

Location and Extent Staff Report

DATE: APRIL 3, 2024
TO: DOUGLAS COUNTY PLANNING COMMISSION
FROM: TREVOR BEDFORD, AICP, SENIOR PLANNER *TB*
JEANETTE BARE, AICP, PLANNING MANAGER *JB*
STEVEN E. KOSTER, AICP, ASSISTANT DIRECTOR OF PLANNING SERVICES *for SK*
SUBJECT: 7251 MAIN ST – LOCATION AND EXTENT

PROJECT FILE: LE2024-007

APPLICANT:

MARK MARLOWE
CASTLE ROCK WATER
175 KELLOG COURT BUILDING 171
CASTLE ROCK, CO 801109

PLANNING COMMISSION HEARING:

APRIL 15, 2024 @ 6:00 PM

I. EXECUTIVE SUMMARY

Castle Rock Water (CRW) and Dominion Water and Sanitation District (DWSD) requests approval of a Location and Extent (L&E) for a lift station and force main project to provide a wastewater collection and treatment system along the Highway 85 Corridor. American Rescue Plan Act (ARPA) funds will be used for the design, construction of the wastewater treatment system.

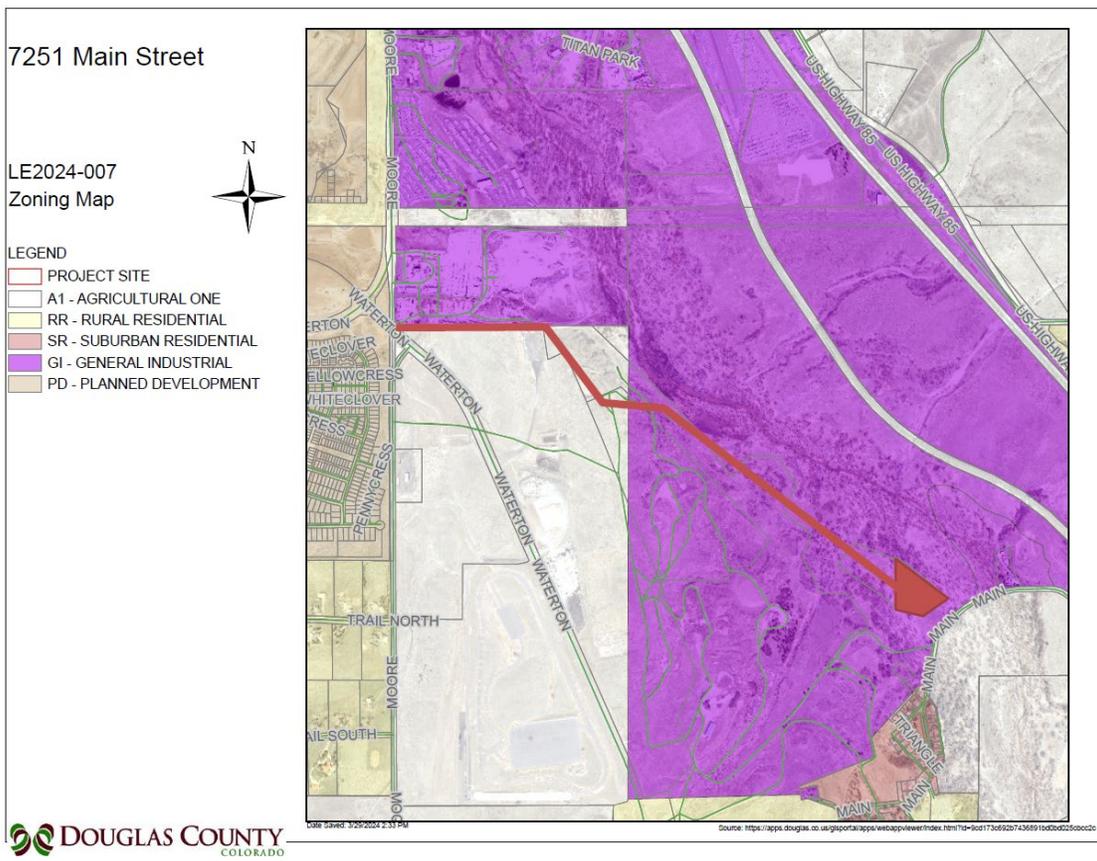
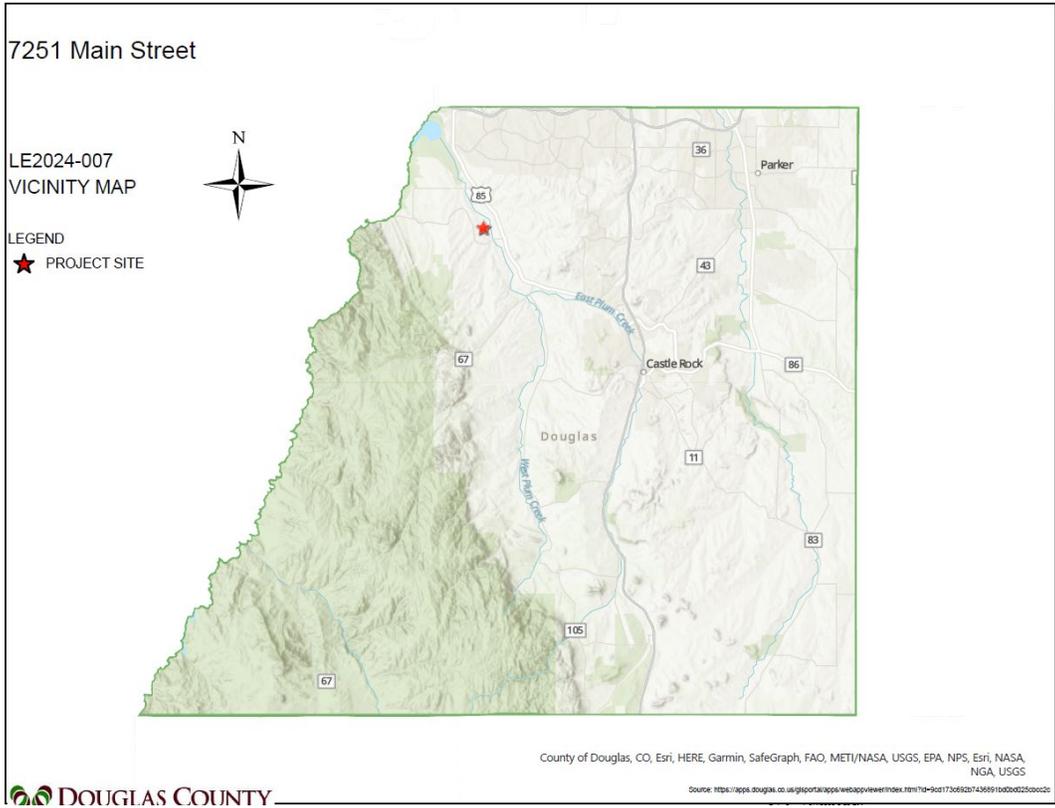
II. REQUEST

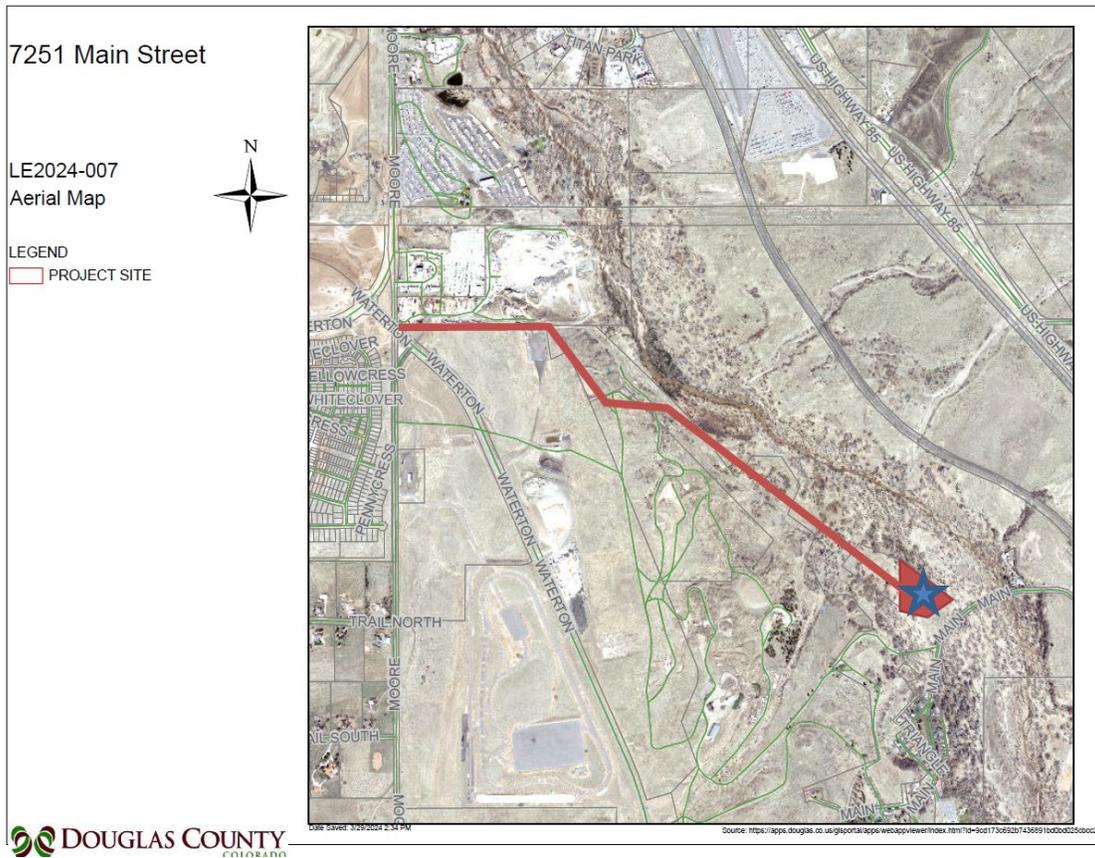
A. Request

The request is for approval of a force main and lift station, including an 8-foot by 12-foot structure over the lift station, to provide wastewater services to Louviers community and other potential properties in the Highway 85 Corridor.

B. Location

The vicinity, zoning, and aerial maps (see following pages) show the general location of the project.





C. Project Description

CRW and DWSD propose a lift station and force main as a part of a wastewater collection and treatment system along Highway 85. The lift station will be located on a parcel owned by Louviers Water and Sanitation District, north of Louviers, adjacent to an existing wastewater lagoon. The force main will connect to the Louviers lift station from an existing sanitary sewer system near the intersection of Waterton Road and Moore Road, primarily crossing parcels owned by Sterling Ranch and Douglas County. The improved wastewater system will allow for the decommissioning of the Louviers wastewater lagoons and for the provision of central sanitation services and improved water quality in the Highway 85 corridor.

Construction is anticipated to begin in March or April 2025 and will be completed prior to the end of December 2026. Hours of construction will typically be between the hours of 7:00 a.m. and 7:00 p.m. Monday - Friday. The applicant anticipates a temporary increase in noise generated at the site during construction as well as a temporary increase in traffic due to construction related vehicles and deliveries. During construction, a maximum of 10 vehicles per hour is expected. After construction is completed, only maintenance traffic with a maximum of five trips per day is anticipated.

III. CONTEXT

A. Background

CRW entered into an agreement with Douglas County to use funds from ARPA to design and construct a wastewater collection and treatment system along the Highway 85 Corridor in Douglas County. CPW has entered into an agreement with DWSD. CRW will own and maintain the lift station, while DWSD will own and maintain the force main.

Properties along the Highway 85 Corridor primarily use onsite septic systems, and Louviers currently uses a gravity sewer collection system that is treated in a wastewater lagoon. The applicant anticipates that the project will provide water quality improvements in Plum Creek and Chatfield Reservoir, economic viability along the Highway 85 Corridor, and an opportunity to develop a trail system in the future. The project will also allow for the future removal of untreated or poorly treated on-site septic systems in the area and provide a source of reusable water supplies for CRW and DWSD, among other benefits listed in the applicant's narrative.

B. Adjacent Land Uses and Zoning

The following table reflects the zone districts and land uses surrounding the project.

	ZONING	LAND USE
NORTH	General Industrial and Agricultural One	Contractor yard, Vacant Conservation
SOUTH	General Industrial and Agricultural One	Vacant Conservation
EAST	General Industrial and Agricultural One	Vacant Conservation
WEST	General Industrial, Agricultural One and Planned Development (Sterling Ranch)	Vacant Residential, Vacant Agricultural, Vacant Conservation

IV. SITE CHARACTERISTICS

A. Site Characteristics and Constraints

The Location and Extent improvements are proposed generally following the western side of Plum Creek, primarily within properties owned by Douglas County and Sterling Ranch.

B. Access

The project will be constructed primarily within parcels owned by Douglas County and Sterling Ranch and LWSD. The LWSD-owned parcel has an existing service road connection from Main Street. Any necessary easements will need to be obtained prior to construction

C. Drainage and Erosion

A GESC plan will be prepared and submitted to Douglas County Engineering for approval prior to construction.

D. Floodplain

The force main enters the western portion of the Plum Creek floodplain. The applicant will obtain a Floodplain Development Permit, if necessary, as determined by Douglas County Engineering.

V. PROVISION OF SERVICES

A. Fire Protection

South Metro Fire Rescue (SMFR) provides firefighting and emergency medical services to the project area. SMFR responded to the referral request with no objection to the L&E and encouraged the applicant to contact SMFR regarding any applicable permit requirements.

B. Sheriff Services

The Douglas County Sheriff's Office (DCSO) provides emergency services to the site. The Office of Emergency Management responded to the referral with no concerns. At the writing of the staff report, no response had been received from the DSCO or DCSO E911.

C. Water and Sanitation

The proposal will provide improved wastewater services along the Highway 85 Corridor.

D. Utilities

Area utility service providers are AT&T, CenturyLink, Comcast, and Xcel Energy. Xcel Energy requested more details on the west end of the pipeline as there is an existing natural gas main along the east side of Moore Road. AT&T responded to the referral request with no conflicts. No comments from other utility providers had been received at the writing of this staff report.

E. Other Required Processes and Permits

In addition to the L & E approval, the following permits and other approvals may be required prior to commencement of construction:

- South Metro Fire approval of any necessary permits.
- Approval of GESC Plan, Floodplain Development Permit, and any other necessary permits required by Douglas County Engineering.
- Site Permit from Colorado Department of Public Health & Environment (CDPHE)
- Building permit for structures.
- Any necessary easements obtained

VI. PUBLIC NOTICE AND INPUT

Courtesy notices of an application in process were sent to adjacent property owners on March 25, 2024. At the preparation of the staff report, no one from the public had responded to the courtesy notice.

The referral response requests were sent to required referral agencies on March 25, 2024. Referral responses are due at the conclusion of the referral period on April 8, 2024, or prior to the Planning Commission hearing. Agency responses that have been received to date are included as an attachment to this staff report. Any additional responses received after the date of this staff report will be provided to the Planning Commission prior to the hearing and added to the project record. The referral response is included as an attachment to the staff report.

VII. STAFF ASSESSMENT

Staff has evaluated the application in accordance with Section 32 of the *DCZR*. The applicant has indicated that the project is necessary to provide for a wastewater collection and treatment system along the Highway 85 Corridor in Douglas County and will specifically allow for the decommissioning of the Louviers wastewater lagoon. If approved, the applicant will be required to obtain all necessary permits and approvals prior to commencement of construction.

ATTACHMENTS	PAGE
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LAND USE APPLICATION

Please fill in this application form completely. An incomplete application will not be processed.

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

OFFICE USE ONLY		PROJECT FILE #:
PROJECT NAME: _____	_____	
PROJECT TYPE: <u>Central Wastewater/Sanitation Services</u>	PLANNING FEES: _____	
MARKETING NAME: <u>PS2024-016 Louviers Lift Station & Force Main</u>	ENGINEERING FEES: _____	
SITE ADDRESS: <u>7249 Main Street, Littleton, CO 80125</u>	TOTAL FEES: _____	
OWNER(S):	RELATED PROJECTS: _____	
Name(s): <u>Castle Rock Water; Dominion Water & Sanitation District</u>	_____	
Address: <u>175 Kellogg Court Building 171; Castle Rock, CO 80109</u> <u>9250 E Costilla Avenue; Greenwood Village, CO 80112</u>	_____	
Phone: <u>720-733-6000; 720-531-4210</u>	_____	
Email: <u>stait@crgov.com; pamela.grover@dominionwsd.com</u>	_____	
AUTHORIZED REPRESENTATIVE <i>(requires notarized letter of authorization if other than owner)</i>	_____	
Name: <u>Mark Marlowe</u>	_____	
Address: <u>175 Kellogg Court Building 171; Castle Rock, CO 80109</u>	_____	
Phone: <u>720-733-6002</u>	_____	
Email: <u>mmarlowe@crgov.com; water@crgov.com</u>	_____	

LEGAL DESCRIPTION:

Subdivision Name: 7249 Main Street, Littleton, CO 80125

Filing #: N/A Lot #: N/A Block #: N/A Section #: 33 Township: 6 Range: 68

STATE PARCEL NUMBER(S): 2229-334-00-001

ZONING:

Present Zoning: N/A Proposed Zoning: N/A Gross Acreage: 4.951

Gross Site Density (DU per AC): N/A # of Lots or Units Proposed: N/A

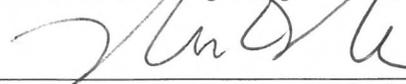
SERVICE PROVIDERS:

Fire District: Louviers Fire Protection District Metro District: N/A Gas: N/A

Water: Louviers Water & Sanitation District Sewer: Louviers Water & Sanitation District Electric: Xcel Energy

Roads: Public Private (please explain): _____

To the best of my knowledge, the information contained on this application is true and correct. *I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.*



Applicant Signature

3/6/2024

Date

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

March 6, 2024

Jeanette Bare, Planning Manager
Douglas County Department of Community Development
Planning Services
100 Third Street
Castle Rock, CO 80104

RE: Location and Extent Application, Castle Rock Louviers Lift Station and Force Main PS2024-016

Dear Ms. Bare,

Castle Rock Water (CRW) and Dominion Water and Sanitation District (DWSD) are requesting the approval of this Location and Extent (L&E) application to construct a new lift station and force main in Louviers, in addition to decommissioning the existing Louviers wastewater lagoons to allow for central sanitation services for the surrounding communities and to improve water quality in the region. In the following sections, a description of the need for this project, funding mechanisms, proposed site improvements, and community and transportation impacts are presented.

1.0 Introduction and Background

Castle Rock Water and Dominion Water & Sanitation District are in partnership to design and construct a wastewater collection and treatment system along the Highway 85 Corridor in Douglas County.

There will be multiple phases in the construction of this project. The first phase to be designed and constructed will consist of the Chatfield Basin Water Reclamation Facility (CBWRF), anticipated to be a membrane bioreactor (MBR), designed by Carollo Engineers. The second phase to be designed and constructed is a lift station and force main to convey sanitary waste from the town of Louviers to Sterling Ranch infrastructure, designed by Merrick & Company.

In addition to the design and construction of the new lift station and force main, the Louviers wastewater lagoons will be decommissioned. This Location & Extent application is **exclusively** for the design and construction of the lift station and force main in compliance with Douglas County rules and regulations, including the 2040 Douglas County Comprehensive Master Plan (CMP).

Accompanying this Location & Extent narrative is the Douglas County Department of Community Development Land Use Application, as referenced in **Appendix A**. Castle Rock Water will own and be responsible for the operation and ongoing maintenance of the lift station. Dominion Water & Sanitation District will own and be responsible for the operation and ongoing maintenance of the force main. The force main will initially tie into an 8-inch gravity sanitary sewer main located near the intersection of Waterton Road and Moore Road at the Sterling Ranch development, owned by the Sterling Ranch Community Authority Board. The connection to the Sterling Ranch development is located at the corner of Moore Road and Waterton Road and a conceptual site plan is included in **Appendix B**.

1.1 Intergovernmental Agreement

In July 2023, Castle Rock and Dominion Water & Sanitation District executed an Inter-Governmental Agreement (IGA) for the Highway 85 Wastewater Collection and Treatment System, as referenced in



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Greenwood Village, CO 80111



Tel: +1 303-751-0741



hello@merrick.com
www.merrick.com

Appendix C. This agreement obligates Castle Rock to manage design and construction of the new wastewater collection and treatment system along the Highway 85 Corridor.

Douglas County agreed to obligate a portion of the ARPA funds for the design and construction of the initial phase of the project. Future expansion phases of the project will be funded by system development fees.

This collaborative regional project will provide several benefits including water quality improvements in Plum Creek and Chatfield Reservoir, additional reusable water supplies from entities in Douglas County, economic viability and vitality along the Highway 85 Corridor, and opportunities for expansion of a contiguous pedestrian trail system in the corridor currently being designed by Architerra Group, as referenced in **Appendix D**.

In addition to the abovementioned water quality improvements, the following improvements to the surrounding communities are outlined below:

- Removal of untreated or poorly treated wastewater sources in the corridor;
- Allows all reusable water supplies used in the corridor to be captured for reuse by Castle Rock Water and Dominion Water and Sanitation District;
- Creates wastewater solutions for existing communities in the corridor and existing businesses;
- Improves the economic viability and vitality of this key transportation corridor by ensuring that centralized wastewater service is available to the surrounding communities;
- Provides opportunities for additional water quality and environmental projects along Plum Creek utilizing conservation easements obtained from the project;
- Gives the opportunity for consolidation of some of the small, underfunded water and sanitation districts into more sustainable systems like Castle Rock Water; and
- Allows for collaboration on a pedestrian trail system running from Castle Rock to Chatfield Reservoir by potentially collocating the sewer system with the proposed Plum Creek Trail on easements obtained in the corridor.

The Highway 85 Corridor is adjacent to East Plum Creek and Plum Creek which flows to the Chatfield Reservoir. Most of the wastewater collection and treatment systems along the corridor consist of individual onsite septic tanks with leach fields that discharge to groundwater. Louviers currently has a gravity sewer collection system that treats its wastewater in a facultative wastewater lagoon and land applies treated water when necessary.

The recreation interests and stakeholders of the community have indicated that a multi-purpose recreation trail along East Plum Creek and Plum Creek connecting the Town of Castle Rock to the south and Sterling Ranch to the north is highly desirable and may follow the Louviers force main alignment for an additional co-benefit to the community.

Force main design constraints and allowable land for construction may dictate a force main alignment less suitable for the collocation of a trail alignment. Colorado State Highway 85 is located adjacent to Plum Creek and Chatfield Reservoir. Residential communities of Sedalia and Louviers are adjacent to East Plum Creek and Plum Creek and Colorado State Highway 85.

The Highway 85 Corridor includes commercial, light industrial, residential, ranch land and planned residential development. Colorado State Highway 85 has recently been widened through the project's corridor and will bring opportunities for economic growth in the corridor including residential and commercial development.



1.2 Funding Mechanisms

Castle Rock Water will utilize \$26.8 million in ARPA funds provided through Douglas County to manage the project for the design and construction of infrastructure for the major wastewater components which include conveyance gravity sewers, force mains, lift stations, and a wastewater treatment plant to serve the Highway 85 Corridor including current and proposed developments. Additional funding will be required from stakeholders as construction of the lift station, force main and treatment facility are anticipated to exceed the ARPA funding. Funding agreements are currently being discussed.

1.3 Design Criteria - Force Main & Lift Station: Current & Proposed Flows

- Current flow for the community of Louviers ranges from between 35,000 GPD and 43,000 GPD.
- Design of a lift station capable of 200,000 gallons per day (GPD) average daily flow (ADF).
- Design and construction of dual force mains capable of 50,000 GPD ADF and 200,000 GPD ADF.
- Construction of a lift station capable of 200,000 GPD ADF but equipped with pumping equipment for 50,000 GPD ADF.
- Permitting through local agencies and CDPHE for a lift station at 50,000 GPD ADF.

2.0 Project Description

Alternative 3 from the Douglas County Intergovernmental Agreement was selected as the preferred infrastructure alternative. This alternative includes the construction of the Chatfield Basin Water Reclamation Facility (CBWRF), the construction of a lift station at Louviers and the construction of a force main from Louviers to connect to the existing Sterling Ranch gravity sewer, which will connect to the existing Titan Road lift station and force main for delivery to the CBWRF with reuse water pumped back to the Castle Rock reservoir system for reuse through Castle Rock's existing system.

2.1 Construction

Castle Rock Water and Dominion Water and Sanitation District have selected engineers for the lift station/force main (Merrick and Company) and wastewater treatment facility (Carollo Engineers) design.

Contractor selection is in process. Construction manager at risk (CMAR) is being used as the contracting and construction method. Contractor interviews and proposals occurred in February 2023 and recommendations will follow. Construction of the lift station and force main will be under the same CMAR contractor but will be managed through separate permitting processes than the treatment facility.

3.0 Community Impacts

The project will allow the Louviers Water & Sanitation District to safely provide wastewater services to the community of Louviers and allow for the decommissioning of the wastewater lagoons.

3.1 Lift Station

There are existing structures currently on the property that are visible to the public. An existing chlorination and pumping building will be retrofitted or removed from the site to allow for a new structure to be built to house the new lift station and there is no known historical or community significance associated with the pumping/chlorination building.



There will be a new prefabricated metal structure is planned to be installed on the property. The new structure will be designed to try and fit in with the surrounding community and should improve the overall aesthetics of the site. There will be a temporary increase in the noise generated at the site during construction due to heavy machinery necessary to install utilities and construct the new structure. Construction hours will be between the hours of 7 am and 7 pm Monday-Friday during the primary construction season. Construction noise will be isolated to normal business hours during the day when construction is occurring, and night construction is not planned. Once construction is completed, noise from the site will return to levels similar to preconstruction. This project is expected to temporarily increase the traffic flow in Louviers during construction; trucks, heavy machinery, and material deliveries will be required to access the property for operation and maintenance purposes.

The overall site grading in the area and total impervious area are not anticipated to change significantly due to the proposed improvements. Maintenance access roads will be planned to allow for infiltration. The only increase in impervious area at the site will be the footprint of the new structure which will result in approximately 500 square feet of additional impervious area at the site and the maximum height of the new structure is approximately 15 feet. The lift station and accompanying building will be at approximately 5600' elevation. The lift station building footprint will be approximately 8'x12'.

Wastewater lift stations are facilities designed to move wastewater from lower to higher elevation through pipes. Key elements of lift stations include a wastewater receiving well (wet-well), often equipped with a screen or grinding to remove coarse materials; pumps and piping with associated valves; motors; a power supply system; an equipment control and alarm system; and an odor control system and ventilation system. Lift stations are typically provided with equipment for easy pump removal.

Floor access hatches or openings above the pump room and an overhead monorail beam, bridge crane, or portable hoist are commonly used. The two most common types of lift stations are the dry-pit or dry-well and submersible lift stations. In dry-well lift stations, pumps and valves are housed in a pump room (dry pit or dry-well), that is easily accessible. The wet-well is a separate chamber attached or located adjacent to the dry-well (pump room) structure. Submersible lift stations do not have a separate pump room; the lift station header piping, associated valves, and flow meters are located in a separate dry vault at grade for easy access. Submersible lift stations include sealed pumps that operate submerged in the wet-well. These are removed to the surface periodically and reinstalled using guide rails and a hoist. Submersible lift stations do not usually include large aboveground structures and tend to blend in with their surrounding environment.

Odor control is frequently required for lift stations. A relatively simple and widely used odor control alternative is minimizing wet-well turbulence. More effective options include collection of odors generated at the lift station and treating them in scrubbers or biofilters or the addition of odor control chemicals to the sewer upstream of the lift station. Chemicals typically used for odor control include chlorine, hydrogen peroxide, metal salts (ferric chloride and ferrous sulfate) oxygen, air, and potassium permanganate. Chemicals should be closely monitored to avoid affecting downstream treatment processes, such as extended aeration.

Odor control practices are currently being developed for the lift station to ensure adequate ventilation and odor control in the surrounding areas.

3.2 Traffic Impacts

Limited long-term traffic impacts are anticipated from this project. Douglas County may require a traffic impact study to adequately assess the impacts of a development proposal on the existing and proposed transportation network.



Construction will impact traffic in the surrounding transportation network, although these impacts are temporary. Construction will impact the surrounding roads between the hours of 7 am and 7 pm Monday-Friday during the primary construction season and will not impact long-term traffic trends. Once construction is completed, the only vehicles entering and leaving the site will be for maintenance purposes. Construction impacts will be temporary and long-term impacts to traffic for operation and maintenance of the lift station and force main is anticipated to be 5-10 vehicles per hour at most for construction and maintenance purposes. Post-construction traffic loading is anticipated to be under 5 trips per day.

4.0 Compliance with Douglas County 2040 Comprehensive Master Plan (CMP)

The Louviers Lift Station & Force Main project will comply with the Douglas County 2040 Comprehensive Master Plan (CMP) by meeting the following Douglas County CMP objectives, policies, and goals. The relevant sections of the Douglas County Comprehensive Master Plan are listed below in detail and included in **Appendix E**.

Section 2: Urban Land Use

- **Objective 2-10A:** Balance, conserve, and preserve sensitive environmental and visual resources as open space in areas adjacent to and within proposed urban areas.
- **Objective 2-11A:** Use density-sensitive design techniques and land use elements to provide compatibility between residential and nonresidential uses, create a sense of community identity, and avoid overburdening the infrastructure the area can reasonably support.
- **Policy 2-11A.5:** As an aid to controlling infrastructure costs within this Area, the County should promote cooperation between stakeholders for the creation of scalable infrastructure including, but not limited to, central water with sustainable sources, central sewage, road capacity, and multi-modal transportation alternatives, all designed to be capable of being expanded economically to serve the future needs of the Area.

In order to meet the objectives above, this project will make use of the current site at the Louviers wastewater lagoons. Furthermore, this project will eliminate the need for the facultative wastewater lagoons and will provide centralized wastewater and sanitation services to multiple communities and future developments due to the phased approach with future build-out capacities captured in the design of the new facilities.

Section 5: Community Resources

- **Objective 5-1A:** Review existing and projected development to ensure that it does not overwhelm existing services.
- **Policy 5-1A.2:** Coordinate service needs with relevant special districts, authorities, and municipalities.
- **Policy 5-1B.1:** Encourage new development to be contiguous to existing development and infrastructure.
- **Policy 5-1B.2:** Encourage multi-purpose use of public lands, facilities, or services to promote efficiencies.

In order to meet the objectives above, this project is a collaborative effort with multiple stakeholders including Castle Rock Water, Dominion Water & Sanitation District, Louviers Water & Sanitation District, Douglas County. Biweekly meetings are held to discuss stakeholder interests and needs



throughout the project and the unique needs and interests of each stakeholder group is taken into consideration with respect to the development of the final design of the project. Because of the varied interests of each stakeholder group and the current and proposed developments within the Highway 85 Corridor area, stakeholder input and community involvement is at the forefront of the decision-making process for this multifaceted project.

Section 8: Environmental Quality

- **Policy 8-2A.1:** Ensure land uses allowed in floodplains are compatible with Douglas County floodplain regulations.
- **Policy 8-2A.2:** Discourage land uses within the 100-year floodplain unless associated with wildlife management, non-polluting recreational uses, agricultural uses, or as otherwise specified within the Zoning Resolution.

The Douglas County Comprehensive Master Plan identifies several environmental constraints that affect or reduce the capability of the land to accommodate growth. The Douglas County Comprehensive Master Plan specifically identifies a goal of limiting land uses in floodplains, to preclude damage to life and property and to maintain floodplain as open space. Floodways are defined as the stream channel and that portion of the floodplain that must be reserved to discharge the base flood without cumulatively increasing the water surface more than a designated height. Floodplains are classified as Class 3 constraints or hazards. Class 3 areas are considered a very high to extreme threat to public safety where potential loss of life is significant enough to warrant preservation of their natural states. These environmental hazard areas are encouraged to maintain non-urban land uses.

Douglas County is located within a geographic area prone to receiving intense precipitation, resulting in major flooding of streams and drainageways, notably Plum Creek, Cherry Creek, and the South Platte River. The relatively flat area adjacent to a stream that is subject to flooding is the floodplain. In these areas, the destructive force of a possible flood constitutes a significant hazard to property, public health, and safety. The 100-year floodplain defines areas that have a 1% chance of flooding for any given year. Uses in the 100-year floodplain are regulated through the Floodplain Overlay District, Section 18 of the Douglas County Zoning Resolution.

In Douglas County, the floodway is based on a maximum increase in the flood elevation of 0.5-feet. The floodway is defined for regulatory purposes and development in, or use of the floodway is severely restricted. The floodplain development regulations that have been adopted by the County are incorporated in the Douglas County Zoning Resolution, Section 18, Floodplain – Overlay District. The Floodplain Overlay District is applied as a supplemental regulation on existing zoned areas where potential flooding hazards have been identified. The regulations generally identify uses that are permitted within the Floodplain Overlay District, uses that are prohibited within the Floodplain Overlay District, standards for development in flood prone areas, and it outlines the Floodplain Development Permit process.

Floodplain development permits are required for any development proposed in the Floodplain Overlay District. FEMA defines development as “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment and materials. Floodplain development permits are required for any change of land use or proposed development in the Floodplain Overlay District.

The boundaries of the Floodplain Overlay District are generally defined by the Special Flood Hazard Areas shown on Flood Insurance Rate Maps (FIRMs), which are produced by FEMA, by the 100-year floodplain limits shown on Flood Hazard Area Delineation studies, produced by UDFCD, and other floodplain delineations or studies that have been approved for designation by the Colorado Water



Conservation Board. While a portion of this project will be adjacent to or within the 100-year floodplain, no major impacts to the floodplain are expected during construction of the force main and lift station.

- **Policy 8-2B.1:** Protect and preserve riparian and wildlife management corridors to link habitat.

The Preble Meadow Jumping Mouse (PMJM) is a rare mouse designated by the United States Fish and Wildlife Service (USFW) as a threatened species under the Endangered Species Act (ESA). The PMJM lives primarily in heavily vegetated riparian habitats. In Douglas County, the mouse has been found in or near many drainages, including tributaries and the main stream reaches, of East and West Plum Creek. However, any stream reach or potential habitat within Douglas County may be subject to the requirements of the Endangered Species Act. There are multiple activities prohibited in the critical habitat areas where the PMJM lives. All activities associated with the proposed project will be temporary and will be entirely conducted during the Preble's hibernation season to minimize potential take of the species. While construction of the force main and lift station will primarily be constructed outside of the critical habitat of the Preble's Meadow Jumping Mouse, if critical habitat is encountered and construction must be completed within the critical habitat, the following avoidance activities will be followed to ensure sufficient protection of this critical habitat, and are also referenced in **Appendix F**, Biological Assessment of Louviers Mutual Service Company; Wastewater Treatment Improvements; Douglas County, Colorado.

- Revising construction activities from open trench construction to directional drilling under the 100-year floodplain.
- Incorporating existing roads into the access plan.
- Realigning the pipeline route to minimize the number of drilling pits and temporary impacts.
- Conducting all construction activities during the Preble's hibernation season (November-April).
- Immediate restoration of all disturbed riparian areas by reseeding with a native riparian seed mix.
- Immediate restoration of all disturbed upland areas by reseeding with a native upland seed mix.

- **Policy 8-5A.1:** Encourage wastewater systems that recycle and reuse effluent.

In addition to the needed wastewater treatment within the corridor, water reuse is highly desirable for the present and for future use. The project includes plans to pipe the treated wastewater to the Castle Rock reservoir system for later treatment processing to derive potable water.

- **Policy 8-5A.2:** Encourage wastewater systems that protect water quality.

Facultative wastewater lagoons are frequently used to treat municipal and industrial wastewater in the United States. While these wastewater lagoons can be beneficial for rural communities, there are many disadvantages that would make communities better served by more centralized sanitation services including the following reasons:

- Elevated BOD Levels
- Short Circuiting
- Excess Sludge Accumulation
- Exceeding Ammonia Limits
- Low Dissolved Oxygen
- Algae Overgrowth
- Organic Overloading
- Pass-through and Interference
- Hydraulic Overloading
- Overgrown Vegetation



- Low Water Levels
- Operational Issues

Given these disadvantages, the Louviers community would be better served by a more centralized sanitary system that treats wastewater in a single, centralized location. Sewers collect municipal wastewater from homes, businesses, and industries to deliver it to a treatment plant for processing. Once wastewater is treated, it is reused or discharged to surface water or groundwater. Overall, facultative lagoon systems are simple to operate, but only partially dependable in performance. BOD₅ removal can range up to 95%. However, the total suspended solids range may exceed 150 mg/L. Removal of ammonia nitrogen can be significant (up to 80%), depending on temperature, pH, and detention time in the system.

Within the corridor, the primary wastewater treatment process is individual anaerobic septic tanks at residential, commercial, and light industrial establishments and a facultative process (anaerobic/aerobic) in the community of Louviers. The primary wastewater effluent discharge is to groundwater from septic tank leach fields and to land application (in the case of the Louviers facultative lagoon). There exists the potential to impact the water quality of East Plum Creek and Plum Creek if these discharges were increased. This lack of wastewater treatment availability has limited the future development along the corridor and the need therefore exists to provide wastewater availability for sustainable and economic development. This project will eliminate the need for the facultative lagoons and will provide centralized wastewater and sanitation services to multiple communities and future developments due to the phased approach with future build-out capacities captured in the design of the new facilities.

Thank you for your time and consideration in the review of this Locations & Extent application submittal. We look forward to discussing the project further with you and look forward to partnering with Douglas County on the successful completion of this project to benefit the surrounding communities in the coming years. If you require any additional information to review this project or have any clarifying questions, please do not hesitate to contact Mark Valentine at mark.valentine@merrick.com.

Sincerely,

Mark Valentine, PE; Merrick & Company
cc: Scott Tait, PE; Castle Rock Water (CRW)
cc: Pamela Grover, PE; Dominion Water & Sanitation District (DWSD)
cc: Matt Collitt; Louviers Water & Sanitation District (LWSD)

Appendices:

Appendix A: Douglas County Department of Community Development Land Use Application

Appendix B: Sterling Ranch Waterton Road - Moore Road Sanitary Plan and Profile

Appendix C: E-85 Wastewater Intergovernmental Agreement (IGA) Between the Town of Castle Rock and Dominion Water & Sanitation District

Appendix D: Conceptual Trail Alignment Plan; Plum Creek Trail Feasibility Study; Architerra Group

Appendix E: Douglas County Comprehensive Master Plan Relevant Sections

Appendix F: Biological Assessment of Louviers Mutual Service Company; Wastewater Treatment Improvements; Douglas County, Colorado

Appendix G: Location & Extent Exhibits; Louviers Lift Station & Force Main



APPENDIX A: Douglas County Department of Community Development Land Use Application

LAND USE APPLICATION

Please fill in this application form completely. An incomplete application will not be processed.

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

OFFICE USE ONLY	
PROJECT NAME: _____	PROJECT FILE #: _____
PROJECT TYPE: <u>Central Wastewater/Sanitation Services</u>	PLANNING FEES: _____
MARKETING NAME: <u>PS2024-016 Louviers Lift Station & Force Main</u>	ENGINEERING FEES: _____
SITE ADDRESS: <u>7249 Main Street, Littleton, CO 80125</u>	TOTAL FEES: _____
OWNER(S):	RELATED PROJECTS: _____
Name(s): <u>Castle Rock Water; Dominion Water & Sanitation District</u>	_____
Address: <u>175 Kellogg Court Building 171; Castle Rock, CO 80109</u> <u>9250 E Costilla Avenue; Greenwood Village, CO 80112</u>	_____
Phone: <u>720-733-6000; 720-531-4210</u>	_____
Email: <u>stait@crgov.com; pamela.grover@dominionwsd.com</u>	_____
AUTHORIZED REPRESENTATIVE <i>(requires notarized letter of authorization if other than owner)</i>	_____
Name: <u>Mark Marlowe</u>	_____
Address: <u>175 Kellogg Court Building 171; Castle Rock, CO 80109</u>	_____
Phone: <u>720-733-6002</u>	_____
Email: <u>mmarlowe@crgov.com; water@crgov.com</u>	_____

LEGAL DESCRIPTION:

Subdivision Name: 7249 Main Street, Littleton, CO 80125

Filing #: N/A Lot #: N/A Block #: N/A Section #: 33 Township: 6 Range: 68

STATE PARCEL NUMBER(S): 2229-334-00-001

ZONING:

Present Zoning: N/A Proposed Zoning: N/A Gross Acreage: 4.951

Gross Site Density (DU per AC): N/A # of Lots or Units Proposed: N/A

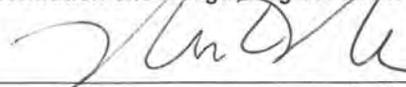
SERVICE PROVIDERS:

Fire District: Louviers Fire Protection District Metro District: N/A Gas: N/A

Water: Louviers Water & Sanitation District Sewer: Louviers Water & Sanitation District Electric: Xcel Energy

Roads: Public Private (please explain): _____

To the best of my knowledge, the information contained on this application is true and correct. *I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.*



Applicant Signature

3/6/2024

Date

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

APPENDIX B: Sterling Ranch Waterton Road – Moore Road Sanitary Plan and Profile

STERLING RANCH COMMUNITY AUTHORITY BOARD WATERTON ROAD

WATER AND SANITARY SEWER CONSTRUCTION DRAWINGS

SW 1/4 OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 68 WEST OF
THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, COLORADO.

PROJECT TEAM

APPLICANT

Sterling Ranch Community Authority Board
8155 Piney River Ave., Suite 150
Littleton, CO 80125
Contact: Eric Barney

CIVIL ENGINEER

Redland
1500 West Canal Court,
Littleton, Colorado 80120
720.283.6783 voice
Contact: Brian Hart, P.E.
Email: bhart@redland.com

PLANNER/LANDSCAPE ARCHITECT

PCS Group Inc.
301 Kalamath Street, #202
Denver, Colorado 80211
303.531.4905 voice
Contact: John Prestwich
Email: john@pcsgroupco.com

GEOTECHNICAL ENGINEER

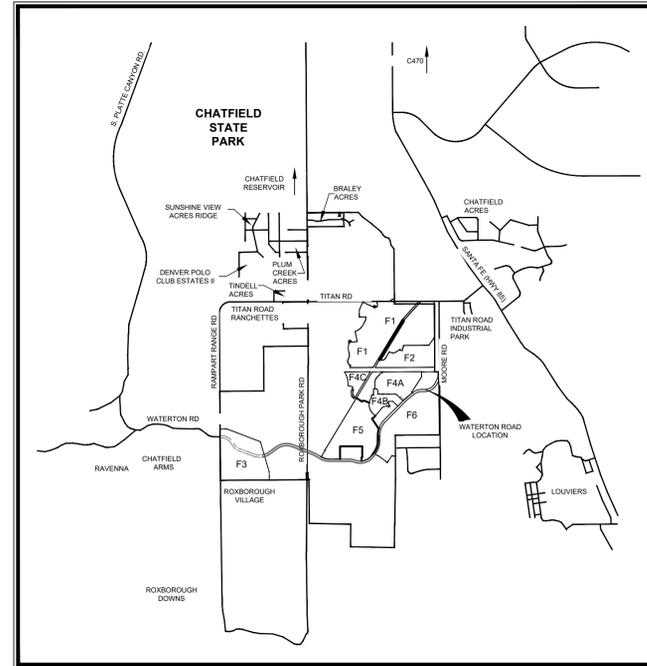
A.G. Wassenaar
2180 S. Ivanhoe Street Suite 5
Denver, Colorado 80222
303.759.8100 voice
Contact: Keith Seaton
seatonk@agwassenaar.com

TRAFFIC ENGINEER

Fox Tuttle Transportation Group, LLC
P.O. Box 19768
Boulder, Colorado 80308
303.652.3571 voice
Contact: Steven Tuttle
Email: tuttle@foxtuttle.com

SURVEYOR

Aztec Consultants, Inc
300 E. Mineral Ave., Suite 1
Littleton, Colorado 80122
303.713.1898 voice
Contact: Tony Peall
Email: tpeall@aztecconsultants.com



VICINITY MAP



SCALE: 1" = 5000'



STERLING RANCH
COLORADO

WATERTON ROAD RECORD DRAWINGS

BASED UPON REVIEW OF AND RELIANCE ON THE FIELD SURVEY DATA AND OTHER PERTINENT DATA PROVIDED BY AZTEC CONSULTANTS, ON 09/20/2022, AND A FINAL SITE INVESTIGATION CONDUCTED ON 11/09/2022, I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IT IS MY PROFESSIONAL OPINION THAT THE FACILITIES SHOWN IN THESE DRAWINGS WERE CONSTRUCTED IN SUBSTANTIAL COMPLIANCE WITH THE ACCEPTED DRAINAGE REPORT AND/OR CONSTRUCTION DRAWINGS AND THE ENGINEER'S INTENT. THIS STATEMENT IS BASED ONLY ON A REVIEW OF THE FIELD SURVEY DATA AND A FINAL SITE INVESTIGATION.



BRIAN HART, PE DATE

A RECORD DRAWING FIELD SURVEY WAS CONDUCTED BY AZTEC CONSULTANTS, ON SEPTEMBER 2022. ALL ITEMS NOTED ON THESE DRAWINGS WITH AN "RD" INDICATE RECORD DRAWING INFORMATION BASED ON SAID SURVEY, UNLESS EXPLICITLY MARKED WITH AN "RD" CONSTRUCTED CONDITION SHOULD NOT BE ASSUMED. I, TOM KUTTRUS, HEREBY STATE THAT IN MY PROFESSIONAL OPINION THE RECORD DRAWING INFORMATION SHOWN ON THESE PLANS ACCURATELY REPRESENTS THE IMPROVEMENTS CONSTRUCTED.



THOMAS E. KUTTRUS, PLS DATE

DESIGN ENGINEER'S SIGNATURE BLOCK

I, BRIAN HART, BEING A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF COLORADO, HEREBY ATTEST THAT GRADING, UTILITY AND DRAINAGE IMPROVEMENTS IDENTIFIED ON THIS (STERLING RANCH FILING NO. 6A WATER & SANITARY SEWER CONSTRUCTION PLANS) HAVE BEEN DESIGNATED AND ENGINEERED IN CONFORMANCE WITH THE DOMINION WATER AND SANITATION DISTRICT STANDARDS OR HAVE BEEN AGREED TO THROUGH THE REVIEW PROCESS IF DIFFERENCES EXIST.

BRIAN HART, PE #34735 DATE
REDLAND

DOMINION WATER AND SANITATION DISTRICT ACCEPTANCE

THESE PLANS HAVE BEEN REVIEWED BY A REPRESENTATIVE OF DOMINION WATER AND SANITATION DISTRICT IN ORDER TO CONFIRM ALL REQUIREMENTS OF THE ADOPTED DESIGN AND CONSTRUCTION STANDARDS HAVE BEEN MET AND THAT THESE PLANS MAY BE USED FOR BIDDING AND CONSTRUCTION. THIS REVIEW INCLUDED ONLY THE WATER AND WASTEWATER UTILITIES, AND DOES NOT COVER ANY OTHER UTILITIES OR FEATURES OR COORDINATION REQUIRED THEREWITH. NO DETAILED DESIGN CALCULATIONS OR METHODOLOGIES WERE REVIEWED. IT IS THE RESPONSIBILITY OF THE ENGINEER OF RECORD TO ENSURE COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL JURISDICTIONS.

DISTRICT MANAGER



Know what's below.
Call before you dig.

You MUST CALL 811 (or 1-800-922-1987) for utility locates BEFORE DIGGING. This includes even small projects such as, but not limited to, planting trees or shrubs, sidewalk removal/installation, or fence post installation. Digging without calling can disrupt service to the surrounding neighborhoods. It may harm you and those around you, and potentially result in fines and repair costs.

SOUTH METRO FIRE RESCUE AUTHORITY APPROVALS

ALL FIRE HYDRANTS SHALL BE INSTALLED ACCORDING TO DISTRICT STANDARDS. THE NUMBER AND LOCATION OF THE FIRE HYDRANTS AS SHOWN ON THE OVERALL UTILITY PLAN ARE CORRECT AS SPECIFIED BY THE SOUTH METRO FIRE RESCUE AUTHORITY

FIRE CHIEF OR DESIGNATED REPRESENTATIVE

DATE

ENGINEERING DIVISION ACCEPTANCE BLOCK

STERLING RANCH WATERTON ROAD

COVER SHEET DISTRICT

SHEET

C1.0

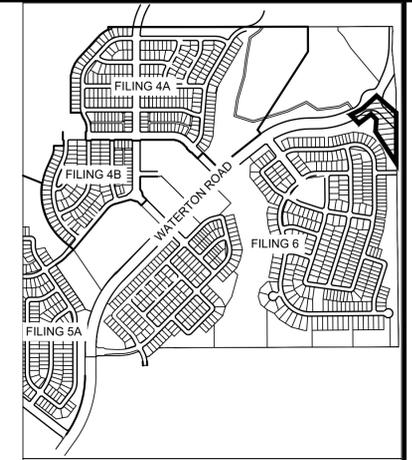
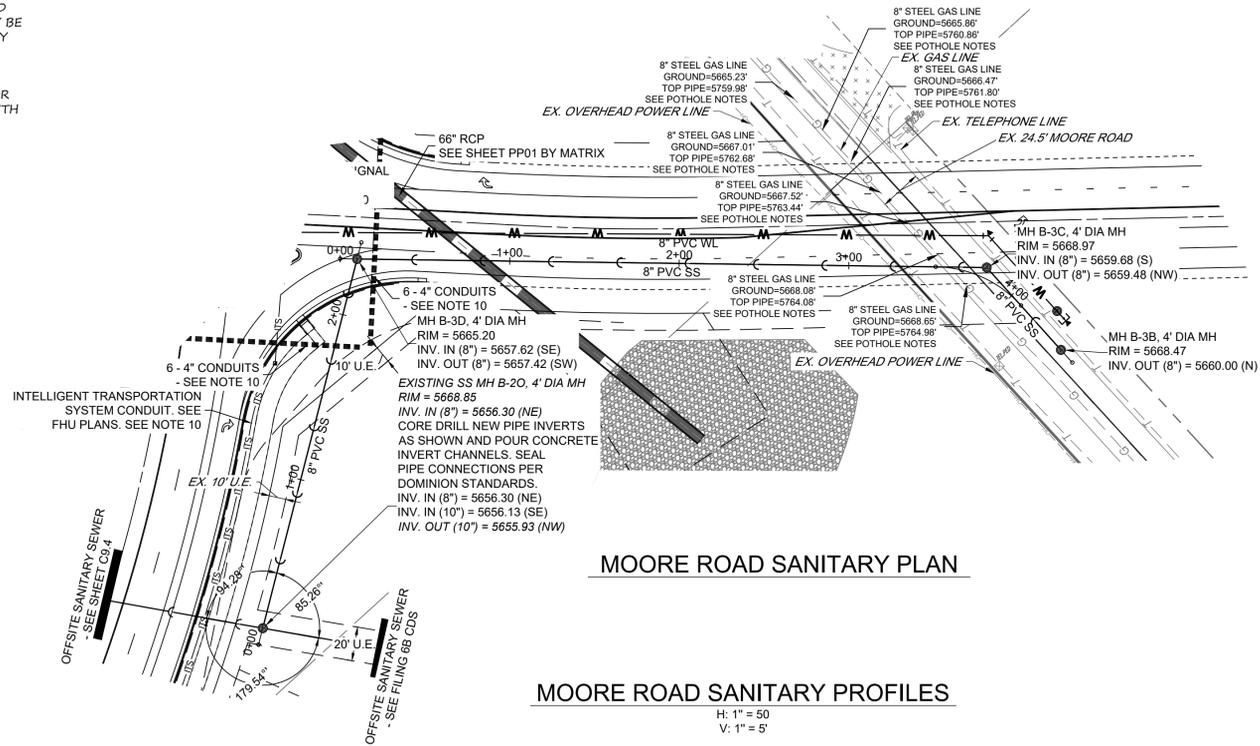
DATE	NO.	NOTES	FCALR	FCALR
01/25/2021	1	FIRST SUBMITTAL	DRAWN	
02/25/2021	2	SECOND SUBMITTAL	CHECKED	
04/09/2021	3	THIRD SUBMITTAL - FOR APPROVAL	APPROVED	
05/25/2021	4	FOURTH SUBMITTAL - REV TO 12" AND 16" VAL	BCH	11016.14
08/24/2021		NOT USED	HORZ SCALE	
10/07/2021		NOC #202026.03 - EAGLE RIVER WATER STUBS	VERT SCALE	
11/29/2021		NOC #202026.02 - COMMERCIAL PAD GRADE REVISION		
03/04/2022		NOC #202026.05 - MOORE ROAD WATERSANITARY ADDITIONS		



RECORD DRAWINGS

THESE RECORD DRAWINGS HAVE BEEN PREPARED BASED ON INFORMATION PROVIDED BY AZTEC CONSULTANTS, DATED SEPTEMBER 9, 2022. REDLAND IS UNDER NO OBLIGATION OR DUTY TO VERIFY THE ACCURACY AND/OR COMPLETENESS OF THIS INFORMATION AND HAS NOT DONE SO. REDLAND SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY BE INCORPORATED AS A RESULT OF ERRONEOUS INFORMATION PROVIDED BY OTHERS.

ONLY ITEMS MARKED WITH "RI" OR "✓" REFLECTS RECORD INFORMATION PROVIDED BY THE SURVEYOR. RECORD INFORMATION IS SHOWN ONLY FOR THE ITEMS INDICATED ON THESE PLANS. UNLESS EXPLICITLY MARKED WITH "RI" OR "✓", CONSTRUCTED CONDITIONS SHOULD NOT BE ASSUMED.

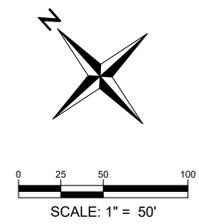


BENCHMARK: NGS POINT "A 307" ELEVATION OF 5540.05' (NAVD83) BEING CONTROL POINT #102, LOCATED NEAR THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 69 WEST.

BASIS OF BEARING: BEARING ARE BASED UPON A LINE BETWEEN THE NORTH 1/4 CORNER, SECTION 19, TOWNSHIP 6 SOUTH, RANGE 68 WEST (POINT #502) AND THE SOUTH 1/4 CORNER SECTION 6, TOWNSHIP 7 SOUTH, RANGE 68 WEST (POINT #546) AS BEARING S00°06'23"E, 21,253.03'.

NOTES:

- ALL STATIONING IS STREET CENTERLINE AS DEFINED IN PHASE 3 WATERTON ROAD PLANS CONSTRUCTION PLANS UNLESS OTHERWISE NOTED ON PLANS.
- REFER TO DOMINION WATER AND SANITATION DISTRICT FOR ALL WATER LINE, IRRIGATION LINE, AND SANITARY SEWER STANDARDS AND SPECIFICATIONS.
- REFER TO DOMINION STANDARDS AND SPECIFICATIONS FOR NOTES AND DETAILS ABOUT DEFLECTIONS.
- REFER TO DOMINION STANDARDS AND SPECIFICATIONS FOR NOTES AND DETAILS ABOUT RESTRAINTS.
- ALL WATER LINES SHALL HAVE A MINIMUM OF 5' COVER.
- ALL JOINTS AND FITTINGS SHALL BE RESTRAINED AS REQUIRED BY DOMINION WATER AND SANITATION DISTRICT STANDARDS AND DETAILS.
- ANY STORM SEWER AND WATER CROSSING THAT IS LESS THAN 18" WILL BE REQUIRED TO BE FLOW FILLED PER DOUGLAS COUNTY STORM DRAINAGE DESIGN STANDARD 9.5.3
- FOR GATE VALVES LOCATED DIRECTLY ADJACENT TO TEES, CROSSINGS OR BENDS, THE TEES SHALL BE CONNECTED DIRECTLY TO THE FITTING. GATE VALVES SHOWN ON THE PLANS ARE EXAGGERATED FOR GRAPHIC PURPOSES AND DO NOT REFLECT ACTUAL LOCATION.
- ALL WATER VALVES SHOWN AS CONNECTING TO A TEE OR CROSS SHALL USE A FOSTER ADAPTER OR SWIVEL TEE.
- PLEASE SEE WATERTON ROAD CONSTRUCTION PLANS FOR THE WATERTON ROAD DESIGN AND STORM SEWER DESIGN, BY OTHERS.
- FOR STERLING RANCH AVENUE ROAD PLANS AND STORM SEWER PLANS, PLEASE SEE CONSTRUCTION PLANS FOR FILING 4B LOT 125, PREPARED BY OTHERS.
- FOR STERLING RANCH AVENUE WATER & SANITARY PLANS, PLEASE SEE STERLING RANCH FILING NO. 4B - LOT 125.
- SANITARY SEWER WITH MORE THAN 20' OF COVER SHALL BE PVC SDR 26.



- POTHOLE NOTE:**
- POTHLES FOR THE EXISTING 8" STEEL GAS LINE PROVIDED BY STERLING RANCH COMMUNITY AUTHORITY BOARD, SEPTEMBER 2019.
 - POT HOLES ARE NOT AVAILABLE FOR EXISTING TELEPHONE LINE. CONTRACTOR TO VERIFY DEPTH AND LOCATION PRIOR TO CONSTRUCTION.

ASSISTANT DIRECTOR OF DEVELOPMENT REVIEW

DATE

THESE CONSTRUCTION PLANS HAVE BEEN REVIEWED BY DOUGLAS COUNTY FOR WATER & SANITARY SEWER IMPROVEMENTS ONLY.

ENGINEERING DIVISION ACCEPTANCE BLOCK

Redland
WHERE GREAT PLACES BEGIN
770 383 4783 Office
1500 West Canal Court
Littleton, Colorado 80120
REDLAND.COM



DATE	NO.	DESCRIPTION
09/20/2022	RI	WATERTON ROAD RECORD DRAWINGS
01/29/2021	1	FIRST SUBMITTAL
02/25/2021	2	SECOND SUBMITTAL
04/09/2021	3	THIRD SUBMITTAL
05/25/2021	4	FOURTH SUBMITTAL - FOR APPROVAL
08/24/2021	5	NOI SUBMITTED - REG 10' 12" AND 16" WL
10/07/2021	6	NOI USED
11/29/2021	7	NOI FOR 2026 03 - EAGLE RIVER WATER STUDIES
03/04/2022	8	NOI FOR 2026 02 - COMMERCIAL PAD GRADE REVISION
		NOI FOR 2026 05 - MOORE ROAD WATER/SANITARY ADJUSTIONS

STERLING RANCH WATERTON ROAD
MOORE ROAD
SANITARY PLAN AND PROFILE

C9.7

APPENDIX C: Intergovernmental Agreement (IGA) Between the Town of Castle Rock and Dominion Water & Sanitation District

RESOLUTION NO. 2023-097

A RESOLUTION APPROVING THE E-85 WASTEWATER INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK, ACTING THROUGH ITS WATER ENTERPRISE, AND DOMINION WATER & SANITATION DISTRICT, ACTING THROUGH ITS STERLING RANCH WASTEWATER ACTIVITY ENTERPRISE, AND THE STERLING RANCH COMMUNITY AUTHORITY BOARD

WHEREAS, C.R.S. § 29-1-203 authorizes local governments to cooperate and contract with one another regarding functions, services and facilities each is authorized to provide; and

WHEREAS, the Town of Castle Rock, acting by and through the Town of Castle Rock Water Enterprise (the “Town”), is a retail water and wastewater provider for Castle Rock and additional extra-territorial customers; and

WHEREAS, Dominion Water & Sanitation District, acting through the Sterling Ranch Wastewater Activity Enterprise (“Dominion”), is a wholesale water and wastewater provider organized in 2004 to provide service to the Sterling Ranch Community Authority Board (the “CAB”) and those existing communities as of 2009 on non-renewable groundwater located within Dominion’s service area; and

WHEREAS, the Town and Dominion have identified a need for additional wastewater conveyance and treatment capacity for existing and new developments along the E-85 Corridor for up to 0.2 million gallons per day (“MGD”) (average daily flow or annual average flow) initially, (the “Service Area”); and

WHEREAS, the Town and Dominion desire to make 0.2 MGD (average daily flow or annual average flow) of wastewater conveyance and treatment capacity in Dominion’s and CAB’s collection system available to the Town on behalf of Douglas County (collectively, the “CRDC Capacity”) for existing and new customers, through the construction of wastewater conveyance infrastructure that will connect to Dominion’s and CAB’s system; and

WHEREAS, the Town and Dominion desire to design and construct additional wastewater capacity along the E-85 corridor from system development fees collected by the Town for new customers who meet the requirements agreed to by the Town and Dominion; and

WHEREAS, the Town and Dominion also desire to construct a new mutually beneficial wastewater treatment plant (the “CBWRF”) to discharge effluent and return flows to the South Platte River, Castle Rock Reservoir Nos. 1 and/or 2 (the “CRR1” and “CRR2”), and additional future location(s) to be determined by Town and Dominion which shall be based on the ownership of the future location; and

WHEREAS, Dominion agrees to convey an apportioned share of Dominion’s phosphorous loading credit to assist in obtaining the discharge permit associated with the CRDC Capacity to the mutual benefit of the Town and Dominion; and

WHEREAS, the Town and Dominion desire to construct a pumping facility to be located on or adjacent to the CBWRF for use to convey treated effluent or other raw water supplies to CRR1 and/or CRR2 and/or to the Larry D. Moore Water Treatment Plant, or future location(s) to be determined by Town and Dominion which shall be based on the ownership of the future location(s); and

WHEREAS, the Town agrees to sell capacity to Dominion within the existing Ravenna pipeline, which is anticipated to be refurbished of which the reconstruction will be designed and constructed for future use by the Town; and

WHEREAS, the Town, at its sole discretion, agrees to treat return flows or new water supplies for Dominion at the Plum Creek Water Purification Facility at fair and reasonable costs which may include extraterritorial surcharges should Dominion determine that said treatment would be beneficial to Dominion; and

WHEREAS, the Town and Dominion further desire to set forth the Town’s rights to purchase from Dominion return flows from the communities of Louviers and Sedalia, if not already purchased by the Town, should Dominion provide wholesale water services to those communities, as well as the right of first offer to purchase additional return flows from Dominion, should Dominion determine to sell its return flows and make them available for purchase; and

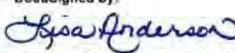
WHEREAS, the Town finds that there is benefit to the Town and its residents in entering into an Intergovernmental Agreement with Dominion and the CAB for the above-described purposes.

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

Section 1. Approval. The E-85 Intergovernmental Agreement between the Town, Dominion and the CAB is hereby approved in substantially the same form as presented at tonight’s meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Agreement and any technical amendments thereto by and on behalf of the Town.

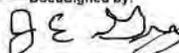
PASSED, APPROVED AND ADOPTED this 18th day of July, 2023, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of 7 for and 0 against.

ATTEST:

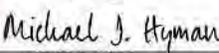
DocuSigned by:

298A8A4EDEE34AF...
Lisa Anderson, Town Clerk



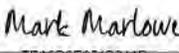
TOWN OF CASTLE ROCK

DocuSigned by:

A7938A42F3A848A...
Jason Gray, Mayor

Approved as to form:

DocuSigned by:

F7447F32A6794D1...
Michael J. Hyman, Town Attorney

Approved as to content:

DocuSigned by:

FEA8D2E651B24TD...
Mark Marlowe, Director of Castle Rock Water

**E-85 WASTEWATER INTERGOVERNMENTAL AGREEMENT BETWEEN THE
TOWN OF CASTLE ROCK ACTING THROUGH ITS WATER ENTERPRISE AND
DOMINION WATER & SANITATION DISTRICT ACTING THROUGH ITS
STERLING RANCH WASTEWATER ACTIVITY ENTERPRISE AND THE STERLING
RANCH COMMUNITY AUTHORITY BOARD**

This INTERGOVERNMENTAL AGREEMENT (this “**Agreement**”) is made and entered into as of July 18, 2023 (the “**Effective Date**”), by and between the Town of Castle Rock, a home rule municipal corporation, acting by and through the Town of Castle Rock Water Enterprise (“**Castle Rock**”), and Dominion Water & Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado, acting through the Sterling Ranch Wastewater Activity Enterprise (“**Dominion**”), and the Sterling Ranch Community Authority Board (“**CAB**”) (each, individually, a “**Party**” and, collectively, the “**Parties**”).

WITNESSETH:

WHEREAS, C.R.S. § 29-1-203 authorizes the Parties to cooperate and contract with one another regarding functions, services and facilities each is authorized to provide; and

WHEREAS, Dominion is a wholesale water and wastewater provider located in Northwest Douglas County organized in 2004 to provide service to the Sterling Ranch Community Authority Board (Sterling Ranch CAB) and those existing communities as of 2009 on non-renewable groundwater located within Dominion’s service area; and

WHEREAS, Castle Rock is a retail water and wastewater provider for the Town of Castle Rock and additional extra-territorial customers; and

WHEREAS, Dominion and Castle Rock have identified a need for additional wastewater conveyance and treatment capacity for existing and new developments along the E-85 Corridor for up to 0.2 Million Gallons per Day (MGD) (average daily flow or annual average flow) initially, as depicted in **Exhibit A**, attached hereto and incorporated herein by reference (the “**Service Area**”); and

WHEREAS, the Parties desire to make 0.2 MGD (average daily flow or annual average flow) of wastewater conveyance and treatment capacity in Dominion’s and CAB’s collection system available to Castle Rock on behalf of Douglas County (collectively, the “**CRDC Capacity**”) for Existing Customers (defined below) and New Customers (defined below), through the construction of wastewater conveyance infrastructure that will connect to Dominion’s and CAB’s system (the “**Existing Dominion and CAB Owned Infrastructure**”); and

WHEREAS, the Parties desire to design and construct additional wastewater capacity along the E-85 corridor from system development fees collected by Castle Rock from New Customers, as defined herein, who meet the other requirements outlined herein; and

WHEREAS, the Parties also desire to construct a new mutually beneficial wastewater treatment plant (the “**Chatfield Basin Water Reclamation Facility/CBWRF**”) to discharge Effluent & return flows to the South Platte River, Castle Rock Reservoir Numbers 1 and/or 2 (the

“CRR1”, “CRR2”), and additional future location(s) to be determined by Dominion and Castle Rock which shall be based on the ownership of the future location; and

WHEREAS, Dominion agrees to convey an apportioned share of Dominions Phosphorous Loading Credit to assist in obtaining the discharge permit associated with the CRDC Capacity to the mutual benefit of the Parties; and

WHEREAS, the Parties desire to construct a pumping facility to be located on or adjacent to the CBWRF for use to convey treated effluent or other raw water supplies to **CRR1** and/or **CRR2** and/or to the Larry D. Moore Water Treatment Plant (the “**Moore WTP**”), or future location(s) to be determined by Dominion and Castle Rock which shall be based on the ownership of the future location(s) (the “**Reuse Pump Station**”); and

WHEREAS, Castle Rock agrees to sell capacity to Dominion within the existing Ravenna pipeline, which is anticipated to be refurbished of which the reconstruction will be designed and constructed for future use by Castle Rock; and

WHEREAS, Castle Rock, at its sole discretion, agrees to treat return flows or new water supplies for Dominion at the Plum Creek Water Purification Facility (“PCWPF”) at fair and reasonable costs which may include extraterritorial surcharges should Dominion determine that said treatment would be beneficial to Dominion; and

WHEREAS, the Parties further desire to set forth Castle Rock’s rights to purchase from Dominion return flows from the communities of Louviers and Sedalia, if not already purchased by Castle Rock, should Dominion provide wholesale water services to those communities, as well as the right of first offer to purchase additional return flows from Dominion, should Dominion determine to sell its return flows and make them available for purchase; and

WHEREAS, the Parties find that there is benefit to Castle Rock, Dominion and CAB in entering into this Agreement.

NOW, THEREFORE, the Parties, in and for the consideration of the performance of the mutual promises set forth herein, the receipt and adequacy of which is hereby acknowledged, for themselves and their successors, do hereby agree as follows.

1. DEFINITIONS. Unless previously defined, the following terms, when capitalized, shall have the meanings indicated below:

a. **ARPA Funding** shall mean funds encumbered by Douglas County in accordance with Section 603(b) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act, Public Law No. 117-2 (March 11, 2021).

b. **CAB** shall mean the Sterling Ranch Community Authority Board.

c. **CAB Owned Infrastructure** shall mean the gravity sewer collection system and CAB infrastructure located within Sterling Ranch Filings No. 1, 2, 4A, 4B, 4C, 6A, 6B and 6C, and included within Sterling Ranch Metropolitan District’s Nos. 1-7, that connects to the Dominion owned wholesale wastewater infrastructure.

- d. **Carollo** shall mean Carollo Engineers, Inc.
- e. **Castle Rock Rules and Regulations** shall mean the Rules and Regulations adopted by Castle Rock Water and as amended from time to time.
- f. **CDM** shall mean CDM-Smith.
- g. **CDPHE** shall mean the Colorado Department of Public Health and Environment.
- h. **Chatfield Basin Water Reclamation Facility/CBWRf** shall mean a new mutually beneficial wastewater treatment plant located along the South Platte River (in the approximate location where the Roxborough Wastewater Treatment Facility was located) on property owned by Dominion, which upon completion, will be owned and operated by Dominion.
- i. **CMAR** shall mean Construction Manager at Risk.
- j. **County** shall mean Douglas County, Colorado.
- k. **CRDC Capacity** shall mean 0.2 MGD capacity (average daily flow or annual average flow) in the Project some of which is owned by Castle Rock and some of which is administered by Castle Rock on behalf of the owner, Douglas County, until such time as customers connect to the Project, at which time Douglas County will transfer ownership of such capacity to Castle Rock.
- l. **CRDC IGA** shall mean that certain Intergovernmental Agreement between Castle Rock and Douglas County for the Highway 85 Wastewater Collection and Treatment System dated April 25, 2023.
- m. **CRR1** and **CRR2** shall mean Castle Rock Reservoir Number 1 and Castle Rock Reservoir Number 2, respectively.
- n. **CRR Discharge Point** shall mean the discharge to CRR1 and CRR2.
- o. **Dominion Discharge Point** shall mean the discharge to the South Platte River, the Moore WTP, or other future location(s) to be determined by Dominion.
- p. **Discharge Permits** shall mean the CDPHE permits for the South Platte Discharge Point, CRR Discharge Points, or other discharge points agreed to by the Parties and required by the State to discharge treated effluent from the CBWRf.
- q. **Dominion Rules and Regulations** shall mean the Rules and Regulations adopted by Dominion, dated October 18, 2022, as amended from time to time.
- r. **Dominion Terms of Service** are defined within the Dominion Rules and Regulations.

s. **E-85 Corridor** shall mean the communities connected to the thoroughfare of United States Highway 85 East of Plum Creek from approximately Titan Road to Sedalia as depicted in **Exhibit A**.

t. **E-85 Infrastructure** shall mean the Louviers Forcemain and Louviers Lift Station, and the wastewater pipeline to extend south to Sedalia to be designed and constructed as funding allows.

u. **Effluent** shall mean any wastewater treated at the CBWRF to CDPHE standards and discharged at the South Platte River, CRRs, or another location(s) determined by Dominion or Castle Rock for future discharge.

v. **Existing Customers** shall mean those occupied residences or commercial property owners as of January 1, 2023, in the Service Area shown in Exhibit A (generally in the Louviers or Sedalia Service Areas or CORE Electric Headquarters along the E-85 Corridor).

w. **Existing Dominion and CAB Owned Infrastructure** shall mean the capacity in the CAB Gravity Sewer System, Titan Road Lift Station, Roxborough O-Line, Titan Road Forcemain, the property on which the CBWRF and Reuse pump station are to be located, the existing CBWRF discharge permit (to be modified) and phosphorous loading credits.

x. **Future Titan Road Infrastructure Expansion** shall mean a possible future forcemain or gravity line to connect the Louviers Forcemain between Moore Road to the existing Titan Road Lift Station (or a potential future lift station based on design recommendations to be mutually agreed upon) to be designed, constructed, owned and operated by Dominion should capacity within the CAB Owned Infrastructure be exceeded. For the avoidance of doubt, Dominion reserves the right to request Castle Rock to charge additional System Development Fees for the Future Titan Road Infrastructure Expansion, and if Castle Rock does not charge additional System Development Fees, any wastewater conveyance in excess of the CRDC or the Existing Dominion and CAB Owned Infrastructure shall be prohibited.

y. **In-Kind Contributions** shall mean an estimate of the total cost (inclusive of all hard costs, soft costs, allocable overhead, and financing costs) of the Existing Dominion and CAB Owned Infrastructure to be utilized by the CRDC Capacity, to include the Titan Road Lift Station capacity, Titan Road to O-Line Forcemain capacity, O-Line gravity sewer and the Roxborough Forcemain capacity, purchase of the CBWRF and up-front design work that was completed. The In-Kind Contributions will be based on a percentage or other reasonable allocation of the CRDC Capacity to the full capacity of the Existing Dominion and CAB Owned Infrastructure. See **Exhibit B** for additional information.

z. **Louviers** shall mean the Louviers Water & Sanitation District.

aa. **Louviers Forcemain** shall mean the forcemain accompanying the Louviers Lift Station that will connect from the Louviers Lift Station to the CAB Owned Infrastructure at the Moore Road and Waterton Road intersection which upon completion will be owned and operated by Dominion.

bb. **Louviers Lift Station** shall mean a 0.2 MGD lift station, expandable to 1.0 MGD, located at or near Louviers' existing sewer lagoon which upon completion will be owned and operated by Castle Rock.

cc. **Moore WTP** shall mean the Larry D. Moore Water Treatment Plant.

dd. **New Customers** shall mean new development or redevelopment in the Service Area which seek new or additional wastewater services after January 1, 2023.

ee. **O-Line** shall mean the line that connects the Dominion wholesale wastewater facilities to the Roxborough splitter structure, owned and operated by Roxborough.

ff. **Project** shall collectively mean the Reuse Pumping Station, the CBWRF, connections and expansions to the Existing Dominion and CAB Infrastructure, the Louviers Lift Station and the Louviers Forcemain and any gravity sewer from the Louviers Lift Station running to the south that can be included under the ARPA funding or constructed with System Development Fees collected from customers in the Service Area.

gg. **Return Flows** shall mean fully consumable water that is treated Effluent that can be used to extinction.

hh. **Reuse Pump Station** shall mean a pump station at the CBWRF to convey treated effluent or other raw water supplies from the South Platte or Chatfield Reservoir to the CRR Discharge Point, to the Moore WTP, or additional future location(s) as determined by Dominion or Castle Rock, depending on the ownership of such location, which will effectively capture Return Flows that can be delivered and used for reuse water by the Parties in addition to other raw water supplies.

ii. **Roxborough** shall mean the Roxborough Water & Sanitation District.

jj. **Roxborough Forcemain** shall mean the forcemain from the Roxborough Lift Station to the South Platte Renew Facility (SPR).

kk. **Sedalia** shall mean Sedalia Water and Sanitation District.

ll. **Service Area** shall mean those regions and communities as shown on Exhibit A. For the avoidance of doubt, Castle Rock and Dominion will make available up to 0.2 MGD for Castle Rock and the County in accordance with the CRDC IGA at the Louviers Lift Station but, subject to the requirements of the CRDC IGA, Dominion and Castle Rock shall not be obligated to exceed the CRDC Capacity and all customers must comply with all Castle Rock and Dominion rules and regulations, to include SPR pre-treatment requirements, for providing such service.

mm. **South Platte Discharge Point** shall mean the discharge point for the CBWRF located on the S. Platte River to be owned by Dominion.

nn. **South Platte Diversion & Intake** shall mean Dominion's decreed point of diversion located downstream of the South Platte Discharge Point to capture Return Flows,

Dominion’s contract water with Aurora, Hock Hocking water rights, Junior South Platte River rights, exchanged water from Chatfield Reservoir and other Dominion contracted or owned water on the South Platte River.

oo. **SPR** shall mean the South Platte Renew Wastewater Treatment Facility.

pp. **SPR Pre-Treatment** shall mean pre-treatment requirements enacted by the South Platte Renew in return for wastewater solids handling services.

qq. **System Development Fees** shall mean the fees established by Castle Rock, and Dominion as set forth herein, to be charged in exchange for connection to the Project.

rr. **Titan Road Lift Station** shall mean the existing Dominion owned Lift Station located at Titan Road and Elk River within the boundaries of Tract A of Sterling Ranch Filing No. 1 recorded in the real property records of Douglas County, recordation #2015080636.

ss. **Titan Road to O-Line Forcemain** shall mean the Dominion owned 12-inch forcemain located between the Titan Road Lift Station and O-Line connection point.

tt. **Wastewater System** shall mean the infrastructure and improvements, including the Project, operated by Castle Rock and Dominion to provide wastewater service to connected customers in the Service Area.

uu. **Wholesale Customer** shall mean a retail wastewater provider, such as a special district or municipality, that has applied and been approved for connection to the Wastewater System.

2. E-85 INFRASTRUCTURE.

a. Louviers Lift Station and Force Main.

i. Design and Construction. Castle Rock shall design and construct the Louviers Lift Station and the Louviers Forcemain. All plans and design will conform to the Engineering and Construction Standards of CDPHE Water Quality Control Division, Castle Rock and Dominion. Dominion will have the right to review and approve the design and construction plans, which approval will not be unreasonably withheld. The Louviers Lift Station and Louviers Forcemain will initially tie into an 8-inch gravity sewer line located near the intersection of Waterton Road and Moore Road, which gravity sewer line is owned by the CAB.

(1) **Scope of Work** – Subject to the award and execution of a contract to a consulting engineer in accordance with requirements set forth in Castle Rock’s procurement ordinance and policies, Castle Rock will select an engineer for the design of the Louviers Forcemain and the Louviers Lift Station. The scope of work shall include review by Dominion and Dominion’s Wastewater Engineer to determine existing capacity and limitations, if any, in the CAB and Dominion Owned Infrastructure. The contract with the consulting engineer shall be an agreement between Castle Rock and the selected engineer. Castle Rock shall agree to provide Dominion with the right to review any design documents developed and provide approval,

although approval shall not be unreasonably withheld. Dominion will have final approval of any connection to CAB and Dominion Owned Infrastructure.

(2) Contract Solicitations – Castle Rock will work collaboratively with the selected engineer to determine the appropriate delivery method for the Louviers Forcemain and Louviers Lift Station. Dominion will review the selection process and construction schedule as it impacts existing or planned future Dominion and CAB infrastructure. Dominion and Castle Rock will work collaboratively on efficient design of the combined Louviers Forcemain and Louviers Lift Station by the selected engineer to coincide with the construction of Dominion’s anticipated 12” water line (which water line size is subject to change in Dominion’s sole discretion) to Louviers Water and Sanitation District.

(3) Change orders – Castle Rock shall provide Dominion with the right to review and approve all Change Orders, which approvals shall not be unreasonably withheld or delayed by Dominion.

(4) Easements – Castle Rock will use commercially reasonable efforts to procure easements associated with the Louviers Forcemain and Louviers Lift Station and obtain Dominion’s prior reasonable approval as to the location of all easements. Easements associated with the Louviers Forcemain will be conveyed to Dominion without cost. Upon completion of the Louviers Forcemain, Dominion will own the Louviers Forcemain. Castle Rock shall convey all title, easements, engineering reports, test reports, and any additional reports necessary for the ongoing operation of the Louviers Forcemain by Dominion.

(5) Examination of Records and Dispute Resolution – Design and construction of the Louviers Forcemain shall conform to Dominion’s Engineering and Construction Standards. Dominion shall inspect the Louviers Forcemain to determine conformance. Should Dominion determine that the Louviers Forcemain does not meet Dominion’s Design and Construction Standards or would negatively impact Dominion or CAB’s Existing Infrastructure, Dominion may elect to not accept conveyance of the Louviers Forcemain until such time that the Louviers Forcemain meets the Design and Construction Standards. Dominion may elect to take ownership of the Louviers Forcemain even if the Louviers Forcemain does not meet its Design and Construction Standards, but any decision to assume ownership does not waive the right by Dominion to recover costs associated with curing any failure of the Louviers Forcemain to meet Dominion Design and Construction Standards from the contractor responsible for the construction of the Louviers Forcemain.

(6) Costs/Escrow – Costs associated with the Louviers Forcemain and Louviers Lift Station will be paid for by the County utilizing ARPA monies as outlined in the CRDC IGA. Castle Rock will use all commercially reasonable efforts to enforce the obligations of the County pursuant to the CRDC IGA and shall timely fulfill its obligations under the CRDC IGA which are conditions to the obligations of the County thereunder, including, without limitation, the payment obligations of the County.

ii. Operation & Ownership. Following construction, the Louviers Lift Station will be owned and operated by Castle Rock and the Louviers Forcemain will be owned and operated by Dominion. Dominion and Castle Rock will develop associated

monthly service fees to be charged to users for the Louviers Lift Station and the Louviers Forcemain which will include a reasonable capital replacement component in the rates. Castle Rock agrees to abide by any SPR Pre-treatment requirements to accept wastewater at the Louviers Lift Station.

b. Capacity in Existing Dominion and CAB Infrastructure.

i. Capacity in CAB Gravity Sewer Collection System. The CAB will make the CRDC Capacity available to Castle Rock on behalf of the County within the CAB's gravity sewer collection system up to 0.2 MGD at no cost so long as Dominion and CAB's engineers expect that no impairment in the use of CAB's system will occur due to the CRDC Capacity using the CAB's system. The total amount of available average day flow capacity and peak day capacity in the CAB gravity sewer collection system that is not already allocated to existing or future development with Sterling Ranch will be identified early in the design of the E-85 Infrastructure (the "**Available CAB Capacity**"). The CRDC Capacity in the CAB gravity sewer collection system will be limited to the lesser of 0.2 MGD average day flow capacity or the Available CAB Capacity until upgrades are completed for additional capacity. If additional capacity is needed beyond the Available CAB Capacity, the funding for expanding the CAB's gravity sewer collection system or extending the Louviers force main all the way to the Titan Road Lift Station (or potential future lift station based on design recommendations to be mutually agreed upon) will come from ARPA Funding, System Development Fees from New Customers, or other sources of funding as they are available. At no time will wastewater flows from Castle Rock and/or the County exceed the Available CAB Capacity and in no event shall CAB or Dominion be obligated to pay the cost for additional capacity beyond the Available CAB capacity.

ii. Titan Road Lift Station. Dominion will make available the CRDC Capacity in its Titan Road Lift Station, the Titan Road to O-Line Forcemain, the O-Line gravity sewer and the Roxborough Forcemain at no out of pocket cost to Castle Rock as part of the Project Costs up to the amount of the CRDC Capacity. Any capacity beyond the CRDC Capacity will require the payment to Dominion, of System Development Fees for additional capacity in Dominion's infrastructure. The total amount of available average day flow capacity and peak day capacity in the Dominion and CAB Owned Infrastructure in the Titan Road Lift Station will be identified at the outset of the design process and CRDC Capacity will be limited to those values identified until such time as improvements through the Project are completed to convey wastewater to the CBWRF. Additional capacity at the Titan Road Lift Station, the Titan Road to O-Line Forcemain, and the O-Line forcemain beyond the CRDC Capacity may be purchased by Castle Rock for New Customers along the corridor in accordance with Dominion's Rules and Regulations.

iii. Emergency Capacity. Dominion will maintain adequate capacity in the Roxborough Lift Station, Roxborough Forcemain and SPR Facility to use for emergency conditions, as defined in the IGA between Dominion and Roxborough attached hereto as **Exhibit C**.

iv. Solids Handling at the SPR Facility. It is contemplated that the CBWRF construction will not include solid waste treatment as part of the Project. It is anticipated that the CBWRF will be designed and constructed as a liquids treatment facility. It is contemplated

that solids generated at the CBWRF will be conveyed through the Roxborough Forcemain to SPR in perpetuity; however final terms and an executed IGA between the City of Littleton and Dominion has not been entered into as of the effective date of this Agreement. Dominion will work diligently to secure an Intergovernmental Agreement between Dominion and the City of Littleton for solids handling at SPR by June 30, 2024. In the event that the City of Littleton will not enter into an Intergovernmental Agreement with Dominion for solid waste treatment at the SPR Facility in a financially acceptable manner to Dominion and Castle Rock, as related to the CRDC Capacity, then Dominion will advance plans for future solid waste handling and treatment at the CBWRF in cooperation with Castle Rock. For the avoidance of doubt, Castle Rock's approval of solid waste handling shall be limited to the CRDC Capacity. Dominion, Castle Rock and CAB hereby acknowledge that the Parties will be bound by SPR Pre-Treatment requirements so long as either wastewater or solid waste is conveyed to SPR.

c. Chatfield Basin Reclamation Facility.

i. Design. Castle Rock and Dominion will jointly contract for the design of the CBWRF with Carollo. The Parties will work collaboratively with Carollo to develop a Scope of Work that accounts for the future expansion of the CBWRF by Dominion for the benefit of Dominion's Retail Customers including but not limited to the full build-out of CAB's service area and the Chatfield Urban Area, as defined in the Douglas County 2040 Comprehensive Plan. Dominion will provide a three-party design contract for review and consideration as part of the initial scoping, and Dominion and Castle Rock shall agree to mediate any disputes concerning the administration or enforcement of the Carollo contract. Each Party shall have reasonable review and approval rights as the design advances. No Party will unreasonably withhold approval needed to advance the design of the CBWRF. The CBWRF will be designed to be expandable such that Dominion can continue to operate the CBWRF and, in the future, expand the CBWRF for full build out of Dominion's existing customers including the full build out of the CAB's service area and the Chatfield Urban Area. The Parties will design the CBWRF to meet permitted discharge standards imposed by CDPHE.

ii. Construction.

(1) Design will be advanced to a sufficient level to allow for the procurement of a Construction Manager at Risk ("**CMAR**") to work collaboratively with the Parties and Carollo to finalize design and construct the CBWRF and Reuse Pump Station. If the County advises the Parties that an alternative delivery approach to include CMAR is not allowed under the regulations related to the use of ARPA Funding, the Parties will work with Carollo to finalize design to a traditional Design Bid Build ("**DBB**") delivery. Should a DBB approach be mandated there is a high likelihood that ARPA Funding may not be fully expended prior to December 31, 2026. In the event that the funds cannot be expended prior to December 31, 2026, the Parties will collaboratively work with the County to determine next steps.

(2) Scope of Work – The Scope of Work for Design and Construction will be mutually developed by the Parties and Carollo. Each Party shall provide reasonable review and approval rights of the Scope of Work. No Party will unreasonably withhold approval needed to advance the design of the CBWRF.

(3) Contract Solicitations – The Parties mutually agree that Carollo has sufficient unique knowledge of the CBWRF project that is necessary to not bid the design of the CBWRF in order to achieve Project schedule constraints associated with ARPA regulatory requirements. In addition, the County has identified sufficient funds within its County Loss Recovery balance to cover at a minimum the initial design efforts associated with the Project, as such the funds are not considered Federal in nature and do not require independent solicitation of design engineers to proceed. The Parties in collaboration with Carollo shall develop procurement documents for a CMAR for the CBWRF that will be competitively selected based on qualifications and overall responsiveness through the bidding process so long as the policies, rules and regulations governing ARPA funding allow this alternative delivery mechanism. The Parties will mutually agree on the CMAR contract documents and have the right to reasonable review and approval rights of all CMAR deliverables. No Party will unreasonably withhold approval needed to advance the construction of the CBWRF.

(4) Change Orders – The Parties mutually agree that any change orders associated with the construction of the CBWRF, to include the Reuse Pumping Station, will be mutually reviewed and approved by Dominion and Castle Rock. Each of said Party shall provide reasonable review and approval rights as the construction advances. For Change Orders that are approved by the Parties, Castle Rock will work diligently to obtain any necessary approvals from the County. In the event that the Parties disagree on a Change Order then the County shall arbitrate a dispute between the parties due to the County approval requirements for Change Orders in the CRDC IGA. In the event that the Parties agree to a Change Order and the County does not per the CRDC IGA, then the parties shall meet as soon as possible to discuss alternatives which may include, but are not limited to: the Parties funding the Change Order without ARPA Funding in their sole discretion, the Parties rejecting the Change Order, the Parties seeking alternative financing, or the Parties halting the CBWRF until a Board of County Commissioners meeting can be convened to discuss why the Change Order was rejected.

(5) Easements – Dominion owns the property for the CBWRF and Reuse Pumping Station. In addition, certain components of the Project will occur outside of the property currently owned by Dominion. As such, Dominion has been diligently working with Denver Water (“DW”), underlying fee simple owner of the property adjacent to the South Platte River and the CBWRF site, to secure an easement for the Effluent discharge location for the CBWRF on the South Platte River. Castle Rock agrees to support and work collaboratively with Dominion on these efforts.

(6) Examination of Records and Dispute Resolution – Should the CBWRF or Reuse Pumping Station not meet performance standards as specified within the CMAR procurement documents both Parties mutually agree to work collaboratively to correct any deviation. Dominion may elect to accept the CBWRF and the Parties may mutually agree to accept the Reuse Pumping Facility subject to an agreed upon list of punch list items, however said acceptance will not waive recovery of funds from the contractor needed to complete all items on the punch list or to cure.

(7) Costs/Escrow – Costs associated with the CBWRF and Reuse Pumping Station will be paid for by the County utilizing ARPA monies as outlined in the CRDC IGA, Section 3 of this IGA and fund availability. Additional funding for additional costs

associated with constructing portions of the CBWRF for full build-out may come from either System Development Fees from New Users or Dominion. Dominion is under no obligation to fund the full-build out of the CBWRF and any funding from Dominion towards the expansion of the CBWRF will be in Dominion's sole discretion. Castle Rock is not in any way responsible for the funding of any portion of the CBWRF, and any Castle Rock funding towards any part of the CBWRF will be in Castle Rock's sole discretion.

iii. Discharge. The CBWRF shall be designed with at least two Effluent discharge points, which shall be designed for the purpose of discharging Effluent and capturing Return Flows, including one to the S. Platte River (the "**South Platte Discharge Point**") and one to CRR1 or CRR2 (the "**CRR Discharge Point**").

(1) Discharge Permits. For the South Platte Discharge Point, Dominion shall take necessary action to enable the CBWRF to discharge Effluent to the South Platte River with a new CDPHE discharge permit and a proportionate share of Dominion's 2,000 pounds of phosphorous allocation in Chatfield Reservoir. The construction of the South Platte Diversion & Intake is not a part of the Project; however, Dominion will be advancing the design with Tetra Tech to include permitting strategies for the South Platte Diversion concurrently with the design and construction of the Project. The Parties agree that obtaining the Discharge Permits is a priority. Dominion and Castle Rock agree to develop a strategy to obtain the Discharge Permits and shall cooperate in good faith to obtain the Discharge Permits as quickly as possible to provide at least one discharge point for the CBWRF in the timeframe identified by ARPA Funds and the CRDC IGA. Dominion will pursue the applicable Discharge Permits under Dominion's name and Castle Rock shall participate and cooperate as necessary to expedite the permit process. The Parties will mutually agree on a strategy for addressing potential additional costs for treatment related to more stringent discharge parameters anticipated under CDPHE regulations associated with discharging Effluent directly to the CRR Discharge Point(s). Costs associated with permitting a discharge to the South Platte, the CRR Discharge Point(s) (including any additional treatment at CBWRF necessary for direct Effluent discharge to CRR), shall be paid as part of permitting, design and construction efforts. Funding for the Discharge Permits will be paid using the ARPA funds from the County.

(2) Interim Discharge and Conveyance. Prior to obtaining the Discharge Permits, Dominion will maintain adequate capacity in the current Roxborough Lift Station and Roxborough Forcemain to SPR to allow for the connection of Existing Customers to the Project using the CRDC Capacity.

(3) Discharge to CRR1/CRR2. Dominion will operate the CBWRF in a manner that causes treated effluent to meet the CRR Discharge Permit requirements. Should Castle Rock, at its sole discretion, determine that treated effluent does not meet the CRR Discharge Permit requirement and/or CRR1/CRR2 or if any subsequent part of Castle Rock's system including Plum Creek Water Purification Facility (PCWPF) cannot accept treated effluent for any reason, Castle Rock shall notify Dominion and the treated effluent shall not be delivered to CRR1/CRR2. If Castle Rock has determined in its sole discretion that it can accept treated effluent at CRR1/CRR2, Dominion may elect to deliver treated effluent from the South Platte Diversion through the Reuse Pumping Facility to CRR1/CRR2 if that water quality meets the requirements outlined by Castle Rock.

iv. Ownership of the CBWRF. After construction of the CBWRF, title and ownership of the CBWRF will be vested in Dominion and Castle Rock hereby disclaims any ownership rights in and to the CBWRF. The CRDC Capacity in the CBWRF will be owned by Castle Rock or the County in accordance with the CRDC IGA and reserved for and administered by Castle Rock.

v. Capacity. Notwithstanding the above, capacity within the Project is based on average day flows associated with the CRDC Capacity, however in no circumstance should flows exceed peak capacity within the Project, which peak capacity associated with the CRDC Capacity will be defined as part of the design process, without the express written consent of the Parties. In addition, should future regulations change, Dominion will advance plans to upgrade the CBWRF to meet these new regulations in cooperation with Castle Rock. Costs associated with regulatory required upgrades will be borne by all Parties using the Project facilities based on a reasonable allocation methodology.

vi. Interim Treatment for Existing Customers. If construction of the CBWRF shall be delayed for any reason, Dominion will make available to Existing Customers, using the CRDC Capacity to convey wastewater for treatment to the SPR Facility, subject to a limit of 0.6 MGD peak per the Roxborough and Dominion IGA. In the event that Dominion believes the CBWRF will not be completed in time and may cause harm to its service to CAB, Dominion, in its sole discretion, may elect not to provide wastewater service to any New Customers until the CBWRF is completed.

vii. Operation of the CBWRF.

(1) Dominion will operate the CBWRF to meet all regulatory discharge permit requirements. Dominion will consider contracting the CBWRF operations to Plum Creek Water Reclamation Authority (“PCWRA”).

(2) Interim Use of CRDC Capacity. Dominion shall have the right to use the full capacity of the CBWRF, to include CRDC Capacity, unless and until actual flows from either Existing Customers or New Customers are realized from the Project.

(3) Notice of Connection and Disconnection. Castle Rock shall provide Dominion with not less than 12 months’ notice of its intent to use the CRDC Capacity for New Customers; however, Dominion will only cease utilization of the CRDC Capacity upon realized flows. Existing Customers will be able to access the CRDC Capacity when they are connected to the Project. Castle Rock shall provide Dominion with not less than 7 days’ notice of any Existing Customer’s connection to allow Dominion to complete any operational modifications to allow for effective conveyance of wastewater flows to CBWRF. Such notice is not intended to provide Dominion with an opportunity to deny connection and such connections shall not be denied by Dominion in accordance with Dominion Rules and Regulations, however Dominion will reserve the right to utilize the CRDC Capacity until the CRDC Capacity is achieved through actual realized flows.

viii. CBWRF Wastewater Rates. Dominion will determine the wastewater rates and fees for the CBWRF operations, and those fees will be provided to Castle

Rock who will develop and, subject to the approval of its governing body, implement overall rates and fees, including a System Development Fee for new development for the Project. Castle Rock will administer collection of said System Development Fee and recoup those fees for the benefit of the E-85 Regional Wastewater Project. These rates will be in addition to Castle Rock's rates and fees, to include extra-territorial charges, for County users along the E-85 Corridor. Castle Rock and Dominion agree to pursue a transition period for rates to serve Existing Customers versus New Customers in the Service Area with an appropriate transition period for Existing Customers. Dominion shall update rates and fees on an annual basis in accordance with a rate study, which will include a cost-of-service analysis. Dominion shall provide notice of any increase in rates and fees when the process is initiated to all of Dominion's Wholesale Customers, to include Castle Rock and CAB. Castle Rock shall remit Dominion's proportionate share of any System Development Fees within thirty days of collection by Castle Rock. It is anticipated that Castle Rock will charge System Development Fees at the time of Final Plat Recordation or Final Site Plan Approval as defined in the Douglas County Subdivision Resolution as amended.

d. Reuse Pump Station. The Reuse Pump Station will be jointly owned and operated by the Parties. Dominion intends to provide a site for the Reuse Pump Station if there is sufficient space for it based on the design and site layout for the full build out of the CBWRF. The Reuse Pump Station will be designed and constructed in such a manner that future expansion for use by either Dominion or Castle Rock, or both Parties, can be accomplished cost effectively. Future capacity in the Reuse Pump Station will include Dominion and Castle Rock's ability to receive and deliver S. Platte River water rights, return flows and water stored in Chatfield Reservoir.

3. PROJECT FUNDING.

a. Funding of the CBWRF. Castle Rock will fund the design and permitting costs for the CBWRF solely from the funds available from Douglas County pursuant to the CRDC IGA. Funding for the CBWRF construction may also come from Dominion from the Sterling Ranch Wastewater Enterprise Fund as budgeted and appropriated by Dominion's Board, as such funding is determined in Dominion's sole discretion. The share of funding for the CBWRF construction between Dominion and the Castle Rock administered ARPA funding will be based on the percentage of the CRDC Capacity and the final built capacity of the CBWRF as part of this Project, as recommended by Carollo and mutually agreed upon by the Parties. Future capacity, if available or constructed, for the E-85 Corridor may be funded from System Development Fees based on a reasonable system development fee to be determined by Dominion based on the percentage of capacity relative to the final built capacity; however, Dominion will not be liable for the financing, including the issuance of debt to expand the facility or capacity unless it elects to do so in its sole discretion and hereby disclaims that it is under any obligation to finance future expansions.

b. ARPA Funding. The County has approved allocating \$26,800,00 of ARPA Funding towards a wastewater solution pursuant to the CRDC IGA. Castle Rock will prepare invoices for the Project, prepare a budget, and Dominion will have the right to review and approve the Project budget which approval shall not be unreasonably withheld. Dominion may agree to pay Castle Rock to increase the size of the CBWRF in Dominion's sole discretion. These payments will be based on actual invoices. Initial estimates will be based on the project budget and projected

spend for the CBWRF and the capacity ratios between the parties in the CBWRF's first phase. If Dominion elects to increase the size of the CBWRF, Dominion shall be required to certify to Castle Rock that it has sufficient funding commitments to meet all funding requirements under Colorado laws and regulations. Castle Rock may disclaim to the selected contractor that the proportionate share of the CBWRF that is Dominion's costs above and beyond the ARPA funding are disclaimed by Castle Rock and that the funding shall be derived solely from Dominion. In addition, Castle Rock may claim and clarify in the contracting that Castle Rock cannot be held liable to cover those costs beyond what the ARPA funding provides.

i. Order of Priority for ARPA Funding. The parties agree that the order of priority for funding for the ARPA funds will be as follows:

- (1) Design and construction of Louviers Lift Station 0.2 MGD capacity average day flow
- (2) Design and construction of Louviers Forcemain for 1.0 MGD average day flow
- (3) Design and hydraulic capacity verification of the CAB gravity sewer main and Titan Road Lift Station including available average daily flow and peak capacity. This will be used for determining how much capacity can connect to the system prior to the additional upgrades
- (4) Design and construction of the site improvements (demolition, grading, major piping, electrical) to allow full build out of the plant and construction of full treatment capacity for up to 0.4 MGD plant average day flow with site work and plant structures for up to 0.9 MGD
- (5) Design and construction of a minimum of 0.4 MGD average day flow of Reuse Pump Station
- (6) Design of up to 0.9 MGD of full treatment capacity in the CBWRF
- (7) Design and construction of peaking treatment and conveyance capacity associated with the CRDC Capacity in the Dominion and CAB Owned Infrastructure
- (8) Design of the gravity collection system south of Louviers
- (9) Easement acquisition for the gravity collection system south of Louviers
- (10) Design of a force main extension along Moore Road
- (11) Procurement of easements for the force main along Moore Road

(12) Design of an expansion to the Titan Road Lift Station (or a potential future lift station based on design recommendations to be mutually agreed upon).

It is agreed between the Parties that the first priority of the sizing of the plant components must be to allow for a complete and working 0.4 MGD average day flow system within the ARPA Funding that does not prevent the cost-effective expansion of the full-buildout of the CBWRF.

c. In-Kind Contributions. Dominion and CAB will provide an analysis of the existing system capacity that has been contributed to create the CRDC Capacity for the purpose of determining the In-Kind Contribution towards the Project. A reasonable allocable share of the In-Kind Contribution, as determined by the Parties, will be charged to New Customers through Castle Rock's System Development Fees and shall be invested in the infrastructure for the Project, up to the CRDC Capacity. For customers beyond the CRDC Capacity a reasonable allocable share of the In-Kind Contribution, as determined by the Parties, will be charged to New Customers through Castle Rock's System Development Fees and shall be paid to Dominion within thirty (30) days following Castle Rock's receipt of any System Development Fees.

4. NEW CONNECTIONS AND FUTURE CAPACITY CONSTRUCTION.

a. Consideration of New Connections. New Customers that exceed the CRDC Capacity may request service from Castle Rock who may agree to serve, subject to the following considerations:

i. Satisfaction of the Dominion Rules and Regulations, Castle Rock Rules and Regulations, and SPR Rules and Regulations;

ii. Satisfaction of the Dominion Terms of Service and Castle Rock Terms of Service;

iii. Payment of any System Development Fees identified by Castle Rock and Dominion as necessary for service;

iv. Completion of any additional improvements identified by Castle Rock and by Dominion where those improvements impact Dominion's System;

v. For New Customers, a source of water that is renewable as determined by the Parties (which, for the avoidance of doubt, re-used effluent with an influent Denver basin groundwater source will not be considered renewable water, alluvial groundwater is considered renewable, however, the renewable nature of such water supply will be confirmed on a case-by-case basis as determined jointly by Dominion and Castle Rock); and

vi. Determination by Castle Rock and Dominion that capacity can be made available in all aspects of the wastewater infrastructure including meeting regulatory limits and providing for phosphorus allocations. Unless regulatory requirements change, Dominion has adequate phosphorus allocations to meet the needs of Sterling Ranch and the expected buildout of the Highway 85 service area, and Dominion will make allocations available for the Highway 85 service area beyond the CRDC Capacity (but in no event greater than 1 MGD of flows) after

ensuring that allocations are available for the full buildout of the Chatfield Urban Area (as defined in the 2040 Douglas County Comprehensive Plan).

These new connection considerations may be updated at any time by agreement of both Parties.

b. Service Fees and Rates for Connections Beyond the CRDC Capacity. In the event that Castle Rock and Dominion can serve New Customers beyond the CRDC Capacity within the Service Area, rates and fees shall be determined by the Parties via a rate study which will include a cost of service analysis, subject to the approval of their respective governing bodies. Initial estimated sewer treatment costs will be co-developed by Dominion and Castle Rock during construction of the plant. These estimated treatment costs will be shared with Douglas County during the construction of the CBWRF.

c. Costs of Additional Capacity Creation. Additional costs to design and construct additional capacity in the CBWRF may be paid through the Sterling Ranch Wastewater Enterprise Fund based on identification of the additional cost beyond the construction of the CBWRF and CRDC Capacity. The determination to agree and fund those costs are solely in the discretion of the Dominion Board.

5. WASTEWATER SYSTEM DEVELOPMENT FEES

a. Pre-Purchased System Development Fees. In return for the funding of the Project, Castle Rock, for the benefit of the County and as effectuated in the IGA between Douglas County and Castle Rock, will have pre-purchased System Development Fees from Dominion for the CRDC Capacity.

b. System Development Fees for Use of CRDC Capacity. Castle Rock will not charge System Development Fees for the CRDC Capacity for Existing Customers. Castle Rock will determine the System Development Fees for use of the CRDC Capacity by New Customers in the Service Area based on the cost of the Project, which shall include some portion of the In-Kind Contribution by CAB and Dominion, as determined by the Parties. System Development Fees for the CRDC Capacity shall be reserved by Castle Rock for the capital expenditures associated with wastewater system improvements in the Service Area (i.e. the Project).

c. System Development Fees for Use Beyond the CRDC Capacity. For Existing Customers which connect after the CRDC Capacity is fully utilized, Castle Rock and Dominion will cooperate to set System Development Fees for such Existing Customers based on the availability of capacity and a rate study, which will include a cost-of-service analysis. Dominion will determine an appropriate fee to account for the use of Dominion's system by Existing Developments in the Service Area beyond the CRDC Capacity, in accordance with the Dominion Rules and Regulations (the "**Dominion SDF Portion**"). Dominion will provide Castle Rock with planning level estimates of the Dominion SDF Portion. Castle Rock will determine a System Development Fee for Existing Customers and New Customers in the Service Area that apply for and are approved by the Parties for service beyond the CRDC Capacity incorporating the Dominion SDF Portion, an appropriate fee to account for the use of assets not owned by Dominion, and an extraterritorial surcharge. Castle Rock shall pay to Dominion the portion of the

System Development Fee associated with the Dominion SDF Portion within thirty (30) days of collection.

d. Different System Development Fees. The Parties understand and agree that System Development Fees for New Customers connected under the CRDC Capacity may or may not be different than System Development Fees for New Customers that connect after the existing CRDC Capacity has been fully utilized.

e. Additional Components of the Project to Be Completed as Funding from System Development Fees Allows. System Development Fees from New Customers that are paid for as part of the CRDC Capacity will be used to help fund construction of the following project components in order of priority:

i. Design and construction of a minimum of 0.4 MGD of reuse water pump station if not already constructed with the ARPA funding.

ii. If it is estimated at any point that actual wastewater flows may approach or exceed the actual capacities that Dominion has provided in the CAB gravity sewer line or the Titan Road Lift Station, then additional capacity up to the full 0.2 MGD of average daily flow (including the associated peaking needs) will be designed and constructed as the next priority after the water pump station in item 1.

iii. Design and easement acquisition for the gravity sewer main running south past Sedalia as approximately shown in the original Diamondback studies.

iv. Construction of the gravity sewer main running south past Sedalia as approximately shown in the original Diamondback studies.

v. Expansion in capacity in the CBWRF.

vi. Preliminary design for future construction, if warranted, to connect the Louviers lift station force main directly to the Titan Road lift station. Easements will also be acquired for this forcemain alignment along Moore Road. If this line is the answer used to address capacity issues in the CAB gravity line to get to the full 0.2 MGD of average day flow capacity, then this item would move to item 2.

vii. Preliminary design of an expansion to the Titan Road Lift Station (or a potential future lift station based on design recommendations to be mutually agreed upon) be constructed in the future as warranted. If this item is needed to get to 0.2 MGD of average day flow (to include associated peaking) for the CRDC Capacity, then this item will move to item number 2.

6. RETURN FLOWS

a. In the event Dominion is the wholesale water provider to a Wholesale Customer within the Dominion Service Area, Dominion shall own and retain all return flows generated by such Wholesale Customer's use of Dominion's System. If Dominion is not the provider of water services, Castle Rock shall retain the return flows as a condition of service to

County users. If Louviers and/or Sedalia are Wholesale Customers of Dominion, then Dominion will sell the return flows from Sedalia and/or Louviers to Castle Rock at a fair market price to be negotiated by the Parties, to the extent that Castle Rock has not previously purchased such return flows. Dominion will give Castle Rock a right of first offer if Dominion ever elects to sell its return flows to other retail water providers (for the avoidance of doubt, Dominion using return flows to provide service to Wholesale Customers does not constitute selling return flows). If Dominion elects to sell its return flows to other retail or wholesale water providers, it will give Castle Rock 90 days prior notice and a summary of the material terms and conditions of such sale. If Castle Rock elects to agree to the material terms and conditions of the sale, then Dominion and Castle Rock shall complete such sale. If Castle Rock does not elect to agree to the proposed terms and conditions, Dominion shall have the right to complete such sale to the other retail water or wholesale provider on such terms as Dominion negotiates in its sole discretion.

b. In the interim period, Dominion may elect to lease excess return flows to Castle Rock until such time as Dominion requires return flows to meet demands of its customers. Should Castle Rock elect not to lease such excess return flows, Dominion reserves the right to lease such excess return flows to other retail water providers. Dominion shall provide Castle Rock with 90 days notice of such proposed lease of excess return flows and if Castle Rock elects to timely agree to the material terms and conditions of such lease, then Dominion and Castle Rock shall complete such lease. If Castle Rock does not elect to agree to the proposed leasing terms and conditions, Dominion shall have the right to complete such lease to the other retail water or wholesale provider on such terms as Dominion negotiates in its sole discretion.

c. Until Dominion builds its South Platte Diversion, and as capacity in Castle Rock's system is available, and in Castle Rock's sole discretion, Castle Rock will be willing to provide treated reuse water back to Dominion at a cost to be developed based on a reasonable cost of service plus extraterritorial charges.

d. Castle Rock will provide Dominion with the opportunity to purchase capacity in the Ravenna line that will be used to convey return flows for reuse within Douglas County to CRR2/CRR1. If Dominion purchases capacity in the Ravenna line, Castle Rock will work with Dominion to identify a future connection point to the Ravenna line that works from an engineering standpoint that will take Dominion's reuse water to the Moore WTP or other future location determined by Dominion, said infrastructure beyond the connection point to be owned by Dominion. Castle Rock may also choose to add additional future location(s) to be determined by Castle Rock which will be owned by Castle Rock.

e. Castle Rock will maintain ownership of the Ravenna line and will also use capacity to convey return flows to CRR2 and/or CRR1 or any other purpose as determined in Castle Rock's sole discretion.

7. SOUTH PLATTE DIVERSION

a. Castle Rock will support Dominion's permitting process and easement acquisition for a diversion structure on the S. Platte River (the "**South Platte Diversion**"). Castle Rock will be given the opportunity, but is not required, to fully partner with Dominion in the design, construction, and capacity of the South Platte Diversion. If Castle Rock does not partner

with Dominion in the design and construction of the South Platte Diversion, Dominion will have the option, in its sole discretion, to deliver Castle Rock's portion of available return flow volumes, the treated effluent volume, either directly from the CBWRF or from the South Platte Diversion.

8. INSURANCE REQUIREMENTS. The Parties agree to require each Project contractor to obtain and maintain in full force and effect each of the following insurance coverages with each policy to be issued to include each party, its officers and employees, as an additional name insured:

a. Commercial General Liability Insurance, including coverage for bodily injury, broad form property damage (including for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations with minimum combined single limits of \$1,000,000 for each occurrence and \$1,000,000 aggregate.

b. Comprehensive Automobile Liability Insurance, including coverage for each of the contractor's owned, hired and/or non-owned vehicles assigned to, or used in performance of the services, with minimum combined single limits for bodily injury and property damage of not less than \$1,000,000 for each occurrence and \$1,000,000 aggregate.

c. Workers' Compensation Insurance to cover obligations imposed by the Workers Compensation Act of Colorado and any other applicable laws for any employee engaged in the performance of work under the contract, and Employer's Liability insurance with minimum limits of \$500,000 disease-policy limit, and \$500,000 disease-each employee.

d. Builder's Risk or Installation Floater Policy, at Castle Rock's discretion, in an amount equal to the value of the Project where the possibility exists of loss or damage to the Project (for the construction contract only).

e. Professional Liability Insurance, including coverage for damages or claims for damages arising out of the rendering, or failure to render, any professional services, with minimum combined single limits of \$1,000,000 for each occurrence and \$1,000,000 aggregate (for the design contract only).

9. DEFAULT/REMEDIES. In the event a Party deems the other Party to be in default, it shall provide written notice indicating the event of default. The defaulting Party shall have thirty (30) days from the date of the notice to cure the stated default or, if such default is not capable of being cured within thirty (30) days, cure of such default shall commence and be diligently pursued. In no event shall the cure period exceed thirty (30) days for monetary defaults, or sixty (60) days for non-monetary defaults, except by written consent of the non-defaulting Party. In the event the defaulting Party has failed to cure in accordance with this Section, the non-defaulting Party may pursue all available remedies at law or equity.

10. MISCELLANEOUS.

a. Governing Law and Venue. The Parties hereto agree that exclusive jurisdiction and venue for the resolution of any dispute relating to this Agreement shall lie in the District Court for Douglas County, State of Colorado.

b. Entire Agreement. This Agreement constitutes the entire agreement between the Parties relating to the subject matter thereof, and there are no prior or contemporaneous agreements, either oral or written, relating to the subject matter hereof except as expressly set forth herein.

c. Agreement Modification. The Agreement may not be amended, altered, or otherwise changed except by a written agreement between the Parties.

d. Counterpart Execution. The Agreement may be executed in one or more counterparts, each of which when executed shall be deemed an original, all of which together shall constitute one and the same instrument. Executed copies hereof may be delivered by electronic delivery and, upon receipt, shall be deemed originals and binding upon the parties hereto.

e. Governmental Immunity. Nothing in this Agreement shall be construed to waive, limit, or otherwise modify, in whole or in part, any governmental immunity that may be available by law to the Parties or their officials, employees, contractors, or agents, or any other person acting on behalf of the Parties and, in particular, governmental immunity that may be afforded or available to the Parties pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.

f. Assignability. This Agreement and the capacity granted herein may not be assigned, pledged or transferred, in whole or in part, without the express written consent of the other Party which consent shall not be unreasonably withheld.

g. No Public Dedication/No Third-Party Beneficiary. Nothing contained herein shall be deemed to be a grant or dedication of any rights or use to the public in general, and no third-party beneficiary interests are created nor intended to be created by this Agreement.

h. Headings for Convenience. The headings and captions in this Agreement are intended solely for the convenience of reference and shall be given no effect in the construction or interpretation of this Agreement.

i. Notice. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given, at the address set forth below, or at such other address as has been previously furnished in writing, to the other Party. Such notice shall be deemed to have been given when deposited in the United States mail.

If to Dominion: Dominion Water & Sanitation District
9250 E. Costilla Ave., Ste. 400
Greenwood Village, CO 80112
Attn: Andrea Cole, District Manager
Email: Andrea.Cole@Dominionwsd.com

with copy to: WHITE BEAR ANKELE TANAKA & WALDRON
2154 E. Commons Ave., Suite 2000

Centennial, CO 80122
Attn: Blair M. Dickhoner
Phone: (303) 858-1800
E-mail: bdickhoner@wbapc.com

If to Castle Rock: Town of Castle Rock
Attn: Director of Castle Rock Water
175 Kellogg Court
Castle Rock, CO 80109

with copy to: Town of Castle Rock
Attn: Town Attorney
100 N. Wilcox Street
Castle Rock, CO 80104

If to CAB: Sterling Ranch Community Authority Board
Attn: Gary Debus, General Manager
9350 Roxborough Park Road
Littleton, CO 80125

with copy to: Sterling Ranch Community Authority Board
Attn: Cameron J. Richards, General Counsel
9350 Roxborough Park Road
Littleton, CO 80125

j. No Waiver. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.

k. Binding Agreement. The benefits and burdens of this Agreement shall inure to and be binding upon on the successors and assigns of the Parties.

l. Definitions and Interpretations. Except as otherwise provided herein, nouns, pronouns and variations thereof shall be deemed to refer to the singular or plural, and masculine or feminine, as the context may require. Any reference to a policy, procedure, law, regulation, rule or document shall mean such policy, procedure, law, regulation, rule or document as it may be amended from time to time.

m. Survival of Representations. Each and every covenant, promise, and payment contained in this Agreement shall survive each and be binding and obligatory upon each of the Parties and shall not merge into any deed, assignment, covenant, escrow agreement, easement, lease or any other document.

n. Non-Severability. Each Section of this Agreement is intertwined with the others and is not severable unless by mutual consent of the Parties.

o. Effect of Invalidity. If any portion of this Agreement is held invalid or unenforceable for any reason by a court of competent jurisdiction as to either Party or as to both Parties, the Parties will immediately negotiate valid alternative portion(s) that as near as possible give effect to any stricken portion(s).

p. Force Majeure. Each Party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by a cause beyond its control, including, but not limited to: any incidence of fire, flood, or strike; acts of God; action of the government (except the parties hereto); war or civil disorder; violence or the threat thereof; severe weather; commandeering of material, products, plants or facilities by the federal, state or local government (except the parties hereto); and national fuel shortage, when satisfactory evidence of such cause is presented to the other Party, and provided further, that such nonperformance is beyond the reasonable control of, and is not due to the fault or negligence of, the Party not performing.

IN WITNESS WHEREOF, Castle Rock, Dominion, and CAB have executed this Agreement as of the date(s) set forth below.

[Signature Pages Follow]

DS

ATTEST:

DocuSigned by:

Lisa Anderson

Lisa Anderson, Town Clerk



TOWN OF CASTLE ROCK

DocuSigned by:

Jason Gray

Jason Gray, Mayor

Approved as to form:

DocuSigned by:

Michael J. Hyman

Michael J. Hyman, Town Attorney

Approved as to content:

DocuSigned by:

Mark Marlowe

Mark Marlowe, Director Castle Rock Water

DOMINION WATER & SANITATION DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

DocuSigned by:
Andrea Cole
24321468 100408
Andrea Cole, General Manager

ATTEST:

Trina Hartman
Trina Hartman, Secretary

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

DocuSigned by:
Blair Dickhoner
11808CE3D5CAB1CA
Blair Dickhoner, General Counsel to the District

**STERLING RANCH COMMUNITY
ADVISORY BOARD,** a quasi-municipal
corporation and political subdivision of the State of
Colorado

DocuSigned by:
Harold Smetkells

President

ATTEST:

DocuSigned by:
Susan Beckman

Secretary Secretary

APPROVED AS TO FORM:

Cameron J. Richards, Esq.
General Counsel, Sterling Ranch CAB

DocuSigned by:
Cameron Richards

Counsel to the District

**INTERGOVERNMENTAL AGREEMENT FOR EMERGENCY INTERCONNECTION
BETWEEN ROXBOROUGH WATER AND SANITATION DISTRICT AND DOMINION
WATER AND SANITATION DISTRICT**

THIS INTERGOVERNMENTAL AGREEMENT FOR EMERGENCY INTERCONNECTION (“Agreement”) is entered into this 11th day of January, 2016, by and between **ROXBOROUGH WATER AND SANITATION DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (“**Roxborough**”), and **DOMINION WATER AND SANITATION DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado, acting by and through its Sterling Ranch Wastewater Activity Enterprise (“**Dominion**”) (each a “**Party**” and collectively the “**Parties**”).

RECITALS

WHEREAS, this Agreement is entered into under the authority of Section 18(2)(a) of Article XIV of the Colorado Constitution and Section 29-1-203, C.R.S., establishing that political subdivisions may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each, and any such contract may provide for the sharing of costs notwithstanding any provision of law limiting the length of the financial contracts or obligations of government; and

WHEREAS, Roxborough is authorized, pursuant to its service plan, to provide water and wastewater services to customers both within and outside Roxborough’s boundaries; and

WHEREAS, Dominion is authorized, pursuant to its service plan, to provide water and wastewater services to customers both within and outside Dominion’s boundaries; and

WHEREAS, Roxborough owns a certain wastewater treatment plant site, which includes a lift station with appurtenances and related structures (the “**Lift Station**”), a lined overflow pond and related piping (the “**Emergency Overflow Pond**”), and a wastewater treatment plant comprised of multiple buildings and related appurtenances and improvements (the “**Wastewater Treatment Plant**”) (individually, a “**Facility**,” and collectively, the “**Facilities**”); and

WHEREAS, pursuant to that certain Purchase and Sale Agreement dated November 13, 2007, as amended on June 23, 2008, September 18, 2012, November 20, 2013, and November 18, 2015 (the “**Purchase and Sale Agreement**”), Roxborough has agreed to sell the wastewater treatment plant site and the Wastewater Treatment Plant to Dominion, subject to the terms and conditions thereof; and

WHEREAS, after closing the sale to Dominion of the wastewater treatment plant site and the Wastewater Treatment Plant, Roxborough will continue to own and operate the Lift Station, the Emergency Overflow Pond, and related facilities and appurtenances located on or in close proximity to the wastewater treatment plant site; and

WHEREAS, Dominion anticipates that it will use the Wastewater Treatment Plant or demolish the Wastewater Treatment Plant and construct a new wastewater treatment plant, or both, following closing of the acquisition of the Wastewater Treatment Plant and wastewater treatment

plant site (any new wastewater treatment plant Dominion constructs will be included as a “Facility” for purposes of this Agreement); and

WHEREAS, the Parties have entered into that certain O-Line Interceptor and Lift Station Capacity Intergovernmental Agreement, dated and effective as of January 11, 2016, (the “**O-Line and Lift Station IGA**”), which addresses Dominion’s access to limited capacity in certain wastewater facilities owned by Roxborough and the costs charged by Roxborough for such access; and

WHEREAS, Roxborough and Dominion want to allow and provide for the ability of either Party to use a Facility or Facilities owned by the other Party in the event of an emergency (as defined herein), subject to capacity constraints; and

WHEREAS, the Parties desire to build a system of reciprocal emergency interconnections between and among the Facilities, as is more particularly depicted in **Exhibit A**, attached hereto and incorporated herein by this reference, to be used as the need arises (the “**System**”); and

WHEREAS, the Parties desire to enter into this Agreement to provide for their respective duties, rights and obligations with regard to the design, construction, operation, maintenance, and use of the System.

NOW, THEREFORE, for and in consideration of the mutual promises and benefits contained in this Agreement, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Engineering and Design. Roxborough’s engineer has prepared engineering design plans for the System, which have been provided to Dominion for review and approval. The Parties will continue to work together to finalize the plans, and the Parties will agree on the final plans before construction commences. In addition, the Parties will cooperate in obtaining any required governmental approvals or permits necessary to construct the System.

2. Construction; Costs.

a. Construction. Dominion will be solely responsible for constructing the System according to the finalized engineering design plans. However, prior to awarding any contract for construction of the System, Dominion will provide Roxborough with a contractor’s bid for the construction for Roxborough’s review and approval, not to be unreasonably withheld. Dominion shall not award a construction contract until Roxborough provides evidence to Dominion that Roxborough has appropriated its share of the estimated construction costs. Roxborough will oversee and monitor construction to ensure the System is constructed according to the engineering design plans.

b. Costs of Construction. Roxborough and Dominion will each be responsible for fifty percent (50%) of all costs associated with construction of the System, including, but not limited to, the contract for construction and all soft costs such as engineering oversight and inspection, utility relocations, and any other related costs. Dominion will invoice Roxborough for

construction costs as they arise each month. Roxborough will pay each invoice within thirty (30) days of the date of the invoice from Dominion.

3. Ownership. Following completion of construction of the System, portions of the System are intended to be owned by Roxborough, and portions are intended to be owned by Dominion. Intended ownership of the various components of the System is reflected on Exhibit A. Following completion of construction of the System and approval from Roxborough that the System has been constructed according to the design plans, Dominion will convey to Roxborough, by bill of sale, those portions of the System identified on Exhibit A to be owned by Roxborough, together with any necessary easements not included in the reservation of easements contemplated by the Purchase and Sale Agreement. Each Party shall have the right to utilize the System for the term of this Agreement, as provided herein.

4. Operation; Maintenance. Roxborough will be responsible for the operation and maintenance of the System, including regular maintenance, repairs, or replacements, and major maintenance, repairs, or replacements beyond the scope of regular maintenance, as deemed necessary by Roxborough or mandated by any applicable, law, rule, or regulation. If Roxborough does not operate or maintain the System pursuant to this Section, Dominion shall have the right to provide therefor and to charge Roxborough 50% of the documented costs thereof.

a. Costs. The costs of any maintenance, repair, or replacement will be charged fifty percent (50%) to each Party, with invoices submitted and paid no more frequently than once a month. Roxborough will provide notice to Dominion of costs and/or the need for maintenance, repairs, or replacements as they arise. Prior to undertaking major maintenance, repairs, or replacements, including any upgrades, the Parties will agree as to need, scope, and costs thereof prior to proceeding with the same.

b. Facilities. The Wastewater Treatment Plant, Lift Station, and Emergency Overflow Pond are required for the System to be functional. Each Party shall maintain, or cause to maintain, any Facility it owns so as to permit the System to operate as intended. Failure to so maintain shall constitute a default under this Agreement.

5. Use of the System. Roxborough and Dominion shall each be authorized to utilize the System on an emergency basis. For purposes of this Agreement, an “emergency” means any period of time during which any Facility or portion thereof becomes inoperable.

a. Cost. If, due to an emergency situation, Dominion needs to use the System to send its untreated wastewater to a Facility or Facilities owned by Roxborough, Roxborough shall charge Dominion, per EQR, at Roxborough’s then-current rate, less treatment costs, divided by thirty (30) for each day Dominion’s wastewater is delivered through the System to Roxborough’s Facilities. Conversely, if, due to an emergency situation, Roxborough needs to use the System to send its untreated wastewater to a Facility or Facilities owned by Dominion, Dominion shall charge Roxborough, per EQR, at Dominion’s then-current rate, divided by thirty (30) for each day Roxborough’s wastewater is delivered through the System to Dominion’s Facilities. Upon receipt of an invoice for such use, to be sent no more frequently than monthly,

Roxborough or Dominion, as applicable, shall remit payment to other Party by the fifteenth (15th) day of the following month.

b. Limitations. Wastewater sent to any Facility by either Party pursuant to this Agreement, whether such Facility is owned by Roxborough or Dominion, shall be for temporary storage, treatment, or delivery to the Littleton-Englewood Wastewater Treatment Plant, as applicable, until such time as the Facility or Facilities of the diverting Party become operable or the emergency is otherwise abated. In no event shall either Party use the System to send wastewater to a Facility of the other Party if said Facility does not have the capacity to accept such wastewater.

c. Use of Emergency Overflow Pond. The Parties intend that the System will be used to divert wastewater to the Lift Station or the Wastewater Treatment Plant, and that Emergency Overflow Pond will be not be used unless the Lift Station or the Wastewater Treatment Plant, as applicable, cannot be used. If either Party requires use of the Emergency Overflow Pond, the Party so requiring must begin emptying and cleaning the Emergency Overflow Pond within forty eight (48) hours of the emergency being abated or the Facility or Facilities of that Party becoming operable again. If the Emergency Overflow Pond is used, the Party requiring its use will be responsible for the full costs of emptying and cleaning the same. In the event that the Party requiring the use of the Emergency Overflow Pond fails to begin cleaning and emptying the same and/or fails to diligently pursue such cleaning and emptying within forty-eight (48) hours of the emergency being abated or the Facility or Facilities of that Party becoming operable again, the non-using Party shall have the right to clean and empty the same and charge the using Party the actual and reasonable cost of the same.

6. Non-Emergency Use. Use of the System or any Facility, whether owned by Roxborough or Dominion, in a non-emergency situation shall be governed by, and the costs of such use charged and paid as set forth in, the O-Line and Lift Station IGA.

7. Term; Termination. The term of this Agreement is perpetual. This Agreement may be terminated only upon mutual agreement of the Parties.

8. Notices. All notices, demands, requests or other communications shall be in writing and shall be deemed given when given personally or one (1) business day after sent by e-mail, certified or registered mail, return receipt requested, postage prepaid, addressed as follows:

To Roxborough Water and
Sanitation District:

Roxborough Water and Sanitation District
6222 N. Roxborough Park Road
Littleton, Colorado 80125
Phone: (303) 979-7286
E-mail: larry@roxwater.org
Attn: Larry Moore

12. Modification; Amendment. This Agreement may be amended or modified by written agreement duly authorized and executed by the Parties.

13. Inurement; No Third Party Beneficiaries. The terms, conditions, and provisions of this Agreement shall be binding upon and inure to the benefit of the Parties and their permitted successors and assigns. This Agreement is entered into for the sole benefit of Roxborough and Dominion, and no other parties are intended to be direct or incidental beneficiaries of this Agreement, and no third party shall have any right in, under, or to this Agreement.

14. Non-Waiver. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.

15. Governmental Immunity. Nothing in this Agreement shall be construed to be a waiver, in whole or in part, of any right, privilege, or protection afforded to either Roxborough or Dominion or the Board of Directors, officers, employees, servants, agents, or authorized volunteers of either Roxborough or Dominion, pursuant to the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

16. Annual Appropriations. The obligations of the Parties hereunder are subject to annual appropriation, and do not constitute multiple year fiscal obligations or debt of either Party.

17. Governing Law. The terms, conditions, and provisions of this Agreement shall be governed and construed pursuant to the laws of the State of Colorado. Venue for any legal action relating to this Agreement shall be the District Court in and for the County of Douglas, Colorado.

18. Severability. If any covenant, term, condition, or provision of this Agreement is, for any reason, held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision will not affect any other provision herein contained.

19. Section Headings. Section headings are inserted for convenience of reference only.

20. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

ROXBOROUGH WATER AND SANITATION DISTRICT

By: David Thomas
Its: Vice-President

ATTEST: Tim Moore. Secretary

DOMINION WATER AND SANITATION DISTRICT, acting by and through its Sterling Ranch Wastewater Activity Enterprise

By: *Harold R. Smith*
Its: *Harold R. Smith*
President

ATTEST: *[Signature]*

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

ROXBOROUGH WATER AND SANITATION DISTRICT



By: David Thomas
Its: Vice-President

ATTEST: 

Tim Moore, Secretary

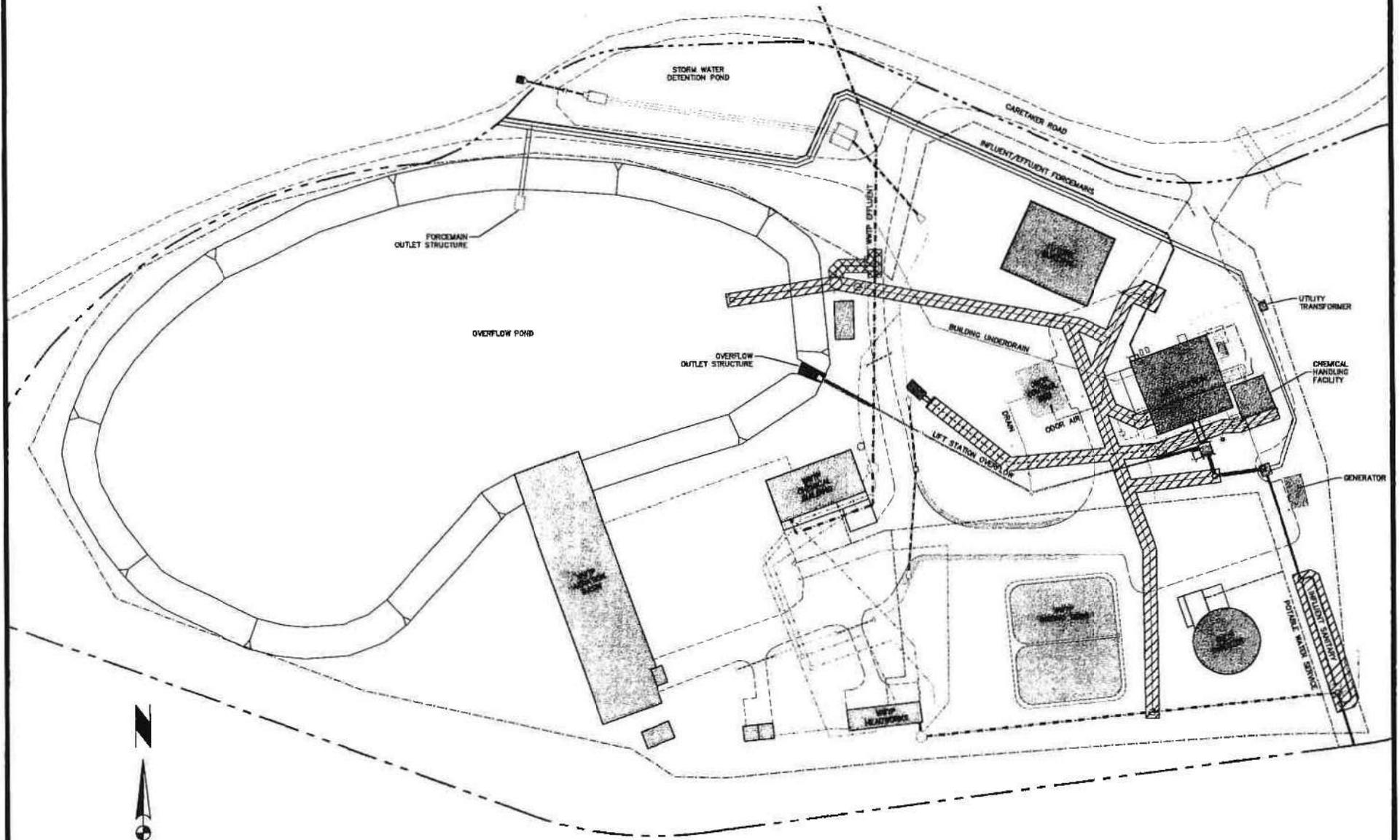
DOMINION WATER AND SANITATION DISTRICT, acting by and through its Sterling Ranch Wastewater Activity Enterprise

By: _____
Its: _____

ATTEST: _____

EXHIBIT A
Depiction of the System

EXHIBIT - LIFT STATION SITE IMPROVEMENTS



1 INCH = 100 FEET
7251 Main St - Location and Extent

LEGEND	
---X--- FENCE	▨ RWSD
- - - - - PROPERTY LINE	▩ DWSD
○ FIRE HYDRANT	

SITE PLAN
SCALE: 1" = 100'

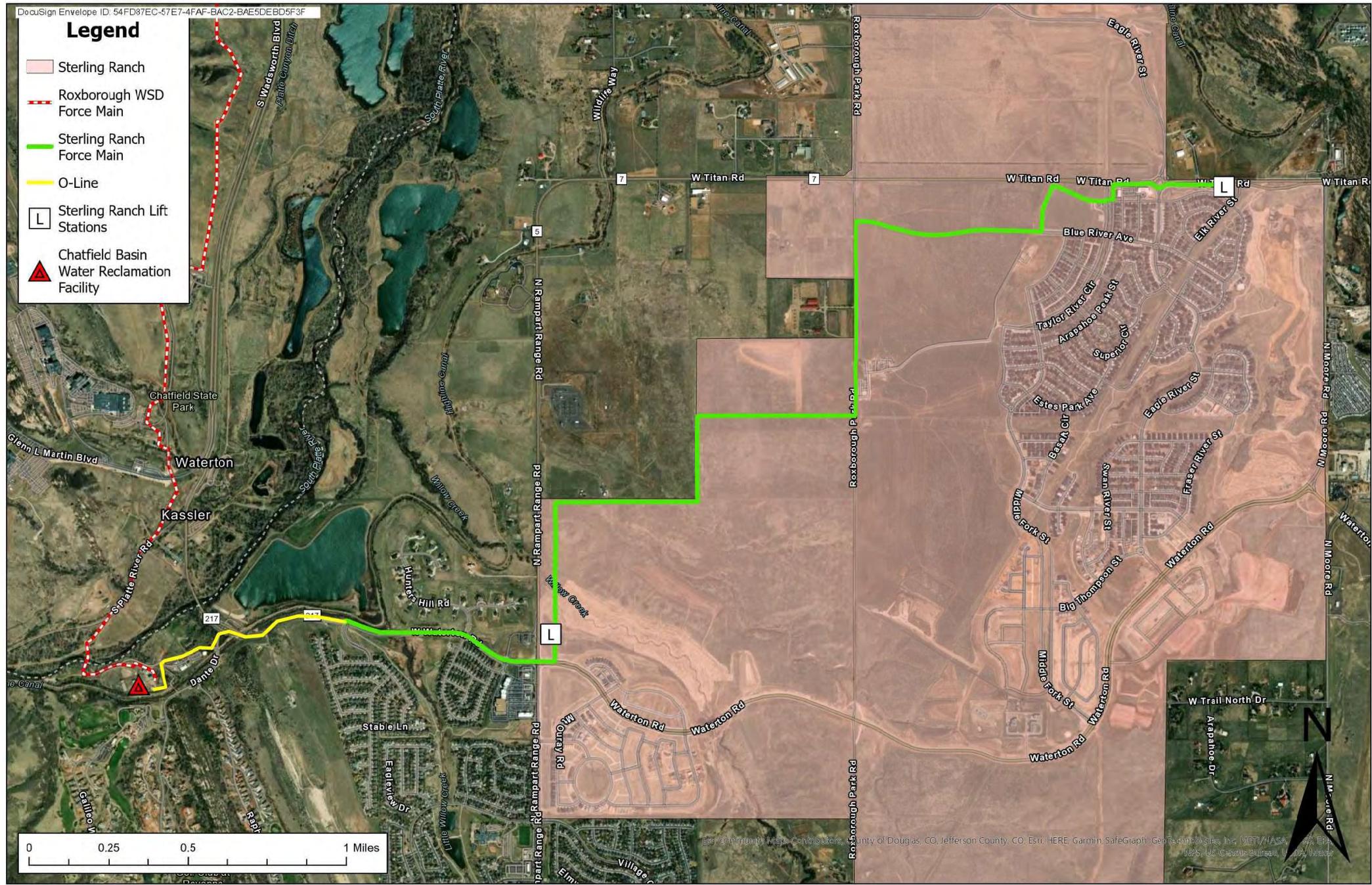
ROXBOROUGH LIFT STATION		
<p>TST INFRASTRUCTURE, LLC Consulting Engineers</p>	LIFT STATION SITE IMPROVEMENTS	
	UTILITY IMPROVEMENTS OWNERSHIP	
JOB NO.	001.281.00	DATE
		NOVEMBER 18, 2015

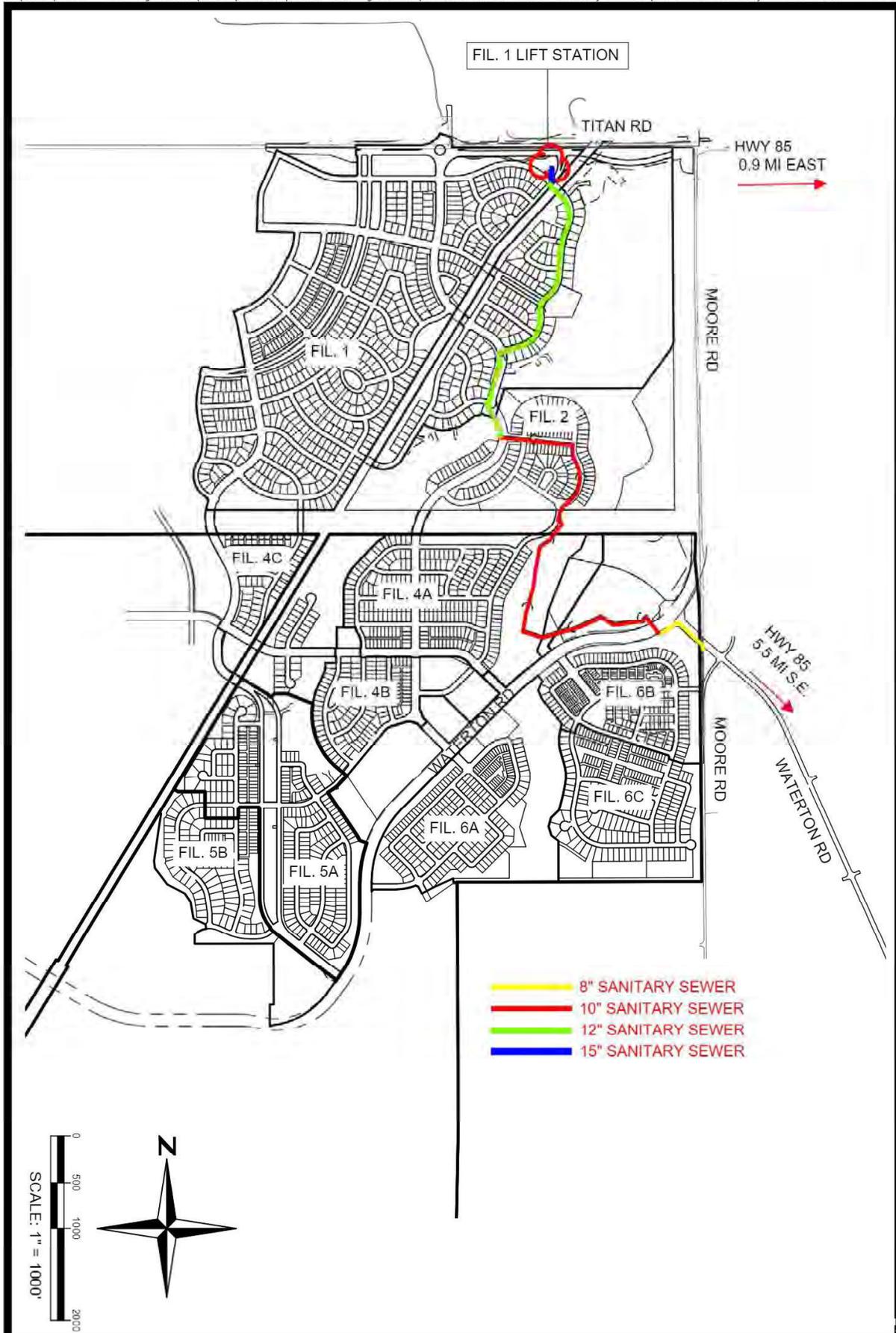
7251 Main St - Location and Extent

EXHIBIT B
Wastewater Map

Legend

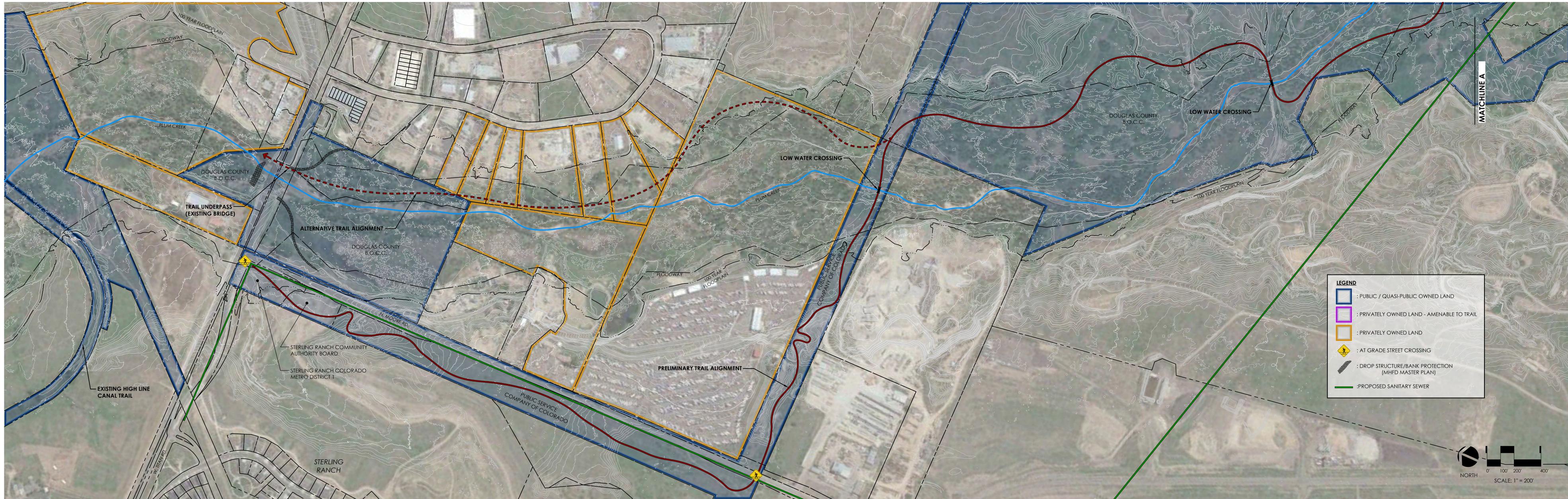
- Sterling Ranch
- Roxborough WSD Force Main
- Sterling Ranch Force Main
- O-Line
- Sterling Ranch Lift Stations
- Chatfield Basin Water Reclamation Facility



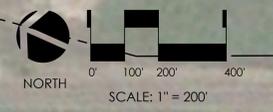


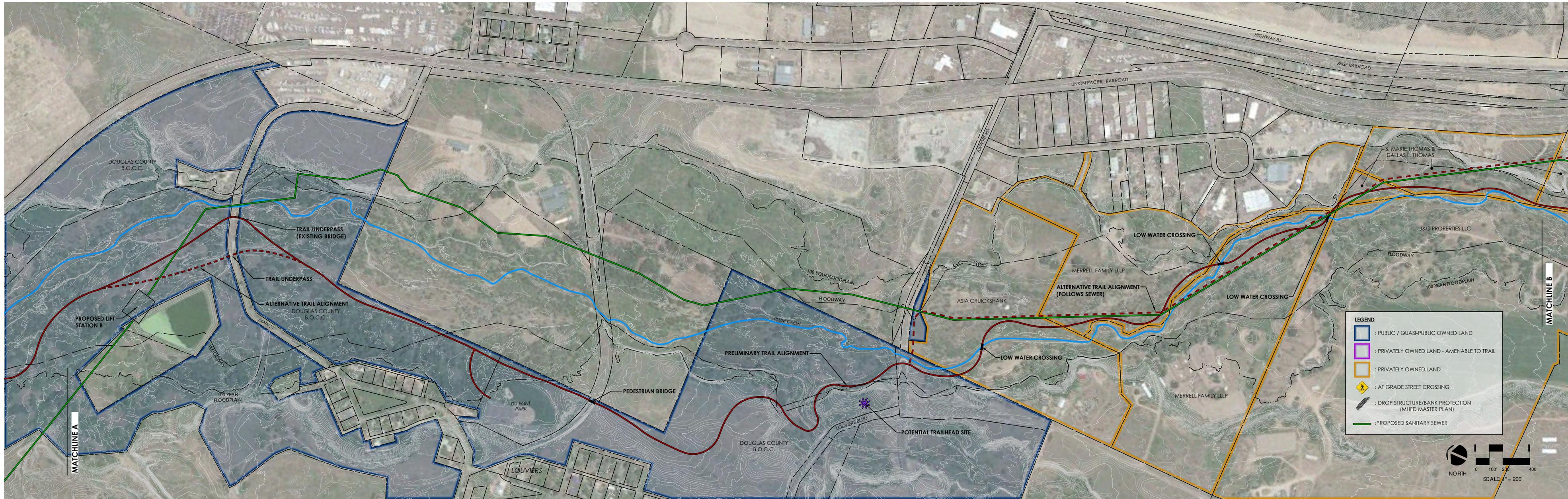
EXH. 1	OVERALL STERLING RANCH SANITARY EXHIBIT	 <small>720.283.6783 REDLAND.COM</small> <ul style="list-style-type: none"> <li style="width: 50%;">• Land Planning <li style="width: 50%;">• Landscape Architecture <li style="width: 50%;">• Civil Engineering <li style="width: 50%;">• Construction Management
PROJECT NO. 11016.024		DATE: 07/18/2023

APPENDIX D: Conceptual Trail Alignment Plan; Plum Creek Trail Feasibility Study



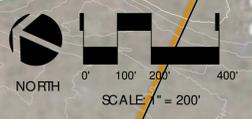
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	: PRIVATELY OWNED LAND
	: AT GRADE STREET CROSSING
	: DROP STRUCTURE/BANK PROTECTION (MHFD MASTER PLAN)
	: PROPOSED SANITARY SEWER





LEGEND

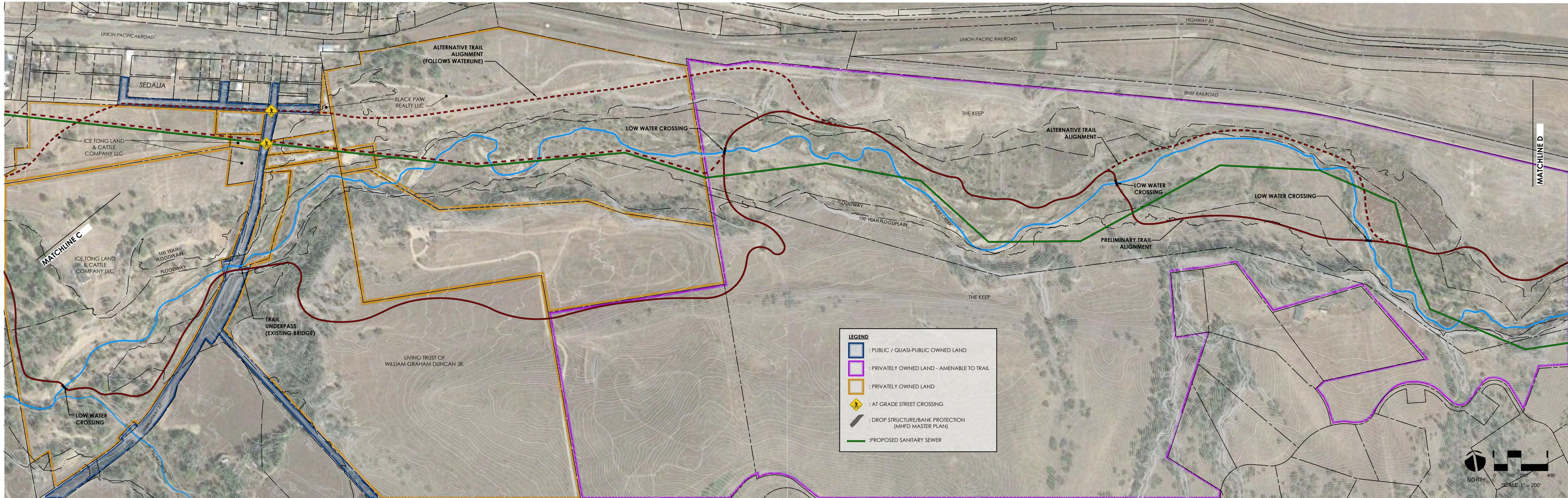
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- : PRIVATELY OWNED LAND - AMENABLE TO TRAIL
- : PRIVATELY OWNED LAND
- : AT GRADE STREET CROSSING
- : DROP STRUCTURE/BANK PROTECTION (MFD MASTER PLAN)
- : PROPOSED SANITARY SEWER





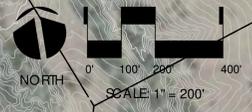
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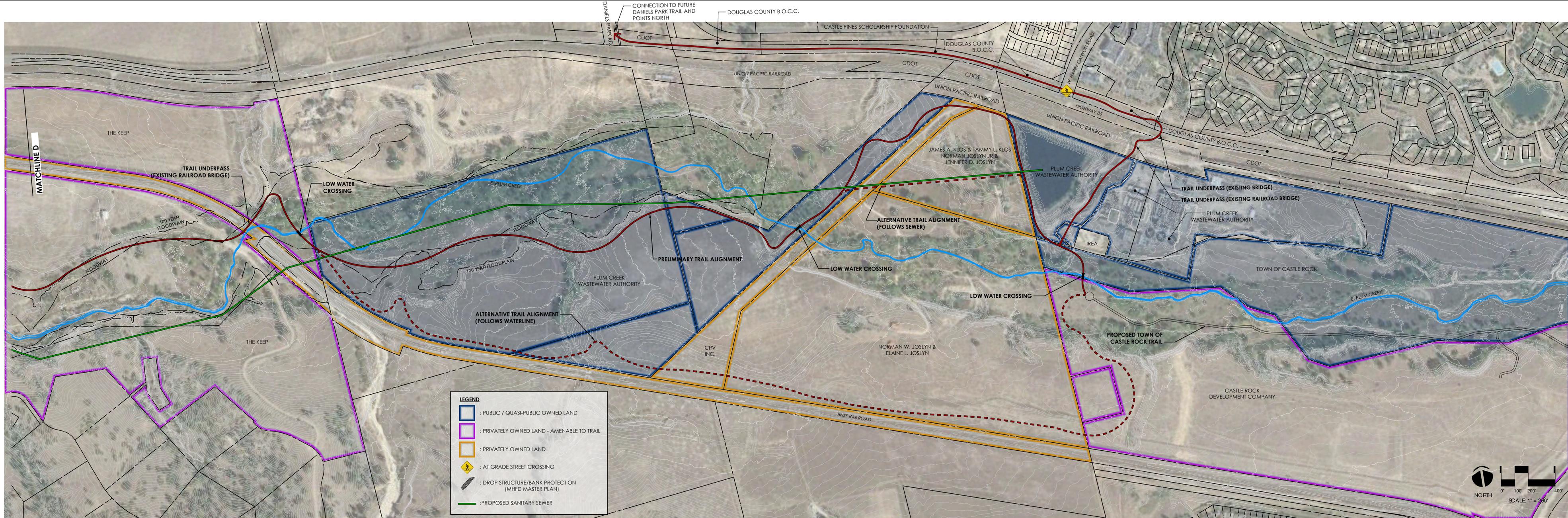
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- : PRIVATELY OWNED LAND - AMENABLE TO TRAIL
- : PRIVATELY OWNED LAND
- ◆ : AT GRADE STREET CROSSING
- : DROP STRUCTURE/BANK PROTECTION (MHFD MASTER PLAN)
- : PROPOSED SANITARY SEWER



LEGEND

- : PUBLIC / QUASI-PUBLIC OWNED LAND
- : PRIVATELY OWNED LAND - AMENABLE TO TRAIL
- : PRIVATELY OWNED LAND
- ▲ : AT GRADE STREET CROSSING
- ▬ : DROP STRUCTURE/BANK PROTECTION (MHFD MASTER PLAN)
- : PROPOSED SANITARY SEWER





APPENDIX E: Douglas County Comprehensive Master Plan Relevant Sections

URBAN LAND USE

Urban development is generally characterized by residential uses at a gross density greater than one dwelling unit per 2.5 acres, although densities of a particular development within an urban area may be lower. Commercial, business, and industrial zoning, including uses within a planned development that are of a similar scale and character, are also considered to be urban. Urban land uses are directed primarily to the northern portion of the County, including the Primary Urban Area, Chatfield Urban Area, and municipalities, as well as existing Separated Urban Areas as depicted on the Land Use Map.

The Plan includes information and ideas compiled from public input and planning staff analysis conducted in the preparation of this update. The urban land use section also draws from the Metro Vision 2040 Plan, adopted by the Denver Regional Council of Governments (DRCOG) in recognition and support of regional goals and objectives for open space, freestanding communities, a balanced transportation network, urban centers, environmental quality, and senior-friendly development.

Urban development in Douglas County should consider environmental and visual resources that include wildlife, habitat, recreation, and sense of place. Balancing these values as the County grows will ensure a high quality of life for current and future citizens.



SECTION 2

GENERAL URBAN LAND USE

GOAL 2-1

IMPROVE AND ENHANCE EXISTING INFRASTRUCTURE; SUPPORT HEALTHY LIVING; REDUCE VEHICLE MILES TRAVELLED; MAINTAIN AIR QUALITY STANDARDS; AND CONSERVE OPEN SPACE.

OBJECTIVE 2-1A

DIRECT URBAN-LEVEL DEVELOPMENT TO DESIGNATED URBAN AREAS.

POLICY 2-1A.1

Limit and direct urban development to the Primary Urban Area (PUA), Separated Urban Areas (SUAs), Chatfield Urban Area, and Municipal Planning Areas depicted on the CMP Land Use Map.

POLICY 2-1A.2

Prioritize the build-out of existing urban areas over approval of new urban development.

OBJECTIVE 2-1B

ENCOURAGE DEVELOPMENT THAT SUPPORTS HEALTHY COMMUNITIES.

POLICY 2-1B.1

Encourage health-promoting design through the development review process.

POLICY 2-1B.2

Support community efforts that provide healthy lifestyle choices.

OBJECTIVE 2-1C

ENSURE DEVELOPMENT IN DESIGNATED URBAN AREAS IS CONSISTENT WITH THE CMP.

POLICY 2-1C.1

Achieve consistency among land use and development regulations, the Capital Improvements Program, and this Plan through careful review and coordination during the development review process.

POLICY 2-1C.2

Determine the actual density or intensity of development at time of subdivision or site improvement plan by considering the potential environmental and visual impacts; availability of community facilities and services; and compatibility with existing, adjacent or planned uses.

POLICY 2-1C.3

Support the rezoning of urban zoned lands to be consistent with the Plan’s goals, objectives, policies, and Land Use Map.

GOAL 2-2

SUPPORT ENVIRONMENTAL SYSTEMS COMPRISED OF WATER, WILDLIFE, WILDLIFE HABITAT, RECREATION AND SENSE OF PLACE.

OBJECTIVE 2-2A

BALANCE DEVELOPMENT WITH PRESERVATION OF ENVIRONMENTAL AND VISUAL RESOURCES.

POLICY 2-2A.1

New development located in proximity to moderate to high value wildlife habitat should include a study and inventory of habitats, movement corridors, and habitat linkages.

POLICY 2-2A.2

New development should support, through the provision of significant open space, the conservation of habitats, movement corridors, and habitat linkages as indicated in the study.

POLICY 2-2A.3

Any new development should include a comprehensive trail study that considers wildlife, habitat, wetlands, and local and regional connections for all users. Studies should account for off-site conditions and impacts.

GOAL 2-3

PROVIDE CONNECTED PARKS, TRAILS, AND RECREATIONAL FACILITIES APPROPRIATE TO THE SCALE OF THE DEVELOPMENT.



OBJECTIVE 2-3A

DEMONSTRATE THE PROVISION OF NEIGHBORHOOD AND COMMUNITY PARKS, TRAILS, AND RECREATIONAL FACILITIES.

POLICY 2-3A.1

Ensure new development proposals provide parks and trails that are accessible to all, including young children, teenagers, the disabled, and older adults.

POLICY 2-3A.2

Strongly encourage multi-use trails to connect urban residential development to parks, open spaces, schools, recreational facilities, neighborhood and community activity centers, to other neighborhoods, and to a network of public trails. Ensure that amenities such as benches, tables, restrooms, and drinking fountains are provided where appropriate.

POLICY 2-3A.3

Encourage the construction of recreation centers in new residential development or contributions toward the expansion of the existing facilities, to lessen the burden on existing public facilities.

POLICY 2-3A.4

Ensure that tot lots, pocket parks, and other recreational facilities are provided in urban developments.

GOAL 2-4

ESTABLISH PUBLIC SPACES OR GATHERING PLACES IN NEW AND EXISTING NEIGHBORHOODS.

OBJECTIVE 2-4A

LOCATE GATHERING PLACES AND ACTIVITY CENTERS TO SERVE AS THE HEART OF A COMMUNITY, TO PROVIDE A SENSE OF IDENTITY, AND A PLACE FOR SERVICES.

POLICY 2-4A.1

Consider existing or planned, adjoining development when designing neighborhood centers.

POLICY 2-4A.2

Plan neighborhood centers as a focal point and a gathering space for residents, including, but not limited to, the following uses:

- Elementary school
- Neighborhood park
- Small single- and mixed-use retail and residential development
- Recreation center or other public or neighborhood facility
- Open space
- Linked trails and pedestrian paths

POLICY 2-4A.3

Link neighborhood centers to residential development through a system of trails and sidewalks.

POLICY 2-4A.4

Plan neighborhood centers that are easily accessible, centrally located, and visible to the community.

POLICY 2-4A.5

Design neighborhood centers to reflect and enhance surrounding development by using high-quality design that considers compatible scale, form, color, materials, and other architectural characteristics.

POLICY 2-4A.6

Design neighborhood centers to be pedestrian oriented and supportive of a wide range of transportation choices.

GOAL 2-5

DESIGN DEVELOPMENT TO COMPLEMENT BOTH THE NATURAL AND HISTORIC LANDSCAPE.

OBJECTIVE 2-5A

MINIMIZE THE IMPACT OF DEVELOPMENT ON NATURAL AND HISTORIC RESOURCES.

POLICY 2-5A.1

Locate development away from environmentally and visually-sensitive lands, including, but not limited to, primary ridges, bluffs, and horizon lines.

POLICY 2-5A.2

Protect the integrity of urban areas by protecting, where appropriate, views to and from significant natural features.

POLICY 2-5A.3

Design drainageways to reflect or complement the natural landscape, incorporate and enhance natural vegetation, minimize hard improvements, and provide wildlife habitat and recreational amenities.

POLICY 2-5A.4

Use creative design and planning approaches to mitigate environmental and visual impacts on the natural terrain, such as bluff lines, open spaces, hogbacks, major drainageways, or other adjacent topographical features.

POLICY 2-5A.5

Encourage compact development patterns that conserve natural resources.

POLICY 2-5A.6

Encourage new development to incorporate, conserve, and re-use historic structures and cultural resources.

POLICY 2-5A.7

Minimize impacts of new development adjacent to state parks through the establishment of appropriate land uses, provision of open space, visual buffering and screening, and other techniques.

GOAL 2-6

ACHIEVE COMPATIBILITY BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES, IN TERMS OF LAND USE AND DESIGN.

OBJECTIVE 2-6A

LOCATE NEW RESIDENTIAL DEVELOPMENT ADJACENT TO COMPATIBLE LAND USES.

POLICY 2-6A.1

Locate residential development away from areas that exceed an outside noise level of 65 DNL.

**POLICY 2-6A.2**

Mitigate noise using setbacks, berms, and building materials. High sound walls located adjacent to the street pavement or sidewalks without landscaping or berming, that limits important views, is inconsistent with this Plan.

POLICY 2-6A.3

Locate residential development away from intensive industrial uses that emit noise, dust, fumes, odors, refuse, smoke, vapor, light, and vibration, including wastewater treatment plants, environmentally hazardous areas, or other land uses that pose a threat to public health and safety.

OBJECTIVE 2-6B

USE DESIGN TECHNIQUES AND LAND USE ELEMENTS TO PROVIDE COMPATIBILITY BETWEEN RESIDENTIAL AND NONRESIDENTIAL USES AND CREATE A SENSE OF COMMUNITY IDENTITY.

POLICY 2-6B.1

Use natural landscape features to define development boundaries where appropriate.

POLICY 2-6B.2

Blend the existing character of adjoining developments with the design of new developments.

POLICY 2-6B.3

Support the establishment and enhancement of community separators by creating open space buffers, utilizing natural landforms and tree plantings to screen views and provide wildlife habitat.

OBJECTIVE 2-6C

DESIGN URBAN STREETS TO PROVIDE AN AESTHETICALLY-PLEASING ENVIRONMENT WHILE MAINTAINING CONVEYANCE, CONVENIENCE, AND PUBLIC SAFETY.

POLICY 2-6C.1

Establish a street hierarchy that provides a sense of order and scale with a pattern that allows for users to find their way.

POLICY 2-6C.2

Encourage neighborhood connectivity. Connect local and collector streets, where appropriate, and minimize the use of cul-de-sacs.

POLICY 2-6C.3

Provide landscaped medians within arterial streets, where possible, to break up street expanse and provide safety islands where pedestrians can pause when crossing the streets.

**POLICY 2-6C.4**

Create interesting streetscapes along arterials and collectors using plantings, lighting, special paving, etc.

OBJECTIVE 2-6D

INTEGRATE SITE AND ARCHITECTURAL VARIETY, AND PROVIDE HOUSING CHOICES IN NEIGHBORHOOD DESIGN.

POLICY 2-6D.1

Encourage diversity in residential design through variation in color, facade treatment, and lot size.

POLICY 2-6D.2

Design a varied and interesting streetscape that includes the use of street trees.

POLICY 2-6D.3

Provide transition, through appropriate design techniques, from residential development to open space and adjacent nonurban areas.

POLICY 2-6D.4

Encourage house design that places the garage behind the front entrance plane of the building.

POLICY 2-6D.5

Encourage mixed residential densities to create a diversity of housing types, sizes, and price ranges.

OBJECTIVE 2-6E

ENSURE NONRESIDENTIAL DEVELOPMENT IS COMPATIBLE WITH SURROUNDING LAND USES AND THE NATURAL ENVIRONMENT.

POLICY 2-6E.1

Locate nonresidential development in the PUA, SUAs, Chatfield Urban Area, and the municipalities. Concentrate this development in nodes, clusters, or centers. Strip or isolated development is inconsistent with this Plan.

POLICY 2-6E.2

Encourage uses such as office, institutional, and open space as a transition area between residential and major commercial or industrial areas.

POLICY 2-6E.3

Locate and design intensive nonresidential land uses to minimize conflicts with residential developments, agricultural uses, wildlife areas, and environmentally or visually-sensitive areas.

OBJECTIVE 2-6F

ENSURE RESIDENTIAL AND NONRESIDENTIAL BUILDING DESIGN, SCALE, AND ORIENTATION ARE COMPATIBLE WITH THE NATURAL AND BUILT ENVIRONMENT.

**POLICY 2-6F.1**

Design large structures to visually break up building mass.

POLICY 2-6F.2

Encourage the use of high-quality materials in the construction of buildings.

POLICY 2-6F.3

Design nonresidential development to emphasize human scale and create pedestrian and transit connections, where appropriate.

POLICY 2-6F.4

Use landscaping to complement and soften nonresidential development, and provide buffering, screening, and shade.

OBJECTIVE 2-6G

DESIGN LIGHTING AS AN INTEGRAL ELEMENT OF DEVELOPMENT.

POLICY 2-6G.1

Design lighting to minimize off-site illumination into residential and public-use areas, in conformance with the Douglas County Zoning Resolution.

POLICY 2-6G.2

Encourage the use of light fixtures that adhere to dark-sky practices in residential and non-residential development.

GOAL 2-7

FOSTER A BALANCED COMMUNITY AND ROBUST ECONOMY.

OBJECTIVE 2-7A

PROMOTE DEVELOPMENT PATTERNS AND COMMUNITY DESIGN THAT MEET THE NEEDS OF RESIDENTS.

POLICY 2-7A.1

Encourage a variety of housing that fits different lifestyles and needs.

POLICY 2-7A.2

Incorporate mixed-use development in new and existing communities.

POLICY 2-7A.3

Encourage redevelopment in appropriate areas of the PUA.

POLICY 2-7A.4

Encourage building and site design that provides safety and security.

POLICY 2-7A.5

Promote community gardens, farmers markets and produce stands, where appropriate, within urban areas.

OBJECTIVE 2-7B

PROMOTE THE AVAILABILITY OF COMMUNITY SERVICES.

POLICY 2-7B.1

Encourage the use of private activity bonds (PABs), in partnership with municipalities, to create opportunity for diverse housing development.

POLICY 2-7B.2

Support the Douglas County Housing Partnership's efforts to provide attainable housing.

POLICY 2-7B.3

Create opportunities for residents to access transportation and community services.

POLICY 2-7B.4

Establish partnerships to provide enhanced access to community services.

OBJECTIVE 2-7C

PROMOTE ECONOMIC DEVELOPMENT AND EMPLOYMENT OPPORTUNITIES.

POLICY 2-7C.1

Establish economic development partnerships that enable residents and businesses the opportunity to prosper.

POLICY 2-7C.2

Foster relationships with businesses to encourage their retention and expansion.

POLICY 2-7C.3

Provide incentives to foster a vibrant business environment.

POLICY 2-7B.4

Support workforce development efforts to meet the needs of area residents and businesses.

**GOAL 2-8**

CONSERVE RESOURCES.

OBJECTIVE 2-8A

MINIMIZE ENERGY USE IN RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT.

POLICY 2-8A.1

Encourage energy- and resource-efficient design in development and building construction.

POLICY 2-8A.2

Provide opportunities for solar energy utilization through subdivision and building design.

POLICY 2-8A.3

Support the development and use of renewable energy resources.

POLICY 2-8A.4

Encourage development patterns that conserve energy resources.

POLICY 2-8A.5

Encourage on-site recycling centers and the recycling of building materials.

GOAL 2-9

ENSURE DEVELOPMENT OCCURS CONCURRENTLY WITH ESSENTIAL SERVICES AND INFRASTRUCTURE.

OBJECTIVE 2-9A

ENCOURAGE URBAN DEVELOPMENT IN AREAS WITH EXISTING AND PLANNED CAPACITY IN SERVICES AND INFRASTRUCTURE.

POLICY 2-9A.1

Evaluate the capacity of existing services and facilities to support development.

POLICY 2-9A.2

Ensure that new development mitigates impacts to existing services and infrastructure.

CHATFIELD URBAN AREA

VISION STATEMENT

The Chatfield Urban Area should be subject to variable development density constrained by the infrastructure that the area can support and the need to preserve its characteristic open spaces, viewsheds and wildlife corridors, but sufficient to offer the residents the benefits of a multi-faceted community that can provide the residential, commercial, medical, recreational, and educational services that they require.

GOAL 2-10

UTILIZE ENVIRONMENTAL SYSTEMS COMPRISED OF WATER, WILDLIFE AND WILDLIFE HABITAT, RECREATION, AND SENSE OF PLACE AS THE BASIS FOR COMMUNITY FORM WITHIN THE CHATFIELD URBAN AREA.

OBJECTIVE 2-10A

BALANCE, CONSERVE, AND PRESERVE SENSITIVE ENVIRONMENTAL AND VISUAL RESOURCES AS OPEN SPACE IN AREAS ADJACENT TO AND WITHIN PROPOSED URBAN AREAS.

POLICY 2-10A.1

Any new development within the Chatfield Urban Area should include a comprehensive study and inventory of valley-wide, interconnected habitats, wildlife movement corridors, and habitat linkages.

POLICY 2-10A.2

Any new development within the Chatfield Urban Area shall support, through the provision of significant open space, the conservation of those habitats, wildlife movement corridors, and habitat linkages as indicated in the study.

POLICY 2-10A.3

Any new development within the Chatfield Urban Area should include a comprehensive trail study that considers wildlife, habitat, wetlands, and local and regional connections for all users. Studies should account for off-site conditions and impacts.

POLICY 2-10A.4

Any new development within the Chatfield Urban Area shall provide appropriate trail improvements and significant open space.

GOAL 2-11

DESIGN DENSITY-APPROPRIATE DEVELOPMENT TO COMPLEMENT BOTH THE NATURAL AND HISTORIC LANDSCAPE.

OBJECTIVE 2-11A

USE DENSITY-SENSITIVE DESIGN TECHNIQUES AND LAND USE ELEMENTS TO PROVIDE COMPATIBILITY BETWEEN RESIDENTIAL AND NONRESIDENTIAL USES, CREATE A SENSE OF COMMUNITY IDENTITY, AND AVOID OVERBURDENING THE INFRASTRUCTURE THAT THE AREA CAN REASONABLY SUPPORT.

POLICY 2-11A.1

Protect the integrity of the Chatfield Basin by protecting, where appropriate, views to and from significant natural features.

POLICY 2-11A.2

Support the establishment and enhancement of community separators by creating open-space buffers, utilizing natural landforms and significant vegetative plantings to help screen views and provide wildlife habitat in the Chatfield Urban Area.

POLICY 2-11A.3

Protect the integrity of the Chatfield Basin by promoting dark-sky practices for residential and commercial development.

POLICY 2-11A.4

Encourage enhanced east-west roadway capacity between US Highway 85 and the Chatfield Basin area.

POLICY 2-11A.5

As an aid to controlling infrastructure costs within this Area, the County should promote cooperation between stakeholders for the creation of scalable infrastructure including, but not limited to, central water with sustainable sources, central sewage, road capacity, and multi-modal transportation alternatives, all designed to be capable of being expanded economically to serve the future needs of the Area.

POLICY 2-11A.6

Encourage development within this Area to offer existing and future residents the benefits of a multi-faceted community that can provide the residential, commercial, medical, recreational, and educational services that they require, while preserving the open spaces, viewsheds, and wildlife corridors characteristic of the area.

GOAL 2-12

PROVIDE DENSITY-APPROPRIATE CONNECTED PARKS, TRAILS, AND RECREATIONAL FACILITIES.

OBJECTIVE 2-12A

DEMONSTRATE ADEQUATE PROVISION OF NEIGHBORHOOD AND COMMUNITY PARKS, TRAILS, AND RECREATIONAL FACILITIES FOR THE USE OF ALL SEGMENTS OF THE POPULATION.

POLICY 2-12A.1

Within proposals for urban development in the Chatfield Urban Area, ensure that community-wide recreational opportunities are provided.

GOAL 2-13

ENSURE THE COHESIVE IMPLEMENTATION OF COMMUNITY-IDENTIFIED VALUES IN THE CHATFIELD URBAN AREA AS EXPRESSED BY THIS PLAN.

OBJECTIVE 2-13A

EVALUATE DEVELOPMENT PROPOSALS BASED ON THE KEY DETERMINANTS OF COMMUNITY CHARACTER.

**POLICY 2-13A.1**

Any land use proposal within the Chatfield Urban Area shall provide for cohesive development of the built environment by demonstrating and facilitating coordination of the mix, location, and character of land use, transportation, and utilities, as well as development phasing.

POLICY 2-13A.2

Any land use proposal within the Chatfield Urban Area shall respect community-identified values through integration of natural system elements including, but not limited to, wildlife corridors and habitat areas, land character, sense of place, and significant community view corridors.

POLICY 2-13A.3

Ensure community-identified values are addressed so development meets the needs of the Chatfield Urban Area and surrounding communities.

POLICY 2-13A.4

Encourage participation of all stakeholders in the identification and implementation of community-identified values.

PRIMARY URBAN AREA

The Primary Urban Area (PUA) on the Land Use Map is classified for urban uses because it demonstrates the following attributes:

- Access to shopping, facilities, and services.
- Proximity to existing and developing major employment centers.
- Access to major transportation corridors.
- Land generally suited for urban development in terms of its environmental conditions.
- Investments in existing infrastructure.

Key reasons for directing growth to this area are to minimize investments in public and private infrastructure, thereby maintaining taxes at reasonable levels, and to minimize sprawl, thereby preserving valued open lands.

A major focus of this Plan is to create compact, urban form in the PUA, and build new residential development in mixed-use Community Activity Centers. In unincorporated Douglas County, Community Activity Centers have been planned for the Highlands Ranch Town Center and the Lincoln Station Transit-Oriented Development. Such centers are encouraged elsewhere in the PUA where opportunities occur for infill and redevelopment.

GOAL 2-14

ESTABLISH VIBRANT COMMUNITY ACTIVITY CENTERS.

OBJECTIVE 2-14A

ENCOURAGE ECONOMIC DEVELOPMENT OPPORTUNITIES BY PROMOTING HIGHER DENSITIES AND A MIX OF USE IN ACTIVITY CENTERS.

POLICY 2-14A.1

Design activity centers as high-intensity, compact centers with amenities to generate vibrancy and vitality.

POLICY 2-14A.2

Encourage construction of the principal community amenity, such as a central park or plaza early in the development process.



POLICY 2-14A.3

Encourage the redevelopment of large commercial centers into community activity centers.

OBJECTIVE 2-14B

DESIGN PEDESTRIAN-ORIENTED ACTIVITY CENTERS.

POLICY 2-14B.1

Orient buildings close to each other and to the street.

POLICY 2-14B.2

Provide pedestrian-scale amenities.

POLICY 2-14B.3

Reduce the visual impact of parking areas.

POLICY 2-14B.4

Address the visual impacts and scale of retail and commercial development through design that supports a pedestrian-oriented environment and encourages alternatives to “strip” and “big box” development.

OBJECTIVE 2-14C

PROMOTE A MULTIMODAL TRANSPORTATION NETWORK THAT PROVIDES ACCESS TO MAJOR COLLECTORS AND ARTERIAL HIGHWAYS, TRANSIT, SIDEWALKS, AND TRAILS AND LINKS ACTIVITY CENTERS.

POLICY 2-14C.1

Design streets to reduce travel speeds and include wide or detached sidewalks and safe pedestrian crossings.

POLICY 2-14C.2

Locate activity centers on primary transit corridors, integrate them into the regional transportation system, and provide bicycle parking and storage facilities.

POLICY 2-14C.3

Encourage circulator bus service, through RTD or private van shuttles, in activity centers.

POLICY 2-14C.4

Link activity centers to other community uses and neighborhoods via bicycle lanes adjoining roadways and a pedestrian and bicycle trail system, where appropriate.

POLICY 2-14C.5

Support the creation of corridors for public transit and light rail.

SEPARATED URBAN AREAS

Douglas County's 1986 Master Plan recognized previously-zoned, isolated, urban developments called Separated Urban Areas (SUAs). These areas include Roxborough, Castle Pines Village and The Pinery. These developments are located outside of the Primary Urban Area and were previously zoned for urban development as early as the 1970s.

Previous master plans recognized the SUAs as distinct land planning areas and established policies broadly covering these areas. The unique character, locations, and varying levels of service have resulted in different development patterns and issues for each of the SUAs. This Plan recognizes both the differences and similarities, and therefore proposes a set of common land use objectives, as well as individually crafted policies for each SUA.

Expansion of these areas is generally not supported; however, in some cases limited expansion may be supported based on a compelling public benefit, such as supporting the fiscal health of special districts and lowering overall indebtedness and tax rates for residents. In addition, limited expansion may be supported when a transfer of development credits offers a benefit to the County, including enhancement of community-separation buffers or the elimination of inappropriate zoning.

CASTLE PINES VILLAGE SUA**PHYSICAL CHARACTERISTICS**

Castle Pines Village encompasses upland Ponderosa Pine and shrublands. Significant changes in elevation occur, giving rise to dramatic cliffs and rock outcroppings.

DEVELOPMENT ISSUES

With the incorporation of the City of Castle Pines in 2008, the renamed Castle Pines Village SUA has taken on a more compact form, primarily encompassing the community of Castle Pines Village, as well as adjoining agricultural-zoned lands to the east.

The Castle Pines Village SUA enjoys permanently established community separation buffers. Protected open space abutting Castle Pines Village include Cherokee Ranch to the west, and agriculture and estate-lot development to the east. Highway 85 and the East Plum Creek riparian corridor to the south serve as a physical boundary. Urban uses have been established within the City of Castle Pines on its northern and eastern boundaries.

THE PINERY SUA**PHYSICAL CHARACTERISTICS**

The Pinery SUA has three distinct natural areas: (1) the eastern portion, at the edge of the "Black Forest" characterized by significant stands of Ponderosa Pine; (2) the central area comprising the Cherry Creek valley; and (3) the western area, characterized by shrubland, grassland, and undulating terrain rising to the bluffs of the High Plateau region.

DEVELOPMENT ISSUES

Primary development issues relate to lands surrounding and adjacent to The Pinery. Approval of any additional dwelling units on adjacent lands must consider the goal of maintaining community separation surrounding The Pinery.

Concerns raised by residents have included maintaining the community character,

enhancing the community-separator buffer, protecting views of the bluffs and Rocky Mountains, preserving wildlife habitat, and ensuring new development is compatible with the character of the original Pinery.

The Pinery Water and Wastewater District is concerned about wellhead protection for its alluvial wells in the vicinity of Cherry Creek, and established a groundwater protection zone where future development should be sensitive to potential impacts on water quality.

ROXBOROUGH SUA

PHYSICAL CHARACTERISTICS

Located immediately adjacent to the foothills and lying on both sides of the hogback, Roxborough enjoys one of the most stunning landscapes in the County.

The portion on the eastern side of the hogback is characterized by grazed prairie grass and limited riparian vegetation along Little Willow Creek. The western side lies between the hogback and the mountain sides of Pike National Forest, featuring substantial red rock outcroppings.

DEVELOPMENT ISSUES

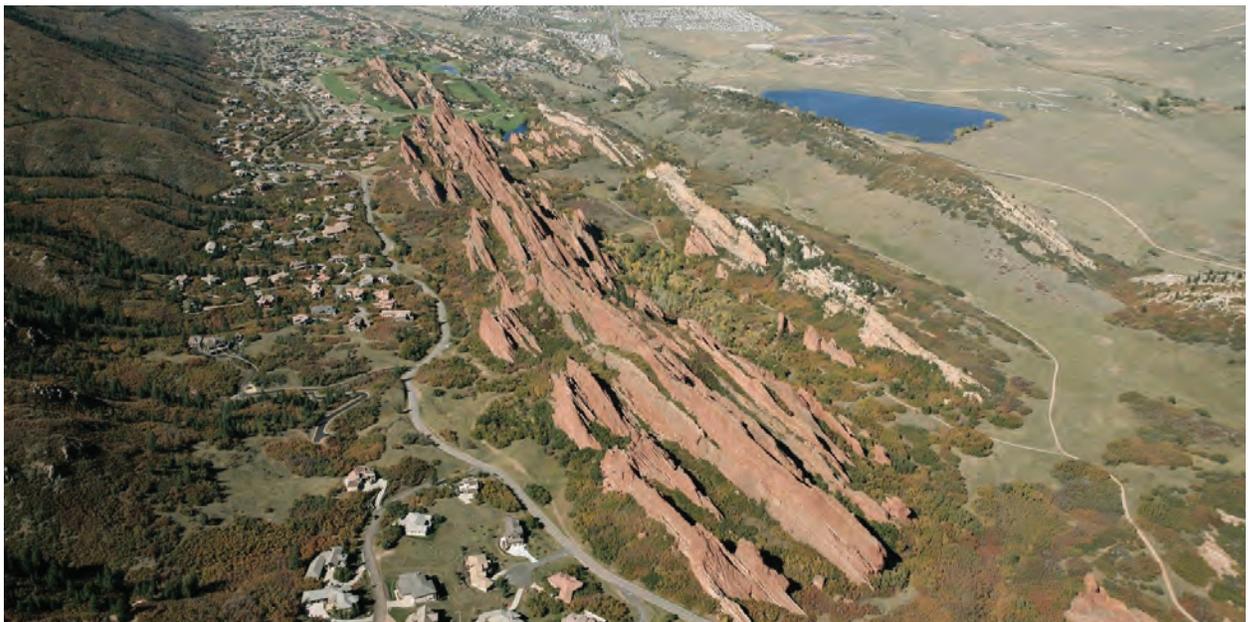
The Roxborough Park Metropolitan District was established in 1972 to provide fire

protection services, water, and sanitation services to the area. In 1999, fire protection services moved from the Roxborough Park Metropolitan District's jurisdiction to the West Metro Fire Protection Department. Subsequently, the District changed its name to the Roxborough Water and Sanitation District (RWSD).

The Roxborough Village Metropolitan District (RVMD) is a separate district that provides the basic infrastructure improvements necessary to serve the Roxborough Village portion of the Roxborough Separated Urban Area. The inclusion of the Chatfield Farms Planned Development into RVMD in 1999 represented a significant benefit to the area.

In late 2010, RWSD executed an agreement with the City of Aurora to provide the Roxborough community with a permanent surface water supply which will provide adequate water for the RWSD's total build out; thus, addressing one of the previous concerns of the community. RWSD currently serves the entire Roxborough Separated Urban Area (Village and Park) with approximately 3,400 residential customers including a small commercial base.

Since the permanent water supply was received from the City of Aurora, RWSD provided connections to Plum Valley Heights,



Chatfield Acres, Chatfield East, and the Titan Road Industrial Park. These communities have created the Plum Valley Heights Subdistrict, a financing subdistrict of RWSD. In partnership with the Douglas County Water Alternatives Program, RWSD has helped provide clean, renewable drinking water to approximately 300 homes and businesses in the Northwest part of the County that previously relied on groundwater.

A major complication for development for the area is swelling soils and heaving bedrock. Inadequate mitigation of hazardous soils damaged home foundations and infrastructure in Roxborough Village. A technique of “over excavation” is required for all new development in areas to mitigate for swelling soils.

Additional concerns raised by residents include:

- Water supplies for the region.
- Sufficiency and timing of improvements of the transportation network.
- Safety and capacity of Waterton Road.
- Preservation of open space and wildlife habitat.

STRUCTURE OF THIS SECTION

This section is organized by subject matter. General policies regarding the integrity of the SUAs, access, the built and natural environment, and community separators have been developed for all SUAs. Policies regarding specific SUAs have been identified with the name of the appropriate SUA following the policy number.

GOAL 2-15

PRESERVE THE INTEGRITY OF THE SEPARATED URBAN AREAS.

OBJECTIVE 2-15A

SUPPORT THE LOGICAL BUILD-OUT OF SUAs.

POLICY 2-15A.1

Timing of development should be concurrent with capital improvement plans of the County and of special districts, where improvements are needed.

POLICY 2-15A.2

The creation and designation of new SUAs is inconsistent with this Plan.

POLICY 2-15A.3

Expansion of SUAs is not supported by this Plan, unless compelling public benefit is provided that outweighs potential impacts.

OBJECTIVE 2-15B

DEVELOP COMMUNITIES WITH ADEQUATE PUBLIC FACILITIES AND SERVICES.

POLICY 2-15B.1

Support funding methods to acquire and improve needed public facilities and services.

POLICY 2-15B.2

Ensure development or redevelopment enhances existing community services such as utilities, fire protection, schools and water supply.

POLICY 2-15B.3

Support efforts to ensure the fiscal health of special districts.

POLICY 2-15B.4

Support special district facility and infrastructure upgrades needed to build-out the SUAs.

POLICY 2-15B.5

Encourage the construction of roads, connectivity to adjacent neighborhoods, and emergency service access.

POLICY 2-15B.6

Encourage the construction of additional local and regional trails, sidewalks, and parks, where appropriate, to increase pedestrian safety and active and passive recreational opportunities.

POLICY 2-15B.7

Encourage wildfire mitigation measures by the County, the fire protection district, and individual property owners.

POLICY 2-15B.8

Support regional transportation services.

POLICY 2-15B.9

Encourage public or private transportation services, potentially including a public transportation district, within the SUAs.

POLICY 2-15B.10 (PINERY SUA)

Support efforts of the Pinery Water and Wastewater District to continue providing a safe and reliable water supply, particularly with respect to the protection of alluvial groundwater.

POLICY 2-15B.11 (ROXBOROUGH SUA)

Improve the safety and capacity of Waterton Road through cooperative efforts with Jefferson County, Denver Water Board, Colorado Department of Transportation, and area property owners.

OBJECTIVE 2-15C

DEVELOP IN A MANNER THAT COMPLEMENTS AND ENHANCES THE CHARACTER OF THE BUILT AND NATURAL ENVIRONMENT.

POLICY 2-15C.1

Develop in a manner that complements and enhances the existing development pattern of adjoining neighborhoods, including density, scale, and landscaping.

POLICY 2-15C.2

Identify, adequately protect, and buffer significant open space and natural areas in, and adjacent to, new developments.

POLICY 2-15C.3

Encourage environmental and viewshed protection through development review.

POLICY 2-15C.4

Include the use of environment-enhancing features in development.

POLICY 2-15C.5

Provide wildlife movement corridors within new development where appropriate.

POLICY 2-15C.6 (CASTLE PINES VILLAGE SUA)

Encourage tree plantings on lots adjoining existing development and major road viewshed corridors.

POLICY 2-15C.7 (CASTLE PINES VILLAGE SUA)

Design commercial development at a small village scale using natural materials and extensive building articulation. Incorporate appropriate tree plantings adjacent to residential development.

POLICY 2-15C.8 (PINERY SUA)

Minimize visual impacts and preserve the integrity of the High Plateau bluffs in the development of land on the west side of Cherry Creek.

POLICY 2-15C.9 (ROXBOROUGH SUA)

New development adjacent to the SUA boundaries must be consistent with County objectives regarding preservation of the Mountain Backdrop, must serve as a logical extension of development, and must clearly provide a fiscal benefit to either or both of the Roxborough special districts.

OBJECTIVE 2-15D

ESTABLISH COMMUNITY SEPARATORS SURROUNDING ALL SUAs WITH COMPATIBLE AND APPROPRIATE LAND USES.

POLICY 2-15D.1

Encourage coordination with other jurisdictions that may influence land development decisions within areas adjacent to the SUAs.

POLICY 2-15D.2

Approve only low-intensity land uses such as open space, agriculture, recreation, and residential development in areas adjacent to SUAs, in accordance with Nonurban Area policies in Section 3, and any intergovernmental agreements with municipalities and the County.

POLICY 2-15D.3

Encourage the provision of open space within and surrounding the SUAs to provide a framework of separation.

POLICY 2-15D.4

Incorporate the development of parks and the purchase of open space in accordance with the goals and policies of the County Parks, Trails & Open Space Master Plan and the County Transportation Master Plan.





MUNICIPAL PLANNING AREAS

Municipal development plays a key role in the evolving landscape of Douglas County. The impact of municipalities on the natural and built environment, on adjoining communities, and on the provision of services can have far-reaching consequences. Similarly, development in the unincorporated County can have the same impacts.

Municipal influence areas are planning areas established by the municipality's master plans. Municipal influence areas often surround, or are adjacent to, a municipality's municipal planning area. While municipal development is not planned for these areas, they are considered important to jurisdictions because of the potential impact development could have from an economic, visual, environmental, urban service, or water quality perspective.

The following goal, objectives, and policies are intended to guide development decisions by the County for proposed land uses within the unincorporated lands located in designated municipal planning and influence areas. Policies affecting unincorporated residents are also established to provide direction to municipalities.

These policies serve as a framework for a cooperative relationship between jurisdictions.

GOAL 2-16

ENCOURAGE COORDINATED COMPREHENSIVE MASTER PLANS BETWEEN THE COUNTY AND MUNICIPALITIES.

OBJECTIVE 2-16A

MUTUALLY AGREE UPON MAJOR LAND USE PLANNING CONCEPTS.

POLICY 2-16A.1

Coordinate with municipalities to address major land use issues such as annexation and adjacent development.

POLICY 2-16A.2

Maintain open communication, build relationships, and address areas of mutual concern between the County and municipalities.

OBJECTIVE 2-16B

ENSURE DEVELOPMENT INSIDE MUNICIPAL PLANNING AREAS (MPAs) IS CONSISTENT WITH THE DOUGLAS COUNTY COMPREHENSIVE MASTER PLAN.

POLICY 2-16B.1

Support the annexation of existing, unincorporated planned developments within MPAs.



POLICY 2-16B.2

Protect the municipal sales-tax base by encouraging owners of undeveloped, unincorporated lands within MPAs to petition municipalities for annexation and development.

POLICY 2-16B.3

Municipal annexations by non-Douglas County-based municipalities that may adversely impact the fiscal viability of special districts, municipalities, or planned communities, or that do not conform to Nonurban designations and uses, are inconsistent with this Plan.

POLICY 2-16B.4

Support annexation of a total community into a municipality to give residents a greater say in land use issues affecting their community. Annexations of only commercial development, leaving the residential component under County jurisdiction, are inconsistent with this Plan.

POLICY 2-16B.5

Mitigate potential land use impacts of new unincorporated development adjacent to municipalities. Encourage municipalities to mitigate land use impacts on adjacent unincorporated Douglas County development.

POLICY 2-16B.6

Land use applications for development on unincorporated lands within the MPAs shall be consistent with the goals, objectives, and policies of this Section 2, Urban Land Use.

COMMUNITY RESOURCES

Community resources refer to services and amenities provided to the Douglas County community. The services discussed in this section are special districts, educational facilities, emergency services, utilities, and waste disposal. (Transportation and water supply have their own sections in the Plan.) The amenities considered are libraries, cultural arts facilities, and cultural and historic resources. (Parks and trails are covered in the Parks, Trails and Open Space Master Plan.) The CMP expresses the community values regarding these resources through the following goals, objectives, and policies.

While most community resources are not provided by county government, this Plan encourages coordination between service providers and the County during development review to ensure services are provided in the right places and at the right time.

COMMUNITY RESOURCES

GOAL 5-1

ENSURE THE PROVISION OF ADEQUATE COMMUNITY RESOURCES IN AN EFFICIENT AND COST-EFFECTIVE MANNER.

OBJECTIVE 5-1A

REVIEW EXISTING AND PROJECTED DEVELOPMENT TO ENSURE THAT IT DOES NOT OVERWHELM EXISTING SERVICES.

POLICY 5-1A.1

Consider buildout rates, projected demand, and capacity when evaluating proposed development.

POLICY 5-1A.2

Coordinate service needs with relevant special districts, authorities, and municipalities.

OBJECTIVE 5-1B

MAINTAIN A DEVELOPMENT PATTERN OF CONTIGUOUS AND LOGICAL EXTENSIONS OF COMMUNITY RESOURCES AND INFRASTRUCTURE.

SECTION 5

POLICY 5-1B.1

Encourage new development to be contiguous to existing development and infrastructure.

POLICY 5-1B.2

Encourage multi-purpose use of public lands, facilities, or services to promote efficiencies.

EDUCATION

GOAL 5-2

PROVIDE EDUCATIONAL FACILITIES THAT SERVE THE COUNTY'S POPULATION.

OBJECTIVE 5-2A

MAINTAIN A COOPERATIVE APPROACH TO PLANNING FOR EDUCATIONAL FACILITIES.

POLICY 5-2A.1

Encourage cooperation between the municipalities and the County to ensure adequate school facilities.

POLICY 5-2A.2

Support the school district's ability to finance new schools as part of the development review process.

POLICY 5-2A.3

Support tax incentives or other benefits to create partnerships between businesses and educational institutions.

OBJECTIVE 5-2B

SCHOOLS SHOULD BE SAFE, ACCESSIBLE, AND PROMINENT IN THE COMMUNITY.

POLICY 5-2B.1

Encourage multiple uses of public school facilities.

POLICY 5-2B.2

Encourage schools to locate adjacent to other community facilities to create neighborhood centers.

POLICY 5-2B.3

Ensure that schools are accessible to the community via a connected network of roads and trails.

SPECIAL DISTRICTS

GOAL 5-3

PROMOTE THE SUSTAINABILITY OF SPECIAL DISTRICTS.

OBJECTIVE 5-3A

ENSURE SPECIAL DISTRICTS ARE FINANCIALLY SOUND.

POLICY 5-3A.1

Require a detailed, independent evaluation of all special district financing plans.

OBJECTIVE 5-3B

ENSURE DISTRICT MANAGEMENT IS IN THE BEST INTEREST OF COUNTY RESIDENTS.

POLICY 5-3B.1

Ensure district activities and operations are consistent with the service plan.

LIBRARIES

GOAL 5-4

ENSURE LIBRARY RESOURCES ARE AVAILABLE TO ALL COUNTY RESIDENTS.



OBJECTIVE 5-4A

DEVELOP A COORDINATED APPROACH TO PROVIDE LIBRARY RESOURCES.

POLICY 5-4A.1

Cooperate with the Douglas County Libraries' Board of Trustees to mitigate growth-related impacts through planning, growth monitoring, and the land development review process.

OTHER UTILITIES

GOAL 5-5

MAINTAIN HIGH QUALITY STANDARDS IN PLANNING FOR UTILITY SITES.

OBJECTIVE 5-5A

MINIMIZE IMPACTS TO THE SURROUNDING AREA.

POLICY 5-5A.1

Apply design standards to ensure compatibility.

POLICY 5-5A.2

Recognize the technological, operational, maintenance, and safety constraints of these uses while balancing community desires to mitigate impacts to the natural and built environment.

POLICY 5-5A.3

Encourage high tension power lines and electrical substations be located away from residential and visually significant areas, where feasible.

POLICY 5-5A.4

Encourage residential development to be placed away from high tension power lines and electrical substations.

POLICY 5-5A.5

Encourage the joint use of utility corridors for new or upgraded major transmission lines.

POLICY 5-5A.6

Provide adequate right-of-way or setbacks to dissipate electromagnetic fields and noise and to mitigate visual and other land use concerns.

OBJECTIVE 5-5B

SITE TELECOMMUNICATION FACILITIES SO THEY WILL BE IN SCALE AND HARMONY WITH THE CHARACTER OF THE SURROUNDING ENVIRONMENT.

POLICY 5-5B.1

When feasible, locate facilities on existing structures, e.g., buildings, communication towers, water towers, smokestacks, windmills, silos, sign structures, or light poles, or in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and backdrop.

POLICY 5-5B.2

Balance the need for telecommunication services and the desire to preserve the visual environment.



EMERGENCY SERVICES

GOAL 5-6

PROVIDE QUALITY EMERGENCY SERVICES TO COUNTY RESIDENTS IN THE MOST EFFICIENT AND COST-EFFECTIVE MANNER POSSIBLE.

OBJECTIVE 5-6A

PROVIDE COORDINATED LAW ENFORCEMENT RESOURCES THAT CORRESPOND WITH POPULATION GROWTH.

POLICY 5-6A.1

Integrate safety improvements with new development projects.

POLICY 5-6A.2

Require adequate emergency access in all developments with two points of access and connections between neighborhoods, where feasible.

POLICY 5-6A.3

The location and design of emergency service substations should be efficient and compatible with the surrounding area.

OBJECTIVE 5-6B

ENSURE EMERGENCY SERVICES FOR NEW DEVELOPMENTS ARE AVAILABLE.

POLICY 5-6B.1

Require district service plans proposing fire protection to include provisions for technical rescue, emergency services, and environmental hazard response.

POLICY 5-6B.2

Require new development to be served by a fire district with adequate fire protection facilities, equipment and service capabilities, unless determined impractical.

HEALTH CARE

GOAL 5-7

INTEGRATE HEALTH CARE FACILITIES INTO NEW AND EXISTING COMMUNITIES TO SUPPORT IMPROVED QUALITY OF CARE.

OBJECTIVE 5-7A

SUPPORT ZONING FOR HEALTH CARE FACILITIES.

POLICY 5-7A.1

Encourage private health care facilities to locate in Douglas County.

POLICY 5-7A.2

Support health care facilities and supportive industries.



CULTURAL RESOURCES

An important component of Douglas County's sense of place is its historic legacy. This legacy is evident in our heritage of agriculture, mining, industry, and transportation and in our cultural resources. Cultural resources include historic roads, buildings, structures, sites, districts, landscapes, archeological sites, as well as cultural practices.

GOAL 5-8

PRESERVE DOUGLAS COUNTY'S CULTURAL RESOURCES FOR FUTURE GENERATIONS.

OBJECTIVE 5-8A

SUPPORT THE PRESERVATION AND PROTECTION OF CULTURAL RESOURCES.

POLICY 5-8A.1

Encourage partnerships and community-based efforts to plan for the preservation of cultural resources.

POLICY 5-8A.2

Identify and support the preservation of sites and artifacts with historic, prehistoric, or cultural significance.

POLICY 5-8A.3

Encourage the incorporation of historical and cultural resources into development plans.

POLICY 5-8A.4

Cooperate with the Historic Preservation Board, historical societies, and archeological organizations to promote the preservation of cultural resources.

CULTURAL FACILITIES

GOAL 5-9

PROVIDE OPPORTUNITIES FOR CULTURAL EXPERIENCES.

OBJECTIVE 5-9A

ESTABLISH CULTURAL FACILITY LOCATIONS IN NEW AND EXISTING COMMUNITIES.

POLICY 5-9A.1

Encourage land dedication for cultural facilities within urban development.

POLICY 5-9A.2

Encourage developers to include small-scale cultural facilities such as outdoor theatres or gazebos through appropriate land use application processes.



The natural environment of Douglas County presents a vast array of opportunities for, and constraints to development. A dynamic exists between development and the environment. The same natural beauty and character that makes the County an attractive place to live also present hazards that future development must avoid. Douglas County identifies environmental and geologic conditions to determine their potential impacts on land use and to protect life and property.

As growth and development occurs, environmental impacts can adversely affect the quality of life in Douglas County. Clean air, clean water, and peace and quiet are important factors in bringing residents and businesses to the County and are a natural resource highly valued by citizens. Protecting the environmental quality of Douglas County remains a high priority.

ENVIRONMENTAL CONSTRAINTS AND HAZARDS

Environmental constraints are conditions that affect or reduce the capability of the land to accommodate development. Constraints occur in varying degrees. Those constraints that pose a significant threat to life and

property are identified as environmental hazards.

State law (C.R.S. §24-65.1-101) directs state agencies to identify environmental conditions affecting development and enables local governments to adopt regulations for affected areas.

Some of Douglas County's most distinct natural features, such as riparian zones, buttes, mesas, and the foothills, contain significant environmental hazards, including wildfire, flood, rockfall, and slope failure. At the same time, these areas offer spectacular scenic beauty, contain prime wildlife habitat, and constitute a major public asset.

Low-impact, nonurban land uses are encouraged in environmental hazard areas. Uses such as agriculture or grazing, open space, parks, or certain low-intensity recreational uses are compatible because of the lack of permanent structural improvements. Limiting development in hazard areas creates dual benefits: residents are spared the expense of hazard mitigation and maintenance, while the most scenic land in the County can be preserved for open space or as land use buffers.

Douglas County mapped environmental constraints and hazards with assistance from



the Colorado Geological Survey (geophysical), Colorado State Forest Service (wildfire), and Federal Emergency Management Agency (flood risk). The information within these maps is general in nature and is supplemented through site-specific studies performed during the development review process.

Additionally, wildfire hazard areas are identified within the adopted Wildfire Hazard Area-Overlay District Map. For lands designated as subject to wildfire by this map, a site-specific analysis of wildfire hazard is required at the time of land use review applications and building permit requests. Wildfire hazard is a contributing factor to the overall hazards associated with a site.

HAZARD CLASSIFICATIONS

CLASS 1 areas are of low to moderate constraints that require an awareness of the condition and may require engineering solutions to minimize impacts on development. Only a small portion of the County contains Class 1 constraints, including:

- Low erosion-susceptibility areas.
- Low to moderate shrink and swell soils.

CLASS 2 areas are of moderate to high threat to public safety. Special studies are necessary in these areas to determine the extent of the constraint and required mitigation. Class 2 constraints include:

- Unstable or potentially unstable slopes.
- Moderately accelerated erosion area.
- Moderate to high erosion susceptibility area.
- High and very high shrink and swell potential.

CLASS 3 areas are of very high to extreme threat to public safety where potential loss of property and life is significant enough to warrant avoidance of the natural conditions. Severe hazards may exist even after corrective engineering measures are taken. Nearly one-quarter of the County outside the Pike National Forest contains Class 3 constraints.

The Class 3 Hazards and Environmental Constraints Map (Map 8.1) illustrates the



extent of the Class 3 Hazard Areas. More detailed maps illustrating the locations of all environmental constraints are available at the Douglas County Department of Community Development.

GEOLOGY

The earth's surface is constantly undergoing natural changes and these will continue despite any attempts at intervention. Often these natural changes create problems where human interaction occurs. In some instances, geological conditions will constitute a significant threat to public health and safety or to property.

Development should not take place until a detailed evaluation of adverse geologic conditions within the area has been made. The evaluation must show that the adverse conditions will not result in significant threat or show that engineering and design can mitigate the conditions so that no serious threat remains.

HEAVING BEDROCK AND SHRINK-SWELL SOILS

Heaving bedrock is a distinctive geologic hazard generated by highly expansive soils that slide when wet and shrink when dry. This expansion and shrinkage creates potentially severe problems for building foundations. It poses greater risks to roads, utilities, and structures than typical expansive soils.

A significant area of mostly undeveloped land in Douglas County is characterized by potential heaving bedrock conditions. Heaving bedrock is delineated in Map 8.2, derived from Colorado Geological Survey

Special Publication 42. This map is based upon the coincidence of steeply dipping (tilted or upturned) layers of sedimentary expansive bedrock having dip angles of greater than 30 degrees from horizontal. Individual heave features may attain sizes as large as two feet high, tens of feet wide, and hundreds of feet long.

All shrink and swell soils can become a problem when structures are built upon them and owners irrigate landscaping, causing soils to swell, thus cracking foundations.

Soil erosion creates problems for the construction of roads, utilities, and structures. Gullies created by eroding soils can undercut unstable slopes and cause slope failures. The accompanying soil deposition alters streambeds and degrades water quality within streams and reservoirs. Measures to mitigate these potential problem situations must be addressed early in the development process.

GOAL 8-1

RECOGNIZE AND RESPECT NATURAL GEOLOGIC CONDITIONS.

OBJECTIVE 8-1A

ENSURE DEVELOPMENT IS APPROPRIATE WHEN WEIGHED AGAINST HAZARDS AND CONSTRAINTS.

POLICY 8-1A.1

Development on slopes shall be based upon the proposed level of intensity of site disturbance and types of resulting impacts. Substantial impacts, such as overlot grading, shall generally be limited to areas with slopes less than 20 percent in grade. Development on slopes that exceed 25 percent in grade shall demonstrate sensitive site design, result in minor visual impacts, protect significant existing resources, and provide appropriate mitigation of impacts.

POLICY 8-1A.2

Development within geologic hazard areas posing a threat of injury, loss of life, or property damage is inconsistent with this Plan.

POLICY 8-1A.3

Class 3 Hazard Areas should be limited to low-intensity land uses such as agriculture, grazing, open space, and certain recreational uses. These uses shall not conflict with identified hazards or increase the severity of on-site or adjacent off-site conditions.

POLICY 8-1A.4

Discourage development within areas of high potential for heaving bedrock, as identified on Map 8.2, unless adequate mitigation can be assured.

POLICY 8-1A.5

Locate development in areas with minimal geologic hazards, and mitigate impacts associated with development in Class 1 and Class 2 constraint areas.

POLICY 8-1A.6

Require detailed site investigations and mitigation measures by an engineering geologist or soils engineer for land use proposals located in Class 2 constraint areas. Mitigation measures shall meet other goals of this Plan, such as preservation of views, grades, and landforms.

POLICY 8-1A.7

Engineering designs for mitigation of geologic hazards affecting such improvements as roads and utilities will be required during the subdivision review process.

POLICY 8-1A.8

Lands proposed for dedication, including all open space, park, school, and rights-of-way, should have an environmental audit showing the area is free of toxic or hazardous waste to prevent County liability for future cleanup.

FLOODING

Douglas County is located within a geographic area prone to receiving intense precipitation, resulting in major flooding of streams and drainageways, notably Plum Creek, Cherry Creek, and the South Platte River.

The relatively flat area adjacent to a stream that is subject to flooding is the floodplain. In these areas the destructive force of a possible flood constitutes a significant hazard to



property, public health, and safety. The 100-year floodplain defines areas that have a 1 percent chance of flooding for any given year. Uses in the 100-year floodplain are regulated through the Floodplain-Overlay District of the Douglas County Zoning Resolution. All 100-year floodplains are classified as Class 3 Environmental Constraints.

GOAL 8-2

LIMIT LAND USES IN FLOODPLAINS.

OBJECTIVE 8-2A

PRECLUDE DAMAGE TO LIFE AND PROPERTY.

POLICY 8-2A.1

Ensure land uses allowed in floodplains are compatible with Douglas County floodplain regulations.

POLICY 8-2A.2

Discourage land uses within the 100-year floodplain unless associated with wildlife management, non-polluting recreational uses, agricultural uses, or as otherwise specified within the Zoning Resolution.

POLICY 8-2A.3

Locate shallow wells, solid waste disposal sites, septic systems, and sewage treatment plants away from floodplains.

POLICY 8-2A.4

Appropriate dredge and fill operations within the floodway shall be remediated to enhance and re-establish natural conditions.

POLICY 8-2A.5

Require the landowner to provide access to Douglas County and the Urban Drainage and Flood Control District into floodplains for floodplain and floodway maintenance, as necessary.

OBJECTIVE 8-2B

MAINTAIN FLOODPLAINS AS OPEN SPACE.

POLICY 8-2B.1

Protect and preserve riparian and wildlife management corridors to link habitat.

WILDFIRES

Douglas County's semi-arid climate, high incidence of lightning, steep slopes, strong winds, and mix of grasslands, shrublands, and forests, as well as the historical management of fire suppression, are factors which can contribute to the rapid spread of fires. A wildfire is defined as "an unplanned and unwanted fire requiring suppression action; an uncontrolled fire usually spreading through vegetative fuels but often threatening structures."

The most destructive wildfires occur in densely vegetated areas. However, wildfires can occur throughout a very significant portion of Douglas County dependent upon changing and variable factors. These factors include the presence of grasslands, drought, humidity, weather conditions, human activities, etc. Wildfire risk is evaluated for a specific location. The Douglas County wildfire mitigation specialists review all proposed development and construction in wildfire prone areas based upon the presence of these and other identified factors.

GOAL 8-3

REDUCE THE RISKS OF LOSS FROM WILDFIRE HAZARD.

OBJECTIVE 8-3A

DISCOURAGE AND AVOID DEVELOPMENT IN AREAS WITH A HIGH POTENTIAL FOR WILDFIRE, WHERE MITIGATION IS IMPRACTICAL OR EXCESSIVE, OR WHERE OTHER SIGNIFICANT CONSTRAINTS AND HAZARDS ARE PRESENT.

POLICY 8-3A.1

Residential development in severe wildfire areas, where mitigation methods are determined impractical or excessive, is generally inconsistent with this Plan.

POLICY 8-3A.2

Locate facilities with high concentrations of people (churches, schools, employment centers, residential development and recreation facilities, etc.) away from severe wildfire hazard areas where mitigation is impractical or excessive.

OBJECTIVE 8-3B

IDENTIFY AND MITIGATE WILDFIRE HAZARDS IN AREAS DETERMINED APPROPRIATE FOR DEVELOPMENT.

POLICY 8-3B.1

Require two or more access points for emergency vehicles for residential development in wildfire areas when road lengths exceed adopted standards.

POLICY 8-3B.2

Link existing development to new development to provide multiple access points, where practical.

POLICY 8-3B.3

Ensure that wildfire mitigation practices and policies are implemented throughout the development review process.

AIR QUALITY

Douglas County is actively searching for ways to reduce air pollution and improve air quality. Having good air quality is essential for a healthy lifestyle and environment.

The County is part of the Environmental Protection Agency Air Quality Region 8 and participates on the Regional Air Quality Council (RAQC), a regional intergovernmental group committed to maintaining and improving the metro area's air quality through implementing federal and state air quality regulations.

The Denver Regional Council of Governments (DRCOG) performs air quality analyses for the region's transportation plans and is the regional mechanism for implementing air quality standards through development of the federally mandated State Implementation Plan. This plan reduces air pollution by regulating emissions of carbon monoxide, ozone, and total suspended particulates (very fine dust).

Douglas County works with the RAQC and DRCOG to address regional air quality issues and sets forth, in the policies below, a framework to implement regional goals.

GOAL 8-4

IMPROVE AIR QUALITY.

OBJECTIVE 8-4A

COOPERATE WITH GOVERNMENTS AND BUSINESSES TO IMPROVE AIR QUALITY.

POLICY 8-4A.1

Use, at a minimum, standards established by the Colorado Department of Public Health and Environment and the Environmental Protection Agency to improve air quality.

POLICY 8-4A.2

Encourage clean, non-polluting industries to locate in Douglas County.

POLICY 8-4A.3

Encourage development patterns that reduce dependence on the automobile for work, shopping, and other trips, and provide for alternative modes of transportation.

POLICY 8-4A.4

Require businesses and developers to control dust and other pollutants resulting from construction, mining, travel on unpaved roads, and similar activities.

WATER QUALITY

Water is a basic human need and controlling water pollution is necessary to protect public health and welfare. Besides health needs, clean water has other positive benefits, including the support of aquatic life, wildlife habitats, vegetation, and aesthetics.

Pollutants can enter the water system as a point or a non-point source. Point sources of pollution enter the system at specific locations, usually generated by a specific source. Non-point sources are usually the result of storm water run-off. Pollutants are carried into the system after rain or snowstorms.

Because pollutants enter our waterways in many ways, a watershed-wide approach to water quality management and planning has been established for the three major watersheds located in Douglas County: Cherry Creek, Chatfield, and the South Platte. In each, associations have been formed with the County and incorporated towns as management agencies, and with individual water and sanitation districts as operating agencies.

EROSION CONTROL

Douglas County takes an active role in preventing non-point sources of pollution from soil erosion entering streams, lakes, and reservoirs. The Grading, Erosion and Sediment Control (GESC) and the Drainage, Erosion and Sediment Control (DESC) programs administered by the Public Works Engineering



Division provide for the review, permitting, and implementation of erosion and sediment control practices as they related to land disturbance activities. These programs are the mainstay of meeting the Phase II requirements of the National Pollution Discharge Elimination System of the Clean Water Act. These programs protect water resources by preventing excessive nutrients and sediments from entering streams and reservoirs.

GROUNDWATER

Although watershed plans and regulations deal primarily with the quality of surface waters, the goals and standards provide a certain degree of protection for groundwater as well. Because many County residents rely upon individual wells for water supply, the water quality of aquifers must be maintained. Under certain circumstances, groundwater quality can be affected by the inappropriate location of septic systems in the vicinity of wells and the infiltration of water from waste disposal sites. Contamination of groundwater from these and other sources should be prevented.

GOAL 8-5

MAINTAIN HIGH WATER QUALITY AND PROTECT WATER RESOURCES.

OBJECTIVE 8-5A

COORDINATE WITH REGIONAL AGENCIES TO PROTECT WATER QUALITY.

POLICY 8-5A.1

Encourage wastewater systems that recycle and reuse effluent.

POLICY 8-5A.2

Encourage wastewater systems that protect water quality.

OBJECTIVE 8-5B

ENSURE NEW DEVELOPMENT MAINTAINS AND IMPROVES WATER QUALITY IN ACCORDANCE WITH ALL ADOPTED CLEAN WATER REGULATIONS.

POLICY 8-5B.1

Require water quality monitoring and enhancement, where appropriate.

POLICY 8-5B.2

Use effective measures to protect groundwater and surface water from contamination in land use proposals.

POLICY 8-5B.3

Minimize both point and non-point source pollution.

POLICY 8-5B.4

Control drainage, surface erosion, and sedimentation sources through Best Management Practices (BMPs).

POLICY 8-5B.5

Cooperate with special districts in the County to protect alluvial wells.

OBJECTIVE 8-5C

ENSURE THAT WATER TREATMENT AND SEPTIC SYSTEMS WILL NOT HARM EITHER GROUND OR SURFACE WATER QUALITY.

POLICY 8-5C.1

Cooperate with special districts and municipalities in the county to protect alluvial ground waters by limiting intensive animal operations, by properly locating On-site Wastewater Treatment Systems (OWTS), and by properly designing storm water facilities.

POLICY 8-5C.2

Support community and district efforts to monitor and maintain OWTS.

POLICY 8-5C.3

Require safe and reliable options for the disposal of septage.

NOISE

State statutes have established limits of noise volume and duration. Exposure above these limits can result in hearing damage. Seven principal noise sources are:

- Airports or heliports
- Highways
- Off-road vehicle recreation areas
- Railroads
- Industrial areas
- Sports complexes
- Outdoor theaters

Because noise is a threat to public health, safety, and welfare, land use controls are considered a valid means of combating noise problems. Mitigation includes:

- Abatement of noise at the source
- Buffering
- Protecting noise-sensitive uses from uses generating excessive levels of undesirable noise
- Construction techniques
- Operations solutions

These measures are, in part, implemented through Douglas County regulations. Other noise sources including off-road recreational vehicles, industrial processes, or domestic animals, may necessitate other regulatory measures.

GOAL 8-6

MAINTAIN APPROPRIATE NOISE LEVELS.

OBJECTIVE 8-6A

EVALUATE AND MITIGATE NOISE IMPACTS, WHERE APPROPRIATE.

POLICY 8-6A.1

Require studies that evaluate and address noise levels and mitigation techniques for proposed land uses and activities.

POLICY 8-6A.2

Encourage the use of sound-dampening construction materials and design techniques to reduce outside and inside noise levels.

POLICY 8-6A.3

Discourage environmentally incompatible or visually objectionable noise mitigation measures as mitigation solutions.

SOLID WASTE MANAGEMENT

The Colorado Department of Public Health and Environment estimates that an average person produces approximately nine pounds of solid waste per day in Colorado. A large portion of solid waste generation can be attributed to disposable packaging and the consumption of manufactured goods.

The nature of solid wastes has changed in the last decade due to improved recycling processes, which have eliminated an average of 23 percent of the waste stream in Colorado. With more complex chemical compounds now available to the average consumer, domestic refuse has become considerably more toxic and complex to process.

The County contracts with a private firm to operate waste disposal transfer stations for the convenience of citizens in the county.

Recycling facilities are available for all County residents at the Sedalia landfill. Tri-County Health Department operates the Household Hazardous Waste Program.

GOAL 8-7

ESTABLISH SAFE, EFFICIENT SOLID WASTE DISPOSAL SITES COMPATIBLE WITH THE SURROUNDING ENVIRONMENT.

OBJECTIVE 8-7A

DEVELOP ALTERNATIVE MEANS OF WASTE DISPOSAL.

POLICY 8-7A.1

Cooperate with special districts, businesses, communities, and municipalities to promote a comprehensive approach to solid waste management that establishes a hierarchy for waste disposal: reduce, reuse, recycle, and dispose as a last resort.

POLICY 8-7A.2

Cooperate with districts, businesses, communities, and municipalities to develop alternatives that will reduce the amount of waste disposed in landfills, such as resource recovery and recycling.

OBJECTIVE 8-7B

ATTAIN HIGH STANDARDS IN DESIGN AND LOCATION OF WASTE DISPOSAL FACILITIES.

POLICY 8-7B.1

Discourage waste disposal systems from locating near environmentally-sensitive areas and significant wildlife habitat.

POLICY 8-7B.2

Design landfills to provide multiple levels of protection to assure long-term isolation of waste from the environment.

POLICY 8-7B.3

Encourage new, enclosed, trash-transfer sites to locate in areas with sufficient access, adequate screening, centralized water and sewer, and water quality drainage features, and away from sensitive environmental areas.

POLICY 8-7B.4

Require engineered improvements for landfill sites that do not exhibit optimum geological and meteorological conditions.

MINERAL EXTRACTION

Mineral extraction is the withdrawal of a commercial mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible, and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation. For goals, objectives, and policies related to mineral extraction, refer to the Douglas County Mineral Extraction Plan, which is required pursuant to C.R.S. 34-1-301, et seq.

APPENDIX F: Biological Assessment of Louviers Mutual Service Company; Wastewater Treatment Improvements

BIOLOGICAL ASSESSMENT

LOUVIERS MUTUAL SERVICE COMPANY
WASTEWATER TREATMENT IMPROVEMENTS
DOUGLAS COUNTY, COLORADO

Prepared for—

Department of Agriculture Rural Development
102 Inverness Terrace East, Suite 200
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Prepared by—

ERO Resources Corporation
1842 Clarkson Street
Denver, Colorado 80218
(303) 830.1188

November 30, 2005

We hereby certify that this Biological Assessment has been prepared by ERO Resources Corporation, for the U.S. Department of Agricultural Rural Development and that the this report adheres to current U.S. Fish and Wildlife Service guidelines.

Field Team Lead:

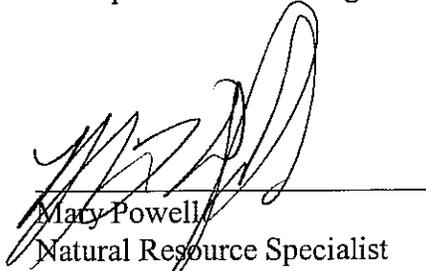


Ronald Beane
Principal/Wildlife Biologist

12-5-05

Date

Approved By:



Mary Powell
Natural Resource Specialist
Principal/Project Manager

12-05-05

Date

Title Page

Lead Agency: U.S. Department of Agricultural Rural Development

Legal Authority: Endangered Species Act of 1973, as amended,
Section 10(a), as implemented by
50 CFR 17.32(b)(1) and 17.22(b)(1)

Applicant: Louviers Mutual Service Company
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BIOLOGICAL ASSESSMENT

LOUVIERS MUTUAL SERVICE COMPANY WASTEWATER TREATMENT IMPROVEMENTS DOUGLAS COUNTY, COLORADO

NOVEMBER 30, 2005

Introduction

Louviers Mutual Service Company (LMSC) is proposing improvements to its wastewater treatment system. Improvements would include piping effluent under Plum Creek to an application area east of Plum Creek. Recent survey data indicate that the lagoon itself is outside of the 100-year floodplain and no additional work will be needed for the lagoon. Because work is proposed in or near Plum Creek and its associated wetlands, a permit from the Corps of Engineers (Corps) will be required. Because the project area is located within an area mapped as habitat for the Preble's meadow jumping mouse (Preble's) listed as threatened under the Endangered Species Act (ESA), part of the permit process includes this informal consultation with the U.S. Fish and Wildlife Service (Service) on potential impacts to the mouse. Section 7(a)(2) of the ESA states that each federal agency shall ensure that that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species or result in the adverse modification of designated critical habitat (50 CFR §402). This informal consultation is carried out according to Section 7 of the ESA.

The project site is within the E½ of Section 33, Township 6 South, Range 68 West, Highlands Ranch, Colorado Quadrangle. The area to be disturbed consists of riparian and wetland habitat within the Plum Creek floodplain. Plum Creek transverses the project site from south to north. The approximate UTM coordinates in the center of the study area are UTM 13 499497E 4370549N (WGS84/NAD83), Douglas County, Colorado (Figure 1).

This Biological Assessment (BA) has been prepared in compliance with Section 7 of the ESA to address possible effects to federally listed species (with emphasis on Preble's). The BA includes a description of the proposed project, a description of the existing conditions in the project area, an analysis of project-related impacts to threatened and endangered species, and a description of proposed avoidance and minimization measures incorporated into the project for the conservation of threatened and endangered species and their habitat.

Project Description

Currently the Louviers Mutual Service Company (LMSC) periodically discharges treated wastewater directly into the Plum Creek floodplain. The Colorado Department of Public Health and Environment (CDPHE) issued new effluent limits that take effect June 2006. LMSC needs to update the existing treatment facility to meet these upcoming effluent limits. LMSC has contracted with TST Infrastructure (TST) to design and construct a land application facility on the east side of Plum Creek that eliminates all wastewater discharges into the Plum Creek floodplain. The proposed project consists of installing a pumping station and approximately 1,800 feet of buried pipeline to transport treated wastewater from the sewage lagoon on the west side of Plum Creek to the land application site located in upland pasture on the east side of Plum Creek. Originally planned to be installed by traditional trenching techniques, the pipeline route was altered slightly to accommodate directional drilling in order to avoid and minimize impacts to wetlands and Preble's habitat. Disturbance within Preble's habitat will consist of excavation of between six and eight temporary pits that will be needed for the directional boring (Figure 2). Each temporary pit will be approximately 10 feet x 10 feet and the final number of pits will depend on soil conditions. All access roads to the lagoon, pumping station and pipeline will follow existing 2-track roads (Figure 2).

Federal Action

The project is being funded through a federal loan administered by U.S. Department of Agricultural Rural Development. Work associated with the project also will require

authorization by the U.S. Army Corps of Engineers (Corps) due to its jurisdiction over Plum Creek under Section 404 of the Clean Water Act. The work likely will be authorized under Nationwide Permit (NWP) 12, which authorizes activities associated with utility crossings.

Approval of the federal loan is considered a federal action, which requires compliance with Section 7 of the Endangered Species Act (ESA) as amended (16 U.S.C. 1531 et seq.). Due to the presence of the threatened Preble's, preparation of a biological assessment is required. The Department of Agriculture Rural Development is the lead agency responsible for Section 7 Consultation with the Service under the ESA.

Consultation Standard

Section 7(a)(2) of the ESA requires that all federal agencies, "in consultation and with assistance" of the Service, "insure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat for such species, which is determined...to be critical."

Consultation History

On August 16, 2005, representatives of LMSC, TST Infrastructure, and ERO Resources met on the project site with the Corps and the Service to initiate informal consultation.

Existing Conditions

Plum Creek is a meandering perennial stream within the South Platte River tributary system.

Vegetation

The majority of the project occurs within the 100-year floodplain of Plum Creek. The ecological characteristics of the floodplain have been clearly influenced by past environmental events, particularly the 1965 flood, and retain most of the natural ecological processes that support and maintain healthy riparian systems. The floodplain

is characterized as a wide floodplain containing a heterogeneous mosaic of side channels, oxbows, uplands, and patches of riparian vegetation communities of various age classes reflecting past flood events. Flows within the Plum Creek drainage are largely uncontrolled and channel movement within this section of the drainage is unabated. Commonly occurring vegetation species include plains cottonwood (*Populus deltoides*), narrowleaf cottonwood (*P. angustifolia*), blue grama (*Bouteloua gracilis*), redtop (*Agrostis alba*), smooth brome (*Bromus inermis*), western wheatgrass (*Pascopyrum smithii*), and scattered patches of cheatgrass (*Bromus tectorum*). Plum Creek wetlands are dominated by sedges (*Carex* sp.) and reed canarygrass (*Phalaris arundinacea*), and include patches of shrubby riparian wetlands with sandbar willows (*Salix exigua*). Other riparian shrubs include chokecherry (*Prunus virginiana*), wild plum (*Prunus americana*), snowberry (*Symphoricarpos occidentalis*), and leadplant (*Amorpha fruticosa*).

Wildlife

The project site is relatively undisturbed and provides habitat for breeding riparian bird and mammal species such as coyote (*Canis latrans*), red fox (*Vulpes vulpes*), western meadowlarks (*Sturnella neglecta*), spotted towhee, (*Pipilo maculatus*) house wrens (*Troglodytes aedon*) and American goldfinch (*Carduelis tristis*). Meadow and prairie voles (*Microtus* spp.), Mexican wood rats (*Neotoma mexicana*), and deer mice (*Peromyscus maniculatus*), are likely to be the common rodents present in the area (Fitzgerald et al. 1994). The Colorado NDIS database has mapped the area as overall range for elk (*Cervus elaphus*), mule deer (*Odocoileus heminous*), and white-tailed deer (*Odocoileus virginianus*) (NDIS 2005). All three species have been observed on the project site.

Federally Listed Species Considered and Evaluated

A list of federally listed species potentially occurring within Douglas County was obtained from the Service (2004). The following provide brief descriptions of the species potentially found on the project site.

Platte River Species

Species Background, Habitat Requirements and Distribution

The interior least tern, piping plover, whooping crane, and pallid sturgeon are species that rely heavily on habitat provided by the Platte River system. Projects that result in depletions to the Platte River system, including tributaries to the South Platte, could potentially result in secondary impacts to these species or their habitat. The interior least tern, piping plover and whooping crane are bird species that may migrate through Colorado or that may occasionally nest on wide, sandy shores of reservoirs.

Effects of the Proposed Actions

The interior least tern, piping plover, whooping crane, and pallid sturgeon are highly unlikely to occur in this portion of Douglas County. The proposed project will not result in changes of flow velocities or evaporation rates, which could result in depletions to the Platte River system, and therefore will not affect the interior least tern, piping plover, whooping crane or pallid sturgeon.

Bald Eagle

Species Background, Habitat Requirements and Distribution

The bald eagle (*Haliaeetus leucocephalus*) is a large North American bird with a historical distribution throughout most of the U.S. The bald eagle was listed as an endangered species in 1978. Population declines are attributed to habitat loss, the use of organochlorine pesticides, and mortality from shooting. Since its listing, the population trend for the bald eagle has been increasing. The bald eagle was down listed from endangered to threatened in 1995 and the Service is proposing to delist the bald eagle due to population recovery. If the bald eagle is removed from the list of threatened and endangered species, it will continue to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Bald eagles are primarily winter residents in Colorado, although nesting along the Colorado Front Range has increased in recent years. Most nesting in Colorado occurs near lakes or reservoirs or along rivers. Typical bald eagle nesting habitat consists of

forests or wooded areas that contain many tall, aged, dying, and dead trees (Martell 1992).

Effects of the Proposed Actions

Some of the larger cottonwood trees in and near the project site provide potential perches for resting or foraging bald eagles. The nearest known bald eagle nest site and winter roost sites occur on the southern end of Chatfield State Park approximately 4 miles to the west. No communal winter roost sites or important foraging areas for the bald eagle occur on the project site and no designated critical or essential bald eagle habitat would be impacted by the proposed project.

Because no bald eagle designated critical habitat, nests, or roosts occur on the project site, the project is unlikely to adversely affect the bald eagle.

Black-footed Ferret

Species Background, Habitat Requirements and Distribution

The black-footed ferret is listed as an endangered species under the ESA (Service 2004). Black-footed ferrets are associated with prairie dog colonies where they depend on this species for food and shelter. Over the past century, prairie dog distribution has been substantially reduced due to habitat loss, plague and poisoning practices. Due to the loss of prairie dog habitat, the black-footed ferret has nearly been completely extirpated. Current Service criteria for defining potential black-footed ferret habitat consist of any black-tailed prairie dog town or complex of greater than 80 acres (Service 1989).

Effects of the Proposed Actions

Because of the absence of prairie dogs on or near the project site, the site does not meet the minimum criteria of black-footed ferret habitat established by the Service. No black-footed ferrets are likely to occur on the project site and the project will have no effect on the black-footed ferret.

Colorado Butterfly Plant

Species Background, Habitat Requirements and Distribution

The Colorado butterfly plant (*Gaura neomexicana ssp. coloradensis*) is listed as a threatened species under the ESA (Service 2005). This species occurs on sub-irrigated, alluvial soils on level or slightly sloping floodplains and drainage bottoms at elevations of 5,000 to 6,000 feet. Colonies are often found in low depressions or along bends in wide, active, meandering stream channels a short distance upslope of the actual channel. It commonly occurs in communities dominated by redbud (*Agrostis alba*), Kentucky bluegrass (*Poa pratensis*) on wetter sites, and wild licorice (*Glycyrrhiza lepidota*), Flodman's thistle (*Cirsium flodmanii*), curlycup gumweed (*Grindelia squarrosa*), and smooth scouring rush (*Equisetum laevigatum*) on drier sites. Typical Colorado butterfly plant habitat is relatively open without dense or overgrown vegetation.

Effects of the Proposed Action

The proposed pipeline route and all access road were surveyed in Late August 2005 for the presence of Colorado butterfly plant and no populations or suitable habitat was identified. Additionally, the vegetation along the river is very dense and overgrown, providing shade and competition that typically precludes the presence of the Colorado butterfly plant; therefore, the proposed project will have no effect on the Colorado butterfly plant.

Ute Ladies'-Tresses Orchid

Species Background, Habitat Requirements and Distribution

The Ute ladies'-tresses orchid is listed as threatened under the ESA (Service 2005). Potentially suitable habitat for the Ute ladies'-tresses orchid (*Spiranthes diluvialis*) occurs at elevations below 6,500 feet in moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes. Occurrences of the Ute ladies'-tresses orchid (ULTO) have been documented in Colorado, Wyoming, Idaho, Nevada, and Utah. Once thought to be fairly common in low elevation riparian areas in Colorado, Utah, and Nevada, currently only sixteen populations are reported to occur in Colorado with most populations occurring along the Front Range. Generally, the vegetative cover is relatively

open; dense, overgrown sites are not conducive to ULTO establishment. Where ULTO is found, soils are typically alluvial deposits of sandy, gravelly material that are saturated to within 18 inches of the surface for at least part of the growing season. Vegetation at sites where the orchid is found typically includes species that are considered Facultative Wetland or Obligate Wetland species.

Effects of the Proposed Action

The proposed pipeline route and all access road were surveyed in late August 2005 for the presence of Colorado butterfly plant and ULTO and no populations or suitable habitat was identified. Additionally, the vegetation along the river is very dense and overgrown, providing shade and competition that typically precludes the presence of ULTO; therefore, the proposed project will have no effect on ULTO.

Preble's Meadow Jumping Mouse

Species Background, Habitat Requirements and Distribution

Preble's meadow jumping mouse (*Zapus hudsonius preblei*) is a small rodent in the family Zapodidae that is found below 7,800 feet in elevation, generally in lowlands with medium to high moisture along permanent or intermittent streams (Fitzgerald et al 1994). Preble's was listed as a threatened species on May 13, 1998, and came under the full protection of the Endangered Species Act on June 12, 1998. Current Service guidelines (Service 2004) consider upland areas (including irrigated hayfields) within 300 feet of the 100-year floodplain of drainages to be potential Preble's habitat.

Potential Habitat

Preble's mice have been captured within and near the Plum Creek drainage and the entire creek, including both the East and Plum Creek tributaries upstream of the project site, is considered by the Service to be occupied habitat.

Effects of the Proposed Action

All activities associated with the proposed project will be temporary and will be entirely conducted during the Preble's hibernation season to minimize potential take of the species. Avoidance activities include:

BIOLOGICAL ASSESSMENT
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- Revising construction activities from open trench construction to directional drilling under the 100-year floodplain.
- Incorporating existing roads into the access plan
- Realigning the pipeline route to minimize the number of drilling pits and temporary impacts.
- Conducting all construction activities during the Preble's hibernation season (November – April).
- Immediate restoration of all disturbed riparian areas by reseeded with a native riparian seed mix (Table 1).
- Immediate restoration of all disturbed upland areas by reseeded with a native upland seed mix (Table 2).

BIOLOGICAL ASSESSMENT
 LOUVIERS MUTUAL SERVICE COMPANY WASTEWATER TREATMENT IMPROVEMENTS
 DOUGLAS COUNTY, COLORADO

Table 1. Riparian Seed Mix.

Common Name and Variety	Scientific Name	PLS/Acre *
Western wheatgrass, Arriba	<i>Pascopyrum smithii</i>	6.0
Blue grama, Lovington	<i>Bouteloua gracilis</i>	0.6
Slender wheatgrass	<i>Elymus trachycaulus</i>	3.0
Redtop	<i>Agrostis stolonifera</i>	0.1
Prairie junegrass	<i>Koeleria cristata</i>	0.1
Switchgrass, Trailblazer	<i>Panicum virgatum</i>	1.0
Canada wildrye	<i>Elymus canadensis</i>	1.5
Total		12.3

*Rate for drilling, double if broadcast

Table 2. Upland Seed Mix.

Common Name and Variety	Scientific Name	PLS/Acre *
Western wheatgrass, Arriba	<i>Pascopyrum smithii</i>	7.0
Blue grama, Lovington	<i>Bouteloua gracilis</i>	1.0
Sideoats grama	<i>Bouteloua curtipendula</i>	2.0
Slender wheatgrass	<i>Elymus trachycaulus</i>	3.0
Little bluestem	<i>Schizachyrium scoparium</i>	5.0
Sand dropseed	<i>Sporobolus cryptandrus</i>	0.5
Switchgrass, Trailblazer	<i>Panicum virgatum</i>	1.0
Canada wildrye	<i>Elymus canadensis</i>	1.5
Total		21.0

Rate for drilling, double if broadcast

Potential direct effects to Preble's from the project include hibernacula being crushed by machinery or disruption of normal hibernation behaviors and the temporary loss of up to eight small patches (8 feet x 8 feet) of vegetative cover. These direct effects are expected to be insignificant, given the relatively small amount of Preble's habitat that will be disturbed. Indirect effects to Preble's include the beneficial effect of eliminating the discharge of treated wastewater effluent directly into Preble's habitat and potentially indirectly into Plum Creek. The benefit to Preble's of this action is unquantifiable, but is likely to improve habitat and water quality within the effluent plume. Adverse indirect impacts to Preble's and or its habitat are expected to be minor because all construction will occur during the hibernation season and it is expected that areas of temporary

disturbance will quickly recover. Additional conservation measures to minimize temporary impacts to habitat are described below.

Cumulative Impacts

Cumulative effects are the potential effects of the Proposed Action in combination with past actions and future actions. Cumulative effects are defined “as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts include the effects of future state, tribal, local or private actions that are reasonably certain to occur in the action area. Cumulative impacts can result from individually minor, but collectively significant actions taking place over time” (40 CFR 1508.7).

The analysis of cumulative effects requires identification of past actions that have influenced the environment, the direct and indirect effects of the Proposed Action, and reasonably foreseeable future actions that if implemented also would contribute to cumulative effects. The cumulative effects analysis includes those environmental resources of particular concern in the study area that may be affected by the Proposed Action. A time frame and geographic area are also established for the cumulative effects analysis. Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to Section 7 of the ESA.

Activities that destroy or fragment the habitat of threatened, endangered, and candidate species may adversely affect the species. Such activities include the following: livestock grazing, residential development, recreation, and habitat degradation by non-native plant species.

There may be adverse cumulative impacts to threatened, endangered, or candidate species as a result of future development activities in Douglas County. Recreation and development are likely the most serious threats to any threatened, endangered, or

candidate species in Douglas County. The discussion of cumulative impacts focuses on Preble's, but most of the discussion applies to the other species as well.

Recreation

Douglas County adopted *the 1998 Parks, Trails, and Open Space Master Plan* (Open Space Master Plan) to provide a strategic framework for the development, and management of parks, trails, and conservation of open space. As an element of the Douglas County Master Plan, the Open Space Master Plan serves as a guide and policy document for county staff, officials and the public regarding park and trail opportunities and open space conservation.

On-going recreational facility development, as outlined in the Open Space Master identifies the potential for continued development of the East Plum Creek Recreation Trail. This trail currently runs from the Town of Castle Rock to The Meadows development. Long-term trail plans include extending the trail to the north toward Chatfield Reservoir State Park.

Effects of recreational activities on Preble's may be influenced by several factors such as the type and quality of habitat in which the activity occurs, time of the year for the activity, type of activity, and the pattern, frequency and intensity of activity.

Development

There are several measures or ordinances in place or under consideration to regulate and plan for growth in Douglas County. These measures are described below.

Zoning Ordinances

The *Douglas County Zoning Resolution* (Resolution) outlines zoning districts in unincorporated Douglas County, the type of development that is allowed in each zoning district, and the review process required prior to development.

Douglas County Comprehensive Master Plan

The *2020 Douglas County Comprehensive Master Plan* (Douglas County Plan 2001) serves as a policy guide for decisions that affect the physical and socioeconomic

development the county. Douglas County Plan policies lay the foundation for development regulations and guidelines outlined in the Resolution.

The Douglas County Plan Land Use Map outlines existing land uses throughout the county. The Chatfield Subarea Map depicts most undeveloped land between Sedalia and Chatfield State Park as agricultural or zoned, but not yet subdivided. Several large parcels of land have been discussed for residential development in upland areas south of Chatfield State Park. The Douglas County Plan acknowledges that new growth increases the demand for essential community resources such as adequate wastewater treatment facilities.

Livestock Grazing

Livestock potentially compete for forage with Preble's and reduce the amount of cover available to the mouse. Grazing historically occurred in the project area, although grazing was removed prior to acquisition of the property by Douglas County. Limited grazing still occurs on private parcels upstream of the project area.

Habitat Degradation by Non-native Plants

Douglas County has locally severe infestations of non-native and noxious species, including diffuse knapweed (*Acosta diffusa*). Non-native and noxious species do not pose a significant threat to Preble's habitat but they may reduce the amount of desirable forage.

Designated Open Space

Habitat preserved in designated open space, including County Open Space, State Wildlife Areas and State Parks benefit the long-term survival sustainability of threatened and endangered species. The entire project site is contained within designated Douglas County Open Space and properties immediately upstream and downstream of the project are also designated as open space or Colorado State Wildlife Area. Additionally, Douglas County is currently working with the Service to develop a Regional HCP for the conservation and benefit of listed species, particularly Preble's.

Conservation Measures

The following objectives were established for avoiding and minimizing the effects of the proposed project on Preble's and its habitat:

- Best Management Practices (BMPs) will be developed and implemented to reduce impacts to Preble's habitat in the project area. BMPs will include erecting a limits-of-work fence to restrict the area of disturbance wherever possible and specifically limit disturbance within riparian areas near Plum Creek.
- Silt fencing and other structural and non-structural stormwater management measures will be implemented and maintained to limit and control erosion and sediment transport during construction.
- A qualified ecologist will be onsite during the early phase of construction and periodically thereafter to ensure that minimization and avoidance is carried out as intended.

Conclusions

Because all impacts to Preble's habitat will occur during the hibernation season, will be temporary in nature and relatively minor in aerial extent, adverse impacts on the Preble's, its habitat, or other threatened and endangered species, are expected to be minor. It is ERO's professional opinion that these impacts, combined with implementing the additional conservation measures to further minimize impacts, will be insignificant and discountable over both the short-term and long-term. Overall, the elimination of discharging treated effluent into Preble's habitat likely will provide a net benefit to Preble's and other wildlife by improving water quality and riparian habitat.

Preparers and Agencies Contacted

Prepared by:

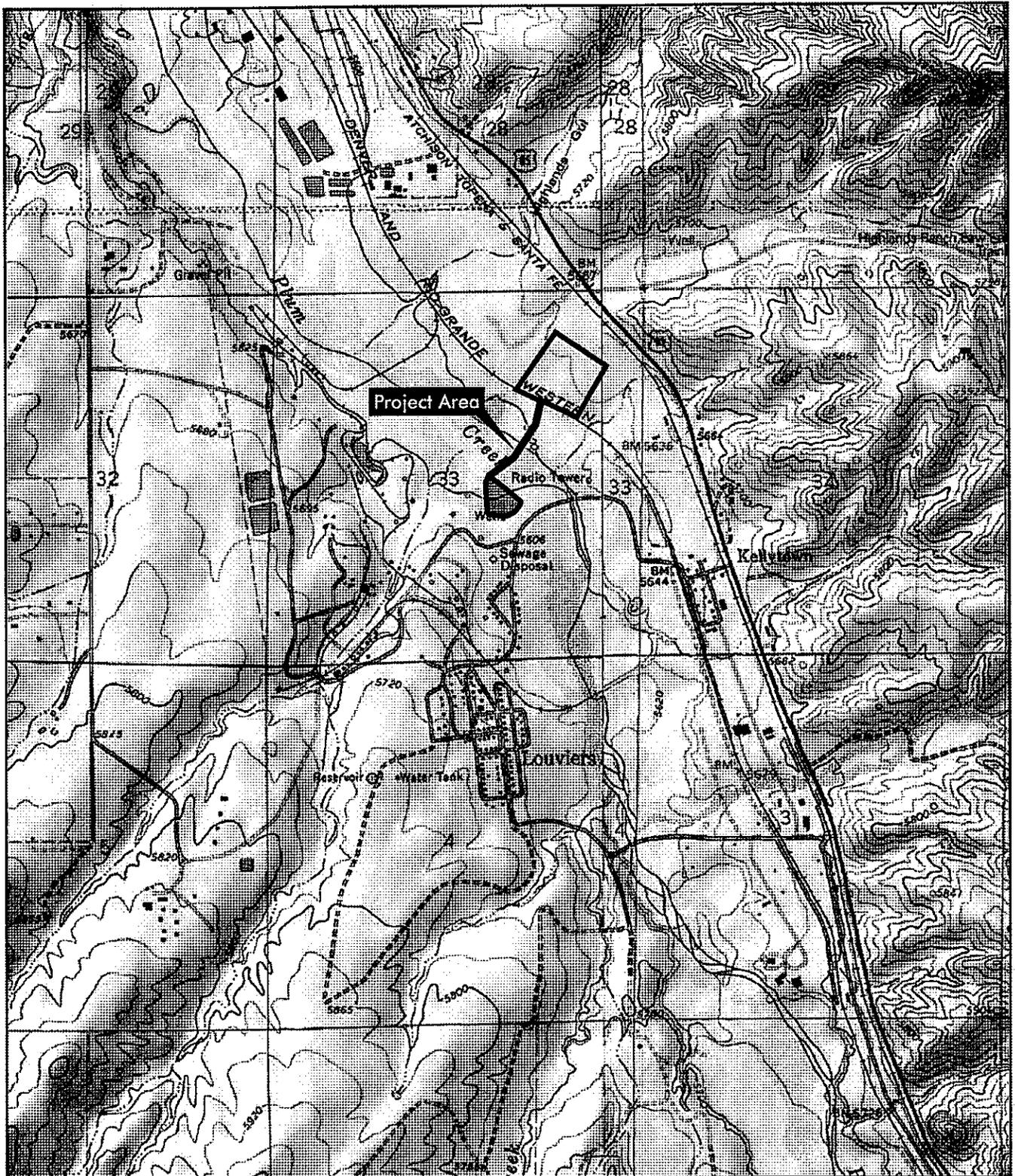
Ronald Beane, ERO Resources Corporation

Agencies Contacted

U.S. Department of Agriculture Rural Development
U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers

References

- Douglas County. 2001. Douglas County 2020 Comprehensive Master Plan. Prepared by Community Development Division. 100 Third Street, Suite 220, Castle Rock, CO 80104.
- Douglas County 1998. Parks, Trails, and Open Space Master Plan. Prepared by Community Development Division. 100 Third Street, Suite 220, Castle Rock, CO 80104.
- Fitzgerald, J.P., C.A. Meaney, and D.M. Armstrong. 1994. Mammals of Colorado. Denver Museum of Natural History and University Press of Colorado. 467 pp.
- Martell, M. 1992. Bald eagle Winter management guidelines. USFWS, Reg. 3, Minneapolis, MN.
- Natural Diversity Information Source (NDIS). 2005. <http://ndis.nrel.colostate.edu/>
- U.S. Fish and Wildlife Service. 1989. Black-footed Ferret Survey Guidelines for Compliance with Endangered Species Act. Denver, CO and Albuquerque, NM.
- U. S. Fish and Wildlife Service (Service) 2004. Survey Guidelines for Preble's Meadow Jumping Mouse. Service, Colorado Field Office. Revised April.
- U.S. Fish and Wildlife Service (Service). 2004. Federally Listed and Proposed Endangered, Threatened, Experimental, and Candidate Species and Habitat in Colorado by County, updated August 16, 2004.
<http://www.r6.fws.gov/endspp/CountyLists/Colorado082004.htm>



ERO

ERO Resources Corp.
1842 Clarkson Street
Denver, CO 80218
(303) 830-1188
Fax: (303) 830-1199

Louviers Wastewater Treatment Improvements

Section 33, T6S, R68W
UTM Coordinates: Zone 13; 499488mE, 4370577mN
USGS Kossler, CO Quadrangle
Douglas County, Colorado

0 2000 4000 feet

1 Inch = 2,000 Feet



**Figure 1
Site Location**

Prepared for: U.S. Department of Agriculture
File: 2340 Figure 1.pdf
November 2005



ERO Resources Corp.
 1842 Clarkson Street
 Denver, CO 80218
 (303) 830-1188
 Fax: (303) 830-1199

- Pipeline
- - - Construction Easement
-  Wetland
- Bore Pit

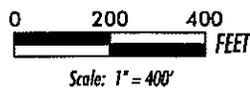


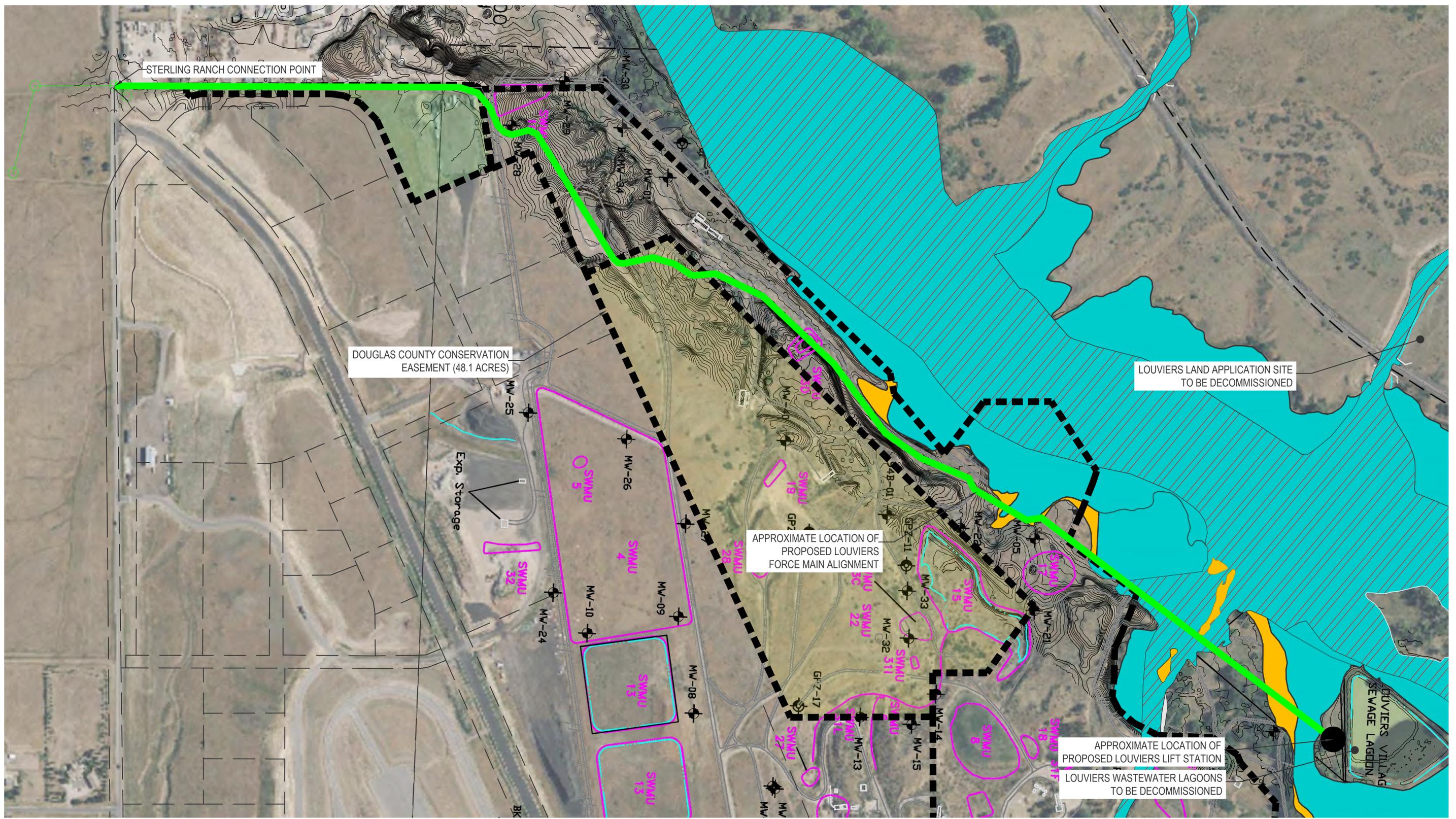
Figure 2
Louviers Wastewater
Treatment Improvements
Wetlands and Bore Pit Locations

File: 2340 - Figure_2.dwg (GS)
 November 2005

APPENDIX G: Location & Extent Exhibits; Louviers Lift Station & Force Main

THIS AND ANY OTHER ELECTRONIC MEDIA COUNTERPART IS AN INSTRUMENT OF SERVICE PREPARED BY MERRICK AND COMPANY FOR A DEFINED PROJECT. IT IS NOT INTENDED OR REPRESENTED TO BE A SUBSTITUTE FOR A PHYSICAL INSTRUMENT OF SERVICE. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.

7251 Main St - Location and Extent
 Project File # LE2024-007
 Planning Commission Staff Report - Page 121 of 149



STERLING RANCH CONNECTION POINT

DOUGLAS COUNTY CONSERVATION EASEMENT (48.1 ACRES)

LOUVIERS LAND APPLICATION SITE TO BE DECOMMISSIONED

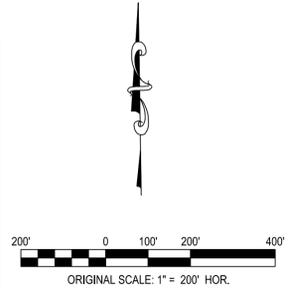
APPROXIMATE LOCATION OF PROPOSED LOUVIERS FORCE MAIN ALIGNMENT

APPROXIMATE LOCATION OF PROPOSED LOUVIERS LIFT STATION
 LOUVIERS WASTEWATER LAGOONS TO BE DECOMMISSIONED

LOUVIERS VILLAGE SEWAGE LAGOON

LEGEND

- PREBLE'S MEADOW JUMPING MOUSE CRITICAL HABITAT
- FEMA SPECIAL FLOOD HAZARD AREAS (ZONE A, V, A99) WITHOUT BASE FLOOD ELEVATION (BFE)
- FEMA FLOOD HAZARD AREAS (ZONE X) 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE
- FEMA SPECIAL FLOOD HAZARD AREAS (ZONE AE, AO, AH, VE, AR) REGULATORY FLOODWAY



LEGEND

- GPZ** Piezometer Location
- MW/BKMW** Groundwater Monitoring Well and Background Monitoring Well
- MW-12A** Groundwater Monitoring Well for Perched Water Zones

NOTES

- MAPS ARE BASED ON INFORMATION FROM THE 2004 SITE-WIDE GRID SOIL SAMPLING REPORT PROVIDED BY DOMINION WATER & SANITATION DISTRICT AND HAS NOT BEEN VERIFIED.
- FEMA FLOODPLAIN MAPPING DOWNLOADED FROM FEMA FLOOD MAP SERVICE CENTER.
- PREBLE'S MEADOW JUMPING MOUSE (PMJM) CRITICAL HABITAT DOWNLOADED FROM US FISH & WILDLIFE SERVICE.

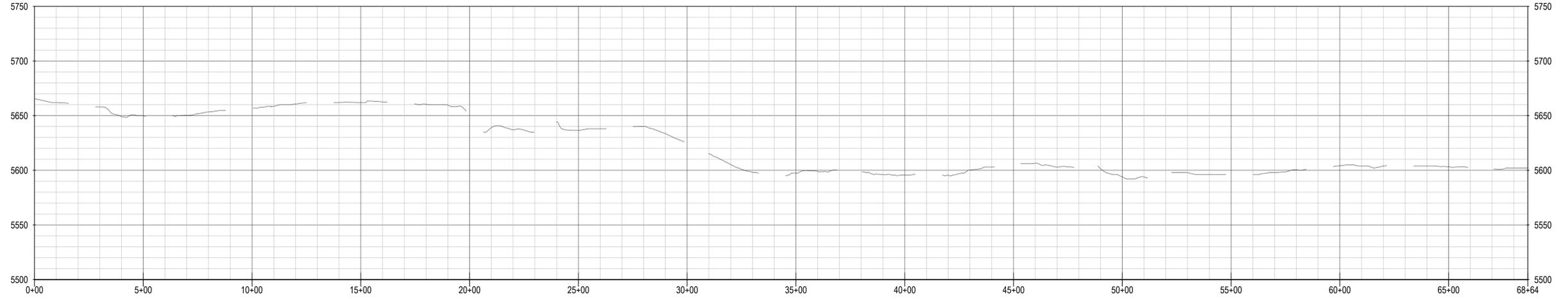
LOUVIERS LIFT STATION AND FORCE MAIN DOUGLAS COUNTY LOCATION & EXTENT EXHIBIT CONCEPTUAL LAYOUT - NOT FOR CONSTRUCTION

DATE: MARCH 2024

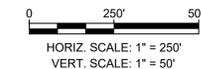
FIGURE NO. 2

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File Location: Q:\Denver_North\Projects\Castle Rock_Town of 100385\01 Louviers US FM\CAD\Exhibits\2024\206_Louviers US FM - Conceptual Alignment\CRW_Louviers US FM - Conceptual Alignment_L1.dwg Plot Date: 3/21/2024 1:20 PM Last Saved By: CATHARINE BARTONE



LOUVIERS FORCE MAIN ALIGNMENT PROFILE



LOUVIERS LIFT STATION AND FORCE MAIN
DOUGLAS COUNTY LOCATION & EXTENT EXHIBIT
CONCEPTUAL LAYOUT - NOT FOR CONSTRUCTION

DATE: MARCH 2024

FIGURE NO. 3

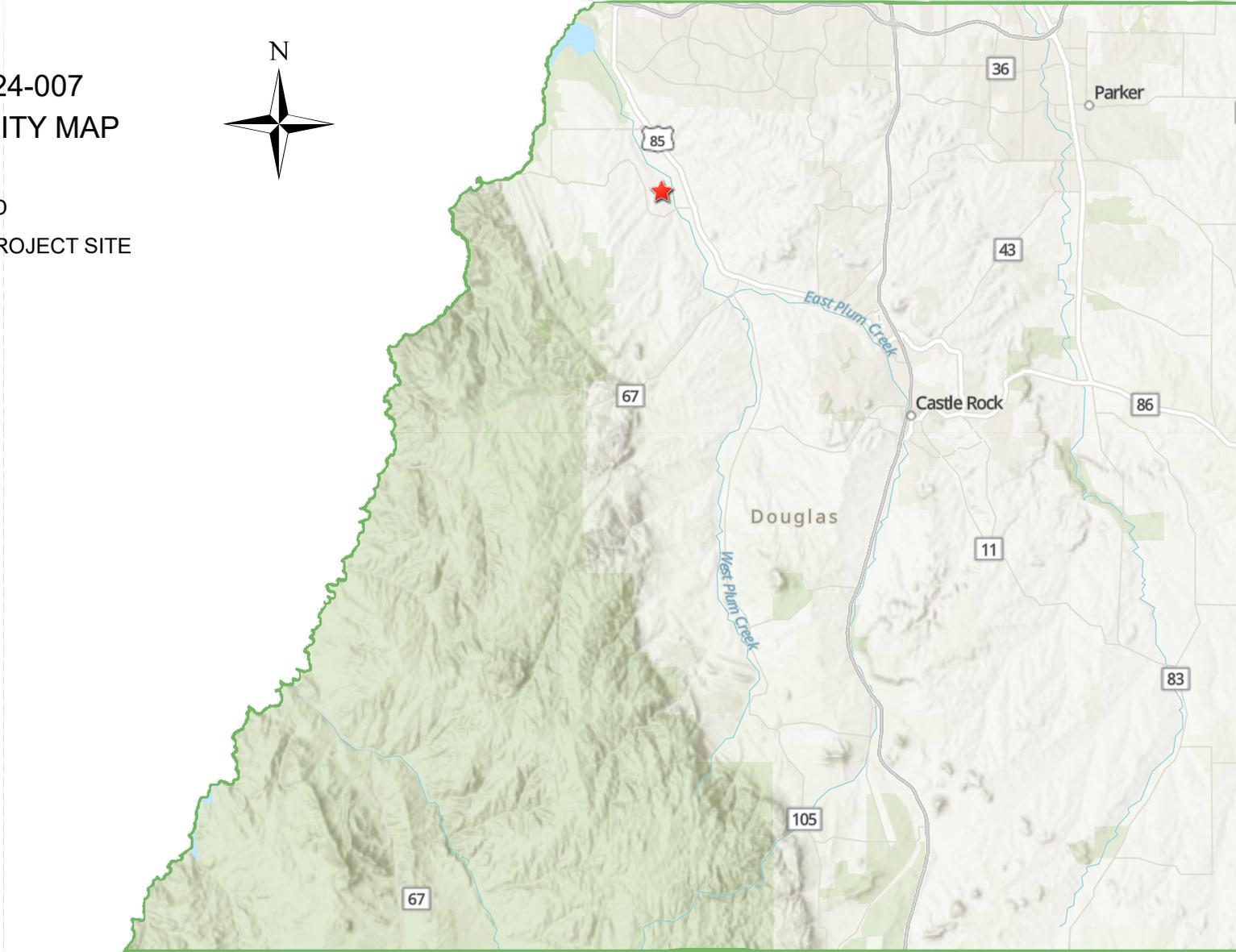
7251 Main Street

LE2024-007
VICINITY MAP



LEGEND

 PROJECT SITE



County of Douglas, CO, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, Esri, NASA, NGA, USGS

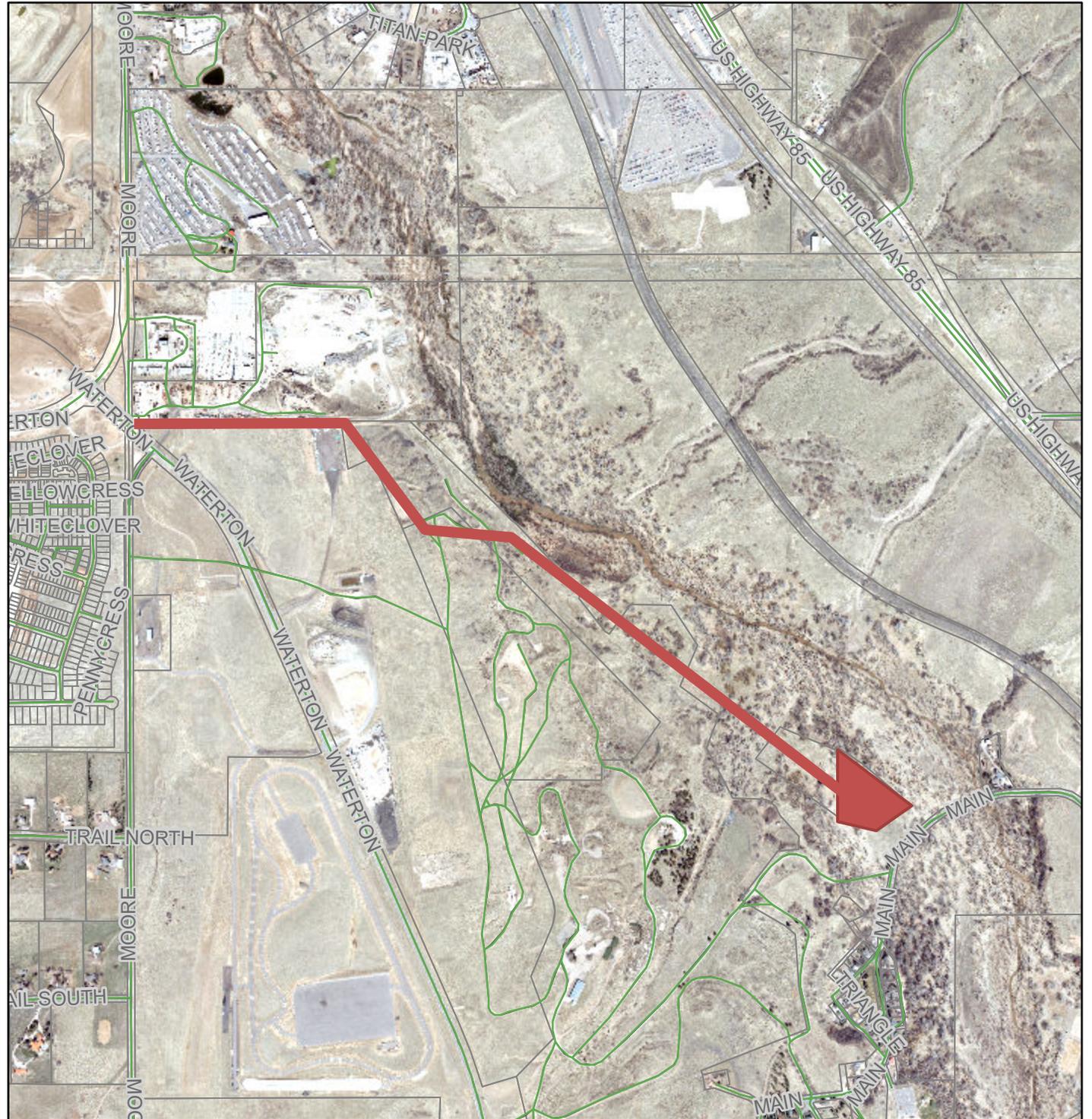
7251 Main Street

LE2024-007
Aerial Map



LEGEND

 PROJECT SITE



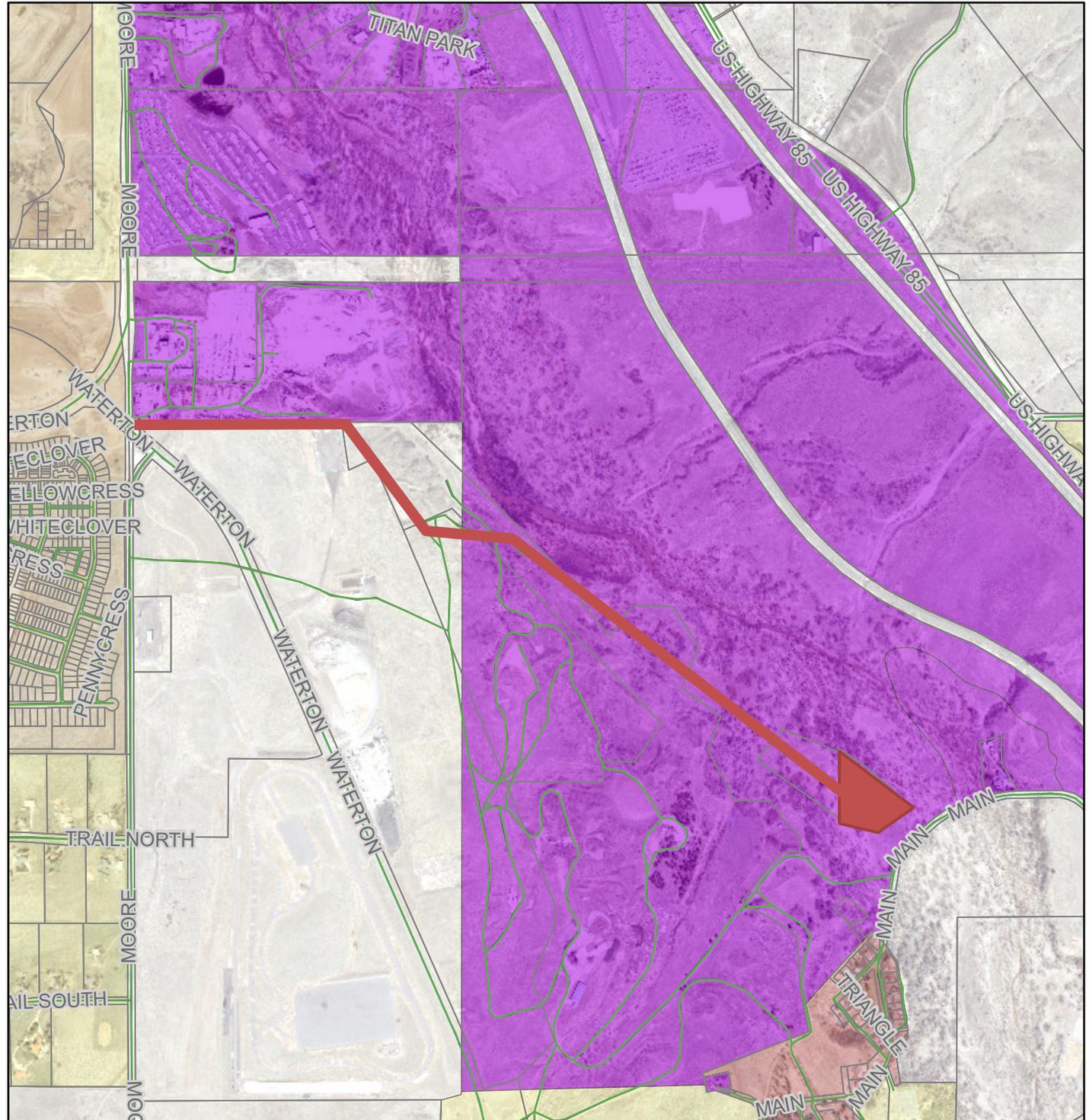
7251 Main Street

LE2024-007 Zoning Map



LEGEND

- PROJECT SITE
- A1 - AGRICULTURAL ONE
- RR - RURAL RESIDENTIAL
- SR - SUBURBAN RESIDENTIAL
- GI - GENERAL INDUSTRIAL
- PD - PLANNED DEVELOPMENT



Date Saved: 3/29/2024 2:33 PM

Source: <https://apps.douglas.co.us/gisportal/apps/webappviewer/index.html?id=9cd173c692b7436891bd0bd025cbcc2c>

Referral Agency Response Report**Project Name:** 7251 Main Street**Project File #:** LE2024-007**Date Sent:** 03/25/2024**Date Due:** 04/08/2024

Agency	Date Received	Agency Response	Response Resolution
AT&T Long Distance - ROW	03/26/2024	This is in response to your eReferral with a utility map showing any buried AT&T Long Line Fiber Optics near 7251 Main St Littleton, Colorado. The Earth map shows the project area in red and the buried AT&T Long Line Fiber Optics in yellow. Based on the address and/or map you provided, there should be NO conflicts with the AT&T Long Line facilities.	
Addressing Analyst	03/24/2024	<p>The proposed address for this facility is 7251 MAIN STREET. This address is not to be used for any purpose other than for plan review until after this project is approved. Proposed addresses are subject to changes as necessary for 911 dispatch and life safety purposes.</p> <p>Addresses are recorded by Douglas County following all necessary approvals. Contact DCAddressing@douglas.co.us or 303.660.7411 with questions.</p>	
Assessor	03/27/2024	No Comment	
Black Hills Energy		Awaiting referral response	
Building Services	03/28/2024	Permit is required for structures. Please visit Douglas County's web site for requirements and contact 303-660-7497 if you have any questions.	
Chatfield Community Association		Awaiting referral response	

Referral Agency Response Report

Project Name: 7251 Main Street

Project File #: LE2024-007

Date Sent: 03/25/2024

Date Due: 04/08/2024

Colorado Division of Water Resources	03/25/2024	DWR has reviewed the referral for the Castle Rock Water and Dominion Water and Sanitation District request approval of a Location and Extent (L&E) for the construction of a force main and lift station in Louviers to allow for central sanitation services and improvements to water quality in the area. This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office only performed a cursory review of the referral information. No information was provided regarding proposed water uses or estimated water demands were provided in the referral, therefore this office has no comments on the water supply for this referral.	
Comcast		Awaiting referral response	
Engineering Services	04/02/2024	See attached letter	
CORE Electric Cooperative		Awaiting referral response	
Mile High Flood District		Awaiting referral response	
Douglas County Health Department	03/27/2024	No Comment	
Office of Emergency Management	03/25/2024	OEM has no concerns with this project.	
CenturyLink		Awaiting referral response	
Rural Water Authority of Douglas County		Awaiting referral response	
Sheriff's Office		Awaiting referral response	
Sheriff's Office E911		Awaiting referral response	

Referral Agency Response Report

Project Name: 7251 Main Street

Project File #: LE2024-007

Date Sent: 03/25/2024

Date Due: 04/08/2024

South Metro Fire Rescue	03/27/2024	South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed Location and Extent. Applicants and Contractors are encouraged to contact SMFR regarding the applicable permit requirements for the proposed project.	
Xcel Energy-Right of Way & Permits	04/02/2024	Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for 7251 Main Street and requests a detailed clarification/drawing on the west end of the force main pipeline close to Moore Road since PSCo has an intermediate pressure natural gas main along east side of the road. As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.	
Louviers Water and Sanitation District		Awaiting referral response	
Dominion Water and Sanitation District		Awaiting referral response	
Town of Castle Rock Water		Awaiting referral response	
Plum Valley Heights HOA		Awaiting referral response	
Cherokee Ridge Estates HOA		Awaiting referral response	
Louviers Conservation Partnership		Awaiting referral response	
Sterling Ranch Community Authority Board		Awaiting referral response	
CDPHE - All Referrals	04/01/2024	See attached letter	
Chatfield Watershed Authority		Awaiting referral response	
Western Douglas County Citizens Alliance		Awaiting referral response	

REFERRAL RESPONSE REQUEST – LOCATION AND EXTENT

Date sent: March 25, 2024

Comments due by: **April 8, 2024**

Project Name:	7251 Main Street – Location and Extent
Project File #:	LE2024-007
Project Summary:	Castle Rock Water and Dominion Water and Sanitation District request approval of a Location and Extent (L&E) for the construction of a force main and lift station in Louviers to allow for central sanitation services and improvements to water quality in the area.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input type="checkbox"/> No Comment	
<input type="checkbox"/> Please be advised of the following concerns:	
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>	
<input checked="" type="checkbox"/> See letter attached for detail.	
Agency: Douglas County Public Works	Phone #: 303-660-7490
Your Name: Ken Murphy, P.E. <i>(please print)</i>	Your Signature: 
	Date: 02 APR 2024

A public hearing on this request will be held before the Douglas County Planning Commission on **Monday, April 15, 2024, at 6:00 pm.** **This public hearing will be held on-line and in person. See the County website or contact the Planning Department for more information.**

Sincerely,

Trevor Bedford, AICP, Senior Planner

April 2, 2024

DV2024-134

Mark Marlowe
Castle Rock Water
175 Kellogg Court - Building 171
Castle Rock, CO 80109

RE: Castle Rock Water – Louviers Lift Station and Force Main
Rev1 PWE Comments

Mr. Marlowe,

Douglas County Public Works Engineering has reviewed your submittal. Our comments are below.

TECHNICAL DOCUMENTATION

Project Narrative and Planning Exhibit

- We have no comments on the planning exhibit.

Traffic Impact Analysis

- Within the narrative, please provide traffic estimates for:
 - average daily traffic following construction
 - peak-hour traffic following construction
- Our traffic plan reviewer will determine whether a TIA is required or can be waived.

Drainage Study and Floodplain Development Permit

- Provide a Phase III Drainage Report
 - The subject properties are in FEMA Zone A (approximate floodplain mapped without base flood elevations)
 - Include a study to determine base flood elevations and the extents of the 100-year floodplain
 - See Section 5.3 of the Douglas County Storm Drainage Design and Technical Criteria Manual for more information
- The L&E exhibit shows some elements to be constructed in the mapped 100-year floodplain.
 - This work will require approval of a Douglas County Floodplain Development Permit.
 - Provide a completed Floodplain Development Permit application for review.
 - The application can be downloaded here:
 - <https://www.douglas.co.us/documents/floodplain-development-permit-form.pdf/>

Construction Documents (CDs)

- Following L&E approval, please provide CDs for County review.

Grading Erosion and Sediment Control (GESC) Report and Plans

- Following L&E approval, please provide a GESC report and plan set for County review.

Storm Drainage Operation & Maintenance (O & M) Manual

- Permanent stormwater and water quality facilities will require a site-specific O & M Manual.
- The manual will provide future owner-operators with a basis for regular inspection and maintenance.
- Manual templates are at: <https://www.douglas.co.us/public-works/development-review/>
- Edit the template to make it relevant to the site and the stormwater improvements.

ADMINISTRATIVE DOCUMENTATION

Documents described below are required for final approvals and/or to start construction.

Improvements Agreement (IA)

- An IA is required with this development. County will provide the template agreement with instructions.
- Once CDs are finalized, please provide a copy of the draft agreement with cost estimates:
 - Exhibit A (Sitework Cost Estimate) - reviewed by Engineering
 - Exhibit B (Landscaping Cost Estimate) - reviewed by Planning
- For questions regarding provision of corporate signatures and financial securities, contact Janet Peterson at JLPeterson@Douglas.co.us
- Please allow approximately 1 to 2 weeks for agreement approval.

Temporary Construction Easement (TCE)

- A recorded TCE is required if work will be performed on private land outside the project boundary.
- A TCE is an agreement between the project owner and the owner of land outside the project boundary.
- The project owner is responsible to execute and record the agreement; and to provide Douglas County Public Works with copies of the recorded easements.
- County can provide a template easement upon request.

Secondary Drainage Easement

- This easement is required for stormwater detention facilities constructed with the project.
- When the facility design is complete, prepare legal exhibits granting access to, around, and into each pond from the nearest public right-of-way.
- Easements must be accepted by the Board of County Commissioners in a regular land use hearing and approval generally requires 1 to 3 weeks.

GESC Permit

- After the GESC plan and report are approved by the Development Engineer, please have the selected grading contractor submit the following to Carol LeMaire:
 - GESC report with signed owner and engineer certification statements
 - Signed and stamped GESC plans
 - A completed GESC permit application
- Include the project DV number (found at the top of this letter) on the submittal.
- Below are some contacts for approval of the GESC Permit:
- Contact Carol LeMaire at CLemaire@douglas.co.us to submit the permit application and pay permit fees
- Contact Janet Peterson at JLPeterson@Douglas.co.us to provide GESC security

Right-of-Way / Construction Permit

- Contact the Permits and Inspections Division to apply for a ROW/Construction permit or other required permits
- <https://www.douglas.co.us/public-works/permits/>

POST-CONSTRUCTION DOCUMENTATION

Please see requirements below to obtain a certificate of occupancy (CO).

As-Built Plans

- Following construction, provide the County with a set of as-built plans documenting information critical to the function of roadway and drainage improvements based on a post-construction survey
- Where as-built information differs from record copy plans, strike-through the record copy information and annotate as-built information in red font, linework, or hatching, as applicable.
- Have the engineer-of-record sign and stamp the as-builts and provide County with a copy.

Certification of Stormwater Detention and Water Quality Facilities

- Following construction, provide the County with a letter from the engineer of record certifying the stormwater improvements are constructed per the design and will function as intended.
 - Include as-built drawings for each facility based on a post-construction survey.
 - Include re-analysis demonstrating facility performance based on the as-built geometry.
 - Include tables documenting key design criteria (e.g. pond and spillway capacities, freeboard) to demonstrate the as-built pond meets or exceeds minimum criteria.

DOUGLAS COUNTY PUBLIC WORKS DEVELOPMENT RESOURCES

Many resources including criteria manuals, agreement forms, warranty and maintenance applications, templates for O & M manuals and other items are available at the web page below:

- <https://www.douglas.co.us/public-works/development-review/>

Please let me know if you have any questions regarding the items above.

Respectfully,



Kenneth M Murphy, P.E.
Senior Development Review Engineer
kmurphy@douglas.co.us

cc: DV File

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Trevor Bedford, AICP, Project Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: 7251 Main Street – Location and Extent
Project File #: **LE2024-007**
S Metro Review # REFOTH24-00047

Review date: March 28, 2024

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Castle Rock Water and Dominion Water and Sanitation District request approval of a Location and Extent (L&E) for the construction of a force main and lift station in Louviers to allow for central sanitation services and improvements to water quality in the area.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed Location and Extent. Applicants and Contractors are encouraged to contact SMFR regarding the applicable permit requirements for the proposed project.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

April 2, 2024

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Trevor Bedford

Re: 7251 Main Street, Case # LE2024-007

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for **7251 Main Street** and requests a detailed clarification/drawing on the west end of the force main pipeline close to Moore Road since PSCo has an intermediate pressure natural gas main along east side of the road.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com



Dedicated to protecting and improving the health and environment of the people of Colorado

Trevor Bedford, AICP
Senior Planner
Douglas County Department of Community Development
100 Third St., Castle Rock, CO 80104

VIA EMAIL

RE: Douglas County eReferral (Project Number LE2024-007) Is Ready For Review (Updated Date)

Dear Trevor Bedford,

The Colorado Department of Public Health and Environment’s Air Pollution Control Division (APCD or Division) received a request for conformity review request concerning the proposed Castle Rock Louviers Lift Station and Force Main project as described in your correspondence dated March 25th. The Division has reviewed the project letter and respectfully offers the following comments. Please note that the following Air Quality Control Commission (AQCC) regulations may not be inclusive of the regulations the proposed project will be subject to. It is the responsibility of the involved parties to determine what regulations they are subject to and follow them accordingly.

VOC and Hazardous Air Pollutants (HAPS) Analysis for Small Wastewater Projects

An Air Pollutant Emissions Notice (APEN) for VOC and HAPS may be required depending on the existing and new throughput of your facility. Municipal wastewater projects may use the following chart to estimate VOC and HAPS emissions in order to determine if they are required to submit an APEN under Regulation Number 3.

Pollutant	Emission Factor Lb/MM gallon	Reporting Threshold
VOC	3.49414	1 ton/year OR 2 ton/year
Hexamine	0.41207	250 lbs/year
Perchloroethylene	0.00890	
Benzene	0.22873	
Toluene	0.00267	
Total Xylene	0.00267	
Ammonia	19.0000	

Odor

All businesses in Colorado are subject to AQCC Regulation Number 2 (Odor Emission) and a permit may be required for the installation of odor control equipment. Please refer to AQCC Number 2 for guidance on odor suppression actions. You may also view the complete regulatory language at <https://cdphe.colorado.gov/aqcc-regulations>.

Land Development

We also note that projects similar to this proposal often involve land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulated by the Division. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to the Division. It is important to note that even if a permit is not required, fugitive dust control measures including the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entry ways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	
Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

Please refer to the website <https://cdphe.colorado.gov/apens-and-air-permits> for information on land use APENs and permit forms. Click on “Land Development” to access the land development specific APEN form. Please contact KC Houlden, Construction Permits Unit Supervisor, at 303-692-4092, kenneth.houlden@state.co.us if you have any specific questions about APENs and permit forms.

Federal General Conformity

The federal General Conformity rule applies to federally funded projects in federal nonattainment and air quality maintenance areas, such as the Denver Metro/North Front Range severe ozone nonattainment area.¹ Within these areas, the general conformity rule applies to any “Federal action” not specifically exempted by the Clean Air Act or Environmental Protection Agency (EPA) regulations, i.e., any non-exempt activity by a federal governmental department, agency or instrumentality, or any activity that such an entity supports in any way, provides financial assistance for, or licenses, permits, or approves.

The federal general conformity rule and associated EPA guidance provides for a federal department or instrumentality to determine if the estimated emissions resulting from a proposed action in a nonattainment or maintenance area are below EPA’s de minimis levels (<https://www.epa.gov/general-conformity/de-minimis-emission-levels>) for the applicable National Ambient Air Quality Standard (NAAQS).² Note that Douglas County is also located in the Denver Metro/North Front Range 8-Hour Ozone nonattainment area and the PM10 and CO maintenance areas. EPA has confirmed that General Conformity requirements associated with

¹ U.S. EPA, Green Book, Colorado, https://www3.epa.gov/airquality/greenbook/anayo_co.html

² U.S. EPA, De Minimis Tables, <https://www.epa.gov/general-conformity/de-minimis-tables>

Carbon Monoxide and PM10 no longer apply in those maintenance areas, as each of the areas demonstrated 20-years of continued attainment of the applicable NAAQS, as of January 14, 2022 and October 16, 2022. General conformity still applies to ozone precursors NOx and VOCs.

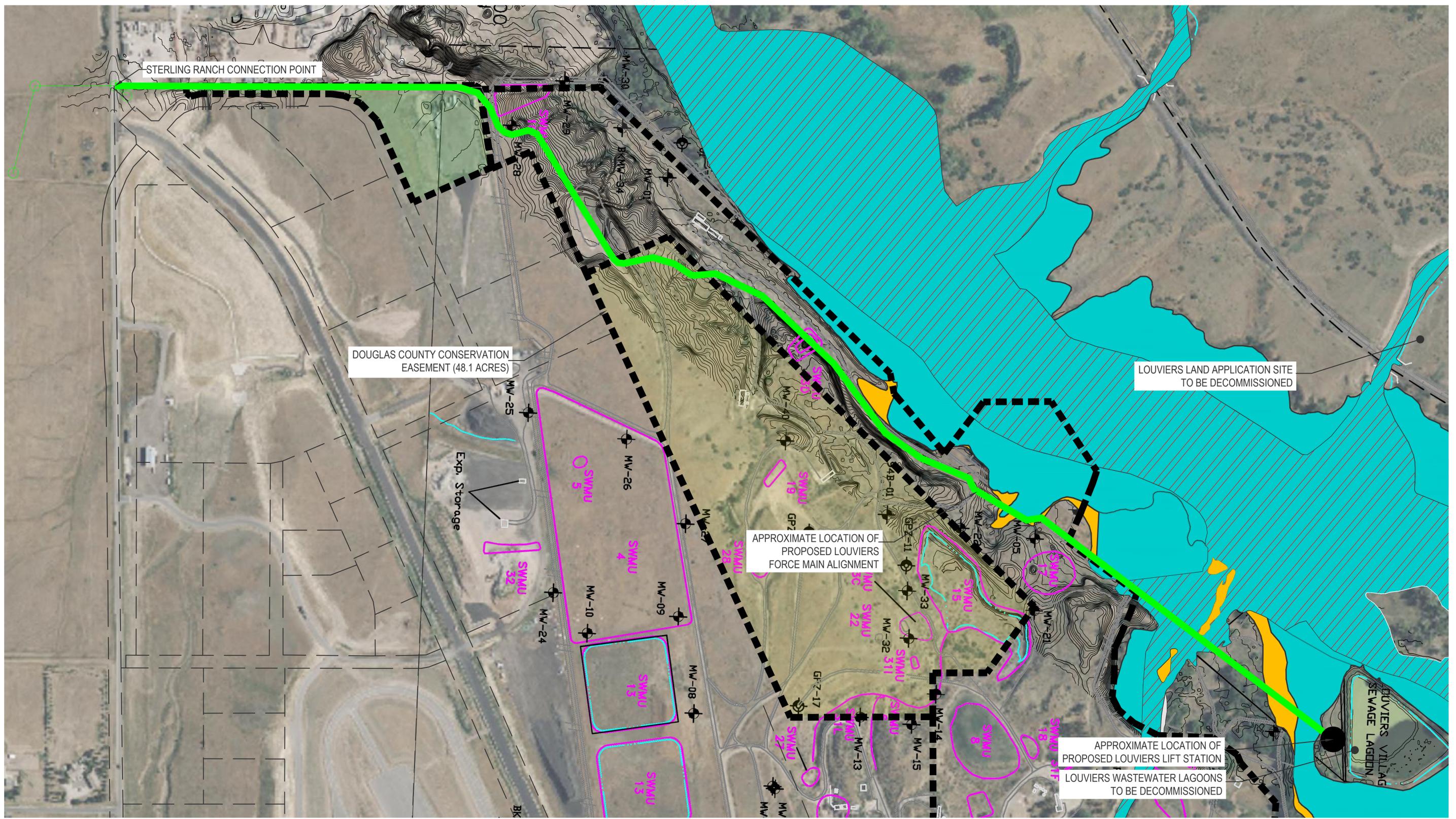
The General Conformity de minimis levels for the Denver Metro/North Front Range severe ozone nonattainment area are 25 tons per year of the ozone precursors VOCs or NOx. If a federal department or instrumentality determines that its action will result in emissions that are below the de minimis levels, the action is exempt and detailed air quality analysis is not required. Information about the general conformity rule, including training and frequently asked questions, is available at <https://www.epa.gov/general-conformity>.

If you have any other questions or need additional information, please use the contact info listed above, or e-mail or call me directly. Thank you for contacting the Air Pollution Control Division about your project.

Sincerely,
Brendan Cicione
Air Quality and Transportation Planner
General SIP Unit
Air Pollution Control Division
Colorado Department of Public Health and Environment
303-691-4104 // brendan.cicione@state.co.us

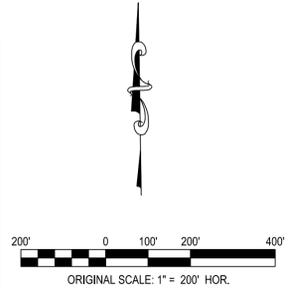
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7251 Main St - Location and Extent
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LEGEND

- PREBLE'S MEADOW JUMPING MOUSE CRITICAL HABITAT
- FEMA SPECIAL FLOOD HAZARD AREAS (ZONE A, V, A99) WITHOUT BASE FLOOD ELEVATION (BFE)
- FEMA FLOOD HAZARD AREAS (ZONE X) 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE
- FEMA SPECIAL FLOOD HAZARD AREAS (ZONE AE, AO, AH, VE, AR) REGULATORY FLOODWAY



LEGEND

- GPZ** Piezometer Location
- MW/BKMW** Groundwater Monitoring Well and Background Monitoring Well
- MW-12A** Groundwater Monitoring Well for Perched Water Zones

NOTES

- MAPS ARE BASED ON INFORMATION FROM THE 2004 SITE-WIDE GRID SOIL SAMPLING REPORT PROVIDED BY DOMINION WATER & SANITATION DISTRICT AND HAS NOT BEEN VERIFIED.
- FEMA FLOODPLAIN MAPPING DOWNLOADED FROM FEMA FLOOD MAP SERVICE CENTER.
- PREBLE'S MEADOW JUMPING MOUSE (PMJM) CRITICAL HABITAT DOWNLOADED FROM US FISH & WILDLIFE SERVICE.

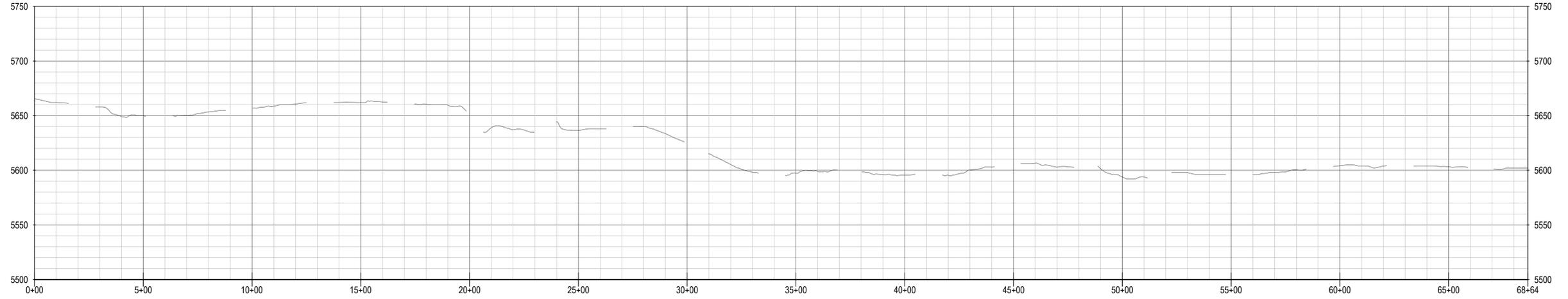
LOUVIERS LIFT STATION AND FORCE MAIN DOUGLAS COUNTY LOCATION & EXTENT EXHIBIT CONCEPTUAL LAYOUT - NOT FOR CONSTRUCTION

DATE: MARCH 2024

FIGURE NO. 2

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LOUVIERS FORCE MAIN ALIGNMENT PROFILE



LOUVIERS LIFT STATION AND FORCE MAIN
DOUGLAS COUNTY LOCATION & EXTENT EXHIBIT
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FIGURE NO. 3

