

RESOLUTION NO. 2020-073

A RESOLUTION BY THE TOWN COUNCIL STATING ITS OPPOSITION TO THE SITE APPLICATION SUBMITTED BY JRW FAMILY LIMITED PARTNERSHIP, LLLP, TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR A NEW WASTEWATER TREATMENT PLANT TO SERVE THE PINE CANYON DEVELOPMENT

WHEREAS, JRW Family Limited Partnership, LLLP, the owner and developer of Pine Canyon (the “Applicant”), has submitted a site application to the Colorado Department of Public Health and Environment (CDPHE) requesting a permit for a new wastewater treatment plant to serve the Pine Canyon development; and

WHEREAS, the Applicant has prepared a site application that has a long list of technical problems and inadequacies; and

WHEREAS, although Pine Canyon is located within unincorporated Douglas County, it is surrounded by the Town of Castle Rock (the “Town”); and

WHEREAS, constructing a wastewater treatment plant in the middle of the Town does not fit in with the nature of the surrounding development, open space, and trails in the Town and will cause negative impacts on the surrounding area, including noise and odor; and

WHEREAS, the water and sanitation district proposed by the Applicant to own and operate the plant does not yet exist and has no financial plan to demonstrate the financial capacity to fund the construction and operation of this type of facility in a manner that will protect the public health and environment; and

WHEREAS, a discharge of treated wastewater into East Plum Creek at the location proposed by the Applicant is immediately upstream of several of the Town’s drinking water wells, thereby presenting undue risks to the safety of Town’s water supply; and

WHEREAS, although the location of the proposed discharge falls within the boundaries of the Castle Rock Watershed Protection District, the Applicant has thus far failed to seek a discharge permit from the Town as required by Chapter 4.02 of the Castle Rock Municipal Code; and

WHEREAS, Pine Canyon does not have a waste load allocation for phosphorus to discharge wastewater effluent within the Chatfield Watershed, a requirement for any new wastewater plant in the watershed; and

WHEREAS, the trade for a phosphorus allocation proposed by the Applicant is technically inadequate to provide for the waste load allocation; and

WHEREAS, the Applicant has chosen to challenge guidance in Colorado Revised Statutes that encourages the consolidation of wastewater treatment and instead argues that the costs at the

regional wastewater plant, Plum Creek Water Reclamation Authority (PCWRA), are too high, an argument that is based upon incorrect cost comparisons; and

WHEREAS, on the contrary, correct cost information shows that consolidation of water and wastewater services through annexation into the Town presents the best and most cost efficient option for the Applicant; and

WHEREAS, furthermore, Pine Canyon lies within the Town's water and wastewater service area and the Town has planned accordingly to serve this property if and when such property is developed.

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

Section 1. **Statement of Opposition.** The Town Council hereby formally states its opposition to the site application submitted by JRW Family Limited Partnership, LLLP, the owner and developer of Pine Canyon, to the Colorado Department of Public Health and Environment requesting a permit for a new wastewater treatment plant to serve the Pine Canyon Development (*Exhibit 1*) officially recommends that the CDPHE deny the site location application submitted by the applicant.

Section 2. **Authorization.** The Director of Castle Rock Water and the Town Manager are hereby authorized to send communication to CDPHE recommending denial of the Site Location Application in accordance with this resolution and the reasons identified therein.

PASSED, APPROVED AND ADOPTED this 18th day of August, 2020, 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 CR Water