:

4.04.150 Renewable water resource fee.

A. In order to defray the cost incurred by the Town in the acquisition and development of renewable water resources consistent with the water plan and this Chapter, there is imposed a renewable water resource fee as a condition to the right to connect to the municipal water system. The renewable water resource fee is established at the following schedule of fees in effect as of the date of a complete building permit application, ~~provided however, in order to qualify for the 0.67 SFE, the applicant must meet additional engineering criteria beyond meter capacity as established by Castle Rock Water:~~

Renewable Water Resource Fee

<i>Meter Size</i>	<i>SFE</i>	<i>Meter Capacity (GPM*)</i>	<i>20232 and thereafter</i>
7/16" x 3/4"	.60	18	\$XX,XXX
5/8" x 3/4"	.67	20	\$17,683
3/4" x 3/4"	1.00	30	\$26,458
1"	1.67	50	\$44,076
1.5"	3.33	100	\$87,888
2" C2	6.67	200	\$176,042
2" T2	8.33	250	\$219,853
3" C2	16.67	500	\$439,972

3" T2	21.67	650	\$571,936
4" C2	33.33	1,000	\$879,679
4" T2	41.67	1,250	\$1,099,796
6" C2	66.67	2,000	\$1,759,621
6" T2	83.33	2,500	\$2,199,328

* Potential flow capacity in gallons per minute.

B. FOR SINGLE FAMILY HOMES, FEES WILL BE PRORATED WITH THE SFE ASSIGNMENT APPLIED BASED ON ACTUAL ENGINEERING CRITERIA ADOPTED BY CASTLE ROCK WATER SPECIFIC TO THE WATER SAVINGS MEASURES IN PLACE FOR THE HOME FOR HOMES WITH A CALCULATED DEMAND BETWEEN 0.67 SFE AND 1.00 SFE. ~~Irrespective of the SFE assignment under subsection A, connections within an area governed by a water efficiency plan shall be assigned an SFE by applying the engineering criteria adopted by Castle Rock Water to the specific water saving measures mandated by the water efficiency plan with 0.67 SFE being the lowest available assignment under this section.~~

Section 6. Amendment. Section 13.12.020 of the Code is amended to read as follows:

13.12.020 Utilization of municipal services required.

No individual or separate water systems shall be permitted. Except when authorized by the Town Council with approval of a final subdivision plat and upon finding that connection to the municipal wastewater system will create an extraordinary hardship, no individual residence, business or other property development shall be permitted to create a separate septic system. Such separate wastewater system shall require the approval of the DOUGLAS ~~Tri~~ County Health Department and any other permitting jurisdiction and shall be abandoned and connection made to municipal services in accordance with the terms and conditions of the resolution of the Town Council authorizing the system(s).

Section 7. Amendment. Section 13.12.040 of the Code is amended to read as follows:

13.12.040 Extension of services outside municipal boundaries.

Pursuant to contract, the Town may make available municipal water and sewer services to properties outside the Town's corporate boundaries; provided, however, that such service

shall not impair services to resident users. The contract for extraterritorial service shall specify the terms and conditions for service extension, including the system development, tap and connection charges to be imposed, the charges for service, and the requirements for annexation, if any. As a condition to such service extension, the property owner shall be subject to all ordinances and regulations of the Town governing water and wastewater use and service. Extraterritorial service shall be charged at UP TO one hundred twenty-five percent (125%) of the rate established under Section 13.12.110.

Section 8. Amendment. Section 13.12.080 of the Code is amended to read as follows:

13.12.080 System development fees.

- A. In order to defray the capital costs of utilizing, expanding and developing municipal facilities for the provision of water, system development fees shall be assessed in accordance with the following schedule of rates in effect as of the date of submission of a complete building permit application, ~~provided however, in order to qualify for the 0.67 SFE system development fee, the applicant must meet additional engineering criteria beyond meter capacity as established by Castle Rock Water:~~

Water System Development Fee

<i>Meter Size</i>	<i>SFE</i>	<i>Meter Capacity (GPM*)</i>	<i>2022 and thereafter</i>
7/16" x 3/4"	0.60	18	\$X,XXX
5/8" x 3/4"	0.67	20	\$3,809
3/4" x 3/4"	1.00	30	\$5,700
1"	1.67	50	\$9,476
1.5"	3.33	100	\$18,894
2" C2	6.67	200	\$37,846
2" T2	8.33	250	\$47,624
3" C2	16.67	500	\$94,586

3" T2	21.67	650	\$122,956
4" C2	33.33	1,000	\$189,114
4" T2	41.67	1,250	\$236,436
6" C2	66.67	2,000	\$378,286
6" T2	83.33	2,500	\$472,815

* Potential flow capacity in gallons per minute.

B. FOR SINGLE FAMILY HOMES, FEES WILL BE PRORATED WITH THE SFE ASSIGNMENT APPLIED BASED ON ACTUAL ENGINEERING CRITERIA ADOPTED BY CASTLE ROCK WATER SPECIFIC TO THE WATER SAVINGS MEASURES IN PLACE FOR THE HOME FOR HOMES WITH A CALCULATED DEMAND BETWEEN 0.67 SFE AND 1.00. SFE. Irrespective of the SFE assignment under subsection A, connections within an area governed by a water efficiency plan shall be assigned an SFE by applying the engineering criteria adopted by Castle Rock Water to the specific water saving measures mandated by the water efficiency plan with 0.67 SFE being the lowest available assignment under this section.

C. In order to defray the capital costs of utilizing, expanding and developing municipal facilities for the provision of wastewater, system development fees shall be assessed in accordance with the following schedule of rates in effect as of the date of submission of a complete building permit application:

Wastewater System Development Fee*

<i>Meter Size</i>	<i>SFE</i>	<i>Meter Capacity (GPM*)</i>	<i>20232 and thereafter</i>
7/16" × 3/4"	.60	18	\$X,XXX
5/8" × 3/4"	.67	20	\$3,279
3/4" × 3/4"	1.00	30	\$4,909

1"	1.67	50	\$8,173
1.5"	3.33	100	\$16,299
2" C2	6.67	200	\$32,646
2" T2	8.33	250	\$40,772
3" C2	16.67	500	\$81,592
3" T2	21.67	650	\$106,065
4" C2	33.33	1,000	\$163,137
4" T2	41.67	1,250	\$203,957
6" C2	66.67	2,000	\$326,322
6" T2	83.33	2,500	\$407,867

* Does not apply to SFEs served by Pinery Water and Wastewater District.

** Potential flow equivalency in gallons per minute, ~~with the exception of the 0.67 SFE the applicant must meet additional engineering criteria as established by Castle Rock Water.~~

Section 9. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

Section 10. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ___ day of _____, 2022 by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ___ day of _____, 2022, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman Town Attorney

Mark Marlowe, Director Castle Rock Water