

**New Castle Town Council Regular Meeting
Tuesday, March 18, 2025, 7:00 PM**

Call to Order

Mayor Art Riddile called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Councilor Carey
Councilor Mariscal
Councilor Hazelton
Mayor A. Riddile
Councilor Copeland
Councilor Leland
Councilor G Riddile

Absent None

Also present at the meeting were Town Clerk Mindy Andis, Administrator Dave Reynolds, Town Planner Paul Smith, Town Treasurer Viktoriya Ehlers, Town Attorney Mike Sawyer and members of the public.

Meeting Notice

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2025-1.

Conflicts of Interest

There were no citizen comments

Agenda Changes

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no citizen comments

Consultant Reports

Consultant Attorney – Attorney Sawyer said he was present for agenda items only.

Consultant Engineer – not present

Items for Consideration

Consider a Letter of Interest from Richard Parks for Appointment for a Vacant Seat on Planning & Zoning Commission

Administrator Reynolds said there is currently a vacant seat on the Planning & Zoning Commission and Commission Alternate Richard Parks has a letter of interest in the vacant seat. Mr. Parks has been involved with the approval of land use applications for the last two years. Richard Parks introduced himself to the council. Mr. Parks said he has learned a lot about the code and the process.

Town Council Meeting
Tuesday, March 18, 2025

Mayor A. Riddile asked who resigned from P&Z. Clerk Andis said it was Julie Martinez. Councilor Hazelton said Mr. Parks is also on HPC as the P&Z representative.

MOTION: Mayor A. Riddile made a motion to appoint Richard Parks to the Planning and Zoning Commission vacant seat. Councilor Mariscal seconded the motion, and it passed unanimously.

Continued from March 4, 2025

Consider Ordinance TC 2025-1, An Ordinance of the New Castle Town Council Recommending Conditional Approval of a Final PUD Development Plan and a Final Subdivision Plat for Castle Valley Ranch PUD Filing 13 (9 N Wild Horse Dr) and Vested Rights for the same (2nd reading)

Administrator Reynolds gave a brief recap saying this item was before council at the last meeting for the second reading of the ordinance. He said there are three elements left from the last meeting to discuss. The first concern was about trails and how they are brought into the town by easements. There was a conversation about open space and combining the trails with the open space. There was also a conversation about a temporary construction easement that would go across a neighboring property. Planner Paul Smith can give an update on the construction easement. Administrator Reynolds said the bigger concern was about where the water would come from for this development. There was concern about past water agreements and how the water was going to come from a water tank that it was designed to come from, then pass through Lakota Canyon Ranch to R2 development.

Administrator Reynolds said there is a new trails map (**Exhibit A**). Administrator Reynolds said at the last meeting the council has some concern about how parcels 1 and 2 would function for open space. He said parcel 1 is hillside and not much could be done with the property. There was some concern for parcel 2 has a lot of open grassy meadow area. The developer held the construction tight to preserve as much of the open space as possible. The open space dedication for Castle Valley Ranch has been met. Mr. Barry Rosenberg has agreed to add two more trails which will have easements for them. The easements will be permanent to the town. The town would have control over the trails such as maintenance, hours of operation and such. R2 has agreed to add trail D and E (Sunset Trail) on parcel 2. The Sunset Trail zig zags across the neighboring property. R2 has agreed to have an easement on parcel 2 if there is a need to move the trail further onto R2 property. Having trail easement on

the property limits the future use of the property. There was a conversation with Mr. Rosenberg, if he decides to sell the property the town would have the first right of refusal. Mr. Rosenberg's intent was to preserve the trails, and he has done that by giving an easement to the town and adding the first right of refusal concept.

Councilor Carey asked for some clarification on the movement of Sunset Trail. Mr. Rosenberg said if the neighboring property developed, the trail would move solely onto R2 property. Administrator Reynolds said the parts of the Sunset Trail that are not on R2 property would get adjusted and moved onto R2 property. There is a 15-foot easement for the Sunset Trail.

Planner Smith said the temporary construction easement across TC Midwest was to limit construction traffic from being on North Wild Horse Drive existing development. **(Exhibit B)** In the ordinance as a condition the applicant will use all due diligent efforts to obtain a temporary construction easement from TC Midwest. Mr. Chad Lee said R2 has agreed to try to get a temporary construction easement across TC Midwest property.

Councilor G. Riddile asked if there is not expected to be much import or export of material, is the easement necessary. Louis Wilsher, Planner for DHM Design there would be import of road base, concrete trucks and construction vehicles. Mr. Rosenberg said they are looking at possible 18 months of construction. Councilor Carey said 18 months of construction traffic will be disruptive on North Wild Horse Drive on either end and to keep the disruptive construction traffic off of the residential roads.

Councilor Hazelton agreed with having the construction easement.

Councilor Carey asked what the construction hours were. Planner Smith said it the noise code which is from 7am to 7pm. The council agreed to try to keep the temporary construction easement. Councilor G. Riddile asked if there should be a date set for approval of the easement from TC Midwest. Mr. Rosenberg said there may be an issue with having a date because it would limit R2 for the length of use and may not match the timeline of R2 or with TC Midwest for the construction of the temporary road. The council agreed to at the time of building permit application from R2 to have an easement agreement for the temporary construction road with TC Midwest.

Administrator Reynolds said the next concern is the water getting to the development. Back in the early 2000's other developments were considered, and the water would be pulled from water tank 3 in Lakota Canyon Ranch. The water line would come down along Clubhouse Drive

and loop going west off of Clubhouse Drive in the area of the Driving Range and supply water to the undeveloped parcels of Castle Valley Ranch. R2 has been working with RG Group to secure a connection point. Attorney Mike Sawyer said there was an agreement from 2003 for the construction of the water tank in Lakota Canyon Ranch, which would serve both Lakota Canyon Ranch and a portion of Castle Valley Ranch. Prior owners of Castle Valley Ranch did pay a portion of the construction of the water tank and the water line to serve a portion of Castle Valley Ranch. There was an exhibit of the agreement with a map showing a connecting pipe for water to a portion of Castle Valley Ranch that runs across the Driving Range in Lakota Canyon Ranch. There is a waterline that runs across the Driving Range; however, the waterline doesn't reach the Castle Valley Ranch property line. To get the waterline connected to the R2 property it would not only require the waterline to be extended over the property boundary but the line also needs to run north for a short distance so it would daylight on the R2 property. Attorney Sawyer said the waterline was intended to provide the water service to that portion of Castle Valley Ranch. Attorney Sawyer said there are a couple of options which could be additional conditions to the ordinance. (**Exhibit C**)

Condition U. *Prior to recordation of the Final Plat, Applicant shall:*
(i) provide the Town with an executed and recorded water line easement extending a water line from Clubhouse Drive in Lakota Canyon Ranch to the boundary of Castle Valley Ranch (in a form acceptable to the Town Administrator and Town Engineer) to provide water service to the project; if the water line easement is at a location different than depicted on the Construction Plans approved as part of the Subdivision and PUD Development Agreement such engineering plans shall be updated by the Applicant's engineer and approved by the Town Engineer.

Attorney Sawyer said the waterline might be less aggressive to Lakota Canyon Ranch if the waterline was relocated at the north end of the Driving Rang behind the cart barn, were some cost sharing. There would be a new draft easement for the new location of the waterline and the town engineer would review and update the engineering plan on how the waterline would cross the parcel and tie into the R2 property. Mayor A. Riddile asked who would be part of the cost sharing of the waterline. Attorney Sawyer said the initial construction of the waterline was Lakota Canyon Ranch obligation. Considering the history of the water tank agreement the town might be able to contribute some money

towards relocating the waterline. Administrator Reynolds said it would be a three-way partnership.

Or

(ii) provide the Town with engineering plans to serve the project with water from the water main in North Wildhorse street subject to approval by the Town Engineer.

Attorney Sawyer said there are ultimately three ways that water could serve the property. However, it would need to be acceptable to town engineer and the public works department. Mr. Rosenberg said they would create a pump station which would pump water up to the development without tying into the loop. Mr. Rosenberg said R2 would be fine with running the line from the current location on the Driving Range along the edge of the Driving Range to their property. However, RG Group currently wants R2 to pay for the replacement of the waterline if for some reason the line had to be moved. Councilor Carey asked if there would be enough water to serve the property if R2 is not using the water from the Lakota tank. Administrator Reynolds said the town doesn't have all the answers and that is why condition U is written like it is. The Lakota tank was built at the capacity like it was, was in order to service portions of Castle Valley Ranch. Councilor G. Riddle asked if TC Midwest would have access to the waterline if the waterline was moved to the far north of the Driving Range, and to have a future easement if needed by TC Midwest. Mr. Rosenberg said the waterline would connect to the North Wild Horse Loop and the North Wild Horse Loop goes along the property and TC Midwest could tie in.

Attorney Sawyer said there is also a new Condition V to the ordinance.

Condition v. *Prior to recordation of the Final Plat, Applicant shall amend the Recreational Trail Easement and Management Agreement to include two trail areas located on Parcel 2 as approximately depicted on the exhibit presented by Staff. Applicant shall also enter into a right of first refusal agreement with the Town giving the Town a right to purchase Parcel 1 and Parcel 2 in the event they ever offered to sale by the Homeowner's Association to a third party.*

Mayor A. Riddle opened the public hearing at 7:53pm.

There were no public comments.

Mayor A. Riddle closed the public hearing at 7:53pm.

Councilor Leland said Noth Wild Horse is spelled two different ways in the documents and to make sure North Wild Horse is spelled as two word throughout the document.

Attorney Sawyer said he did make a change to Condition F for the construction easement. The additional sentence would be: If the applicant is not able to obtain a temporary construction easement by application for the grading permit this condition shall be deemed as fulfilled.

Motion: Councilor Carey made a motion to approve Ordinance TC 2025-1, A Ordinance of the New Castle Town Council Recommending Conditional Approval of a Final PUD Development Plan and a Final Subdivision Plat for Castle Valley Ranch PUD Filing 13 (9 N Wild Horse Dr)(R2) and Vested Rights for the same (2nd reading) with the conditions listed by Attorney Sawyer, Councilor Hazelton seconded the motion and it passed on a roll call vote. Councilor Leland: yes; Councilor Mariscal: yes; Mayor A. Riddile: yes; Councilor Copeland: yes; Councilor Carey: yes; Councilor Hazelton: yes; Councilor G. Riddile: yes.

Continued from March 4, 2025

Consider Resolution TC 2025-7 - A Resolution of the New Castle Town Council Approving Subdivision Improvements Agreement for Castle Valley Ranch, Filing 13, 9 North Wild Horse Drive

Attorney Sawyer said the construction plans contain a cross section of the trail which is a construction standard for the trail and construction cost estimate contains an amount budgeted for construction of the new portions of the trail.

Attorney Sawyer said the approval of the amended ordinance contains amendments to the trails easement which is an exhibit to the SIA. Additionally, the town will require the applicant to enter into a formal right of first refusal agreement for parcel A & B. There were no other changes to the SIA or PUD Agreement.

MOTION: Council G. Riddile made a motion to approve Resolution TC 2025-7 - A Resolution of the New Castle Town Council Approving Subdivision Improvements Agreement for Castle Valley Ranch, Filing 13, 9 North Wild Horse Drive. Councilor Mariscal seconded the motion, and it passed unanimously.

Consider Referral from Garfield County Regarding Ule Mini Storage – Parcel 218101300248 and 218101300249 south of Colorado River Road (CR 335) across from the River Park Condominiums

Planner Smith said Garfield County has requested referral comment on the proposed Ule Mini Storage located south of New Castle town limits along County Road 335 across from Riverpark Condos. Garfield County and the Town of New Castle share a commitment to intergovernmental cooperation in development within the country proper, but in the vicinity of the Town's Urban Growth Boundary ("UGB"). Both agencies realize land use within this area can greatly affect the local community and find it therefore necessary to solicit comment from those potentially affected.

The application proposal includes the following:

- 290 units built in three phases; Outdoor storage proposed as an interim use until completion;
- The property will be fenced with "blindings" panels (i.e. screened fence) and gated;
- 24/7 onsite surveillance;
- Downward facing exterior lighting;

The property is designated as (R) or "Rural" which allows for mini-storage and general storage on the property. The Town of New Castle Comprehensive Plan ("CP") designates this area as "Rural Low Density" (pg. 40) characterized by the following uses:

- Large lot single-family and rural agricultural uses;
- Working ranches/farms, ranchettes;
- Open pasture;
- Rural trail systems;
- Lower traffic volumes;
- Active parks;

Generally, the town recommends that all uses within the Urban Growth Boundary demonstrate significant compliance with the Comprehensive Plan. The council, therefore, will need to determine whether the proposed mini-storage complies and, if not, provide the county with recommendations towards that end.

In addition to the question of consistency to the Comprehensive Plan, staff has produced the following list of additional considerations for the applicant:

1. Has a geohazard study been performed to determine the risks of rock fall and any need for mitigation?

2. Does a traffic study demonstrate the adequacy of the ingress, egress, and connection to County Road 335 and adequacy of the intersection of County Road Highway Interchange?
3. Will a fire flow tank system be necessary in case of structure fire?
4. Is Xcel reviewing the proposal? Xcel requires a 60' easement for their transmission line upgrade. Site plan only shows 30'.

Finally, since the access and watershed permit provided in the application are invalid for the future proposed use (as discussed in the town engineer letter from 3/12/25) the applicant will be asked to resubmit respective applications in light of these changes.

Cole Ule (property owner and developer) attended the meeting to present his vision for the property. To be sure, Council is not approving anything related to the applications. However, the county will want to hear any concerns, recommendations, or comments in context with New Castle's Comprehensive Plan. Comments will be compiled by staff and forwarded to Garfield County for their consideration.

Mr. Ule said he is planning on building approximately 290 storage units. The project will be built over three phases. The property is laid out in two tracts 17 (east) & 18 (west). The first phase would be building out all of tract 18. As soon as the units are filled he will start phase two which is the back half of tract 17. The third and final phase would be the front half of tract 17. He said he currently has a grading permit for roughly four and half acres.

Councilor Carey said there was a rock fall report from 2004, and a lot has been on the hillside since 2004. Mr. Ule said there was a topical hazard study done and also a soils analysis.

Mr. Ule said the prior owner did some state reclamation work and closed the old mine port holes. He said he does have a bench that was cut across the entire top side of the property and tapered back into the hillside. He is using the bench as his first initial catch of rock fall.

Councilor Carey asked about fire hazards since there is no water. Mr. Ule said he has spoken with West Divide Water Conservancy District; he would be able to do a boundary line adjustment and combine the two tracks. Then, he would be able to obtain a permit to have an exempt well for that commercial use. Mr. Ule has spoken with the fire department requiring a 29,700-gallon underground water tank with two dry hydrants.

Mayor A. Riddile asked Mr. Ule how he would guarantee that no coal would be going into the river. Mr. Ule said he currently has a watershed permit and a grading permit pending approval from the town's engineer and already has mitigated for any type of erosion. Mr. Ule has built two detention ponds for water; the ponds would be cleaned out periodically as silt and sediment settles. If there is a large runoff, the ponds would fill then spill over

the spillways then go to the culverts under the county road. The town engineer wanted to make sure that the culverts didn't get over loaded. Mr. Ule took the plan to High Country Engineering to make he wouldn't exceed the load.

Councilor Hazelton asked if the grading work is for all three phases. Mr. Ule said yes, it will all be done at the same time. Councilor Hazelton asked if there would be some kind of weed and dust control. Mr. Ule explained the pad is not a dirt covered surface. It is all asphalt millings in order to control any weeds and erosion. Any dirt that is exposed such as the slope will be covered with BMP's, and hydroseeding; there is a three-year plan for best practices.

Mayor A. Riddile said there is currently a lot of dust blowing if Mr. Ule could water it down while he is grading.

Councilor G. Riddile suggested having the driveway paved. Mr. Ule said there would be a concrete apron which wraps around from the entryway to the pad. Mr. Ule said he would be re-grading the ditch line to match what is across the road with a drive over curb.

Planner Smith said the town's comprehensive plan envisions the area south of County Road 335 to be agricultural uses, working ranches, farms, ranchettes, open pastures, rural trail system, low traffic and active parks. Planner Smith said the county does permit mini storage in that location. He said a referral comment to the county could be the consistency with what the town's comprehensive plan has and what the county allows.

Planner Smith said in the referral letter from the town's engineer states: *First and foremost, the application contains our letter of technical concurrence for the access permit and the watershed permit within the Town of New Castle. Inclusion of this letter is misleading to the County as It is very important to note that these permits were for the review of a **prior application that did not mention any storage/mini-storage uses on site.** The only uses mentioned were in support of the residential (with A.D.U) and personal equipment storage. Therefore, the validity of the approvals for this application is not applicable to this proposed use.*

Planner Smith said the most important issue is the drainage. The drainage changes when there is asphalt millings opposed to grazing pasture lands. Town engineer had only approved the drainage for the original plan. Mr. Ule said there was a meeting with the town engineer and High Country Engineer regarding the new surface.

Planner Smith said a traffic study would need to be performed. He said Xcel Energy didn't send a referral, but they are reviewing the application. Mr. Ule has provided a 30-foot easement for Xcel Energy. However, Xcel Energy is in the process of a pole replacement and the new easement is 60-foot. Mr. Ule said if and when he would get a new easement agreement the buildings would be readjusted.

Administrator Reynolds said as part of the phasing there would be outdoor storage. Mr. Ule explained it would be similar to the storage that is at Canyon Creek with buildings and RV storage and would not be construction storage. Mayor A. Riddile asked Mr. Ule if he was prepared for leakage from the stored vehicles. Mr. Ule said that it would all be in the

agreement the customer would sign.

Councilor Hazelton asked where the gate would be located. Mr. Ule said likely at the bottom of the driveway next to County Road 335. The gate would be a single slide that would slide over the top of the retention pond.

The council has agreed to include the town's engineers' recommendations (**Exhibit D**) as part of the town's referral to the county.

Consider Resolution TC 2025-8 – A Resolution of the New Castle Town Council Supporting the Commitment of Funds from the 2025 Budget to Support the Colorado River District Purchase of the Shoshone Water Rights

Administrator Reynolds said in the summer of 2024, Amy Moyer, Director of Strategic Partnerships at the Colorado River District, provided a presentation to the town council regarding the importance of securing the historic Shoshone Water Rights. These rights play a crucial role in maintaining nonconsumptive uses of the Colorado River, benefiting municipalities, agricultural stakeholders, and recreational users throughout the Western Slope. Following this presentation, the town council expressed its support for the initiative and, during the 2024 budget planning process, committed to setting aside \$100,000 for this purpose. These funds are allocated but have not yet been expended, as the acquisition process remains underway.

Administrator Reynolds said Resolution TC2025-08 serves as formal documentation of the town's commitment to this effort. By adopting this resolution, the town provides the Colorado River District with necessary confirmation that the funds remain reserved and available as the project progresses toward securing the water rights.

MOTION: Mayor A. Riddile made a motion to approve Resolution TC 2025-8 – A Resolution of the New Castle Town Council Supporting the Commitment of Funds from the 2025 Budget to Support the Colorado River District Purchase of the Shoshone Water Rights. Councilor Carey seconded the motion, and it passed unanimously.

Consent Agenda

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

March 4, 2025, minutes

MOTION: Mayor A. Riddile made a motion to approve the Consent Agenda. Councilor Mariscal seconded the motion, and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds said he wanted to touch base regarding Mr. Ule. Administrator Reynolds said he has spoken with Town Engineer Jeff Simonson about the watershed permit and the permit has nothing to do with Mr. Ule's project. The watershed permit will need to go back to Engineer Simonson for a bigger review. He said the town does need to address the Comprehensive Plan with the county. The Comprehensive Plan shows single family homes on 10 acre parcels. The council agreed to strongly point out the Comprehensive Plan and Mr. Ule's project doesn't fit within it. Councilor Hazelton said to make it clear what was in Engineer Simonson's referral letter, Councilor Carey said the county would be working on their Comprehensive Plan and the town should contact the county to coordinate, so there won't be any issues in the future and to be proactive. Administrator Reynolds said the town has signed the contract to purchase 335 West Main Street. Administrator Reynolds gave a brief update on the progress of 600 West Main Street lot, he said the owner Aaron Shockley is moving along with his architect for plans for the building. The timeline in the contract is Mr. Shockley has until June 5, 2026, to get the foundation in. Mr. Shockley is on track to meet the timeline. Administrator Reynolds said he did meet with Pivot Energy regarding the solar ranch near Silt. He said staff have looked at the glare code for the solar panels. The glare code is starting to not be relevant. When glare code was first created, solar panels were different from what they are today. Solar panels today are designed to absorb as much sunlight as they can and then there is another coating, and glare is turned into a non-factor. Administrator Reynolds said the POSTR meeting scheduled for Wednesday, March 19, 2025, has been cancelled. However, he would be meeting with New Castle Trails Group to discuss ideas for Rides and Reggae. Administrator Reynolds said staff has reached out to Bob Godon's family to see how the memorial should be such as the wording on the plaque for the bench and the timeline for placing of the bench. Administrator Reynolds said the raw water project has started and we will see people working on the project. Administrator Reynolds said there has been some work done on the Police Mobile Data Terminal (MDT). The police department hope to have the laptops in the patrol cars soon. Administrator Reynolds said department heads would be meeting with Ironedge, the town's contracted IT company's local rep on Wednesday, March 19, 2025, to resolve some IT issues. Administrator Reynolds said he would be meeting Wednesday, March 19, 2025, with Aspen Department of Housing. They are doing a new housing study with municipalities up and down the valley and are asking if the town wants to participate in the study. Administrator Reynolds reported that there was another boulder that came down off the west end Mt. Madaris through someone's yard. The same property had a boulder go through the house a couple of years ago. He said he, Engineer Simonson, Public Works Director John Wenzel and three trail builders from Roaring Fork Outdoor Volunteers went and looked at the west end of Mt. Medaris Trail and decided the best course of action is to close the west end of Mt. Medaris. There will be signs placed at

the trail stating the trail is permanently closed. Councilor Carey spoke with Jack from RFOV and he said there is some revegetation to help with some of the sluffing of the hillside and seeding could help close the trail. Councilor G. Riddile said he could reach out to the Geohazard people with CDOT to survey the mountain. Councilor Carey suggested getting the word out about the closing of the trail. Administrator Reynolds said staff need to find out the timing RFOV to see how soon they would be able to start closing the trail.

Town Clerk – Clerk Andis said she had nothing new to report.

Town Treasurer – Treasurer Ehlers said the donations for K-9 Kip are increasing with a total of \$2, 225.00. She had finished the 2024 taxes and finished at 94 percent budgeted and the town had budgeted at 90 percent for 2025 budget. 2024 has officially been closed and nothing more can be put towards 2024. She will start the audit in April.

Town Planner – Planner Smith said Coal Seam is in the process of submitting their land use application for hotel (mixed use) next to Riverview Park Condos. Planner Smith said the TC Midwest sketch plan for the multi-family just south and east of Kathryn Senior Elementary School, will be going before P&Z on April 9, 2025. Planner Smith said the Mattivi building has been purchased and will be remodeling and is currently in the process of reviews.

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – have not met

Historic Preservation Commission – Councilor Hazelton said there was going to be a discussion about Down Valley Brewery wants to be historically designated however, the owner didn't come to the meeting, therefore it has been rescheduled.

Climate and Environment Commission – have not met

Senior Program – have not met

RFTA – Mayor A. Riddile said they discussed the new CEO's evaluation. RFTA has about \$50million in grants that are in the federal freeze.

AGNC – have not met

GCE – have not met

EAB – have not met

POSTR - have not met

Detox – Councilor Mariscal said she is still receiving invoices from people that have not been paid.

Council Comments

Councilor Carey said regarding the referral letter to the county regarding Mr. Ule's application, the town needs to be affirmative about the access permit.

Mayor A. Riddile asked Administrator Reynolds if there was any information about the streetlight on Castle Valley Boulevard for the school bus. Administrator Reynolds said no, there was no new information.

Items for Future Council Agenda

Consider updating the town's Comprehensive Plan

Adjourn

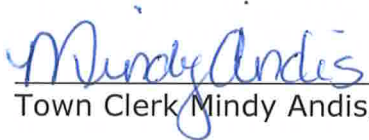
MOTION: Mayor A. Riddile made a motion to adjourn. Councilor Mariscal seconded the motion and it passed unanimously.

The meeting adjourned at 9:04p.m.

Respectfully submitted,




Mayor Art Riddile


Town Clerk Mindy Andis, CMC

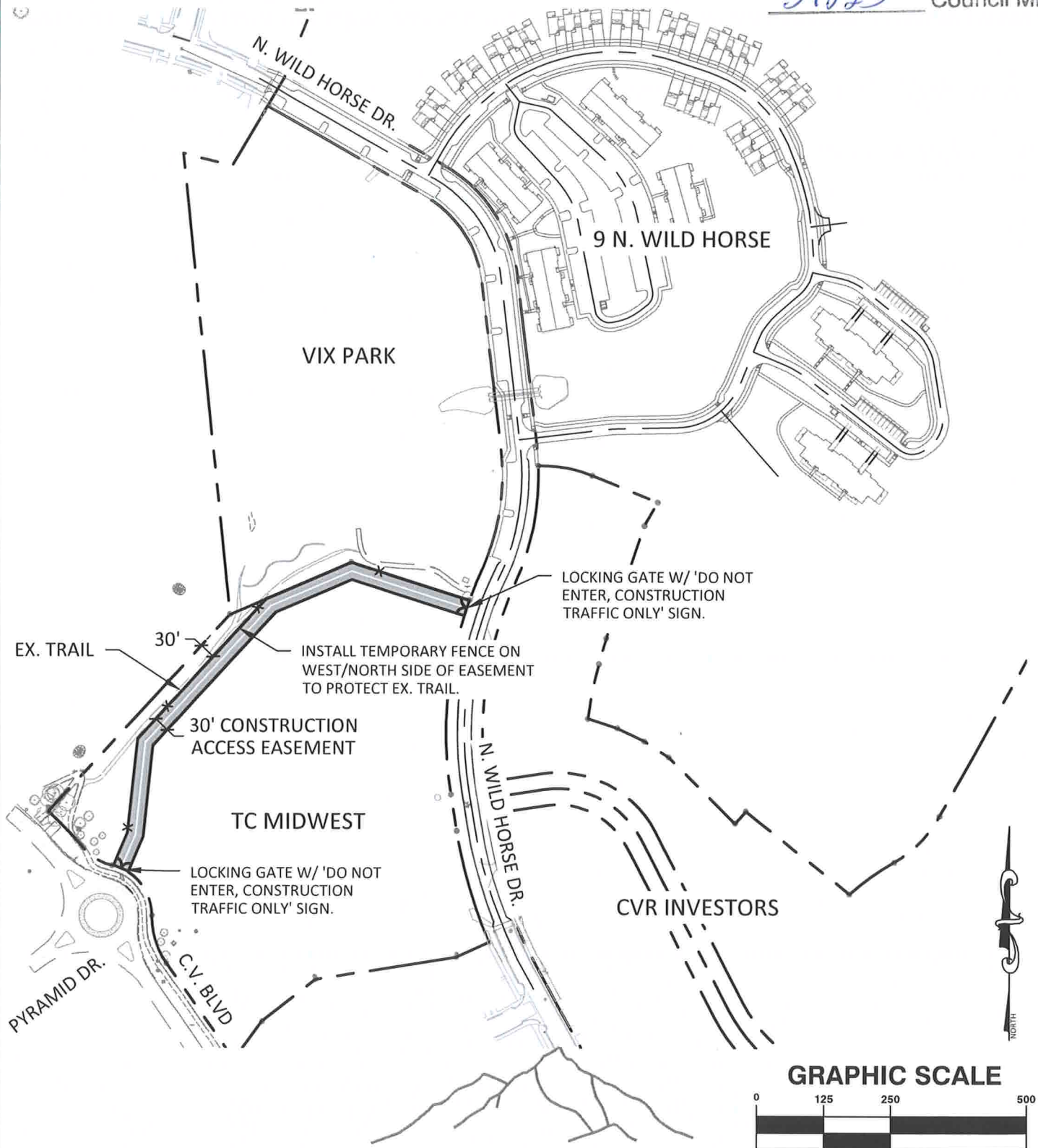
TC MIDWEST: CONSTRUCTION EASEMENT EXHIBIT B

9 NORTH WILD HORSE

NEW CASTLE, COLORADO.

SHEET 1 OF 1

Exhibit B
to Council Minutes 3
3.18.25



SOPRIS ENGINEERING LLC

502 MAIN STREET • SUITE A3 • CARBONDALE CO 81623

(970) 704-0311 • soprisengineering.com

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3.18.25

to

Council Minutes

u. Prior to recordation of the Final Plat, Applicant shall:

(i) provide the Town with an executed and recorded water line easement extending a water line from Clubhouse Drive in Lakota Canyon Ranch to the boundary of Castle Valley Ranch (in a form acceptable to the Town Attorney and Town Engineer) to provide water service to the project; if the water line easement is at a location different than depicted on the Construction Plans approved as part of the Subdivision and PUD Development Agreement such engineering plans shall be updated by the Applicant's engineer and approved by the Town Engineer.

Or

(ii) provide the Town with engineering plans to serve the project with water from the water main in North Wildhorse street subject to approval by the Town Engineer.

v. Prior to recordation of the Final Plat, Applicant shall amend the Recreational Trail Easement and Management Agreement to include two trail areas located on Parcel 2 as approximately depicted on the exhibit presented by Staff. Applicant shall also enter into a right of first refusal agreement with the Town giving the Town a right to purchase Parcel 1 and Parcel 2 in the event they ever offered to sale by the Homeowner's Association to a third party.

March 12, 2025

Mr. Dave Reynolds, Town Administrator
Garfield County Community Development
108 8th Street, Suite 401
Glenwood Springs, Colorado 81601

Exhibit D
3.18.25 to
Council Minutes

**RE: Grand Hogback Ranches, Lots 17 and 18
Proposed Mini Storage Application to Garfield County
Cursory Review of Limited Impact Review Submittal Package**

Dear Dave,

The purpose of this letter is to provide our initial comments per our review of data presented to the Garfield County Community Development Department for Cole Ule for the purpose of obtaining a Limited Impact Review approval from the Garfield County Commissioners. Given the short timing afforded the Town to provide referral comments for this Limited Impact Review, we have not had an opportunity to properly delve into the specifics of the application to review the validity of the information required of the County's Land Use Code. Based on our cursory review, the following comments are noted:

1. First and foremost, the application contains our letter of technical concurrence for the access permit and the watershed permit within the Town of New Castle. Inclusion of this letter is misleading to the County as it is very important to note that these permits were for the review of a **prior application that did not mention any storage/mini-storage uses** on site. The only uses mentioned were in support of the residential (with A.D.U) and personal equipment storage. Therefore, the validity of the approvals for this application is not applicable to this proposed use.
2. The County's Limited Impact Review submittal requirements require the following to be submitted:
 - a. General application materials
 - b. Vicinity Map
 - c. Site Plan
 - d. Grading and Drainage Plan
 - e. Landscape Plan
 - f. Impact Analysis
 - g. Development Agreement
 - h. Improvements Agreement
 - i. Traffic Study
 - j. Water Supply/Distribution Plan
 - k. Wastewater Management/Treatment Plan

In addition, the submittal requirements require a demonstration of compliance with Section 7-107 of the County's Land Use Code.

The County's pre-application meeting report of November 2024 identified additional requirements that needed to be submitted/addressed with the application "snipped" as follows:

The impact analysis should address any possible conflicts the proposed uses would have with the neighboring residential uses. The storage uses are classified as industrial uses and will need to meet *Section 7-1001's* specific standards or provided analysis indicating a waiver of those standards is appropriate (see below).

There are known mine reclamation projects within the area that the application will also need to address. A lot merger may be required subject to staff review. Although landscape standards isn't required for industrial uses, a landscape plan is needed to address any vegetation due the topography on the site.

The application should include materials to fulfill any Waiver of Submittal Requirements (*Section 4-202*) and Waiver of Standards (*Section 4-118*) requests.

The impact analysis is silent/inadequate on the possible conflicts that the proposed uses would have with the neighboring residential uses. Likewise, the application does not speak to the known mine reclamation projects in the area. Likewise, the landscape plan is not provided/inadequate.

The application does request the following waivers from the submittal requirements:

1. Landscape plan
2. Development agreement
3. Wastewater Management/Treatment Plan
4. Affordable Housing

It also requests a waiver of standards for the 100' Outdoor Storage Setback.

Part and parcel to the Impact Analysis requirement are the need to evaluate the impacts as related to geologic hazards and traffic. Given the additional impacts anticipated with the traffic and the potential for geologic hazards, the impact analysis needs to be further evaluated noting the deficiencies in the application requirements outlined in the pre-application conference and the fact that rockfall hazards are "likely" and should be addressed per the attached Rockfall Simulation Analysis for Riverside Park PUD (downhill of this proposed use). Likewise, further study of traffic and any evaluation needs for design modifications are necessary as this use will add an additional 421 traffic trips per day to the intersection on top of the anticipated traffic from the proposed Nutrient Farm uses currently under review by the County. The combination of all uses (including the Coal Seam application) may trigger the need for improvements at the south end of the river bridge for the spur road.

In summary, the following should be communicated to the County regarding this application prior to any disposition of the application by the County:

1. Provide additional impact analysis as follows:
 - a. Rockfall Hazard analysis and mitigation design as may be needed

- b. Traffic study, including providing counts and realizing the cumulative effect that all proposed uses using CR 335 at the south end of the river bridge may trigger necessary improvements to mitigate traffic problems/congestion.
 - c. Land use compatibility to the neighboring residential land uses. Land use compatibility with the Town's 3-mile plan.
 - d. Address known mine reclamation projects
- 2. Provide a more robust landscape plan to mitigate visual impacts beyond just erosion and drainage control.
 - 3. Provide a more detailed grading plan to assure the inclusion of the buildings does not impair the intent of the drainage plan.
 - 4. Evaluate the structural adequacy and long term durability of the asphalt millings for the intended use and the means to provide dust control and maintenance of the surfaces. Why is paved access not proposed?
 - 5. Incorporate the inclusion of paved access and update the drainage report/plan considering such.
 - 6. Provide complete lighting plan that identifies the specific location of proposed lights and their specific illumination patterns.
 - 7. Provide the locations of snow storage proposed for the site that will accommodate an area of 15% of the area to be plowed.

In addition to the foregoing, Council should also weigh in on the applicant's "waivers" from the submittal requirements as well as the waiver of the 100' Outdoor Storage Setback. The latter of the two is critical to the standards trying to address compatibility with neighboring residential lands uses, landscaping, screening, etc....

Upon receipt and review of this letter if you have any questions, please don't hesitate to contact me.

Respectfully,
SGM



Jefferey S. Simonson, PE
Principal/Town Engineer