

**RESOLUTION NO. 2020-**

**A RESOLUTION OF THE TOWN COUNCIL OF CASTLE ROCK STATING ITS  
OPPOSITION TO THE REZONING APPLICATION SUBMITTED BY JRW FAMILY  
LIMITED PARTNERSHIP, LLLP, TO DOUGLAS COUNTY FOR THE 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**, the Town of Castle Rock (the “Town”) has an open and solid relationship with the County and considers the County a critical regional partner; and

**WHEREAS**, although the Pine Canyon Planned Development is located within unincorporated Douglas County, it is surrounded by the Town; and

**WHEREAS**, constructing an unincorporated urban level community in the middle of the Town will cause negative impacts on the surrounding area, including Town roadways, open space, parks and trails, and existing neighborhoods located within the Town limits; and

**WHEREAS**, the Pine Canyon Planned Development does not comply with the Douglas County Zoning Regulations, the Douglas County Subdivision Regulations, the Douglas County 2040 Comprehensive Master Plan, the Douglas County Parks, Trails and Open Space Master Plan, and the Douglas County Transportation Master Plan; and

**WHEREAS**, the Applicant has stated that the Pine Canyon Planned Development will add 22,054 daily vehicle trips per day to Town-owned roadways within the immediate vicinity of the Development, a number which Town staff believes to be grossly underestimated; and

**WHEREAS**, the true impacts to the Town’s existing roadway system are not only inaccurately projected, but the Applicant has also not made any commitment to mitigate any of the Development’s impacts upon Town roadways and intersection controls; and

**WHEREAS**, the Applicant has not sought a determination from the Town as to whether access for the Pine Canyon Planned Development to Town roadways will be granted; and

**WHEREAS**, the access points to Town roadways, as shown in the rezoning application, have not been approved by the Town and, as such, should be deemed conceptual; and

**WHEREAS**, the potential impacts of the Applicant's proposed mobility hub are significantly underestimated in the traffic impact assessment attached to the rezoning application; and

**WHEREAS**, the true impacts of the mobility hub to the Town's existing transportation facilities are undetermined and unmitigated at this time; and

**WHEREAS**, the Applicant has proposed the construction of a wastewater treatment facility to serve the Pine Canyon Planned Development, which facility will discharge treated wastewater into East Plum Creek at a location 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**, 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**, 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**, the Applicant will need to coordinate with the Castle Rock Fire District to commit to a funding source for the additional facilities, equipment, personnel, plan review and inspections needed to serve the Pine Canyon Planned Development; and

**WHEREAS**, the reliance on a non-renewable groundwater supply will not provide the Castle Rock Fire District with a reliable long-term water source to provide adequate fire service to the future residents of and businesses within the Pine Canyon Planned Development; and

**WHEREAS**, the Development, as proposed, will also require substantial and continual mitigation and maintenance to limit the potential of catastrophic wildland fire, the details of which have not been discussed with or agreed to by the Castle Rock Fire District; and

**WHEREAS**, the Applicant's proposal does not comply with the Douglas County Comprehensive Master Plan ("Douglas County CMP") classification of the location as a Municipal Planning Area, which classification indicates that the Pine Canyon Planned Development area is of mutual concern between the County and the adjacent municipality, and encourages annexation and development of this area within the adjacent municipal jurisdiction; and

**WHEREAS**, the Applicant's proposal also does not comply with the Douglas County CMP policy to lessen the burden on existing recreation facilities, given that the Pine Canyon Planned Development will be home to approximately 4,500-5,000 residents without a planned community recreation center and a trail system entirely reliant on connection to existing Town trails and sidewalks to complete linkages and provide grade-separated crossings; and

**WHEREAS**, notwithstanding the fact that Policy 8-1A.3 of the Douglas County CMP states that Class 3 Hazard Areas should be limited to low-intensity land uses such as agriculture, grazing, open space and certain recreational uses, the Pine Canyon Planned Development proposes urban density residential development and a commercial hotel, spa, restaurant, and conference center facilities on property that is located within both the Wildlife Resources Moderate Habitat Value area and the Class 3 Hazards and Environmental Constraints area as identified in the Douglas County CMP; and

**WHEREAS**, the proposed Walter J. Scott Riparian Park and Preserve does not meet the requirements set forth in Douglas County Subdivision Regulation Section 1003.11.2 for a regional park dedication because it (i) fails to incorporate active uses, such as athletic fields, playgrounds, picnic areas, and other developed amenities, and (ii) does not provide for safe public access, due to lack of a grade-separated crossing of the existing railroad track; and

**WHEREAS**, pursuant to Douglas County Subdivision Regulation Section 1003.11.2.1, the Applicant's proposal should provide for a minimum 50-acre regional park on the east side of Interstate 25 that is not only easily accessible to residents, but also preserves a portion of the unique forested natural area; and

**WHEREAS**, the Applicant's proposal fails to provide the minimum required five-acre neighborhood park to serve the proposed 600 multifamily units proposed for planning areas 17, 18, and 19 on the west side of Interstate 25; and

**WHEREAS**, the Pine Canyon Planned Development contains numerous other defects that will cause substantial harm to the Town, the details of which will be further set out in additional filings and materials provided to the County as part of the Town's opposition to the proposed development.

**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 Pine Canyon Planned Development rezoning application submitted by JRW Family Limited Partnership, LLLP, to Douglas County and further recommends that Douglas County deny the rezoning request in its entirety.

**Section 2.**     **Authorization.** The Director of Development Services and the Town Manager are hereby authorized to take whatever action is necessary on behalf of the Town to formally oppose the Pine Canyon Planned Development rezoning application 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 Pine Canyon Planned Development rezoning application 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:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
Tara Vargish, Director, Development Services