



**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](http://www.newcastlecolorado.org)

## **Agenda**

### **New Castle Town Council Regular Meeting**

**Tuesday, November 07, 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**

#### **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.](#)** New Castle Chamber of Commerce Update

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

**[B.](#)** Consider a Special Events Liquor License Application from New Castle Recreation Department for an Event to be Held on December 1, 2023 ( Tree Lighting Celebration)

**[C.](#)** Consider a Special Events Liquor License Application from New Castle Recreation Department for an Event to be Held on January 13, 2024 ( Bad Art Night)

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

#### **Items for Consideration**

**[D.](#)** R2 Castle Valley Ranch Multifamily Sketch Plan Application

[E.](#) Ordinance of the New Castle Town Council Adding Chapter 15.25 to the New Castle Municipal Code for the Adoption of the 2021 Edition of the International Wildland Urban Interface Code with Amendments (2nd reading)

*Recess the Town Council Meeting, Convene as the Water & Sewer Enterprise Board*

[F.](#) Consider Resolution E 2023-1 - Suspending the Collection of Single-Family Residential Sewer Overage Charges

*Adjourn the Water & Sewer Enterprise Board, Reconvene the Town Council Meeting*

[G.](#) Discussion: Energy, Solar Ready and Electrical Ready Code

[H.](#) Consider Approval of Commercial Lease Regarding Lot C13, Burning Mountain PUD Phase 2 (Shibui Lot)

I. Discussion: Consider a Motion to Reschedule November 21, 2023 Regular Council Meeting

### **Consent Agenda**

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

[October](#) 17, 2023 minutes

New Castle Liquors, Inc. Tasting Permit Renewal

Tapatios, LLC Hotel & Restaurant Liquor License Renewal

October Bills of \$627,488.90

Roseman Ditch Company Trail Lease Agreement

Shilo Subdivision Easement Agreement

### **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

Detox

### **Council Comments**

**Adjourn**





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## Memorandum

**To:** Mayor Riddile & Town Council

**From:** Dave Reynolds

**Subject:** Agenda Item – Chamber of Commerce Update

**Date:** 11/7/2023

**Purpose:**

The purpose of this agenda item is to allow time for Board Members from the New Castle Chamber of Commerce to update the Town Council on the work they've been doing in 2023 as well as their plans and budget needs for 2024.

# Memo

**To:** Local Liquor Authority

**From:** Mindy Andis, Town Clerk

**Date:** 11.7.2023

**Re:** Town of New Castle Special Event Liquor Permit for the Chili Cook-Off and Mac & Cheese Competition, December 1, 2023

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**Request:** The Special Event Staff of the Town of New Castle requests a special events liquor license for the Chili Cook-Off and Mac & Cheese Competition on December 1, 2023, located in Burning Mountain Park at 157 W. Main Street.

**Recommendation:** 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 9:00 p.m. on December 1, 2023, staff recommends that alcohol be served until 8:00 p.m., and alcohol be allowed on premises until 9:00 p.m.

**Policy Implications:** The policy implication of Council's approval of this special event license is that the town shall have the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at the 2023 Chili Cook-Off and Mac & Cheese Competition on December 1, 2023, from 5:30 p.m. to 8:00 p.m.

**Budget Implications:** Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on beer garden sales.

*Mindy Andis*

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Department Head (signature)

**Background:** The Town of New Castle Special Event Coordinator filed the application on September 20, 2023. The public hearing has been properly noticed. The application is properly completed.

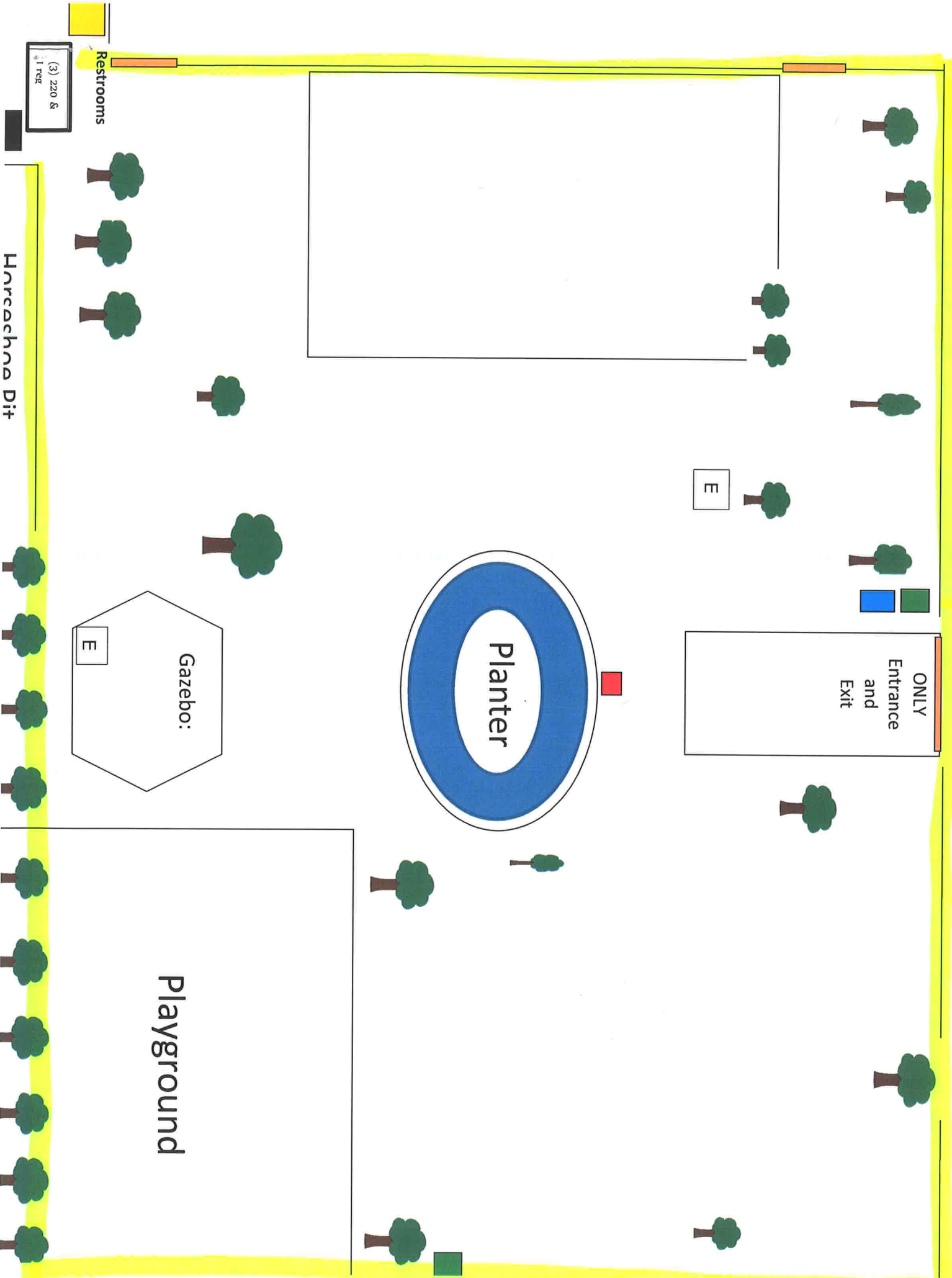
☒ Social ☐ Athletic ☐ Philanthropic Institution

☐ Fraternal ☐ Chartered Branch, Lodge or Chapter ☐ Political Candidate

☐ Patriotic ☐ National Organization or Society ☐ Municipality Owned Arts Facilities

☐ Political ☐ Religious Institution

(Instructions on Reverse Side)





## Kelley Cox

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**From:** Jannette Whitcomb <jwhitcomb@garfield-county.com>  
**Sent:** Thursday, September 7, 2023 9:19 AM  
**To:** Kelley Cox  
**Cc:** Consumer Protection  
**Subject:** Event Approval  
**Attachments:** Temp Event-Guidance Document for Vendors.pdf; Event Plan Approved\_New Castle chili and mac cheese cook off.pdf

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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September 7, 2023

Event: Tree Lighting and Chili & Mac and Cheese Cook Off  
Attn: Kelley Cox

Subject: Tree Lighting and Chili & Mac and Cheese Cook Off - December 1, 2023, Burning Mountain Park, New Castle, CO - Garfield County

Dear Kelley

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.

- New Castle Recreation Department fundraiser (no food vendors)
- Petty Zoo - Separate entrance and exit with hand washing station provided for participants at exit.

If you have any questions or need further assistance, please contact [Consumerprotection@garfield-county.com](mailto:Consumerprotection@garfield-county.com) or 970-625-5200 ext 8130.

Sincerely,

Jannette Whitcomb, REHS

Environmental Health Manager  
Garfield County Public Health  
195 W. 14<sup>th</sup> St.  
Rifle, CO 81650  
970-665-6373  
[jwhitcomb@garfield-county.com](mailto:jwhitcomb@garfield-county.com)  
[www.garfield-county.com](http://www.garfield-county.com)

**CONFIDENTIALITY STATEMENT:** This message and any attachments are confidential and intended solely for the use of the individual or entity to which it is addressed. The information contained herein may include protected or otherwise privileged information. Unauthorized review, forwarding, printing, copying, distributing, or other use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please notify the sender by replying to this message and delete the email without further disclosure.

# Memo

**To:** Local Liquor Authority

**From:** Mindy Andis, Town Clerk

**Date:** 11.7.2023

**Re:** Town of New Castle Special Event Liquor Permit for Bad Art Night, January 13, 2024

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**Request:** The Special Event Staff of the Town of New Castle requests a special events liquor license for Bad Art Night, January 13, 2024, located in the Community Center at 423 W. Main Street.

**Recommendation:** 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 January 13, 2024, staff recommends that alcohol be served from 6:00pm - 8:00 p.m., and alcohol be allowed on premises from 5:00pm -10:00 p.m.

**Policy Implications:** The policy implication of Council's approval of this special event license is that the town shall have the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at the 2024 Bad Art Night on January 13, 2024, from 5:00 p.m. to 10:00 p.m.

**Budget Implications:** Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on beer garden sales.

*Mindy Andis*

---

Department Head (signature)

**Background:** The Town of New Castle Special Event Coordinator filed the application on September 20, 2023. The public hearing has been properly noticed. The application is properly completed.



## 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 checked="" 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:

- 2110 ☒ Malt, Vinous And Spirituous Liquor \$25.00 Per Day  
2170 ☐ Fermented Malt Beverage \$10.00 Per Day

**DO NOT WRITE IN THIS SPACE**

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate

New Castle Rec. Bad Art Night

State Sales Tax Number (Required)

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP)

PO Box 90  
New Castle, CO 81647

3. Address of Place to Have Special Event (include street, city/town and ZIP)

New Castle Community Ctr.  
423 W. Main

4. Authorized Representative of Qualifying Organization or Political Candidate

Kelley Cox

Date of Birth

[REDACTED]

Phone Number

970-984-3352

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

Same

5. Event Manager

Kelley Cox

Date of Birth

[REDACTED]

Phone Number

970-984-3352

Event Manager Home Address (Street, City, State, ZIP)

Same

Email Address of Event Manager

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?

2024

☒ No ☐ 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?

☐ No ☐ Yes License Number \_\_\_\_\_

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

2024

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
Sat. Jan 13	5pm		10pm												

### 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

Kelley Cox

Title

Director of Arts + Events

Date

9-20-23

### 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)

☐ City

☐ County

Telephone Number of City/County Clerk

Signature

Title

Date

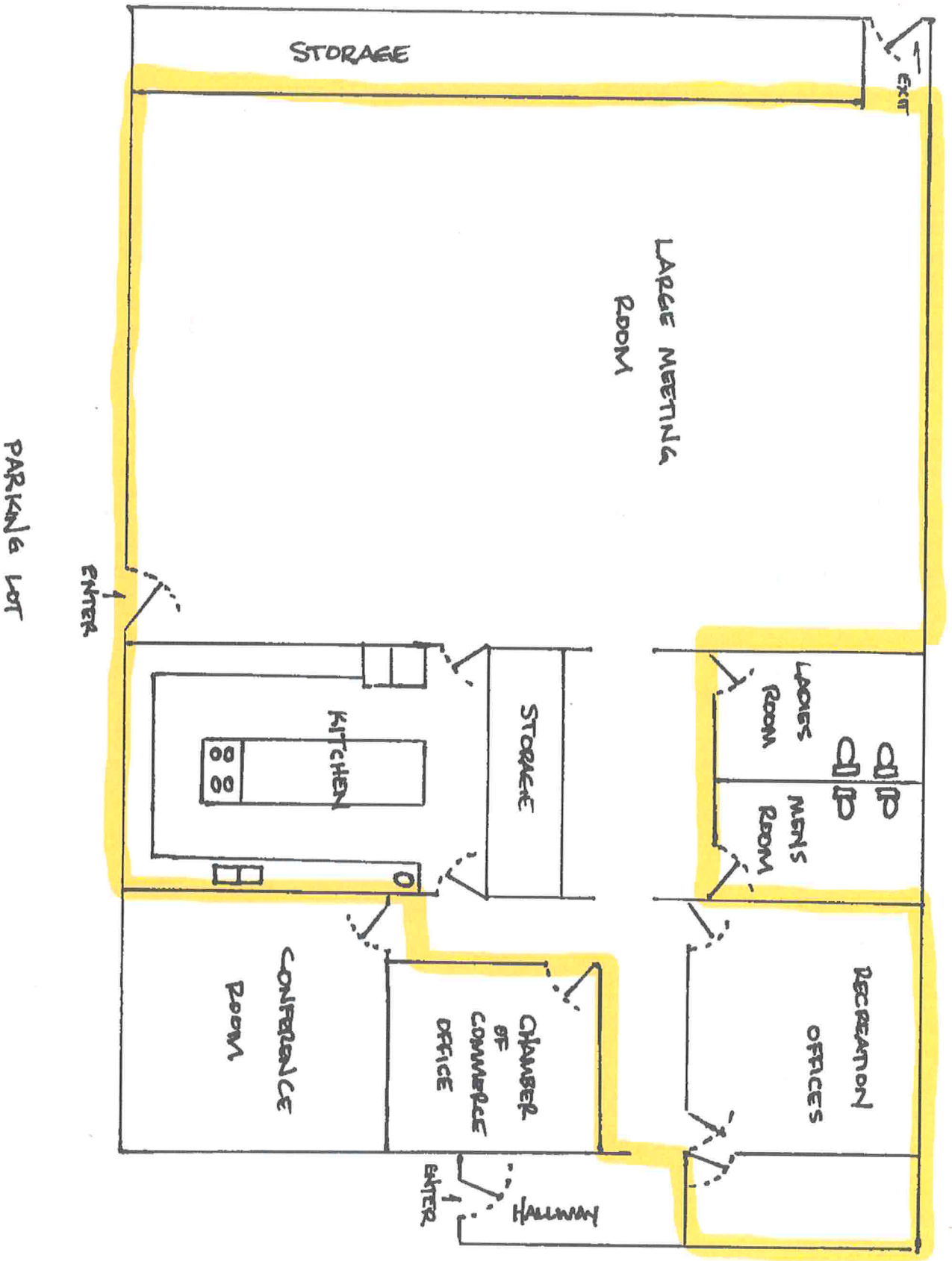
### DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

#### Liability Information

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

(Instructions on Reverse Side)

# NEW CASTLE COMMUNITY CENTER



MAIN STREET





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

**Planning & Code Administration  
Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716

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**Staff Report**

**Castle Valley Ranch PA 8 & 9  
Sketch Plan  
Town Council – November 7<sup>th</sup>, 2023**

Report Compiled: 11/2/2023

**Project Information**

<b>Name of Applicant:</b>	R2 Partners
<b>Applicant's Mailing Address:</b>	1009 Delta Avenue Cincinnati, OH 45208
<b>Phone/Email:</b>	614-266-7629/b.rosenberg@r2partners
<b>Property Owner:</b>	CTS Investments, LLC
<b>Owner Mailing Address</b>	343 Dakota Blvd. Boulder, CO 90304
<b>Proposed Use:</b>	130 rental townhomes/apartments in 15 buildings
<b>Approximate Residents:</b>	338
<b>Bulk Density:</b>	2.74 units/acre
<b>Open Space:</b>	20acres/45% undisturbed open space; 14acres/31% developed common area open space; 34acres/76% total open space;
<b>Underlying Zoning:</b>	Residential
<b>Surrounding Zoning:</b>	Single family residential homes (N Wildhorse Dr.); Open Space (VIX Park, LCR Golf Course) Mixed use zoning (TC Midwest, LLC) Residential zoning (CVRI & LCR)

## **I Introduction**

R2 Partners has been both a developer and owner of multifamily projects for over the past 60 years. Based in Cincinnati and various areas in the state of Colorado, R2 is rethinking multifamily residential living. Their current application in Castle Valley Ranch hopes their revisioning will dovetail with the values of current New Castle residents. The proposal contemplates 130 total units with three distinct models, each serving unique functions:

- Model 1: “Empty-nester” targets retirees who value convenience and practicality;
- Model 2: “Live/Work” targets professionals looking for adaptive designs and multi-functional space;
- Model 3: “Townhomes” are conventional urban concepts available for starters or those looking to downsize;

Prior to the current sketch plan meeting, R2 Partners and their team consulted with Town Staff on various occasions. Some of these included:

- A required pre-application meeting on June 21<sup>st</sup>, 2023;
- An informal meeting with the architect on August 11<sup>th</sup>, 2023, to discuss application completeness;
- A Staff meeting with the R2 team on August 2<sup>nd</sup>, 2023, including the fire marshal and the public works director exploring street design alternatives;
- Follow-up phone calls regarding application completion on various dates;

After one significant revision and several minor alterations, the sketch plan application was considered complete on October 2<sup>nd</sup>, 2023. The sketch plan is the first of three application steps required for new planned unit developments (“PUD”) & subdivisions. The sketch plan review assesses initial compliance with town codes, provisions for utilities and infrastructure, substantial conformance to the comprehensive plan, and adverse impacts to the Town. The review provides the applicant preliminary, nonbinding feedback from Staff, the Planning Commission, and Town Council before significant expenses are incurred. Though no approvals are made at this initial step, constructive feedback can be anticipated. The Applicant met with the Planning Commission on October 25<sup>th</sup>, 2023 to begin the sketch plan review. The Commissioners questions and recommendations are provided in Section IV below.

## **II Staff Review:**

Throughout the application process, the submittal documents will be reviewed pursuant to the criteria outlined in the Municipal Code (MC) for planned unit developments (PUDs) and subdivisions. At the sketch plan stage, an application should show general conformity to the following criteria (MC 17.100.040(E)):

- Consistency with the comprehensive plan;
- Compatibility of proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions;
- Availability of town services from public works, fire, and police;
- Vehicle, bicycle, and pedestrian circulation; and

- Preservation of the natural character of the land.

### 1) *Is the proposal consistent with the comprehensive plan?*

According to CVR PUD regulations (MC 17.104.010):

“The purpose and intent of the Castle Valley Ranch PUD zone district regulations are to:

- A. Encourage variety in the physical development pattern of Castle Valley Ranch;
- B. Provide a variety of housing densities greater than would be normally possible;
- C. Encourage the use of a more creative approach to the development of land;
- D. Encourage a more efficient, aesthetic and desirable use of open space;
- E. Encourage a more efficient use of energy through solar orientation, native vegetation, and water conservation;
- F. Provide a variety of dwelling and building designs;
- G. Provide high standards of development and provide amenities appropriate to the densities involved in the project;
- H. Provide an integrated open space system throughout areas as outlined on the Castle Valley Ranch PUD zoning plan as well as throughout individual districts;
- I. Provide for a variety of housing types in order to best meet the housing demands of all age groups;
- J. Maintain and preserve the general alignment of drainage ways for aesthetic, energy and functional purposes;
- K. Provide pedestrian networks throughout the open space districts as well as throughout individual districts thereby providing an integrated network throughout the entire development;
- L. Provide landscape areas and tree plantings throughout the entire development.”

The preceding planning concept is consistent with the major elements of the currently adopted Comprehensive Plan (“CP”) which is itself derived from public input such as surveys, stakeholder interviews, meetings, and Steering Committee contributions. Applicants are expected to clearly demonstrate substantial conformity with the CP in all applications (**Policy CG-1B**). The checklist below, though not exhaustive, provides a tool for reviewers to assess conformance. The application therefore should:

- ☐ Foster distinctive, attractive communities with a strong sense of place and quality of life.
- ☐ Demonstrate that individual project fits into a fully-balanced community land use structure.
- ☐ Ensure a mix of uses that complement the existing New Castle land-use patterns.
- ☐ Create walkable communities with non-vehicular interconnection between use areas.
- ☐ Guarantee a balance of housing types that support a range of affordability.
- ☐ Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.
- ☐ Encourage economic development and supporting hard & soft infrastructure.
- ☐ Concentrate development in ways which provide efficient and cost-effective services.

According to the submittal packet (**Exhibit A, page 7**), the proposal aligns with a number of New Castle goals and values favorable for Smart Growth and a strong quality of life (**Goal CG-5**). The proposal focuses on conservation of the natural environment (**Goals EN-1 thru EN-8**), sensitivity to architectural aesthetics, and promoting trails and open space (**Goal RT-1**). The Applicant aspires to create a space commensurate with community, outdoor adventure, and sustainability. Generous open space, interconnected trail systems, and thoughtful use of resources serve these ends.

As part of a Smart Growth strategy, policy **Goal CG-4** expects large residential development (greater than 50 units) to integrate commercial services and conveniences. Though not contemplated within this application, commercial development is anticipated on the vacant parcel south of VIX Park. To meet Smart Growth objectives, the Planning Commission should consider how the current application will balance with the adjoining commercial venture to the southwest. Though independently owned, the Town should be mindful as to how these two developments can mutually contribute to Town's values.

**Trails/Open Space/Recreation:** The trials map on **Exhibit A, page 17** demonstrates a certain level of fidelity with currently existing use-trails and trail agreements. Two trails will originate from VIX Park and lead east towards the locally named "Sunset Trail that ultimately connects with public lands. This alignment already exists. The goal is for a seamless trail experience with trails already prized by residents (**Goal POST-3**). Preservation of the Sunset Trail corridor should also be supportive of existing wildlife habitat (**Goal POST-4**). Other walking trails are dispersed within the development's interior. Taken together the trail network will be conducive to non-vehicular access to adjoining neighborhoods and specifically the future mixed-use development.

At least two private pocket parks are situated within the interior open space areas. These parks are often underestimated community assets directly adjacent to residential units (**Policy Post-2D**). In these spaces children can explore safely and independently, dogs/owners can go for quick walks after work, and families can picnic together without the hassle of driving.

**Environmental Impact:** New Castle is committed to stewardship of the natural environment and recognizes the potential negative impacts of new development. The Town will work with Colorado Parks and Wildlife (CPW) and the applicant to identify and protect critical environmental resources (**Goal EN-1**). Though CPW defers comment until the preliminary stage, the areas north and east of the outer ring of buildings are recognized as year-long habitat for various birds and mammals. It will be important to minimize conflicts by prohibiting dogs off-leash, minimizing light trespass, preserving native vegetation, and/or limiting fences in certain areas. In some cases, added landscape buffers in certain locations may offset these impacts with enhanced vegetation and/or landscape features.

New Castle also endorses sustainable building, meaning the minimization of resources and maximization of renewable energy (**Goal EN-7**). All buildings will be expected to comply with the latest adopted energy code including the solar and electrical readiness provisions required by the state. It will be important for the applicant to discuss how sustainable building measures are featured in the proposal as the application progresses. Net-zero/all-electric alternatives are achievable options manifested in new developments throughout the Valley. No less should be expected of this proposal.

Raw water has been contemplated as the means to irrigate landscaping (**Exhibit A,**

**page 8).** Raw water is non-potable water which bypasses the town's treatment facility thereby eliminating the processing step. The Applicant also receive a 25% reduction in water tap fees as a result of implementation. Opting for raw water is ultimately an economical and sustainability win for all.

**Affordability:** The rental aspect of the proposed community is a unique attribute. Rental communities provide a fully managed property for tenants who do not have the time nor inclination to fuss with general repairs and upkeep. Rental communities also provide a way for retirees to downsize in communities dominated by larger single-family homes and a way for younger families to participate in communities in which they may otherwise be priced-out. The proposal also offers units for professionals seeking adaptable space that serves dual functions as a home and work area. These units have adjustable dividers to repurpose space as needed.

Of the 130 total units (**Exhibit A, page 9**), the types include 80 live/work units; 24 empty nester units, and 26 conventional townhome units. It is anticipated that the price point for these units will track market rates. However, the diversification of unit types could foster more attractive pricing options. Additionally, rent restricted options for local employees were discussed with the Planning Commission (**Goal HO-1**). The Applicant understands the burden of affordability in the New Castle area and did not voice opposition to considering price-controlled alternatives. Nevertheless, the idea was tabled pending future discussions with Council and Staff.

**2) Does the proposal demonstrate compatibility with the proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions?**

**Land Use:** The applicant has elected Castle Valley Ranch **MF-1** zoning criteria. According to MC 17.104.080 MF-1 is a "multifamily townhouse and patio home district allowing for creative approaches to development with housing alternatives that are sensitive to existing and surrounding land uses." The following land uses are permitted by right:

- Attached dwelling units in structures containing more than two units;
- Public parks, playgrounds and related accessory structures 5,000 sq. ft. or less;
- Parking facilities;
- Recreation facilities including, but not limited to health facilities, hobby rooms, activity rooms, meeting rooms, pools, gymnasiums, ball fields, tennis or basketball courts, volleyball courts, and any building of fields or play surfaces;
- Pedestrian and bicycle trails;
- Open space and parks

All proposed uses are permitted by right.

The Master PUD allows for the following density standards:

- Minimum lot area of 2,200sf;
- Minimum lot area per dwelling unit of 2,200sf;
- Maximum building height of 35';
- Minimum front yard setback 18';
- Minimum side yard setback of 0';

- Minimum rear yard setback of 10’
- Minimum distance between buildings of 10’;

As shown in the submittal packet, lot areas will exceed 2,200sf per unit as required. Setbacks and building heights will be provided at the preliminary application. These provisions aside, the Planning Commission should prioritize ways of mitigating the potential visual impacts of building heights to the surrounding neighborhoods. Massing alternatives, structure orientation, landscape screening, and roof articulation, for example, are ways to address visual impacts. Some of these elements have been included in the renderings (**Exhibit A, page 22ff**).

**Parking:** The purpose of off-street parking in the PUD “is to ensure that safe and convenient off-street parking is provided to serve the requirements of all land uses in the Castle Valley Ranch PUD and to avoid congestion in the streets” (MC 17.104.100). As shown on **Exhibit A, page 6**, the following Town standards apply:

- Duplex, tri-plex or four-plex – Two spaces per dwelling unit;
- Five or more dwelling units in one structure – One and one-half spaces per dwelling unit + 1 recreational vehicle parking space for every 5 units in a 5-plex or greater;

**Off-Street Parking:** Per the standards, required off-street parking totals 229 spaces. The distribution is as follows: The *Townhome* models provide for a mix of one and two car garages. Regardless of garage size, all units will include two-car driveways (**Exhibit A, page 13**), or 3-4 off-street parking spaces where only two are required. This provision solves for issues related to garages occupied by miscellaneous storage rather than vehicles. The Code reduces parking to 1.5 spaces per unit for *Empty Nester* and *Live/Work* models. The Applicant, familiar with the complications of high density residential parking, has offered at least two spaces per unit for the *Empty Nester* models and has exceeded the parking for the *Live/Work* units. It is uncertain whether seasonal/RV parking will be included with the proposal. Committing to RV parking would mean a loss of 21 spaces otherwise available for general parking as currently designed.

**On-Street parking:** On-street parking serves to accommodate overflow vehicle parking for guests, deliveries, trash pick-up, extra tenant vehicles, and emergency vehicles. To the extent these accommodations are priorities for the Town, they deserve special attention in a project design. ROW cross-sections are illustrated in **Exhibit A, pages 19-21**. The recently adopted Town standard commits to a 58’ ROW cross-section with parallel parking on both sides of the street (**Exhibit A, page 21**). The proposed site plan shows ROWs reduced to 52’. The “peach” colored cross-section (**Exhibit A, page 19**), for instance, includes no on-street parking. The purpose for narrowing is driven by concerns with speeding, safety, and construction costs. Narrower roads, it is believed, attenuate speed by constricting travel flow. **Exhibit A, page 20**, shows “blue” road sections with one parking lane. “Yellow” road sections are locations with perpendicular off-street parking directly adjacent to the ROW. Yellow road sections were oriented this way to accommodate Staff concerns with maintenance and functionality. Moving forward it will be helpful for the Applicant’s team to provide examples of these arrangements functioning well. Meanwhile, Staff has provided its recommendations in Section V below.

### 3) *Is there availability of town services from public works, fire, and police?*

**Police:** The application anticipates an increase of approximately 338 new residents at build-out (**Exhibit A, page 8**). There is no indication at this point that this increase would compromise police service. However, the Police Department currently consists of nine FTEs with an ideal department of 11-12 officers. Generally, additional FTEs are considered for every increase of 1,000 residents.

**Fire:** In light of the current multi-year drought and the ongoing expansion of the wildland-urban interface, Colorado River Fire Rescue now stresses improving the resiliency of structures and expanding the surrounding defensible space (**Goal EN-8**). Replacing conventional materials with those of more robust fire resistance, particularly in buildings along the perimeter of the development, buys time for firefighters during a wildland fire incident and inhibits fires from spreading from the source. In 2024, the Town intends to adopt standards for fire resistant materials and defensible space. In addition, the Fire Marshal recommends that exterior walls at the perimeter of this interface maintain the highest level of fire resistance available at the time of build (i.e. Class A materials, see **Exhibit B**). To extend their firefighting potential, CRFR requests that two-track paths for fire apparatus be designed along the periphery of the outer structures. The Applicant has addressed this matter on **Exhibit A, page 18** showing various fire access routes. It is important that these routes be modestly improved in order to carry the weight of a necessary fire apparatus. These routes should also be permanently signed "Emergency Access Only".

**Public Works:** The CVR PUD is approved for 1,400 residential units and 100,000sf of commercial space. These totals were primarily the result of calculations performed on the basis of water dedicated from Elk Creek. At present (10/4/22) the PUD has 890 units plus five additional under construction and no commercial space. With 130 proposed units in this Application, the PUD is still well short of the 1,400 total rooftops allocated. The current sewer treatment plant is also sufficiently sized to process the full build-out of both CVR and Lakota.

**Streets:** The Town contemplates maintenance of the main ring road and the N. Wildhorse connector once all public improvements are accepted. Remaining streets will be private. Public Works agrees that speed, safety, and costs are priorities in road design. However, 58' ROW is still preferable since: 1) narrower, 10' drive lanes contribute to speed control, and, 2) the second parking lane solves for the concerns discussed above in "On-Street Parking": extra parking and room for emergency vehicles, deliveries, trash, etc. Public Works is most concerned with the 58' ROW in the "peach" Townhouse area. Otherwise, the Town's preferred alternatives are listed in Recommendation A below as informed by "Off/On-Street Parking" in Section 2 above.

**Open Space:** As mentioned, the Applicant has made efforts to integrate existing public use trails and fields into the development's open space plan (**Exhibit A, page 14**). Small, active parks are provided in two locations interior to the development in both the northern and southern halves. All proposed open space and natural trails, implied as Town wide amenities, should be identified on the plat as Town maintained. Interior trails, pocket parks, or courtyards meant solely for tenant use should be maintained by the HOA.

**Snow Storage:** Snow removal is not specified on the site plan at the moment. However, Public works will rely heavily on the separated sidewalks for snow removal and storage.

Though snow removal on private roads and parking lots will be managed by the property owners, Staff recommends that the removal strategy should be disclosed in later stages of the approval process.

*Raw Water:* Raw water is available at the north end of VIX Park and is expected to irrigate all common areas within the new PUD. The raw water infrastructure will need to be extended and looped with the installation of the N Wild Horse road connection.

#### **4) *Is there adequate vehicle, bicycle, and pedestrian circulation?***

***Vehicular Circulation:*** Road, sidewalk, and trail design is a critical component to any new development in New Castle. To optimize circulation, the applicant is committed to connecting N Wild Horse Dr. completing the underdeveloped section between Alder Ave. and Castle Valley Blvd. Of note, nearly 1/5<sup>th</sup> of this new road section is outside the applicant's property boundary. However, because of the importance of circulation and public safety, the applicant has agreed to work with the neighboring property owners, particularly CVR Investors, to complete this link. Staff anticipates that the connector will match the existing right-of-way design, including detached sidewalks with landscaping.

***Bicycle/Pedestrian Circulation:*** The applicant has made a point not to disrupt the general trail alignment between VIX Park and the BLM land. Moreover, streets are purposely not connected through the design's interior in order to preserve an idyllic experience for trail users. T-turnarounds rather than cul-de-sacs were provided at dead-end streets to minimize encroachment of roads within open space corridors. The site design employs detached sidewalks throughout the public right-of-way to improve the pedestrian experience.

#### **5) *Is the natural character of the land preserved?***

***Topography:*** The site plan (**Exhibit A, page 4**) follows the sloping topography downhill from northeast to southwest. Each unit generally steps down with the slope (**Exhibit A, page 22**). Displacement between units helps to limit cut-and-fill and reduce the need for extensive landscape retention. Terracing of grade and structure softens the blunt, "blocky" appearance, and is a preferred fit with rolling terrain. The lot designs appear to maintain existing drainage features such as that found on the central single-track trail which bisects the development.

The ridgeline associated with Sunset Trail to the west is a prominent topographical feature for New Castle residents. Per **Policy EN-6B**, visual access to the ridgeline is demonstrated in **Exhibit A, page 28**. To mitigate building mass at the southwest elevation, modestly sized berms and drought resistant trees or shrubs could provide sustainable and more organic screening methods.

To conserve water and limit landscape maintenance such as mowing, Staff requests the applicant consider drought resistant vegetation and seeding with native grasses to restore disturbed areas to their original state. Sod and landscape irrigation, likewise, should be used sparingly to limit the need for landscape maintenance.



#### **IV Planning Commission Questions and Comments**

The Applicant introduced the proposal to the Planning Commission on October 25<sup>th</sup>, 2023. The Commissioners provided constructive feedback, some of which is summarized below:

##### **A. P&Z Questions/Applicant Answers**

- Do leases restrict units types to certain tenant demographic (e.g. Are only retirees able to rent “empty nester” units)? **No; Unit types are open to anyone, but each is better suited for a certain type of tenant through unit layout and/or price-points.**
- Will lease agreements cap the number of occupants who can live in a unit at one time? **Yes**
- Will there be onsite management? **Not sure yet on property management provider.**
- Are you open to rent reduced units for local employees (i.e. teachers, first responders, etc.)? **We are open to a discussion. It is not offered on our other properties.**
- Do you have other developments in the state of Colorado? **We have developed in other others in the state but nothing to this level.**
- Have you used this type of niche specific development (i.e. three different models on one property) successfully? **Yes, outside the state.**
- Who is responsible for the infrastructure improvements? **Staff answer: The developer. N Wildhorse and the ring road will be conveyed to the Town.**
- Are you considering passive and/or active solar capacity? **All is on the table. We start with making units efficient. Then, solar production is considered for every project we do. Net zero is a priority.**
- Are the empty nesters single level? **Yes, they are flats...some open from lower floor, the others from the upper floor in the rear.**
- What are the projected rental prices? **Still early on this, but perhaps \$4,000-\$5,000 for the empty nesters and townhomes. \$2000-\$3000 for live/work units.**
- Who will manage the trails? **Still being decided.**
- What are the trail surfaces? **Still early but considering a more primitive type surface.**
- Are you considering more native, drought resistant vegetation? **Yes, native/natural landscaping is becoming standard in the Valley as a matter of water conservation.**
- Is there a private clubhouse amenity for residents similar to other developments you've built? **Outdoor space is not fully designed yet. Priority will be to “amenitize” the outdoor space versus indoor type recreation. Outdoor lifestyle is a New Castle value, but community gathering areas will be considered.**
- Is snow storage shown on the site plan? **Staff response: No fully addressed at this time, however separated sidewalk buffers will be main areas for storage. N Wildhorse storage will need to be clarified.**
- Why does Staff want a 58' ROW near the townhomes? **Staff response: it provides for better quality of life and was the preferred cross-section for recently approved street design. Residents tend to expect parking on the street in front of homes. Speeding will be addressed with narrower drive and parking lanes.**

##### **B. Recommendations**

- Provide way for fulltime property management to live onsite (as necessary).
- N Wildhorse at VIX park looks busy and potentially congested. Partner with town for traffic calming strategies such as bump outs near trail access points. Provide N Wildhorse cross-section in plan set.

- Consider fire resistant materials and defensible space around buildings.
- Show which trails are public (town maintained) and which are private.
- Provide hi-visibility crosswalk at N Wildhorse towards central trail and at the central trail where it crosses the ring road, towards BLM.
- The mix of unit types and site planning is commendable.
- Provide building heights on plan set.
- 1300-1400sf for three bedroom unit is a tight space. Could be difficult from a livability/practicality perspective.
- Projected price points seem competitive with home ownership prices.
- Be clear on public and private open space so the public can know that trails will still be accessible to the entire Town.
- During grading, consider salvaging as many existing plants and trees (junipers, pinyons, shrub oak, rabbit brush, etc.) as possible, in light of their age and history in New Castle.
- Work hard to make sure roof lines do not exceed ridge lines such as Sunset Trail.
- Provide viewshed image looking from Sunlight Trail back west.
- 52' ROW of ring road should be reconsidered by Staff in order to limit further sprawl.
- RV space requirement does not seem pertinent to this development.

### **V Staff Recommendations**

- A. To better preserve safety, traffic flow, and general quality of life, revise public rights-of-way shown on Exhibit A, page 19 as follows:
  - Teal ROW – no change requested.
  - Peach ROW – modify to meet the Town's 58' design cross-section. ([See alternative designs, Exhibit A, page 21](#))
  - Blue ROW – modify with on-street parking along one side of ring-road.
  - Yellow ROW – modify with on-street parking along one side of ring-road. All perpendicular parking adjacent to ring-road should be private and outside of the ROW. ([Updated submittal packet meets recommendation.](#))
- B. All exterior lighting to be dark-sky compliant per the comprehensive plan. Demonstrate that all exterior lighting will limit trespass. Parking lot lighting should be on timers to reduce the light duration at night while maintaining security lighting as needed.
- C. All outside parking areas facing residential-only use shall incorporate landscape buffers to obscure vehicles from view per Code Section 17.104.100.
- D. Fire access routes should be semi-impervious (compacted road base), two-track roads permanently signed "Emergency Access Only". Locations of fire access routes should be approved by the Fire Marshal.
- E. Extend raw water infrastructure from existing stub-outs into the new development with an extension along N Wildhorse Dr.
- F. Consider a limited number of rent reduced units for full-time employees of the development and/or other workers employed by Town businesses.
- G. Differentiate on the plat open space maintained by the HOA and open space maintained

by the Town.

- H. Provide a water sampling station per the recommendations of the Public Works Director.
- I. Each townhome unit will be provided with separate water and sewer service curb stops. Gas and electric service shall also run directly to each unit from the building exterior rather than through crawlspaces or attic spaces.
- J. Consider Net Zero building construction methods.
- K. The development shall comply with all currently adopted building code and municipal code requirements, including all sign code regulations in effect at the time of building permit application, as well as all recommendations of the Town Engineer and Town Public Works Director provided in response to review of the Application. All site specific development 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.

## **VI Next Steps**

Comments and recommendations made by Staff, Planning Commission, and Council should inform future revisions of the application prior preliminary plan submittal.

After Council sketch review, but prior to the preliminary plan application, the applicant shall conduct a **community open house meeting** with the public. The applicant shall notify the town of the date of the community open house and notice the community open house according to the Town's public hearing notice procedures set forth in Section 16.08.040, except that notice to mineral owners is not required.

The sketch plan review conducted pursuant to this Section 17.100.040 will remain in effect for one (1) year from the date of Council's review. If the applicant does not submit a preliminary PUD plan application within said year, the Applicant may be required to submit a new sketch plan application before filing a preliminary plan application. Similarly, if Applicant's preliminary PUD plan application includes substantial and material (e.g., proposes new uses, higher density development, new or additional variances, etc.) changes from the original sketch plan, the Town Administrator may require the applicant to conduct a new sketch plan review.

## **VI Sketch Plan Exhibits:**

- A. Applicant Sketch Plan Submittal – November 1, 2023
- B. Land Development Application – July 24, 2023
- C. Applicant Engineering Letter – August 2, 2023
- D. Utility Plan – July 12, 2023
- E. Comments from Fire Marshal – October 17, 2023
- F. Comments from Town Engineer – October 19, 2023



Planning Department  
(970) 984-2311  
Email:  
psmith@newcastlecolorado.org

# LAND DEVELOPMENT APPLICATION

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

Note: All land use applications must be filed with the Town Clerk. Please consult the Town Planner for codes specific to the Land Development Application. All application materials are subject to the Colorado Open Records Act (CORA), C.R.S. §24-72-201 to 207.

<b>Applicant:</b> R2 Partners	
<b>Address:</b> 1009 Delta Ave, Cincinnati OH 45208	<b>Phone:</b> 614-266-7629 <b>E-mail:</b> Barry Rosenberg: b.rosenberg@r2partners.co
<b>Property Owner:</b> CTS Investments, LLC	
<b>Address:</b> 343 Dakota Boulevard, Boulder CO 90304	<b>Phone:</b> 720-626-2410 <b>E-mail:</b> Steve Craven: nowintomesee@me.com
<b>Contact Person:</b> Jason Jaynes, DHM Design	
<b>Address:</b> 225 Main Street, Suite 201	<b>Phone:</b> 970-963-6520 <b>E-mail:</b> jjaynes@dhmdesign.com
<b>Property Location/Address:</b> Castle Valley Ranch PUD	
<b>Legal Description:</b> Garfield County Parcel Number 212329300194	<b>Acres:</b> 59.07
<b>Existing Zone (e.g., Residential R-1, Commercial C-1):</b> Residential R-MF1	<b>Existing Land Use:</b> Vacant Lot (PUD)

## TYPE(S) OF LAND USE(S) REQUESTED

- |   |  |
|---|--|
| <input type="checkbox"/> Pre-Annexation Agreement<br><input type="checkbox"/> Annexation<br><input type="checkbox"/> Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations)<br><input type="checkbox"/> Amended Plat<br><input checked="" type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans)<br><input type="checkbox"/> Master Plan Amendment | <input type="checkbox"/> Conditional Use Permit or Special Review Use Permit<br><input type="checkbox"/> Lot Line Adjustment or Dissolution<br><input type="checkbox"/> Site Specific Development Plan/Vested Rights<br><input type="checkbox"/> Variance<br><input type="checkbox"/> Zoning<br><input type="checkbox"/> Zoning Amendment<br><input type="checkbox"/> Re-zoning<br><input type="checkbox"/> Watershed Permit |
|---|--|

 <b>Applicant Signature</b>	<b>07-24-23</b> <b>Date</b>
---	--------------------------------





## AGREEMENT TO PAY CONSULTING AND ADMINISTRATIVE COSTS

Pursuant to municipal code section 16.08.070, for any land use application, the applicant shall pay all costs incurred by the town for the preparation of plats, plans, other required data and documents, recording fees, publication costs, legal and engineering review and advice, planning review and advice, inspections and all other out-of-pocket costs incurred by the town in connection with the land use application. In the case of withdrawal or denial of a land use application, the applicant shall be responsible for all costs actually incurred by the town in connection with such application regardless of the state of the review process at which the application is withdrawn or denied.

To secure payment of costs incurred by the town, the owner of the land proposed for development (and the applicant, if different) shall be required to sign the following agreement:

*By signing below, the applicant and property owner hereby agree to reimburse the Town the actual costs to the Town for engineering, planning, surveying, legal services, and all other costs incurred by the Town in connection with the review and approval of the land use application. I also agree to reimburse the Town for the cost of making any correction or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. I agree that interest shall be imposed at the rate of 1.5% per month on all balances not paid within thirty (30) days of a statement. In the event the Town pursues collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs. In addition to all other remedies allowable by law, I agree that in the event any amounts remain due and unpaid for sixty (60) days the Town shall have the power and authority to certify such amounts, plus a ten percent penalty, to Garfield County to be imposed as a tax lien against the real property subject to the development application.*

SO AGREED this 13 day of July, 2023

**Barry Rosenberg**

Applicant (Print Name)

**614-266-7629**

Telephone Number

b.rosenberg@r2partners.co

Email

**Steve Craven**

Property Owner

**Seller to Buyer**

Relationship of Owner to Applicant

Signature of Applicant

~~1055 Saint Paul Place, Cincinnati OH 45202~~  
1009 Delta Avenue, Cincinnati OH 45208

Mailing Address of Applicant

b.rosenberg@r2partners.co

Email Address of Applicant

Signature of Property Owner

343 Dakota Boulevard, Boulder CO 90304

Owner Mailing Address

Type of application: **PUD Sketch Plan**

Property description: **Vacant land in CVR PUD, Garfield County Parcel Number 212329300194**  
Revised 3/2021

August 2, 2023

Chad J Lee.  
JVAM  
[chad@jvamlaw.com](mailto:chad@jvamlaw.com)

RE: R2 Multi Family Subdivision, Castle Valley Ranch, New Castle, CO – Sketch Plan submission  
SE Job # 33011

Chad,

Sopris Engineering, LLC (SE) has prepared the following Engineering Letter for the Sketch Plan Submission for the proposed R2 Multi Family Subdivision (site) in Castle Valley Ranch (CVR) in New Castle, CO. The overall site is a 59 acre parcel east of Vix Park. The proposed development is 47.5 acres+/- that will be developed with 130 residential units. The remaining 11.5 acres+/- has been reserved for future development. The site will be developed in compliance with the Castle Valley Ranch PUD agreements and the Town of New Castle code requirements.

The subject property is Garfield County parcel #212329300194. The site is located east of Vix Park on the east side Wildhorse Drive. The residential site will be developed with townhomes, live/work, and empty nester units. Refer to the Landscape Architect's site plan and the Architect's plans for additional site and building details.

The proposed site improvements are shown on the Landscape Architect's Plans. The utility concepts are shown on the civil utility plan.

### **1. Existing Conditions**

The existing conditions are shown on the ALTA survey which has been prepared by SGM. Additional utility maps were used to draft in the approximate location of other improvements. The existing conditions survey and utility locates will be completed prior to preliminary/final plan applications.

### **2. Access:**

The site will have good access with a primary looped road with two connections to Wildhorse Drive. The proposed parking areas for the multi-family buildings are also loop roads. A third connection to Wildhorse Drive is proposed for access to one of the multi-family parking lots.

Emergency access will be provided throughout the site on the proposed roads and parking access roads.

Parallel parking is proposed along the primary looped road. Refer to the landscape architect's plans for the proposed road sections.

### **3. Drainage:**

The New Castle public work manual states;

*"The rate of runoff from any developed area shall not exceed the historic rate of runoff based on a twenty-five (25) year rainfall event"*

The site will have local detention basins to ensure the Town requirements are met. The large offsite drainage basin is approximately 2.97 square miles (1,900 acres) in size. A large culvert crossing will be installed at the proposed road crossing. The runoff from this primary offsite drainage basin will be safely routed through the site following the existing drainage path. The small drainage basins above the site development will be safely routed around the site improvements. The drainage calculations and plan details will be prepared for the preliminary plan submittal.



#### 4. Utilities:

The existing site utilities are shown on the existing condition base map. Based on our research to date it is our understanding that all utilities have capacity and will serve the proposed site. Proposed utility improvements are discussed here and will be further described and detailed for the preliminary plan submittal. The proposed utility improvements are shown on Sheet C1.0.

##### 4.1. Potable Water:

The Town of New Castle water system serves CVR. An existing 10" main is under White Horse Drive. We understand per the Town's utility mapping that existing water main lines are stubbed at two locations along the eastern boundary of CVR from the adjacent Lakota subdivision.

Per previous development coordination and review of this site we understand this site will be served in the Town's upper pressure zone. The applicant will coordinate with the adjacent property owner to extend the water main from the Lakota Subdivision, and will install pressure reducing valves at the connection(s) to the existing water main in White Horse Drive.

The water main line alignment, water valves, fire hydrants, and water service locations will be prepared for the preliminary plan application.

##### 4.2. Sanitary Sewer:

The Town of New Castle sanitary sewer system serves CVR. The existing sanitary sewer main line ends where the Wildhorse Drive paved road improvements end on the west end of this site. Sanitary sewer main lines also exist south and southwest of this site. Those line however would require extension through undeveloped parcels and/or would require a lift station to connect to.

The sanitary sewer main will be extended from the west end under Wildhorse Drive. Two main lines will extend onto the site to serve the proposed residential units. The sanitary sewer main line alignment and service locations will be prepared for the preliminary plan application.

##### 4.3. Water and Sewer Tap fees:

The table of equivalent units (EQRs) for water and sewer tap fees are outlined in code section 13.20.060. Our estimate of the proposed site's EQRs is summarized in Table 1 below.

TABLE 1 - WATER & SEWER TAP FEES			
Unit Type	# Units	EQR/Unit*	# EQRs
Townhome - 3BR	26	1.000	26.000
Empty Nester - 1&2BR	24	0.800	19.200
Live/Work - 1&2BR	80	0.800	64.000
Subtotal =	130		109.2
25% Raw Water Irrigation Reduction =			81.9

Per code section 13.38.030(D) the EQRs can be reduced by 25% if we use raw water irrigation for the site landscaping.

##### 4.4. Raw Water Irrigatoin:

The Town of New Castle raw water irrigation system serves portions of CVR. Per Town utility mapping existing raw water irrigation serves Vix Park west of this site and also is in Wildhorse Drive at the end of the residential development south of this site.

The project is proposing drip, xeriscape, and native landscape areas except in several active use areas as shown on the Landscape site plan. The applicant will confirm the raw water calculations, the service locations and feasibility to extend to this site for the Preliminary Plan application.

#### **4.5. Electric & Natural Gas:**

New Castle has electric and natural gas service from Xcel Energy. SE has requested and received a will serve letter and information on the existing electric and gas infrastructure in this area. The main lines will be extended from both directions in Wildhorse Drive from the end of the site development. The locations and infrastructure details will be coordinated further prior to the preliminary plan submittal.

#### **4.6. Telephone**

SE has requested and has received a will serve letter from Lumen (formally CenturyLink). The existing telephone is at the end of the current development south and west of this site. The proposed telephone main lines will extend from the existing infrastructure to serve the site. The locations and infrastructure details will be coordinated further prior to the preliminary plan submittal.

#### **4.7. Cable:**

SE has requested a will serve letter and information on the existing cable infrastructure from Comcast. At this point we assume the cable lines are under Wildhorse Drive or will be extended in Wildhorse Drive from the end of the site development. The proposed cable lines will extend from the existing infrastructure to serve the site. The locations and infrastructure details will be coordinated further prior to the preliminary plan submittal.

### **5. Conclusion**

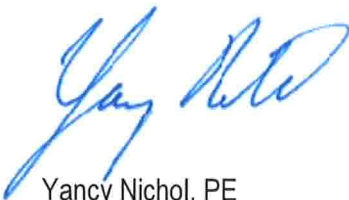
The proposed site has good access to Wildhorse Drive to Castle Valley Boulevard, which provides direct access to the larger road network. The existing utilities are adjacent to the site or can be extended from offsite. The primary offsite drainage basin will be routed through the site following the existing drainage path. Storm water runoff will be routed around and through the site to local detention basins.

If you have any questions or need any additional information, please call.

Sincerely,  
SOPRIS ENGINEERING, LLC



John Petaisto, PE  
Project Engineer



Yancy Nichol, PE  
Principal



SOPRIS ENGINEERING LLC  
502 MAIN STREET • SUITE A3 • CARBONDALE CO 81623  
(970) 704-0311 • [soprisengineering.com](http://soprisengineering.com)





**From:** [Orrin Moon](#)  
**To:** [Paul Smith](#)  
**Subject:** RE: CVR Multifamily Sketch Application Resubmittal  
**Date:** Tuesday, October 17, 2023 6:39:31 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Paul,

I have reviewed CVR Sketch Application and have the following comments:

1. Fire Department Access is good for all the proposed units. I have concerns with the proposed trees that will be planted along the roadway and future overhead clearance on the access roads. I would like to see planning for the future growth of trees and a plan to minimize the overhead obstructions on the roadways. Planning for trees shall be considered when fire hydrant locations are designed to keep trees from obstructing fire hydrants.
2. Trees are concerns around the proposed structures, with the new possible building code being adopted, I am hoping that a landscape plan will show fewer trees around the structures.
3. The plan shows emergency access to the east behind structures. We will need signage in the access areas to keep the areas clear of parking.
4. Developers should consider more ignition-resistant construction on the exterior of the homes, especially the homes on the east side of the development. This may help the owners to obtain better insurance rates.

I have no other concerns for this proposed development.

**Thank You,**

**Orrin D. Moon**

**Prevention Division Chief/Fire Marshal**

**Colorado River Fire Rescue**

**970-625-1243**

**[orrin.moon@crfr.us](mailto:orrin.moon@crfr.us)**

October 18, 2023

Mr. Paul Smith, Town Planner  
Town of New Castle  
P.O. Box 90  
New Castle, CO 81647

**RE: Castle Valley Ranch Multifamily – Sketch Plan  
R2 Proposal**

Dear Paul,

In 2022, the BLD Group, on behalf of DHM Design presented a sketch plan very similar to the one prepared for R1. With our review of that package, the comments that we developed with that sketch plan continue to be applicable for this sketch plan. Please note the following:

1. The infrastructure master plan performed in 2002 contemplated that Planning Areas 8, 9 and 10 (of which this area is comprised) would be comprised of 115 EQR from this area. These numbers were used in the planning of downstream infrastructure. Note however, that for several of the earlier planning areas that not all of the contemplated EQR were constructed. An update to the accounting of the EQR's should be performed for CVR.
2. Water service in this area of CVR will require being tied onto the Lakota Tank for adequate service pressure, fire flow volume and storage. Ties into "stubbed" infrastructure from Lakota Canyon Ranch are reported in as-built drawings as being 10" ties in the vicinity of the driving range/cart barn area and at the west end of Silverado Trail. Given the location of the east boundary line as related to the two tie locations, the developer will need to coordinate with CVR Investors (owner's of adjacent property) to gain access to these waterline tie locations. Obviously, the water system will also need to tie into the existing 10" line in North Wildhorse. As these tie locations are made, they will need to be made with a pressure reducing valve/vault.
3. When planning the water system layout within the subdivision, access to the entire water line will be necessary for future maintenance and access. Likewise, we will need to have no dead-end lines (ie., all lines shall be looped). Provision of a water sampling station would be needed at the most distal point in the system (likely the north end of subdivision, centrally located).
4. Sewer service will need to be contemplated to be taken from either the east end of the existing collection line on North Wildhorse adjacent to the west end of VIX park or from the west end of the existing collection line also located in North Wildhorse but adjacent to the west boundary line of Filing 9. This is the north end of the southerly paved portion of North Wildhorse. Tying to both locations may be contemplated as well.
5. Given the magnitude of the area tributary to the draw that bisects the subdivision, care must be taken to assure that any improvements that are constructed in the open space are constructed to be outside the



100-year flood plain and/or designed to resist erosion from excess velocities and are not going to negatively impact the flow carrying capacity of the draw. No buildings, parking lots or roadways shall be located in the 100-year floodplain.

6. North Wildhorse will need to be completed from its existing terminus on the west side of the site to the end of the existing street on the west end of Filing 9. Coordinate with P&Z and staff as to the development/replacement of the existing parking perpendicular to the curb line adjacent to the park. Provide a cross section that matches North Wildhorse that includes the existing improvements as well as the previously stated parking improvements.
7. Within the subdivision, streets will need to be designed to follow the street standards outlined by the Public Works Director, complete with snow storage. Provide a cul-de-sac at the dead end streets in lieu of the tee turnaround proposed.
8. Provide street intersections at right angles, no “angled” intersections should be proposed.
9. For dry utilities, when preparing preliminary/final plan, provide a preliminary layout of the proposed dry utilities complete with anticipated pedestal and transformer locations so as to properly evaluate the provision of adequate snow storage, landscaping and lighting.
10. As subsequent designs are performed, the water system and raw water system designs will need to be coordinated with the Town to be modeled in the Town’s water models for both systems. It should be anticipated that there will likely be the need to install pumping capacity for raw water infrastructure in the upper portions of the proposed subdivision. There also will likely be the need to provide a minimum 4” tie to the raw water line in Castle Valley Boulevard adjacent to the west boundary line of Filing 9.
11. Coordination with Town Staff will be necessary to define HOA maintained open space and trails as well as Town maintained open space and trails when developing the final design for open space and trails.

Upon your receipt and review, if you have questions, please don’t hesitate to call.

Respectfully

SGM



Jeffrey S. Simonson, PE  
Principal/Town Engineer



# CASTLE VALLEY RANCH MULTIFAMILY SKETCH PLAN APPLICATION



DHM DESIGN

Land+Shelter  
ARCHITECTURE AND PLANNING





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Site development summary.....04-05

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Site Vicinity

The subject parcel size is approximately 59 acres in the northeast corner of the Castle Valley Ranch (CVR) PUD subdivision. The development project site is approximately 47.5 acres. The property adjoins the Lakota Links golf course (holes 8 and 9, and the maintenance facility) to the east, vacant land to the north (zoned R/L), single family residential and VIX Park to the west, and vacant land to the south (zoned R and M/U1). Access will be via the planned extension of North Wildhorse Drive; utility services will also be via connection to/extension of existing services in North Wildhorse Drive and connection to Tank 3 water storage operating a looped system per existing agreements.

Site Existing Conditions

The site generally consists of gently sloping sage, pinon/juniper, and open meadow/pasture ground. The northwest corner of the property includes steeply sloping hillside, and a natural drainage channel bisects the property from the northeast to the southwest. This drainage is connected to the larger Castle Valley Ranch drainage system, connecting at the north to a detention structure on Lakota subdivision property, and continuing southwest off of the subject property through culverts and open channels to existing conveyances at Castle Valley Boulevard.

A number of natural-surface recreational trails criss-cross the property, connecting to trails north, east, and south of the property. Several of these trails are mapped and connected to a trailhead on the property near VIX Park. The property is otherwise undeveloped.

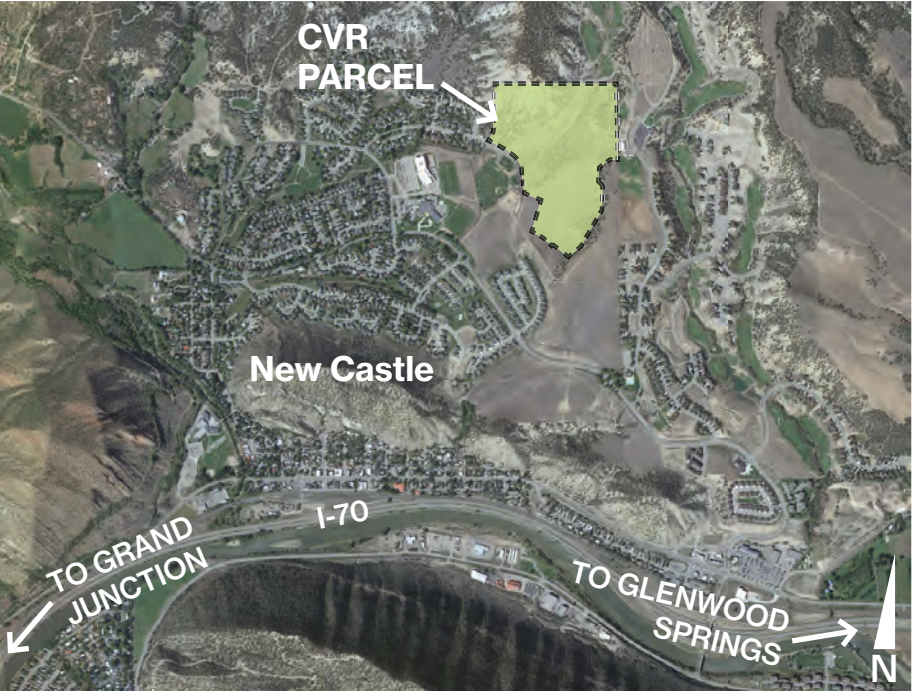
The property is currently designated with the "R" (Residential) overlay within the CVR PUD. The approved zone district, MF-1, is applied to this project. The proposed project conforms with the underlying zoning codes, the approved PUD, and the comprehensive plan.

Proposed Development

The proposed residential development includes a mix of 130 townhouse style and apartment homes, generally situated on the lower (southern) half of the property. Specific priorities/ highlights of the development include:

- Clustering of residential units
- Increasing diversity of housing types within CVR
- Preservation of open space / undeveloped acreage: approximately 65% of the property
- Public trailhead and trail access through property, maintaining character and connectivity of the existing trail experience
- Road and building siting responding to existing topography
- Conservation-oriented site planning: small developed gathering spaces transitioning to native and undisturbed landscape
- Connectivity to town street and pedestrian networks
- Buffering of neighboring properties
- High-quality unit design and finishes with access to daylight and views from each unit

Site Vicinity Map



Proposed Development Narrative



PARCEL ID

SUBJECT PARCEL  
TOTAL SIZE

DEVELOPMENT  
PARCEL SIZE

PRIORITIES

ADJACENT

CURRENT OWNER

212329300194

+/- 59 acres

+/- 47.5 acres

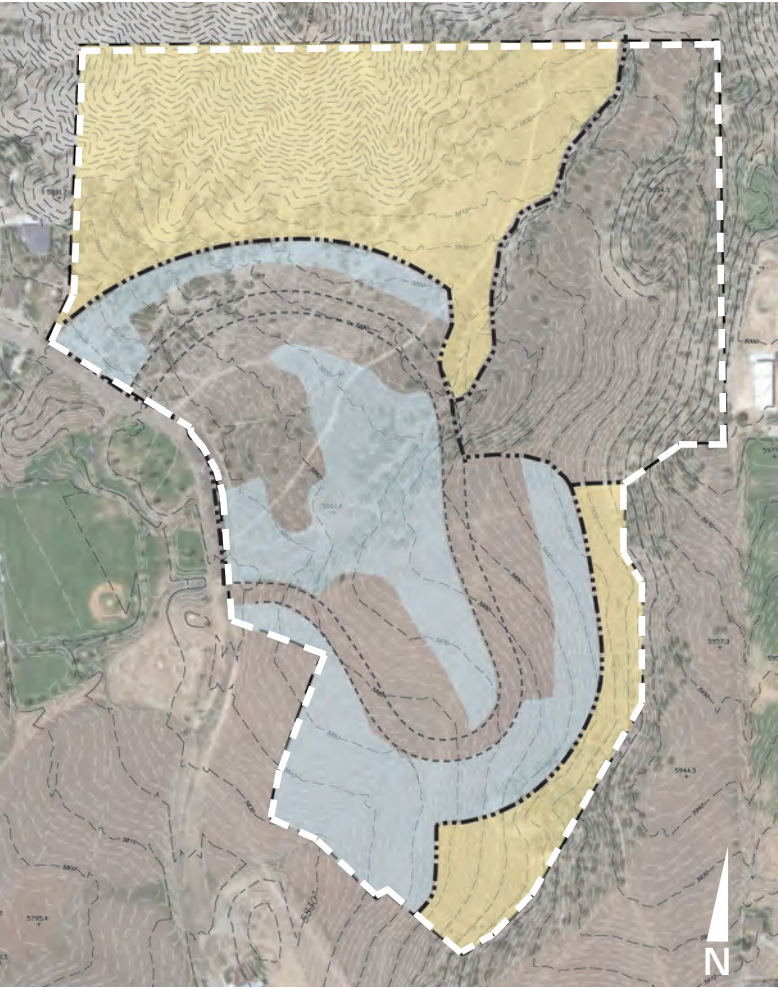
clustered units, maintain trail connectivity, internal  
open space connectivity, sensitivity and connection  
to existing/surrounding land uses.

vix park, lakota links golf course, public open space,  
nw castle valley ranch neighborhood, future mixed-  
use development to the south

cts investments, llc

CVR Multifamily Parcel proposal includes a subdivision and right-of-way dedication as follows (site areas are approximate):

PARCEL SUB	SIZE (ac)	SIZE (% of total)
SELLER RETAINED	~ 11.5 ac	20%
R2 DEVELOPMENT	~ 44.5 ac	75%
FUTURE RIGHT- OF-WAY	~ 3 ac	5%

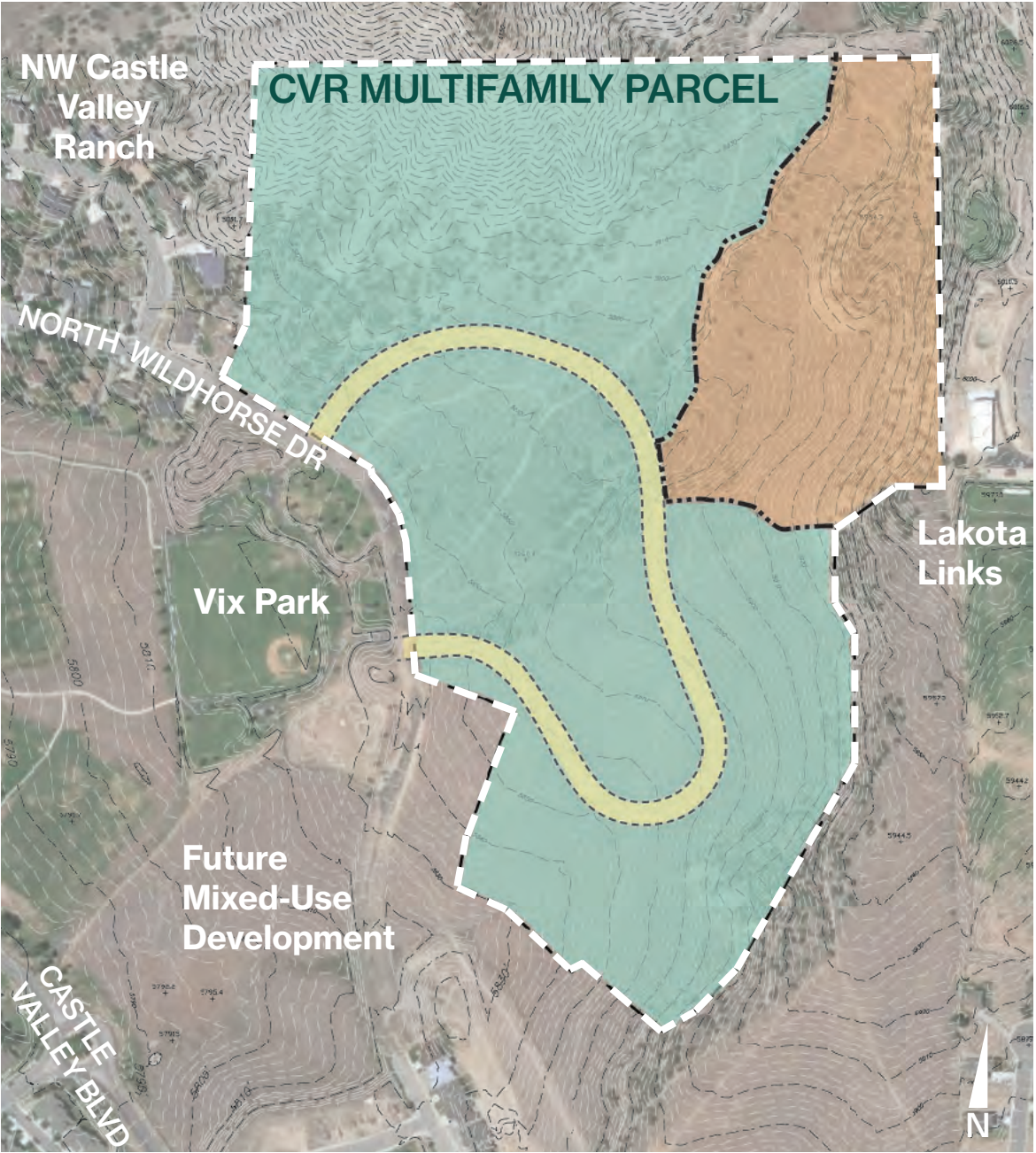


R2 Proposed Development Parcel (~ 44.5 ac) to be comprised of the following:

NATURAL OPEN SPACE	DEVELOPMENT OPEN SPACE	TOTAL OPEN SPACE
20 acres 45% of R2 Parcel Area	14 acres 31% of R2 Parcel Area	34 acres 76% of R2 Parcel Area

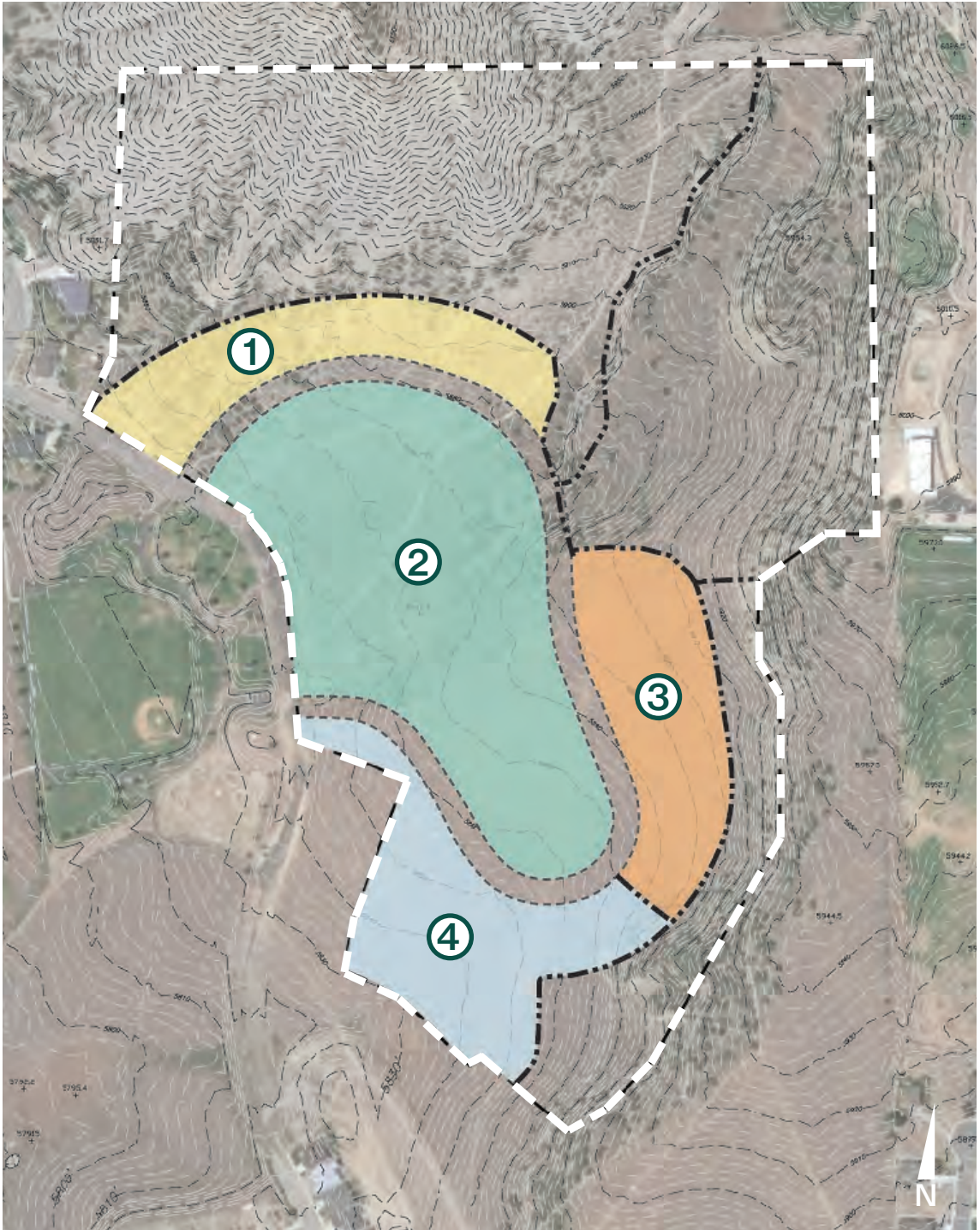
**NATURAL OPEN SPACE** = undisturbed site acreage outside of development area; may include dedicated public land

**DEVELOPMENT OPEN SPACE** = open space such as lawns, landscaped areas, natural areas, both public and private recreation areas and trails within the development area. Development open space may include trail easment for access to public trails



# Site Development Summary: Open Space





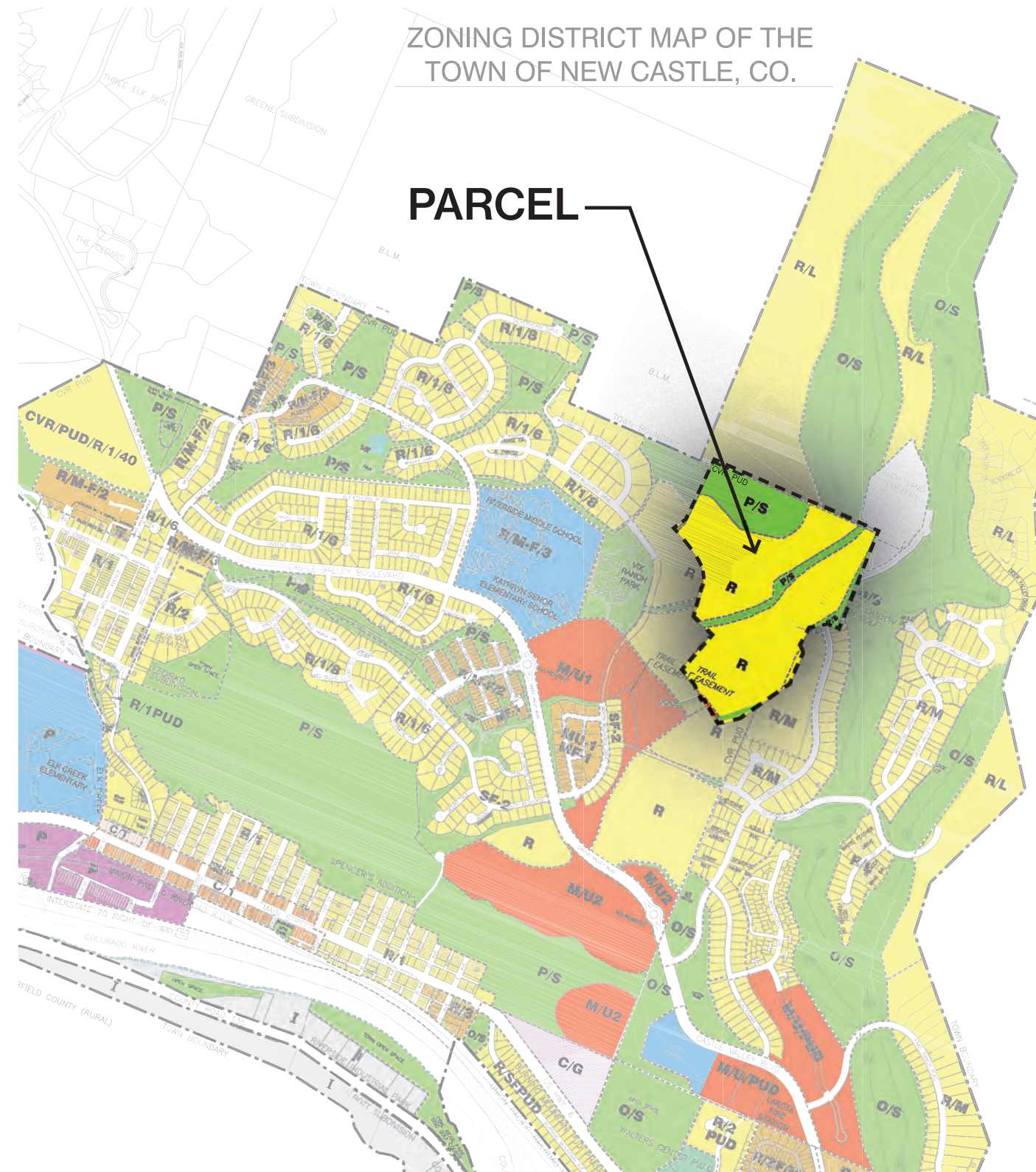
**DENSITY AND AVERAGE LOT SIZE PER UNIT** = after removing dedicated open space, ROW, and seller retained parcel, the development area is broken into four parcels (1-4); parcel 4 remains as private open space for screening/buffering, landform, and trail access. Density is calculated per individual parcel.

2,200 SF lot area per unit (19.8 du/ac) max density  
(per CVR MF-1 Zone District)

PARCEL	AREA (in s.f.)	# OF UNITS	DENSITY (lot size per unit)
1	143,097 SF	16	8,945
2	487,791 SF	90	5,420
3	175,874 SF	24	7,330
4	208,745 SF	n/a	n/a

## Site Development Summary: Density





## approved zone district MF-1 ("Residential Multifamily-1")

**approved use** - Multifamily dwellings and clubhouse

**open space** - natural open space: approximately 61%  
total open space: approximately 71%  
*\* meets or exceeds minimums of 2nd amended annexation agreement and master plan*

**parking -**

required	proposed
<p>'general parking'</p> <p>buildings 1-4 units = 2 spaces/du buildings 5+ units = 1.5 spaces/du required total: 208 spaces <i>*per code 17.104.100*</i></p> <p>'seasonal + recreational vehicle parking'</p> <p>(1) space for every 5 units of 5-plex or greater required: 21 <i>*per code 17.104.100*</i></p> <p>TOTAL REQUIRED SPACES: 229</p>	<p>proposed: 208 spaces (26 garage + 156 off-street + 26 driveway)</p> <p>proposed: 21</p> <p>TOTAL PROPOSED SPACES: 229</p> <p><i>*additional on-street parking provided in parallel parking lane of ROW</i></p>

## Approved Land Uses

# Comprehensive Plan Conformance Checklist - Sketch Plan Statements

Foster distinctive, attractive communities with a strong sense of place and quality of life

*The site location provides many opportunities for outdoor recreation, with connections to trail networks, public parks, and open space. Internal to the project, a series of interconnected open space areas encourage community gathering and physical activity. The project is designed to respond to existing site conditions, preserving existing pinon-juniper hillsides, the route of existing drainage channel, and adjacent vegetation as features of the project. The architecture is envisioned as contemporary expressions of the regional vernacular, with outdoor spaces (patios and balconies) connected to common open areas and generous views.*

Demonstrate that individual project fits into a fully-balanced community land use structure

*The proposed development is consistent with the intent and approvals of the CVR PUD.*

Ensure a mix of uses that complement the existing New Castle land-use patterns

*As a part of a master-planned development, the proposed development supports the intended land use types and patterns as identified in the Future Land Use Map and approved CVR PUD.*

Create walkable communities with non-vehicular interconnection between use areas

*The proposed plan integrates with the existing CVR street and sidewalk system, with easy access to the multi-use trail system at VIX Park. Recreational trail connectivity is provided within the project and to existing natural-surface trails to the north, east, and south of the subject property.*

Guarantee a balance of housing types that support a range of affordability

*The mix of unit type allows for a variety of lifestyle and income demographics.*

Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat

*The development plan preserves approximately 50% of the site area as undeveloped and largely undisturbed (except for natural-surface, recreational trails); the development is clustered at the lower-elevation half of the site, limiting impact to off-site views and preserving visual connectivity to public lands to the north.*

Encourage economic development and supporting hard and soft infrastructure

*The proposed development completes the planned connection of North Wildhorse Drive and advances the comprehensively-planned CVR neighborhood.*

Concentrate development in ways which provide efficient and cost-effective services

*The clustered plan is sited to connect efficiently to existing infrastructure within the CVR subdivision; the connection to - and completion of - North Wildhorse Drive provides access to the development and increases connectivity within the surrounding neighborhood without adding unnecessarily complex or extensive infrastructure to the existing systems.*

## Conformance with Comprehensive Plan



Tap Fees Table:

TABLE 1 - WATER & SEWER TAP FEES			
Unit Type	# Units	EQR/Unit*	# EQRs
Townhome - 3BR	26	1.000	26.000
Empty Nester - 1&2BR	24	0.800	19.200
Live/Work - 1&2BR	80	0.800	64.000
Subtotal =	130		109.2
25% Raw Water Irrigation Reduction =			81.9

**note: raw water is available for landscape irrigation; the applicant intends to connect to these resources pending evaluation of the system's point of connection and capacity**

Per code section 13.38.030(D) the tap fees can be reduced by 25% if we use raw water irrigation for the site landscaping.

Water Rights Dedication:

Water rights to be dedicated to town of New Castle per Second Amended Annexation Agreement.

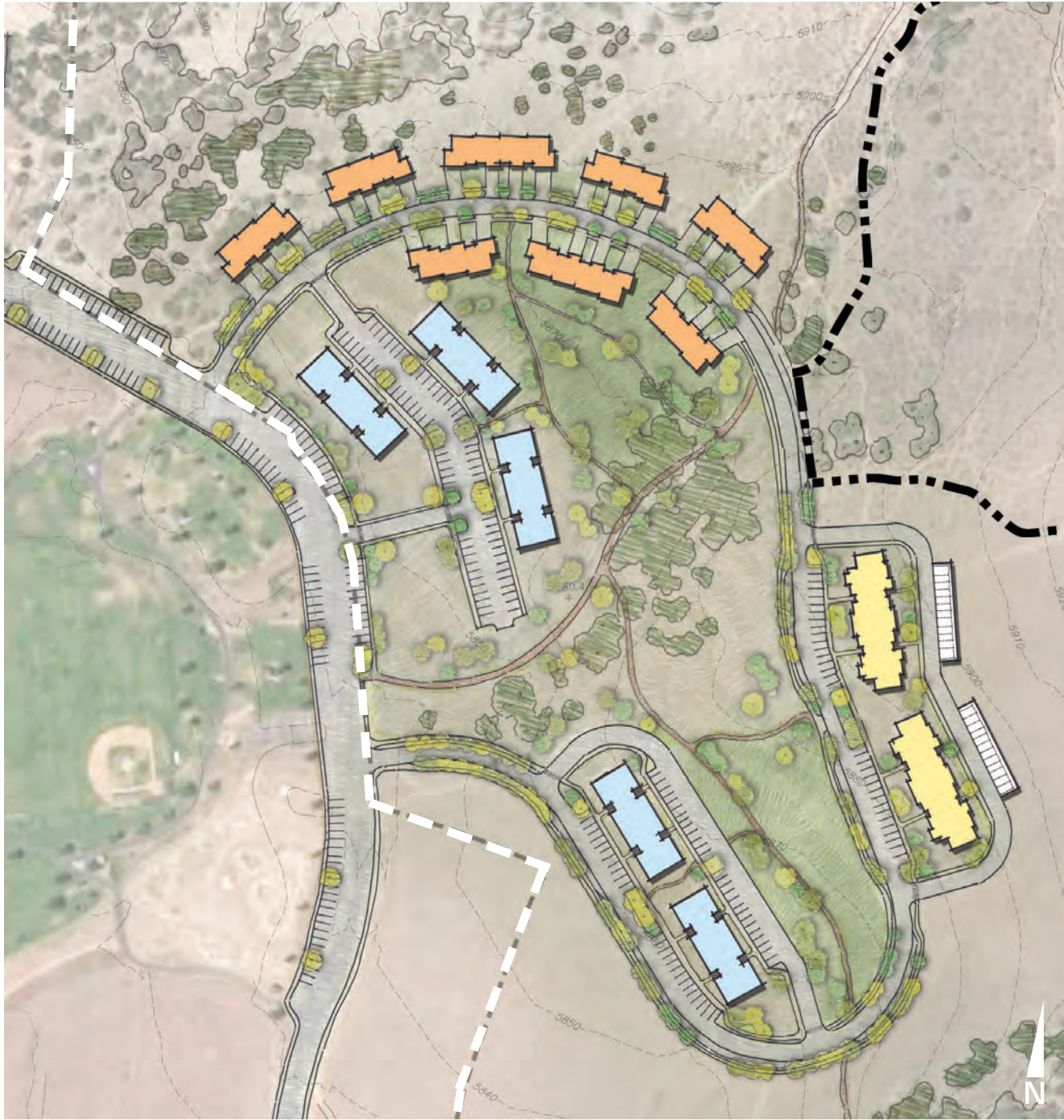
estimated number of residents

130 (units) x 2.6 (per unit) = 338 residents

estimated number of employees

+/-5 (directly employed as a result of this development, including administrative management, facilities management, maintenance staff. does not include estimate of other service employees related to municipal/community services)

Water and Sewer Loads



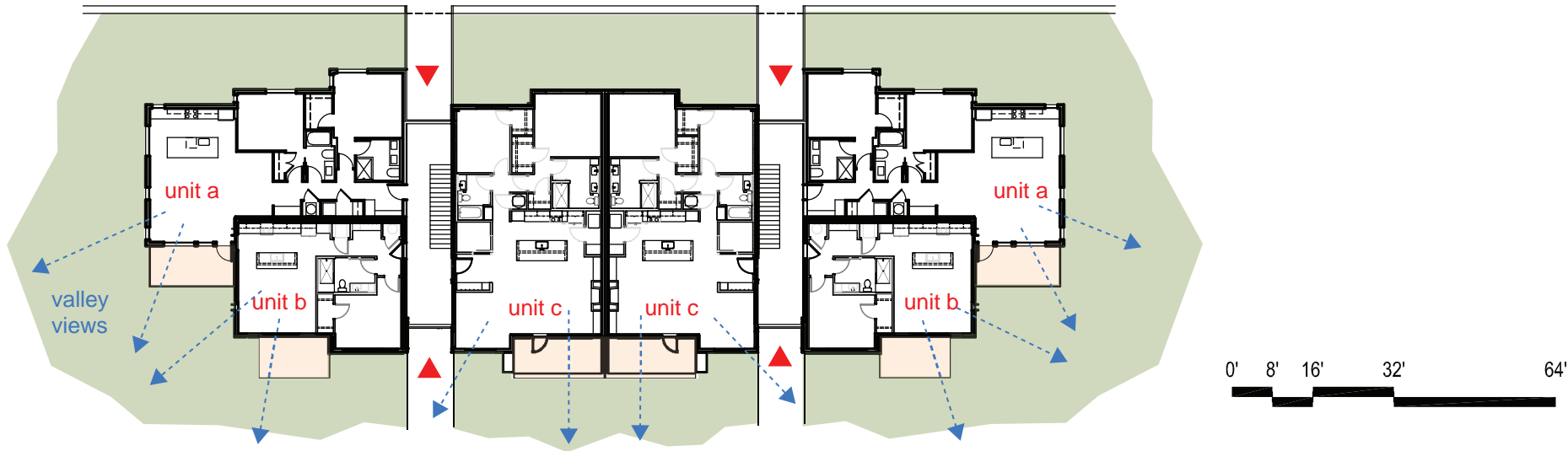
Building Type:	Number of Buildings:	Total Units:	Units/building:	Bedrooms/unit:
Live/Work	5	80	16	1-2
Empty Nester	2	24	12	1-2
Townhouse	8	26	3-4	3
Totals:	15	130		238

Unit Mix: Summary

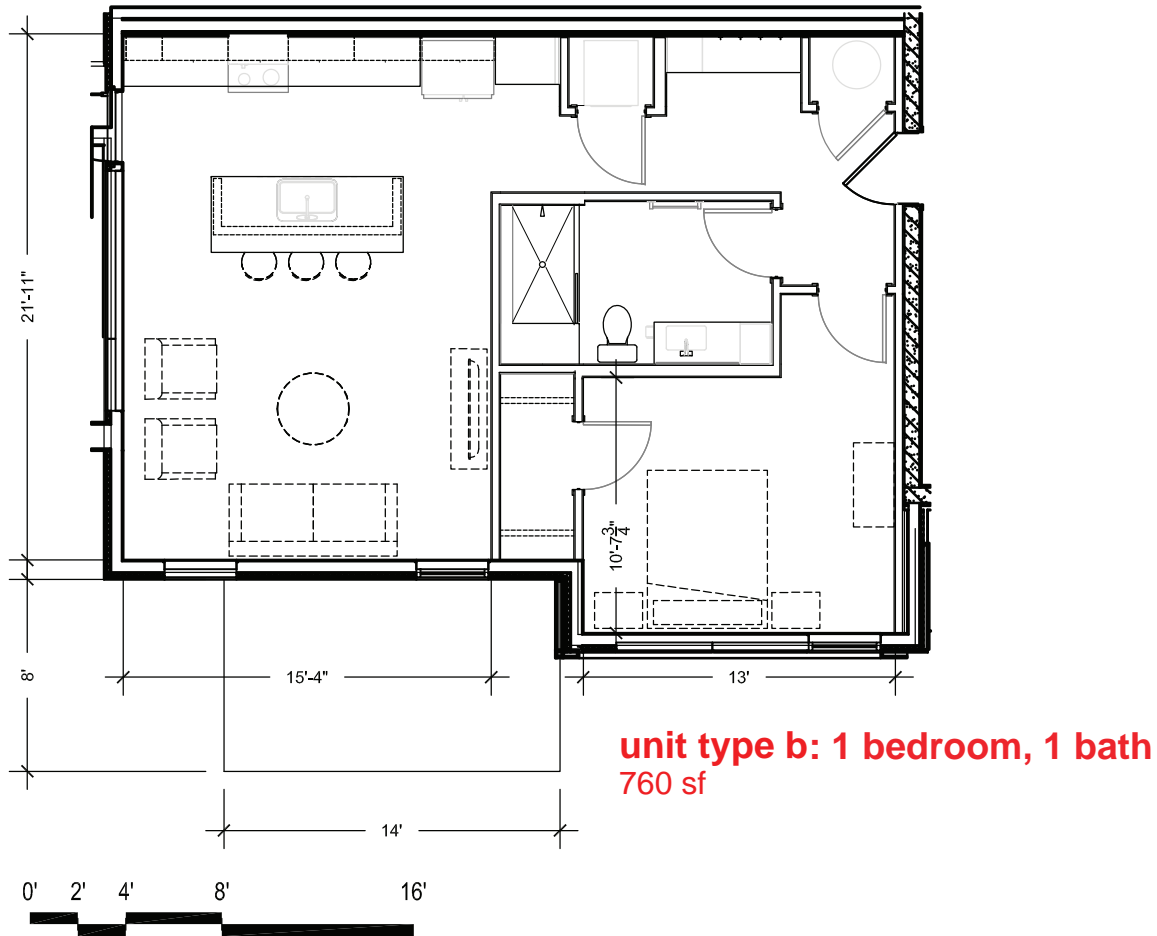
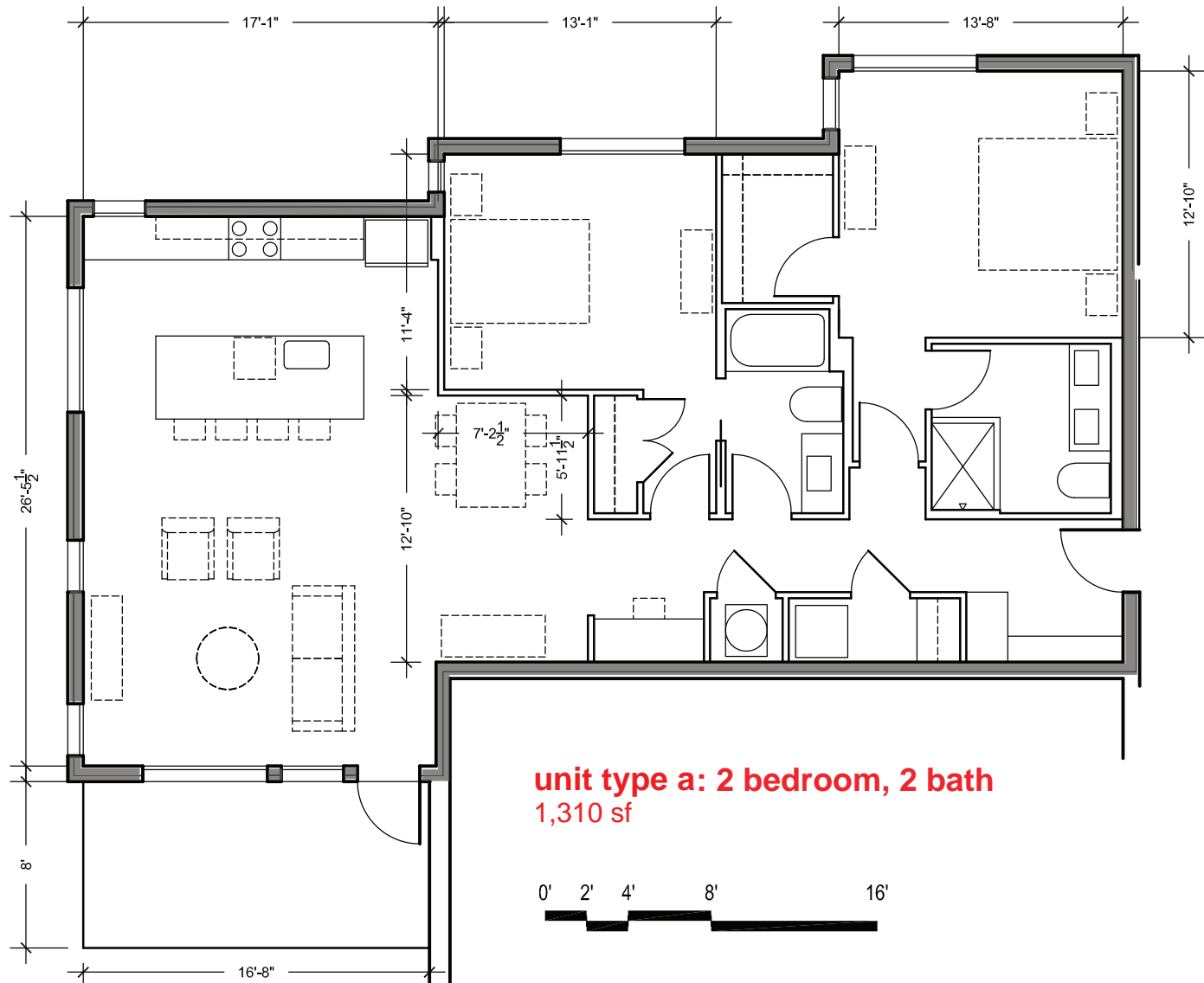
Building Layout:

unit mix per building

floor	1-bedrm	2-bedrm	
1	2	4	6
2	2	4	6
total	4	8	12

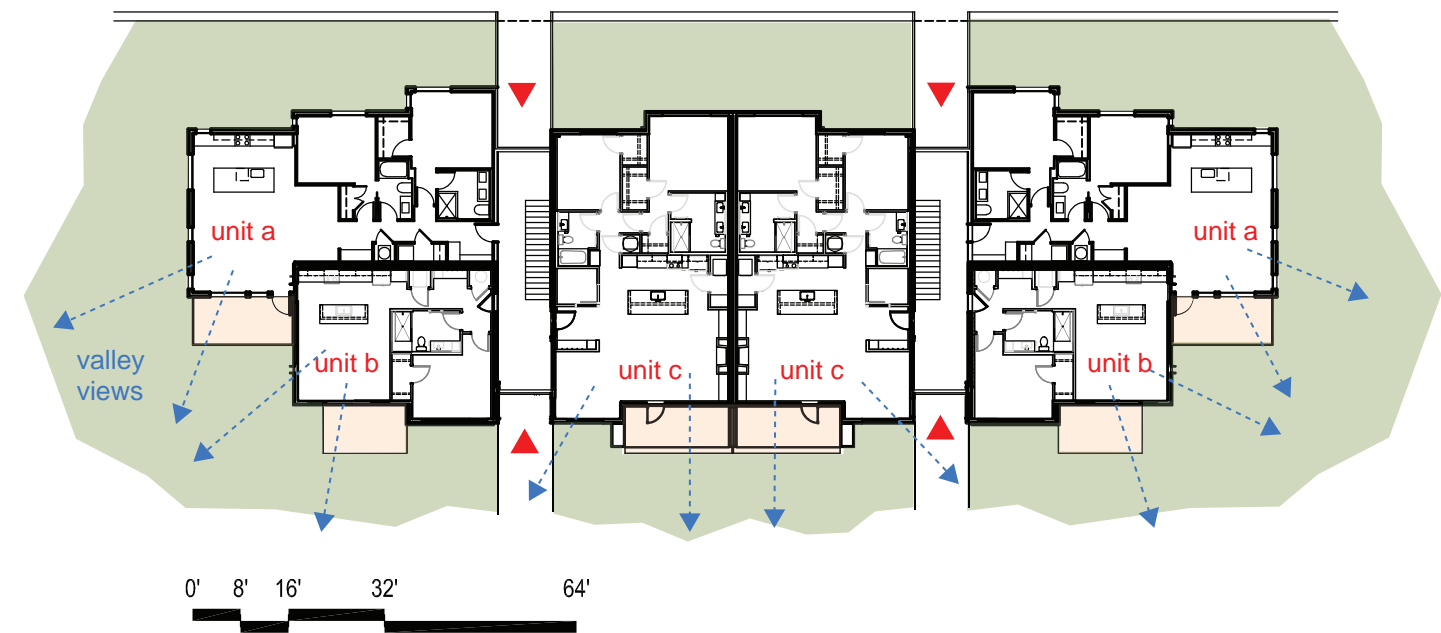


Unit Layouts:



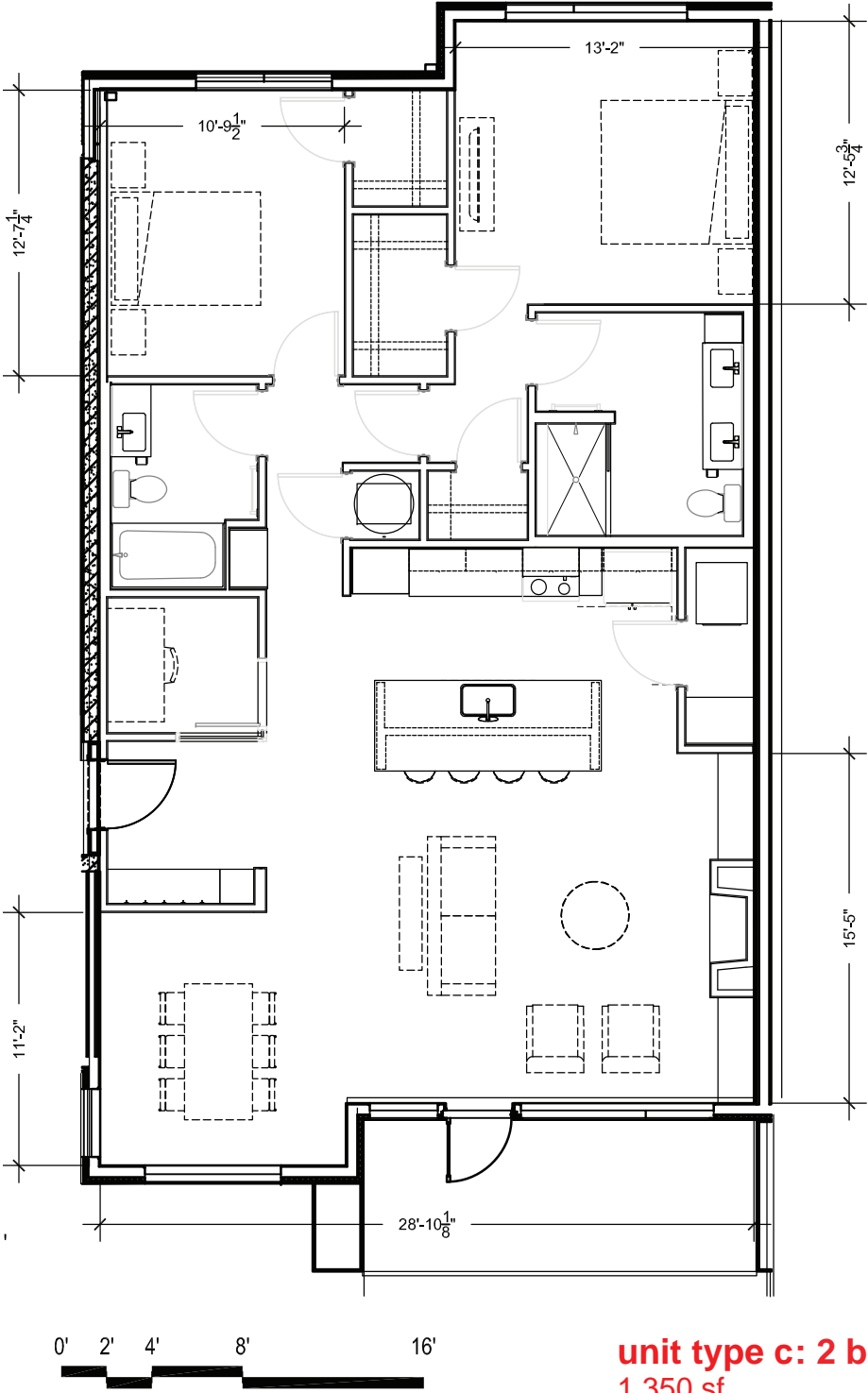
Unit Mix: Empty Nester

Unit Layouts Continued:



unit mix per building

floor	1-bedrm	2-bedrm	
1	2	4	6
2	2	4	6
total	4	8	12

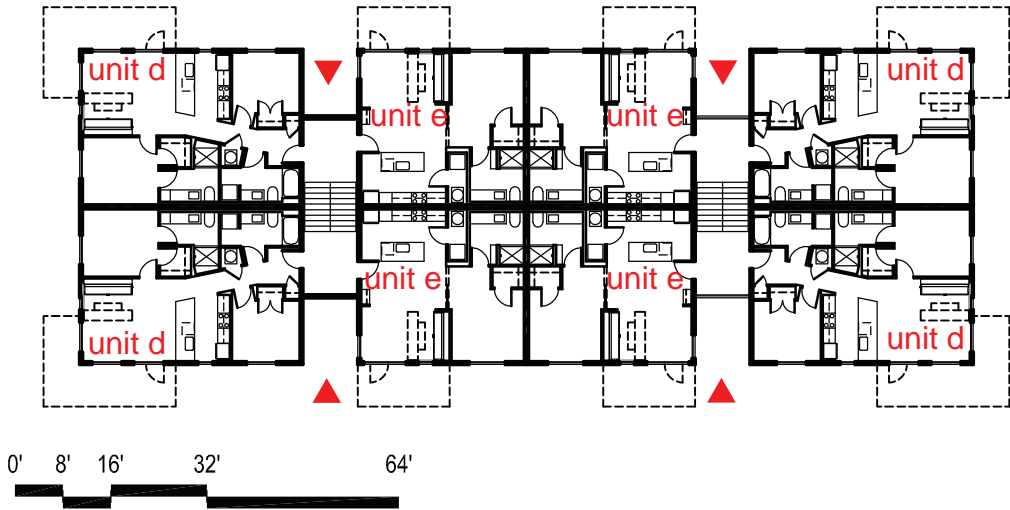


unit type c: 2 bedroom, 2 bath  
1,350 sf

Unit Mix: Empty Nester



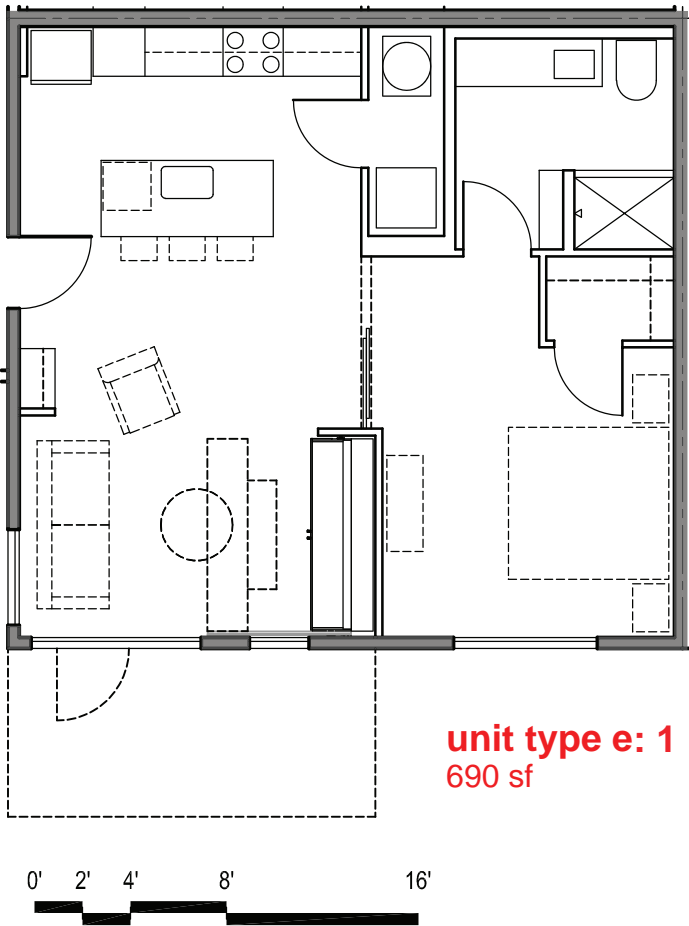
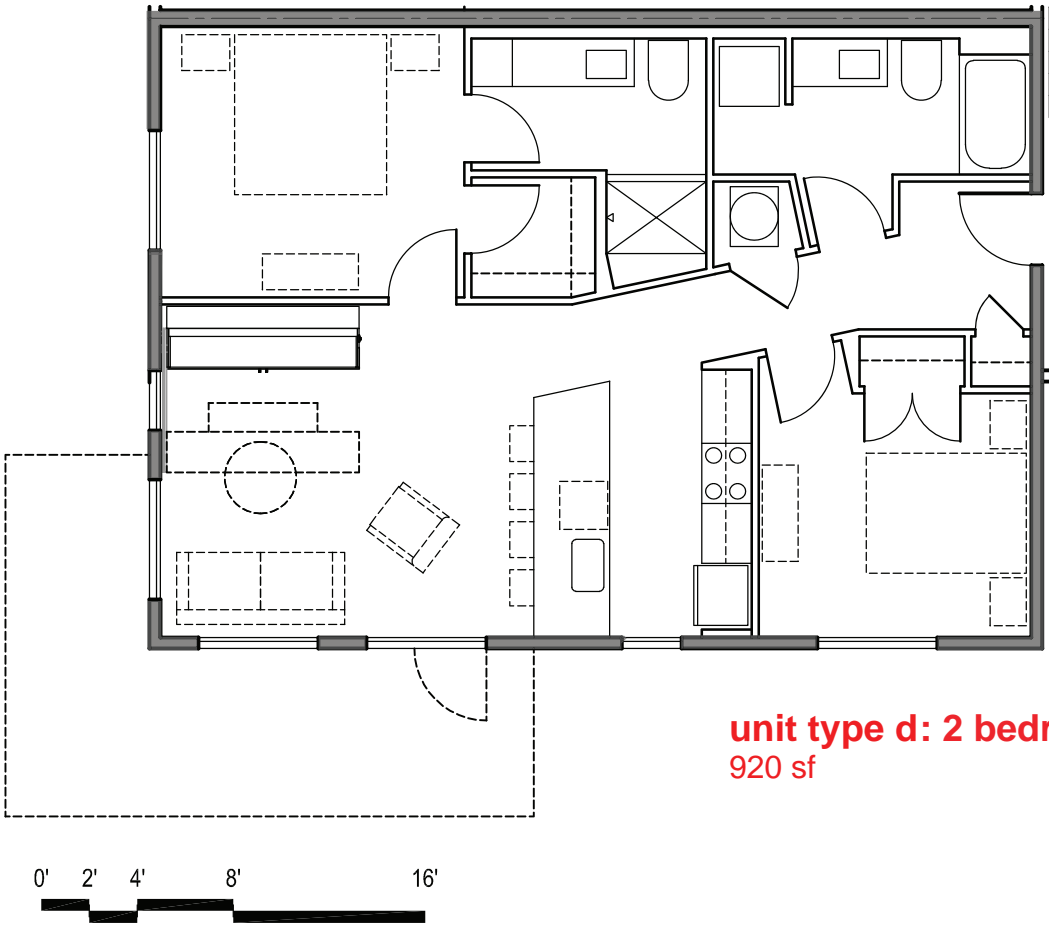
Building Layout:



unit mix per building

floor	1-bedrm	2-bedrm	
1	4	4	8
2	4	4	8
total	8	8	16

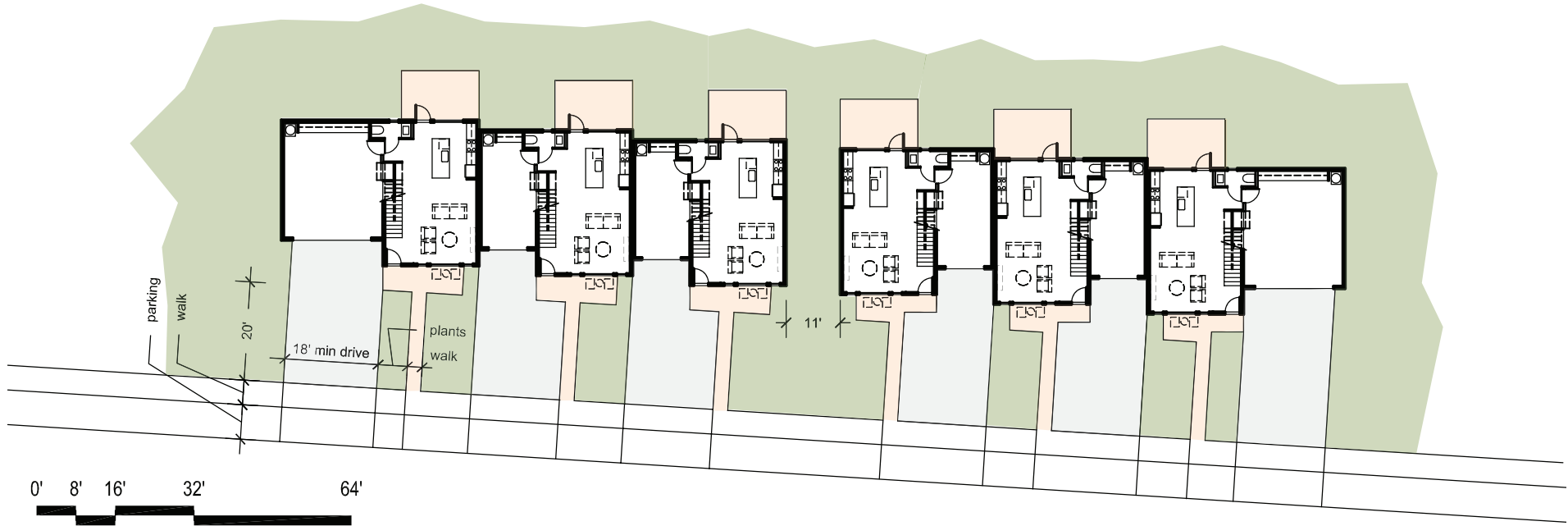
Unit Layouts:



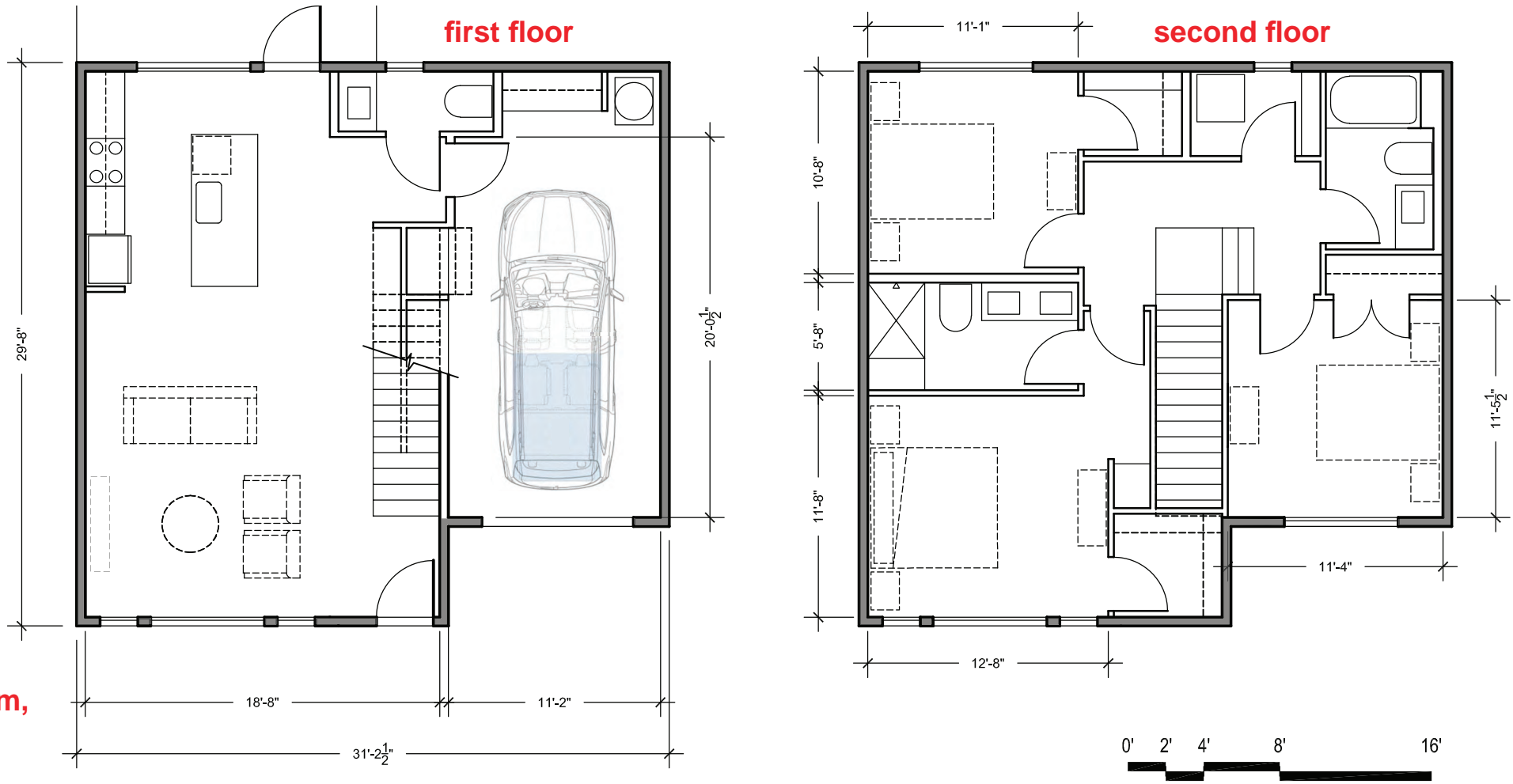
Unit Mix: Live/Work



Building Layout:

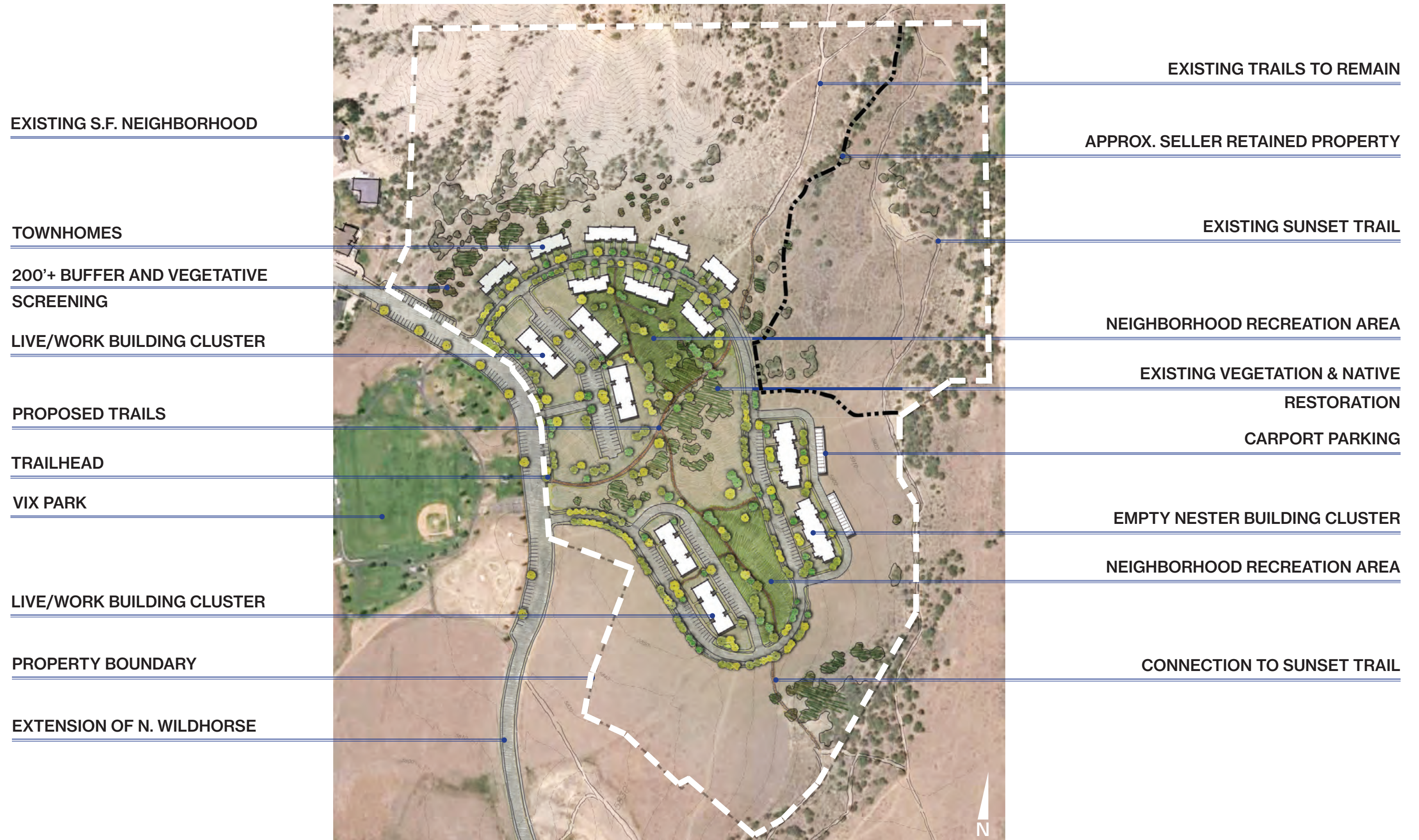


Unit Layouts:



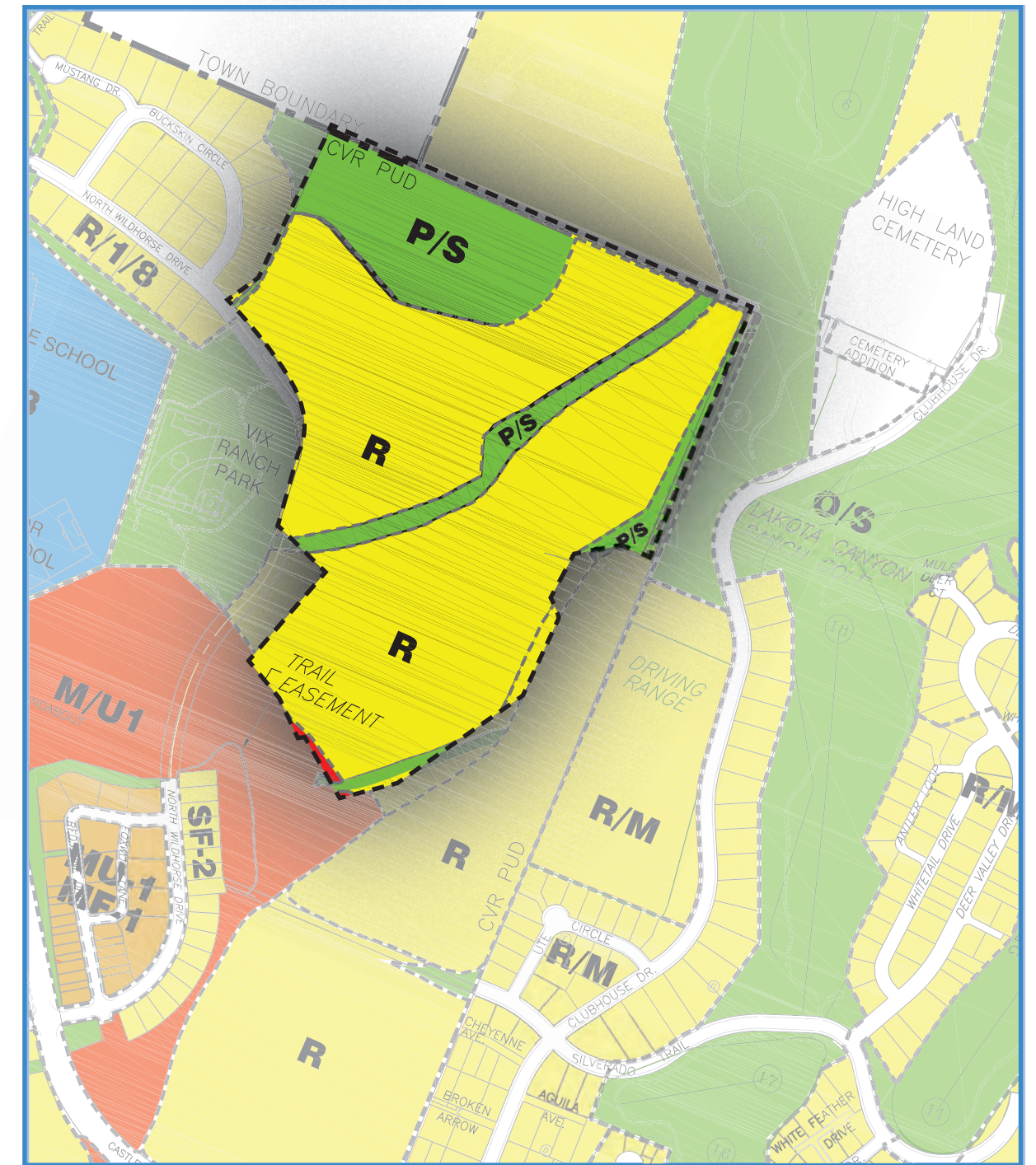
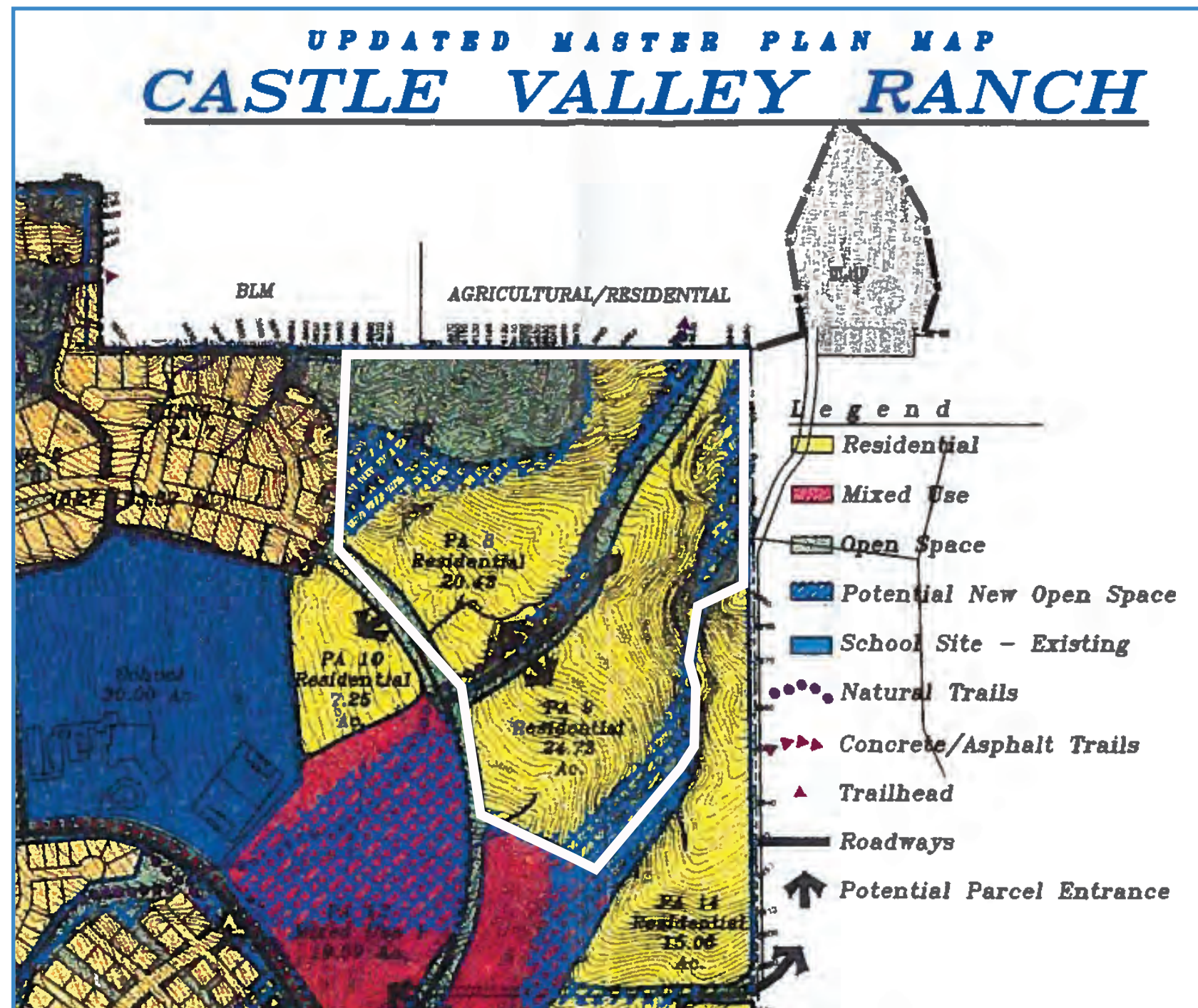
unit type f: 3 bedroom,  
2.5 bath  
1,400 sf + garage

Unit Mix: Townhouse



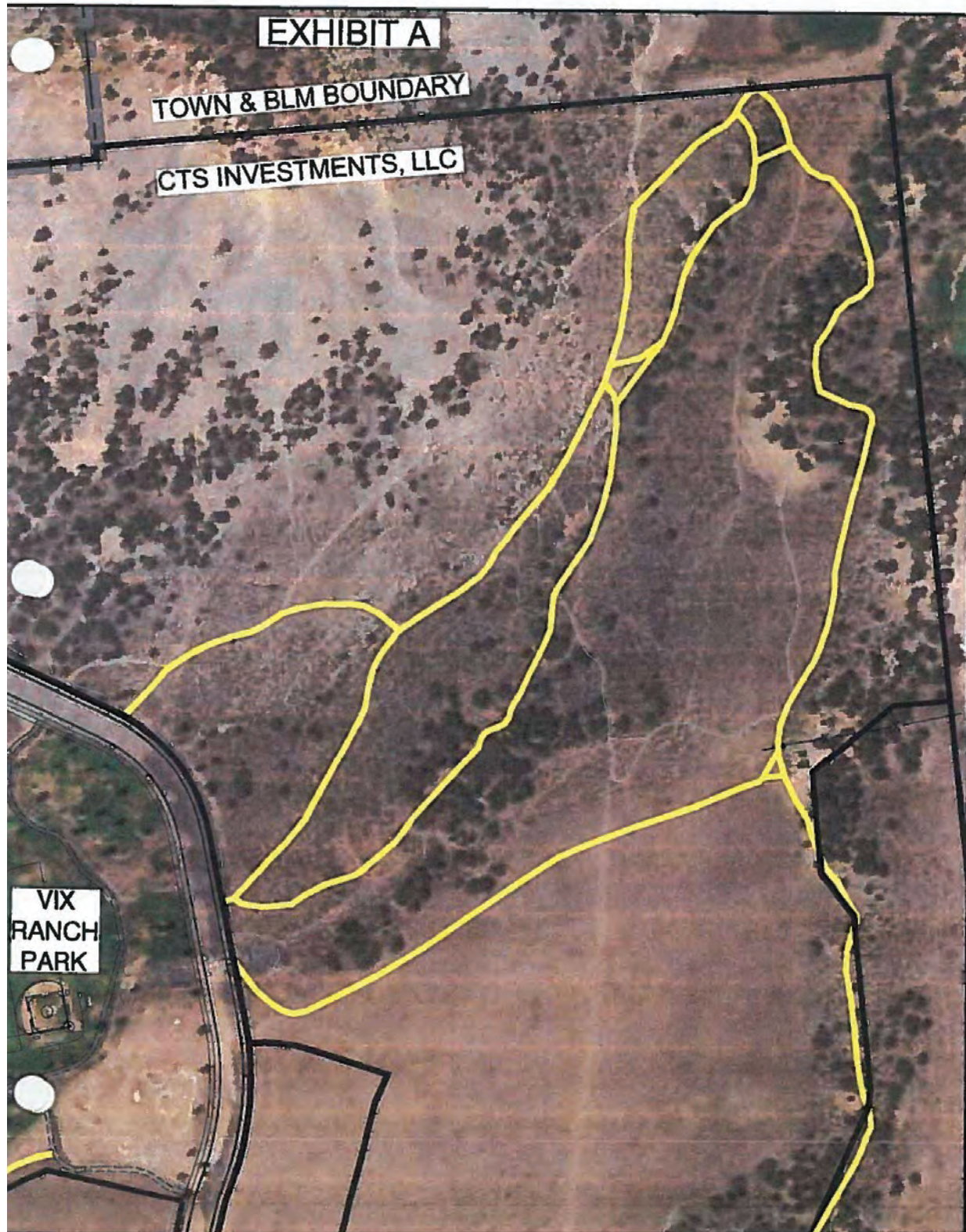
## Illustrative Site Plan





# Trails Planning





**\*Trail agreement specifies recognized trails and trails to be abandoned.**

# Trails Agreement





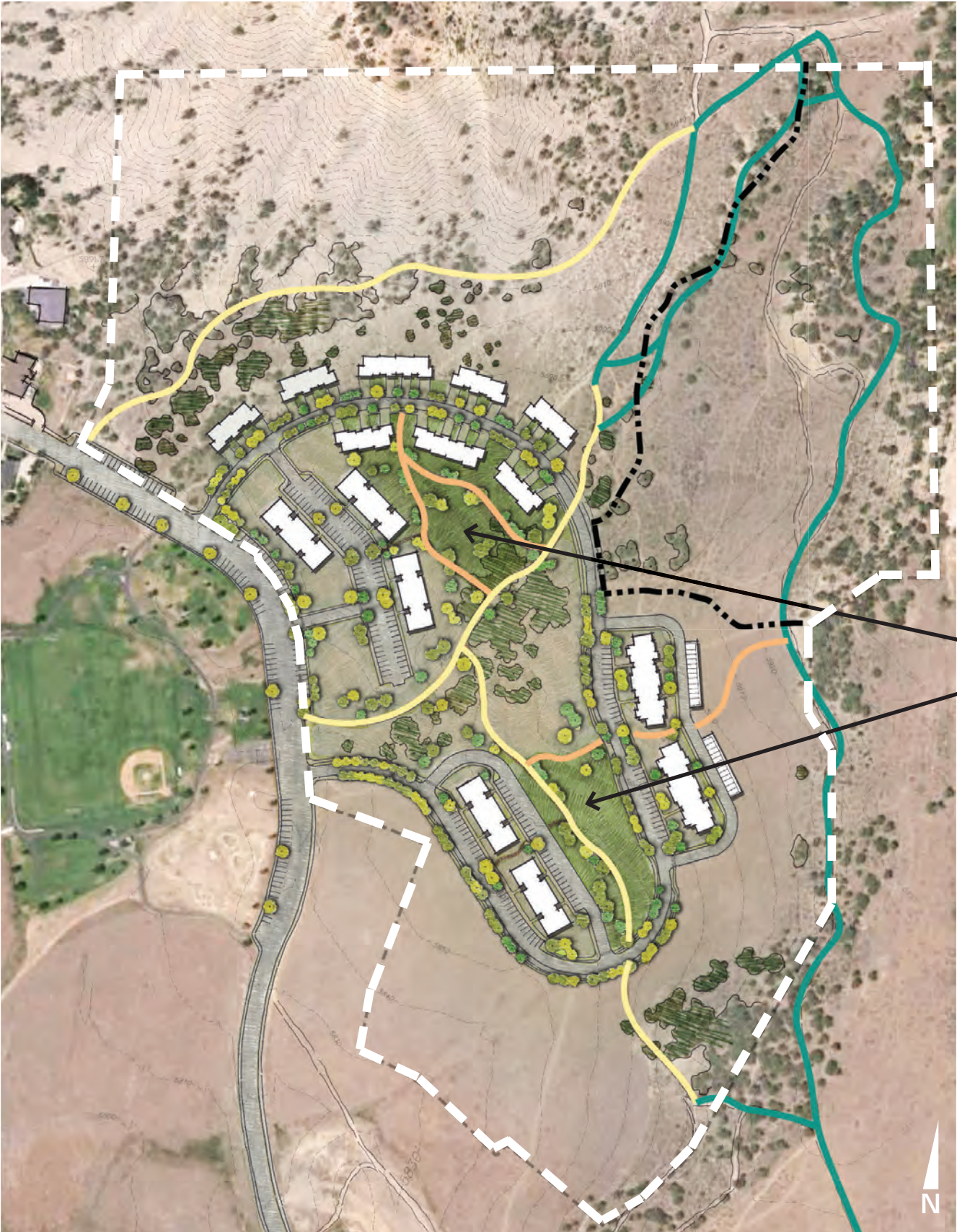
Preserve existing trails where possible (and per the trails agreement), realign trail connections through development



Create publicly accessible trailhead via Vix Park parking area



Dedicate additional parcel area to public open space



- EXISTING TRAIL NETWORK:  
public access to remain
- PROPOSED TRAILS:  
for public access
- PROPOSED TRAILS:  
for private use

POCKET PARK/OUTDOOR  
COMMON SPACE

# Site Amenities





**Note:**

The proposed streetscape sections vary from recently-established dimensional standards. This project proposes a modification to the standard to meet the intent of the standard while limiting total pavement area

**Wildfire suppression**

existing two-track path to remain

**Wildfire suppression**

approximate location of hydrant

**Main development roadway (dedicated R.O.W)**

two-way directional traffic with (proposed sections on following pages)

**Private drives**

two-way directional traffic with 90 degree parking stalls.  
Minimum 22' access drive width (edge-to-edge of asphalt)

**N Wildhorse Drive**

extend from north to south and provide access to development entrances and connect to existing developments to north and south. Parking along N. Wildhorse, for Vix Park/public use, to be coordinated with town of New Castle.

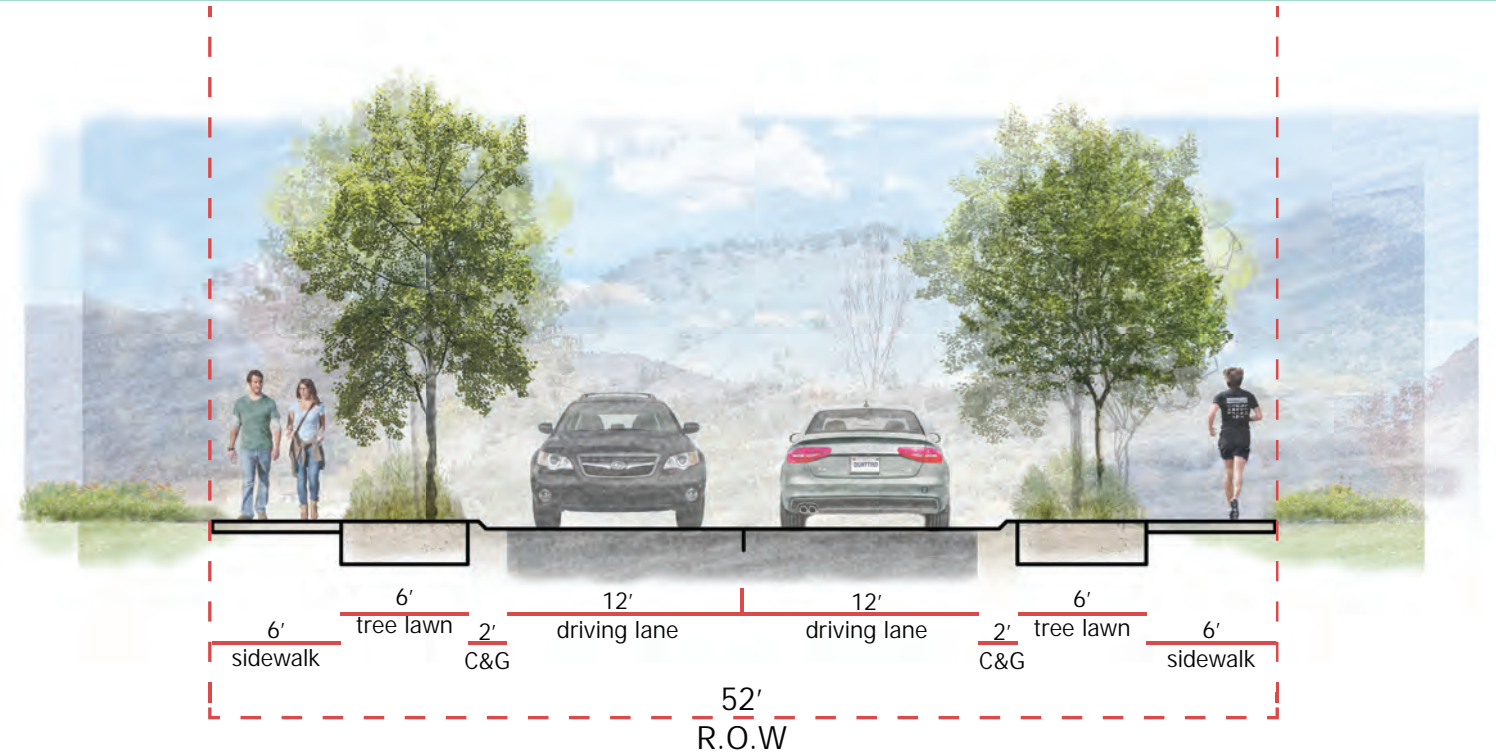
--- -- -- -- -- ➔ = FIRE ACCESS  
 ————— ➔ = CIRCULATION

## Traffic Circulation

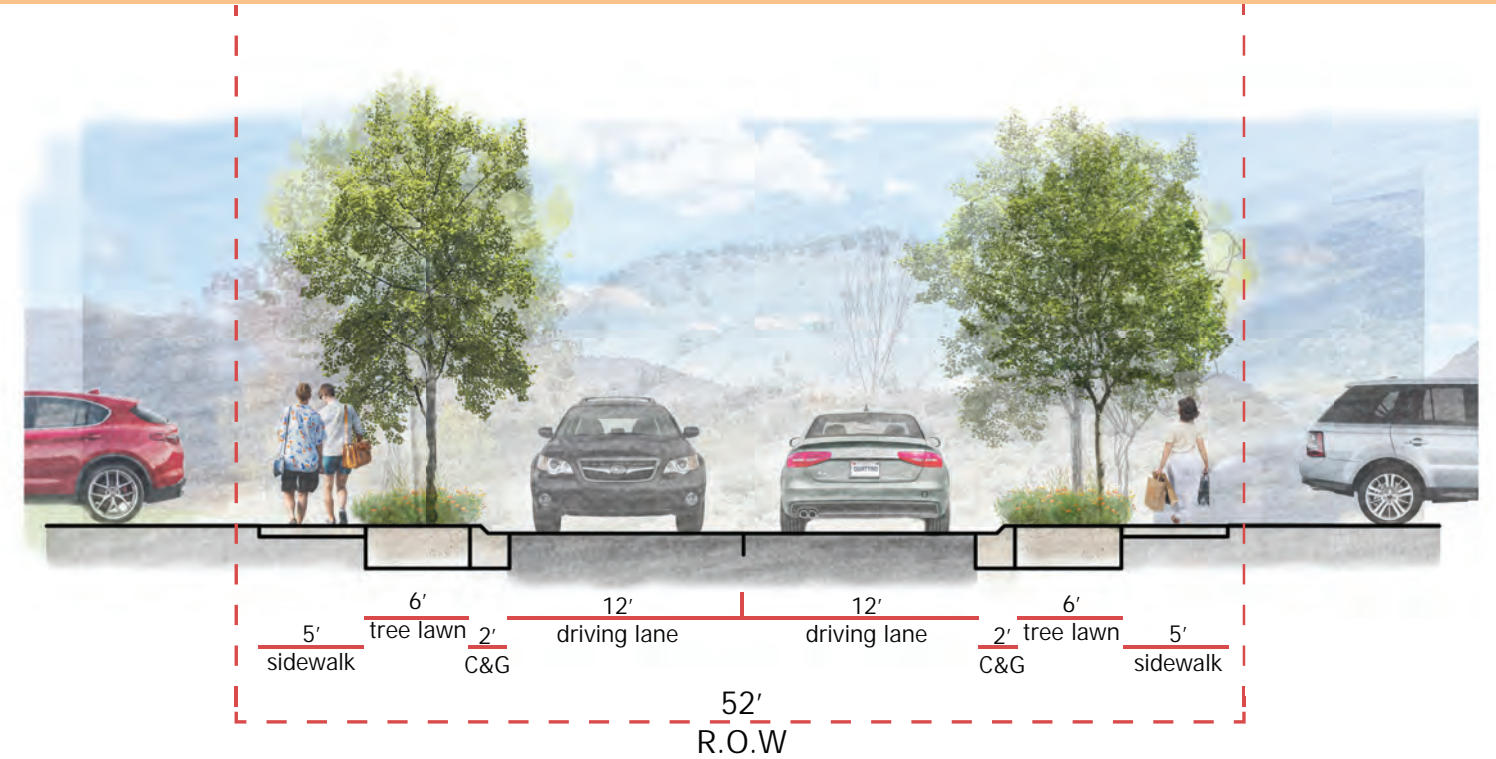




## Entry to Development ROW



## Townhouses ROW

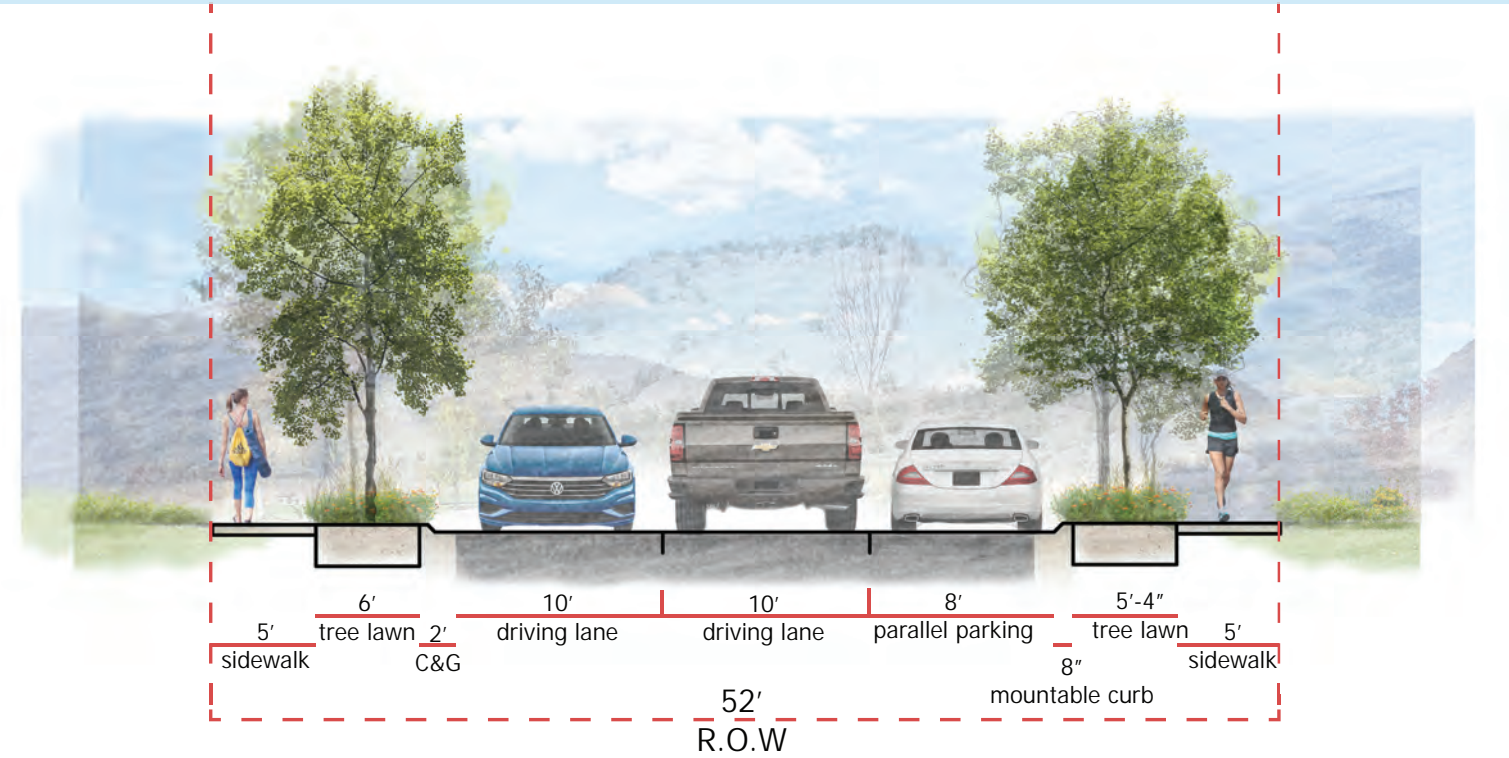


## Typical Right-of-Way Conditions

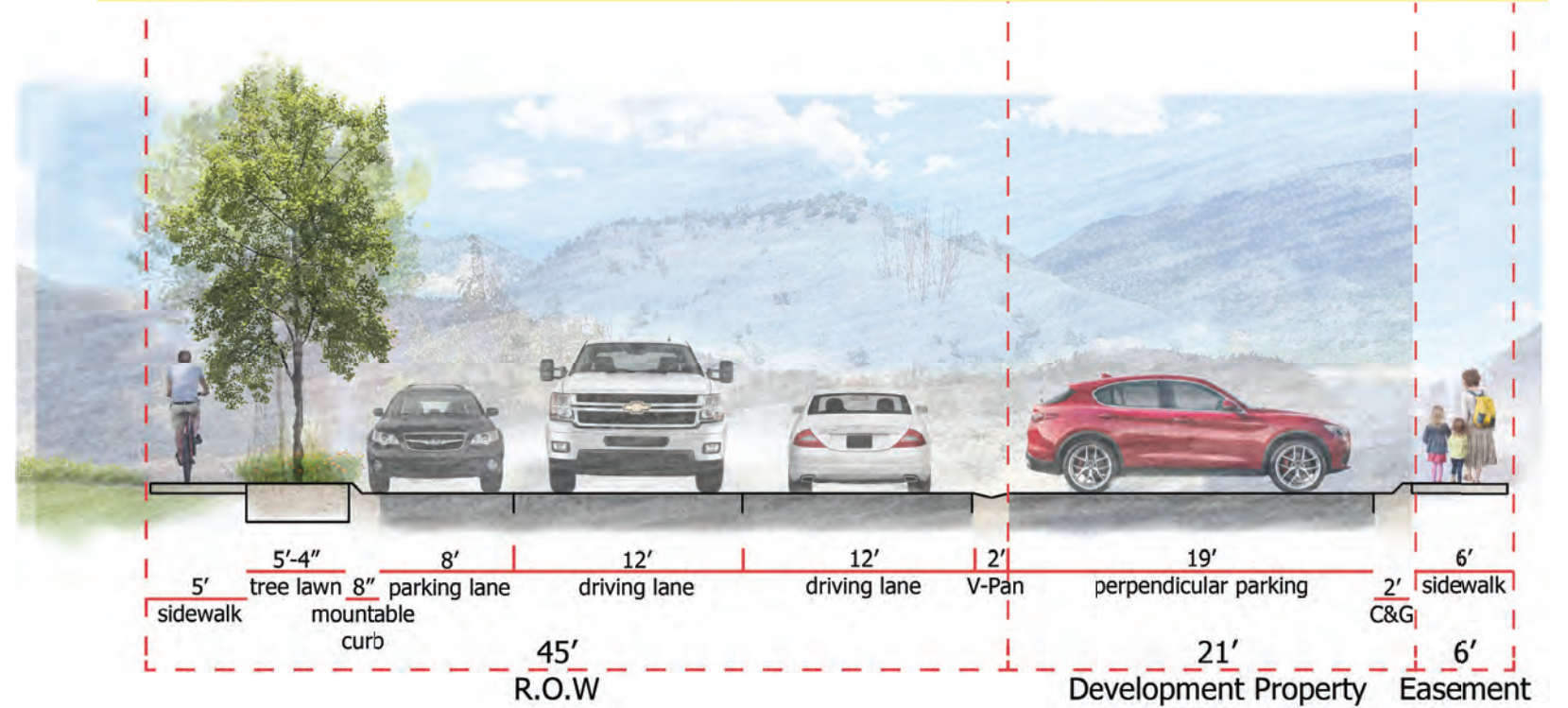




## Parallel Parking ROW



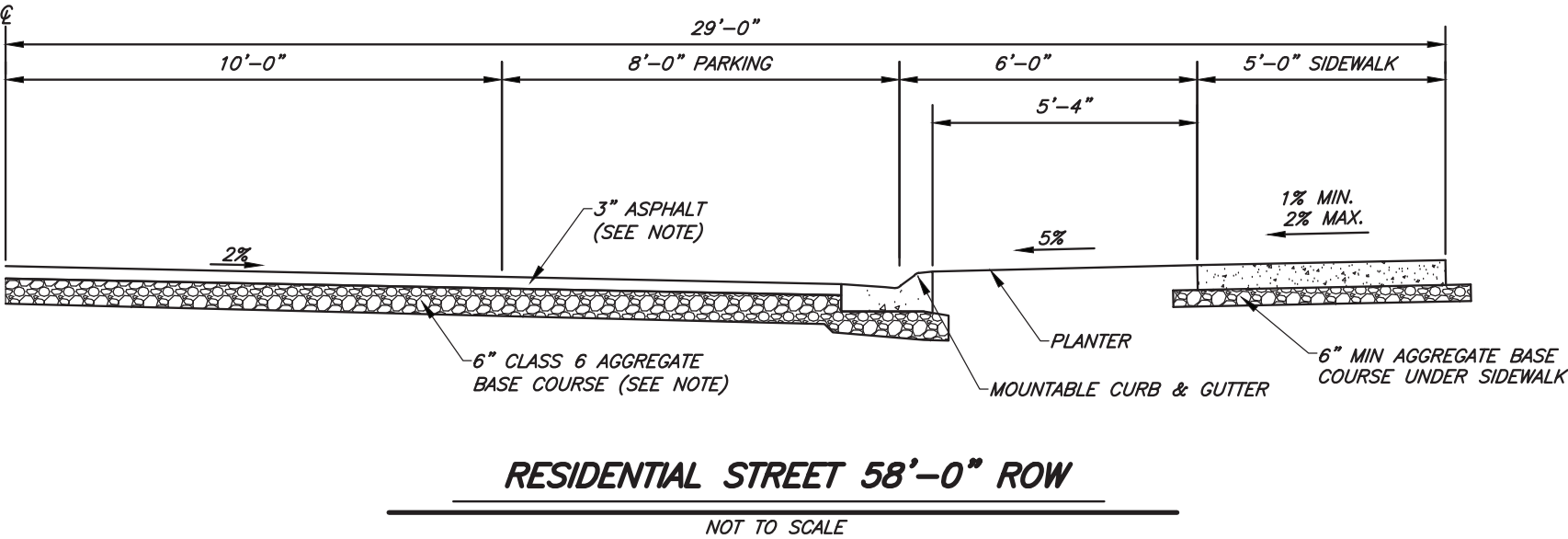
## Perpendicular Parking ROW



## Typical Right-of-Way Conditions



Town of New Castle Street Design Standard ROW:



- Deviations from Street Design Standards Reasoning:**
- Street use for residents - does not connect to other roadways
  - Off-street parking accomodates required spaces per town code, parallel parking is excess on top of requirement
  - Entry to neighborhood character is enhanced by wider tree lawns and sidewalks, parallel parking not necessary this far from buildings
  - Driveway crossing at townhouses ROW interferes with parallel parking opportunities



**Townhomes Guest Parking Options:**

- = Blue ROW (52' Total)
  - Parallel parking on 1 side
  - 4' wider asphalt than current ROW**YIELDS APPROX. 16 GUEST SPACES**
- + = Town Standard ROW (58' Total)
  - Parallel parking on both sides
  - 8' wider asphalt than current ROW**YIELDS APPROX. 30 GUEST SPACES**
- = Perpendicular Guest Parking (requires ROW redesign)  
**YIELDS APPROX. 25 GUEST SPACES**

Blue ROW begins, additional 11 parallel guest spaces available

**\*Total site-wide parallel parking capacity with current proposed ROW conditions = 58-68 spaces**

Typical Right-of-Way Conditions



# Townhouses



Overhang to protect door from weather | Generous view windows | Garage at each unit | Private balconies at street-scape



Texture and pattern of material adds human scale elements

Side at Garage



Gable highlights each unit. The wrapping roof line provides privacy and identity.

Color variation defines units

Townhouse Unit



Natural tones of durable material such as fiber cement, metal, and wood

Private ground level outdoor space at each unit backyard

Back

## Architectural Character



# Live-Work and Empty Nester

Live work building, and the Empty nesters are similar with some modest variations in the exact form and color to be determined



Texture and pattern of material adds human scale elements

Natural tones of durable material such as fiber cement, metal, and wood

Gable breaks up massing. The wrapping roof line provides privacy and identity.



Large corner windows to capture views



Large private balconies at each unit



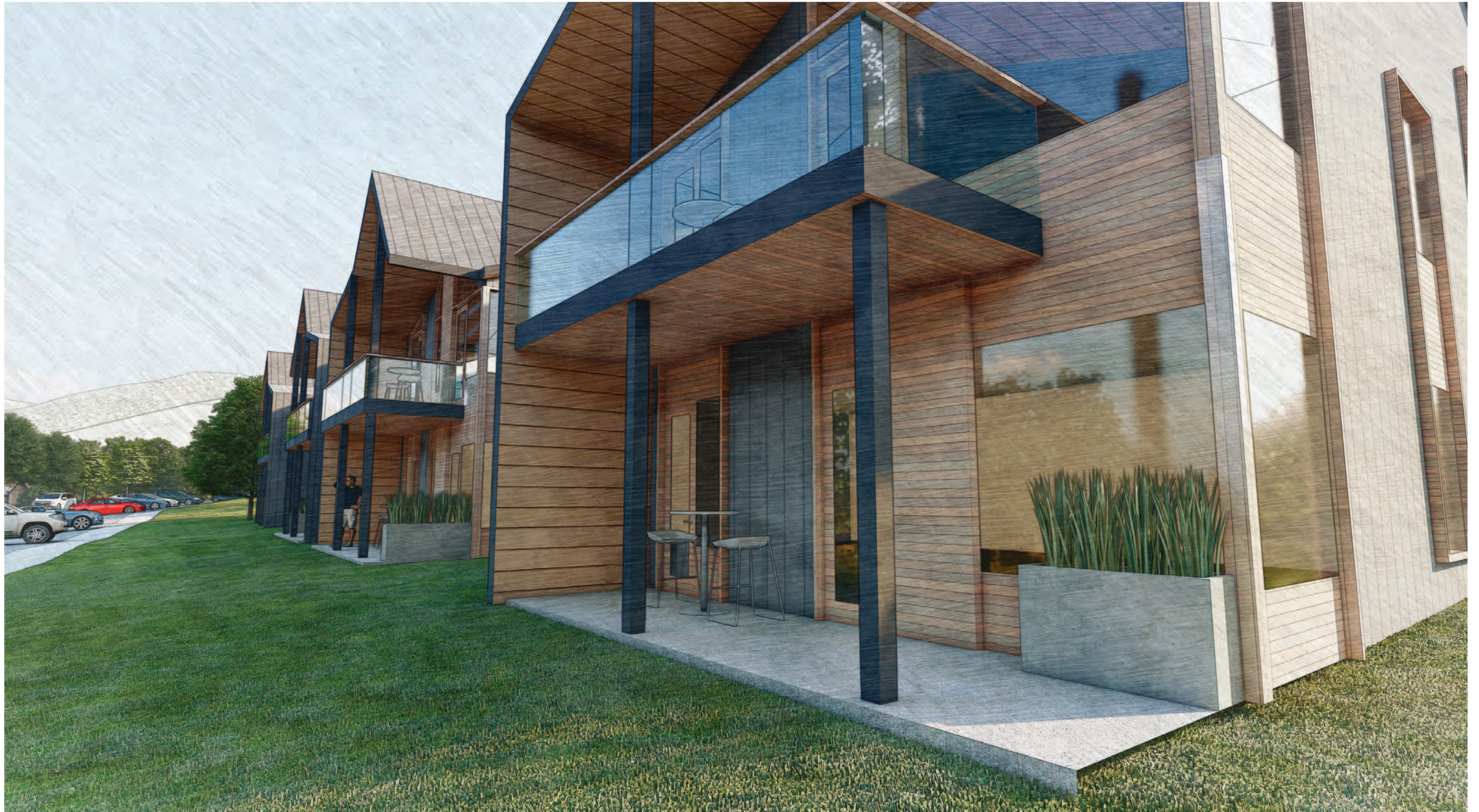
## Architectural Character





## Architectural Character: Townhomes





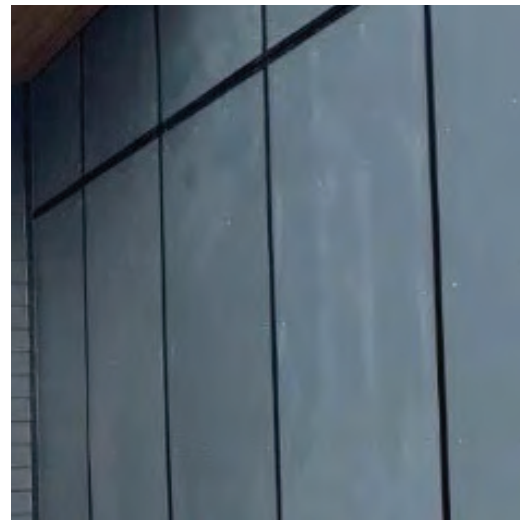
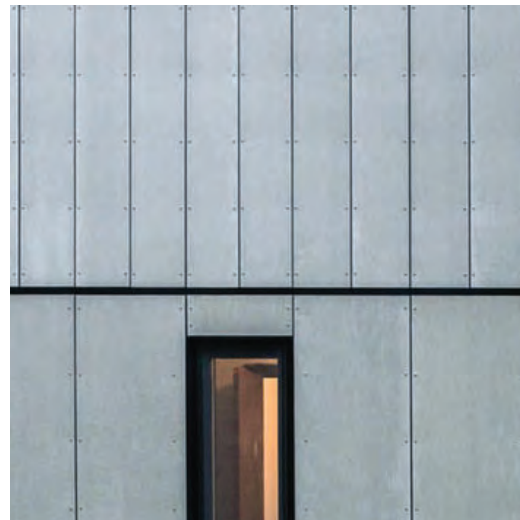
## Architectural Character: Live/Work





## Architectural Character: Empty Nester





## Architectural Character: Materials





First Ridgeline

## Viewsheds





First Ridgeline

## Viewsheds





## Site Views





## Site Views





## Site Views





## Site Views



**New Castle, Colorado  
Planning and Zoning Commission  
Wednesday, October 25, 2023, 7:00 PM**

**Call to Order**

Commission Chair Apostolik called the meeting to order at 7:01 p.m.

**Roll Call**

Present	Chair Apostolik
	Commissioner Riddile
	Commission Alternate Rittner
	Commissioner Sass (arrived at 7:35 p.m.)
	Commissioner McDonald
	Commissioner Cotey
	Commissioner Westerlind
Absent	Commissioner Martinez
	Commissioner Alternate Parks

Chair Apostolik announced that Commissioner Sass was on her way.

Also present at the meeting was Town Planner Paul Smith, Town Administrator Dave Reynolds, Town Clerk Mindy Andis and Deputy Town Clerk Remi Bordelon and members of the public.

**Meeting Notice**

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

**Conflicts of Interest**

There were no conflicts of interest.

**Citizen Comments on Items NOT on the Agenda**

There were no citizen comments.

**Items for Consideration**

**R2 Castle Valley Ranch Multifamily Sketch Plan Application**

Town Planner Paul Smith introduced R2 Partners Principal Barry Rosenberg and DHM Design Principal Jason Jaynes, and he identified the proposed area of development in his staff report. Mr. Rosenberg introduced his team and expanded on R2 Partners development experience of 60 years. He said R2 Partners had rarely sold property that they developed. He highlighted the importance of that commitment, in regard to thinking and developing long term.

*Project Information*

*Name of Applicant:*

*R2 Partners*

*Applicant's Mailing Address:* 1009 Delta Avenue

*Cincinnati, OH 45208*

*Phone/Email:*

*614-266-7629/b.rosenberg@r2partners*

*Property Owner:*

*CTS Investments, LLC*

Planning & Zoning Commission  
Wednesday, October 25, 2023



Owner Mailing Address            343 Dakota Blvd.  
Boulder, CO 90304  
Proposed Use:                      130 rental townhomes/apartments in 15 buildings  
  
Approximate Residents: 338  
Bulk Density:                      2.74 units/acre  
Open Space:                      20acres/45% undisturbed open space;  
   14acres/31% developed common area open space;  
   34acres/76% total open space;  
Underlying Zoning:                Residential  
Surrounding Zoning:              Single family residential homes (N Wildhorse Dr.);  
   Open Space (VIX Park, LCR Golf Course)  
   Mixed use zoning (TC Midwest, LLC)  
   Residential zoning (CVRI & LCR)

**VI Sketch Plan Exhibits:**

- A.     Applicant Sketch Plan Submittal – September 21, 2023
- B.     Land Development Application – July 24, 2023
- C.     Applicant Engineering Letter – August 2, 2023
- D.     Utility Plan – July 12, 2023
- E.     Comments from Fire Marshal – October 17, 2023
- F.     Comments from Town Engineer – October 19, 2023

**I Introduction**

R2 Partners has been both a developer and owner of multifamily projects for over the past 60 years. Based in Cincinnati and various areas in the state of Colorado, R2 is rethinking multifamily residential living. Their current application in Castle Valley Ranch hopes their revisioning will dovetail with the values of current New Castle residents. The proposal contemplates 130 total units with three distinct models, each serving unique functions:

- Model 1: “Empty-nester” targets retirees who value convenience and practicality;
- Model 2: “Live/Work” targets professionals looking for adaptive designs and multi-functional space;
- Model 3: “Townhomes” are conventional urban concepts available for starters or those looking to downsize;

Prior to the current sketch plan meeting, R2 Partners and their team consulted with Town Staff on various occasions. Some of these included:

- A required pre-application meeting on June 21<sup>st</sup>, 2023;
- An informal meeting with the architect on August 11<sup>th</sup>, 2023, to discuss application completeness;
- A Staff meeting with the R2 team on August 2<sup>nd</sup>, 2023, including the fire marshal and the public works director exploring street design alternatives;
- Follow-up phone calls regarding application completion on various dates;

After one significant revision and several minor alterations, the sketch plan application was considered complete on October 2<sup>nd</sup>, 2023. The sketch plan is the first of three application steps required for new planned unit developments (“PUD”) & subdivisions. The sketch plan review assesses initial compliance with town codes, provisions for utilities and infrastructure, substantial conformance to the comprehensive plan, and adverse impacts to the Town. The review provides the applicant preliminary, nonbinding feedback from Staff, the Planning Commission, and Town Council before significant expenses are incurred. Though no approvals are made at this initial step, constructive feedback can be anticipated.

Planner Smith outlined the staff report, applicant exhibits, developer application, Town Engineer Jeff Simonson’s letter, Fire Marshal Orrin Moon’s comments and Director of Public Works John Wenzel’s statement. Planner Smith said the meeting was a sketch plan followed by a preliminary meeting and final meeting. He informed the commission



that nothing was binding for the sketch plan, but encouraged feedback that he would include in the staff report to Council.

Planner Smith referred to Exhibit A, page 14 of the commission packet for a visual example of R2 Partners development site plan (Exhibit A of these minutes). He said R2 Partners planned to build 130 townhomes, with three types of models: 'Empty Nester' model intended for retirees; 'Live/Work' model intended for working professionals/small couples; and 'Townhomes' model intended as a starter home or for residents looking to downsize.

Mr. Rosenberg explained the layout of each model. For the 'Empty Nester' model (Exhibit B), he said, catered to residents 55+ in age, who do not wish to own a home and would rather live in a high-end rental. He said the unit size would be bigger with a larger kitchen, ten-foot ceilings and larger bedrooms. He said there were no restrictions on who could rent an 'Empty Nester' unit but that the design was catered towards retirees wanting to rent high-end. Mr. Rosenberg clarified that the leases would reflect a limit to the number of renters per unit to avoid multiple renters in one rental. For the 'Live/Work' model (Exhibit C), Mr. Rosenberg highlighted the unique design of a modern, adaptive, working living room. He said the intent was to create an adaptable work from home environment with a one or two bedroom design that "folded" into working spaces. He said that design aspect had been seen nationally with a high success rate. For the 'Townhomes' model (Exhibit D), Mr. Rosenberg said there was a market for families and the three-bedroom townhomes was intended to cater to them. Commissioner McDonald asked if R2 Partners used the segmented building design in past developments. Mr. Rosenberg confirmed they built all three models in the past, successfully.

Commissioner Rittner and Commissioner McDonald inquired about property management. Mr. Rosenberg said they managed everything themselves with their management company based in Ohio, maintaining roughly 135,000 units. Commissioner Rittner suggested adding an onsite property manager. Mr. Rosenberg said they would consider hiring a local property manager, since R2 Partners was not local to New Castle.

Commissioner Sass asked what R2 Partners timeframe would be. Mr. Rosenberg said with the potential of getting the final development approval in 12 months, they planned to start building after that. He said the project was planned as one phase of building, but he did not have an exact timeline for the site work. He said it would take them 12 months to build the overall facility. Commissioner Westerlind asked what the estimated build cost would be per square foot? Mr. Rosenberg said he would get that information for the commission.

Commissioner McDonald asked if there were any plans for the undeveloped parcel next to the proposed project. Planner Smith said there was a small area of land that Steve Craven owned that had the possibility of building 6 more units since R2 Partners planned to build 130 units instead of the slated 136 units (Exhibit E). Planner Smith and Commissioner Riddile said Steve Craven would have to come to P&Z as a separate application. Mr. Rosenberg said Steve Craven's parcel would have legal access and would be a 'joiner' to that right-of-way.



**II Staff Review:**

Throughout the application process, the submittal documents will be reviewed pursuant to the criteria outlined in the Municipal Code (MC) for planned unit developments (PUDs) and subdivisions. At the sketch plan stage, an application should show general conformity to the following criteria (MC 17.100.040(E)):

- Consistency with the comprehensive plan;
- Compatibility of proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions;
- Availability of town services from public works, fire, and police;
- Vehicle, bicycle, and pedestrian circulation; and
- Preservation of the natural character of the land.

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

According to CVR PUD regulations (MC 17.104.010):

"The purpose and intent of the Castle Valley Ranch PUD zone district regulations are to:

- A. Encourage variety in the physical development pattern of Castle Valley Ranch;
- B. Provide a variety of housing densities greater than would be normally possible;
- C. Encourage the use of a more creative approach to the development of land;
- D. Encourage a more efficient, aesthetic and desirable use of open space;
- E. Encourage a more efficient use of energy through solar orientation, native vegetation, and water conservation;
- F. Provide a variety of dwelling and building designs;
- G. Provide high standards of development and provide amenities appropriate to the densities involved in the project;
- H. Provide an integrated open space system throughout areas as outlined on the Castle Valley Ranch PUD zoning plan as well as throughout individual districts;
- I. Provide for a variety of housing types in order to best meet the housing demands of all age groups;
- J. Maintain and preserve the general alignment of drainage ways for aesthetic, energy and functional purposes;
- K. Provide pedestrian networks throughout the open space districts as well as throughout individual districts thereby providing an integrated network throughout the entire development;
- L. Provide landscape areas and tree plantings throughout the entire development."

The preceding planning concept is consistent with the major elements of the currently adopted Comprehensive Plan ("CP") which is itself derived from public input such as surveys, stakeholder interviews, meetings, and Steering Committee contributions. Applicants are expected to clearly demonstrate substantial conformity with the CP in all applications (**Policy CG-1B**). The checklist below, though not exhaustive, provides a tool for reviewers to assess conformance. The application therefore should:

- ☐ Foster distinctive, attractive communities with a strong sense of place and quality of life.
- ☐ Demonstrate that individual project fits into a fully-balanced community land use structure.
- ☐ Ensure a mix of uses that complement the existing New Castle land-use patterns.
- ☐ Create walkable communities with non-vehicular interconnection between use areas.
- ☐ Guarantee a balance of housing types that support a range of affordability.
- ☐ Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.
- ☐ Encourage economic development and supporting hard & soft infrastructure.
- ☐ Concentrate development in ways which provide efficient and cost-effective services.

According to the submittal packet (**Exhibit A, page 7**), the proposal aligns with a number of New Castle goals and values favorable for Smart Growth and a strong quality of life (**Goal CG-5**). The proposal focuses on conservation of the natural environment (**Goals EN-1 thru EN-8**), sensitivity



213 to architectural aesthetics, and promoting trails and open space (**Goal RT-1**). The Applicant  
214 aspires to create a space commensurate with community, outdoor recreation, and sustainability.  
215 Generous open space, interconnected trail systems, and thoughtful use of resources contribute to  
216 these ends.

217  
218 As part of a Smart Growth strategy, policy **Goal CG-4** expects large residential development  
219 (greater than 50 units) to integrate commercial services and conveniences. Though not  
220 contemplated within this application, commercial development is anticipated on the vacant parcel  
221 south of VIX Park. To meet Smart Growth objectives, the Planning Commission should consider  
222 how the current application will balance with the adjoining commercial enterprise to the  
223 southwest. Though independently owned, the Town should be mindful as to how these two  
224 developments can mutually contribute to Town's values.  
225

226 Planner Smith identified the checklist in the staff report that assisted the commission  
227 in the specifications of a 'rough approval process' and the criteria to follow including  
228 consistency with the Comprehensive Plan. He said one of the main items in the  
229 Comprehensive Plan was smart growth and the points of walkable communities that  
230 incorporated nearby amenities that reduced vehicle use. Planner Smith said the R2  
231 Partners development was entirely residential, however the undeveloped property next  
232 to it was zoned commercial. He said the zoning allowed for the potential for walkable  
233 amenities to all nearby residents.  
234

235 Commissioner Riddle asked Planner Smith how similar this development was to the  
236 BLD development application. Planner Smith said there were general similarities. He  
237 said an important distinction was R2 Partners' development followed the contours of  
238 the topography with an open space plan.  
239

240 Ms. Korber highlighted the intent of the architectural design of the buildings. She said  
241 the design was intended to provide a personalized address feel of a single-family home  
242 despite the buildings' composition of multiple units. Ms. Korber said the 'Live/Work'  
243 buildings were planned to be built in a stepped design where the downhill portion of  
244 the buildings would be a half story lower, in an effort to minimize cut fill. She added  
245 that the 'Townhomes' would also be stepped with different elevations giving a nestled  
246 feel into the hillside. She said the architectural design would give the area a residential  
247 neighborhood feel.  
248

249 Ms. Kober discussed 'smart design' in relation to the buildings' architecture, including  
250 incorporating passive solar through glazing. She used the living rooms as an example  
251 and highlighted the point that glazing not only captured the views but made the  
252 buildings more energy efficient. She added the porch overhangs extended out enough  
253 to protect the living rooms from overheating. Chair Apostolik asked if they planned to  
254 integrate any active solar in addition to the passive solar design. Ms. Kober said their  
255 first strategy was to incorporate passive solar to make the buildings more efficient.  
256 She said they looked at active solar with each project they worked on.  
257

258 Commissioner Rittner asked if the 'Empty Nesters' were single levels. Ms. Kober  
259 confirmed that both the 'Empty Nester' and the 'Live/Work' units were single levels.  
260 Mr. Rosenberg added that the 'Empty Nester' units required no stairs for entrance. He  
261 clarified that the upper level units had an entryway separate from the lower level. Ms.  
262 Kober said the design intended the buildings to feel like a residential two-story  
263 structure.



Commissioner Cotey pointed out that 1,200 square feet for a three-bedroom unit was a tight space for a family. She said, in support of family spaces, that she had concerns about practicality and livability. Ms. Kober confirmed they were compact three-bedroom units. Mr. Rosenberg said previous builds of theirs ranged in the 1,400 square foot range for the reasons that Commissioner Cotey highlighted. He explained it was a balance between size and price the family would be willing to pay for.

**Trails/Open Space/Recreation:** The trials map on **Exhibit A, page 17** demonstrates a certain level of fidelity with currently existing use-trails and trail agreements. Two trails will originate from VIX Park and lead east towards the locally named "Sunset Trail that ultimately connects with public lands. This alignment already exists. The goal is for a seamless trail experience with trails already prized by residents (**Goal POST-3**). Preservation of the Sunset Trail corridor should also be supportive of existing wildlife habitat (**Goal POST-4**). Other walking trails are dispersed within the development's interior. Taken together the trail network will be conducive to non-vehicular access to adjoining neighborhoods and specifically the future mixed-use development.

At least two private pocket parks are situated within the interior open space areas. These parks are often underestimated community assets directly adjacent to residential units (**Policy Post-2D**). In these spaces children can explore and play independently, dogs/owners can go for quick walks after work, and families can picnic together without the hassle of driving.

Planner Smith discussed the trail system and said the main trail from VIX, traveling North-East, would be retained. He said the water drainage might be altered to fit the property. Commissioner Cotey stressed the importance of maintaining the existing drainage way as it was tied to a larger ecological system. Originally, with the BLD Group application, roundabouts were designed. Planner Smith said that Public Works Director Wenzel recognized the compromise of retaining the trails and accepted the T-turnarounds instead of roundabouts from the R2 Partners application. Planner Smith said only one road would cross through the trail and that R2 Partners planned a pedestrian tunnel, but it was not feasible based on the grade. Mr. Jaynes said it would have been wonderful to create an uninterrupted trail, however he said it was more feasible to do a street design. Planner Smith said they would retain Sunset Trail as well that ran North to South. Commissioner Cotey asked who would manage the trails. Town Administrator Reynolds explained that generally the town would have a private agreement with the landowner. He explained that generally the town would have an easement to the trail system and maintain the trails while providing the landowner liability protections for allowing public access. Commissioner Cotey asked R2 Partners to highlight public access at their next presentation.

Planner Smith said the development design included pocket parks intended for residents. He said the parks would incorporate more traditional park settings of grass sod, but the trails system would retain a more native environment with native grasses.

**Environmental Impact:** New Castle is committed to stewardship of the natural environment and recognizes the potential negative impacts of new development. The Town will work with Colorado Parks and Wildlife (CPW) and the applicant to identify and protect critical environmental resources (**Goal EN-1**). Though CPW defers comment until the preliminary stage, the areas north and east of the outer ring of buildings are recognized as year-long habitat for various birds and mammals. It will be important to minimize conflicts by prohibiting dogs off-leash, minimizing light trespass, preserving native vegetation, and/or limiting fences in certain areas. In some cases, added landscape buffers in certain locations may offset these impacts with enhanced vegetation and/or landscape features.



New Castle also endorses sustainable building, meaning the minimization of resources and maximization of renewable energy (**Goal EN-7**). All buildings will be expected to comply with the latest adopted energy code including the solar and electrical readiness provisions required by the state. It will be important for the applicant to discuss how sustainable building measures are featured in the proposal as the application progresses. Net-zero/all-electric alternatives are achievable options manifested in new developments throughout the Valley. No less should be expected of this proposal.

Raw water has been contemplated as the means to irrigate landscaping (**Exhibit A, page 8**). Raw water is non-potable water which bypasses the town's treatment facility thereby eliminating the processing step. The Applicant also receive a 25% reduction in water tap fees as a result of implementation. Opting for raw water is ultimately an economical and sustainability win for all.

Planner Smith reviewed the environmental impacts. He said Colorado Parks and Wildlife (CPW) would provide comments, typically at the preliminary meeting. He said there was a focus on the sensitivity to migration patterns and restoration to natural habitat. Planner Smith added that the town was adopting the International Building Code 2021, beginning January 1, 2024, which would require the commission to also adopt the Solar Ready and Electrical Ready codes. Commissioner Cotey asked if that adoption would also require charging stations. Planner Smith clarified the residential requirement focused more on capacity, so the adoption would involve home integration such as garage conduit. Another example he shared was roof aspects that must be cleared for potential solar installations. Planner Smith said there were many net-zero homes in the valley and in New Castle. He said net zero was a realistic goal. Mr. Rosenberg said they have built many net-zero homes as well. He said R2 Partners ran conduit for electric vehicles during their builds, even if the homeowner may not have an electric vehicle, as he believed it was a growing need.

**Affordability:** The rental aspect of the proposed community is a unique attribute. Rental communities provide a fully managed property for tenants who do not have the time nor inclination to fuss with general repairs and upkeep. Rental communities also provide a way for retirees to downsize in communities dominated by larger single-family homes and a way for younger families to participate in communities in which they may otherwise be priced-out. The proposal also offers units for professionals seeking adaptable space that serves dual functions as a home and work area. These units have adjustable dividers to repurpose space as needed.

Of the 130 total units (**Exhibit A, page 9**), the types include 80 live/work units; 24 empty nester units, and 26 conventional townhome units. It is anticipated that the price point for these units will track market rates. However, the diversification of unit types could foster more attractive pricing options. Rent restricted options were discussed at the pre-application meeting (**Goal HO-1**). The Applicant understands the burden of affordability in the New Castle area and did not voice opposition to considering a modicum of price- controlled alternatives. Nevertheless, the idea was tabled pending future discussions with P&Z and Council.

Commissioner Riddle asked about affordable housing and if the development planned to offer any spaces with reduced rental cost agreements, dedicated to town employees, first responders, and local teachers. Mr. Rosenberg said they were open to considering it. He said they would prefer to work with the town without deed restrictions. Commissioner Cotey clarified that deed restrictions were only for the sale of units and not for rentals. Mr. Rosenberg said he needed to investigate as his understanding was that deed restrictions were for rentals as well.



Commissioner Riddle asked R2 Partners what they would estimate the monthly rental would cost. Mr. Rosenberg said, in general, a high-end 'Empty Nester' unit would run four to five thousand dollars monthly, 'Live/Work' would be two to three thousand dollars monthly and 'Townhomes' similar to the 'Empty Nester' units would range between four to five thousand dollars monthly. Commissioner Cotey asked if their market assessment considered local and regional impacts. She inquired about the five thousand dollar threshold that identified a potential renter still choosing to rent instead of becoming a homeowner. Mr. Rosenberg said the market studies identified a range in price where a person would be more apt to buy than to rent. He said their pricing is just under that threshold and he was more than happy to share the market study with the commission. Mr. Rosenberg said they were looking for a higher-end consumer to rent their units.

Commissioner Rittner asked what amenities would be offered to residents of the development. Mr. Rosenberg said the amenities would be the privately managed outdoor space and the lifestyle that already existed in New Castle. He said their team discussed the option of a fitness center or a pool, but they were unclear if either option would be appropriate. Mr. Rosenberg said the development would allow for more open space. Commissioner Cotey requested to see, at preliminary, what would be publicly available space versus what would be private.

Commissioner Cotey thanked R2 Partners for their thoughtful approach. She said the commission wanted to offer the perspective of knowing and living in the community and wanted to see places that contributed to the community. Mr. Rosenberg expressed his desire to be part of that community and addressed the rental market in relation to the development project. He said the property site warranted an elevated product that would target a higher-end consumer that R2 Partners planned to pursue.

Commissioner McDonald remarked on the new developments up valley, such as the bulky 350 units across from The Meadows in Glenwood Springs, with a starting rental rate of two thousand dollars. He said the local residents, he had spoken to in the area, considered the rental rate. He acknowledged that the R2 Partners development was a different product than the Glenwood Springs example. Mr. Rosenberg commented that R2 Partners project was unique, in the sense that it segmented the buildings, which in turn created diversity based on the different sizes of the units. He emphasized that of the 130 units planned, only 24 units were 'Empty Nesters' and 20 units were 'Live/Work' with an estimated monthly rental rate around five thousand dollars. He clarified that the 'Live/Work' units were 1,400 square feet. Chair Apostolik stated that despite the desirability to live in New Castle, as opposed to other places, salaries have not increased much over the years. He stressed Commissioner Riddle's previous point to consider providing a reduced rental option to first responders, local teachers, and town employees. Chair Apostolik said he understood R2 Partners' position with high-end consumers, but he emphasized the importance of the developer to understand local residents' need to live in the area.

**2) Does the proposal demonstrate compatibility with the proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions**

**Land Use:** The applicant has elected Castle Valley Ranch **MF-1** zoning criteria. According to MC 17.104.080 MF-1 is a "multifamily townhouse and patio home district allowing for creative



approaches to development with housing alternatives that are sensitive to existing and surrounding land uses.” The following land uses are permitted by right:

- Attached dwelling units in structures containing more than two units;
- Public parks, playgrounds and related accessory structures 5,000 sq. ft. or less;
- Parking facilities;
- Recreation facilities including, but not limited to health facilities, hobby rooms, activity rooms, meeting rooms, pools, gymnasiums, ball fields, tennis or basketball courts, volleyball courts, and any building of fields or play surfaces;
- Pedestrian and bicycle trails;
- Open space and parks

All proposed uses are permitted by right.

The Master PUD allows for the following density standards:

- Minimum lot area of 2,200sf;
- Minimum lot area per dwelling unit of 2,200sf;
- Maximum building height of 35’;
- Minimum front yard setback 18’;
- Minimum side yard setback of 0’;
- Minimum rear yard setback of 10’
- Minimum distance between buildings of 10’;

As shown in the submittal packet, lot areas will exceed 2,200sf per unit as required. Setbacks and building heights will be provided at the preliminary application. These provisions aside, the Planning Commission should prioritize ways of mitigating the potential visual impacts of building heights to the surrounding neighborhoods. Massing alternatives, structure orientation, landscape screening, and roof articulation, for example, are ways visual impacts can be diminished. Some of these elements have been included in the renderings (**Exhibit A, page 22ff**).

Planner Smith identified the second approval criteria: to demonstrate compatibility of proposed zoning, density and general compliance. He noted a continuous point of interest being the retention of the view angle/line of site and access point of the ridge lines. Mr. Jaynes reviewed the development’s roof line in relation to surrounding ridge lines. He said they worked hard to keep the roof lines low by designing the buildings with the grades. Mr. Jaynes said the development was set back from the southern boundary, and if there was net export on the site then there was potential to create landforms and native landscapes.

Commissioner Cotey asked if the developer’s portion of North Wildhorse would be dedicated back to the town. Planner Smith confirmed it would be dedicated to the town as well as the main looped road connecting to North Wildhorse within the development. He clarified that the remaining residential roads would be privately owned.

**Parking:** The purpose of off-street parking in the PUD “is to ensure that safe and convenient off-street parking is provided to serve the requirements of all land uses in the Castle Valley Ranch PUD and to avoid congestion in the streets” (MC 17.104.100). As shown on **Exhibit A, page 6**, the following Town standards apply:

- Duplex, tri-plex or four-plex – Two spaces per dwelling unit;
- Five or more dwelling units in one structure – One and one-half spaces per dwelling unit;

Commissioner McDonald asked about the design of the vertical parking and was concerned about the width of the parking lots in relation to larger vehicles and trucks. Mr. Rosenberg said calming traffic speeds could be created with narrower streets



versus bump outs. Commissioner Cotey said the bump outs should be on the main roads where there would exist primary crossings including marked cross walks. She added the trail crossing should have a notable bump out as well. She said that was a critical point.

**Off-Street Parking:** *Per the standards, required off-street parking totals 229 spaces. The distribution is as follows: The Townhome models provide for a mix of one and two car garages. Regardless of garage size, all units will include two-car driveways (Exhibit A, page 13), or 3-4 off-street parking spaces where only two are required. This provision solves for issues related to garages occupied by miscellaneous storage rather than vehicles. The Code reduces parking to 1.5 spaces per unit for Empty Nester and Live/Work models. The Applicant, familiar with the complications of high density residential parking, has offered at least two spaces per unit for the Empty Nester models and has exceeded the parking for the Live/Work units. It is uncertain whether seasonal/RV parking will be included with the proposal. Commitment to the required RV would mean a loss of 21 spaces otherwise available for general parking.*

Planner Smith said single car garages had been a problem in the past regarding providing enough residential parking. He said R2 Partners added additional, wider, off-street driveways. He said originally the 'Townhomes' end garages were oriented 90 degrees perpendicular to the end units. Mr. Jaynes clarified that the topography grades were too difficult to work with, and not feasible enough to accommodate perpendicular driveways for the end units.

Planner Smith reviewed parking requirements and stated there were two off-street parking spaces available per dwelling unit. He said for a building with 5 more dwelling units, there was 1.5 parking spaces in addition to one recreational vehicle per 5 dwelling units. Mr. Jaynes said the recreational parking spaces were not separated into their own category of parking. He said there were simply 21 additional parking spaces distributed throughout the development. Commissioner Cotey asked if those recreational parking spaces would not comply with the town standards. Planner Smith confirmed those parking spaces would be separate from the town standard for parking. He said the intention would be to have a separate parking area specifically for recreational vehicles with sign notifications of the parking rules for that space. Commissioner Cotey expressed concerns of unintentionally creating a RV parking lot and asked that R2 Partners explore that more with consideration of screening, signage, and management. Mr. Jaynes said they recognized there existed a seasonal use of recreational vehicles/equipment versus large RV campers. Commissioner Riddle and Commissioner Cotey explained the town standard of RV campers restricted to a 24-hour parking space on town streets and recommended the development match that standard. Mr. Rosenberg said he would not have a problem with keeping in line with the town standard. He stated large RVs needed to be stored at a proper off-site storage facility. Commissioner Cotey asked for R2 Partners to clarify what they termed as recreational vehicles, for the next meeting. Commissioner Westerlind posed a hypothetical of a resident needing to park a detachable trailer overnight and asked if there were any accommodations aside from the VIX Parking lot. Mr. Jaynes answered that the parking lots are all perpendicular, however the parallel right-of-way parking lanes could be an option for a detachable overnight trailer. Planner Smith said there existed town code around recreational vehicles and that those vehicles were not supposed to park in town right-of-way. He clarified that if RVs, campers, etc. started parking in the VIX parking lot that the Police Department would have to regulate that.



**On-Street parking:** On-street parking serves to accommodate overflow vehicle parking for guests, deliveries, trash pick-up, extra tenant vehicles, and emergency vehicles. To the extent these accommodations are priorities for the Town, they deserve special attention in a project design. Off-street parking is illustrated in **Exhibit A, pages 19-21**. The recently adopted Town standard shows a 58' ROW cross-section with parallel parking on both sides of the street (**Exhibit A, page 21**). The proposal, however, shows the ROWs reduced to 52'. This request is driven mainly by concerns with speeding, safety, and construction costs. Narrower roads, it is believed, attenuate speed by constricting travel flow. The color-coded ROW design on **Exhibit A, page 20**, show "blue" road sections with one parking lane. "Yellow" road sections are locations with on-street perpendicular parking within the ROW. Staff suspects this arrangement will only function properly if those spaces are specifically assigned to tenants of the adjacent units. Furthermore, Staff is uneasy with the prospects of the Town both owning and maintaining what is ostensibly private parking. Additional worries surface when the functionality and safety of the parking spaces are considered. Because of the minimal 10' drive lanes, a tight turning radius will be necessary and difficult to navigate for larger vehicles. All vehicles will be challenged to safely back in-and-out of traffic flow. For context, a typical parking space at City Market is 19' with two 12' drive aisles. Moving forward, it will be helpful for the Applicant's team to provide examples of this arrangement functioning as expected.

Planner Smith referred to the color-coded streets diagram (Exhibit F) and identified the four cross sections as:

- Teal - a 52-foot right-of-way with separated sidewalks and 12-foot drive lanes with no on-street parking. Staff was ok with this.
- Orange - a 52-foot right-of-way with separated sidewalks and 12-foot drive lanes with no on-street parking. Staff had recommendations.
- Blue - a 52-foot right-of-way with 10-foot drive lanes and on-street parking.
- Yellow - perpendicular parking for tenants only. Staff had recommendations.

Planner Smith said staff had spoken to the applicant regarding the streets, specifically Public Works Director Wenzel and himself. He said they would like to see a compromise with the applicant where staff recommended the orange-colored portion of the street be 58 feet of right-of-way. Planner Smith said the 58-foot right-of-way was the standard that the town adopted in 2023. Commissioner Cotey said she did not see an issue as the developer was meeting their parking requirement. She asked why staff recommended 58 feet versus the proposed 52 feet. Planner Smith clarified it was not a question of parking but rather livability for the residents. He summarized what Public Works Director Wenzel recommended, 10-foot drive lanes instead of 12-foot drive lanes and 8 foot on-street parking with separated sidewalks. He added that widening of roads had often led to speeding issues in the past, hence the reduction recommendation in the drive lanes to 10 feet. Commissioner Cotey proposed the consideration of an exception to the 58-foot standard. She pointed out that the developer was working hard on keeping the grades reasonable. She said widening the road would take up more surface, impacting the overall grading. Administrator Reynolds remarked on homeowner anticipation for having visitors and providing available parking for that, instead of meeting the minimum parking requirement with the driveways. He provided the example of Redstone Drive. Commissioner Cotey stated she felt 52 feet was an adequate right-of-way and was curious to see how that would evolve in the next conversation.

Planner Smith reviewed the yellow-colored portion of the street. He said, as designed, the perpendicular parking was privately assigned parking but located in the town right-of-way, resulting in the assumption that the town would maintain it. He said Public



Works Director Wenzel and staff would not want to consider that. Instead, he said, staff would rather see a V-pan, 19-footer stall of private parking with an additional on-street parking lane on the other side of the road with separated sidewalks. Planner Smith clarified it would remain a 52-foot right-of-way without the consideration of the private parking as town right-of-way. He highlighted the issue of the turning radius out of the stalls. He said there were a couple test runs he conducted and found it to be really tight. He remarked that other areas in town had the same issue with consistent feedback of the difficulty to navigate a modern sized truck in a tight turning radius. Planner Smith proposed that the parking in the yellow sections be private parking, not included in the right-of-way, and to have an additional on-street parking lane opposite the road of the private parking area. Mr. Jaynes agreed with Planner Smith and said they realized the two 10-foot drive lanes did not work for backing out, particularly with two-way traffic. Mr. Jaynes proposed shifting the right-of-way line over to widen the drive lanes to 12-foot lanes. He agreed that adding an additional parallel parking lane for extra parking was sensible. He added the possibility of creating a non-exclusive easement for continuous pedestrian access in front of the private parking lot, since the walkway would be outside of the right-of-way, for the yellow-colored street zone.

**3) Is there availability of town services from public works, fire, and police?**

**Police:** *The application anticipates an increase of approximately 338 new residents at build-out (Exhibit A, page 8). There is no indication at this point that this increase would compromise police service. However, the Police Department currently consists of nine FTEs with an ideal department of 11-12 officers. Generally, additional FTEs are considered for every 1,000 resident increase.*

**Fire:** *In light of the current multi-year drought and the ongoing expansion of the wildland-urban interface, Colorado River Fire Rescue now stresses improving the resiliency of structures and expanding the surrounding defensible space (Goal EN-8). Replacing conventional materials with those of more robust fire resistance, particularly in buildings along the perimeter of the development, buys time for fire firefighters during a wildland fire incident and inhibits fires from spreading from the source. In 2024, the Town intends to adopt standards for fire resistant materials and defensible space measures. The Fire Marshal recommends that exterior walls at the perimeter of this interface maintain the highest level of fire resistance available at the time of build (, i.e. Class A materials, see Exhibit B). To extend their firefighting potential, CRFR requests that two-track paths for fire apparatus be designed along the periphery of the outer structures. The Applicant has addressed this concern on Exhibit A, page 18 showing various fire access routes. It is important that these routes be modestly reinforced in order to carrier the weight of any necessary fire apparatus. These routes should also be permanently signed "Emergency Access Only".*

Commissioner Riddle asked if there were any visual renderings of what the buildings would look like. Planner Smith referred to Exhibit A, pages 22 & 23. Commissioner Riddle asked what building materials would be used. Land and Shelter Architect Andrea Korber said they planned to use durable materials like metal, cementitious siting, and wood for the porches. She said they would find alternatives to any materials prohibited by the town. Commissioner Cotey advised using fire resistant materials given the nearby open space that could pose a safety and welfare hazard. Planner Smith said the town was adopting the amended Wildland-Urban Interface Code (WUI) by January 1, 2024. He said the defensible materials would be required and R2 Partners development would be expected to comply with those requirements.



Planner Smith said Fire Marshall Moon had reviewed the development with staff and asked for improved two-track fire access pathways, outlined in red (Exhibit G). Planner Smith said Fire Marshall Moon's recommendations included that any new structures have, at a minimum, exterior walls of Class A materials, specifically walls that face the open space and fire access pathways. Planner Smith added that with the adoption of the WUI code, exterior treatment materials must have a minimum of Class B materials. He said roofs would probably already be Class A materials. Commissioner Cotey agreed that exterior walls facing open space be Class A materials. She said it was a high fire risk area and a matter of health, safety, and wellness.

**Public Works:** *The CVR PUD is approved for 1,400 residential units and 100,000sf of commercial space. These totals were primarily the result of calculations performed on the basis of water dedicated from Elk Creek. At present (10/4/22) the PUD has 890 units plus five additional under construction and no commercial space. With 130 proposed units in this Application, the PUD is still well short of the 1,400 total rooftops allocated. The current sewer treatment plant is also sufficiently sized to process the full build-out of both CVR and Lakota.*

**Streets:** *The Town contemplates maintenance of the main ring road and the N. Wildhorse connector once all public improvements are accepted. Public Works agrees that speed, safety, and costs are priorities in road design. However, 58' ROW is still preferable since: 1) narrower, 10' drive lanes contribute to speed control, and, 2) the second parking lane solves for the concerns discussed above in "On-Street Parking": extra parking and room for emergency vehicles, deliveries, trash, etc. Public Works is most concerned with the 58' ROW in the "orange" Town house area. Otherwise, the Town's preferred alternatives are listed in Recommendation A below as informed by "Off/On-Street Parking" in Section 2 above.*

**Open Space:** *As mentioned, the Applicant has made efforts to integrate existing public use trails and fields into the development's open space plan (Exhibit A, page 14). Small, active parks are provided in two locations interior to the development in both the northern and southern halves. All proposed open space and natural trails, implied as Town wide amenities, should be identified on the plat as Town maintained. Interior trails, pocket parks, or courtyards meant solely for tenant use should be maintained by the HOA.*

**Snow Storage:** *Snow removal is not specified on the site plan at the moment. However, Public works will rely heavily on the separated sidewalks for snow removal and storage. Though snow removal on private roads and parking lots will be managed by the property owners, Staff recommends that the removal strategy should be disclosed in later stages of the approval process.*

**Raw Water:** *Raw water is available at the north end of VIX Park and is expected to irrigate all common areas within the new PUD. The raw water infrastructure will need to be extended and looped with the installation of the N Wild Horse road connection.*

Commissioner Riddle asked who was responsible for the improvements to the infrastructure such as water, sewer and streets. Planner Smith said the plan was for the developer to be responsible for the infrastructure.

Planner Smith said the landscape irrigation would be pulled from raw water. He reported that Public Works was currently piping the raw water ditch. Administrator Reynolds said 7,000 feet would be piped. Commissioner Cotey inquired about the possibility of incorporating grey water or water tolerant vegetation. Commissioner Westerlind asked if R2 Partners had planned on wide corridors of native vegetation on the trails or a more manicured look with blacktop asphalt. Mr. Jaynes clarified R2 Partners were picturing a more primitive recreational trail with natural vegetation. He



681 added that native vegetation was built into their development practice and was found  
682 to be beneficial in many ways. Commissioner Cotey said she would like to see what the  
683 limits of disturbance would be, once R2 Partners complete their grading plans.

684  
685 Commissioner Riddile asked where the water would come from. Planner Smith said the  
686 domestic water use would come from the town's water processing plant and the  
687 landscape irrigation water would be raw water. Commissioner Riddile inquired about  
688 the use of the water tank above Lakota. Sopris Engineering Civil Engineer Yancy Nichol  
689 said he still needed to speak with Town Engineer Jeff Simonson, but that the plan was  
690 to pull from one of the two tanks – whichever was not being used as much. He said the  
691 water supply could be fed from both directions.

692  
693 Commissioner Riddile asked about snow storage. Planner Smith said snow storage was  
694 not discussed heavily yet. He said snow storage would have to be located on the plat  
695 and the separated sidewalks would be the ideal locations. He said streets would be  
696 signed, advising on parking rules, during winter. Commissioner Rittner asked who  
697 enforced the parking regulations during snow plowing. Administrator Reynolds said the  
698 residents were good at complying with the parking rules and that it did not require a lot  
699 of enforcement. Administrator Reynolds remarked that there were many areas to  
700 choose from for designated snow storage. Commissioner Cotey said she appreciated  
701 R2 Partners proposed detached sidewalks throughout the development, especially on  
702 the topic of snow storage.

703  
704 **4) Is there adequate vehicle, bicycle, and pedestrian circulation?**

705  
706 **Vehicular Circulation:** Road, sidewalk, and trail design is a critical component to any new  
707 development in New Castle. To optimize circulation, the applicant is committed to connecting N  
708 Wild Horse Dr. completing the underdeveloped section between Alder Ave. and Castle Valley  
709 Blvd. Of note, nearly 1/5<sup>th</sup> of this new road section is outside the applicant's property boundary.  
710 However, because of the importance of circulation and public safety, the applicant has agreed to  
711 work with the neighboring property owners, particularly CVR Investors, to fulfill this link. Staff  
712 anticipates that the connector will match the existing right-of-way design, including detached  
713 sidewalks with landscaping.

714  
715 **Bicycle/Pedestrian Circulation:** The applicant has made a point not to disrupt the existing trail  
716 between VIX Park and the BLM land. Moreover, streets are purposely not connected through the  
717 design's interior in order to preserve an idyllic experience for trail users. T-turnarounds rather  
718 than cul-de-sacs were provided at dead-end streets to minimize encroachment of roads within  
719 open space corridors. The site design employs detached sidewalks throughout the public right-  
720 of-way to improve the pedestrian experience.

721  
722 Commissioner Riddile expressed concerns regarding the perpendicular/vertical parking  
723 planned near VIX park and the potential traffic impacts. Commissioner Cotey agreed  
724 and suggested incorporating traffic combing with bump outs and pedestrian crossings  
725 due to the proximity of trail access and potential heavy foot traffic. Mr. Jaynes said the  
726 planned paving and perpendicular parking along North Wildhorse would connect the  
727 existing paved portions of that road on either side. He said it was not planned to be  
728 used for residential parking, but rather intended for the public in relation to the park  
729 and right-of-way access to local trails. He explained that perpendicular parking on both  
730 sides of the street for VIX Park was originally designed on one side of the street,  
731 however it created an undesirable situation of continuous parking along North  
732 Wildhorse. He said by double loading the parking on either side of the road allowed for



narrow pedestrian crossing sections. He said there would be a continuation of the trails with a trailhead near the parking area. He said they expected significant pedestrian crossings because of the trails and VIX Park. Mr. Jaynes said the team was committed to working with the town to understand how best to design the roads.

**5) Is the natural character of the land preserved?**

**Topography:** The site plan (**Exhibit A, page 4**) follows the sloping topography downhill from northeast to southwest. Each unit generally steps down with the slope (**Exhibit A, page 22**). Displacement between units helps to limit cut-and-fill and reduce the need for extensive landscape retention. Terracing of grade and structure softens the blunt, “blocky” appearance, and is a preferred fit with rolling terrain. The lot designs appear to preserve existing drainage features such as that found on the central single-track trail which bisects the development.

The ridgeline associated with Sunset Trail to the west is a prominent topographical feature for New Castle residents. Per **Policy EN-6B**, visual access to the ridgeline should be confirmed by the applicant. In other words, the ridge should be visible to the rest of New Castle residents once structures are in place. To mitigate building mass at the southwest elevation, modestly sized berms and drought resistant trees and/or shrubs could provide sustainable and more organic screening methods.

To conserve water and limit landscape maintenance such as mowing, staff requests the applicant consider drought resistant vegetation and seeding of native grasses to restore disturbed areas to their original state. Sod and landscape irrigation, likewise, should be used sparingly to limit the need for landscape maintenance.

**IV Staff Recommendations**

- A. To better preserve safety, traffic flow, and general quality of life, revise public rights-of-way shown on Exhibit A, page 19 as follows:
  - Teal ROW – no change requested.
  - Peach ROW – modify to meet the Town’s 58’ design cross-section.
  - Blue ROW – modify with on-street parking along one side of ring-road.
  - Yellow ROW – modify with on-street parking along one side of ring-road. All perpendicular parking adjacent to ring-road should be private and outside of the ROW.
- B. Parking lot lighting will need to be sensitive to dark-sky compliance per the comprehensive plan. Demonstrate that all exterior lighting will limit trespass. Parking lot lighting should be on timers to reduce the light duration at night while maintaining security lighting as needed.
- C. All outside parking areas facing residential-only use shall have a landscape buffer to obscure vehicles from view per Code Section 17.104.100.
- D. Fire access routes should be semi-impervious (compacted road base), two-track roads permanently signed “Emergency Access Only”. Locations of fire access routes should be approved by the Fire Marshal.
- E. Extend raw water infrastructure from existing stub-outs into the new development with an extension along N Wildhorse Horse.
- F. Consider a limited number of rent reduced units for full-time employees of the development and/or other workers employed by Town businesses.
- G. Specify on the plat open space to be maintained by the HOA and open space maintained by the Town.



- 789 H. Provide a water sampling station per the recommendations of the Town Engineer and Public  
790 Works Director.  
791  
792 I. Each townhome unit will be provided with separate water and sewer service directly from the  
793 main. Gas and electric service must run directly to each unit from the building exterior rather  
794 than through crawlspaces or attic spaces.  
795  
796 J. Consider Net Zero building construction alternatives.  
797  
798 K. The development shall comply with all currently adopted building code and municipal code  
799 requirements, including all sign code regulations in effect at the time of building permit  
800 application, as well as all recommendations of the Town Engineer and Town Public Works  
801 Director provided in response to review of the Application. All site specific development  
802 applications subject to the provisions of the International Fire Code or matters requiring fire  
803 alarms and/or fire suppression shall be submitted to the Fire Marshal for review and  
804 comment.  
805

806 Planner Smith highlighted general points of the staff recommendations as:

- 807 • Discussion of the roads  
808 • Exterior lighting to be dark sky compliant  
809 • Castle Valley Bolivard requirement of screening inward facing vehicles from  
810 apartments  
811 • Fire access routes  
812 • Raw water infrastructure with a testing station  
813 • Separate access to each unit for utilities – water, sewer, electrical, etc.  
814 • Possibility of rent reduction for some units for employees of the town  
815 • Identify open space/public access and water sampling station  
816 • Net-zero discussion  
817 • Sound regulations  
818

819 **V Next Steps**

820 Comments and recommendations made by staff and the planning commission should inform future  
821 revisions made to the application prior to Council review.  
822

823 After Council sketch review, but prior to the preliminary plan application, the applicant shall conduct a  
824 **community open house meeting** with the public. The applicant shall notify the town of the date of  
825 the community open house, and notice the community open house according to the town's public  
826 hearing notice procedures set forth in Section 16.08.040, except that notice to mineral owners is not  
827 required.  
828

829 The sketch plan review conducted pursuant to this Section 17.100.040 will remain in effect for one (1)  
830 year from the date of Council's review. If the applicant does not submit a preliminary PUD plan  
831 application within said year, the applicant may be required to submit a new sketch plan application  
832 before filing a preliminary plan application. Similarly, if applicant's preliminary PUD plan application  
833 includes substantial and material (e.g., proposes new uses, higher density development, new or  
834 additional variances, etc.) changes from the original sketch plan, the Town Administrator may require  
835 the applicant to conduct a new sketch plan review.  
836

837 Commissioner Westerlind commented that he thought it was a nice development and  
838 asked to see pervious projects from R2 Partners. Mr. Rosenberg referred the  
839 commission to one of their previous projects he called 423 Hoge in Cincinnati.  
840 Commissioner Westerlind asked if R2 Partners had completed any local projects, and  
841 Mr. Rosenberg confirmed they had completed projects up valley.  
842



Planner Smith confirmed the date of November 7, 2023, for the sketch plan presentation scheduled for Council. Commissioner Riddile reminded the commission that they cannot discuss the development with anyone until the public hearing.

**Consider a Motion to Cancel the November 22nd Meeting and hold a Special Meeting for November 29<sup>th</sup>**

Planner Smith explained that in years past, the commission traditionally canceled the regularly scheduled meeting the week of Thanksgiving, due to the holiday. He said there was an item for consideration on that agenda date, and proposed the commission hold a special meeting for November 29, 2023, canceling the regular meeting on November 22, 2023. He said the agenda item was for a conditional use permit for Jim Schrull to move his U-Haul business location.

**MOTION: Commissioner Westerlind made a motion to approve the Special Meeting for November 29, 2023 and cancel the November 22, 2023 meeting. Commissioner Cotey seconded the motion and it passed unanimously.**

**Staff Reports**

Planner Smith had no further comments or updates.

**Commission Comments and Reports**

Commissioner Riddile acknowledged that his council representation on the Planning and Zoning Commission would be rotated at the next meeting. He thanked the board for their dedication.

Chair Apostolik asked about the Council meeting topic regarding a discussion of the town's water rights and equivalent residential units (EQRs). Planner Smith said currently staff was working on presenting more concrete numbers before bringing that discussion to a Council meeting. Administrator Reynolds confirmed staff was not clear on when it will go to Council.

**Review Minutes from Previous Meeting**

**MOTION: Commissioner Riddile made a motion to approve the September 27, 2023 meeting minutes. Commissioner Sass seconded the motion and it passed unanimously.**

**MOTION: Commissioner Riddile made a motion to adjourn the meeting. Commissioner McDonald seconded the motion and it passed unanimously.**

The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

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Chair Chuck Apostolik

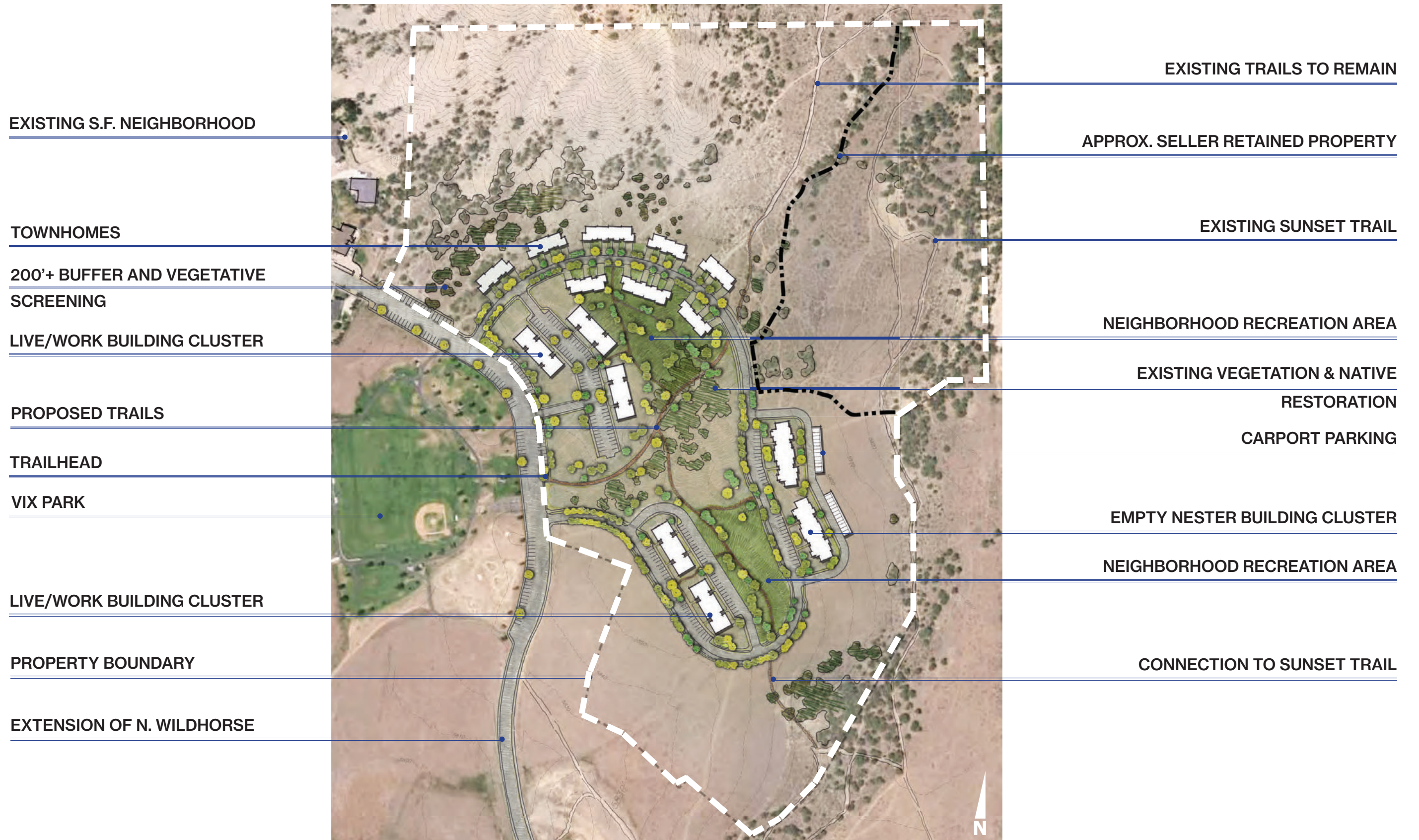
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Deputy Town Clerk Remi Bordelon

Exhibitions Index to the Planning & Zoning Minutes of October 25, 2023

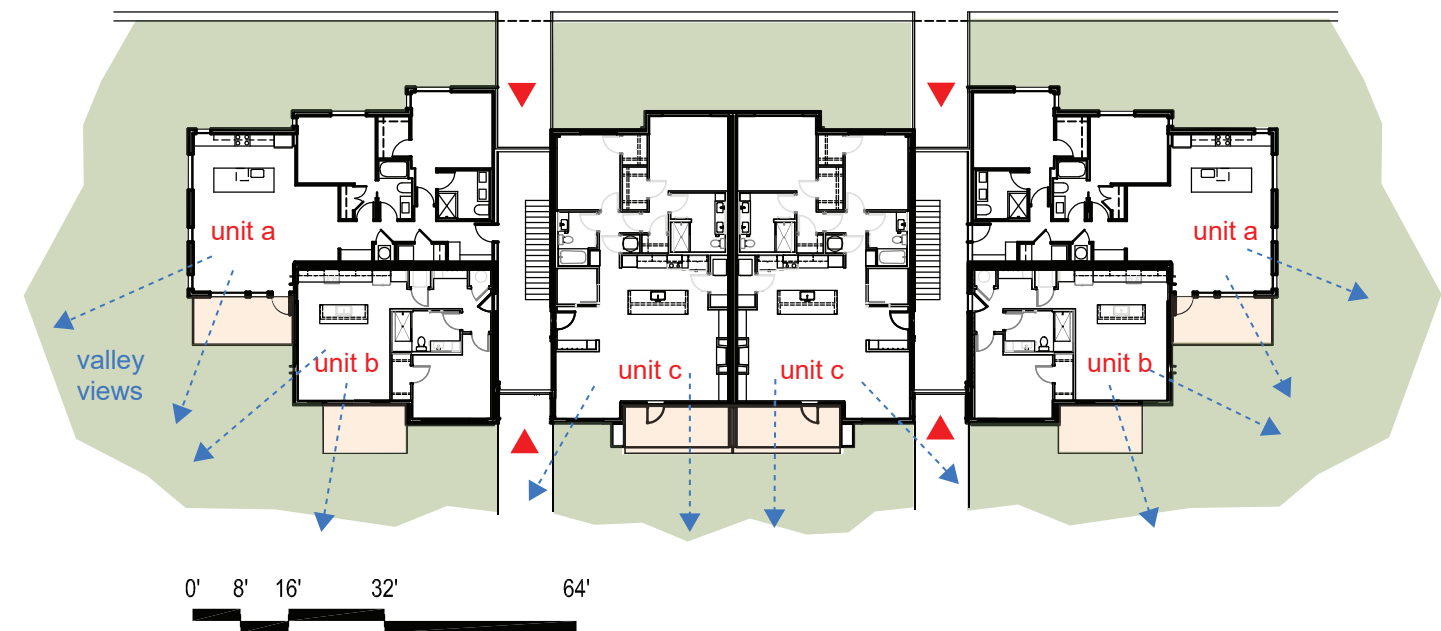
- 892
- 893
- 894 Exhibit A, Illustrative Site Plan, Page 14 of the Sketch Plan Application
- 895 Exhibit B, Empty Nester, Page 11 of the Sketch Plan Application
- 896 Exhibit C, Live/Work, Page 12 of the Sketch Plan Application
- 897 Exhibit D, Townhouse, Page 13 of the Sketch Plan Application
- 898 Exhibit E, Open Space, Page 4 of the Sketch Plan Application
- 899 Exhibit F, Typical ROW Conditions, Page 19 of the Sketch Plan Application
- 900 Exhibit G, Traffic Circulation, Page 18 of the Sketch Plan Application





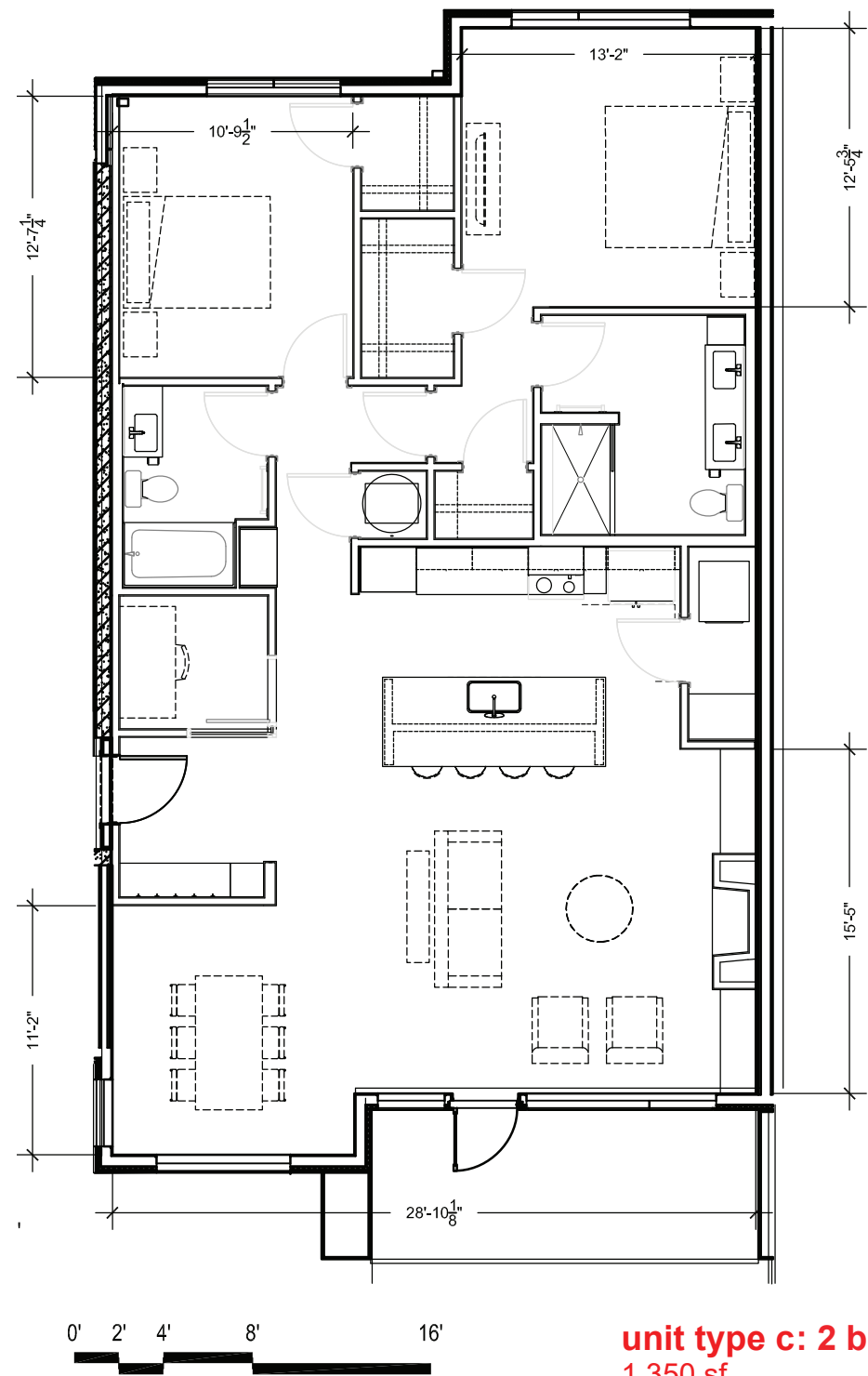
## Illustrative Site Plan

Unit Layouts Continued:



unit mix per building

floor	1-bedrm	2-bedrm	
1	2	4	6
2	2	4	6
total	4	8	12

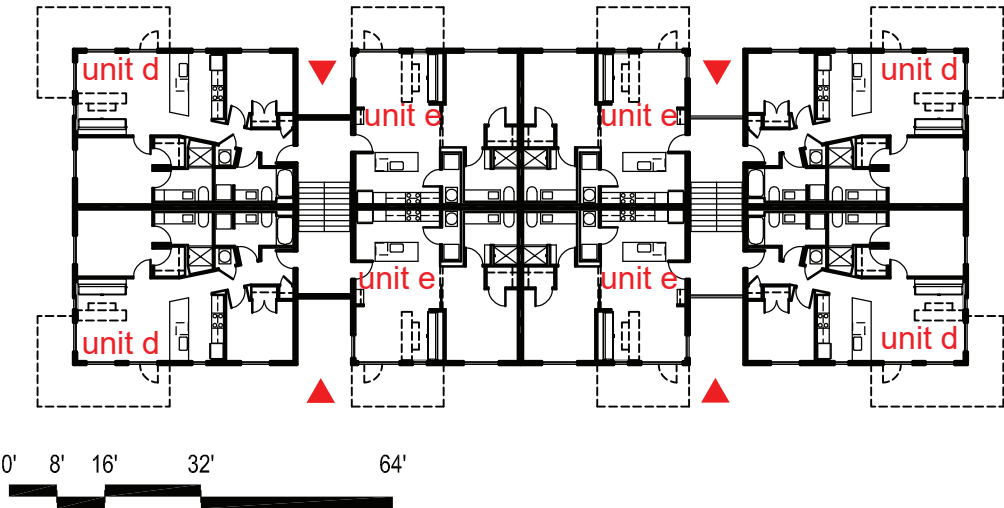


unit type c: 2 bedroom, 2 bath  
1,350 sf

Unit Mix: Empty Nester



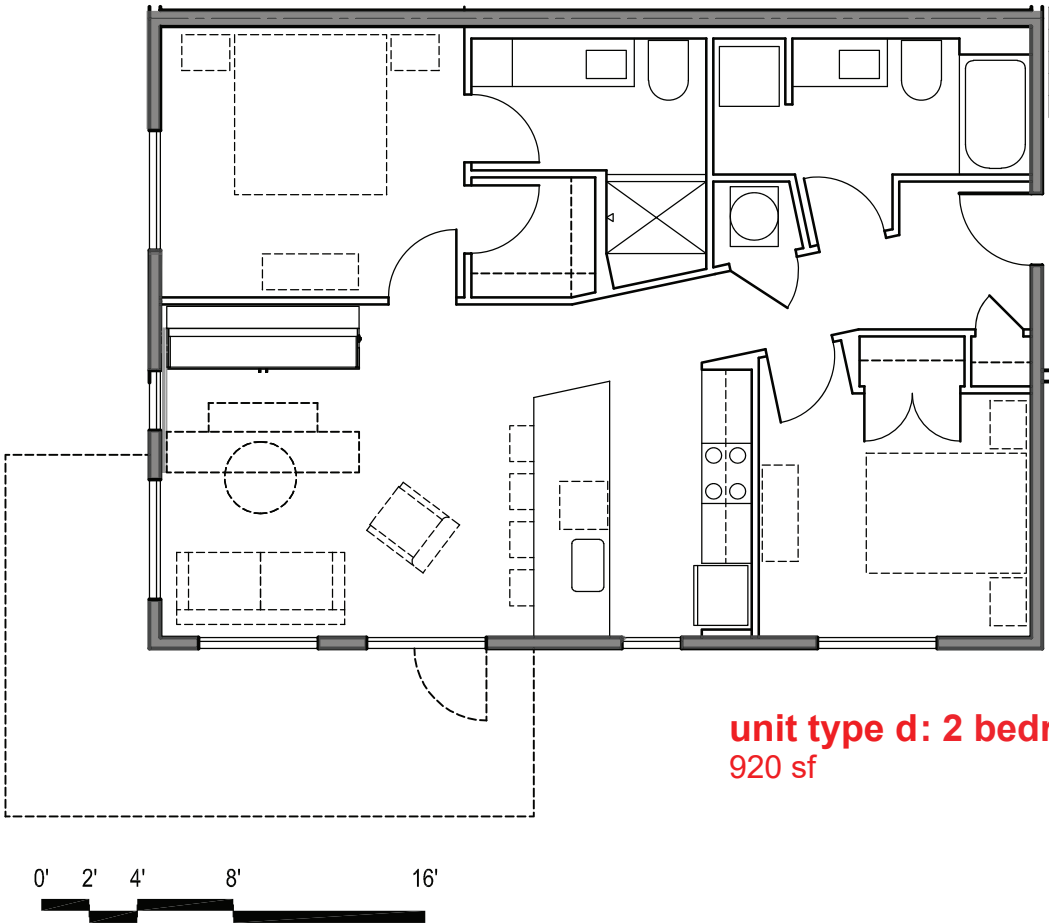
Building Layout:



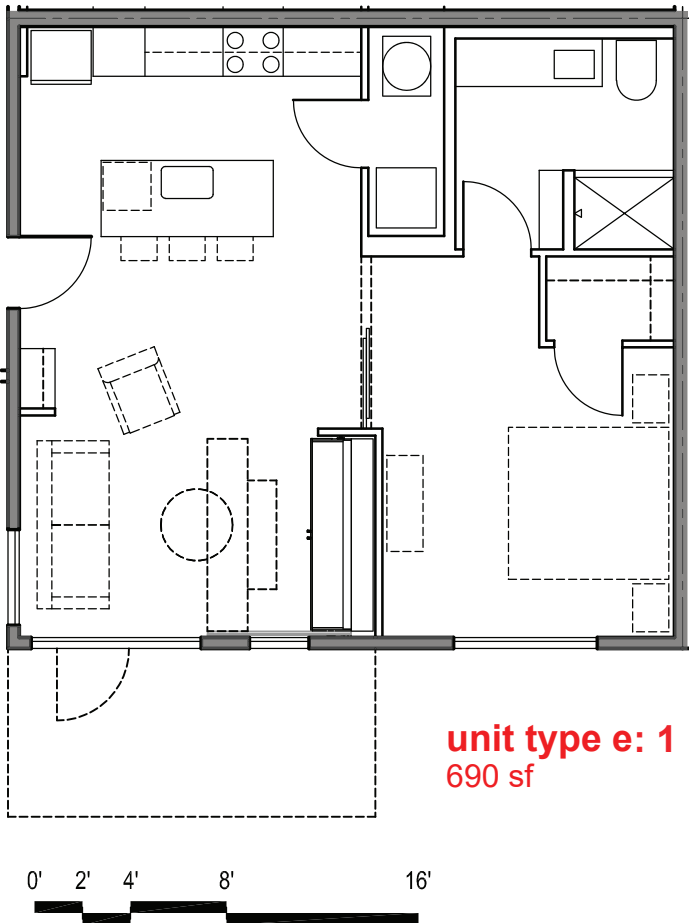
unit mix per building

floor	1-bedrm	2-bedrm	
1	4	4	8
2	4	4	8
total	8	8	16

Unit Layouts:



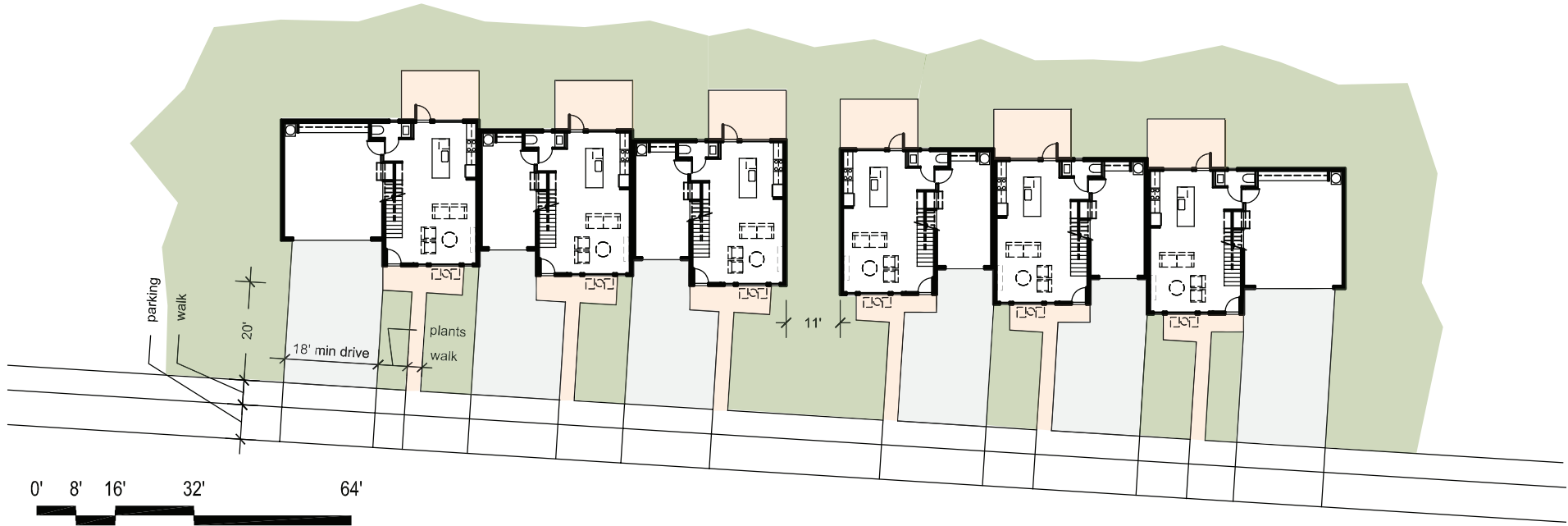
unit type d: 2 bedroom, 2 bath  
920 sf



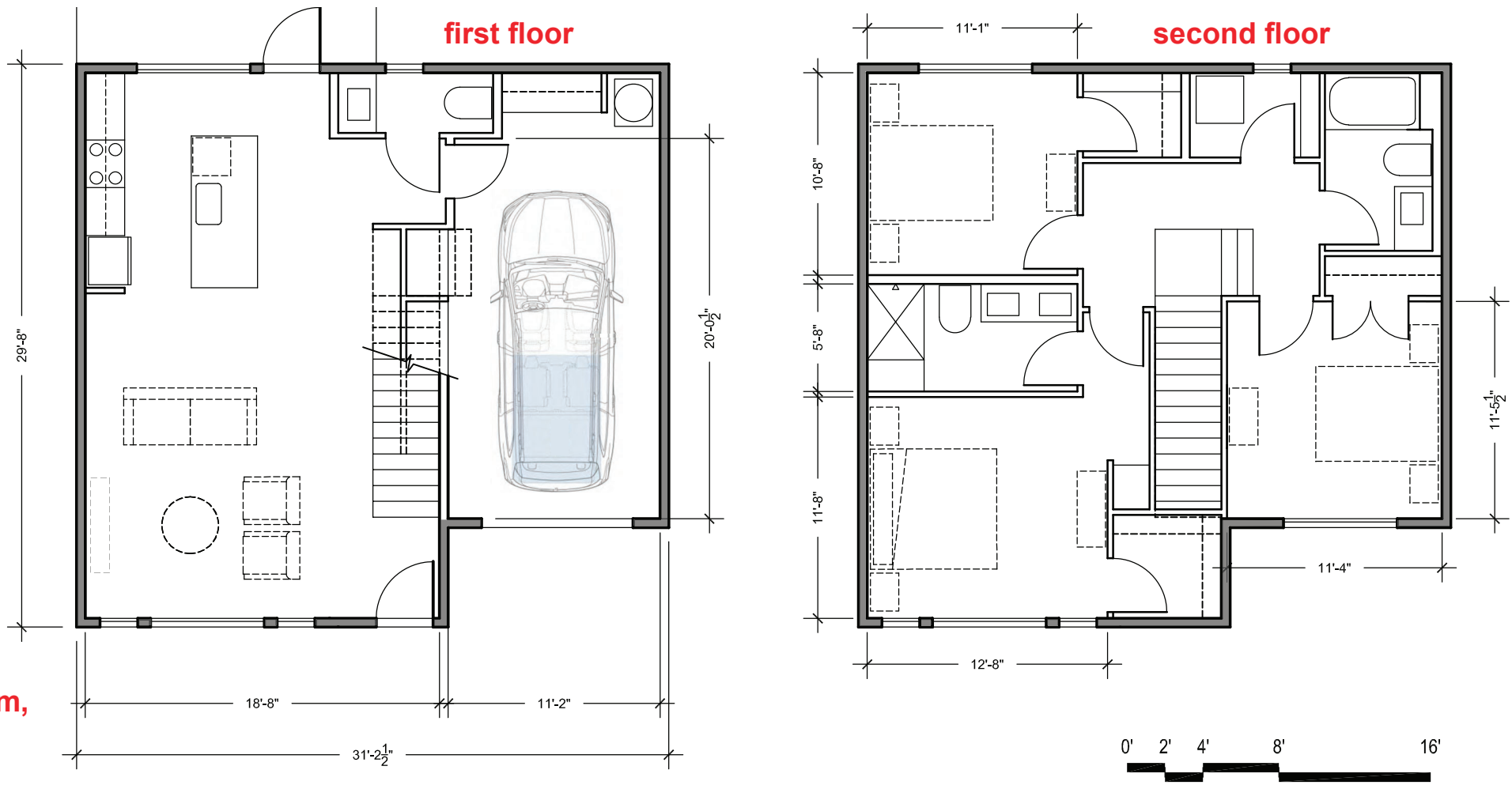
unit type e: 1 bedroom, 1 bath  
690 sf

Unit Mix: Live/Work

Building Layout:



Unit Layouts:



unit type f: 3 bedroom,  
2.5 bath  
1,400 sf + garage

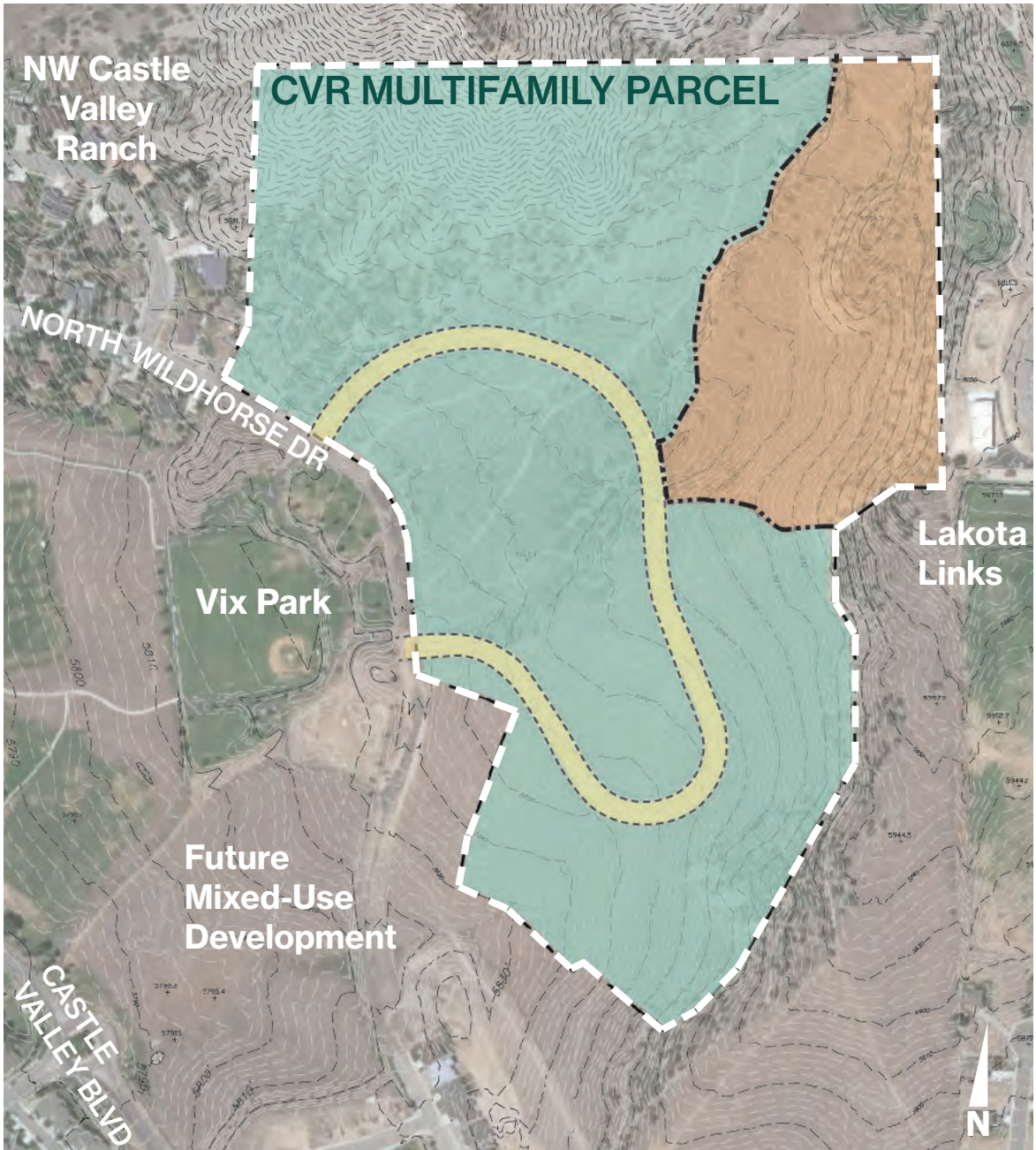
Unit Mix: Townhouse



PARCEL ID	212329300194
SUBJECT PARCEL TOTAL SIZE	+/- 59 acres
DEVELOPMENT PARCEL SIZE	+/- 47.5 acres
PRIORITIES	clustered units, maintain trail connectivity, internal open space connectivity, sensitivity and connection to existing/surrounding land uses.
ADJACENT	vix park, lakota links golf course, public open space, nw castle valley ranch neighborhood, future mixed-use development to the south
CURRENT OWNER	cts investments, llc

CVR Multifamily Parcel proposal includes a subdivision and right-of-way dedication as follows (site areas are approximate):

PARCEL SUB	SIZE (ac)	SIZE (% of total)
SELLER RETAINED	~ 11.5 ac	20%
R2 DEVELOPMENT	~ 44.5 ac	75%
FUTURE RIGHT- OF-WAY	~ 3 ac	5%



R2 Proposed Development Parcel (~ 44.5 ac) to be comprised of the following:

NATURAL OPEN SPACE	DEVELOPMENT OPEN SPACE	TOTAL OPEN SPACE
20 acres 45% of R2 Parcel Area	14 acres 31% of R2 Parcel Area	34 acres 76% of R2 Parcel Area

**NATURAL OPEN SPACE** = undisturbed site acreage outside of development area; may include dedicated public land

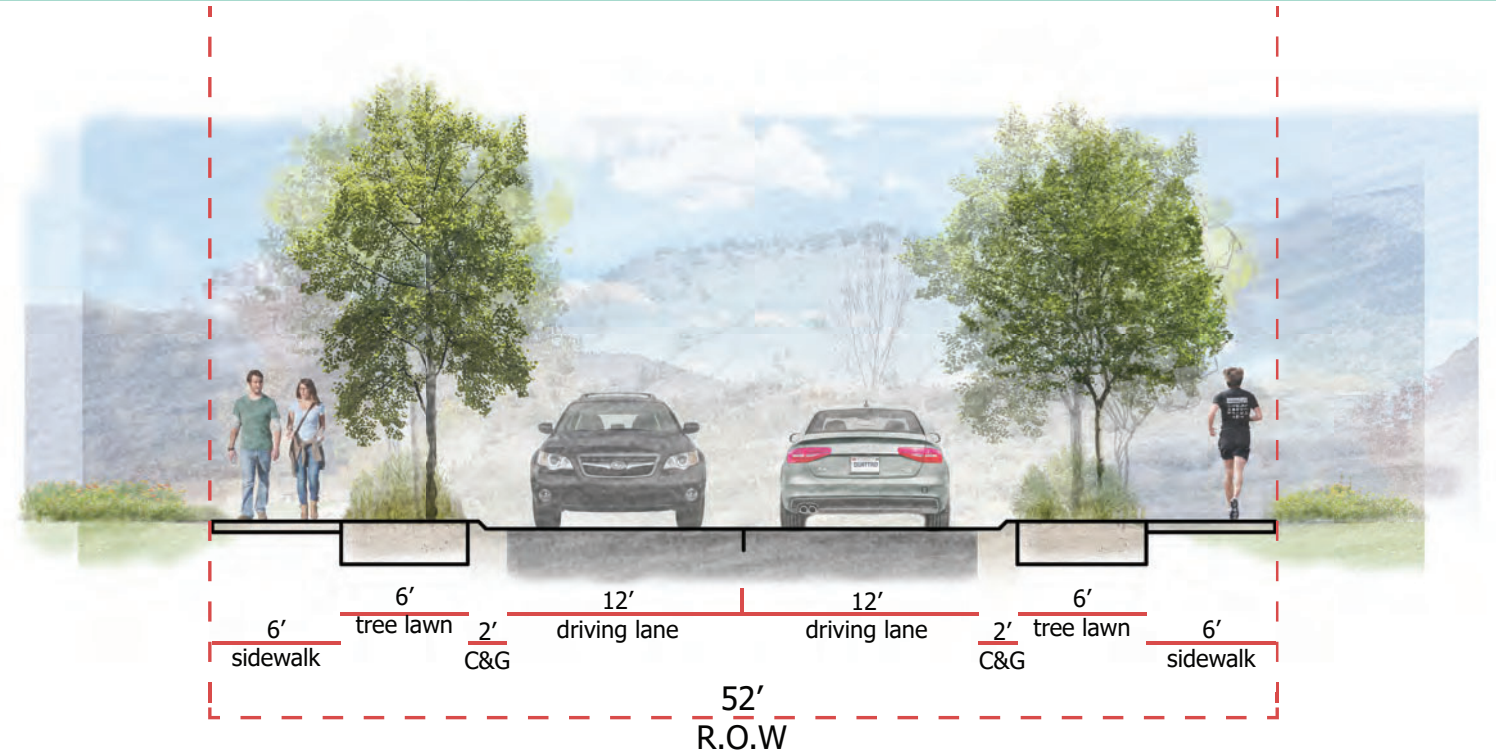
**DEVELOPMENT OPEN SPACE** = open space such as lawns, landscaped areas, natural areas, both public and private recreation areas and trails within the development area. Development open space may include trail easment for access to public trails

## Site Development Summary: Open Space

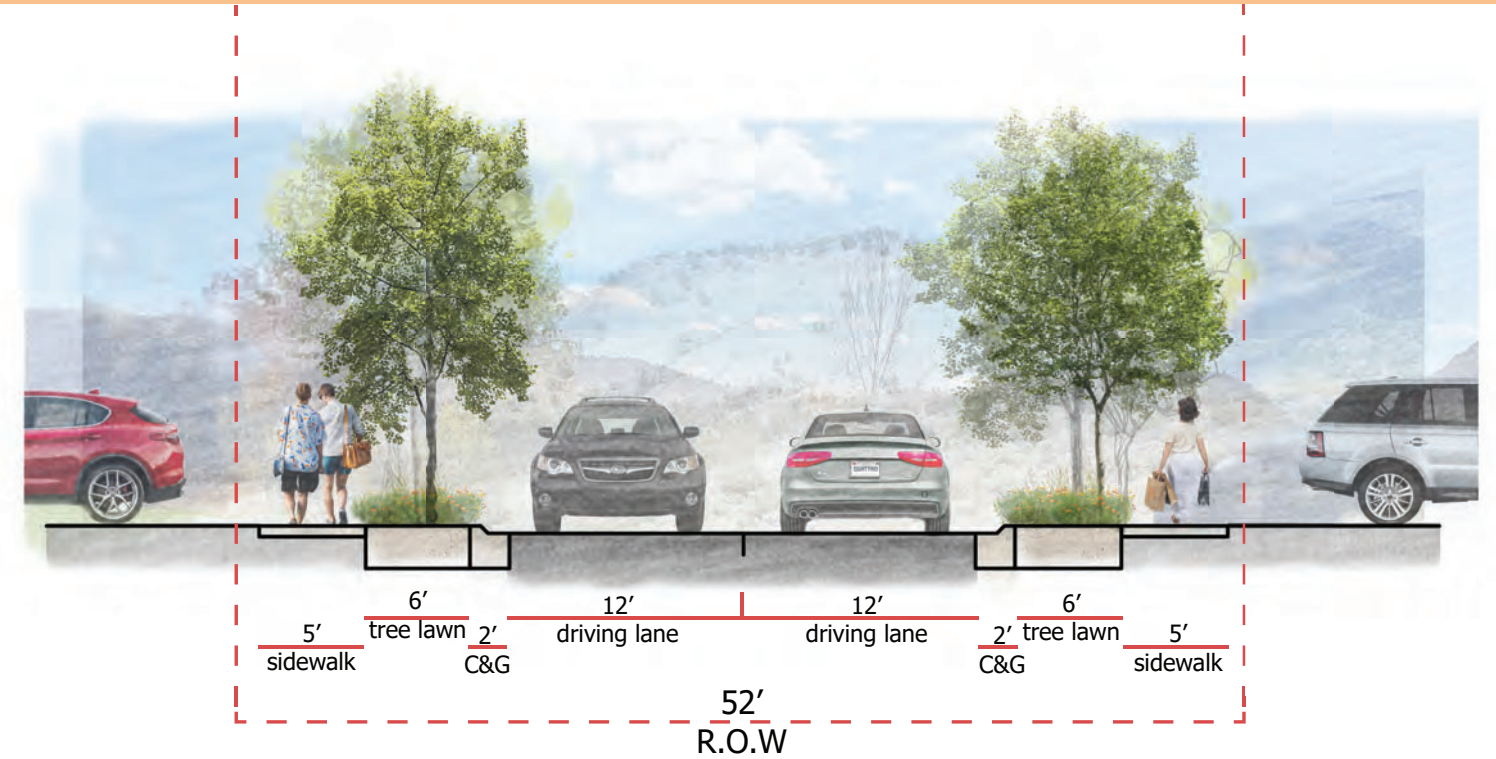




## Entry to Development ROW



## Townhouses ROW



## Typical Right-of-Way Conditions





**Note:**

The proposed streetscape sections vary from recently-established dimensional standards. This project proposes a modification to the standard to meet the intent of the standard while limiting total pavement area

**Wildfire suppression**

existing two-track path to remain

**Wildfire suppression**

approximate location of hydrant

**Main development roadway (dedicated R.O.W)**

two-way directional traffic with (proposed sections on following pages)

**Private drives**

two-way directional traffic with 90 degree parking stalls.  
Minimum 22' access drive width (edge-to-edge of asphalt)

**N Wildhorse Drive**

extend from north to south and provide access to development entrances and connect to existing developments to north and south. Parking along N. Wildhorse, for Vix Park/public use, to be coordinated with town of New Castle.

--- -- -- -- -- ➔ = FIRE ACCESS

➔ = CIRCULATION

## Traffic Circulation



**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](http://www.newcastlecolorado.org)

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**Memorandum**

**To:** Mayor & Council

**From:** Paul Smith, Dave Reynolds

**Re:** Agenda Item: Consider Ordinance TC 2023-7 Adoption of the Wildland Urban Interface Code (WUI) on second reading.

**Date:** 11/7/23

**Purpose:**

The purpose of this agenda item is to consider Ordinance TC 2023-7 on second reading. During regular Town Council meetings held on March 21<sup>st</sup> and Sept. 19<sup>th</sup>, the Town Council discussed various elements of the *Wildland Urban Interface Building Code* (WUI). On October 17<sup>th</sup>, 2023, the Town Council considered Ordinance TC 2023-7 adopting the WUI Code on first reading. No changes have been made to the WUI Code following the first reading.



**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2023-7**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL ADDING  
CHAPTER 15.25 TO THE NEW CASTLE MUNICIPAL CODE FOR THE  
ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL WILDLAND  
URBAN INTERFACE CODE WITH AMENDMENTS.

WHEREAS, pursuant to Article IV of the Charter of the Town of New Castle (“Town”) and C.R.S. § 31-16-202, the Town is authorized to adopt codes by reference; and

WHEREAS, the Town has previously adopted by reference the 2015 editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, the International Plumbing Code, the International Existing Building Code, and the International Fire Code (collectively, the “ICodes”); and

WHEREAS, the ICodes serve as the building codes for the Town as set forth in Title 15 of the New Castle Municipal Code (“Town Code”); and

WHEREAS, Colorado River Fire Rescue (“CRFR”) has recommended that the Town adopt regulations to protect from potential wildfire impacts within Town limits by requiring improved fire resistance of newly built structures including provisions for vegetative fuel management; and

WHEREAS, other neighboring municipalities with high exposure to wildland fire risk have adopted similar ordinances meant to improve resilience and safety during a local wildfire event; and

WHEREAS, to be consistent with these communities and promote the health, safety, and welfare of Town residents, the Town Building Official has recommended that the Town adopt the 2021 version of the International Wildland Urban Interface Code (“WUI Code”); and

WHEREAS, Town staff has reviewed the WUI Code in light of the Town’s unique physical setting and development needs and determined that the amendments set forth herein will ensure efficient administration and enforcement; and

WHEREAS, on March 21<sup>st</sup>, 2023 and again on September 19<sup>th</sup>, 2023, Town Council (“Council”) conducted a public workshop to discuss the merits and practicality of such adoption; and

WHEREAS, on October 17, 2023 (FIRST READING), Council conducted a duly noticed public hearing regarding the adoption of the updated editions of the International Codes pursuant to C.R.S. § 31-16-203; and

WHEREAS, on November 7, 2023 (SECOND READING), Council conducted a duly noticed public hearing regarding the adoption of the updated editions of the International Codes pursuant to C.R.S. § 31-16-203;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO AS FOLLOWS:

Section 1.     Recitals. The foregoing Recitals are incorporated as findings of the Town Council.

Section 2.     Adoption. Council hereby adopts by reference the 2021 edition of the International Wildland Urban Interface Code, subject to the amendments set forth in Section 3 of this Ordinance. The new provisions will occupy Chapter 15.25 of the New Castle Municipal Code.

Section 3.     Code Amendments to Town Code Chapter 15.25. New section Chapter 15.25 of the Municipal Code shall include the following amendments to the WUI Code. Appendices A through H of the 2021 WUI Code shall not be mandatory, but may serve to inform risk assessments and vegetation management planning. Those sections of the WUI Code not expressly amended in this Ordinance shall remain unchanged and in full force and effect. All title pages and tables of contents shall be updated accordingly.

## **Chapter 15.25 – International Wildland Urban Interface Code**

### **15.25.010     Adoption by reference.**

Pursuant to the power and authority conferred by the Town Charter and C.R.S. § 31-16-201 et seq., there is adopted by reference thereto the International Wildland Urban Interface Code, 2021 Edition, promulgated by the International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478. The purpose and subject matter of this code is to regulate and govern the safeguarding of life and property from conditions hazardous to life or property in the occupancy of buildings and premises in the Town. Where conflicts exist between this code and other adopted codes, the more conservative code shall be enforced.

### **15.25.020     Amendments.**

The International Wildland Urban Interface Code, 2021 Edition, is hereby amended as follows:

Section 101.1 Insert: “Town of New Castle”

Section 103.1 Insert: “The Town of New Castle Building Department”

Sections 104.3 through 104.3.1 are hereby deleted. Section 15.04.030 of the Municipal Code shall control.

Subsection 106.3 #2 is hereby deleted. Chapter 15.48 of the Municipal Code shall control.

Section 106.3 substitute the following in place of # 2 above:



2. Planting or maintenance of vegetation on lots with primary structures constructed prior to the adoption of this Chapter;

Chapter 3 is hereby repealed and replaced by the following text:

### **Chapter 3: Wildland-Urban Interface Area**

**Section 301.1** Studies provided by the Garfield County Community Wildfire Protection Plan (2022, see Exhibit A, Figure 1) demonstrate that all lands within Town boundaries and all lands within the proposed the Urban Growth Boundary (“UGB”) as represented in the New Castle Comprehensive Plan (Exhibit A, Figure 3) are subject to wildland fire potential that poses hazards to human life, safety, and property. CRFR therefore deems the entirety of these lands within the UGB as *Wildland-Urban Interface Area* as defined by WUI Code Chapter 2 and subject to the mitigation provisions below. In consultation with the staff, CRFR, and any other outside referral agencies, Council may reevaluate and recommend modification to the wildland-urban interface area as necessary.

Chapter 4 is hereby repealed and replaced by the following text:

### **Chapter 4: Wildland-Urban Interface Area Requirements**

**Section 401.1** As part of the wildland-urban interface area, all new land use applications submitted to the municipality, including but not limited to annexations, master plans, planned urban developments (“PUDs”), subdivisions, rezoning, PUD or master plan amendments, or any other land use proposals considered by the Town Planner to be at risk for wildland fire impact, shall be subject to review and comment by CRFR.

**Section 402.1** Applications subject to CRFR review will be evaluated for wildfire hazard posed to persons and/or property and any proposed mitigation measures considered. CRFR will be asked to evaluate the site plan for planned or existing roads, water supply facilities, configuration and location of lots, topography of the site, types and density of vegetation or other fuels present, the fire protection measures proposed by the applicant, and any other relevant factors in making its recommendation.

**Section 403.1** If CRFR finds that wildland fire hazards exist to persons and property as a result of the proposed land use, CRFR is requested to recommend mitigation strategies to be incorporated by the Town into the land use application approval, including but not limited to additional access for emergency vehicles, turnouts, establishment of adequate grades and sight distances, the establishment of fuel breaks, location of proposed landscape vegetation, and any mitigation measures for current vegetation.

**Section 404.1** The Town will consider the recommendations of CRFR and incorporate them into any final land use approval that is determined to be appropriate.

Section 502 is hereby deleted.

Section 503.1 is hereby deleted and replaced by the following text:

**503.1 General.** All primary and accessory structures hereafter constructed or relocated into or within wildland-urban interface areas shall meet the requirements for Class 1 ignition-resistant construction in Section 504. Materials required to be ignition-resistant shall comply with the requirements of Section 503.2.

Subsection 503.2 #1.1 is hereby deleted and replaced by the following text:

1.1 Flame Spread. Materials shall exhibit a flame spread index not exceeding 75 (Class B).

Section 504.10 is hereby deleted and replaced by the following text:

**504.10 Vents.** Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m<sup>2</sup>) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed a minimum of 1/16-inch and a maximum of 1/8-inch.

**Exception:** Openings size is not limited where approved rated vents are installed.

Subsection 504.10.1 is hereby amended to include the following exception:

**Exception:** Attic ventilation may be permitted in soffits if vents are listed with an approved testing agency in compliance with ASTM E2886.

Section 505 is hereby deleted.

Section 506 is hereby deleted.

Section 601.1 is hereby deleted and replaced with the following text:

**601.1 Scope.** The provisions of this chapter establish general requirements for properties with new principal structures built within the wildland-urban interface area.

Section 602 is hereby deleted.

Section 603.2 and Table 603.2 are hereby deleted. Section 603.2 is replaced by the following text:

**603.2 Fuel Modification.** The fuel modification distance in any direction shall be not less than 30 feet or the distance to the lot line, whichever is less. The distance shall be



measured on a horizontal plane from the furthest projection point of each wall line as shown in Figure 603.2. The fuel modification distance may be modified at the discretion of the Building Official if it is found that conditions on the site exist such that the required distance is impracticable.

1. *Nonfire-resistive* shrubs or plants (not including trees), combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation may be located anywhere within the fuel modification distance.

**Exception 1:** In no instance shall nonfire-resistive shrubs and plants, combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation be located within five (5) feet of any structure.

**Exception 2:** In no instance shall nonfire-resistive shrubs and plants, combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation be located within ten (10) feet of any tree or tree cluster as specified in Section 603.2.2.

2. *Fire-resistive* shrubs or plants (not including trees), as listed on the FireWise Plant List provided by Colorado State University or other equivalent list, may be planted within the fuel modification distance without limitation.
3. Ignition-resistant building materials subject to the provisions of Section 503.2 may be used for landscaping or other yard ornamentation within the fuel modification distance without limitation.

Section 603.2.2 is hereby amended to include the following exception:

**Exception:** The Building Official or designated representative may allow tree clustering (i.e. densification) of certain species on the property only if such species are listed on the FireWise Plant List provided by Colorado State University or other equivalent list. For purposes of this code, a cluster is any grouping of trees wherein the area of the cluster occupies no more than fifty (50) square feet (e.g. 8 foot diameter circle) as bounded by the tree trunks. Each cluster must maintain the required ten (10) feet of separation between other trees, tree clusters, and other nonfire-resistive vegetation.

Section 604.4 is hereby deleted and replaced by the following text:

**604.4 Trees.** Tree crowns extending to less than (10) feet from any building structure shall be pruned to maintain a minimum horizontal clearance of ten (10) feet.

Trees shall not be planted within any side or rear setbacks, unless, at the discretion of the Building Official, trees within such setback locations are considered nonhazardous to adjoining properties.

All trees within the fuel modification distance shall be pruned to remove lower limbs up to a minimum of 4 feet above the adjacent ground surface.

**Exception:** For newly planted trees, pruning of limbs above the ground surface shall not be required to exceed a pruning height-to-tree height ratio of 1:6. (For example, a newly planted six foot spruce shall have limbs removed one foot above surrounding grade. Or, a tree that has grown to twelve (12) feet shall have lower limbs removed at least two (2) feet above surrounding grade). However, at no time shall any tree limbs be lower than one (1) foot above the adjacent ground surface.

Section 4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 5. Effective Date. This Ordinance shall take effect on January 1<sup>st</sup>, 2024..

INTRODUCED on October 17, 2023 at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on November 7, 2023 read by title and number, passed with amendments, approved, ordered, and published as required by the Town Charter.

TOWN OF NEW CASTLE, COLORADO  
TOWN COUNCIL

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Mindy Andis, Town Clerk

EXHIBIT A



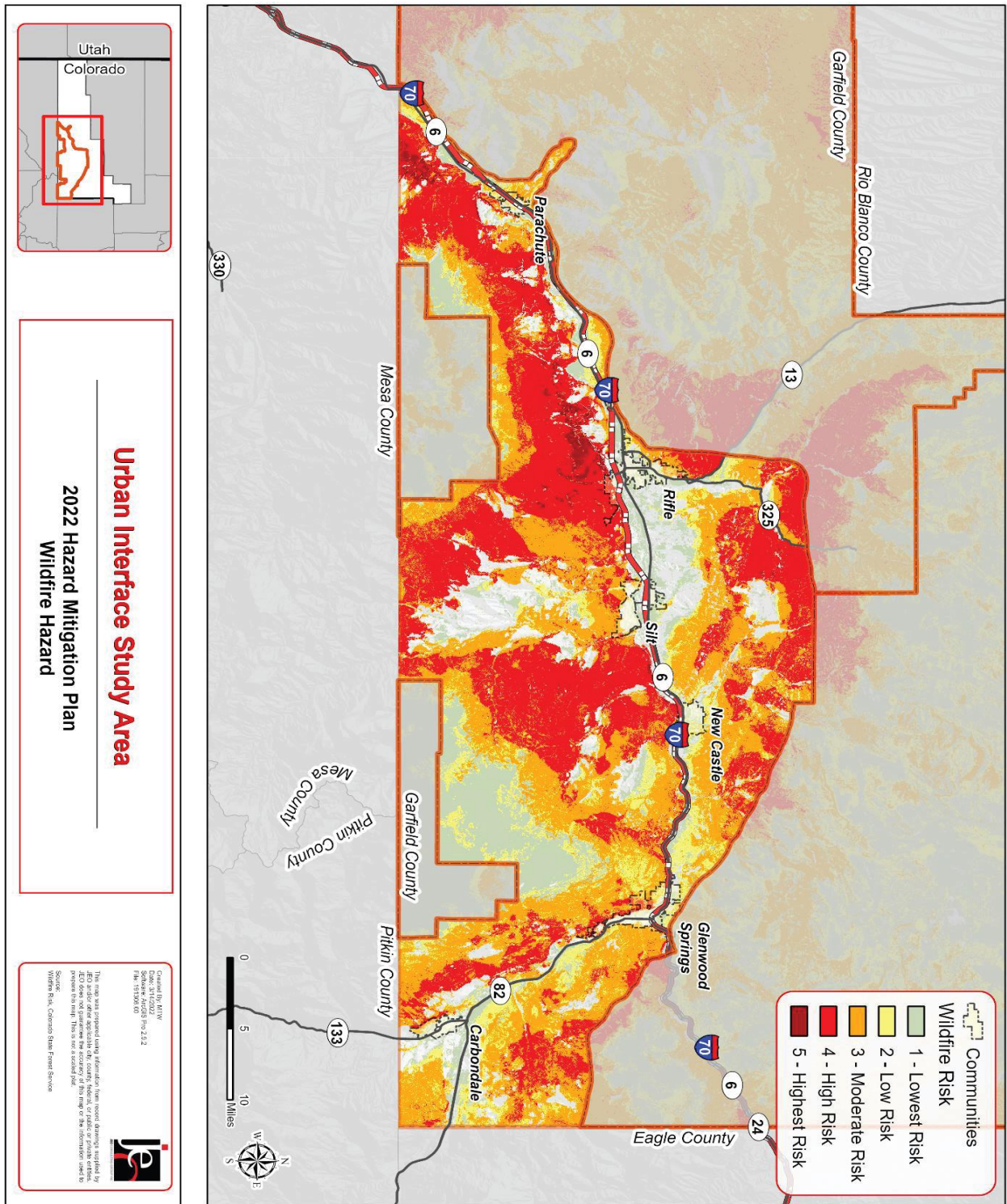
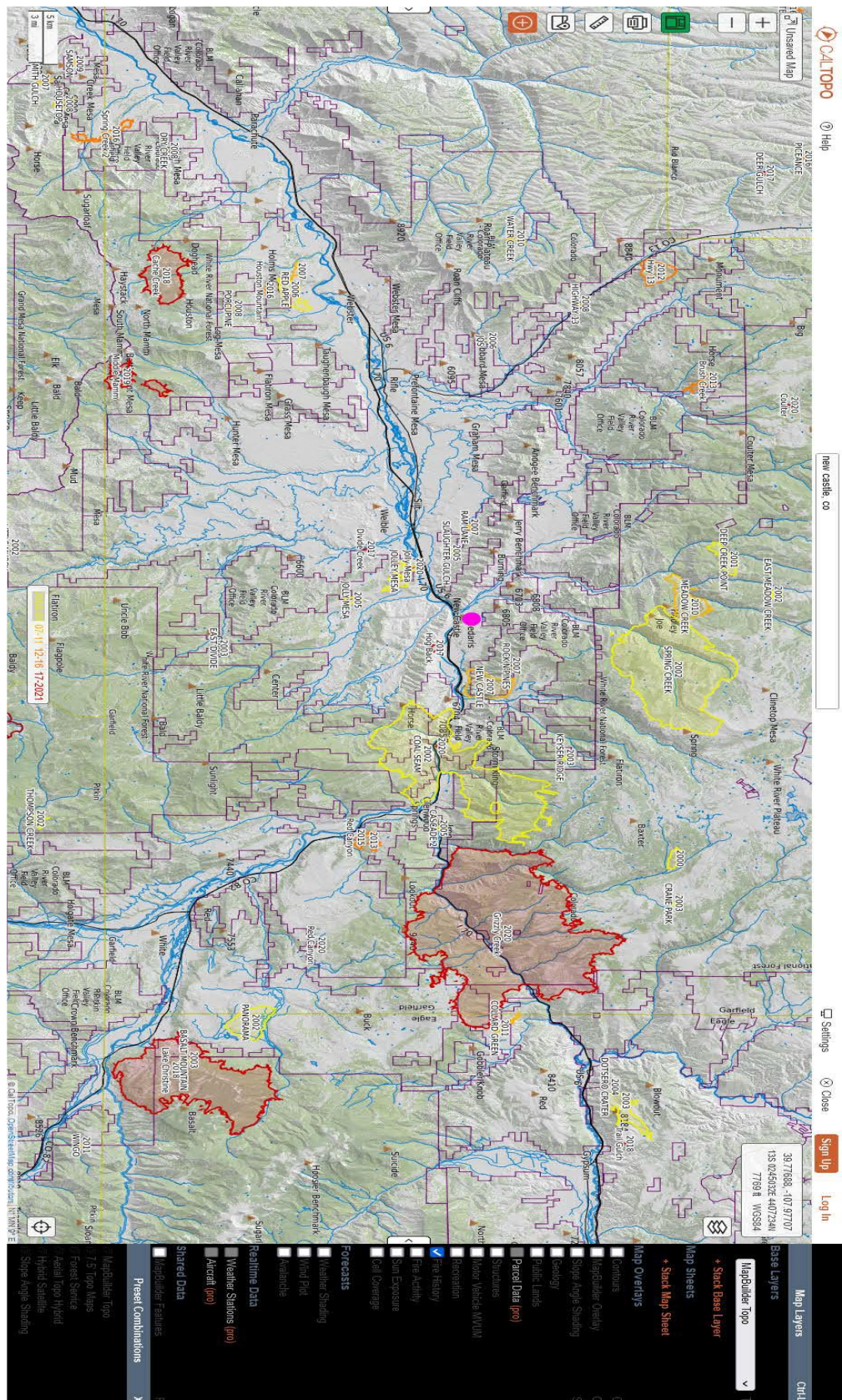


Figure 1: Garfield County Urban Interface Study Area - Wildfire Risk Levels









# Memo

**To:** Water & Sewer Enterprise Board

**From:** Mindy Andis, Town Clerk

**Date:** 11-07-23

**Re:** Resolution E-2023-1 – Collection of Residential Sewer Overage Charges

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**Purpose:**

The purpose of this agenda item is to consider Resolution E-2023-1 – *Collection of Residential Sewer Overage Charges*. During a regular Town Council meeting held on September 5, 2023, the Town Council discussed reducing reading meters for residential properties from 12 to 5 times per year. This new schedule would eliminate meter reading in the winter months.

Currently the Town charges customers a *sewer usage charge* if it is shown that they use greater than 6000 gallons of water during the winter months of November – March. Because the total number of residents who are charged a *sewer usage charge* is relatively small, and because the total dollar amount collected from *sewer usage charges* is minimal, and because the town will no longer be reading meters during the winter months, staff recommends that *sewer usage charges* be eliminated from monthly residential Utility Billing. Staff recommends that the benefits provided by eliminating winter meter reading outweigh the lesser benefit of collecting *sewer usage charges*.

If in the future the *Enterprise Board* deems it necessary to restart sewer usage charges, it may do so with approval of a resolution.



**TOWN OF NEW CASTLE, COLORADO**  
**RESOLUTION NO. E-2023-1**

A RESOLUTION OF THE TOWN OF NEW CASTLE WATER AND SEWER  
ENTERPRISE SUSPENDING THE COLLECTION OF SINGLE-FAMILY  
RESIDENTIAL SEWER OVERAGE CHARGES

WHEREAS, the Town of New Castle, Colorado (“Town”) is a home rule municipality with all of the powers, authorities, and privileges granted to it under its Charter and Colorado law; and

WHEREAS, pursuant to Chapter 13.04 of the New Castle Municipal Code (the “Code”) the Town has established a Water and Sewer Enterprise (the “Enterprise”) as an enterprise of the Town within the meaning of Article X, Section 20 of the Colorado Constitution to manage, operate, use, maintain, and conduct all water, wastewater, and storm water activities, services, and facilities of the Town;

WHEREAS, pursuant to Code Section 13.04.050, the New Castle Town Council serves as the governing body of the Enterprise (the “Enterprise Board”); and

WHEREAS, pursuant to Code Section 13.16.030(B), the Town calculates sewer billing charges differently during the summer and winter months due to the use of potable water for irrigation in the summer; and

WHEREAS, pursuant to Code Section 13.16.030(F), sewer service rates are as set forth in the Town’s fee schedule from time to time; and

WHEREAS, the current single-family residential base rate for sewer usage charges entitles the property owner to 6,000 gallons of sewer usage per EQR per month; and

WHEREAS, based on current use patterns for single-family homes irrigating with potable water and the Town’s sewer usage calculation method, staff time spent determining and collecting excess usage charges for such users does not justify the excess charges; and

WHEREAS, to conserve Town resources, staff recommends that the Board suspend collection of excess sewer usage charges for single family homes irrigating with potable water unless and until usage patterns change or otherwise determined by the Enterprise Board; and

WHEREAS, pursuant to the powers granted to the Enterprise under Section 13.04.060, the Enterprise Board now desires to suspend collection of excess sewer usage charges for single family homes irrigating with potable water as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE WATER AND SEWER ENTERPRISE AS FOLLOWS:

1. **Recitals.** The foregoing recitals are incorporated by reference herein as findings and determinations of the Enterprise Board.

2. **Suspension of Charges.** Starting with the November 2023 billing cycle, the Enterprise Board hereby approves the suspension of the collection of excess sewer usage charges for single family residences with landscaping irrigated with potable water. The Enterprise Board may approve the resumption of collection of such excess sewer charges by resolution at such time as may be deemed necessary or appropriate by the Enterprise Board in its discretion.
3. **Effective Date.** This Resolution shall be effective as of the date of adoption.

INTRODUCED, PASSED, AND ADOPTED by a vote of \_\_\_\_ to \_\_\_\_ at a regular meeting of the Town of New Castle Water and Sewer Enterprise Board held on November 7, 2023.

NEW CASTLE WATER AND  
SEWER ENTERPRISE BOARD

By: \_\_\_\_\_  
Art Riddile, Board Chair

ATTEST:

\_\_\_\_\_  
Mindy Andis, 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](http://www.newcastlecolorado.org)

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## Memorandum

**To:** Town Council

**From:** Paul Smith

**Agenda Item:** Overview of 2021 International Energy Code and State of Colorado Model Electric and Solar Ready Codes

**Date:** 11/7/23

**Purpose:**

The 2021 International Energy Conservation Code (IECC) establishes minimum requirements for energy-efficient buildings using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new energy-efficient designs. Though 2021 IECC is arguably one of the most ambitious changes to the model codes in some time, combined with the State of Colorado's new Model Electric and Solar Ready provisions (HB22-1362), the new standards should significantly reduce reliance on hydrocarbon fuels in residential and commercial structures.

The Town of New Castle Building Department promotes the highest standards and encourages the best practices towards energy efficiency. However, because the Town only requires compliance with the 2009 edition of the IECC, few incentives exist for owners and builders to adopt the latest methods for sustainable construction. In what follows, Staff will provide an overview of the significant changes and recommended amendments to the Town's energy code. Adoption of the 2021 IECC should dovetail with the State's aspiration of a 50% reduction in green-house gas emissions by the year 2030.

Thank you,  
Paul  
Town Planner



The 2021 IECC includes numerous updates. Below are some of these more relevant provisions for residential structures:

### Building Envelope

- Increased insulation requirements and reduced fenestration U-factors and solar heat gain coefficients;
- Revised air leakage requirements;
- Revised duct testing requirements – all ducts tested whether or not they are inside the thermal barrier;
- Clarification of air barrier and insulation installation requirements;
- 3.0 ACH at final blower door testing;

### Mechanical Systems

- Updated equipment efficiency requirements;
- Clarification on duct location and insulation requirement;;
- Removed exception for duct testing in conditioned space;
- New mechanical ventilation system testing requirements;

### Electrical Power and Lighting Systems

- New exterior lighting requirements for limited residential buildings – automatic shut off when daylight is present;
- New interior lighting controls requirements – either a dimmer, occupant sensor, etc;
- All permanent lighting to be high efficiency;
- Automatic controls for snowmelt systems, pools, and spas;



# 2009-2021 IECC and IRC Minimum Insulation Requirements for New Homes



This table is adapted from Table R402.1.1 in the 2009 and 2012 International Energy Conservation Code (IECC), which is Table R402.1.2 in the 2015 and 2018 IECC, and Table R402.1.3 in the 2021 IECC, as well as Table N1102.1 in the 2009 International Residential Code (IRC), Table N1102.1.1 in the 2012 IRC, Table N1102.1.2 in the 2015 and 2018 IRC, and Table N1102.1.3 in the 2021 IRC.

Climate Zone	Ceiling R-Value			Wood Frame Wall R-Value			Mass Wall R-Value <sup>i</sup> *		Floor R-Value		Basement <sup>c</sup> Wall R-Value			Slab <sup>d</sup> R-Value & Depth			Crawl Space Wall R-Value <sup>e, h</sup>		
	2009 IECC	2012 IECC	2018 IECC	2009 IECC	2012 IECC	2021 IECC <sup>h</sup>	2009 IECC <sup>k</sup>	2012 IECC	2009 IECC	2012 IECC	2009 IECC	2012 IECC	2021 IECC	2009 IECC	2012 IECC	2021 IECC	2009 IECC	2012 IECC	2021 IECC
1	30	30	30	13	13	13 or 0+10ci	3/4	3/4	13	13	0	0	0	0	0	0	0	0	0
2	30	38	49	13	13	13 or 0+10ci	4/6	4/6	13	13	0	0	0	0	0	0	0	0	0
3	30	38	49	13	20 or 13+5 <sup>h</sup>	20 or 13+5ci or 0+15	5/8	8/13	19	19	5/13 <sup>f</sup>	5/13 <sup>f</sup>	5ci or 13 <sup>f</sup>	0	0	10ci, 2ft	5/13	5/13	5ci or 13 <sup>f</sup>
4 except Marine	38	49	60	13	20 or 13+5 <sup>h</sup>	30 or 20+5ci or 13+10ci or 0+20ci	5/10	8/13	19	19	10/13	10/13	10ci or 13	10, 2 ft	10, 2 ft	10ci, 4ft	10/13	10/13	10ci or 13
5 and Marine 4	38	49	60	20 or 13+5 <sup>h</sup>	20 or 13+5 <sup>h</sup>	30 or 20+5ci or 13+10ci or 0+20ci	13/17	13/17	30 <sup>g</sup>	30 <sup>g</sup>	10/13	15/19	15ci or 19 or 13+5ci	10, 2 ft	10, 2 ft	10ci, 4ft	10/13	15/19	15ci or 19 or 13+5ci
6	49	49	60	20 or 13+5 <sup>h</sup>	20+5 <sup>h</sup> or 13+10 <sup>h</sup>	30 or 20+5ci or 13+10ci or 0+20ci	15/19	15/20	30 <sup>g</sup>	30 <sup>g</sup>	15/19* IRC: 10/13	15/19	15ci or 19 or 13+5ci	10, 4 ft	10, 4 ft	10ci, 4ft	10/13	15/19	15ci or 19 or 13+5ci
7 and 8	49	49	60	21	20+5 <sup>h</sup> or 13+10 <sup>h</sup>	30 or 20+5ci or 13+10ci or 0+20ci	19/21	19/21	38 <sup>e*</sup> IRC: 30 <sup>g</sup>	38 <sup>e</sup>	15/19* IRC: 10/13	15/19	15ci or 19 or 13+5ci	10, 4 ft	10, 4 ft	10ci, 4ft	10/13	15/19	15ci or 19 or 13+5ci

For SI: 1 foot = 304.8 mm. NR = not required. CI = continuous insulation.

\*The IRC code requirement differs from the IECC code requirement, as noted.

a. Table adapted from Table R402.1.1 in the 2009 and 2012 IECC and Table R402.1.2 in the 2015 and 2018 IECC (Table N1102.1 in 2009 IRC, Table N1102.1.1 in 2012 IRC, and Table N1102.1.2 in 2015 and 2018 IRC).

2012, 2015, 2018, and 2021 IECC: R-values are minimums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

2009 IECC: R-values are minimums. R-19 batts compressed into a nominal 2x6 framing cavity such that the R-value is reduced by R-1 or more shall be marked with the compressed batt R-value in addition to the full thickness R-value.

b. Refers to fenestration requirements not shown on this excerpted table.

c. 2021 IECC: "5ci or 13" means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13+5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior of the wall.

2009-2018 IECC: "10/13" means R-10 continuous insulation (called "insulated sheathing" in 2009 IECC) on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. Alternatively, compliance with "15/19" shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.

2009 IRC Only: The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

d. 2018 and 2021 IECC: R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.

2009, 2012, and 2015 IECC: R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.

e. Refers to fenestration requirements not shown on this excerpted table.

f. 2009-2021 IECC: Basement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table R301.1 (Figure/Table N1101.2 in 2009 IRC and Figure/Table N1101.10 in 2012, 2015, and 2018 IRC).

g. 2009-2018 IECC: Alternatively, insulation sufficient to fill the framing cavity and providing not less than an R-value of R-19.

h. 2015, 2018, 2021 IECC: The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation. (This is labeled footnote "g" in the 2021 IECC.)

2012 IECC: First value is cavity insulation, second value is continuous insulation or insulated siding, so "13+5" means R-13 cavity insulation plus R-5 continuous insulation or insulated siding. If structural sheathing covers 40% or less of the exterior, continuous insulation R-value shall be permitted to be reduced by no more than R-3 in the locations where structural sheathing is used – to maintain a consistent total sheathing thickness.

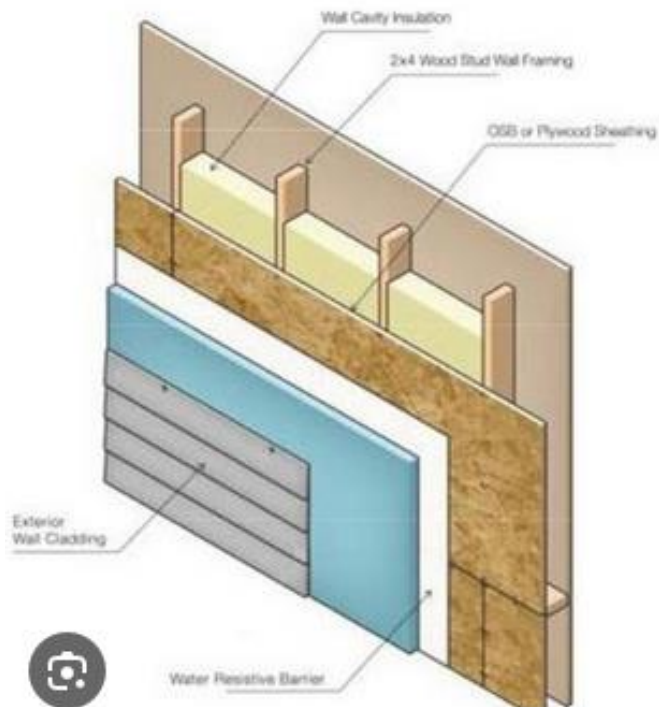
2009 IECC: "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

a. 2018, 2021 IECC: Mass walls shall be in accordance with Section R402.2.5 (N1102.2.5 in 2018 IRC). The second R-value applies when more than half of the insulation is on the interior of the mass wall. (This is labeled footnote "h" in the 2021 IECC.)

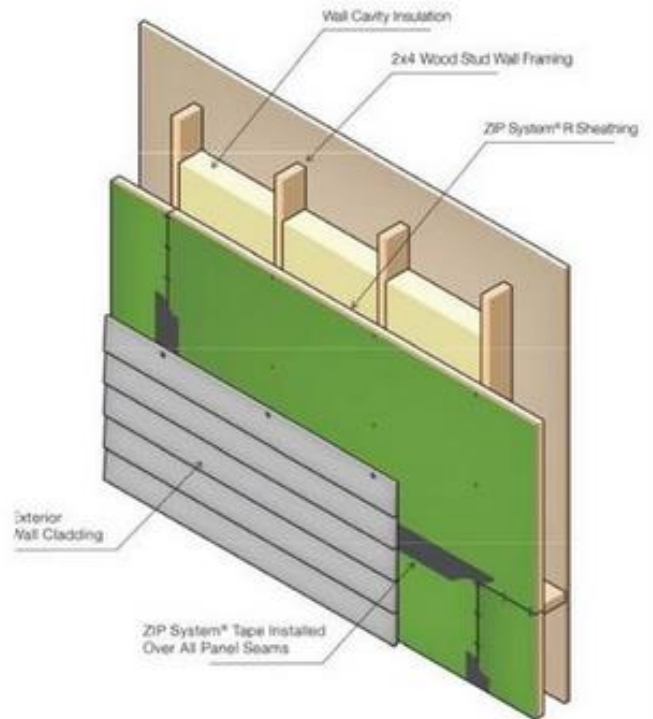
2009, 2012, and 2015 IECC: The second R-value applies when more than half of the insulation is on the interior of the mass wall. (In 2009 IRC, this is footnote k and footnotes i and j refer to fenestration values not shown in this table.)

## Continuous Insulation (ci) – e.g. “Zip Systems”

**The Past**  
Layered Wall System



**The Future**  
ZIP System® R Sheathing





## Chapter 15.22

### INTERNATIONAL ENERGY CONSERVATION CODE 2.010 Adoption by reference.

Pursuant to the power and authority conferred by C.R.S. §31-15-602, there is adopted by reference thereto the International Energy Conservation Code, 2021 Edition, promulgated by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795. The purpose of this code is to establish the minimum regulations governing energy use and conservation for all property, buildings, and structures within the Town.

#### 15.22.020 Amendments

The International Energy Conservation Code, 2021 Edition, is hereby amended as follows:

Section C101.1 insert: Town of New Castle

Section C103.1 is hereby amended to read as follows:

Construction documents and other supporting data shall be submitted in at least one paper set and in digital format with each permit application. The construction documents shall be prepared and reviewed for code compliance by an *approved* third party energy consultant prior to submission to the *code official*.

Section R101.1 insert: Town of New Castle

Section R103.1 is hereby amended to read as follows:

**R103.1 General.** Construction documents and other supporting data shall be submitted in at least one paper set and in digital format with each permit application. The construction documents shall be prepared and reviewed for code compliance by an *approved* third party energy consultant prior to submission to the *code official*.

Section R403.7 is hereby amended to read as follows:

**R403.7 Equipment sizing and efficiency rating.** Heating and cooling equipment shall be sized in accordance with ACC Manual S based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies. All new or replacement heating and cooling equipment shall have an Energy Star efficiency rating pursuant to Section 15.22.030.

**Exception.** Replacement appliances shall only be required to have an efficiency rating equal to or greater than the minimum required by federal law for the geographic location where the equipment is installed when, at the discretion of the Building Official, such installation is deemed to be infeasible. Section R403.9.1 is hereby added as follows:

**R403.9.1 Freeze protection system controls.** Freeze protection systems, such as heat tracing or outdoor piping and heat exchangers, including self-regulating heat tracing, shall include automatic controls configured to shut off the systems when outdoor air temperature are above 40°F (4°C) or when the conditions of the protected fluid will prevent freezing.

**15.22.030 Additional provisions:**

The following additional standards are hereby adopted as a part of the requirements of this Chapter. To the extent these provisions conflict in any manner with the 2021 IECC, the more restrictive provisions shall control.

A. The following equipment and appliances installed in connection with a non-exempt permit must be ENERGY STAR rated at the time of purchase or installation of the equipment and appliances:

- boilers
- furnaces
- air conditioners (both room and central air systems)
- refrigerators,
- stand alone freezers
- clothes washers and dryers
- water heaters
- dishwashers

ENERGY STAR is an efficiency rating program jointly administered by the US EPA and US Department of Energy.

B.



**Chapter 15.30**  
**COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE**

**15.30.010      Adoption by Reference.**

Pursuant to Colorado HB22-1362 regarding Building Greenhouse Gas Emissions and to the power and authority conferred by the Town Charter and C.R.S. §§ 31-16-201 *et seq.*, there is adopted by reference thereto the Colorado Model Electric Ready and Solar Ready Code, published June 1, 2023 promulgated by the State of Colorado Energy Office, 1600 Broadway, Suite 1960, Denver, CO 80202. The purpose and subject matter of this code is to prepare new buildings for solar photovoltaic or solar thermal, electric vehicle charging infrastructure, and electrification of building systems.

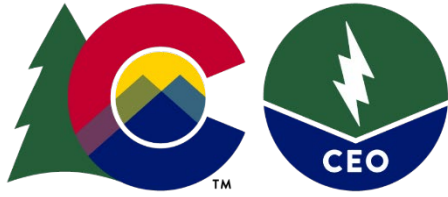
**15.30.020      Amendments.**

The Colorado Model Electric Ready and Solar Ready Code, 2023 Edition, is hereby amended as follows:

Section 101.1 Insert: Town of New Castle

**15.30.030      Copy on file.**

At least one copy Colorado Model Electric Ready and Solar Ready Code together with the ordinances codified in this chapter, shall be kept on file in the office of the town clerk or building official. Copies of said code and appendices shall be available to the public at a moderate price, as required by C.R.S. Section 31-16-206.



**COLORADO**  
Energy Office

# Colorado Model Electric Ready and Solar Ready Code

Published: June 1, 2023



**COLORADO**  
Department of Local Affairs



# Chapter 1 Scope and Administration

## SECTION 101 SCOPE AND GENERAL REQUIREMENTS.

**101.1 Title.** This code shall be known as the **Electric Ready and Solar Ready Code** of [NAME OF JURISDICTION], and shall be cited as such. It is referred to herein as “this code”.

**101.2 Scope.** This code applies to all buildings and dwelling units, and the buildings’ sites and associated systems and equipment.

**101.3 Intent.** This code shall regulate the design and construction of buildings to prepare new buildings for solar photovoltaic or solar thermal, electric vehicle charging infrastructure, and electrification of building systems. This code is intended to provide flexibility and balance upfront construction costs with the future cost to retrofit buildings to accommodate these systems. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

**101.4. Applicability.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

**101.4.1 Residential Buildings.** *Residential buildings* must comply with the Residential Chapters of this code.

**101.4.2 Commercial Buildings.** *Commercial buildings* must comply with the Commercial Chapters of this code.

## SECTION 102 WAIVER AND VARIANCE.

**102.1 Scope.** The following waivers shall be permitted to be requested if buildings meet the following requirements.

**102.1.1 Commercial Buildings Greater than 10,000 sq. ft.** *Commercial buildings* that have a gross floor area greater than 10,000 sq. ft. shall be eligible to request

a partial waiver to the requirements of this code if they meet the requirements of Section **102.2**.

**102.1.2 Buildings Impacted by a Natural Disaster.** [NAME OF JURISDICTION] is permitted to authorize, upon appeal in specific cases, a waiver from the requirements of this code where, owing to a declared natural disaster that has destroyed buildings or resulted in other exceptional and extraordinary circumstances as determined by [NAME OF JURISDICTION], and [NAME OF JURISDICTION] determines enforcement of the provisions of this code will result in unnecessary hardship.

**102.2 Substantial Cost Differential Waiver.** [NAME OF JURISDICTION] shall be permitted to authorize, upon appeal, a waiver from the requirements of this code for an applicant that asserts that compliance with this code will result in a substantial cost differential. [NAME OF JURISDICTION], when authorizing such a waiver, shall be permitted to waive certain requirements of this code only until the cost differential for compliance with the remaining requirements reaches one percent or less. The burden of proof is upon the applicant to provide substantiation of a cost differential, such as quotes or other licensed design professional analyses as *approved* by [NAME OF JURISDICTION].

**102.2.1 Substantial Cost Differential.** For the purposes of Section **102.2**, “substantial cost differential” means costs incurred as a result of compliance with the requirements of this code would exceed one percent of total mechanical, electrical, and plumbing construction costs inclusive of materials and labor.

## **SECTION 103 CONSTRUCTION DOCUMENTS.**

**103.1 General.** Construction documents and other supporting data shall be submitted in one or more sets, or in a digital format where allowed by the *code official*, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require necessary construction documents to be prepared by a registered design professional.



**Exception:** The *code official* is authorized to waive the requirements for construction documents or other supporting data if the *code official* determines they are not necessary to confirm compliance with this code.

**103.2 Information on Construction Documents.** Construction documents shall be drawn to scale on suitable material. Electronic media documents are permitted to be submitted where *approved* by the *code official*. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems, and equipment as herein governed. Details shall include, but are not limited to, the following as applicable:

1. Location and size of the *solar-ready zone*.
2. Structural design loads of roof dead load and roof live load.
3. Pathways for routing of conduit from the *solar-ready zone* to the electrical service panel.
4. Number and location of *EV capable light spaces*.
5. Number and location of *EV capable spaces*.
6. Number and location of *EV ready spaces*.
7. Number and location of *EVSE installed spaces*.
8. Locations of conduit and termination points serving the aforementioned parking spaces.
9. Location for condensate drainage where *combustion equipment* for space heating and water heating is installed.

**103.3 Examination of Documents.** The *code official* shall examine or cause to be examined the accompanying documents and shall ascertain whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. The *code official* is authorized to utilize a registered design professional, or other *approved* entity not affiliated with the building design or construction, in conducting the review of the plans and specifications for compliance with the code.

**103.3.1 Approval of Construction Documents.** When the *code official* issues a permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "Reviewed for Code

Compliance". Such *approved* construction documents shall not be changed, modified, or altered without authorization from the *code official*. Work shall be done in accordance with the *approved* construction documents.

One set of "Reviewed for Code Compliance" construction documents shall be retained by the *code official*. The other set shall be returned to the applicant, kept at the site of work, and shall be open to inspection by the *code official* or a duly authorized representative.

**103.3.2 Previous Approvals.** This code shall not require changes in the construction documents, construction, or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each.

**103.3.3 Phased Approval.** The *code official* shall have the authority to issue a permit for the construction of part of a solar ready, EV ready, or electric ready installation before the construction documents for the entire system have been submitted or *approved*, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire solar ready, EV ready, or electric ready installation will be granted.

**103.4 Amended Construction Documents.** Changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

**103.5 Retention of Construction Documents.** One set of *approved* construction documents shall be retained by the *code official* for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws.

**103.6 Building Documentation and Closeout Submittal Requirements.** The construction documents shall specify that the documents described in this section be



provided to the building owner or owner's authorized agent within 90 days of the date of receipt of the certificate of occupancy.

**Exception:** *Residential buildings.*

**103.6.1 Record Documents.** Construction documents shall be updated to convey a record of the completed work. Such updates shall include mechanical, electrical, and control drawings that indicate all changes to size, type, and location of components, equipment, and assemblies.

**103.6.2 Compliance Documentation.** Compliance documentation and supporting calculations shall be delivered in one document to the building owner as a part of the project record documents or manuals, or as a standalone document. This document shall include the specific energy code edition utilized for compliance determination for each system.

## **SECTION 104 INSPECTIONS.**

**104.1 General.** Construction or work for which a permit is required shall be subject to inspection by the *code official*, his or her designated agent or an *approved agency*, and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain visible and/or able to be accessed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expenses entailed in the removal or replacement of any material, product, system or building component required to allow an inspection to validate compliance with this code.

**104.2 Required Inspections.** The *code official*, his or her designated agent or an *approved agency*, upon notification, shall make the inspections set forth in Sections **104.2.1** through **104.2.4**.

**104.2.1 Solar Ready.** Inspections shall verify all of the following as required by this code, *approved plans*, and specifications:

1. The location and size of the *solar-ready zone* or the capacity of an installed on-site renewable energy system.
2. Electrical capacity and reserved physical space for circuit breakers in the main electrical service panel that are properly labeled.

**104.2.2 Electric Vehicle Ready.** Inspections shall verify all of the following as required by this code, *approved* plans, and specifications:

1. *EV* power transfer infrastructure requirements.
2. Electrical equipment associated with each parking space type, including branch circuits, conduit and/or raceway, junction boxes, receptacles, and *EVSE* are properly labeled and installed.
3. Electrical capacity and reserved physical space for circuit breakers in the main electrical service panel are properly labeled, if applicable.

**104.2.3 Electric Ready.** Inspections shall verify all of the following as required by this code, *approved* plans, and specifications:

1. Branch circuits, conduit and/or raceway, wiring, junction boxes, and receptacles for *future electric equipment* or appliances are properly labeled and installed, as applicable.
2. Reserved physical space for *future electric equipment* or appliances.
3. Electrical capacity and reserved physical space for circuit breakers in the main electrical service panel are properly labeled.

**104.2.4 Final Inspection.** The final inspection shall include verification of the installation and proper labeling of all requirements of this code.

**104.3 Reinspection.** A building shall be reinspected where determined necessary by the *code official*.

**104.4 Approved Inspection Agencies.** The *code official* is authorized to accept reports of third-party inspection agencies not affiliated with the building design or construction, provided that such agencies are *approved* as to qualifications and reliability relevant to the building components and systems that they are inspecting.

**104.5 Inspection Requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall



be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

**104.6 Reinspection and Testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

## **SECTION 105 NOTICE OF APPROVAL.**

**105.1 Approval.** After the prescribed inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the *code official*.

**105.2 Revocation.** The *code official* is authorized to suspend or revoke, in writing, a notice of approval issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## **SECTION 106 VALIDITY.**

**106.1 General.** If a portion of this code is held to be illegal or void, such a decision shall not affect the validity of the remainder of this code.

## **SECTION 107 REFERENCED STANDARDS.**

**107.1 General.** The codes and standards referenced in this code shall be listed in Section **107.2**, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference.

**107.2 Referenced Codes and Standards.** The codes and standards referenced in this code are as follows:

1. International Building Code
  - a. Chapter 3
  - b. Chapter 11
2. International Energy Conservation Code
3. International Fire Code

4. International Residential Code
5. National Electrical Code Article 625
6. UL2202 and 2594

**107.2.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**107.2.2 Provisions in Referenced Codes and Standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**107.3 Applications of References.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this code.

**107.4 Other Laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

## **SECTION 108 STOP WORK ORDER.**

**108.1 Authority.** Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

**108.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent, or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**108.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

**108.4 Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by [NAME OF JURISDICTION].



## **SECTION 109 BOARD OF APPEALS.**

**109.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The *code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.

**109.2 Limitations on Authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have the authority to waive the requirements of this code.

**109.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training and are not employees of [NAME OF JURISDICTION].

## **Chapter 2 Definitions**

### **SECTION 201 GENERAL.**

**201.1 Scope.** Unless stated otherwise, the following words and terms in this code shall have the meanings indicated in this chapter.

**201.2 Interchangeability.** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.

**201.3 Terms Defined in Other Codes.** Terms that are not defined in this code but are defined in the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, or International Residential Code shall have the meanings ascribed to them in those codes.

**201.4 Terms not Defined.** Terms not defined by this chapter or the codes listed under 201.3 shall have ordinarily accepted meanings such as the context implies.

## **SECTION 202 GENERAL DEFINITIONS.**

**APPROVED.** Acceptable to the *code official*.

**APPROVED AGENCY.** An established and recognized agency that is regularly engaged in conducting tests or furnishing inspection services, or furnishing product certification, where such agency has been approved by the *code official*.

**CODE OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

**COMBUSTION EQUIPMENT.** For this code, any equipment or appliance used for space-heating, service water heating, cooking, clothes drying or lighting that uses *fuel gas* or *fuel oil*.

**COMMERCIAL BUILDING.** For this code, all commercial buildings and R-Occupancies that are covered by the International Building Code.

**CORE AND SHELL.** The first phase of a commercial project that has the outer building envelope constructed and may contain interior lighting and heating and has not received a permanent Certificate of Occupancy.

**DIRECT CURRENT FAST CHARGER (DCFC) EVSE.** Equipment capable of fast charging on a 100A or higher 480VAC three-phase branch circuit. AC power is converted into a controlled DC voltage and current within the *EVSE* that will then directly charge the *electric vehicle*.

**ELECTRIC VEHICLE (EV).** An automotive-type vehicle for on-road use, including but not limited to, passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, *EVSE*, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Off-road, self-propelled electric mobile equipment, including but not limited to, industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, and boats are not considered electric vehicles.



**ELECTRIC VEHICLE CAPABLE LIGHT SPACE (EV CAPABLE LIGHT SPACE).** A designated vehicle parking space that has conduit and/or raceway installed to support future implementation of *electric vehicle* charging installation, and has sufficient physical space adjacent to the existing electrical equipment for future electric upgrades.

**ELECTRIC VEHICLE CAPABLE SPACE (EV CAPABLE SPACE).** A designated vehicle parking space that has the electric panel capacity and conduit and/or raceway installed to support future implementation of *electric vehicle* charging.

**ELECTRIC VEHICLE READY SPACE (EV READY SPACE).** A designated vehicle parking space that has the electric panel capacity, raceway wiring, receptacle, and circuit overprotection devices installed to support future implementation of *electrical vehicle* charging.

**ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).** An *electric vehicle* charging system or device that is used to provide electricity to a plug-in *electric vehicle* or *plug-in hybrid electric vehicle*, is designed to ensure that a safe connection has been made between the electrical grid and the vehicle, and is able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level.

**ELECTRIC VEHICLE SUPPLY EQUIPMENT INSTALLED SPACE (EVSE INSTALLED SPACE).** A vehicle parking space that is provided with a dedicated *EVSE* connection.

**FIRST TENANT FINISH.** The first tenant finish(es) in a new structure or *core and shell* building that is credited towards meeting the requirements of this Chapter.

**FUEL GAS.** A natural gas, manufactured gas, liquefied petroleum gas, or mixtures of these gasses.

**FUEL OIL.** Kerosene or any hydrocarbon oil having a flash point of not less than 100°F (38°C).

**FUTURE ELECTRIC EQUIPMENT.** Equipment or appliances necessary to support future all-electric space and water heating, cooking, or clothes drying.

**PLUG-IN HYBRID ELECTRIC VEHICLE.** An *electric vehicle* having a second source of motive power.

**RESIDENTIAL BUILDING.** For this code, one- and two-family dwellings and townhouses as defined in the International Residential Code.

**SOLAR-READY ZONE.** A section or sections of the roof or building overhang designated and reserved for future installation of a solar photovoltaic system or solar thermal system.

## Chapter 3 Electric Ready

### PART 1 RESIDENTIAL ELECTRIC READY

#### SECTION RE301 SCOPE

**RE301.1 General.** These provisions shall be applicable for all new buildings, and major renovations and additions.

#### SECTION RE302 ADDITIONAL ELECTRIC INFRASTRUCTURE

**RE302.1 Additional Electric Infrastructure.** *Combustion equipment in residential buildings* must meet the requirements of Sections **RE302.2** through **RE302.6**.

**Exceptions:**

1. Interior fireplaces that do not serve as a primary source of heating.
2. Exterior fireplaces and firepits.

**RE302.2 Combustion Equipment.** *Combustion equipment* shall be provided with all of the following:

1. A dedicated, appropriately phased branch circuit sized to accommodate *future electric equipment* or appliances to serve a comparable capacity to meet the heating load.
2. An electric receptacle or junction box that meets the requirements of Section **RE302.5**, and is connected to the electrical panel through the branch circuit. Each electrical receptacle or junction box shall have reasonable access to the *combustion equipment* or dedicated physical space for *future electric equipment* with no obstructions other than the current *combustion equipment*.



3. Where *combustion equipment* is used for space or water heating, dedicated physical space shall be provided for *future electric equipment*, including an electric resistance backup coil for ducted systems, if applicable.

**Exception:** Dwelling units with installed air conditioning systems are not required to provide additional dedicated physical space for an outdoor heat pump.

**RE302.3 Electrical Panel Space.** The electrical panel shall have a reserved space for a minimum two-pole circuit breaker for each branch circuit provided for *future electric equipment* or appliances.

**RE302.4 Labeling.** The junction box or receptacle and the dedicated circuit breaker space serving *future electric equipment* or appliances in the electrical panel shall be labeled for their intended use.

**RE302.5 Adjacency.** The electrical receptacle or junction box must be provided within 3 feet of the *combustion equipment* or appliances, or within 3 feet of the dedicated physical space for *future electric equipment* or appliances.

**Exception:** For *combustion equipment* dedicated to space or water heating, the electrical receptacle or junction box shall be located not more than 6 feet from the *combustion equipment* or the dedicated physical space for *future electric equipment*.

**RE302.6 Condensate Drain.** Where *combustion equipment* for space heating and water heating is installed, a location shall be provided for condensate drainage.

## PART 2 COMMERCIAL ELECTRIC READY

### SECTION CE301 SCOPE

**CE301.1 General.** These provisions shall be applicable for all new buildings, additions, and *first tenant finish* permits.

**CE301.1.1 First Tenant Finishes.** In the case that a *first tenant finish* to a commercial *core and shell* building or unfinished space is credited towards meeting the requirements of this Chapter, the *code official* shall not issue a

Certificate of Occupancy to the tenant until the requirements of Section **CE302** are met.

## **SECTION CE302 ADDITIONAL ELECTRIC INFRASTRUCTURE**

**CE302.1 Additional Electric Infrastructure.** *Combustion equipment* in commercial buildings shall meet the electric infrastructure requirements of Sections **CE302.2** or **CE302.3**.

### **Exceptions:**

1. Interior fireplaces that do not serve as a primary source of heating.
2. Exterior fireplaces and fire pits.
3. Additions to buildings that do not provide new space-heating equipment will not be required to provide additional electrical infrastructure to the existing space-heating equipment.

**CE302.2 Commercial Buildings Less than 10,000 sq. ft. and all R-Occupancies.** *Commercial buildings* that have a gross floor area of less than 10,000 sq. ft., and all R-occupancies of any size, shall comply with Sections **CE302.2.1** through **CE302.2.5**.

**CE302.2.1 Combustion Equipment.** *Combustion equipment* shall be provided with all of the following:

1. A dedicated, appropriately phased branch circuit sized to accommodate *future electric equipment* or appliances to serve a comparable capacity to meet the heating load.
2. An electric receptacle or junction box that meets the requirements of Section **CE302.2.5**, and is connected to the electrical panel through the branch circuit. Each electrical receptacle or junction box shall have reasonable access to the *combustion equipment* or dedicated physical space for *future electric equipment* with no obstructions other than the current *combustion equipment*.
3. Where *combustion equipment* is used for space or water heating, dedicated space shall be provided for all *future electric equipment*,



including an electric resistance backup coil for ducted systems if applicable.

**Exception:** Buildings with installed air conditioning systems are not required to provide additional dedicated physical space for an outdoor heat pump.

**CE302.2.2 Electrical Panel Space.** The electrical panel shall have reserved physical space for a minimum two-pole or three-pole circuit breaker for each branch circuit provided for *future electric equipment* or appliances. The physical space in the electrical panel for each circuit breaker shall be sized with sufficient breaker capacity to meet the electrical demand of the *future electric equipment* or appliance that is sized to serve a comparable capacity to meet the heating load.

**CE302.2.3 Labeling.** The junction box or receptacle and the dedicated circuit breaker space serving *future electric equipment* or appliances in the electrical panel shall be labeled for their intended use.

**CE302.2.4 Adjacency.** The electrical receptacle or junction box must be provided within 3 feet of the *combustion equipment* or appliances or within 3 feet of the dedicated physical space for *future electric equipment* or appliances.

**Exception:** For *combustion equipment* dedicated to space or water heating, the electrical receptacle or junction box shall be located not more than 6 feet from the *combustion equipment* or the dedicated physical space for *future electric equipment*.

**CE302.2.5 Condensate Drain.** Where *combustion equipment* dedicated to space heating and water heating is installed, a location shall be provided for condensate drainage.

**CE302.3 Commercial Buildings 10,000 sq. ft. or Greater.** All *commercial buildings* that have a gross floor area of 10,000 sq. ft. or greater shall comply with the following requirements.

**Exception:** R-occupancies.

**CE302.3.1 Combustion Equipment or Appliances.** All *combustion equipment* shall be provided with the following:

1. A junction box that is located in the same physical space as the *combustion equipment* and is reasonably accessible, and that is connected to the electrical panel by continuous conduit and/or raceways.
2. Dedicated electrical panel space for an appropriately phased branch circuit sized to accommodate *future electric equipment* or appliances to serve a comparable capacity to meet the heating load.
3. Where *combustion equipment* is used for space and water heating, dedicated physical space shall be provided for all *future electric equipment*.

**CE302.3.2 Electrical Panel Space.** The electrical panel shall have reserved physical space for a minimum two-pole or three-pole circuit breaker for each branch circuit provided for *future electric equipment* or appliances. The physical space in the electrical panel for each circuit breaker shall be sized with sufficient breaker capacity to meet the electrical demand of the *future electric equipment* or appliance that is sized to serve a comparable capacity to meet the heating load.

**CE302.3.3 Labeling.** The dedicated circuit breaker space serving *future electric equipment* or appliances in the electrical panel shall be labeled "For future electric equipment".

**CE302.3.4 Physical Space.** Dedicated physical space shall be provided for additional electric equipment, including but not limited to transformers and cabinets, necessary for electrical service to *future electric equipment* or appliances.



# Chapter 4 Solar Ready

## PART 1 RESIDENTIAL SOLAR READY.

### SECTION RS401 SCOPE.

**RS401.1 General.** These provisions shall be applicable for new buildings, and major renovations and additions.

### SECTION RS402 SOLAR READY ZONE.

**RS402.1 General.** New *residential buildings* with not less than 600 square feet of roof area oriented between 110 degrees and 270 degrees of true north or that is a low-sloped roof, shall comply with Sections **RS402.2** through **RS402.8**.

#### Exceptions:

1. New residential dwelling units with a permanently installed on-site renewable energy system that provides electricity to the dwelling unit's electrical system.
2. A building where all areas of the roof that would otherwise meet the requirements of Section **RS402** are in full or partial shade for more than 70 percent of daylight hours annually.

**RS402.2 Construction Document Requirements for Solar-Ready Zone.** Construction documents shall indicate the *solar-ready zone*.

**RS402.3 Solar-Ready Zone Areas.** The total *solar-ready zone* area for each dwelling unit shall be not less than 300 square feet exclusive of mandatory access or setback areas as required by the International Fire Code. The *solar-ready zone* shall be composed of areas not less than 5 feet in width and not less than 80 square feet exclusive of access or setback areas as required by the International Fire Code.

**Exception:** New townhouses three stories or less in height above grade plane and with a total floor area less than or equal to 2,000 square feet of conditioned space per townhouse unit shall have a *solar-ready zone* area of not less than 150 square feet.

**RS402.4 Obstructions.** *Solar-ready zones* shall be free from obstructions, including but not limited to, vents, chimneys, and roof-mounted equipment.

**RS402.5 Shading.** The *solar-ready zone* shall be set back from any existing or new permanently affixed object on the building or site that is located south, east, or west of the *solar-ready zone* a distance not less than two times the object's height above the nearest point on the roof surface. Such objects include, but are not limited to, taller portions of the building itself, parapets, chimneys, antennas, signage, rooftop equipment, trees, and roof plantings either existing at the time of permit application or planned for on the construction documents.

**RS402.6 Roof Load Documentation.** The structural design loads of roof dead load and roof live load shall be clearly indicated on the construction documents.

**RS402.7 Interconnection Pathway.** Construction documents shall indicate at least one potential pathway for routing of conduit and/or raceway from the *solar-ready zone* to the electrical service panel and shall be labeled as "Potential Pathway" on the construction documents.

**RS402.8 Electrical Service Reserved Space.** The main electrical service panel shall have sufficient reserved space to allow the installation of a dual pole circuit breaker for future solar electric installation and shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

**RS402.9 Construction Documentation Certificate.** A permanent certificate, indicating the *solar-ready zone* and other requirements of this Part, shall be posted near the electrical distribution panel, water heater, or other conspicuous location.

## **PART 2 COMMERCIAL SOLAR READY**

### **SECTION CS401 SCOPE**

**CS401.1 General.** These provisions shall be applicable for new buildings, and major renovations and additions.



## SECTION CS402 SOLAR-READY ZONE

**CS402.1 General.** A *solar-ready zone* shall be located on the roof of all new *commercial buildings* that are oriented between 110 and 270 degrees of true north or have low-sloped roofs. *Solar-ready zones* shall comply with Sections **CS402.2** through **CS402.7**.

### Exceptions:

1. A building with a permanently-installed, on-site renewable energy system that meets the following criteria.
  - a. The system produces the energy output equivalent to covering 40 percent of the net roof area with solar photovoltaic calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas as required by the International Fire Code.
  - b. The system is located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building, on the building premises, on covered parking, or another *approved* location installed with the building project and under the same property ownership.
2. A building with a *solar-ready zone* that is shaded for more than 70 percent of daylight hours annually.
3. A building where a licensed design professional certifies that the incident solar radiation available to the building is not suitable for a *solar-ready zone*.
4. A building where a licensed design professional certifies that the *solar-ready zone* area required by Section **CS402.3** cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas, or other obstructions.

**CS402.2 Construction Document Requirements for a Solar-Ready Zone.** Construction documents shall indicate the *solar-ready zone*.

**CS402.3 Solar-Ready Zone Area.** The total *solar-ready zone* area shall not be less than 40 percent of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas as required by the International Fire Code. The *solar-ready zone* shall be a single area or smaller, separated sub-zone areas. Each sub-zone area shall be not less than 5 feet in width in the narrowest dimension.

The *solar-ready zone* shall be located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building, on the building premises, on covered parking, or another *approved* location installed with the building project and under the same property ownership .

**CS402.4 Obstructions.** *Solar-ready zones* shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights, and roof-mounted equipment.

**CS402.5 Roof Loads and Documentation.** The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.

**CS402.6 Interconnection Pathway.** Construction documents shall indicate at least one potential pathway for routing of conduit and/or raceway from the *solar-ready zone* to an electrical service panel and shall be labeled as "Potential Pathway" on the construction documents.

**CS402.7 Electrical Service Reserved Space.** The main electrical service panel shall have a minimum bus bar rating of not less than 200 amps. The main electrical service panel shall have a reserved space to allow installation of a dual-pole circuit breaker for future solar electric. This space shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.

## **PART 3 RESIDENTIAL SOLAR PANEL CAPACITY**

### **SECTION RS410 SCOPE**

**RS410.1 General.** These provisions shall be applicable for all new buildings, and major renovations and additions.



**RS410.2 Electric Service Reserved Space.** The main electrical service panel shall have sufficient reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

**Exception:** A dwelling unit that already must comply with the solar ready provisions in Chapter 4 or that has a permanently installed on-site renewable energy system that provides electricity to the dwelling unit’s electrical system.

## **PART 4 COMMERCIAL SOLAR PANEL CAPACITY**

### **SECTION CS410 SCOPE**

**CS410.1 General.** These provisions shall be applicable for new buildings, and major renovations and additions.

**CS410.2 Electric Service Reserved Space.** The main electrical service panel shall have a minimum bus bar rating of not less than 200 amps. The main electrical service panel shall have sufficient reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

**Exception:** A building that already must comply with the solar ready provisions in Chapter 4 or that has a permanently installed on-site renewable energy system that provides electricity to the building’s electrical system.

## **Chapter 5 Electric Vehicle Ready**

### **PART 1 RESIDENTIAL ELECTRIC VEHICLE READY**

#### **SECTION RV501 SCOPE**

**RV501.1 General.** These provisions shall be applicable for all new buildings, and major renovations and additions.

## SECTION RV502 ELECTRIC VEHICLE POWER TRANSFER INFRASTRUCTURE

**RV502 Electric Vehicle Power Transfer Infrastructure.** New vehicle parking spaces for *residential buildings* shall be provided in accordance with Sections **RV502.1** and **RV502.3**

**RV502.1 One- and Two-family Dwellings and Townhouses.** Each dwelling unit with a dedicated attached or detached garage or other onsite designated parking provided for the dwelling unit shall be provided with one *EV ready space* per dwelling unit.

**RV502.2 EV Ready Spaces.** Each *EV ready space* shall have a branch circuit that complies with all of the following:

1. Terminates at a receptacle, located within 3 feet of each *EV ready space* it serves. *EV ready* includes two adjacent parking spaces if the receptacle for the electrical facilities of this section is installed adjacent to and between both parking spaces.
2. Has a minimum circuit capacity of 8.3 kVA (40A 208/240V).
3. The electrical panel, electrical distribution equipment directory, and all outlets or enclosures shall be marked "For future electric vehicle supply equipment".

**Exception:** A receptacle need not be provided if a hard-wired *EVSE* is installed.

**RV502.3 Identification.** Construction documents shall designate the *EV ready space* and indicate the locations of raceway and/or conduit and the termination points serving them. The circuits or spaces reserved in the electrical panel for *EV ready spaces* shall be clearly identified in the panel or subpanel directory.

## PART 2 COMMERCIAL ELECTRIC VEHICLE READY

### SECTION CV501 SCOPE

**CV501.1 General.** These provisions shall be applicable for all new buildings, and major renovations and additions.

## SECTION CV502 ELECTRIC VEHICLE POWER TRANSFER INFRASTRUCTURE



**CV502 Electric Vehicle Power Transfer Infrastructure.** Where new parking is provided for *commercial buildings*, it shall be provided with *electric vehicle* power transfer infrastructure in compliance with Sections **CV502.1** through **CV502.9**.

**CV502.1 Quantity.** The number of required *EVSE installed spaces*, *EV ready spaces*, *EV capable spaces*, and *EV capable light spaces* shall be determined in accordance with this Section and **Table CV502.1** based on the total number of provided vehicle parking spaces and shall be rounded up to the nearest whole number. This includes all covered parking under carports or detached garages.

**CV502.1.1** Where more than one parking lot is provided on a building site, the number of provided vehicle parking spaces required to have *EV* power transfer infrastructure shall be calculated separately for each parking lot.

**CV502.1.1.1** R-2 Occupancies, as defined in Chapter 3 of the International Building Code, shall use the total parking requirement for the entire development to determine the *EV* power transfer infrastructure requirements using **Table CV502.1**.

**CV502.1.2** For *commercial buildings* that install a *DCFC EVSE*, each *DCFC EVSE* installed shall be permitted to be substituted for other space types as follows:

1. *Commercial buildings* other than R-2 Occupancies shall be permitted to substitute up to 10 spaces when the building provides a minimum of 20 percent of parking spaces as a combination of *EV Capable*, *EV ready*, or *EVSE installed spaces*.
2. R-2 Occupancies shall be permitted to substitute up to 5 spaces when the building provides a minimum of 60 percent of parking spaces as a combination of *EV Capable light*, *EV Capable*, *EV ready*, or *EVSE installed spaces*.

**CV502.1.3** *EVSE installed spaces* that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for *EV ready spaces*, *EV capable spaces*, and *EV capable light spaces*.

**CV502.1.4** *EV ready spaces* that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for *EV capable spaces* and *EV capable light spaces*.

**CV502.1.5** *EV capable spaces* that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements for *EV capable light spaces*.

**CV502.1.6** All attached garages with direct connection to a dwelling unit will be required to have one *EV ready space*.

Table CV502.1: EV Power Transfer Infrastructure Requirements

Building Type / Space Type	EVSE Installed Space	EV Ready Space	EV Capable Space	EV Capable Light Space
<b>All commercial buildings, except for R-2 occupancies, with 10 or less parking spaces.</b>	0	2 spaces	0	0
<b>Commercial buildings, except for R-2 occupancies, with greater than 10 parking spaces.</b>	2% of spaces	8% of spaces	10% of spaces	10% of spaces
<b>R-2 occupancies with 10 or less parking spaces</b>	0	15% of spaces	10% of spaces	10% of spaces
<b>R-2 occupancies with greater than 10 parking spaces.</b>	5% of spaces	15% of spaces	10% of spaces	30% of spaces



**CV502.2 EV Capable Light Spaces.** Each *EV capable light space* shall comply with all of the following:

1. A continuous raceway and/or conduit shall be installed between a suitable electrical panel or other electrical distribution equipment and terminate within 3 feet of the *EV capable light space* and shall be capped. *EV capable light* includes two adjacent parking spaces if the raceway and/or conduit terminates adjacent to and between both parking spaces.
2. Installed raceway and/or conduit shall be sized and rated to supply a minimum of 208 volts and a minimum of 40-ampere rated circuits.
3. Dedicated physical space to accommodate all equipment necessary for electrical service to future *EVSE*.
4. The routing of the raceway and/or conduit must be noted on the construction documents and the raceway shall be permanently and visibly marked "EV CAPABLE" at the load center and termination point locations.

**CV502.3 EV Capable Spaces.** Each *EV capable space* shall comply with all of the following:

1. A continuous raceway and/or conduit shall be installed between a suitable electrical panel or other electrical distribution equipment and terminate within 3 feet of the *EV capable space* and shall be capped. *EV capable* includes two adjacent parking spaces if the raceway and/or conduit terminates adjacent to and between both parking spaces.
2. The installed raceway and/or conduit shall be sized and rated to supply a minimum of 208 volts and a minimum of 40-ampere rated circuits.
3. The electrical panel or other electrical distribution equipment to which the raceway and/or conduit connects shall have sufficient dedicated space and spare electrical capacity to supply a minimum of 208 volts and a minimum of 40-ampere rated circuits.
4. The termination point of the conduit and/or raceway and the electrical distribution equipment directory shall be marked: "For future electric vehicle supply equipment (EVSE)."
5. Reserved capacity shall be no less than 8.3 kVA (40A 208/240V) for each *EV capable space*.

**CV502.4 EV Ready Spaces.** Each *EV ready space* shall have a branch circuit that complies with all of the following:

1. Terminates at a receptacle or junction box located within 3 feet of each *EV ready space* it serves. *EV ready* includes two adjacent parking spaces if the receptacle is installed adjacent to and between both parking spaces.
2. Has a minimum circuit capacity of 8.3 kVA (40A 208/240V).
3. The electrical panel, electrical distribution equipment directory, and all outlets or enclosures shall be marked "For future electric vehicle supply equipment (EVSE)."

**CV502.5 Electric Vehicle Supply Equipment (EVSE).** All *EVSE* shall meet all of the following requirements:

1. The installed *EVSE* shall meet one of the following requirements:
  - a. A power capacity of at least 6.2 kVa (or 30A at 208/240V) and has the ability to connect to the internet.
  - b. An inductive charging system for battery-powered *electric vehicles* that:
    - i. Is ENERGY STAR certified; and
    - ii. Has the ability to connect to the internet.
2. An *electric vehicle* charging system shall be wall-mounted or pedestal style and may provide multiple cords to connect with *electric vehicles*.
3. An *electric vehicle* charging system shall be listed and labeled for *EV* charging and must comply with the current version of Article 625 of the National Electrical Code.

**CV502.6 EVSE Installed Spaces.** An installed *EVSE* with multiple output connections shall be permitted to serve multiple *EVSE installed spaces*. Each *EVSE* installed serving either a single *EVSE installed space* or multiple *EVSE installed spaces*, shall comply with all of the following:

1. Have a minimum charging rate in accordance with Section **CV502.7**.
2. Be located within 3 feet of each *EVSE installed space* it serves.
3. Be installed in accordance with Section **CV502.8**.
4. Have a minimum circuit capacity of 8.3 kVA (40A 208/240V).
5. Must meet the requirements of Section **CV502.5**.

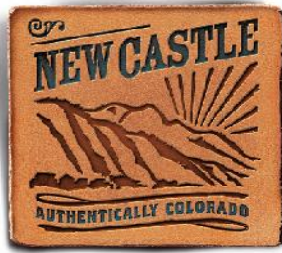


**CV502.7 EVSE Minimum Charging Rate.** Each installed *EVSE* shall comply with one of the following:

1. Be capable of charging at a minimum rate of 6.2 kVA (or 30A at 208/240V).
2. When serving multiple *EVSE installed spaces* and controlled by an energy management system providing load management, be capable of simultaneously sharing each *EVSE installed space* at a minimum charging rate of no less than 3.3 kVA.

**CV502.8 EVSE Installation.** *EVSE* shall be installed in accordance with NFPA 70 and shall be listed and labeled in accordance with UL 2202 or UL 2594. When serving an accessible parking space, *EVSE* shall be accessible in accordance with the International Building Code Chapter 11.

**CV502.9 Identification.** Construction documents shall designate all *EVSE installed spaces*, *EV ready spaces*, *EV capable spaces*, and *EV capable light spaces*, and indicate the locations of raceway and/or conduit and termination points serving them. The circuits or spaces reserved for *EVSE installed spaces*, *EV ready spaces*, and *EV capable spaces* shall be clearly identified in the panel or subpanel directory. The raceway and/or conduit for *EV ready spaces*, *EV capable spaces* and *EV capable light spaces* shall be clearly identified at both the panel or subpanel and the termination point at the parking space.



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

**Administration Department**  
**Phone:** (970) 984-2311  
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## Memorandum

**To:** Mayor & Council  
**From:** Dave Reynolds  
**Re:** Agenda Item: Consider Land Lease for Carrier Neutral Location (CNL)  
**Date:** 11/7/23

### Purpose:

The purpose of this agenda item is to consider a land lease agreement with Garfield County for the purpose of installing a Broadband Carrier Neutral Location (CNL) on a small portion of the empty property just south of the Shibui Condo Development. This property is currently being used by our Public Works Department as a materials storage facility. This project is expected to have minimal impact on the overall current use of the property.

The Town Council may recall that this project is managed through Garfield County and is largely funded through a DOLA Grant. The goal of this project is to expand highspeed internet service areas, provide competitive pricing, and supply the area with a more robust and redundant broadband capacity. Garfield County has obtained funding and is partnering with Towns along I-70 to install CNLs which can be used to attract, manage, and act as platforms for Internet Service Providers who will ultimately provide *Final Mile Services* to residents and businesses throughout the area. Construction for this project is expected to start immediately.



## LEASE

This Lease (the “**Lease**”) is made this \_\_\_\_ day of \_\_\_\_\_, 2023, and is entered into by and between the TOWN OF NEW CASTLE, COLORADO (“Landlord” or “Town”) and THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO (“Tenant” or “County”). In consideration of the payment of the Rent (as defined below, Landlord hereby leases to Tenant, and Tenant hereby accepts, the Premises (as defined below), subject to the terms and provisions set forth in the Lease.

**1. Purpose.** The purpose of this Lease is to provide a site for the construction, installation, operation, maintenance, repair and replacement of equipment, a pre-fabricated shelter, and standalone generator to support Garfield County’s fiber infrastructure project as described and depicted in the plans dated September 9, 2023, prepared by NeuComm Solutions attached hereto as Exhibit A (the “**Plans**”).

**2. Premises:** Landlord is the owner Lot C13, Burning Mountain PUD Phase 2, in New Castle, Colorado (“**Lot C13**”). Landlord hereby leases a portion of Lot C13 as shown in the Plans (the “**Premises**”) to Tenant for Tenant’s non-exclusive use according to the terms of this Lease.

**3. Term:** Tenant shall take possession of the Premises and Landlord will lease the Premises to Tenant pursuant to the terms and conditions of this Lease from 12:00 a.m. on \_\_\_\_\_, 2023, through \_\_\_\_\_, 2043 (the “**Term**”).

**4. Renewal.** Subject to Tenant’s compliance with the terms of this Lease, Tenant shall have the option to extend the Term pursuant to the terms and conditions contained herein for one additional ten (10) year term (the “**Renewal Term**”). The renewal shall be automatic unless Tenant or Landlord provides the other party with written notice of non-renewal at least one hundred and eighty (180) days before the end of the Term. The option to renew set forth in this Paragraph 4 may only be exercisable by Tenant if no Tenant Default exists at the time of renewal.

**5. Termination.** Landlord and Tenant reserve the right to terminate this Lease with or without cause upon eighteen (18) months’ written notice to the other party. In the event one party elects to terminate the Lease, all of the parties’ obligations under this Lease will cease as of the date of termination of the Lease stated in the notice. In no event shall Landlord be liable to Tenant for any damages Tenant may incur as a result of Landlord’s exercising its rights under this Paragraph 5.

**6. Rent:** Rental for the Initial Term and each Renewal Term shall be payable in the amount of ONE DOLLAR (\$1.00) per year (the “**Rent**”).

**7. Use of Premises:** The Premises shall only be used for the purposes described in the Plans. Landlord shall have the right to use Lot C13 for whatever other uses Landlord deems appropriate, provided that no such uses shall interfere with Tenant’s authorized uses on the Premises. Should Tenant desire to expand or change the uses set forth in the Plans or expand the scope of the Premises, a written amendment to this Lease shall be required.

**8. Taxes and Utilities:** Both Tenant and Landlord are tax-exempt governmental entities. Tenant shall be responsible for paying all utilities needed by Tenant on the Premises including electricity. Tenant does not anticipate any other utility needs. Tenant shall put said utilities in its name and pay the utilities directly to the utility provider. In the event Tenant fails to timely pay any of the utility charges, it shall be deemed a Default.

**9. Condition of Premises and Representations:** Tenant is familiar with the physical condition of the Premises. Landlord makes no representations, or warranties as to the physical condition of the Premises or their suitability for Tenant’s intended use. The Premises are rented “as is,” in current condition, and all warranties are hereby expressly disclaimed. Landlord makes no representations or warranties as to the suitability of the Premises for Tenant’s intended use. Tenant understands and agrees that in the event actions, alterations, or improvements are required in order to bring the Premises into compliance with any local, state, or federal laws and regulations because of Tenant’s intended use, Tenant shall be solely responsible for any and all associated costs and expenses relative thereto.

**10. Subletting and Assignment:** Tenant shall not assign the Lease or any interest therein, without the prior written consent of Landlord. Such consent shall be at the sole discretion of Landlord. Landlord acknowledges that Tenant shall sublet the Fixtures on the Premises to third parties without prior Landlord consent or approval.

**11. Removal of Fixtures/Redelivery:** Tenant shall remove, at the termination of the Lease, provided Tenant is not in Default, Tenant’s moveable trade fixtures and other items of personal property. Any personal property of Tenant not

removed within one hundred and eighty (180) days following such termination shall, at Landlord's option, become the property of Landlord.

**12. Repairs and Maintenance of the Premises:** The Landlord shall have no duty to maintain the Premises or any improvements thereon erected by Tenant.

**13. Tenant Improvements.** Tenant is permitted to make improvements to the Premises as shown in the Plans or as authorized in writing by the New Castle Town Administrator.

**14. Mechanic's Liens.** Tenant shall promptly pay when due the entire cost of any Tenant improvements, work or repairs on the Premises undertaken by Tenant. Both Landlord and Tenant are governmental entities exempt from mechanic's liens. Nevertheless, if any person or entity attempts to file a mechanic's lien against any portion of Lot C13 arising out of Tenant's activities, Tenant shall take all necessary steps to obtain a release or discharge of such lien.

**15. Insurance:** Tenant shall maintain the following insurance:

**a.** Public liability and commercial liability insurance insuring Landlord and Landlord's agents, as their interest may appear, against all claims, demands, or actions for injury to or death with minimum combined single limits of at least the amounts set forth in C.R.S. §24-10-114 in effect during the Term of this Lease. The policy shall be applicable to the Premises and all associated operations and shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), and blanket contractual damages in amount of not less than one million dollars (\$1,000,000) arising out of any one occurrence, made by, or on behalf of any person, firm, or corporation, arising from, related to, or connected with the conduct and operation of Tenant's business, including, but not limited to, special events on the Premises;

**b.** Any additional insurance required by law, including workers' compensation insurance, or that Tenant deems necessary to cover its trade fixtures, equipment, and other personal property located on the Premises.

**16. Insurance Requirements:** All of Tenant's insurance related to the Premises shall be in the form and from responsible and well-rated companies, shall name Landlord as an additional insured thereunder, and shall provide that the insurance will not be subject to cancellation, termination, or change except after at least thirty (30) days prior written notice to Landlord. The policies or duly executed certificates for such insurance shall be provided to Landlord prior to commencement of Term and upon request of Landlord.

**17. Waiver of Liability:** Landlord and Landlord's elected officials, officers, agents, and employees shall not be liable for, and Tenant waives all claims for, damage to property sustained by Tenant, employees, agents or contractors, or any other person claiming through Tenant, resulting from any accident in or upon the Premises of which they shall be a part.

**18. Third-Party Liability:** Landlord shall not be liable to Tenant for any damage by or from any act or negligence of any occupant, licensee, or invitee of or to the Premises, or by any owner or occupant of adjoining or contiguous property. Landlord shall not be liable for any injury or damage to persons or property resulting in whole or in part from the criminal activities of others. To the extent not covered by normal fire and extended coverage insurance, Tenant agrees to pay for all damage to the Premises.

**19. Landlord Insurance:** Property insurance may be procured by Landlord in its sole discretion. All awards and payments thereunder shall be the property of the Landlord, and Tenant shall have no interest in the same.

**20. Colorado Governmental Immunity Act.** The parties hereto understand and agree that Landlord and Tenant are relying on and do not waive or intend to waive by any provision of this Lease the monetary limits or any other rights, immunities, and protections provided by the Colorado Governmental Immunities Act, C.R.S. §§ 24-10-101, *et seq.*, as from time to time amended.

**21. Notices:** All notices required to be sent under the Lease shall be in writing and sent via U.S. first class mail, postage prepaid.



**22. Governing Law:** The Lease shall be governed by and construed in accordance with the laws of the State of Colorado. Venue shall be proper in the county where the Premises are located.

**23. Amendments and Termination:** Unless otherwise provided in the Lease, the Lease may be amended, modified, or terminated only by a written instrument executed by Landlord and Tenant.

**24. Waivers:** No right under the Lease may be waived except by written instrument executed by the party who is waiving such right. No waiver of any breach of any provision contained in the Lease shall be deemed a waiver of any preceding or succeeding breach of that provision, or of any other provision contained in the Lease. No extension of time for performance of any obligations or acts shall be deemed an extension of the time for performance of any other obligations or acts.

**25. Severability:** If any term, covenant, condition, or provision of the Lease, or the application thereof to any person or circumstance shall, at any time or to any extent, be invalid or unenforceable, the remainder of the Lease, or the application of such term, or provision to persons, or circumstances other than those to which it is held invalid, or unenforceable, shall not be affected thereby, and each provision of the Lease shall be valid and shall be enforced to the fullest extent permitted by law.

**26. Compliance with TABOR.** No provision of this Agreement shall be construed or interpreted: i) to directly or indirectly obligate Tenant or Landlord to make any payment in any year in excess of amounts appropriated for such year; ii) as creating a debt or multiple fiscal year direct or indirect debt or other financial obligation whatsoever within the meaning of Article X, Section 6 or Article X, Section 20 of the Colorado Constitution or any other constitutional or statutory limitation or provision; or iii) as a donation or grant by either party to or in aid of any person, company or corporation under applicable law.

**TENANT:**  
GARFIELD COUNTY BOARD OF  
COMMISSIONERS

**LANDLORD:**  
TOWN OF NEW CASTLE, COLORADO, a  
Colorado home rule municipality

\_\_\_\_\_  
John Martin, Chairman

\_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT A**

See attached Garfield County MM Fiber Phase 2 plans attached hereto and incorporated herein by this reference.



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

**Call to Order**

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

**Pledge of Allegiance**

**Roll Call**

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

Absent      Councilor Mariscal

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

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

**Meeting Notice**

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

**Conflicts of Interest**

No conflicts were stated

**Agenda Changes**

There were no agenda changes

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

There were no Citizen Comments.

**Consultant Reports**

Consultant Attorney – Present for items on the agenda  
Consultant Engineer - not present

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

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

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

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

12 If Council's consensus is to approve the application for a special event liquor permit for  
13 PEO, Chapter AO's brunch event, the Clerk's Office staff recommends that Council  
14 consider requiring a 100% I.D. check. Currently, it is unknown if anyone from Rolling Fork  
15 or PEO is Responsible Service of Alcohol (TIPS) trained, and staff suggested that the  
16 Council determine if they are comfortable with that. Council's approval of this special  
17 event license will mean that PEO, Chapter AO shall have the authority to serve, sell or  
18 distribute malt, vinous and spirituous liquors for on-premises consumption at the  
19 December 9, 2022, Brunch event, from 9:00 a.m. to 5:00 p.m. Even though the applicant  
20 is a non-profit organization, it is required to collect and remit sales tax on alcohol sales.  
21 The application is complete, all fees are paid.

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

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

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

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

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

38  
39 **MOTION: Councilor Hazelton made a motion to approve a Special Events Liquor**  
40 **License Application from P.E.O. Chapter AO for an Event to be Held on December**  
41 **8, 2023. Councilor Carey seconded the motion and it passed unanimously.**



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

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

6 **Items for Consideration**

7 **Discussion: Town Events Funding**

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

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

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

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

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

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

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

43 Councilor Hazelton said he agrees with Councilor Leland and how Ridges and Reggae is  
44 perceived by the town staff compared to the other town events. His understanding was

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

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

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

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

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

26 Mayor A. Riddle asked council what their thought were:

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

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

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

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

37 Councilor Copeland said \$10,000 really not that much money. However, if we give the full  
38 \$20,000 then the other events should receive more money.

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

42 Councilor Leland said Burning Mountain Festival has history in New Castle. It has been run  
43 by the library, the New Castle Chamber, a small group of volunteers did it one year when



1 the chamber didn't want to do it anymore, then the town has ran it for several years.  
2 Dirty Hog Dash started with the town, Chili Cookoff was started by then chamber and now  
3 the town runs it. He also said Rides and Reggae is an event by New Castle Trails which is  
4 a private volunteer organization doing service work for the town.

5 Mayor A. Riddle said what he is hearing is that the \$10,000 doesn't to be an issue, he  
6 suggested to direct staff to put the \$10,000 back to Rides and Reggae for a total of  
7 \$20,000 with the understanding Rides and Reggae will be held accountable for the  
8 spending. Rides and Reggae will need to show in detail how the money is spent and report  
9 to the council 60 days after the event. The council will revisit in the fall of 2024 for the  
10 2025 budget.

### 11 **Review Nutrient Farms County Land Use Application**

12 Planner Smith said Garfield County has requested referral comment on the proposed  
13 Nutrient Farm development east of New Castle town limits along County Road 335, which  
14 is outside of town limits, but within the Three Mile Plan. Garfield County and the Town of  
15 New Castle share a commitment to intergovernmental cooperation in development within  
16 the country proper, but in the vicinity of the Town's Urban Growth Boundary. Both  
17 agencies realize land use within this area can greatly affect the local community and find  
18 it therefore necessary to solicit comment from those potentially affected.

19 The Nutrient Farm development proposal is actually made up of three applications:

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

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

34 Mr. Bruno introduced himself to the council as who he is and what the farm does along  
35 with his vision of the project.

36  
37 Councilor G. Riddile asked if there would be public assess through the property to BLM.  
38 Mr. Bruno said yes, there is currently four trail system to the BLM. Currently Mr. Bruno is  
39 in conversations with LOVA Trails Commission to have a trail cross the entire operation  
40 pending funding. The east pasture is the livestock farm with outbuildings.

41  
42 Councilor Hazelton asked since the water rights are off of Canyon Creek are you pulling  
43 water from the creek downstream, and at some point are your plans to pipe the water as  
44 it was years ago and have the Canyon Creek water as the source of water. Mr. Bruno said  
45 yes. Mayro A. Riddile asked how that was going to happen. Mr. Bruno said one of the

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

3  
4 Mr. Bruno said the entire west pasture will be agricultural. On the north side of the  
5 property is a green house built using some renewable energy technology. This year  
6 planted the first orchard and, in the future, will plant the second 10-acre orchard and the  
7 third will be a berry orchard. Everything will be bio natural and organic. He said there  
8 would be no marijuana or hemp grown. There will be a restaurant placed next to the  
9 greenhouse so customers will be able to look right into the greenhouse. On the south side  
10 will be a children's farm, an ATV park, water park and campground.

11  
12 Councilor Hazelton asked if the wastewater will be tying into the current Riverbend  
13 system. Mr. Bruno said yes for the residential. Mr. Teodoru said eventually there would be  
14 an On-Site Wastewater Treatment System (OWTS) and those would phase in as the  
15 project develops.

16  
17 Mayor A. Riddle asked about the campground and how that would look. Ms. Mathews-  
18 Leidal said there will be 67 camp sites that are a combination of cabin, RV and tent sites.

19  
20 Mayor A. Riddle asked about the event center. Mr. Teodoru said in the amphitheater  
21 would be a few hundred people. He said any event over 350 people for an event would be  
22 a special event process which the event coordinator would need to go through. Mayor A.  
23 Riddle asked about how many events there would be per year. Mr. Teodoru said possible  
24 weekly.

25  
26 Mayor A. Riddle asked about housing. Mr. Teodoru said there would be a maximum of 18  
27 single family homes that would be on half acre each.

28  
29 Mayor A. Riddle asked how the traffic would impact County Road 335 and the I70 bridge.  
30 Mr. Teodoru said a traffic impact study has been completed and submitted. The results of  
31 the study suggested some repairs but not until full build out.

32  
33 Councilor G. Riddle asked about the Heli Stop and the Ultralight pad. Mr. Bruno said the  
34 Heli Stop would be for emergencies only. Just in case something happens in the park. He  
35 the Ultralight pad could have potential of being an extension of the adventure park.  
36 Guests could rent Ultralight electric aircraft and be in a geo fence area.

37  
38 Councilor Hazelton said his main concern is traffic. There is only one way in and one way  
39 out and County Road 335 is a two-lane road.

40  
41 Mr. Teodoru said right now the council is looking at the big picture and once we get  
42 through the approval process of the PUD and then we will be coming back with  
43 applications in phases.

44  
45 The council directed Planner Smith to report back to Garfield County that the council's  
46 concern was traffic impact on County Road 335 and wanted to review any applications  
47 regarding the development.



1 **Discussion: Policy Funding of Special Interest Groups & Committees**

2 Administrator Reynolds said the purpose of this agenda item is to consider the  
3 establishment of a formal reporting policy for agencies and organizations who receive  
4 Town funding. Staff recommends a consistent policy of agency reporting to help the Town  
5 Council gain a comprehensive understanding of each organization's needs. Such reporting  
6 will allow for informed decisions about the allocation of discretionary funds. Staff suggests  
7 that it might be helpful to consider implementing a policy requiring that all recipients of  
8 \$4,000 or more provide updates and reports to the town council. Such reports should  
9 describe the agency's goals for how the funds will be spent and what impacts the funding  
10 might have on our community.

11  
12 The council agreed with the policy of requiring all recipients of \$4,000 or more to provide  
13 updates and reports to the council.

14  
15 **Executive Session (1) for the purpose of determining positions relative to**  
16 **matters that may be subject to negotiations, developing strategy for**  
17 **negotiations, and/or instructing negotiators under C.R.S Section 24-6-402(4)(e)**  
18 **concerning the Kamm lot lease.**

19  
20 **Motion: Councilor Leland made a Motion at 8:35 p.m. to go into Executive**  
21 **Session (1) for the purpose of determining positions relative to**  
22 **matters that may be subject to negotiations, developing strategy for**  
23 **negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e)**  
24 **concerning the Kamm lot lease.**

25 **Councilor Hazelton seconded the motion and it passed unanimously.**

26  
27 Executive session concluded.

28  
29 At the end of the executive session, Mayor A. Riddile made the following statement:

30  
31 "The time is now 8:44 p.m. and the executive session has been concluded. The  
32 participants in the executive session were: Councilors Carey; Councilor Hazelton; Mayor  
33 A. Riddle; Councilors Copeland, G Riddile; Town Administrator Reynolds, Town Clerk  
34 Andis, Town Attorney Carmer, Planner Smith, Treasurer Viktoriya Ehlers. For the record, if  
35 any person who participated in the executive session believes that any substantial  
36 discussion of any matters not included in the motion to go into the executive session  
37 occurred during the executive session, or that any improper action occurred during the  
38 executive session in violation of the Open Meetings Law, I would ask that you state your  
39 concerns for the record."

40 No concerns were stated.

41 **Consider Approval of Letter of intent and Commercial Lease Regarding Kamm Lot**  
42 **(667 W Main).**

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

1 Conditional Use Permit (CUP) for the proposed business. One of the requirements of the  
2 lease is to clean up the exterior of the Texaco property is cleaned up by the end of March  
3 2024.

4  
5 **MOTION: Mayor A Riddile made a motion to approve the letter of intent and the**  
6 **Commercial Lease regarding Kamm Lot at 667 W. Main Street. Councilor G.**  
7 **Riddile seconded the motion and it passed unanimously.**

8  
9 **Discussion: Construction Management Plan - Building Code**

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

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

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

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

37  
38 Councilor G. Riddile asked if the work hours from 7am – 6pm are active work hours or  
39 when workers on the on jobsite, meaning they shut down work at 6pm but are there  
40 cleaning up until 7pm. Planner Smith said having the extra hour should not be a big deal  
41 for cleaning up as long as there are no construction noises such as beeping and running  
42 saws etc.

43  
44 Councilor Copeland asked about trash on construction sites. Planner Smith said that would  
45 fall into Site Maintenance.



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

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

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

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

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

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

Planner Smith reviewed the ordinance with the council.

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

**Consent Agenda**

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member

or citizen requests it, in which case the item will be removed from the consent agenda.  
October 3, 2023 minutes  
New Castle Liquors, Inc. Liquor Store Liquor License Renewal

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

### **Staff Reports**

Town Administrator – Administrator Reynolds reported Stewart Curry will be joining the police department as a Lieutenant. The police department is having oral bids for another candidate. Reminder about Trick-O-Treat New Castle on Friday, October 27<sup>th</sup>.

Administrative Assistant Rochelle Firth and Administrator Reynolds walked around to all the downtown business letting them know of the event and getting them involved. There will be the "Official" Ghost Busters team set-up in Burning Mountain Park, haunted food truck on Main Street, hayride, haunted house at Burning Mountain Plaza and a costume contest at Hogback Pizza. He said Castle Valley Ranch HOA will be having their yearly HOA meeting on November 6, 2023, 6:00pm at the library. The HOA would like to have a town representative at the meeting. Administrator Reynolds said that he would be able to attend, and Mayor A. Riddile said he would be able to attend as well. Administrator Reynolds said the public works department have been working on the Red Rock Ditch piping project. They will be placing about 3,000 feet of pipe in the ditch.

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

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

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

Public Works Director – not present

### **Commission Reports**

*Planning & Zoning Commission* – nothing to report

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



History Colorado.

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

*Senior Program* – nothing to report

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

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

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

*EAB* – nothing to report

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

### **Council Comments**

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

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

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

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

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

1  
2 The meeting adjourned at 9:45 p.m.  
3

4  
5 Respectfully submitted,  
6  
7  
8  
9

10 \_\_\_\_\_  
11 Mayor Art Riddile  
12  
13

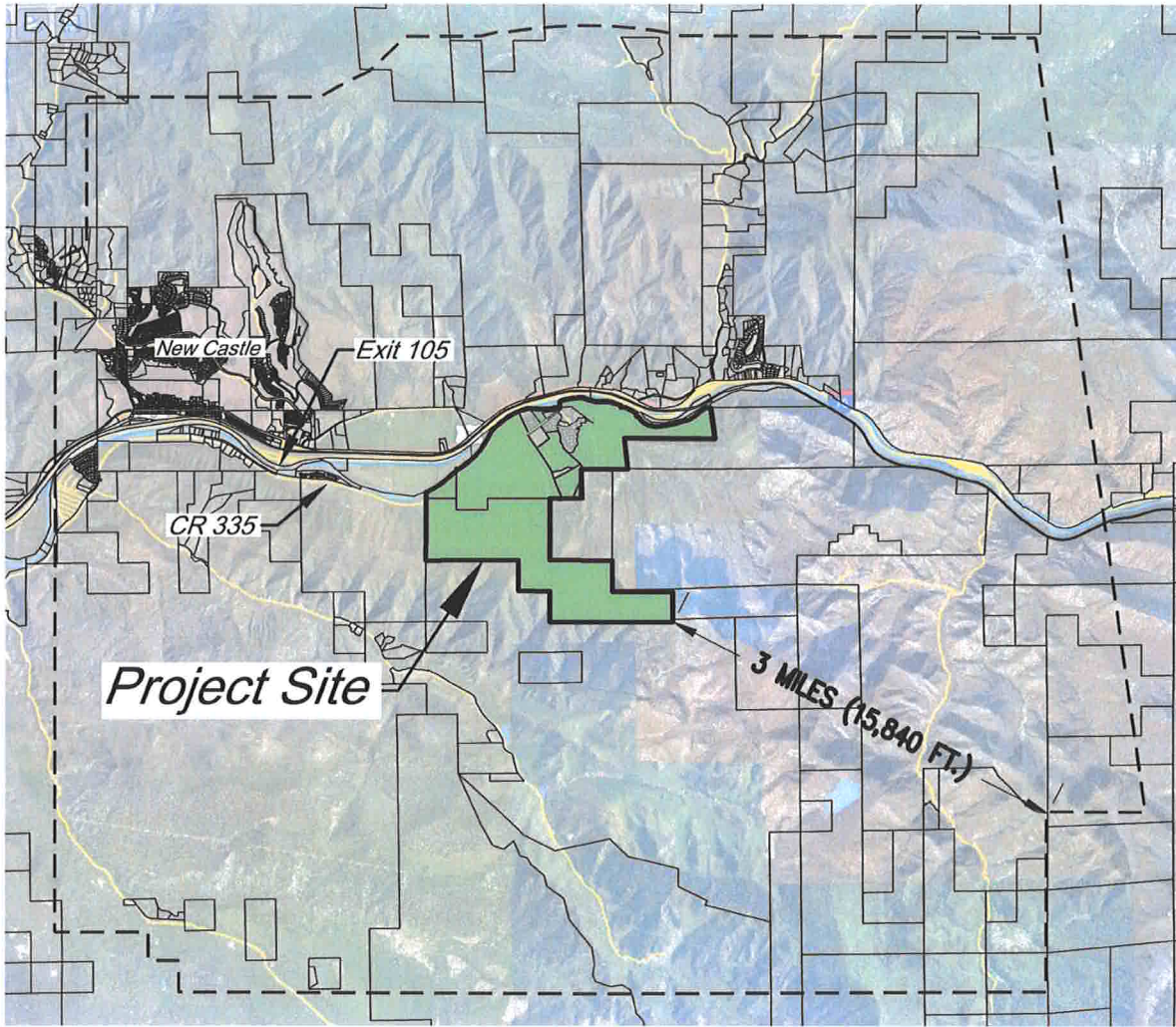
14 \_\_\_\_\_  
15 Town Clerk Mindy Andis, CMC  
16  
17  
18

DRAFT



- Vicinity Map - 10.17.2023 to Council Minutes

Not to Scale



\\sgm\file1\projects\2018\2018-271-RiverbendRch\002- PUDAmendment\H-Dwgs\Surv\Draws\BaseMaps\ExistingRiverbendPUD\_Map.dwg

## **NUTRIENT FARM PLANNED UNIT DEVELOPMENT**

### **Overview of the Request**

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

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

### **History**

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

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



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

### **Land Uses**

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

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

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

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

<sup>1</sup> The size of each Area and Tract shown is approximate.

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

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

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

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



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

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

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

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

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

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

## **Phasing**

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

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

## **Town of New Castle Comprehensive Plan**

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

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

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

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

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

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

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

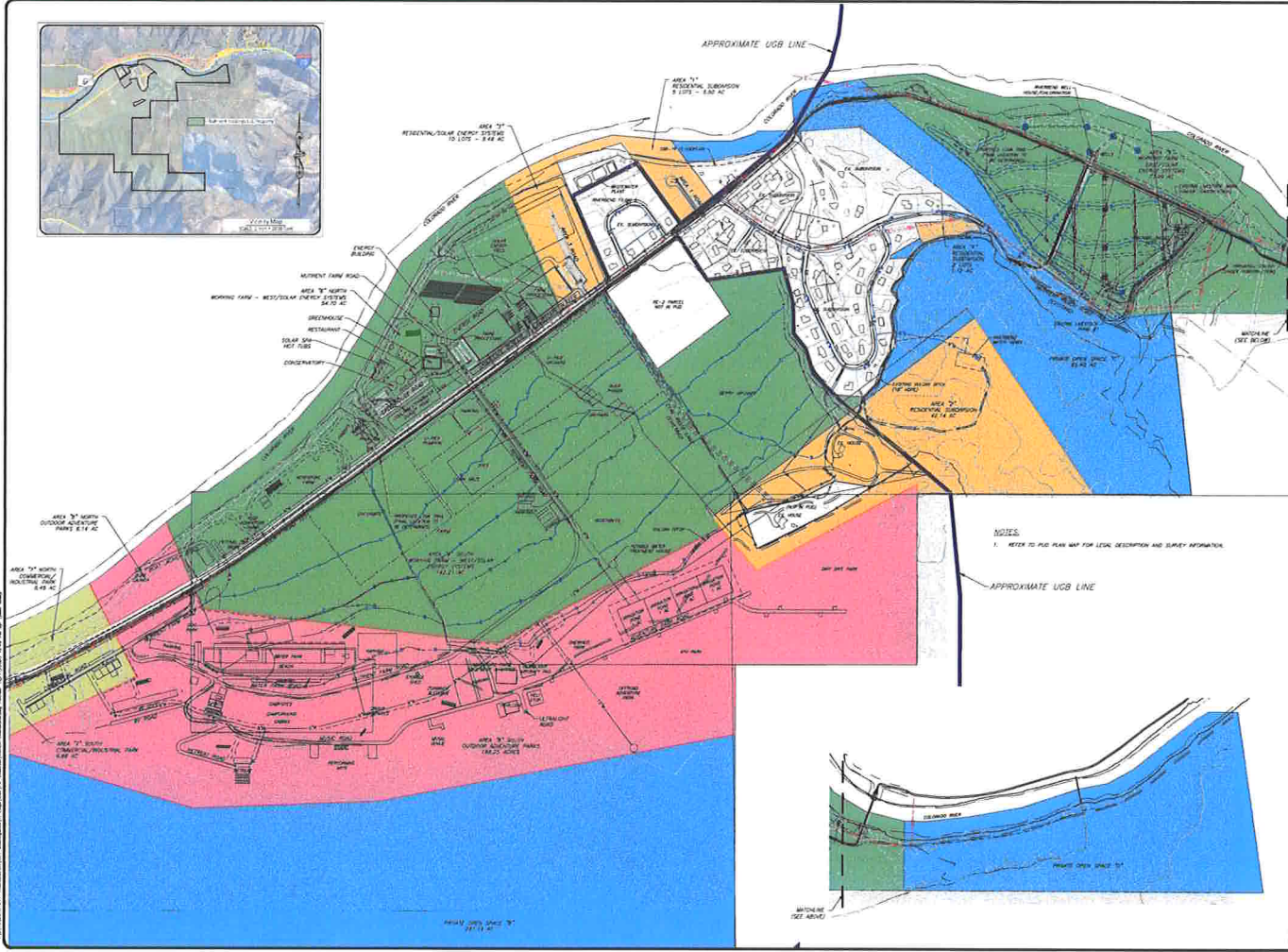
We believe that Nutrient Farm, by its very nature, aptly meets the vision of the Comprehensive Plan and is quite seamlessly compatible with the adjacent land use designations of the Comprehensive Plan. The majority of the flat land will be the Working Farms – East and West which total approximately 271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

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

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



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





Graphic Scale  
1" = 100'



**SGM**  
118 West 1st Street, Suite 200  
Greeley, Colorado 80639  
970.761.1500 www.sgm.com

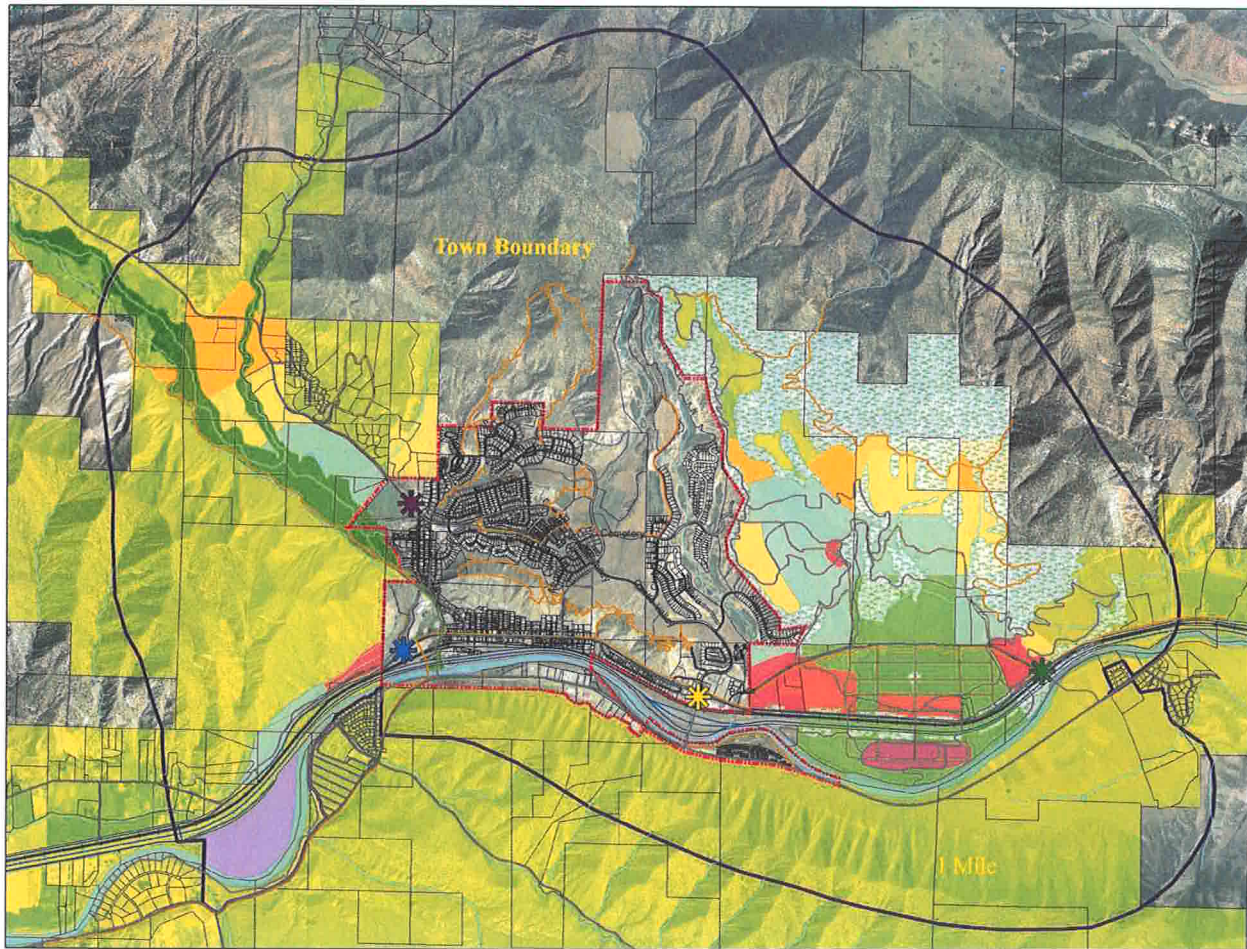


**Nutrient Farm**  
Garfield County, Colorado

Overall Site Plan

1

# New Castle Comprehensive Plan Future Land Use



- Legend**
- Business Campus
  - Mixed Use-Consumer Focus
  - Industrial
  - Mixed Use-Ries Focus 5-10/Ac
  - Mixed Use-Ries Focus 4-6/Ac
  - Rural Low Density
  - Clustered Residential
  - Planned Urban Center
  - Open Space
  - Environmental Protection
  - East Gateway
  - South Gateway
  - West Gateway
  - North Gateway
  - County Roads
  - Hard Surface Trails
  - Soft Surface Trails
  - Colorado H.C. Trails
  - Modern Trail
  - City
  - Future Collector
  - Stream/Ditch
  - UGB
  - City Streets
  - County Roads
  - Railroads
  - Highways
  - Rivers/Lakes
  - Subdivision Streets



Western Slope Planning LLC  
May 25, 2009





## New Castle Comprehensive Plan

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

### **Design Characteristics**

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

## ***Rural Low Density***

### **Types of Uses**

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

### **Density**

Net densities are 10 or more acres per dwelling unit.

### **Location**

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

### **Design Characteristics**

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

**Chapter 15.06**  
**CONSTRUCTION MANAGEMENT PLAN**

**15.06.010 Applicability.**

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

**15.06.020 Definitions.**

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

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

**15.06.030 CMP Documentation.**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

#### **15.06.040 Enforcement.**

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

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



Town of New Castle  
PO Box 90  
450 West Main Street  
New Castle, CO 81647  
970-984-2311

Fax: 970-984-2716

[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

### ALCOHOL BEVERAGE TASTING PERMIT APPLICATION

Applicant Name: *New Castle Liquors, Inc.*

Address of Licensed Premises (must be Retail Liquor Store or Liquor-Licensed Drugstore):

*820 Castle Valley Blvd., #104*

Mailing Address: *same*

Phone Number: *970-984-3707*

Fax Number:

E-Mail Address:  
*scott@newcastleliquors.com*

Web Site Address:

#### Attach the following items:

- ☒ Employees' certificates of completion of a server training program that meets the standards established by the Colorado Department of Revenue Liquor Enforcement Division.
- ☒ A written Control Plan to establish how the Licensee will conduct tastings without violating the provisions of the Colorado Revised Statutes and applicable provisions of the New Castle Municipal Code.
- ☐ A list of tasting event dates. If unsure of future dates, submit list to Town Clerk's Office at least one week prior to the event.
- ☒ \$25 permit fee. This fee is nonrefundable. If Council grants this permit, this fee would pay for a permit for one year running and expiring concurrently with the license of the retail liquor store or liquor-licensed drugstore. First-year tastings permits shall be prorated as to the permit fee based on an average of two (2) tastings events per week.

#### I acknowledge that if the Town grants this permit, the alcohol beverage tastings conducted under this permit shall be subject to the following limitations:

- Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Colorado Department of Revenue Liquor Enforcement Division, and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises.
- The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to Colorado Revised Statute 12-47-403 at a cost that is not less than the laid-in cost of such alcohol.
- The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.
- Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.



- Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11 a.m. or later than 7 p.m.
- The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
- The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
- The licensee shall not serve more than four individual samples to a patron during a tasting.
- Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
- Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.
- No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.
- The licensee shall notify the Town Clerk and the New Castle Police Department at least seven days prior to any alcohol beverage tasting event.

  
Applicant Signature

10-23-64  
Date

Local Licensing Authority for:
Signature:
Signature (attest)

Date:
Title:
Title:



## **Tasting Policy for New Castle Liquors**

**October 2023**

Tastings will be held inside the store at 820 Castle Valley Blvd., Suite 104, New Castle, Colorado, under these conditions:

- An owner or employee who has completed the Colorado Alcohol Safety Training course within the past three years will conduct the tasting. They will be responsible for ensuring participants are at least 21 years of age and are not demonstrating any signs of intoxication.
- Two to four products, purchased from a distributor, brewery, winery or distillery at full wholesale price, will be offered for sampling.
- Sample size shall meet the state and town limits of no more than one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor. A clearly marked measuring cup will be used to identify the correct serving size.
- Samples will be offered in plastic cups at no cost to patron, with a limit of four per person, and must be consumed or discarded inside the store.
- Any open or unconsumed alcoholic beverages will be removed from the premises immediately following the event.
- Details about scheduled tastings will be provided to the Town Clerk and New Castle Police Department at least seven days prior to the event, and will be held no more than four out of six days from a Monday to the following Sunday, not to exceed 104 days per year.



Submit to Local Licensing Authority

**TAPATIOS**  
**820 CASTLE VALLEY BLVD. SUITE 101**  
**New Castle CO 81647**

Fees Due	
Renewal Fee	625.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$ <b>75.00</b>
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ <b>700.00</b>

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 TAPATIOS LLC		Doing Business As Name (DBA) TAPATIOS	
Liquor License # 03-13939	License Type Hotel & Restaurant (city)		
Sales Tax License Number 944518460000	Expiration Date 11/30/2023	Due Date 10/16/2023	
Business Address 820 CASTLE VALLEY BLVD. SUITE 101 New Castle CO 81647		Phone Number 9709840711	
Mailing Address 820 CASTLE VALLEY BLVD. SUITE 101 New Castle CO 81647		Email <b>tapatiosnewcastle@gmail.com</b>	
Operating Manager <b>Esmeralda Compa</b>	Date of Birth <b>[REDACTED]</b>	Home Address <b>132 Mineral Springs Circle Parachute, CO 81635</b>	Phone Number <b>970-778-2369</b>
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 type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <b>05-01-25</b>			
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 checked="" type="checkbox"/> Yes <input 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>Esmeralda Cornejo</i>	Title	<i>Owner</i>
Signature	<i>Esmeralda Cornejo</i>	Date	<i>10-13-23</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, Esmeralda Cornejo am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Tapatios (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 is 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>Tapatios</u>		Social Security Number/Tax Identification Number <u>85-109 1517</u>	
Address <u>820 Castle Valley Blvd #101</u>			
City <u>New Castle</u>		State <u>Colorado</u>	Zip <u>81647</u>
Home Phone Number <u>970 778 2369</u>		Business/Work Phone Number <u>970 984 0711</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Esmeralda Cornejo</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Esmeralda Cornejo</u>			Date signed <u>10-13-23</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).

8.) Another liquor license for Rifle, CO. restaurant, Tapatio's  
liquor license number 0318537.



**TOWN OF NEW CASTLE - BILLS ALLOWED SUMMARY - October 2023**

10/2023 INVOICES PAID	\$352,573.10
VIX PARK LOAN PAYMENT	5,129.61
NET PAYROLL (2)	166,863.80
FED & STATE EMPLOYMENT TAXES (2)	72,528.03
RETIREMENT PLAN PAYMENTS (2)	28,715.30
CREDIT CARD FEES	<u>1,679.06</u>
<b>10/2023 TOTAL PAYMENTS</b>	<b><u>\$ 627,488.90</u></b>

LESS CAPITAL EXPENDITURES *	(138,761.87)
LESS CHARGE-BACKS **	(1,113.50)
LOAN PAYMENTS	(5,129.61)
RESTITUTION PAYMENTS	-
DEPOSIT REFUNDS	<u>(350.00)</u>

**10/2023 OPERATING EXPENSES: \$ 482,133.92**

**\* CAPITAL:**

New shotguns for Police Dept.	2,160.00
Red Rocks Ditch Proj (ARPA funds)	135,805.87
South Side Interceptor Engineering Fees	<u>796.00</u>
Total	<b><u>138,761.87</u></b>

**\*\*CHARGE-BACKS:**

Developer costs	<u>1,113.50</u>
-----------------	-----------------

Report Criteria:  
Detail report type printed

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
97	A-1 Traffic Control & Barric	43913	cones and signs-BMF 2023	09/22/2023	351.20	.00	351.20	56204	10/12/2023
Total 97:					351.20	.00	351.20		
213	AFLAC	578059	10/2023 premium	10/12/2023	162.37	.00	162.37	56205	10/12/2023
Total 213:					162.37	.00	162.37		
361	Alltec Services, LLC	35586	4th Qtr 2023 T/H security	09/15/2023	120.00	.00	120.00	56206	10/12/2023
Total 361:					120.00	.00	120.00		
377	Alpine Bank	0298 -OCT 1	Amazon-Dundie Awards-ad	10/10/2023	71.91	.00	71.91	56248	10/26/2023
		0298 -OCT 1	Amazon-Mugs-admin	10/10/2023	42.01	.00	42.01	56248	10/26/2023
		0298 -OCT 1	City Market-Flowers-admin	10/10/2023	9.47	.00	9.47	56248	10/26/2023
		0298 -OCT 1	Spekled Feather-Mugs-ad	10/10/2023	13.52	.00	13.52	56248	10/26/2023
		0298 -OCT 1	City Market-Water-admin	10/10/2023	7.49	.00	7.49	56248	10/26/2023
		0314 -OCT 1	Stamps.com-Postage-ps	10/10/2023	19.99	.00	19.99	56248	10/26/2023
		0314 -OCT 1	USPS-Postage-ps	10/10/2023	100.00	.00	100.00	56248	10/26/2023
		0314 -OCT 1	OTC brands-Halloween Go	10/10/2023	169.87	.00	169.87	56248	10/26/2023
		0314 -OCT 1	WalMart-BBQ with a cop-p	10/10/2023	232.87	.00	232.87	56248	10/26/2023
		0314 -OCT 1	WalMart-20 blankets-ps	10/10/2023	60.00	.00	60.00	56248	10/26/2023
		0314 -OCT 1	4imprint-Junior Officer Bad	10/10/2023	174.79	.00	174.79	56248	10/26/2023
		0314 -OCT 1	Amazon-Kleenex & trash b	10/10/2023	54.33	.00	54.33	56248	10/26/2023
		0322 -OCT 1	Adobe-Acrobat Subscriptio	10/10/2023	19.99	.00	19.99	56248	10/26/2023
		0322 -OCT 1	Budget Motel-Lodging-adm	10/10/2023	92.34	.00	92.34	56248	10/26/2023
		0322 -OCT 1	Comfort Inn-lodging retreat	10/10/2023	119.10	.00	119.10	56248	10/26/2023
		0322 -OCT 1	Shell-Gas-admin	10/10/2023	58.30	.00	58.30	56248	10/26/2023
		0322 -OCT 1	Conco-Gas-admin	10/10/2023	71.60	.00	71.60	56248	10/26/2023
		0322 -OCT 1	Maverick-Gas retreat-admi	10/10/2023	70.25	.00	70.25	56248	10/26/2023
		0322 -OCT 1	Chevron-Gas-admin	10/10/2023	67.25	.00	67.25	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.44	.00	20.44	56248	10/26/2023
		0355 -OCT 1	Swift Communications-Per	10/10/2023	1,087.50	.00	1,087.50	56248	10/26/2023
		0355 -OCT 1	City Market-Water & Coffee	10/10/2023	21.56	.00	21.56	56248	10/26/2023
		0355 -OCT 1	Amazon-Pens & Lead-adm	10/10/2023	22.37	.00	22.37	56248	10/26/2023
		0355 -OCT 1	Amazon-WebCam-admin	10/10/2023	55.00	.00	55.00	56248	10/26/2023
		0355 -OCT 1	Amazon-Cables & Calenda	10/10/2023	27.94	.00	27.94	56248	10/26/2023
		0355 -OCT 1	City Market-Paper Supplies	10/10/2023	52.58	.00	52.58	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.44	.00	20.44	56248	10/26/2023
		0355 -OCT 1	Adobe-Acrobat Subscriptio	10/10/2023	95.96	.00	95.96	56248	10/26/2023
		0355 -OCT 1	FaxPipe-Faxing-admin	10/10/2023	10.95	.00	10.95	56248	10/26/2023
		0355 -OCT 1	Zoom-Subscription-admin	10/10/2023	15.99	.00	15.99	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.44	.00	20.44	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.44	.00	20.44	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.44	.00	20.44	56248	10/26/2023
		0355 -OCT 1	New Castle Liquors-Beer r	10/10/2023	89.96-	.00	89.96-	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.45	.00	20.45	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.44	.00	20.44	56248	10/26/2023
		0355 -OCT 1	PB Leasing-Postage Machi	10/10/2023	20.44	.00	20.44	56248	10/26/2023
		0363 -OCT 1	HP Instant Ink-Ink-wtr	10/10/2023	12.97	.00	12.97	56248	10/26/2023
		0363 -OCT 1	Target-Cleaning Supplies-	10/10/2023	105.54	.00	105.54	56248	10/26/2023
		0363 -OCT 1	WalMart-Vinyl and Supplie	10/10/2023	188.97	.00	188.97	56248	10/26/2023
		0363 -OCT 1	HP Instant Ink-Ink-wtr	10/10/2023	12.97	.00	12.97	56248	10/26/2023
		0363 -OCT 1	OSM Deliver-Delivery-wtr	10/10/2023	53.00	.00	53.00	56248	10/26/2023

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
		0363 -OCT 1	FedEx-Shipping-wtr	10/10/2023	16.44	.00	16.44	56248	10/26/2023
		0363 -OCT 1	Adobe-Acrobat Subscriptio	10/10/2023	19.99	.00	19.99	56248	10/26/2023
		0363 -OCT 1	Target-7 storage bins-wwtr	10/10/2023	90.07	.00	90.07	56248	10/26/2023
		0371 -OCT 1	WRAP AND ROLL-Meals B	10/10/2023	33.97	.00	33.97	56248	10/26/2023
		0371 -OCT 1	GJ CO-Parking-admin	10/10/2023	2.97	.00	2.97	56248	10/26/2023
		0371 -OCT 1	Suehiro-Lunch with DOLA-	10/10/2023	18.02	.00	18.02	56248	10/26/2023
		0371 -OCT 1	Juicy Lucys Steakhouse-Lu	10/10/2023	62.78	.00	62.78	56248	10/26/2023
		0371 -OCT 1	Speckled Feather-Garden	10/10/2023	102.11	.00	102.11	56248	10/26/2023
		0371 -OCT 1	Sign Gypsies-sign for Trick	10/10/2023	91.00	.00	91.00	56248	10/26/2023
		0397 -OCT 1	City Market-Kids Cooking-r	10/10/2023	34.05	.00	34.05	56248	10/26/2023
		0397 -OCT 1	Amazon-Art Supplies-rec	10/10/2023	219.36	.00	219.36	56248	10/26/2023
		0397 -OCT 1	Amazon-Mosaic Glass-rec	10/10/2023	60.00	.00	60.00	56248	10/26/2023
		0397 -OCT 1	Amazon-Comstock Filling-r	10/10/2023	23.98	.00	23.98	56248	10/26/2023
		0397 -OCT 1	City Market-Kids Cooking-r	10/10/2023	47.30	.00	47.30	56248	10/26/2023
		0397 -OCT 1	Walmart-Kids Cooking-rec	10/10/2023	108.93	.00	108.93	56248	10/26/2023
		0397 -OCT 1	Amazon-Canvas & Water c	10/10/2023	95.91	.00	95.91	56248	10/26/2023
		0397 -OCT 1	Walmart-kitchen supplies-r	10/10/2023	92.23	.00	92.23	56248	10/26/2023
		0397 -OCT 1	Amazon-Chili cook-off coco	10/10/2023	95.30	.00	95.30	56248	10/26/2023
		0397 -OCT 1	VistaPrint-Vinyl Banners-re	10/10/2023	63.82	.00	63.82	56248	10/26/2023
		0397 -OCT 1	VistaPrint-Banner Tree Lig	10/10/2023	117.25	.00	117.25	56248	10/26/2023
		0397 -OCT 1	VistaPrint-Bad Art Nights-re	10/10/2023	45.76	.00	45.76	56248	10/26/2023
		0397 -OCT 1	Amazon-Chili cook-off awar	10/10/2023	13.99	.00	13.99	56248	10/26/2023
		0397 -OCT 1	Amazon-Chili cook-off awar	10/10/2023	18.15	.00	18.15	56248	10/26/2023
		0413 -OCT 1	BootBarn-Boots-wtr	10/10/2023	134.99	.00	134.99	56248	10/26/2023
		0447 -OCT 1	Amazon-New Hire Equipm	10/10/2023	653.64	.00	653.64	56248	10/26/2023
		0504 -OCT 1	Adobe-Acrobat Subscriptio	10/10/2023	19.99	.00	19.99	56248	10/26/2023
		0512 -OCT 1	CO POLICE PROTECTIVE	10/10/2023	135.00	.00	135.00	56248	10/26/2023
		0512 -OCT 1	VistaPrint-Business Cards-	10/10/2023	116.00	.00	116.00	56248	10/26/2023
		0512 -OCT 1	Amazon-Earpiece radios-p	10/10/2023	91.60	.00	91.60	56248	10/26/2023
		0512 -OCT 1	Amazon-In-ps	10/10/2023	91.60	.00	91.60	56248	10/26/2023
		0512 -OCT 1	Amazon-Out-ps	10/10/2023	91.60-	.00	91.60-	56248	10/26/2023
		0512 -OCT 1	Amazon-Nitrile gloves-ps	10/10/2023	23.74	.00	23.74	56248	10/26/2023
		0512 -OCT 1	Amazon-Waterproof noteb	10/10/2023	33.99	.00	33.99	56248	10/26/2023
		0520 -OCT 1	Lazy Bear Rest-BMF Meal	10/10/2023	117.08	.00	117.08	56248	10/26/2023
		0520 -OCT 1	O'Reiley-Dodge Battery-ps	10/10/2023	174.32	.00	174.32	56248	10/26/2023
		0538 -OCT 1	Amazon-Abacus-Loni-admi	10/10/2023	32.17	.00	32.17	56248	10/26/2023
		0538 -OCT 1	City Market-11 Pumpkins-a	10/10/2023	28.67	.00	28.67	56248	10/26/2023
		0538 -OCT 1	w-Loni Retirement Event-a	10/10/2023	41.32	.00	41.32	56248	10/26/2023
		0538 -OCT 1	WalMart-Loni Retirement E	10/10/2023	21.96-	.00	21.96-	56248	10/26/2023
		0538 -OCT 1	WalMart-Supplies for Party	10/10/2023	33.20	.00	33.20	56248	10/26/2023
		0538 -OCT 1	City Market-Cake-PD Birth	10/10/2023	9.29	.00	9.29	56248	10/26/2023
		0538 -OCT 1	Amazon-Password book-a	10/10/2023	12.47	.00	12.47	56248	10/26/2023
		0538 -OCT 1	Amazon-Bus Card Holder-	10/10/2023	11.40	.00	11.40	56248	10/26/2023
		0538 -OCT 1	Adobe-Acrobat Subscriptio	10/10/2023	12.99	.00	12.99	56248	10/26/2023
		0538 -OCT 1	City Market-Food &n/a drin	10/10/2023	85.20	.00	85.20	56248	10/26/2023
		0538 -OCT 1	Wrap and Roll-Food for Co	10/10/2023	316.51	.00	316.51	56248	10/26/2023
		0538 -OCT 1	City Market-Food for Coun	10/10/2023	103.48	.00	103.48	56248	10/26/2023
		0538 -OCT 1	City Market-Food for Coun	10/10/2023	5.16	.00	5.16	56248	10/26/2023
		0538 -OCT 1	City Market-Cards, Tea, an	10/10/2023	51.12	.00	51.12	56248	10/26/2023
		0538 -OCT 1	WalMart-Spider Webs & G	10/10/2023	131.72	.00	131.72	56248	10/26/2023
		0538 -OCT 1	Amazon-Otterbox-ps	10/10/2023	43.49	.00	43.49	56248	10/26/2023
		0546 -OCT 1	Loves-Breakfast for travelin	10/10/2023	9.88	.00	9.88	56248	10/26/2023
		0546 -OCT 1	Red iguana-Lunch for traini	10/10/2023	31.56	.00	31.56	56248	10/26/2023
		0546 -OCT 1	Loves-Gas for training-adm	10/10/2023	37.01	.00	37.01	56248	10/26/2023
		0561 -OCT 1	Capitol deli-Meal-ps	10/10/2023	14.95	.00	14.95	56248	10/26/2023
		0561 -OCT 1	Balco Uniform-Nametape-p	10/10/2023	8.00	.00	8.00	56248	10/26/2023
		0561 -OCT 1	Glock-Equipment-ps	10/10/2023	19.41	.00	19.41	56248	10/26/2023



Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
		0579 -OCT 1	Harbor Freight Tools-Tools	10/10/2023	140.56	.00	140.56	56248	10/26/2023
		0587 -OCT 1	Red Robin-Meals John & J	10/10/2023	42.30	.00	42.30	56248	10/26/2023
		0587 -OCT 1	Amazon-Supplies for Red	10/10/2023	32.98	.00	32.98	56248	10/26/2023
		6543 -OCT 1	Moes-Training Meal-ps	10/10/2023	21.45	.00	21.45	56248	10/26/2023
		7268 -OCT 1	Amazon-First Aid Kids & Cl	10/10/2023	85.56	.00	85.56	56248	10/26/2023
		7268 -OCT 1	Epic sports-Uniforms girls	10/10/2023	279.57	.00	279.57	56248	10/26/2023
		7268 -OCT 1	Amazon-Footballs (25)-rec	10/10/2023	244.75	.00	244.75	56248	10/26/2023
		7268 -OCT 1	Amazon-Soccer Field Linin	10/10/2023	29.70	.00	29.70	56248	10/26/2023
		7268 -OCT 1	Epic sports-Volleyballs (35)	10/10/2023	394.77	.00	394.77	56248	10/26/2023
		7268 -OCT 1	Lowes-Volleyball storage-r	10/10/2023	139.00	.00	139.00	56248	10/26/2023
		7268 -OCT 1	Lowes-spray-rec	10/10/2023	33.86	.00	33.86	56248	10/26/2023
		7581 -OCT 1	Co Driver -CDL training-strt	10/10/2023	19.70	.00	19.70	56248	10/26/2023
		7581 -OCT 1	Rifle chiropractic -CDL Exa	10/10/2023	123.60	.00	123.60	56248	10/26/2023
		7581 -OCT 1	Lowes-Shovel-strts	10/10/2023	24.90	.00	24.90	56248	10/26/2023
		7581 -OCT 1	Conco-Diesel Mini8-strts	10/10/2023	66.82	.00	66.82	56248	10/26/2023
		7581 -OCT 1	Amazon-Boots returned-str	10/10/2023	12.58	.00	12.58	56248	10/26/2023
		7581 -OCT 1	City Market-Bev Dump Day	10/10/2023	25.51	.00	25.51	56248	10/26/2023
		7748 -OCT 1	WalMart-Antifreeze for wint	10/10/2023	96.52	.00	96.52	56248	10/26/2023
		7748 -OCT 1	WalMart-Tacklebox-prks	10/10/2023	33.93	.00	33.93	56248	10/26/2023
		7748 -OCT 1	City Market-Meals Dump D	10/10/2023	103.72	.00	103.72	56248	10/26/2023
Total 377:					9,234.50	.00	9,234.50		
468	AM Construction Supply, In	2746	all-purpose blade-sts	09/20/2023	299.99	.00	299.99	56208	10/12/2023
Total 468:					299.99	.00	299.99		
475	American Fidelity Assuranc	D644500	10.2023 supp insurance pr	10/01/2023	1,242.22	.00	1,242.22	56250	10/26/2023
Total 475:					1,242.22	.00	1,242.22		
476	American Fidelity Assuranc	2166437A	11.2023 flex spending	09/21/2023	749.98	.00	749.98	56209	10/12/2023
Total 476:					749.98	.00	749.98		
497	Alsco, Inc	LGRA281906	mats, mops cleaned-rec	10/05/2023	85.37	.00	85.37	56207	10/12/2023
		LGRA282410	mats, mops cleaned-rec	10/19/2023	85.37	.00	85.37	56249	10/26/2023
Total 497:					170.74	.00	170.74		
614	Appleton, Ashlie	INV0015	basketball uniforms-rec	10/20/2023	279.96	.00	279.96	56251	10/26/2023
		INV0016	basketball uniforms-rec	10/20/2023	207.00	.00	207.00	56251	10/26/2023
Total 614:					486.96	.00	486.96		
1289	Bobcat of the Rockies, LLC	12086016	cutting edge bolts for skid s	04/24/2020	283.31	.00	.00	51032	Multiple
		12086016	cutting edge bolts for skid s	04/24/2020	283.31-				
Total 1289:					.00	.00	.00		
1350	Boot Barn, Inc	INV0030318	boots for Hunstad, Cody-pk	10/09/2023	184.49	.00	184.49	56210	10/12/2023
		INV0030333	boots for Edgeton, Wayne-	10/10/2023	188.99	.00	188.99	56210	10/12/2023
Total 1350:					373.48	.00	373.48		
1706	C & D Tree Services	10022023	tree removals-parks	10/02/2023	800.00	.00	800.00	56212	10/12/2023
		10022023	tree removals-sts	10/02/2023	6,200.00	.00	6,200.00	56212	10/12/2023

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
		10022023	tree removal and maint-wtr	10/02/2023	3,000.00	.00	3,000.00	56212	10/12/2023
	Total 1706:				10,000.00	.00	10,000.00		
1853	Carbondale, Town of	VEST FOR S	vest and carries for Off.Sha	10/19/2023	500.00	.00	500.00	56253	10/26/2023
	Total 1853:				500.00	.00	500.00		
1897	Caselle, Inc.	127745	software support-b&p	10/01/2023	193.25	.00	193.25	56213	10/12/2023
		127745	software support-admin	10/01/2023	193.25	.00	193.25	56213	10/12/2023
		127745	software support-muni ct	10/01/2023	89.83	.00	89.83	56213	10/12/2023
		127745	software support-rec	10/01/2023	141.55	.00	141.55	56213	10/12/2023
		127745	software support-pks	10/01/2023	141.55	.00	141.55	56213	10/12/2023
		127745	software support-sts	10/01/2023	191.17	.00	191.17	56213	10/12/2023
		127745	software support-wtr	10/01/2023	472.70	.00	472.70	56213	10/12/2023
		127745	software support-w/wtr	10/01/2023	472.70	.00	472.70	56213	10/12/2023
	Total 1897:				1,896.00	.00	1,896.00		
1961	CEBT	INV 0060894	11.2023 health insurance p	10/17/2023	56,089.75	.00	56,089.75	56254	10/26/2023
	Total 1961:				56,089.75	.00	56,089.75		
1965	Cedar Networks	347431	10/2023 internet service-T	10/01/2023	180.00	.00	180.00	56214	10/12/2023
		347432	10/2023 internet service-re	10/01/2023	180.00	.00	180.00	56214	10/12/2023
		347435	10/2023 internet service-ps	10/01/2023	90.00	.00	90.00	56214	10/12/2023
		347435	10/2023 internet service-T	10/01/2023	45.00	.00	45.00	56214	10/12/2023
		347435	10/2023 internet service-w/	10/01/2023	45.00	.00	45.00	56214	10/12/2023
		347612	10/2023 internet service-m	10/01/2023	90.00	.00	90.00	56214	10/12/2023
	Total 1965:				630.00	.00	630.00		
1993	CenturyLink	0558 774 10/	10.2023 fax line-wtr	10/19/2023	160.62	.00	160.62	56255	10/26/2023
		9807 957 10/	10.2023 fax line-ps	10/19/2023	84.05	.00	84.05	56255	10/26/2023
	Total 1993:				244.67	.00	244.67		
2068	Chavarin, Diana	10072023 SE	security deposit refund-rec	10/07/2023	350.00	.00	350.00	56215	10/12/2023
	Total 2068:				350.00	.00	350.00		
2145	CIRSA	232117	deductible for veh collision-	10/11/2023	500.00	.00	500.00	56216	10/12/2023
	Total 2145:				500.00	.00	500.00		
2165	CivicPlus, LLC	277261	2nd Qtr code updates-admi	09/29/2023	128.99	.00	128.99	56217	10/12/2023
		277684	muni code meetings softwa	10/01/2023	250.00	.00	250.00	56217	10/12/2023
	Total 2165:				378.99	.00	378.99		
2497	Colorado Analytical Lab	230915049	lab tests-wtr	09/22/2023	16.00	.00	16.00	56256	10/26/2023
		231011087	lab tests-wtr	10/23/2023	455.00	.00	455.00	56256	10/26/2023
		231011182	lab tests-wtr	10/19/2023	16.00	.00	16.00	56256	10/26/2023
	Total 2497:				487.00	.00	487.00		
2729	Conoco Fleet	92342485	fuel-b&p	09/30/2023	44.79	.00	44.79	56218	10/12/2023

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
		92342485	fuel-admin	09/30/2023	126.58	.00	126.58	56218	10/12/2023
		92342485	fuel-ps	09/30/2023	2,602.93	.00	2,602.93	56218	10/12/2023
		92342485	fuel-rec	09/30/2023	60.12	.00	60.12	56218	10/12/2023
		92342485	fuel-pks	09/30/2023	1,729.40	.00	1,729.40	56218	10/12/2023
		92342485	fuel-sts	09/30/2023	355.76	.00	355.76	56218	10/12/2023
		92342485	fuel-wtr	09/30/2023	712.02	.00	712.02	56218	10/12/2023
		92342485	fuel-w/wtr	09/30/2023	495.10	.00	495.10	56218	10/12/2023
Total 2729:					6,126.70	.00	6,126.70		
2749	Consolidated Electrical Dist	4983-104745	electrical parts-wtr	09/12/2023	5.31	.00	5.31	56257	10/26/2023
Total 2749:					5.31	.00	5.31		
2816	Core & Main, Inc.	T613712	cam lock for jet trailer-wwtr	09/28/2023	117.34	.00	117.34	56258	10/26/2023
Total 2816:					117.34	.00	117.34		
3021	Cullen, Kelley	PILATES 10.	pillates 09.15-10.06.2023-r	10/20/2023	339.50	.00	339.50	56219	10/12/2023
		PILATES 10.	pillates 10.12-10.20.2023-r	10/20/2023	28.00	.00	28.00	56259	10/26/2023
Total 3021:					367.50	.00	367.50		
3125	Dana Kepner Company, In	1587518-00	touch read support-wtr	09/29/2023	2,144.94	.00	2,144.94	56260	10/26/2023
Total 3125:					2,144.94	.00	2,144.94		
3529	DPC Industries, Inc.	737003643-2	chlorine-water	09/13/2023	1,372.67	.00	1,372.67	56261	10/26/2023
		737004103-2	chlorine-water	10/11/2023	1,647.20	.00	1,647.20	56261	10/26/2023
		DE73000847	demurrage-water	09/30/2023	80.00	.00	80.00	56261	10/26/2023
Total 3529:					3,099.87	.00	3,099.87		
3820	Enviro-Chem Analytical, In	14170726	lab tests-wwtp	10/13/2023	735.43	.00	735.43	56262	10/26/2023
Total 3820:					735.43	.00	735.43		
3953	Family Support Registry	10202023-A	Remittance ID 15120108 R	10/20/2023	142.61	.00	142.61	56220	10/12/2023
		10202023-A	Remittance ID 15120108 R	10/20/2023	142.61	.00	142.61	56263	10/26/2023
Total 3953:					285.22	.00	285.22		
4253	Freedom Mailing Service, I	46274	09/2023 newsletter-admin	10/02/2023	2.94	.00	2.94	56221	10/12/2023
		46274	09/2023 util bills-water	10/02/2023	342.14	.00	342.14	56221	10/12/2023
		46274	09/2023 util bills-trash	10/02/2023	83.00	.00	83.00	56221	10/12/2023
		46274	09/2023 util bills-w/water	10/02/2023	342.14	.00	342.14	56221	10/12/2023
Total 4253:					770.22	.00	770.22		
4258	Freese, Samantha	AFTER SCH	after school craft club-09.2	10/04/2023	80.00	.00	80.00	56222	10/12/2023
		CRAFT CLU	craft club 10.11 & 10.18.20	10/23/2023	80.00	.00	80.00	56264	10/26/2023
Total 4258:					160.00	.00	160.00		
4323	Gallegos, Maria D	09302023	cleaning PD 09.02, 09.16 &	10/06/2023	150.00	.00	150.00	56223	10/12/2023
		09302023	cleaning TH 09.02, 09.09,	10/06/2023	350.00	.00	350.00	56223	10/12/2023



Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 4323:					500.00	.00	500.00		
4341	Galls, LLC	025878280	1st aid kits, barrier tape-ps	10/05/2023	151.68	.00	151.68	56224	10/12/2023
Total 4341:					151.68	.00	151.68		
4377	Garcia, Samuel & Leticia	NOVEMBER	11/2023 parking lot rent	10/12/2023	500.00	.00	500.00	56225	10/12/2023
Total 4377:					500.00	.00	500.00		
4465	Garfield County Treasurer	281269	dump days-trash	10/09/2023	1,801.00	.00	1,801.00	56265	10/26/2023
		281270	dump days-auto tires-trash	10/09/2023	637.00	.00	637.00	56265	10/26/2023
Total 4465:					2,438.00	.00	2,438.00		
4697	Glenwood Springs, City of	00703963	bio-solids disposal-wwtp	10/18/2023	191.85	.00	191.85	56266	10/26/2023
		00704061	bio-solids disposal-wwtp	10/19/2023	186.09	.00	186.09	56266	10/26/2023
		00704112	bio-solids disposal-wwtp	10/19/2023	207.50	.00	207.50	56266	10/26/2023
Total 4697:					585.44	.00	585.44		
4869	Grand Jct. Winwater Works	070901 02	pipe and supplies for Raw	09/28/2023	133,394.82	.00	133,394.82	56267	10/26/2023
Total 4869:					133,394.82	.00	133,394.82		
4955	Green Zone Recycling, LL	16689	clean up refrigerator dispos	10/12/2023	455.00	.00	455.00	56268	10/26/2023
Total 4955:					455.00	.00	455.00		
5460	Homer's Painting	1408	castle valley tank painting-	09/28/2023	9,270.00	.00	9,270.00	56270	10/26/2023
Total 5460:					9,270.00	.00	9,270.00		
5633	Impressions of Aspen Inc.	38050	top tab file folder-admin	09/26/2023	23.33	.00	23.33	56226	10/12/2023
		38050	top tab file folder-muni crt	09/26/2023	23.33	.00	23.33	56226	10/12/2023
		38050	top tab file folder-wtr	09/26/2023	11.67	.00	11.67	56226	10/12/2023
		38050	top tab file folder-wwtr	09/26/2023	11.66	.00	11.66	56226	10/12/2023
		38065	shredder, paper, calendars,	10/04/2023	290.12	.00	290.12	56226	10/12/2023
		38065.1	calendars and mech.pencil	10/04/2023	32.03	.00	32.03	56271	10/26/2023
		38074	paper-admin	10/04/2023	52.09	.00	52.09	56226	10/12/2023
		38074	paper-rec	10/04/2023	52.09	.00	52.09	56226	10/12/2023
		38074	paper-wtr	10/04/2023	26.05	.00	26.05	56226	10/12/2023
		38074	paper-wwtr	10/04/2023	26.04	.00	26.04	56226	10/12/2023
		38079	frames for proclamations-a	10/04/2023	69.12	.00	69.12	56226	10/12/2023
		38079.1	letter file pocket-admin	10/04/2023	9.20	.00	9.20	56271	10/26/2023
		7002CM	office supplies-admin	10/02/2023	173.62-	.00	173.62-	56226	10/12/2023
Total 5633:					453.11	.00	453.11		
5681	Innermountain Dist. Co.	6010994	trash bags-parks	10/12/2023	165.00	.00	165.00	56272	10/26/2023
Total 5681:					165.00	.00	165.00		
5740	Investigations Law Group L	4580	salary survey-admin	10/12/2023	5,500.00	.00	5,500.00	56273	10/26/2023

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 5740:					5,500.00	.00	5,500.00		
6002	Journey Home Animal Car	211	kennel expenes 09.01-09.3	10/05/2023	900.00	.00	900.00	56274	10/26/2023
		213	kennel expenses-ps	10/05/2023	150.00	.00	150.00	56274	10/26/2023
Total 6002:					1,050.00	.00	1,050.00		
6500	LeMoine & Graves, P.C.	7594	09/2023 prosecutor fee-mu	10/02/2023	455.00	.00	455.00	56227	10/12/2023
Total 6500:					455.00	.00	455.00		
6693	Lowes Business Acct/GEC	033027 6 10/	gas cap for mow truck-pks	10/17/2023	9.48	.00	9.48	56275	10/26/2023
		033027 6 10/	concrete-sts	10/17/2023	114.96	.00	114.96	56275	10/26/2023
		033027 6 10/	deck scrub brush-wtr	10/17/2023	15.16	.00	15.16	56275	10/26/2023
		033027 6 10/	tools for Raw Water project	10/17/2023	293.51	.00	293.51	56275	10/26/2023
		033027 6 10/	tubing for blower-wwtr	10/17/2023	20.41	.00	20.41	56275	10/26/2023
		033027 6 10/	tools-wwtr	10/17/2023	51.22	.00	51.22	56275	10/26/2023
Total 6693:					504.74	.00	504.74		
6949	Master Automotive	1037330	brakes on 2021 Chevy-ps	09/26/2023	700.92	.00	700.92	56228	10/12/2023
Total 6949:					700.92	.00	700.92		
7009	Maurer Miller,Amanda	176	10.2023 judge fee-court	10/16/2023	1,000.00	.00	1,000.00	56276	10/26/2023
Total 7009:					1,000.00	.00	1,000.00		
7109	MCHD Regional Lab	2866-23	bac-t test-water	10/03/2023	22.00	.00	22.00	56277	10/26/2023
		2885-23	bac-t test-water	10/03/2023	20.00	.00	20.00	56277	10/26/2023
		2886-23	bac-t test-water	10/03/2023	20.00	.00	20.00	56277	10/26/2023
		3054-23	bac-t test-water	10/17/2023	20.00	.00	20.00	56277	10/26/2023
		3055-23	bac-t test-water	10/17/2023	20.00	.00	20.00	56277	10/26/2023
		3056-23	bac-t test-water	10/17/2023	20.00	.00	20.00	56277	10/26/2023
		3057-23	bac-t test-water	10/17/2023	20.00	.00	20.00	56277	10/26/2023
Total 7109:					142.00	.00	142.00		
7345	Micro Plastics	146249	plastic badge Layman, Jeff-	10/06/2023	10.18	.00	10.18	56229	10/12/2023
Total 7345:					10.18	.00	10.18		
7637	Mountain Waste & Recyclin	5341001	09.2023 residential trash s	09/30/2023	48,524.18	.00	48,524.18	56230	10/12/2023
		5342643V32	09.2023 trash-TH	10/01/2023	40.18	.00	40.18	56230	10/12/2023
		5342643V32	09.2023 trash-rec	10/01/2023	167.74	.00	167.74	56230	10/12/2023
		5342643V32	09.2023 trash-sts	10/01/2023	349.18	.00	349.18	56230	10/12/2023
		5342643V32	09.2023 porta jons-wwtr	10/01/2023	1,185.12	.00	1,185.12	56230	10/12/2023
		5342643V32	09.2023 trash-wwtr	10/01/2023	136.08	.00	136.08	56230	10/12/2023
		5345246V32	wood dumpster-trash	10/01/2023	788.24	.00	788.24	56230	10/12/2023
		5345341V32	porta jons for BMF 2023-re	10/01/2023	1,800.00	.00	1,800.00	56230	10/12/2023
Total 7637:					52,990.72	.00	52,990.72		
7781	Nalco Company	6602214135	coagulant-wtp	09/15/2023	4,317.28	.00	4,317.28	56278	10/26/2023

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 7781:					4,317.28	.00	4,317.28		
7792	Nathan Dumm & Mayer P.	10252023 FI	filing 11 lawsuit-legal servic	10/25/2023	580.00	.00	580.00	56279	10/26/2023
Total 7792:					580.00	.00	580.00		
7821	Native American Crane Sv	22-1028	crane for pulling pump at G	02/18/2022	270.00	.00	.00	53737	Multiple
		22-1028	crane for pulling pump at G	02/18/2022	270.00-				
Total 7821:					.00	.00	.00		
8357	Paper Wise	000151-R-00	paper shredding-admin	10/01/2023	80.00	.00	80.00	56231	10/12/2023
Total 8357:					80.00	.00	80.00		
8641	Pitney Bowes - Purchase P	11052023	postage-b&p	10/01/2023	11.34	.00	11.34	11052023	10/26/2023
		11052023	postage-admin	10/01/2023	11.34	.00	11.34	11052023	10/26/2023
		11052023	postage-muni court	10/01/2023	2.85	.00	2.85	11052023	10/26/2023
		11052023	postage-rec	10/01/2023	27.77	.00	27.77	11052023	10/26/2023
		11052023	postage-sts	10/01/2023	36.85	.00	36.85	11052023	10/26/2023
		11052023	postage-wtr	10/01/2023	29.93	.00	29.93	11052023	10/26/2023
		11052023	postage-w/wtr	10/01/2023	29.92	.00	29.92	11052023	10/26/2023
Total 8641:					150.00	.00	150.00		
8646	SunCentral	BCB93594	08.2023 solar-admin	09/29/2023	65.35	.00	65.35	56239	10/12/2023
		BCB93594	08.2023 solar-rec	09/29/2023	213.57	.00	213.57	56239	10/12/2023
		BCB93594	08.2023 solar-pks	09/29/2023	61.06	.00	61.06	56239	10/12/2023
		BCB93594	08.2023 solar-sts	09/29/2023	95.03	.00	95.03	56239	10/12/2023
		BCB93594	08.2023 solar-sts lights	09/29/2023	246.94	.00	246.94	56239	10/12/2023
		BCB93594	08.2023 solar-town hall	09/29/2023	65.35	.00	65.35	56239	10/12/2023
		BCB93594	08.2023 solar-wtr	09/29/2023	2,707.89	.00	2,707.89	56239	10/12/2023
		BCB93594	08.2023 solar-raw water	09/29/2023	790.09	.00	790.09	56239	10/12/2023
		BCB93594	08.2023 solar-town hall	09/29/2023	65.35	.00	65.35	56239	10/12/2023
		BCB93594	08.2023 solar-wwtr	09/29/2023	5,908.99	.00	5,908.99	56239	10/12/2023
		BCB93594	08.2023 solar-south utilities	09/29/2023	62.78	.00	62.78	56239	10/12/2023
Total 8646:					10,282.40	.00	10,282.40		
8849	ProForce Law Enforcement	530229	shotguns-ps	09/29/2023	2,170.95	.00	2,170.95	56233	10/12/2023
		530977	shotguns-ps	10/09/2023	2,160.00	.00	2,160.00	56280	10/26/2023
Total 8849:					4,330.95	.00	4,330.95		
9477	Roaring Fork Rentals, Inc.	297719	chipper rental-red rocks ra	10/02/2023	750.00	.00	750.00	56235	10/12/2023
Total 9477:					750.00	.00	750.00		
9945	Schmueser, Gordon, Meyer	93128A-360	09.2023 eng svcs-deer vall	09/29/2023	1,113.50	.00	1,113.50	56236	10/12/2023
		93128A-360	09.2023 eng svcs-planning	09/29/2023	298.50	.00	298.50	56236	10/12/2023
		93128A-360	09.2023 eng svcs-CDOT ro	09/29/2023	696.50	.00	696.50	56236	10/12/2023
		93128A-360	09.2023 eng svcs-grand ho	09/29/2023	696.50	.00	696.50	56236	10/12/2023
		93128A-360	09.2023 eng svcs-red rock	09/29/2023	1,194.00	.00	1,194.00	56236	10/12/2023
		93128A-360	09.2023 eng svcs-south sid	09/29/2023	796.00	.00	796.00	56236	10/12/2023



Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 9945:					4,795.00	.00	4,795.00		
10382	Source Office & Technolog	4906973-0	ink-rec	09/26/2023	523.66	.00	523.66	56238	10/12/2023
Total 10382:					523.66	.00	523.66		
10879	Texas Life Insurance Comp	SM0F2R202	10.2023 premium - supp lif	10/16/2023	11.95	.00	11.95	56282	10/26/2023
Total 10879:					11.95	.00	11.95		
11135	Trevizo, Mirelia	CLEANING 1	cleaning 10.01 and 10.08.2	10/09/2023	150.00	.00	150.00	56240	10/12/2023
		CLEANING 1	cleaning 10.15.2023-rec	10/23/2023	75.00	.00	75.00	56283	10/26/2023
Total 11135:					225.00	.00	225.00		
11193	Two Rivers Productions	9102022 BM	stage, lights,music BMF 20	10/06/2023	4,350.00	.00	4,350.00	56241	10/12/2023
Total 11193:					4,350.00	.00	4,350.00		
11285	Upper Case Printing, Ink	1020	10/2023 newsletter-admin	10/05/2023	182.25	.00	182.25	56242	10/12/2023
Total 11285:					182.25	.00	182.25		
11321	USA Bluebook	INV0012468	wiper tool-wtr	09/05/2023	67.96	.00	67.96	56284	10/26/2023
		INV0014896	lab supplies-wtr	09/29/2023	269.04	.00	269.04	56284	10/26/2023
Total 11321:					337.00	.00	337.00		
11345	Utility Notification Center-C	223091022	09.2023 locates-wtr	09/30/2023	12.90	.00	12.90	56285	10/26/2023
		223091022	09.2023 locates-w/wtr	09/30/2023	12.90	.00	12.90	56285	10/26/2023
Total 11345:					25.80	.00	25.80		
11385	Valley Lumber Company	2310-169868	insect killer indoor-wtr	10/19/2023	11.99	.00	11.99	56286	10/26/2023
Total 11385:					11.99	.00	11.99		
11493	Verizon Wireless	9945965558	10.2023 cell phones-b&p	10/03/2023	81.60	.00	81.60	56287	10/26/2023
		9945965558	10.2023 cell phones-admin	10/03/2023	153.90	.00	153.90	56287	10/26/2023
		9945965558	10.2023 cell phones-ps	10/03/2023	492.51	.00	492.51	56287	10/26/2023
		9945965558	10.2023 cell phones-rec	10/03/2023	80.81	.00	80.81	56287	10/26/2023
		9945965558	10.2023 cell phones-pks	10/03/2023	163.20	.00	163.20	56287	10/26/2023
		9945965558	10.2023 cell phones-sts	10/03/2023	163.20	.00	163.20	56287	10/26/2023
		9945965558	10.2023 cell phones-water	10/03/2023	182.42	.00	182.42	56287	10/26/2023
		9945965558	10.2023 cell phones-w/wat	10/03/2023	101.60	.00	101.60	56287	10/26/2023
Total 11493:					1,419.24	.00	1,419.24		
11701	Wash-By U, Inc.	SEPTEMBE	09/2023 car washes-ps	10/01/2023	55.04	.00	55.04	56243	10/12/2023
Total 11701:					55.04	.00	55.04		
12185	XCel Energy	845574179	09.2023 utilities-evidence b	09/18/2023	50.60	.00	50.60	56288	10/26/2023
		849505734	10.2023 utilities-museum	10/18/2023	23.50	.00	23.50	56288	10/26/2023
		849623112	10.2023 utilities-EV chargin	10/18/2023	108.73	.00	108.73	56288	10/26/2023
		849631361	10.2023 utilities-evidence b	10/18/2023	51.38	.00	51.38	56288	10/26/2023

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 12185:					234.21	.00	234.21		
12193	Xpress Bill Pay	INV-XPR005	10.2023 cc fees-wtr	09/30/2023	412.66	.00	412.66	10052023	10/12/2023
		INV-XPR005	10.2023 cc fees-w/wtr	09/30/2023	412.66	.00	412.66	10052023	10/12/2023
Total 12193:					825.32	.00	825.32		
12213	Broadvoice	579012	10/2023 phone svc-admin	10/05/2023	344.16	.00	344.16	56211	10/12/2023
		579012	10/2023 phone svc-ps	10/05/2023	142.30	.00	142.30	56211	10/12/2023
		579012	10/2023 phone svc-rec	10/05/2023	87.57	.00	87.57	56211	10/12/2023
		579012	10/2023 phone svc-pks	10/05/2023	65.68	.00	65.68	56211	10/12/2023
		579012	10/2023 phone svc-sts	10/05/2023	65.68	.00	65.68	56211	10/12/2023
		579012	10/2023 phone svc-wtr	10/05/2023	269.00	.00	269.00	56211	10/12/2023
		579012	10/2023 phone svc-wwtr	10/05/2023	269.00	.00	269.00	56211	10/12/2023
		589048	10/2023 phone svc-admin	10/13/2023	356.61	.00	356.61	56252	10/26/2023
		589048	10/2023 phone svc-ps	10/13/2023	142.30	.00	142.30	56252	10/26/2023
		589048	10/2023 phone svc-rec	10/13/2023	87.57	.00	87.57	56252	10/26/2023
		589048	10/2023 phone svc-pks	10/13/2023	65.68	.00	65.68	56252	10/26/2023
		589048	10/2023 phone svc-sts	10/13/2023	65.68	.00	65.68	56252	10/26/2023
		589048	10/2023 phone svc-wtr	10/13/2023	269.00	.00	269.00	56252	10/26/2023
		589048	10/2023 phone svc-wwtr	10/13/2023	269.00	.00	269.00	56252	10/26/2023
Total 12213:					2,499.23	.00	2,499.23		
12233	Your Parts Haus	718945	oil filter-pks	09/14/2023	31.98	.00	31.98	56245	10/12/2023
		721352	tire patch cement-wwtr	10/04/2023	40.79	.00	40.79	56289	10/26/2023
		721425	2009 Ford Expl maint & 20	10/05/2023	182.06	.00	182.06	56289	10/26/2023
Total 12233:					254.83	.00	254.83		
12269	Zancanella and Associates,	29912	engineering-wtr	09/15/2023	111.00	.00	111.00	56246	10/12/2023
Total 12269:					111.00	.00	111.00		
12281	Zehren and Associates, Inc	0024206	round-a-bout-phase 1-pks	09/28/2023	3,194.34	.00	3,194.34	56247	10/12/2023
		0024285	round-a-bout-phase 1-pks	10/19/2023	2,069.37	.00	2,069.37	56290	10/26/2023
Total 12281:					5,263.71	.00	5,263.71		
12374	ProVelocity	40018	charged for 2 monitors-rec	09/19/2023	40.00-	.00	40.00-	10052023	10/26/2023
Total 12374:					40.00-	.00	40.00-		
12449	Holton, Jennifer	TAI CHI 10.1	tai chi 10.11,12,17 & 10.19.	10/20/2023	180.00	.00	180.00	56269	10/26/2023
Total 12449:					180.00	.00	180.00		
12634	Piria, Zulma	SPRING 202	soccer cancelled-refund	04/30/2020	550.00	.00	550.00	Multiple	Multiple
Total 12634:					550.00	.00	550.00		
12764	Pye Barker Fire & Safety, L	PSI1141715	fire extinguisher repl/cert-st	09/27/2023	105.00	.00	105.00	56234	10/12/2023
		PSI1143649	fire extinguisher recert & fill	09/28/2023	912.00	.00	912.00	56234	10/12/2023
Total 12764:					1,017.00	.00	1,017.00		

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
12794	Xerox Financial Services	4884371	copier lease & prints-b&p	10/10/2023	108.06	.00	108.06	56244	10/12/2023
		4884371	copier lease & prints- admi	10/10/2023	108.06	.00	108.06	56244	10/12/2023
		4884371	copier lease & prints-rec	10/10/2023	108.06	.00	108.06	56244	10/12/2023
		4884371	copier lease & prints-water	10/10/2023	108.05	.00	108.05	56244	10/12/2023
		4884371	copier lease & prints-w/wat	10/10/2023	108.05	.00	108.05	56244	10/12/2023
		4884372	copier lease & prints-ps	10/10/2023	172.03	.00	172.03	56244	10/12/2023
Total 12794:					712.31	.00	712.31		
12854	Shaw, Candice	AFTER SCH	after school cooking 10.02	10/09/2023	80.00	.00	80.00	56237	10/12/2023
		AFTER SCH	after school cooking 10.16	10/23/2023	80.00	.00	80.00	56281	10/26/2023
		KIDS KITCH	kid's kitchen supplies reimb	10/09/2023	30.94	.00	30.94	56237	10/12/2023
Total 12854:					190.94	.00	190.94		
Grand Totals:					352,573.10	.00	352,573.10		

## Report Criteria:

Detail report type printed



## TRAIL EASEMENT AGREEMENT

This Trail Easement Agreement (also referred to as “Easement Agreement” or “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the Town of New Castle, Colorado, a home rule municipality whose address is 450 W. Main Street, P.O. Box 90, New Castle, CO 81647 (the “Town”) and the Roseman Ditch Company, whose address is PO Box 1154, Silt, CO 81652 (“Ditch Company”) (collectively the “Parties”).

### WITNESSETH:

WHEREAS, Ditch Company is the holder of an easement for, and owns and operates the, Roseman Ditch, aka, Thompkins Ditch (the “Ditch Company Property”) that traverses certain real property in unincorporated Garfield County, Colorado, described as Garfield County Assessor’s Parcel No. 212331200019; and

WHEREAS, the Town is supporting the use and development of a mountain bike trail system in and around New Castle, which would cross both public and private lands including the Ditch Company Property as generally depicted on Exhibit A hereto; and

WHEREAS, C.R.S. § 33-41-101, *et seq.* provides certain liability protections for property owners who grant easements to public entities for trail and recreational purposes, and the Parties hereto desire to enter into this Agreement to take advantage of such protections and to provide for trail easements over the Ditch Company Property as set forth below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Ditch Company agree as follows:

1. Recitals. The foregoing recitals are incorporated herein as affirmative and material representations and acknowledgments of the Parties hereto.

2. Grant of Easement. Ditch Company hereby grants to the Town a non-exclusive easement over and across the Ditch Company Property for mountain biking and hiking trails for recreational purposes as defined in C.R.S. §§ 33-41-102 and 103 (the “Trail”) in the locations shown on Exhibit A hereto. The width of the easement for the Trail shall extend 7.5 feet on each side of the centerline of the as-built Trail (the “Easement”). The Easement may be used (i) for the construction, improvement, operation, maintenance, repair, and replacement of the Trail; (ii) for use of the Trail by the general public for recreational bicycle and pedestrian purposes; (iii) for the installation of signs identifying the Trail, location, use rules, and otherwise relating to the use and protection of the Easement as deemed appropriate in the Town’s sole judgment and discretion, except as otherwise set forth herein; and (iv) to generally manage the Easement for public recreational use purposes (collectively, the “Use Rights”), and for no other purposes. The Use Rights shall be strictly limited to and contained wholly within the Easement. The Use Rights specifically do not include the use of motorized or electric bicycles, scooters, or the like (appropriate ADA scooters or mobility devices excluded), except that the Town may use motorized vehicles on a reasonable basis in the construction, maintenance, and repair of the Trail, and in reasonable circumstances for emergency access. Ditch Company shall have the right to cross the

Trail with motorized vehicles and equipment necessary for its continued use of the Ditch Company Property.

3. Town Management and Use Restrictions. The Town shall be responsible for management of the Trail including but not limited to determining opening and closure of the Trail, signage, and all other purposes as contemplated by C.R.S. § 33-41-103. Dogs are only allowed on the Trail if on-leash and under the direct control of its handler. There shall be no bicycle usage allowed during times of snowmelt or when there has been significant precipitation. There shall be no use of motorized or electric bicycles, scooters, or the like (appropriate ADA scooters or mobility devices excluded). The Town shall be obligated and solely responsible for adequate and continuous control of erosion, dust, mud, gravel, litter and other debris generated from or associated with the exercise of the Use Rights. The Trail near the East Crossing shall be graded in order to divert stormwater over the pipe that will be installed at the East Crossing and to avoid stormwater runoff from flowing into the ditch. The Town will maintain the Easement, Trail and surrounding areas free from accumulation of waste materials, rubbish, litter, and trash caused by or arising from any exercise of the Use Rights or other activities associated with the Use Rights and shall inspect the Ditch Company's Property and clean up litter on a regular basis. The Town may delegate all or a portion its management responsibilities to another governmental entity or nonprofit group in the Town's discretion. The Town shall have the right to authorize, limit, or prohibit use of the trails by members of the public as "invited guests" as that term is defined in C.R.S. § 33-41-103(2)(e)(I).

4. Reserved Rights. Ditch Company expressly reserves the right to continue to use the ditch on Ditch Company Property, including the right to, clean, repair, improve, and maintain the Ditch Company Property, provided that such uses do not unreasonably interfere with the Use Rights granted herein. The Town specifically agrees and acknowledges that Ditch Company uses the Ditch Company Property for ditch purposes, which requires periodic cleaning, repair, improvement, replacement, and maintenance, and the Town agrees to cooperate with the Ditch Company as reasonably necessary to allow such use, cleaning, repair, improvement, replacement, and maintenance of the Ditch Company Property. The Town's exercise of the Use Rights shall not unreasonably interfere with the Ditch Company's ability to use, operate, maintain, replace, and repair the Ditch Company Property.

5. No Charge for Use of Trail. Ditch Company shall not be entitled to charge any fee or other form of "charge," as such term is defined in C.R.S. § 33-41-102, to the general public for use of the Trail.

6. Installation of Fencing, Gates, Signs and Piping of Ditch. The Town, at the Town's sole expense and in coordination with Ditch Company, shall install the following: (i) 60 feet of 48-inch ADS pipe under the East Crossing shown on Exhibit A at a location identified by the Ditch Company; (ii) split rail fencing along the banks of the Ditch Company Property in locations shown on Exhibit A; (iii) signage within the Easement and/or on the fences identifying the Ditch Company Property as private property, that trail users shall stay on the Trail and off ditch banks, use of the trail is at the trail users own risk, and that the Ditch Company is not responsible for any damages or injuries; and (iv) swing gates as shown on Exhibit A. Prior to the any work by the Town pursuant to the terms of this paragraph 6, the Town or its delegatee shall confer with the

Ditch Company regarding the work to be performed, materials used, and timeline for completion. All work the Town is required to do pursuant to this paragraph 6 shall be completed no later than April 1, 2024.

7. Limitation of Liability. It is the intent of the parties that Ditch Company shall be afforded all protections and liability limitations as set forth in C.R.S. § 33-41-101, *et seq.* with respect to the Easement granted hereby. Nothing herein shall be deemed a waiver of the Town's sovereign immunity, nor shall this Agreement create any contractual indemnity rights for any party hereto. This limitation of liability shall specifically extend to Ditch Company's ongoing use of Ditch Company's Property. In case of a conflict between the liability protections set forth in this Agreement and in the statute cited in this Paragraph 7, whichever provision provides the greater protection to Ditch Company without invalidating the statutory protections shall control. Furthermore, the Town releases the Ditch Company from any and all liabilities arising out of the Town's use of the Easement or exercise of the Use Rights.

8. Insurance. At all times that this Trail Easement Agreement is in effect, the Town shall carry and maintain and cause Town Permittees (except for members of the general public), which includes any Town delegatee of the Town's management responsibilities, to carry and maintain in full force and effect, at their sole cost and expense, the following insurance coverages and policies maintained in accordance with the following terms and otherwise on terms and with insurance companies satisfactory to Ditch Company. Town will provide Ditch Company with a copy of any insurance carrier's notice of cancellation or notice of changes to policy conditions immediately upon receipt. Ditch Company and its designees shall be named as additional insureds as their respective interests may appear on the policies listed below. Policies shall provide that those coverages are primary without any right of contribution from any liability coverage maintained by Ditch Company (and Town hereby agrees that such coverages will thus be primary) and shall also provide that the insurance protection afforded Ditch Company will not be impaired or limited by any negligence or misconduct of Town or any other party.

(a) Commercial general liability insurance in an occurrence format with a single occurrence limit of not less than \$2,000,000, with an aggregate annual limit of not less than and including, without limitation, the following coverages: contractual liability (specifically encompassing Town's indemnity and other obligations under this Easement Agreement), personal injury, broad form property damage, independent contractors and premises operations.

(b) Automobile liability insurance on all vehicles used by, through or under any Town permittees in connection with the Trail Easement, in an amount of \$1,000,000 combined single limit per occurrence of bodily injury and property damage, and with an aggregate annual limit of not less than \$1,000,000.

(c) Workers' compensation insurance in accordance with the provisions of the Workers' Compensation Act of Colorado, C.R.S. 8-40-101 *et seq.*, for all employees of Town permittees accessing the Easement or otherwise engaged in connection with the Trail Easement. To the extent any of the Town's permittees are sole proprietors, Town



shall cause those sole proprietors to maintain such coverage even though they may otherwise be exempted by law.

The Town agrees to provide Ditch Company with certificates of insurance evidencing the foregoing coverages upon the execution of this Trail Easement Agreement (with those certificates to expressly set forth the status of Ditch Company as an additional insured, as required above).

9. Mechanics' Liens. The Town shall not permit or suffer any mechanics' or other liens to attach to the Ditch Company Property or any portion thereof or interest therein by reason of any exercise of the Use Rights or any other conduct on or in relation to the Ditch Company's Property arising by, through or under Town or any Town permittees. In the event a claim for any such lien is recorded against the Ditch Company Property, or any portion thereof or interest therein, Town at its sole expense shall obtain the removal of such claim and its release of record within thirty (30) days after it is initially recorded. If such release is not timely secured, then at any time thereafter Ditch Company, at its election and without obligation to do so, may secure the release of the lien claim by any means available, including bonding, settlement or otherwise, in which case Town shall, within ten (10) days after demand from time to time, reimburse Ditch Company for Ditch Company's costs and expenses incurred in securing the lien release, including all settlement amounts and attorneys' fees.

10. Term and Termination. This Trail Easement Agreement shall be for a term of ten (10) years from the date of execution hereof and shall automatically renew for three (3) additional ten (10) year periods unless Ditch Company provides notice of termination, in Ditch Company's sole discretion, at least ninety (90) days prior to the end of the then current term.

11. Default. If either party fails to perform in accordance with the terms, covenants and conditions of this Trail Easement Agreement or is otherwise in breach or default of any of the terms, covenants and conditions of this Agreement (in any case a "default"), then the non-defaulting party shall give notice of the default to the other party and the that party shall have ten (10) days thereafter in which to cure such default. Notwithstanding the provisions of the immediately preceding sentence, if a default cannot be cured within 10 days by the use of reasonable diligence, then period for cure shall be extended to thirty (30) days provided that the party in default commences to cure within 10 days after notice and diligently prosecutes such cure to completion. Notwithstanding any other provision of this Section 11, no cure period shall be allowed for the following matters: any breach of the Town's insurance obligations under paragraph 8 above; any failure to secure a timely release of a lien under paragraph 9 above; or any default that is not reasonably susceptible of cure. If a default is not cured within the applicable cure period, if any, then the non-defaulting party, at its election and without obligation to do so, may take such action and expend such sums as the non-defaulting party in its ordinary business judgment may deem necessary or appropriate to cure the subject default, in whole or in part, or to protect the interests of the non-defaulting party. All sums, including attorneys' fees, incurred by the non-defaulting party in connection with the consideration or exercise of this remedy shall be due and payable from the party in default within ten (10) days after demand from time to time. Any default by a party that is not cured within any applicable cure period established above may be enforced by any or all of the foregoing remedies, and any other remedies available at law or equity or by statute, and all such rights and remedies shall be cumulative with and non-exclusive of one another

and may be exercised concurrently or successively as the non-defaulting party may elect. No exercise of any one remedy shall constitute or be construed as an election to the bar of any other remedy. In connection with any exercise or pursuit of its remedies under this Trail Easement Agreement, whether or not legal proceedings are actually commenced, the non-defaulting party shall be entitled to recover from the other party any and all attorneys' fees and court costs that the non-defaulting party may incur in connection therewith. Any damages or sums owing under this paragraph of the Trail Easement Agreement shall bear interest until paid at an annual rate of 18%, which interest shall become part of the amount owing.

12. Binding Effect. The terms of this Agreement shall be deemed an easement running with title to the Ditch Company Property and shall be binding upon the successors and assigns of the parties hereto during the term hereof.

13. Compliance with Laws; Subject to Matters of Record. The parties shall comply with all laws and legal requirements in exercising any right granted, or taking any action allowed or required by this Agreement. This Agreement is subject to all matters of record in the real property records of Garfield County, Colorado, relating to the property encumbered by the Easement granted above.

14. Governing Law. This Agreement shall be governed by, and construed and interpreted in accordance with, the internal laws of the State of Colorado without regard to conflicts of laws principles.

15. Notices. All notices required or permitted by this Agreement shall be in writing and shall be effective and deemed received at the earliest of (a) when actually delivered and received, personally, by mail, by messenger services, or by fax delivery, or (b) 72 hours after being postmarked in the United States mail, certified, return receipt requested, or (c) on the next business day after deposit for delivery by a nationally recognized overnight courier service such as Federal Express, or (d) on the date sent by email, provided that a delivery receipt for the email (which receipt may be automated), showing the date the email was sent, is given to the sender. All such notices shall be furnished with delivery or postage charges prepaid and addressed to the respective parties as follows:

To the Town:                      Town Administrator  
    Town of New Castle  
    P.O. Box 90  
    New Castle, CO 81647

With a copy to:                  David H. McConaughy, Esq.  
    Garfield & Hecht, P.C.  
    910 Grand Avenue, Suite 201  
    Glenwood Springs, CO 81601  
    dmcconaughey@garfieldhecht.com

To Ditch Company:              Roseman Ditch Company  
    PO Box 1154  
    Silt, CO 81652

With a copy to: Ryan M. Jarvis, Esq.  
PO Box 878  
Glenwood Springs, CO 81602

16. Counterparts. This Agreement may be executed in counterparts, each of which shall for all purposes be deemed an original and all of which together shall constitute one and the same agreement. Any such counterpart may be transmitted by telecopy or electronic mail (in PDF format), and any such counterpart so transmitted shall have full force and effect as if it were an original.

17. Entire Agreement. This Agreement (including the attached Exhibits) constitutes the whole agreement among the Parties and supersedes any prior term sheets, understandings, agreements or arrangements among the Parties relating to the subject matter hereof, and no additional or different oral representation, promise or agreement shall be binding on any of the parties with respect to the subject matter of this Agreement.

18. No Waiver. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provisions, nor will it be deemed or constitute a continuing waiver unless expressly provided by written amendment to this Agreement signed by the parties hereto. Either party's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the other party.

19. Attorney's Fees. In the event any action is filed or maintained by any party in relationship to this Agreement, the prevailing party shall be awarded any and all of its costs, expenses and reasonable attorneys' fees.

20. Captions. The captions contained in the Agreement are for convenience only and shall not affect the construction or interpretation of any provisions of this Agreement.

21. Severability. In the event any provision of this Agreement is held to be illegal, invalid or unenforceable under any present or future laws, the legality, validity and enforceability of the remaining provisions in this Easement Agreement shall not be affected thereby, and in lieu of the affected provision there shall be deemed added to this Agreement a substitute provision that is legal, valid and enforceable and that is as similar as possible in content to the affected provision. It is generally intended by the Parties that this Easement Agreement and its separate provisions be enforceable to the fullest extent permitted by law.

22. Governmental Immunity. Nothing in this Agreement is intended to be, and shall not be construed as, a waiver of the limitations on damages or any of the privileges, immunities, or defenses provided to, or enjoyed by, either Party, or their respective directors, officers, employees, volunteers, or agents, under common law or pursuant to statute, including but not limited to the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*

23. Non-Appropriation. All direct and indirect financial obligations of the Town under this Agreement are subject to appropriation, budgeting, and availability of funds to discharge such obligations. If the Town's governing body fails to appropriate funds for the Town's obligations



under this Agreement, this Agreement shall terminate on January 1 of the year for which the non-appropriation occurred, and neither Party shall have any further obligation to the other Party under this Agreement beyond the financial obligations for which it previously appropriated funds.

24. Recording. The Town shall record this Easement Agreement in the real property records of Garfield County.

This Trail Easement Agreement is executed by the parties hereto as of the date first above written.

TOWN OF NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

DITCH COMPANY

By: \_\_\_\_\_  
Name:  
Title:

STATE OF COLORADO    )  
  )  
COUNTY OF GARFIELD    )

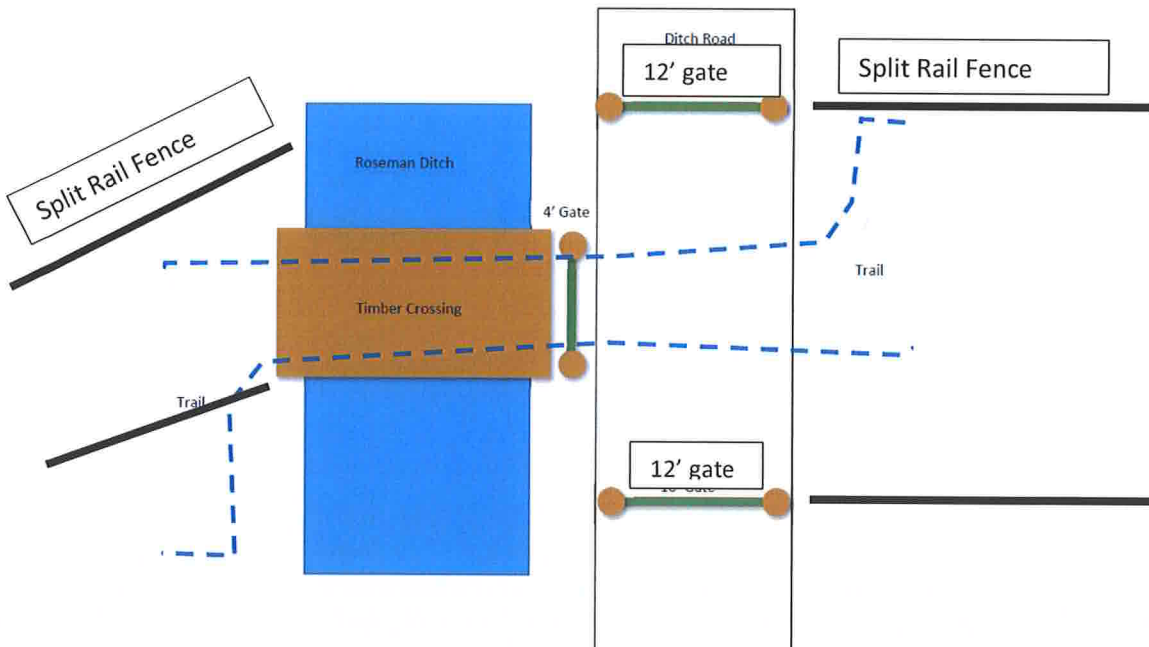
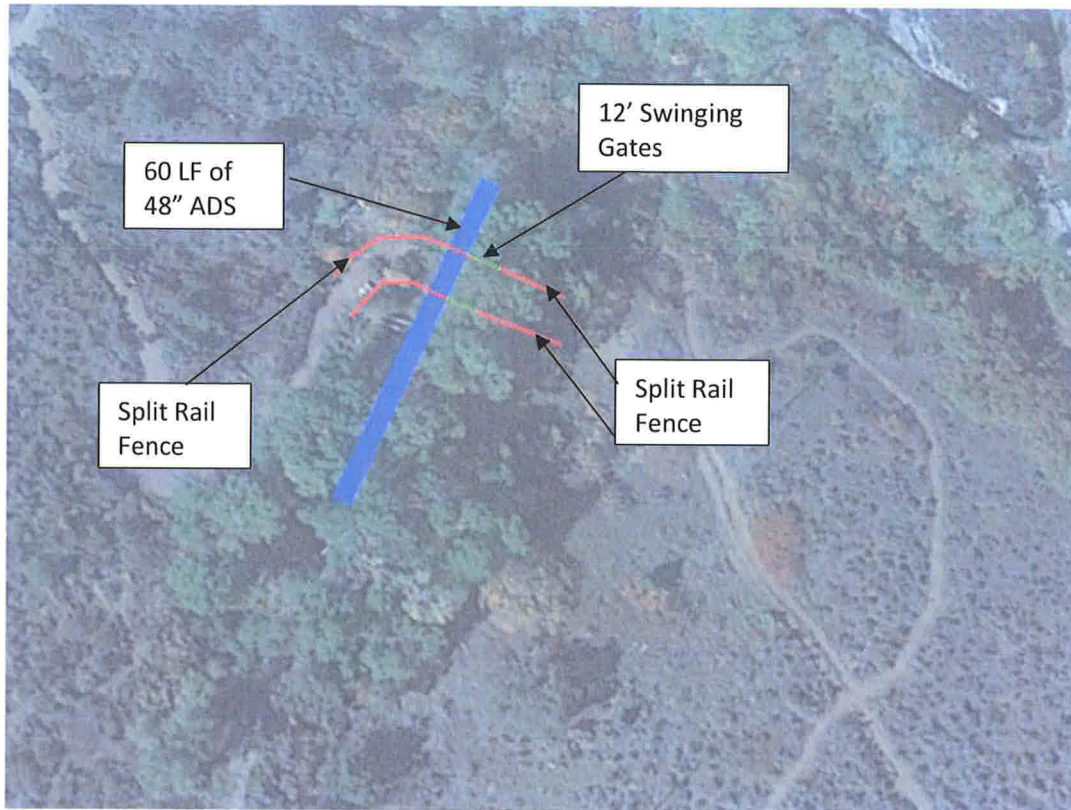
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2023, by \_\_\_\_\_, as \_\_\_\_\_ of the Roseman Ditch Company.

Witness my hand and official seal:

My commission expires: \_\_\_\_\_  
Notary Public

**Exhibit A**

East Crossing of Ditch Company Property:



## **ACCESS, UTILITY, AND PARKING EASEMENT AGREEMENT**

This ACCESS, UTILITY, AND PARKING EASEMENT AGREEMENT (“Agreement”) is made and entered into this \_\_\_ day of \_\_\_\_\_, 2023, by and between TOWN OF NEW CASTLE, COLORADO, a home rule municipality, whose address is 450 W. Main Street, P.O. Box 90, New Castle, CO 81647 (the “Town”) and ALPINE MOVING STORAGE, INC. D/B/A COLUMBINE MOVING & STORAGE, a Colorado corporation, whose address is P.O. Box 2009, Glenwood Springs, CO 81602 (“Owner”) (collectively the “Parties”).

WHEREAS, Owner, c/o Patrick Pelton, submitted a Conditional Use Permit Application for the operation of a personal storage business, including an office/administrative building and not more than 50 transportable storage containers (the “Business”) on certain real property owned by Owner in Garfield County, Colorado, known as Lot 1, Shilo Subdivision, according to the final plat thereof recorded September 30, 1999, with the Garfield County Clerk & Recorder as Reception No. 553022 (“Lot 1”);

WHEREAS, the Town owns an adjacent parcel of real property known as Lot 2, Shilo Subdivision, according to the final plat thereof recorded September 30, 1999, with the Garfield County Clerk & Recorder as Reception No. 553022 (“Lot 2”), at which the Town operates and maintains its Public Works Facility; and

WHEREAS, a single, shared driveway is used to access to Lots 1 and 2 from Highway 6 & 24, which is owned and maintained by the Colorado Department of Transportation (“CDOT”); and

WHEREAS, in connection with the development of Lot 1 and Lot 2, Owner’s predecessor and the Town entered into that certain Cost Sharing Agreement for Improvements whereby the Town contracted for the work necessary to construct the shared driveway and other site work in connection with its development of Lot 2, provided that Owner’s predecessor contribute to the costs of the shared driveway and other site work and that the parties record easement deeds for the access, utility, parking, and other easements benefitting and burdening Lot 1 and Lot 2; and

WHEREAS, the easement deeds called for in the Cost Sharing Agreement for Improvements were not recorded; and

WHEREAS, pursuant to Resolution No. 12, Series 2022, the Town Council approved a Conditional Use Permit or the Business subject to certain conditions, including the execution and recordation of an agreement granting the easements called for in the Cost Sharing Agreement for Improvements; and

WHEREAS, the Parties desire to enter into this Agreement and to grant the easements over their respective properties in compliance with the Cost Sharing Agreement for Improvements and Resolution No. 12, Series 2022.



NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Owner agree as follows:

1. Recitals. The foregoing recitals are incorporated herein as affirmative and material representations and acknowledgments of the Parties hereto.

2. Grant of Easements over Lot 1. Owner hereby grants to the Town the following easements over Lot 1:

- a. a 80-foot-wide non-exclusive access, utility, and drainage easement over and across Lot 1 in the location and with the dimensions identified on Exhibit A as the “80’ Proposed Utility, Access and Drainage Easement” (the “Access Easement”), which Access Easement extends from the boundary of Lot 1 and the CDOT right-of-way to the boundary line between Lot 1 and Lot 2 and which shall be for the purposes of (i) accommodating drainage from Lot 2 over Lot 1; (ii) the installation, repair, and maintenance of under and above-ground utilities; and (iii) providing vehicular and pedestrian access from Highway 6 & 24 to Lot 2; and
- b. a non-exclusive parking easement on Lot 1 in the location labeled on Exhibit A as Proposed Parking Easement (the “Lot 1 Parking Easement”).

3. Grant of Easements over Lot 2. The Town hereby grants to Owner the following easements over Lot 2:

- a. a non-exclusive utility easement in the location and with the dimensions identified on Exhibit A as the “15’ Proposed Utility Easement” (the “Utility Easement”), which Utility Easement shall be for the purpose of installing, maintaining, and repairing underground and above-ground utilities serving Lot 1; and
- b. a non-exclusive parking easement on Lot 2 in the location labeled on Exhibit A as Proposed Parking Easement (the “Lot 2 Parking Easement”).

4. Management and Use Restrictions. The Access Easement, Utility Easement, Lot 1 Parking Easement, and Lot 2 Parking Easement are referred to collectively herein as the “Easements.” The following management and use restrictions shall apply to the Easements:

- a. The Town shall pay the costs of any management, repair, or maintenance of the Easements and the improvements located therein that arises out of or results from the condition of those facilities as of the date of the Agreement, or as a result of any management, repair, or maintenance that may have been deferred or not performed when ordinarily anticipated prior to the date of this Agreement. Except for management, repair, or maintenance costs for which the Town is solely responsible as provided in this Agreement, to the Town’s actual knowledge, there is not any maintenance presently required with respect to the Easements or any improvements located therein and, to the Town’s actual knowledge, the Easements, along with all of the improvements located therein, are in good working order.

- b. Initially, Owner and Town shall split the costs of regular management, repair, and maintenance of the Access Easement, Lot 1 Parking Easement, and Lot 2 Parking Easement 95% to the Town and 5% to Owner. Upon commencement of construction on Lot 1 through completion thereof, Owner will also pay the costs of any repairs to the facilities located in the Easements that directly result from construction activities. Within 30 days of completion of construction and commencement of Business operations on Lot 1, including the location and use of storage containers thereon, said percentages shall be adjusted based on actual usage as determined by traffic studies or other objectively verifiable information. The adjusted percentages will remain in effect until changed by agreement of the parties. If a Party or its licensees or invitees damage or destroy the improved surface or other improvements within said Easements, the Party causing the damage or destruction shall, at its sole cost and expense, repair the same to at least the condition that existed prior to the damage or destruction. Owner shall be solely responsible for repairing any damage done to the improvements within the Easements arising out of or in connection with construction of buildings or infrastructure on Lot 1.
- c. The Town may install any signage necessary along the Access Easement and/or within the Parking Easement to designate the location of the Town's Public Work Facility.
- d. Owner, at Owner's sole cost and expense, shall be responsible for returning any disturbed area of the Utility Easement to its original condition following any installation, maintenance, or repair work on Owner's utility infrastructure within the Utility Easement.
- e. During business hours, the Town shall restrict use of the Lot 1 Parking Easement to overflow parking only for use by Town employees, contractors, and agents and the public ("Town Permittees"). During business hours, Owner shall restrict use of the Lot 2 Parking Easement to overflow parking only for use by employees, licensees, and invitees of Owner (the "Owner Permittees").
- f. Unless otherwise agreed by the Parties, the Town shall coordinate all repair and maintenance of the Access Easement and the Lot 1 and Lot 2 Parking Easements and send Owner, by no later than March 1 of each year, a reasonably detailed statement showing the actual expenses incurred during the previous year to repair and maintain the Access Easement and Lot 1 Parking Easement and Lot 2 Parking Easement, together with an invoice for Owner's share of such expenses. Notwithstanding the foregoing, to the extent actual maintenance or repair expenses exceed \$5,000, the Town may issue an invoice to Owner immediately. The amounts due shall be paid to the Town within 30 days of Owner's receipt of the invoice. Amounts not paid within 30 days shall accrue interest at the rate of 4% per annum until paid. The Town shall have the right to lien Lot 1 if Owner fails to pay an invoice within 90 days.

5. Reserved Rights. Owner expressly reserves the right to use and develop Lot 1 for whatever uses Owner deems appropriate, provided that such uses do not unreasonably interfere with the purposes of the Easements granted herein and comply with all applicable zoning and other regulations of the Town. The Town agrees to cooperate with Owner with respect to any modifications of this Agreement as may be reasonably necessary to accommodate such development as approved by the Town pursuant to its land use authority.

6. Term. The Easements granted pursuant to this Agreement shall be permanent, non-exclusive easements.

7. Indemnification. Owner agrees to indemnify and hold the Town harmless from any and all injuries (including damage or injury, including death, to persons or property), damages, claims, liabilities, and causes of action arising from or related to use of the Easements by Owner or its guests, licensees, or invitees, to the extent the same are not caused by the gross negligence or willful or wanton actions of the Town. The Town shall insure the Easements under its general commercial liability insurance policy and add Owner as an additional insured under the same.

8. Binding Effect. The terms of this Agreement and the Easements granted hereby shall be deemed to run with title to Lot 1 and Lot 2 and shall be binding upon the successors and assigns of the Parties hereto.

9. Compliance with Laws; Subject to Matters of Record. The Parties shall comply with all laws and legal requirements in exercising any right granted or taking any action allowed or required by this Agreement. The Easements are granted without warranty of title, and this Agreement is subject to all matters of record in the real property records of Garfield County, Colorado, relating to the property encumbered by the Easements granted above.

10. Governing Law, Jurisdiction and Venue. This Agreement is made within the State of Colorado, and the laws of the State of Colorado shall govern its interpretation, validity, and enforceability. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement, whether arising out of or relating to the Agreement, will be deemed to be proper only if such action is commenced in the District Court for Garfield County, Colorado.

11. Notices. All notices required or permitted by this Agreement shall be in writing and shall be effective and deemed received at the earliest of (a) when actually delivered and received, personally, by mail, by messenger services, or by fax delivery, or (b) 72 hours after being postmarked in the United States mail, certified, return receipt requested, or (c) on the next business day after deposit for delivery by a nationally recognized overnight courier service such as Federal Express, or (d) on the date sent by email, provided that a delivery receipt for the email (which receipt may be automated), showing the date the email was sent, is given to the sender. All such notices shall be furnished with delivery or postage charges prepaid and addressed to the respective parties as follows:

To the Town:	Town of New Castle
	Attn: Town Administrator
	P.O. Box 90



New Castle, CO 81647  
dreynolds@newcastlecolorado.org

*With a copy to:* Garfield & Hecht, P.C.  
Attn: David McConaughy  
910 Grand Avenue, Suite 201  
Glenwood Springs, CO 81601  
dmcconaughy@garfieldhecht.com

To Owner: Alpine Moving Storage, Inc.  
d/b/a Columbine Moving & Storage  
c/o Patrick Pelton  
P.O. Box 2009  
Glenwood Springs, CO 81602

12. Authorization. The signatories to this Agreement affirm and warrant that they are full authorized to enter into and execute this Agreement, and all necessary actions, notices, meetings and/or hearings pursuant to any law required to authorize their execution of this Agreement have been made.

13. Counterparts. This Agreement may be executed in counterparts, each of which shall for all purposes be deemed an original and all of which together shall constitute one and the same agreement. Any such counterpart may be transmitted by telecopy or electronic mail (in PDF format), and any such counterpart so transmitted shall have full force and effect as if it were an original.

14. Entire Agreement. This Agreement (including the attached Exhibits) constitutes the whole agreement between the Parties and supersedes any prior term sheets, understandings, agreements or arrangements between the Parties relating to the subject matter hereof, and no additional or different oral representation, promise or agreement shall be binding on any of the Parties with respect to the subject matter of this Agreement.

15. No Waiver. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provisions, nor will it be deemed or constitute a continuing waiver unless expressly provided by written amendment to this Agreement signed by the Parties hereto. Either party's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the other party.

16. Attorney Fees. In the event any action is filed or maintained by any party in relationship to this Agreement, the prevailing party shall be awarded any and all of its costs, expenses and reasonable attorneys' fees.

17. Captions. The captions contained in the Agreement are for convenience only and shall not affect the construction or interpretation of any provisions of this Agreement.

18. Severability. In the event any part of this Agreement is found to be void, illegal, invalid, or unenforceable under present or future laws, then, in such event, the remaining provisions of this Agreement shall nevertheless be binding with the same effect as though such part was deleted and shall be construed to effectuate, as nearly as possible, the original intentions of the Parties based upon the entire contract, including the invalidated provision.

19. Governmental Immunity. Nothing in this Agreement is intended to be, and shall not be construed as, a waiver of the limitations on damages or any of the privileges, immunities, or defenses provided to, or enjoyed by the Town, or its directors, officers, employees, volunteers, or agents, under common law or pursuant to statute, including but not limited to, the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*

20. Non-Appropriation. All direct and indirect financial obligations of the Town under this Agreement are subject to appropriation, budgeting, and availability of funds to discharge such obligations.

This Agreement is agreed to by the Parties hereto as of the date first above written.

TOWN OF NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

Attest:

\_\_\_\_\_  
Mindy Andis, Town Clerk

STATE OF COLORADO    )  
  )  
COUNTY OF GARFIELD    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Art Riddile, Mayor of the Town of New Castle, and Mindy Andis, Town Clerk of the Town of New Castle.

Witness my hand and official seal:

My commission expires:

\_\_\_\_\_  
Notary Public

This Agreement is agreed to by the Parties hereto as of the date first above written.

ALPINE MOVING STORAGE, INC. D/B/A COLUMBINE MOVING &amp; STORAGE

By: \_\_\_\_\_  
Patrick Pelton, President

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Patrick Pelton as President of Alpine Moving Storage, Inc. d/b/a Columbine Moving & Storage.

Witness my hand and official seal:

My commission expires:

Notary Public

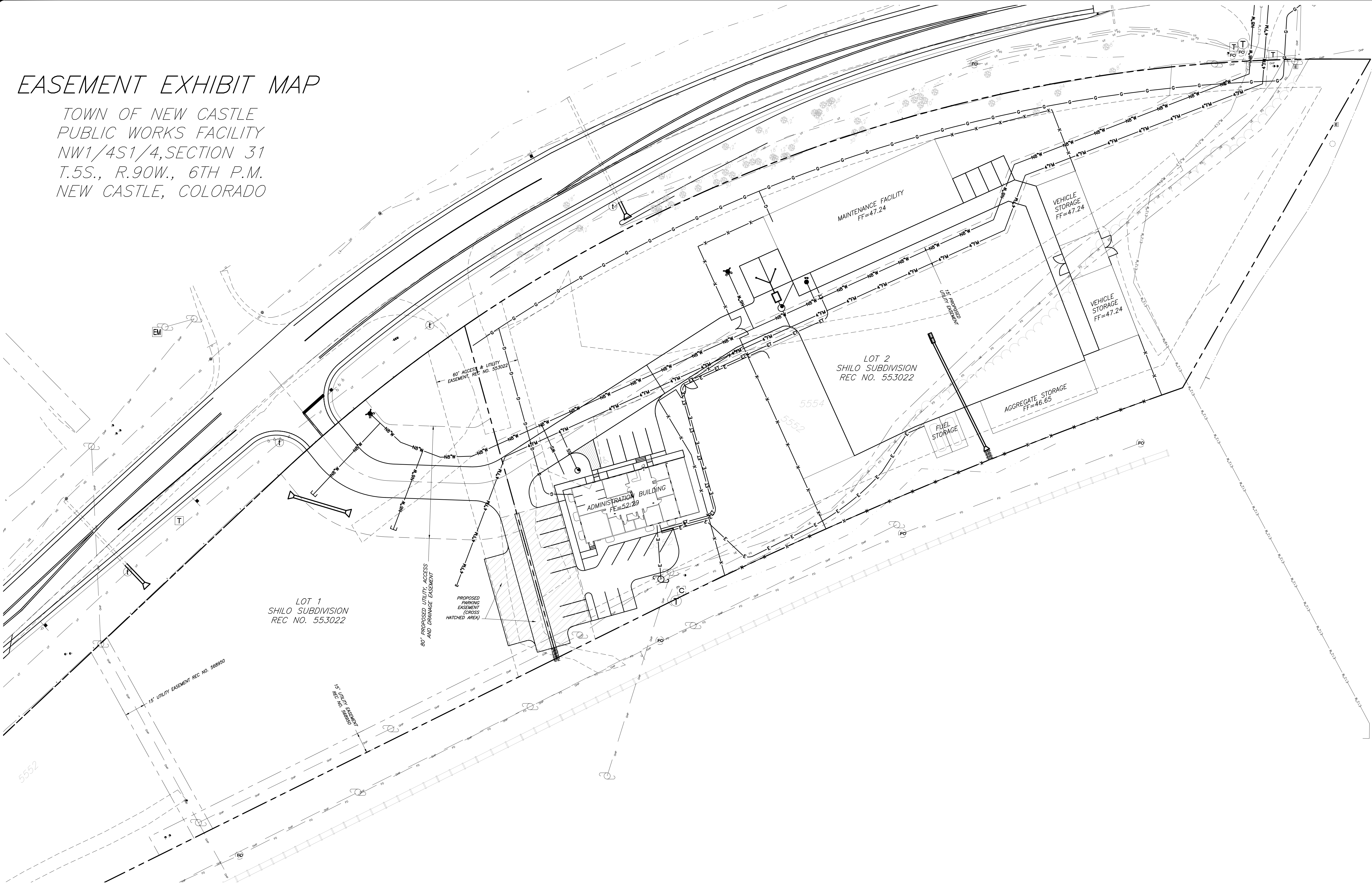


**Exhibit A**


(SGM Exhibit)

EASEMENT EXHIBIT MAP

TOWN OF NEW CASTLE  
PUBLIC WORKS FACILITY  
NW1/4S1/4, SECTION 31  
T.5S., R.90W., 6TH P.M.  
NEW CASTLE, COLORADO



PRELIMINARY  
NOT  
FOR  
CONSTRUCTION



SCHMUESER | GORDON | MEYER  
ENGINEERS | SURVEYORS

SCHMUESER GORDON MEYER  
118 W. 6TH STREET, SUITE 200  
GLENWOOD SPRINGS, COLORADO 81601  
(970) 945-1004 FAX (970) 945-5948  
ASPEN, COLORADO (970) 925-6727  
CRESTED BUTTE, CO (970) 349-5355

TOWN OF NEW CASTLE  
New Castle, CO

NUM- BER	REVISION	DATE	BY

Easment  
Exhibit Map

Job No.	93128A-192
Drawn by:	NEK
Date:	9/12/08
QC:	PE:
File:	-NC-PubWorks-BM

A:\1993\12128A\192-PWP\NC-PubWorks-BM.dwg Saved: Mon, 13 Mar 2007 12:18pm Plotted: Mon, 13 Mar 2007 12:18pm jlamason