

Posted: _____

Remove: _____



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting

Tuesday, June 20, 2023, 7:00 PM

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

Virtual Meetings are subject to internet and technical capabilities.

[To join by computer, smart phone or tablet click HERE](#)

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on

The Council Packet is available [HERE](#)

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

[A.](#) Proclamation Recognizing July as Parks and Recreation Month

[B.](#) Appointment: Interim Town Clerk

[C.](#) 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

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

- D. Consider an Application from the New Castle Chamber of Commerce for a Special Event Liquor License for their Block Party Event on June 23, 2023**
- E. Consider an Application from the New Castle Recreation Department for a Special Event Liquor License for the Community Market on July 27 and August 31, 2023**
- F. Consider an Application from the New Castle Recreation Department for a Special Events Liquor License for Burning Mountain Festival on September 8 & 9, 2023**

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

- G. Discussion and Review of Wildlife Meetings**
- H. Discussion: November Coordinated Election**
- I. Discussion: Senior Programs Representative**

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.

[April](#) 18, 2023 minutes

[May](#) 2, 2023 minutes

May 16, 2023 minutes

[June](#) 6, 2023 minutes

[EAT](#) Bistro & Drinks H&R Liquor License Renewal

Staff Reports

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

Commission Reports

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

Council Comments

Adjourn



Town of New Castle, State of Colorado

Proclamation

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including New Castle; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS New Castle recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, I, Art Riddile, Mayor of New Castle do hereby proclaim that July is recognized as Park and Recreation Month in the Town of New Castle.

Let this Proclamation be entered into the officials of the Town.

Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk



Town of New Castle

450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item – Appointment of Interim Town Clerk
Date: 06/20/2023

Purpose:

The purpose of this agenda item is to consider the appointment of Mindy Andis to the position of Interim Town Clerk.



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

To: Local Liquor Authority
From: Mindy Andis, Deputy Town Clerk
Date: 6/16/2023
Re: New Castle Chamber of Commerce Liquor Permit Application for their Block Party Event in Burning Mountain Park

The purpose of this agenda item is to consider an application from New Castle Chamber of Commerce for a special events liquor license for their 'Block Party' located in Burning Mountain Park, on Friday, June 23, 2023.

Vice President, Mari Riddile, filed the application on April 19, 2023, more than 30 days prior to the event date, within the application guidelines as required by the State Liquor Code. The public hearing has been properly noticed. The application is properly complete.

New Castle Chamber of Commerce is a non-profit corporation which qualifies them for a special events liquor permit.

New Castle Chamber of Commerce has legal possession of the intended premises through a rental agreement. Both documents are included in the application packet.

The event includes two food trucks, both food trucks Colorado Sno and Capitol Deli have been approved by Garfield County Health Department. Mari Riddile and Cori Webber are both ServSafe certified and will oversee alcohol service.

The license times requested for the application are from 12:00 p.m. to 10:00 p.m. which includes appropriate time for set-up and tear down of the event.

If the Authority's consensus is to approve the attached application for a special event liquor permit for the Town of New Castle, the Clerk's Office staff recommends that Authority consider the following conditions:

- That a 100% ID check be conducted because only individuals that meet the eligible drinking age of 21 should be served alcohol.
- That 'last call' for service of alcoholic beverages be a half-hour prior to the end of the event to allow patrons to finish their beverages before leaving the venue.

Clerk's Office staff recommends approval of the application.

Mindy Andis, CMC

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)**

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input checked="" type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110 <input type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input checked="" type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate NEW CASTLE CHAMBER	State Sales Tax Number (Required)
---	-----------------------------------

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) P.O. BOX 983 NEW CASTLE, COLORADO 81647	3. Address of Place to Have Special Event (include street, city/town and ZIP) BURNING MOUNTAIN PARK
---	---

4. Authorized Representative of Qualifying Organization or Political Candidate MARI RIDDLE	Date of Birth 7-10-1961	Phone Number 970-948-0061
--	-----------------------------------	-------------------------------------

Authorized Representative's Mailing Address (if different than address provided in Question 2.)
**433 RIVER VIEW DRIVE #1003
 NEW CASTLE**

5. Event Manager CORI WEBBER	Date of Birth 9-1-1974	Phone Number 970-309-8830
--	----------------------------------	-------------------------------------

Event Manager Home Address (Street, City, State, ZIP) PO BOX 1003 SILT, COLORADO 81652	Email Address of Event Manager coridurddor@yahoo.com
--	--

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes How many days? _____	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes License Number _____
---	---

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
6/23/2023		12:00	10:00												

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature mchadley	Title VICE PRESIDENT	Date 4.19.2023
------------------------------	--------------------------------	--------------------------

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
--	--	---------------------------------------

Signature	Title	Date
-----------	-------	------

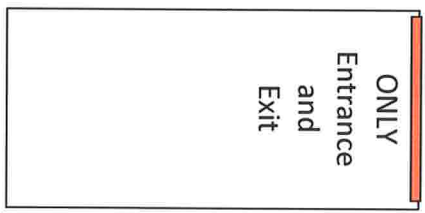
DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information			Total
License Account Number	Liability Date	State	
		-750 (999)	\$

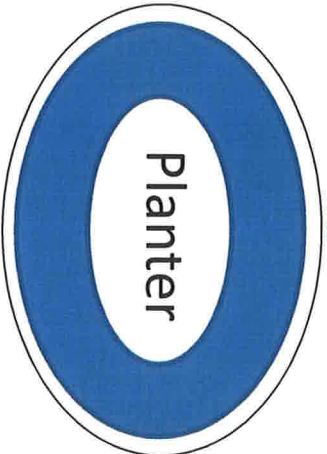
The beer/wine area will be supervised by Mari Riddile (5:30-7:30) and Cori Webber (7:30-9:40). Both are TiPS trained. We have several volunteers and one or two of them will also be in the area.

MAIN STREET

ONLY
Entrance
and
Exit



E



Planter

Playground



Gazebo:
BEER/WINE
DISTRIBUTION

Restrooms

(3) 220 S
1 rest

Hnreachna Dit

AMBULANCE

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

NEW CASTLE CHAMBER OF COMMERCE

is a

Nonprofit Corporation

formed or registered on 02/13/1986 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871657516 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/21/2023 that have been posted, and by documents delivered to this office electronically through 04/24/2023 @ 10:17:04 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 04/24/2023 @ 10:17:04 in accordance with applicable law. This certificate is assigned Confirmation Number 14900042 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's website, <https://www.coloradosos.gov/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our website, <https://www.coloradosos.gov> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

Colorado Snow Menu 2023

Shaved Ice (soft serve Ice cream in the middle)	\$9.00	40-flavors
Soft Serve Ice Cream	\$9.00	
Banana Split	\$9.00	
Root Beer Float & Orange Cream Float	\$9.00	
Carmel Doodle (snickers & Caramel) on soft serve vanilla	\$9.00	
Oreo Munch (oreos-chocolate & caramel on soft serve vanilla	\$9.00	
Busters Sunday (Caramel-Butterscotch-reese's peanut butter	\$9.00	
Nachos	\$9.00	
Pretzels	\$9.00	
Pretzel dogs	\$9.00	
Hot Dog & Chips & soda	\$9.00	
Cotton Candy	\$7.00	
Drinks	\$2.00	



Working to Promote Health and Prevent Disease

195 West 14th Street
Rifle, CO 81650

2014 Blake Avenue
Glenwood Springs, CO 81601

P 970.625.5200 Ext. 8130
consumerprotection@garfield-county.com

June 9, 2023

New Castle Chamber-Block Party/Business Showcase
Attn: Cori Webber

Subject: Block Party/Business Showcase - June 23rd, 2023, Burning Mountain Park, New Castle, Colorado - Garfield County

Dear Ms. Webber:

This department has **APPROVED** the Event Coordinator Plan submitted for the event listed above. Any revision(s) to the plans shall be submitted to the department for review and approval.

Below are the **FINAL APPROVED** Temporary Food Vendors for the event. Please note, if a submitted vendor is not listed below, they are not approved to operate at the event.

- Colorado Snow (Mobile Food Truck)
- Capitol Deli (Tent & Table Booth Set Up)

If you have any additional questions, or need further assistance, please contact me at 970-625-5200 Ext. 8128 or reach out to the Consumer Protection Team at 970-625-5200 ext. 8130.

Sincerely,

A handwritten signature in cursive script that reads 'Nerida Mojarro'.

Nerida Mojarro
Environmental Health Specialist II
Garfield County Public Health
nmojarro@garfield-county.com

Vendor List for June 23rd

1. Salon West
2. Sprints
3. Trail Head Chiropractic
4. New Castle Library
5. Dustin
6. Sassy Cuts
7. Peacock Skin Care
8. Mountain Whisk Bakery
9. Fairway Independent Mortgage
10. Speckle Feather
11. Elegant Jewelry
12. River Center
13. Defiance Cyclery
14. Drifters
15. Embryn at Keller Willams
16. Alishia
17. Wild Coffee /New Castle Coffee
18. Valley Lids

Food Venders

1. Colorado Snow
2. Capital Deli

Memo

TOWN OF NEW CASTLE
Town Clerk

To: Mayor and Councilors
From: Mindy Andis, Deputy Town Clerk
Date: 6/16/2023
Re: Request from the Community Market Special Event Staff

Request: Kelley Cox, Community Market Organizer and Special Events Staff for the Town of New Castle requests that the Local Liquor Licensing Authority consider approving a Special Events Liquor License Application from the Community Market to provide liquor licensing for three dates during the Community Market in the summer of 2023.

The New Castle Community Market is interested in inviting the two liquor stores in town to host a sampling garden during the community market on two separate occasions: July 27, 2023 and August 31 2023.

The Community Market is now a Town of New Castle event, and the Town is eligible to obtain a special events liquor license and hold the sampling garden in Burning Mountain Park.

The Market will accept donations of alcohol from Spirits Liquor, New Castle Liquors and the Brew Pub. The licensed premises will be the northeast corner of Burning Mountain Park as indicated on the map. The licensed area is proposed to be 25'x25' or smaller, and the number of patrons in the sample garden will be limited. Historically, liquor store personnel and/or vendors served the alcohol, most of whom staff knows are ServSafe (TIPS) certified. In addition, Town Staff is or will be ServSafe certified by the time of the events.

IDs will be checked at a separate ID booth, and an entry fee of \$5 will be charged.

The alcohol will be served in small, one-ounce disposable cups, and guests who obtain a wristband/hand stamp may sample various wines or beer made available by the donating store. Both liquor stores and the brewery will have the opportunity to provide coupons to patrons to be used in the stores only. No retail alcohol sales can take place in the park.

At the end of the event, any unopened alcohol must be returned to the liquor store that donated it. Open bottles must be poured out.

Staff recommends that the Local Liquor Licensing Authority approve the Special Events Liquor License Application on the following conditions:

- That patrons of the sampling garden be required to show identification to obtain a hand stamp.
- That samples be limited to no more than one ounce of malt or vinous liquor per sample.
- That patron of the sampling garden be allowed no more than a flight of three samples.

Mindy Andis, CMC

Department Head (signature)

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB	Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110	<input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170	<input type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate <i>New Castle Rec - New Castle Community Market</i>		State Sales Tax Number (Required)
2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <i>PO Box 90</i>		3. Address of Place to Have Special Event (include street, city/town and ZIP) <i>Burning Mountain Park</i>

4. Authorized Representative of Qualifying Organization or Political Candidate <i>Kelley Cox</i>		Date of Birth <i>12-17-62</i>	Phone Number <i>970-984-3352</i>
Authorized Representative's Mailing Address (if different than address provided in Question 2.)			

5. Event Manager <i>Kelley Cox</i>		Date of Birth <i>12-17-62</i>	Phone Number <i>970-984-3352</i>
Event Manager Home Address (Street, City, State, ZIP)		Email Address of Event Manager	

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes How many days? <u>1</u>	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input type="checkbox"/> No <input type="checkbox"/> Yes License Number _____
--	--

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	
<i>7-27-23</i>				<i>8-31-23</i>																

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <i>Kelley Cox</i>	Title <i>Arts + Enrichment Coord.</i>	Date <i>4-19-23</i>
--------------------------------	--	------------------------

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
--	--	---------------------------------------

Signature	Title	Date
-----------	-------	------

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$.



Working to Promote Health and Prevent Disease

195 West 14th Street
Rifle, CO 81650

2014 Blake Avenue
Glenwood Springs, CO 81601

P 970.625.5200 Ext. 8130
consumerprotection@garfield-county.com

June 2, 2023

Event: New Castle Community Market
Attn: Kelly Cox
kcox@newcastlecolorado.org

Subject: New Castle Community Market - every THURSDAY July 13th - August 31st, 2023, Burning Mountain Park, New Castle, Colorado - Garfield County

Dear Kelly,

This department has **APPROVED** the Event Coordinator Plan submitted for the event listed above. Any revision(s) to the plans shall be submitted to the department for review and approval.

Below are the **FINAL APPROVED** Temporary Food Vendors for the event. Please note, if a submitted vendor is not listed below, they are not approved to operate at the event.

- Rolling Fork Truck (Mobile Food Truck)
- Colorado Snow (Mobile Food Truck)
- Kaleb's Katch (Tent & Table Booth Set Up)
- Wrap N Roll (Tent & Table Booth Set Up) (Baked Goods Only)
- Mesa Microgreens (EXEMPT) (Microgreens Only)
- Coleen Mahoney (EXEMPT) (Cottage Foods)
- High Water Farm (EXEMPT) (Whole Produce Only)
- Abundant Terraced Earth (EXEMPT) (Whole Produce Only)
- Colby Farms (EXEMPT) (Honey Only)

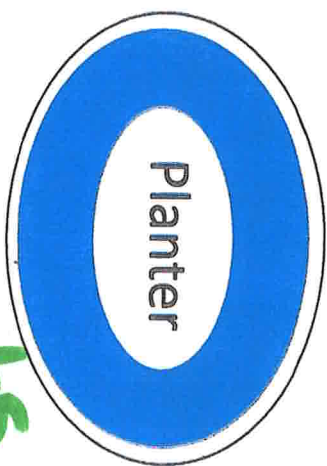
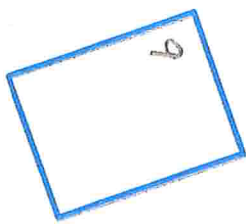
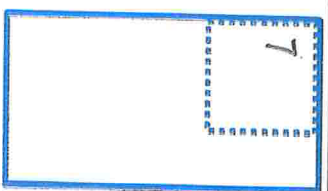
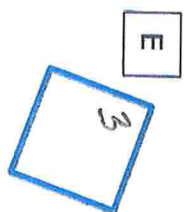
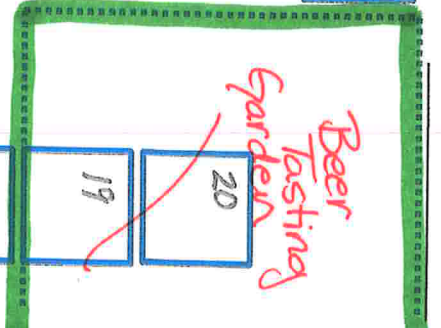
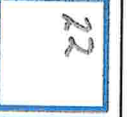
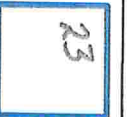
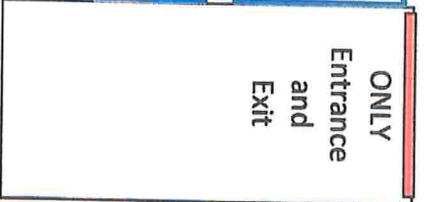
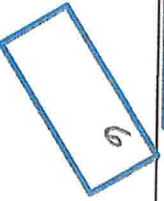
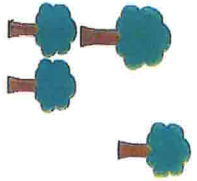
If you have any additional questions, or need further assistance, please contact me at 970-625-5200 Ext. 8128 or reach out to the Consumer Protection Team at 970-625-5200 ext. 8130.

Sincerely,

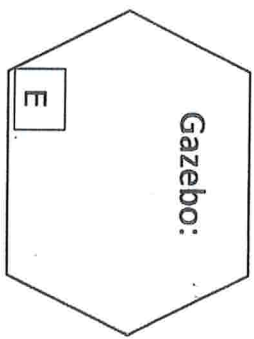
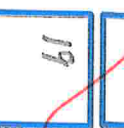
A handwritten signature in cursive script that reads 'Nerida Mojarro'.

Nerida Mojarro
Environmental Health Specialist II
Garfield County Public Health
nmojarro@garfield-county.com

Main Street



Markets



Playground

Restrooms

(3) 220 &
1 per

Upperechhon Dit



Memo

To: Local Liquor Authority

From: Mindy Andis, Deputy Town Clerk

Date: 6/16/2023

Re: Town of New Castle Special Event Liquor Permit for the September 8 & 9, 2023 Burning Mountain Festival

Request: The Special Event Staff of the Town of New Castle requests a special events liquor license for Burning Mountain Festival, on September 8 & 9, 2023 located in Burning Mountain Park at 157 W. Main Street.

The Town of New Castle Special Event Coordinator, Kelley Cox, filed the application on April 19, 2023. The public hearing has been properly noticed. The application is properly completed.

If Council's consensus is to approve the attached application for a special event liquor permit for the Town of New Castle, the Clerk's Office staff recommends that Council consider the following condition(s):

- That although the application requests a permit time until 10:00 p.m. on September 8 & 9, 2023 (Burning Mountain Festival), staff recommends alcohol be served until 9:30 p.m., and alcohol be allowed on premises until 10:00 p.m.
- That a 100% ID check be performed (beer tickets will be sold in a separate booth from the beer tent) and that wristbands or hand stamps be provided to those persons 21 or older.

Council's approval of this special event license will provide the town with the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at Burning Mountain Festival on Friday September 8, 2023, from 5:00 p.m. to 9:30 p.m., and Saturday, September 9, 2023, from 1:00 p.m. to 9:30 p.m.

Clerk's Office staff will man the beer tent along with two yet-to-be-determined volunteers. Clerks Office staff is ServSafe (TiPS) certified.

Mindy Andis, CMC

Department Head (signature)

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate <i>New Castle Rec. Burning Mountain Festival</i>	State Sales Tax Number (Required)
2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <i>PO Box 90</i>	3. Address of Place to Have Special Event (include street, city/town and ZIP) <i>Burning Mountain Park</i>

4. Authorized Representative of Qualifying Organization or Political Candidate <i>Kelley Cox</i>	Date of Birth <i>12-17-62</i>	Phone Number <i>970-984-3352</i>
Authorized Representative's Mailing Address (if different than address provided in Question 2.)		

5. Event Manager <i>Kelley Cox</i>	Date of Birth <i>12-17-62</i>	Phone Number <i>970-984-3352</i>
Event Manager Home Address (Street, City, State, ZIP)		Email Address of Event Manager

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes How many days? <i>1</i>	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input type="checkbox"/> No <input type="checkbox"/> Yes License Number _____
--	--

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	
<i>9-8-23</i>		<i>4 p.m.</i>	<i>10 p.m.</i>	<i>9-9-23</i>		<i>1 p.m.</i>	<i>10 p.m.</i>													

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <i>Kelley Cox</i>	Title <i>Arts + Enrich. Coordinator</i>	Date <i>4-19-23</i>
--------------------------------	--	------------------------

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
Signature	Title	Date

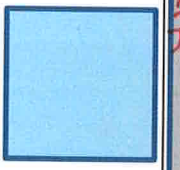
DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information			
License Account Number	Liability Date	State	Total
		<i>-750 (999)</i>	\$

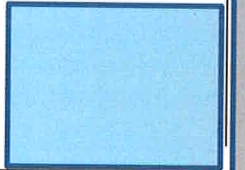
Jasper
Ward
Ave

sidewalk

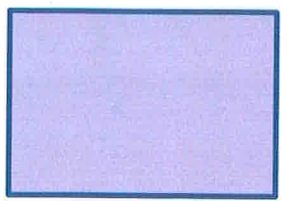
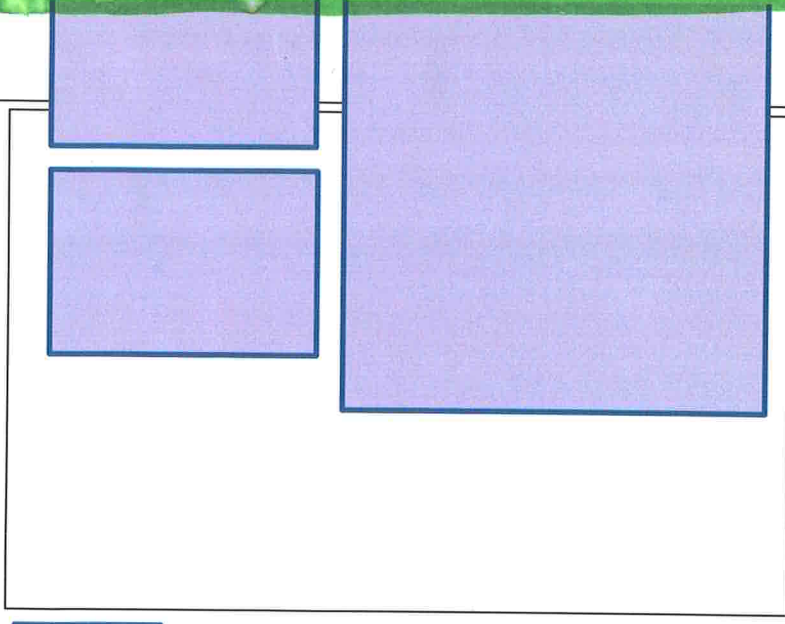
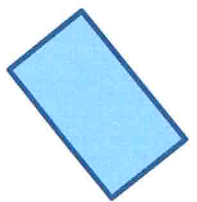
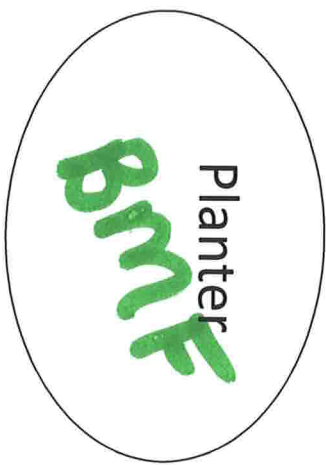
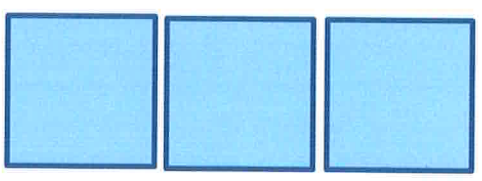
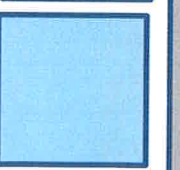
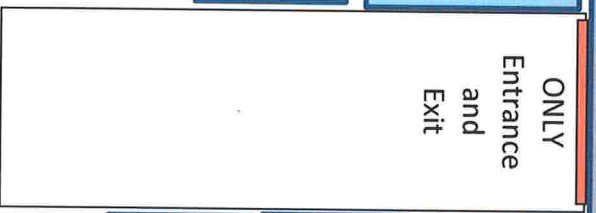
11th Street



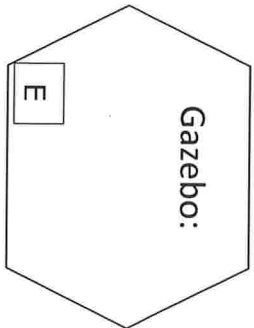
E



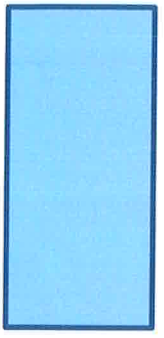
ONLY
Entrance
and
Exit



Playground



Gazebo:



Restrooms

(3) 220 S
1 Tree

Harecatha Dit



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Mayor & Council
From: Dave Reynolds
Re: Agenda Item – Review of Wildlife Meetings
Date: 06/20/2023

Purpose:

The purpose of this agenda item is to review a series of open house wildlife meetings that were held throughout the spring. Hosted by Council member Caitlin Carey with assistance from our local Colorado Parks and Wildlife Officers, this open house forum worked through a series of meetings that covered Bear awareness, Bear prevention, and Bear encounters. Residents who attended found the meetings to be informative and helpful, and made a point to thank all involved for hosting the series. With the scheduled bear meetings completed, and the likeliness of more bears in our future, this agenda item is intended to recap lessons learned and discuss any need for future action.



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

To: Town Council
From: Melody Byram, Town Clerk
Date: June 20, 2023
Re: November 2023 Coordinated Election

The purpose of this agenda item is to inform the council that the deadline to notify Garfield County of the town's intent to place an item on the November ballot will be July 28, 2023.

Throughout this year, the council had not had any discussions to consider ballot issues, but staff did want to bring it to council's attention.

Melody L Byram, CMC



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

To: Town Council
From: Melody Byram, Town Clerk
Date: June 20, 2023
Re: Senior Programs Representative

The purpose of this agenda item is to remind the council that I currently sit as the town's representative on the Garfield County Senior Programs Board. Councilor Grady Hazelton sits as the alternate.

Since I will be retiring at the end of the month, another representative will need to be selected.

This is a council seat and decision; however, Interim Town Clerk Mindy Andis has volunteered to take my place if there is not a council member who wants to or can attend the meetings.

Senior Programs meetings are on the 4th Friday of each month at 9:00 a.m.

Melody L Byram, CMC

1 **New Castle Town Council Regular Meeting**
2 **Tuesday, April 18, 2023, 7:00 PM**

3
4 **Virtual Meetings are subject to internet and technical capabilities.**

5
6 To join by computer, smart phone or tablet:

7 <https://us02web.zoom.us/j/7096588400>

8 If you prefer to telephone in:

9 **Please call: 1-346-248-7799**

10 **Meeting ID: 709 658 8400**

11
12 **Follow the prompts as directed. Be sure to set your**
13 **phone to mute until called on**

14 The Council Packet is available online by scanning this code:
15 or by going to www.newcastlecolorado.org



16
17 **Call to Order**

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

19
20 **Pledge of Allegiance**

21
22 **Roll Call**

23 Present	Councilor Mariscal
24	Councilor Carey
25	Councilor Hazelton
26	Mayor A Riddile
27	Councilor Copeland
28	Councilor Leland (arrived at 7:01 p.m.)
29	Councilor G Riddile
30 Absent	None

31
32 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
33 Byram, Town Planner Paul Smith, Town Treasurer Loni Burk, Deputy Town Clerk Mindy
34 Andis, Deputy Town Clerk Rei Bordelon, Assistant Treasurer Viktoriya Ehlers, Public Works
35 Director John Wenzel and Assistant Town Attorney Haley Carmer.

36
37 **Meeting Notice**

38 Town Clerk Melody Byram verified that her office gave notice of the meeting in accordance
39 with Resolution TC 2023-1.

40
41 **Conflicts of Interest**

42 There were no conflicts of interest.

43
44 **Agenda Changes**

45 Clerk Byram told the council that staff had received a request from Ruth Fletcher for
46 reappointment to the Historic Preservation Commission (HPC). She noted that terms on

1 HPC were three years, not four as assumed and the request had come in a bit late. Clerk
2 Byram said that staff would like to add the consideration of Ms. Fletchers' request for
3 reappointment if the council did not mind. The council agreed.
4

5 **Citizen Comments on Items not on the Agenda**

6 There were no citizen comments.
7

8
9 **Consultant Reports**

10 Consultant Attorney – present for agenda items.

11 Consultant Engineer – not present.
12
13

14 **Items for Consideration**

15
16 **Consider Letter of Interest from Ruth Fletcher for reappointment to a Seat on the
17 Historic Preservation Commission.**

18 **MOTION: Mayor A Riddile made a motion to reappoint Ruth Fletcher to a Seat on
19 the Historic Preservation Commission.**
20
21

22 Recess the Town Council Meeting, Convene as the Board of Zoning Adjustment

23 **MOTION: Mayor A Riddile made a motion to recess the town council meeting and
24 to convene as the Board of Zoning Adjustment. Councilor Hazelton seconded the
25 motion and it passed unanimously.**
26
27

28 **Consider Inclusion of Tattoo Parlors as a Permitted Use in the C-1 Zone District**

29 **MOTION: Mayor A Riddile made motion to include Tattoo Parlors as a permitted
30 use in the C-1 Zone District.**

31 Town Administrator Dave Reynolds introduced Nick and Heather Harrington who are New
32 Castle residents.

33 Administrator Reynolds explained that the C-1 zone district in the downtown had three
34 different options for bringing businesses in. They were uses permitted by right, conditional
35 uses and non-permitted uses.

36 Administrator Reynolds said that the Harringtons were looking to open a tattoo parlor
37 downtown and had a location in mind. He said that tattoo parlors were not listed as a
38 permitted use, so normally they would have to go through a conditional use process. He
39 said that the Harringtons had begun the conditional use process, but staff noticed
40 something in the code that allowed an applicant to come to the board of adjustment to
41 determine whether or not a tattoo parlor was an unnamed use and to perhaps decide
42 where the use may belong. Administrator Reynolds suggested that it could belong in
43 'personal services' which included barber shops, beauty salons and the like.

44 Administrator Reynolds described the public process by which a conditional use is
45 approved that included public notice and public involvement that is specific to the
46 proposed business, and the approval is specific to the one business, not for tattoo parlors

1 in general. Administrator Reynolds said that what the board was considering was whether
2 tattoo parlors qualified as a permitted use, which would then allow the Harringtons to
3 open their tattoo parlor without having to go through the conditional use process. He said
4 that it would also allow anyone to open a tattoo parlor in the C-1 zone district as a
5 permitted use.

6 Assistant Town Attorney Haley Carmer said that the board was not pursuing a code
7 amendment, rather, they were interpreting the code because of an ambiguity in the uses
8 that were listed as permitted. She said that the board's decision will set precedent for the
9 future should someone else want to open a tattoo parlor.

10 Mayor A Riddile asked Mr. Harrington to provide some details about his proposed
11 business.

12 Mr. Harrington greeted the council. He told them that he grew up in the area and that his
13 business was currently located in Glenwood Springs. He said that he lived in New Castle
14 and his daughter went to school in New Castle and he wanted to be closer to home.

15 Mr. Harrington said that he had a solid clientele base and would not really be accepting
16 walk-ins although.

17 Town Planner Paul Smith screen-shared photographs of a tattoo studio as Mr. Harrington
18 explained that he would have a private studio in Maven Made Salon on Main Street.

19 Regarding signage, Mr. Harrington said he intended to put a decal on the window and
20 perhaps hang a small sign below the Maven Made one. He said that the tattoo industry
21 relied mostly on social media and word-of-mouth for advertising.

22 Planner Smith said that if the conditional use permit moved forward the first hearing
23 would be May 10 and Planning & Zoning Commission (P&Z) and pending that decision it
24 would go to council soon after.

25 Mr. Harrington told the council that in 2020 because of the pandemic, tattoo parlors were
26 shut down along with hair salons, massage therapists, and barbers as part of the list of
27 personal service businesses.

28 Councilor Leland asked if there were regulations for tattoo artists. Mr. Harrington said
29 there were regulations through the Code of Colorado Regulations for Body Art
30 Establishments. He said it was ten pages of rules. He noted that some counties required
31 licenses and he had been licensed in Denver some years ago. In Colorado, he also needed
32 to be bloodborne pathogen certified and be up to date with OSHA standards.

33 Attorney Carmer said that the council should discuss if they felt that a tattoo parlor use
34 was a consistent or similar use to a personal services establishment. She said in the
35 packet was the list from chapter 17.36 that gave the list of what was generally included in
36 a personal services establishment. The council's job was to discuss and determine by
37 consensus if a tattoo parlor was similar enough to the examples of a personal services
38 establishment. Attorney Carmer said that the reason a tattoo parlor was not
39 automatically a conditional use was because conditional use said 'any use not specifically
40 defined'. There was no definition of a tattoo parlor, however, there was a category of
41 'personal services' that was open to interpretation which was why there was an avenue of
42 flexibility rather than automatically saying it was a conditional use.

43 Mayor A Riddile said that the only issue he saw was the possibility that may provide some
44 competition for Mr. Harrington in that four or five tattoo parlors could open, although
45 there were a limited number of storefronts in town.

1 Councilor Hazelton said that he felt tattoo parlors should be included in the personal
2 services category. He said it might be worth exploring what else may fall within the
3 category to help streamline businesses coming into town.

4 Councilor G Riddile said that he felt that the proposed use should be a permitted use and
5 was in no way a conditional use.

6 Councilor Leland said that he felt the use was fine, but that he was not completely okay
7 with making a precedent that would allow people to not come to council and present their
8 ideas. The council briefly discussed their preference for having businesses present their
9 ideas at council but agreed that it was generally unnecessary.

10 **MOTION: Mayor A Riddile made a motion to approve the inclusion of tattoo**
11 **parlors as a permitted use in the C-1 zone district. Councilor Mariscal seconded**
12 **the motion.**

13 Discussion: Councilor G Riddile said that he felt what the applicant had to go through was
14 fairly onerous and he wanted to avoid that in the future. Councilor Carey said that an
15 amending of the code would take a little more work, so what the council had done was
16 clarify an ambiguous term in the code.

17 **The motion passed unanimously.**

18
19
20 Adjourn the Board of Zoning Adjustment, Reconvene the Town Council Meeting

21 **MOTION: Mayor A Riddile made a motion to recess the Board of Zoning**
22 **Adjustment and to reconvene the town council meeting. Councilor Mariscal**
23 **seconded the motion and it passed unanimously.**

24
25
26 **Consider Request from Jim Colombo for a Revised Payment Plan of Water**
27 **Dedication for Eagle's Ridge Ranch**

28 Planner Smith screen-shared some photographs of the Eagle's Ridge project to help the
29 council understand how the project was moving along. He told them that development
30 typically brought water rights, but in the case of Lakota Canyon Ranch, which Eagle's
31 Ridge was part of, there were no water rights brought to the table. Instead, developers
32 can pay cash in lieu of dedication of physical water. Planner Smith said that the dedication
33 fee was \$6,000.00 per EQR. The Eagle's Ridge development requires 21.4 EQRs, or a total
34 of \$128,400.00. The agreement in the SIA was that the water dedication fees were
35 supposed to be paid at the time of filing the block plat with the county. Planner Smith
36 said that to date, no payments had been submitted to the town for the water dedication
37 fees. During discussions with Mr. Colombo, he asked for some reconsideration of how
38 those dedication fee payments could be made.

39 Jim Colombo, Owner/Developer, Eagle's Ridge Ranch. Mr. Colombo told the council that
40 he had no problem paying the full water dedication fee, but in phased development the
41 purpose was to phase costs as well. Up-front costs are prohibitive since a developer did
42 not make any money until the development was done. Mr. Colombo felt that it may be
43 something to consider for other developments.

44 Mr. Colombo proposed that the water dedication fees be done similarly to building permit
45 fees in that they would be charged as they are applied for. For instance, block one

1 consisted of eight units, and he would pay for water dedication for the eight units as well
2 as the building permits fees.
3 Mr. Colombo said that having to pay all the dedication fees up front was a hardship. The
4 economy was shaky, the absorption rate was unknown, and no one knew what would
5 happen to interest rates.
6 Mr. Colombo again said that it made sense to pay the water dedication fees at the time of
7 building permit, and to only pay for the units that were being applied for, not the whole
8 development, just like building permits.
9 Attorney Carmer told the council that the question had come up about the requirement of
10 payment of dedication fees at the same time as platting was because of the amendment
11 to the subdivision that occurred the prior fall there was an amendment to the block plat to
12 accommodate the lower density. Staff were in the process of getting that plat recorded.
13 She said that the way Mr. Colombo designed the development was in blocks that would be
14 further subdivided as the units were built and effectively condominiumized. The block plat
15 would be recorded first and then the condominium plat would be recorded and then Mr.
16 Colombo could sell the units. Attorney Carmer said that staff wanted the water dedication
17 fees paid before that plat that created the lots or units that could be sold so that staff was
18 not having to chase down future owners. Attorney Carmer said that the block plat will not
19 allow Mr. Colombo to sell a unit, it was the condo plat or the amended final block plat
20 would allow for the sale of units. She said it was similar to a larger filing such as filing 8
21 which would be platted in phases, so at each phase plat they would pay their water
22 dedication fees rather than all of it up front. She said that the way Mr. Colombo was
23 requesting it to be tied to building permit was consistent with the typical practice.
24 Councilor G Riddile asked if Mr. Colombo was unique as related to Castle Valley because
25 they came with water. Attorney Carmer said that Eagle's Ridge Ranch (ERR) was part of
26 Lakota Canyon Ranch which did not come with water, so ERR was subject to the
27 annexation agreement that provided for the fee in lieu instead bringing water rights. She
28 said that Castle Valley was the opposite and they dedicated water rights with each filing.
29 Councilor Leland said that he felt that what Mr. Colombo was proposing made sense, but
30 he did not understand how construction had begun when the rules were that water
31 dedication fees had to be paid at final plat. Administrator Reynolds said that staff failed to
32 send an invoice to Mr. Colombo before issuing the building permits. It was caught after
33 the fact which was why the issue was now at council. Administrator Reynolds said that
34 staff was also suggesting that payment of the water dedication fees be broken into three
35 payments, one at each phase.
36 Staff and the council discussed the different phases and how much each payment would
37 be. Attorney Carmer said that if council was inclined to agree with the payment plan, an
38 amendment to the SIA to say that the EQRs owed for each building would be paid at the
39 time of building permit, or at certificate of occupancy (CO) for the first two buildings.
40 Councilor Carey asked if a code change needed to be done so that the issue did not come
41 up again in the future. Attorney Carmer explained that the requirement for up-front
42 payment of water dedication fees was not a code problem, rather it was the annexation
43 agreement for Lakota Canyon Ranch that ERR was subject to. She said that the block plat
44 was the first plat for the ERR development but it did not result in the ability to sell units so
45 that was where the town needed to be protected. Attorney Carmer said that it was not a

1 code issue, it was that staff needed to be more diligent. In the end the town will get the
2 full fees, but they will be paid in phases.

3 Mr. Colombo suggested that in accordance with what Attorney Carmer had said, he
4 thought it was a good idea for the water dedication fees to be paid as each block was built
5 because that was what would vary depending on the economy.

6 The council, staff and the applicant discussed details about phases versus blocks and
7 when fees needed to be paid, when public improvements would be completed and when
8 CO's could be awarded.

9 **MOTION: Mayor A Riddile made a motion to approve the request from Jim**
10 **Colombo for a revised payment plan for the water dedication fees for Eagle's**
11 **Ridge Ranch with the revision of changing the phases to blocks, fees to be paid**
12 **at the time of building permit for each building with the exception of buildings 5**
13 **and 6 whose fees will be paid prior to the issuance of a CO, and to direct the**
14 **town attorney to amend the SIA to that effect. Councilor Hazelton seconded the**
15 **motion and it passed unanimously.**

16
17 Mayor A Riddile asked Mr. Colombo what the project will look like once the buildings were
18 completed.

19 Mr. Colombo said that as soon as the weather permits, they will jump back into the
20 infrastructure as well as the landscaping. Asphalt will go down as soon as the plants open,
21 and the road behind the buildings will be done, and Metzger Way will be widened. Next,
22 he said all the landscaping will be completed prior to building three being started. He said
23 that it will look like a completed development with the monument at the front with grass
24 around it and the entry to Castle Valley Boulevard. Mr. Colombo said that at a minimum,
25 everything will be done simultaneously, but probably before foundation went in.

26 Mr. Colombo said that by mid-summer it will look like a finished development with new
27 things going in.

28 Mayor A Riddile told Mr. Colombo that the town had received a lot of complaints about the
29 parking from the residents of Senior Housing. He asked Mr. Colombo's crew to make sure
30 to park on the Eagle's Ridge property. Mr. Colombo agreed and said that he thought part
31 of the problem was the weather because it had been very muddy, which made it difficult
32 to get the vehicles out.

33 Councilor G Riddile asked if Mr. Colombo had hired a civil contractor for the road
34 widening. Mr. Colombo said they were, but he did not recall who it was.

35 Mr. Colombo thanked the council and staff.
36
37

38 **Consider Resolution TC 2023-07, a Resolution of the New Castle Town Council**
39 **Updating the Term of Office for Members of the Climate and Environment**
40 **Commission from Two Years to Four Years**

41 Councilor Leland said that the resolution was to get the Climate and Environment
42 Commission terms of office in line with other commissions and remove the necessity of
43 getting the commission members renewed or replaced every year. Councilor Leland said
44 that he felt there was a typo in that the extension of terms noted in the resolution should
45 be to 2024 and 2026, not 2025. Staff agreed.

1 **MOTION: Councilor Leland made a motion to approve resolution TC 2023-7, a**
2 **Resolution of the New Castle Town Council Updating the Term of Office for**
3 **Members of the Climate and Environment Commission from Two Years to Four**
4 **Years with the correction noted. Councilor G Riddile seconded the motion and it**
5 **passed unanimously.**
6
7

8 Recess the Town Council Meeting, Convene as the Water & Sewer Enterprise
9 **MOTION: Mayor A Riddle made a motion to recess the Town Council meeting and**
10 **to convene the Water & Sewer Enterprise. Councilor Hazelton seconded the**
11 **motion and it passed unanimously.**
12
13

14 **Discussion: Utility Billing and Meter Reading Alternatives**

15 Administrator Reynolds asked Public Works Director Joh Wenzel to explain how the project
16 began. He said that it was a joint project between finance, clerks' office and public works.
17 Director Wenzel said that the utility department was challenged each month to read utility
18 meters. He said it took a lot of time and effort. It took all six utility department employees
19 three days to read meters on a monthly basis. He said when they were planning special
20 projects or weekly projects, those were often interrupted or had to be scheduled around
21 the meter-reading cycle. Meters had to be read at a particular time during the month so
22 there was consistency in the billing. Director Wenzel said that he began talking with the
23 clerk's office about alternatives.

24 Clerk Byram said that in response to Director Wenzel's inquiry, Deputy Town Clerk Mindy
25 Andis, Deputy Town Clerk Remi Bordelon and herself began researching and
26 brainstorming alternatives for billing and meter reading to alleviate the number of
27 manhours spent in both public works and the clerk's office. She said they had initially
28 come up with three alternatives. After meeting with all the staff involved, two of the
29 alternatives were eliminated as not being effective or efficient or appropriate for various
30 reasons.

31 Clerk Byram said that the proposal staff was bringing to council was seasonal meter
32 reading with monthly billing, which was something Deputy Clerk Andis was familiar with
33 because it had been done some years ago. Clerk Byram explained that one of the
34 complications they found was the irrigation season, and the need to capture the higher
35 water use between the months of May and October. She noted that Deputy Clerk Bordelon
36 had created the charts in the council packet.

37 Deputy Clerks Andis and Bordelon explained seasonal billing for the council. The council
38 and staff discussed it at length. The council agreed that the proposal seemed like a good
39 idea as it would create some efficiency for both the clerk's office and public works without
40 negatively affecting the public.

41 The council also agreed that it would be a good idea to do some public outreach to
42 educate the residents about the upcoming changes.

43 Staff said that there would be an ordinance coming in the future to make the code
44 changes.
45

46 **Consider Funding for Elk Creek Bank Erosion Project**

1 Administrator Reynolds told the council that the Elk Creek Campground was recently
2 purchased by Steve Beckley who owned the Glenwood Adventure Park. He also noted that
3 the staff accessed the town's headgate for domestic water through the campground.
4 Mr. Beckley contacted Director Wenzel and Town Engineer Jeff Simonson to make them
5 aware of some bank erosion taking place, and asked if the town could partner with him on
6 the repair.
7 Administrator Reynolds said that while the erosion was taking place on Mr. Beckley's
8 private property, it did threaten a water line that comes off the creek to the town's water
9 treatment plant.
10 Referring to some photographs in the packet, Administrator Reynolds said that if the
11 council could imagine the bank continuing to erode, eventually it will reach the area of the
12 town's waterline.
13 Administrator Reynolds said that because staff recognized the potential danger to the
14 town, they are suggesting that the town help with the cost. The estimated cost for the
15 repair is \$30k to \$40k, and staff proposed offering a fixed amount of \$15k. Administrator
16 Reynolds said that Mr. Beckley did have riprap on site and wanted to complete the work
17 before spring runoff. Administrator Reynolds said that it was not a budgeted item which
18 was why staff had brought it to the council.
19 Director Wenzel said that because through the campground was the only access to the
20 town's headgate and retention pond, the campground and the relationship was very
21 important to maintain.
22 Clerk Byram screen-shared a google earth image of the area. Director Wenzel indicated on
23 the image where the erosion was taking place for the benefit of the council.
24 The council agreed on providing cost support to the Elk Creek Erosion Project in the
25 amount of \$15k.

26
27
28 Adjourn the Water & Sewer Enterprise, Reconvene the Town Council Meeting
29 **MOTION: Mayor A Riddile made a motion to adjourn the Water & Sewer**
30 **Enterprise and to reconvene the Town Council Meeting. Councilor Carey**
31 **seconded the motion and it passed unanimously.**

32
33
34 **Discussion: 2023 Streets Maintenance Funding**

35 Administrator Reynolds told the council that the streets projects for 2023 had come in a
36 little higher than what was estimated. In addition, staff had included some grant money
37 into the budget that ultimately had not been awarded at the level hoped.
38 Administrator Reynolds said that the bids for the streets maintenance work came in at
39 just over \$515k. There was \$240k in the budget and \$150k from an FLMD grant. The total
40 funding was \$390k, leaving a shortfall of \$125k.
41 Administrator Reynolds said that staff wanted to complete the streets projects in 2023
42 and had come up with a funding mechanism. They did not want to cut back on the repairs
43 because that just caused more expensive repairs in the future.
44 Administrator Reynolds said that staff was recommending using the leftover funding of
45 \$91,900k from the capital planning, as well as \$33k that came in excess of what was

1 budgeted in 2022. He said staff wanted to move forward with the project with the staff
2 funding suggestions.
3 Councilor G Riddile asked what the scope of work was and Director Wenzel listed the
4 areas that would be done and whether it was resurfacing or crack sealing.
5 After a brief discussion, the council agreed to the staff suggested funding.
6
7
8

9 **Consent Agenda**

10 March 21, 2023 minutes

11 **MOTION: Mayor A Riddile made a motion to approve the consent agenda.**
12 **Councilor Carey seconded the motion and it passed unanimously.**
13
14

15 **Staff Reports**

16 Town Administrator – Administrator Reynolds said that staff had applied for a mini grant
17 from the FMLD for the dog park, and it was not awarded. The park will be built anyhow.
18 Administrator Reynolds said that the cost of the park is \$81,219k. \$50k was budgeted
19 from the conservation trust fund. The town had received \$5,315.00 in earmarked
20 donations such as a water fountain or bench, not cash. The fundraising group had raised
21 \$5,085.00, leaving a shortfall of just over \$20k. Administrator Reynolds said that staff
22 was recommending not installing the shade structure to offset the shortfall. The council
23 agreed. Administrator Reynolds said that outgoing grants will go out soon. Administrator
24 Reynolds said that he and Clerk Byram had met with the three school principals as well as
25 Superintendent Heather Greeley regarding the school resource officer program. He said it
26 was a good conversation and staff was moving forward with next steps. Administrator
27 Reynolds said that the police department had come across a grant that could fund the
28 hiring and first year salary of an officer. Administrator Reynolds said that the officer the
29 town currently had in the academy had been added as a staff member while he was
30 finishing school. He said that times had changed and all the people attending the police
31 academy were members of a town staff, and no one really paid for their own academy any
32 more. Administrator Reynolds said that he will be bringing the Kamm lot lease back to the
33 council because the lease was coming to an end and the town had not received any word
34 the tenants what their plans were. He asked that the council think about what maybe to
35 do with the property as there were other business owners reaching out from time to time
36 looking for commercial space. Administrator Reynolds said that the Mattivi Building was
37 just listed for sale. Administrator Reynolds said that the town had applied for a a Direct
38 Congressional Spending grant and Senator Hickenlooper is in support of the town’s
39 application and has moved the town’s application out of his office with full endorsement
40 on to the Department of the Interior. Administrator Reynolds pulled a large garbage can
41 into the council chambers. The container was a bear-resistive can from Mountain Waste &
42 Recycling. He demonstrated how the can worked. He said that Councilor Carey had made
43 staff aware of a Colorado Parks and Wildlife grant opportunity whereby the town could get
44 bear-resistive cans. Staff was working on the grant to get cans that might go out to
45 customers who had no way to store their garbage can inside.

46 Town Clerk – Clerk Byram said that she had ordered computers to replace the aging ones

1 in the computer replacement plan. In addition, she said she had ordered the equipment
2 for the community center, and it had been used for the last P&Z meeting and it had gone
3 well. eClerk Byram said that Deputy Clerk Bordelon would Be on vacation from April 28
4 through June 5, and she would be on vacation from May 19 through 31.

5 Town Treasurer – Treasurer Burk said that training in her department was going well.
6 Finance Assistant Michelle Mills had trained on payroll with Assistant Treasurer Viktoriya
7 Ehlers. Treasurer Burk said they were looking to hire a third person for finance.

8 Town Planner – not present.

9 Public Works Director - Director Wenzel said his department was looking to hire seasonals.
10 He also said that they were getting ready to do irrigation start-ups. He said that the
11 security camera project was done, and his department was currently working on the
12 Piping of the Red Rocks Ditch.

15 **Commission Reports**

16 Planning & Zoning Commission – Councilor G Riddile said that P&Z had heard the Romero
17 project and they had one well. He said that the application will come to the council on May
18 2, 2023.

19 Historic Preservation Commission – Deputy Clerk Bordelon said that the commission
20 reviewed the survey report by Pinion Environmental. She said that the packet was more
21 than 600 pages, because it was the first survey done in about 20 years. Deputy Clerk
22 Bordelon said they did a great job reviewing the report and narrowed down their top three
23 choices of properties to consider for designation because they were true to original build.
24 She said the commission will be outreaching to those owners. Deputy Clerk Bordelon said
25 that even more exciting, based on the results of the survey, the commission will look into
26 a historic district for the town. She said she will meet with Lindsey Flewelling to
27 understand what a historic district meant and what the process would be.

28 Climate and Environment Commission – Councilor Leland said that CEC had worked on the
29 Earth Day Flyer.

30 Senior Program – nothing to report.

31 RFTA – Mayor A Riddile gave the RFTA climate action plan to Councilor Leland. He also
32 said that there was a large project underway on Glenn Avenue. They were building
33 underpasses north-south and east-west. It was a \$15 million dollar project. Mayor A
34 Riddile said that ridership on the Hogback Route was up 73% from 2019.

35 AGNC – nothing to report.

36 GCE – nothing to report.

37 EAB – nothing to report.

39 **Council Comments**

40 Councilor Mariscal said that one of the committees she sat on was the Garfield County
41 Emergency Communications Board. She said that there will be an app for Spanish
42 translation, so that will be good. Councilor Mariscal said that the detox meeting would be
43 the following day and she was booked and could not attend. Councilor Mariscal said that in
44 2019 her youngest daughter had a crazy idea of having a youth council and she saw
45 something similar in the CML Municipalities magazine. Additionally, there was an article

1 about a Latino Police Academy and Citizens Police Academy that she would love to see
2 happen in New Castle.

3 Councilor Mariscal said that she had met Steve Varela with the Colorado State Board of
4 Education and a few Latino leaders and there will be an article in the newspaper that will
5 be interesting.

6 Mayor A Riddile said that three years ago he tried to get the Coal Ridge Student Council
7 integrated into what the town council was doing, but COVID hit. It may be an avenue to
8 pursue. Clerk Byram asked if anyone recalled the Kids Voting program. She said that the
9 first election she had done with the town included kids but the program had ended.

10 Councilor Carey said that she wanted to see a Youth Council.

11 Councilor Carey said that the bear meeting was the next day, and she was thrilled there
12 would be an interpreter. She said the interpreter agreed to be at the Spanish meeting in
13 may also.

14 Regarding the train letter, Councilor Carey said she had gotten a letter of support from
15 the BOCC, and she had met with a representative from Senator Hickenlooper's office as
16 well as a representative from Senator Bennet's office. She said they had two avenues to
17 pursue, and she was not certain which one to do. She asked for some help from the town
18 or direction from the council because she was not sure what next steps should be.

19 Councilor Hazelton asked if there was any ability to make the owners of Walters Lane
20 repair that road. Clerk Byram said she had received a complaint from Kum & Go about the
21 disrepair of that road so she made contact with the Walter's HOA who owned the road and
22 they indicated that they had funding to get the road done in spring 2023. Director Wenzel
23 said he had been driving around town with the asphalt contractor looking at scope of work
24 for the town streets project, and he said that he had also bid to do the work on Walter's
25 Lane project.

26 Councilor G Riddile said that he was concerned about the request from Mr. Colombo for a
27 temporary certificate of occupancy (TCO). Administrator Reynolds said that he had heard
28 that from Mr. Colombo, and that was shut down right away. Staff's position that there was
29 no way a TCO would be issued.

30 Councilor G Riddile also said that he was concerned that the roads may not be completed
31 either. Director Wenzel said the same and that they had made a concession to allow a
32 temporary roadway, but that was unnecessary because the asphalt plants were open.

33 Councilor Leland said the new art organization in town had an art show the previous week
34 and the Lakota rec center that was packed. They will be holding another show in a bigger
35 venue.

36 Councilor Leland said there was a post on Facebook about wastewater plant odor. Director
37 Wenzel said that there wasn't odor issue there anymore. Councilor Carey said that her son
38 had asked if wastewater would ever stink when they were on tour. She stated that the
39 utility staff said there were times when there could be odor, depending what bugs were
40 burning or eating the waste. Director Wenzel said that it was likely when biosolids were
41 being hauled away.

42 Councilor Copeland said that she could attend the detox meeting.

43 Councilor Copeland apologized for missing the HPC meeting.

44 Councilor Copeland said that there was finally heat in the museum.

1 Mayor A Riddile said that CRHDC, the senior housing people out of Denver, were coming
2 in May to answer any questions or complaints about senior housing. He thought the
3 residents could be invited.
4 Mayor A Riddile said that at Bingo the previous week there were 75 participants. He said
5 that Administrator Reynolds and Admin. Asst. Rochelle Firth hosted and they integrated
6 game shows within Bingo. He said that the blackout pot was \$165.00 and the other were
7 \$85.00. He said it was fun and he wondered if people would d be disappointed at the next
8 Bingo.
9 Mayor A Riddile said commission expirations were coming up. Councilor Carey asked if
10 Clerk Byram could send that out again.

11
12 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Mariscal seconded**
13 **the motion and it passed unanimously.**

14
15 The meeting adjourned at 9:16 p.m.

16
17
18 Respectfully submitted,

19
20
21
22
23 _____
24 Mayor A Riddile

25
26
27 _____
28 Town Clerk Melody Byram, CMC

1 **New Castle Town Council Regular Meeting**
2 **Tuesday, May 02, 2023, 7:00 PM**

3
4 **Virtual Meetings are subject to internet and technical capabilities.**
5

6 To join by computer, smart phone or tablet:
7 <https://us02web.zoom.us/j/7096588400>

8 If you prefer to telephone in:
9 Please call: 1-346-248-7799
10 Meeting ID: 709 658 8400

11 **Follow the prompts as directed. Be sure to set your**
12 **phone to mute until called on**
13

14 The Council Packet is available online by scanning this code:
15 or by going to www.newcastlecolorado.org



16
17 **Call to Order**

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

19
20 **Pledge of Allegiance**

21
22 **Roll Call**

23 Present	Councilor Mariscal
	Councilor Carey
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
30 Absent	None

31
32 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
33 Byram, Town Planner Paul Smith, Assistant Planner Laruen Prentice, Public Works Director
34 John Wenzel, Town Treasurer Loni Burk, Town Attorney David McConaughy, Assistant
35 Town Attorney Haley Carmer and members of the public.
36

37 **Meeting Notice**

38 Clerk Byram verified that her office gave notice of the meeting in accordance with
39 Resolution TC 2023-01.
40

41 **Conflicts of Interest**

42 There were no conflicts of interest.
43

44 **Agenda Changes**

1 There were no agenda changes.

2
3
4 **Citizen Comments on Items not on the Agenda**

5 There were no citizen comments.

6
7
8 **Consultant Reports**

9 Consultant Attorney – present for agenda items.

10 Consultant Engineer – not present.

11 Scan this QR code to access the
12 documents related to Item A:



13
14 **Items for Consideration**

15
16 **Consider Ordinance TC 2023-2 - an Ordinance of the New Castle Town Council**
17 **Approving a Final PUD Development Plan for Lakota Canyon Ranch PUD Filing 8**
18 **(Longview) and Final Subdivision Plat for Filing 8, Phase 1 (1st reading)**

19 Mayor A Riddile told the audience that he would open the public hearing at the appropriate
20 time, and public comments will be limited to three minutes. He also asked that people not
21 repeat comments that had already been stated.

22 Town Planner Paul Smith introduced the project. He then invited Dwayne Romero,
23 President and CEO of the Romero Group to introduce his team.

24 Mr. Romero greeted the council and said that he was the applicant for the Longview
25 application. He introduced his team: Heather Henry; Principal and Partner of Connect One
26 Design, E. Scott McHale, Principal and Partner of Z Group Architects; Chris Manera,
27 Principal and Partner of Colorado River Engineering; Jody Edwards with Klein Cote
28 Edwards Citron, LLC; Caleb Feaver of Fox Tuttle Transportation Group, and Caleb was
29 stepping in for Cassie Slade.

30 Mr. Romero said that they were present as the applicants and were prepared for an in-
31 depth and robust review of the development.

32 Planner Smith said that this was the first of two readings of the approval ordinance. He
33 clarified that there were two primary packets: the first was the 8.5x11 pages and the
34 second was the 11x17 pages. He said that when he referred to pages number I- __, those
35 were the 8.5x11 pages, and when he referred to pages T-__ those were the 11x17 pages.
36 Planner Smith said that Assistant Planner Lauren Prentice will screen-share as he reviewed
37 the staff report.

38 Planner Smith reviewed the following staff report:

39
40
41 **Staff Report**

42
43 **Ordinance 2023 - 2**
44 **Lakota Canyon Ranch - Filing 8**
45 **Combined PUD and Subdivision Plan**
46 **with Vested Rights**

Town Council – May 2nd, 2023

Report Compiled: 4/28/2023

Project Information

Name of Applicant: Dwayne Romero

Applicant’s Mailing Address: 350 Market St. #304 Basalt, CO 81621

Phone / Email: 970-273-3100 / dromero@romero-group.com

Property Address: TBD

Property Owner: RG Lakota Holdings, LLC & RG Lakota II Holdings, LLC

Owner Mailing Address Same as Applicant

Proposed Use: 185 residential units; 51,407sf commercial space; 28 mixed-use flats, 108 rental apartments, 21 townhomes, & 28 single-family homes

Legal Description: Section: 32 Township: 5 Range: 90 Subdivision: WHITEHORSE VILLAGE AT LAKOTA CANYON RAN AMENDED PARCEL 3 FUTURE DEVELOPMENT PHASE 1 A RE-SUB OF BLK A, B1 & B2 LAKOTA CANYON RANCH FILING 1 4.42 ACRES

Section: 29 Township: 5 Range: 90 Subdivision: LAKOTA CANYON RANCH FILING #3 PHASE 1 FUTURE DEVELOPMENT PARCEL AS PLATTED PER RECEPTION NO. 665843 5.844 ACRES

Section: 29 Township: 5 Range: 90 PARCEL C-2 2ND AMENDED PLAT OF LAKOTA CANYON RANCH FKA EAGLES RIDGE RANCH. 5.321 ACRES

Street Frontage: Castle Valley Blvd.
 Faas Ranch Rd.
 Lakota Dr.
 Blackhawk Dr.
 Whitehorse Dr.

Existing Zoning: Mixed Use (MU)

1 **Surrounding Zoning:** Single Family Residential; Multifamily Residential (Shibui, Senior
2 Housing)
3 Nonresidential (CRFR Fire House)
4
5
6

7 **I. Introduction – Application History & Review Process**
8

9 On **April 12th, 2023**, the Planning & Zoning Commission (“P&Z”) held a public hearing for
10 Resolution 2023-1 on a Final PUD/Subdivision application for Filing 8 in Lakota Canyon Ranch.
11 P&Z voted unanimously to recommend Council approval of the application. Within sixty (60)
12 days from the date of the P&Z's recommendation, or within such time as is mutually agreed by
13 the Town Council and the applicant, Council shall approve the application, with or without
14 conditions, or deny the application according to the following approval criteria:

- 15 1. Consistency with the comprehensive plan;
- 16 2. Compliance with zoning and density requirements;
- 17 3. Compatibility to neighboring land uses;
- 18 4. Availability of town services from public works (including water and sewer services),
19 fire, and police;
- 20 5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
- 21 6. The extent to which any required open space or parks are designed for active or
22 passive use by residents of the subdivision or the public; and
- 23 7. Development consistent with the natural character, contours, and viewsheds of the
24 land.
25

26
27
28 **II. Brief Timeline and Themes from Meeting/Hearings:**
29

30 The applicant submitted the original sketch plan application on **June 21, 2021**. P&Z and
31 Council both convened to review and comment on the conceptual plan which included the
32 following:
33

- 34 • 196 residential units; 128 Rental Apartments, 48 Townhomes, & 21 Single-Family
35 Homes; 75,900sf commercial space
36

1 The applicant conducted the obligatory community meeting at the Lakota Clubhouse on
 2 **October 21st, 2021**, and was later approved for a preliminary application by P&Z on **September**
 3 **14, 2022**. The community meeting and the preliminary hearing generated mutually beneficial
 4 feedback from the applicant, Staff, P&Z, and the public concentrating on New Castle’s vision for
 5 smart-growth and quality-of-life. To these ends, certain themes emerged over the discussions.
 6 Some of those included:

- 8 • Prioritizing trails, open space, and connectivity (for wildlife & residents);
- 9 • Sustainability;
- 10 • Increased commercial amenities;
- 11 • Concern about pedestrian safety throughout the mixed-use area, specifically the
- 12 crosswalk at Faas Ranch Road and Lakota Drive;
- 13 • Traffic congestion mitigation at the intersection of Faas Ranch Rd and Castle Valley Blvd
- 14 (“CVB”) and the possibility of a roundabout;
- 15 • Preservation of viewsheds with three-story buildings, one of which exceeded the
- 16 maximum building height;
- 17 • Building massing along CVB;
- 18 • Elevated noise levels near commercial businesses, being mitigated with limited hours
- 19 and use;
- 20 • Strategies for snow maintenance and storage on public rights-of-way;
- 21 • Excessive lighting of parking lots and buildings;
- 22 • Reduced rent/workforce housing;
- 23 • “Shared” parking;
- 24 • Project phasing;

26 From these themes, the applicant submitted a revised final proposal, summarized in the
 27 table below (changes in **bold italics**):

<u>Preliminary Plan</u>	<u>Final Plan</u>
• 185 residential units: 111 rental apartments, 20 townhomes, 25 flats, 29 single-family homes	• 185 residential units: 108 rental apartments, 21 townhomes, 28 flats, 28 single-family homes
• Snow Storage: 0.85 acres	• Snow Storage: 0.82 acres
• 40% gross area as open space	• No change
• 51,407 square ft interior commercial space	• No change
• Apt. buildings A-1, A-2: 20, 24 units/bldg. – max. residential units/bldg. variance	• No change
• Total residential density: 11.8 units/acre	• Total residential density: 10.6 units/acre
• Apt. buildings max. 37ft – 2ft height variance	• Apt. buildings max. 35ft – no height variance
• CR-5 building max. 44ft – 9ft height variance	• No change

• 450 off-street residential spaces (incl. driveways)	• No change
• 163 commercial shared parking spaces	• 171 commercial shared parking spaces
• Shared parking spaces – 40% reduction variance	• No change
• CR-3 building – mixed use on both floors	• No change
• Drive G: two-way traffic	• No change
• Drive A: two-way traffic	• Drive A: one-way traffic
• Drive B (residential): two-way traffic	• Drive B (residential): one-way traffic
• Drive B (commercial): two-way traffic	• No change
• Drive C: public road	• Drive C: private road
• Drive C: six townhomes	• Drive C: three townhomes
• Faas Ranch Rd and Lakota Dr intersection	• Enhanced visibility of pedestrian crosswalk
• Pedestrian pathways on either side of Faas Ranch Rd. crosswalk	• Additional lights and pathways/connectivity across crosswalk at Faas Ranch Rd.
• Affordable housing broad concept	• Affordable Housing Program; Exhibit A, pg. i-8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

III. Staff Review:

Excerpt from the 2002 Lakota Master Plan, (Ord. 2002-18):

“The planning concept for the mixed-use zone is to create an attractive environment for community, commercial and retail in a pleasant central location. The community commercial area would be located close to the highway intersection for easy access to non-resident shoppers and would be convenient to the main Boulevard to cut down on traffic trip length and be located near residential areas to cut down on vehicle trips. In keeping with the objective to reduce motor vehicle trips, non-motorized trail systems shall be designed throughout the project and connect residential and commercial districts in a convenient and logical manner. Office and service uses would be mixed into the development in non-store front locations including at the periphery of retail areas as well as on second stories. This would cut down on employee day trips. In some cases, smaller residential units may be mixed in with the commercial/office development, provided that in any building containing both residential and commercial space, there shall be no ground floor residential dwelling units on the same side of the building as ground floor commercial space.”

1
2 The application process is meant to assure that the proposal conforms to these expectations
3 and the core values of the 2009 Comprehensive Plan (“CP”), which itself was the result of
4 various public meetings. Applicants are expected to clearly demonstrate substantial conformity
5 with the CP in all applications, **(Policy CG-1B, CP pg. 50)**. The following CP checklist, though
6 not exhaustive, should assist the Commission’s assessment. A development application
7 should:

- 8 Foster distinctive, attractive communities with a strong sense of place and quality of
9 life.
- 10 Demonstrate that individual project fits into a fully balanced community land use
11 structure.
- 12 Ensure a mix of uses that complement the existing New Castle land-use patterns.
- 13 Create walkable communities with non-vehicular interconnection between use areas.
- 14 Guarantee a balance of housing types that support a range of affordability.
- 15 Preserve open space, farmland, natural beauty, critical environmental areas, and
16 wildlife habitat.
- 17 Encourage economic development and supporting hard & soft infrastructure.
- 18 Concentrate development in ways which provide efficient and cost-effective
19 services.
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

30 **1) *Is the proposal consistent with the comprehensive plan?***
31

32 **Quality of Life:** As proposed, Filing 8 represents a community advocating health and
33 wellness. The concept seeks to augment the lifestyle amenities already available to residents of
34 New Castle. The commercial core of the development plans to attract wellness services,
35 recreation-oriented retail, potential restaurants or cafes, co-working space for remote work, and
36 outside public gathering areas. The applicant has placed courtyards, trails, and landscape
37 buffers to diffuse building mass. The entirety of the development will “maintain the concept of a
38 compact community with a defined urban edge thereby avoiding sprawl” **(See CP section**
39 **“Community Growth”, pg. 50)**. The CP posits that the Town should strive for a healthy
40 relationship of land uses that effectively integrate convenience retail, employment, services,
41 open space, trails, and public transit **(Policy CG-4A, CP pg. 52)**.

1
2 **Affordability:** Surrounding the commercial core is an array of residential housing options
3 fostering an authentic mixed-use, modest urban experience accessible to a wide demographic.
4 The applicant has communicated that units are to be priced competitively with affordability in
5 mind. Though unit prices are not finalized, the applicant is sympathetic to the local housing
6 crisis and the need to “attract and retain a stable, local workforce” (**Policy HO-2A, CP pg. 59**).
7 The submittal packet specifies that 26 multi-family units will be rent restricted and available to
8 local agencies per the schedule provided (**Exhibit A, pg. i-8**). Six of those will be offered to
9 Habitat for Humanity. The remaining will be part of a “right-of-first offer” rental pool available to
10 Valley View Hospital, the Town of New Castle, Colorado River Fire Rescue, and Garfield RE-2
11 Schools. The rental prices will correspond to a fraction of the average rental prices for similar
12 sized units within Filing 8.

13
14 **Commercial Development:** The proposal is the first of its kind to contemplate commercial
15 development beyond the downtown core and highway interchange. The scarcity of commercial
16 occupancy in New Castle has perhaps been one of the more obvious inconsistencies between
17 the expectations of the CP and past development proposals. In response, the current
18 application presents a commercial core surrounded by a diverse offering of residential
19 typologies. This kind of land use distribution is one of the key components to smart-growth,
20 (**Policy CG-5A, pg. 53; Exhibit A, pg. t-5**).

21
22 Lakota Canyon Ranch allows up to 100,000sf of commercial space and, to date, none has
23 been met. With the ongoing imbalance between residential and commercial space in New
24 Castle, optimizing the available commercial properties has become a town priority. Though the
25 present plan commits to only 51,407 commercial square feet, the commitment is broadly
26 premised on balancing market supply with market demand. The upside is that a slimmed-down
27 commercial core may have a better chance of thriving long-term. On the downside, any
28 potential commercial space forfeited today may be commercial space permanently lost for
29 tomorrow.

30
31 One way to potentially capture more future commercial space may be to reconsider the
32 expectation of the Lakota design concept, (see The Master Plan excerpt, above). The Master
33 Plan notes that no ground floor residential dwelling units should be on the same side of the
34 building as ground floor commercial space, (Section 17.128.070 (K)). As a case in point,
35 Building CR-3 appears to show ground floor residential on the same side of the building as the
36 commercial occupancy, although the main entries face Lakota Dr. (**Exhibit A, pg. t-55**). At the
37 preliminary hearing, Staff recommended that the applicant consider the bottom floor of the
38 residential portion of Building CR-3 as a candidate for flex-zoning. This would give both the
39 applicant and the Town an option to adapt to future commercial and/or residential demand as
40 the market dictates. Per the submittal packet, the applicant is sensitive to the commercial issue
41 and is willing to reconsider the use of the residential units at later phasing (**Exhibit A, pg. i-10**).

1 Nevertheless, it is Staff’s opinion that once these units are formalized as residential, as they
2 currently are now, a later pivot to commercial will be challenging since the demand for, and
3 ease of, filling residential units will be economically more compelling. Therefore, staff endorses
4 an adaptive zoning model which would leave the use of those units *undecided* until the build of
5 this Phase 3 is imminent. A similar exercise was performed with the Lakota Recreation Center
6 by which P&Z reconvened after initially approving LCR Phase 1 to decide on the final design
7 and use of the private open space.

8
9 **Fiscal Impact:** The fiscal impact study performed by Triple Point Strategic Consulting
10 states that revenues for Filing 8 will average \$1.15 million from 2023 to 2045. Expenses will
11 average approximately \$560,000 over the same timeframe. By 2029, 501 people will be housed
12 in the proposed expansion. Also, by 2029, it is anticipated that 114 total jobs will be created,
13 including 62 direct construction jobs, (see preliminary submittal packet). The intent of the fiscal
14 impact analysis is to demonstrate that the town can manage the economic effects of new
15 development (**Policy CG-7B, CP pg. 54**). Staff are confident the development is fiscally viable
16 based on the assumptions and conclusions of the analysis.

17
18 **Sustainability:** The application is considerate of various “net zero” measures to minimize
19 the carbon footprint. Solar collectors, alternative transportation, and higher density residential
20 units are all proposed. EV charging capacity will also be required in all residential units with
21 garages per the updated code section 15.10.020. In the building elevations, solar panel arrays
22 are intended for the roofs of the three-story apartment buildings, two-story triplexes, as well as
23 the mixed-use buildings. Adjacent commercial use may help reduce reliance on motor vehicles.
24 Details on anticipated commercial tenants or uses should help validate this assertion (**Goal EN-**
25 **7, CP pg. 67**). At the preliminary hearing the applicant pledged to incorporate as many
26 sustainability initiatives as feasible during development (**Exhibit K**).

27
28 **Environmental Impact:** All development will be expected to comply with the Town’s dark-
29 sky recommendations prior to building permit (**Goal EN-4, CP pg. 66**). To conserve water,
30 Sheet L.7.01 & L.7.02 show that a preponderance of the landscaping will be xeric, covered with
31 native grasses, dry climate conifers, Breeze, and shrubs. Staff recommends, as a condition of
32 approval, that the landscaping be perpetually weed free per the Colorado Noxious Weed Act
33 and any recommendation of Garfield County and New Castle Public Works. In sum, the
34 proposal succeeds in reducing irrigation, minimizing manicuring, and retaining habitat for
35 wildlife. (**Policy EN-2C, CP pg. 66**).

36
37 According to Brian Gray’s input from Colorado Parks and Wildlife (CPW), the proposal will
38 likely only impact small mammals and ground nesting birds because of the “degraded”
39 conditions of the property already. Though negative impacts are to be expected, wildlife
40 movement corridors are noted behind Blackhawk Dr, along the golf course, and the landscape

1 buffer west of Shibui. Purposely designed corridors would ideally prohibit dog use, minimize
2 manicured lawns, and protect and promote native grasses, forbs and shrubs. Limiting
3 manicured landscaping and fences, as observed elsewhere in the greater Valley, may be
4 enough to promote wildlife egress between buildings and throughout the overall parcel, (see
5 preliminary submittal packet). **(Policy EN-1A, CP pg. 65).**

6
7
8 **2) Does the proposal demonstrate compliance with zoning and density**
9 **requirements?**

10
11 The proposal is comprised of three parcels originally zoned as mixed-use. In Lakota, mixed-
12 use development is allowed:
13

- 14 • a maximum density of 12 units per useable acre
- 15 • 10 units per building
- 16 • 100,000sf of commercial space
- 17 • Maximum 35' building height
- 18 • Off-street parking of:
 - 19 ▪ 2 off-street parking spaces per residential unit
 - 20 ▪ 2 spaces per 300sf retail
 - 21 ▪ 1 space per 300sf office
 - 22 ▪ 2 spaces per 300sf medical + 1space/two employees
- 23 • 15% gross area committed to open space
- 24

25 The proposed residential density of 10.6 units per acre is less than the 12 units per acre
26 allowed for Lakota mixed-use zoning. All apartment buildings will exceed the PUD requirement
27 of 10 units per building. A-1 type apartments consist of 24 units per building. A-2 type
28 apartments are 20 units each. The applicant, however, has taken this into consideration. The
29 development concept virtually relocates some residential density from other undeveloped
30 parcels north of the Lakota Clubhouse. This serves two purposes: 1) to provide more public
31 open space to the north of the Lakota for general community use; 2) to provide more
32 inexpensive and centralized housing solutions consistent with the Town's Smart Growth
33 concept. To relieve concerns with higher density, the applicant has softened the massing near
34 existing single-family homes and provided landscape buffering between lower and higher
35 populated areas. Overall, the density decreases from the southeast to northwest with higher
36 density apartments bordering the existing Shibui complex, moderately dense townhomes and
37 commercial in the development's core, and single-family homes adjacent to Blackhawk Dr. and
38 Whitehorse Village Dr. Off-street parking is covered in section 5.) below.

39
40 *****NOTE: The applicant is requesting a variance to exceed the maximum 10 units per**
41 **building by fourteen (14) for A-1 Buildings and ten (10) units for A-2 Buildings.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

3) Does the proposal demonstrate compatibility to neighboring land uses?

The parcels are adjacent to single-family homes (LCR), apartments (Shibui), condominiums (Senior Housing, Castle Ridge), townhomes (Eagle’s Ridge Ranch), and the local fire station. It is Staff’s opinion that mixed-use development is a use consistent to these. In locations where visual transitions between buildings are starker, the applicant has been careful to provide architectural variation, hardier landscape screening and/or reoriented buildings to mollify compatibility worries.

The applicant maintains that only a portion of the development will be incorporated into the Lakota HOA, (see preliminary submittal packet). This portion will be subject to the HOA’s design standards. The remaining portion of the development shall conform to the design standards described in section 17.128.070 of the municipal code. Specifically,

To maintain visual quality in the mixed-use zone, building facades should be varied and articulated to provide visual interest to pedestrians and motorists. Street level windows and numerous building entries are required in commercial areas. Arcades, porches, bays, and balconies are encouraged. In no case shall the streetside façade of a building consist of an unarticulated blank wall or an unbroken series of garage doors. Building designs should provide as much visual stimulus as possible, without creating a chaotic image. Buildings should incorporate design elements at the street level that draw in pedestrians and reinforce street activity. Facades should vary from one building to the next, rather than create an overly unified frontage. Building materials such as concrete, masonry, tile, stone, and wood are encouraged; glass curtain walls and reflective glass are discouraged. Development shall comply with any design guidelines or illustrations that may be approved as part of the site plan review process described in Section 17.128.030.

Definitive building designs, facades, and materials shall demonstrate compliance with this section by Council’s decision. In all instances the applicant is committed to architectural fidelity with the aesthetic norms for which Lakota is known (**Precedent images found on pages t-29 through t-32 of Exhibit A**).

4) Is there availability of town services from public works (including water and sewer services), fire, and police?

The preliminary application narrative projected an increase of 200-400 new residents and the possibility of 100-150 employees at full buildout. The New Castle Police Department is confident that the population increase would not compromise their existing services to the

1 public, (see preliminary submittal packet). Similarly, Colorado River Fire Rescue does not
2 anticipate adverse impacts to their services, (**Exhibit E**).

3
4 The Public Works Department and the Town Engineer have been consulted throughout the
5 application process and have provided referrals, **Exhibits C & I** (respectively). Lakota Canyon
6 Ranch was originally approved for 827 residential units (EQRs) and 100,000sf commercial
7 space. These totals were primarily the result of calculations performed based on water
8 dedicated from Elk Creek. As of 6/23/21, Lakota has 240 rooftops connected to town water with
9 sixteen additional homes under construction. No commercial property currently exists within the
10 originally approved mixed-use zones. With 185 additional units for Filing 8, the running total of
11 rooftops in Lakota would be 425 units or 51% of the 827. The sewage treatment plant was
12 upgraded years ago to accommodate the full PUD. In short, the town water & sewer service has
13 a greater capacity than would be necessary to meet the needs of the proposal.
14

15 The final plat for each phase shall indicate all public rights-of-way and/or open space
16 maintained by the Town and the responsibility of property management to maintain private
17 drives and other common elements. Currently the Town is committed to servicing Lakota Dr.
18 and Faas Ranch Rd as well as the Drives A & B which all serve single-family units. Drives A, B,
19 & C were redesigned by the applicant to meet Town standards. Drive C would preferably
20 terminate in a cul-de-sac; however, the hammerhead turnaround was agreed to be acceptable
21 given the limited use of the street by three townhomes (**Exhibit A, pg. t-5**).

22
23 Public Works has also reiterated the need for sufficient snow storage provisions. Public
24 Works requires that snow storage sites, in aggregate, have a functional area of at least 15% of
25 the total paved area of the PUD inclusive of driveways and sidewalks. Snow storage areas
26 shall be contiguous to the right-of-way and spaced no further than 300 feet along each street.
27 The revised site plan submitted subsequently to the Director's comments should now evidence
28 sufficient storage.
29

30
31 **5) *Is there adequate off-street parking and vehicle, bicycle, and pedestrian***
32 ***circulation?***
33

34 Filing 8 proposes to be a community focusing on health and wellness. Dispersed
35 throughout the plan are instances of open space interlinked by pedestrian paths. Sidewalks and
36 trails are deliberately located to allow non-vehicular access to all portions of the development as
37 well as access to other areas of Town. Staff recommend soft-surface trails made of crusher
38 fines or a similar material.
39

40 Parking has been tabulated and reported in **Exhibit A, pg. t-6**. Because of the density of
41 the proposal, sufficient parking will play a large role in the livability of the community. The
42 applicant requests a reduction in the required parking given that the parking proposed will be
43 supplemented with a shared parking plan. The shared parking plan concluded that some of the
44 commercial parking demand may be served by the available residential parking spaces when,
45 theoretically, those residents are away at work. Since the residential parking spaces serve a
46 dual-purpose during business hours, fewer commercial spaces are warranted.

1
2 When originally proposed as first-come-first-served, (**Exhibit A, pg. i-2**), concern was raised
3 at the preliminary hearing about the limited spaces in proximity to the apartment buildings,
4 especially those towards the southeast (Shibui area). The limited number of spaces in addition
5 to the shared nature of those spaces seemed to increase the likelihood that the buildings'
6 tenants will end up having to park a significant distance from their front doors. Staff
7 recommends an arrangement that would include one assigned parking space adjacent to each
8 unit. This accommodation would only apply to the A-1 type apartments and the A-2 apartment
9 next to Shibui. The applicant has confirmed that all "tuck-in" parking within A-2 type apartments
10 and within CR-1 flats will be reserved for tenants of those respective buildings. Staff maintains
11 that the proposed performance monitoring (**Exhibit A, i-2**) paired with a modest level of
12 assigned parking would provide a significant improvement to the community's quality of life:

13
14 Staff therefore recommends the modified shared parking plan that follows:

- 15
- 16 i. Single-Family homes & townhomes will each have at least two off-street parking
17 places totaling 272 spaces (not including driveway parking);
 - 18 ii. Apartments, flats, and commercial buildings will be subject to a shared parking
19 arrangement totaling 171 parking spaces or a 40% reduction in required parking;
 - 20 iii. A-1 type apartments and the A-2 type apartment adjacent to Shibui will have at least
21 one assigned parking space per unit;
 - 22 iv. Covered parking in all A-2 type apartments and the flats in Building CR-1 will be
23 reserved for residential tenants only;
 - 24 v. The approved parking arrangement will be subject to annual performance monitoring
25 for up to five (5) years (**Exhibit A, pg. i-3**), annual review of the monitoring with Staff
26 and Council, and implementation of improvement strategies if the approved
27 arrangement is insufficient;
- 28
29
30
31
32

33 The traffic study also assessed the projected traffic flows at the intersection of Faas Ranch
34 Rd. and CVB. The study concluded that traffic control measures will be required at the
35 intersection. Though the Town does not currently anticipate widening CVB, the study concluded
36 that the steep grades at the intersection made a roundabout infeasible and cost prohibitive. A
37 signal was ultimately recommended once certain development benchmarks are met, (see
38 preliminary submittal packet).

39
40 Staff conducted a separate study of the intersection intending to corroborate the Fox Tuttle
41 results. The study revealed that in spite of the difficult topography, a traffic circle which met
42 Town standards could adequately serve anticipated traffic flow, (**Exhibit H**). The alignment

1 would require easements at both corners of Faas Ranch Rd and Castle Valley Blvd. as well as a
2 modest offset of the CRFR entrance. Since the traffic circle is anticipated at later phasing, the
3 current plat omits these easements. P&Z recommended that the easements be dedicated with
4 the Subdivision Exemption Plat per PZ Resolution 2023-1 condition (j) with non-permanent
5 encroachments allowed until the date of construction nears.

6
7 **6) Are the required open space or parks designed for active or passive use by**
8 **residents of the subdivision or the public?**
9

10 According to section 17.128.070 of the municipal code, commercial uses in the mixed-use
11 zone shall have landscaped at least 10% of the gross project area. Additionally, all outside
12 parking facing a residential-only use shall have a landscape buffer or fence obscure vehicles
13 from view. **Exhibit A, pg. t-11**, indicates the extent of landscaping in the commercial district.
14 Landscape buffers will still be required along parking for all commercial buildings as necessary.
15

16 For residential uses, the code requires open space greater than or equal to 15% of the
17 gross project area. The proposal shows at least 40% of the gross area as open space. Active
18 space includes the park fronting apartment building A-2, a court at building CR-1, pocket parks
19 surrounding the townhomes of Drive C, and all trails within the development. Passive space is
20 comprised mainly of various easements at the perimeter of the development and along Lakota
21 Drive to break up the road and parking, **(Exhibit A, pg. t-7)**.
22

23 **7) Is the development consistent with the natural character, contours, and**
24 **viewsheds of the land?**
25

26 With Lakota Dr. as a benchmark, the property drops uniformly in elevation for roughly 95'
27 from northwest to southeast, **(Exhibit A, pg. t-19)**. In theory, units and/or blocks will step with
28 the natural grade. The applicant improved the sketch design by angling the single-family lots
29 northeast of Drive B to reflect the terrain features at those locations. In a similar move, the
30 multifamily units southwest of Drive B were reduced to single-family homes. A-1 apartment
31 buildings, south of Lakota Drive, were likewise realigned to step with the topography. The
32 townhomes west of Drive C were relocated to Drive A to reduce congestion in that area.

33 In order to comply with the Lakota building height requirements, the applicant agreed at
34 preliminary plan to "sink-in" the A-1 apartments to fit the structure under the 35-foot maximum.
35 Other than building CR-5, all buildings will fit under this cap. The applicant is asking for a
36 variance on the building height for Building CR-5 **(Exhibit A, pg. t-65)** of up to 44 feet. The
37 height of Building CR-5 was demonstrated to the public with a story balloon on April 6th, 2023.
38 As an additional point of reference, buildings adjacent to the property have the following
39 maximum heights:

- 40 • Shibui = 38.3 feet
- 41 • Fire House = 36 feet
- 42 • Senior Housing = 43 feet
- 43

1 Exceptions to building height often come with a compromise to viewsheds. Council, therefore,
2 must consider the cost of compromising views with added building mass and particularly the
3 benefit of a commercial occupant in that location.

4
5 *****NOTE: The applicant is requesting a variance with the height of Building CR-5 to**
6 **exceed the required 35-foot limit by nine (9) feet.**

7
8
9 **IV. Staff Recommendations**

10
11 Staff provides the following recommendations for Council’s consideration of Ordinance 2023-2:

- 12
13 A. The maximum building height of Building CR-5 shall be 44 feet consistent with the building
14 elevations presented in **Exhibit A, pg. t-65**. The A-1 building types shall accommodate the
15 surrounding grade sufficiently enough so to not exceed the 35 feet maximum building height for
16 mixed-use zoning as defined in Section 17.128.010. All other structures within Filing 8 shall not
17 exceed 35 feet as provided in Section 17.128.010.
18
- 19 B. Apartment buildings (building types A-1 and A-2) shall be allowed to exceed the maximum
20 allowed units per building of ten (10) (Section 17.128.070 (I)) by the following number:
21
22 1. A-1 shall exceed the allowed units per building by fourteen (14), up to a total of
23 twenty-four (24);
24 2. A-2 shall exceed the allowed units per building by ten (10), up to a total of twenty
25 (20);
26
- 27 C. The total number of commercial parking spaces required for Filing 8 shall be reduced by 40%
28 from what is otherwise required under the Lakota Canyon Ranch PUD standards, subject to the
29 implementation of a shared parking arrangement among the commercial, mixed-use, and multi-
30 family uses within Filing 8. The 40% reduction will apply to Phases 2 and 3 as shown on the
31 PUD Plan, regardless of whether those phases are platted and developed in multiple sub-
32 phases. Additionally, all “tuck-in” parking beneath A-2 type apartments and CR-1 mixed-use
33 building shall be reserved for tenants of those respective buildings.
34
- 35 D. A “floating zone” is established for the Phase 3 area shown on the PUD Plan—which phase
36 may be platted and developed in multiple sub-phases allowing for up to an additional 10,000
37 square feet of commercial floor area within the buildings in the “floating zone.” The additional
38 commercial space may be approved as an administrative amendment to the PUD. The 40%
39 “shared parking” reductions shall apply to any additional commercial floor area and no additional
40 parking spaces will be required if the additional commercial space is utilized; provided, however,
41 that the floating zone will be subject to the annual shared parking audit, including the

1 satisfaction of any mitigation measures required as part of the audit process. The overall cap on
2 commercial square footage within the Lakota Canyon Ranch will continue to apply, and the
3 additional commercial square footage provided for in the floating zone is subject to said cap.
4

5 E. The following vested rights shall be approved for Filing 8, provided that the requirements of
6 Section 16.36 of the Town Code have been satisfied:
7

- 8 1. The vested rights period for Filing 8 will be ten (10) years from the effective date of
9 the ordinance approving the Final Plan.
10
- 11 2. All phase plats for Filing 8 shall be recorded within ten (10) years of the effective
12 date of the ordinance approving the Final Plan.
13
- 14 3. Vested rights for each individual phase of Filing 8 shall be valid for three (3) years
15 from the recording of the final plat for that phase, subject to the maximum vested
16 rights period of 10 years.
17
- 18 4. The recordation of a phase plat will not extend the maximum vested rights period
19 beyond 10 years.
20
- 21 5. The following are exceptions to the vested rights for Filing 8:
22 i. Development of Filing 8 will be subject to any wildland urban interface
23 regulations in effect at the time of building permit, regardless of the approved
24 Final Plan.
25
26 ii. Owners in Filing 8 will be required to comply with the sign code in effect at the
27 time of application for a sign permit. There is no grandfathering of or vested
28 rights for signage within Filing 8.
29
30

31 F. The shared parking arrangement in Phases 2 and 3 of Filing 8 shall be subject to the following
32 parking audit process:
33

- 34 1. On the first anniversary of initial implementation of shared parking in Phase 2 and
35 Phase 3 of Filing 8 and annually thereafter for four additional years, Council shall
36 review and take comment regarding the shared parking arrangement for Phase 2
37 and/or Phase 3, as applicable, to determine whether the arrangement adequately
38 meets the needs of the owners and residents affected. The Fox Tuttle Parking
39 Strategies Memorandum dated January 24, 2023 (the "Parking Memorandum")
40 included in the Application establishes the process for evaluating the shared parking
41 arrangement and sets the performance measures for the arrangement. If a
42 "significant impact" is identified as provided in the Parking Memorandum, Council, in
43 its discretion, may require the applicant to implement one or more of the Parking
44 Demand Management Strategies listed in the Parking Memorandum. Prior to review
45 by Council, the applicant shall add payment of a parking mitigation fee to the Parking
46 Memorandum as a last-resort remedy if the shared parking arrangement fails.

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
- G. Each Filing 8 plat shall indicate whether the property included in the plat is subject to the covenants for the Lakota Canyon Ranch Master Association, a Lakota Canyon Ranch sub-association, and/or an association independent of the Lakota Canyon Ranch community. Covenants addressing shared parking, including management and enforcement requirements, hours of use, penalties for violation, maintenance responsibilities, and the reserved parking arrangements identified above shall be recorded with the applicable final plat(s). Copies of any new covenants shall be submitted to and approved by the Town Attorney prior to recordation of a final plat.
 - H. Prior to first building permit application for each phase, the applicant shall specify location of any sustainability initiatives identified in **Exhibit K**. The applicant shall use commercially reasonable efforts to implement the full list of initiatives included in the Application by the time of Filing 8 completion.
 - I. In addition to the provisions of Chapter 16.16 of the municipal code, plats for all phases shall identify streets and sidewalks dedicated as public rights-of-way, travel direction for one-way streets, locations for on-street parking, any dedicated open space, easements for snow storage, and any necessary signage as required under recommendation (J) below.
 - J. Streets or sides of streets showing no parking in in the Application shall be signed “No Parking this Side of Street” and placed in locations recommended by Public Works and the Police Department.
 - K. All outside parking areas facing residential-only use shall have a landscape buffer to obscure vehicles from view per municipal code, Section 17.128.070.
 - L. Prior to review by Council, the applicant shall specify colors, materials, and final architectural design features for all buildings subject to Section 17.128.070 (M) of the municipal code.
 - M. Following construction of the CR-5 building, the applicant shall submit an improvement location certificate to the Town to confirm that the CR-5 building is no taller than 44 feet.
 - N. The applicant shall contribute 25% of the estimated cost of traffic signal improvements at the Castle Valley Ranch Boulevard/Faas Ranch Road intersection in the form of dedication of land to the Town for a right-of-way of sufficient size to accommodate a two-lane roundabout in generally the location shown on the diagram prepared by the Town Engineer dated April 11, 2023. The applicant will dedicate the land indicated on the staff diagram for a roundabout with the Third Amended & Restated Subdivision Exemption Plat. The final location and dimensions of the right-of-way dedication will be determined by the Town Engineer prior to recordation of the Third Amended & Restated Subdivision Exemption Plat. Non-permanent encroachments into the roundabout area will be permitted subject to a revocable license approved by Council. Minimum setbacks from the roundabout may be adjusted as needed on the Phase 2 and/or Phase 3 final plat so that no change to the approved site plan for Filing 8 will be required to accommodate the roundabout. The land dedication by applicant as provided in this condition will satisfy all of the Filing 8 traffic mitigation obligations at the Castle Valley Ranch/Faas Ranch Road intersection.

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
- O. The applicant shall implement and comply with the affordable housing plan included in the application (**Exhibit A, pg. i-8**). The applicant shall prepare all necessary deed restrictions and agreements needed to formalize the affordable housing plan, which deed restrictions and agreements shall be subject to review and approval by the Town Attorney. Any deed restriction shall be recorded at the same time as the phase plat creating the lot(s) to be encumbered with the deed restriction.
 - P. The applicant shall include an additional potable water service line and curb stop for a water sample station. The sample station shall be purchased and installed by the Town. The additional service line and curb stop shall be located near the intersection of Drive F and Drive H or, if such location is unfeasible, another location approved by Public Works. Any easements necessary for the sample station will be dedicated to the Town on the appropriate plat.
 - Q. Provide a conceptual landscape plan to staff for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Plans submitted to obtain a building permit for any building shall demonstrate no more than 2,500 square feet of irrigated sod per dwelling unit as specified in 13.20.060 of the Municipal Code. Plans submitted to obtain a building permit must also identify measures (e.g., retaining walls, swales, perimeter drains, sumps, etc.) for diverting surface water drainage from adjacent lots. The landscape plans for townhomes and A-1 apartment buildings in Phase 2 shall incorporate trees and other appropriate screening from the golf course. The landscape plan for the townhome buildings and private drive in Phase 4 shall incorporate trees and other appropriate screening from the adjacent homes on Blackhawk Drive.
 - R. The applicant shall comply with all applicable building code and municipal code requirements, including all sign code regulations and any wildland-urban interface regulations, in effect at the time of development for the property, as well as all recommendations of the Town Engineer and Town Public Works Director provided in response to review of the Application. All building permit applications subject to the provisions of the International Fire Code or matters requiring fire alarms and/or fire suppression shall be submitted to the Fire Marshal for review and comment.
 - S. Submit a construction phasing plan for staff approval. Identify, at minimum, each of the following components for each phase or subphase:
 - 1. Buildout phases;
 - 2. A schedule that identifies:
 - i. the sequencing of infrastructure, road, and building construction;
 - ii. the sequencing of occupancy and egress for residents during construction;
 - iii. construction traffic flow with any alternative means of project access;
 - iv. location of construction parking;
 - v. list of construction hours;
 - vi. any necessary traffic control plans during construction;

- 1 3. Storage and staging areas for construction equipment and materials;
2 4. Location of temporary snow storage;
3 5. Illustrate drainage and erosion control best management practices (BMP's);
4 6. Conformance to all requirements and specifications approved by the fire marshal
5 concerning temporary access for each phase including, but not limited to, temporary
6 hammerhead turnarounds at dead end streets and any necessary ingress/egress
7 routes for emergency personnel and equipment during construction;
8
- 9 T. Street names shall be approved by Garfield County Communications to avoid any duplication of
10 names in the county dispatch area.
11
- 12 U. Designate locations of mailbox kiosks with written authorization from the local postmaster.
13
- 14 V. Landscaping and open space shall be perpetually weed free per the Colorado Noxious Weed
15 Act and any recommendation of Garfield County and New Castle Public Works.
16
- 17 W. The plat making the Lot Line Adjustments with Parcel A1-1 and Parcel A-2, shall be executed,
18 and recorded within 180 days of the final approval of the development plan for Longview. The
19 third amended subdivision exemption map will be updated to incorporate the change made by
20 the foregoing and be recorded at the same time as the lot line adjustment plat.
21
- 22 X. The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit
23 is recorded with Garfield County
24
- 25 Y. Prior to the recordation of the Final Plat for Phase 1, Filing 8, the applicant shall enter into a
26 subdivision improvements agreement with the Town in a form acceptable to the Town Attorney
27 and provide security for the public improvements required thereunder.
28
- 29 Z. Phase plats that are in substantial compliance with the approved Application may be approved
30 on a staff level and shall be recorded with Garfield County before commencing construction of
31 any individual building within a phase. No grading or excavation for the construction of a
32 building shall occur until a permit is used for that specific building. The applicant may
33 commence grading and excavation for infrastructure for public improvements in areas of the
34 project for which a phase plat and subdivision improvements agreement has not yet been
35 recorded, provided that the applicant has obtained a grading permit pursuant to the Town Code
36 and posted security to cover the applicable grading and revegetation work.
37
- 38 AA. A subdivision improvements agreement shall be recorded with each phase plat, including a
39 cost estimate for the public improvements within the phase as well as any public improvements
40 located outside of such phase that will be constructed in conjunction with the construction of
41 such phase. At the time of recordation of the phase plat and SIA, the developer shall be
42 required to post financial security in a form acceptable to the Town Attorney for the public
43 improvements located within the phase and to be constructed in conjunction with such phase.
44
- 45 BB. One or more phase plats may include one or more lots upon which townhome buildings will be

1 constructed. Such phase plat shall show the building envelope for the townhome building but
2 need not show the individual units. One or more amended plats to define the boundaries of the
3 individual units within each building shall be prepared for each building envelope based on as-
4 built surveys after construction, which amended plats may be approved on staff level. Individual
5 units may not be sold or separately encumbered until and unless the amended plat showing
6 such units has been approved by Town Staff, signed by the Town Administrator, and recorded
7 in the real estate records of Garfield County.
8

9 CC. All representations of the applicant made verbally or in written submittals presented to the
10 Town in conjunction with the Application before the Commission or Council shall be considered
11 part of the Application and binding on the applicant.
12

13 DD. The applicant shall reimburse the Town for any and all expenses incurred by the Town
14 regarding this approval, including, without limitation, all costs incurred by the Town's outside
15 consultants such as legal and engineering costs.
16

17 **VI. Final Application Exhibits:**
18

- 19 A. Final Plan Submittal Packet – April 5, 2023
- 20 B. Affidavit of Public Notice – April 4, 2023
- 21 C. Referral from Public Works – March 21, 2023
- 22 D. Roundabout Diagram from Fire Department – March 16, 2023
- 23 E. Roundabout Comment from Fire Department – March 16, 2023
- 24 F. Proposed Conditions Language from Town Attorney – March 15, 2023
- 25 G. Referral from Town Attorney – March 17, 2023
- 26 H. Roundabout Referral from Town Engineer – January 12, 2023
- 27 I. Referral from Town Engineer – March 24, 2023
- 28 J. Referral from Fire Marshall – March 17, 2023
- 29 K. Applicant Comment on Sustainability Initiatives – April 5, 2023
- 30 L. Citizen Comment – April 7, 2023
- 31 M. Town Residential Parking Exhibit – April 24, 2023
32

33 Town Attorney David McConaughy cautioned the council that this was a public hearing and
34 council members should refrain from expressing any opinion or how they may want to
35 vote yet because their decision should be based on the entire record including public
36 comments which had yet to be heard. He said that it was a time for questions, not
37 expressing opinions.
38

39 Planner Smith also reviewed the conditions in the following ordinance:
40

41
42 ***TOWN OF NEW CASTLE, COLORADO***
43 ***ORDINANCE NO. TC 2023-2***
44

1 **AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL GRANTING CONDITIONAL**
2 **APPROVAL OF A FINAL PUD DEVELOPMENT PLAN FOR LAKOTA CANYON RANCH PUD**
3 **FILING 8 (LONGVIEW) AND VESTED RIGHTS FOR THE SAME AND THE FINAL**
4 **SUBDIVISION PLAT OF FILING 8, PHASE 1**
5

6 *WHEREAS, RG Lakota Holdings, LLC and RG Lakota II, LLC (collectively, “Owner”) are the*
7 *owners of certain real property within the Town of New Castle, Colorado (the “Town”) described in the*
8 *attached Exhibit A, which property is located within the Lakota Canyon Ranch PUD (the “Property,” or*
9 *“Filing 8,” or “Longview”); and*

10
11 *WHEREAS, the Property is zoned Mixed Use (MU) within the Lakota Canyon Ranch PUD; and*
12

13 *WHEREAS, on September 14, 2022, the Planning & Zoning Commission approved a Preliminary*
14 *PUD Development Plan (“Preliminary Plan”) for Filing 8 and a Preliminary Plat (“Preliminary Plat”)*
15 *for Phase 1 of Filing 8; and*
16

17 *WHEREAS, on February 3, 2023, Dwayne Romero, on behalf of Owner (“Applicant”) submitted*
18 *an application requesting approval of a Final PUD Development Plan for Filing 8 (“Final Plan”) and a*
19 *Final Plat for Phase 1 of Filing 8 (the “Phase 1 Final Plat”) (collectively, the “Application” as further*
20 *defined below);*
21

22 *WHEREAS, the Application proposes the construction of 185 residential units (108 rental*
23 *apartments, 21 townhomes, 28 single-family homes, and 28 Mixed-Use Flats), 51,407 square feet of*
24 *commercial space, and open space areas on a total of 17.51 acres; and*
25

26 *WHEREAS, the Applicant intends to develop the Property and the public improvements associated*
27 *with the same in up to ten phases; and*
28

29 *WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly*
30 *noticed public hearing on April 12, 2023, to consider the Application and recommended that Town*
31 *Council approve the Application with conditions; and*
32

33 *WHEREAS, Applicant has requested vested rights for the Final Plan, which Final Plan constitutes*
34 *a site-specific development plan under Section 16.36.020 of the Town Municipal Code; and*
35

36 *WHEREAS, pursuant to Code Section 16.36.060, a duly-noticed public hearing was held by Town*
37 *Council on May 2, 2023, to consider the Application and vested rights for the Final Plan; and*
38

39 *WHEREAS, Town Council has considered the Application materials, testimony, and other*
40 *evidence from Staff, the Applicant, and members of the public concerning the Application; and*
41

42 *WHEREAS, Town Council has determined pursuant to Section 16.36.050 of the Code that vested*
43 *rights for the Final Plan are appropriate considering the phasing of development of Filing 8; the*
44 *substantial benefits conferred upon the Town and its citizens by the additional parks and open space, sales*

1 tax revenue, employment opportunities, and affordable housing opportunities incorporated into the Filing
2 8 mixed-use development; and the other unique characteristics of the proposed development; and

3
4 WHEREAS, based on the Application, testimony, and other information presented, subject to
5 compliance with the terms and conditions of this Ordinance, Town Council finds that the Application
6 complies with the following review criteria set forth in Sections 16.16.020(G) and 17.100.050(H) of the
7 Code:

- 8
- 9 1. Consistency with the comprehensive plan;
- 10 2. Compliance with zoning and density requirements;
- 11 3. Compatibility to neighboring land uses;
- 12 4. Availability of town services from public works (including water and sewer services), fire, and
13 police;
- 14 5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
- 15 6. Required open space or parks designed for active or passive use by residents of the subdivision
16 and the public; and
- 17 7. Development consistent with the natural character, contours, and viewsheds of the land
- 18

19 WHEREAS, Town Council finds further that the Application meets the goals described in Code
20 Section 16.04.010, satisfies the criteria set forth in Code Section 17.72.090, and conforms or will conform
21 with the conditions of approval of the Preliminary Plan; and

22
23 WHEREAS, Town Council now desires to approve the Application and vested rights for the Final
24 Plan pursuant to the terms and conditions of this Ordinance.

25
26 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE,
27 COLORADO:

- 28
- 29 1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of
30 Town Council.
- 31
- 32 2. Definition of the Application. The “Application” consists of the documents and information
33 identified on Exhibit B, plus all representations of and other documents presented by the Applicant
34 reflected in the recordings and minutes of the Planning and Zoning Commission public hearing held on
35 April 12, 2023, and the Town Council meeting and public hearing held on May 2, 2023.
- 36
- 37 3. Approval of Final Plan: The Final Plan proposes:
 - 38 a. The development of 185 residential units (108 rental apartments, 21 townhomes, 28 single-
39 family homes, and 28 Mixed-Use Flats), 51,407 square feet of commercial space, and open
40 space as depicted on the final Lakota Canyon Ranch PUD Filing 8, Longview Master Plat/Plat
41 dated April 5, 2023 (the “Master Plat/Plan”), Site Plan dated February 25, 2023, Site Plan
42 Unit Count Info sheet dated January 13, 2023, and as otherwise described in the Application;
 - 43
 - 44 b. Multi-family, mixed-use, and single-family use areas in the locations and with the acreage
45 depicted on the Acreage Use Diagram dated January 13, 2023;

- 1
2 c. *Use and other zoning standards as described and depicted on the Zoning Diagram dated*
3 *January 13, 2023;*
4
5 d. *Building elevations and architectural design and materials as described and depicted in the*
6 *Precedent Images, Design & Material Notes, and architectural drawings and floor plans dated*
7 *April 26, 2023;*
8
9 e. *The subdivision of the Property into 39 lots as shown on the Master Plat/Plan by platting the*
10 *phases shown on the Master Plat/Plan in up to 10 phases; and*
11
12 f. *Phase plats and amended final plats for the multi-family buildings will be submitted for*
13 *approval at the staff level, provided that the phase plats, amended final plats, and multi-family*
14 *buildings are in substantial conformance with the approved Application.*
15

16 *Town Council hereby approves the Final Plan, subject to compliance with all conditions set forth in*
17 *Section 7 of this Ordinance.*
18

19 4. *Subdivision. Applicant has submitted the Phase 1 Final Plat, which proposes to subdivide Phase*
20 *1 into three single-family lots and three future development parcels. The Phase 1 Final Plat takes into*
21 *account adjustments made between Lakota Canyon Ranch Parcels A1-1 and Parcel A2, which will be*
22 *accomplished through a boundary line adjustment plat that will be recorded prior to the Phase 1 Final*
23 *Plat. Town Council hereby approves the Phase 1 Final Plat, subject to compliance with the applicable*
24 *conditions set forth in Section 7 of this Ordinance.*
25

26
27 5. *Zoning. Development and use of the Property under the Final Plan is subject to the following*
28 *restrictions and requirements:*
29

30 a. *The restrictions and requirements of the MU Zone District of the Lakota Canyon Ranch PUD*
31 *Zoning Regulations, Section 17.128.070 of the Code, as may be amended or recodified from time*
32 *to time, subject to the following variations:*

33 i. *The maximum height of Building CR-5 shall be 44 feet consistent with the building*
34 *elevations materials dated April 26, 2023. The A-1 Building types shown on the*
35 *Application's most recent site plan shall be designed and constructed as partially*
36 *sunken structures with a maximum height of 35 feet per building. The maximum*
37 *height of all other structures within Filing 8 shall be 35 feet as provided in Section*
38 *17.128.010.*
39

40 ii. *The five apartment buildings (Building types A-1 and A-2 as described and depicted*
41 *in the Application) shall be allowed to exceed the maximum number of units per*
42 *building (10 per Section 17.128.070(I)) as follows:*

43 a. *A-1 Buildings: up to 24 units per building; and*

44 b. *A-2 Buildings: up to 20 units per building.*

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
- iii. *The total number of commercial parking spaces required for Filing 8 shall be reduced by 40% from what is otherwise required under the Lakota Canyon Ranch PUD standards, subject to the implementation of a shared parking arrangement among the commercial, mixed-use, and multi-family uses within Filing 8. The 40% reduction will apply to Phases 2 and 3 as shown on the Master Plat/Plan, regardless of whether those phases are platted and developed in multiple sub-phases.*
 - iv. *A “floating zone” is established for the Phase 3 area shown on the Master Plat/Plan—which phase may be platted and developed in multiple sub-phases—allowing for up to an additional 10,000 square feet of commercial floor area within the buildings in the “floating zone.” The additional commercial space may be approved as an administrative amendment to the PUD. The 40% “shared parking” reductions shall apply to any additional commercial floor area and no additional parking spaces will be required if the additional commercial space is utilized; provided, however, that the floating zone will be subject to the annual shared parking audit, including the satisfaction of any mitigation measures required as part of the audit process. The overall cap on commercial square footage within the Lakota Canyon Ranch will continue to apply, and the additional commercial square footage provided for in the floating zone is subject to said cap.*
 - v. *Any modifications approved by the Town and shown on any final phase plat for the Property. In the event of any conflict between the Zone District text or this Ordinance and the final plats for the Property, the final plat shall control.*

27 *b. All other applicable provisions of the Code; and*

28
29 *c. All applicable Ordinances of the Town.*

30
31 *6. Vested Rights. Town Council finds that the requirements of Section 16.36 for obtaining vested*
32 *rights for Filing 8 have been satisfied and hereby approves the following vested rights for Filing 8:*

33 *a. The vested rights period for Filing 8 will be ten (10) years from the effective date of this Ordinance.*

34
35 *b. All phase plats for Filing 8 shall be recorded within ten (10) years of the effective date of this*
36 *Ordinance.*

37
38 *c. Vested rights for each individual phase of Filing 8 shall be valid for three (3) years from the*
39 *recording of the final plat for that phase, subject to the maximum vested rights period of 10 years.*

40
41 *d. The recordation of a phase plat will not extend the maximum vested rights period for Filing 8*
42 *beyond 10 years.*

43
44 *e. The following are exceptions to the vested rights for Filing 8:*

- i. *Development of Filing 8 will be subject to any wildland urban interface regulations in effect at the time of building permit, regardless of the approved Final Plan.*
- ii. *Owners of property within Filing 8 will be required to comply with the sign code in effect at the time of application for a sign permit. There is no grandfathering of or vested rights for signage within Filing 8.*

7. Conditions. *Approval of the Application, Final Plan, and Phase 1 Final Plat are subject to and contingent up on satisfaction of the following conditions:*

- a. *All “tuck-in” parking beneath A-2 type apartments and CR-1 mixed-use building shall be reserved for residential tenants of those respective buildings.*
- b. *The shared parking arrangement in Phases 2 and 3 of Filing 8 shall be subject to the following parking audit process:*

On the first anniversary of initial implementation of shared parking in Phase 2 and Phase 3 of Filing 8 and annually thereafter for four additional years, Town Council shall review and take comment regarding the shared parking arrangement for Phase 2 and/or Phase 3, as applicable, to determine whether the arrangement adequately meets the needs of the owners and residents affected. The Fox Tuttle Parking Strategies Memorandum dated _____, 2023 (the “Parking Memorandum”) included in the Application establishes the process for evaluating the shared parking arrangement and sets the performance measures for the arrangement. If a “significant impact” is identified as provided in the Parking Memorandum, Town Council, in its discretion, may require Applicant to implement one or more of the Parking Demand Management Strategies listed in the Parking Memorandum.

- c. *Each Filing 8 plat shall indicate whether the property included in the plat is subject to the covenants for the Lakota Canyon Ranch Master Association, a Lakota Canyon Ranch sub-association, and/or an association independent of the Lakota Canyon Ranch community. Covenants addressing shared parking, including management and enforcement requirements, hours of use, penalties for violation, maintenance responsibilities, and the reserved parking arrangements identified above shall be recorded with the applicable final plat(s). Copies of any new covenants shall be submitted to and approved by the Town Attorney prior to recordation of a final plat.*
- d. *Prior to the first building permit application for each phase, the Applicant shall specify the location of any sustainability initiatives identified in the Application. Applicant shall use commercially reasonable efforts to implement the full list of initiatives included in the Application by the time of Filing 8 completion.*
- e. *In addition to the provisions of Chapter 16.16 of the municipal code, plats for all phases shall identify streets and sidewalks dedicated as public rights-of-way, travel direction for one-way streets, locations for on-street parking, any dedicated open space, easements for snow storage,*

1 *and any necessary signage as required under Condition F.*

- 2
- 3 *f. Streets or sides of streets showing no parking in in the Application shall be signed “No Parking*
4 *this Side of Street” and placed in locations recommended by Public Works and the Police*
5 *Department.*
- 6
- 7 *g. All outside parking areas facing a residential-only use shall have a landscape buffer to obscure*
8 *vehicles from view per Code Section 17.128.070.*
- 9
- 10 *h. Following construction of the CR-5 building, Applicant shall submit an improvement location*
11 *certificate to the Town to confirm that the CR-5 building is no taller than 44 feet.*
- 12
- 13 *i. Applicant shall contribute 25% of the estimated cost of traffic signal improvements at the Castle*
14 *Valley Ranch Boulevard/Faas Ranch Road intersection in the form of dedication of land to the*
15 *Town for a right-of-way of sufficient size to accommodate a two-lane roundabout in generally the*
16 *location shown on the diagram prepared by the Town Engineer dated April 11, 2023. Applicant*
17 *will dedicate the land indicated on the staff diagram for a roundabout on the Third Amended &*
18 *Restated Subdivision Exemption Plat. The final location and dimensions of the right-of-way*
19 *dedication will be determined by the Town Engineer prior to recordation of the Third Amended &*
20 *Restated Subdivision Exemption Plat. Nonpermanent encroachments into the roundabout area will*
21 *be permitted subject to a revocable license approved by Town Council. Minimum setbacks from*
22 *the roundabout may be adjusted as needed on the Phase 2 and/or Phase 3 final plat or sub-plats*
23 *so that no change to the approved site plan for Filing 8 will be required to accommodate the*
24 *roundabout. The land dedication by Applicant as provided in this condition will satisfy all of the*
25 *Filing 8 traffic mitigation obligations at the Castle Valley Ranch/Faas Ranch Road intersection.*
- 26
- 27 *j. Applicant shall implement and comply with the affordable housing plan included in the*
28 *Application. Applicant shall prepare all necessary deed restrictions and agreements needed to*
29 *formalize the affordable housing plan, which deed restrictions and agreements shall be subject to*
30 *review and approval by the Town Attorney. Any deed restriction shall be recorded at the same*
31 *time as—and as a condition of—recordation of the phase plat creating the lot(s) or units to be*
32 *encumbered with the deed restriction.*
- 33
- 34 *k. The Applicant shall include an additional potable water service line and curb stop for a water*
35 *sample station. The sample station shall be purchased and installed by the Town. The additional*
36 *service line and curb stop shall be located near the intersection of Drive F and Drive H or, if such*
37 *location is unfeasible, another location approved by Public Works. Any easements necessary for*
38 *the sample station will be dedicated to the Town on the appropriate plat.*
- 39
- 40 *l. Applicant shall provide a conceptual landscape plan to staff for each phase of development*
41 *illustrating size, type, and location of plant materials and an irrigation plan, if applicable. Plans*
42 *submitted to obtain a building permit for any building shall demonstrate no more than 2,500*
43 *square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code. Plans*
44 *submitted to obtain a building permit must also identify measures (e.g., retaining walls, swales,*
45 *perimeter drains, sumps, etc.) for diverting surface water drainage away from adjacent lots. The*

1 *landscape plans for the townhome and A-1 buildings in Phase 2 or its sub-phases shall incorporate*
2 *trees and other appropriate screening from the golf course. The landscape plan for the townhome*
3 *buildings and private drive in Phase 4 shall incorporate trees and other appropriate screening*
4 *from the adjacent homes on Blackhawk Drive.*
5

6 *m. The development of Filing 8 shall comply with all applicable building code and municipal code*
7 *requirements, including all sign code regulations and any wildland-urban interface regulations,*
8 *in effect at the time of development of the property, as well as all recommendations of the Town*
9 *Engineer and Town Public Works Director provided in response to review of the Application. All*
10 *building permit applications subject to the provisions of the International Fire Code or matters*
11 *requiring fire alarms and/or fire suppression shall be submitted to the Fire Marshal for review*
12 *and comment.*
13

14 *n. Submit a construction phasing plan for staff approval that identifies, at a minimum, each of the*
15 *following components for each phase or sub-phase of construction:*
16

17 *i. Buildout phases;*

18 *ii. A schedule that identifies*

- 19 *1. the sequencing of infrastructure, road, and building construction;*
- 20 *2. the sequencing of occupancy and egress for residents during construction;*
- 21 *3. construction traffic flow with any alternative means of project access;*
- 22 *4. location of construction parking;*
- 23 *5. list of construction hours; and*
- 24 *6. any necessary traffic control plans during construction;*

25 *iii. Storage and staging areas for construction equipment and materials;*

26 *iv. Location of temporary snow storage;*

27 *v. Drainage and erosion control best management practices (BMP's);*

28 *vi. Conformance to all requirements and specifications approved by the Fire Marshal*
29 *concerning temporary access for each phase including, but not limited to, temporary*
30 *hammerhead turnarounds at dead end streets and any necessary ingress/egress routes for*
31 *emergency personnel and equipment during construction.*
32

33 *o. Street names shall be approved by Garfield County Communications to avoid any duplication of*
34 *names in the county dispatch area.*
35

36 *p. Designate locations of mailbox kiosks with written authorization from the local postmaster.*
37

38 *q. Landscaping and open space shall be perpetually weed free per the Colorado Noxious Weed Act*
39 *and any recommendation of Garfield County and New Castle Public Works.*
40

41 *r. The plat making the lot line adjustments with Parcel A1-1 and Parcel A-2 shall be executed and*
42 *recorded within 180 days of the final approval of the Application. The Third Amended & Restated*
43 *Subdivision Exemption Plat will be updated to incorporate the change made by the foregoing and*
44 *be recorded at the same time as the lot line adjustment plat.*
45

- 1
2 s. *The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or*
3 *unit is recorded with Garfield County.*
4
5 t. *Prior to the recordation of the Phase 1 Final Plat, the Applicant shall enter into a subdivision*
6 *improvements agreement with the Town in a form acceptable to the Town Attorney and provide*
7 *security for the public improvements required thereunder.*
8
9 u. *Phase plats that are in substantial compliance with the approved Application may be approved on*
10 *a staff level and shall be recorded with Garfield County before commencing construction of any*
11 *individual building within a phase. No grading or excavation for the construction of a building*
12 *shall occur until a permit is used for that specific building. Applicant may commence grading and*
13 *excavation for infrastructure for public improvements in areas of the project for which a phase*
14 *plat and subdivision improvements agreement has not yet been recorded, provided that applicant*
15 *has obtained a grading permit pursuant to the Town Code and posted security to cover the*
16 *applicable grading and revegetation work.*
17
18 v. *A subdivision improvements agreement shall be recorded with each phase plat, including a cost*
19 *estimate for the public improvements within the phase as well as any public improvements located*
20 *outside of such phase that will be constructed in conjunction with the construction of such phase.*
21 *At the time of recordation of the phase plat and SIA, the developer shall be required to post*
22 *financial security in a form acceptable to the Town Attorney for the public improvements located*
23 *within the phase and to be constructed in conjunction with such phase.*
24
25 w. *One or more phase plats may include one or more lots upon which townhome buildings will be*
26 *constructed. Such phase plat shall show the building envelope for the townhome building but need*
27 *not show the individual units. One or more amended plats to define the boundaries of the individual*
28 *units within each building shall be prepared for each building envelope based on as-built surveys*
29 *after construction, which amended plats may be approved on staff level. Individual units may not*
30 *be sold or separately encumbered until and unless the amended plat showing such units has been*
31 *approved by Town Staff, signed by the Town Administrator, and recorded in the real estate records*
32 *of Garfield County.*
33
34 x. *All representations of the Applicant made verbally or in written submittals presented to the Town*
35 *in conjunction with the Application before the Commission or Town Council shall be considered*
36 *part of the Application and binding on the Applicant.*
37
38 y. *The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding*
39 *this approval, including, without limitation, all costs incurred by the Town's outside consultants*
40 *such as legal and engineering costs.*

41 8. Severability. *Each section of this Resolution is an independent section and a holding of any section*
42 *or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to*
43 *affect the validity or constitutionality of any other section or part hereof, the intent being that the*
44 *provisions of this Resolution are severable.*

1
2
3 9. Effective Date. This Ordinance shall be effective 14 days after final publication pursuant to Section
4 4.3 of the Town Charter
5

6 *INTRODUCED on May 2, 2023, at which time copies were available to the Town Council and to*
7 *those persons in attendance at the meeting, read by title, passed on first reading, and ordered published*
8 *in full and posted in at least two public places within the Town as required by the Charter.*
9

10 *INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle,*
11 *Colorado, on (date) , read by title and number, passed without amendment, approved, and ordered*
12 *published as required by the Charter.*
13

14 *TOWN OF NEW CASTLE, COLORADO TOWN COUNCIL*

15
16
17 By: _____
18 *Art Riddile, Mayor*

19 *ATTEST:*

20
21
22 _____
23 *Melody Harrison, Town Clerk*
24
25

26 Planner Smith said that in the Lakota PUD the buildings had designs that were consistent
27 with the Lakota vision. He said that was true of any single-family or duplex home that was
28 built. The building permit application is submitted to the town as well as the Design
29 Review Committee (DRC) in Lakota. The DRC will review the applications to make sure
30 they comply with the Lakota standards. Planner Smith said that the commercial portion of
31 the Longview development was not proposed to be part of the Lakota HOA, so the design
32 review will be different. Buildings such as CR-5, the apartment buildings and the mixed-
33 use buildings are proposed to be outside the Lakota Master Association, therefore the
34 review of those buildings' architecture will be a council approval. Planner Smith said that
35 there was potentially a lot involved in that. He said it was not listed as a condition
36 currently. The applicant had provided some examples of architecture and representative
37 materials for siding and roofing for each building. Planner Smith said that if council
38 approved the buildings as they had been designed and submitted then essentially staff will
39 review that and make sure it complied with what was submitted and approved by council
40 for only those buildings that were not part of the HOA. Planner Smith offered that council
41 could review the designs now and again at second reading, and staff will take feedback
42 from the council on what they would like to see or preferred to see, and he suggested that
43 it be added as a condition.

44 Attorney Carmer said that in section 3 of the ordinance it explained what the final PUD
45 plan consisted of and that included the site plan, the master plan and plat, including the

1 building elevations, design and materials described in the plans submitted. She said that if
2 council were to approve the final plan, the included designs were part of that approval.
3 Attorney Carmer said that if what they had in the packet was acceptable that will cover it.
4 If there were changes that the council wanted to see those would be clarified as a
5 condition.

6 Planner Smith said that staff had reviewed the designs, and some were in line with Lakota
7 and some that were not as much. The designs were not bad, but they included metal
8 roofs, stone, some timber, some variation of colors and façades. Planner Smith said that
9 the town was getting ready to adopt the wildland urban interface code, and one thing that
10 will be used was cement board which was a non-combustible siding that was made to look
11 like any other siding. He said that it will likely be one material recommendation from staff
12 however, it was not a material you would see in Lakota today. Planner Smith said that
13 brick was highlighted in a couple buildings and that was also a material not seen in
14 Lakota. He said there were a few buildings that had curtain walls of glass and a few steel
15 braces.

16 Planner Smith also suggested that there was a palette of architecture used around the
17 valley and the council could review and choose some of those if they wanted.

18 Planner Smith said that staff were looking for some guidance for design approval for the
19 buildings.

20 Councilor Carey said that she read somewhere in the town code that turf was not allowed
21 in town. Planner Smith said that he had not seen that.

22
23 Attorney McConaughy said that before the council began, he wanted to point out
24 something unique about the application that they were considering. The application has a
25 request for vested rights which was allowed by town code in reference to state statute. He
26 said that both the code and statute had a presumptive period of three years for vested
27 rights. He said that the code said that the council had the discretion to go over three
28 years and that it was totally in the council's discretion. Attorney McConaughy said that the
29 statute that is referenced in the code had more guidance than that and said that vested
30 rights shall not be vested for more then three years unless warranted in light of all
31 relevant circumstances including but not limited to the size and phasing of the
32 development, economic cycles, and market conditions. He said that would be the
33 justification to go beyond three years, and the request was for ten years. He said it weas
34 something for the council to think about when they were deliberating.

35
36 Mayor A Riddile opened the public hearing at 9:03 p.m.

37
38 Mayor A Riddile asked that the commenters step up to the podium, state their name and
39 address for the record, and then they can have three minutes for their comment. He
40 asked that each commenter please not repeat previous comments, rather, in the essence
41 of timeliness they can just say that they agree.

42
43 Bob Dubois, Member of the Lakota Canyon Ranch Design Review Committee. Mr. Dubois
44 said that he had seven minutes prepared so he would have to cut it down. He said that he
45 had lived in Lakota for more than 17 years and had spent 13 years as a member of the
46 DRC, and that was what he was present for. Part of his comments were what Planner

1 Smith was speaking about regarding the design guidelines which was what made Lakota
2 look like Lakota. Mr. Dubois said that the design of both the firehouse and Eagle's Ridge
3 Townhomes were reviewed by the DRC and fit within the Lakota theme. Lakota Senior
4 Housing is not within the HOA, but had they stayed with their original design everyone
5 would have been very disappointed. Mr. Dubois said they had stayed in touch with the
6 DRC, and although not everything about senior housing was not Lakota but they did
7 include more design features than originally planned.
8 Mr. Dubois said that the single-family homes in Lakota will go through the DRC, but the
9 apartments and commercial building will be within their own master association. That
10 meant many things including that those buildings will not be required to abide by the
11 Lakota standards. Mr. Dubois said that as a member of the DRC, he felt that it was very
12 important to ensure the continuity of the buildings in the new development so that they fit
13 in with the rest of Lakota Canyon Ranch. He emphasized the point several times and
14 asked that the council think ahead ten or twelve years once the development was built
15 and how it would appear out of place. He said that it was about the end game, and that
16 once the council put their stamp on it and it was built, it was done. The same with senior
17 housing: it was built, and it was done. Mr. Dubois said that the DRC has zero interest in
18 trying to design anything for the Romero Group, it was not what they did. He said that
19 they had a great interest in sitting down with the Romero Group and looking at their ideas
20 to see what they could put together and how they could cooperate to make it look more
21 Lakota.

22
23 Bob Dubois, 217 Blackhawk Drive. Mr. Dubois asked which apartment buildings would be
24 over-height. Planner Smith said there were two buildings along the golf course. Mr.
25 Dubois said that the commercial buildings on Faas Ranch Road and the Valley View
26 Building were simply too high. He suggested that the areas be lowered to accommodate
27 the height.

28
29 Sally Linden, 805 Ute Circle. Ms. Linden said that she felt that fire evacuation had not
30 been addressed. She said that Castle Valley Boulevard was too narrow, and that she
31 understood it was platted for four lanes. She was concerned that traffic will bottleneck
32 near Shibui, and ingress and egress for the development needed to be addressed. Ms.
33 Linden said that she lived on a horseshoe street, and at the end, regardless of national
34 standards, she had a neighbor who had two cars, seven construction trucks with trailers
35 that took up a lot of space on the street. She said that if you went down S. Wildhorse
36 Drive and looked, each home had at least three cars, and most had construction trailers
37 on the street. Ms. Linden said they could do what they want to do, but why not just do
38 less? It's too much. Ms. Linden felt that trying to make commercial property work would
39 not be successful. Additionally, she said that one-way streets were a fire hazard and
40 narrow streets become a trap.

41
42 Mark McDonald, 301 Deer Valley Drive. Mr. McDonald complimented the Romero Group on
43 their approach and their willingness to listen. He said that they had been through this with
44 other developers who were not nearly as committed to excellence. Mr. McDonald said that
45 in regard to the transition of apartments to townhomes to single family as shown in the
46 drawings and images presented, the transition from single-family to townhouses to

1 apartments will look vastly different then the pictures because some were not subject to
2 design review. He hoped there could be a way to transition a little bit on those buildings
3 not subject to design review.
4

5 Roger Sheffield, 199 Blackhawk Drive. Member of the Lakota Design Review Committee.
6 Mr. Sheffield said that he was there to discuss what was not addressed, which was the
7 Blackhorse Drive and Whitehorse Drive intersection. He said earlier in the day there were
8 17 cars parked at that intersection, most of the time they were parked within feet of the
9 intersection, and no one was paying attention. He said he understood that there were
10 staffing issues in the town and he appreciated the hard work the town did. Mr. Sheffield
11 said that there will be an expectation of 500 more cars coming in and out of the area. He
12 said that he appreciated it when Mr. Romero said they will police themselves, but that
13 would not happen. Mr. Sheffield said that no one was taking into account the additional
14 forty or so lots on Whitehorse that have yet to be built. Mr. Sheffield said that the parking
15 study that was done was done in 2020. The national standards that were mentioned were
16 done in 2016. Mr. Sheffield questioned why the Romero Group could not answer the
17 question. Mr. Sheffield felt that ore research needed to be done on traffic patterns related
18 to escaping out of certain situations. He said that the fire chief at the last meeting had not
19 even considered looking at traffic patterns and was against the roundabout for getting fire
20 trucks in and out of the area. Mr. Sheffield said that he was not against the development
21 at all, but he still thought there were some serious questions that were not being
22 answered or discussed.
23

24 Helen Griffith, 387 Faas Ranch Road. Ms. Griffith said that she had not heard anything,
25 and assumed that when phase I starts, the mailboxes for Faas Ranch Road, and she had
26 not heard anything about placement for the mail for the development. Ms. Griffith said
27 that she was in agreement with the evacuation issues and the traffic issues.
28

29 Mary Gervais, 140 Lakota Drive. Ms. Gervais said that she was the Whitehorse
30 Representative of the Lakota Board of Directors, and an avid Garden Clubber. Ms. Gervais
31 thanked the developer for every inch of open space and trails. Being outside and having
32 good places for everyone to be outside she felt was an important part of a healthy
33 community. She thanked the developer for that. She also said that the deer and foxes
34 wanted her to thank them as well because she communicated with them. Ms. Gervais said
35 that on behalf of the Garden Club, she wanted to say to the town that the development
36 had come with drought resistant plants listed on their planting list. Ms. Gervais said that
37 the Garden Club asked the Town of New Castle that as each development came in, that
38 drought-resistance and fire mitigation in terms of where things were planted, a priority in
39 what the town allowed.
40

41 Mayor A Riddile closed the public hearing at 9:18 p.m.
42

43 Councilor Carey said that she had heard a number of comments about evacuation. She
44 thanked the commenters for expressing their concerns. She said that it was something
45 that the town was working on, and that there was an evacuation plan/emergency plan in

1 process. She said that one of the things that was being considered was some public
2 meetings similar to the Bear Aware meetings.

3
4 Councilor Leland said that regarding the drought-resistant plants proposed, and because
5 Councilor Carey mentioned bears, on the list of plants was service berries and acorns,
6 both of which were bear-friendly. He suggested perhaps they were not the best.

7
8 Councilor G Riddile asked if the Romero Group was willing to speak to the DRC.
9 Mr. Romero said that they were comfortable with the fact that they had designs that were
10 originally founded in DRC guidelines. He said that they were also comfortable with the fact
11 that they were creating a separate HOA, apart from Lakota. He said that the Lakota DRC
12 was geared towards 100% residential, although it was approved with 100,000 sf of
13 commercial. Mr. Romero said that there were two things that were substantive to that
14 which bore mentioning. The first was the fact that there was a wildland and wildfire
15 mitigation set of designs/regulations/requirements that he did not believe existed in many
16 of the guidelines of the Lakota Canyon Ranch Master Association. The second, and more
17 importantly, was that the Longview application is trying to pick up on the mixed-use
18 community which has some need and desire to get into forms and structures that are of
19 mixed-use and multi-family formation and there were different means, methods,
20 structures and materials that need to be taken advantage of to make sure they were cost
21 efficient in terms of assembly. Mr. Romero said he was not describing trying to make
22 cheap apartments, he was simply saying that kind of commercial design had a different
23 level of rigor, separate and apart from the residential standards that one would see in the
24 design guidelines for Lakota. Mr. Romero said they had never tried to not be good
25 neighbors, in fact, by definition it was quite the opposite. He said they had been proactive
26 with what they had been doing in the ownership and assembly. He said there was no
27 doubt they will have ongoing conversations, but they also needed to have freedom of
28 action. Mr. Romero said they were trying to achieve so many different goals, so there had
29 to be some compromise. He listed the goals: Residential, affordable, commercial, sales
30 tax revenue for the town, parking and parking mitigation, heights, density, density within
31 buildings. Mr. Romero said they were trying to thread several needles at one time and still
32 be good neighbors and friends. Mr. Romero said that they were looking for an effective
33 compromise in all that and he felt the process with the town staff, P&Z and council had
34 supported that and there was no need to create friction where it was not warranted.

35
36 Mayor A Riddile asked for an approximate timeline for phasing. Mr. Romero said there
37 were five phases, but there could be multiple sub-phases. He said they were trying to do
38 two things. The first was to be responsive to the market absorption for what can be built
39 and sold, not built and vacant. That comment applied to both residential and commercial.
40 Mr. Romero said the second issue was easy academics. In phase 1, the first few
41 homesites on Whitehorse Village Drive at the top were anticipated in the ordinance of
42 approval. Then he felt that the lower site had a good section of multi-family and the bulk
43 of the commercial commitments. He noted they had a letter of commitment from Valley
44 View Hospital for a 12,000 to 15,000 sf clinic in phase II. That will provide confidence to
45 move forward with design development, capital planning, permitting, then horizontal
46 construction that eventually leads to vertical development for CR-5 and then they will

1 move on to A-1. He said the first two phases will have good visibility and were projected
2 in the next year or two, but beyond that it was somewhat market driven. He said that he
3 appreciated that the council was considering the extended vesting request because he felt
4 everyone knew that 180 residential units plus 60,000-plus square feet of commercial
5 cannot be absorbed in three years. Mr. Romero said that they were no home builders, so
6 they anticipated either partnering or selling to home builders and or individual home
7 builders to build out the single-family and duplex residences.

8
9 Councilor Mariscal said that her concerns were about parking. She asked about buildings
10 A1 and A2, if they were affordable housing or market price. Ms. Henry said that the
11 affordable units were really 'floating' units and could be in any of the buildings, however,
12 the A buildings were apartments and would not be for sale. Councilor Mariscal felt that
13 market price homes meant that the owners likely could afford several cars. Ms. Henry said
14 that because the units were apartments that could be controlled. If someone signed a
15 lease for a studio apartment, they would be allowed one car. A two bedroom, two cars.
16 She said you won't end up in that single-family situation where one home could have
17 seven cars. Ms. Henry also said that the parking did meet the code requirements for the
18 residential units.

19
20 Councilor Carey said that she knew the parking issue had been well-discussed, but she
21 wanted to comment. She told the Romero Group that she was grateful for their time and
22 attention and creativity regarding the parking. She said that if there was a family of three,
23 mom, dad and teenager, there will likely be three vehicles, and it would be hard to tell
24 them they could not have three cars, and that was what the overflow parking was for.
25 Councilor Carey said that the parking proposed allowed for an extra 92 spaces available,
26 which would then allow for 77 spaces to be assigned and still meet the national parking
27 standard. She felt that was something to think about.

28
29 Councilor Hazelton said that he was ready to hear what the council felt about bringing the
30 ordinance back. He said that personally, he had a lot of information to think over.
31 Councilor Leland agreed and said that having a little time to think over everything would
32 be helpful, not to mention there were still other items on the agenda to handle before the
33 mandator 10:00 p.m. adjournment. The council agreed.

34
35 Attorney McConaughy said that the council could motion to leave the hearing open
36 without re-noticing. He said that the ordinance still had to come back for second reading,
37 so if the council took action, it would not be completed yet.

38
39 Mayor A Riddile said that the public hearing was closed. Attorney McConaughy said that
40 the public hearing portion was closed, but no decision was made yet, and the council often
41 took additional public comment anyway, but the mayor had closed it. He said that if
42 council wanted to continue it, they could.

43
44 **MOTION: Councilor Hazelton motion to continue Ordinance TC 2023-01 - an**
45 **Ordinance of the New Castle Town Council Approving a Final PUD Development**
46 **Plan for Lakota Canyon Ranch PUD Filing 8 (Longview) and Final Subdivision Plat**

1 **for Filing 8, Phase 1 (1st reading) to the May 16, 2023 council meeting.**
2 **Councilor Carey seconded the motion and it passed unanimously.**

3
4
5 **"Bear with Us" - Discussion of Wildlife Solutions**

6 Councilor Carey asked that the council discuss the item briefly since it was so late. She
7 said that they needed money to pay for certain items for the Hispanic Bear Meeting, which
8 included an interpreter, food and childcare or entertainment for kids. The council
9 discussed it briefly, reducing the funding from the requested \$2,500.00 to \$1,000.00.
10 Councilor Hazelton agreed with the interpreter but disagreed that food was necessary
11 since it had not been provided or the other bear meetings.

12 **MOTION: Mayor A Riddile made a motion to approve funding in the amount of**
13 **\$1,000.00 for the Hispanic Bear Meeting. Councilor Copeland seconded the**
14 **motion and it passed with Councilor Hazelton voting no.**

15
16 **MOTION: Councilor Carey made a motion to extend the meeting past 10:00 p.m.**
17 **Councilor Mariscal seconded the motion and it passed unanimously.**

18
19 **Consider an Update to the town Records Request Policy**

20 The council tabled the item until the next council meeting.

21
22 Town Attorney McConaughy and Attorney Carmer left the meeting.

23
24 **MOTION: Councilor a Riddile made a motion at 9:46 p.m. to go into Executive**
25 **Session (1) for conference with Town Attorney for purpose of receiving legal**
26 **advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2)**
27 **for purpose of determining positions relative to matters that may be subject to**
28 **negotiations, developing strategy for negotiations, and/or instructing**
29 **negotiators, under C.R.S. Section 24-6-402(4)(e) concerning the CVR Investors**
30 **lawsuit; and**

31 (Clerk Byram left the room, Planner Smith and Assistant Planner Prentice left the meeting)

32 **Executive Session for discussion of a personnel matter under C.R.S. Section 24-**
33 **6-402 (f)(I) regarding the Town Treasurer, and not involving: any specific**
34 **employees who have requested discussion of the matter in open session; any**
35 **member of this body or any elected official; the appointment of any person to fill**
36 **an office of this body or of an elected official; or personnel policies that do not**
37 **require the discussion of matters personal to particular employees; and**

38 (Clerk Byram returned, Treasurer Burk left the room)

39 **Executive Session for discussion of a personnel matter under C.R.S. Section 24-**
40 **6-402 (f)(I) regarding the Town Clerk, and not involving: any specific employees**
41 **who have requested discussion of the matter in open session; any member of**
42 **this body or any elected official; the appointment of any person to fill an office of**
43 **this body or of an elected official; or personnel policies that do not require the**
44 **discussion of matters personal to particular employees. Councilor Hazelton**
45 **seconded the motion and it passed unanimously.**

1 Executive session concluded.

2

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

4

5 "The time is now 10:45 p.m. and the executive session has been concluded. The participants
6 in the executive sessions were: Councilors Mariscal, Carey and Hazelton; Mayor A Riddile;
7 Councilors Copeland, Leland, and G Riddile; Town Treasurer Burk, Town Administrator
8 Reynolds and Town Clerk Byram. For the record, if any person who participated in the
9 executive session believes that any substantial discussion of any matters not included in
10 the motion to go into the executive session occurred during the executive session, or that
11 any improper action occurred during the executive session in violation of the Open Meetings
12 Law, I would ask that you state your concerns for the record."

13 No concerns were stated.

14

15

16 **Consent Agenda**

17 April 2023 Bills of \$1,001,530.45

18 The council tabled the consent agenda because of the late hour.

19

20

21 **Staff Reports**

22 Town Administrator

23 Town Clerk

24 Town Treasurer

25 Town Planner

26 Public Works Director

27 The council did not ask for staff reports because of the late hour.

28

29

30 **Commission Reports**

31 Planning & Zoning Commission

32 Historic Preservation Commission

33 Climate and Environment Commission

34 Senior Program

35 RFTA

36 AGNC

37 GCE

38 EAB

39 The council did not ask for commission reports because of the late hour.

40

41

42 **Council Comments**

43 The council did not make comments because of the late hour.

44

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

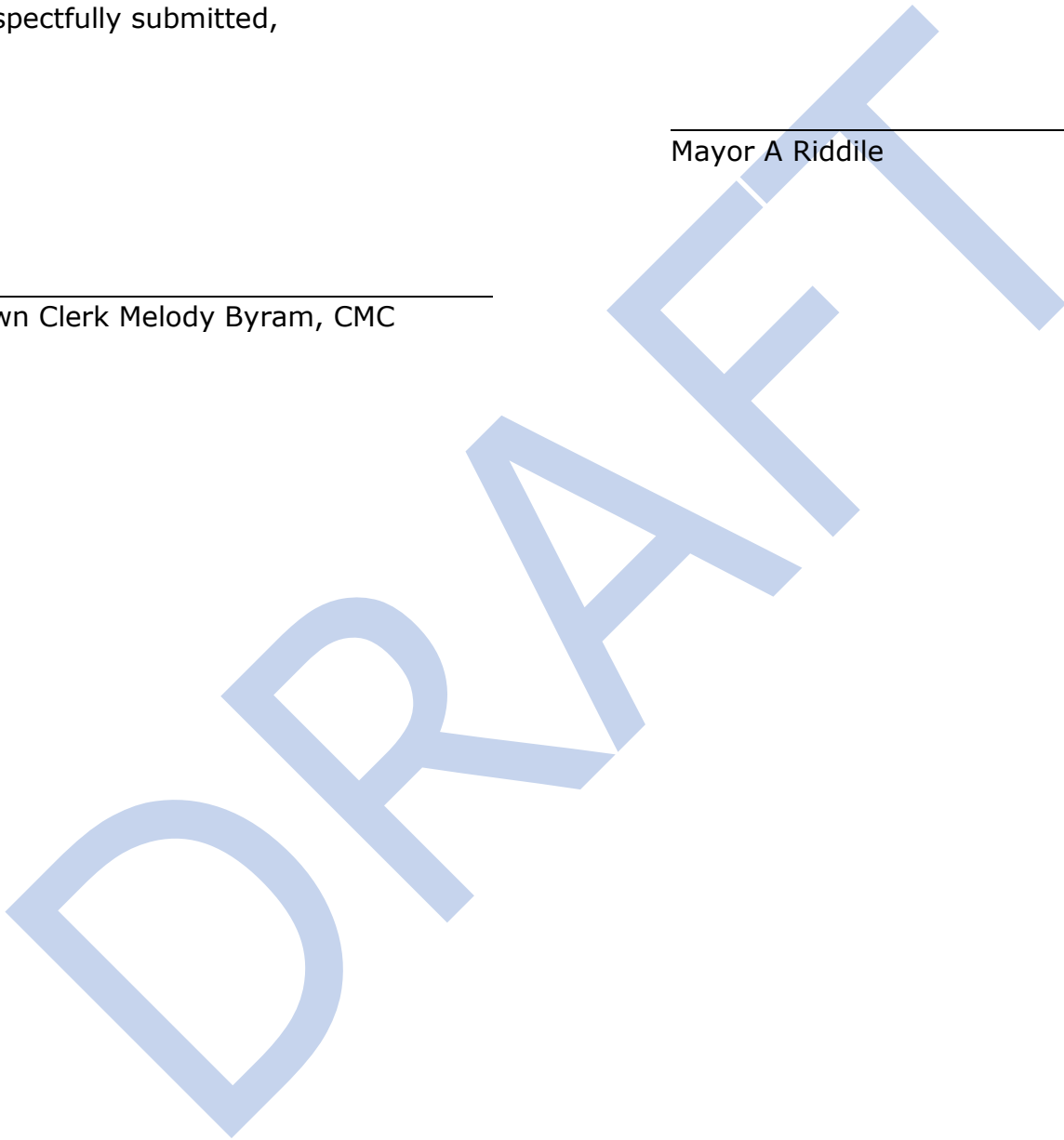
MOTION: Mayor A Riddile made a motion to adjourn. Councilor Hazelton seconded the motion and it passed unanimously.

The meeting adjourned at 10:46 p.m.

Respectfully submitted,

Mayor A Riddile

Town Clerk Melody Byram, CMC



1 **Agenda**
2 **New Castle Town Council Regular Meeting**
3 **Tuesday, June 06, 2023, 7:00 PM**

4 Starting times on the agenda are approximate and intended as a guide for Council.
5 The starting times are subject to change by Council, as is the order of items on the agenda.

6
7 **Virtual Meetings are subject to internet and technical capabilities.**

8
9 To join by computer, smart phone or tablet:

10 <https://us02web.zoom.us/j/7096588400>

11 If you prefer to telephone in:

12 **Please call: 1-346-248-7799**

13 **Meeting ID: 709 658 8400**

14
15 **Follow the prompts as directed. Be sure to set your**
16 **phone to mute until called on**

17 The Council Packet is available online by scanning this code:

18 or by going to www.newcastlecolorado.org



19 **Call to Order**

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

21
22 **Pledge of Allegiance**

23 **Roll Call**

24 Present Councilor Mariscal
25 Councilor Carey (appeared by ZOOM)
26 Councilor Hazelton
27 Mayor A Riddile
28 Councilor Copeland
29 Councilor Leland
30 Absent Councilor G Riddile

31
32 Also present at the meeting were Town Administrator Dave Reynolds, Deputy Town Clerk
33 Mindy Andis, Town Treasurer Loni Burk, Town Planner Paul Smith, Assistant Treasurer
34 Viktoriya Ehlers, Administrative Assistant Rochelle Firth, Town Attorney Haley Carmer and
35 members of the public.

36
37 **MOTION: Mayor A Riddile made a motion to approve Councilor G. Riddile**
38 **absence. Councilor Copeland seconded the motion and it passed unanimously.**

39
40 **Meeting Notice**

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

43 **Conflicts of Interest**

44 Councilor Mariscal stated she had a conflict with item D will need to recuse herself from
45 this item because she sits on the River Bridge board.

46
47 **Agenda Changes**

48 Deputy Town Clerk Mindy Andis told council the minutes from April 18, 2023 minutes and
49 May 2, 2023 minutes were not completed and needed to be removed from the consent
50 agenda. The council agreed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Citizen Comments on Items not on the Agenda

Comments are limited to three minutes

Consultant Reports

Consultant Attorney - present for agenda items.
Consultant Engineer – not present.

Items for Consideration

Proclamation Honoring Pollinator Week

Mayor A Riddile read the proclamation into the record.

Consider Ordinance TC 2023-2 - an Ordinance of the New Castle Town Council Approving a Final PUD Development Plan for Lakota Canyon Ranch PUD Filing 8 (Longview) and Final Subdivision Plat for Filing 8, Phase 1 (2nd reading)

Town Planner Paul Smith said there was two conditions added z. and aa. added to the ordinance based on council’s comments. Mr. Smith explained condition z. was: *All single-family, duplex, and triplex dwellings in Filing 8 shall include a two-car garage and two-car driveway.* Condition aa. was: *Design approval for any building in Filing 8 that is not submitted to the Lakota Canyon Ranch Design Review Committee shall be made by Town Staff pursuant to applicable design review criteria in the Town Municipal Code.* Councilor Leland asked if there was a condition added regarding dust control. Town Attorney Haley Carmer said Yes: condition n(v): *Drainage, dust, and erosion control best management practices (BMP's).*

Mayor Art Riddile asked Dwyane Romero applicant if there was anything he would like to add. Mr. Romero stated no.

Councilor Leland asked there was a request for building height for building C5 asked for the justification for the request.

Ms. Heather Henry said Lakota Canyon Ranch allows for three stories. The commercial building contemplates the downtown three story concept. Generally historic buildings have flat rooftops. However, really trying to have the commercial core and have three stories and also have the building fit into Lakota Canyon Ranch which has steeper pitches.

Councilor Leland stated phase 2 states with the hospital building with apartments above. Asked to keep the town informed about the progress of the construction of the building. Because there is a concern about the timing for constructing the roundabout. Would like to make sure the roundabout is well planned and ready to construct before the phase is built out and affect a lot of people.

Councilor Hazelton wanted to thank Planning & Zoning for all of their hard work put into the process of the application. There were many issues that got resolved with Planning & Zoning and the applicant it made the process for council so much smoother. There were no further questions or comments.

MOTION: Councilor Leland made a motion to approve Ordinance TC2023-02, A an Ordinance of the New Castle Town Council Approving a Final PUD Development Plan for Lakota Canyon Ranch PUD Filing 8 (Longview) and Vested Rights for the Same and the Final Subdivision Plat of Filing 8, Phase 1. Councilor Mariscal seconded the motion, and it passed on a roll call vote: Councilor Leland: Yes; Councilor Hazelton: Yes; Councilor Carey: Yes; Mayor Art Riddile: Yes; Councilor Maricsal: Yes; Councilor Copeland: recused.

New Castle Flag Proposal - Ed Mooney

Town Administrator Dave Reynolds explained the purpose of this item. proposal from New Castle resident Dr. Edward Mooney regarding the adoption of a New Castle specific town

1 flag. Dr. Mooney is a member of the North American Vexillological Association (NAVA), as
2 well as the Flags of the World Association (FOTW) and has served these organizations in
3 various capacities for 25 years. Vexillology (the study of flags) is a passion of Dr. Mooney.
4 Vexillology, combined with his love for New Castle has stirred his desire to create a New
5 Castle Colorado flag that Dr. Mooney would like to submit as a proposed flag for New
6 Castle. Included in your Council Packet please find a presentation from Dr. Mooney
7 demonstrating his proposed New Castle flag. Council may consider the agenda item and
8 give staff direction on next steps.
9 Dr. Mooney walked council through his proposal.

11 **THE HOGBACK FLAG: A PROPOSAL** 12 **A Bold Flag for a Bright Future**

13 **A Flag for New Castle, Colorado**

14 **Dr. Edward Mooney Jr.**

15 Version 2.0 - May 2023 – 135 years since New Castle’s founding.

17 **I. TOWN OF NEW CASTLE SYMBOLISM**



19 The flag New Castle decides to adopt should dovetail into existing symbolism; the
20 best known is the seal, as illustrated above. The three outstanding features of the seal,
21 **the Hogbacks, the sun, and the sky**, should be incorporated into the flag.
22
23

24 This unifies New Castle’s branding.

25 **Question:** Does this seal allow you to “get the feel” of the area of New Castle? I
26 would say yes.

31 **II. GOOD FLAG / BAD FLAG**

“GOOD” FLAG, “BAD” FLAG

How to Design a Great Flag



1
2
3 So, how can we make sure we don't adopt a flag that becomes the laughingstock
4 of the country? Before we look at criteria describing good flags, let's look at what
5 vexillologists consider "bad flags." I'll bet you can understand why they're "bad."
6 As an example, one of the most prominent flag stories involves the flag of the City
7 of Milwaukee, Wisconsin. In 2016, a new flag was proposed. Let's compare the 1954
8 "bad" flag and the 2016 proposed "good flag. By the way, there is still great argument
9 going on over changing the flag. It has not changed as of 2023.



11
12 **1954 flag – Proposed 2016 flag, "Sunrise Over Lake Michigan"**

13
14 Let's study these flags from the point of view of the North American Vexillological
15 Association's (NAVA) good flag criteria. In 2001 NAVA published a booklet to help
16 entities who are considering designing a new flag, such as a town or city. In that
17 publication Five Principles are outlined regarding "good" flags. These are:

- 18 **1. Keep It Simple.** The flag should be so simple that a child can draw it from memory.
19 **Milwaukee:** *The current flag may be impossible to draw even for a professional artist.*
- 20 **2. Use Meaningful Symbolism.** The flag's images, colors, or patterns should relate to
21 what it symbolizes. **Milwaukee:** *Some symbols may be recognizable to Milwaukee
22 residents, but most are indecipherable.*

1 3. **Use 2 or 3 Basic Colors.** Limit the number of colors on the flag to three which contrast
2 well and come from the standard color set. **Milwaukee:** *How many colors can you find*
3 *there? I count maybe 6 or 7.*

4 4. **No Lettering or Seals.** Never use writing of any kind or an organization's seal.

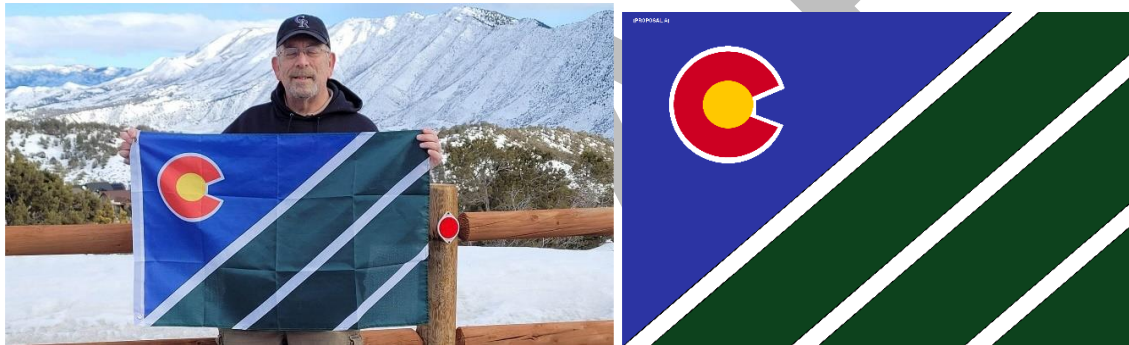
5 **Milwaukee:** *There are seals and writing all over that flag.*

6 5. **Be Distinctive or Be Related.** Avoid duplicating other flags, but use similarities to
7 show connections. **Milwaukee:** *Okay, it is distinctive, but maybe not in a good way.*

8 **Question:** *What do you think about the proposed Milwaukee flag? Does it meet these*
9 *criteria? I suggest it does.*

10 11 III. THE HOGBACK FLAG DESIGN INSPIRATION

12 The inspiration for the **Hogback Flag** design comes from the powerful imagery around
13 our town. So many times, I'd look in wonder at how beautiful the sun looks in our
14 stunning blue skies over the Hogbacks. I wanted the main elements to be the sun, the
15 sky, and the Hogbacks. This design mirrors our town seal.

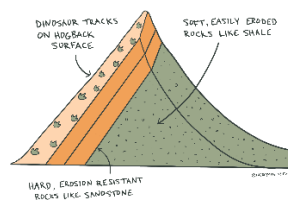


16
17
18 *Photo: Caroline Mooney*

19
20 **Question:** *Can you see the graphic representation of the background scene in the flag?*

21 22 IV. ABOUT THE SYMBOLISM

23 A. **The Hogback.** I hold degrees in Earth Sciences. One of my professors, Dr. John
24 Montagne, described the Grand Hogback of our area as the longest in North America.
25 A hogback is an uplift that tilts the underlying beds to 45 degrees. To show the
26 science, the 3 diagonal stripes in the proposed flags are at 45 degrees. The **three**
27 **diagonals** represent the three major parts of our town: Castle Valley, Downtown, and
28 Apple Tree. Here is a general diagram of a hogback structure.



29
30
31 *Image: Meredith Fontana*

32 **B. The sky.** The beautiful blues in our New Castle sky.

1 **C. The sun.** The sunny days here, represented by the **C**.

2 **D. The Colorado C.** Of course, New Castle is "**Authentically Colorado**," and what
3 shouts "Colorado" more than the **C** in our state flag? The C, or sun, is on the flagpole
4 side of the flag, showing how the sun rises to the east of the Hogbacks.

5 **E. The Colorado C and Flying the Flag.** My thought in designing this flag, with the
6 Colorado C on it, is it could be flown under the US flag and the state flag would still be
7 represented

8 **V. ABOUT THE COLORS**

9 A. **Blue** is for our beautiful skies.

10 B. **White is for the winter snows.**

11 C. **Green is for the pinyon pines and junipers.**

12 D. **Yellow is for aspen trees and the richness of our area.**

13 E. **Red by represents hardiness and valor, honoring our earliest settlers.**

14

15 **VI. ABOUT FLAGS OF THE WORLD**

16 I'm the administrator of the largest vexillological (flags) organization in the world -
17 "**Flags of the World**," (FOTW). With over 14,000 members, we have a website
18 describing almost all flags on Earth, and an active Facebook discussion group. I am proud
19 that **the Facebook branch of our groups is headquartered here, in New Castle.** In
20 fact, I've often been asked (teased) if our "capital city" has a flag. This is the FOTW flag:
21

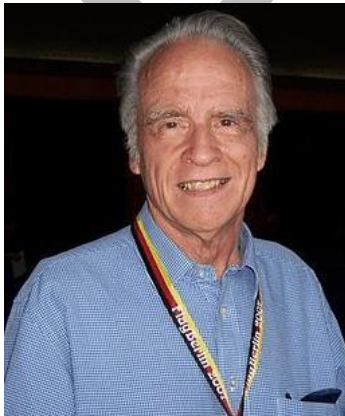


22 **VII. ABOUT NAVA**

23 The beginning of the Association can be traced to 1967. Dr. Whitney Smith
24 (1940 – 2016) is one of the few people to hold a doctorate in the study of flags.
25 He started the "North American Vexillological Association" to emphasize the
26 scientific character of the intended society. He is admired in the world of
27 vexillology; he designed the flag of the nation of Guyana.

28

29



Flag of NAVA



Flag of Guyana

1 *Images: NAVA*

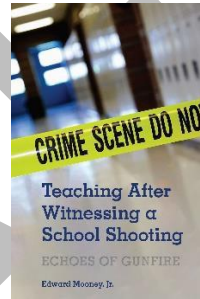
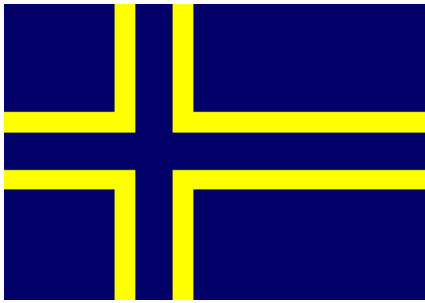
2 **VIII. ABOUT EDWARD MOONEY JR.**

3 **Edward Mooney Jr.**, is a resident of New Castle (along with his wife, Caroline)
4 since 2017. He holds the degree of Doctor of Education from Northeastern
5 University (Boston); his undergraduate work was at Montana State University. He
6 served for decades as an educator, at the high school and college levels. He
7 teaches Educational Psychology. A book based on his dissertation, on school
8 shooting trauma, was published in 2021.

9 Edward has been a member of NAVA and FOTW for 25 years. He has served as a
10 website editor and an administrator for FOTW through that time. Here is an
11 example of his work on the FOTW site:

12 <https://www.crwflags.com/fotw/flags/is.html>

13 Here is his personal flag, and the cover of his book:



14 **IX. AN ALTERNATE FLAG DESIGN**

15 With input from Caroline Mooney, the following alternate design was created. It
16 is very similar to the original, but adds a mountain peak.
17



18
19
20 ALL HOGBACK FLAG DESIGNS are ©2023 Edward Mooney Jr.

21 **RESPECTFULLY SUBMITTED TO THE NEW CASTLE TOWN COUNCIL**

22 New Castle, Colorado

23 June 6, 2023

24
25 Councilor Hazelton asked if the town decided to move forward to adopt the flag as the
26 town flag what are the next steps such as the rights to the flag.

27 Dr. Mooney said he is willing to negotiate and donate to the town for an insignificant
28 amount of money. Currently the flag is trademarked by Dr. Mooney, so if the flag is sold
29 to the town, then the town could copywrite the flag.

1 **MOTION: Councilor Hazelton made a motion to adopt flag B as the official flag of**
2 **New Castle. Councilor Mariscal seconded the motion and it passed unanimously.**

3 **Consider Grants to Outside Agencies**

4 Administrator Reynolds said that Administrative Assistant Rochelle Firth was in
5 attendance. He said she was the person who worked on the grants to outside agencies. He
6 said that she had reached out to various organizations that had applied for the town's
7 grant program previously. He invited Admin. Asst. Firth to review the staff
8 recommendations for the council.

9 Admin. Asst Firth greeted the council. She said that each year the town distributed \$16k
10 to organizations that support the residents of New Castle. The grants were done in two
11 rounds, one in late spring, and one in late fall.

12 Admin. Asst Firth said there were seven non-profits that requested funding, and there
13 were no new applicants, and that all of them received funding from other entities, other
14 than the town.

15 Admin. Asst. Firth described each non-profit, what services they provided and how much
16 they had requested, as well as the staff suggestions for awards.

17 Regarding the R.I.D.E (Riding Institute for Disabled Equestrians) Mayor A Riddile
18 commented they do a terrific job. They take kids from both New Castle elementary
19 schools.

20 **Council directed staff to move forward with staff's recommendations.**

21
22 **Discussion: Possible Relocation of the Miner Memorial**

23 Administrator Reynolds stated he has had conversation with town council and the capital
24 committee about plans to renovate Burning Mountain Park. There was work done in the
25 park by removing the fence and expanding the basketball court. There is a challenge with
26 the function of the park due to the location of the Miner Memorial. Relocating the
27 memorial would open the park up for better use. There have been redesigns for the park
28 placing the memorial the Northwest corner of the park. Another thought was placing it
29 straight forward to the current entrance into the park. In another conversation was
30 moving the memorial all together and freeing up the park even more. Staff looked at
31 moving the memorial to Grand River Park east of the Pyro Memorial and possibly create a
32 memorial walkway. Staff also recognizes the sensitivity for the family since there are
33 names on the memorial and the memorial has been dedicated therefore, the families
34 would expect to see the memorial honoring their loved ones to be in the park where the
35 memorial was dedicated.

36 Mayor A. Riddile suggested placing the memorial in the roundabout on Highway 6.

37 Administrator Reynolds said there has been conversations about that idea. However, there
38 is a concern placing the memorial in roundabout because there are names and people
39 would not be able to stop and read the names on the memorial. Could create a similar
40 memorial with just the miner holding a lantern would be a good entry into town. The other
41 possibility is to leave the memorial where it's at and cleaning out the planter by replacing
42 with smaller growing bushes and flowers.

43 Councilor Leland likes where the memorial is because it's where he knows it. But, agrees
44 with moving the memorial to the Northwest corning and making that the new entrance
45 into the park and by placing it there would be closing to the street and more visible.

46 Councilor Hazelton said agreed with not moving it out of the park. Alpine Bank donated a
47 lot of money and there were conversations about the planning of the location of the
48 memorial. Also agrees to move the memorial to the Northwest corner of the park.

49 Administrator Reynolds said the town would have a professionally drawn by a landscape
50 architect.

1 **Council directed staff to move forward with moving the memorial to the**
2 **Northwest corner of the park.**

3
4 **Consider a Motion to Cancel or Reschedule the July 4, 2023 Regular Council**
5 **Meeting**

6 Administrator Reynolds stated staff has been scheduling council agenda items around July
7 4, 2023 date. Therefore, canceling the meeting would not cause any issues.

8 **MOTION: Mayor A. Riddile made a motion to Cancel July 4, 2023 Regular Town**
9 **Council Meeting. Councilor Copeland seconded the motion and it passed**
10 **unanimously.**

11 **Discussion Regarding Roundabout Funding**

12 Administrator Reynolds said the agenda item is to review the status of the CDOT Highway
13 6 roundabout project but also the bridge at the west end of town and to discuss future
14 financial obligations and funding options. John Wenzel Public Works Director and
15 Administrator Reynolds were recently in a meeting with CDOT to get an update on the
16 project. CDOT would like to do utility work where the roundabout in this build season for
17 preparation for the surface work. The surface work is another project that has not been
18 out for bid until the fall with anticipation the construction work would start 2024. CDOT
19 has stated the project is funded. The town has committed \$500,000.00 to the project and
20 the funding would come from the fees collected from the Lakota Canyon Ranch Traffic
21 Impact Fees. Total collected to date is \$394,000.00. In the last meeting with CODT, their
22 attorneys are working on Inter Governmental Agreement (IGA) between CDOT and the
23 town for the \$500,000.00 funding. The town will also need to look at funding to design,
24 landscape and maintain the center island. CDOT will put in the electrical and water stub
25 outs. At the last joint County Commissioner and Town Council meeting, the subject of the
26 roundabout was mentioned and asked about the interest in helping with funding for the
27 project. The conversation was well received. There's an opportunity to go to the Board of
28 County Commissioners and ask for funding. The roundabout is the gateway in this area to
29 the county.

30 Mayor A. Riddile stated the town needs to go to the county and ask for help with funding
31 for the roundabout.

32 Councilor Leland said if the town could put something historical in the center of the
33 roundabout could potentially get the county more on board with help with the funding.
34 Councilor Carey agreed with going to the county and also said the roundabout will become
35 an important piece of infrastructure for when I-70 closes, and traffic is diverted onto
36 Highway 6 at New Castle. The county help will be beneficial not just to the Town of New
37 Castle but anybody that travels through the area.

38 Councilor Hazelton asked about the time commitment to have the funding available and
39 how time after the roundabout is constructed would the center need to be completed.
40 Administrator Reynolds said the \$500,000.00 would need to be paid in 2024 because this
41 is a one season build for CDOT. Depending on the construction season and when CDOT
42 finishes the roundabout, the town could budget for the completion of the landscaping in
43 2024.

44 Mayor A. Riddile, Councilor G. Riddile, Public Works Director Wenzel and Administrator
45 Reynolds will be on the committee for the funding an the landscape design for the
46 roundabout.

47
48
49

1 **Consent Agenda**

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

5 May Bills of \$716,127.86

6 Colorado Drifters Tavern Liquor License Renewal

7 **MOTION: Mayor A Riddile made a motion to approve the amended consent**
8 **agenda. Councilor Mariscal seconded the meeting and it passed unanimously.**

9
10 **Staff Reports**

11 Town Administrator – Administrator Reynolds have been working with the State Mining
12 Reclamation regarding the sink hole along the Coal Seam. The state had a contractor
13 come look at the sink hole for the logistics of the repair. The contractor believes they will
14 need to close County Road 335. There are other options such as closing for a small period
15 of time and opening one lane, which would take longer to complete the project.

16 Administrative Asst Firth and Administrator Reynolds have completed FEMA training. The
17 purpose of the training is to have the ability to train staff on emergency preparedness.
18 They also spoke with Garfield County Emergency Manger Chis Bornholdt regarding the
19 town’s Emergency Evacuation Plan. Staff is waiting for the final edits from Mr. Bornholdt
20 and were able to talk through some of the questions. New Castle is the only one in the
21 county that have their own evacuation plan. Planner Smith and Administrator Reynolds
22 will be meeting with Nutrient Farm.

23
24 Deputy Town Clerk – Deputy Town Clerk Mindy Andis reported the clerk’s department has
25 received a few applications for the Professional Assistant to the Town Clerk and will be
26 conducting phone interviews with two possibly three. Provelocity will be doing an office
27 computer equipment inventory for the town. The office transition is going well. Deputy
28 Town Clerk Remi Bordelon has taken over the Planning and Zoning Commission and will
29 start sending out agenda and cancelation notices.

30
31 Town Treasurer – Treasurer Loni Burk reported they may two applicants they may speak
32 with. Her department has also been working on training and transition. Assistant
33 Treasurer Viktoriya Ehlers has been training on Accounts Payable entry and the report to
34 finance, the monthly bills report, CIRSA Insurance report. Assistant Treasurer Ehlers
35 reported she has been training Finance Assistant Michelle Mills on accounts receivable,
36 payroll and have given her access to everything.

37
38 Town Planner – not present.

39 Public Works Director – not present

40 **Commission Reports**

41 Planning & Zoning Commission – nothing to report

42 Historic Preservation Commission – nothing to report

43 Climate and Environment Commission – nothing to report

44 Senior Program – Councilor Hazelton reported Senior Programs Manager, Judy Martin
45 announced her retirement.

46 RFTA – nothing to report

47 AGNC – Councilor Hazelton reported there is a lot of transitioning happening and Cody
48 Davis is now the chair. There is a new Economic Development Coordinator, Misty Lin.

49 GCE – nothing to report

50 EAB – nothing to report

1 **Council Comments**

2 Councilor Mariscal stated she is really concerned about the Detox Center, she still has not
3 received any commission reports from them. The Detox Center still don't have a permit
4 and they won't respond to questions being asked. Councilor Leland asked if Councilor
5 Mariscal to consult with other town representatives apart from the Detox Center and come
6 up with a strategy to handle the situation. Councilor Mariscal state she had attended a
7 meeting with Garfield County Emergency Communication Center, they had approved an
8 app that would translate everything into Spanish. She thanked Administrator Reynolds for
9 attending the Apple Tree community meeting.

10 Councilor Hazelton asked Administrator Reynolds what the time frame for the bridge
11 project at the west end of town would be. Administrator Reynolds said it would be in
12 2025. The town has infrastructure hanging on the bridge and currently CDOT is trying to
13 figure out how to work with infrastructure. Councilor Hazelton said the town would need
14 to think about the public works and the police departments being on the other side of the
15 bridge and there is also the school. How would it work with slitting the town.
16 Administrator Reynolds state CDOT is studying the different options for those issues.
17 Councilor Hazelton stated the town has a few big events coming up and with the staff
18 changes, he will setup and volunteer more and feels its important to help staff more.

19 Councilor Leland said there has been conversation about Deputy Town Andis stepping up
20 to replace Town Clerk Melody Byram since she is retiring. Council needs to pursue
21 appointing her as Interim Town Clerk at the next meeting. He also said the town needs to
22 keep a close eye on Lakota Canyon Ranch building to determine when to start building the
23 roundabout on Castle Valley Boulevard.

24 Mayor A. Riddile reminded council about press releases. Town Administrator, Mayor and
25 Council as a whole can do a press release. Be very careful when speaking with the press.

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

28
29 The meeting adjourned at 8:48 p.m.

30
31
32 Respectfully submitted,

33
34
35
36
37 _____
38 Mayor A Riddile

39
40
41 _____
42 Deputy Town Clerk Mindy Andis, CMC

43

Submit to Local Licensing Authority

**EAT BISTRO & DRINKS
 PO BOX 453
 New Castle CO 81647**

Fees Due	
Renewal Fee	550.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name EAT BISTRO & DRINKS LLC		Doing Business As Name (DBA) EAT BISTRO & DRINKS	
Liquor License # 03-08289	License Type Hotel & Restaurant (city)		
Sales Tax License Number 320958300000	Expiration Date 07/18/2023	Due Date 06/03/2023	
Business Address 316 WEST MAIN STREET New Castle CO 81647			Phone Number 9703790093
Mailing Address PO BOX 453 New Castle CO 81647		Email molly.mogavero@hotmail.com	
Operating Manager Molly Mogavero	Date of Birth 09-25-72	Home Address 316 West Main Street New Castle CO 81647	Phone Number 970-379-0093
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

Affirmation & Consent		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business <i>Molly Mogavero</i>	Title <i>Manager/owner</i>	
Signature <i>Molly Mogavero</i>	Date <i>June 5, 2023</i>	
Report & Approval of City or County Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules. Therefore this application is approved.		
Local Licensing Authority For		Date
Signature	Title	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, Molly Modavero am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of EAT BISTRO and Drinks (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Molly Modavero / EAT Bistro and Drinks</u>		Social Security Number/Tax Identification Number <u>32095830-0000</u>	
Address <u>316 West Main Street</u>			
City <u>New Castle</u>		State <u>CO</u>	Zip <u>81647</u>
Home Phone Number <u>970-379-0093</u>		Business/Work Phone Number <u>970-984-7330</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Molly Modavero</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Molly Modavero</u>			Date signed <u>6-5-23</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).