

**RESOLUTION NO. 2022-**

**A RESOLUTION APPROVING A VARIANCE PURSUANT TO  
CHAPTER 9.16.070.E OF THE CASTLE ROCK MUNICIPAL CODE  
FOR NIGHTTIME CONSTRUCTION ACTIVITIES RELATED TO THE  
CRAIG AND GOULD NORTH INFRASTRUCTURE IMPROVEMENTS  
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 be 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 an application for a variance (the “Variance”) to the Town’s noise ordinance pursuant to CRMC Chapter 9.16.070.E necessary for nighttime construction activities related to the Craig and Gould North Infrastructure Improvements Project (the “Project”); and

**WHEREAS**, to minimize inconvenience to the public and mitigate traffic impacts including, but not limited to, peak hour traffic times, Castle Rock Water anticipates that night work is necessary; and

**WHEREAS**, the Town Council finds that the activity will be of temporary duration and, even with the application of the best available control technology, the maintenance cannot be done in a manner that would comply with Chapter 9.16 without approval of a nighttime construction activities variance.

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

**Section 1. Approval.** Town Council hereby approves the application for the Variance for the Project beginning August 1, 2022, subject to the following restrictions:

1. The Variance shall be in effect from August 1, 2022, at 6:00 p.m., to September 30, 2022, at 11:59 p.m. The Variance allows for weekday work to occur between 7:00 p.m. and 7:00 a.m. Further, the Variance allows for overnight work to occur between 6:00 p.m. and 8:00 a.m. on weekends or holidays. This time period may be extended for up to three additional months to then expire no later than December 31, 2022, at

11:59 p.m., at the discretion of the Director of Castle Rock Water, if such extension is reasonably necessary to complete work undertaken for the Project.

2. The Variance shall apply only to maintenance and construction work performed for upgrades to the neighborhood's roadways, storm drainage, water and sanitary sewer systems, to include nightly lane closures at Sixth Street and Wilcox Street, and a twenty-four-hour non-stop jack and bore operation to install storm sewer through the railroad right-of-way in downtown Castle Rock. Any other construction work shall comply with the noise restrictions set forth in Chapter 9.16 of the CRMC.

**PASSED, APPROVED AND ADOPTED** this 19th day of July, 2022 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 of Castle Rock Water