

**New Castle Town Council Regular Meeting
Tuesday, September 07, 2021, 7:00 PM**

Virtual Meetings are subject to internet and technical capabilities.

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

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

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

Pledge of Allegiance

Roll Call

Present	Councilor Mariscal Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile
Absent	Councilor Owens Councilor Hazelton

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Harrison, Town Planner Paul Smith, Town Attorney David McConaughy, Town Engineer Jeff Simonson and members of the public.

MOTION: Mayor A Riddile made a motion to excuse Councilor Hazelton's absence. Councilor Copeland seconded the motion and it passed unanimously.

MOTION: Mayor A Riddile made a motion to excuse Councilor Owens' absence. Councilor Mariscal seconded the motion and it passed unanimously.

Meeting Notice

Town Clerk Melody Harrison verified that her office gave notice of the meeting in accordance with Resolution TC 2021-1.

Conflicts of Interest

There were no conflicts of interest.

Town Council Meeting
Tuesday, September 7, 2021

Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – present for agenda items.

Consultant Engineer – present for agenda items.

Items for Consideration

Consider Letters of Interest from Michael Merrifield for Appointment to a Vacant Seat on the Climate and Environment Commission

Mr. Michael Merrifield greeted the council. He told them that he appreciated the opportunity to speak to the council. Mr. Merrifield said he had lived in New Castle for about a month. He said he had many years of experience in advocating for the environment, for climate and preservation of open space and that it was an area for which he had a great passion. He said he was a new resident of New Castle would love the opportunity to support and help his new hometown. Mr. Merrifield said he had been exploring the area trails and would love to be of service to the community.

MOTION: Councilor Leland made a motion to appoint Michael Merrifield to the Climate and Environment Commission. Councilor G Riddile seconded the motion and it passed unanimously.

Councilor Leland told Mr. Merrifield that the commission would be in the parade for Burning Mountain Festival on Saturday, and he invited Mr. Merrifield to join them. He said that they will walk with the fire department trucks and hand out information regarding fire protection.

Mr. Merrifield thanked the council and said he would attend the parade Saturday.

Consider Ordinance TC 2021-6 - An Ordinance of the New Castle Town Council Amending the Municipal Code Regarding Membership of the Planning Commission (2nd reading)

Town Administrator Dave Reynolds told the council that the ordinance was to provide two alternate seats for the Planning & Zoning Commission. He gave a brief description and that nothing had changed from first reading.

MOTION: Councilor Leland made a motion to approve Ordinance TC 2021-6, An Ordinance of the New Castle Town Council Amending the Municipal Code Regarding Membership of the Planning Commission on 2nd reading. Councilor Mariscal seconded the motion and it passed on a roll-call vote: Councilor Leland: yes; Councilor Mariscal: yes; Mayor A Riddile: yes; Councilor Copeland: yes; Councilor G Riddile: yes.

Consider a Sketch Plan Application from RG Lakota Holdings, LLC for Lakota Canyon Ranch - Filing 8

Town Planner Paul Smith told the council that the application was from the Romero Group for filing 8 in Lakota Canyon Ranch. He introduced Dwayne Romero, of The Romero Group, Heather Henry of Connect One Design, and Scott McHale of Z Group Architects.

Planner Smith reviewed the following staff report in detail.

Staff Report

Lakota Canyon Ranch - Filing 8 Sketch Plan Town Council – September 7th, 2021

Report Compiled: 9/3/2021

Project Information

Name of Applicant:	Dwayne Romero
Applicant's Mailing Address:	350 Market St. #304 Basalt, CO 81621
Phone/Email:	970-273-3100/dromero@romero-group.com
Property Address:	TBD
Property Owner:	RG Lakota Holdings, LLC
Owner Mailing Address	Same as Applicant
Proposed Use:	128 Rental Apartments, 48 Townhomes, & 21 Single-Family Homes totaling 196 residential units; 75,900sf commercial space
Legal Description:	Section: 32 Township: 5 Range: 90 Subdivision: WHITEHORSE VILLAGE AT LAKOTA CANYON RAN AMENDED PARCEL 3 FUTURE DEVELOPMENT PHASE 1 A RE-SUB OF BLK A, B1 & B2 LAKOTA CANYON RANCH FILING 1 4.42 ACRES Section: 29 Township: 5 Range: 90 Subdivision: LAKOTA CANYON RANCH FILING #3 PHASE 1 FUTURE DEVELOPMENT PARCEL AS PLATTED PER RECEPTION NO. 665843 5.844 ACRES

Town Council Meeting
Tuesday, September 7, 2021

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

Street Frontage:

Castle Valley Blvd.
Faas Ranch Rd.
Lakota Dr.
Blackhawk Dr.
Whitehorse Dr.

Existing Zoning:

Mixed Use (MU)

Surrounding Zoning:

Single Family Residential; Multifamily Residential (Shibui, Senior Housing)
Nonresidential (CRFR Fire House)

I Introduction – Sketch Plan

On June 21, 2021 the Applicant submitted a sketch plan for Filing 8 in Lakota Canyon Ranch ("LCR") following the obligatory pre-application meeting with staff on April 9th, 2021. The sketch plan application was considered complete on June 28th, 2021 and reviewed by the planning commission on July 28th. The sketch plan is the first of three application steps required for new planned unit developments ("PUD") & subdivision proposals. The sketch review will assess initial compliance with the town code, provisions for utilities and infrastructure, substantial conformance to the comprehensive plan, and any adverse impacts to the town. At this initial phase the sketch review gives the applicant preliminary, nonbinding feedback from staff, Planning and Zoning ("P&Z"), and Council before significant expenses are incurred. **No formal approvals are made at this initial step.** However recommendations, endorsements, and/or criticisms based on the following approval criteria can be expected.

Throughout the application process, the proposal will be reviewed pursuant to the criteria outlined in the Municipal Code for PUDs and subdivisions. The intent of this exercise is to communicate the application's level of conformity to town regulations and requirements and to anticipate the application's success at future hearings. An application shall demonstrate conformity to the following criteria:

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

Town Council Meeting
Tuesday, September 7, 2021

II Sketch Plan Application Exhibits:

- 1) P&Z Revised Sketch Plan Submittal – July 8th, 2021

III Staff Review:

According to the 2002 Lakota Master Plan (*Ord. 2002-18*):

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

The application process is meant to assure the present proposal conforms to the expectations of this planning concept.

The major elements of the 2009 Comprehensive Plan (“CP”) were originally based on the community’s core values resulting from various public input opportunities such as surveys, stakeholder interviews, meetings, and Steering Committee contributions. Applicants are expected to clearly demonstrate substantial conformity with the comprehensive plan in all applications (Policy CG-1B). The conformance checklist assists reviewers in assessing conformance. An application should:

- ☐ Foster distinctive, attractive communities with a strong sense of place and quality of life.
- ☐ Demonstrate that individual project fits into a fully-balanced community land use structure.
- ☐ Ensure a mix of uses that complement the existing New Castle land-use patterns.
- ☐ Create walkable communities with non-vehicular interconnection between use areas.
- ☐ Guarantee a balance of housing types that support a range of affordability.

Town Council Meeting
Tuesday, September 7, 2021

- ☐ Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.
- ☐ Encourage economic development and supporting hard & soft infrastructure.
- ☐ Concentrate development in ways which provide efficient and cost-effective services.

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

As proposed, Filing 8 represents a community advocating health and wellness. The concept seeks to augment the lifestyle amenities already available to residents of New Castle such as bike/hiking trails, river rafting, fishing, hunting, winter recreation, and golf. The commercial core of the development plans to attract health and medical services, recreation-oriented retail, potential restaurants or cafes, and co-working space for remote work.

Surrounding this commercial core is a range of residential housing options that hopes to cultivate an authentic mixed-use experience. Units are intended to be priced competitively with affordability in mind. The objective is smart growth that allows residents to live, work, and play altogether locally. The applicant has sought strategic placement of open space courts, trails, plazas, and landscape buffers to diffuse higher density structures. The entirety of the development will “allow housing, employment and services to coexist within walking/biking distance thereby reducing reliance on the automobile for all transportation” (CP, 50). The generous commercial component should help correct the current imbalance between residential and commercial development within the town.

Environmentally, the application narrative anticipates various “net zero” measures to reduce the development’s carbon footprint. Solar collectors, alternative forms of transportation, and higher density are the proposed measures. The proposal will likely impact wildlife habitat and migration patterns for large game who frequent the Castle Valley Blvd. (“CVB”) area especially during the winter. Though these impacts were anticipated in the original Master Plan approval, mitigation steps should still be considered during the design and review process.

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

The proposal is comprised of three parcels originally zoned as mixed-use. In Lakota, mixed use development may have:

- a maximum density of 12 units per useable acre
- 10 units per building
- 100,000sf of commercial space
- Maximum 35’ building height
- Off-street parking of:
 - 2 off-street parking spaces per residential unit
 - 2 spaces per 300sf retail
 - 1 space per 300sf office

Town Council Meeting
Tuesday, September 7, 2021

- 2 space per 300sf medical + 1space/two employees
- 15% gross area committed to open space

The proposed residential density of 12.58 units per acre is just above the 12 units per acre approved for Lakota mixed-use zoning, but is less than the recent developments of Lakota Senior Housing (19.4 units per acre) and Eagle's Ridge Ranch (13.5 units per acre). The apartments in Parcels 3 & 6 will greatly exceed the 10 units allowed per building with 24 units per building. This ratio was also exceeded in the Senior Housing development. Of note, the residential density is not uniformly high throughout the project. The applicant has been mindful of aesthetic transitions by reducing the density towards already existing single family ("SF") homes along Blackhawk Dr. and Whitehorse Dr. Generally the density decreases from the southeast (~15.6 units per acre) to the northwest (~9.7 units per acre).

Road capacity has become a significant topic in recent development discussions. At this early stage of the application nothing definitive can be determined with respect to traffic impacts until the applicant has performed a traffic study. The results of this study will not be required until the preliminary application. Nevertheless, the town expects vehicle and pedestrian congestion to grow considerably at the intersection of Faas Ranch Rd and CVB. Staff has begun exploring alternatives to help mitigate any onerous impacts revealed in the traffic study.

Parking has been tabulated and reported in the submittal. A minimum of two off-street parking places will be designed for each dwelling unit. SF homes will have a two car driveway for an additional two spaces per home. Conversely the applicant requests a 26% reduction in parking for the commercial properties. At this initial application phase, it is uncertain what commercial tenants will occupy these units by completion or what tenants will occupy in the future. Therefore it is difficult to know whether the parking allocation is sufficient as proposed. Therefore prior to the preliminary application staff recommends that the applicant provide a comparison study which juxtaposes parking in one or two mixed-use developments elsewhere in the valley (e.g. Willits, Riverwalk in Edwards, Meadows in Glenwood) with the parking configuration proposed here. These analogs will help P&Z and Council determine whether a reduction is justified.

The parcels are adjacent to single-family homes (LCR), apartments (Shibui), present (Senior Housing, Castle Ridge), future condo/townhomes (Eagle's Ridge Ranch), and the local fire station. Mixed-use development is a seamless fit to these adjacent filings. In all instances, development within LCR has conformed to the design requirements of the Lakota Design Review Committee. Per section MC 17.128.070\$M, this development will be no exception. Design characteristics should match those already prevalent in the Lakota PUD. Specifically,

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



The applicant is currently in discussions with the Lakota Home Owner's Association ("HOA") design review committee to reach consensus with the exterior treatment of buildings. Examples of those treatments are provided in the submittal.

Importantly, in the above review the applicant is requesting variances with three Lakota zoning requirements: 1) units/acre; 2) units/building; 3) commercial off-street parking;

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

The application narrative anticipates an increase of 200-400 new residents and the possibility of 100-150 employees at full build-out. There is no indication at this point that this increase would compromise police service. An additional FTE would only be considered if the population increase approached 1,000. Moreover, Colorado River Fire Rescue does not currently anticipate adverse impacts on their services to the town. Both departments will provide referral comments at the preliminary application.

The Lakota PUD was originally approved for 827 residential units (EQRs) and 100,000sf commercial space. These totals were primarily the result of calculations performed on the basis of water dedicated from Elk Creek. As of 6/23/21, Lakota has 233 rooftops connected to town water with six additional homes under construction. No commercial property currently exists within the PUD. With 196 additional units for Filing 8 the total build-out in Lakota would be 435 units or 53% of the total allocation, all else being equal. The sewage treatment plant was upgraded years ago to accommodate the full PUD. In short, the town water & sewer service has far greater capacity than would be needed for the development of the proposed units.

Public works has reiterated the need for sufficient snow storage provisions demonstrated at the time of the preliminary application. Moreover the next phase of application must identify the public/private roads and open space in order to understand the maintenance requirements of these elements. The town has acknowledged that it will maintain the right-of-way along Lakota

Dr. and Faas Ranch Rd. The remaining elements would be serviced by HOA property management. Lakota Dr. was anticipated to continue as a town right-of-way ("ROW") southeast to Shibui. Along Parcels 1 & 3, however, Lakota Dr. does not match the design shown northwest of Faas Ranch Rd. Instead this section of road appears to function more as a parking lot. Staff recommends that if the applicant expects to convey ownership of this section of Lakota Dr. to the town, that they clarify the function of Lakota Dr. southeast of Faas and, if necessary, bring the road to the service level expected by the town engineer and the public works department.



Parking within the ROW should take into account all maintenance requirements as well as the safety of pedestrians adjacent to roads. The Comprehensive Plan endorses separated sidewalks, among other things to serve both these purposes. At first blush, on-street parking along Lakota Dr. is dense. Therefore staff has concern with the parking concentrated along Lakota Dr. and encourages the applicant to minimize its effects on pedestrian safety, snow maintenance, and overall aesthetics.

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

Filing 8, again, promises to be a community focusing on health and wellness. Instances of open space, trails, and non-vehicular connectivity are shown dispersed throughout the site plan. A 1/3 acre park is centered in the southeast parcel amidst higher density apartment and commercial structures. Trails and sidewalks border every parcel, although sidewalks are omitted for the SF homes on the northwest end of the development. Staff also requests that an additional trail be added at the Shibui property line and a short spur east of the SF homes to facilitate a more immediate connection with CVB to the south & west. Trails with crusher fines may be ideal for perimeter trails, while asphalt/ paths will be recommended for any paths maintained by the town.

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

Other than excavation spoils from earlier PUD improvements, the property drops uniformly in elevation from northwest to southeast (see typography submittal). Units are anticipated to step down at each lot/building. Along CVB the adjacent property inclines steeply from ~5ft-10ft above street level. Structures will appear to sit higher than the ROW at CVB. Attention should be given to the building heights when they are in close proximity to these steep terrain differences. For instance, buildings in Parcel 2 along CVB will sit close to the road and may find it challenging to meet the Lakota building height requirements. Per MC 17.128.010 "building height" is defined as follows:

"Building height" means the maximum vertical distance measured from the lowest point of natural or finished grade on the lot within five (5) feet of the tallest side of the building to the uppermost point of the roof of the building.

The point here is that buildings arranged closely to topography which drops precipitously at the buildings' perimeter may have to account for this drop in the building height calculation. If the buildings are already anticipated to exceed the stipulated building height for the zoning by 7ft, then the buildings may appear to be disproportionate to surrounding buildings or out of balance with the surround topography. Care should be given to maintain the view planes along CVB in continuity with the rest of Lakota. Small adjustments in the design of buildings in Parcel 2 may be advised in order to retain the continuity with the surroundings.



It is also recommended that parking for commercial buildings, when facing CVB be appropriately screened with berms and landscaping similarly to other development in town pursuant to MC 17.128.070§D.2

Note, the applicant is requesting an additional variance with respect to building height.

IV Planning Commission's Recommendations & Concerns

1. The massing of the buildings on Parcel 2 at the turn from Castle Valley Blvd. to Faas Ranch Rd. appears confining and is inconsistent with the more open entry feel in the rest of Lakota. The buildings could be reduced or rearranged. Or, utilize architecture or screening that masks the imposing feel. Thought was giving to landscaping such as conifers and 'green' walls.
2. The views from walking or driving along CVB should be commensurate with the rest of Lakota. Options considered included rotating building/parking so that entries or restaurant seating face CVB to appear more inviting to all of New Castle residents. Otherwise provide greater buffers or screening between CVB and the back walls of buildings.
3. Snow storage locations, on-street parking, and separated sidewalks need to be addressed as part of an overall winter road maintenance plan which optimizes the pedestrian experience.
4. Parking lot lighting will need to be sensitive to dark-sky compliance per the comprehensive plan. Demonstrate that *all* lighting will limit light trespass. Parking lot lighting should be on timers to reduce lighting at night time while maintaining security lighting as needed.
5. Building height variances may affect the aesthetic appeal of the Faas Ranch approach. Flat roofs will be a hard sell to the HOA design review committee. Alternative heights, or roof designs, or building considerations should be considered before granting a

Town Council Meeting
Tuesday, September 7, 2021

- variance.
6. Provide “story-poles” to demonstrate building heights prior to the community outreach meeting.
 7. Phasing of development needs to be clarified as the application proceeds. Residential phasing “triggers” for commercial development have been discussed.
 8. Commercial parking might utilize a “shared-use” agreement to allow residential parking (or other uses) during off hours.
 9. Deed restricted units reserved for local emergency responders, town support personnel, and school district employees was briefly discussed, but nothing was recommended.

V Next Steps

Town Council may make additional comments and recommendations to those provided by the Planning Commission upon review of the application. Afterwards, the applicant may elect either:

1. To make revisions to the sketch plan for further review; or
2. Proceed directly to the preliminary application phase.

Community Open House. Prior to submitting a preliminary plan application, the applicant shall conduct a community open house meeting regarding the sketch plan, any changes thereto recommended by the town, and any other changes made to the proposed development in anticipation of submitting a preliminary PUD development plan. The open house is an occasion to share the project directly with residents and stakeholders. The applicant shall notify the town of the date of the community open house, and notice the community open house according to the town's public hearing notice procedures set forth in Section 16.08.040, except that notice to mineral owners is not required.

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

Town Attorney David McConaughy told the council that when staff spoke of a ‘variance’ that meant merely something that deviated from the code, it was not a variance application that would be heard by the Board of Zoning Adjustment. He said that this was a PUD and making adjustments to those types of requirements were within the PUD process.

Attorney McConaughy also told the council that because the land use process had begun, the council members were restrained from discussing it outside of a noticed meeting.

Mr. Dwayne Romero greeted the council. He reintroduced his team members Heather Henry of Connect One Designs and Scott McHale of Z Group Architects.

Mr. Romero said that the Romero Group was a multi-functional real estate and property management firm, investment firm, development firm and their own realty agency. He said they were made up of 125 community members from Aspen to Parachute, 24 of whom worked in New Castle. Mr. Romero said that the Romero Group positioned themselves in the community by being community servants, builders, participants trying to make contributions for the better. He said that they had served as elected officials: Mr. Romero said he sat on the school board, was a former city councilman and had served six years on the fire district in Aspen, serving with Orrin Moon. Mr. Romero said that Ms. Henry was in her tenth year in Carbondale, currently on the board of trustees. Mr. Romero said they were members of the community trying to make it better. He said they felt fortunate to have been able to purchase the Lakota Golf Course and remaining inventory and thought it was a tremendous asset for New Castle that had been underutilized. He said that they were in their fifteenth month of ownership and felt that they were making incremental improvements to bolster the quality of that asset, including a restaurant, for the benefit of the town. Mr. Romero said that they were trying to demonstrate, through deeds and actions over time, to build relationship and new confidence and trust in the community. He said they were adding to the wonderful brand that was New Castle: a great place to live, raise a family, and to live, work and play. Mr. Romero said that was why they were present with their sketch plan. He clarified that the sketch plan was not fine-tuned yet, but they were excited about being able to have dialog with the council and hoped to determine how they could line up with the town's master plan. Mr. Romero said he thought that translated to value in response to what he felt was a current community crisis that extended throughout the western slope: Affordable housing. The ability for someone to establish themselves, raise a family, have sustainable income, and own a home. Mr. Romero said there was opportunity with the remaining inventory in Lakota to begin finishing an important neighborhood that had been stalled for fifteen years. He said their plan was to deliver multiple types of residential: apartments, condos, townhomes, and single family homes according to the zoning set in place by the town many years ago. He further stated that the mixed-use zoning included a commercial component and they called it complimentary commercial, designed to complement other existing commercial, not compete with it. Mr. Romero said that they also felt it was part of their job to come up with transportation alternative products and programs such as Car Share, E-Bike, things that might lead people into not using a vehicle. Mr. Romero said that most important value he wanted to share was sustainability and resiliency of the community: how to make sure the residents and community were around for the long term. That they do not contribute to climate change, fire and fire hazard, rather they mitigate those things. He said they thought about how they could create forms and structures of homes that take advantage of aspect, that had solar collection and moved away from consumptive elements. He said he wanted LEEDS (Leadership in Energy and Environmental Design Standards) types of neighborhoods. Mr. Romero said those were the values they subscribed to for many years in their work in the communities and drove some of the thought around their sketch plan. He clarified that it was a sketch plan – not in ink but in pencil. He said he knew there were some deviations in the plan, but he felt they were smart and thoughtful and looked forward to the council's feedback. He clarified their four

primary values: affordability; compatible, complimentary commercial; smart, efficient alternative transportation and sustainability and resiliency for the long-haul.

Heather Henry, Connect One. Ms. Henry, utilizing the submittal documents that were screen-shared, pointed out various components of the plan and described the intend of the aesthetics of how the subdivision was laid out, focusing on walkability between green spaces and streets, cross-connections between areas both commercial and residential. Ms. Henry indicated the various residential areas beginning with the single-family units to the west that respected the density of the adjacent six-packs. Similarly, picking up the Shibui density at the other end of the subdivision, working its way into the commercial core, again with walkability and vehicular connections. She clarified which buildings were two and three story as well as townhomes, apartments and condos throughout the proposal including a vertical mixed-use building and others that were strictly commercial.

Ms. Henry also reviewed the density for the residential and commercial spaces and discussed the purpose of the residential sizing to encourage a live-work atmosphere. In addition, she reviewed the transportation concepts contemplated in the design that included public transit stops, car sharing and electric vehicle charging stations as well as bicycle infrastructure. Ms. Henry said that all of the space in the subdivision was carefully planned, and everything was interwoven, and she suggested that changing any one space would affect the purpose of the design as a whole.

Ms. Henry showed the council documents that gave street-level pedestrian views from specific spaces in the subdivision. She noted that the sketch plan documents were not intended to show architecture, and the buildings depicted in the drawings were simply blocks. The views she shared included Lakota Drive, Faas Ranch Road, Castle Valley Boulevard, the commercial area and the parking area at the apartments. Ms. Henry said that the purpose of placing apartment buildings along Castle Valley Boulevard was intentional so that the view was not a sea of vehicles like the Shibui complex, rather, the buildings made for a better view.

Scott McHale, Z Group Architects. Mr. McHale greeted the council. Referencing the screen-shared documents, Mr. McHale reviewed the architectural concepts for the subdivision, noting that some of the features were traditional, some modern and some that may test what was traditional. He said they wanted to collaborate with the town regarding the architecture. Indicating the shared images, he showed them pictures of single-family, multi-family and commercial buildings whose features were resilient and sustainable such as solar, passive solar, trellises and other screening techniques for cooling and shade. He said that in some of the buildings, modern forms were mixed with traditional forms creating elegance. In the multi-family buildings, there was articulation, mixing roof forms, breaking down mass and scale, units turned on corners to try to avoid a boring, static elevations. The varying roof lines allowed solar to be incorporated and for proper roof snow-shedding. He said there were different fenestration styles with doors and windows, different things done with decks and balconies, again to break down mass and scale. Mr. McHale said the concepts were a small western town feel with some modern elements, mixing the past with the future. Mr. McHale said they were excited about the project and looked forward to working with the town. Mr. McHale said that the design guidelines that the Lakota design review committee had were written more towards small-scale

residential, and he said they were asking for some leniency in working with different views commissions to push the envelope of where the design regulation were written currently.

Councilor Leland asked about including solar and where it would be appropriate, whether it would be rooftop or free-standing panels. Ms. Henry said they hoped for a little of both. She said they would like some to be on the covered parking and some rooftop integrated. Councilor Leland said they should consider additional batteries.

Councilor Leland said that health services that served seniors would be good for the commercial. He also said that improving the walking path to City Market would be great. Councilor Leland said he appreciated the idea of affordability because the Whitehorse six packs were not the best model to look at. He said his personal objection was they were too much, too big and too close to one another so they lose the sense of proportion.

Councilor Copeland asked about the passive solar. Mr. McHale said it was an old school concept that with proper shading and orientation they could get active sun in to heat up a space but screen the harsh sun creating a thermal mass inside which would use less active heat.

Councilor Copeland said that with the less parking, how would it work with work trucks and garages full of toys. Ms. Henry said that they kept the parking ratio at the two-to one and they were not asking for any breaks regarding the required parking. She said that the townhomes and small-lot home will have two-car garages and surface parking for the apartments at two-to-one. She said there was very few three-bedroom units in the apartments, so they felt that the parking ratio was good. Ms. Henry said that where they saw a transition was around the shared parking in the commercial so that in the evenings there was not an empty sea of parking, rather, that parking would then be used by residential. The idea was reducing the parking by five or ten percent in the mixed-use commercial area.

Councilor G Riddile liked the spine of Lakota Drive because it provided an alternative to what Castle Valley Boulevard was in terms of a pedestrian experience. He said that he would like to see a north-south connection to Shibui because it would continue that pedestrian spine. Councilor Leland said it made Lakota look less exclusive.

Mr. Romero said that they had a conversation with the HOA president of Shibui about that very topic and they agreed that carrying the connection through was appropriate. Mr. Romero said his team agreed connecting Shibui was a great idea.

Councilor G Riddile said that the Faas Ranch Road and Lakota Drive intersection was going to be an important node and he felt that bulb-outs to accommodate pedestrians would work. He said that once people got past the homes on Faas Ranch the road became a raceway to get to Castle Valley Boulevard, so anything that could be done to protect pedestrian would be appropriate.

Councilor G Riddile said that he agreed with Councilor Leland about walk path down to the City Market Plaza. He said that the walk path south of Shibui was a gravel shoulder, not really a walk path. He said that he knew the problem pre-dated the Romero Group, but he hoped they would consider helping the town improve it because they will add to the impact there. He indicated the area on the zoning map.

Councilor G Riddile asked if there was any way they would consider making a few units deed restricted for town employees or fire and school district. He said he was not sure how that worked, but he wanted it to be part of the conversation.

Councilor G Riddile like the proposal, liked the viewshed. He felt that the more pedestrian experience was something that was needed in town.

Councilor Mariscal said that it was exciting to see the community growing, and she liked it a lot. She said that she was concerned about the road capacity and felt it will be an issue with school bus stops and emergency access. She felt there needed to be a solution.

Ms. Henry said that they will be required to do a traffic study for the preliminary application.

Mayor A Riddile said that the town was on the cusp of having a roundabout at Castle Valley Boulevard and Highway 6 which will mitigate a lot of issues.

Councilor G Riddile said that he did not know what was included in a traffic study but inquired if a signal or roundabout would be analyzed for the Faas Ranch Road and Castle Valley Boulevard intersection.

Town Engineer Jeff Simonson said the typical process was to identify what alternatives existed and whether it was going to full four lanes with turn lanes which was what was master-planned, or if there was some other way.

Mayor A Riddile said that affordability had come up many times and he conceded that it was likely impossible to answer, but he asked what the home prices might be or what rent might be.

Mr. Romero said he had no way to know as it was several years out, and it was hard to know what the market would do, and material costs would be.

Mayor A Riddile asked if the HOA will care for landscaping and do snow removal.

Mr. Romero said yes, the HOA will manage landscaping and snow removal.

Ms. Henry said that the only dedicated right-of-way would be Lakota Drive.

Mayor A Riddile said that he agreed with most of the concerns and recommendations from the Planning & Zoning Commission. He also said he was concerned with the height of a few of the buildings. He also said he agreed with deed restricted housing.

Attorney McConaughy said that he and Administrator Reynolds were thinking about the offsite path that was an existing problem. He noted that there was a \$500 per unit recreation facilities development fee and a traffic impact fee. Perhaps they could negotiate a deal where the Romero Group got some sort of credit towards those fees for building the path once their contractors were mobilized. It would stretch those dollars more efficiently than if the town held the funds for some future build. Mr. Romero agreed that was a good idea.

Engineer Simonson said that the infrastructure was in place, and the only concern was the collection system from City Market to the south interceptor line and the capacity of that line. He said they were doing another evaluation to see where they were on it. He said they knew that eventually they would need to contemplate a replacement and he had been talking with Public Works Director John Wenzel about it.

Attorney McConaughy said that original annexation agreements said tap fees generated by Lakota would pay for necessary improvements including the south interceptor and upgrades to the wastewater treatment plant. He said that if those things had not happened yet, it did not mean the town couldn't impose some sort of moratorium if they were at capacity, but ultimately that cost was on the town.

Mayor A Riddile asked what the next steps were.

Attorney McConaughy said a community open house, which will be a noticed meeting. Ms. Henry said the team was ready to start preliminary, and the plan was mid-October for the open house which will be held in the clubhouse.

Councilor Leland asked that they take into account what P&Z and council had said if they choose to move into preliminary right away.
The council thanked the Romero team for their presentation.

MOTION: Councilor Leland made a motion at 8:59 p.m. to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding an evaluation of the town clerk and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body of any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Mayor A Riddile seconded the motion and it passed unanimously.

Executive session concluded.

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

"The time is now 9:17 p.m. and the executive session has been concluded. The participants in the executive session were: Councilor Mariscal; Mayor A Riddile; Councilors Copeland, Leland and G Riddile, Town Administrator Dave Reynolds and Town Clerk Melody Harrison. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Consent Agenda

~~August 3, 2021 minutes - removed~~

~~August 17, 2021 minutes - removed~~

August Bills of \$ 934,469.77

Dillon Companies (City Market) Fermented Malt Beverage Liquor License Renewal
Amendment to the Federal Mineral Lease District Joint Grant Agreement

Councilor Leland said that he wanted the minutes removed from the consent agenda because he had not had a chance to review them. The council agreed.

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

Staff Reports

Town Administrator – Administrator Reynolds said that he was working on the parade for Burning Mountain Festival, and it was an all hands on deck project for staff. He also noted

Town Council Meeting
Tuesday, September 7, 2021

that Councilor Leland had commented that the town hall was always open, but for Burning Mountain Festival all the staff was involved, and the only time they ever closed was for the festival. On Friday September 10, the town hall will be closed early because all the staff will be in the park getting ready. Administrator Reynolds said that staff was considering a limit on credit card purchases because of the cost of credit card fees. He explained that recently a contractor paid for a building permit with a credit card and the fees were about \$700, and the town absorbed that cost. Therefore, staff was considering limiting card purchases to \$2,500.00 which did not mean they would allow someone to make multiple \$2,500.00 purchases in a row. Administrator Reynolds said that he and Treasurer Loni Burk had met with almost all of the department heads on the first round of budget discussions, and now they will begin a detailed review. He also said that Assistant Treasurer Viktoriya Ehlers was learning how to do budget, which will be quite helpful. Administrator Reynolds said that Planner Smith, Police Chief Pagni and himself had been dealing with noise ordinance issues. He said there were a few people in town that created a bit more work than necessary for staff, but they had been working with one resident in particular and her neighbor who was creating issues. He said that they had a good conversation with that neighbor and had come up with a solution. Administrator Reynolds said that Ambleside School was up and running. He said that Chief Pagni, Planner Smith and himself were working with the school to find solution for their pick up/drop off so that there were no dangerous situations for the children. Administrator Reynolds said that in the budget considerations for 2022, Treasurer Burk and he had included a 3% utility rate increase after reviewing preliminary numbers. He said that if the council felt that the increase needed to be removed, they will. Administrator Reynolds said that he and Treasurer Burk will meet with the new DOLA representative the following day. Administrator Reynolds said that the Mattivi Building had been sold, but not to the original non-profit group. He said the new owner was an LLC out of Basalt and he did not know what they planned to do with the building. He said he would keep the council posted as staff learned more.

Town Clerk – Clerk Harrison said that her team had some fun lights they will be decorating the beer tent with for Burning Mountain Festival. She said they had enjoyed organizing that this year. Clerk Harrison said that in the new private party alcohol permit process they had discovered that they needed to add an option to the application for an alternate location because the Chamber of Commerce event had been rained out, and they had scrambled at last minute to process a new application to move the event to the community center. Clerk Harrison said that she and Administrator Reynolds were looking at code sections that had to do with the parking spaces for businesses which had been written in 2002. She said that the purpose at the time was to provide parking spaces specific to a specific business. Staff said that the code section was somewhat incomplete because there really were no criteria in the application process. In addition, she said that it was a bit in conflict with the downtown plan which was part of the comprehensive plan. She said that she will meet with Administrator Reynolds, Planner Smith, Chief Pagni and Director Wenzel to review the code section. She said any solution or conclusion they come to will likely come to the council at a future meeting. Clerk Harrison said that there is an annual conference of the Colorado Municipal Clerk Association each year, and Deputy Town Clerk Mindy Andis and Administrative Assistant Remi Bordelon will attend that conference in October. She said that Admin. Asst. Bordelon had attended clerks institute, but it was a virtual school and there was very limited interaction among the clerk students. Deputy Andis had not been to conference in three years, so Clerk Harrison said

it was important that they attend an in-person conference, which is valuable for their career development. Clerk Harrison said that for herself, she will apply for grant and scholarship money to attend the International Institute of Municipal Clerks conference in the spring.

Town Treasurer – not present.

Town Planner – not present.

Public Works Director – not present.

Commission Reports

Planning & Zoning Commission – nothing to report.

Historic Preservation Commission – nothing to report.

Climate and Environment Commission – Councilor Leland said that CEC will be in the parade and also in the park providing information for the public. He said that he hoped to have their video to show the council at the next council meeting.

Senior Program – nothing to report.

RFTA – nothing to report.

AGNC – nothing to report.

GCE – nothing to report.

EAB – nothing to report.

Council Comments

Councilor Mariscal asked that Clerk Harrison attend the senior programs meeting because she will be at the CML conference. Clerk Harrison agreed.

Councilor Mariscal said she will be out of town from the 16th through the 24th.

Councilor G Riddile said that he did not know how to proceed with the affordability conversation with Romero. Administrator Reynolds said that Attorney McConaughy said the both council and P&Z had some leverage, for example: building height. He said that P&Z or council could restrict building height, but that might mean they had fewer units, meaning the units were less affordable. So, there were possible trade-offs in that if they provided units for town employees then the commission or council could allow certain things that normally would not be allowed to happen. He said that they were not obligated to do anything, but it could be part of the negotiations.

Councilor G Riddile said that Rifle and Garfield County were leaning towards a 5% increase for their staff and he felt that the town should write that into the 2022 budget.

Administrator Reynolds said that was a cost-of-living increase trend this year, and in 2022 nationally it was looking to be above 6%. The council agreed that it worked better for them to see the whole numbers in the budget rather than just a conversation. Councilor G Riddile said that he would like to see 5% in the budget and specifically how that pertained to the police department. Administrator Reynolds said that he and Chief Pagni were doing some extensive work to create different levels for the officers that are benchmarks such as office I officer II, lieutenant, etc. as well as training plateaus and pay that coincides. Councilor G Riddile recommended that staff bring a 5% increase in the budget except for the police department. He said he would like to see what they create for the police pay scales because he was interested to know. Councilor G Riddile said that the salary surveys were helpful and he felt that he would like to see New Castle closer to the pay ceiling rather than the floor.

Councilor G Riddile said that he would be gone the next meeting because he will be in North Dakota.

Councilor Leland said that he would like the council to discuss at a future meeting the idea of alternates on CEC and perhaps HPC because there were reasons each commission may need them.

Councilor Leland asked what the town was able to do to support Colorado River Fire Rescue since they were moving forward with their ballot issue. Administrator Reynolds said that staff had spoken to Attorney McConaughy about it and the council could pass a resolution of support which could then be in a press release and town newsletter, but beyond that there was not much else.

Councilor Leland said that he was on P&Z when Columbo came in with a sketch, hand drawn on a sheet of paper, and when he came in with his preliminary application they asked where his sketch plan was and he claimed to have done it already. He said that the processes had progressed a lot since then.

Councilor Leland said that the Chamber of Commerce was planning a bingo night grand opening on November 11 even though it was a national holiday. He also said that they will do an invitation-only dry run sometime in October.

Councilor Mariscal said there was a non-profit called the Arc, and they work with people with disabilities. She said that they had reached out to her regarding a resident that has issues, and there have been posts about him on social media. She said that the family felt overwhelmed.

Councilor Mariscal said that her first thought was to reach out to the River Center to try to make a plan to find something for this person to do in the community, perhaps volunteering. She said that she felt that reaching out to the police may create more conflicts. Administrator Reynolds asked what the organization was, and Councilor Mariscal said she thought it was called Arc Mountains. Administrator Reynolds said that he felt he knew who Councilor Mariscal was referring to and in fairness, so that the River Center knew who they were dealing with, he strongly suggested that she speak to the police department to understand what the issues were. Councilor Mariscal agreed, but she said she was concerned any misinformation about the situation based on race, and she thought the River Center may be a good, neutral party to facilitate. Councilor Mariscal said she will reach out to the police department and Administrator Reynolds.

Administrator Reynolds said that if they were speaking of the person he thought they were, the police department was very familiar with him and were very capable in dealing with the situation and not be biased based on race.

Councilor Copeland said that she thought the sketch plan was really nice. Administrator Reynolds said that both the new process and the particular developer that made a world of difference.

Councilor Copeland said that a while back she had asked for some small needs for HPC. Administrator Reynolds said that there was an agenda meeting with Administrative Assistant Bordelon and Chair Mari Riddile the following day. He said that the next HPC meeting was likely to be an on-site meeting in the museum to actually figure out what they needed.

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

The meeting adjourned at 9:53 p.m.

Respectfully submitted,



Mayor A Riddile


Town Clerk Melody Harrison, CMC