

**New Castle Town Council Regular Meeting
Tuesday, October 17, 2023, 7:00 PM**

Call to Order

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

Pledge of Allegiance

Roll Call

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

Absent Councilor Mariscal

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

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

Meeting Notice

Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2023-1.

Conflicts of Interest

No conflicts were stated

Agenda Changes

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no Citizen Comments.

Consultant Reports

Consultant Attorney – Present for items on the agenda

Consultant Engineer - not present

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

MOTION: Councilor Leland made a motion to recess the town council meeting and to convene as the local liquor licensing authority. Councilor Carey seconded the motion and it passed unanimously.

Consider a Special Events Liquor License Application from P.E.O. Chapter AO for an Event to be Held on December 8, 2023

Town Clerk Mindy Andis reported The PEO Sisterhood, Chapter AO through its representative Mary Gervais, requests a special events liquor license for the PEO Sisterhood, Chapter AO Brunch. She also stated, Mary Gervais, informed staff that Rolling Fork will cater the brunch event and will serve champagne and orange juice in the form of mimosas. If Rolling Fork is not able to provide the alcohol service, members of PEO will serve. Guests will be limited to two drinks. Ms. Gervais also confirmed to staff that PEO is aware of their liability as related to alcohol service which was why their event was early in the day and why they are limiting how many drinks a guest may have. Last, the applicant lists the license time to be from 10:00 a.m. to 4:00 p.m. These times include several hours for set up and clean up. Alcohol will be served for a three-hour window from 10:30 a.m. to 1:30 p.m.

If Council's consensus is to approve the application for a special event liquor permit for PEO, Chapter AO's brunch event, the Clerk's Office staff recommends that Council consider requiring a 100% I.D. check. Currently, it is unknown if anyone from Rolling Fork or PEO is Responsible Service of Alcohol (TiPS) trained, and staff suggested that the Council determine if they are comfortable with that. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on alcohol sales. The application is complete, all fees are paid.

Mayor A. Riddile asked if there is anyone TIPS trained with the PEO. Ms. Mary Gervais said no not currently, but within Rolling Fork there are people trained.

Ms. Gervais asked if a member of PEO or Rolling Fork has to serve or if the paying guest could pour their own drink. Clerk Andis said per state liquor code a guest can't serve themselves; a member has to pour the drink.

Councilor Carey asked Ms. Gervais if a member from PEO be willing to get TIPS trained. Ms. Gervais said yes. Clerk Andis said she would email the information to Ms. Gervais on how to get trained.

Mayor A. Riddile asked to have proof of training sent to the clerk's office.

Ms. Gervais said PEO is a Philanthropic Educational Organization that raises money for scholarships and books for post high school education for local girls. All the profit from the ticket sales will go to the college/education fund. Currently PEO is supporting 5 young women in college with scholarships and since this AO Chapter is in Glenwood Springs the women have come from Glenwood Springs High Schools. However, two of women, due to Colorado open enrolment policy are from New Castle and two attended Glenwood Springs High Schools.

MOTION: Councilor Hazelton made a motion to approve a Special Events Liquor License Application from P.E.O. Chapter AO for an Event to be Held on December 8, 2023. Councilor Carey seconded the motion and it passed unanimously.

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

MOTION: Councilor Hazelton made a motion to recess the Local Liquor Licensing Authority and reconvene Town Council meeting and to convene as the local liquor licensing authority. Councilor G. Riddile seconded the motion and it passed unanimously.

Items for Consideration

Discussion: Town Events Funding

Town Administrator Dave Reynolds explained the purpose for the discussion was to review town funding for town events. At the last meeting the council reviewed the 2024 budget and the discretionary fund spending, and at the beginning of the meeting the budget was in the red. As part of the budget conversation there were cuts made in different areas and departments. There was discussion regarding Rides and Reggae and after discussion the council decided to reduce the event by \$10,000. After the council meeting, Administrator Reynolds heard from some residents and some town council members regarding town events.

Administrator Reynolds said Ride and Reggae is a town event with funding of \$20,000 for the past few years. He explained that the town pays for expenses as they come in up front and sign contracts. This year the town paid up front close to \$61,000 in expenses. Then, after the event, the event reimburses the town for the expenses.

Mayor Riddile said the council reviewed the budget and removed funding and projects from the 2024 budget to help bring the budget back into the black. One of the projects that was moved was the boat ramp, dog park shade structure and increased salaries across the board for staff retention and recruiting.

Mayor Riddile asked how much Rides and Reggae made from the event. Adam Cornely, Chairman of New Castle Trails, said \$57,000. Mayor Riddile asked if reducing the town's funding by \$10,000 would be a big hit for the trails.

Councilor G. Riddile said the budget is tight but healthy.

Councilor Leland said the issue is how the town treats the other town events. The town pays the bills and receives the money that is made during the event such as the fees and beer tickets at Burning Mountain Festival. With Rides and Reggae, the town has committed a certain amount upfront that we don't get back and it is different than a normal town run event. The question came up how we should proceed with Rides and Reggae, and should we treat it as the same as the other town events. Rides and Reggae must be a town event due to the liability insurance.

Councilor Carey said she may have been hasty about making such a cut to Rides and Reggae because we are at the end of the budget season and the council has not heard from New Castle Trails who put on the event regarding the cut. She believes having such a cut may be a little quick for 2024. The council should hear from New Castle Trails in mid-2024 for the 2025 budget season and receive financial reporting and how much time goes into planning and running the event as a volunteer vs. town staff run event. She believes since the decision was made hastily and the event should receive the original amount of \$20,000 and have another conversation in 2024.

Councilor Hazelton said he agrees with Councilor Leland and how Ridges and Reggae is perceived by the town staff compared to the other town events. His understanding was the \$20,000 was not intended to be yearly source but for a jump start for the event and

after a couple years of take it to the next level with having different bands. The intentions were not automatically \$20,000 towards the event without either money coming back towards the town like the other events, or it would be reduced. The town left the budgeted \$35,000 towards the trails and there has not been any discussion about reducing the amount. Councilor Hazelton clarified by stating when money is given for a town event for example \$15,000 and \$17,000 is made there is a profit of \$2,000 which comes back into the town's general fund. When the town writes a check for Rides and Reggae for \$20,000 nothing comes back to the town's general fund, other than in trails. Therefore, Rides and Reggae is being treated differently than any other town event and there where the problem is.

Councilor Leland said Rides and Reggae was started as a fund raiser for New Castle Trails therefore, there are two line items in the budget to support the trails. There is another possibility of combining the two line items and giving x amount to be used directly towards building trails or to invest in an event to raise more money.

Councilor Carey said with having the two line items and possible combining them is the reason why there should be a conversation in 2024 with information from Ridges and Reggae group and Roaring Fork Mountain Bike Association (RFMBA) and have them explain why there are two-line items.

Councilor Carey said the council has this same conversation during budget season every year and it is still unclear how the event is being run. She would like to have clearer information from Ridges and Reggae and New Castle Trails to have a better understanding of the event.

Councilor Hazelton said he would like to have a presentation on how the money is spent and how it comes back to the town.

Mayor A. Riddile asked council what their thought were:

Councilor Carey said she would like to leave Ridges and Reggae at \$20,000 for 2024 and would like to see more reporting with clarity of what is being funded.

Councilor Hazelton said he would like to stay at \$10,000 for 2024 and \$10,000 would not be a reason for the event to go away they would be able to find other donors if needed.

Councilor G. Riddile said he is in support of giving \$20,000 there is money in the budget for that amount.

Councilor Leland said he would be fine with leaving the \$10,000 in the budget and if Rides and Reggae needs more money then, they can come to council and ask for additional funding. He also asked for Rides and Reggae to create a budget for the council to see where the money is going.

Councilor Copeland said \$10,000 really not that much money. However, if we give the full \$20,000 then the other events should receive more money.

Mr. Cornley said the money which is raised during Ridges and Reggae is spent in New Castle. The goal is to improve the entire New Castle's events and make them much bigger.

Councilor Leland said Burning Mountain Festival has history in New Castle. It has been run by the library, the New Castle Chamber, a small group of volunteers did it one year when the chamber didn't want to do it anymore, then the town has run it for several years.

Dirty Hog Dash started with the town, Chili Cookoff was started by then chamber and now the town runs it. He also said Rides and Reggae is an event by New Castle Trails which is a private volunteer organization doing service work for the town.

Mayor A. Riddle said what he is hearing is that the \$10,000 doesn't seem to be an issue, he suggested to direct staff to put the \$10,000 back to Rides and Reggae for a total of \$20,000 with the understanding Rides and Reggae will be held accountable for the spending. Rides and Reggae will need to show in detail how the money is spent and report to the council 60 days after the event. The council will revisit in the fall of 2024 for the 2025 budget.

Review Nutrient Farms County Land Use Application

Planner Smith said Garfield County has requested referral comment on the proposed Nutrient Farm development east of New Castle town limits along County Road 335, which is outside of town limits, but within the Three Mile Plan. 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. 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 Nutrient Farm development proposal is actually made up of three applications:

- Coal Ridge PUD Amendment/Revocation – revokes the current Coal Ridge PUD focused on mining;
- Riverbend PUD Amendment – integrates the remaining, undeveloped portions of the existing Riverbend PUD into the Nutrient Farms PUD;
- Nutrient Farms PUD – proposes new land use comprised of an experiential working farm with related agricultural, residential, recreational and commercial activities;

Andy Bruno (property owner and developer) and his team (Dan Teodour Attorney, Dave Kotz Engineer, and Christie Mathews-Leidal Planner) and presented their vision for the PUD. Council is not approving anything related to the applications; however, the county will want to hear any concerns, recommendations, or commendations in context with New Castle's Comprehensive Plan. Comments will be compiled by Staff and forwarded to Garfield County for their consideration. The Nutrient Farm PUD is attached as Exhibit A to these minutes.

Mr. Bruno introduced himself to the council explained what the farm does along with his vision of the project.

Councilor G. Riddile asked if there would be public access through the property to BLM land. Mr. Bruno said yes, there are currently four trails to the BLM. Currently Mr. Bruno is in conversations with LOVA Trails Commission to have a trail cross the entire operation pending funding. The east pasture is the livestock farm with outbuildings.

Councilor Hazelton asked since the water rights are off of Canyon Creek are you pulling water from the creek downstream, and at some point are your plans to pipe the water as it was years ago and have the Canyon Creek water as the source of water. Mr. Bruno said yes. Mayor A. Riddle asked how that was going to happen. Mr. Bruno said one of the

options is to pipe under the river and still exploring other options. Councilor Leland said the town's comprehensive plan does have another bridge over the river.

Mr. Bruno said the entire west pasture will be agricultural. On the north side of the property is a green house built using some renewable energy technology. This year planted the first orchard and, in the future, will plant the second 10-acre orchard and the third will be a berry orchard. Everything will be bio natural and organic. He said there would be no marijuana or hemp grown. There will be a restaurant placed next to the greenhouse so customers will be able to look right into the greenhouse. On the south side will be a children's farm, an ATV park, water park and campground.

Councilor Hazelton asked if the wastewater will be tying into the current Riverbend system. Mr. Bruno said yes for the residential. Mr. Teodoru said eventually there would be an On-Site Wastewater Treatment System (OWTS) and those would phase in as the project develops.

Mayor A. Riddile asked about the campground and how that would look. Ms. Mathews-Leidal said there will be 67 camp sites that are a combination of cabin, RV and tent sites.

Mayor A. Riddile asked about the event center. Mr. Teodoru said in the amphitheater would be a few hundred people. He said any event over 350 people for an event would be a special event process which the event coordinator would need to go through. Mayor A. Riddile asked about how many events there would be per year. Mr. Teodoru said possible weekly.

Mayor A. Riddile asked about housing. Mr. Teodoru said there would be a maximum of 18 single family homes that would be on half acre each.

Mayor A. Riddile asked how the traffic would impact County Road 335 and the I70 bridge. Mr. Teodoru said a traffic impact study has been completed and submitted. The results of the study suggested some repairs but not until full build out.

Councilor G. Riddile asked about the Heli Stop and the Ultralight pad. Mr. Bruno said the Heli Stop would be for emergencies only, just in case something happens in the park. He said the Ultralight pad could have potential of being an extension of the adventure park. Guests could rent Ultralight electric aircraft and be in a geo cade area.

Councilor Hazelton said his main concern is traffic. There is only one way in and one way out and County Road 335 is a two-lane road.

Mr. Teodoru said right now the council is looking at the big picture and once we get through the approval process of the PUD and then we will be coming back with applications in phases.

The council directed Planner Smith to report back to Garfield County that the council's concern was traffic impact on County Road 335 and wanted to review any applications regarding the development.

Discussion: Policy Funding of Special Interest Groups & Committees

Administrator Reynolds said the purpose of this agenda item is to consider the establishment of a formal reporting policy for agencies and organizations who receive Town funding. Staff recommends a consistent policy of agency reporting to help the Town Council gain a comprehensive understanding of each organization's needs. Such reporting will allow for informed decisions about the allocation of discretionary funds. Staff suggests that it might be helpful to consider implementing a policy requiring that all recipients of \$4,000 or more provide updates and reports to the town council. Such reports should describe the agency's goals for how the funds will be spent and what impacts the funding might have on our community.

The council agreed with the policy of requiring all recipients of \$4,000 or more to provide updates and reports to the council.

Executive Session (1) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S Section 24-6-402(4)(e) concerning the Kamm lot lease.

Motion: Councilor Leland made a Motion at 8:35 p.m. to go into Executive Session (1) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) concerning the Kamm lot lease.

Councilor Hazelton seconded the motion and it passed unanimously.

Executive session concluded.

At the end of the executive session, Mayor A. Riddile made the following statement:

"The time is now 8:44 p.m. and the executive session has been concluded. The participants in the executive session were: Councilors Carey; Councilor Hazelton; Mayor A. Riddle; Councilors Copeland, G Riddile; Town Administrator Reynolds, Town Clerk Andis, Town Attorney Carmer, Planner Smith, Treasurer Viktoriya Ehlers. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Consider Approval of Letter of intent and Commercial Lease Regarding Kamm Lot (667 W Main).

Attorney Haley Carmer said the Letter of Intent for the lease of the Kamm Lot is to Mr. Jim Shrull to run his U-Haul business. If the letter is approved then it would be signed by the town administrator. She said the lease would then be signed if the first two conditions are met. One of the conditions is to sell the Texaco property and the approval of the

Conditional Use Permit (CUP) for the proposed business. One of the requirements of the lease is to clean up the exterior of the Texaco property by the end of March 2024.

MOTION: Mayor A Riddile made a motion to approve the letter of intent and the Commercial Lease regarding Kamm Lot at 667 W. Main Street. Councilor G. Riddile seconded the motion and it passed unanimously.

Discussion: Construction Management Plan - Building Code

Planner Smith said the building department regularly evaluates the means and methods of new construction projects and supports contractors in adoption of the latest in construction science and project management practices. As New Castle grows and communities densify, the impact of construction on the town increases in complexity. Noise, mud/dust, waste, parking, traffic, open excavations, utility hazards, to name a few, increasingly pose a threat to the town's quality of life when not managed effectively. Though the town code has some provisions for construction management, the lack of systematic organization makes it difficult to enforce. Staff, therefore, have drafted a new code section to help mitigate impacts from future construction projects. Staff recommends the following items be included in the new Chapter 15.06 (Exhibit B to these minutes) for Council's consideration:

1. Construction management site plan;
2. Emergency contact information;
3. Project signage;
4. Construction hours and noise limits;
5. Requirements of right-of-way permits;
6. Consideration of adjacent properties;
7. Consideration of site maintenance;
8. Safety fencing and barriers;
9. Construction parking;
10. Moisture control and mold prevention;
11. Enforcement;

The listed items would be required to be submitted with the building permit application. It is staff's opinion that implementation of these commonly accepted practices will improve the quality and safety of development moving forward.

Councilor Hazelton asked when is the house is considered interior vs. exterior. He had suggested putting some language in the code to define the difference.

Councilor G. Riddile asked if the work hours from 7am – 6pm are active work hours or when workers on the on jobsite, meaning they shut down work at 6pm but are there cleaning up until 7pm. Planner Smith said having the extra hour should not be a big deal for cleaning up as long as there are no construction noises such as beeping and running saws etc.

Councilor Copeland asked about trash on construction sites. Planner Smith said that would fall into Site Maintenance.

Councilor Leland asked to add dust in H (ii) because dust doesn't appear in the section.

Consider Ordinance TC 2023-6 - An Ordinance of the Town of New Castle, Colorado Amending Chapter 17.18 of the New Castle Municipal Code, Also Known as the New Castle Sign Code (2nd reading).

Administrator Reynolds said during the regular Town Council meeting on September 19, 2023, Planner Smith discussed needed adjustments to the Town's Sign Code which can be found in Municipal Code Section 17.18. Based on the September 19th meeting, on October 3rd staff presented changes to the municipal sign code along with Ordinance TC 2023-6 for Council's review on first reading. Council approved TC 2023-06 on first reading, no changes have been made since first reading.

MOTION: Mayor A. Riddile made a motion to approve the Ordinance of the Town of New Castle, Colorado Amending Chapter 17.18 of the New Castle Municipal Code, Also Known as the New Castle Sign Code (2nd reading). Councilor Carey seconded the motion, and it passed on a roll call vote: Councilor G. Riddile: Yes; Councilor Leland: Yes; Councilor Carey: Yes; Councilor Hazelton: Yes; Councilor Copeland: Yes; Mayor A. Riddile: Yes.

Continued from October 3, 2023 - Consider Ordinance TC 2023-7 - An Ordinance of the New Castle Town Council Adding Chapter 15.25 to the New Castle Municipal Code for the Adoption of the 2021 Edition of the International Wildland Urban Interface Code with Amendments (1st reading)

Planner Smith said during Town Council meetings held on March 21, 2023, and on Sept. 19, 2023, had the opportunity to explain the WUI Code to Town Council. After receiving feedback from both meetings, and after conferring with Colorado River Fire Rescue (CRFR), he has made amendments to the code which staff believes will move the town in a positive direction related to Wildland Interface and our exposure to wildfires. While no plan or code can totally protect us from the on-going threat of fire, the adoption of the WUI Code can act as an important step in moving toward more resilient buildings and landscaping.

Planner Smith reviewed the ordinance with the council.

MOTION: Councilor G. Riddile made a motion to approve the Ordinance TC 2023-7 - An Ordinance of the New Castle Town Council Adding Chapter 15.25 to the New Castle Municipal Code for the Adoption of the 2021 Edition of the International Wildland Urban Interface Code with Amendments (1st reading) Councilor Copeland seconded the motion, and it passed on a roll call vote: Councilor Copeland: Yes; Mayor A. Riddile: Yes; Councilor Hazelton: Yes; Councilor G. Riddile: Yes; Councilor Carey: Yes; Councilor Leland: Yes

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.

October 3, 2023 minutes

New Castle Liquors, Inc. Liquor Store Liquor License Renewal

MOTION: Mayor A. Riddile made a motion to approve the consent agenda. Councilor G. Riddile seconded the motion and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds reported Stewart Curry will be joining the police department as a Lieutenant. The police department is having oral boards for another candidate. Reminder about Trick-Or-Treat New Castle on Friday, October 27th. Administrative Assistant Rochelle Firth and Administrator Reynolds walked around to all the downtown business letting them know of the event and getting them involved. There will be the “Official” Ghost Busters team set-up in Burning Mountain Park, haunted food truck on Main Street, hayride, haunted house at Burning Mountain Plaza and a costume contest at Hogback Pizza. He said Castle Valley Ranch HOA will be having their yearly HOA meeting on November 6, 2023, 6:00pm at the library. The HOA would like to have a town representative at the meeting. Administrator Reynolds said that he would be able to attend, and Mayor A. Riddile said he would be able to attend as well. Administrator Reynolds said the public works department have been working on the Red Rock Ditch piping project. They will be placing about 3,000 feet of pipe in the ditch.

Town Clerk - Clerk Andis reported she has received the grant agreements from FMLD for both the Fall Mini Grant for \$20,500 for emergency signage/message board and Fall Traditional Grant for \$365,000 for Raw Water Irrigation.

Town Treasurer – Treasurer Viktoriya Ehlers reported that as of noon today with the changes made in the October 3, 2023, council meeting, the General Fund went from a deficit of \$29,000 to a surplus of \$65,000, the Utility Fund went from a deficit of \$40,000 to a deficit of \$38,000, The biggest change was with the Police Department, changing a fulltime officer from 12 months to 6 months which was a decrease of \$53,000. The other big adjustment that influenced the change was the decrease in Rides and Reggae by \$10,000 but will be readjusted after tonight’s meeting. Ridges and Reggae will now receive \$20,000, the other changes added added \$10,000 for Spanish outreach program, adjusted New Castle Trails from \$55,000 to \$35,000 and the boat ramp of \$30,000, the dog park shade structure of \$20,000 were removed. The town received the FMLD Fall Traditional grant will help with the direction for the ARPA Funds.

Town Planner – Planner Smith said Assistant Planner Lauren Prentice is working on the land use application for Mr. Jim Shrull. R2 will be bringing their sketch plan to P&Z on October 25, 2023, and coming to council on November 7, 2023. He will be at the next CEC meeting.

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – nothing to report

Historic Preservation Commission – Councilor Copeland said HPC approved the Annual CLG Audit Report and the final deliverables for the sub grant the town received from History Colorado.

Town Council Minutes
Tuesday, October 17, 2023

Climate and Environment Commission – Counselor Leland said they will be meeting Thursday and Planner Smith will be speaking about the WUI code and discuss how to get the information out to the current homeowners.

Senior Program – nothing to report

RFTA – Mayor A. Riddile said they are continuing to discuss the succession of the new CEO.

AGNC – Councilor Hazelton said the next meeting will be a round table discussion about current grants and speak about the town's raw water project.

GCE – Councilor Leland said the summit he was asked to speak at was mostly about electric vehicles. Electric Vehicles have unexpected problems such as contributing with brake dust and tire dust are contaminating our water ways.

EAB – nothing to report

Detox – Administrator Reynolds reported he attended a meeting with Detox Center on site. The meeting was very informative. They did a tour of the building. They expect the construction to be done in April 2024 and about a month to furnish the center. Part of the conversation was that the Detox Center was initially a partnership with all the town joining along with the hospitals to help fund the Detox Center. At the beginning it was planned as a social detox setting which has now been upgraded to a medical setting. With the Detox Center becoming a medical setting, Pitkin and Eagle County are now interested in the center. He is speaking with the Detox Center to come in to give an update presentation to the council.

Council Comments

Councilor Carey said she spoke with the New Castle Postmaster about delivering packages at night and how difficult it is. The Postmaster asked for the community to turn on their porch light so it's not so dark. Councilor Carey asked if something could be placed in the newsletter "Light Up the Night" from dusk until around 9:30pm. To help the postal workers out. She will be out of town from October 27-29, 2023.

Councilor Hazelton asked about the sinkhole along the coal seam. Administrator Reynolds said the state has decided because of the magnitude of the project it could not be completed this fall because of the difficulty getting to the site. Contractors have looked at the site and determined it was too dangerous to have equipment close to the site. So, now the contractor will need to create a conveyor belt to move stones from the road to the site and they are asking for a drive lane for the project.

Councilor G. Riddile said Administrator Reynolds and himself had delivered a letter to the Board of County Commissioners asking for \$500,000 to help fund the landscaping for the roundabout. The meeting is Wednesday, October 25, 2023, at 2:00pm. He also said he would not be at the November 21, 2023, council meeting and the meeting is two days before Thanksgiving.

Councilor Leland said there has been a lot of talk in the community regarding speeders on 7th Street. There seems to be support for speed bumps. Since speed bumps can't be installed because of snow plowing, would it be possible to put in speed tables. Councilor Hazelton said there has been a large police presence on 7th Street. Councilor Leland said he really appreciated the budget layout for the special events.

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

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

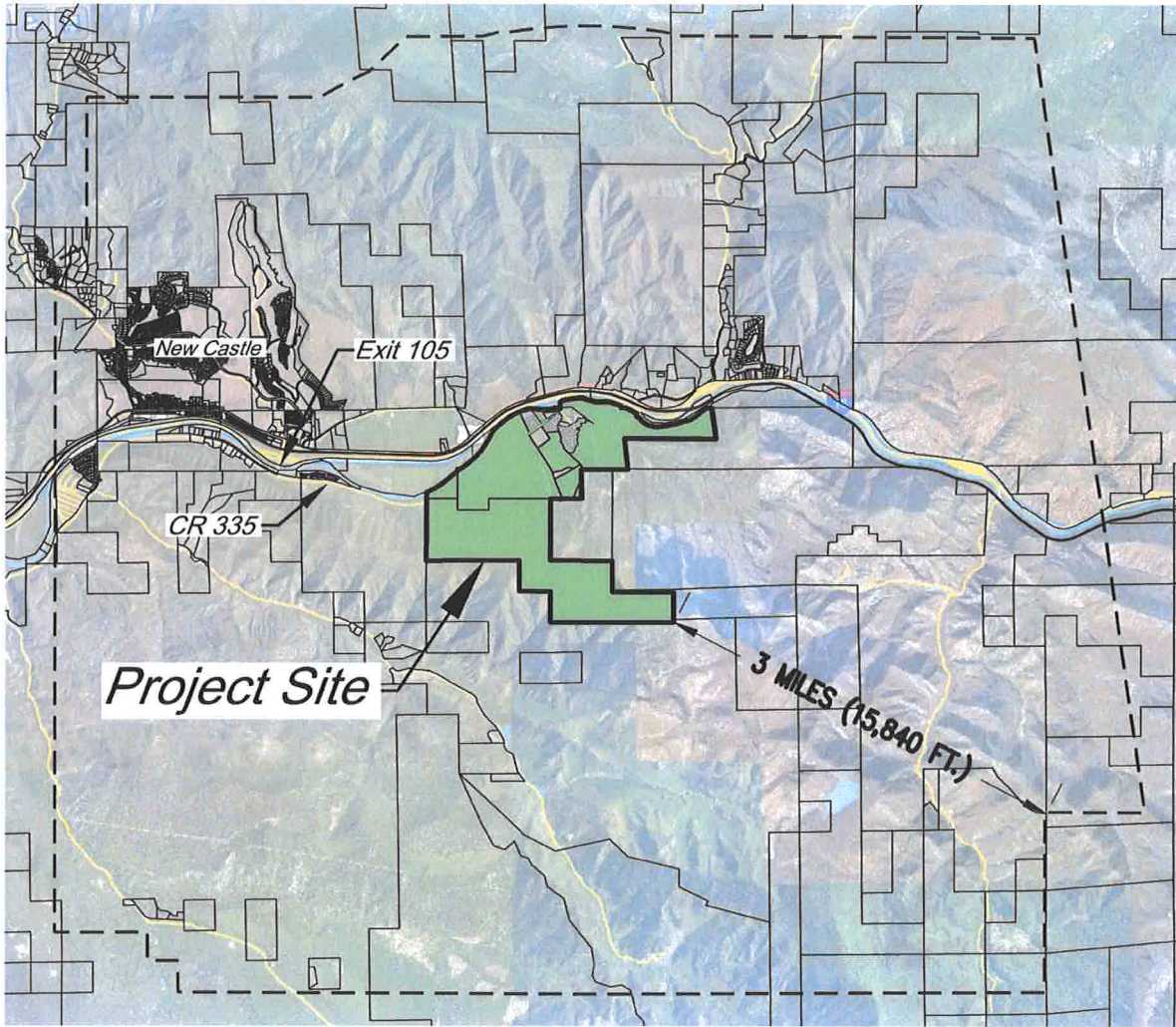



Town Clerk Mindy Andis, CMC


Mayor Art Riddle

- Vicinity Map - 10-17-2023 to Council Minutes

Not to Scale



\\sgmfile\projects\2018\2018-271-RiverbendRch\002- PUDAmendment\H-Dwgs\Surv\Draws\BaseMaps\ExistingRiverbendPUD_Map.dwg

NUTRIENT FARM PLANNED UNIT DEVELOPMENT

Overview of the Request

Nutrient Farm is located to the south and west of the Colorado River and backs up to the steep slopes of the Coal Ridge and nearby Bureau of Land Management (BLM) lands. County Road (CR) 335 (Colorado River Road) bisects the property, and pockets of residential subdivisions are located adjacent to it. The property is currently governed by the terms of the Riverbend Planned Unit Development (PUD) and the Coal Ridge PUD.

Nutrient Holdings LLC, the Owner/Developer, has requested approval from Garfield County to establish the Nutrient Farm PUD by concurrently vacating the entirety of the existing Coal Ridge PUD and amending the remaining unsubdivided portions of the Riverbend PUD. (No properties outside the Nutrient Farm land area, such as the existing Riverbend homes, are included in these requests.) Nutrient Farm will be a working farm with agricultural, residential, and tourist-oriented educational, recreational, and commercial activities revolving around it. Right-of-way for CR 335 and easements for the LoVa Trail will be dedicated for public use in connection with the PUD request. Nutrient Holdings intends to develop the Nutrient Farm PUD as a cohesive community and has no intention of selling off any portions of it to others to develop.

History

The property has been contemplated for development since the early 1970's. It is part of the larger 1,180 acre Riverbend development area and contains the remaining unsubdivided/undeveloped land within it. The original Riverbend Sketch Plan allowed for a 617 residential dwelling unit community containing an outdoor education center, riding stables, open space, pasture, and a demonstrative cattle ranch. Over time the Riverbend development area was modified and sold off to others and developed.

The original Riverbend PUD boundaries have been developed with six residential subdivisions—Riverbend Subdivision Filing Nos. 1 and 2, Riverbend Ranchettes, Cedar Ridge Subdivision, the Matthies Exemption Plat, and Riverbend Filing No. 5. In 1984, Storm King Mines received approval to modify approximately 292 acres of the undeveloped western portion of the Riverbend PUD for the Coal Ridge PUD. (Nutrient Holdings owns the entire Coal Ridge PUD area.) The Coal Ridge PUD allows for a coal mine, heavy industrial support facilities, as well as residential and agricultural uses in it. Development of the mine was to take place in nine phases with the goal of producing 2.2 million tons of coal annually. According to Assessor records and our research, there is a base minimum of 123 residential units remaining on the Nutrient Farm property in the Riverbend PUD.

The proposed Nutrient Farm PUD area encompasses and corresponds to the entire existing Coal Ridge PUD area and the remaining unsubdivided portions of the Riverbend PUD area. We see this as an opportunity to replace a rather old and incompatible PUD with a PUD that is more compatible with the surrounding development and goes back to the original agricultural and residential intent of the original Riverbend PUD.

Land Uses

Nutrient Farm prioritizes healthy living and responsible stewardship of the land. Nutrient Farm will utilize organic and biodynamic agricultural practices such as avoiding all synthetic chemical pesticides, fertilizers, and transgenic contamination. Nutrient Farm will largely be a self-contained, self-sustaining ecosystem with the goal of becoming formally organic and biodynamically certified in the near future. Specific land uses and development standards have been established in the proposed Nutrient Farm PUD Guide to foster the compatible and orderly development of Nutrient Farm so that it maintains the open, natural feel of the property, and blends into the nearby residential development pattern and the natural landscape.

Accordingly, eight Development Areas (Areas) and four Private Open Space Tracts (Tracts) are planned. The Areas consist of two Working Farm areas, three residential areas, a residential/solar energy area, a recreational/entertainment area, and a commercial/industrial area. As seen on the Site Plan (attached), the heart of Nutrient Farm, and the majority of the usable land, are the Working Farm areas.

Development Areas, Private Open Space Tracts and General Land Uses Summary			
Area/ Tract	Name	Size¹ (Acres)	General Land Uses²
1	Residential Subdivision (5) 0.50 acre minimum lots	5.50	Agricultural/Animal Related Uses, Agritourism Residential Uses: Dwelling Units, Single-Unit
2	Residential Subdivision (1) 35.00 acres minimum lot/ Farm House Lot	42.14	Agricultural, Agritourism, Animal Related Uses Residential Uses: Dwelling Unit, Single-Unit
3	Residential/Solar Energy Systems (10) 0.50 acre minimum lots	9.46	Agricultural/Animal Related Uses, Agritourism Residential Uses: Dwelling Units, Single-Unit Solar Energy Systems
4	Residential Subdivision (2) 0.50 acre minimum lots	1.12	Agricultural/Animal Related Uses, Agritourism Residential Uses: Dwelling Units, Single-Unit
5	Working Farm – East/Solar Energy Systems (1) 1.00 acre minimum residential lot	73.99	Agricultural/Animal Related Uses, Agritourism Commercial Uses Residential Uses: Dwelling Unit, Single-Unit, and Dwelling Units, Bunkhouse ³ Solar Energy Systems
6	Working Farm – West/ Solar Energy Systems (North: 54.70 Acres) (South: 142.21Acres)	196.91	Agricultural/Animal Related Uses, Agritourism Commercial Uses Residential Uses: Dwelling Units, Bunkhouse ³ Solar Energy Systems
7	Commercial/Industrial Park (North: 5.45 Acres)	12.31	Agricultural/Animal Related Uses, Agritourism Commercial Uses

	(South: 6.86 Acres)		Industrial Uses Residential Uses: Dwelling Units, On-Site Employee Housing ³
8	Outdoor Adventure Parks (North: 6.14 Acres) (South: 168.25 Acres)	174.39	Agricultural/Animal Related Uses, Agritourism Commercial Uses Industrial Uses Public/Institutional Uses Visitor Accommodations Residential Uses: Dwelling Units, On-Site Employee Housing ³
A	Private Open Space	214.63	Private Open Space
B	Private Open Space	281.19	Private Open Space
C	Private Open Space	65.40	Private Open Space
D	Private Open Space	47.54	Private Open Space
County Road 335 ROW Area		11.42	Public Right-of-Way
Total Development Areas		515.82	45.4% of Total PUD Area
Total Private Open Space Tracts		608.78	53.6% of Total PUD Area
Total County Road ROW Area		11.42	1.0% of Total PUD Area
Total PUD Area		1,136.00	100% of Total PUD Area

¹ The size of each Area and Tract shown is approximate.

² The indicated General Land Uses do not specify all of the individual allowed land uses. Please refer to the Nutrient Farm Land Use Table for the allowed land uses in each Area or Tract.

³ Bunkhouses for seasonal and full time agricultural employees and On-Site Employee Housing units for employees of Nutrient Farm may be constructed in these Areas. These units are not inclusionary housing required by the County Land Use and Development Code (LUDC).

The Working Farm – East is located on the eastern portion of the property and will be used to primarily grow hay and raise livestock. The Working Farm – West is located in the center of the property and is planned to grow fruits, vegetables, and herbs, and has a children’s Adventure Farm that is open to the public. Agricultural, educational, recreational, and agricultural tourist related activities such as u-pick orchards, corn mazes, hay rides, restaurant, greenhouse, Farm Store, agricultural processing buildings, tours, and solar energy systems are planned. These uses will blend into the functional farm operations. The restaurant will serve healthy products grown and raised on Nutrient Farm and other local sources and will be built near the Colorado River. Food, farm tours, and seasonal themed events such as a u-pick pumpkin patch and Halloween activities will take place here too.

In terms of residential planning, up to 18 new residential lots will be disbursed to the north and east of the western Working Farm. (The existing Farm House is not included in the 18 new lot count.) The new residential lots and their future homes will be comparable in planning, size, and scale to the existing Riverbend lots and homes. To that extent, two residential subdivisions are planned adjacent to CR 335, parallel to the Colorado River, near Riverbend Filing No. 5—one to the east and one to the west. Up to ten new single-family lots are proposed to the west of Riverbend Filing No. 5, and five new single-family lots are proposed to the east between Riverbend Filing No. 5 and the Riverbend Ranchettes. Two new single-family home sites are planned near the Working Farm – East, adjacent to Riverbend Drive, and one single-family home site will be located in the Working Farm – East, itself. The new homes are planned to be served by Riverbend Water

and Sewer Company (RWSC) facilities, subject to formal inclusion and commitment at the time of lot subdivision. (A Will Serve Letter has been provided by the RWSC.)

To the west and south of the Working Farm – West, we envision commercial/business uses, outdoor recreational activities, a music/entertainment area, campground, lodging facilities, and a Health and Wellness Retreat. The Health and Wellness Retreat will offer a variety of holistic, multi-disciplinary health services and activities. We seek to eliminate the existing approved heavy industrial uses contemplated in the Coal Ridge PUD and replace them with commercial and a few more intensive uses which are truly not industrial but rather associated with the agricultural operation, if any, such as a contractor's yard, and a storage and sewage treatment facility supporting Nutrient Farm.

Crucially, the LoVa Trail will run east to west through Nutrient Farm along CR 335 and then within a 25 foot wide easement to the east across the Colorado River. Numerous private recreational trails and walkways are planned throughout the property. An 80 foot right-of-way for CR 335 will be dedicated to the County for public use. (There is no record of its formal dedication to the County for public use on the property. Most likely, since the Riverbend PUD was never fully developed and subdivided, the CR 335 portion within Nutrient Farm was never dedicated to the County.) Additional public rights-of-way and private roads will be constructed off of CR 335 to access the future residential subdivisions and various areas of Nutrient Farm.

No County or municipal water or wastewater services are sought. Water and wastewater will be provided to the land uses within Nutrient Farm via a variety of means including connection to the existing RWSC facilities for the new residential homes. Existing appurtenant water rights will provide water from the Vulcan Ditch, Coal Ridge Pump and Pipeline, and associated Coal Ridge Reservoir, which will be used for the other indoor and outdoor uses in the rest of the Development Areas. As the non-residential uses are widely dispersed across the vast western portion of the property, multiple on-site potable water treatment systems and On-Site Wastewater Treatment Systems (OWTS) will be constructed on the property. A State regulated "public water system" will be created in advance of any development with public use above the various triggering thresholds.

Nutrient Farm will be a predominantly self-contained community that provides its own food, infrastructure, and energy facilities as much as possible. Specifically, Solar Energy Systems, including solar electric and/or thermal energy systems, are planned on the northern portion of Development Area 6 and Development Area 3 to maximize their solar orientation and efficiency. (Out of the shadow of the mountains.) A solar energy system may also potentially be constructed in Development Area 5, if needed.

Development will be limited to the valley floor, while the steeper, more visible slopes backing up to the mountains will be designated as private open space—thereby preserving the scenic views and serving as backdrop for the valley floor.

Phasing

Development of the Nutrient Farm property is planned to take place in three phases over approximately nine years. The primary focus of Nutrient Farm is the Working Farm areas—and all of the Agricultural and Animal Related Uses and accessory activities related to them. Nutrient Farm is planned to be developed in the following three phases:

Area	Name/Use	Phase 1			Phase 2			Phase 3		
		2023	2024	2025	2026	2027	2028	2029	2030	2031
1	Residential Subdivision (5 Lots)				X	X	X	X	X	X
2	Residential Subdivision (1 Lot)		X	X						
3	Residential Subdivision (10 Lots)/Solar Energy Systems		X	X	X	X	X	X	X	X
4	Residential Subdivision (2 Lots)				X	X	X	X	X	X
5	Working Farm – East/Solar Energy Systems (1 Residential Lot)	X	X	X	X	X	X			
6	Working Farm – West/Solar Energy Systems	X	X	X	X	X	X	X	X	X
7	Commercial/Industrial Park				X	X	X	X	X	X
8	Outdoor Adventure Parks		X	X	X	X	X	X	X	X

Town of New Castle Comprehensive Plan

According to the Town of New Castle Comprehensive Plan's Future Land Use Map, the Town's Urban Growth Boundary (UGB) cuts through the center of the Nutrient Farm property so that the eastern portion of Nutrient Farm is located outside of it, and its western portion—Area 6/Working Farm – West, Area 7/Commercial/Industrial Park, and Area 8/Outdoor Adventure Parks—is located just within the outer reaches of that mapped area.

The Future Land Use Map labels the entire property, inside and outside of the UGB, as Rural Low Density. Rural Low Density is characterized by *Large lot single-family, working ranches/farms, ranchettes, open pastures and rural qualities...* with net densities of 10 or more acres per dwelling unit.

Page 40 of the Comprehensive Plan seems to indicate that this Rural Low Density designation was intended for those areas outside of the urban growth boundary—not necessarily inside it:

These lands are situated in unincorporated Garfield County outside the urban growth boundary shown on the Future Land Use Map. Primary land-use jurisdiction lies with Garfield County. These rural areas represent the open lands that extend beyond the feathered urban edge. It is intended that these areas will remain low density and rural

to minimize service demands. Higher residential densities are inappropriate in this area and should be directed to urban areas where municipal services and utilities can cost-effectively support density. (Emphasis added with underline.)

Directly abutting the north-western portion of the property, across the Colorado River, is land designated as a Planned Urban Center surrounding a Business Campus. Per the Comprehensive Plan, a wide variety of uses are called for in these areas—retail, services, restaurants, hotels, entertainment, civic functions, residential, light manufacturing, publishing, research/development, and compatible trades, artist studios, light industrial activities, and wholesale activities. These areas are to be accessed via CR 335 and the construction of a new bridge.

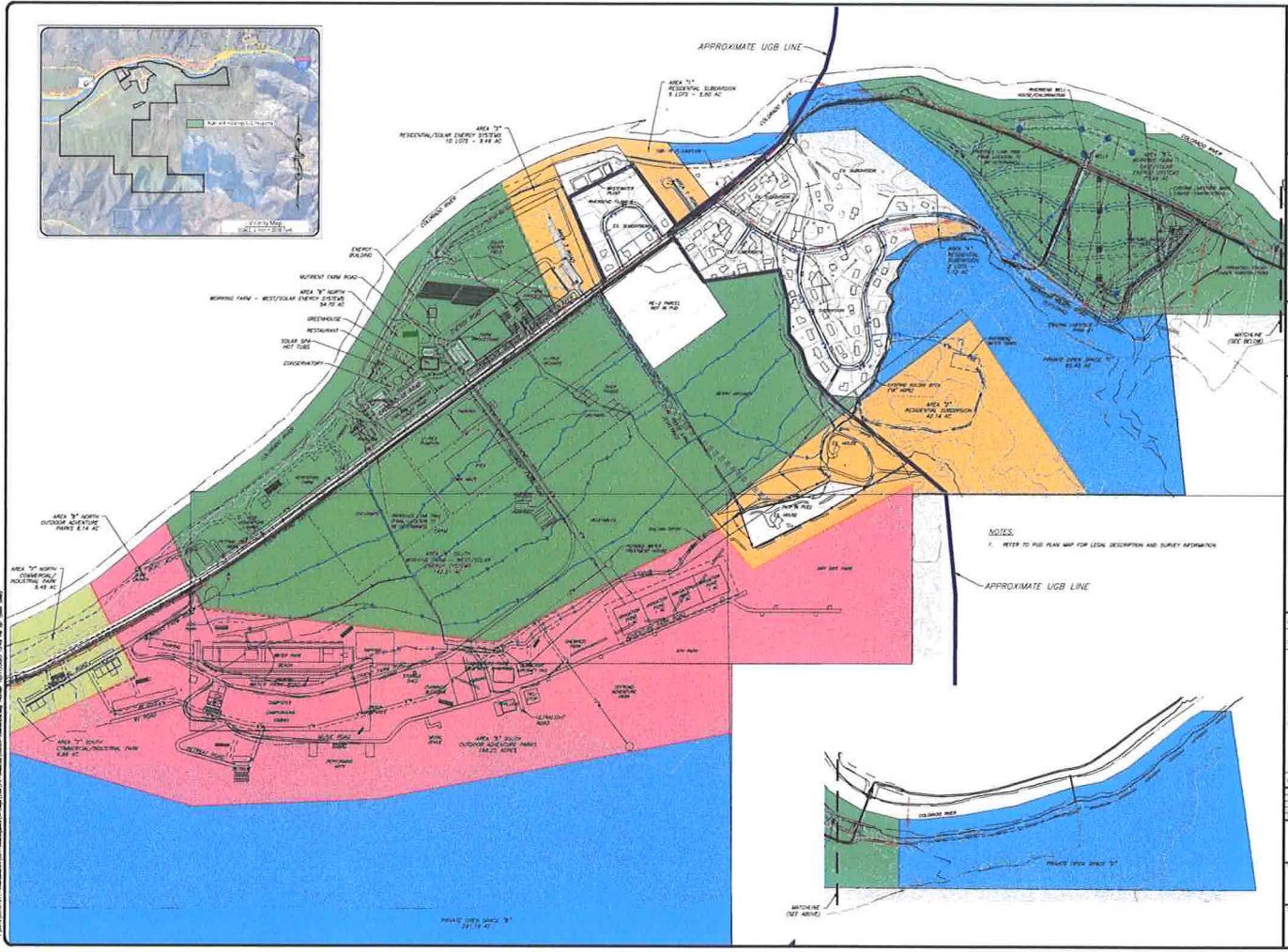
There are several key takeaways from this consideration of the Nutrient Farm proposal in light of the Town's key growth and Comprehensive Plan. First, there are few residences in any of the areas that are just within the Town's UGB. The chief thrust of the uses in this area are all primarily associated with agriculture. As noted, the goal of Nutrient Farm, and all the subsidiary uses and activities associated therewith, is to provide an experiential biodynamic farm—one where the experiences and activities offered at Nutrient Farm, including camping, wellness, art and culture, are tied to the farm, the land, and the community. In this light, we do feel Nutrient Farm, and its development pattern, is a very natural, complementary transition to the Town's vision for the vicinity.

We believe that Nutrient Farm, by its very nature, aptly meets the vision of the Comprehensive Plan and is quite seamlessly compatible with the adjacent land use designations of the Comprehensive Plan. The majority of the flat land will be the Working Farms – East and West which total approximately 271 acres (about 24% of the entire property) and another approximately 609 acres is designated as open space (approximately 54% of the property). Area 6/Working Farm – West is approximately 197 acres and makes up the majority of the property within the UGB. We also note that Area 7/Commercial Industrial Park and Area 8/Adventure Park on the north-western portion of the property adjacent to the Colorado River abut the Planned Urban Center/Business Campus. These uses are smaller in scale yet still similar and compatible with those uses called for in the Comprehensive Plan for the Town on the other side of the River. Development then feathers away to the central western Working Farm on the property.

Ultimately, Nutrient Farm is quite complementary and compatible in nature, scale, and intensity with the surrounding land uses and the natural landscape. It provides a great transition from the higher intensity of the Town to the more rural zones as we move further and further away from the Town's core. The Nutrient Farm area has been contemplated for construction since 1973 and zoned for agricultural, residential, commercial, mining, and heavy industrial activities with the existing Riverbend and Coal Ridge PUDs.

Our goal is to drastically ratchet down this antiquated, previously zoned industrial type intensity and bring the character of the land back to its agricultural roots. We believe the 18 new residential lots and enclosed and open-air uses are rather modest in relation to the size of the roughly 1,136

acre property, and the very intensive scope of presently allowed uses on the property, including up to hundreds of units of density. Nutrient Farm will help preserve agricultural land and the rural mountain character of the Colorado River Valley and bring back the original agricultural and low intensity, local oriented residential intent of the Riverbend PUD. Our proposal will be a benefit to the community as it is much more compatible, sensitive, and less intense than which is currently allowed.



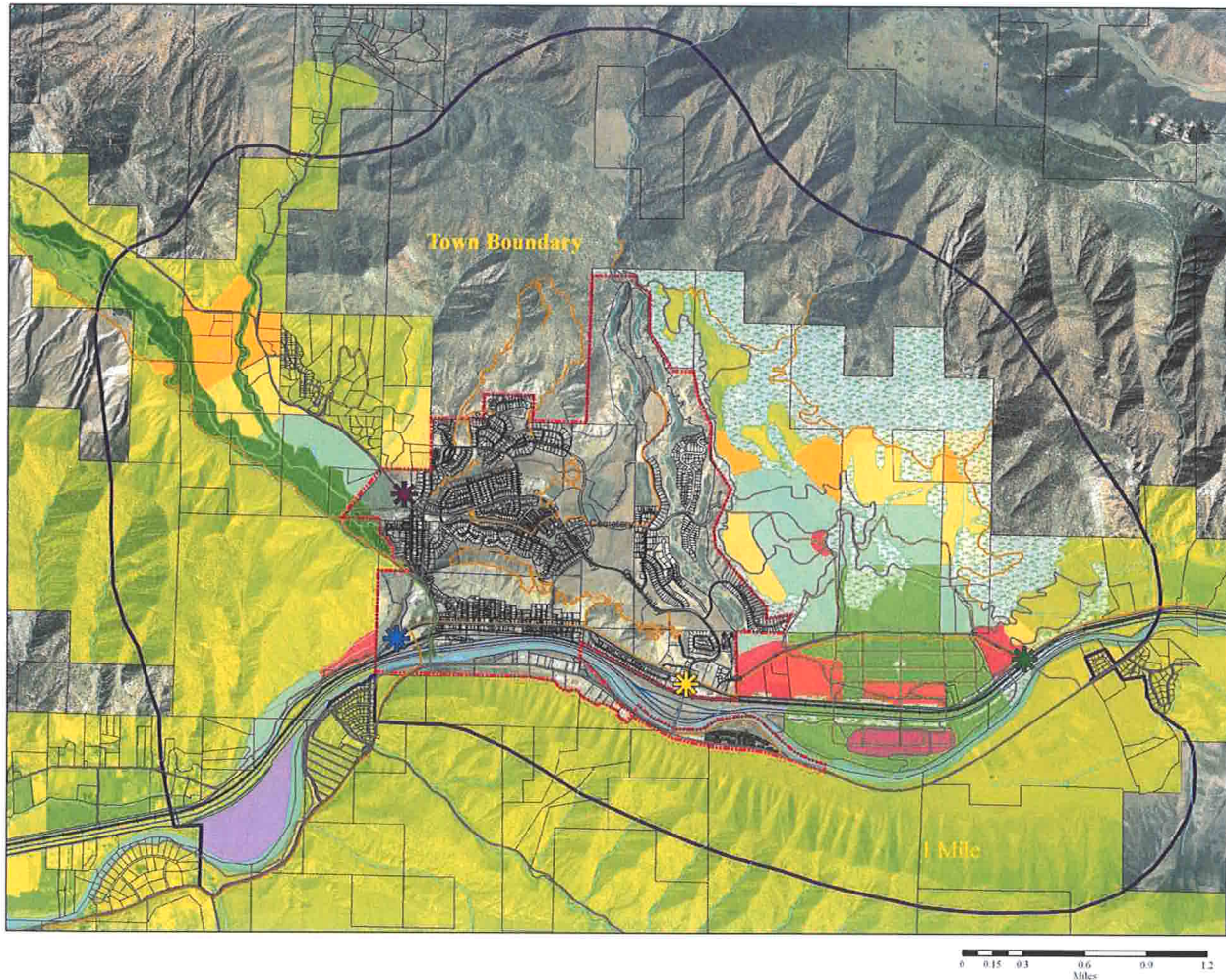
NO.	DATE	DESCRIPTION
1	11/11/2020	PRELIMINARY PLAN FOR CONSTRUCTION

Overall Site Plan

1

NOTES:
1. REFER TO THIS PLAN MAP FOR LEGAL DESCRIPTION AND SURVEY INFORMATION

New Castle Comprehensive Plan Future Land Use



- Legend**
- Business Campus
 - Mixed Use-Commer Focus
 - Industrial
 - Mixed Use-Res Focus 5-10/Ac
 - Mixed Use-Res Focus 40/Ac
 - Rural/Low Density
 - Challenged Residential
 - Planned Urban Center
 - Open Space
 - Environmental Protection
 - East Gateway
 - South Gateway
 - West Gateway
 - North Gateway
 - County Roads
 - Hard Surface Trails
 - Soft Surface Trails
 - Colon IAC Trails
 - Madeline Trail
 - Future Collector
 - City
 - Stream/Catchment
 - USB
 - City Streets
 - County Roads
 - Railroads
 - Highways
 - Rivers/Lakes
 - Subdivision Streets



Western Slope Planning LLC
May 25, 2009



New Castle Comprehensive Plan

residential density at the urban periphery where it abuts public lands and the Urban Growth Boundary. Lower densities with clustering minimize service demands and long utility extensions.

Design Characteristics

Single-family, patio home, duplex and tri-plex building designs and types characterize this area with lower densities. Building designs and lot sizes facilitate clustering on smaller lots by averaging density across an entire site. Structures may serve standalone residential functions or may include live/work activities. On-street parking is allowed, but side- and rear-loaded parking is required for building occupants. Parking accommodations must be furnished for non-resident employees on-lot or in close proximity to the place of employment. Some parks, large open spaces, greenbelts and trail/sidewalk systems are important design components. Neighborhood interaction remains an important quality of these residential areas. Garages should be side or rear-loaded and do not dominate the front building façade. Minimum street lighting primarily at intersections and exterior building lighting is downcast, appropriately directed to the intended purpose and prevents glare, over-lighting and lighting trespass. Streets are tree-lined and narrower road sections reduce traffic speeds but accommodate on-street parking. Sidewalks are separated from the roadway by a street-lawn that is used for snow storage and drainage infiltration basin. Trail systems are as important as sidewalks in this lower-density area to access open spaces and provide transportation/recreation functions. Buildings include front porches. Roadway lengths in this area are minimized by lot design or clustering the units. The traditional street grid may not be the most appropriate design configuration and curvilinear streets or modified street grids may be most fitting. Lot sizes range from 4,000 to 6,000 square feet for clustered units or range from 5,000 to 11,000 square feet for detached single-family structures. Lot widths may be 25 feet per dwelling unit for clustered single-family, patio home and tri-plex/duplex units.

Rural Low Density

Types of Uses

Large lot single-family, working ranches/farms, ranchettes, open pastures and rural qualities characterize this area.

Density

Net densities are 10 or more acres per dwelling unit.

Location

These lands are situated in unincorporated Garfield County outside the urban growth boundary shown on the Future Land Use Map. Primary land-use jurisdiction lies with Garfield County. These rural areas represent the open lands that extend beyond the feathered urban edge. It is intended that these areas will remain low density and rural to minimize service demands. Higher residential densities are inappropriate in this area and should be directed to urban areas where municipal services and utilities can cost-effectively support density.

Design Characteristics

Large lot single-family and rural agricultural uses characterize these areas. Roads may be gravel or have paved surfaces but typically do not include curb/gutter or sidewalks. Rural trail systems such as the LoVa Trail may support non-motorized access, but lower traffic volumes in most locations allow non-motorized access on roadways. Open space is on private and public lands. Active parks are usually not found in rural areas.

Chapter 15.06
CONSTRUCTION MANAGEMENT PLAN

15.06.010 Applicability.

This Section shall govern the construction and development of all public and private construction projects in the Town of New Castle. These regulations shall apply to all new commercial, industrial, residential, and mixed-use developments or demolition, improvement, or renovation (interior and/or exterior) of existing structures of 1,500 sf or greater. Such projects shall comply with Chapter 33 ("Safeguards During Construction") of the 2021 International Building Code as amended in this Section. If conflicts exist between any requirements of this Chapter and Chapter 33, the more conservative requirement shall apply.

15.06.020 Definitions.

Best Management Practices (BMP's) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMP's also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage.

Construction Management Plan – A Construction Management Plan ("CMP") is a combination of diagrams, drawings, and/or written specifications that clearly demonstrate how the impacts associated with any construction project will minimally affect the community.

15.06.030 CMP Documentation.

- A. The CMP shall be provided on a sheet or sheets bound together with the approved construction drawings submitted at permit review. The project shall be managed according to the approved CMP until a certificate of occupancy is issued.
- B. **CMP Content** - The CMP shall show the project boundaries and include the locations of the following items:
 - i. Each proposed structure on the property;
 - ii. Structures on all adjacent lots;
 - iii. Nearest fire hydrants
 - iv. BMPs;
 - v. Construction fencing and any necessary barriers;
 - vi. Sanitary facilities;
 - vii. Project sign;

- viii. Proposed utility service locations and curb stops;
- ix. Temporary electrical pedestal;
- x. Material storage and staging;
- xi. Trash facilities;
- xii. Work trailers;
- xiii. Construction parking;

C. **Emergency Contacts.** The CMP shall provide an emergency contact list located on the 1st page of the CMP documentation. The list will include:

- i. the owner's name & phone number;
- ii. the project manager's name & phone number;
- iii. the fire department phone number;
- iv. the police department phone number;
- v. all applicable utility company phone numbers;
- vi. the Town building department phone number;
- vii. locate 511 phone number;
- viii. emergency 911 phone number;

D. **Project Sign** – A project sign shall be constructed and posted within ten (10) feet of the public right-of-way. The project sign shall be 36" x 48" (12 square feet) and shall include the following items:

- i. The official permit card attached;
- ii. Street name and address with no smaller than 4" digits and letters;
- iii. Approved project plans attached in a weather-proof sleeve;

E. **Construction Hours & Noise Limits** – The CMP shall provide the following limits on construction hours and noise levels as a general note:

"Construction hours for permitted *interior* work are unlimited. However, any noise emitted from a project as a result of *interior* work beyond the timeframes listed in (i.) and (ii.) below or on the days listed in (iii.) below that exceed the levels established in Section 8.04.020(D) shall be prohibited. Construction hours for permitted *exterior* work shall be limited to the following hours and subject to the maximum permissible noise levels above:

- i. 7:00am – 6:00pm Monday through Friday;
- ii. 9am – 5pm on Saturdays & Sundays.
- iii. All exterior work is prohibited on the 4th of July, Memorial Day, Labor Day, Thanksgiving Day, Christmas Day, or New Year's Day.

All other noise unaffiliated with permitted construction work shall comply with Section 8.04.020."

F. **Right-of-Way Permit** – The CMP shall describe any proposed work anticipated within

the Town right-of-way. Examples of such work may include utility trenching, material staging that exceeds more than two consecutive days, crane or pump operations that exceed more than two consecutive days, etc. Prior to such work, a right-of-way permit shall be obtained through the Public Works Department pursuant to Section 12.04.

- G. ***Adjacent Properties*** – The CMP shall provide as a general note the following provision:

“No person shall excavate on land close enough to a property line to endanger any adjacent public street, sidewalk, and alley, other public or private property, or easement, without supporting and protecting the property from any damage that might result from construction operations. Temporary staging of excavation materials, storage of construction materials on vacant lots not included in the scope of the permitted project, or the trespassing of neighboring properties to facilitate access to the permitted project is prohibited without written approval from the vacant lot owner, the Building Official, and HOA as applicable.”

- H. ***Site Maintenance*** – All construction sites including, but not limited to commercial and residential construction, remodeling, or additions, shall be required to be kept clean and free of debris complying with the following provisions:

- i. All dirt and other materials tracked or deposited onto any public rights-of-way shall be removed at the end of each workday.
- ii. All construction materials shall be secured to the ground to prevent from becoming windborne;
- iii. An adequate trash receptacle shall be kept on site at all times, not on public property without permission of the Building Official, and used to dispose of all construction and personal trash. The receptacle is to be removed to a landfill site in an appropriate and timely manner and is to be covered in transit;
- iv. Adequate sanitary facilities shall be maintained and available for all workers;
- v. Adequate signage and pedestrian protection shall be provided and maintained as required by this Section; and
- vi. The site shall be posted and secured to discourage trespassers.

- I. ***Safety Fencing*** – The CMP shall list as a general note the need for construction fencing. The project area shall be surrounded by standard four (4) foot construction safety fencing. Safety fencing shall include a fencing “gate” that may be opened or closed before and after each workday. Any necessary construction barriers shall comply with Section 3306 of the IBC.

- J. ***Construction Parking*** - The CMP shall provide as a general note a parking strategy for construction operations. Parking is only allowed on public rights-of-way with approved parking lanes or within the property boundary. Parking is not allowed on prohibited

areas of public rights-of-way or neighboring lots unassociated with the project.

Exceptions: In cases where limited parking significantly interferes with construction progress, the owner or owner's representative may request a temporary parking permit from the Police Department approving parking in otherwise prohibited areas within the right-of-way. All approved temporary parking areas must be signed with the following language: "Temporary Construction Parking Only" and is allowed only for the duration of the permit. Parking on adjacent lots may be permitted only with written consent from the vacant lot owner, the Building Official, and HOA (as applicable). Other exceptions may be considered at the discretion of the Building Official.

K. Moisture Control During Construction - As a preventive measure against mold and water damage during construction, under floor spaces and building construction materials shall be protected from moisture during the duration of a permit as follows:

- i. All construction materials stored onsite and exposed to weather shall be covered with a water-proof membrane at all times unless otherwise recommended by the manufacturer.
- ii. Prior to being enclosed, under floor spaces shall exhibit no standing water, snow, or ice.
- iii. Once enclosed, underfloor spaces shall be covered with a disposable water-proof membrane to limit infiltration of water into surrounding soils.
- iv. Once the structure is dried-in from weather, underfloor spaces shall be provided with ongoing ventilation until a certificate of occupancy is issued.

15.06.040 Enforcement.

Each violation of the requirements of this section shall be considered a separate and distinct offense. Furthermore, each day of continued violation shall be considered as a separate and distinct offense. The Town will enforce construction management violations as follows:

- i. First offence: written warning;
- ii. Second offence: written warning and \$25 fine;
- iii. Third offence: written warning and \$75 fine;
- iv. Fourth offence: project will be issued a stop work order and shall be subject to the penalties imposed in Section 15.04.050.