

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2024-14

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A
CONDITIONAL USE PERMIT FOR UTILITY TRANSMISSION LINE AND
TOWERS ON PROPERTY LOCATED IN THE INDUSTRIAL ZONE
DISTRICT.

WHEREAS, on December 21, 2023, Public Service Company of Colorado, a Colorado corporation, dba Xcel Energy (“Applicant”) submitted a Conditional Use Permit Application (“Application”) concerning the property described on Exhibit A hereto (the “Property”), and owned by the owners listed on Exhibit A; and

WHEREAS, the Property is zoned Industrial; and

WHEREAS, an electric transmission line built in the 1940s through the 1960s prior to the adoption of the Town Municipal Code (the “Code”) exists on the Property; and

WHEREAS, Applicant intends to replace the existing wood transmission poles with taller, metal poles and expand the easement wherein the transmission facilities are located; and

WHEREAS, Chapter 17.52 of the New Castle Municipal Code (the “Code”) establishes the permitted, prohibited, and conditional uses for the Industrial District; and

WHEREAS, Applicant’s proposed utility transmission line and tower use (the “Proposed Use”) is eligible for conditional use review because it is not listed as a permitted or prohibited use, making it a conditional use under Code § 17.52.050 and, therefore, requires the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, under Code § 17.84.080, “any use that legally existed prior to the effective date of Title 17 shall continue as an approved conditional use upon written request,” which Applicant has requested in the Application; and

WHEREAS, because Applicant intends to structurally enlarge and expand the ground area of the Proposed Use, Code § 17.84.070 requires that a site plan be approved for the Proposed Use in accordance with the procedures of Chapter 17.84; and

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission (“Commission”) held a duly noticed public hearing on May 8, 2024, to consider the Application and recommended conditional approval of the same; and

WHEREAS, at a duly-noticed public meeting held on May 21, 2024, Town Council considered the Application; and

WHEREAS, pursuant to Code § 17.84.050, the Town Council hereby finds that:

1. the Application is eligible for conditional review under Code § 17.84.040;
2. the Application is generally compatible with adjacent land uses;
3. the Application meets all requirements of § 17.84.020 of the Code, is in compliance with Title 17 of the Code, and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;
4. the Application is consistent with the comprehensive plan; and
5. the Town has the capacity to serve the proposed use with water, sewer, fire and police protection.

WHEREAS, Town Council now desires to approve the Application subject to the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Town Council.

2. Listing of Approved Uses. The following constitute the uses of the Property that are approved under the Application as a conditional use, which may be in addition to other permitted uses of the Property.

A. Use of the Property for the construction, operation, and maintenance of an electric transmission line and related poles, towers, facilities, and equipment

3. Conditional Approval. The Town Council hereby approves the Application and the Proposed Use pursuant to § 17.84.050 of the Code, subject to the following conditions:

A. No construction shall begin until a conditional use certificate has been issued by the Town Planner subject to Section 17.84.040;

B. No construction shall begin on a parcel until Applicant has obtained new or revised easements from all Property owners of that parcel. Applicant shall provide recorded copies of all such easement agreements to the Town either (1) at the pre-construction meeting called for in Condition E, below, or (2) later when obtained but prior to construction on an individual parcel for which the easement was granted. Notwithstanding the foregoing, Applicant shall provide easement agreements for all parcels that require helicopter operations for installation of power poles prior to the commencement of helicopter activity on any of said parcels.

C. Prior to issuance of the conditional use certificate, the Applicant shall demonstrate conformance with recommendations provided by the Town Engineer and Colorado River Fire Rescue (Exhibits B & C to the staff report);

D. Prior to the issuance of a conditional use certificate, a construction management plan shall be provided for review and approval by Town staff. A construction management plan shall include, but not be limited to, the identification of off-site storage & delivery locations, any contractor off-site parking, refuse management, and bathroom locations;

E. The Applicant shall conduct a pre-construction meeting with Town staff and relevant agencies at least 14 days prior to the beginning of construction;

F. The Applicant shall apply for any right-of-way permits through the Town's Public Works Department;

G. Easement adjustments shall be consistent with the site plan (staff report Exhibit A, page 15), as approved by Town Council. Each easement agreement shall include an exhibit showing the location of the easement across the subject property.

H. Applicant shall comply with all applicable building and municipal code requirements, including the sign code and any grading or watershed permit requirements, and all county licensing requirements;

I. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code;

J. In the event the Town receives any complaints about the use of the site in violation of the conditional use approval or other Code requirements or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf;

K. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council shall be considered part of the application and binding on the Applicant;

L. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding the Application, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs; and

M. Applicant shall be exempt from the Town's performance standards concerning noise for all construction and maintenance activity that requires use of a machine or other equipment that, as designed, may emit noise in excess of Town standards, provided that all such activities comply with any local, state, or federal requirements for

EXHIBIT A

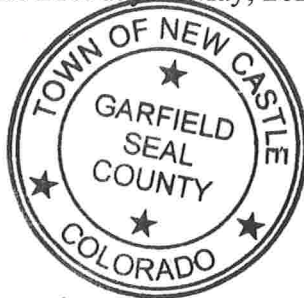
The property that is the subject of the Application described in Resolution TC 2024-14 is legally described as follows:

Parcel ID	Owner Name	Owner Address	Legal Description
212332305005	CCH PROPERTY LLC	565 GINSENG ROAD NEW CASTLE, CO 81647	Section: 32 Township: 5 Range: 90 Subdivision: COAL RIDGE INDUSTRIAL SUB-DIV. Lot: 5 2.025 ACRES
212332305003	MENDOZA, IGNACIO & MARIA LUISA	PO BOX 72 NEW CASTLE, CO 81647	Section: 32 Township: 5 Range: 90 Subdivision: COAL RIDGE INDUSTRIAL SUB-DIV. Lot: 3 1.083 ACRES
212331412002	NEW CASTLE DUBOIS LLC	PO BOX 783 NEW CASTLE, CO 81647	Section: 31 Township: 5 Range: 90 Subdivision: TALBOTT SUBDIVISION Lot: PCL B AS AMD BY THE DUBOIS LOT LINE ADJ DESC AS LOT 2 OF AMD PLAT PARCEL B, TALBOTT SUB-DIV ADJUSTMENT AFFIDAVIT REC.#791735 AND QCD REC#791736.
212331400013	ROYAL MINI STORAGE, LLC	PO BOX 2526 GLENWOOD SPRINGS, CO 81602-2526	Section: 31 Township: 5 Range: 90 A TR IN NWSE.
212332305004	MUELLER CONSTRUCTION SERVICES INC	6520 COUNTY ROAD 335 NEW CASTLE, CO 81647	Section: 32 Township: 5 Range: 90 Subdivision: COAL RIDGE INDUSTRIAL SUB-DIV. Lot: 4 1 ACRE
212332305002	FOUR SPRYS INVESTMENTS, LLC	3792 COUNTY ROAD 117 GLENWOOD SPRINGS, CO 81601	Section: 32 Township: 5 Range: 90 Subdivision: COAL RIDGE INDUSTRIAL SUB-DIV. Lot: 2
212332305001	BRAMCO, LLC A COLORADO LIMITED LIABILITY COMPANY	PO BOX 737 NEW CASTLE, CO 81647-9646	Section: 32 Township: 5 Range: 90 Subdivision: COAL RIDGE INDUSTRIAL SUB-DIV. Lot: 1
212331400015	MATA, MARIA A & JUAN	PO BOX 407 GYPSUM, CO 81637	Section: 31 Township: 5 Range: 90 A TR. OF LAND IN NE4SE4. EXCEPT A TR. OF LAND CONT. .104 AC.+/- AS DESC. IN DUBOIS LOT LINE ADJ AMD, DESC. AS LOT 1. REC #761250 & AMD SWD REC. # 762229

212331300007	TALBOTT ENTERPRISES, INC	9109 COUNTY ROAD 311, SILT, CO 81652	Section: 31 Township: 5 Range: 90 SWSW
212331412001	BLUE BARREL LLC	523 EMMA ROAD BASALT, CO 81621	Section: 31 Township: 5 Range: 90 Subdivision: TALBOTT SUBDIVISION Lot: A PARCEL A, AS AMENDED PER FINAL PLAT RECEPTION NO. 913251 (2.8 AC)
212332300036	NEW CASTLE, TOWN OF	PO BOX 90 NEW CASTLE, CO 81647	Section: 32 Township: 5 Range: 90 THAT PT OF THE NWSW, S2SW LYING SO OF COLORADO RIVER. EXCEPT A TR CONT 3.349 AC AS DESC IN 823/279. EXCEPT A TR CONT 9.99 AC AS DESC IN 1153/183. 23.161 ACRES
212331412003	GABOSSI, ROC & MARY	44523 HIGHWAY 6 GLENWOOD SPRINGS, CO 81601	Section: 31 Township: 5 Range: 90 AS AMENDED PER FINAL PLAT RECEPTION NO. 913251 Subdivision: TALBOTT SUBDIVISION Lot: A-1

use of the machine or equipment in question. Specifically, use of helicopters in connection with the Proposed Use shall comply with all applicable FAA standards and requirements.

THIS RESOLUTION TC 2024-14 was adopted by the New Castle Town Council by a vote of 7 to 0 on the 21st day of May, 2024.



NEW CASTLE TOWN COUNCIL

By: Art B. Riddle
Art Riddle, Mayor

ATTEST:

Mindy Andis, CMC
Mindy Andis, Town Clerk