

**TOWN OF NEW CASTLE, COLORADO
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2026-3**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR AN ELECTRICAL SUBSTATION IN THE INDUSTRIAL ZONE
DISTRICT.

WHEREAS, on October 24, 2025, Public Service Company of Colorado, a Colorado corporation, dba Xcel Energy (“Applicant”) submitted a Conditional Use Permit Application (“Application”) concerning its property described on Exhibit A hereto (the “Property”); and

WHEREAS, the Property is zoned Industrial; and

WHEREAS, the Property is currently vacant, and Applicant uses it as a staging yard; and

WHEREAS, Applicant intends to develop a new electrical substation including transmission and feeder lines (the “Proposed Use”) on the Property; and

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

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

WHEREAS, as required under Code § 17.84.040(B), the New Castle Planning and Zoning Commission (“Commission”) held a duly noticed public hearing on March 25, 2026, to consider the Application; and

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

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

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 of the Property that the Commission recommends be approved under the Application as a conditional use, which may be in addition to other permitted uses of the Property.

A. Use of the Property for the location and operation of an electrical substation and related transmission and feeder lines, power poles, and equipment

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

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

B. Prior to issuance of the conditional use certificate, the Applicant shall demonstrate conformance with any recommendations provided by the town engineer, town attorney, and/or fire district;

C. Prior to the issuance of a conditional use certificate, a construction management plan shall be provided for review and approval by town staff. A construction management plan shall include, but is not limited to, identification of best management practices (BMPs), the identification of off-site storage & delivery locations, refuse management, and bathroom locations;

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

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

F. Applicant shall add vegetative screening along the west Property line pursuant to Section 17.52.060. The approved construction drawings shall demonstrate conformance with the landscaping, screening, retaining wall, and berm designs provided in the Application;

G. Applicant shall comply with all applicable building and municipal code requirements, including the sign code and all county licensing requirements. Specifically, the approved construction drawings shall demonstrate that any ambient lighting complies with the 2021 International Energy Conservation Code for exterior lighting, section C405.2.7. Exterior safety or emergency lighting that will only be illuminated during emergencies does not need to comply with said requirement;

H. All exterior lighting shall be dark-sky compliant per the New Castle Comprehensive Plan;

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

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

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

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

THIS RESOLUTION PZ 2026-03 was adopted by the New Castle Planning and Zoning Commission by a vote of ___ to ___ on the 25th day of March, 2026.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____
Chuck Apostolik, Chair

ATTEST:

Professional Assistant to the Town Clerk
Michelle Huster

EXHIBIT A

The property that is the subject of the Application described in Resolution PZ 2026-3 is legally described as follows:

A TRACT OF LAND SITUATED IN THE NW1/4SE1/4 SECTION 31, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE SIXTH PRINCIPAL MERIDIAN LYING SOUTH OF THE SOUTH LINE OF THE COLORADO RIVER AND NORTH OF THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NUMBER 335, TOWN OF NEW CASTLE, COUNTY OF GARFIELD, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF SAID COUNTY ROAD NUMBER 335 AND THE WEST LINE OF SAID NW1/4SE1/4 FROM WHICH THE CENTER OF SAID SECTION 31 BEARS N. 01 DEGREES 33' 18" W. A DISTANCE OF 965.50 FEET;

THEN ALONG SAID WEST LINE N. 01 DEGREES 33' 18" W. A DISTANCE OF 114.11 FEET TO THE SOUTHERLY LINE OF THE COLORADO RIVER;

THEN DEPARTING SAID WEST LINE AND ALONG SAID SOUTH LINE THE FOLLOWING TWO COURSES:

- 1.) N. 81 DEGREES 40' 00" E. A DISTANCE OF 336.73 FEET;
- 2.) N. 76 DEGREES 53' 00" E. A DISTANCE OF 580.91 FEET;

THEN DEPARTING SAID SOUTHERLY LINE S. 02 DEGREES 24' 56" E. A DISTANCE OF 296.38 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID COUNTY ROAD;

THEN ALONG SAID NORTH RIGHT OF WAY THE FOLLOWING THREE COURSES:

- 1.) S. 88 DEGREES 30' 42" W. A DISTANCE OF 541.11 FEET;
- 2.) N. 86 DEGREES 43' 18" W. A DISTANCE OF 301.00 FEET;
- 3.) S. 88 DEGREES 30' 42" W. A DISTANCE OF 66.90 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE TOWN OF NEW CASTLE, A COLORADO HOME RULE MUNICIPALITY, BY SPECIAL WARRANTY DEED RECORDED NOVEMBER 21, 2007 AT RECEPTION NO. 737823.