

1 **NEW CASTLE PLANNING & ZONING COMMISSION**
2 **REGULAR MEETING**
3 **September 28, 2011**

4 The Planning & Zoning Commission of the Town of New Castle, County of Garfield,
5 State of Colorado convened into regular session in the Town Hall on September 28,
6 2011 at 7:04pm.

7
8 Commission Chair Apostolik presided.

Commissioners Present:

Commissioner Slack
Commissioner Art Riddile
Commissioner Newberry
Commissioner Graham
Riddile
Commissioner Borgard

Commissioners Absent:

Commissioner Holley

Staff Present:

Tim Cain, Town Planner
Wendy Mead, Deputy Town
Clerk
Davis Farrar, Consultant
Planner
Andy Barton, Town
Administrator, left at 7:20pm
Assistant Town Attorney,
David Smith

9
10 **FINDING AS TO MEETING NOTICE**

11 Deputy Town Clerk Wendy Mead verified that her office gave notice of tonight's
12 meeting in accordance with Resolution TC-2011-1.

13
14 Chair Apostolik introduced the two new commissioners, Graham Riddile and Larry
15 Borgard, to the Commission.

16
17 **CONFLICTS OF INTEREST**

18 No Commissioners reported conflicts of interest with respect to items on tonight's
19 agenda.

20
21 **ITEMS FOR DISCUSSION**

22 Town Administrator, Andy Barton was in attendance at the Commission meeting to
23 discuss the 2012 Town of New Castle budget. Administrator Barton stated the 2012
24 budget will be 2.25 million dollars, compared to the 2008 budget which was 5
25 million dollars. He stated revenues are down in all funds. There are 25 full time
26 employees, compared to 36 in 2009, and the Town is providing the same level of
27 service as in 2009, with fewer people. Property tax valuations will be lower in 2012
28 and 2013, with property values going down.

29
30 He stated that the good news is that sales tax revenue is up over 2010. He also
31 stated that the oil and gas industry is picking up with Antero Resources planning on
32 drilling south of Silt. He stated that the money that the Town receives from the
33 mineral severance tax is used to fill in the deficits in the general fund that the Town
34 would be facing otherwise. Without that money, there would be catastrophic budget
35 cuts resulting in a loss of services which the Town provides.
36

1 Administrator Barton stated that he was not present to tell the Commission what to
2 do, but to let them know what the budget outlook is for the Town; so the
3 Commission could choose the projects which they wish to review carefully. He
4 would like the Commission to be conservative in the use of the Town's consultants.
5

6 Administrator Barton stated there was concern from one of the Town Councilors
7 and a Planning Commissioner about the Commission reviewing the Comprehensive
8 Plan. The concern was using Consultant Planner Davis Farrar's time for the review.
9 Administrator Barton thought a minor review of the Comprehensive Plan that
10 Planner Farrar was proposing would be fine to take place.
11

12 Chair Apostolik asked Administrator Barton if there is a road use tax and about the
13 letter to the editor in the PostIndependent regarding projects being built in Town
14 not using local vendors, such as Mr. T's Hardware Store. Chair Apostolik asked why
15 the Town does not charge a use tax on materials. Staff replied that the Town does,
16 in fact, charge a use tax for materials. Administrator Barton responded to the letter
17 to the editor question about the Town using local vendors by stating that the
18 projects are through entities that are not part of the Town and the entities have
19 their own bidding procedures.
20

21 Planner Cain and Attorney Smith stated that there is a road impact fee but only for
22 the Lakota subdivision which is to be used for improving the Highway 6 and Castle
23 Valley Boulevard intersection. Administrator Barton stated that the Town is working
24 with the State to get funding for improvements and a pedestrian bridge for the I-70
25 interchange area.
26

27 Administrator Barton thanked the Commission for their time.
28

29 **Annual review/discussion/possible modifications of the Town of New**
30 **Castle's Comprehensive Plan**

31 Planner Farrar stated his intention for the update to the Comprehensive Plan was to
32 keep it fresh and in the minds of the Commission. His staff report is attached as
33 exhibit A to these minutes. Planner Farrar stated that the Town has not had the
34 opportunity to "test" the Comprehensive Plan because when the Plan was adopted
35 was when the bottom fell out of the building and housing market.
36

37 Planner Farrar would like to see the County and the municipalities work on putting
38 together an Inter Governmental Agreement to respect each Town's Comp Plan and
39 use them when there are developments outside of Town Limits but within the
40 County. He stated that the County recently adopted the County Comp Plan but it is
41 non-binding.
42

43 Commissioner Art Riddile questioned the location of the new Department of Wildlife
44 facility at the 109 exit off of I-70 at Canyon Creek. He asked whether or not the
45 Town had the opportunity to offer any input on the location of the facility. Planner
46 Cain stated that it is outside the Town limits therefore, the Town would not have

1 had an opportunity to comment on the location. He spoke with the County Planner
2 who stated that the property had already been purchased for the facility by the
3 time the County received the plan, so there was not an opportunity for much
4 feedback on the location. Planner Farrar stated that it would have been nice for the
5 DOW to meet with the Town to see if there would have been anyway for the facility
6 to be located in the Town. He stated it would be a great idea for the Town to write a
7 letter to the State regarding the opportunity to at least have discussed the possibly
8 of having constructed the facility within the Town limits. The Commission directed
9 Planner Cain to present the idea of a letter to Town Council for their input.

10
11 Planner Farrar stated that he was not sure how the Commission wanted to proceed
12 with updates to the Comp Plan, but his intent was to keep it at the top of the pile.
13 Chair Apostolik stated that the Plan has not been tested, he does not think the
14 Commission should spend time updating the plan until there is an opportunity to
15 test the Plan. Planner Farrar stated the Commission could look at implementing
16 some policies from the Comp Plan. Attorney Smith stated that the Commission
17 should verify that the Town is meeting and following the intent of the Comp Plan,
18 which the community helped develop, in the areas of developing future resources,
19 budget and economic development.

20
21 Chair Apostolik asked Planner Farrar if he had any other ideas of updates to the
22 Comp Plan, Planner Farrar stated he had none. Planner Cain stated that the census
23 material should be updated in the Plan, as well as some updates to parks. Chair
24 Apostolik asked if the Plan had to be updated every 10 years. Attorney Smith stated
25 that there no requirement to update the Plan, but it is suggested every 5 to 10
26 years a major update be done. Attorney Smith stated that minor changes such as
27 typos, staff can just do, but formal changes to policies or names need to go through
28 the Commission. The Commission is the final approving body of the Comp Plan.

29
30 Chair Apostolik asked the Commission if they would like to table the discussion for
31 six months and then come back with ideas to update the Comp Plan. The
32 Commission decided to go through the Comp Plan, and send their ideas of what
33 needs to be updated or implemented to Planner Cain. The Commission needs to
34 have their ideas to Planner Cain by October 31, 2011.

35 36 **COMMENTS/REPORTS**

37 Items for next Planning and Zoning Agenda

38 No items for the next two meetings.

39 40 Commission Comments

41 42 Staff Reports

43 Attorney Smith stated that a settlement agreement will be presented to Town
44 Council at the next meeting regarding Castle Valley Filing 9. The subcontractors will
45 recover some of their funds lost in the Castle Valley bankruptcy for work completed.

46

1 Attorney Smith stated he would be meeting with CVR Investors, the new owner
2 Castle Valley Ranch, to finalize Filing 10, which is a 17-lot single family detached
3 home subdivision. CVR Investors would like to finalize the Filing, so they could
4 possibly pull a building permit to build a spec home.
5

6 Deputy Town Clerk Mead presented a pending business list to the Commission, so
7 items that need to be done would not be forgotten.
8

9 Planner Cain stated that an updated zoning map is needed with all the zoning
10 changes and completed filings. SGM would prepare the map and then it would come
11 before the Commission for adoption.
12

13 **REVIEW MINUTES OF PREVIOUS MEETINGS**

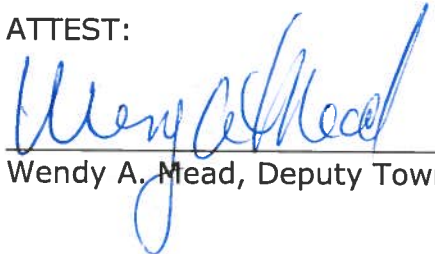
14 **Motion** – approve June 8, 2011 meeting minutes as amended- (Apostolik/
15 Borgard). After voice vote, **motion carried**.
16

17 **Adjournment**-8:03pm (Apostolik/A. Riddile)
18

19 TOWN OF NEW CASTLE
20 PLANNING & ZONING COMMISSION
21

22 
23 _____
24 Chuck Apostolik, Vice Commission Chair
25

26 ATTEST:



Wendy A. Mead, Deputy Town Clerk



PLANNING MEMORANDUM

Exhibit

to

9/28/11 Planning & Zoning Minutes

TO: NEW CASTLE PLANNING COMMISSION
FROM: DAVIS FARRAR - WESTERN SLOPE CONSULTING LLC
SUBJECT: ANNUAL REVIEW OF COMPREHENSIVE PLAN
DATE: 9/28/2011
CC: TIM CAIN

Next week on September 28, the planning commission will meet for the first time in quite a while. The focus of our discussions will be on the New Castle Comprehensive Plan. I am not sure there is a whole lot to discuss, but the Plan is designed to have an annual review for technical modifications and/or minor changes/updates. It may be useful to look at the population numbers and update that material if the Commission feels it is necessary. For better or worse, the development activity and New Castle shut down about the time the Plan was adopted in 2009. There really has not been an opportunity to "test" the Plan in a real-world situation. One of these days I am confident that the Town will get an application that will be evaluated using the Comprehensive Plan.

For your information, I am including the language below that details the plan update and amendment process. The important thing is that the Commission make it a regular annual process to look at the document, refresh Commissioner's familiarity with the Plan and to keep it current. I look forward to discussing this material with you next week.

Plan Updates and Amendments

The New Castle Comprehensive Plan is designed to be a dynamic community document that articulates the vision goals and policies of the community for future growth and development. This plan is intended to guide community decision making, as New Castle's future becomes its reality. The comprehensive plan needs to remain fresh and current. The basic community values and vision from which this plan is made are not expected to change significantly. However, as time moves on technical details in the document are likely to need modification and updating. Minor errors may be found in the plan that should be corrected. The comprehensive plan amendment process is not directed at changing the plan to fit the needs of a development proposal that does not comply, but rather, it allows the Town and its residents to ensure that the basic tenets remain consistent with New Castle's future.

The comprehensive plan should be subject to review for updates every five years. The practice of periodic updates gives the community, Planning Commission and Town Council a chance to review, evaluate and consider changes to the policies and strategies defined in the document. This is also an opportunity for appointed and elected boards to renew ownership in the Plan. It is ownership in the plan that is in harmony with the community's vision that ensures long-term sustainability.

In addition to the regular plan update process, two other measures are available for modifying the document. The simplest method is an **Insubstantial Amendment** to the plan. Insubstantial amendments are reserved for small changes and/or corrections of errors found as the document is used. For example, population numbers may need to be updated as current information becomes available. Errors in the text or on the maps may be discovered and should be corrected. Language may be revised to better clarify the intent of a particular section. Insubstantial amendments are those that apply to a few sections of the document and do not change the intent or underlying principles of any given section. Insubstantial amendments are typically initiated by the staff, Planning Commission or Town Council annually or as they are needed.

Substantial Amendments are the second method for modifying the document and are reserved for major changes. Substantial Amendments are only available once a year on or near the anniversary of the plan's adoption and must be considered carefully. These amendments typically are directed to policy changes, multiple sections of the document or are a magnitude that warrants larger scale review. Substantial plan amendments involve noticed public hearings before the Planning Commission.

Insubstantial and substantial amendments may also be initiated by municipal residents.

Plan amendments (substantial or insubstantial) shall be evaluated against the following criteria. The town planning staff shall submit written recommendations to the Planning Commission. The Planning Commission is the final decision-making body on these changes and the Commission shall make written findings on each of the following items that shall be presented to the Town Council no later than 45 days after a decision of the Commission.

1. The plan section or sections subject to amendment are erroneous or have been found to be out of date.
2. The proposed amendment will not adversely affect utility planning, transportation, delivery of services, or other major functions of the Town.
3. An amendment does not bestow an individual benefit to a developer, property owner, or requesting party, but confers a benefit to the community as a whole.
4. A proposed change is compatible with existing uses, the plan vision, goals and policies.
5. The amendment is based upon a considerable change in the land use character of an area that warrants modification.
6. The modification does not conflict with or inhibit logical cost-effective annexations.
7. The plan amendment is consistent with logical extension of services, utilities, roadways, parks/open space and other essential municipal functions.
8. The amendment does not adversely affect sensitive environmental areas, air or water quality, or result in increased risks to public health, safety or welfare.
9. Strict compliance with the provisions of the section(s) to be changed conflicts with the intent of the plan or creates conditions that were not intended in the document.
10. The amendment will not result in a reduction and delivery of municipal services, utilities, unmitigated traffic impacts or other conditions that create a financial hardship or other hardship for the town of New Castle.
11. The amendment is in keeping with the overall intent of the New Castle Comprehensive Plan, its vision, its goals and policies and is in the best interest of the community.