

**ORDINANCE NO. 2018-  
AMENDING CHAPTER 4.04 OF THE CASTLE ROCK MUNICIPAL  
CODE REQUIRING THE DEDICATION OF RENEWABLE WATER  
RESOURCES AT THE TIME OF ANNEXATION**

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

**Section 1.**

**4.04.045 Renewable water resources required at annexation.**

A. Requirement. Except for annexations exempted under 4.04.045B, no property shall be annexed to the Town unless the Town is concurrently provided, by and at the expense of the annexor, (i) new renewable water resources and/or (ii) additional or enhancement of existing Castle Rock Water renewable water resources and/or (iii) a verifiable reduction in current irrigation demand through dry up of existing irrigated lands through landscape renovation in accordance with Castle Rock's landscape criteria sufficient to meet the total projected water demand from full development of the annexed property. The determination as to whether the annexor is able to meet the requirement of this section 4.04.045 is at the sole discretion of the Town Council. The provision of such renewable resources or reduction in current water demand needs, and any adjustment in the renewable water fee imposed under 4.04.150 as a result thereof shall be specified in the annexation and development agreement.

B. Exemption. Property proposed for annexation which is identified in Castle Rock Water's Water Resources Strategic Master Plan as amended ~~on~~in January 16, 2017 on Figure 3.3-(i) the subject of an active land use application with the Town on \_\_\_\_\_, (ii) designated as "Infill" on the Town Zoning District Map, or (iii) less than \_\_\_\_\_ acres in total area shall be exempt from application of 4.04.045A unless annexation has not occurred by December 31, 2020, after which date 4.04.045A shall apply.

**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 (calculated under Paragraph 4.04.080A.1 of this Chapter) 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; ~~or implementation of a water efficiency plan in accordance with Section 4.04.120.~~ 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 annexation contract shall prescribe the supplemental water resource dedication and/or cash-in-lieu payment required to support full development of the annexed property.

B. **Rezoning.** As a condition to Town Council approval of a rezoning, all groundwater rights to Denver Basin groundwater underlying the subject property shall be conveyed to the Town. The request for rezoning shall constitute an irrevocable offer by the land use applicant and landowner to amend the applicable development contract to conform to the provisions of the code in effect at the time of rezoning. The landowner shall execute the necessary development contract amendment as a condition to the final adoption of the rezoning ordinance.

C. **Subdivision.** If the requirements under this Chapter have not been satisfied by prior dedication or pursuant to a water dedication agreement, groundwater rights sufficient to meet the criteria of this Chapter shall be conveyed to the Town, including all groundwater rights to Denver Basin groundwater underlying the subdivision, as a condition to Town Council approval of a final subdivision plat.

D. **Reduced Development Credit.** Development credit granted for the groundwater rights to the Laramie-Fox Hills aquifer shall be calculated at one-third the rate decreed, due to the speculative yield and exceptional production arid treatment costs of this resource. No development credit shall be granted for rights to the Laramie-Fox Hills that are encumbered under a not-non-tributary augmentation plan. The production characteristics of the Lower Dawson shall be observed and modeled to ascertain whether it is necessary to adjust the development credit for this aquifer.

E. Concurrently with the conveyance under subsections B and C above, the Town and the dedicator shall enter into a water dedication agreement. As provided in Section 4.04.130 of this Chapter, the Town may accept the dedication prior to the time mandated above.

**Section 4. 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 5. 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 \_\_\_\_\_, 2017 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 \_\_\_\_\_, 2017, by the Town Council of the Town of Castle Rock by a vote of \_\_\_ for and \_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Lisa Anderson, Town Clerk

Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

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Mark Marlowe, Director of Castle Rock Water