

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2020-10

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A
CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT ON
PROPERTY LOCATED IN THE RESIDENTIAL-1 ZONE DISTRICT.

WHEREAS, on December 26, 2019, Vance and Elyse Hutchinson (collectively, “Applicant”) submitted a Conditional Use Permit Application (“Application”) for the property located at 226 N. 7th Street, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”); and

WHEREAS, the Property is zoned Residential 1 (R-1); and

WHEREAS, Applicant owns the Property; and

WHEREAS, a single-family dwelling is currently located on the Property along with a detached garage; and

WHEREAS, Applicant seeks a permit to create and use an accessory dwelling unit (“ADU”) above the garage that is located on the Property; and

WHEREAS, pursuant to § 17.20.050(M) of the New Castle Municipal Code (“Code”), the use proposed by Applicant is a conditional use in the R-1 zone district, requiring the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission held a duly-noticed public hearing on February 12, 2020, to consider the Application and has recommend approval of the same; and

WHEREAS, the New Castle Town Council (“Council”) considered the application at a duly-noticed public meeting held on March 3, 2020; and

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

1. is eligible for conditional review under Section 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of Section 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. 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.

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 for the Property that are approved under the Application:

A. One Accessory Dwelling Unit as that term is defined in §17.04.050 of the New Castle Municipal Code

3. Approval. The Town Council hereby approves the Application and use proposed therein pursuant to § 17.84.050 of the Code, subject to the following conditions:

A. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant;

B. Applicant shall comply with all applicable building, residential, electrical and other municipal code requirements, including all sign code regulations and § 17.72.230 of the Town Municipal Code;

C. 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, 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, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf;

D. 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;

E. Applicant shall be required to pay all water and sewer tap fees and water rights dedication fees associated with the conditional use at 0.8 EQRs, which totals \$14,400.00. The Applicant shall pay \$4,800.00 of said fees within 30 days of the effective date of this Resolution and prior to, and as a condition of, the issuance of the Planner's conditional use certificate. Applicant shall pay the remaining balance (\$9,600.00) prior to the issuance of the building permit for the construction of the ADU over the garage;

F. New water service will extend from the primary dwelling tap and will maintain adequate sewer and water separation as determined and required by the Town Public Works Department;

G. Any new exterior lighting will be dark-sky compliant pursuant to the Comprehensive Plan Goal EN-4;

H. 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 Section 17.84.070 of the Code; and

I. 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 Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council 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 effective date of this Resolution, or the Application is deemed withdrawn by the Applicant and is of no further force and effect.

THIS RESOLUTION TC 2020-10 was adopted by the New Castle Town Council by a vote of ___ to ___ on the 3rd day of March, 2020.

TOWN OF NEW CASTLE TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk

Agreement

By signing below, Applicant hereby agrees to complete and comply with all conditions imposed by the Town Council in this Resolution No. TC 2020-10. Applicant further agrees that the use and improvements approved in said Resolution will be conducted and constructed in accordance with the approved Application site plan and development schedule.

DATED this __ day of _____, 2020.

Vance Hutchinson

Elyse Hutchinson

EXHIBIT A
Legal Description

The property that is the subject of the Application described in Resolution TC 2020-10 is legally described as follows:

Lot 5A, a resubdivision of Lots 4 and 5, Gordon Subdivision, Town of New Castle, according to the plat thereof recorded October 17, 1991, at Reception No. 428362, County of Garfield, State of Colorado



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

**Planning/Building & Code
Administration Department**
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

**Staff Report
Conditional Use Permit – ADU
Council – Meeting
March 3, 2020**

Project Information

Name of Applicant: Vance and Elyse Hutchinson

Applicant's Mailing Address: 226 N 7th St., New Castle, CO

Property Address: 226 N 7th St., New Castle, CO

Property Owner: Same

Owner Address/Phone: Same

Proposed Use: Accessory Dwelling Unit (ADU)

Legal Description: Section: 31 Township: 5 Range: 90 Subdivision:
Gordon Subdivision Lot: 5A, a resubdivision of Gordon
Subdivision Lots 4 and 5, Town of New Castle, According to
the plat thereof recorded October 17, 1991 as Reception
No. 428362.

Size of Lot: .384 acres

Street Frontage: N. 7th Street

Existing Zoning: R-1

Surrounding Zoning: R-1 and P/S (Open Space)

I Application:

Accessory dwelling units have proven to be a creative solution for living accommodations in established, fully built-out communities. ADUs have served as a means for affordable housing, vacation rental income, added foot traffic for local businesses, and tax revenues for municipalities. The current proposal offers ample living space in close proximity to downtown New Castle. The design sports a fully equipped kitchen with a two-bedroom floorplan all above an existing two-car garage. A private entry accessed via exterior stairway is planned on the south side of the structure with two off-street tandem parking spaces located on the west side. In the short-term, the Applicant desires housing provisions for family members. Long-term, the unit can be adapted to rental property use.

As a conditional use application, the Planning Commission (P&Z) is required to hold a public hearing in accordance with the procedures set forth in Municipal Code chapter 16.08. Within 30 days after the hearing, P&Z must make one of three recommendations to Town Council:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

II Development Application Contents:

1. Development application – December 26, 2019
2. Application Fee Payment – December 26, 2019
3. Agreement to pay consulting fees – December 26, 2019
4. Signed performance standards – December 26, 2019
5. Certified Mail Notification – January 11, 2020
6. Land Owners within 250' – January 10, 2020
7. Affidavit of Notice
8. Recorded plat of lot 5A – October 12, 1991
9. Adjacent structures/vicinity Map
10. Building Envelope with Setbacks
11. Building Elevations
12. Commonwealth Title Commitment – August 23, 2019
13. Garfield County Accessor Owner Account Summary

III 17.72.230 – ADU Requirements and Comments:

1. Accessory dwelling units are intended to be constructed in association with a primary single-family dwelling, to provide increased affordable housing opportunities within the town and to facilitate housing in close proximity to places of employment.

Comment: The ADU is on same lot as the principle structure and is located on the 2nd floor of a two-car garage. It is within walking distance to downtown amenities such as restaurants, Town Hall, the Library, and good fishing.

2. Notwithstanding any maximum or minimum square footage requirements in the zone district per dwelling unit, ADUs shall contain not more than eight hundred fifty (850) square feet and not less than four hundred (400) square feet. Only one ADU shall be allowed per principal building. The square footage of ADUs shall be calculated using the total gross square footage associated with the ADU living space inclusive of storage, hallways, and basements but not including garage space.

Comment: The total interior square footage of the ADU is 841sf according to the Accessor. No other ADU is associated with the principal building.

- ADUs shall not be allowed on lots smaller than five thousand (5,000) square feet. The square footage of the accessory dwelling unit shall not be greater than forty-seven (47) percent of the gross square footage of the principal building (inclusive of basement square footage but not including garages, uncovered decks, patios or porches) or eight hundred fifty (850) square feet whichever is less.

Comment: The principal building totals 2,150sf gross living area on a 16,746sf lot. At 841sf, the ADU is 39% of the gross square footage of the principal building.

- Each ADU shall contain a kitchen equipped, at a minimum, with a cooking appliance, a sink, and a refrigerator/freezer with a capacity not less than six cubic feet.

Comment: The Applicant states ADU will contain a full kitchen with range, refrigerator, sink, and dishwasher.

- Each ADU shall contain a bathroom equipped with, at a minimum, a sink, a toilet and a shower.

Comment: The ADU contains two full bathrooms each with a shower/tub, sink, and toilet.

- No ADU shall contain more than two bedrooms, and one off-street parking space shall be provided for each bedroom in addition to the required parking space(s) for the principle building/use.

Comment: The proposal shows two bedrooms with one off-street parking space per bedroom. The parking spaces are located east of the garage (off of 7th street) at the base of the stairway entry.

Principal Building & ADU Proposed Off-street Parking



7. All water service connections made to an ADU shall comply with the town's water and wastewater service connection requirements. ADUs may be connected to the water and wastewater service lines serving the principle building or directly to the most convenient water or sewer main line; provided that the landowner shall bear all expense of such connections, shall obtain all necessary permits from the town prior to any road cuts, and shall, prior to connection, pay a tap fee to the town equal to 0.5 EQR if the ADU has one bedroom and 0.8 EQR if the ADU has or is capable of having two bedrooms. The owner shall also pay a water rights dedication fee in the same ratio as the tap fee.

Comment: A two bedroom ADU demands 0.8 equivalent residential units (“EQRs”) MC 13.20.060 per water and sewer tap and an additional 0.8 EQRs for water rights dedication fee. In total the fees are \$14,400.

8. An ADU may not be condominiumized and/or sold separate and apart from the primary building to which it is accessory

Comment: The Applicant will not attempt to condominiumize the ADU. The dwelling unit will be occupied by a family member or will be rented.

9. The design, exterior treatments and color of an ADU shall be the same as, or compatible with, the design and exterior color and treatments of the primary building to which it is accessory.

Comment: The principle dwelling unit was built in 1963 with a stone façade, wood window trim, and a low angle hip roof. Though the roof of the principal building is nonconforming with MC 17.20.150, it is generally consistent with other strictures in the R-1 zone district. The Applicant intends a shed roof for the ADU which optimizes views towards Mt. Medaris. A non-gabled roof is atypical in R-1 zoning. However both structures will eventually have consistent design features after the renovations of each building are complete.



Property from North 7th Street



Property from Rear



Posted Notice

10. An ADU may only be occupied by a single-family as defined in Section 17.04.050 of the New Castle Municipal Code.

Comment: Permissible occupancy includes an individual occupant or an individual “family” as defined in § 17.04.050 of the municipal code.

IV 17.84.050 – CUP Approval Criteria and Comments:

A conditional use application shall be approved only if the town council finds that the application:

1. Is eligible for conditional review under Section 17.84.040;

Comment: Per MU 17.20.050, ADUs require a conditional use approval in R-1 zoning. A complete application with all CUP & ADU review requirements was submitted on December 26, 2019. A public hearing with the Planning Commission was scheduled for the first available meeting after 45 days.

2. Is generally compatible with adjacent land uses;

Comment: Residential dwelling units, trivially, are compatible with residential R-1 zoning. The proposed alteration will not obstruct neighborhood access or negatively impact contiguous open space.

3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;

Comment: The proposed dwelling unit will slightly increase the density within the immediate vicinity of the property. The roof design is uncharacteristic for the neighborhood and nonconforming to MC 17.20.150. These matters aside, the proposed ADU fully complies with all code requirements and will have negligible impact on the community.

4. Is consistent with the comprehensive plan;

Comment: The Comprehensive Plan (Guiding Principle 5) recognizes a need for affordable housing. ADUs can provide an attractive low-impact alternative to meet this need:

“The Town of New Castle, through land use policies and building regulations, can affect the numbers, size, type, location and rate of housing development. By influencing the number and variety of available housing stock, local government can ease upward pressure on prices. New Castle will establish standards of affordability based on median household income, will promote the creation of housing priced at or below those standards and will establish guidelines and procedures for maintaining affordable housing stock over time. New Castle needs to explore and adopt a variety of policies and strategies to support the affordable housing to a broad spectrum of the community.”

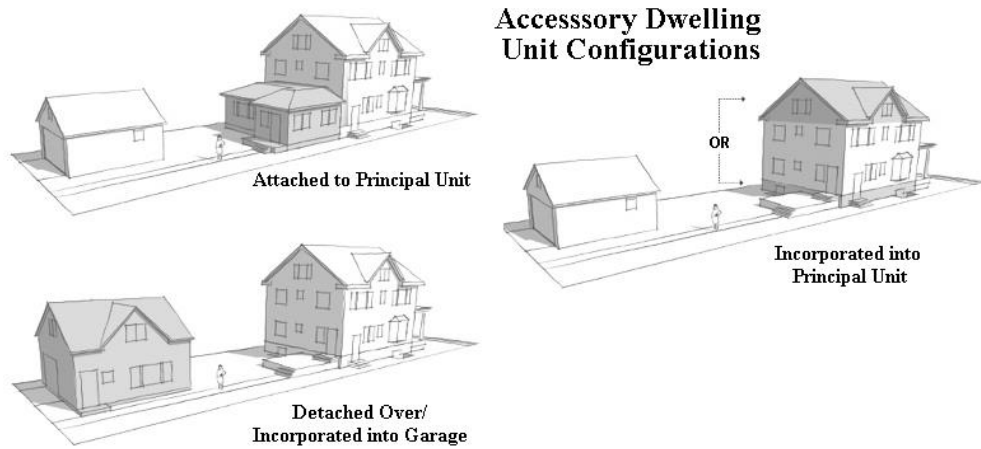
Additionally, Policy HO-4 indicates:

“The Town will continue to support the creation of accessory dwelling units in new and existing residential areas.”

The 2019 Downtown Plan addresses the benefit of ADU development:

“Old Town is now one of the more affordable neighborhoods in the community. However, it is relatively low density and Downtown needs more residential support. Increasing density in the Old Town neighborhood, within reason and where appropriate, might be a proper step for several reasons. The Town Code allows Accessory Dwelling Units (ADUs) as a conditional use in Downtown. These can allow residents to care and support for aging family members or provide rental space creating extra income. ADUs also serve renters with affordable housing. Finally, additional housing units will add vibrancy Downtown, as there will be more people living nearby that will likely visit those businesses regularly.

“An accessory dwelling unit is a separate living space within a house or on the same property as an existing house. Tiny houses, a recent housing trend, would be considered an ADU if they are placed on a permanent foundation on a lot containing a principal dwelling.



“It is recommended that the Town of New Castle sponsor information to the Old Town residents about this existing opportunity. The information should illustrate how such housing could be accommodated within the neighborhood, how provisions could be developed to make sure that it does not infringe upon “the existing quality of life in the neighborhood and the effect it could have on efforts to improve Downtown.

5. The town has the capacity to serve the proposed use with water, sewer, fire and police protection.

Comment: Other than water and sewer, impacts on the Town’s infrastructure, including police and fire protection, are slight.

V Staff Recommendations

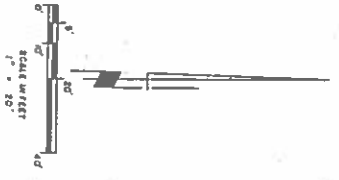
The staff recommends Planning Commission **approval of Resolution No. PZ 2020-1** with the following conditions:

- A. 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 Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council 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

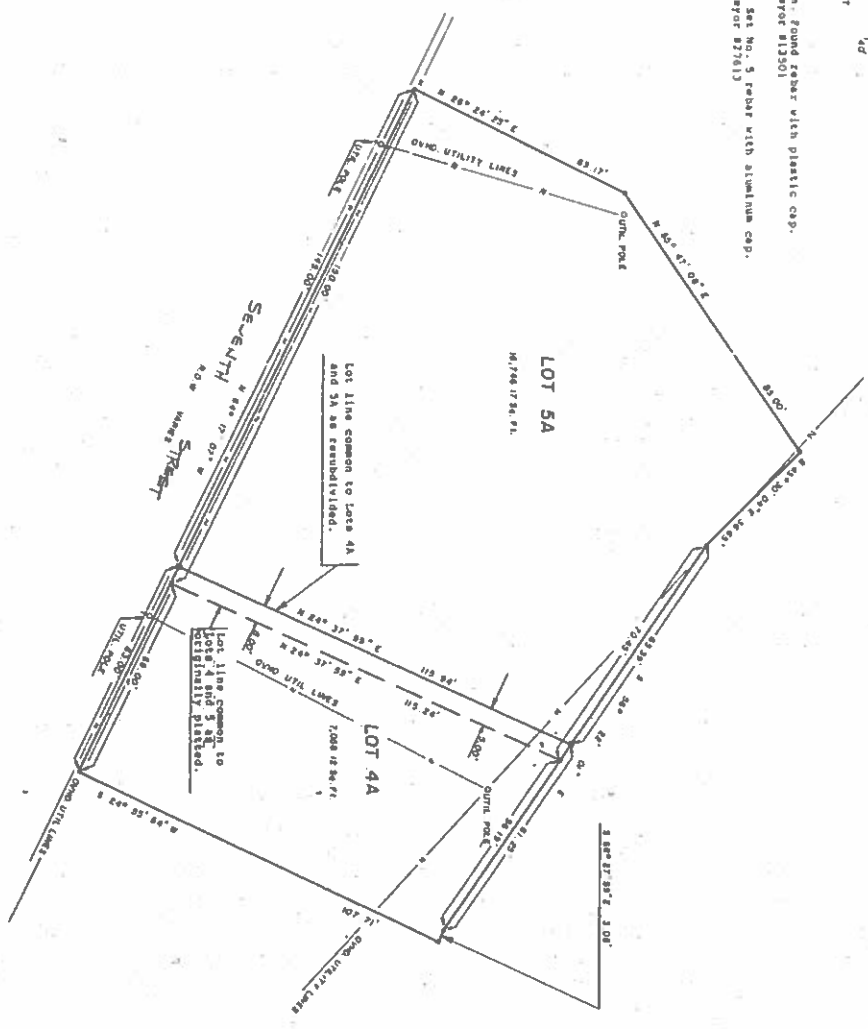
issued within one year of the date of final approval by Town Council, or the Application is deemed withdrawn by the Applicant and is of no further force and effect.

- B. 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 chapter 17.84.070.
- C. 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.
- D. New water service will extend from the primary dwelling tap with adequate sewer & water separation as determined by the Public Works Department.
- E. Applicant shall be required to pay all water and sewer tap fees associated with the conditional use at 0.8 EQRs and a water rights dedication fee all totaling \$14,400. The Applicant shall pay \$4,800 of said fees for the water dedication within 30 days of Council approval of the Application and prior to, and as a condition of, the issuance of the Planner's conditional use certificate. Applicant shall pay the remaining balance (\$9,600.00) prior to the issuance of the building permit for the construction of the ADU over the garage.
- F. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
- G. Added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
- H. 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.
- I. 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.

A RESUBDIVISION OF LOTS 4 and 5 GORDON SUBDIVISION GARFIELD COUNTY COLORADO



*Indicates found monumentation. Found rebar with plastic cap.
Color. Professional Land Surveyor #113501
*Indicates monumentation set. Set No. 5 rebar with aluminum cap.
Color. Professional Land Surveyor #27613



NOTICE OF SPLITTING
Measurements shown hereon are based upon the
North-South line of the original subdivision
and the recorded plat of Gordon Subdivision.
Monumentation being found as shown hereon.

Notes: Overhead utility lines along Buford
Road adjacent to lots 4A and 5A are
encroaching and indicate apparent.
Note: This subdivision was prepared without
the benefit of title insurance commitments.
Please refer to any future title commitments
this property which may affect
this property.

Notes: Overhead utility lines indicate apparent.
According to Colorado law you must commence any legal action
based upon defect in this survey within three years after
the date of recording. In no event, may any
defect in this survey be discovered
more than ten years from the date of the certification
shown hereon.

CERTIFICATE OF DEDICATION AND AGREEMENT
I, Samuel D. Phelps, being a registered professional
land surveyor in the State of Colorado, do hereby
certify that the above described subdivision was
prepared and approved in accordance with the
provisions of the Colorado Subdivision Act, C.R.S.
Title 17, Sections 17-101 through 17-107, and that
the same has been approved by the Board of
County Commissioners of Garfield County, Colorado,
on this 14th day of October, 1991.

Witness my hand and seal of the State of Colorado
at _____, Colorado, this 14th day of October, 1991.

Samuel D. Phelps, Registered Professional Land Surveyor
No. 113501

TOWN BOARD CERTIFICATE
This plat and resubdivision, approved by the Town
Board of New Castle, Colorado, on this 14th day of
October, 1991, in accordance with the provisions of
the Colorado Subdivision Act, C.R.S. Title 17,
Sections 17-101 through 17-107, and that the same
has been approved by the Board of County
Commissioners of Garfield County, Colorado,
on this 14th day of October, 1991, is hereby
certified for the financing of the construction of
public facilities to be used by the public and
dedicated to the public use of the Town of New
Castle, Colorado.

Witness my hand and seal of the Town of New Castle
at _____, Colorado, this 14th day of October, 1991.

Clerk of the Town of New Castle



CONTRACT SPLITTING CERTIFICATE
I, Samuel D. Phelps, being a registered professional
land surveyor in the State of Colorado, do hereby
certify that the above described subdivision was
prepared and approved in accordance with the
provisions of the Colorado Subdivision Act, C.R.S.
Title 17, Sections 17-101 through 17-107, and that
the same has been approved by the Board of
County Commissioners of Garfield County, Colorado,
on this 14th day of October, 1991.

Witness my hand and seal of the State of Colorado
at _____, Colorado, this 14th day of October, 1991.

Samuel D. Phelps, Registered Professional Land Surveyor
No. 113501

CLASS AND RECORDS CERTIFICATE
This plat was filed for record in the office of the
County Clerk and Recorder of Garfield County at
_____ on the _____ day of _____, 1991 A.D.
and is duly recorded under description # _____

Garfield County Clerk and Recorder
Deputy

SWR Co., Inc.
Professional Land Surveying Services
1000 1/2 1st St. N.E.
Durango, Colorado 81301
Phone: (303) 247-1111

Drawn by: S. Phelps Date: 14 OCT 1991
Checked by: S. Phelps Date: 14 OCT 1991
Title: LOT 4 and 5

ADJACENT STRUCTURES



Google

Map data ©

226 N. 7TH ST ADU



Planning Department
(970) 984-2311
Fax: (970) 984-2716
Email: tnc@glenwood.net

Town of New Castle
PO Box 90
450 W. Main Street
New Castle, Co 81647

LAND DEVELOPMENT APPLICATION

Note: You are required to meet with the Town Planner to review a checklist of items applicable to your project before filing this application with the Town. Call Town Hall to schedule this meeting.

Applicant: <i>Vance & Elyse Hutchinson</i>	
Address: <i>226 N. 7th St.</i>	Phone: <i>970.230.0080</i> FAX: E-mail: <i>CoCarpentry@MSN.com</i>

Property Owner: <i>Vance & Elissa Hutchinson</i>	
Address: <i>226 N 7th St</i>	Phone: <i>970.230.0080</i> FAX: E-mail: <i>CoCarpentry@MSN.com</i>

Contact Person: <i>Vance Hutchinson</i>	
Address: <i>226 N 7th St. New Castle</i>	Phone: <i>970.230.0080</i> FAX: E-mail: <i>CoCarpentry@MSN.com</i>

Property Location/Address: <i>226 N. 7th St New Castle CO 81647</i>	
Legal Description: <i>Lot 5A, A resubdivision of lot 4 & 5 Gordon Subdivision</i>	Acres: <i>16,746 sqft</i>

Existing Zone (e.g., Residential R-1, Commercial C-1): <i>R-1</i>	Existing Land Use: <i>single family home</i>
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TYPE(S) OF LAND USE(S) REQUESTED

- | | |
|--|---|
| <input type="checkbox"/> Pre-Annexation Agreement | <input checked="" type="checkbox"/> Conditional Use Permit or Special Review Use Permit |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Lot Line Adjustment or Dissolution |
| <input type="checkbox"/> Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) | <input type="checkbox"/> Site Specific Development Plan/Vested Rights |
| <input type="checkbox"/> Amended Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) | <input type="checkbox"/> Zoning |
| | <input type="checkbox"/> Zoning Amendment |
| | <input type="checkbox"/> Re-zoning |

	<i>12/26/19</i>
Applicant Signature	Date

AGREEMENT TO PAY CONSULTING FEES AND EXPENSES

It is the policy of the Town of New Castle that all land use applications must be filed in the Office of the Town Clerk to receive formal consideration. Please refer to the Town Clerk's Office for all applicable procedures.

However, the Town encourages land use applicants to consult informally with members of the Town Staff, including outside consultants, prior to filing applications if the applicant has questions regarding areas within Staff members' particular expertise; PROVIDED THAT THE POTENTIAL APPLICANT AGREES TO REIMBURSE THE TOWN FOR ALL FEES AND EXPENSES RELATING TO SUCH INFORMAL MEETINGS.

The Town employs outside consultants for engineering, surveying, planning, and legal advice. These consultants bill the Town on an hourly basis as well as for expenses including but not limited to copies, facsimile transmissions, and long distance telephone calls.

It is the Town's policy that all persons wishing to hold informal meetings with members of the Town Staff acknowledge responsibility for all fees and expenses charged by outside consultants by signing this Agreement below.

I acknowledge and agree to pay the Town of New Castle all actual costs incurred by the Town in relation to legal, engineering, surveying, planning, or other services performed by consultants to the Town as a result of such consultants' review and comment upon, or other services related to, land use proposals and/or applications proposed by me or on my behalf, regardless of whether or not such application is formally filed with the Town. Interest shall be paid at the rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect all costs of collection in addition to the amount due and unpaid, including but not limited to reasonable attorney's fees and costs. *Please call if costs exceed \$ 500.00*

SO AGREED this 24 day of December, 2015.

Vance Hutchinson
Applicant (Print Name)

[Signature]
Signature of Applicant

970-230-0050
Telephone

226 N. 7th St, New Castle CO
Mailing Address of Applicant

Vance Hutchinson
Property Owner

Mailing Address if different from above

[Signature]
Signature of Property Owner

Relationship to Applicant or Potential Applicant

Type of application: land development application
Property description: 226 N 7th St single family residence

PERFORMANCE STANDARDS

I, Vance Hutchinson, ON THIS DATE 12/26/15 agree to abide by the following PERFORMANCE STANDARDS:

Performance Standards

- (A) Smoke. No use shall be permitted in any district unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of smoke.
- (B) Particulate Matter. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of particulate matter.
- (C) Dust, Odor, Gas, Fumes, Glare or Vibration. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to emission of dust, odor, gas, fumes, glare or vibration.
- (D) Radiation Hazards and Electrical Disturbances. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to radiation control.
- (E) Noise. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to noise.
- (F) Water Pollution. No operation shall be conducted unless it conforms to the standards established by the Colorado Department of Public Health's rules and regulations pertaining to water pollution.

Source: Ord. 261, Sec. 15.04.090, 1983

Garfield County Land Explorer

Parcel	Physical Address	Owner	Account Num	Mailing Address
212331100001	245 COUNTY RD NEW CASTLE	NEW CASTLE, TOWN OF	R380225	PO BOX 90 NEW CASTLE, CO 81647 ✓
212331200011	215 N 7TH ST NEW CASTLE	SIMMS, ROCLYN L	R380097	PO BOX 827 NEW CASTLE, CO 81647 ✓
212331200019	804 W MAIN ST NEW CASTLE	GARFIELD COUNTY SCHOOL DISTRICT RE ?	R380221	839 WHITE DRIVE B AVENUE RIFLE, CO 81650-3515 ✓
212331200022	143 N 7TH ST NEW CASTLE	STOREY ENTERPRISES, INC	R380296	98 COTTAGE DRIVE CARBONDALE, CO 81623 ✓
212331200027	130 N 7TH ST NEW CASTLE	FIRST BAPTIST CHURCH OF NEW CASTLE	R380369	PO BOX 83 NEW CASTLE, CO 81647 ✓
212331200031	77H ST NEW CASTLE	NEW CASTLE, TOWN OF	R380847	PO BOX 90 NEW CASTLE, CO 81647-0166 ✓
212331200035	Not available NEW CASTLE	STOREY ENTERPRISES, INC	RD45707	PO BOX 2223 GRAND JUNCTION, CO 81502 ✓
212331219001	241 N 7TH ST NEW CASTLE	TACKER, KENNETH CHARLES & DEBORAH MARIE	R380044	3669 COUNTY ROAD 100 CARBONDALE, CO 81623 ✓
212331219005	221 N 7TH ST NEW CASTLE	WHITE, STEPHEN L & SYLVIA A	R380249	PO BOX 643 GLENWOOD SPRINGS, CO 81602 ✓
212331219006	223 N 7TH ST NEW CASTLE	HAGGERTY, JOANNE W & SHATLUCK, MERRICK E	R380248	PO BOX 1893 BASALT, CO 81621 ✓
212331219007	217 N 7TH ST NEW CASTLE	WOOD, DAVID D	R380228	PO BOX 408 NEW CASTLE, CO 81647-0408 ✓
212331226001	216 N 7TH ST NEW CASTLE	DUNN, ANGELA R & PHILIP M	R380400	216 N 7TH STREET NEW CASTLE, CO 81647 ✓
212331226002	218 N 7TH ST NEW CASTLE	SUTLIFF, LAURIE LYNN	R380401	PO BOX 516 NEW CASTLE, CO 81647 ✓
212331226003	222 N 7TH ST NEW CASTLE	MATSON, TERRELL J & VELASCO, ELIZABETH	R380402	PO BOX 1544 AVON, CO 81620 ✓
212331226004	224 N 7TH ST NEW CASTLE	SWENEY PERRY A	R380403	PO BOX 521 NEW CASTLE, CO 81647-0521 ✓
212331226005	226 N 7TH ST NEW CASTLE	AUTDWINSON, VANCE & ELISSA	R380404	389 GRAND BUTTE LANE NEW CASTLE, CO 81647 ✓
212331226007	228 N 7TH ST NEW CASTLE	PALMER, VICTORIA	R380697	94 CEDAR WAY NEW CASTLE, CO 81647 ✓
212331226008	230 N 7TH ST NEW CASTLE	BEAUGETTE, BRANDON A	R380698	230 NORTH 7TH STREET NEW CASTLE, CO 81647 ✓
212331230020	243 N 7TH ST NEW CASTLE	STEELE, JOHN AUSTIN & WHITNEY MATTINGLY	R380912	243 N 7TH STREET NEW CASTLE, CO 81647 ✓
212331230021	Not available NEW CASTLE	NEW CASTLE, TOWN OF	R380913	PO BOX 90 NEW CASTLE, CO 81647-0166 ✓
212331236005	CAYWOOD CIR NEW CASTLE	GIBSON, WILLIAM F & PAMELA A	RD40423	3022 CRYSTAL SPRINGS ROAD CARBONDALE, CO 81623 ✓
212331236009	185 CAYWOOD CIR NEW CASTLE	GIBSON, WILLIAM F & PAMELA A	RD41630	3022 CRYSTAL SPRINGS ROAD CARBONDALE, CO 81623 ✓
212331236010	195 CAYWOOD CIR NEW CASTLE	GIBSON, WILLIAM F & PAMELA A	RD41631	3022 CRYSTAL SPRINGS ROAD CARBONDALE, CO 81623 ✓
212331236011	205 CAYWOOD CIR NEW CASTLE	GIBSON, WILLIAM F & PAMELA A	RD41632	3022 CRYSTAL SPRINGS ROAD CARBONDALE, CO 81623 ✓
ROW	Not available null			


AFFIDAVIT AS TO NOTICE OF PUBLIC HEARING

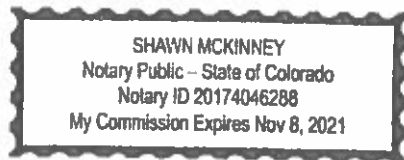
I, Vance Hutchinson, do hereby certify that pursuant to ordinances of the Town of New Castle, Colorado, I provided notice of a public hearing before the New Castle Planning Commission on a conditional use permit application by doing the following:

1. At least thirty (30) days prior to such hearing, I sent a copy of the **attached** Notice of Public Hearing by certified mail to the owners of all property within two hundred fifty (250) feet of the subject property, all owners of mineral estates with respect to the subject property, and to the Town of New Castle.
2. At least fifteen (15) days prior to such hearing, I posted notice of the hearing on the property on a sign approved by the Town at least twenty-two (22) inches wide, twenty-six (26) inches high, with letters at least one (1) inch in height. The sign was posted so that it was visible from a public street.


Signature

STATE OF COLORADO)
) ss.

State: Colorado County: Garfield
Vance B Hutchinson personally appeared
before me on this 5th day of February, 2019

Notary Public.
My Commission expires on: 11-08-2021



Commonwealth Title Company of Garfield County, Inc.

**127 E. 5th Street
Rifle, CO 81650
Phone (970) 625-3300 / Fax (970) 625-3305**

**1322 Grand Avenue
Glenwood Springs, CO 81601
Phone (970) 945-4444 / Fax (970) 945-4449**

Date: August 23, 2019

File No. 1907027-1

**Property Address. 226 N. 7th Street, New Castle
Tax Information**

Lender

A Lender To Be Determined

Buyer

Vance Hutchinson and Elissa Hutchinson
Email:

Seller

Bryan K. Whitaker and Sherry L. Whitaker
Email:

Attorney

Balcomb & Green
PO Box 5039
Buena Vista, CO 81211
Attn: Casey Martin
Email:casey@balcombgreen.com

Closing Contacts

Glenwood Springs office - 970-945-4444

Rifle office - 970-625-3300

Linda Gabossi - linda@cwtrifle.com
Connie Rose Robertson - connie@cwtrifle.com

Denna Conwell - denna@cwtrifle.com
Patti Reich - patti@cwtrifle.com

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

File No. 1907027-1

1. Effective Date: August 15, 2019 at 7:59 AM

2. Policy or Policies to be issued:

(a) ALTA OWNER POLICY (ALTA 6-17-06)

Proposed Insured:

Vance Hutchinson and Elissa Hutchinson

(b) ALTA LOAN POLICY (ALTA 6-17-06)

\$

Proposed Insured:

A Lender To Be Determined, Its Successors and/or Assigns

3. The Estate or interest in the land described or referred to in the Commitment and covered herein is Fee Simple and is at the effective date hereof vested in:

Bryan K. Whitaker and Sherry L. Whitaker

4. The land referred to in this Commitment is situated in the County of Garfield, State of Colorado and described as follows:

Lot 5A

A resubdivision of Lots 4 and 5

Gordon Subdivision

Town of New Castle

According to the plat thereof recorded October 17, 1991 as Reception No. 428362

TITLE CHARGES

Owner's Policy Standard Coverage	\$1,062.00
Mortgagee's Policy	175.00
Tax Certificate	25.00
Form 100	50.00
Form 8.1	50.00
Form 100.33	100.00
Delete Standard Exceptions (Lender's)	75.00
Closing Protection Letter	25.00

COUNTERSIGNED: Patrick P. Burwell

Authorized Officer or Agent

Valid Only if Schedule B and Cover Are Attached

SCHEDULE B - SECTION 1

The Following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded to the office of the Clerk and Recorder of the County in which said property is located.

1. Warranty deed from Bryan K. Whitaker and Sherry L. Whitaker vesting fee simple title in Vance Hutchinson and Elissa Hutchinson.
2. Deed of Trust from Vance Hutchinson and Elissa Hutchinson to the Public Trustee of Garfield County for the use of A Lender To Be Determined.
3. Execution of a Final Affidavit and Agreement indemnifying the Company against unfiled mechanic's and materialmen's liens.

DISCLOSURES

Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph F provides: "Whenever a title entity provides the closing and settlement service that is in conjunction with the issuance of an owner's policy of title insurance, it shall update the title commitment from the date of issuance to be as reasonably close to the time of closing as permitted by the real estate records. Such update shall include all impairments of record at the time of closing or as close thereto as permitted by the real estate records. The title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all undisclosed matters that appear of record prior to the time of closing." Provided Commonwealth Title Insurance Company of Garfield County, Inc. conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued. This Notice is required by Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph G.

Pursuant to Colorado Division of Insurance Regulation 8-1-2, notice is hereby given that affirmative mechanic's lien protection for the prospective insured owner may be available upon compliance with the following conditions:

A. The land described in Schedule A of this Commitment must be a single family residence, which includes a condominium or townhouse unit. B. No labor or materials may have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months. C. The Company must receive appropriate affidavits indemnifying the Company against all unfiled mechanic's and materialmen's liens. D. Any deviation from conditions A through C above is subject to such additional requirements or information as the Company may deem necessary; or, at its option, the Company may refuse to delete the exception. No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph M.

Pursuant to Colorado Division of Insurance Regulation 8-1-3, notice is hereby given of the availability of a Closing Protection Letter which may, upon request, be provided to certain parties to the transaction.

Pursuant to C.R.S. §10-11-122, notice is hereby given that:

A) The subject real property may be located in a special taxing district; B) A Certificate of Taxes Due listing each taxing jurisdiction may be obtained from the County Treasurer's authorized agent; C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor; and D) The company will not issue its policy of policies of title insurance contemplated by the commitment until it has been provided a Certificate of Taxes due from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary

C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform.

Pursuant to C.R.S. §10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

If the transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. §39-22-604.5 (Nonresident withholding).

Pursuant to C.R.S. §38-35-125(2), no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph J. "Good Funds Law"

C.R.S. §39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee and Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

SCHEDULE B - SECTION 2

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Rights or claims of parties in possession not shown by the Public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts, which a correct survey and inspection of the premises would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Any lien or charge on account of the inclusion of subject property in an improvement district.
8. Any and all water rights, claims, or title to water, whether or not the matters excepted are shown by the public record.
9. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches or canals as constructed by the authority of the United States, as reserved in United States Patent recorded February 13, 1889 in Book 12 at Page 7.
10. Apparent easement for overhead utility lines and any other matters disclosed on the Re-subdivision of Lots 4 and 5 Gordon Subdivision Plat recorded October 17, 1991 as Reception No. 428362.

NOTE: EXCEPTION(S) 1, 2, 3 and 4 WILL NOT APPEAR IN THE MORTGAGEE'S POLICY TO BE ISSUED HEREUNDER.

The Owner's Policy of Title Insurance committed for in this Commitment, if any, shall contain, in addition to the Items set forth in Schedule B - Section 2, the following items:

- (1) The Deed of Trust, if any, required under Schedule B - Section 1.
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
- (3) any and all unpaid taxes, assessments and unredeemed tax sales.

NOTE: The policy (s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.

COMMONWEALTH TITLE COMPANY PRIVACY POLICY

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

qPublic.net Garfield County, CO

Summary

Account R380404
 Parcel 212331226005
 Property Address 226 N 7TH ST, NEW CASTLE, CO 81647
 Legal Section: 31 Township: 5 Range: 90 Subdivision: GORDON
 Description SUBDIVISION Lot: 5A 16746.17 SQ FT
 Acres 0
 Land SqFt 16,746
 Tax Area 38
 Mill Levy 64.954
 Subdivision GORDON SUBDIVISION



[View Map](#)

Owner

HUTCHINSON, VANCE & ELISSA
 389 GRAND BUTTE LANE
 NEW CASTLE CO 81647

Land

Unit Type SINGLE FAM RES. LAND - 1112 (RESIDENTIAL PROPERTY)
 Square Feet 16,746

Buildings

Building # 1
 Units 1
 Building Type SFR
 Abstract Codes / (Property Type) SINGLE FAM.RES-IMPROVEMTS-1212 (RESIDENTIAL PROPERTY)
 Architectural Style 1-STRY/BSM
 Stories 1
 Frame WOOD FRAME
 Actual Year Built 1963
 Basement Area 1,075
 Finish Basement Area 1,075
 Gross Living Area 1,075
 Total Heated SqFt 2,150
 Bedrooms 3
 Baths 2
 Heating Fuel GAS
 Heating Type FORCED AIR
 Air Conditioning NONE
 Roof Type GABLE
 Roof Cover COMP SHNGL

Actual Values

Assessed Year	2020	2019	2018
Land Actual	\$60,000.00	\$60,000.00	\$55,000.00
Improvement Actual	\$329,180.00	\$329,180.00	\$316,210.00
Total Actual	\$389,180.00	\$389,180.00	\$371,210.00

Assessed Values

Assessed Year	2020	2019	2018
Land Assessed	\$4,290.00	\$4,290.00	\$3,960.00
Improvement Assessed	\$23,540.00	\$23,540.00	\$22,770.00
Total Assessed	\$27,830.00	\$27,830.00	\$26,730.00

Tax History

Tax Year	2019	2018	2017	2016
Taxes Billed	\$1,807.68	\$1,752.64	\$1,516.84	\$1,353.36

[Click here to view the tax information for this parcel on the Garfield County Treasurer's website.](#)

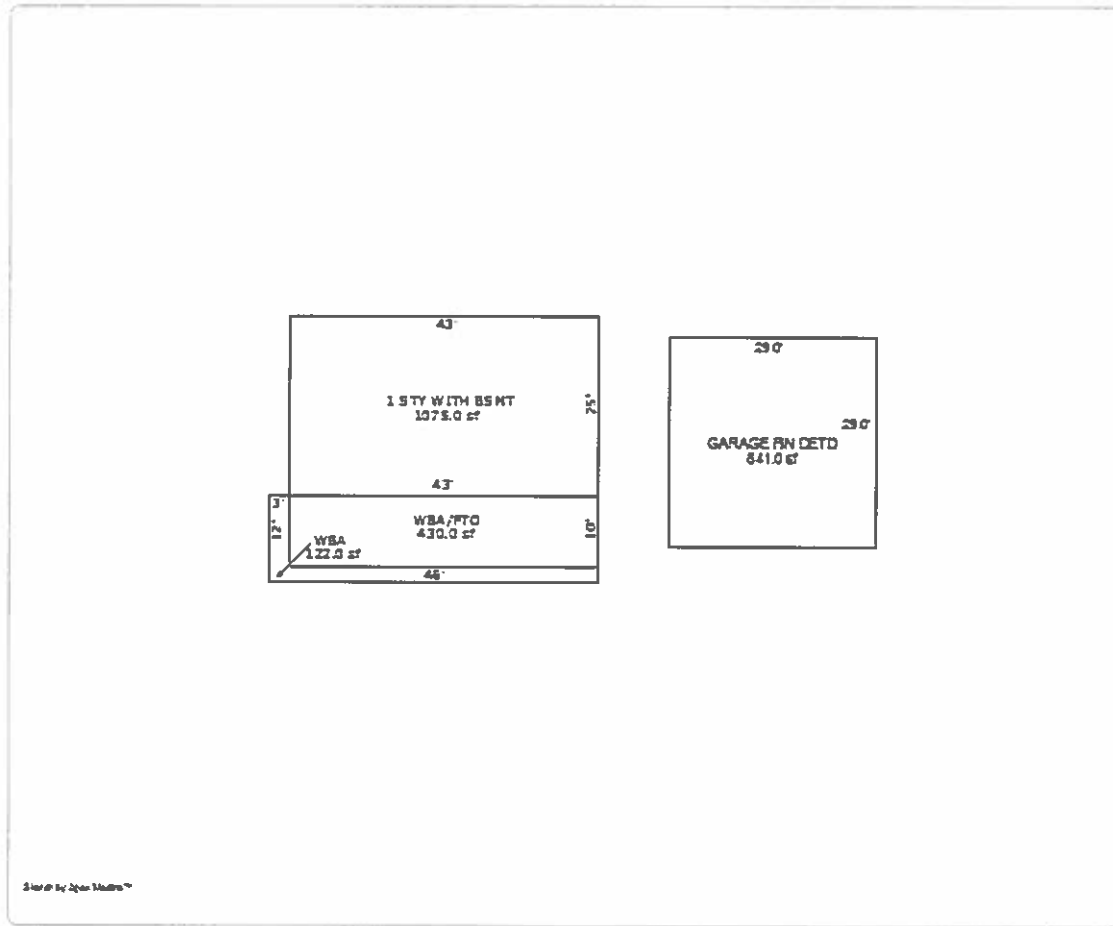
Transfers

Sale Date	Deed Type	Reception Number	Book - Page	Sale Price	Grantor	Grantee
10/9/2019	WARRANTY DEED	926612		364800	WHITAKER, BRYAN K	HUTCHINSON, VANCE
4/27/2012	SPECIAL WARRANTY DEED	818145		124900	FANNIE MAE-AKA	WHITAKER, BRYAN K
2/2/2012	SPECIAL WARRANTY DEED	814311				
12/19/2011	PUBLIC TRUSTEES DEED	812332				
11/30/2011	PUBLIC TRUSTEES CERT	811346		287530	GRECO, JASON LEE	BANK OF AMERICA NA AS SUCCESSOR BY MERGE
7/14/2011	Notice Election and Demand Sale	805703				
9/11/2007	WARRANTY DEED	733061		360000	GORDON, JOHN A & ROBERT E &	GRECO, JASON LEE & JANICE R
9/11/2007	POWER OF ATTORNEY	733060				
11/6/2006	DEATH CERTIFICATE	735477				
3/1/2004	SPECIAL WARRANTY DEED	647670	1566-472			
2/1/2002	AFFIDAVIT	596778	1362-191			
10/17/1991	Plat	428362				
4/20/1990	ORDINANCE	471163	0923-0052			
6/2/1980	WARRANTY DEED	304448	0549-0659			

Photos



Sketches



Drawn by: Open Media™

The Garfield County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. Data is subject to constant change and its accuracy and completeness cannot be guaranteed.
User Privacy Policy
GDPR Privacy Notice

Developed by
Schneider
GEO SPATIAL

Last Data Upload: 1/15/2020, 2:12:40 AM

Version 2.3.33

Lot 6

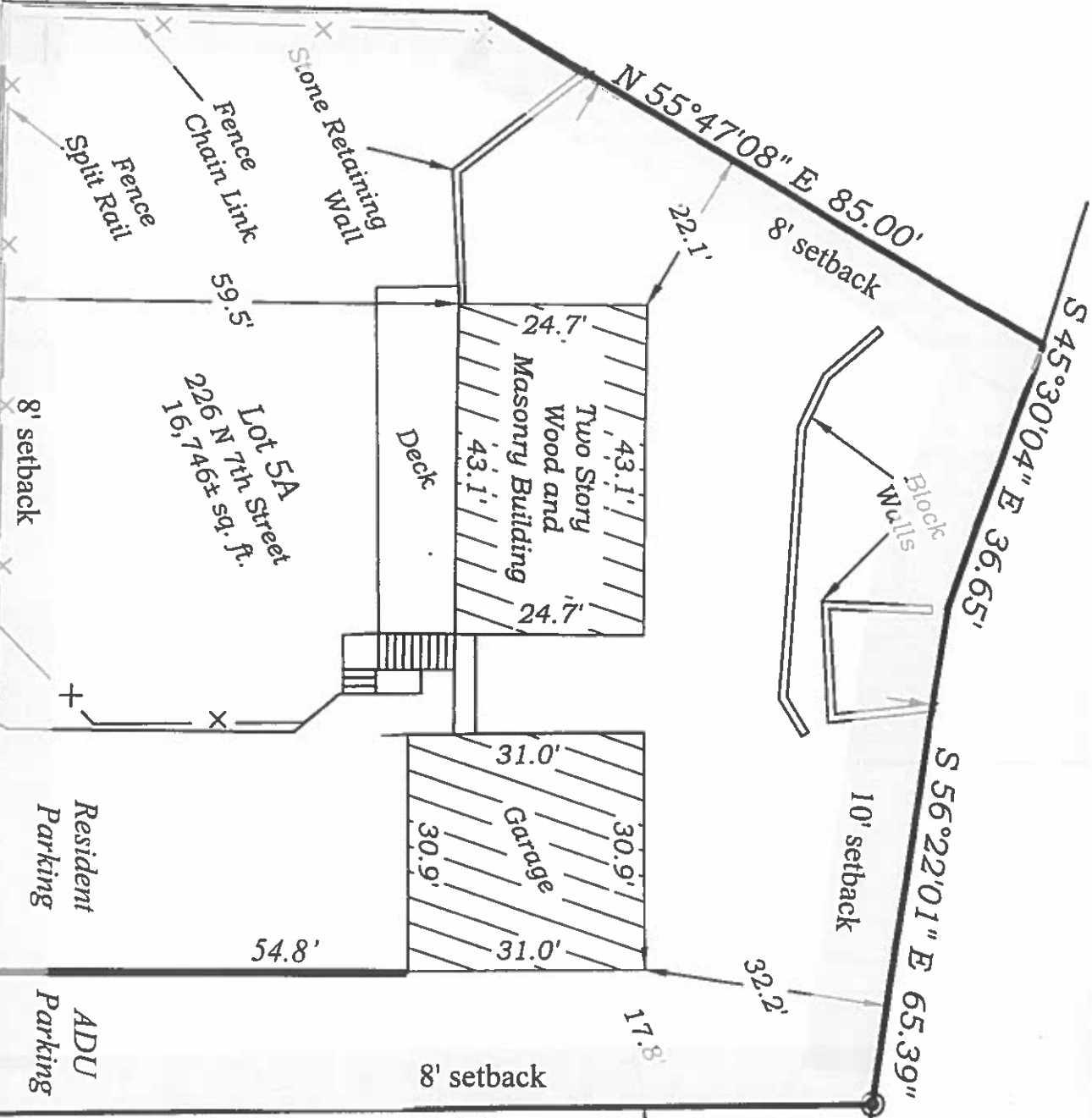
N 26°24'23" E 63.17'

N 55°47'08" E 85.00'

N 64°17'07" W 145.00'

Seventh Street

Telephone Pedestal



Lot 5A
226 N 7th Street
16,746 ± sq. ft.

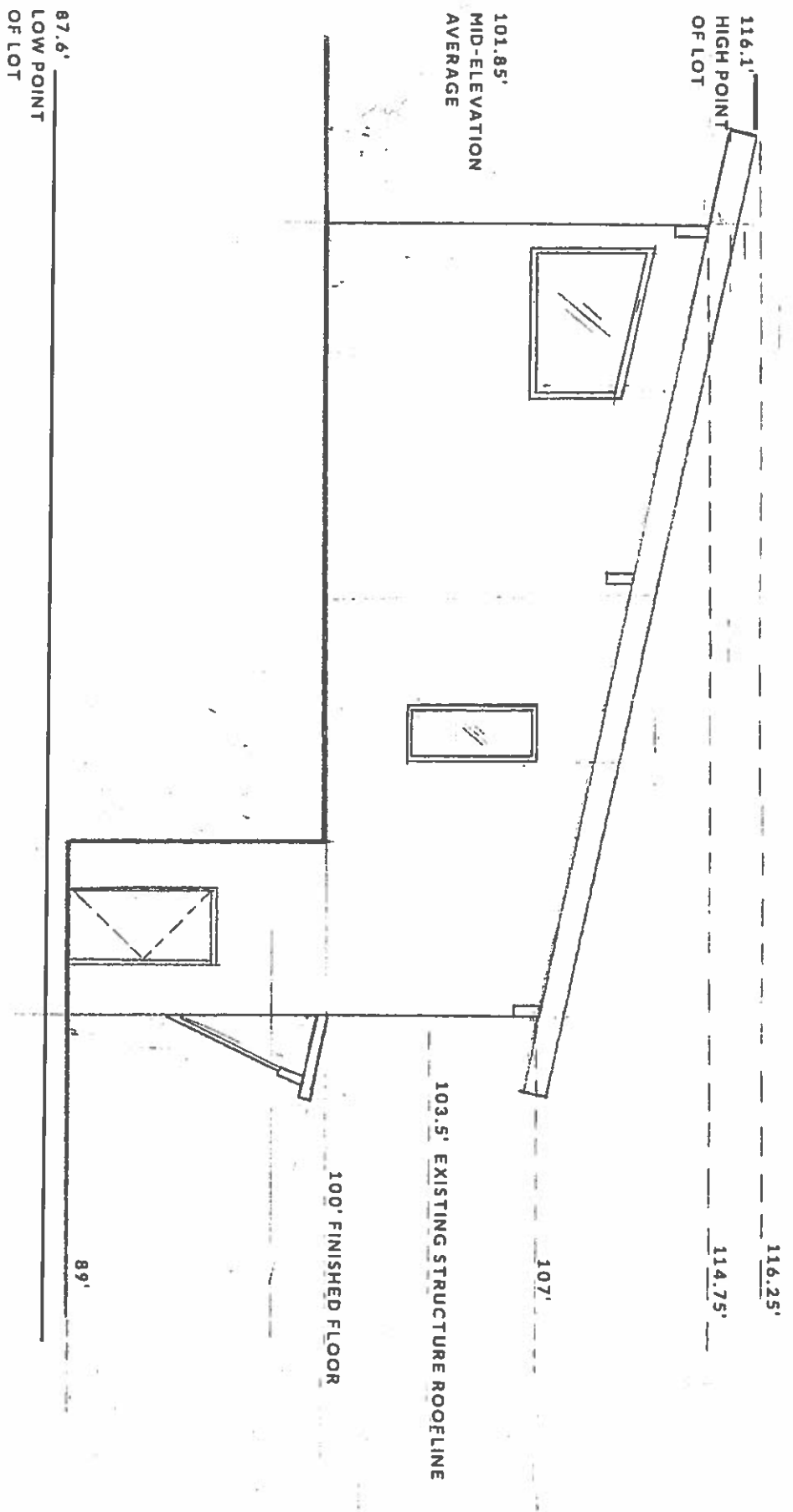
Lot 4A

S 24°37'59" W 115.94'

BUILDING ENVELOPE

226 N. 7TH ST ADU

SITE ELEVATIONS



**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2020-01**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR AN ACCESSORY DWELLING UNIT ON PROPERTY
LOCATED IN THE RESIDENTIAL-1 ZONE DISTRICT.**

WHEREAS, on December 26, 2019, Vance and Elyse Hutchinson (collectively, "Applicant") submitted a Conditional Use Permit Application ("Application") for the property located at 226 N. 7th Street, New Castle, Colorado, and legally described in Exhibit A hereto ("Property"); and

WHEREAS, the Property is zoned Residential 1 (R-1); and

WHEREAS, Applicant owns the Property; and

WHEREAS, a single-family dwelling is currently located on the C-1 portion of the Property and a detached garage is located on the R-1 portion of the Property; and

WHEREAS, Applicant seeks a permit to create and use an accessory dwelling unit ("ADU") above the garage that is located on the Property; and

WHEREAS, pursuant to § 17.20.050(M) of the New Castle Municipal Code ("Code"), the use proposed by Applicant is a conditional use in the R-1 zone district, requiring the issuance of a conditional use permit pursuant to Chapter 17.84 of the Code; and

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission held a duly-noticed public hearing on February 12, 2020, to consider the Application; and

WHEREAS, pursuant to Code § 17.84.050, the Planning Commission hereby finds that the Application:

1. is eligible for conditional review under Section 17.84.040;
2. is generally compatible with adjacent land uses;
3. meets all requirements of Section 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. 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.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

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

2. Listing of Approved Uses. The following constitute the uses for the Property that the Commission recommends be approved under the Application:

A. One Accessory Dwelling Unit as that term is defined in §17.04.050 of the New Castle Municipal Code

3. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application and use proposed therein pursuant to § 17.84.050 of the Code, subject to the following conditions:

A. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant;

B. Applicant shall comply with all applicable building, residential, electrical and other municipal code requirements, including all sign code regulations and § 17.72.230 of the Town Municipal Code;

C. 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, 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, with such show-cause hearing open to the public and the Applicant or owner being able to present testimony or offer other evidence on their behalf;

D. 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;

E. Applicant shall be required to pay all water and sewer tap fees and water rights dedication fees associated with the conditional use at 0.8 EQRs, which totals \$14,400.00. The Applicant shall pay \$4,800.00 of said fees within 30 days of Council approval of the Application and prior to, and as a condition of, the issuance of the Planner's conditional use certificate. Applicant shall pay the remaining balance (\$9,600.00) prior to the issuance of the building permit for the construction of the ADU over the garage;

F. New water service will extend from the primary dwelling tap and will maintain adequate sewer and water separation as determined and required by the Town Public Works Department;

G. Any new exterior lighting will be dark-sky compliant pursuant to the Comprehensive Plan Goal EN-4;

H. 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 Section 17.84.070 of the Code; and

I. 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 Applicant has entered into an agreement with the Town specifying that all conditions imposed by the Town council 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.

THIS RESOLUTION PZ 2020-01 was adopted by the New Castle Planning and Zoning Commission by a vote of 5 to 0 on the 12th day of February, 2020.



NEW CASTLE PLANNING AND
ZONING COMMISSION

By: 
Chuck Apostolik, Chairman

ATTEST:


Mindy Andis, Deputy Town Clerk, CMC

EXHIBIT A
Legal Description

The property that is the subject of the Application described in Resolution PZ 2020-1 is legally described as follows:

Lot 5A, a resubdivision of Lots 4 and 5, Gordon Subdivision, Town of New Castle, according to the plat thereof recorded October 17, 1991, at Reception No. 428362, County of Garfield, State of Colorado