

RESOLUTION NO. 2020-

A RESOLUTION OF THE TOWN COUNCIL OF CASTLE ROCK STATING ITS OPPOSITION TO THE APPEAL SUBMITTED BY JRW FAMILY LIMITED PARTNERSHIP, LLLP, TO THE WATER SUPPLY STANDARDS SET FORTH IN SECTION 18A OF THE DOUGLAS COUNTY ZONING RESOLUTION WITH REGARD TO THE PROPOSED PINE CANYON PLANNED DEVELOPMENT

WHEREAS, JRW Family Limited Partnership, LLLP (the “Applicant”), the owner and developer of 530 acres of land located in unincorporated Douglas County (the “County”), has submitted a proposal to the County to rezone such land to a planned development consisting of a maximum of 1,800 dwelling units, 600,000 square feet of non-residential uses with a transportation mobility hub, a resort hotel, and approximately 190 acres of parks and open space (the “Pine Canyon Planned Development”); and

WHEREAS, concurrent with its rezoning application, the Applicant has submitted an appeal to the water supply standards set forth in Section 18A of the Douglas County Zoning Resolution (the “Water Supply Overlay District”) for its plan to supply water to the Pine Canyon Planned Development (the “Water Appeal”); and

WHEREAS, the intent of the Water Supply Overlay District is to ensure that development in the unincorporated areas of the County provides for a water supply that is sufficient in terms of quantity, quality, and dependability; and

WHEREAS, the County will approve the Water Appeal only upon finding that: (i) the request will not be detrimental to the health, safety, or welfare of the present or future inhabitants of the County, and (ii) the application provides sufficient supporting data of alternate water demand criteria so the water supply is still considered sufficient in terms of quantity, quality and dependability; and

WHEREAS, the County’s Comprehensive Master Plan provides that the Denver Basin (a non-renewable groundwater resource) alone cannot sustain the population’s water needs long-term; and

WHEREAS, for the past two decades, the County and the surrounding South Metro region have invested substantial effort and resources to transition to a renewable water supply; and

WHEREAS, the Applicant proposes to supply water to the Pine Canyon Planned Development solely from non-renewable groundwater, a request which will set back the County’s efforts to transition to a renewable water supply and be detrimental to the health, safety, and welfare of the present and future inhabitants of the County; and

WHEREAS, the non-renewable groundwater supply proposed by the Applicant: (i) is of unknown real capacity and based solely on paper water decrees; (ii) does not include a safety factor of excess non-renewable supply; (iii) is not supported by any sampling data or information

showing quality, and (iv) incorporates a plan to reuse wastewater effluent which is not likely to be permitted by the Colorado Department of Public Health and Environment; and

WHEREAS, given these facts, the Applicant has failed to provide the County adequate supporting data of alternate water demand criteria and, thus, is unable to demonstrate that the proposed water supply will be sufficient to serve the Pine Canyon Planned Development in terms of quantity, quality and dependability; and

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

WHEREAS, constructing non-tributary groundwater wells within the Pine Canyon Planned Development will interfere with the Town’s non-tributary groundwater wells and its plan to utilize those wells for aquifer storage and recovery, thereby impinging upon the Town’s water rights; and

WHEREAS, consolidation of water and wastewater services through annexation into the Town presents the best and most cost efficient option for the Applicant and future residents and will ensure that future residents of the Pine Canyon Planned Development have access to long term, sustainable and renewable water supplies; and

WHEREAS, furthermore, the Pine Canyon Planned Development 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 Water Appeal submitted by JRW Family Limited Partnership, LLLP, to Douglas County for the Pine Canyon Planned Development and further recommends that Douglas County deny the Water Appeal in its entirety.

Section 2. **Authorization.** The Director of Castle Rock Water and the Town Manager are hereby authorized to take whatever action is necessary on behalf of the Town to formally oppose the Water Appeal at the respective public hearings before the Douglas County Planning Commission and Board of County Commissioners, including the submission of a written statement recommending denial of the Water Appeal consistent with this Resolution and the reasons identified therein.

PASSED, APPROVED AND ADOPTED this 15th day of September, 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:

Lisa Anderson, Town Clerk

Approved as to form:

Michael J. Hyman, Town Attorney

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to content:

Mark Marlowe, Director, Castle Rock Water