



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

**Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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## Memorandum

**To:** Mayor & Council  
**From:** David Reynolds  
**Re:** Agenda Item: As the Board of Adjustment – Consider the proper application of a Use Group for the Performance Zoning District  
**Date:** 08/5/2025

### Purpose:

The purpose of this agenda item is to consider how the proposed use of a *temporary construction staging yard* fits within the Performance Zoning District.

Acting as the Board of Adjustment, Town Council members have the power per Municipal Code Section 17.12.020-C to “*Hear and decide the proper application of unlisted uses or combinations of uses to a use group as provided in Chapter 17.17 through 17.68.*”

In preparation for the replacement of the old green bridge at the west end of Main Street, CDOT and their representatives are seeking a location from which to stage materials, dispatch workers, park equipment, and otherwise use as a temporary construction staging yard for the bridge replacement project. CDOT representatives have identified the property located directly west of the Town’s Public Works Facility and are working with the owner to explore securing the location for the duration of the project. CDOT is also reaching out to the Town for input concerning the suitability of the location.

Located in the “Performance District” this 2.4 acre property includes a list of Permitted Uses and Conditional Uses in Municipal Code Section 17.56. In reviewing the lists of uses provided, the use of a Temporary Construction Yard is not clearly defined as a “Permitted Use” or a “Conditional Use” (although it does seem to more closely fit the uses mentioned in Conditional Uses). To be fair to CDOT while remaining true to Code Section 17.12.020-C, staff has asked CDOT’s representatives to provide details concerning the use in order that a logical decision can be made concerning this proposed temporary use.

Staff has asked that the following details be provided:

- Site Plan for the property which illustrates:
  - Temporary office & lab location
  - Material storage area

- Types of materials stored
  - Fencing or silt fence locations
  - Lighting
  - Track pad for mud trespass control
  - Access details – fence, gates, etc.
- Restoration / Revegetation Plan
- Project Timeline

Staff notes that the proposed “Temporary Use” is of clear benefit to the project, creates minimal concerns for neighboring property owners, creates a temporary benefit to the landowner, and holds the potential of restoring the property to a condition that is equal to or better than the existing condition. Staff also notes that the town cooperated with CDOT concerning the temporary use of two parcels of land during the construction of the roundabout. Staff seeks direction concerning the classification of the proposed use along with any conditions that might accompany that use.