



STAFF REPORT

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mark Marlowe, P.E., Director of Castle Rock Water
Mark Henderson, P.E., Assistant Director of Castle Rock Water
Lauren Moore, Water Resources Manager
Rick Schultz, Water Efficiency Supervisor

Title: **Ordinance Prohibiting Common Interest Communities from Enforcing Watering Requirements for Landscaping During Drought Conditions** *[Castle Rock Water Service Area]*

Executive Summary

This memorandum has been prepared to seek Council approval on first reading for an Ordinance (**Attachment A**) to prohibit any person and thus Common Interest Communities such as Homeowners Associations (HOAs) or Metro Districts from issuing violations to residents for reduced or limited watering of grass that may result in dormant or brown grass during Town drought declarations. The Town of Castle Rock has adopted a Drought Management Plan that establishes staged responses to water shortages, including recommendations and restrictions on outdoor irrigation. During declared drought conditions, compliance with these measures may result in brown or dormant turf. Currently, some Common Interest Communities maintain covenants that require green or well-maintained turf and may impose fines or enforcement actions when those standards are not met. This creates a potential conflict between Town-directed water conservation efforts and private enforcement of landscaping standards.

This ordinance will amend the Castle Rock Municipal Code to prohibit Common Interest Communities from issuing fines or enforcement actions related to brown grass or similar landscape conditions when such conditions are the result of compliance with Town-declared drought restrictions and recommendations.

The ordinance would:

- Apply only during officially declared drought stages under the Town's Drought Management Plan;

- Prohibit private enforcement actions related to turf condition, minimum irrigation levels, or imposing minimum landscaping standards that are inconsistent with declared drought compliance;
- Require suspension of ongoing enforcement actions for the duration of the drought declaration; and
- Preserve Common Interest Communities authority over non-water-related property maintenance and governance.

Castle Rock Water is also proposing under separate Resolution (**Attachment B**) to update the 2025 Drought Management Plan to be consistent with the proposed ordinance and code changes.

Notification and Outreach Efforts

Castle Rock Water sent notice on May 4th to Common Interest Communities including HOAs and Metro Districts throughout Town with a copy of the draft Council memo and the draft Ordinance notifying them that the ordinance would be considered at the May 19th Council meeting. The notice invited comments on the draft ordinance and attendance by HOA or Metro District representatives at the Council meeting.

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

Castle Rock Water staff presented this item to the Castle Rock Water Commission at their meeting held on April 22, 2026, and the Castle Rock Water Commission voted unanimously, 7 to 0 to recommend Town Council approval of the Ordinance as presented.

Discussion

Castle Rock Water's 2025 Drought Management Plan establishes a framework for reducing water demand during periods of limited supply. These measures include recommendations and restrictions on outdoor irrigation, which can lead to turf dormancy or browning. The ongoing drought this year is a perfect example of the importance of Castle Rock Water's Drought Management Plan for managing outdoor water use to ensure reliable water supplies are preserved for the community over the long term.

Castle Rock previously adopted a "no turf" ordinance for front yards for any new residential development and for any new areas of non-residential development. This is also known as the Colorascaping Ordinance. Colorado state law and policy increasingly support water conservation and drought-tolerant landscaping. Recent legislation is catching up with Castle Rock and now requires Common Interest Communities such as HOAs and Metro Districts to allow water-wise landscaping and limits their ability to enforce aesthetic standards that conflict with conservation goals. However, these private enforcement practices during active drought conditions are inconsistent across Castle Rock communities and a source of concern and contention with residents.

The proposed ordinance is intended to:

- Ensure residents are not penalized for complying with Town water conservation measures and drought stage recommendations and restrictions;
- Support the effectiveness of the Town’s Drought Management Plan;
- Reduce confusion and conflict between public regulations and private requirements; and
- Align local practices with state policy encouraging water conservation and drought resilience.

Without this clarification, residents may feel pressure to overwater landscapes or not comply with a declared drought to avoid penalties from Common Interest Community covenants, undermining the Town’s conservation objectives. The ordinance and resulting changes to Municipal Code have been developed to address several potential concerns that might be raised by HOAs and Metro Districts:

- The ordinance is narrowly tailored to apply only during declared drought conditions;
- It does not regulate general HOA or Metro District governance or financial authority;
- It is designed to complement, not conflict with, the Colorado Common Interest Ownership Act (CCIOA); and
- It reinforces existing state and local policy promoting water conservation.

It is important to understand that brown grass in Castle Rock does not mean the grass is dead. Castle Rock Water’s drought stage restrictions allow some level of watering through Stages 1, 2 and 3. The watering allowed is not expected to maintain green grass but keep dormant brown grass alive. Typical grasses used in Castle Rock can survive 4-8 weeks without any water in a brown dormant state depending on the exact grass type. The watering allowed in Stages 1, 2 and 3 of drought restrictions allows the grass to survive until conditions improve.

In addition to the Ordinance, Castle Rock Water plans to update the 2025 Drought Management Plan to incorporate the implications resulting from the ordinance and provide guidance to residents. This will ensure consistency with Town code and allow for easy implementation by staff and understanding by the broader community.

Budget Impact

Budget impacts during drought declarations and restrictions are expected and may be significant. Castle Rock Water maintains a Rate Revenue Stabilization Reserve to offset some impacts. In Stage 2 drought and beyond, Castle Rock Water also implements tighter customer water budgets and surcharges (in Stage 3 and beyond) which help mitigate revenue impacts from reduced water sales during a drought declaration.

Staff Recommendation

Staff and Castle Rock Water Commission recommend Council adoption of the Ordinance as introduced on first reading.

Proposed Motion

“I move to approve the Resolution as introduced by title.”

Alternative Motions

“I move to approve the resolution as introduced by title, with the following conditions: (list conditions).”

“I move to continue this item to the Town Council meeting on _____ date to allow additional time to (list information needed).”

Attachments

Attachment A: Ordinance

Attachment B: Resolution Approving Changes to the 2025 Drought Management Plan