

RESOLUTION NO. 2024-101

RESOLUTION APPROVING A VARIANCE PURSUANT TO CHAPTER 9.16.070.E OF THE CASTLE ROCK MUNICIPAL CODE FOR NIGHT TIME CONSTRUCTION WORK RELATED TO THE COBBLESTONE RANCH WATER STORAGE TANK 18 PROJECT

WHEREAS, Section 9.16.030.A. of the Castle Rock Municipal Code (“CRMC”) provides that “[n]o person shall make, continue or cause to made or continued, any noise disturbance, including, but not limited to, the specific noise disturbances prohibited in Subsection B of this Section”; and

WHEREAS, CRMC Section 9.16.030.B.5. expressly prohibits “[o]perating or permitting the operation of any tools or equipment in connection with construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays and between the hours of 6:00 p.m. and 8:00 a.m. on weekends or holidays such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for ... work exempted ... by variance issued pursuant to Subsection 9.16.070.E.”; and

WHEREAS, Castle Rock Water has made application for a variance to the Town’s noise ordinance pursuant to Chapter 9.16.070.E of the Castle Rock Municipal Code, for the purpose of allowing its contractor, DN Tanks, to perform certain construction work related to the Cobblestone Ranch Water Storage Tank 18 Project (the “Project”), specifically, the installation of an interior tank liner; and

WHEREAS, to minimize inconvenience to the public, Castle Rock water anticipates that night work will be necessary in the vicinity of the intersection of Pleasant View Drive and Antelope Place, which work is planned to be conducted over a two-week period in October from 7:00 p.m. to 7:00 a.m.; and

WHEREAS, the Town Council finds that the activity will be of temporary duration and, even with the application of the best available technology, the installation of an interior tank liner cannot be completed in a manner that would comply with Chapter 9.16.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. **Approval.** The application for a variance from Castle Rock Water is hereby approved subject to the following restrictions:

- a. The variance shall be in effect between October 1, 2024, and October 31, 2024. This time period may be extended by up to 30 days at the discretion of the Director of Castle Rock Water, if necessary to complete construction work related to the Project.

- b. The variance shall apply only to work performed for the purpose of installing an interior tank liner. Any other work undertaken pursuant to the Project shall comply with the noise restrictions set forth in CRMC Chapter 9.16.

PASSED, APPROVED AND ADOPTED this 1st day of October, 2024, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading 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