



**Town of New Castle**      **Planning and Code  
Administration Department**  
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# Memo

**To:** Mayor Art Riddile and Town Councilors  
**From:** Tim Cain  
**Date:** September 9, 2016  
**RE:** Extension of CUP Application Fee Waiver

**Recommendation:** Council to consider extending the Conditional Use Permit (CUP) application fee waiver for three years in the amount of \$250.00 for new businesses that contribute directly to sales or lodging tax revenues. The deadline for the expiration of the CUP waiver is October 1, 2016.

**Background:** Council has approved of this waiver in September of 2013. Two businesses have taken advantage of the waiver and are still in business. This request can be considered an economic incentive for new businesses wishing to open their doors in New Castle.

Council approved of the following policy as it relates to granting a new business a CUP application fee waiver:

- 1) The applicant will submit a written request to waive the CUP application fee to the Town Administrator (details of request below)
- 2) The Town Administrator will study the request to determine if it meets the specific details of this guideline below and render a decision in writing to the applicant within seven (7) business days after the request.
  - a. The Town Administrator will evaluate the request and (1) decide if the request is complete and meets all of the specific guidelines below and grant the request to the applicant. (2) The Town Administrator finds the request is incomplete and requires more information and (3) The Town Administrator determines the request does not meet the minimal standards set forth below and shall deny the request.
  - b. The Town Administrator will report his findings to the appropriate appointed and elected officials at the next available meeting.
  - c. The applicant shall have the right of appeal to the Town Council if the request is denied.
    - The applicant shall submit in writing to the Town Clerk within fourteen (14) days after the Town Administrator has made his finding of denial.
    - The applicant will state clearly why the criterion to affirm the request has not been correctly applied.
    - The applicant will submit to the Town Clerk a request to be on the next available Town Council agenda within fourteen (14) days after the Town Administrator has made his finding of denial.

- 3) Request to waive CUP application fee guidelines/criteria:

- a. The applicant shall submit a CUP application that meets the minimum standard of completeness
  - b. The applicant will submit a business plan to the Town Administrator if a bank or other lender requires it as a condition of a loan to open and operate the business.
  - c. The applicant shall demonstrate **how** the new business will directly contribute to sale and or lodging tax by adequately describing in detail the types of goods and services provided by the business.
  - d. The applicant shall tender evidence that a State Sales Tax license has been applied for or supply a current license if applicable.
  - e. As required by our Town, the applicant shall provide evidence of insurance and workers compensation if applicable.
  - f. The applicant shall offer written evidence that it will be in compliance with Colorado Department of Public Health rules and regulations regarding smoke, particulate matter, dust, odor, gas, fumes, glare or vibration, radiation hazards or electrical disturbances, noise and water pollution.
- 4) Types of businesses in the R-1 and C- districts requiring a CUP that **may** qualify include:
- a. R-1 district – Bed and Breakfast lodge, museum
  - b. C-1 district – Any permitted uses in C-1 which use is to be a drive-in establishment or facility where the customer receives goods or services while occupying a vehicle, automotive service station - with or without minor repairs, hotel, motel, museum – public or private, rooming or boarding house facility, small engine repair and sales shop, taxidermy, veterinary clinic, household appliance repair, mobile vending carts
- 5) Other zone districts requiring CUP will also be included.