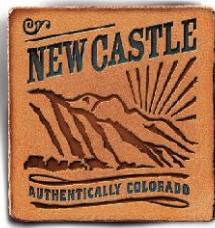


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Town of New Castle

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

Administration Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting

Tuesday, July 21, 2020, 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.

Due to concerns related to COVID-19, this meeting will be held as a virtual meeting only. The public is invited to attend.

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. 2019 Audit Presentation - John Cutler & Associates (7:05 p.m.)

B. Consider a Motion to Accept the 2019 Audit as Presented (7:20 p.m.)

- C. Consider Request from the Climate Action Advisory Commission to change their name to the Climate and Environment Commission (7:25 p.m.)**
- D. Consider Proposed Revisions to the 2007 Climate Action Plan (7:35 p.m.)**
- E. Executive Session (1) for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding appeals of land use decisions (7:50 p.m.)**
- F. Review of Planning & Zoning Denial of Resolution PZ 2020-07, Regarding a Preliminary PUD Application for Filing 11 in Castle Valley Ranch (8:05 p.m.)**
- G. Consider Ordinance TC 2020-3, an Ordinance of the New Castle Town Council Amending Sections 17.36.040 & 17.36.050 of the New Castle Municipal Code for C-1 Zoning Concerning the Requirement of a Conditional Use Permit for Uses on Lots Greater than 10,000 Square Feet (2nd reading) (8:35 p.m.)**

Consent Agenda (8:45 p.m.)

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.

June 16, 2020 minutes

Staff Reports (8:50 p.m.)

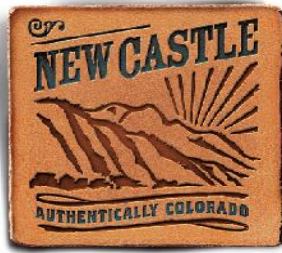
Town Administrator
Town Clerk
Town Planner
Public Works Director

Commission Reports (9:00 p.m.)

Planning & Zoning Commission
Historic Preservation Commission
Climate Action Advisory Committee
Senior Program
RFTA
AGNC
GCE
EAB

Council Comments (9:10 p.m.)

Adjourn (9:30 p.m.)

**Town of New Castle**

450 W. Main Street
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New Castle, CO 81647

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Memorandum

To: Mayor & Council
From: Loni Burk & David Reynolds
Re: Agenda Item – Annual Auditor’s Report
Date: 7-21-20

Purpose:

The purpose of this agenda item is to allow John Cutler & Associates time to present the 2019 Annual Audit Report. Mr. Cutler will focus on highlights related to fiscal year 2019. Town Treasurer Loni Burk and Mr. Cutler will be available to answer any questions that Council may have related to the 2019 Audit Report and the overall financial health of the town.

TOWN OF NEW CASTLE, COLORADO

BASIC FINANCIAL STATEMENTS

December 31, 2019

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FINANCIAL SECTION



JOHN CUTLER & ASSOCIATES

Honorable Mayor and Members of the Town Council
Town of New Castle
New Castle, Colorado

INDEPENDENT AUDITORS' REPORT

Report on the Financial Statements

We have audited the of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of New Castle, Colorado, as of and for the year ended December 31, 2019, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of New Castle, Colorado, as of December 31, 2019, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

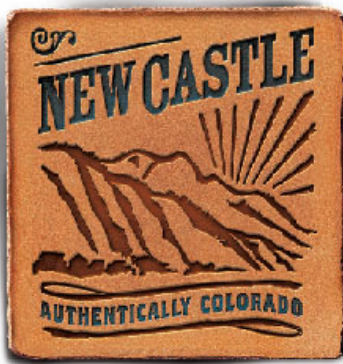
Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and required budgetary information on page 26 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The combining and individual fund schedules and Local Highway Finance Report listed in the table of contents are presented for purposes of additional analysis and are not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund schedules and compliance are fairly stated in all material respects in relation to the financial statements as a whole.

John Cutler & Associates, LLC

July 1, 2020



Town of New Castle, Colorado
Management's Discussion and Analysis
Fiscal Year Ending December 31, 2019

This Management's Discussion and Analysis (MD&A) of the Town of New Castle's 2019 financial statements is offered to provide an objective and easy-to-read analysis of the government's financial activities based on currently known facts, decisions and conditions. The MD&A should be read in conjunction with the Town's basic financial statements.

The Town of New Castle is a Home Rule Municipality incorporated in 1888. The Town has seven elected officials who are responsible for all policy decisions that affect the government's financial condition. The appointed Town Administrator is responsible for preparing the annual budget which is adopted by the Council every December. The Town Administrator and appointed Town Finance Director/Treasurer are responsible for financial reporting to the Town Council and to the public at large. The Town maintains four separate funds, which are as follows:

- A) General Fund
- B) Utility Fund
- C) Conservation Trust Fund
- D) Cemetery Fund

Overview of the Financial Statements

The financial section of the audit report is comprised of three components: 1) government-wide financial statements, 2) fund financial statements, 3) notes to the financial statements.

Government-wide Financial Statements:

The government-wide financial statements, which consist of the Statement of Net Position and the Statement of Activities, give readers a broad overview of the entire Town's financial position and changes in financial position in a manner similar to a private-sector business. These statements report information about the Town as a whole and include all assets and liabilities using the accrual basis of accounting, which reports all of the current year's revenues and expenses regardless of when the cash is received or paid.

The *statement of net position* (page 1) presents the Town of New Castle's assets and liabilities, with the difference between the two reported as net position. The net position is summarized as follows: 1) invested in capital assets, 2) unreserved or available for any current use. Over a period of time increases or decreases in the Town's net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating. Other non-financial factors, however, such as changes in the Town's property tax base, are needed to assess the overall financial condition of the Town.

The *statement of activities* (page 2) presents data showing how the Town's net position changed as a result of the operations of the Town government during the most recent fiscal year. All changes in net position are reported when an event occurs that requires a revenue or expense to be recognized, regardless of when the related cash is received or disbursed (accrual basis of accounting). Thus, some revenues and expenses reported in this statement will result in cash flows in future periods.

The government-wide financial statements distinguish the different functions of the Town that are principally supported by taxes and intergovernmental revenues (*Governmental Activities*) from the other functions that are intended to recover all or a significant portion of their costs through user fees or charges for services (*Business Type Activities*). The Governmental Activities of the Town of New Castle include general government, public safety, public works, health and welfare, and parks and recreation. The Business Type Activities include water, wastewater, and trash utilities.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town's funds can be divided into three categories: Governmental Fund, Proprietary Fund and Fiduciary Fund.

Governmental Funds (pages 3 - 4) - The activity of the Town's General and Special Revenue funds are reported as governmental funds, which are essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on the short-term flow of money into and out of these funds. These statements use the modified accrual accounting method, which measures cash and all other financial assets that can readily be converted into cash. The governmental fund statements provide a detailed view of the Town's general governmental and special revenue operations and the services that are provided. Governmental fund statements help to determine the financial resources that are available to finance the Town's operations and programs in the near future.

Proprietary (Business Like) Fund (pages 6 -8) - The Town of New Castle maintains one proprietary (enterprise) fund, which reports the same functions as the business-type activities in the government-wide financial statements. The Town uses the proprietary fund to account for the water, wastewater and trash operations (**utilities**) that are financed and operated in a manner similar to private business enterprises. The intent of the governing body is that the costs, including depreciation, of providing goods or services to the public be financed or recovered primarily through user fees or charges.

Fiduciary (Trust) Fund - A fiduciary fund is a fund that is held in trust for a specific purpose. The Town of New Castle maintains one fiduciary fund which reports the operating activities of the Highland Cemetery. The fiduciary fund is not included in the statement of net position or statement of activities, but is included in the Required Supplemental Information, Budgeted and Actual Revenues and Expenditures.

Notes to the Financial Statements

The notes to the basic financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements are on pages 9 – 25 of this report.

Financial Highlights

Governmental Activities

- As of December 31, 2019 the governmental funds held \$ 2,845,912 in assets that were readily convertible to cash and \$105,034 in current liabilities.
- As of December 31, 2019 the Town's governmental activities fund held \$26,664,050 in depreciated capital assets, a 7.09% decrease; and \$471,393 in capital asset liabilities, a 22.49% decrease.
- Total 2019 sales tax revenue increased 14.43% or \$222,367 compared to fiscal year 2018. The 3.5% Town sales tax revenue increased 14.23% or \$197,582 compared to 2018.
- 2019 property tax revenue decreased by \$3,270 or 0.72% compared to fiscal year 2018.
- 2019 building permit revenue decreased by 0.54% or \$325 compared to fiscal year 2018. 2019 use tax revenue decreased by 11.58% or \$3,614 compared to fiscal year 2018.
- 2019 lodging tax revenue increased by 6.89% or \$1,182 compared to fiscal year 2018.
- 2019 mineral lease tax revenue increased by 66.47% or \$72,973 compared to fiscal year 2018 and severance tax revenue increased by 115.35% or \$51,285.
- 2019 governmental activities salary expense decreased by 1.86% or \$24,141 compared to fiscal year 2018.
- Total governmental activities net position increased by 0.07% or \$20,604 during the 2019 fiscal year.

Business-type Activities

- As of December 31, 2019 total assets were \$19,845,386, a decrease of 1.68% or \$339,656. Cash, investments and receivables increased by \$294,735 and capital assets decreased by \$634,391.
- 2019 revenue from the water, wastewater and trash charges for services increased by \$329,531 or 13.77% compared to fiscal year 2018.
- 2019 business-type activities salary expense increased by 0.43% or \$3,149 compared to fiscal year 2018.
- 2019 business-type activities electric and natural gas utility expense of \$166,841 was a decrease of 0.22% or \$364 compared to fiscal year 2018.

Business-type Activities (Continued)

- Total enterprise liabilities decreased by \$377,488 during 2019 due to decreases in long term debt.

Statement of Net Position

The following table reflects the condensed Statement of Net Position compared to the prior fiscal year.

	Governmental Activities		Business-type Activities		Total Government	
	2019	2018	2019	2018	2019	2018
Current and other assets	\$ 2,874,187	\$ 1,982,107	\$ 1,581,291	\$ 1,286,556	\$ 4,455,478	\$ 3,268,663
Capital assets	26,664,050	27,663,216	18,264,095	18,898,486	44,928,145	46,561,702
Total assets	29,538,237	29,645,323	19,845,386	20,185,042	49,383,623	49,830,365
Long-term debt outstanding	459,565	536,798	4,724,116	5,115,260	5,183,681	5,652,058
Other liabilities	698,032	748,489	584,474	570,818	1,282,506	1,319,307
Total liabilities	1,285,287	1,285,287	5,308,590	5,686,078	6,593,877	6,971,365
Net Position:						
Net Investment in						
Capital assets	26,165,125	27,039,849	13,194,584	13,431,925	39,359,709	40,471,774
Restricted	237,325	231,309	-	-	237,325	231,309
Unrestricted	1,978,190	1,088,878	1,342,212	1,067,039	3,320,402	2,155,917
Total net position	\$ 28,380,640	\$ 28,360,036	\$ 14,536,796	\$ 14,498,964	\$ 42,917,436	\$ 42,859,000

The Town's total net position for fiscal year 2019 increased by 0.14% or \$58,436. The Town's assets exceed liabilities by \$42,789,746 (net position) as of December 31, 2019. By far the largest portion of net position (91.71%) is invested in capital assets (e.g. land, buildings, equipment, etc.). The Town uses these capital assets to provide services to citizens; therefore these assets are not available for future spending. Although the Town of New Castle's investments in capital assets are reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to retire these liabilities.

The restricted portion of net position (0.55%) represents resources that are subject to various debt provisions, contracts and agreements on how they may be used. The remaining balance of \$3,320,402 is unrestricted and can be used to meet the Town's ongoing obligations to its citizens and creditors.

Normal Impacts

There are six basic (normal) transactions that will affect the comparability of the Statement of Net Position summary presentation:

Net Results of Activities – will impact (increase/decrease) current assets and unrestricted net position.

Borrowing for Capital – will increase current assets and long-term debt.

Spending Borrowed Proceeds on New Capital – will reduce current assets and increase capital assets. A second impact results in an increase in capital assets and an increase in related net debt which will not change the net investment in capital assets.

Spending of Non-borrowed Current Assets on New Capital – will (1) reduce current assets and increase capital assets and (2) will reduce restricted and or unrestricted net position and increase net investment in capital assets.

Principal Payment on Debt – will (1) reduce current assets and reduce long-term debt and (2) reduce unrestricted net position and increase net investment in capital assets.

Reduction of Capital Assets Through Depreciation – will reduce capital assets and net investment in capital assets.

Summary of GASB Statement 54

The Governmental Accounting Standards Board (GASB) approved statement 54 in 2009, the intent of the statement is to enhance governmental fund balance reporting in order for financial statements to be more consistent and comparable between similar government entities, improve the usefulness of fund balance reporting (what funds are actually available), and clarify the meaning of governmental fund type definitions. The Town of New Castle implemented statement 54 for fiscal year 2011 as required and will no longer use the fund balance definitions of: reserves, designated or undesignated.

We present the following summary of new fund balance terminology:

- (a) **Nonspendable** – not in spendable form, examples are inventory, long-term receivables (unless the proceeds are restricted, committed or assigned), prepaid expenses, and legally or contractually required amounts required to be maintained intact – like the corpus of a permanent fund.
- (b) **Restricted** – Amounts constrained to being used for a specific purpose by (1) external parties (state, federal, private donor, creditors), (2) constitutional provisions, (3) enabling legislation (grant from the state), (4) what is legally reserved now.
- (c) **Committed** – constraint on use imposed by the Town itself, using its highest level of decision-making authority (resolution or ordinance), constraint can be removed or changed only by taking the same action, the action to constrain resources should occur prior to the end of the fiscal year – though the exact amount may be determined subsequently.
- (d) **Assigned** – amounts intended to be used for specific purposes where the intent is expressed by the governing body or a body or official authorized by the governing body. Includes using fund balance to balance the budget – appropriation for deficit.
- (e) **Unassigned** – available for any purpose.

Statement of Activities

The Statement of Activities takes into consideration the Town as a whole and reflects the change in net position for fiscal year 2019.

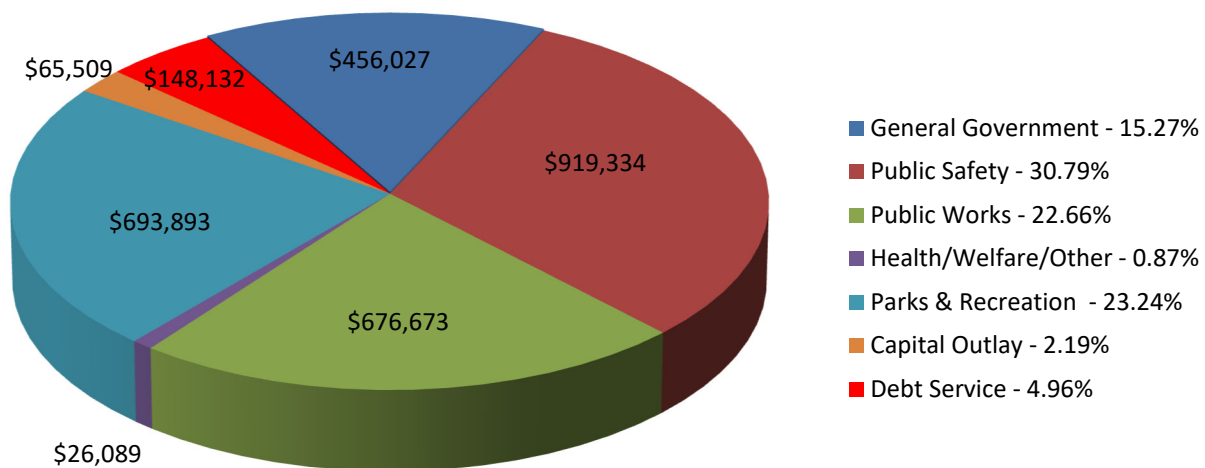
	Governmental		Business Type		Totals	
	2019	2018	2019	2018	2019	2018
<u>Revenues:</u>						
Program Revenues:						
Charges for Services	\$ 345,026	\$ 258,266	\$2,721,852	\$2,392,321	\$3,066,878	\$2,650,587
Capital Grants	419,992	765,905	236,588	241,621	656,580	1,007,526
Total Program Revenues	765,018	1,024,171	2,958,440	2,633,942	3,723,458	3,658,113
General Revenues						
Sales and Use Taxes	1,763,378	1,541,011	-	-	1,763,378	1,541,011
Property Taxes	451,592	454,862	-	-	451,592	454,862
Franchise Taxes	126,969	124,964	-	-	126,969	124,964
Other Taxes	352,310	238,849	-	-	352,310	238,849
Investment Income	29,363	23,255	-	189	29,363	23,444
Developer Reimbursement	57,014	15,375	-	-	57,014	15,375
Other Revenues	246,640	109,342	25,807	(180,457)	272,447	(71,115)
Total General Revenues	3,027,266	2,507,658	25,807	(180,268)	3,053,073	2,327,390
Total Revenue	3,792,284	3,531,829	2,984,247	2,453,674	6,776,531	5,985,503
<u>Expenses:</u>						
General Government	470,282	389,873	-	-	470,282	389,873
Public Safety	996,297	1,017,496	-	-	996,297	1,017,496
Public Works	1,458,152	1,373,397	-	-	1,458,152	1,373,397
Parks & Recreation	796,631	876,892	-	-	796,631	876,892
Health & Welfare	26,089	27,806	-	-	26,089	27,806
Water	-	-	1,200,413	1,307,173	1,200,413	1,307,173
Wastewater	-	-	1,208,470	1,230,836	1,208,470	1,230,836
Sanitation	-	-	338,768	312,580	338,768	312,580
Interest	24,229	32,756	198,764	208,747	222,993	241,503
Total Expenses	3,771,680	3,718,220	2,946,415	3,059,336	6,718,095	6,777,556
Change in Net Position	\$ 20,604	\$ (186,391)	\$ 37,832	\$ (605,662)	\$ 58,436	\$ (792,053)

Governmental Activities

Taxes comprise the largest source of operating revenue for the Town's governmental activities. 2019 tax source revenue was \$2,395,780, which is 63.18% of total revenues from governmental activities. Property taxes of \$451,592 represent 18.85% of total tax revenue. Charges for services equaled \$670,735 representing 17.69% of total revenues.

The cost of governmental activities (excluding capital outlay) in 2019 was \$2,920,148 compared to \$3,005,182 in 2018, a 2.83% decrease.

Expenses by Type – Governmental Activities



General Government includes Town Council, Town Administrator, Town Clerk, Finance, General Administration, Planning and Building.

Year to year changes by type of activity:

Expenditures			
Activity	2019	2018	% Change
General Government	\$ 456,027	\$ 404,727	12.67
Public Safety	919,334	947,814	(3.01)
Public Works	676,673	642,671	5.29
Health/Welfare/Other	26,089	27,806	(6.17)
Parks & Recreation	693,893	800,152	(13.28)
Capital Outlay	65,509	547,315	(88.03)
Debt Service	148,132	182,412	(18.79)

Business-type Activities

Total 2019 operating revenue from the Town's business-type activities increased by \$338,811 compared to 2018; operating expenses for 2019 decreased by \$102,938 compared to 2018.

Total business type net position during 2019 increased by \$37,832, mainly due to an adjustment of utility rates and addition of capital assets.

Fund Balance

At the end of 2019, the Town's governmental funds reported a combined fund balance of \$2,288,264 (pg. 4). This is an increase of \$894,071 compared to the prior years ending balance. Of this total balance \$1,533,321 is unassigned and available to finance the Town's future operations and programs; \$28,275 is prepaid non-spendable funds; \$184,000 is restricted for emergencies, \$83,097 is restricted for Conservation Trust Fund approved expenses, \$53,325 is restricted for cemetery care; \$8,250 is committed for use in operating a volunteer ambulance service *or* to maintain and enhance the municipal parks and trees (Ord. #315), \$1,976 is committed for Police training (Ord. #383 & 2007-4), \$5,494 is committed for Burning Mtn. Ave street maintenance (9/1995 SIA Agreement), \$328,526 is committed for traffic impacts (Ord. # 2002-17); \$52,000 is assigned for a solar system purchase, and \$10,000 is assigned for vehicle-equipment replacement.

At year end the business-type activities reported total net position of \$14,536,796, an increase of \$37,832. Of this total net position \$1,342,212 is unrestricted (pg. 6).

Budgetary Highlights – General Fund – (pg. 26)

Town Council approved one supplement to the 2019 General Fund budget. The original appropriation of \$2,993,517 was increased by \$290,751 or 7.01% to \$3,284,268. The supplemental budget amount was to cover the additional expense related to trail development, park development, special events, recreation programs and street improvements. The Town received \$278,494 in Mineral Lease and Severance Tax direct distributions from the state, this is \$124,258 more than was budgeted and \$124,258 more than the 2018 distribution. The original 2019 General Fund budget reduced reserves by \$96,802, as of 12/31/19 the General Fund balance increased by \$840,941 for the year.

General Fund revenue for 2019 was \$918,205 over the original budget amount. This is mainly due to grants received, public safety training reimbursements, sales tax receipts and the sale of two Town condos. General Fund Expenditures for 2019 were \$19,538 less than the original budget projections mainly due to anticipated grant project expenditures and capital expenditures that were postponed.

Capital Assets and Debt Administration

At year end the Town had \$44,928,145 invested in a broad range of capital assets including land and improvements, buildings, parks and equipment, vehicles, equipment, and water and sewer plants and distribution and collection systems. This is a decrease of \$1,633,557 or 3.51% from the 2018 year end amount.

Capital Assets at Year-End (pg. 19-20)

	Governmental		Business-type		Total Government	
	2019	2018	2019	2018	2019	2018
Land	\$15,214,000	\$15,214,000	\$ 469,741	\$ 469,741	\$15,683,741	\$15,683,741
Water Rights	-	-	516,282	516,282	516,282	516,282
Buildings and Improvements	4,363,415	4,340,720	17,172,218	17,008,406	21,535,633	21,349,126
Distribution/Collection Systems	-	-	11,166,613	11,166,613	11,166,613	11,166,613
Infrastructure	17,789,420	17,606,505	-	-	17,789,420	17,606,505
Property and Equipment	1,021,193	1,013,153	631,366	627,406	1,652,559	1,640,559
Construction in Process	160,217	458,604	-	4,378	160,217	462,982
Less: Accumulated Depreciation	(11,884,195)	(10,969,766)	(11,692,125)	(10,894,340)	(23,576,320)	(21,864,106)
Total Capital Assets	\$26,664,050	\$27,663,216	\$18,264,095	\$18,898,486	\$44,928,145	\$46,561,702

During 2019 the Town installed a UV Light Disinfection System at the Wastewater Treatment Plant, completed the work on Bear Dance Park Phase II, installed an Electric Vehicle Charging Station and a crosswalk signal at the intersection of Main & 5th Streets. Significant capital assets added during 2019 are shown below.

Significant 2019 Capital Asset Additions

Bear Dance Park Phase II	\$ 166,477
UV Light Disinfection System	163,812
LoVa Trail South Canyon to Canyon Creek Engineering (CIP)	15,124
Electric Vehicle Charging Station	14,709
Crosswalk Signal at Main & 5 th Streets	<u>7,407</u>
Total	<u>\$ 367,529</u>

Town of New Castle's Outstanding Debt (pg. 21-23)

	Governmental Activities		Business-type Activities		Total Government	
	2019	2018	2019	2018	2019	2018
1999 Wastewater Loan	\$ -	\$ -	\$ -	\$ 17,703	\$ -	\$ 17,703
2004 Water Loan	-	-	487,608	508,146	487,608	508,146
2008 Wastewater Loan	-	-	4,581,904	4,940,712	4,581,904	4,940,712
Notes Payable	428,393	470,039	-	-	428,393	470,039
Capital Leases	-	14,168	-	-	-	14,168
GO Bonds, Series 2010	43,000	124,000	-	-	43,000	124,000
Accrued Absences	99,784	87,412	-	-	99,784	87,412
Total Long-term Obligations	<u>\$ 571,177</u>	<u>\$ 695,619</u>	<u>\$ 5,069,512</u>	<u>\$ 5,466,561</u>	<u>\$ 5,640,689</u>	<u>\$ 6,162,180</u>

Economic and Other Factors

The Town of New Castle's financial position continues to show movement in a positive direction. With direction from Town Council to correct for deficit spending along with a renewed directive toward a balanced budget in the General Fund, as well as the Utility Fund, the Town has taken steps to limit spending while exploring avenues of increased revenues. Corrective steps were taken in early 2019 to bring the Utility Fund into balance and allow for the building of reserve funds which will help provide for future capital projects, equipment updates and maintenance and repairs for critical Town facilities. Council is considering revenue generating opportunities for the future. Work is underway on a Bulk Water Sales Terminal which is expected to be online in the fall of 2020 and is designed to work as a revenue generating tool for the Town. Plans are being completed for a Sludge Waste Treatment Project that, once completed will save the Town money on dumping fees related to wastewater sludge. Council will reenact the collection of a voter approved Tobacco Tax toward the end of 2020 or beginning of 2021. A voter approved extension of a retiring property tax will allow for the continued collection of funds that may be dedicated to Public Safety and certain other Town projects.

During the first 4 months of 2020, sales tax revenues have increased 24.72 % over the same period in 2019 despite the Coronavirus COVID-19 pandemic that shuttered business and restaurants in mid-March. Hardest hit by the mandated COVID-19 shutdowns were restaurants who were forced to stop all on-site dining. While a hand full of New Castle restaurants managed to remain open for take-out and delivery, others were forced to temporarily close their doors and layoff their employees. Gas stations, convenience stores and lodging also took a big hit from the new restrictions as travel by local residents dropped dramatically and travel by tourists came to a sudden stop. Businesses such as local grocery stores, online shopping and liquor stores saw steady business or even increased business during the beginning months of 2020. Beginning in June of 2020, restrictions related to COVID-19 began to loosen on local businesses; further loosening of restrictions and a return to business as usual may take through the end of 2020.

Housing prices in New Castle followed the national trend and continued to rise during 2019. Average home prices are approaching historic highs. While rising home prices and new property value assessments on area homes do help Town revenues, the Town budget continues to rely on property tax income for a meager 12.29% of its overall revenues. With changes in state-wide oil and gas regulations in 2019, many in the industry have predicted a continued and sharpened decrease in oil and gas related revenues in our area. The decrease in these revenues and the very slow increase in real estate tax revenues will continue to provide budget challenges moving forward.

During 2019 staffing levels remained constant. One part-time position was converted to a full-time position in the Recreation Department. All other key positions and staffing levels remained the same as of the end of 2018.

Major projects in Town included the completion of the wastewater plant Ultra Violet Disinfectant Project, planning work for the LoVa Trail and planning work for 11 miles of soft trail to the north of Town. Additional projects included the completion of renovations to the south side of the Community Center, planning work for a Police Evidence Garage Bay and planning work for the renovation of Burning Mountain Park.

Financial Contact

The Town's financial statements are designed to present users (citizens, customers, investors and creditors) with a general overview of the Town's finances and to demonstrate the Town's accountability. If you have questions about this report or need additional financial information, contact the Town's Finance Department, Attn: Town Treasurer, PO Box 90, 450 West Main Street, New Castle, Colorado 81647; or telephone (970) 984-2311.

BASIC FINANCIAL STATEMENTS

TOWN OF NEW CASTLE, COLORADO

STATEMENT OF NET POSITION

As of December 31, 2019

	GOVERNMENTAL	BUSINESS TYPE	TOTALS	
	ACTIVITIES	ACTIVITIES	2019	2018
ASSETS				
Cash and Investments	\$ 1,927,548	\$ 1,160,437	\$ 3,087,985	\$ 2,104,188
Receivables				
Property Taxes	480,889	-	480,889	446,576
Sales and Other	17,513	-	17,513	15,196
Accounts	-	311,094	311,094	251,056
Due from Other Governments	419,962	109,760	529,722	445,431
Prepaid Expenses	28,275	-	28,275	6,216
Capital Assets, not Depreciated	15,374,217	986,023	16,360,240	16,502,206
Capital Assets, Depreciated, Net of Accumulated Depreciation	11,289,833	17,278,072	28,567,905	30,059,496
TOTAL ASSETS	29,538,237	19,845,386	49,383,623	49,830,365
LIABILITIES				
Accounts Payable	53,142	73,971	127,113	132,209
Accrued Expenses	32,776	35,524	68,300	54,874
Unearned Revenues	15,116	-	15,116	9,770
Accrued Interest	497	83,835	84,332	85,589
Developer Escrow	4,000	-	4,000	34,418
Noncurrent Liabilities				
Due within One Year	111,612	391,144	502,756	555,871
Due in More Than One Year	459,565	4,724,116	5,183,681	5,652,058
TOTAL LIABILITIES	676,708	5,308,590	5,985,298	6,524,789
DEFERRED INFLOWS				
Deferred Property Tax Revenue	480,889	-	480,889	446,576
NET POSITION				
Investment in Capital Assets	26,165,125	13,194,584	39,359,709	40,471,774
Restricted for Emergencies	184,000	-	184,000	185,000
Restricted for Cemetery Care	53,325	-	53,325	46,309
Unrestricted	1,978,190	1,342,212	3,320,402	2,155,917
TOTAL NET POSITION	\$ 28,380,640	\$ 14,536,796	\$ 42,917,436	\$ 42,859,000

The accompanying notes are an integral part of the financial statements.

TOWN OF NEW CASTLE , COLORADO

STATEMENT OF ACTIVITIES

Year Ended December 31, 2019

<u>FUNCTIONS/PROGRAMS</u>	<u>EXPENSES</u>	<u>PROGRAM REVENUES</u>		
		<u>CHARGES FOR</u>	<u>OPERATING</u>	<u>CAPITAL</u>
PRIMARY GOVERNMENT		<u>SERVICES</u>	<u>GRANTS AND</u>	<u>GRANTS AND</u>
Governmental Activities			<u>CONTRIBUTIONS</u>	<u>CONTRIBUTIONS</u>
General Government	\$ 470,282	\$ 136,544	\$ -	\$ -
Public Safety	996,297	18,712	-	-
Public Works	1,458,152	11,204	-	299,315
Health and Welfare	26,089	9,200	-	-
Parks and Recreation	796,631	169,366	-	120,677
Interest on Long-Term Debt	24,229	-	-	-
Total Governmental Activities	3,771,680	345,026	-	419,992
Business-Type Activities				
Water	1,200,413	950,518	-	(119,812)
Wastewater	1,208,470	1,376,264	-	356,400
Trash	338,768	395,070	-	-
Interest on Long-Term Debt	198,764	-	-	-
Total Business-Type Activities	2,946,415	2,721,852	-	236,588
Total Primary Government	\$ 6,718,095	\$ 3,066,878	\$ -	\$ 656,580

GENERAL REVENUES

Sales Taxes
 Property Taxes
 Specific Ownership Taxes
 Franchise Taxes
 Other Taxes
 Interest
 Developer Reimbursements
 Other
 Gain (Loss) from Disposal
 of Capital Assets

TOTAL GENERAL REVENUES

CHANGE IN NET POSITION

NET POSITION, Beginning

NET POSITION, Ending

The accompanying notes are an integral part of the financial statements.

NET (EXPENSE) REVENUE AND
CHANGE IN NET POSITION

GOVERNMENTAL ACTIVITIES	BUSINESS-TYPE ACTIVITIES	TOTALS	
		2019	2018
\$ (333,738)	\$ -	\$ (333,738)	\$ (146,820)
(977,585)	-	(977,585)	(990,132)
(1,147,633)	-	(1,147,633)	(949,059)
(16,889)	-	(16,889)	(21,406)
(506,588)	-	(506,588)	(553,876)
(24,229)	-	(24,229)	(32,756)
(3,006,662)	-	(3,006,662)	(2,694,049)
-	(369,707)	(369,707)	(501,563)
-	524,194	524,194	292,294
-	56,302	56,302	(7,378)
-	(198,764)	(198,764)	(208,747)
-	12,025	12,025	(425,394)
(3,006,662)	12,025	(2,994,637)	(3,119,443)
1,763,378	-	1,763,378	1,541,011
451,592	-	451,592	454,862
27,419	-	27,419	27,105
126,969	-	126,969	124,964
324,891	-	324,891	211,744
29,363	-	29,363	23,444
57,014	-	57,014	15,375
85,156	25,807	110,963	125,869
161,484	-	161,484	(196,984)
3,027,266	25,807	3,053,073	2,327,390
20,604	37,832	58,436	(792,053)
28,360,036	14,498,964	42,859,000	43,651,053
<u>\$ 28,380,640</u>	<u>\$ 14,536,796</u>	<u>\$ 42,917,436</u>	<u>\$ 42,859,000</u>

TOWN OF NEW CASTLE, COLORADO

BALANCE SHEET
GOVERNMENTAL FUNDS
As of December 31, 2019

	GENERAL FUND	NON-MAJOR GOVERNMENTAL FUNDS	TOTAL GOVERNMENTAL FUNDS	
			2019	2018
ASSETS				
Cash and Investments	\$ 1,790,839	\$ 136,709	\$ 1,927,548	\$ 1,068,688
Taxes Receivable	480,889	-	480,889	446,576
Due from Other Governments	419,962	-	419,962	445,431
Accounts Receivable	17,513	-	17,513	15,196
Prepaid Items	28,275	-	28,275	6,216
TOTAL ASSETS	<u>\$ 2,737,478</u>	<u>\$ 136,709</u>	<u>\$ 2,874,187</u>	<u>\$ 1,982,107</u>
LIABILITIES AND FUND EQUITY				
LIABILITIES				
Accounts Payable	\$ 52,855	\$ 287	\$ 53,142	\$ 65,042
Accrued Liabilities	32,776	-	32,776	32,108
Unearned Revenues	15,116	-	15,116	9,770
Deposits and Escrow	4,000	-	4,000	34,418
TOTAL LIABILITIES	<u>104,747</u>	<u>287</u>	<u>105,034</u>	<u>141,338</u>
DEFERRED INFLOWS				
Deferred Property Taxes	<u>480,889</u>	<u>-</u>	<u>480,889</u>	<u>446,576</u>
Fund Balance				
Nonspendable	28,275	-	28,275	6,216
Restricted	184,000	136,422	320,422	268,292
Committed	344,246	-	344,246	337,207
Assigned	62,000	-	62,000	62,000
Unassigned	1,533,321	-	1,533,321	720,478
TOTAL FUND EQUITY	<u>2,151,842</u>	<u>136,422</u>	<u>2,288,264</u>	<u>1,394,193</u>
TOTAL LIABILITIES, DEFERRED INFLOWS AND FUND EQUITY	<u>\$ 2,737,478</u>	<u>\$ 136,709</u>		

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds.	26,664,050	27,663,216
Long-term liabilities are not due and payable in the current period and are not reported in the funds. This includes Bonds Payable (\$43,000), Notes Payable (\$428,393) Accrued Compensated Absences (\$99,784), and Accrued Interest Payable (\$1,754).	(571,674)	(697,373)
Net position of governmental activities	<u>\$ 28,380,640</u>	<u>\$ 28,360,036</u>

The accompanying notes are an integral part of the financial statements.

TOWN OF NEW CASTLE, COLORADO

STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
Year Ended December 31, 2019

	GENERAL	NON-MAJOR	TOTAL	
	FUND	GOVERNMENTAL	GOVERNMENTAL	
		FUNDS	FUNDS	
			2019	2018
REVENUES				
Taxes	\$ 2,395,780	\$ -	\$ 2,395,780	\$ 2,205,449
Licenses and Permits	101,058	-	101,058	69,885
Intergovernmental	670,626	55,230	725,856	928,488
Charges for Services	210,621	9,200	219,821	155,335
Court	16,572	-	16,572	24,700
Developer Reimbursements	57,014	-	57,014	15,375
Sale of Assets	248,928	-	248,928	8,174
Interest	29,175	368	29,543	23,255
Miscellaneous	85,156	-	85,156	101,168
TOTAL REVENUES	3,814,930	64,798	3,879,728	3,531,829
EXPENDITURES				
General Government	456,027	-	456,027	404,727
Public Safety	919,334	-	919,334	947,814
Public Works	676,673	-	676,673	642,671
Health and Welfare	23,584	2,505	26,089	27,806
Parks and Recreation	684,730	9,163	693,893	800,152
Debt Service				
Principal	122,646	-	122,646	148,171
Interest	25,486	-	25,486	34,241
Capital Outlay	65,509	-	65,509	547,315
TOTAL EXPENDITURES	2,973,989	11,668	2,985,657	3,552,897
NET CHANGE IN FUND BALANCES	840,941	53,130	894,071	(21,068)
FUND BALANCES, Beginning	1,310,901	83,292	1,394,193	1,415,261
FUND BALANCES, Ending	\$ 2,151,842	\$ 136,422	\$ 2,288,264	\$ 1,394,193

The accompanying notes are an integral part of the financial statements.

TOWN OF NEW CASTLE, COLORADO

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES
Year Ended December 31, 2019

Amounts Reported for Governmental Activities in the Statement of Activities
are Different Because:

Net Changes in Fund Balances - Total Governmental Funds	\$ 894,071
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation (\$975,767), exceeds capital outlay \$64,045, and loss on disposal of capital assets (\$87,444) in the current period.	(999,166)
Repayment of long-term debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position. These include a payments on Capital Leases of \$14,168, payments on Bonds Payable \$81,000, payments on Notes Payable \$41,646, change in Accrued Compensated Absences of (\$12,372), and change in Accrued Interest \$1,257.	<u>125,699</u>
Change in Net Position of Governmental Activities	<u><u>\$ 20,604</u></u>

The accompanying notes are an integral part of the financial statements.

TOWN OF NEW CASTLE, COLORADO

STATEMENT OF NET POSITION

PROPRIETARY FUND TYPE

As of December 31, 2019

	2019	2018
ASSETS		
Current Assets		
Cash and Investments	\$ 1,160,437	\$ 1,035,500
Accounts Receivable	311,094	251,056
Due from Other Governments	109,760	-
Total Current Assets	1,581,291	1,286,556
Noncurrent Assets		
Capital Assets, net of accumulated depreciation	18,264,095	18,898,486
Total Noncurrent Assets	18,264,095	18,898,486
TOTAL ASSETS	19,845,386	20,185,042
LIABILITIES		
Current Liabilities		
Accounts Payable	73,971	67,167
Accrued Expenses	34,164	21,406
Accrued Interest Payable	83,835	83,835
Notes Payable, Current	391,144	397,050
Total Current Liabilities	583,114	569,458
Noncurrent Liabilities		
Deposits	1,360	1,360
Compensated Absences	45,749	45,749
Notes Payable, Long Term	4,678,367	5,069,511
Total Noncurrent Liabilities	4,725,476	5,116,620
TOTAL LIABILITIES	5,308,590	5,686,078
NET POSITION		
Net Investment in Capital Assets	13,194,584	13,431,925
Unrestricted	1,342,212	1,067,039
TOTAL NET POSITION	\$ 14,536,796	\$ 14,498,964

The accompanying notes are an integral part of the financial statements.

TOWN OF NEW CASTLE, COLORADO

STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN NET POSITION
PROPRIETARY FUND TYPE
Year Ended December 31, 2019

	2019	2018
OPERATING REVENUES		
Water Sales	\$ 950,518	\$ 920,389
Wastewater Sales	1,376,264	1,166,730
Trash Sales	395,070	305,202
Other Revenues	25,807	16,527
TOTAL OPERATING REVENUES	2,747,659	2,408,848
OPERATING EXPENSES		
Water	1,200,413	1,307,173
Wastewater	1,208,470	1,230,836
Trash	338,768	312,580
TOTAL OPERATING EXPENSES	2,747,651	2,850,589
OPERATING INCOME (LOSS)	8	(441,741)
NON-OPERATING REVENUES (EXPENSES)		
Intergovernmental Grants	109,760	48,121
Loss from Disposal of Capital Assets	-	(196,984)
Interest Income	-	189
Interest Expense	(198,764)	(208,747)
TOTAL NON-OPERATING REVENUES (EXPENSES)	(89,004)	(357,421)
INCOME (LOSS) BEFORE CONTRIBUTIONS AND TRANSFERS	(88,996)	(799,162)
CONTRIBUTIONS AND TRANSFERS		
Capital Contributions	126,828	193,500
TOTAL CONTRIBUTIONS AND TRANSFERS	126,828	193,500
NET INCOME (LOSS)	37,832	(605,662)
NET POSITION, Beginning	14,498,964	15,104,626
NET POSITION, Ending	\$ 14,536,796	\$ 14,498,964

The accompanying notes are an integral part of the financial statements.

TOWN OF NEW CASTLE, COLORADO

STATEMENT OF CASH FLOWS

PROPRIETARY FUND TYPE

Year Ended December 31, 2019

Increase (Decrease) in Cash and Cash Equivalents

	2019	2018
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash Received from Customers	\$ 2,687,621	\$ 2,391,144
Cash Paid to Suppliers	(1,208,552)	(1,378,969)
Cash Paid to Employees	(721,752)	(693,285)
Net Cash Provided by Operating Activities	757,317	318,890
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Purchase of Fixed Assets	(163,394)	(147,954)
Note Payments	(397,050)	(407,269)
Interest Payments	(198,764)	(208,747)
Intergovernmental Grants	-	48,121
Tap Fees and Capital Contributions	126,828	193,500
Net Cash Used by Capital and Related Financing Activities	(632,380)	(522,349)
CASH FLOWS FROM INVESTING ACTIVITIES		
Interest Received	-	188
Net (Decrease) in Cash and Cash Equivalents	124,937	(203,271)
CASH AND CASH EQUIVALENTS, Beginning	1,035,500	1,238,771
CASH AND CASH EQUIVALENTS, Ending	\$ 1,160,437	\$ 1,035,500
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY OPERATING ACTIVITIES		
Operating Income (Loss)	\$ 8	\$ (441,741)
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities		
Depreciation	797,785	771,355
Changes in Assets and Liabilities		
Accounts Receivable	(60,038)	(17,704)
Accounts Payable	6,804	6,030
Accrued Expenses	12,758	950
Total Adjustments	757,309	760,631
Net Cash Provided by Operating Activities	\$ 757,317	\$ 318,890

The accompanying notes are an integral part of the financial statements.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Town of New Castle, Colorado was founded in 1888. The Town is governed by a Mayor and six-member council elected by the residents.

The accounting policies of the Town of New Castle, Colorado (the “Town”) conform to generally accepted accounting principles as applicable to governments. Following is a summary of the more significant policies.

Reporting Entity

In accordance with governmental accounting standards, the Town of New Castle has considered the possibility of inclusion of additional entities in its basic financial statements.

The definition of the reporting entity is based primarily on financial accountability. The Town is financially accountable for organizations that make up its legal entity. It is also financially accountable for legally separate organizations if Town officials appoint a voting majority of the organization’s governing body and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the Town. The Town may also be financially accountable for governmental organizations that are fiscally dependent upon it.

Based on the application of these criteria, the Town does not include additional organizations in its reporting entity.

Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of the given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 1: **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current *financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Property taxes, specific ownership taxes, grants, and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the Town. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the Town's practice to use restricted resources first, then unrestricted resources as they are needed.

In the fund financial statements, the Town reports the following major governmental fund:

The *General Fund* is the Town's primary operating fund. It accounts for all financial resources of the Town, except those required to be accounted for in another fund.

The Town reports the following major proprietary fund:

The *Utility Fund* accounts for the financial activities associated with the provision of water, wastewater, and trash services.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Measurement Focus, Basis of Accounting, and Financial Statement Presentation
(Continued)

Additionally, the Town reports the following fund type:

Permanent Fund – The *Cemetery Permanent Fund* accounts for the activities of the Town cemetery, including the sale of plots and maintenance.

Cash and Investments

Cash equivalents include investments with original maturities of three months or less.

Investments are recorded at fair value.

Capital Assets

Capital assets, which include property and equipment, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Town as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property and equipment of the Town is depreciated using the straight line method over the following estimated useful lives:

Buildings and Improvements	10 - 40 years
Water and Sewer Plants	10 - 50 years
Water and Sewer Lines	10 - 50 years
Machinery and Equipment	5 - 40 years
Infrastructure	10 - 20 years

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position and balance sheets will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position and fund balance that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 1: **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

Deferred Outflows/Inflows of Resources (Continued)

In addition to the liabilities, the statement of financial position and balance sheets will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position and fund balance that applies to a futures period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

Compensated Absences

Employees of the Town are allowed to accumulate unused vacation time up to 320 hours or 40 days and an unlimited amount of unused sick time. Upon termination of employment from the Town, employees will be compensated for all accrued vacation time at their current pay rate. Employees are not compensated for any of their accrued sick time.

These compensated absences are recognized as current salary costs when earned in the proprietary fund types and when due in the governmental fund types. A liability has been recorded in the government-wide financial statements for the accrued compensated absences.

Long-Term Obligations

In the government-wide financial statements, and proprietary fund type in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Net Position

The government-wide and business-type fund financial statements utilize a net position presentation. Net position is categorized as investment in capital assets, restricted, and unrestricted.

Investment in Capital Assets is intended to reflect the portion of net position which are associated with non-liquid, capital assets less outstanding capital asset related debt. The net related debt is the debt less the outstanding liquid assets and any associated unamortized cost.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Restricted Net Position are liquid assets, which have third party limitations on their use.

Unrestricted Net Position represent assets that do not have any third party limitation on their use. While Town management may have categorized and segmented portion for various purposes, the Town Council has the unrestricted authority to revisit or alter these managerial decisions.

Fund Balance Classification

The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable – This classification includes amounts that cannot be spent because they are either not spendable in form or are legally or contractually required to be maintained intact. The Town reports Prepaid Items as nonspendable at December 31, 2019.
- Restricted – This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors (such as through a debt covenant), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation. The Town has classified the following amounts as restricted as of December 31, 2019:

Emergency Reserves	\$ 184,000
Parks and Recreation	83,097
Cemetery Care	<u>53,325</u>
Total	<u>\$ 340,422</u>

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 1: **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

Fund Balance Classification (Continued)

- **Committed** – This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Board of Directors. These amounts cannot be used for any other purpose unless the Board of Directors removes or changes the specified use by taking the same type of action (ordinance or resolution) that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. The Town has classified the following amounts as committed as of December 31, 2019:

Support of Volunteer Ambulance Service	\$ 8,250
Police Training	1,976
Burning Mountain Avenue Street Maintenance	5,494
Traffic Impacts	<u>328,526</u>
Total	<u>\$ 344,246</u>

- **Assigned** – Amounts in the assigned fund balance classification are intended to be used by the Town for specific purposes but do not meet the criteria to be classified as restricted or committed. In the General Fund, assigned amounts represent intended uses established by Town Council or a Town official delegated that Town by Town Charter or ordinance.

The Town has classified the following amounts as assigned as of December 31, 2019:

Solar System Purchase	\$ 52,000
Vehicle-Equipment Replacement	<u>10,000</u>
Total	<u>\$ 62,000</u>

- **Unassigned** – This classification includes the residual fund balance for the General Fund. The Unassigned classification also includes negative residual fund balance of any other governmental fund that cannot be eliminated by offsetting of Assigned fund balance amounts.

The Town would typically use restricted fund balances first, followed by committed resources, and then assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend unassigned resources.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Property Taxes

Property taxes are levied on November 1 and attach as an enforceable lien on property on January 1. Taxes are payable in full on April 30 or in two installments on February 28 and June 15. The County Treasurer's office collects property taxes and remits to the Town on a monthly basis.

Since property tax revenues are collected in arrears during the succeeding year, a receivable and corresponding deferred revenue are recorded at December 31. As the tax is collected in the succeeding year, the deferred revenue is recognized as revenue and the receivable is reduced.

Comparative Data

Comparative total data for the prior year has been presented in the accompanying financial statements in order to provide an understanding of changes in the Town's financial position and operations. However, complete comparative data in accordance with generally accepted accounting principles has not been presented since its inclusion would make the financial statements unduly complex and difficult to read.

Data in these columns do not present financial position or results of operations in conformity with generally accepted accounting principles. Neither is such data comparable to a consolidation. Interfund eliminations have not been made in the aggregation of this data.

NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Budgets and Budgetary Accounting

The Town follows these procedures in establishing the budgetary data reflected in the financial statements:

- Prior to September 30, the Town staff submits to the Town Council a proposed operating budget for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
- Public hearings are conducted to obtain taxpayer comments.
- Prior to December 31, the budget is legally enacted through passage of an ordinance.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 2: **STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY** (Continued)

- The Town Administration is authorized to transfer budgeted amounts between departments within any fund. However, any revisions that alter the total expenditures of any fund must be approved by the Town Council.
- Budgets are legally adopted for all funds of the Town. Budgets for the General, Conservation Trust, and Cemetery Funds are adopted on a basis consistent with generally accepted accounting principles (GAAP). The Budgetary comparisons presented for the Utility Fund is presented on a non-GAAP budgetary basis. Capital outlay is budgeted as an expenditure and depreciation is not budgeted.
- Budgeted amounts in the financial statements are as originally adopted or as amended by the Town Council. All appropriations lapse at year end. Colorado governments may not exceed budgeted appropriations by fund.

NOTE 3: **DEPOSITS AND INVESTMENTS**

A summary of deposits and investments as of December 31, 2019 follows:

Cash Deposits	\$ 1,194,240
Investments	<u>1,893,745</u>
Total	<u>\$ 3,087,985</u>

The above amounts are classified in the statement of Net Position as follows:

Governmental Activities	\$ 1,927,548
Business-Type Activities	<u>1,160,437</u>
Total	<u>\$ 3,087,985</u>

Deposits

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulations. At December 31, 2019, State regulatory commissioners have indicated that all financial institutions holding deposits for the Town are eligible public depositories. Amounts on deposit in excess of federal insurance levels must be collateralized by eligible collateral as determined by the PDPA. PDPA allows the financial institution to create a single collateral pool for all public funds held.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 3: DEPOSITS AND INVESTMENTS (Continued)

Deposits (Continued)

Custodial Credit Risk – Deposits (Continued)

The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the uninsured deposits.

The Town has no policy regarding custodial credit risk for deposits.

At December 31, 2019, the Town had deposits with financial institutions with a carrying amount of \$1,194,240. The bank balances with the financial institutions were \$1,225,346. Of these balances, \$250,000 was covered by federal depository insurance and \$975,346 was covered by collateral held by authorized escrow agents in the financial institution's name (PDPA).

Investments

Interest Rate Risk

The Town does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

Credit Risk

Colorado statutes specify in which instruments the units of local government may invest which include:

- Obligations of the United States and certain U.S. government agency securities
- General obligation and revenue bonds of U.S. local government entities
- Commercial paper
- Local government investment pools
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds
- Guaranteed investment contracts

The above investments are authorized for all funds and fund types used by Colorado municipalities.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 3: DEPOSITS AND INVESTMENTS (Continued)

Local Government Investment Pools

The Town had invested \$1,316,258 in the Colorado Surplus Asset Fund Trust (CSAFE) an investment vehicle established for local government entities in Colorado pursuant to Title 24, Article 75, Part 7 of the Colorado Revised Statutes, to pool surplus funds for investment purposes. The State Securities Commissioner administers and enforces the requirements of creating and operating the Pools. CSAFE reports its underlying investments at amortized costs and is considered a qualifying external investment pool under GASB Statement 79. CSAFE operates similar to money market funds where each share is equal in value to \$1.00. The fair value of the position in the pools is the same as the value of the pooled shares.

CSAFE is rated AAAM by Standard and Poor's. The designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities are owned by the pools and held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the pools. Investments of the pools comply with state statutes, consisting of U.S. Treasury bills, notes and note strips, repurchase agreements, U.S. Instrumentalities, Commercial Paper, Bank Deposits and Money Market Funds. CSAFE does not have any limitations or restrictions on participant withdrawals.

The Town had invested \$577,487 in the Colorado Government Liquid Asset Trust (ColoTrust) which has a credit rating of AAAM by Standard and Poor's. ColoTrust is an investment vehicle established for local government entities in Colorado to pool surplus funds and is regulated by the State Securities Commissioner. It operates similarly to a money market fund and each share is equal in value to \$1.00. Investments consist of U.S. Treasury and U.S. Agency securities, and repurchase agreements collateralized by U.S. Treasury and U.S. Agency securities. A designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities owned are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the entities.

ColoTrust is not a 2a7-like external investment pool. The unit of account is each share held, and the value of the position would be the fair value of the pool's share price multiplied by the number of shares held. The government-investor does not "look through" the pool to report a pro rata share of the pool's investments, receivables, and payables.

Fair Value

The Town categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant observable inputs.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 3: DEPOSITS AND INVESTMENTS (Continued)

Fair Value (Continued)

The Town does not carry any additional investments subject to these fair value measurements.

NOTE 4: CAPITAL ASSETS

Capital assets activity for the year ended December 31, 2019 is summarized below:

	Balances <u>12/31/18</u>	<u>Additions</u>	<u>Deletions</u>	Balances <u>12/31/19</u>
Governmental Activities				
Capital Assets, not depreciated				
Land	\$ 15,214,000	\$ -	\$ -	\$ 15,214,000
Construction in Progress	<u>297,805</u>	<u>28,899</u>	<u>166,477</u>	<u>160,217</u>
Total Capital Assets, not depreciated	<u>15,511,805</u>	<u>28,899</u>	<u>166,477</u>	<u>15,374,217</u>
Capital Assets, depreciated				
Buildings	4,340,720	171,477	148,782	4,363,415
Machinery and Equipment	1,013,153	8,040	-	1,021,193
Infrastructure	<u>17,767,304</u>	<u>22,116</u>	<u>-</u>	<u>17,789,420</u>
Total Capital Assets, depreciated	<u>23,121,177</u>	<u>201,633</u>	<u>148,782</u>	<u>23,174,028</u>
Less Accumulated Depreciation				
Buildings	1,904,027	125,571	61,338	1,968,260
Machinery and Equipment	861,969	74,990	-	936,959
Infrastructure	<u>8,203,770</u>	<u>775,206</u>	<u>-</u>	<u>8,978,976</u>
Total Accumulated Depreciation	<u>10,969,766</u>	<u>975,767</u>	<u>61,338</u>	<u>11,884,195</u>
Total Capital Assets, depreciated, Net	<u>12,151,411</u>	<u>(774,134)</u>	<u>87,444</u>	<u>11,289,833</u>
Governmental Activities, Capital Assets, Net	<u>\$ 27,663,216</u>	<u>\$ (745,245)</u>	<u>\$ (253,921)</u>	<u>\$ 26,664,050</u>

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 4: CAPITAL ASSETS (Continued)

	Balances <u>12/31/18</u>	<u>Additions</u>	<u>Deletions</u>	Balances <u>12/31/19</u>
Business-Type Activities				
Capital Assets, not depreciated				
Land	\$ 469,741	\$ -	\$ -	\$ 469,741
Water Rights	516,282	-	-	516,282
Construction in Process	<u>4,378</u>	<u>-</u>	<u>4,378</u>	<u>-</u>
Total Capital Assets, not depreciated	<u>990,401</u>	<u>-</u>	<u>4,378</u>	<u>986,023</u>
Capital Assets, depreciated				
Buildings and Improvements	17,008,406	163,812	-	17,172,218
Distribution and Collection	11,166,613	-	-	11,166,613
Machinery and Equipment	<u>627,406</u>	<u>3,960</u>	<u>-</u>	<u>631,366</u>
Total Capital Assets, depreciated	<u>28,802,425</u>	<u>167,772</u>	<u>-</u>	<u>28,970,197</u>
Less: Accumulated Depreciation				
Buildings and Improvements	5,919,455	501,291	-	6,420,746
Distribution and Collection	4,688,098	226,709	-	4,914,807
Machinery and Equipment	<u>286,787</u>	<u>69,785</u>	<u>-</u>	<u>356,572</u>
Total Accumulated Depreciation	<u>10,894,340</u>	<u>797,785</u>	<u>-</u>	<u>11,692,125</u>
Total Capital Assets, depreciated, Net	<u>17,908,085</u>	<u>(630,013)</u>	<u>-</u>	<u>17,278,072</u>
Business-Type Activities, Capital Assets, Net	<u>\$ 18,898,486</u>	<u>\$ (630,013)</u>	<u>\$ 4,378</u>	<u>\$ 18,264,095</u>

Depreciation expense was charged to functions/programs of the Town as follows:

Governmental Activities

General Government	\$ 14,255
Public Safety	64,591
Public Works	794,183
Parks and Recreation	<u>102,738</u>

Total \$ 975,767

Business-type Activities

Water	\$ 319,114
Sewer	<u>478,671</u>

Total \$ 797,785

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 5: LONG-TERM DEBT

Governmental Activities

Following is a summary of long-term debt transactions for the governmental activities for the year ended December 31, 2019.

	Balance <u>12/31/18</u>	<u>Additions</u>	<u>Payments</u>	Balance <u>12/31/19</u>	Due In <u>One Year</u>
GO Bonds, Series 2010	\$ 124,000	\$ -	\$ 81,000	\$ 43,000	\$ 43,000
Capital Leases	14,168	-	14,169	-	-
Notes Payable	470,039	-	41,646	428,393	43,666
Accrued Compensated Absences	<u>87,412</u>	<u>12,372</u>	<u>-</u>	<u>99,784</u>	<u>24,946</u>
Total	<u>\$ 695,619</u>	<u>\$ 12,372</u>	<u>\$ 136,814</u>	<u>\$ 571,177</u>	<u>\$ 111,612</u>

Accrued Compensated Absences are being paid from resources generated by the General Fund.

General Obligation Bonds, Series 2010

On April 8, 2010, the Town issued \$700,000 Limited Tax General Obligation Bonds, Series 2010. Proceeds of the bonds are used to pay costs related to the Town's improvements of its potable water treatment and distribution facilities. The bonds carry interest rates ranging from 3.1% to 5.4%. Semi-annual principal and interest payments are due on April 15 and October 15 through 2020.

Capital Leases

The Town has entered into several capital lease agreements to purchase equipment which will be paid from revenues of the General Fund. These leases require monthly payments of ranging from annual payments of \$7,355 to \$9,463 including interest ranging from 6.19 % to 6.24%. The leases mature from September 2018 to August 2019. The leases were paid in full as of December 31, 2019.

Note Payable

The Town has also obtained a line of credit in the amount of \$810,000. The original note required monthly payments of principle and interest at 5.25%. The Town refinanced this note during 2011 to obtain a lower interest rate. The new rate is 4.375% for five years. After five years, the rate changes to Prime plus 0.5% with a floor of 4.75% and a ceiling of 5.25%. All other terms of the note remain the same. The note matures in April 2028.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 5: LONG-TERM DEBT(Continued)

Future Debt Service Requirements

Annual debt service requirements for the Notes and Bonds Payable at December 31, 2018 are as follows:

<u>Year Ended December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	\$ 86,666	\$ 19,050	\$ 105,716
2021	45,615	15,940	61,555
2022	47,651	13,904	61,555
2023	49,778	11,777	61,555
2024	49,778	9,555	61,555
2025 – 2028	<u>189,683</u>	<u>14,496</u>	<u>204,179</u>
Total Debt Service Requirements	<u>\$ 471,393</u>	<u>\$ 84,723</u>	<u>\$ 556,116</u>

Business-Type Activities

Following is a summary of long-term debt transactions for the business-type activities for the year ended December 31, 2019.

	<u>Balance 12/31/18</u>	<u>Additions</u>	<u>Payments</u>	<u>Balance 12/31/19</u>	<u>Due In One Year</u>
1999 CWRPDA Loan	\$ 17,703	\$ -	\$ 17,703	\$ -	\$ -
2004 CWCB Loan	508,146	-	20,538	487,608	21,462
2008 CWRPDA Loan	<u>4,940,712</u>	<u>-</u>	<u>358,809</u>	<u>4,581,904</u>	<u>369,682</u>
Total	<u>\$ 5,466,561</u>	<u>\$ -</u>	<u>\$ 407,269</u>	<u>\$ 5,069,512</u>	<u>\$ 391,144</u>

Loans Payable

1999 Colorado Water Resources and Power Development Town (CWRPDA) Loan

Proceeds from this loan were used to upgrade the Town's wastewater treatment system. Principal and interest payments are due semi-annually on May 1 and November 1. Interest accrues at 4.5%. This loan matures on May 1, 2019. This loan was paid in full as of December 31, 2019.

2004 Colorado Water Conservation Board (CWCB) Loan

Proceeds of this loan were used for the construction of a new diversion structure and pump station on the Colorado River, and a raw water pipeline to the Town's water treatment facility. Principal and interest payments are due annually on August 1. Interest accrues at 4.5%. This loan matures on August 1, 2035.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 5: LONG-TERM DEBT(Continued)

2008 Colorado Water Resources & Power Development Town (CWRPDA) Loan

Proceeds of this loan were used for the construction of a new wastewater treatment facility and improvements to the wastewater system of the Town. Principal and interest payments are due annually on August 1. Interest accrues at 3.45%. This loan matures on August 1, 2030.

Future Debt Service Requirements

Annual debt service requirements for the outstanding loans at December 31, 2018 are as follows:

<u>Year Ended December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	\$ 391,144	\$ 186,691	\$ 577,835
2021	397,547	178,269	575,815
2022	409,429	169,890	579,319
2023	415,919	160,979	576,898
2024	422,459	151,765	574,224
2025-2029	2,310,043	566,550	2,876,594
2030-2034	681,429	62,720	744,149
2035	<u>41,543</u>	<u>1,869</u>	<u>43,412</u>
Total Debt Service Requirements	<u>\$ 5,069,512</u>	<u>\$ 1,478,733</u>	<u>\$ 6,548,245</u>

NOTE 6: RETIREMENT COMMITMENTS

Employee Pension Plan

The Town contributes to a multiple employer defined contribution retirement plan administered by the Colorado Officials and Employees Retirement Association. Every employee who is employed by the Town is eligible to participate in the Plan immediately upon hire. Both the Town and the employee contribute from three to six percent of the employee's base salary. Plan provisions are established and may be amended by Town Council. During the years ended December 31, 2018 and 2019, employer and employees contributed \$80,715 and \$75,607, respectively, equal to their required contribution

Participants vest in employer contributions and in earnings, losses, and changes in fair market value of Plan assets at a rate of 20% for each full twelve months of participating in the Plan. Participants are immediately vested in their own contributions and earnings.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 7: PUBLIC ENTITY RISK POOL

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. For these risks of loss, the Town is involved with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), a separate and independent governmental and legal entity formed by intergovernmental agreement by member municipalities pursuant to the provision of 24-10-115.5, Colorado Revised Statutes (1982 Replacement Volume) and Colorado Constitution, Article XIV, Section 18(2).

The purposes of CIRSA are to provide members defined liability, property, and workers compensation coverages and to assist members in preventing and reducing losses and injuries to municipal property and to persons or property which might result in claims being made against members of CIRSA, their employees and officers.

It is the intent of the members of CIRSA to create an entity in perpetuity which will administer and use funds contributed by the members to defend and indemnify, in accordance with the bylaws, any member of CIRSA against stated liability of loss, to the limit of the financial resources of CIRSA.

It is also the intent of the members to have CIRSA provide continuing stability and availability of needed coverages at reasonable costs. All income and assets of CIRSA shall be at all times dedicated to the exclusive benefit of its members. CIRSA is a separate legal entity and the Town does not approve budgets nor does it have the ability to significantly affect the operations of entity.

NOTE 8: COMMITMENTS AND CONTINGENCIES

Tabor Amendment

Colorado voters passed an amendment to the State Constitution, Article X, Section 20, which has several limitations, including revenue raising, spending abilities, and other specific requirements of state and local government. On November 1994, voters within the Town approved the collection, retention and expenditure of State grants, all sales and use taxes and all other revenue generated by the Town in 1995 and subsequent years without limitation, notwithstanding the provisions of the Amendment.

The Town has established an emergency reserve, representing 3% of qualifying expenditures, as required by the Amendment. At December 31, 2019, the emergency reserve of \$184,000 was recorded in the General Fund.

TOWN OF NEW CASTLE, COLORADO

NOTES TO FINANCIAL STATEMENTS

December 31, 2019

NOTE 9: SUBSEQUENT EVENTS

Potential subsequent events were considered through July 1, 2020. It was determined that the following event is required to be disclosed through this date.

Covid-19

As a result of the coronavirus pandemic (COVID-19), economic uncertainties may have economic implications on the financial position, results of operations and cash flows of the District. The duration of these uncertainties and the ultimate financial effects cannot be estimated at this time.

REQUIRED SUPPLEMENTARY INFORMATION

TOWN OF NEW CASTLE, COLORADO

GENERAL FUND
BUDGETARY COMPARISON SCHEDULE
Year Ended December 31, 2019

	2019			VARIANCE	2018 ACTUAL
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	Positive (Negative)	
REVENUES					
Taxes	\$ 2,362,904	\$ 2,362,904	\$ 2,395,780	\$ 32,876	\$ 2,205,449
Licenses and Permits	74,850	74,850	101,058	26,208	69,885
Intergovernmental	207,888	207,888	670,626	462,738	880,332
Charges for Services	192,958	192,958	210,621	17,663	148,935
Court	14,200	14,200	16,572	2,372	24,700
Developer Reimbursements	25,000	25,000	57,014	32,014	15,375
Interest	18,800	18,800	29,175	10,375	22,952
Sale of Assets	-	-	248,928	248,928	8,174
Miscellaneous	125	125	85,156	85,031	101,168
TOTAL REVENUES	<u>2,896,725</u>	<u>2,896,725</u>	<u>3,814,930</u>	<u>918,205</u>	<u>3,476,970</u>
EXPENDITURES					
Current					
General Government	443,707	734,458	456,027	278,431	404,727
Public Safety	950,183	950,183	919,334	30,849	947,814
Public Works	716,445	716,445	676,673	39,772	642,671
Health and Welfare	23,800	23,800	23,584	216	27,459
Parks and Recreation	699,530	699,530	684,730	14,800	767,502
Capital Outlay	73,274	73,274	65,509	7,765	547,315
Debt Service					
Principal	81,000	81,000	122,646	(41,646)	148,171
Interest	5,578	5,578	25,486	(19,908)	34,241
TOTAL EXPENDITURES	<u>2,993,517</u>	<u>3,284,268</u>	<u>2,973,989</u>	<u>310,279</u>	<u>3,519,900</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>(96,792)</u>	<u>(387,543)</u>	<u>840,941</u>	<u>1,228,484</u>	<u>(42,930)</u>
NET CHANGE IN FUND BALANCE	<u>(96,792)</u>	<u>(387,543)</u>	<u>840,941</u>	<u>1,228,484</u>	<u>(42,930)</u>
FUND BALANCE, Beginning	<u>1,211,945</u>	<u>1,211,945</u>	<u>1,310,901</u>	<u>98,956</u>	<u>1,353,831</u>
FUND BALANCE, Ending	<u>\$ 1,115,153</u>	<u>\$ 824,402</u>	<u>\$ 2,151,842</u>	<u>\$ 1,327,440</u>	<u>\$ 1,310,901</u>

See the accompanying independent auditors' report.

COMBINING AND INDIVIDUAL FUND SCHEDULES

TOWN OF NEW CASTLE, COLORADO

COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
December 31, 2019

	SPECIAL REVENUE FUND CONSERVATION TRUST FUND	PERMANENT FUND CEMETERY TRUST FUND	TOTALS	
			2019	2018
ASSETS				
Cash	\$ 83,097	\$ 53,612	\$ 136,709	\$ 83,633
LIABILITIES AND FUND BALANCES				
LIABILITIES				
Accounts Payable	\$ -	\$ 287	\$ 287	\$ 341
FUND EQUITY				
Fund Balance				
Restricted for Cemetery Care	\$ -	\$ 53,325	\$ 53,325	\$ 46,309
Restricted for Park and Recreation	83,097	-	83,097	36,983
TOTAL FUND EQUITY	83,097	53,325	136,422	83,292
TOTAL LIABILITIES AND FUND BALANCES	\$ 83,097	\$ 53,612	\$ 136,709	\$ 83,633

See the accompanying independent auditors' report.

TOWN OF NEW CASTLE, COLORADO

COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS
Year Ended December 31, 2019

	SPECIAL REVENUE FUND CONSERVATION TRUST FUND	PERMANENT FUND CEMETERY TRUST FUND	TOTALS	
			2019	2018
REVENUES				
Intergovernmental	\$ 55,230	\$ -	\$ 55,230	\$ 48,156
Charges for Services	-	9,200	9,200	6,400
Interest	47	321	368	303
TOTAL REVENUES	55,277	9,521	64,798	54,859
EXPENDITURES				
Health and Welfare	-	2,505	2,505	347
Parks and Recreation	9,163	-	9,163	32,650
TOTAL EXPENDITURES	9,163	2,505	11,668	32,997
NET CHANGE IN FUND BALANCES	46,114	7,016	53,130	21,862
FUND BALANCES, Beginning	36,983	46,309	83,292	61,430
FUND BALANCES, Ending	\$ 83,097	\$ 53,325	\$ 136,422	\$ 83,292

See the accompanying independent auditors' report.

TOWN OF NEW CASTLE, COLORADO

CONSERVATION TRUST FUND
BUDGETARY COMPARISON SCHEDULE
Year Ended December 31, 2019

	2019			
	ORIGINAL AND FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)	2018 ACTUAL
REVENUES				
Intergovernmental	\$ 44,000	\$ 55,230	\$ 11,230	\$ 48,156
Interest	18	47	29	23
TOTAL REVENUES	44,018	55,277	11,259	48,179
EXPENDITURES				
Parks and Recreation	25,000	9,163	15,837	32,650
NET CHANGE IN FUND BALANCE	19,018	46,114	27,096	15,529
FUND BALANCE, Beginning	30,471	36,983	6,512	21,454
FUND BALANCE, Ending	<u>\$ 49,489</u>	<u>\$ 83,097</u>	<u>\$ 33,608</u>	<u>\$ 36,983</u>

See the accompanying independent auditors' report.

TOWN OF NEW CASTLE, COLORADO

CEMETERY FUND

BUDGETARY COMPARISON SCHEDULE

Year Ended December 31, 2019

	2019			VARIANCE	2018
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	Positive (Negative)	ACTUAL
REVENUES					
Sale of Plots	\$ 1,200	\$ 1,200	\$ 9,200	\$ 8,000	\$ 6,400
Interest and Other	70	70	321	251	280
TOTAL REVENUES	1,270	1,270	9,521	8,251	6,680
EXPENDITURES					
Health and Welfare	-	2,000	2,505	(505)	347
NET CHANGE IN FUND BALANCE	1,270	(730)	7,016	7,746	6,333
FUND BALANCE, Beginning	-	34,824	46,309	11,485	39,976
FUND BALANCE, Ending	<u>\$ 1,270</u>	<u>\$ 34,094</u>	<u>\$ 53,325</u>	<u>\$ 19,231</u>	<u>\$ 46,309</u>

See the accompanying independent auditors' report.

TOWN OF NEW CASTLE, COLORADO

UTILITY FUND
BUDGETARY COMPARISON SCHEDULE
Year Ended December 31, 2019

	2019			
	ORIGINAL FINAL BUDGET	ACTUAL	VARIANCE Positive (Negative)	2018 ACTUAL
REVENUES				
Water Sales	\$ 1,014,092	\$ 950,518	\$ (63,574)	\$ 920,389
Wastewater Sales	1,383,397	1,376,264	(7,133)	1,166,730
Trash Sales	368,160	395,070	26,910	305,202
Intergovernmental Grants	210,800	109,760	(101,040)	48,121
Tap Fees and Contributions	90,000	126,828	36,828	193,500
Interest		-	-	189
Other Revenues	12,285	25,807	13,522	16,527
Loss from Disposal of Capital Assets	-		-	(196,984)
TOTAL REVENUES	3,078,734	2,984,247	(94,487)	2,453,674
EXPENDITURES				
Water	982,077	881,299	100,778	994,984
Wastewater	804,654	729,799	74,855	771,670
Trash	351,400	338,768	12,632	312,580
Debt Service	43,404	595,814	(552,410)	616,016
Capital Outlay	790,614	163,394	627,220	147,954
TOTAL EXPENDITURES	2,972,149	2,709,074	263,075	2,843,204
NET INCOME, Budget Basis	\$ 106,585	275,173	\$ 168,588	(389,530)
GAAP BASIS ADJUSTMENTS				
Capital Outlay		163,394		147,954
Loan Principal Payments		397,050		407,269
Depreciation		(797,785)		(771,355)
NET INCOME, GAAP Basis		37,832		(605,662)
NET POSITION, Beginning		14,498,964		15,104,626
NET POSITION, Ending		\$ 14,536,796		\$ 14,498,964

See the accompanying independent auditors' report.

COMPLIANCE

Steps for printing your content and returning to 'Edit Mode

1. Click Ctrl + A on a Windows machine or Command + A on a Mac to select all data.
2. Right-click your mouse and select Print.
3. Confirm that print settings are correct - make sure "selection only" isn't checked.
4. Print hard copy or to PDF.
5. Click "Edit Mode" to return to modifying your data.
6. Remember to click "Save" to save any changes.

ANNUAL HIGHWAY FINANCE REPORT - CY19

Email address: lburk@newcastlecolorado.org

City/County: New Castle

II - RECEIPTS FOR ROAD AND STREET PURPOSES

Please no commas or dollar signs for the input

A. Receipts from local sources

2. General Fund Appropriations:	\$	26,859.00
3. Other local imposts: <i>from A.3. 'Total' below)</i>	\$	673,414.00
4. Miscellaneous local receipts: <i>from A.4. 'Total' below)</i>	\$	98,605.00
5. Transfers from toll facilities	\$	0.00
6. Proceeds of sale of bonds and notes		
a. Bonds - Original Issues:	\$	0.00
b. Bonds - Refunding Issues:	\$	0.00
c. Notes:	\$	0.00

SubTotal: \$ 798,878.00

B. Private Contributions

\$ 0.00

II - RECEIPTS FOR ROAD AND STREET PURPOSES (Detail)

Please no commas or dollar signs for the input

A.3. Other local imposts

a. Property Taxes and Assessments	\$	0.00
b. Other Local Imposts		
1. Sales Taxes:	\$	642,544.00
2. Infrastructure and Impact Fees:	\$	3,451.00
3. Liens:	\$	0.00
4. Licenses:	\$	0.00
5. Specific Ownership and/or Other:	\$	27,419.00
Total: (a + b) carried to 'Other local imposts' above		\$ 673,414.00

A.4. Miscellaneous local receipts

Please no commas or dollar signs for the input

a. Interest on Investments:	\$	32.00
b. Traffic fines & Penalties:	\$	3,530.00
c. Parking Garage Fees:	\$	0.00
d. Parking Meter Fees:	\$	0.00
e. Sale of Surplus Property:	\$	0.00
f. Charges for Services:	\$	0.00
g. Other Misc. Receipts:	\$	3,783.00
h. Other:	\$	91,260.00
Total: (a through h) carried to 'Misc local receipts' above		\$ 98,605.00

C. Receipts from State Government

Please no commas or dollar signs for the input

1. Highway User Taxes:	\$	166,987.00
3. Other State funds:		
c. Motor Vehicle Registrations:	\$	19,976.00
d. Other (Specify):		
Comments: undefined	\$	0.00
e. Other (Specify):		
Comments: undefined	\$	0.00
Total: (1+3c,d,e)		\$ 186,963.00

D. Receipts from Federal Government

Please no commas or dollar signs for the input

2. Other Federal Agencies

a. Forest Service:	\$	0.00
b. FEMA:	\$	0.00
c. HUD:	\$	0.00
d. Federal Transit Administration:	\$	0.00
e. U.S. Corp of Engineers	\$	0.00
f. Other Federal:	\$	0.00
Total: (2a-f)	\$	0.00

III - DISBURSEMENTS FOR ROAD AND STREET PURPOSES

Please no commas or dollar signs for the input

A. Local highway disbursements

1. Capital outlay: (from A.1.d. 'Total Capital Outlay' below)	\$	119,148.00
2. Maintenance:	\$	271,365.00
3. Road and street services		
a. Traffic control operations:	\$	8,306.00
b. Snow and ice removal:	\$	61,962.00
c. Other:	\$	50,907.00
4. General administration & miscellaneous	\$	26,405.00
5. Highway law enforcement and safety	\$	447,748.00
Total: (A.1-5)	\$	985,841.00

Please no commas or dollar signs for the input

B. Debt service on local obligations

1. Bonds		
a. Interest	\$	0.00
b. Redemption	\$	0.00
2. Notes		
a. Interest	\$	0.00
b. Redemption	\$	0.00
SubTotal: (1+2)	\$	0.00

Please no commas or dollar signs for the input

C. Payments to State for Highways:	\$	0.00
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D. Payments to Toll Facilities:

\$ 0.00

Total Disbursements: *(A+B+C+D)* \$ 985,841.00**Please no commas or dollar signs for the input****III - DISBURSEMENTS FOR ROAD AND STREET PURPOSES - (Detail)****Please no commas or dollar signs for the input**

	A. ON NATIONAL HIGHWAY SYSTEM	B. OFF NATIONAL HIGHWAY SYSTEM	C. TOTAL
A.1. Capital Outlay			
a. Right-Of-Way Costs:	\$ 0.00	\$ 4,374.00	\$ 4,374.00
b. Engineering Costs:	\$ 0.00	\$ 0.00	\$ 0.00
c. Construction			
1. New Facilities:	\$ 0.00	\$ 14,709.00	\$ 14,709.00
2. Capacity Improvements:	\$ 0.00	\$ 0.00	\$ 0.00
3. System Preservation:	\$ 0.00	\$ 92,658.00	\$ 92,658.00
4. System Enhancement:	\$ 0.00	\$ 7,407.00	\$ 7,407.00
5. Total Construction:			\$ 114,774.00
d. Total Capital Outlay: <i>(Lines A.1.a. + 1.b. + 1.c.5)</i>			\$ 119,148.00

IV. LOCAL HIGHWAY DEBT STATUS

Please no commas or dollar signs for the input

	OPENING DEBT	AMOUNT ISSUED	REDEMPTIONS	CLOSING DEBT
A. Bonds (Total)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
1. Bonds (Refunding Portion)		\$ 0.00	\$ 0.00	\$ 0.00
B. Notes (Total):	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

V - LOCAL ROAD AND STREET FUND BALANCE

Please no commas or dollar signs for the input

A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
\$ 0.00	\$ 985,841.00	\$ 985,841.00	\$ 0.00	\$ 0.00

Notes & Comments:

undefined

Please enter your name: Loni Burk

Please provide a telephone number where you may be reached: (970)984-2311

Save

Print Mode

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Please click on the "Save" button before viewing the data in a print format.

Memo

TOWN OF NEW CASTLE Climate Action Advisory Commission

To: Mayor and Council Members
From: CAAC Chair Denise Scheberle
Date: July 21, 2020
Re: Proposed Commission Name Change

At its July 16 meeting, the Climate Action Advisory Commission voted to request a name change. The Commissioners recommend "Climate and Environment Commission" as a more accurate descriptor of the work it does.

From the beginning in 2007, the Commission has dealt with environmental issues, such as recycling, along with more purely climate-related concerns. The current members are interested in pursuing environmental projects, such as bee gardens. Changing the name of the commission will more accurately define its work.

Memo

TOWN OF NEW CASTLE Climate Action Advisory Commission

To: Mayor and Council Members
From: CAAC Chair Denise Scheberle
Date: July 21, 2020
Re: Proposed Revisions to the Climate Action Plan

At its July 16 meeting, CAAC completed work on a revised Climate Action Plan. The original plan was written in 2007, the year the commission was created. After 13 years, it was past time for a revision.

By unanimous vote, the commission recommends this revised plan to the Town Council. Members of the Commission will attend the July 21 Council meeting to answer questions about the revisions.

DRAFT Climate and Environment Commission Plan for Future Actions

History of the Climate Action Plan

On April 3, 2007, Mayor Frank Breslin signed the U.S. Mayors Climate Protection Agreement as the Town Council fully committed to developing and implementing strategies to reduce greenhouse gas emissions. The Climate Action Advisory Commission, later named the Climate and Environment Commission (CEC), was created to help the town pursue the goals of this agreement. The goals included inventorying greenhouse gas emissions in city operations; adopting land-use policies that reduce sprawl, preserve open space; promote greener transportation options, such as bicycle trails and incentives for public transit or carpooling; making energy efficiency a priority through building code improvements, upgrades to water and wastewater treatment facilities, and purchases of vehicles and equipment; promoting tree planting for shading and carbon dioxide absorption; educating the public, schools, businesses, and the community about reducing greenhouse gasses.

Over the next thirteen years, the town made strides in addressing these goals, by installing roof-top solar on municipal buildings, installing electric vehicle charging stations, adopting efficient building codes, planting trees, gaining efficiencies at wastewater and water treatment facilities, and more. In 2020, the CEC decided to update and build upon these goals, as shown in the next section.

CLIMATE AND ENVIRONMENT GOALS

In 2020, the CEC determined that the most important long-term goals were to:

1. Advise the council and educate the community about environmental issues as well as climate change and its effects.
2. Provide guidance on individual and community activities that serve to reduce greenhouse gas emissions and protect the environment.
3. Advise and assist the town and community in transitioning to a more renewable and energy efficient future.
4. Advise the town in planning for and mitigating climate change impacts.

FOUR KEY STRATEGIES TO ACHIEVE THESE GOALS

1. Leading by example. Municipal government will continue to make its buildings and operations a model of energy efficiency and renewable energy while reducing energy costs.
2. Strengthening communication and education efforts of the CEC. The CEC should provide accurate and helpful information regarding climate change and environmental protection to stakeholders.
3. Networking with local and regional partners to remove barriers, to provide incentives for wiser energy use, and to increase local renewable energy supplies. The Town will work with Xcel Energy, Garfield Clean Energy (GCE), the Roaring Fork Transit Authority (RFTA), the Community Office for Resource Efficiency (CORE), the Clean Energy Economy for the Region (CLEER), the Governor's Energy Office (GEO), Colorado Mountain College (CMC), and others to accelerate the transition to a clean energy future, offering programs to households and businesses that combine financing, technical assistance, and education.

4. Collaborating to acquire funding. The CEC and the Town Council will collaborate to seek funding to carry out environmental protection and climate mitigation goals.

MEASURABLE ACTION STEPS TO MEET THE LONG-TERM GOALS

1. Providing educational programs and outreach

- a. Create, pilot, and implement educational programs with schools and groups

Measurement of progress: Contacting educators and piloting a learning activity about environmental protection and climate change in at least one class during the 2020-2021 school year

- b. Create a stand-alone, recurring educational program for multiple grades

Measurement of progress: In consultation with local educators, locate and fine-tune community age-appropriate learning packages that could be used every year; evaluation by educators and students

2. Creating opportunities for individual and collective action

- a. Explore opportunities for planting of appropriate tree and vegetation species, with guidance on use of water-saving mulches and soil amendments

Measurement of progress: Providing list of native trees and vegetation, as well soil amendments, irrigation techniques, and proper planting procedures to reduce water consumption

Measurement of progress: Encouraging and helping the town plant trees/vegetation

Measurement of progress: Networking with the Garden Club and other organizations

- b. Fine-tune use of water and other environmental resources by town and community

Measurement of progress: Communicate with residents regarding most effective and efficient watering strategies through the CEC website and other communication avenues including building permits

Measurement of progress: Work with the town in monitoring irrigation in parks and other spaces

3. Transitioning to a more renewable and energy efficient future

- a. Encouraging energy efficiency activities and audits by homeowners

Measurement of progress: Encourage at least ten homeowners to have an energy audit each year, and that homeowners are aware of free or low-cost energy audits and incentives and rebates for homes

Measurement of progress: Connect and coordinate with regional partners such as GCE, CLEER, CORE and inform the public through various communication avenues, including the CEC website

- b. Encouraging energy efficiency audits by businesses

Measurement of progress: Encourage at least one business owner to have an energy audit each year, and inform business owners of access to free or low-cost energy audits, incentives, and rebates

Measurement of progress: Connect and coordinate with regional partners such as GCE, CLEER, CORE regarding effective ways to work with local businesses

c. Communicating with stakeholders regarding incentives for renewable energy, addition of insulations, storm windows, electric vehicles, roof-top solar panels, lighting, air conditioners, and other ways to save costs

Measurement of progress: CEC creates a listing of what is available for assisting in renewable or energy efficient changes and develops a strategy for implementation

Measurement of progress: Communicate information in town newsletter, website, and other appropriate media

4. Planning for and mitigating climate change and environmental impacts

a. Understanding the increased risk of wildfires and how to mitigate and respond

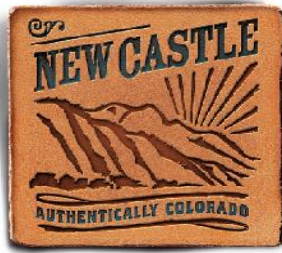
Measurement of progress: Meet with appropriate town and fire officials to learn how to prepare and to improve fire-mitigation/prevention around homes and businesses

Measurement of progress: Communicate and offer guidance to residents. Consult with fire officials on how to best provide information to the community regarding fire dangers and how to minimize fire risk. Offer at least one outreach and educational program.

b. Understanding the increased risk of drought and how to mitigate and respond

Measurement of progress: Meet with appropriate town officials and water conservationists to learn about how to prepare and minimize water usage among the public and the town

Measurement of progress: Communicate and offer guidance for residents.



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

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

Memorandum

To: Town Council
From: Paul Smith
Re: Agenda Item – Review of the Denial for Resolution No. PZ 2020-07 regarding a preliminary PUD application for Filing 11 in Castle Valley Ranch
Date: 7-21-20

Purpose:

On May 13, 2020, the New Castle Planning Commission opened the hearing for Resolution PZ 2020-06 on a preliminary PUD application for Filing 11 in Castle Valley Ranch. The application consisted of 91 duplex, triplex, and four-plex units on approximately 13.5 acres. At the continuance on May 27, 2020, the Commission – as the approval body for preliminary PUD applications – unanimously denied the application because of noncompliance with the Comprehensive Plan, Section 17.100.090(A)(6) of the municipal code, and other grounds as reflected in the record of the public hearing pursuant to the approval criteria for PUD applications in Section 17.100.090. Specifically, the application:

- ***Is NOT generally compatible with adjacent land uses***
 - Development in the vacant parcels to the north and east remained undetermined. A master plan amendment, introduced by the applicant on February 12, 2020, intended to rezone all land in CVR owned by the applicant from mixed use to residential, which would clarify the nature of development of those parcels in the future. However, the master plan amendment was deferred by the applicant until August 26, 2020. Therefore, the application's compatibility with the neighboring parcels remained difficult to ascertain.
 - The proposed style and density of multifamily units was deemed to be out of balance with the large, single-family residential homes on South Wildhorse. Adverse impacts on aesthetics and property values would be likely.
- ***Is NOT consistent with the comprehensive plan***
 - Residential or commercial development of 50 lots/units or greater shall include a mix of land-use types that “provide effectively integrated convenience retail, employment, services, parks/open space/trails, public transit, and non-motorized access (*Goal CG-4A*). Proposed amenities are used sparingly.
 - A large-scale, multifamily development would challenge the livability of the community. Shortcomings with parking, usable open space, non-vehicular circulation, and snow storage will

generate a more utilitarian experience rather than one hospitable to quality places that people want to live, work, play, and learn in (*Goal CG-5*).

- Mixed-use zoning, as defined in the master plan, Town code, and the comprehensive plan, signifies a mixture of residential and non-residential development. Mixed-use affords a community the possibility for local amenities, services, and possible employment (*Goals CG-4A thru E*);
- Existing wildlife corridors would be displaced with little attention given to relocation habitat (*Goal EN-1*). Sensitive environmental areas will be preserved, and open space corridors will be used to break up continuous areas of development (*Goal POST-4A-B*).
- Though marketed as competitively priced, the multifamily units would likely sell at price points at or above \$400k similarly to other townhomes in CVR. New development should embrace aspects of genuine affordability with a diversity of densities, types, and unit sizes (*Goal HO-2A*).
- Sidewalks and trails could go further in generating connectivity between neighboring parks, open space, and other filings along CVB. Separated sidewalks and a trail easement between Ganley and Prendergast were recommended (*Goal T-1F*). The intent of the Commission is to encourage non-motorized trails and generous open space which promote recreational value (*Goal POST-3*).
- Road designs do not adequately accommodate public safety access and will increase road maintenance. Single car garages mean owners will habitually default to using the garage as storage and at least one vehicle parked on the street. Mobility will be tight even in the best conditions. The resulting congestion, as already experienced on Redstone Dr. and Foxwood Ln., will lead to costly snow removal and at times generate obstacles for emergency equipment (*Goal T-1G*).

• ***The uses proposed are NOT permitted outright in all instances***

- Roughly 2/3's of the site plan spans mixed use zoning. While multifamily housing is a permitted use in the mixed-use zone district, the zone district is purposely designated for a mixture of uses in accordance with the adopted Smart-Growth model and is meant to complement residential areas by providing needed services and amenities. Developing only residential in the mixed-use zone does not comply with the purpose of the zone district.
- Due to obligations with a restrictive covenant, the applicant is compelled to develop only residential on the property. This obligation, however, does not mean the applicant is forced into exclusively multifamily townhome development. Staff and the Commission offered possible solutions for development which, though forfeited the commercial, offered diversity, amenities, and enhanced livability. Unfortunately, none were advanced.

According to Section 17.100.070 § D, "the applicant may take a disputed decision of the planning commission to the town council for review. If, in the town council's sole discretion, the finding of the planning commission may have been in error, the town council shall refer the application back to the planning commission for reassessment."

The applicant contends that the proposal meets the code standards and design requirements as set forth in the Public Works Manual, zoning provisions, and adopted building codes. The satisfaction of those requirements notwithstanding, the Commission made its decision based on the approval criteria of Section 17.100.090 as required by the code. The Commission concluded that the application contains significant enough shortcomings in the manner discussed above to warrant denial. The Council is charged with deciding whether this conclusion was in error.

Thank you,

Paul Smith
New Castle Town Planner

CVR INVESTORS, INC.

5282 Red Pass Way
Castle Rock, CO 80108
303.549.1916

April 30, 2020

Via Electronic Mail

Town of New Castle
Attn: Planning & Zoning Commission
P.O. Box 90
New Castle, CO 81647

Re: *Application for Combined Preliminary/Final Plat Approval for Filing 11-AMENDED*

Dear Commissioners:

We are tendering our application for combined final/preliminary plat approval in regards to Filing 11 in Castle Valley Ranch. The following outlines our fundamental basis for the application.

As witnessed during the Sketch Plan process in late 2019, our application meets all the objective criteria outlined in section 17.100.090 of the Town Code. The only item from Sketch Plan which Staff identified as less than "Moderate" conformity with the Code involved the question of the uses proposed being within the PUD permitted outright or by special review. (Sketch Plan staff report of 9/9/19 at 5.)

With regard to the uses as being permitted, objectively the uses are permitted by right, as confirmed by Staff: "[i]n both residential and mixed-use zones, townhomes are permitted by right." (Sketch Plan staff report of 9/9/19 at 5.) As such, it is difficult for us to accept anything less than a "high" level of conformity with that requirement.

While we understand the Town's interest in being comfortable with the prospect of future commercial development, we have a pending application in which we've outlined our position on commercial development, which we incorporate here. In sum, like the Town, we are interested in smart growth in New Castle, and we firmly believe that this filing furthers that goal.

Nevertheless, in response to queries and concerns from both the Planning & Zoning Commission, as well as Town Council, we have made several alterations to our submittals. First, we have widened the southerly sidewalk to 8' as an east-west trail connector to future development. Further, we have added a bulk of parking spots at the

southern border of the parcel for both snow storage as well as to provide residents and guests with convenient parking which does not unduly restrict traffic flow. Finally, we conducted a community forum at the strong urging of both Town staff and City Council. While there were only three citizen attendees (not including a few Councilmen and staff members), we did address questions and concerns from them and were pleased to do so.

I. NATURE, DESIGN & APPROPRIATENESS OF PROPOSED LAND USE
ARRANGEMENT FOR SIZE & CONFIGURATION OF PROPERTY
INVOLVED

Castle Valley Ranch Filing No. 11 covers an area of Castle Valley Ranch (approximately 13.538 acres). Under the Master Plan, this parcel spans vacant land which is presently zoned for residential use, and also spans vacant land which is zoned as mixed use. Our company has a pending development application to have the entirety of Planning Area 17 (as well as the remainder of this company's holdings in New Castle) designated as "Residential" in the map attached to the Master Plan, which will include a portion of this filing.

Castle Valley Ranch Filing No. 11 will plat only the westerly half of the remaining undeveloped portion of Castle Valley Ranch immediately south of and adjacent to Castle Valley Boulevard.

As the Commission witnessed during the Sketch Plan process for this filing, the Applicant has met all of the objective requirements of the Town of New Castle for this development. Attached hereto are the other materials in compliance with section 16.16.020 and 16.16.030 of the New Castle Town Code.

The proposed development will contain triplex and four-plex structures conceptually similar to the product in Filing 9, which lies immediately north of Castle Valley Boulevard from this parcel. It is anticipated that there will be 27 lots, which will largely be comprised of triplexes with several four-plexes.

Nestled within the center of this development will be a neighborhood park for the enjoyment of the Castle Valley Ranch residents. It will be reached via a public sidewalk and trail system which will connect to the west to an extended existing pedestrian trail bisecting Filings 8 & 11 and reaching Castle Valley Blvd. at the northwest corner of Castle Valley Ranch Filing No. 11. This is the Avenue C trail connection.

Vehicular access to this community will be from a single point of connection, with a divided entry, to Castle Valley Blvd., as depicted on the Final Plat.

All road improvements for Castle Valley Ranch Filing No. 11 are designed to be public and include paved public streets and sidewalks built to localized street standards.

Public water lines will be provided and will connect with an existing water main in Castle Valley Blvd. to the north and existing water mains to the west, serving existing residents

in Castle Valley Ranch Filing No. 8. A sanitary sewer main tie-in to be constructed offsite from Avenue C to Castle Valley Ranch Filing No. 11 will connect these homes to the Town's sewer system. Storm drainage will be handled through the street system and off-site storm sewers leading to two detention ponds to be constructed within the open space south and west of this development and to an area just to the east of the Castle Valley Ranch Filing No. 11 boundary.

This neighborhood meets the standards as set out in Title 16 Subdivisions, Chapter 16.28 Design and Improvements Standards of the Town's code. There are no natural hazards on the property or land with slopes greater than 35%.

Lots will be designed to be compatible with the zone district regulations of MF-1 within the residential and MU-2 zoned areas of this property.

All homes will be subject to and made a part of the existing Castle Valley PUD Homeowners Association. In addition, these townhomes will be subject to and made a part of a new sub-association unto itself. The covenants of this sub-association will resemble those of the Filing 9 townhomes, and they will be at least as restrictive as the Filing 9 covenants. They will be more tailored to this particular development and will be reduced to writing as development progresses.

II. STATEMENT OF PRESENT OWNERSHIP & LEGAL DESCRIPTION OF ALL LAND WITHIN PLANNED UNIT DEVELOPMENT

All of the land referenced in this application is owned by CVR Investors, Inc., and the legal descriptions of the parcels in question are attached hereto.

III. GENERAL INDICATION OF ANTICIPATED DEVELOPMENT SCHEDULE

The proposed development schedule for Castle Valley Ranch Filing No. 11 will be broken into three phases; the first is depicted on the attached plat. We intend to commence development of Phase 1 as soon as an approved Final Plat for this development can be recorded. We would request that the approval of future phases in accordance with this application be approved through staff review without the necessity of the formal approval procedures (provided, of course, there is no substantial deviation from what is currently being proposed).

IV. COMPLIANCE WITH COMPREHENSIVE PLAN

As far as the objectives of the New Castle Land Use Plan, this plan affords compatibility with the character of the overall community and enhancement of existing public infrastructure.

The homes and neighborhood we are proposing fit into both Castle Valley Ranch and New Castle, as they are an updated extension of existing neighborhoods. None of the character that exists in Castle Valley Ranch today will be lost.

One of the goals of the Town's Comprehensive Plan is to afford development of a variety of housing types: "[e]nsure a variety and mix of uses that complement the existing New Castle land-use patterns." (Compl. Plan at 33.) Even though the proposed structures of this subdivision are all multi-family in nature, we believe that this filing meets that objective. This is because the Comprehensive Plan did not limit its scope merely to each proposed filing. For example, in 2009 the Comprehensive Plan states that "The majority of [the 1657 estimated housing units at that time] are single-family residences." (Comp. P. at 19.) Those multi-family units identified by the Plan in 2009 essentially remain the only multi-family products in the Town to this day. Only 18% of the dwellings in 2009 were multi-family units. Across the map of The Town of New Castle, there has been a need for multi-family development, which is met by our filing.

The Plan seeks to enrich the community at large with a variety of housing types across the entire Town of New Castle. At present, there is a dearth of multi-family offerings in New Castle, and this is a very under-served market for New Castle residents according to the Comprehensive Plan. Our filing squarely meets that longstanding, community need, and promotes community growth. (Goals CG-1 and CG4E, Comp. Plan at 50 and 52.)

We have also provided for non-motorized access and interconnection between areas of the Town in our filing. (Compl. Plan at 33.) With the vital Avenue C trail connection, we are ensuring the cohesiveness of the entire New Castle community—bridging a geographical gap between the residences of Castle Valley Ranch and Lakota Canyon with the commercial enterprises of downtown New Castle. (Goal RT-1, Comp. Plan at 55.)

The attached plat incorporates open spaces and parks that are also part and parcel of the goals of the Comprehensive Plan (Comp. Plan at 33.) This is commensurate with the goal of providing different land-use categories within the filing: parks/open/space/trails, non-motorized access and large residential areas. (Goals CG-4 and POST-1, Comp. Plan at 52.) And, because irrigation will be accomplished through the use of raw water lines, there is recognition and appreciation for water use and energy conservation. (Goal I-1, Comp. Plan at 54.)

In short, this filing substantially complies with the terms of the Master Plan—even moreso given the market-based changes that we have witnessed since its creation in 2009. We have also exhibited an elevated level of compliance with the conditions in section 17.100.090 of the Town Code.

V. FISCAL IMPACT

The proposed filing 11 will serve to bring more property taxes to Garfield County, and could also augment the sales tax revenues for the Town of New Castle through new

potential residents to the Town. The sales taxes are extensive, as well, given the goods and services that the new residents of Filing 11 will purchase from local businesses.

This is the most affordable product in the New Castle market at this time, and buyers of townhomes at Filing 9 have oftentimes been wealthy retirees. These individuals are typically a benefit to the New Castle community in that they do not require the use of much of the Town infrastructure (such as schools, for example), and have sufficient resources such that they do not draw off of the Town's resources.

There will also be a subassociation governing Filing 11, which will be subservient to the Castle Valley Ranch Master Association. These will obviously provide other layers of maintenance cost mitigation over this parcel, including upkeep of the open spaces and sidewalks. As the declarant of the Castle Valley Ranch Homeowners Association, and being familiar with the terms and provisions of the covenants of the PUD, we anticipate no obstacles to the success of the plat, the dedication of land and other attributes of this proposed filing.

The Town, for its part, will be assuming responsibility for long-term maintenance of sewer and water lines; and road maintenance, including re-surfacing the streets. However, we expect TONC building fees to be around \$18,000 per unit; when multiplied by 91 units, this totals \$1,638,000 of revenue to the Town upon complete build-out of the filing. It's also important to consider real estate property taxes, which are expected to at least cover the utilities and road maintenance in New Castle.

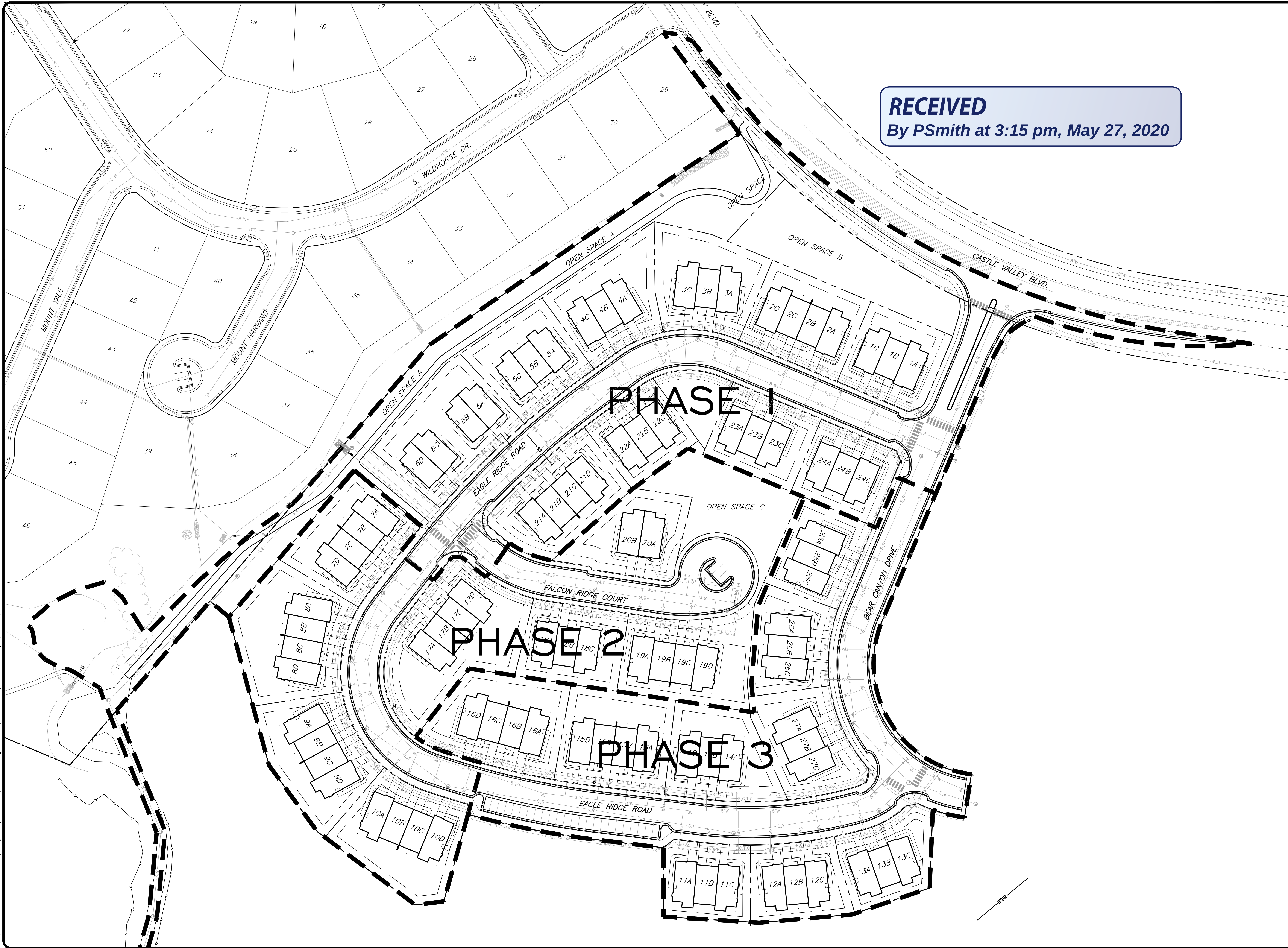
All in all we are very enthusiastic about our plans to build and develop in New Castle. It is important to us that we maintain close ties and work together with the Town in this and in all other facets of our development. Thank you.

Sincerely,

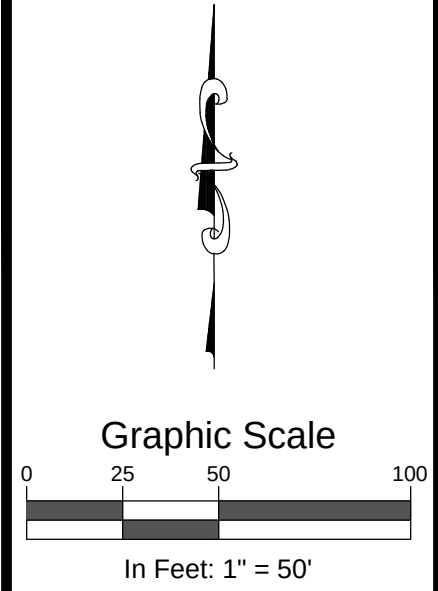
A handwritten signature in dark ink, appearing to read "J. Aaron Atkinson". The signature is fluid and cursive, with the first name "J." being prominent.

J. Aaron Atkinson
President
CVR Investors, Inc.

I:\2020\2000-109\029p17-Elmore\H-Dwg\Civil\PS-SheetSet\CVR17-11Phasing-Revised.dwg Plotted: 5/27/2020 1:43 PM By: Tyson Silvery



RECEIVED
By PSmith at 3:15 pm, May 27, 2020



SGM
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

Castle Valley Ranch
Preliminary/Final Plat and
Development Plan Set PA 17

Revision		Date	By
1			
2			
3			
4			
5			
6			
7			

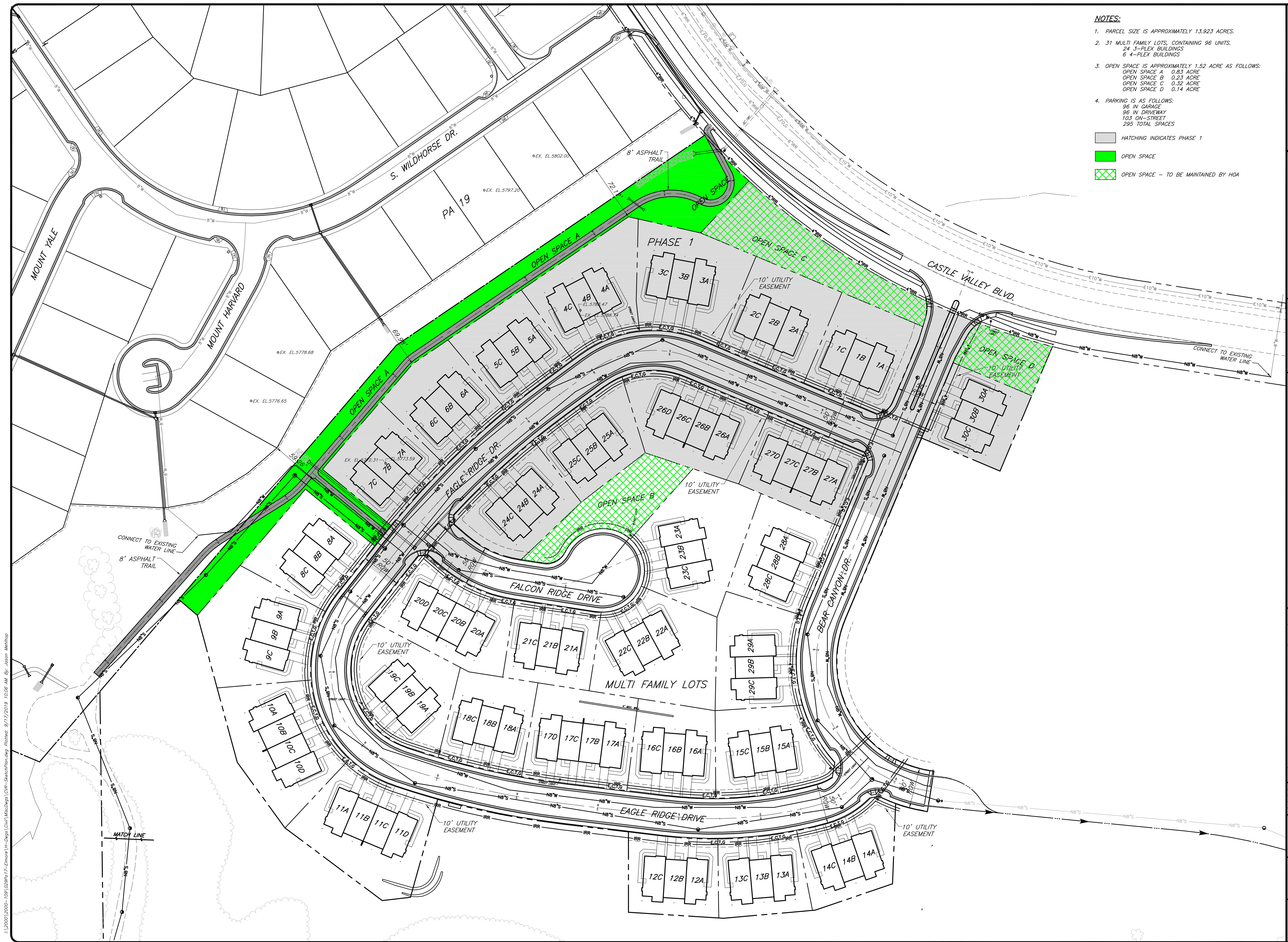
Project Milestone: Preliminary Not For Construction

Job No. 2000-109.029
Drawn by: JM
Date: 5.18.20
QC: DJC
File: CVR17-31Phasing-Revised

Title:
Phasing Plan

Dwg No.
7

Of: ----



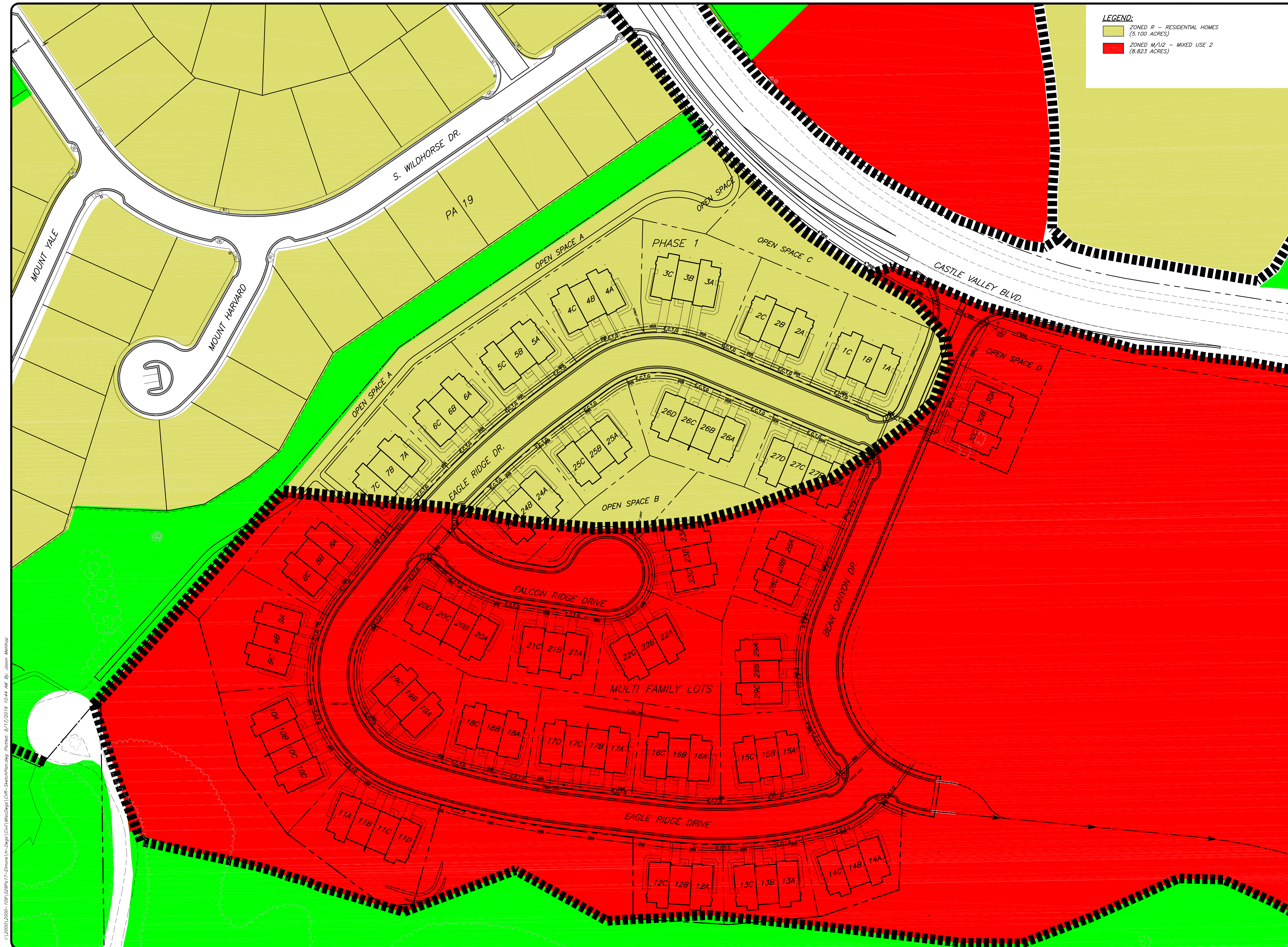
Job No.	2000-109.02									
Drawn by:	JUL									
Date:	7.30.11									
QC:	RM	PE:	DJL							
File:	CVR-SketchPlan									

Title:

PA17 Sketch Plan
(4)

Dwg No.

Of: 4





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

Staff Report

Castle Valley Ranch - Filing 11//Portion of PA17 & Remaining PA19 Combined Preliminary/Final for PUD & Subdivision Development Plans Planning Commission – May 13, 2020

Report Compiled: 5/7/2020

Project Information

Name of Applicant:	CVR Investors, Inc and its assigns
Applicant's Mailing Address:	1038 Country Club Estates Dr., Castle Rock, CO
Phone/Email:	303-549-1916; aa@hackstafflaw.com
Property Owner:	CVR Investors, Inc. (Aaron Atkinson)
Owner Mailing Address	Same as Applicant
Proposed Use:	27 Multifamily Lots (MF1), 3-plexes and 4-plexes; 91 total residential units;
Legal Description:	Section: 32 Township: 5 Range: 90 A PCL IN THE NE4 OF SEC 31 & NW4 OF SEC 32 CONT 48.695 AC AKA PARCEL 2 Section: 31 Township: 5 Range: 90 A PARCEL OF LAND SITUATE IN THE N1/2 SEC 31 CONT 15.505 AC AKA PARCEL 5
Street Frontage:	North – Castle Valley Blvd;
Existing Zoning:	Residential (R) & Mixed Use (MU)
Surrounding Zoning:	Single Family (SF2) – North & South Wildhorse Dr. Mixed Use (MU1) & Multifamily (MF1) – Redstone Dr.

I Application Exhibits:

(Documents 1-22 submitted prior to the P&Z hearing on May 13th, 2020)

- A. PUD & Subdivision Combination Applications
- B. Application Narrative
- C. Applicant Response to Referrals - SGM
- D. Referral - Colorado Parks & Wildlife
- E. Referral - Colorado Fire River Fire and Rescue
- F. Referral - Town of New Castle Public Works
- G. Referral - Town Engineer
- H. Referral + Redlined Plat -Town Attorney
- I. Referral - Town of New Castle Police Chief
- J. Referral - Garfield RE-2 School District
- K. Resident Comment – Wayne & Virginia Shelton
- L. Will Serve Letter - Xcel
- M. Public Notice
- N. List of Property owners within 250' of Development
- O. Affidavit as to Notice of Public Hearing
- P. Agreement to Pay Consulting Fees & Expenses, February 15th, 2019
- Q. Title Commitment + Legal Description
- R. Soils Report - A.G. Wassenaar
- S. Drainage Calculations - SGM
- T. Utility Report - SGM
- U. Traffic Impact Study - SGM
- V. Snow Storage Sheet – SGM
- W. Construction Drawings - SGM
- X. Architectural Floorplans – SGM

II Progression of Application:

Sketch Plan

A sketch plan application for Filing 11 was reviewed by the Planning Commission on September 11, 2019 and by Council on October 1, 2019. At that time the development proposal contemplated 96 multi-family dwelling units comprised entirely of tri-plexes and four-plexes similar in style to existing units along Redstone Dr. and Foxwood Ln. in Castle Valley Ranch (CVR). The 15 acre proposal spanned both mixed-use and residential zones south of Castle Valley Blvd (CVB) and east of S Whitehorse Dr. The general concept of the sketch plan – lot sizes, open space, trails, & roads – tracked closely with a prior application submitted by Village Homes, Inc. in 2008. The 2008 application was for 62 single-family homes and was ultimately withdrawn.



At both meetings it was noted by the Applicant that the sketch plan demonstrated substantial compliance with the municipal code, adopted model codes, public works manual, and the Comprehensive Plan (CP). Staff acknowledged that the overall *design* conformance was substantial, however, it disputed the degree of continuity with the CP and aspects of the CVR Master Plan. Staff maintained that though strict compliance with the CP is not compulsory – and in some cases not practical – the CP is intended to provide qualitative and quantitative guidance for future land use. It is an instrument used to discover what manner of development

mutually benefits the needs of the Town and the aspirations of the developer.

The sketch plan process produced points of consensus and debate. Those included:

Points of Consensus:

- For a preliminary/final application, all submittal components need to be thorough and complete prior to meeting with Council.
- The Applicant's product – triplexes on Redstone Dr and Foxwood Ln – has generally been well received by buyers. The units are energy efficient with various modern amenities.
- The typical price-point has been competitive with Lower Valley multi-family development.
- High density residential is better suited along and south of Castle Valley Blvd. (CVB) rather than in the vacant parcels to the north of CVB.
- Land use proposals should prioritize the health and well-being of the community.
- The developer is currently party to a restrictive covenant committing them to no more than 303 additional residential units and no commercial development.
- An east-west connector trail should be integrated into the design.
- A looped raw water system is best practice for landscape irrigation.
- View planes should be preserved as much as feasible.

Points of Debate:

- Two-thirds of the proposed development consists within a mixed-use zone as specified by the CVR Master Plan. Areas of strategic, small-scale commercial development should be considered in fidelity with the vision of mixed-use in the *CP*.
- Pedestrian circulation should be improved to provide direct access to open space, parks, and other areas throughout the CVR PUD.
- Diversity of dwelling units should be included into the design rather than the same style throughout.
- The density and design of multi-family homes seemed misplaced when directly bordering larger single-family homes on S Wildhorse Dr. Transitions should be more subtle.
- Trail connectivity was limited. The proposed Open Space C was not useful. A park amenity would be a better use of that location.
- Off-street parking, though compliant with codes, would create ongoing challenges for traffic flow and snow storage given the density, road widths, attached sidewalks, and propensity of residents to have more than two cars per household or using their garages as storage.
- Snow storage was not adequately specified on the site plan.
- C Ave might be considered for a future emergency access road, in hindsight to the small fire that broke out on Mt. Medaris in the summer of 2019.
- There should be separation between the curb and sidewalk for pedestrian safety and snow storage.
- The proposal did not sufficiently represent the Smart-Growth model endorsed by the *CP*. Smart-Growth promotes sustainable communities with compact residential mixed with commercial amenities and services, all reasonably accessible without vehicles.

- There was dissatisfaction with not knowing the development plan with the neighboring parcels. Without visibility it would be difficult to assess the appropriateness of the current proposal with the overall community. A master plan amendment was recommended to flesh-out those details.

Per Council request, the Applicant presented the conceptual plan to the general public at an open house. The meeting unfortunately was not well attended, but the few attendees did provide feedback based on their perception of Redstone Dr. & Foxwood Ln. and their recollection of the original application for Filing 11 in 2008. The units have generally been well-built and at an attractive price-point to a variety of consumers. However there was comment that the build-out could have better planned for parking, traffic flow, and non-vehicular movement.

III Current P&Z Preliminary/Final Application:

On February 10th, 2020 the Applicant submitted preliminary and final applications for a combined PUD & Subdivision plan in planning areas 17 & 19 of CVR (a.k.a. Filing 11). The application was considered complete on March 23rd, 2020. A preliminary/final application with P&Z should demonstrate rigorous compliance with the adopted codes, provisions for utilities and infrastructure, substantial conformance with the CP, and minimize any adverse impacts to the Town. The Commission's recommendation shall be delivered to Council within 30 days of the close of the hearing, per MC 17.100.080. The Commission can take one of the following actions at the hearing:

- Approve the application with or without conditions;
- Deny approval of the application;
- Continue the hearing pursuant to MC 16.08.040 § G.

In what follows, the application will be assessed according to the criteria outlined in MC 17.100.090:

1. Generally compatibility with adjacent land uses;
2. Consistency with the comprehensive plan;
3. Town's capacity to serve water and sewer and provide fire and police protection;
4. Whether land uses are permitted outright or by special review;
5. Whether number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan;
6. Whether the PUD utilizes:
 - i. the natural character of the land,
 - ii. provides for off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation,
 - iii. is of overall compatible architectural design,
 - iv. achieves adequate screening, buffering and aesthetic landscaping,
 - v. avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of this title.

IV CVR Purpose and Approval Criteria:

Castle Valley Ranch PUD – Purpose

According to Municipal Code section 17.104.010, the purpose and intent of the Castle Valley Ranch PUD zone district regulations are to:

1. Encourage variety in the physical development pattern of Castle Valley Ranch;
2. Provide a variety of housing densities greater than would be normally possible;
3. Encourage the use of a more creative approach to the development of land;
4. Encourage a more efficient, aesthetic and desirable use of open space;
5. Encourage a more efficient use of energy through solar orientation, native vegetation, and water conservation;
6. Provide a variety of dwelling and building designs;
7. Provide high standards of development and provide amenities appropriate to the densities involved in the project;
8. Provide an integrated open space system throughout areas as outlined on the Castle Valley Ranch PUD zoning plan as well as throughout individual districts;
9. Provide for a variety of housing types in order to best meet the housing demands of all age groups;
10. Maintain and preserve the general alignment of drainage ways for aesthetic, energy and functional purposes;
11. Provide pedestrian networks throughout the open space districts as well as throughout individual districts thereby providing an integrated network throughout the entire development;
12. Provide landscape areas and tree plantings throughout the entire development.

It is helpful to have these priorities in mind when considering an application's degree of conformance with the following approval criteria.

Approval Criteria

1) Is the proposal generally compatible with adjacent land uses?

The property is surrounded by mixed-use and residential zoning. Currently all surrounding development consists of either single family homes or multifamily dwellings. The proposed units are modeled after the tri-plexes located off of Redstone Drive – sized between 1,600sf & 1,796sf – and include four designated open spaces.

Staff Comment: Since the adjacent land uses are comprised of residential and open space, and the proposal resembles the tri-plexes built in Filing 9 on Redstone Ln. and Foxwood Dr., it is reasonable to conclude that the proposal is broadly compatible with surrounding uses.

There is some apprehension with the blunt transition from large single family homes directly to the west (3,000-4,000 sf on S Wildhorse Dr.) to the higher density 3 & 4-plexes proposed. The transition to higher density may have some adverse effects on property assessments in one way or another. Because of added congestion, noise, loss of view planes, without additional amenities the homes on S Wildhorse Dr. could suffer from external obsolescence. Conversely the close proximity of the higher value homes to the proposed development may artificially inflate the property values

of the multi-family homes. These effects might be avoided by replacing some of the multi-family lots with smaller single family dwellings, particularly on the west side of Eagle Ridge Dr. Alternatively these threats might be mitigated with increased open space and ample landscape buffers.

Finally, it is difficult to assess future compatibility of the proposal with the undeveloped properties to the east – parcels which the Applicant currently owns. For example, were the current application to be approved, how would it impact the future design of the mixed-use zone PA17 to the east? At this time the expectation for this parcel is unknown. With greater visibility, however, the Town would be in a better position to determine the suitability of the current application.

Degree of Conformance: Moderate/High

2) Is the proposal consistent with the comprehensive plan?

The CP anticipates future development to follow the Smart-Growth model (Goal CG-5). Values of smart-growth include:

- Livability
- Efficiency
- Affordability
- Environmentally Conscious

Central to this model is the concept of “place-making”. Place-making is a strategy promoting attractive, livable communities which, in turn, drive place-based business and investment while discouraging economic outsourcing. The community’s intrinsic strengths are primary to all development concepts. Incremental building, balanced housing types, transit alternatives, recreational opportunities, and even commercial services are believed to help create attractive communities which are environmentally friendly and compatible with the community’s needs. The CVR Master Plan purposely arranged mixed-use zones contiguous with residential zones to help preserve a place for services, amenities, and public wellness to achieve these ends.

Staff Comment: The Applicant proposes higher density townhomes. This is a helpful first-step in restraining sprawl and resonates with the more urban flavor specified by the CP. The proposal speculates that higher density should furnish more affordable options for young families, professionals, or those looking to downsize (CP Goal HO-2). Though this affordability is not at the level of deed restriction, the units should match an attractive price-point in the Valley.

Higher density should not, however, sacrifice health and wellness. Staff believes the current proposal risks sacrificing livability with the congestion caused by bulk residential growth. A balance might be struck by eliminating some buildings while increasing some tri-plexes to four-plexes. Or, reduce all four-plexes to three-plexes. With livability in mind this move would create greater buffer space between structures to meet the topography challenges, snow storage needs, trail placement, and parking limitations discussed below.

The CP expects a balance of land-uses particularly with development over 50 lots (CP Goal CG-4A) and especially when the development lies within a mixed-use zone. A mixture of home designs, integrated service amenities, non-vehicular connectivity, and generous open space will go a long way in improving community wellness and pairs better with the tenants of Smart-Growth.

The proposal demonstrates dedication of the required 10% of lands with a grade less than 35%. This amounts to ~1.5 acres of land. The adequacy of this dedication is discussed below. Other than space allocated to pedestrian paths, only Open Space C is reserved for potential recreation (CP Goal POST-2).

The Colorado Parks & Wildlife referral indicates that the current proposal would continue to compromise wildlife habitat. The referral concludes, "If the opportunity exists for creating wildlife movement corridors on the edges of this development, they should be reclaimed using appropriate vegetation and should contain visual and noise barriers. Some wildlife species may still attempt to access the area to the south of this development, so a vegetative barrier may provide some mitigation for the disruption at the site" (CP Goal EN-1).

Is the project sustainable? The CP (Goal CG-7) and MC (17.100.060) requires a fiscal impact study by final application to determine the future fiscal sustainability of public improvements. However because of the many variables and costs involved in a fiscal analysis, a full-on return on investment study was not requested. In theory, a fiscal analysis would indicate that the Town is better off with rather than without the proposed development. Some beta to help demonstrate this benefit:

- The Town has historical placed the burden of the initial infrastructure improvements on the developer (Goal I-1A).
- The application narrative explains that the 91 units will generate roughly \$1.66 million in permit fees, water taps, recreation fees, and use tax. However, other than use tax (~13% of permit fees or \$221,000 of the \$1.66 million) and recreation fees (\$45,500 for all 91 units), permit fees are usually a zero sum.
- The Town can expect revenues for infrastructure through a portion of the 8.551 mills on property assessments. For an average townhome in New Castle this amounts to \$210/year.
- The Town can expect revenues from sales tax (29% of all sales taxes is reserved for road maintenance and another 21% is reserved for parks and recreation).
- According to Public Works, the rule-of-thumb is that the Town typically depends on \$3,640/year per lane-mile for road paving and utility repair.

A fiscal impact study would combine these metrics with other dynamics to demonstrate the economic feasibility of development. For now it should help stimulate thought regarding known revenues and expenditures.

Degree of Conformance: Low/Moderate

3) Does the town have the capacity to serve the proposed use with water, sewer, fire and police protection?

Per the 2002 Second Amended Castle Valley Ranch Annexation Agreement, the Castle Valley Ranch PUD is has been allocated a maximum of 1400 total units. Currently an estimated 530 lots remain vacant. Dedicated water rights are still available for the proposed development.

Staff Comment: Public Works has confirmed that adequate water and sewer capacity are available for the number of lots proposed. According to the CP and the CVR Master Plan, a raw water loop for all landscape hydration should be featured. A water testing station for the Filing 11 has also tentatively been planned per Public Works recommendation.

All Staff have responded negatively to the width of the proposed road right-of-ways (ROW). Currently the proposed design is for 50' ROW or 37' flowline-to-flowline. This includes two 10.5' drive lanes, two 8' parking lanes, and two 5' attached sidewalks. This indeed is the minimum requirement for all local residential roads (MC 16.28.050 SH). To improve public safety, snow storage, and optimize the pedestrian experience, Public Works recommends detached sidewalks with an additional 5' green buffer. The result would be a 60' ROW similar to N Wildhorse Dr and other collector streets. The Police Chief would preference limiting parking to one side of street based on the poor track record of moving emergency personal and equipment in the Town's multi-family residential neighborhoods.



The 50' ROW in the higher density neighborhoods becomes increasingly problematic when snow storage is taken into account. Firstly, it is not easy to push snow down the middle of the street with 21' of total travel lane and vehicles parked on both sides. The driver must be attentive to snow "wake" or throwing snow from the blade into the sides of vehicles. Secondly, when snow storage is poorly located, snow



removal becomes highly inefficient and expensive. On heavy snow days, snow will be pushed into large piles in vacant parking spaces for staging until loaders and trucks haul it off – pushing snow is quick and inexpensive; Lifting and hauling snow is unreasonable when other alternatives for street design are available. Finally, with vehicles parked on both sides of the street, snow crews usually must return multiple times to clear area where vehicles were originally parked. In the end,

narrower ROWs usually bring a cost advantage to a developer. However for the Town of New Castle, the minimized widths have proven to be an ongoing challenge.

Degree of Conformance: Moderate

4) Are the uses proposed within the PUD permitted outright or by special review?

The proposal spans two distinct zones according to the CVR Updated Master Plan Map. A residential zone, colored in dijon, comprises the northern third of the development (5.1ac). The southern two-thirds, identified in red, is zoned mixed-use (8.8ac). The Applicant indicates that the site specific zoning is entirely multi-family MF-1, defined as 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” (17.104.080 A.3). In both residential and mixed-use zones, townhomes are permitted by right.

Staff Comment: Though the use intended is one of several permitted by right, the commitment to only residential development in a zone dedicated to mixed-use is not how the code defines mixed use in CVR (MC 17.104.080). Mixed use is purposely designated for a mixture of uses in accordance with the Smart-Growth model discussed earlier:

- MU-1: “mixed use district providing a mix of residential and nonresidential land uses within close proximity to each other that are suitably located within the community core.”
- MU-2: “mixed use district providing a mix of residential and light industrial, office uses within close proximity to each other where complementary business uses may be permitted, and where higher intensity uses will be permitted that may not be suitable within the community core.”

Nevertheless, converting the MU zones to all residential has become an all too common practice for developers in New Castle. Understandably, the alternative – nonresidential/commercial development – comes with economic risk, for it is arguably more difficult to fill commercial space. However, as noted in a previous development application, the Town struggles to correct the current imbalance between residential and commercial, which has contributed to fiscal disparities.

Staff contends that demand from the community plus demand from business interests makes provisions for commercial services and vendors more viable than in years past. The current Lakota Canyon Ranch Deli and the former veterinary clinic on 7th Street are testaments to successful business approaches integrated within predominantly residential areas. Fourmile Mountain Market in Glenwood Springs, Southside Drive in Basalt, and Eagle Ranch in Eagle are further instances of discrete commercial ventures in the heart of established residential neighborhoods.

Staff maintains, then, that the developer consider strategic locations for smart commercial options in their development plans. One suggestion might be to negotiate a zoning change which dedicates specific locations and/or functions that are deemed viable commercial areas. To move forward without any considerations means the permanent loss of another nine acres of the Town’s limited mixed-use property.

Degree of Conformance: Low/Moderate

5) Is the number of dwelling units permitted by the underlying zoning districts exceeded by the PUD plan?

The number of dwelling units in Castle Valley Ranch is restricted in two ways: 1) total number of units for all of Castle Valley and 2) minimum lot area per dwelling unit provided in tables found in MC 17.104.080 §H. Currently there are approximately 530 vacant lots in the Castle Valley PUD. With approximately 186.5 usable acres remaining, the average density would approach 2.8 units per acre. Furthermore the Applicant has elected the MF-1 zoning designation which limits the lot size for residential units to no smaller than 2,200sf. At this lot size the allowed density could approach an unrealistic 19.8 units/acre. The Castle Valley mixed-use zones are also allocated up to 100,000 aggregate square feet of commercial space which, like Lakota Canyon Ranch, has yet to be developed.

Staff Comment: The present application represents 91 units on 15ac for a density of 6.1 units per acre which, though more than double the average remaining density in Castle Valley Ranch, is far less than the 19.8 units/acre which could be allowed. If this proposal were approved the average remaining density would then fall to 2.6 units/acre. Staff believes this is manageable in theory.

In sum, though the density is significantly higher than many parts of the overall PUD, it would not affect the build-out of other parcels too adversely. For this application density, strictly speaking, should not be in conflict with the code requirements.

Degree of Conformance: High

6) Does the PUD proposal:

- i. **Provide off-street parking** – Castle Valley requires two off-street parking spaces per unit (17.104.100). The proposed design shows single-vehicle garages, with the driveway providing the second off-street parking space. As observed on Redstone Drive, the Riverpark Condos, and the Pyramid Peak Townhomes, this design is less than optimal and, as discussed above, compromises quality of life. In practice, these garages are used for storage, the driveway used for one vehicle, and the ROW used for all remaining vehicles. Together with sidewalks without green buffers, garbage bins in the driveway, and cars along the curb the congestion makes for an unpleasant pedestrian experience and undermines the appeal of the community. Other options exist. Staff encourages the Applicant to consider alternatives.
- ii. **Utilize the natural character of the land** – Due to the moderately sloped topography of the proposed 15 acres, some cut-and-fill will be required for construction feasibility. On the north two-thirds of the property, the Application will provide stepped lots. The lot lines will likely require retaining features such



as simple stacked-rock walls or wood tie retention. To date, these details have not been furnished.



Moving south in the development creates greater design challenges and topography alterations. Buildings 12 & 13 will require up to 36' of structural fill at the base of Ganley Hill. To remain below an 8% road grade the natural land contours will require alteration. At some point significant fill material will likely need to be moved or imported to the future Filing 12 to match the eastern grade with Filing 11. To retain the property's natural character measures such as these should be kept to a minimum.

- iii. **Provide pedestrian and bicycle circulation** – Proposed sidewalks help to provide safe egress from the street-to-home or from home-to-home. The CP (CP Goal T-1) envisions more for pedestrian circulation. Specifically non-vehicular trail systems should contribute to local recreation. Staff feels the current design has a solid start with 8' paths included to the north and to the west of the development. Staff maintains that trail connectivity could be increased internal to the development with small modifications to the development plan. A connecting 8' trail at the south end of Filing 11 and one that bisects the development is advised.



- iv. **Provide outdoor recreation** – Other than the existing Avenue C trail and a small centrally located pocket park, there is no realistic component of outdoor



recreation to this proposal. The 2008 application included a central one acre lot that was accessible from two streets. Staff encourages the development to have more useable open space than currently proposed. Elimination of Building 20 at a minimum with some grading changes will be a positive step in creating usable recreation space. An east-west connecting trail, is included in this plan set along the south end of Eagle Ridge Dr. to Bear Canyon Dr. Adding a landscape buffer of at least three feet along this trail will provide better safety for pedestrian travel.

- v. **Is of overall compatible architectural design, achieves adequate screening, and ensures compliance with performance standards** – The overall architecture will generally follow the design aspects of the approved townhomes located on Redstone Drive and Foxwood Ln. However, many of the buildings will be enlarged to four-plexes. Landscaping and screening are identified on sheets L1.0-3.0. All landscaping shall conform to requirements set forth by the relevant Town codes and verified by the Parks Department. The Applicant will be expected to agree to the performance standards adopted by the Town.

Degree of Conformance: Moderate

V. Subdivision Approval

A subdivision application will be approved by Town Council only if it is found to be compliant with the criteria set forth in MC 16.16.030. A subdivision plat will be provided at the preliminary stage of the application and will be reviewed by the Town attorney and engineer for compliance. Per PZ 2019-5, "One or more amended plats to define the boundaries of the individual units within each building shall be prepared for each building envelope based on as-built surveys after construction, which may be approved on staff level." Sale of individual units may not occur until the amended plat is recorded with Garfield County. Any revisions and corrections will be made prior to Council meeting.

VI. Staff Recommendations:

Staff recommends the Planning Commission explore the following alternatives to the proposal prior to deciding on Resolution 2020-06:

1. Integrate areas of strategic commercial development within the mixed-use zone of the CVR master plan.
2. Soften the transition created by the juxtaposition of large single-family homes with multi-family townhomes.
3. Improve the parking arrangement and resulting traffic congestion that results from parked vehicles along both sides of the streets.
4. Expand road ROWs to include 5' green buffers between road and sidewalk.
5. Improve pedestrian circulation to provide direct access to open space, parks, and other areas of Castle Valley Ranch. Create greater trail connectivity. Possibly add an east-to-west trail corridor throughout development and along the southern property border
6. Expand Open Space C to include useable recreation space.
7. Provide a general plan for the vacant parcel east of the proposed development in order to guide considerations for how best to use the mixed-use zone, trail routing, and road configuration.
8. Eliminate Buildings 12 & 13 in order to minimize fill material at the south end of the property and retain the natural topography.
9. Consider more strategic places for snow storage to minimize removal efforts by Public Works.
10. Design C Ave as part of a greater wildlife corridor potentially accessible by emergency vehicles when needed.
11. Street names be approved through Garfield County Communications to avoid any duplication of names in the county dispatch area.

**New Castle Planning and Zoning Commission Meeting
Wednesday, May 13, 2020, 7:00p.m., Town Hall**

Due to concerns related to the Coronavirus, the meeting was held as a phone conference meeting only. Commission Members and the Public attended by phone, computer, smart phone or tablet.

Call to Order

Commission Chair Apostolik called the meeting to order at 7:00 p.m.

Roll Call

Present Chair Apostolik
 Commissioner Bourquin
 Commissioner McDonald
 Commissioner Riddle
 Commissioner Sass
 Commissioner Westerlind
 Commissioner Lucio

Absent None

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, Public Works Director John Wenzel, Town Engineer Jeff Simonson and Deputy Town Clerk Mindy Andis and members of the public. All persons attended the meeting via phone computer, smart phone or tablet.

Meeting Notice

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2020-1.

Conflicts of Interest

There were no conflicts of interest.

Oaths of Office – Commissioner Beth Sass, Commissioner Alison Bourquin and Commissioner Brian Westerlind.

Deputy Clerk Andis swore in the newly elected members of the Commission: Commissioner Beth Sass, Commissioner Alison Bourquin and Commissioner Brian Westerlind.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ-2020-06 Regarding Combined Preliminary/Final Application for Subdivision and PUD Development Plans in Castle Valley Ranch, Filing 11

Chair Apostolik opened the public hearing at 7:07 p.m.

Town Planner Paul Smith said the application was for Castle Valley Ranch Filing 11/Portion of PA17 & Remaining PA19. Combined Preliminary/Final for PUD & Subdivision Development Plans.

Planner Smith walked through the progression of the application: A sketch plan application for Filing 11 was reviewed by the Planning Commission on September 11, 2019 and by Council on October 1, 2019. At that time, the development proposal contemplated 96 multi-family dwelling units comprised entirely of triplexes and quadraplexes, similar in style to existing units along Redstone Drive and Foxwood Lane in Castle Valley Ranch (CVR). The 15-acre proposal spanned both mixed-use and residential zones south of Castle Valley Boulevard and east of South Wild Horse Drive. The general concept of the sketch plan – lot sizes, open space, trails, & roads – tracked closely with a prior application submitted by Village Homes, Inc. in 2008. The 2008 application was for 62 single-family homes and was ultimately withdrawn.

At both meetings it was noted by the Applicant that the sketch plan demonstrated substantial compliance with the municipal code, adopted model codes, public works manual, and the Comprehensive Plan. Staff acknowledged that the overall *design* conformance was substantial, however, it disputed the degree of continuity with the Comprehensive Plan and aspects of the CVR Master Plan. Staff maintained that though strict compliance with the Comprehensive Plan is not compulsory – and in some cases not practical – the Comprehensive Plan was intended to provide qualitative and quantitative guidance for future land use. It was an instrument used to discover what manner of development mutually benefited the needs of the town and the aspirations of the developer.

The sketch plan process produced points of consensus and debate. Those included:

Points of Consensus:

- For a preliminary/final application, all submittal components need to be thorough and complete prior to meeting with Council.
- The Applicant's product – triplexes on Redstone Dr. and Foxwood Ln – has generally been well received by buyers. The units are energy efficient with various modern amenities.
- The typical price-point has been competitive with Lower Valley multi-family development.
- High density residential is better suited along and south of Castle Valley Blvd. (CVB) rather than in the vacant parcels to the north of CVB.
- Land use proposals should prioritize the health and well-being of the community.
- The developer is currently party to a restrictive covenant committing them to no more than 303 additional residential units and no commercial development.
- An east-west connector trail should be integrated into the design.
- A looped raw water system is best practice for landscape irrigation.
- View planes should be preserved as much as feasible.

Points of Debate:

- Two-thirds of the proposed development consists within a mixed-use zone as specified by the CVR Master Plan. Areas of strategic, small-scale commercial development should be considered in fidelity with the vision of mixed-use in the Comprehensive Plan.
- Pedestrian circulation should be improved to provide direct access to open space, parks, and other areas throughout the CVR PUD.
- Diversity of dwelling units should be included into the design rather than the same style throughout.
- The density and design of multi-family homes seemed misplaced when directly bordering larger single-family homes on South Wild Horse Dr. Transitions should be more subtle.
- Trail connectivity was limited. The proposed Open Space C was not useful. A park amenity would be a better use of that location.
- Off-street parking, though compliant with codes, would create ongoing challenges for traffic flow and snow storage given the density, road widths, attached sidewalks, and propensity of residents to have more than two cars per household or using their garages as storage.
- Snow storage was not adequately specified on the site plan.
- C Ave might be considered for a future emergency access road, in hindsight to the small fire that broke out on Mt. Medaris in the summer of 2019.
- There should be separation between the curb and sidewalk for pedestrian safety and snow storage.
- The proposal did not sufficiently represent the Smart-Growth model endorsed by the Comprehensive Plan. Smart-Growth promotes sustainable communities with compact residential mixed with commercial amenities and services, all reasonably accessible without vehicles.
- There was dissatisfaction with not knowing the development plan with the neighboring parcels. Without visibility it would be difficult to assess the appropriateness of the current proposal with the overall community. A master plan amendment was recommended to flesh-out those details.

Per Council request, the Applicant presented the conceptual plan to the general public at an open house. The meeting unfortunately was not well attended, but the few attendees did provide feedback based on their perception of Redstone Drive & Foxwood Lane and their recollection of the original application for Filing 11 in 2008. The units have generally been well-built and at an attractive price-point to a variety of consumers. However there was comment that the build-out could have better planned for parking, traffic flow, and non-vehicular movement.

III Current P&Z Preliminary/Final Application:

On February 10, 2020 the Applicant submitted preliminary and final applications for a combined PUD & Subdivision plan in planning areas 17 & 19 of CVR (a.k.a. Filing 11). The application was considered complete on March 23, 2020. A preliminary/final application with P&Z should demonstrate rigorous compliance with the adopted codes, provisions for utilities and infrastructure, substantial conformance with the Comprehensive Plan, and minimize any adverse impacts to the Town. The commission's recommendation shall be delivered to council within

30 days of the close of the hearing, per *Municipal Code* 17.100.080. The Commission can take one of the following actions at the hearing:

- Approve the application with or without conditions;
- Deny approval of the application;
- Continue the hearing pursuant to *Municipal Code* 16.08.040 § G.

Commissioner Bourquin asked since both preliminary and final were combined, could preliminary be approved and final denied.

Town Attorney Haley Carmer said the application was unique in some respect. She said they were being presented with a full development of 91 units, however, the application is to plat and develop only the first phase of the filing. The commission needed to determine whether there was enough information to approve the preliminary for the entire development and the final for the first phase of the first 10 lots with 32 units. The applicant was seeking an approval for the whole development, but authority for the different phases to be approved at an administrative level. The zoning can be decided now and the next two phases will have to be consistent. . If future phases are different then staff would have the option to bring the phases back to Planning & Zoning and Council for approval.

Planner Smith said applicant was looking to get approval for a PUD application for 91 units and Subdivision Plat for phase 1.

In what follows, the application will be assessed according to the criteria outlined in *Municipal Code* 17.100.090:

1. Generally compatibility with adjacent land uses;
2. Consistency with the comprehensive plan;
3. Town's capacity to serve water and sewer and provide fire and police protection;
4. Whether land uses are permitted outright or by special review;
5. Whether number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan;
6. Whether the PUD utilizes:
 - i. the natural character of the land,
 - ii. provides for off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation,
 - iii. is of overall compatible architectural design,
 - iv. achieves adequate screening, buffering and aesthetic landscaping,
 - v. avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of this title.

IV CVR Purpose and Approval Criteria:

Castle Valley Ranch PUD – Purpose

According to Municipal Code section 17.104.010, the purpose and intent of the

Castle Valley Ranch PUD zone district regulations are to:

1. Encourage variety in the physical development pattern of Castle Valley Ranch;
2. Provide a variety of housing densities greater than would be normally possible;
3. Encourage the use of a more creative approach to the development of land;
4. Encourage a more efficient, aesthetic and desirable use of open space;
5. Encourage a more efficient use of energy through solar orientation, native vegetation, and water conservation;
6. Provide a variety of dwelling and building designs;
7. Provide high standards of development and provide amenities appropriate to the densities involved in the project;
8. Provide an integrated open space system throughout areas as outlined on the Castle Valley Ranch PUD zoning plan as well as throughout individual districts;
9. Provide for a variety of housing types in order to best meet the housing demands of all age groups;
10. Maintain and preserve the general alignment of drainage ways for aesthetic, energy and functional purposes;
11. Provide pedestrian networks throughout the open space districts as well as throughout individual districts thereby providing an integrated network throughout the entire development;
12. Provide landscape areas and tree plantings throughout the entire development.

It is helpful to have these priorities in mind when considering an application's degree of conformance with the following approval criteria.

Approval Criteria

1) Is the proposal generally compatible with adjacent land uses?

The property is surrounded by mixed-use and residential zoning. Currently all surrounding development consists of either single family homes or multifamily dwellings. The proposed units are modeled after the tri-plexes located off of Redstone Drive – sized between 1,600sf & 1,796sf – and include four designated open spaces.

Staff Comment: Since the adjacent land uses are comprised of residential and open space, and the proposal resembles the tri-plexes built in Filing 9 on Redstone Dr. and Foxwood Ln., it is reasonable to conclude that the proposal is broadly compatible with surrounding uses.

There is some apprehension with the blunt transition from large single family homes directly to the west (3,000-4,000 sf on South Wild Horse Dr.) to the higher density 3 & 4-plexes proposed. The transition to higher density may have some adverse effects on property assessments in one way or another. Because of added congestion, noise, loss of view planes, without additional amenities the homes on South Wild Horse Dr. could suffer from external obsolescence. Conversely the close

proximity of the higher value homes to the proposed development may artificially inflate the property values of the multi-family homes. These effects might be avoided by replacing some of the multi-family lots with smaller single family dwellings, particularly on the west side of Eagle Ridge Dr. Alternatively these threats might be mitigated with increased open space and ample landscape buffers.

Finally, it is difficult to assess future compatibility of the proposal with the undeveloped properties to the East – parcels which the applicant currently owns. For example, were the current application to be approved, how would it impact the future design of the mixed-use zone PA17 to the East? At this time the expectation for this parcel is unknown. With greater visibility, however, the town would be in a better position to determine the suitability of the current application.

Degree of Conformance: Moderate/High

Commissioner McDonald asked about the ways to mediate the 70 feet of transitional area between single family and multi-family units.

Planner Smith said simply to add trees and landscaping. Also to soften the transition there could be different types of units.

Commissioner Bourquin asked about the emergency access to Mt. Medris regarding the width, right-of-way or spaces needed for the fire department to have access.

Planner Smith said he was not certain.

Town Engineer Jeff Simonson said it all depended on the type of vehicle that was used.

Commissioner Bourquin said there would be some grading that would need to be done.

Planner Smith said that could be done. The biggest concern was the slope and some of the bigger vehicles that may not be able to get up N. C. Avenue.

Commissioner Riddile asked if the fire department has asked or requested emergency access from N. C. Avenue to Castle Valley Ranch.

Planner Smith said it was brought up by staff during sketch plan review.

Commissioner Westerlind asked what the spacing of the units were compared to the units on Redstone Drive and Foxwood Lane.

Planner Smith said thought the setback was 10 feet and 20 feet between buildings.

Commissioner Riddile said on the other side of South Wild Horse Drive and Little Bear Peak it does transition to an exclusively townhome area. The area between is a minimum of 70 feet, then it gets larger at Hot Shot Park.

Commissioner Bourquin said according to the Division of Wildlife there is significant wildlife movement in the filling 11 area and would that be accommodated and on the plans. She thought that perhaps 70 feet would be a small wildlife corridor.

Planner Smith said he had spoken with Colorado Wildlife District Manager, Brian Gray. Mr. Gray said there is no determined feet required for wildlife corridor because there are so many people going through the corridor on foot, with dogs and on bikes. He said that once the area becomes a green space it loses the significance of a corridor. If the opportunity existed for creating wildlife movement corridors on the edges of the development, the developer should reclaim using appropriate vegetation and it should contain visual and noise barriers. Some wildlife species may still attempt to access the area to the south of the development, so a vegetative barrier may provide some mitigation for the disruption of the site. Planner Smith said however, there was one other alternative: the drainage by the roundabout that could potentially be used for the wildlife corridor.

Applicant Aaron Atkinson (CVR Investors) said he had heard the discussion regarding the emergency access from N. C. Avenue to Castle Valley Ranch. After looking at it, the grade is too significant to be willing to look at something like that.

Mr. Atkinson said regarding the wildlife corridor concern, he agreed that the area to the east of the property would be more suitable area for the corridor.

Chair Apostolik asked Mr. Atkinson if there were plans to landscape the backside of the properties to enhance the transition between single family and multi-family units. Because all that is shown the plans is generic landscaping which includes some irrigation, a few trees in front of the houses off of Castle Valley Boulevard but nothing the other way.

Mr. Atkinson said regarding the transition and with respect to what the town pointed out, CVR Investors disagreed. Mr. Atkinson said he had looked over the Comprehensive Plan and was familiar with the discussions about diversification in regards to housing products. He said that the Comprehensive Plan is not read in isolation about one filing, and it is not a Castle Valley Ranch specific document. It is a Town of New Castle document. He said that the diversification requirement that is encouraged not just in one specific parcel but across the entire town. He felt that the town was not in a position where there was enough multi-family product that is a price point to meet what the demand is. CVR Investors felt the proposed town homes can and will meet the current demand.

Chair Apostolik said it was not so much the transition from single family to multi-family. The concern was the transition between the existing homes and the new development coming in.

Mr. Atkinson said during the discussion at sketch plan there was conversation about a softer transition that could be made. Perhaps single family homes along the westerly Eagles Ridge Drive to soften the transition to S. Wild Horse Dr. With regards to open space "A", Mr. Atkinson said that CVR Investors did provide a generic landscaping plan intended to meet with the open space. Mr. Atkinson said he was open to some discussion regarding landscaping and open space "A" with the

understanding that would ultimately give to the town and there will be maintenance required. He said he understood the concerns of the citizens regarding multi-family right next to a development on S. Wild Horse that are single family units. He said there will be plenty of square footage from building envelope to building envelope. By design there will be two sections of landscaping and it's appropriate for the parcel.

Chair Apostolik said there was a difference in the transition and part of the concern at the sketch plan hearing was that the homes were all the same. . Some ideas were to change the texture or siding.

Mr. Atkinson said the architectural plans that were submitted were conceptual only. The anticipated design was tri-plexes and quadraplexes they will have the same feel as the buildings on Redstone Drive. The buildings will be a contemporary design and not be a row home in a tract development. The design of the tri-plexes specifically will look like a single family home without being a single family home. The buildings will look marginally different from one to the next.

Mr. Atkinson said that he could not say what the design would look like at this point in the development.

Commissioner Bourquin said as far as the triplex and quadraplex, she supported the product type. An increase in density starts to provide assessable, affordable housing.

Commissioner Bourquin said that housing mix and diversity means both product and price point. The diversity of housing is when there is different product type and price points that are offered. That is what the Comprehensive Plan is referencing regarding diversity and housing mix. Offering different houses for all stages of life and all ranges of income. She felt that Triplex and quadraplex were the same and missing the diversity.

Commissioner Westerlind asked Mr. Atkinson what the anticipated price range would be.

Mr. Atkinson said he did not have an answer, however, the price points for the units on Redstone Drive were between \$350,000.00 and \$390,000.00. Of course, it is subject to market conditions.

Planner Smith said some of the end units on Redstone Drive sold in the low \$400,000.00 range.

Commissioner Sass said that looking at the zoning map, on S. Wild Horse Drive the map showed residential it does not say mix use or multi-family housing. Therefore, she felt that the property should be developed into single family homes and not multi-family homes.

Planner Smith explained that multi-family was allowed in residential and mixed-use zones.

Planner Smith asked Mr. Atkinson if the architectural plans were conceptual plans meaning that is what would be built.

Mr. Atkinson said yes, that is what CVR Investors will be building, but they are conceptual in the sense that the veneer and color, etc. are broad strokes of what will be built. The floor plans are the same but the aesthetics are not yet known.

Planner Smith said since the application was at final it was considered to be what you see is what you get. Staff needed to be sure what has been submitted is what CVR Investors are planning to build.

Mr. Atkinson said that is what will be built. Colors and products cannot be specific, but the floor plans and the structure is what is shown on the architectural plans.

2) Is the proposal consistent with the Comprehensive Plan?

The Comprehensive Plan anticipates future development to follow the Smart-Growth model (Goal CG-5). Values of smart-growth include:

- Livability
- Efficiency
- Affordability
- Environmentally Conscious

Central to this model is the concept of “place-making”. Place-making is a strategy promoting attractive, livable communities which, in turn, drive place-based business and investment while discouraging economic outsourcing. The community’s intrinsic strengths are primary to all development concepts. Incremental building, balanced housing types, transit alternatives, recreational opportunities, and even commercial services are believed to help create attractive communities which are environmentally friendly and compatible with the community’s needs. The CVR Master Plan purposely arranged mixed-use zones contiguous with residential zones to help preserve a place for services, amenities, and public wellness to achieve these ends.

Staff Comment: The Applicant proposes higher density townhomes. This was a helpful first-step in restraining sprawl and resonates with the more urban flavor specified by the Comprehensive Plan. The proposal speculates that higher density should furnish more affordable options for young families, professionals, or those looking to downsize (CP Goal HO-2). Though the affordability is not at the level of deed restriction, the units should match an attractive price-point in the Valley.

Higher density should not, however, sacrifice health and wellness. Staff believes the current proposal risks sacrificing livability with the congestion caused by bulk residential growth. A balance might be struck by eliminating some buildings while increasing some tri-plexes to quadraplexes. Or, reduce all quadraplexes to tri-plexes. With livability in mind this move would create greater buffer space between structures to meet the topography challenges, snow storage needs, trail placement, and parking limitations discussed below.

The Comprehensive Plan expects a balance of land-uses particularly with development over 50 lots (Comprehensive Plan Goal CG-4A) and especially when the development lies within a mixed-use zone. A mixture of home designs, integrated service amenities, non-vehicular connectivity, and generous open space will go a long way in improving community wellness and pairs better with the tenants of Smart-Growth.

The proposal demonstrates dedication of the required 10% of lands with a grade less than 35%. This amounts to ~1.5 acres of land. The adequacy of this dedication is discussed below. Other than space allocated to pedestrian paths, only Open Space "C" is reserved for potential recreation (Comprehensive Plan Goal POST-2).

The Colorado Parks & Wildlife referral indicates that the current proposal would continue to compromise wildlife habitat. The referral concludes, "If the opportunity exists for creating wildlife movement corridors on the edges of this development, they should be reclaimed using appropriate vegetation and should contain visual and noise barriers. Some wildlife species may still attempt to access the area to the south of this development, so a vegetative barrier may provide some mitigation for the disruption at the site" (Comprehensive Plan Goal EN-1).

Is the project sustainable? The Comprehensive Plan (Goal CG-7) and *Municipal Code* (17.100.060) requires a fiscal impact study by final application to determine the future fiscal sustainability of public improvements. However because of the many variables and costs involved in a fiscal analysis, a full-on return on investment study was not requested. In theory, a fiscal analysis would indicate that the town is better off with rather than without the proposed development. Some beta to help demonstrate this benefit:

- The town has historical placed the burden of the initial infrastructure improvements on the developer (Goal I-1A).
- The application narrative explains that the 91 units will generate roughly \$1.66 million in permit fees, water taps, recreation fees, and use tax. However, other than use tax (~13% of permit fees or \$221,000 of the \$1.66 million) and recreation fees (\$45,500 for all 91 units), permit fees are usually a zero sum.
- The town can expect revenues for infrastructure through a portion of the 8.551 mills on property assessments. For an average townhome in New Castle this amounts to \$210/year.
- The town can expect revenues from sales tax (29% of all sales taxes is reserved for road maintenance and another 21% is reserved for parks and recreation).
- According to Public Works, the rule-of-thumb is that the town typically depends on \$3,640/year per lane-mile for road paving and utility repair.

A fiscal impact study would combine these metrics with other dynamics to demonstrate the economic feasibility of development. For now it should help

stimulate thought regarding known revenues and expenditures.

Degree of Conformance: Low/Moderate

Chair Apostolik asked Planner Smith the reasoning for the degree of conformance of low/moderate.

Planner Smith said the low/moderate has more to do with the smart growth model. Whether the community is livable/affordable and economically conscience, but has higher density. The biggest effects will come from snow storage, trails and parking, and may impact wildlife and whether or not the open space is usable. Planner Smith said that nothing had really changed from Sketch Plan to the Preliminary/Final Plan. He asked if the commission was satisfied with the one 5-acre open space parcel or did they want something that was more usable for picnic and parks, and should there be another park that is dedicated to the town that would have to be maintained.

Chair Apostolik asked if open space was an arbitrary term.

Planner Smith said that open space just meant there were no structures.

Commissioner Riddle said should look at what a sub association could do with a pocket park. If the town does accept another pocket park was it possible give some responsibility to a sub association.

Chair Apostolik asked Mr. Atkinson if they were looking at having a Home Owners Association (HOA) in filing 11.

Mr. Atkinson said yes, there would be two layers. First would be in the Castle Valley Ranch Master Association, then there would be a sub association for just that filing. The sub association would be similar to filing 9. The sub association would be dealing with the open space issues other than open space "A" because open space "A" is the towns.

Commissioner Bourquin said after reading the citizens letters and staff comments, open space was very valuable to the community. Since COVID-19 it had become more import to the health and wellbeing of the community. With the increase of density open space becomes more important for the wellness and livability of the community.

Commissioner Westerlind said the way the project was laid out there was no extra parking for the open spaces or for community gatherings. There was no way for people to get to know their neighbors.

Commissioner Riddle asked Mr. Atkinson what his willingness was to reduce the number of units in the proposed development for livability. The units would be replaced with snow storage, parking and open space.

Mr. Atkinson said each item needed its own discussion. Regarding the open space the development has met the requirement and the criteria. CVR Investors had gone

through a lot of time and money to get the design to the point it was at. The design started as a configuration of roads and drawings that made it to town council 10 years ago. He said their willingness to redraw was reduced even from sketch plan. Mr. Atkinson said that regarding the open space the answer was no. Mr. Atkinson said that snow storage needed to have its own discussion because they had submitted a new plat that showed additional snow storage.

Commissioner Bourquin said market data from 2008 should not have been used to determine market feasibility. When CVR Investors shifted typology so significantly, adding nearly 40 percent more product. She asked why that was not cause for a second look at grading, roads lay out, utilities and open space.

Mr. Atkinson said partly because the data would show the transitions in terms of demographics from 2008 to 2020 have not changed so dramatically that would require dramatic changes to the design. The codes and requirements as of 2008 are not substantially different as they are in 2020. The only different is New Castle needs more multi-family product then it ever did back in 2008.

3) Does the town have the capacity to serve the proposed use with water, sewer, fire and police protection?

Per the 2002 Second Amended Castle Valley Ranch Annexation Agreement, the Castle Valley Ranch PUD is has been allocated a maximum of 1400 total units. Currently an estimated 530 lots remain vacant. Dedicated water rights are still available for the proposed development.

Staff Comment: Public Works has confirmed that adequate water and sewer capacity are available for the number of lots proposed. According to the *Comprehensive Plan* and the Castle Valley Ranch Master Plan, a raw water loop for all landscape hydration should be featured. A water testing station for the Filing 11 has also tentatively been planned per Public Works recommendation.



All Staff have responded negatively to the width of the proposed road right-of-ways (ROW). Currently the proposed design is for 50' ROW or 37' flowline-to-flowline. This includes two 10.5' drive lanes, two 8' parking lanes, and two 5' attached sidewalks. This indeed is the minimum requirement for all local residential roads (*Municipal Code 16.28.050 §H*). To improve public safety, snow storage, and optimize the pedestrian experience, Public Works recommends detached sidewalks with an additional 5' green buffer. The result would be a 60' ROW similar to N Wild Horse Dr. and other collector streets. The Police Chief would preference limiting parking to one side of street based on the poor track record of moving emergency personal and equipment in the Town's multi-family residential neighborhoods.



The 50' ROW in the higher density neighborhoods becomes increasingly problematic when snow storage is taken into account. Firstly, it is not easy to push snow down the middle of the street with 21' of total travel lane and vehicles parked on both sides. The driver must be attentive to snow "wake" or throwing snow from the blade into the sides of vehicles. Secondly, when snow storage is poorly located, snow removal becomes highly inefficient and expensive. On heavy snow days, snow will be pushed into large piles in vacant parking spaces for staging until loaders and trucks haul it off – pushing snow is quick and inexpensive; Lifting and hauling snow is unreasonable when other



alternatives for street design are available. Finally, with vehicles parked on both sides of the street, snow crews usually must return multiple times to clear area where vehicles were originally parked. In the end, narrower ROWs usually bring a cost advantage to a developer. However for the Town of New Castle, the minimized widths have proven to be an ongoing challenge.

Degree of Conformance: Moderate

Town Public Works Director John Wenzel said after reviewing the application has the following comments:

Streets and Sidewalks

With the ultimate buildout of the adjacent property located to the east of PA 17 & 19, Bear Canyon Drive will likely have high traffic volumes and will function more as of a collector street than as a residential street. Our Municipal Code defines a collector street as: "those with low to medium traffic volumes, whose purpose is to provide access to residential areas and to channel traffic from residential areas to arterial streets." The Public Works Department recommends that Bear Canyon Drive have a right-of-way of 60 feet, to include 2/12' wide travel lanes, 2/8' wide parking lanes, 2/5' wide "green belts", and 2/5' wide sidewalks. The incorporation of the "green belt" will provide much needed snow storage space. The alternative to storing snow in the "green belt" is storing snow in the parking lane. Storing snow in the parking lane causes drivers to partially park in the travel lane, creating dangerous conditions for motorists. This can be especially hazardous on high volume roads.

Falcon Ridge Ct. has been designed as a dead-end street. The town's Municipal Code does not permit this design standard. Dead-end streets do not efficiently and safely accommodate all modes of travel, particularly emergency vehicles, maintenance vehicles, and delivery vehicles. Dead-end streets often result in conflict between private property owners and vehicle operators, especially when vehicle operators require the use of private property to safely turn around.

Snow Storage

High density developments make snow removal services extremely difficulty and time consuming. The close proximity and the large number of driveways greatly reduces snow storage availability. Additional design standards should be considered, including, "green belts", designated snow storage areas, and ample off street parking.

Open Space

The applicant indicates that Open Spaces B, C and D are to be conveyed to the Castle Valley Ranch HOA. We should make sure that that is an acceptable situation with the Castle Valley Ranch HOA authorities. Otherwise, it may be necessary for the applicant to create a sub HOA.

Colorado River Fire Rescue Fire Marshal Orrin Moon stated in a letter after reviewing the plans for Castle Valley Ranch Mr. Moon had the following comments:

1. The phasing of the construction does not say if infrastructure is in place prior to construction of buildings. We need information on how the phasing will be done, roads, (all weather driving surface), waterlines and fire hydrants will be installed and in service. Buildings shall not be built prior to roads, hydrants and water supply being in service.
2. Phase 1 shows a dead end with provisions of a fire truck turnaround installed at the beginning of Falcon Ridge Court. Phase 2 shows no fire truck turnaround at the end of the street. Fire truck turnaround on all-weather driving surface is required.
3. All street names shall be cleared through Garfield County Communications to avoid any duplication of street names in the county dispatch area.
Address numbering shall be sequential and based on distance from entrance of street. Fire Marshal will submit names to Communications for approval.
4. Falcon Ridge parking entrance will work for a fire truck turnaround on the street. Parking signage shall be installed on turnaround to disallow any parking other than the established parking spots. Wording on signage shall be approved by Fire Marshal.
5. Fire Hydrant Detail on plans will be strictly enforced as to finish grade elevation. Hydrants too low will be reviewed by fire marshal and New Castle Public Works to determine if an extension is needed prior to final approval. Any vegetation located near fire hydrants shall be planted to allow growth which will never obstruct a 3' radius around fire hydrant.

Garfield County Emergency Communications Authority Tom Holm and Colorado River Fire Rescue John Gredig stated in a response to naming of streets: There are currently the following street names: Bear Paw Lane, Bear Wallow Lane, Bear Ridge Road, Black Bear Road, Golden Bear Road., Little Bear Peak, Eagle Ridge Drive and many other street names with Eagle. However, Falcon Ridge Court is fine, currently there are no other Falcon street names.

Chair Apostolik asked Town Engineer Jeff Simonson why was the recommendation was NOT to put the buffers in simply because of the deterioration of the roads.

Mr. Simonson said he did not address the buffers because public works might need to add a place for snow storage and to resolve the ongoing dispute with land owners shoveling the sidewalk into the streets and public works plowing the snow back onto the sidewalks. There were problems in Lakota Canyon Ranch where the buffers caused an issue undermining the sidewalks and roadway. There was some construction issues associated with that, but it could be done properly.

Chair Apostolik said looking at the design plan there was no buffer shown. He asked if town staff gone through the plan designed by SGM and was the applicant made aware of the buffering request.

Mr. Simonson said he believed that was a discussion during sketch plan.

Director Wenzel said the buffers was part of his comments during the sketch plan process.

Chair Apostolik said the current plans did not address the buffers.

Mr. Simonson said the current plans did meet the requirements of the code. There was a problem with snow storage. Buffers would be the best way to resolve the issue with snow storage. Planning & Zoning Commission and Town Council could have include a resolution of the snow storage issue as a condition of approval. The current proposal is to have the sidewalk to the back of the curb.

Commissioner Riddile asked Director Wenzel if he has looked as the proposed snow storage plan.

Director Wenzel said he had and it was the biggest concern. As far as public works and maintenance standpoint looking at the high density developments there's always concerns about the level of service for snow removal and snow storage. He said there are a number of solutions or combination of solutions that could be implemented such as green belts, wider right-of-ways, parking restrictions and dedicated snow areas. Director Wenzel said that what make it difficult was the number of driveways and the number of parked cars on the street. He felt green belts were very effective.

Commissioner Riddile asked Mr. Atkinson if he was open to any of the suggestions from the public works and town engineer regarding snow storage.

Mr. Atkinson said yes. The current design surrounded a couple of concepts. One concern was water getting underneath the gutter and the street. The second concern is currently there is 25' from sidewalk to garage. The green belt in the development going back and redrawing and by redrawing things either gets pushed back or drawn in to an extent that is not workable. Limiting the snow storage to Little Bear Canyon Dr. Open to parking restrictions to help accommodate some of the issues in terms of snow storage.

Commissioner Riddile asked Director Wenzel if the snow storage shown on the plans were adequate.

Director Wenzel said snow storage areas are difficult because snowplows are not designed to carry snow, they are designed to push snow. Carrying snow and putting it in a designated snow storage area takes a lot of resources from public works. Public Works does not have much personnel or financial resources. He said that a designated snow storage area as the only solution to the problem would increase the work load by 5-8 percent. That meant there had to be more plow drivers and equipment operators for snow hauling. Designated snow storage is part of a solution but it is not the only solution. In addition, he said that point loading snow storage caused water not to flow during the freeze/thaw cycles causing ice build-up.

Director Wenzel said he had proposed a number of solutions to the applicant. Have spoken with the applicant about green belts which are very effective. He noted that the failed roadway in Lakota had to do with the quality of construction and not the presence of the green belt. Director Wenzel said that green belts, designated snow storage area and off street parking make plowing more efficient.

Engineer for CVR Investors Dan Cokley said the spaces that were chosen for snow storage was because the spaces were available on the plan and he said he believed the streets had enough slope that the water will flow when the snow melts.

Mr. Atkinson said green belts are something the applicant will not consider because that meant going back to the drawing board and starting over. However, they would consider Bear Canyon Drive. Also, he said that parking restrictions could be looked at to help public works.

Director Wenzel said Bear Canyon Drive would be the very minimum with regards to the green belts because that looks more like a collector street than a residential street. The way that it's designed now the only alternative was to store snow in the parking lane, which means people will park in the drive lane. He said when people park in the drive lane that creates a hazard. Particularly on a heavily traveled road like Bear Canyon Drive. Public Works was not concerned about the extra work related to snow removal but more concerned about the limited resources and the level of service to the residences living the neighborhoods and the livability of the subdivision.

Commissioner Westerlind asked Director Wenzel if having an alternating parking plan such as certain days of the week on one side and other days on the opposite side of the street might work.

Director Wenzel said yes. That type of plan has worked in other neighborhoods with the cooperation with sub HOAs. Again, he said that was another possible solution.

Town Administrator Dave Reynolds said you have to look at the how often you have opposing driveways across the street from one other in the development and the ability to have alternating side of the street parking. Looking at the driveway layout, whether or not there is any space for alternate side parking may be inhibited by the driveways.

Engineer Simonson said between each block of units, for example building 1 and 2, there is significant space between driveways where you have the ability to bump

out the sidewalk and create a space to provide snow storage that could be directly plowed from the street. That could be repeated between each building, providing scattered locations to store some of the snow.

Mr. Atkinson said that could be something they would look at. Then that would address CVR Investors concerns regarding the driveway clearance and people's cars off the sidewalk.

Commissioner Bourquin asked about using intersection bump-outs for landscaping buffers that would also provide for snow storage.

Mr. Atkinson said he does think so, but he had not looked at the bump-outs in those terms..

Chair Apostolik asked if the sub association could take care of plowing even though the town owned the streets.

Director Wenzel said that often times there were difference in ideas of how to maintain the streets, therefore the town often takes back the maintenance of the streets.

Chair Apostolik asked if there was a way the town could collect from the HOA when the town has to take back the streets.

Director Wenzel said that he did not have an answer.

Administrator Reynolds said it got difficult when the town breaks away from the normal, and created phases around town that all have different ways of maintain the streets, the agreements often fall apart and it makes it harder to manage.

Commissioner Riddle asked Mr. Atkinson if building 1-6 could they be moved 5 feet to the North and West then, shift everything else 5 feet. That would create a green belt on one side of Eagles Ridge Dr.

Mr. Atkinson said every change to the plan does have an effect then it would seem not say the least monetary. So, therefore it would not be something to consider.

4) Are the uses proposed within the PUD permitted outright or by special review?

The proposal spans two distinct zones according to the Castle Valley Ranch Updated Master Plan Map. A residential zone, comprises the northern third of the development (5.1ac). The southern two-thirds, identified in red, is zoned mixed-use (8.8ac). The Applicant indicates that the site specific zoning is entirely multi-family MF-1, defined as 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" (17.104.080 A.3). In both residential and mixed-use zones, townhomes are permitted by right.

Staff Comment: Though the use intended is one of several permitted by right, the commitment to only residential development in a zone dedicated to mixed-use is not how the code defines mixed use in Castel Valley Ranch (*Municipal Code* 17.104.080). Mixed use is purposely designated for a mixture of uses in accordance with the Smart-Growth model discussed earlier:

- MU-1: “mixed use district providing a mix of residential and nonresidential land uses within close proximity to each other that are suitably located within the community core.”
- MU-2: “mixed use district providing a mix of residential and light industrial, office uses within close proximity to each other where complementary business uses may be permitted, and where higher intensity uses will be permitted that may not be suitable within the community core.”

Nevertheless, converting the MU zones to all residential has become an all too common practice for developers in New Castle. Understandably, the alternative – nonresidential/commercial development – comes with economic risk, for it is arguably more difficult to fill commercial space. However, as noted in a previous development application, the town struggles to correct the current imbalance between residential and commercial, which has contributed to fiscal disparities.

Staff contends that demand from the community plus demand from business interests makes provisions for commercial services and vendors more viable than in years past. The current Lakota Canyon Ranch Deli and the former veterinary clinic on 7th Street are testaments to successful business approaches integrated within predominantly residential areas. Fourmile Mountain Market in Glenwood Springs, Southside Drive in Basalt, and Eagle Ranch in Eagle are further instances of discrete commercial ventures in the heart of established residential neighborhoods.

Staff maintains, then, that the developer consider strategic locations for smart commercial options in their development plans. One suggestion might be to negotiate a zoning change which dedicates specific locations and/or functions that are deemed viable commercial areas. To move forward without any considerations means the permanent loss of another nine acres of the town’s limited mixed-use property.

Degree of Conformance: Low/Moderate

Commissioner Westerlind asked Planner Smith what was the ratio between commercial and residential rooftop compared to a similar town.

Planner Smith said he did not have a number.

Town Attorney Haley Carmer asked Planner Smith what the acreage was of the MU portion of filing 11 compared to rest of the MU that CVR Investors owned.

Planner Smith said in filing 11 was just under 9 acres, and that he was not sure what the remaining acreage was.

5) Is the number of dwelling units permitted by the underlying zoning districts exceeded by the PUD plan?

The number of dwelling units in Castle Valley Ranch is restricted in two ways: 1) total number of units for all of Castle Valley and 2) minimum lot area per dwelling unit provided in tables found in *Municipal Code* 17.104.080 §H. Currently there are approximately 530 vacant lots in the Castle Valley Ranch PUD. With approximately 186.5 usable acres remaining, the average density would approach 2.8 units per acre. Furthermore the applicant has elected the MF-1 zoning designation which limits the lot size for residential units to no smaller than 2,200sf. At this lot size the allowed density could approach an unrealistic 19.8 units/acre. The Castle Valley Ranch mixed-use zones are also allocated up to 100,000 aggregate square feet of commercial space which, like Lakota Canyon Ranch, has yet to be developed.

Staff Comment: The present application represents 91 units on 15ac for a density of 6.1 units per acre which, though more than double the average remaining density in Castle Valley Ranch, is far less than the 19.8 units/acre which could be allowed. If this proposal were approved the average remaining density would then fall to 2.6 units/acre. Staff believes this is manageable in theory.

In sum, though the density is significantly higher than many parts of the overall PUD, it would not affect the build-out of other parcels too adversely. For the application density, strictly speaking, should not be in conflict with the code requirements.

Degree of Conformance: High

Chair Apostolik asked if the development went to a higher density in another portion of Castle Valley Ranch that was acceptable, then could the rest of property remain open space once the maximum buildout was met.

Planner Smith said yes. There is a cap of 1400 units for Castle Valley Ranch.

Attorney Carmer said that regarding the land that was subject to the restrictive covenants, once the 303 units were built, unless the covenants are amended or voided somehow, the applicant cannot go above that number because of a private contract. Notwithstanding if there are still units available under the 1400 units in Castle Valley Ranch.

Chair Apostolik asked if the restrictive covenants could be changed without the town's approval.

Attorney Carmer said yes. Just like it was imposed without the town's say in the first place.

6) Does the PUD proposal:

i. **Provide off-street parking –**

Castle Valley Ranch requires two street parking spaces per unit (17.104.100). The proposed design shows single-vehicle garages, with driveway providing the second off-street parking space. As observed Redstone Drive, the Riverpark Condos, and the Pyramid Peak Townhomes, this design is less than optimal and, as discussed above, compromises quality of life. In practice, these garages are used for storage, the driveway used for one vehicle, and the ROW used for all remaining vehicles. Together with sidewalks without green buffers, garbage bins in the driveway, and cars along the curb the congestion makes for an unpleasant pedestrian experience and undermines the appeal of the community. Other options exist. Staff encourages the Applicant to consider alternatives.



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ii. **Utilize the natural character of the land –** Due to the moderately sloped topography of the proposed 15 acres, some cut-and-fill will be required for construction feasibility. On the north two-thirds of the property, the Application will provide stepped lots. The lot lines will likely require retaining features such as simple stacked-rock walls or wood tie retention. To date, these details have not been furnished.



Moving south in the development creates greater design challenges and topography alterations. Buildings 12 & 13 will require up to 36' of structural fill at the base of Ganley Hill. To remain below an 8% road grade the natural land contours will require alteration. At some point significant fill material will likely need to be moved or imported to the future Filing 12 to match the eastern grade with Filing 11. To retain the property's natural character measures such as these should be kept to a minimum.

iii. **Provide pedestrian and bicycle circulation –** Proposed sidewalks help to provide safe egress from the street-to-home or from home-to-home. The *Comprehensive Plan* (*Comprehensive Plan* Goal T-1) envisions more for pedestrian circulation. Specifically non-vehicular trail systems should contribute to local recreation. Staff feels the current design has a solid start with 8' paths included to the north and to the west of the development. Staff maintains that trail connectivity

could be increased internal to the development with small modifications to the development plan. A connecting 8' trail at the south end of Filing 11 and one that bisects the development is advised.



iv. Provide outdoor recreation – Other than the existing C. Avenue trail and a small centrally located pocket park, there is no realistic component of outdoor recreation to this proposal. The 2008 application included a central one acre lot that was accessible from two streets. Staff encourages the development to have more useable open space than currently proposed.

Elimination of Building 20 at a minimum with some grading changes will be a positive step in creating usable recreation space. An East-West connecting trail, is included in the plan set along the south end of Eagle Ridge Dr. to Bear Canyon Dr. Adding a landscape buffer of at least three feet along this trail will provide better safety for pedestrian travel.

v. Is of overall compatible architectural design, achieves adequate screening, and ensures compliance with performance standards – The overall architecture will generally follow the design aspects of the approved townhomes located on Redstone Drive and Foxwood Ln. However, many of the buildings will be enlarged to quadraplexes. Landscaping and screening are identified on sheets L1.0-3.0. All landscaping shall conform to requirements set forth by the relevant town codes and verified by the parks department. The applicant will be expected to agree to the performance standards adopted by the town.

Degree of Conformance: Moderate

Chair Apostolik asked Mr. Atkinson why the trail or road from the roundabout to Bear Canyon Rd. was not complete going to the east when there was concern during the sketch plan.

Mr. Atkinson said from a design point just was not something CVR Investors wanted to put into the plans. He said that as a concession to the town, CVR Investors decided to change it at lower portion to increase it to an 8 foot trail that would still accomplish the East-West path.

Commissioner Bourquin asked if there was thought about stepping the units.

Mr. Atkinson said that was not something CVR Investors had looked at.

Chair Apostolik as Mr. Atkinson if that would something CVR Investors would be willing to look at: stepping the units to allow some kind of pathway to go through.

Mr. Atkinson said tentatively that CVR Investors would look at it but were hesitant to go much further because they were not sure what it would do to the Subdivision Improvement Agreement (SIA) or the plan. He said they would be willing to speak with the engineer about.

Engineer Cokely said what was driving the site were the road grades and not the units. Stepping the units could work but the road grades that are there cannot be adjusted because they were at maximum grade on Bear Canyon Dr. The site balanced meaning there would not be any dirt being imported or exported.

Commissioner Westerlind said there was stock piled of 12,000 cubic yards of top soil. That was a large amount to have to get rid of. He asked what the plans were to moving that much soil.

Engineer Cokely said grading it all at once, however, it would be up to CVR Investors about how it would be developed. If there was a stack pile there would be erosion control around it and could be reseeded to protect it from erosion.

Mr. Atkinson said the excavation would be done in phases.

Engineer Simonson said the geotechnical report did spell out compaction requirements for placing the fill. In buildings 12A-13C those units may have some special consideration given in the foundation design to make sure they are not compromised by settlement. He said they may need to have an additional soils report done for building 12A-13C before construction.

Administrator Reynolds asked what the future was for the area where the fill dirt would be. He said that if homes were to be built on there, that area would need to be filled and brought back to road grade in order for the area to be developed.

Engineer Cokely said yes. The area to the East was graded similar to the current project site. It would be the same amount of fill for the East side that there was for the West side.

V. Subdivision Approval

A subdivision application will be approved by Town Council only if it is found to be compliant with the criteria set forth in *Municipal Code* 16.16.030. A subdivision plat will be provided at the preliminary stage of the application and will be reviewed by the Town attorney and engineer for compliance. Per resolution PZ 2019-5, "One or more amended plats to define the boundaries of the individual units within each building shall be prepared for each building envelope based on as-built surveys after construction, which may be approved on staff level." Sale of individual units may not occur until the amended plat is recorded with Garfield County. Any revisions and corrections will be made prior to Council meeting.

VI. Staff Recommendations:

Staff recommends the planning commission explore the following alternatives to the

proposal prior to deciding on resolution PZ 2020-06:

1. Integrate areas of strategic commercial development within the mixed-use zone of the Castle Valley Ranch master plan.
2. Soften the transition created by the juxtaposition of large single-family homes with multi-family townhomes.
3. Improve the parking arrangement and resulting traffic congestion that results from parked vehicles along both sides of the streets.
4. Expand road ROWs to include 5' green buffers between road and sidewalk.
5. Improve pedestrian circulation to provide direct access to open space, parks, and other areas of Castle Valley Ranch. Create greater trail connectivity. Possibly add an east-to-west trail corridor throughout development and along the southern property border
6. Expand Open Space C to include useable recreation space.
7. Provide a general plan for the vacant parcel east of the proposed development in order to guide considerations for how best to use the mixed-use zone, trail routing, and road configuration.
8. Eliminate Buildings 12 & 13 in order to minimize fill material at the south end of the property and retain the natural topography.
9. Consider more strategic places for snow storage to minimize removal efforts by Public Works.
10. Design C Ave as part of a greater wildlife corridor potentially accessible by emergency vehicles when needed.
11. Street names be approved through Garfield County Communications to avoid any duplication of names in the county dispatch area.

Attorney Carmer asked Mr. Atkinson if the areas outside of the footprint would be limited common areas or general common areas. She also asked what he anticipated the fencing to be around each of the units and how much it would be broken up.

Mr. Atkinson said that based on his experience on Redstone, people want fences, so he anticipated there to be fences for many of the units. The HOA maintenance would look a lot like filing 9 and would include outside of building envelopes.

Commissioner Westerlind asked Mr. Atkinson who would be responsible for the maintenance of the landscaping of the open spaces at building A-D.

Mr. Atkinson said open space A would be the responsible of the town once it's completed. Rest of the open space would the sub association.

Attorney Carmer asked Mr. Atkinson if CVR Investors would be building the trail from Castle Valley Boulevard to C Avenue.

Mr. Atkinson said yes. The maintenance side, once complete, would be the town's.

Chair Apostolik asked Director Wenzel if there was specifications for trails so there would not be any issues.

Director Wenzel said there had been a lot of consideration and he will ask for final construction drawings that show what the trail profile, surface and subgrade would look like.

Chair Apostolik asked Mr. Atkinson if he was in agreement.

Mr. Atkinson said yes.

Commissioner Westerlind asked Mr. Atkinson what was the anticipated repair of the sewer line running down C Avenue and whether he will be replacing the entire road and tying into the existing system.

Engineer Cokely said yes, CVR Investors would replace surface with asphalt millings where the sewer cut lines were. In some areas it would be the entire portion of the road. It will depend on what is disturbed.

MOTION: Chair Apostolik made a motion to continue the public hearing to May 27, 2020. Commissioner McDonald seconded the motion and it passed unanimously.

Items for Consideration

Consider Nominations for Vice-Chair

MOTION: Commissioner Sass made a motion to appoint Commissioner Bourquin as Vice-Chair. Commissioner Lucio seconded the motion and it passed unanimously.

Consider Appointment to Historic Preservation Commission (HPC)

MOTION: Commissioner Bourquin made a motion to appoint Commissioner Sass to the Historic Preservation Commission (HPC). Chair Apostolik seconded the motion and it passed unanimously.

Staff Reports

There were no staff reports.

Commission Comments and Reports

Commissioner Bourquin asked since the slow reopening of public places due to COVID-19, has town thought of opening up open spaces such as sidewalks and parks so restaurants could have outdoor seating.

Administrator Reynolds said yes. The town was actively working on a plan. Council had approved the parks along Main Street and closing the south side of 5th street to allow for take-out food and drinks.

Review Minutes from Previous Meeting

MOTION: Chair Apostolik made a motion to approve the March 25, 2020 meeting minutes as submitted. Commissioner Riddile seconded the motion and it passed unanimously.

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

The meeting adjourned at 10:30 p.m.

Respectfully Submitted,

Chair Chuck Apostolik

Deputy Town Clerk Mindy Andis, CMC

**New Castle Planning and Zoning Commission Meeting
Wednesday, May 27, 2020, 7:00p.m., Town Hall**

Due to concerns related to the Coronavirus, the meeting was held as a virtual meeting only. Commission Members and the Public attended by phone, computer, smart phone or tablet.

Call to Order

Commission Chair Apostolik called the meeting to order at 7:00 p.m.

Roll Call

Present Chair Apostolik
 Commissioner Bourquin
 Commissioner McDonald
 Commissioner Riddle
 Commissioner Sass
 Commissioner Westerlind
 Commissioner Lucio

Absent None

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, Public Works Director John Wenzel, Town Engineer Jeff Simonson, Town Clerk Melody Harrison and Deputy Town Clerk Mindy Andis and members of the public. All persons attended the meeting via phone computer, smart phone or tablet.

Meeting Notice

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2020-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing – Continued from May 13, 2020

Consider Resolution PZ-2020-06 Regarding Combined Preliminary/Final Application for Subdivision and PUD Development Plans in Castle Valley Ranch, Filing 11

Chair Apostolik asked Town Planner Paul Smith if there was anything he would like to add from the meeting on May 13, 2020.

Planner Smith said he did not have anything new to add other than the applicant, Aaron Atkinson had submitted an updated site plan earlier in the afternoon by e-mail. He said the new site plan had not been reviewed by staff or consultants.

Town Attorney Haley Carmer briefed the commissioners and the audience of the

procedures for the public hearing. She also said that the commission needed to consider the testimony and application and determine whether the 6 criteria were satisfied either on its own or with conditions.

The application is a combined preliminary PUD and final PUD application and preliminary subdivision and final subdivision application.

Fire Prevention Chief Orrin Moon addressed the citizens' concerns regarding wildfire danger. Chief Moon and Wildland Division Chief Zach Pigati did a site visit and determined there was somewhat of a wildfire threat to the proposed development. The worst area being up C Ave at the turn-around where there are heavy fuels in the draw. He said that a fire could start at the bottom of the draw, intensifying as it moved up the draw, preheating all the fuels then becoming a roaring fire at the top of the hill. The primary units that could be effected are the side units 9A-9D. Chief Moon suggested that some mitigation should be done in the area around those units. He further stated that there are some concerns with the next draw over where mitigation should be done as well. The units that would be effected are 11A-11D and 12A-12D.

Chief Moon said he was also concerned about having a secondary access to the development. The fire code identified multifamily as 100 or more units before a secondary access was required, however the fire department and emergency services always welcomed a secondary access for emergency evacuation. He said that many of the subdivisions in New Castle have a second way out.

Commissioner Riddle asked Chief Moon about mitigation, whether that meant reducing the fuels or was there something else.

Chief Moon said it would be taking all the dead fuel out, cutting back some of the brush and maybe removing some of the trees to give a clear space around some of the fuels.

Chair Apostolik asked Mr. Aaron Atkinson, applicant, if there was anything he would like to discuss from the last meeting on May 13, 2020.

Mr. Atkinson said after listening to the concerns from the staff and the commissioners, they decided to review the plans and tried to determine if there were ways to make changes to the plat to address some of the concerns of the commission and town staff.

Mr. Atkinson said one of the concerns from staff was snow management. He said that the buildings along Bear Canyon Drive had been moved 5 feet to the West in order to create a greenbelt the length of the street. Which would include buildings 1, 24, 25, 26 and 27. Moving buildings will allow for the greenbelts and snow storage.

Mr. Atkinson said they would designate the area East of Bear Canyon Dr. as temporary snow storage until the area was developed, which would provide both sides of Bear Canyon Drive for snow storage.

Mr. Atkinson said the T turn-around was changed to a cul-de-sac replicating Mt. Harvard.

Mr. Atkinson said on the north side of Eagle Ridge Road, buildings 1-3, the

backyards had been limited to 25 feet from the back of the units, which expanded "Open Space B". Also, buildings 2 and 3 were swapped. Building 6 previously had been a triplex and was changed to be 2 duplexes.

Mr. Atkinson said to help with snow management there would be parking restrictions and signage implemented with 48 hour restriction in advance of a snow storm, which would allow for snow plows to get through. In addition, there would be signage marking the permanent snow storage areas. There were parking spaces on the south side of Eagles Ridge Road that could be allocated for snow storage. Mr. Atkinson said that the unit counts were still the same. The utilities and road configuration were same except for the cul-de-sac.

Mr. Atkinson said building 21 & 22 on the corner of Eagle Ridge Road and Falcon Ridge Court was cinched up to accommodate the cul-de-sac which allowed for a greater area at the corner for more snow storage.

Commissioner Bourquin asked Mr. Atkinson if he would be willing to shorten the backyards on buildings 4-7 to 25 feet since the other buildings were at 25 feet.

Mr. Atkinson said that would be something they would look at.

Commissioner Bourquin asked Mr. Atkinson about shortening the driveways to 20 feet. Shortening the driveways and the back yards would give more open space to "Open Space A" to help with the buffer between the new development and S. Wild Horse Drive.

Mr. Atkinson said one of the amenities CVR Investors would like to provide buyers were the 25 foot driveways so that would not be something they were willing to consider.

Commissioner Riddle asked Public Works Director John Wenzel if he was satisfied with the solutions regarding snow storage.

Director Wenzel said yes.

Administrator Reynolds said he had some concern about using signage to control parking on snow days because the driveways were singlewide and there would be only a certain amount of spaces to park cars.

Attorney Carmer asked Mr. Atkinson if the new plans he submitted would abide by the earth tones initially submitted..

Mr. Atkinson said that the architectural design requirements from Castle Valley Ranch Master Association were earth tones and would need to be approved by the association.

Attorney Carmer asked Mr. Atkinson if the general architectural structure and building layout would be the same as previously presented.

Mr. Atkinson said yes, that was correct.

Attorney Carmer asked Mr. Atkinson about the timeline for infrastructure and phasing.

Mr. Atkinson said that with respect to the grading of the site the intention was to grade the entire site at once in conjunction with phase 1 infrastructure. Beyond the actual grading, the infrastructure would be done by phases. In terms of timing, want to start moving dirt and begin phase 1 as quickly as possible.

Chair Apostolik opened up to the public for questions and comments.

Sally Linden, New Castle resident. Ms. Linden said each unit would have 2 plus cars and was concerned that in case of an emergency, evacuation going down Castle Valley Boulevard could be problematic.

Richard Davis, New Castle resident. Mr. Davis said that using the extra parking at the east end of Bear Canyon Drive for temporary snow storage for the next couple of years did not make sense. He felt it would be better to have a solution now for snow storage instead of trying to working it out later.

Mr. Davis was also concerned about trying to use Open Space "A" as a wildlife corridor and the flooding in the area.

Mr. Atkinson said with regard to the east side of Bear Canyon Drive, the issue there is they were not sure the future of the east side; what the development will look like. He said it was hard to commit to a permanent solution when they did not know what the next development would look like.

Regarding Open Space "A" and the wildlife corridor, some of the conversations had been about moving the corridor further east where there was a small creek. It would make more sense than at the C Avenue trail connection.

Virginia & Wayne Shelton, New Castle residents. Mr. Shelton said they had sent in a couple of letters with concerns and it appeared that none of their concerns had been addressed. The parking problem will be worse than the Redstone Drive parking issues because there will be 4plexes verses the triplexes on Redstone Drive.

Denise & Steve Scheberle, New Castle residents. Ms. Scheberle asked what (we) want New Castle to be. Do (we) want New Castle to be a hodge-podge of condensed development without enough open space which provided a quality of life. She said that once the property was lost, it was lost forever. Ms. Scheberle felt there was a need to be careful in deciding what was done with the property. She felt that Open Space "A" was inadequate as open space and buffer between low and high density areas. Open Space "B" was simply a buffer between the development and Castle Valley Boulevard. She felt that the town was already not adhering to its own Comprehensive Plan by not having enough parks and open space.

Mr. Scheberle said when they were looking at purchasing their home they looked at the plat for the proposed development and it showed single-family lots, not what was currently being proposed.

Jamin Heady-Smith, New Castle resident. Mr. Heady-Smith said looking at the

zoning map the development was in a mixed-use zone and it did not appear to have any mixed-use. He said that the Comprehensive Plan looked at how to diversify commercial businesses within New Castle and how to increase the sales tax base. He asked why they were using the mixed-use area with high-density housing. Mr. Jamin Heady-Smith said that nothing had been said about the impact on the schools with the increase of children.

Planner Smith said the town did reach out to the Garfield RE-2 school district superintendent and they felt there would be no adverse impact to the schools.

Joni Owens, New Castle resident. Ms. Owens said she lived in a townhome in the Peaks which was much more open than the proposed development. She said that the parking was a mess. Ms. Owens said she was often unable to get out of her own driveway because of all the vehicles lining the street. She felt that the applicant was meeting just the minimum requirement. She asked where the alternative parking would be when parking becomes restricted due to snow plowing and mitigation.

Ines Baquero, New Castle resident. Ms. Baquero asked about the cost of infrastructure such as putting in sidewalks along Castle Valley Boulevard and maintenance of the boulevard. She felt that the planned fire mitigation did not seem to be enough to protect against wildfires.

Chair Apostolik asked at what population does Castle Valley Boulevard becomes a four-lane road.

Director Wenzel said Castle Valley Boulevard Right of Way was already defined and it will accommodate the four lanes of traffic.

Town Engineer Jeff Simonson said as Castle Valley Ranch Master Plan has the concept of expanding Castle Valley Ranch Boulevard 4 lanes. As the subdivision continued to develop eastward the elements were being built into Castle Valley Boulevard. The entrance from Bear Canyon Drive onto Castle Valley Boulevard and connecting to the intersection of S. Wild Horse Drive will be built as a four lane road with the proposed improvement agreement for the project. The 4 lane road will be built by developers as the property gets development eastward.

Tom Schwenk, New Castle resident. Mr. Schwenk said the snow storage on Bear Canyon Drive is only solving about 25-30 percent of the problem, and he asked how snow would be removed from Eagles Ridge Road and Falcon Ridge Road. The felt the developer seemed unwilling to address the issue of space between the street and sidewalk which was a concern. Mr. Schwenk also said that the original plan approval for Village Homes had 60 units and the proposed plan had 90 units.

Lisa Miller, New Castle resident. Ms. Miller voiced concerns about public safety. The increase of people will require increased law enforcement, fire and rescue calls.

Myrna Candraia, New Castle resident. Ms. Candraia said that by not having all the answers regarding wildfire put the citizens in harm's way. Once a fire was coming

there is no time to think about how to escape. She felt that once the developer was finished building, he will leave and have no further concern for the community.

Chair Apostolik asked Director Wenzel and Engineer Simonson about the back up of traffic on Castle Valley Boulevard and asked them to explain the intersection of Castle Valley Boulevard and Highway 6.

Engineer Simonson said when the town had built the pedestrian bridges across the railroad, interstate 70 and the river, the town performed a required traffic study. The bridges were designed in a way to accommodate a round-a-bout. It was determined through the process that a round-a-bout was the best way to handle future traffic using an anticipated growth of 2 ½ percent per year. Colorado Department of Transportation (CDOT) has also recognized the traffic problems that are occurring on Castle Valley Boulevard, Highway 6 and Interstate 70. In the past 3 years they have conducted a study for themselves and have invested more money to design. CDOT is in the processes of finalizing projects and hope to be shovel ready. The project will include construction of a round-a-bout and slip lanes at the intersection of Castle Valley Boulevard and Highway 6, as well as three lane bridge sections over the railroad, Interstate 70 and river with round-a-bouts at both of the ramp locations.

Andrea Wildenthal, New Castle resident. Ms. Wildenthal said she lived on Redstone Drive and if everybody had to move their vehicles off the road during a snowstorm it would be nothing short of a disaster. She said there was no parking at all for people to move the vehicles to. She suggested that the developer to get the parking right the first time because there was only one chance at it.

Jeanne Huyser, New Castle resident. Ms. Huyser said she lived on Foxwood Lane and the street looked like a used car lot instead of residential homes. On Foxwood Lane parking was only allowed on one side of the street and Ms. Huyser said she has gotten home not been able to pull into her drive because someone else was parked in her driveway. She felt that over flow and visitor parking needed to be addressed.

Jessica Dooling, New Castle resident. Ms. Dooling said she was very concerned about the precedent the proposed development was setting if the development plan of New Castle was not followed. She said that the proposed open space planned for the project was not usable open space due to the layout of the land.

The town had received several letters from citizens voicing their concerns regarding the proposed development. The concerns of the citizens were:

- Parking
- Snow removal and storage
- Wildland fire
- High density
- Insufficient buffer area between single-family and multi-family homes
- Insufficient open space/green belt and trails
- Increase traffic

- Diversity in units

Chair Apostolik closed the public hearing at 8:30pm.

Chair Apostolik asked Mr. Atkinson why he was asking for a final approval when the submittals were not complete which was required as part of the final application. He said there seemed to be concerns about open space, diversity of units still not being addressed, density, trail connectivity, off street parking and snow storage. Because as of 3:15pm today it was received by the town a plan with adjustments changing the triplexes to duplexes on the backside of S. Wild Horse Dr., changed a triplex to a 4 plex in a couple of areas and moved things around.

Mr. Atkinson said that they had submitted new plans earlier in the day because there were several changes made from suggestions and concerns at the last meeting on May 13, 2020. There were questions asking if CVR Investors was willing to increase green space, if they were willing to reduce the number of units, increase the Open Space "A" for foot traffic and for emergency vehicles. He said that CVR Investors was trying to address the concerns of the citizens and the commission. The objective criteria that was set forth in the public works manual had been met by the original submittals. He said that the new submittal did address the items regarding the diversity by adding duplexes, as well as the snow storage issue.

Chair Apostolik said according to Director Wenzel, there was a concession that was made regarding the snow storage.

Director Wenzel said there was. He noted that Public Works did their best to work with all the applicants to find some concession. After reviewing the application there were conversations regarding green belts, snow storage and ample off street parking.

Commissioner Riddile asked Director Wenzel if the newly submitted plans included a good snow storage plan.

Director Wenzel said unable to answer the question because staff had just received the new plans earlier the same day and he has been unable to review the plans.

Commissioner Riddile said he thought the applicant had been discouraged from submitting a combined preliminary and final application at sketch plan review. He said he remembered that council had said that he could submit preliminary-final but would need some flexibility to receive comments.

Chair Apostolik asked Planner Smith if there was enough information to consider the application as a final with only one triplex elevation.

Mr. Atkinson said there was also a street side elevation.

Chair Apostolik ask Planner Smith to review what was required for a final application.

Planner Smith said what was originally submitted was sufficient to meet the minimum requirements. Whether it meets the Comprehensive Plan was a different question. He said in the staff report were some possible shortcomings to the development. Planner Smith said that staff had not had time to review the new plan submitted earlier in the day. He said to move the application forward the PUD needed to meet the 6 criteria, and all the fine points could be worked out at council. Planner Smith said that the overall look, livability was sufficient.

Commissioner Bourquin said she supported the concept of density. She felt that duplex, triplex and 4-plex were an appropriate product to meet the demand to diversify within the community. She said that housing mix was important so it did not look cookie-cutter. Higher density was better supported when public transportation was available along with other public amenities that are not available in New Castle. Commissioner Bourquin said that the streets were not designed to handle the number of vehicles and traffic that the units' will bring. The development does not have the walking/biking trails needed to help provide other forms of transportation. She was concerned that the original plan was designed for single-family units and the proposed design was more product on the lots. To have a more dense development there needs to be more open space. She felt that Open Space "B" was a nonfunctional space to be considered open space. Commissioner Bourquin said that successful, high-density developments required the crucial components of connectivity of roadways, sidewalks and trails.

Commissioner Lucio voiced deep concern regarding the density and potential parking issues in the development. Also, he was concerned about the lack of open space, fire mitigation, increased traffic, snow management and security.

Commissioner McDonald stated that as a commission they had a responsibility to the public but also to the developer and to not discourage development. He said that the concerns were about density, about putting too many people in too little of an area. The response from the applicant has been "No." Commissioner McDonald said that there was the ability to create a quality project but he was not certain if the proposal was a responsible approach. Commissioner McDonald also voiced concerns about the project changing from single family to multifamily. He felt that the developer had other property and could help mitigate some of the concerns; however the developer does not seem to want to discuss other possibilities. Commissioner McDonald said that the location was the place to have higher density.

Chair Apostolik asked Mr. Atkinson the reasoning for going from single family to multifamily higher density.

Mr. Atkinson said Village Homes plan was not all single family; there were multifamily units. There had been concerns about diversity of product. The previous development had just little over 6 units per acer and that was on the low side of density. Mr. Atkinson said that the proposed development was well suited for the property and within the vested rights in the master plan. It also met the criteria set in the public works manual and the town code. Mr. Atkinson said that the project will be beautiful, be maintainable and allow for appropriate snow storage. He felt

that the commission needed to understand that CVR Investors cannot solve the concerns of snow removal to the extent the commission wanted. He noted that snow management was not specified by the public works manual or by Town of New Castle Municipal Code.

Commissioner Sass said that when the application was first brought to P&Z there was concern voiced about the lack of single family homes in the development. When the application came back to P&Z there still was no addition of single family homes. She said that the commission was clear about what they wanted to see which is reflected by their comments. Commissioner Sass said that Mr. Atkinson was stating he was conceding snow removal but not a lot of concession on other concerns of the commission. She asked what the reason was for not adding single family units when single family was in the plans to begin with.

Mr. Atkinson said there was a lot that had to happen to present a development such as this one. He expressed a desire to work with the town, and stated he had much as he could. Mr. Atkinson said that the plan that was submitted earlier in the day is what came out of the conversations with the town. With respect to the single family units, Mr. Atkinson said that was not in line with what CVR Investors wanted to bring to the market. Single family units in a development like this one just did not incorporate well. The scope of services that are provided by a sub association for single family and multifamily developments were different. What did change from sketch moving forward was the East/West portion of the sidewalk was expanded to 8 feet wide for a trail. The buffer from the backside of the townhomes to the backside of the single-family homes was 120 feet. Mr. Atkinson said that he understood that there were concerns voiced at sketch plan that did not get incorporated into the preliminary/final plan. He said that CVR Investors saw it as a give and take with the town. He said there were certain things that CVR Investors wanted to provide and certain things the town required, and he hoped they could meet in the middle.

Administrator Reynolds asked for some clarity on where the Comprehensive Plan fit in.

Policy CG4A – Large residential and commercial development (50 lots/units or greater) shall include a mix of land-use types that provide effectively integrated convenience retail, employment, services, parks/open space/trails, public transit and non-motorized access.

Policy CG5A - The following 10 principles of Smart Growth should be used to guide the public, land use applications and local decision-makers to evaluate new development with a goal of achieving most or all of the principles in a development proposal.

- A. Mixed land uses.*
- B. Incorporate compact building design.*
- C. Create a range of housing opportunities and choices.*
- D. Create walkable communities.*
- E. Foster distinctive, attractive communities with a strong sense of place.*
- F. Preserve open space, farmland, natural beauty and critical environmental areas.*
- G. Strengthen and direct development toward existing communities.*

- H. Provide a variety of transportation options.*
- I. Make development decisions predictable, fair and cost-effective.*
- J. Encourage community and stakeholder collaboration in development decisions.*

Administrator Reynolds asked Attorney Carmer to explain the value or the importance of the guidelines of the Comprehensive Plan.

Attorney Carmer said the Comprehensive Plan was a general map of how the town wanted to grow and develop moving forward. The Comprehensive Plan gave guidelines and parameters on how that would work. She said that on the other side was the more enforceable Municipal Code and zoning requirements. Attorney Carmer said that clearly nothing could be done that violated zoning, and the Comprehensive Plan came in as approval criteria. She said that the current case would be the PUD. If it met all the zoning requirements it did not mean it met the Comprehensive Plan requirements.

The Comprehensive Plan provided additional frame work for what can be developed for the zoning, but also complied with looking towards the future guidelines that are in the Comprehensive Plan. The zoning is about how many units can be developed, what the setback are, what kind of units can be built. The Comprehensive Plan says only single family or multifamily is appropriate because of how the town wants to develop and move forward. It is an approval criteria for the PUD: that is where the guiding principles come into play.

Commissioner Westerland voiced concerns about the direction the development was headed. He said that the property is zoned as mix-use but the development is maximizing what can be done with the space. He felt that the project was more of a business opportunity for the applicant than something for the people of the area. Commissioner Westerlind said that the proposal as it was did not preserve the integrity of the town. In terms of the wildlife corridor: you cannot move it. The wildlife will go where they go.

Commissioner Riddle said there was plenty of room for multifamily in the community, but he felt there were problems with the proposed multifamily and it needed to be done correctly. He said that the development was overdone with too many units. He thought that the goals of the town and the developer were too far apart. He noted that there had been multiple meetings and hearings and there were very minimal changes made to the plan. There were specifics provided to the developer and they had tried negotiate and meet in the middle.

Attorney Carmer explained the resolution. The decision on the application were governed by the 6 criteria. If one or more criteria is not satisfied, that supported a recommendation of denial of the application.

The commission went through all 6 criteria separately and determined the following:

1. that the Application is generally compatible with adjacent land uses;
Meets the requirement
2. that the Application is consistent with the Town's Comprehensive Plan;

Does not meet

3. that the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection;

Does not meet

4. that the uses proposed within the PUD are uses permitted outright within the zoning district contained within the PUD;

Does not meet

5. the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan;

Meets the requirement

6. the PUD utilizes the natural character of the land, includes compatible land uses, provides for fire and police protection, off-street parking, vehicular, pedestrian, and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieved adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town;

Does not meet

MOTION: Chair Apostolik made a motion to deny the Combined Preliminary/Final PUD Development Plan and Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19.

Commissioner Riddile seconded the motion and it passed on a roll call vote: Commissioner Lucio: Yes; Commissioner Riddile: Yes; Commissioner Westerlind: Yes; Commissioner McDonald: Yes; Commissioner Bourquin: Yes; Commissioner Sass: Yes; Chair Apostolik: Yes.

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no commission comments or reports

Review Minutes from Previous Meeting

Clerk Andis said she was unable to complete the minutes in a timely matter.

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

The meeting adjourned at 9:22 p.m.

Respectfully Submitted,

Chair Chuck Apostolik

Deputy Town Clerk Mindy Andis, CMC

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2020-6**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION DENYING A COMBINED PRELIMINARY/FINAL PUD DEVELOPMENT PLAN AND PRELIMINARY/FINAL SUBDIVISION PLAT FOR CASTLE VALLEY RANCH FILING 11, BEING A PORTION OF PA 17 AND PA 19.

WHEREAS, CVR Investors, Inc. (“Applicant”) is the owner of certain real property within the Town of New Castle described in the attached Exhibit A, which property as part of Planning Areas 17 and 19 of the Castle Valley Ranch Master Plan (the “Property,” or “Filing 11”); and

WHEREAS, the Applicant has submitted an application requesting approval of a combined Preliminary/Final PUD Development Plan and a Preliminary/Final Subdivision Plat for the first phase of the development, which application is further defined in Section 2 of this Resolution (the “Application”); and

WHEREAS, the Applicant proposes to construct a total of 91 residential units in 28 multi-family buildings on 27 lots on 13.538 acres; and

WHEREAS, the PA 19 portion of the Property is zoned Residential (R), and the PA 17 portion is zoned Mixed Use (MU); and

WHEREAS, the Applicant intends to develop and plat the Property in phases, with the first phase including ten (10) lots, eleven (11) multi-family buildings, and 33 residential units and the public improvements associated with the same; and

WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly-noticed public hearing on May 13, 2020, which was continued to May 27, 2020, to consider the Application; and

WHEREAS, the Commission listened to testimony from Staff, referral agencies, the Applicant, and members of the public concerning the Application; and

WHEREAS, pursuant to Section 16.16.020(F) and 16.16.030(C), subdivisions creating four or more lots must be found to comply with the Town’s comprehensive plan; and

WHEREAS, pursuant to Section 17.100.090, the following approval criteria apply to a PUD development plan application:

1. that the Application is generally compatible with adjacent land uses;
2. that the Application is consistent with the Town’s Comprehensive Plan;
3. that the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection;

4. that the uses proposed within the PUD are uses permitted outright within the zoning district contained within the PUD;
5. the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan;
6. the PUD utilizes the natural character of the land, includes compatible land uses, provides for fire and police protection, off-street parking, vehicular, pedestrian, and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieved adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town; and

WHEREAS, based on the Application and the testimony heard, the Commission found that one or more of the approval criteria set forth in Section 17.100.090 have not been met and that the proposed subdivision of the Property does not comply with the comprehensive plan and therefore voted to deny the Application at its May 27, 2020 meeting; and

WHEREAS, the Commission now desires to adopt this Resolution to document its findings and decision regarding the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.
2. Definition of the Application. The “Application” consists of the documents and information identified by the Town Clerk on Exhibit B, plus all representations of and other documents presented by the Applicant reflected in the minutes of the Planning and Zoning Commission public hearing opened on May 13, 2020, and continued until May 27, 2020.
3. Summary of Application: The Application (as updated on May 27, 2020) proposes:
 - a. The construction of ninety-one (91) residential units in twenty-seven (28) multi-family buildings on twenty-seven (27) lots on 13.538 acres of land, with the lots, roads, and open space to be platted and developed in accordance with the site/phasing plan dated May 27, 2020 that is included in the Application;
 - b. That the first phase of Filing 11 will include ten (10) lots, ten (11) multi-family buildings, and 33 residential units and the public improvements associated with the same; and
 - c. The development and use of the Property would be zoned as and subject to the restrictions and requirements of the MF-1 Zone District of the Castle Valley

Ranch PUD Zoning Regulations, Section 17.104.080 of the Code (Zone District), as may be modified by the final plats for the Property; and

- d. That the platting of future phases of Filing 11, including subdividing the Property into lots and amending final plats as the multi-family buildings are constructed, be approved at a the staff level, provided that the future phase plats and amended final plats are in substantial conformance with the Application.
4. Decision. The Commission finds that the Application does not meet the approval criteria set forth in the Town Code applicable to the Application, including, without limitation, compliance with the Comprehensive Plan, satisfaction of the issues identified in Section 17.100.090(A)(6), and other grounds as reflected in the record of the public hearing regarding the Application. The Planning Commission therefore denies the Application.
 5. Effect of Decision. Pursuant to Sections 16.16.030(B) and 17.100.080(A) of the Town Code, only those portions of a preliminary subdivision plat application and preliminary PUD development plan application that have been approved may be submitted for final application approval. The Commission is the decision maker regarding preliminary PUD and subdivision applications. In light of the decision set forth in Section 4 of this Resolution, no further action will be taken on the final PUD and subdivision portions of the Application.
 6. Effective Date. This Resolution and the Commission's decision regarding the Application shall be effective as the date of adoption of this Resolution.

SO RESOLVED this 10th day of June, 2020, by a vote of ____ to ____.

TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION

Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk

EXHIBIT A
Legal Description

Parcel A: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31 AND THE NW1/4 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32 A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S 01° 19' 34" E 1570.62 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE CASTLE VALLEY BOULEVARD, AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED JANUARY 9, 2001 UNDER RECEPTION NO. 574735, ALSO BEING A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH PUD AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590 THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAYS 01°19' 34" E AND ALONG SAID EASTERLY BOUNDARY LINE 1066.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID CASTLE VALLEY RANCH, P.U.D.; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 40' 24" W 1195.15 FEET; 2. N 00° 19' 36" E 120.00 FEET; 3. N 89° 40' 24" W 180.00 FEET; 4. N 00° 05'00" W 210.20 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 00° 05'00" W 983.59 FEET; THENCE S 89° 56' 5" W 552.43 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA19A AND PA19B AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE N 40° 33' 51" E ALONG SAID EASTERLY BOUNDARY LINE 283.40 FEET; THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY LINE N 55° 43' 05" E 455.98 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF CASTLE VALLEY BOULEVARD; THENCE DEPARTING SAID EASTERLY BOUNDARY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 862.01 FEET; AN ARC LENGTH OF 591.51 FEET (CHORD BEARS S61° 39' 09" E 579.98 FEET); THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1.S 81° 18' 39" E 261.25 FEET; 2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 342.58 FEET (CHORD BEARS S 67° 40' 47" E 339.36 FEET); 3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 19.02 FEET (CHORD BEARS S 14° 30' 47" E 19.00 FEET); 4. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 82.00 FEET, AN ARC LENGTH OF 110.68 FEET (CHORD BEARS S 48° 27' 33" E 102.47 FEET); 5. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 20.06 FEET (CHORD BEARS S 82° 08' 49" E 20.03 FEET); 6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 57.30 FEET (CHORD BEARS S 41° 01' 02" E 57.29 FEET); 7. S 38° 44' 14" E 193.94 FEET TO THE POINT OF BEGINNING.

Parcel B: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32, A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S29° 45' 20" W 2647.04 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, P.U.D. AS FLED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590, THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 50' 34" W 450.00 FEET; 2. N 00° 09' 26" E 75.00 FEET; 3, N 89° 50' 34" W 275.00 FEET; 4, N 000 09' 26" E 150.00 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N00° 47' 28" W 548.03 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA 19A & WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE N 40° 33' 51" E 273.86 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 89° 56' 25" E 552.43 FEET; THENCE S 00° 0500" E 983,59 FEET TO THE POINT OF BEGINNING

EXHIBIT B
Application Materials

- 1) PUD & Subdivision Combination Applications
- 2) Application Narrative
- 3) Applicant Response to Referrals - SGM
- 4) Referral - Colorado Parks & Wildlife
- 5) Referral - Colorado Fire River Fire and Rescue
- 6) Referral - Town of New Castle Public Works
- 7) Referral - Town Engineer
- 8) Referral + Redlined Plat -Town Attorney
- 9) Referral - Town of New Castle Police Chief
- 10) Referral - Garfield RE-2 School District
- 11) Will Serve Letter - Xcel
- 12) Public Notice
- 13) List of Property owners within 250' of Development
- 14) Affidavit as to Notice of Public Hearing
- 15) Agreement to Pay Consulting Fees & Expenses, February 15th, 2019
- 16) Title Commitment + Legal Description
- 17) Soils Report - A.G. Wassenaar
- 18) Drainage Calculations - SGM
- 19) Utility Report - SGM
- 20) Traffic Impact Study - SGM
- 21) Construction Drawings
- 22) Architectural Floorplans
- 23) Updated site/phasing plan dated May 27, 2020

May 6, 2020

TO: Planning and Zoning Commissioners and Paul Smith, Planner
FR: Residents of New Castle (53 names and addresses below)
RE: Preliminary/Final Filing 11 application

We urge you not to approve the Filing 11 application for development of the property behind South Wildhorse Drive and Mount Harvard Court by CVR Investors, Inc. (CVR), a company located in Castle Rock, CO. Our rationale is described in more detail below, but in short, this high-density development offers very little open space, provides insufficient buffers between multiple-unit housing and single-family homes, inadequately considers the impact of the development to surrounding property values, ignores the need to maintain wildlife migration patterns, does not adequately provide for pedestrian/traffic interface on Castle Valley Boulevard, has not adequately addressed viewsheds and ridgelines, may not provide for natural drainage from the storm water pipes on both sides of Castle Valley Boulevard, increases traffic loading onto Castle Valley Boulevard, does not provide adequate additional parking for new residents during Phase 1, and may increase costs to the town as it addresses traffic, safety, fire, and other infrastructure issues. It also limits the town's ability to provide mixed-use development. Moreover, it does not reflect the goals of New Castle's Comprehensive Plan, leaving the town with a densely packed sea of rooftops that does little to make the town unique or desirable. We recognize the right of CVR to develop this property; however, that right is not absolute in much the same way as we are governed by the requirements of a homeowner's association. If this development is allowed as currently presented, we have much to lose, as described below.

1. Too much density

The planned net density for the development is 10.45 dwelling units per acre (91 units on 13.5 acres). This far exceeds the average density in the town, creating many potential problems for the town, surrounding homeowners and future residents. The town will face higher costs in traffic control, snow removal, fire response, infrastructure maintenance, etc. After the coronavirus devastates the economy, we are also likely to face a recession, at least in the short term, and the town may be saddled with costs at a time where it is most difficult to meet them. This means that we will all face higher costs. The surrounding homeowners will likely suffer from greatly reduced property values, which seems very unfair, and the town has a responsibility to not damage current homeowners in permitting a new development. Moreover, future residents of the development will face inadequate parking (only four extra parking spaces are provided in the application), few amenities, noise and congestion. A recent example can be found in the newly developed triplexes on Redstone Drive and Foxwood Lane, where congestion and parking are on-going issues. Building fewer fourplexes and triplexes would go a long way in improving the development, helping preserve property values, and preserving the town's sense of community.

2. Insufficient buffer between single-family and multiple family homes

Concerns about an urban buffer were identified in the town planning staff report to the Town Council in response to CVR's initial sketch plan on October 1, 2019. The staff report noted concerns about the "blunt transition" from large single-family homes to high density homes. Very little action has been taken to meet those concerns since that report. Instead, more fourplexes now border the buffer between the single-family homes on South Wildhorse/Mount Harvard than were in the sketch plan.

The preliminary/final application allows just 59 to 72 feet of buffer behind the homes on South Wildhorse/Mount Harvard, including the hill owned by the town. The developer provides very little, as the buffer includes the natural drainage down the hill, as well as the town's property. In order to protect the value of the homes along the development, this buffer needs to be much larger. This is a win-win-win for residents and the town. Increasing the buffer not only brings the development into greater compliance with the goals of the Town of New Castle Comprehensive Plan and helps protect property values, both outside and inside the development, it has the added benefit of adding much-needed open space for the pedestrian walkway and offers a corridor for wildlife. The Colorado Division of Wildlife has identified this area as an important deer habitat, and residents view deer everyday grazing and bedding in this field.

The visual impact analysis was not available for review on the town's website, so we cannot comment. If this analysis exists, we would like to review it. If not, one should be done considering the buffer concerns.

3. Insufficient open space

At first glance, it appears that CVR's application has met the minimal requirements for open space (1.5 acres dedicated open space in the 13.5 acres to be built). However, a closer look at the four open spaces shown on Overall Site Plan Map (page 7 of the application) tells a different story. Municipal Code Sec.17.104.010 encourages a creative approach to the development of land and an integrated open space system throughout the Castle Valley Ranch PUD. The Town of New Castle's Comprehensive Plan calls for pedestrian networks, recognizes the importance that citizens put on open spaces and calls for preserving open space and natural beauty whenever possible. We call attention to Comprehensive Plan Goal CG-1: Ensure that new development substantially conforms to the New Castle Comprehensive Plan principles, goals and policies and includes: Policy CG-1B: Applicants will be required to clearly demonstrate substantial conformity with the comprehensive plan in all applications; and, Policy CG-1D: Non-compliant land-use applications shall be modified to conform substantially to the comprehensive plan or will be rejected. (Town of New Castle Comprehensive Plan, p.50)

The Comprehensive Plan further calls for the creation of park space so to meet the standard of an additional 14 acres of usable park land for every thousand person increase in the town's population. Data from the Comprehensive Plan showed that the town was just under the minimum in 2007 (13.6 acres to service roughly 4,000 people). The addition of Dancing Bear Park is welcomed, but does not add enough park space to meet the standard. Thus, more park space is needed as development continues.

The developer proposes that "Open Space B" be a neighborhood park maintained by the town. The idea of a park is welcomed; however, this parcel of land has issues. First, it is directly adjacent to Castle Valley Boulevard, and provides for little buffer between the street and the park. In contrast, the newest park, Dancing Bear, is separated from the main street. Second, at just one-third of an acre (14,000 square feet), this "open space" largely represents what would be needed to provide a buffer between the street and the development anyway, as is the case with the homes along Castle Valley Boulevard to the north. The staff report pointed to the need for open space recreation, and this does not meet that need. This area is also suggested for snow removal for the Town, which further hampers the appeal of Open Space B.

Open Space A is the buffer area that roughly parallels the homes on South Wildhorse. As described above, it does not meet the stated desire of the town to have natural green ways and open space

corridors, in that it is much too narrow for this purpose. By increasing this open space, the developer would retain the natural beauty of the area, as well as enhance the desirability of the multi-family units and help to offset the negative impacts of the development. One can imagine a networked pedestrian trail connecting both sides of the development along Castle Valley Boulevard.

Another issue is drainage and slope. The storm water drain for run-off from the east side of Castle Valley Boulevard creates an intermittent pond during snow melt that runs fully into the open space areas. The slope of this open space area is also significant and further limits its use. Open space should be space that is accessible to the public, not undevelopable space. A hydrological study was not available for review, but even at current flow rates, standing water is not likely to be fully solved by the proposed re-routing of the storm drain and placement of rip-rap along the hill.

Also troubling is the pedestrian walkway that currently is designed to end at Castle Valley Boulevard. There is no provision for safe crossing of the street; there are no sidewalks that join that area. The only crosswalk that exists is on the north side the South Wildhorse/Castle Valley Boulevard intersection.

Open Space C is a pocket park in the center of the 91-unit development; Open Space D is a very small area also in the center of the development, much too small to be considered viable open space. These may serve the residents of the development but are not easily accessible to other citizens. We concur with the staff report that urged that the development have more open space than currently proposed.

4. Wildfires and other considerations

As the town's population increases, we must consider a second street to allow people in Castle Valley Ranch to enter/leave. Traffic loading is already apparent on Castle Valley Boulevard, the only street out of Castle Valley Ranch. However, this inconvenience may become a very serious danger should a wildfire sweep the area, as people have no way out other than one street. In October 2019, many residents witnessed the fire on the hill that is adjacent to the land in Filing 11. We were lucky that time, due to the amazing work of our firefighters and the availability of air support. Next time we may not be so lucky. This issue is paramount in the minds of many Castle Valley Ranch residents and must be considered with any development, but especially in ones with high density that compounds traffic concerns. Connecting to C Street should be discussed as a way of potentially saving lives.

Additionally, as noted in the staff report, concerns continue regarding how the remaining lots on the other side of Castle Valley Boulevard, along North Wildhorse, and VIX Park will be developed. The town has a great opportunity to consider the prominent value residents place on open spaces, with connected trail systems in thinking about future development. It also must consider where and how multiple-use building will occur. Finally, we encourage the town to carefully consider infrastructure capacity. We saw no stormwater management study in the materials for Filing 11.

In sum, we have an opportunity to make New Castle a highly desired gem of a town through careful development, but once that opportunity is lost, we've lost it forever. The Town of New Castle has an opportunity to promote development that aligns with its comprehensive plan, Smart Growth Principles, and the stated desires of the community to protect the town's scenic quality and open space. **We urge you to not approve this application until it more closely represents these goals as stated in the Comprehensive Plan and the municipal code. We stand ready as residents to assist the town that we all love in honoring the New Castle Comprehensive Plan and vision as set forth.**

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May 6, 2020

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Wayne and Virginia Shelton

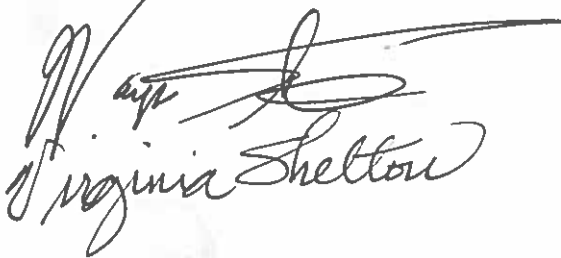
501 S. Wild Horse Dr.

New Castle, Co 81647

As 11 year residents of S. Wild Horse Drive that will be directly affected by R-11, we have several concerns.

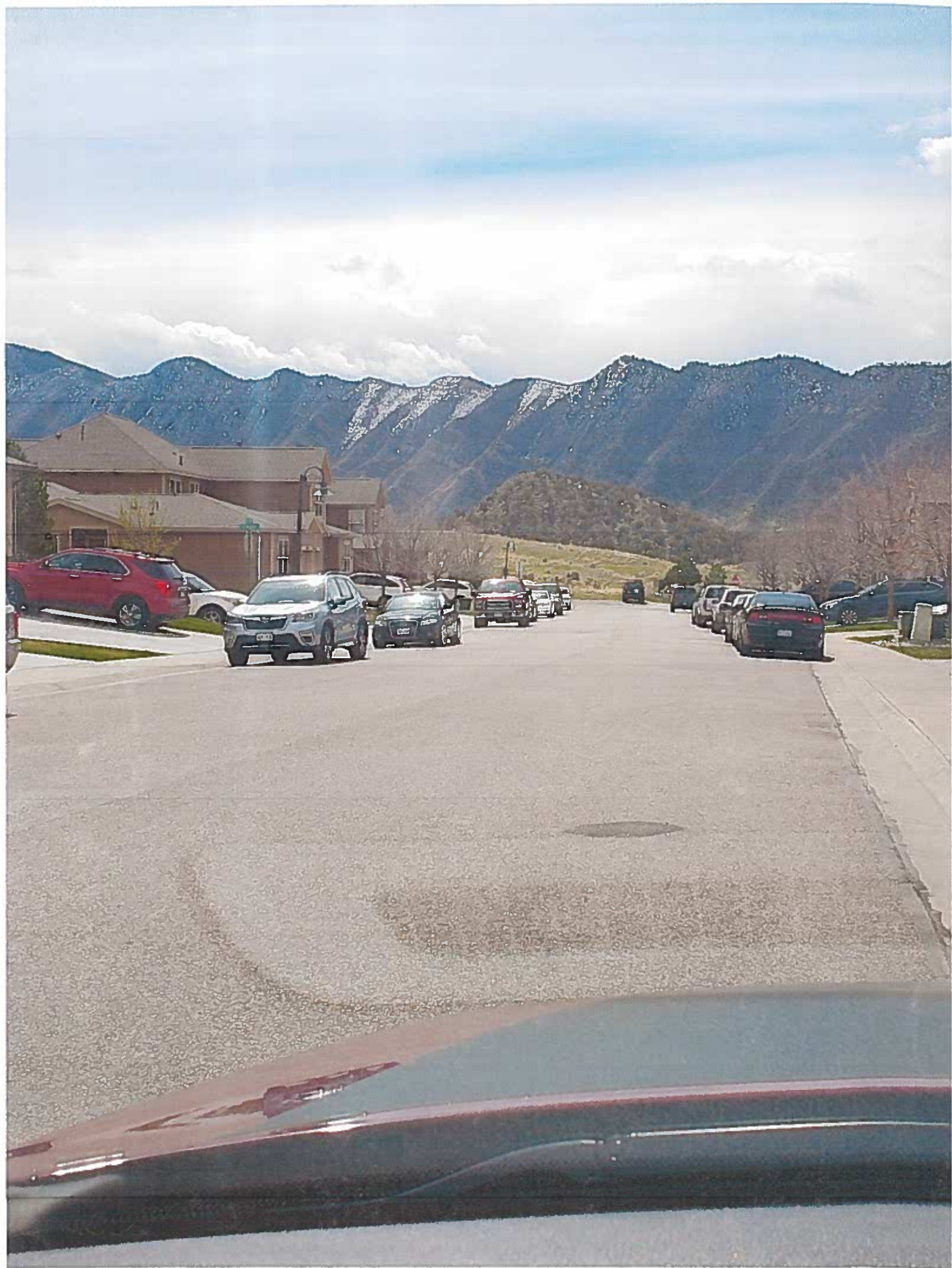
1. This greatly increased density does not seem appropriate for a single family neighborhood. It seems that a disproportionate number, 91 of the 540, approved housing units has been proposed and concentrated in only 14 acres. I believe a wider buffer zone and lesser density would be appropriate for this area.
2. These are 3 bedroom units so I would assume the occupancy rate would most likely be between 3 and 4 people per unit. This being the case you should assume 2 to 3 cars per unit which would necessitate 1 car in the garage, 1 in the driveway, and 1 parked in the street. There is little or no provision for parking in the street, due to the number of driveways and the density of the units. This would seem to lead to a very cluttered and probably unsightly density. All this can be verified by observing the problems in the existing triplex areas and would be even more exacerbated by an even larger number of proposed 3 and 4 plexs.
3. Based on the growing number of electric vehicles, I have seen no provision for outdoor access to the power supplies, unless you run dropcords across driveways, lawns, and sidewalks.
4. It looks like snow removal would be very problematic. The city recommends shoveling snow on to each lawn, however in snowy winters we have had to shovel the excess snow in to the street's parking area. This being the case for the increased density there would be even less lawn space, due to the number of driveways, to put the snow which would necessitate putting more snow into the already inadequate street parking.
5. Also based on past observations this density would be problematic for the trash collections due to the increased number of cars and winter snow placement along the streets.
6. The proposed open space seems entirely inadequate for the ultimate number of residents. It looks like most of the "open space" was based on land that would have been difficult to build on anyway and does not seem suitable for most accepted "open space" uses.

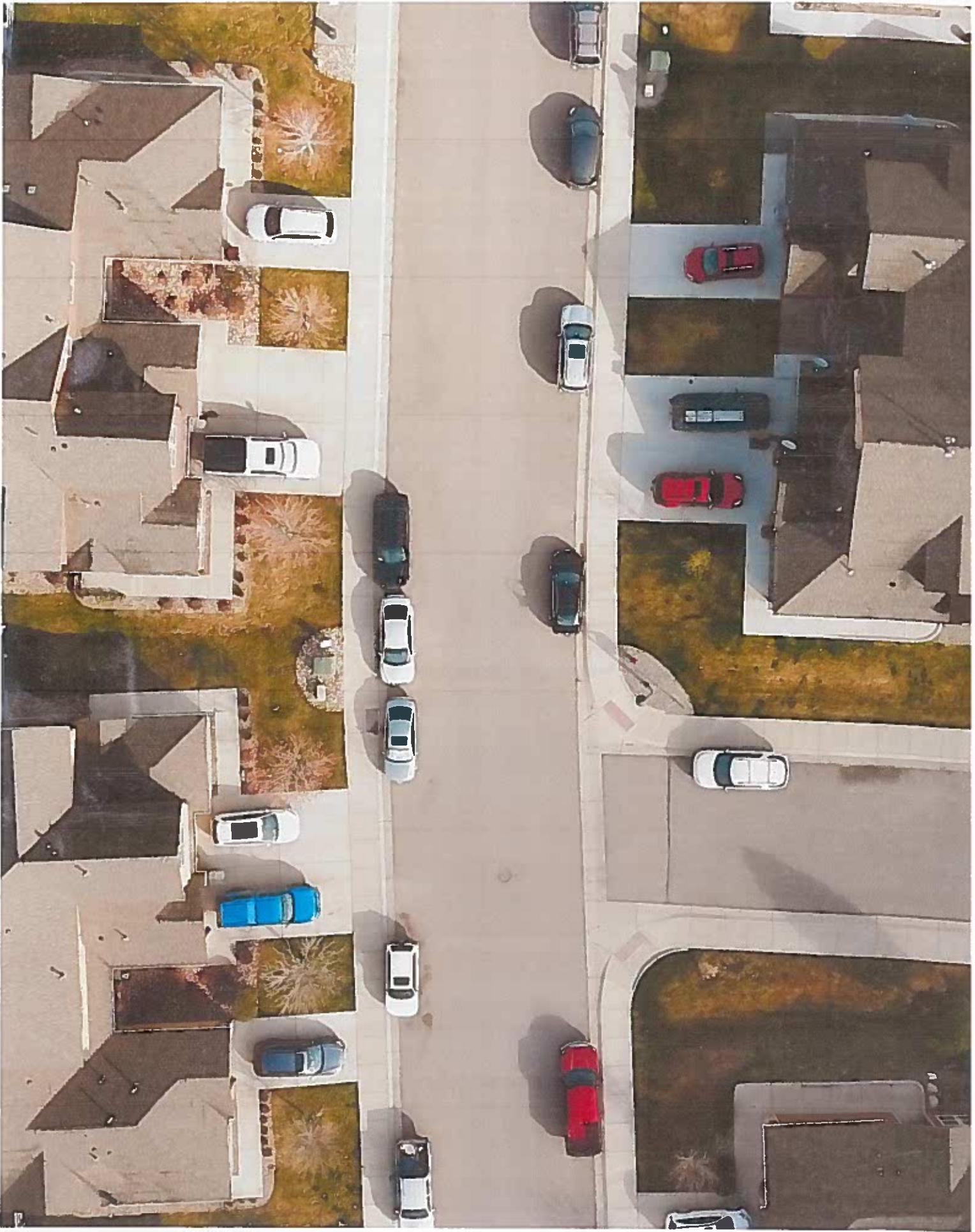
It would seem they are proposing this area for the increased density so they can make other areas more desirable for single family homes to their benefit. It should be remembered that the developer's effort to maximize profits will produce neighborhoods that we will all have to live with long after they are gone.



Virginia Shelton







May 18, 2020

Planning and Zoning Commissioners
Town of New Castle
450 W. Main Street
New Castle, CO 81647

Dear Commissioners,

We are writing to clarify we, as homeowners on South Wildhorse and Mount Harvard, understood about future development and to amplify the community letter opposing the Filing 11 development as proposed by CVR Investors.

When we purchased our homes in 2009 and 2010, we did our due diligence. We looked at the town map posted on the New Castle website, which showed single-family lots. We also talked with a town representative who confirmed that most of the land was privately owned and single-family homes would eventually be built. At no time were triplexes or quadraplexes shown on any town map or indicated as a potential for development. Had that been the case, we would not have bought our homes. This purchase represented a very large and important decision, as with many homeowners whose equity is invested in their homes. So, to be clear, as prospective homeowners, we checked with the town and looked at the town's map before our purchases. Had we known that a quadraplex could possibly be built less than 70 feet behind our backyards, or that a 91-unit high-density development was proposed in the adjacent 14 acres, we would NOT have bought our homes.

The town planner noted that if this development is built as currently planned, it will decrease our property values. While we agree with the town's goal to have a diversity of housing, including housing that is affordable, it is patently unfair to do so when it adversely affects existing homeowners who sought out town information a decade ago. "Softening" the transition with trees, or worse, a fence is an inadequate resolution to this very significant problem.

We see two possibilities: greatly increase the buffer between single family homes and high-density housing, which would have the added value of helping wildlife along that corridor (we see deer in that field every single night), creating a more usable and aesthetic open space, retaining the natural drainage (intermittent ponds occur in that field during snow melt and rain events), and establishing a more welcoming trail addition for all citizens. The developer currently has given very little land to this buffer. Open Space A totals just .82 acres, which as the developer notes, is just 59-72 feet between property lines. This include the unbuildable hill owned by the town. As we view the application, this is about 20 feet of the developer's land running the length of Open Space A. While we recognize that redrawing the planned development represents a cost to the developer, we also know that CVR did not respond to concerns by town staff regarding the abrupt transition between housing in the staff report for the sketch plan. Instead of creating a larger buffer in the preliminary/final application, the developer changed three triplexes to quadraplexes immediately behind the single-family homes. We maintain that this is not a response to town or community concerns at all, and that the developer should have adjusted the width of the buffer before submitting a preliminary/final application.

A second possibility is to build single family homes in the lots adjacent to South Wildhorse and Mount Harvard, as indicated in the town map at the time we purchased our homes. The final application puts 22 units (four quadraplexes and two triplexes) on six lots adjacent to South Wildhorse. Building six single family homes would be more protective of property values for the existing homes than what is proposed. The lots could be maintained as shown, just with 16 fewer units. Construction of single-family homes is underway on South Wildhorse and Mount Yale Court, and homes have sold well, so there is a market for single-family homes.

Regarding the community letter, the support for which continues to grow, it sends a clear message: this is a development that is not in concert with a sense of place as outlined in the goals of the comprehensive plan. Should you approve this development as is, you will not only harm adjacent homeowners, but you will also approve a development that has identified issues regarding parking, congestion, public safety, fire danger, lack of recreational opportunities, and with open space that is virtually unusable (either next to a high-traffic street, Open Space B, or a the narrow pedestrian trail in the buffer area along South Wildhorse and Mount Harvard, Open Space A, or small areas inside the development).

As a community, we have the chance to create a development that complements our sense of place and the unique character of New Castle or settle for a development that does the opposite. We urge you to make the right choice for the citizens of New Castle.

Thank you for the opportunity to respond.

Sincerely,

Denise and Steve Scheberle

Virginia and Wayne Shelton

Ines Baquero

May 20, 2020

TO: Planning and Zoning Commissioners and Paul Smith, Planner
RE: Preliminary/Final Filing 11 application

We urge you to NOT approve the application of CVR Investors, Inc. (CVR) as proposed. Beyond the rationale described in the previous communication dated May 1, 2020 to the Planning and Zoning Commissioners and Paul Smith, Planner for the City of New Castle, this communication addresses the discussion and outcome of the May 14, 2020 Planning and Zoning Commissioners meeting. First, we would like to acknowledge the work of the Commissioners and Paul Smith during the 3 ½ hour meeting on May 14 and attended via Zoom by nearly 40 residents of Castle Valley Ranch. Although the meeting length left no time for residents' input, we appreciate the decision of the Commissioners to carry over the discussion and decision making on the application to May 27 in order to receive citizen input on the Filing 11 application. Second, we must also acknowledge coming away from the meeting with a dispirited outlook of finality in favor of CVR with little consideration given to the concerns of current residents. Looking to the future of New Castle as a bedroom community to Glenwood Springs rather than a Colorado mountain town destination seems more the reality than the exception with the sea of rooftops arising from Filing 11 with little regard to the Smart Growth Principles in New Castle's Comprehensive Plan.

As owners on Foxwood LN, we would like to address the issues related to the North Wildhorse community bounded by Redstone and Foxwood LN in order to correct some misconceptions of the reality of living in that area.

Parking. The density of townhomes with only three additional parking spaces simply pushes more parking onto the streets obstructing vision by motorized and nonmotorized vehicles. These obstructions put residents, particularly children, in danger as they ride their bikes and scooters throughout the streets. Backing out of one's driveway becomes a challenge year-round. These situations will be recreated by the high density of construction on South Wildhorse and Mt. Harvard if not given consideration prior to approval of Filing 11.

Snow removal and storage. There is little room for town and contractor vehicles to navigate and manage snow removal and storage processes with streets overcrowded with vehicles. Driver vision becomes impeded, and navigation of driveways at times nearly impossible, with snow deposits handicapping vision and cars using the streets for parking become snow mounds of their own.

Wildland fire. We were particularly alarmed by the seemingly lack of concern given to egress issues presented by wildfires as climate change exacerbates these dangers. The safety of the town's residents to know how they will be protected from fire is paramount. Where is the current emergency evacuation management plan? How is this plan being addressed in conjunction with Filing 11? With the continued housing development, what mitigation efforts are being addressed? What are the escape routes for the residents? There is a need to know before fire is upon us and the density of development hampers the safety of its citizens.

As stated in the letter dated May 1, 2020, "In October 2019, many residents witnessed the fire on the hill that is adjacent to the land in Filing 11. We were lucky that time, due to the amazing work of our firefighters and the availability of air support. Next time we may not be so lucky. This issue is paramount

in the minds of many Castle Valley Ranch residents and must be considered with any development, but especially in ones with high density that compounds traffic concerns.....” We strongly urge the Commission *to know* what the emergency management escape routes are for wildland fire before approving the Filing 11 application.

We urge the Commission and Council to work with the residents to support livable neighborhoods enfolded within the mountain town environment we love to live in. Keep Front Range-type living on the Front Range.

Respectfully submitted,

Myrna Candreia, 26 Foxwood LN, New Castle, CO 81647

Jean Huyser, 34 Foxwood LN, New Castle, CO 81647

May 21, 2020

TO: Planning and Zoning Commissioners and Paul Smith, Planner
FR: Residents of New Castle (updated to 70 names and addresses below)
RE: Preliminary/Final Filing 11 application

We urge you not to approve the Filing 11 application for development of the property behind South Wildhorse Drive and Mount Harvard Court by CVR Investors, Inc. (CVR), a company located in Castle Rock, CO. Our rationale is described in more detail below, but in short, this high-density development offers very little open space, provides insufficient buffers between multiple-unit housing and single-family homes, inadequately considers the impact of the development to surrounding property values, ignores the need to maintain wildlife migration patterns, does not adequately provide for pedestrian/traffic interface on Castle Valley Boulevard, has not adequately addressed viewsheds and ridgelines, may not provide for natural drainage from the storm water pipes on both sides of Castle Valley Boulevard, increases traffic loading onto Castle Valley Boulevard, does not provide adequate additional parking for new residents during Phase 1, and may increase costs to the town as it addresses traffic, safety, fire, and other infrastructure issues. It also limits the town's ability to provide mixed-use development. Moreover, it does not reflect the goals of New Castle's Comprehensive Plan, leaving the town with a densely packed sea of rooftops that does little to make the town unique or desirable. We recognize the right of CVR to develop this property; however, that right is not absolute in much the same way as we are governed by the requirements of a homeowner's association. If this development is allowed as currently presented, we have much to lose, as described below.

1. Too much density

The planned net density for the development is 10.45 dwelling units per acre (91 units on 13.5 acres). This far exceeds the average density in the town, creating many potential problems for the town, surrounding homeowners and future residents. The town will face higher costs in traffic control, snow removal, fire response, infrastructure maintenance, etc. After the coronavirus devastates the economy, we are also likely to face a recession, at least in the short term, and the town may be saddled with costs at a time where it is most difficult to meet them. This means that we will all face higher costs. The surrounding homeowners will likely suffer from greatly reduced property values, which seems very unfair, and the town has a responsibility to not damage current homeowners in permitting a new development. Moreover, future residents of the development will face inadequate parking (only four extra parking spaces are provided in the application), few amenities, noise and congestion. A recent example can be found in the newly developed triplexes on Redstone Drive and Foxwood Lane, where congestion and parking are on-going issues. Building fewer fourplexes and triplexes would go a long way in improving the development, helping preserve property values, and preserving the town's sense of community.

2. Insufficient buffer between single-family and multiple family homes

Concerns about an urban buffer were identified in the town planning staff report to the Town Council in response to CVR's initial sketch plan on October 1, 2019. The staff report noted concerns about the "blunt transition" from large single-family homes to high density homes. Very little action has been taken to meet those concerns since that report. Instead, more fourplexes now border the buffer between the single-family homes on South Wildhorse/Mount Harvard than were in the sketch plan.

The preliminary/final application allows just 59 to 72 feet of buffer behind the homes on South Wildhorse/Mount Harvard, including the hill owned by the town. The developer provides very little, as the buffer includes the natural drainage down the hill, as well as the town's property. In order to protect the value of the homes along the development, this buffer needs to be much larger. This is a win-win-win for residents and the town. Increasing the buffer not only brings the development into greater compliance with the goals of the Town of New Castle Comprehensive Plan and helps protect property values, both outside and inside the development, it has the added benefit of adding much-needed open space for the pedestrian walkway and offers a corridor for wildlife. The Colorado Division of Wildlife has identified this area as an important deer habitat, and residents view deer everyday grazing and bedding in this field.

The visual impact analysis was not available for review on the town's website, so we cannot comment. If this analysis exists, we would like to review it. If not, one should be done considering the buffer concerns.

3. Insufficient open space

At first glance, it appears that CVR's application has met the minimal requirements for open space (1.5 acres dedicated open space in the 13.5 acres to be built). However, a closer look at the four open spaces shown on Overall Site Plan Map (page 7 of the application) tells a different story. Municipal Code Sec.17.104.010 encourages a creative approach to the development of land and an integrated open space system throughout the Castle Valley Ranch PUD. The Town of New Castle's Comprehensive Plan calls for pedestrian networks, recognizes the importance that citizens put on open spaces and calls for preserving open space and natural beauty whenever possible. We call attention to Comprehensive Plan Goal CG-1: Ensure that new development substantially conforms to the New Castle Comprehensive Plan principles, goals and policies and includes: Policy CG-1B: Applicants will be required to clearly demonstrate substantial conformity with the comprehensive plan in all applications; and, Policy CG-1D: Non-compliant land-use applications shall be modified to conform substantially to the comprehensive plan or will be rejected. (Town of New Castle Comprehensive Plan, p.50)

The Comprehensive Plan further calls for the creation of park space so to meet the standard of an additional 14 acres of usable park land for every thousand person increase in the town's population. Data from the Comprehensive Plan showed that the town was just under the minimum in 2007 (13.6 acres to service roughly 4,000 people). The addition of Dancing Bear Park is welcomed, but does not add enough park space to meet the standard. Thus, more park space is needed as development continues.

The developer proposes that "Open Space B" be a neighborhood park maintained by the town. The idea of a park is welcomed; however, this parcel of land has issues. First, it is directly adjacent to Castle Valley Boulevard, and provides for little buffer between the street and the park. In contrast, the newest park, Dancing Bear, is separated from the main street. Second, at just one-third of an acre (14,000 square feet), this "open space" largely represents what would be needed to provide a buffer between the street and the development anyway, as is the case with the homes along Castle Valley Boulevard to the north. The staff report pointed to the need for open space recreation, and this does not meet that need. This area is also suggested for snow removal for the Town, which further hampers the appeal of Open Space B.

Open Space A is the buffer area that roughly parallels the homes on South Wildhorse. As described above, it does not meet the stated desire of the town to have natural green ways and open space

corridors, in that it is much too narrow for this purpose. By increasing this open space, the developer would retain the natural beauty of the area, as well as enhance the desirability of the multi-family units and help to offset the negative impacts of the development. One can imagine a networked pedestrian trail connecting both sides of the development along Castle Valley Boulevard.

Another issue is drainage and slope. The storm water drain for run-off from the east side of Castle Valley Boulevard creates an intermittent pond during snow melt that runs fully into the open space areas. The slope of this open space area is also significant and further limits its use. Open space should be space that is accessible to the public, not undevelopable space. A hydrological study was not available for review, but even at current flow rates, standing water is not likely to be fully solved by the proposed re-routing of the storm drain and placement of rip-rap along the hill.

Also troubling is the pedestrian walkway that currently is designed to end at Castle Valley Boulevard. There is no provision for safe crossing of the street; there are no sidewalks that join that area. The only crosswalk that exists is on the north side the South Wildhorse/Castle Valley Boulevard intersection.

Open Space C is a pocket park in the center of the 91-unit development; Open Space D is a very small area also in the center of the development, much too small to be considered viable open space. These may serve the residents of the development but are not easily accessible to other citizens. We concur with the staff report that urged that the development have more open space than currently proposed.

4. Wildfires and other considerations

As the town's population increases, we must consider a second street to allow people in Castle Valley Ranch to enter/leave. Traffic loading is already apparent on Castle Valley Boulevard, the only street out of Castle Valley Ranch. However, this inconvenience may become a very serious danger should a wildfire sweep the area, as people have no way out other than one street. In October 2019, many residents witnessed the fire on the hill that is adjacent to the land in Filing 11. We were lucky that time, due to the amazing work of our firefighters and the availability of air support. Next time we may not be so lucky. This issue is paramount in the minds of many Castle Valley Ranch residents and must be considered with any development, but especially in ones with high density that compounds traffic concerns. Connecting to C Street should be discussed as a way of potentially saving lives.

Additionally, as noted in the staff report, concerns continue regarding how the remaining lots on the other side of Castle Valley Boulevard, along North Wildhorse, and VIX Park will be developed. The town has a great opportunity to consider the prominent value residents place on open spaces, with connected trail systems in thinking about future development. It also must consider where and how multiple-use building will occur. Finally, we encourage the town to carefully consider infrastructure capacity. We saw no stormwater management study in the materials for Filing 11.

In sum, we have an opportunity to make New Castle a highly desired gem of a town through careful development, but once that opportunity is lost, we've lost it forever. The Town of New Castle has an opportunity to promote development that aligns with its comprehensive plan, Smart Growth Principles, and the stated desires of the community to protect the town's scenic quality and open space. **We urge you to not approve this application until it more closely represents these goals as stated in the Comprehensive Plan and the municipal code. We stand ready as residents to assist the town that we all love in honoring the New Castle Comprehensive Plan and vision as set forth.**

Signatures for the letter (Because of the stay-at-home/safer at home orders, gathering signatures was not possible. However, everyone provided their name and address, often by email, noting their interest in signing the letter.)

Denise Scheberle	507 S. Wildhorse Drive
Steve Scheberle	507 S. Wildhorse Drive
Wayne Shelton	501 S. Wildhorse Drive
Virginia Shelton	501 S. Wildhorse Drive
Myrna Candreia	26 Foxwood Ln.
Jeanne Huyser	34 Foxwood Ln.
Karen Skalsky-Schwenk	511 S. Wildhorse Drive
Tom Schwenk	511 S. Wildhorse Drive
Paul Gonnerman	51 Mt Yale Ct
Susan J Bilstad	51 Mt Yale Ct.
Jes Dooling	729 S. Wildhorse Drive
Ines Baquero	73 Mount Harvard Ct.
Dee Demming-Kressner	156 N. Wildhorse Drive
Robert Wang	655 S. Wildhorse Drive
Lynne Cassidy	655 S. Wildhorse Drive
Jeff Andrews	715 Storm King Circle
Diana Andrews	715 Storm King Circle
Sue Cooke	26 Buckskin Circle
Gary Cooke	26 Buckskin Circle
Khmasea Bristol	351 Buckthorn Rd.
Bay Bristol	351 Buckthorn Rd.
Connie Davis	818 Ute Circle
Rick Davis	818 Ute Circle
JR Torrez	882 Ute Circle
Stephanie Torrez	882 Ute Circle
Kristi Stark	829 Ute Circle
Jeff Stark	829 Ute Circle

Pat Gunther	695 Cheyenne
John Gunther	695 Cheyenne
Larry Dragon	845 Ute Circle
Ruth Belda	845 Ute Circle
Erin Courtney Quinn	142 W. Cathedral Ct.
Jamin Heady-Smith	39 S. Painted Horse Cir
Stephanie Dani Carballo	309 Maroon Ct.
Bert Carballo	309 Maroon Ct.
Sally Linden	805 Ute Circle
Janet Kinghorn	379 Maroon Ct.
Mark Kinghorn	379 Maroon Ct.
Joni Owens	235 W. Capital Ct.
David Bristol	386 W. Main #4
Lee Teran	386 W. Main #4
Brittney Street	680 Cheyenne
Jeff Street	680 Cheyenne
Tom Elder	247 N. 7 th St.
Mary Johnson	247 N. 7th St.
Shirley Williams	0981 County Road 245
Jenna Bontempo	44 Foxwood Lane
Toni Main	48 Foxwood Lane
Ken Collins	48 Foxwood Lane
Sandy Weaver	308 Penny Royal
Andy Hawley	120 Deer Valley Dr.
Diane Blasingame	382 Faas Ranch Rd.
Hobson Wildenthal	18 Redstone Dr.
Adele Wildenthal	18 Redstone Dr.
Cathy Hess Bassett	119 Redstone Dr.
Edward Landeros	51 Redstone Dr.

Deann Landeros	51 Redstone Dr.
Hollie Soltis	103 Redstone Dr.
R.C. Lee	123 Redstone Dr.
Michael Callveri	122 Redstone Dr
Bonnie Daniels	33 Buckskin Circle
Patrick English	33 Buckskin Circle
Eric Baquero	16 Deer Valley
Cathie Baquero	16 Deer Valley
Karen Trowbridge	160 North Wildhorse
Gerry Trowbridge	160 North Wildhorse
Stuart Tomeske	148 Kit Carson
Pam Tomeske	148 Kit Carson
Lisa Miller	171 Blackhawk Drive
Ron Miller	171 Blackhawk Drive

May 19, 2020

Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647
Attn: Paul Smith, Town Planner

RE: CVR Filing 11 – Public Comment

Dear Members of the New Castle Planning and Zoning Commission,

We oppose development CVR Filing 11, filed by CVR Investors, Castle Rock, Colorado. This proposed development neighbors S. Wildhorse Drive and Mt. Harvard Court. Our objections to this development include, but are not limited to, the following:

- ***The development is too dense.*** The plans show 91 units and provides the number of units per acre. However, the document does not state the development's *population density*. Assuming an average of 3 people per household, the population squeezed into this small acreage development will surpass 270 people. This density fails to provide a positive quality of life for CVR Filing 11 residents and their neighbors.
- ***This development will increase traffic delays already experienced during peak commuting hours.*** Many residents of CVR Filing 11 will likely be commuting workers. Currently, on many weekday mornings from 7:00 am to 8:00 am, stalled traffic backs up from the intersection of Highway 6 and 24, upward on Castle Valley Boulevard, to the Colorado River Fire Station, and beyond. Each evening, from 5:30 pm to 6:30 pm, vehicles sit idle on the I-70 off ramp, traffic again jammed at the intersection of Highway 6 and 24. Most households have at least two vehicles, and it is possible 180 to 270 vehicles would leave and return to the CVR Filing 11 development every day during peak commute times. The proposed roundabout located at the intersection of Highway 6 and 24 will not adequately accommodate this additional volume or mitigate the pollution caused by idling vehicles. The traffic problems will only worsen with the construction of apartments near the Colorado River Fire Station.
- ***The designed density of CVR Filing 11 fails to create a uniform transition to the existing Castle Valley neighborhoods.*** The construction of multiple unit buildings is out of character with the single-family homes constructed on neighboring S. Wildhorse Drive and Mt. Harvard Court. CVR Filing 11 is better suited in an area where multiple housing units already exist.
- ***CVR Filing 11 does not provide adequate green or open space.*** A small park alone does not provide a buffer between proposed units and existing neighborhoods and does not create a desire to live in the development. Require more green space within this development to build a better quality of life for residents and to provide a wildfire barrier.

- ***The lack of open space within CVR Filing 11 further reduces limited wildlife habitat and wildlife corridors.*** The current open space near and within Castle Valley is home to fox, elk, deer, bluebirds, meadow larks, coyote, and hawks. Again, require from the developer more open space to preserve and protect the remaining wildlife resources, or work with the developer to make this parcel dedicated open space.

CVR Filing 11 is contrary to the character and quality of life already existing in Castle Valley. The density of this development creates an over-crowded population, increased pollution, unmanageable traffic, further taxation of diminishing water and wildlife resources, and increased need for public safety services. It contributes to limited evacuation possibilities in the event of an emergency. CVR Filing 11 fails to build and sustain a balanced, healthy, and positive community.

Please reject CVR Filing 11 as currently proposed.

Sincerely,

Willa M. Kane
Michael T. Kane

610 S. Wildhorse Drive
New Castle, CO 81647

May 18, 2020

Planning and Zoning Commissioners
Town of New Castle
450 W. Main Street
New Castle, CO 81647

Dear Commissioners,

We are writing to clarify we, as homeowners on South Wildhorse and Mount Harvard, understood about future development and to amplify the community letter opposing the Filing 11 development as proposed by CVR Investors.

When we purchased our homes in 2009 and 2010, we did our due diligence. We looked at the town map posted on the New Castle website, which showed single-family lots. We also talked with a town representative who confirmed that most of the land was privately owned and single-family homes would eventually be built. At no time were triplexes or quadraplexes shown on any town map or indicated as a potential for development. Had that been the case, we would not have bought our homes. This purchase represented a very large and important decision, as with many homeowners whose equity is invested in their homes. So, to be clear, as prospective homeowners, we checked with the town and looked at the town's map before our purchases. Had we known that a quadraplex could possibly be built less than 70 feet behind our backyards, or that a 91-unit high-density development was proposed in the adjacent 14 acres, we would NOT have bought our homes.

The town planner noted that if this development is built as currently planned, it will decrease our property values. While we agree with the town's goal to have a diversity of housing, including housing that is affordable, it is patently unfair to do so when it adversely affects existing homeowners who sought out town information a decade ago. "Softening" the transition with trees, or worse, a fence is an inadequate resolution to this very significant problem.

We see two possibilities: greatly increase the buffer between single family homes and high-density housing, which would have the added value of helping wildlife along that corridor (we see deer in that field every single night), creating a more usable and aesthetic open space, retaining the natural drainage (intermittent ponds occur in that field during snow melt and rain events), and establishing a more welcoming trail addition for all citizens. The developer currently has given very little land to this buffer. Open Space A totals just .82 acres, which as the developer notes, is just 59-72 feet between property lines. This include the unbuildable hill owned by the town. As we view the application, this is about 20 feet of the developer's land running the length of Open Space A. While we recognize that redrawing the planned development represents a cost to the developer, we also know that CVR did not respond to concerns by town staff regarding the abrupt transition between housing in the staff report for the sketch plan. Instead of creating a larger buffer in the preliminary/final application, the developer changed three triplexes to quadraplexes immediately behind the single-family homes. We maintain that this is not a response to town or community concerns at all, and that the developer should have adjusted the width of the buffer before submitting a preliminary/final application.

A second possibility is to build single family homes in the lots adjacent to South Wildhorse and Mount Harvard, as indicated in the town map at the time we purchased our homes. The final application puts 22 units (four quadraplexes and two triplexes) on six lots adjacent to South Wildhorse. Building six single family homes would be more protective of property values for the existing homes than what is proposed. The lots could be maintained as shown, just with 16 fewer units. Construction of single-family homes is underway on South Wildhorse and Mount Yale Court, and homes have sold well, so there is a market for single-family homes.

Regarding the community letter, the support for which continues to grow, it sends a clear message: this is a development that is not in concert with a sense of place as outlined in the goals of the comprehensive plan. Should you approve this development as is, you will not only harm adjacent homeowners, but you will also approve a development that has identified issues regarding parking, congestion, public safety, fire danger, lack of recreational opportunities, and with open space that is virtually unusable (either next to a high-traffic street, Open Space B, or a the narrow pedestrian trail in the buffer area along South Wildhorse and Mount Harvard, Open Space A, or small areas inside the development).

As a community, we have the chance to create a development that complements our sense of place and the unique character of New Castle or settle for a development that does the opposite. We urge you to make the right choice for the citizens of New Castle.

Thank you for the opportunity to respond.

Sincerely,

Denise and Steve Scheberle

Virginia and Wayne Shelton

Ines Baquero

May 20, 2020

TO: Planning and Zoning Commissioners and Paul Smith, Planner
RE: Preliminary/Final Filing 11 application

We urge you to NOT approve the application of CVR Investors, Inc. (CVR) as proposed. Beyond the rationale described in the previous communication dated May 1, 2020 to the Planning and Zoning Commissioners and Paul Smith, Planner for the City of New Castle, this communication addresses the discussion and outcome of the May 14, 2020 Planning and Zoning Commissioners meeting. First, we would like to acknowledge the work of the Commissioners and Paul Smith during the 3 ½ hour meeting on May 14 and attended via Zoom by nearly 40 residents of Castle Valley Ranch. Although the meeting length left no time for residents' input, we appreciate the decision of the Commissioners to carry over the discussion and decision making on the application to May 27 in order to receive citizen input on the Filing 11 application. Second, we must also acknowledge coming away from the meeting with a dispirited outlook of finality in favor of CVR with little consideration given to the concerns of current residents. Looking to the future of New Castle as a bedroom community to Glenwood Springs rather than a Colorado mountain town destination seems more the reality than the exception with the sea of rooftops arising from Filing 11 with little regard to the Smart Growth Principles in New Castle's Comprehensive Plan.

As owners on Foxwood LN, we would like to address the issues related to the North Wildhorse community bounded by Redstone and Foxwood LN in order to correct some misconceptions of the reality of living in that area.

Parking. The density of townhomes with only three additional parking spaces simply pushes more parking onto the streets obstructing vision by motorized and nonmotorized vehicles. These obstructions put residents, particularly children, in danger as they ride their bikes and scooters throughout the streets. Backing out of one's driveway becomes a challenge year-round. These situations will be recreated by the high density of construction on South Wildhorse and Mt. Harvard if not given consideration prior to approval of Filing 11.

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We urge the Commission and Council to work with the residents to support livable neighborhoods enfolded within the mountain town environment we love to live in. Keep Front Range-type living on the Front Range.

Respectfully submitted,

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Jean Huyser, 34 Foxwood LN, New Castle, CO 81647

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The planned net density for the development is 10.45 dwelling units per acre (91 units on 13.5 acres). This far exceeds the average density in the town, creating many potential problems for the town, surrounding homeowners and future residents. The town will face higher costs in traffic control, snow removal, fire response, infrastructure maintenance, etc. After the coronavirus devastates the economy, we are also likely to face a recession, at least in the short term, and the town may be saddled with costs at a time where it is most difficult to meet them. This means that we will all face higher costs. The surrounding homeowners will likely suffer from greatly reduced property values, which seems very unfair, and the town has a responsibility to not damage current homeowners in permitting a new development. Moreover, future residents of the development will face inadequate parking (only four extra parking spaces are provided in the application), few amenities, noise and congestion. A recent example can be found in the newly developed triplexes on Redstone Drive and Foxwood Lane, where congestion and parking are on-going issues. Building fewer fourplexes and triplexes would go a long way in improving the development, helping preserve property values, and preserving the town's sense of community.

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The visual impact analysis was not available for review on the town's website, so we cannot comment. If this analysis exists, we would like to review it. If not, one should be done considering the buffer concerns.

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Open Space A is the buffer area that roughly parallels the homes on South Wildhorse. As described above, it does not meet the stated desire of the town to have natural green ways and open space

corridors, in that it is much too narrow for this purpose. By increasing this open space, the developer would retain the natural beauty of the area, as well as enhance the desirability of the multi-family units and help to offset the negative impacts of the development. One can imagine a networked pedestrian trail connecting both sides of the development along Castle Valley Boulevard.

Another issue is drainage and slope. The storm water drain for run-off from the east side of Castle Valley Boulevard creates an intermittent pond during snow melt that runs fully into the open space areas. The slope of this open space area is also significant and further limits its use. Open space should be space that is accessible to the public, not undevelopable space. A hydrological study was not available for review, but even at current flow rates, standing water is not likely to be fully solved by the proposed re-routing of the storm drain and placement of rip-rap along the hill.

Also troubling is the pedestrian walkway that currently is designed to end at Castle Valley Boulevard. There is no provision for safe crossing of the street; there are no sidewalks that join that area. The only crosswalk that exists is on the north side the South Wildhorse/Castle Valley Boulevard intersection.

Open Space C is a pocket park in the center of the 91-unit development; Open Space D is a very small area also in the center of the development, much too small to be considered viable open space. These may serve the residents of the development but are not easily accessible to other citizens. We concur with the staff report that urged that the development have more open space than currently proposed.

4. Wildfires and other considerations

As the town's population increases, we must consider a second street to allow people in Castle Valley Ranch to enter/leave. Traffic loading is already apparent on Castle Valley Boulevard, the only street out of Castle Valley Ranch. However, this inconvenience may become a very serious danger should a wildfire sweep the area, as people have no way out other than one street. In October 2019, many residents witnessed the fire on the hill that is adjacent to the land in Filing 11. We were lucky that time, due to the amazing work of our firefighters and the availability of air support. Next time we may not be so lucky. This issue is paramount in the minds of many Castle Valley Ranch residents and must be considered with any development, but especially in ones with high density that compounds traffic concerns. Connecting to C Street should be discussed as a way of potentially saving lives.

Additionally, as noted in the staff report, concerns continue regarding how the remaining lots on the other side of Castle Valley Boulevard, along North Wildhorse, and VIX Park will be developed. The town has a great opportunity to consider the prominent value residents place on open spaces, with connected trail systems in thinking about future development. It also must consider where and how multiple-use building will occur. Finally, we encourage the town to carefully consider infrastructure capacity. We saw no stormwater management study in the materials for Filing 11.

In sum, we have an opportunity to make New Castle a highly desired gem of a town through careful development, but once that opportunity is lost, we've lost it forever. The Town of New Castle has an opportunity to promote development that aligns with its comprehensive plan, Smart Growth Principles, and the stated desires of the community to protect the town's scenic quality and open space. **We urge you to not approve this application until it more closely represents these goals as stated in the Comprehensive Plan and the municipal code. We stand ready as residents to assist the town that we all love in honoring the New Castle Comprehensive Plan and vision as set forth.**

Signatures for the letter (Because of the stay-at-home/safer at home orders, gathering signatures was not possible. However, everyone provided their name and address, often by email, noting their interest in signing the letter.)

Denise Scheberle	507 S. Wildhorse Drive
Steve Scheberle	507 S. Wildhorse Drive
Wayne Shelton	501 S. Wildhorse Drive
Virginia Shelton	501 S. Wildhorse Drive
Myrna Candreia	26 Foxwood Ln.
Jeanne Huyser	34 Foxwood Ln.
Karen Skalsky-Schwenk	511 S. Wildhorse Drive
Tom Schwenk	511 S. Wildhorse Drive
Paul Gonnerman	51 Mt Yale Ct
Susan J Bilstad	51 Mt Yale Ct.
Jes Dooling	729 S. Wildhorse Drive
Ines Baquero	73 Mount Harvard Ct.
Dee Demming-Kressner	156 N. Wildhorse Drive
Robert Wang	655 S. Wildhorse Drive
Lynne Cassidy	655 S. Wildhorse Drive
Jeff Andrews	715 Storm King Circle
Diana Andrews	715 Storm King Circle
Sue Cooke	26 Buckskin Circle
Gary Cooke	26 Buckskin Circle
Khmasea Bristol	351 Buckthorn Rd.
Bay Bristol	351 Buckthorn Rd.
Connie Davis	818 Ute Circle
Rick Davis	818 Ute Circle
JR Torrez	882 Ute Circle
Stephanie Torrez	882 Ute Circle
Kristi Stark	829 Ute Circle
Jeff Stark	829 Ute Circle

Pat Gunther	695 Cheyenne
John Gunther	695 Cheyenne
Larry Dragon	845 Ute Circle
Ruth Belda	845 Ute Circle
Erin Courtney Quinn	142 W. Cathedral Ct.
Jamin Heady-Smith	39 S. Painted Horse Cir
Stephanie Dani Carballo	309 Maroon Ct.
Bert Carballo	309 Maroon Ct.
Sally Linden	805 Ute Circle
Janet Kinghorn	379 Maroon Ct.
Mark Kinghorn	379 Maroon Ct.
Joni Owens	235 W. Capital Ct.
David Bristol	386 W. Main #4
Lee Teran	386 W. Main #4
Brittney Street	680 Cheyenne
Jeff Street	680 Cheyenne
Tom Elder	247 N. 7 th St.
Mary Johnson	247 N. 7th St.
Shirley Williams	0981 County Road 245
Jenna Bontempo	44 Foxwood Lane
Toni Main	48 Foxwood Lane
Ken Collins	48 Foxwood Lane
Sandy Weaver	308 Penny Royal
Andy Hawley	120 Deer Valley Dr.
Diane Blasingame	382 Faas Ranch Rd.
Hobson Wildenthal	18 Redstone Dr.
Adele Wildenthal	18 Redstone Dr.
Cathy Hess Bassett	119 Redstone Dr.
Edward Landeros	51 Redstone Dr.

Deann Landeros	51 Redstone Dr.
Hollie Soltis	103 Redstone Dr.
R.C. Lee	123 Redstone Dr.
Michael Callveri	122 Redstone Dr
Bonnie Daniels	33 Buckskin Circle
Patrick English	33 Buckskin Circle
Eric Baquero	16 Deer Valley
Cathie Baquero	16 Deer Valley
Karen Trowbridge	160 North Wildhorse
Gerry Trowbridge	160 North Wildhorse
Stuart Tomeske	148 Kit Carson
Pam Tomeske	148 Kit Carson
Lisa Miller	171 Blackhawk Drive
Ron Miller	171 Blackhawk Drive

May 19, 2020

Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647
Attn: Paul Smith, Town Planner

RE: CVR Filing 11 – Public Comment

Dear Members of the New Castle Planning and Zoning Commission,

We oppose development CVR Filing 11, filed by CVR Investors, Castle Rock, Colorado. This proposed development neighbors S. Wildhorse Drive and Mt. Harvard Court. Our objections to this development include, but are not limited to, the following:

- ***The development is too dense.*** The plans show 91 units and provides the number of units per acre. However, the document does not state the development's *population density*. Assuming an average of 3 people per household, the population squeezed into this small acreage development will surpass 270 people. This density fails to provide a positive quality of life for CVR Filing 11 residents and their neighbors.
- ***This development will increase traffic delays already experienced during peak commuting hours.*** Many residents of CVR Filing 11 will likely be commuting workers. Currently, on many weekday mornings from 7:00 am to 8:00 am, stalled traffic backs up from the intersection of Highway 6 and 24, upward on Castle Valley Boulevard, to the Colorado River Fire Station, and beyond. Each evening, from 5:30 pm to 6:30 pm, vehicles sit idle on the I-70 off ramp, traffic again jammed at the intersection of Highway 6 and 24. Most households have at least two vehicles, and it is possible 180 to 270 vehicles would leave and return to the CVR Filing 11 development every day during peak commute times. The proposed roundabout located at the intersection of Highway 6 and 24 will not adequately accommodate this additional volume or mitigate the pollution caused by idling vehicles. The traffic problems will only worsen with the construction of apartments near the Colorado River Fire Station.
- ***The designed density of CVR Filing 11 fails to create a uniform transition to the existing Castle Valley neighborhoods.*** The construction of multiple unit buildings is out of character with the single-family homes constructed on neighboring S. Wildhorse Drive and Mt. Harvard Court. CVR Filing 11 is better suited in an area where multiple housing units already exist.
- ***CVR Filing 11 does not provide adequate green or open space.*** A small park alone does not provide a buffer between proposed units and existing neighborhoods and does not create a desire to live in the development. Require more green space within this development to build a better quality of life for residents and to provide a wildfire barrier.

- ***The lack of open space within CVR Filing 11 further reduces limited wildlife habitat and wildlife corridors.*** The current open space near and within Castle Valley is home to fox, elk, deer, bluebirds, meadow larks, coyote, and hawks. Again, require from the developer more open space to preserve and protect the remaining wildlife resources, or work with the developer to make this parcel dedicated open space.

CVR Filing 11 is contrary to the character and quality of life already existing in Castle Valley. The density of this development creates an over-crowded population, increased pollution, unmanageable traffic, further taxation of diminishing water and wildlife resources, and increased need for public safety services. It contributes to limited evacuation possibilities in the event of an emergency. CVR Filing 11 fails to build and sustain a balanced, healthy, and positive community.

Please reject CVR Filing 11 as currently proposed.

Sincerely,

Willa M. Kane
Michael T. Kane

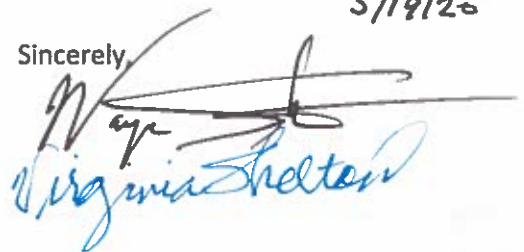
610 S. Wildhorse Drive
New Castle, CO 81647

Wayne and Virginia Shelton
501 S. Wild Horse Dr.
New Castle, Co 81647

I attended the virtual meeting on the May 13th and came away with the following impressions and observations:

1. As 11-year residents of South Wild Horse, I feel the commission should realize we as home owners did our due diligence as far as considering the future of the R-11 area. We understood at the time it was zoned for single family houses and NOT triplexes and 4-plexes. This is a completely different future than what we had planned.
2. This plan as presented greatly increases the density of the area without providing any additional benefits to the area residents or the perspective buyers. They are offering no new amenities, just increasing the pressure on the existing infrastructure.
3. The investor reiterated numerous times about the amount of money they had invested in the present plan. Based on my observations their money was spent to maximize their profit to the detriment of the community. I felt they presented a cavalier attitude and weren't interested in making this a community friendly development.
4. The above statement was shown by the comments that they had met the minimum open space requirements. From looking at plan the areas they designated as open space were probably unbuildable land anyway and because of the topography was of little use other than to have a green area on the side of a hill or next to Castle Valley Boulevard.
5. Their snow storage area, by there own admission, was designated on areas that were not convenient to build on and not for the ease and convenience of the residents or city crews. The newly proposed plan for snow storage would even further exacerbate the parking problems by taking away even more areas from the already congested street parking.
6. Parking, although mentioned was not addressed at all. The problems with the Redstone Drive area triplexes will be even worse with the addition of 4-plexes. I would like to ask the commission to please consider all the parking and snow removal problems with the present multi-unit neighborhood and not let this become an even worse problem.
7. I did see that there was additional parking proposed on the plans, however it seemed it would be inconvenient for most of the residents for having to park up to 2 blocks from there house and very inconvenient in the winter for whose is going to be responsible for keeping the sidewalks clean in an area where there are no homes. ALSO this additional parking looks like it will only be available after the third phase is completed. Leaving Phase 1 and Phase 2 residents without this limited benefit that may not be available for several years.
8. I would be very doubtful if any of these developers are going to be residents of this neighborhood and that they would strongly object to having a project like this built next to their homes.
9. If there are no solutions to the many problems facing this development before it is approved then all the problems will become permanent after it is built out.
10. There was a mention of an October meeting that was to outline this development process. To the best of my knowledge none of the local residents were aware of this meeting so there was very little local involvement or comment on this process.

Sincerely,

5/19/20

Virginia Shelton

May 17, 2020

New Castle Planning and Zoning Commission
Attn: Mindy Andis, Deputy Clerk

After listening to the three hour plus planning meeting on May 13th, we have multiple concerns about the proposed development by CVR Investors, Inc. (CVR). We think it's crucial that the commission not approve this resolution.

The developer gave the strong impression they're not willing to work with the city on key issues (such as workable open areas and the transition area between the new development and houses on South Wildhorse Drive and Mount Harvard Court). In addition to the concerns outlined below, we believe approving this proposal will set the stage for what CVR can deny responsibility for in future developments, setting up future problems for the Town of New Castle.

Outlined below are key concerns we have with the proposed development.

1. Parking. In a 91-unit development, you can expect each unit to have at least 2 cars. Most of the units use the one-car garages as storage, leaving six cars to find a spot per triplex. That spills out into the road very quickly, creating obtrusions to sidewalks especially during the snowy season. You can see the problems that Redstone Dr. has – CVR said nothing to convince us that the new development will be any different.

2. Traffic concerns on Castle Valley Blvd. Castle Valley Blvd is a highly trafficked road. Adding a potential for 180 new cars driving will not only clog that road further, but also create higher noise levels. Putting in such a large multi-family community will accelerate the need for more infrastructure that the town will pay for.

3. Drainage concerns. Like parking and traffic, drainage is an issue that the developer will walk away from and leave it up to the town to make the costly fixes. For example, Redstone Dr. has a large dip in the road from poor construction that fills with water, creating a large ice patch in snowy seasons. This type of error is something we need to safeguard against by rejecting the current proposal.

4. Wildlife migration patterns. Wildlife is an integral part of living in New Castle. Despite the blanket statement made at the meeting that wildlife doesn't like to be around people and dogs, anyone living in New Castle can tell you that's not true. A big migration pattern of our Elk was already disrupted when Lakota Ridge Senior Apartments were built. New Castle is not a sprawling suburban town crammed with housing – please keep it from becoming such by respecting open areas that allow for wildlife flow to continue.

5. Fire danger. We are not satisfied that concerns about traffic on Castle Valley Blvd and access to Mt Medaris during a fire emergency are sufficiently addressed at this time. We live in an increasingly dry climate that experiences threats of wildfire. With the limited roads for evacuation, we believe the large multi-family development will stress the current access and lead to the town footing the bill to expand Castle Valley Blvd – something that few residents want to see.

Knowing that this developer is responsible for Redstone Dr. (which has known large parking and drainage problems) and that they will be working on further developments in New Castle, we think it's important to make sure CVR adheres by the values of the town and doesn't create multiple developments that leave the city and it's residents with lasting problems.

A developer quickly builds according to minimum specs (as proven by the comments by CVR in the town meeting) and then moves on. Leaving the town to clean up any problems due to poor road planning, large increase in traffic, decreased property values for existing residents, a less desirable community, and a sharp increase in population.

We strongly urge that you not approve the Filling 11 application for development as it stands. If this development is allowed to continue as currently proposed, CVR and the Planning and Zoning Commission could leave New Castle residents with a large monetary burden to fix the problems left by this current plan.

Please place this letter in the agenda packet for the May 27th meeting.

Thank you for your attention to this matter.

Sincerely,

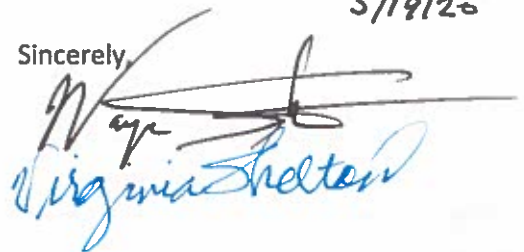
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Sincerely,

5/19/20

Virginia Shelton

May 25, 2020

TO: New Castle Planning and Zoning Commission
ATTN: Mindy Andis, Deputy Clerk
From: Lee Teran
386 Main, #4, New Castle, CO

My husband and I are seniors (72 and 77 years of age). We are homeowners in downtown New Castle, and we have extended family who live in Castle Valley. Every day, weather permitting, my husband and I walk and hike from Main Street to Castle Valley and back. The low density of existing housing, limited traffic, and the open spaces in Castle Valley provide us and our family with a healthy and enjoyable recreation.

We oppose the proposed Castle Valley development by CVR Investors, Inc., and request that the Planning and Zoning Commission reject the project. We are aware a number of objections to the project raised by residents of the town - insufficient parking for the proposed housing, reduced property values, concerns regarding drainage and increased traffic, impact on wildlife, and dangers due to wildfires. We ask that the Commission also consider the impact of the Covid-19 pandemic. We believe that at this time the Commission should reject construction of high density housing projects, as well as other projects that would encroach on open spaces and/or increase fiscal and management burdens on the local government.

Since February, almost 100,000 people have died in the U.S. from complications due to Covid-19. Most contracted the disease and died in densely populated cities and other locations where the virus could spread unchecked. The toll on families, on hospitals and health care providers, and on the entire U.S. economy is incalculable. Since March, most schools and businesses have closed to stem the spread of the virus, and scientists still struggle to fully understand the disease and its consequences. Until a month ago, doctors believed that most children escaped serious illness when exposed to Covid-19, but now reports have surfaced of a deadly post-Covid condition that affects children. Without an effective treatment and/or vaccine, no one is able to determine when the crises will pass.

The proposed multi-family development of 91 units could risk the health and safety of families who would reside there, as well as in the community at large. The Planning Commission should reject a construction project that will cram multiple families into a small area and that will dramatically increase new students into our already crowded classrooms.

Covid-19 has considerably weakened resources of local and state governments throughout the country. Police, fire departments, emergency services and schools have faced enormous challenges due to the pandemic. At this time, the Planning Commission should not approve a project that will place additional burdens on the Town of New Castle.

New Castle residents are blessed with ample opportunities for relaxation and exercise in the town's open, beautiful outdoor spaces. In this time of the pandemic, residents can access trails and other area spaces and still maintain social distancing to minimize the spread of the virus. The Commission should reject the construction of a large multi-family housing project that increases population density and reduces the town's open spaces.

May 17, 2020

New Castle Planning and Zoning Commission
Attn: Mindy Andis, Deputy Clerk

After listening to the three hour plus planning meeting on May 13th, we have multiple concerns about the proposed development by CVR Investors, Inc. (CVR). We think it's crucial that the commission not approve this resolution.

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Please place this letter in the agenda packet for the May 27th meeting.

Thank you for your attention to this matter.

Sincerely,

Adele & Hobson Wildenthal
18 Redstone Dr.

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-03

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 17.36.040 & 17.36.050 OF THE NEW CASTLE MUNICIPAL CODE
FOR C-1 ZONING CONCERNING THE REQUIREMENT OF A
CONDITIONAL USE PERMIT FOR USES ON LOTS GREATER THAN 10,000
SQUARE FEET

WHEREAS, Chapter 17.36.040 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the conditions for uses permitted outright in C-1 zoning; and

WHEREAS, Chapter 17.36.050 of the Code sets forth the conditions for uses requiring a conditional use permit in C-1 zoning; and

WHEREAS, subsection A of Chapter 17.36.050 requires a conditional use permit for the permitted uses listed in Chapter 17.36.040 when these uses are contemplated on a lot or lots greater than 10,000 square feet, and

WHEREAS, the Town Council (“Council”) finds that requiring a conditional use permit for any uses whatsoever on parcels larger than 10,000 square feet places an undue burden on such properties and would be difficult to enforce; and

WHEREAS, the Planning Commission (“Commission”) held a public hearing regarding the changes on June 10, 2020 and approved Resolution PZ 2020-05 recommending approval of the changes to Sections 17.36.040 & 17.36.050 of the Code; and

WHEREAS, the Council has considered the amendments to the Code set forth herein and now desires to approve the same.

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

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.
2. Section 17.36.040 and Section 17.36.050 Amendment. Section 17.36.040 and Section 17.36.050 of the Town Municipal Code is hereby repealed in its entirety and reenacted as set forth below:

17.36.040 – Permitted Uses.

- A. Any of the uses set out in subsections B through D are permitted outright provided the following requirements are complied with:

1. All fabrication, service and repair operations are conducted within a building;
2. All storage of materials shall be within a building or obscured by a fence of at least six feet in height;
3. Storage areas shall be restricted to the rear twenty-five (25) feet of the lot(s); and

B. Retail establishments for the trade and sales of the following goods and materials:

1. Antiques;
2. Appliances;
3. Art and art supplies;
4. Automotive parts, new;
5. Bakery and doughnut shop;
6. Beverages;
7. Books, magazines, newspapers;
8. Cafe, coffee shop;
9. Clothing;
10. Dry goods;
11. Feed and pet supplies;
12. Food;
13. Furniture;
14. Garden supply and plants;
15. Groceries;
16. Hardware, general and specialty;
17. Jewelry;
18. Office materials and supply.

C. Personal service establishment, including:

1. Art gallery;
2. Automatic laundry/laundromat for individual use;
3. Bank;
4. Barber, beauty shop;
5. Day care facility for children under thirteen (13) years of age;
6. Indoor recreation;
7. Indoor theater;
8. Laundry or dry cleaning station for individual pick-up only;
9. Medical/health clinic limited to human outpatient services with floor area of no more than two thousand (2,000) square feet;
10. Office for the conduct of a business or profession;
11. Pharmacy;
12. Photography supply, studio;
13. Printing shop;
14. Private club;
15. Reading room;
16. Real estate sales office;
17. Restaurant, with or without a bar;
18. Shoe repair;
19. Studio for the conduct of arts and crafts instruction;
20. Tailor shop;
21. Tavern;
22. Travel agency.

- D. Residential. One or more residential dwelling unit(s) when located on a floor above the ground floor of a commercial use building, or, when located on a ground floor and within the rear forty (40) feet of a lot, within a commercial use building.

17.36.050 – Conditional Uses

- A. Any use listed under permitted uses above which use is to be a drive-in establishment or facility where the customer receives goods or services while occupying a vehicle.
- B. The following uses may be allowed subject to the provisions and requirements of [Chapter 17.84](#) of this title:
1. Auditorium, public or private;
 2. Automobile service station, with or without minor repairs;
 3. Automobile, small truck, trailer rental facility;
 4. Automobile washing facility;
 5. Church or facility for any recognized established religion;
 6. Community building operated by the public;
 7. Educational facility, public or private;
 8. Emergency response, public safety facility;
 9. Facility for treatment, storage and disposal of wastewater;
 10. Facility for treatment, storage and distribution of drinking water;
 11. Fraternal lodge;
 12. Hotel, motel;
 13. Household appliance repair;
 14. Library, public or private;
 15. Medical/health clinic limited to human outpatient services with floor area of greater than two thousand (2,000) square feet;
 16. Mobile vending carts or stands;

17. Mortuary;
 18. Municipal shop facility, for maintenance, repair and storage of equipment and materials for municipal services;
 19. Museum, public or private;
 20. Parking lot or garage as principal use of the lot;
 21. Public building for the administration of government;
 22. Residential apartment building;
 23. Residential single-family detached building occupying no more than one thousand two hundred (1,200) square feet of land area;
 24. Rooming and boarding house facility;
 25. Small engine repair and sales shop;
 26. Taxidermy shop;
 27. Temporary building to be used to conduct a permitted use;
 28. Utility substation, electric or gas, public or private;
 29. Veterinary clinic limited to small animal outpatient services, not including kennel.
- C. Any use not specifically defined in the permitted, conditional, or nonpermitted use categories shall be a conditional use.
3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on July 7, 2020, 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 July 21, 2020, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Art Riddle, Mayor

ATTEST:

Melody Harrison, Town Clerk