

New Castle Town Council Regular Meeting
Tuesday, February 4, 2025, 7:00 PM

Call to Order

Mayor Art Riddile called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Councilor Carey
Councilor Mariscal
Councilor Hazelton
Mayor A. Riddile
Councilor Copeland
Councilor Leland
Councilor G Riddile

Absent None

Also present at the meeting were Town Clerk Mindy Andis, Administrator Dave Reynolds, Town Planner Paul Smith, Town Treasurer Viktoryia Ehlers, Administrative Assistant Michelle Huster, Town Attorney David McConaughy and members of the public.

Clerk Andis verified that her office gave notice of the meeting in accordance with resolution TC 2025-1.

Conflicts of Interest

Councilor Hazelton recused himself from agenda item A.

Agenda Changes

There were no agenda changes

Citizen Comments on Items not on the Agenda

There were no citizen comments

Consultant Reports

Consultant Attorney – Attorney McConaughy said he was present for agenda items only.
Consultant Engineer – not present

Items for Consideration

Consider Resolution TC 2025-04 - a Resolution of the New Castle Town Council Approving A Conditional Use Permit for Outdoor Vehicle Storage on Property Located in the Industrial Zone District.

Planner Smith reviewed his staff report with the council (Exhibit A). Planner Smith presented the proposed CUP for vehicle storage on a property located in the industrial park on the south side of the Colorado River. He explained that the proposal was for approximately 70 spaces in an enclosed area. Planner Smith noted that the town had revised its code on parking in the right of way about a year or two earlier, which limited or prohibited RVs, trailers, and other vehicles from parking in the right of way for extended

Town Council Meeting
Tuesday, February 4, 2025

period of time. This had created a demand for storage parking elsewhere.

Applicant Grady Hazelton introduced himself to the council and he gave a brief explanation of the purpose of the application. Mr. Hazelton said he wanted to have business in New Castle and has noticed a need for outdoor storage for RVs and boats in the area. He said similar facilities nearby are full and have a waiting list for storage of RVs and boats. Mr. Hazelton has leased the property and believes the property is the best place to have outdoor vehicle storage.

Planner Smith said anytime a CUP land use application is brought to staff, staff will review the application to determine what part of the town code applies to the application and where the use falls into conditional use, permitted or non-permitted. Planner Smith reviewed the list of conditional use, permitted or non-permitted with the council. Planner Smith said the application went before Planning & Zoning Commission on January 26, 2025. The commission decided the application didn't fit within the permitted or in the non-permitted use and it fit better as a conditional use. Planning and Zoning did recommend approval with conditions.

Planner Smith said tonight the council will need to decide to approve with conditions, approve outright or deny. Planner Smith explained the conditions in the resolution with the council.

Mayor A. Riddile asked who would be overseeing the leakage, break-ins, security video and how often. Mr. Hazelton said he would be, because this is important to him and wants to make sure it's done correctly. He said that he would be onsite frequently and multiple times a week. The cameras that will be installed will be monitored from home or cell phone. The security video will not just be DVR, so if something does happen, he can monitor the situation. Mr. Hazelton said the hours of 8am to 8pm is temporary, once the automatic gate is installed which will also monitor who is coming into the facility, the hours will be from 6am to 10pm. The idea of the increased hours is for the convenience of the renters. Mr. Hazelton explained the reason for not having the facility available to be 24 hours is because something does happen and the police sees lights in the yard they wouldn't know something is going on that shouldn't be. The renter will have a code to get into the yard, the police and fire departments will have their own code once the automated gate gets installed.

Councilor Carey asked Mr. Hazelton for some clarification of one of the conditions (NO TANKS OF ANYKIND IE>>>GRAY BLACK OR FUEL CAN BE DRAINED ON THE PREMISE WITH THE EXCEMPTION OF FRESH<POTABLE WATER. Mr. Hazleton said the conditions list is still work in progress and the list is a very rough draft. He said what it means and will be clearer about is there is nothing can be drained but potable water.

Attorney McConaughy suggested changing resolution condition 4A ~~Applicant shall comply with the management policies presented to Town Council.~~ **Applicant shall comply with the management policies presented to Town Council. Changes to the policies may be approved on a staff level.**

Mayor A. Riddile opened the public hearing at 7:33pm.

There were no public comments.

Mayor A. Riddile closed the public hearing at 7:33pm.

Councilor G. Riddile wanted to stress this type of applications should be a conditional use and not a use by right, so it doesn't turn into a storage yard.

MOTION: Councilor Carey made a motion to Resolution TC 2025-04 - a Resolution of the New Castle Town Council Approving A Conditional Use Permit for Outdoor Vehicle Storage on Property Located in the Industrial Zone District with amending condition 4A to state Applicant shall comply with the management policies presented to Town Council. Changes to the policies may be approved on a staff level, Councilor Mariscal seconded the motion, and it passed unanimously.

Introduction to new Castle Valley Ranch Property Owner

Administrator Reynolds said as the council is aware, a large portion of undeveloped land in Castle Valley Ranch that was previously owned by CVRI has recently sold. As the new property owner, TC Midwest is excited about their connection to New Castle and looks forward to working with the town in a way that compliments the great things that New Castle has already accomplished. Staff would like to take this time to introduce TC Midwest team to the council.

TC Midwest team introduced themselves to the council. Zach Schaffer said he started working for the company in 2024 when they had purchased the store he was working at. Joe Whiteside works for TC Midwest for Engineering and Surveying for 3 three and half years. Brooke has been with the company for 13 years. She has assisted with several projects TC Midwest has done in Texas as well as Colorado. They have done a few projects up valley including Aspen and Glenwood Springs.

Councilor G. Riddile said he is excited to see what TC Midwest does and the town would be looking at connecting North Wild Horse Drive from R2 development through and connecting to the current North Wild Horse Drive. Part of the road runs through TC Midwest property. Administrator Reynolds said staff have had that conversation with TC Midwest.

The council welcomed TC Midwest team and is looking forward to working with them.

Councilor Appointment for Planning & Zoning

Clerk Andis said at the last council meeting Mayor A. Riddile had resigned from the Planning and Zoning Commission as the council rep. Councilor G. Riddile had agreed to attend the P&Z meeting on January 22, 2025, meeting. Clerk Andis said council will need to appoint a councilor to be the rep on P&Z until May 1, 2025. Councilor G. Riddile will become the council rep on P&Z starting May 1, 2025.

Councilor G. Riddile said he would be willing to replace Mayor A. Riddile on P&Z.

MOTION: Councilor Hazelton made a motion to Appoint Councilor G. Riddile to P&Z as the Council Representative, Councilor Carey seconded the motion, and it passed unanimously.

Approval of Bag Fee Budget

Climate Environment Committee (CEC) Chair Sharon Morris said the commission spent most of 2024 talking and listening to the public and getting a lot of feedback from the public. With feedback from the public and help from town staff, there were a few CEC meetings trying to create a budget and a plan for spending the bag fee money.

Administrator Reynolds reminded the council of the plastic bag fees that have been collected over the past two years in accordance with Colorado's Plastic Reduction Act HB 21-1162. Per state law, municipalities that receive funding through the program are obligated to create programs to use the funds toward certain approved programs that ultimately help to reduce waste and clean the environment. Town Council has tasked the CEC with developing and overseeing projects that meet the guidelines of this program, but ultimately it is town council's responsibility to approve the Bag Fee budget.

Proposal for Bag Fee Fund

Rebates of \$500-\$800 to businesses which perform new sustainability/environmental projects (for example, replacing Styrofoam to go boxes; providing recycle containers for patrons; installing energy-efficient appliances; planting a tree)

\$8,000

Earth Day Drawing: Ten 6-month EverGreen ZeroWaste subscriptions: \$1,500

Purchase reusable bowls, cups, spoons, plates, forks, mugs for Chili Cookoff town events (replace disposable paper products) ~~\$750.00~~ \$1,148.20

Public Education Program (schools, library, contests, etc.) \$1,000

Cleanup Day for East Elk Trails, Shooting Range, Mt. Medaris, Trailheads, etc. (supplies, lunch, donation to RFOV and RFMBA) \$2,500

Town contribution to Colorado River Wildfire Collaborative \$3,000

Additional funds to CEC for sustainability/environmental project TDB ~~\$1,000~~ \$4,630.80

Earth Day advertising and supplies \$500.00

Total ~~\$18,250~~ \$22,279

Administrator Reynolds said there will need to be some coordination between CEC and the town staff to make sure the project CEC is wanting to start fits within the parameters of the bill.

Ms. Morris thanked the council for allowing the CEC to have a say in the bag fee budget.

Motion: Councilor Leland made a motion to approve the Bage Fee Budget, Councilor G. Riddile seconded the motion, and it passed unanimously.

Executive Session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest pursuant to C.R.S. 24-6-402(4)(e) and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the same pursuant to C.R.S. 24-6-402(4)(e)

Motion: Councilor Leland made a Motion at 8:06p.m. to go into Executive Session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest pursuant to C.R.S. 24-6-402(4)(e) and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the same pursuant to C.R.S. 24-6-402(4)(e) Mayor A. Riddile seconded the motion and it passed unanimously.

Executive session concluded.

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

"The time is now 8:31p.m. and the executive session has been concluded. The participants in the executive sessions were: Councilor Mariscal, Councilor Carey, Councilor Hazelton; Councilors Copeland, G Riddile, Councilor Leland, Town Administrator Reynolds, Town Clerk Andis, Town Attorney McConaughy, Town Planner Smith, Assistant Huster and Town Treasurer Ehlers. 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

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.

Councilor Leland asked for the minutes to be removed from the Consent Agenda for further review and corrections.

~~January 21, 2025 minutes~~

January Bills \$1,021,236.34

Liquor License Renewal Lazy Bear Restaurant

MOTION: Councilor Leland made a motion to approve the Consent Agenda items January Bills and Liquor License Renewal Lazy Bear. Mayor A. Riddile seconded the motion, and it passed unanimously.

Staff Reports

Town Administrator – Administrator Reynolds said the clerks are trying a new program for minutes that uses what is captured on ZOOM to do a transcript and the transcript is put into the program to give an initial draft minutes, then it is up to the clerks to review and correct what needs to be corrected. The clerks are still learning the program and hoping once they learned it would save time for doing the minutes.

Administrator Reynolds gave an update for the U-Haul and Drifters. Administrator Reynolds asked the council for direction on the U-Haul and Drifters properties. The U-Haul trailers has more than 10 trucks and trails as agreed to. Drifters have stuff in the back of their building along the alley and that was supposed to be cleaned up a year ago. Staff has had conversations with both businesses and the conversations end the same way. Administrator Reynolds said it is time to move forward and give them written notices. Councilor Carey asked what is entailed in a written warning. Administrator Reynolds said staff really haven't done one. There was one that was done a few months ago another property. It's a notice stating the property owner is in violation of the code provision which states you can't have trash and rubbish in your yard and the town is giving you x number of days to clean it up. The notice is sent by certified mail. If the property owner doesn't comply with the written notice, then it would be taken to the town's prosecutor for his input.

Councilor Carey asked in the town lease for the U-Haul what were the penalties for not complying with the lease. Administrator Reynolds said in the lease it is spelled out what can be on the lot. The lease does have a penalty for not complying. Councilor Carey said not so much concerned for the U-Haul but more concerned with the personal items and the town needs to enforce the lease. Drifters would be a code enforcement issue and can't be handled the same way.

Councilor Hazelton said Drifters had told the council that they were going to have a food truck and on occasion there would be two food trucks. There are currently two food trucks and one of them has not been open since mid-December. The second food truck is on blocks to level the truck.

Administrator Reynolds said there is a dip in the road at the east end of the green bridge. The Public Works department is working with a leak detector company to locate the water leak.

Administrator Reynolds said there is a Parks, Open Space, Trails and Recreation Committee (POSTR) meeting Thursday, February 6, 2025, at 5pm at town hall. POSTR will be talking with the New Castle Trails and discussing trails maintenance and projects and Rides and Reggae.

Administrator Reynolds said he would be out of the office from February 7th – 14th but would be available by phone.

Administrator Reynolds discussed with the council the joint Board of County Commissioners (BOCC) meeting agenda. The meeting will be at the library and food will

be served. The council would like to have the joint meeting to be held at the town hall. The council would like to make sure there would be time for discussion with the BOCC. Administrator Reynolds said staff have been looking at the west end of Castle Valley Boulevard and how to slow traffic down. Staff will be bringing a few ideas to the council soon. Staff have received a request for a crosswalk at the intersection of Castle Valley Boulevard, Alder Avenue and Rio Grande Avenue.

Administrator Reynold said Spring FMLD Grants are due at the end of February. The town is applying for a Mini grant for a new A/C unit for Town Hall since it is starting to fail and the spring traditional grant for capital road projects.

Administrator Reynolds said staff are looking at replacing the lights on the first floor of town hall with LED lights. Staff have contacted CLEER for rebates and programs are available to assist with the cost.

Administrator Reynolds said there is a slogan contest for the town. The results will be given to the council at the next meeting.

Town Clerk – Clerk Andis said Assistant Huster is shadowing and learning on how to run a council meeting and cross training for preparing council agendas and packets. Assistant Huster will be attending a couple council meetings to get familiar with the procedure.

Town Treasurer – Treasurer Ehlers said W2's have been sent out and 1099's have been reported to the IRS. Treasurer Ehlers completed the opioid fund reporting to the state.

Treasurer Ehlers said she is currently working on the Pinnacle Audit for 2024 year.

Treasurer Ehlers said she has hired a third person for the finance department and is now fully staffed and is in the middle of training.

Town Planner – Planner Smith said the final plan for R2 (9 North Wild Horse) will be going to council at the next meeting. The application is for 130 rental units.

Public Works Director – not present

Commission Reports

Planning & Zoning Commission – Councilor G. Riddile said they had approved the CUP for the outdoor vehicle storage.

Historic Preservation Commission – have not met

Climate and Environment Commission – Councilor Leland asked the council to read the report from Chair Morris.

Senior Program – Clerk Andis said they had reviewed and made changes to the Bylaws. She gave numbers to the Traveler for 2024. There were 610 riders, 9,197 rider miles and 22,364 rider minutes on the Traveler.

RFTA – have not met

AGNC – have not met

GCE – have not met

EAB – have not met

Detox – Councilor Mariscal said there will be a special meeting on Thursday, February 6, 2025 to discuss the closure of Detox.

Council Comments

Councilor Leland reminded the council about the fire film at the library on Wednesday, February 12, 2025, at 6pm. Spellabration is Friday, February 7, 2025.

Councilor Carey asked Planner Smith about the outdoor lights at Elk Creek Elementary School and how bright they are. Councilor Carey asked if the school could shade or hooded, so they are not so bright.

Councilor Hazelton said the county planning & zoning meeting was well attended for the Nutrient Farm application. The concerns the town had regarding Nutrient Farms were well noted by the county. There was a lot of concern for water and water rights for the development. The water issue is for the water court not for New Castle. Councilor Hazelton thanked everyone for their work on his CUP application and is looking forward to the new business.

Mayor A. Riddile said the turnout for Founders Day was good and was a nice event. Councilor Copeland did a great job introducing Joe & Lorraine McNeal. Mayor A. Riddile presented the proclamation for the Coal Ridge Co-Ed Cheer Team to the team during a high school assembly.

Items for Future Council Agenda

There were no items for future council agenda.

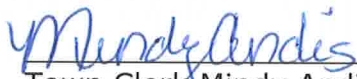
Adjourn

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

The meeting adjourned at 9:21p.m.

Respectfully submitted,




Town Clerk Mindy Andis, CMC


Mayor Pro Tem Grady Hazelton



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**Town Council – Public Meeting
Tuesday, February 4, 2025
Resolution TC 2025-04
Staff Report**

Name of Applicant	Grady & Suzanne Hazelton a.k.a Western Slope Investments
Mailing Address	PO Box 586, New Castle, CO 81647
Property Address	6255 CR 335, New Castle, CO 81647
Name of Property Owner	M&C Fattor, LLC
Existing Zoning	Industrial (part of Riverside Industrial Park)
Surrounding Zoning	Industrial, Open Space
Surrounding Land Uses	Open Space (Breslin Park), Propane Storage, Construction Storage, Warehouse
Recent Uses of Property	Truck Storage, Currently Vacant
Proposed Use of Property	Outdoor RV, watercraft, trailer, and other motor vehicle storage
Property Size	1.0 acre

I. Background:

The Applicant proposes the use of outdoor RV, watercraft, trailer, and other operable vehicle storage (hereafter “vehicle storage”) for the property located at 6255 CR335 in the Riverside Industrial Park. The Applicant maintains that additional vehicle storage is a much needed resource for the community (**Exhibit A, pg. 3**) and that an established facility will help balance out the townwide parking prohibition for RVs, trailers, and trucks in the public ROW (see Chapter 12.12). The proposal contemplates up to 70 spaces in a gated fence enclosure. Covenants will exclude inoperable vehicles and vehicle repairs. Furthermore, the Town’s performance standards will help control for nuisance concerns.

Prior to submittal, the Applicant and Staff discussed the proposal’s zoning status in terms of permitted (“self-storage facility”) or nonpermitted (“auto storage yard”) uses as listed in Sections

17.52.010-030 (**Exhibit A, pages 28-31**).

Presumably, a self-storage facility could imply outdoor vehicle storage and therefore be permitted (See section 17.52.030). Conversely, the storage of autos in an outdoor yard ("auto storage yard") is allegedly prohibited (See section 17.52.040). On October 15th, 2024, Staff presented the matter to the Board of

Adjustments ("BofA") pursuant to section 17.12.020 (C). This section authorizes the BofA to "decide the proper application of unlisted uses to a use group" within a certain number of zone districts. So, if the BofA finds that a proposed use is similar enough in function and impact to a listed use (permitted or otherwise), then the status (i.e. permitted/unpermitted) of the listed use may be imputed to the proposed use. In the end, the BofA recommended that the question of outdoor storage of boats, campers, RVs, trailers, etc. be considered by the Planning and Zoning Commission ("P&Z") since eligibility for CUP review is one of the criteria for CUP approval. Members of the BofA did note that oversight of this type of business would be important.



The Applicant introduced the proposal as a conditional use application to the Planning Commission on January 22nd, 2025. P&Z held an officially noticed public hearing in accordance with the procedures set forth in Municipal Code Chapter 16.08, **Exhibit A, pg. 35**. The Commissioners unanimously recommended conditional approval of the application to Council with resolution PZ 2025-1. Within sixty (60) days from the date of the P&Z's written decision on an application, or within such time as is mutually agreed by the Council and the Applicant, Council shall approve the application, with or without *conditions*, or deny the application.

CUP Approval Criteria: An approved application shall:

- 1.) be eligible for conditional review under § 17.84.040;
- 2.) be generally compatible with adjacent land uses;
- 3.) meet all requirements of § 17.84.020 of the Code, be in compliance with Title 17 of the Code, and minimize potential adverse impact of the conditional use on adjacent properties and traffic flow;
- 4.) be consistent with the comprehensive plan; and
- 5.) show that the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

II. Staff Review and Comment:

1.) *Is the application eligible for conditional review under 17.84.040?*

The foremost question from October 15th, 2024 was whether the outdoor storage of boats, campers, RVs, trailers, etc. qualified as a permitted or a nonpermitted use. The code defines neither a “self-storage facility” nor an “auto storage yard” in its list of definitions. Sometimes analyzing the meaning of a term across the field of uses within the code itself can be fruitful. However, a comparative analysis of similar uses in other zones only yielded further ambiguity, especially when accounting for other uses such as “outdoor storage”. For instance:

- C-1 (i.e. the downtown zone) prohibits both self-storage and auto storage yards, but allows outdoor storage in the rear of lots.
- C/G (i.e. Pepsi building) allows self-storage, prohibits auto storage yards. Does not comment on outdoor storage.
- C/T (west end of downtown) allows outdoor storage with a CUP only. Does not comment on self-storage or auto storage yards.
- P (west end of town) allows outdoor storage with a CUP only. Does not comment on self-storage or auto storage yards. Columbine Storage was granted a CUP for self-storage.
- H/B (Coal Seam Hotel proposal) allows for outdoor storage and parking lots by means of CUP. Does not comment on self-storage or auto storage yards.

Among these uses there may be some relevance in how things are stored (i.e. inside/outside) or what is being stored (i.e. operable vehicles, construction materials). This prompted the question of whether use labels of the past were applied uniformly between zones. Staff was ultimately unconvinced that zone district regulations, definitions, or concepts elsewhere in the Code could fully elucidate the meaning of the use in question.

Staff, then, concentrated their efforts on common usage and meaning of these concepts in the world beyond the Town code. For **self-storage**, the Wikipedia definition seemed as good a start as any:

***Self-Storage** is an industry that rents storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units," to tenants, usually on a short-term basis (often month-to-month). Self-storage tenants include businesses and individuals.” (1/10/25)*

At face value, this definition endorses the proposed use as a use by right. The images below

demonstrate two local self-storage facilities, each with indoor/outdoor or mini-storage and vehicle storage. It is reasonable that both are deemed self-storage.



Canyon Creek Self Storage



Silt Self Storage

Interpreting “self-storage facility” as simply indoor and outdoor storage is also supported to some extent by Section 17.52.060(A), which states that “storage of materials shall be enclosed by a fence at least six feet in height.” This provision suggests outdoor storage may be contemplated as part of “self-storage” because, if storage could only occur in a building, there would be no need for a 6-foot fence. However, “Outdoor storage” is a separate and distinct use in other zone districts, which would suggest outdoor storage is its own type of use that is not subsumed under the general “self-storage facility” use.

Regarding an **auto storage yard**, the Code similarly provides limited guidance. One element that may distinguish “self-storage facility” (including vehicle storage) from an “auto storage yard” is that, generally speaking, self-storage facilities are used by their patrons for **private, non-commercial use**. This is consistent with the U-Haul company’s explanation and nuance regarding vehicle storage:

“U-Haul has the extra space you need. Vehicle storage solves issues with neighborhood parking ordinance and parking space limitations with the added security benefit of keeping your vehicle at a secure self-storage facility.

U-Haul locations have vehicle storage spaces that are up to 45 feet in length to accommodate any sized RV, boat or car. These spaces include enclosed, covered and uncovered storage spaces. U-Haul has the right vehicle storage for you, whether you have an RV, boat, car, pickup truck, ATV, project car, motorcycle or other vehicle.”
(<https://www.uhaul.com/Storage/Vehicle-Storage/>).

In other words, “vehicle storage” in a self-storage facility is merely a location to store automobiles or vehicles while their private owners are not using them. A distinction can also be made between auto vs. vehicle storage. Automobiles are self-propelled and include cars, trucks, RVs, UTVs etc. Vehicles would include these and trailers. The Applicant’s use aligns best with vehicle storage.

In contrast, an “auto storage yard” may be understood as limited to a single business or **commercial enterprise** by the storage yard owner. This is consistent with the nature of other prohibited uses in the Industrial zone such as an auto wrecking and salvage yard and truck repair and storage yard. Rendered in this way it’s conceivable that “auto storage yard” intends storage of inoperable automobiles, storage following repair, or perhaps a rental car lot. The Applicant’s proposal would only allow storage of operable vehicles by numerous, private “tenants,” which is more like self-storage and less like an auto storage yard.

Taking all these things into consideration, Staff sees three options:

1. A self-storage facility could be rendered a general category of use allowing for indoor and outdoor storage of various items, including storage of private, operable vehicles. If Town Council were inclined to understand the situation in this manner the Applicant’s use would be a permitted use and not require a conditional use permit.
2. If Town Council feels that the proposed use is coextensive with an auto storage yard, the Applicant’s proposed use is prohibited and ineligible for a CUP.

3. If, Town Council determines that the proposed storage, is its own unique use that does not fall within the “self-storage facility” or “auto storage yard” uses, it is deemed a conditional use and therefore eligible for conditional review under 17.84.040.

2.) Is the proposal generally compatible with adjacent land uses?

Adjacent land uses include:

- Natural gas storage and distribution (National Propane);
- Stoneyard (CK Stone);
- Truss manufacturing (Trussfab);
- Warehouse and freight company (NAP);
- Distribution Warehouse (Intermountain);
- Self-storage;
- Cabinet Manufacturing (V&R);
- Public Open Space (Breslin Park);

The Industrial District allows for a diverse mix of industrial/commercial uses (**Exhibit A, pg. 29**). With compliance to the performance standards, a vehicle storage facility seems consistent with the aforementioned uses. Though the Industrial district currently lacks a vehicle storage yard, numerous vehicles of various sizes and types are parked – often semi-permanently – throughout the district. Hence, once established, it would likely be a challenge to differentiate a vehicle storage yard from, say, a freight warehouse or V&R Cabinetry’s parking lot merely by appearances. However, it bares remembering that the consistency of vehicle storage with adjacent uses does not nullify eligibility requirements discussed in section one.

The Applicant is also subject to screening requirements per section 17.52.060(D). Screening improves curb appeal and security. The code requires vegetative screening (i.e. trees and shrubs). The Applicant prefers to screen with fabric fence screening (**Exhibit A, pg. 3 & pg. 29**), since potable water is unavailable.

3.) Does the proposal meet 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?

The requirements of section 17.84.020 are addressed in the table below:

a. Adjacent land uses;	• Discussed in section 2.
b. Boundary and size of lot;	• 43,560sf; 20,000sf minimum per zoning
c. Building location height and setbacks	• N/A; No building contemplated
d. Off-street parking and loading areas	• N/A; All loading of vehicles will occur onsite
e. Points of ingress & egress	• Same entry and exit at SE corner of lot and CR335

f. Service and refuse areas	• Service and refuse will be offsite per covenants
g. Signs and lighting	• All signage to be permitted. Lights to be dark-sky.
h. Fencing, landscaping, and screening	• Fabric fence screening N & S property lines. Vegetation required.
i. Compliance with performance standards	• Applicant agrees to enforce performance standards.
j. Anticipated utility requirements	• No utilities required.

Other than the required screening, Staff does not have further concerns with compliance to section 17.84.020 or Title 17.

4) Is the proposal consistent with the comprehensive plan?

With close proximity to the Colorado River (~170ft) and a Town pedestrian trail (30-40ft), preservation of the natural environment is a priority (**Goals EN-2, EN-6**). The Applicant's lease commits them to hazardous free operations. The Applicant allows only operable vehicles, the assumption being that leaks or spills from operable vehicles would be minimal. Staff recommends that the Applicant demonstrate enforcement policies in a draft lease so that Council can be confident management is sufficient.

The north end of the property (along the Colorado River) does appear to have ample native vegetation to screen operations from public view. Council will need to assess whether fabric fence screening is an adequate substitute to vegetative screening along the property line. Screening requirements are described below (section 17.52.060D):

All property lines adjacent to the New Castle public parks are to be screened with trees and shrubs approved by the New Castle parks and recreation committee, and shall be in compliance with the tree city requirements as specified in Chapter 12.20. All property which is not adjacent to the New Castle public parks shall be screened with trees and shrubs on at least twenty-five (25) percent of their private property lines in compliance with Chapter 12.20, and with the approval of the New Castle parks and recreation committee. Review of screening by the parks and recreation committee shall be completed prior to the issuance of a building permit.

Lastly, Staff considered the anticipated vehicle density (up to 70 vehicles). With the protection of viewsheds in mind, it is vital that each lot be maintained without significant clutter or congestion. 6255 CR 335 is a one acre lot without structures. By comparison, Canyon Creek Storage (pictured above) is 3.43 acres. The picture shows 72 vehicles plus drive lanes and open space. Though not all 3.42 acres are usable, Staff had a concern whether the one acre proposal here would accommodate a comparable number of vehicles.

5) Does the proposal show that the Town has the capacity to serve the proposed use with fire and police protection and is not required to provide water or sewer service.

The site plan was reviewed and discussed with the fire marshal. Though the Town does not supply water service, need for fire flow was deemed unnecessary. The Police Department recommends a surveillance system to discourage trespassing and make the identification of potential violators easier. Public Works does not anticipate any change to water and sewer service.

III. Staff Recommendations:

Provided that Town Council agrees that the proposed use is a conditional use, Staff recommends approval of the application with the following conditions to Resolution TC 2025-4:

1. The Applicant shall provide the Town Council with proposed management policies for review and approval (**Exhibit A, pg. 37**).
2. The Applicant shall provide a security plan for the property for review and approval by Council. The number and location of any security cameras to be used by the Applicant shall be reviewed by the Town of New Castle Police Chief (**Exhibit A, pg. 37**).
3. Perimeter fencing on the Property shall be screened on the north and south sides with fabric or otherwise in compliance with Section 17.52.060(D) prior to commencement of outdoor storage on the Property. One year after commencement of operations on the Property, Town staff will evaluate based on complaints, changes in adjacent and surrounding land uses, and other relevant factors whether screening of the east and west sides of the Property is required. If staff determines screening is necessary, the additional screening will be consistent with that used on the north and south sides of the Property.
4. Applicant shall provide hours of operation for review and approval by Council (**Exhibit A, pg. 37**).
5. No equipment, materials, or supplies shall be stored on the Property unless the equipment, materials, and/or supplies are stored on a movable trailer or other wheeled and movable vehicle.
6. Applicant shall provide a trash management plan for review and approval by Council (**Exhibit A, pg. 37**).
7. Development of the Property shall be consistent with the site plan shown in Exhibit. A, pages 7-8, as approved by the Town Council.
8. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after the Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town Planning

Commission will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by Town Council, or the application is deemed withdrawn by the Applicant and is of no further force and effect.

9. No approved conditional use may be altered 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.
10. In the event the Town receives any complaints about the use of the site 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.
11. Insofar as necessary, Applicant shall comply with all applicable building and municipal code requirements, including the sign code and performance standards.
12. Any added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
13. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the Applicant.
14. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.

IV. Application Exhibits:

- A. Applicant Submittal