



TOWN OF KEENESBURG
PLANNING COMMISSION MEETING
THURSDAY, MAY 7, 2020, 6:00 P.M.
KEENESBURG TOWN MEETING HALL
Via

Please join my meeting from your computer, tablet or smartphone.

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1. Call to order
2. Pledge of allegiance
3. Roll Call
4. Public Comments
5. Approval of Minutes for April 16, 2020
6. New Business
 - a. PUBLIC HEARING: Rattler Ridge Annexations 1-6 Zoning to HI (Heavy Industrial)
 - b. RESOLUTION PC 2020-04 A Resolution recommending approval of an initial zoning request for property to be annexed to the Town and known as the Rattle Ridge Annexation No. 1-6 to the Town of Keenesburg
7. Old Business
8. Board Comments / Reports
 - a. Proposed ORDINANCE 2020-07 for review and consideration of the board.
9. Adjournment



**TOWN OF KEENESBURG
PLANNING COMMISSION MEETING MINUTES
THURSDAY, APRIL 16, 2020, 6:00 P.M.
HELD ELECTRONICALLY at
<https://global.gotomeeting.com/join/508455013>**

Call to order

The Planning Commission of the Town of Keenesburg met in a regular session, Thursday, April 16, 2020, electronically at <https://global.gotomeeting.com>. Chair Howell called the meeting to order at 6:00 p.m.

Pledge of allegiance

Roll Call

Members Present: Chair John Howell; Commissioners Greening, Wafel, Gfeller and Finkenbinder.

Others Present: Town Manager, Debra Chumley; Town Planner, Todd Hodges; Jennifer Shagin, Todd Hodges Design; Town Attorney, Kathleen Kelly; and Planning Staff, Teri Smith.

Public Comments

None

Approval of Minutes for January 2, 2020, February 6, 2020 and March 5, 2020

Commissioner Finkenbinder makes a motion to approve minutes for January 2, 2020, February 6, 2020 and March 5, 2020 with a second by Commissioner Wafel. Motion carried 5-0; roll call: Chair Howell, Commissioners Greening, Wafel, Gfeller, and Finkenbinder voting yes.

New Business

**A. Public Hearing: Initial Zoning Request Oliver Annexation
No. 1 and 2**

Chair Howell opened the public hearing at 6:05 p.m. and read from the script and gave instructions and procedures regarding the public hearing. Chair asks for notice of publication: Debra provided notification dates; publication on February 26, March 4, 11 & 18, 2020; Mailing on March 13, 2020; and Sign posting, March 20, 2020. Chair Howell asks from the Planning Commission if there are any disclosures; no disclosures. Chair Howell asks for the applicant to approach and

present the application. Todd Hodges, Town Planner, presents on behalf of applicant the Staff Report that this public hearing is for the initial zoning for the Oliver Annexations 1 & 2 and is a 4.3 acre parcel proposed for light industrial. The property is located on the North West corner of Road 18 and 51 and has an existing residence. Todd further explains that there will be a Land Use Application that will come before the Planning Commission and a Public Hearing all at a later date. Todd wanted to state for the record that there is an older version of the Annexation Agreement which will be replaced for the Board of Trustees. Todd asks the Planning Commission for any questions. No questions. Chair Howell opens the Public Comment portion of the Public Hearing. David Swieter, 25027 CR 18, Keenesburg, CO, is sworn in and asks for clarification regarding the annexation, if this property is considered and designated as light industrial and how far does the annexation go? Todd explains the entire property is being zoned light industrial and is within an area in our comprehensive plan which meets that intent. Todd further explains that the right of way adjacent to it on the east side is being annexed and the right of way to the North of the property and that CR 18 has already been annexed. David asks for further clarification on what code or by-laws there are to protect anyone that is not annexed and close to that property of any town code or any ramification. Todd explains that anyone that is adjacent and is not part of the annexation would not be affected by zoning; the Town would have jurisdiction on that portion of the county road right of way. Ellen Swieter, 25027 CR 18, Keenesburg, CO, is sworn in and asks what kind of operating restrictions will be put into place with regards to lighting, hours of operation and such. Todd explains that this will be addressed in the special use permit. This has not yet been through the process and anyone within that area will be given notification of that public hearing. Chair Howell asks applicant for further comment. Katharine Oliver states she has nothing to add but can answer any questions. David Swieter asks applicant about future use for this property as it is designated as light industrial. Katharine states there will be more information coming forth. Debra explains that the land use portion and the public hearing has not yet been set and further explains that the proposed land use for this property is for a towing service and holding yard. Notification will be sent for that public hearing when the application is in and complete. Chair Howell closes the Public Comment portion of the Public Hearing. Chair reads from the script and asks for any objection to the inclusion of items presented; no objections. Chair asks for questions, Ellen Swieter asks where she may find the documents that were referred to in the power point presentation. Debra states that it is on our website or contact our office and it will be emailed. Chair Howell asks for questions. Chair closes the public hearing at 6:20 p.m.

B. RESOLUTION NO. PC2020-02 Recommending approval of an initial zoning request for property to be annexed to the Town of Keenesburg known as the Oliver Annexation No. 1 and 2

Commissioner Greening makes a motion to approve Resolution PC2020-02 A Resolution recommending approval of an initial zoning request for property to be annexed to the Town of Keenesburg known as the Oliver Annexation No. 1 and 2 with a second by Commissioner Gfeller. Motion carried 5-0; Chair Howell, Commissioners Greening, Wafel, Gfeller and Finkenbinder voting yes.

Old Business

C. Final Review of Design Standards

Jennifer Shagin, Todd Hodges Design, explains this is final review and that she and the Town attorney cleaned up the items that were from last meeting which includes definitions, Landscape Standards, Lighting Standards, Parking, Lots and Blocks, and the Cover Sheet, along with a recommendation to adopt a resolution and an ordinance to amend Chapters 16 and 17 of Municipal Code.

D. Review of proposed Ordinance 2020-07 Revising Chapters 16 and 17 of the Keenesburg Municipal Code.

Debra explains that this ordinance will go to the Board of Trustees for recommendation to adopt the design standards at their meeting on April 20, 2020, and also amends Chapters 16 and 17 to make sure to set forth the applicability of the design standards. It added some definitions so that everything is cohesive; added language was necessary to assure that the zoning code will point to the Design Standards. Accessory buildings and uses came out of the design standards and was put into the code where it should be, other sections changed so it pointed to Design Standards and additions made to HOA such as the maintenance agreement. Debra asks if any further questions; none. Chair asks for any public comments; none. Commissioner Gfeller makes a motion to approve Ordinance 2020-07 Revising Chapters 16 and 17 of the Keenesburg Municipal Code with a second by Commission Wafel. Motion carried 5-0; Chair Howell, Commissioners Greening, Wafel, Gfeller and Finkenbinder.

E. RESOLUTION NO. PC2020-03 Recommending the approval of the Town of Keenesburg Design Standards and of the Ordinance amending Chapters 16 and 17 of the Keenesburg Municipal Code to integrate the Town of Keenesburg Design Standards.

Commissioner Gfeller makes a motion to approve RESOLUTION NO. PC2020-03 Recommending the approval of the Town of Keenesburg Design Standards and of the Ordinance amending Chapters 16 and 17 of the Keenesburg Municipal Code to integrate the Town of Keenesburg Design Standards with a second by Commission Wafel. Motion carried 5-0; Chair Howell, Commissioners Greening, Wafel, Gfeller and Finkenbinder.

Board Comments / Reports

Commissioner Greening asks about the discussion in the last Planning Commission meeting regarding an ordinance for permitted parking. Deb states it was to be incorporated into the Ordinance to amend Chapters 16 and 17 and that this should be in the Municipal Code and not in the Design Standards. The ordinance going in front of the Board of Trustees is not for the adoption but a

review, as a Public Hearing would need to be set in order for it to be adopted by the Board of Trustees. Debra will make the Board Trustees aware of this discussion regarding the permitted parking.

Adjournment

Motion was made by Commissioner Gfeller to adjourn the meeting at 6:30 p.m., with a second by Commissioner Wafel. Motion carried 5-0; Chair Howell, Commissioners Greening, Wafel, Gfeller and Finkenbinder, voting yes.

ATTEST:

John Howell
Chairperson

Teri Smith
Planning Staff

a.

STAFF REPORT

TO: PLANNING COMMISSION

FROM: TODD A. HODGES, PLANNER

SUBJECT: RATTLER RIDGE ANNEXATIONS 1-6 AND ZONING TO HI (HEAVY INDUSTRIAL)

PC MEETING DATE: MAY 7, 2020

BOARD OF TRUSTEES MEETING DATE: MAY 18, 2020

I. Attachments

1. Annexation Application items
2. Zoning application
3. Referral form and referral responses

II. Project Owners and Representatives:

Owners:

WJW Properties, LLC
16350 WCR 76
Eaton, CO 80615

Applicant:

A-1 Organics, LLC
16350 WCR 76
Eaton, CO 80615

Project Representative:

III. Location

The site is located at 12002 WCR 59, County Road 51, Weld County, CO. See aerial map below. Annexation maps are attached to this report.



III. Project Description

The petition and application is for annexations 1, 2, 3, 4, 5, and 6, totaling an annexation of 471.797. Change of zone for an entire 441.641 acre site. The first annexation is a total of 0.085 AC located along WCR 57 right of way. This first annexation runs adjacent to the Town of Keenesburg by way of the Erger annexation.

The second annexation is for a total of 0.402 AC located along WCR 57 right of way.

The third annexation is for a total of 1.346 AC located along WCR 57, WCR 20 and WCR 59 rights of ways.

The fourth annexation is for a total of 11.203 AC located along WCR 57 and WCR 20 rights of ways.

The fifth annexation is for a total of 17.120 AC located along WCR 59 right of way.

The sixth annexation is for a total of 441.641 AC located along WCR 59 is subject to all existing easement and/or right of way of record with the largest portion of the annexation being described as a tract of land, being a portion of Sections Thirty-five (35) and Thirty-six (36), Township Three North (T.3N.), Range Sixty-four West (R.64W.) and of Sections One (1) and Two (2), Township Two North (T.2N.), Range Sixty-four West (R.64W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado.

The annexation the applicant is proposing to change the existing Weld County zoning of Agriculture to heavy industrial. A land use case will be processed and heard separately from this annexation and zoning request.

As part of this annexation it must be found that:

1. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the Town of Keenesburg or will be contiguous with the Town of Keenesburg within such times as required by Section 31-12-104.
2. A community of interest exists between the territory proposed to be annexed and the Town of Keenesburg.
3. The Territory sought to be annexed is urban or will be urbanized in the near future.

Re-zoning: The project is proposing to rezone the property from AG to Heavy Industrial. The site is currently operated by A1 Organics, there are no changes to the use of the site proposed with the change of zone.

VIII. Findings/Conclusions

After review of the Comprehensive Plan, Municipal Code and referral comments, staff finds that:

1. This property is within the Growth Management Area (GMA) for the Town and is anticipated to be annexed in the future.
2. The Comprehensive plan designates this property as industrial use.

The adjacent property owners were notified as required for the submittal, the site was posted and public notice was placed in the paper concerning the public meetings for this request.

Referrals were sent to the list attached to this report. Referral responses were received from Weld County Planning, CDOT, Division of Water Resources and the Town Engineer. Responses received are attached to this report.

IX. Recommendation

Based upon the findings identified in this report, staff recommends approval of the Rattler Ridge Annexations 1,2,3,4,5,6 and Zoning to Heavy Industrial with the following condition:

1. Prior to recording address any redlines provided by staff for the annexation maps.



TOWN OF KEENESBURG
FOUNDED JULY, 1906
A MUNICIPAL CORPORATION SINCE JULY, 1919

ANNEXATION PETITION

TO THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF KEENESBURG, COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et seq., Colorado Revised Statutes, hereby petition the Board of Trustees of the Town of Keenesburg for annexation into the Town of Keenesburg the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and State of Colorado, and to be known as the Rattler Ridge Annexation Annexation to the Town of Keenesburg.

In support of this petition, the petitioner (s) further state to the Board of Trustees that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Keenesburg.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes as amended, exist or have been met in that:
 - a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Keenesburg or will be contiguous with the Town of Keenesburg within such time as required by Section 31-12-104..
 - b. A community of interest exists between the territory proposed to be annexed and the Town of Keenesburg.
 - c. The territory sought to be annexed is urban or will be urbanized in the near future.
 - d. The territory sought to be annexed is integrated with or is capable of being integrated with the Town of Keenesburg.
 - e.. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - f. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the

annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.

- g. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Keenesburg was held within twelve months preceding the filing of this petition.
 - h. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a town other than the Town of Keenesburg
 - i. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
 - j. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Keenesburg more than three miles in any direction from any point of the boundary of the Town of Keenesburg in any one year.
 - k. The territory proposed to be annexed is 471.797 acres in total area.
 - l. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105(1)(e), C.R.S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, and sanitation to be provided by the Town of Keenesburg; including the providers of transportation, light, natural gas, and power, and the proposed land uses for the area; such plan to be updated at least once annually.
 - m. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Keenesburg but is not bounded on both sides by the Town of Keenesburg.
3. The owners of more than fifty percent (50%) of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
- The signatures on this petition comprise one-hundred percent (100%) of the landowners of the territory to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election.
4. Accompanying this petition are four copies of an annexation map as well as an electronic file that will contain the following information:
- a. A written legal description of the boundaries of the area proposed to be annexed, in the form of a title commitment issued within 30 days of the application date;
 - b. A map showing the boundary of the area proposed to be annexed said map prepared by and containing the seal of a registered engineer;

- c. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the Town of Keenesburg.
 - d. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
 - e. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Keenesburg and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
 - f. A full legal description of property to be annexed in word format.
 - g. A tax certificate showing all taxing entities.
 - h. Mineral owner's notification certificate.
 - i. Acceptance block describing the acceptance action by the Mayor on behalf of the Town of Keenesburg and providing for the effective date and Town Clerk attest signature.
5. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the Town of Keenesburg, except for general property taxes of the Town of Keenesburg, which shall become effective as of the January 1 next ensuing.
6. The zoning classification requested for the area proposed to be annexed is
Heavy Industrial

The petitioners agree that said annexed land shall be brought under the provisions of Chapter 16 of the Keenesburg Municipal Code within ninety (90) days from the effective date of the annexation ordinance.

- 7. There shall be no duty or obligation upon the Town of Keenesburg to furnish water or sanitary sewer facilities to the area proposed to be annexed. Such services will be provided at such time, in the sole discretion of the Town, when such services for water and sanitary sewer can be economically and reasonably installed to service a sufficient number of inhabitants within the area so as to make the construction and establishment of such services feasible and at no additional cost for the same or similar type of services provided to inhabitants within the existing corporate limits of the Town.
- 8. If required by the Town, an annexation agreement has been or will be executed by the petitioners herein and the Town of Keenesburg relating to this annexation and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
- 9. The petitioners agree to the following terms and conditions, which shall be covenants running with the land, and which may, at the option of the Town, appear on the annexation map:

- a. Water rights shall be provided pursuant to executed Pre-annexation Agreement.
- b. All conditions set out in the annexation agreement executed by the petitioner.
- c. Other:

THEREFORE, the petitioners, whose signatures are on the signature sheet on the next page, respectfully petitions the Board of Trustees of the Town of Keenesburg to annex the territory described and referenced to in Exhibit "A" to the Town of Keenesburg in accordance with and pursuant to the statues of the State of Colorado.

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Keenesburg, Colorado, consisting of 14 pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.


Circulator

ACKNOWLEDGEMENT

STATE OF COLORADO)
COUNTY OF Weld) ss

The above and foregoing Affidavit of Circulator was subscribed and sworn to before me this ____ day of MARCH 20, 2020.

Witness my hand and official seal.

My commission expires on: 10/09/2020



Notary Public

Judith A. Kidd

Address

13492 CR 80

Eaton, Co. 80615

(SEAL)

Land Owner (s) Name (s) and Signature (s)

Mailing Address

Date

WJW Properties LLC
DANETTE L. WILSON - Manager

12002 CR 59

Printed Name

Danette L. Wilson

Signature

Keenesburg CO 80643

3-16-2020

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Land Owner (s) Name (s) and Signature (s)

Mailing Address

Date

Printed Name

Signature

In support of:

Travis Bachman

Printed Name

[Signature]
Signature

1921 1216a CT

Winelook, CO 80530

3/19/2020

Kent Penney
Printed Name

[Signature]
Signature

1135 Osprey Rd

Canon Co 80615

3/19/20

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Land Owner (s) Name (s) and Signature (s)

Mailing Address

Date

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

In support of:

Robert S. YOST

Printed Name

Rob S. Yost

Signature

10905 E. 163rd DR

Brighton, CO 80602

3/19/20

Printed Name

Signature

Printed Name

Signature

Exhibit A

PROPERTY DESCRIPTION **Rattler Ridge Annexation No. 1**

A tract of land, being a portion of Sections Twenty-two (22) and Twenty-three (23), Township Two North (T.2N.), Range Sixty-four West (R.64W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the West Quarter corner of said Section 23 and assuming the West line of the Northwest Quarter (NW1/4) of said Section 23 as bearing North 00°53'17" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2642.60 feet with all other bearings contained herein relative thereto;

THENCE South 89°27'56" West along the North line of Erger Annexation No. 2 recorded June 14, 2018 at Reception No. 4407038 of the Records of Weld County a distance of 30.00 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said NW1/4;
THENCE North 00°53'17" West along said parallel line a distance of 10.00 feet;
THENCE North 89°27'56" East a distance of 10.00 feet;
THENCE North 06°01'03" East a distance of 124.75 feet;
THENCE North 89°06'43" East a distance of 10.00 feet;
THENCE South 07°46'49" East a distance of 125.00 feet;
THENCE North 89°27'56" East a distance of 10.00 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said NW1/4;
THENCE South 00°53'17" East along said parallel line a distance of 10.00 feet to the North line of said Erger Annexation No. 2;
THENCE South 89°27'56" West along said North line a distance of 30.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 3,699 Square Feet or 0.085 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Ratler Ridge Annexation No. 2

A tract of land, being a portion of Sections Twenty-two (22) and Twenty-three (23), Township Two North (T.2N.), Range Sixty-four West (R.64W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 23 and assuming the West line of the Northwest Quarter (NW1/4) of said Section 23 as bearing North 00°53'17" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2642.60 feet with all other bearings contained herein relative thereto;

THENCE South 89°27'56" West along the North line of Erger Annexation No. 2 recorded June 14, 2018 at Reception No. 4407038 of the Records of Weld County a distance of 30.00 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said NW1/4; THENCE North 00°53'17" West along said parallel line a distance of 10.00 feet to the **POINT OF BEGINNING**;

THENCE North 00°53'17" West continuing along said parallel line a distance of 99.63 feet;
THENCE North 89°06'43" East a distance of 10.00 feet;
THENCE North 00°34'57" East a distance of 584.50 feet;
THENCE North 89°06'43" East a distance of 10.00 feet;
THENCE South 02°21'31" East a distance of 584.50 feet;
THENCE North 89°06'43" East a distance of 10.00 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said NW1/4;
THENCE South 00°53'17" East along said parallel line a distance of 100.00 feet;
THENCE South 89°27'56" West a distance of 10.00 feet;
THENCE North 07°46'49" West a distance of 125.00 feet;
THENCE South 89°06'43" West a distance of 10.00 feet;
THENCE South 06°01'03" West a distance of 124.75 feet;
THENCE South 89°27'56" West a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 17,497 Square Feet or 0.402 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Rattler Ridge Annexation No. 3

A tract of land, being a portion of Sections Fourteen (14), Fifteen (15), Twenty-two (22) and Twenty-three (23), Township Two North (T.2N.), Range Sixty-four West (R.64W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 23 and assuming the West line of the Northwest Quarter (NW1/4) of said Section 23 as bearing North 00°53'17" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2642.60 feet with all other bearings contained herein relative thereto;

THENCE South 89°27'56" West along the North line of Erger Annexation No. 2 recorded June 14, 2018 at Reception No. 4407038 of the Records of Weld County a distance of 30.00 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said NW1/4; THENCE North 00°53'17" West along said parallel line a distance of 109.63 feet to the **POINT OF BEGINNING**;

THENCE North 00°53'17" West continuing along said parallel line a distance of 300.00 feet;
THENCE North 89°06'43" East a distance of 10.00 feet;
THENCE North 00°27'58" West a distance of 2236.41 feet;
THENCE North 89°35'51" East a distance of 455.50 feet;

THENCE South 00°31'53" East a distance of 5.00 feet;
 THENCE South 89°20'15" West a distance of 448.41 feet;
 THENCE South 01°18'42" East a distance of 2229.32 feet;
 THENCE North 89°06'43" East a distance of 10.00 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said NW1/4;
 THENCE South 00°53'17" East along said parallel line a distance of 300.00 feet;
 THENCE South 89°06'43" West a distance of 10.00 feet;
 THENCE North 02°21'31" West a distance of 584.50 feet;
 THENCE South 89°06'43" West a distance of 10.00 feet;
 THENCE South 00°34'57" West a distance of 584.50 feet;
 THENCE South 89°06'43" West a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 58,641 Square Feet or 1.346 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Rattler Ridge Annexation No. 4

A tract of land, being a portion of Sections Thirteen (13), Fourteen (14), Fifteen (15), Twenty-two (22), Twenty-three (23) and Twenty-four (24), Township Two North (T.2N.), Range Sixty-four West (R.64W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 23 and assuming the West line of the Northwest Quarter (NW1/4) of said Section 23 as bearing North 00°53'17" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2642.60 feet with all other bearings contained herein relative thereto;

THENCE South 89°27'56" West along the North line of Erger Annexation No. 2 recorded June 14, 2018 at Reception No. 4407038 of the Records of Weld County a distance of 30.00 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said NW1/4;
 THENCE North 00°53'17" West along said parallel line a distance of 409.63 feet to the **POINT OF BEGINNING**;

THENCE North 00°53'17" West continuing along said parallel line a distance of 2262.99 feet to a line extended and parallel with and 30.00 feet North of, as measured at a right angle to the North line of said Section 23;

The following Two (2) courses and distances are along said parallel lines;

THENCE North 89°28'07" East a distance of 2669.72 feet;
 THENCE North 89°27'47" East a distance of 2609.30 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said Section 13;
 THENCE North 00°54'48" West along said parallel line a distance of 100.00 feet;
 THENCE North 89°05'12" East a distance of 10.00 feet;
 THENCE North 00°34'15" West a distance of 2508.92 feet;

THENCE North 00°55'37" West a distance of 2200.00 feet;
THENCE North 89°04'23" East a distance of 10.00 feet;
THENCE South 00°55'37" East a distance of 2200.00 feet;
THENCE South 01°15'21" East a distance of 2508.92 feet;
THENCE North 89°05'12" East a distance of 10.00 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said Section 13;
THENCE South 00°54'48" East along said parallel line a distance of 160.40 feet to a line extended and parallel with and 30.00 feet South of, as measured at a right angle to the North line of said Section 23;

The following Two (2) courses and distances are along said parallel lines;
THENCE South 89°27'47" West a distance of 2669.70 feet;
THENCE South 89°28'07" West a distance of 2609.35 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of NW1/4 of said Section 23;
THENCE South 00°53'17" East along said parallel line a distance of 2202.62 feet;
THENCE South 89°06'43" West a distance of 10.00 feet;
THENCE North 01°18'42" West a distance of 2229.32 feet;
THENCE North 89°20'15" East a distance of 448.41 feet;
THENCE North 00°31'53" West a distance of 5.00 feet;
THENCE South 89°35'51" West a distance of 455.50 feet;
THENCE South 00°27'58" East a distance of 2236.41 feet;
THENCE South 89°06'43" West a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 11.203 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Rattler Ridge Annexation No. 5

A tract of land, being a portion of Sections One (1), Two (2), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Township Two North (T.2N.), Range Sixty-four West (R.64W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 13 and assuming the West line of the Southwest Quarter of said Section 13 as bearing North 00°54'48" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2639.07 feet with all other bearings contained herein relative thereto;

THENCE North 00°54'48" West along the West line of said Section 13 a distance of 130.20 feet;
THENCE South 89°05'12" West a distance of 20.00 feet to the **POINT OF BEGINNING**;

THENCE South 89°05'12" West a distance of 10.00 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said Section 13;

The following Two (2) courses and distances are along said parallel lines;
THENCE North 00°54'48" West a distance of 2508.87 feet;

THENCE North 00°55'37" West a distance of 2584.94 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said Section 12;

The following Two (2) courses and distances are along said parallel lines;

THENCE North 00°06'31" West a distance of 2693.27 feet;

THENCE North 00°06'02" West a distance of 2638.60 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said Section 1;

THENCE North 01°30'34" West along said parallel line a distance of 2290.50 feet;

THENCE North 88°29'26" East a distance of 10.00 feet;

THENCE North 01°11'28" West a distance of 2700.00 feet;

THENCE North 88°29'26" East a distance of 10.00 feet;

THENCE South 01°49'40" East a distance of 2700.00 feet;

THENCE North 88°29'26" East a distance of 10.00 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said Section 1;

THENCE South 01°30'34" East along said parallel line a distance of 2291.24 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said Section 12;

The following Two (2) courses and distances are along said parallel lines;

THENCE South 00°06'02" East a distance of 2639.34 feet;

THENCE South 00°06'31" East a distance of 2692.84 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said Section 13;

The following Two (2) courses and distances are along said parallel lines;

THENCE South 00°55'37" East a distance of 2584.52 feet

THENCE South 00°54'48" East a distance of 2508.88 feet;

THENCE South 89°05'12" West a distance of 10.00 feet;

THENCE North 01°15'21" West a distance of 2508.92 feet;

THENCE North 00°55'37" West a distance of 2200.00 feet;

THENCE South 89°04'23" West a distance of 10.00 feet;

THENCE South 00°55'37" East a distance of 2200.00 feet;

THENCE South 00°34'15" East a distance of 2508.92 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 17.120 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Rattler Ridge Annexation No. 6

A tract of land, being a portion of Sections Thirty-five (35) and Thirty-six (36), Township Three North (T.3N.), Range Sixty-four West (R.64W.) and of Sections One (1) and Two (2), Township Two North (T.2N.), Range Sixty-four West (R.64W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 36 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 36 as bearing North 00°04'04" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2636.36 feet with all other bearings contained herein relative thereto;

THENCE South 89°12'41" West a distance of 30.00 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said Section 36 and to the **POINT OF BEGINNING**;

The following Two (2) courses and distances are along said parallel lines;

THENCE North 00°04'04" West a distance of 2636.74 feet;

THENCE North 00°05'01" West a distance of 1317.71 feet to the North line of Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section 36, said line prolonged to the West;

THENCE North 89°11'27" East along said North line a distance of 1345.86 feet to the Northwest Sixteenth corner;

THENCE South 00°02'48" East a distance of 659.55 feet to the Center-South-Northwest Sixty-fourth corner;

THENCE North 89°14'01" East a distance of 1315.59 feet to the Center-South-North Sixty-fourth corner;

THENCE North 89°13'27" East along the North line of S1/2SW1/4NE1/4 a distance of 1415.80 feet;

THENCE North 00°02'52" East a distance of 659.85 feet to South line of N1/2NE1/4;

THENCE North 89°12'49" East along said South line a distance of 1216.30 feet to the North Sixteenth corner;

THENCE South 00°05'28" West a distance of 1320.16 feet to the East Quarter corner;

THENCE South 00°05'43" West a distance of 2640.17 feet to the Southeast corner;

THENCE South 89°17'04" West a distance of 2626.40 feet to the South Quarter corner;

THENCE South 89°15'56" West a distance of 2596.64 feet to a line parallel with and 30.00 feet East of, as measured at a right angle to the West line of said Section 1;

THENCE South 01°30'34" East along said parallel line a distance of 3000.00 feet;

THENCE South 88°29'26" West a distance of 10.00 feet;

THENCE North 01°49'40" West a distance of 2700.00 feet;

THENCE South 88°29'26" West a distance of 10.00 feet;

THENCE South 01°11'28" East a distance of 2700.00 feet;

THENCE South 88°29'26" West a distance of 10.00 feet to a line parallel with and 30.00 feet West of, as measured at a right angle to the West line of said Section 1;

THENCE North 01°30'34" West along said parallel line a distance of 3000.78 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 441.641 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

January 31, 2020

Town of Keenesburg
140 S. Main Street
P.O. Box 312
Keenesburg, CO 80643
Attention: Debra Chumley

RE: STATEMENT OF COMMUNITY NEED – A1

Dear Ms. Chumley:

Per the requirements for an Annexation Petition application packet, a Statement of Community Need is being submitted. The following addresses each of the community needs addressed..

- A. The proposed annexation shall be the first step in bringing a large scale primary employer with over 20 existing jobs to the Town of Keenesburg.
- B. The proposed land use with jobs shall continue to be a positive economic benefit to the Town of Keenesburg and the local business owners.
- C. The proposed land use to follow after annexation will potentially expand infrastructure to open further growth in the area.
- D. The proposed use is consistent with the Town of Keenesburg Comprehensive Land Use Plan.
- E. The proposed annexation petition will lead to future primary employers being encouraged as part of an overall industrial park promoting the Town of Keenesburg.

I hope this adequately addresses the community need for our proposed land use and the petition to annex.

Best Regards,

John S. Vázquez, P.E.

January 31, 2020

Town of Keenesburg
140 S. Main Street
P.O. Box 312
Keenesburg, CO 80643
Attention: Debra Chumley

RE: AFFIDAVIT OF IMPACT ON SCHOOL SYSTEM – A1

Dear Ms. Chumley:

Per the requirements for an Annexation Petition application packet, an Affidavit of Impact on School System is being submitted. The following addresses the potential impacts to schools.

- A. The existing operations by A-1 Organics has approximately 20 employees and any student increase impacts that would occur with annexation have already occurred.
- B. The property being annexed and the associated business has contributed to the school funding through property tax revenue.

I hope this adequately addresses the impacts to schools as required for the petition to annex.

Best Regards,

John S. Vázquez, P.E.

January 31, 2020

Town of Keenesburg
140 S. Main Street
P.O. Box 312
Keenesburg, CO 80643
Attention: Debra Chumley

RE: AFFIDAVIT OF HISTORICAL WATER USE AND RIGHTS – A1

Dear Ms. Chumley:

Per the requirements for an Annexation Petition application packet, an Affidavit of Historical Water Use and Rights is being submitted. The following addresses the possession and use of water rights.

- A. The existing operations by A-1 Organics uses potable water that is purchased off-site and hauled in.
- B. The property does not have current water rights.

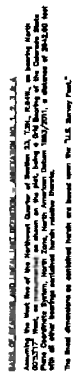
I hope this adequately addresses the water usage and rights required for the petition to annex.

Best Regards,

John S. Vázquez, P.E.

Situate in Section 1, 2, 11, 12, 13, 14, 15, 22, 23 and 24, Township 2 North, Range 64 West and Sections 35 and 36, Township 3 North, Range 64 West of the 6th P.M., County of Weld, State of Colorado

Situate in Section 1, 2, 11, 12, 13, 14, 15, 22, 23 and 24, Township 2 North, Range 64 West and Sections 35 and 36, Township 3 North, Range 64 West of the 6th P.M., County of Weld, State of Colorado

[illegible][illegible]

LEGAL COMMENTARY NOTE

At the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to determine the property boundary are shown herein. CDR-357-108 (2.5.5 1984)

NOTICE

According to Colorado law you must ~~exercise~~ any legal action based upon any defect in the survey within three years after the first change made. Defect in no event, may any action based

[illegible]

PRELIMINARY

Christopher A. DePaolis - On Behalf Of King Surveyors
Colorado Licensed Professionals
and Surveyors Association

ANNEXATION NO. 6

Contiguous Perimeter = 6,430.00 L.F.
Maximum Total Perimeter = 32,580.00 L.F.
Total Perimeter = 31,015.66 L.F.
1/8 Total Perimeter = 1 : 5.742
Total Area Being Annexed = 441,841 Acres

ANNEXATION NO. 6

Contiguous Perimeter = 5,394.84 L.F.
Maximum Total Perimeter = 32,367.84 L.F.
Total Perimeter = 30,128.56 L.F.
1/6 Total Perimeter = 5,021.43
Total Area Being Annexed = 11,203 Acres

ANNEXATION NO. 2

Contiguous Perimeter = 1,199.00 L.F.
Maximum Total Perimeter = 7,194.00 L.F.
Total Perimeter = 7,193.64 L.F.
1/6 Total Perimeter = 1 : 6.00
Total Area Being Annexed = 1,348 Acres

ANNEXATION NO. 2

Contiguous Perimeter = 60.00 L.F.
Maximum Total Perimeter = 360.00 L.F.
Total Perimeter = 359.75 L.F.
1/8 Total Perimeter = 1 : 5.996
Total Area Being Annexed = 0.085 Acres



Town Of Keenesburg
140 South Main Street
PO BOX 312
Keenesburg, CO 80643
(303)732-4281

Zoning Application
Fee \$250.00

Applicant(s) Name: WJW Properties, LLC

Address of Applicant (s) 16350 WCR 76, Eaton, CO 80615

Legal Description of Property: SEE ATTACHED

Current Zoning AG Requested Zoning HI

Reason for requested zoning change: Annexation of land with Industrial uses

Each applicant whose name appears upon the deed or title to this property must sign:

Danette Wilson 2-28-2020

Name Date

Name Date

Name Date

This application must be accompanied by a title commitment for proof of ownership issued within 30 days of hearing.

KEENESBURG PLANNING DEPARTMENT

DEVELOPMENT REVIEW REFERRAL

FROM: TODD HODGES, TOWN PLANNER

DATE: APRIL 10, 2020

PROJECT: Rattler Ridge Annexations 1-6 and zoning to Heavy Industrial

INTERNAL DISTRIBUTION:

<input checked="" type="checkbox"/> City Engineer	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Clerk
<input checked="" type="checkbox"/> Public Works Manager	<input checked="" type="checkbox"/> Building Inspector	

OUTSIDE DISTRIBUTION:

<input checked="" type="checkbox"/> SE Weld Fire Protection District	<input checked="" type="checkbox"/> Weld County Department of Planning Services
<input checked="" type="checkbox"/> CDOT	<input type="checkbox"/> Army Corp of Engineers
<input checked="" type="checkbox"/> Atmos Energy	<input type="checkbox"/> Postmaster
<input checked="" type="checkbox"/> United Power	<input checked="" type="checkbox"/> Colorado Department of Natural Resources
<input type="checkbox"/> Colorado Division of Wildlife	<input checked="" type="checkbox"/> Weld County Public Works
<input checked="" type="checkbox"/> Weld County School District RE-3	<input checked="" type="checkbox"/> Century Link
<input checked="" type="checkbox"/> Division of Water Resources	<input checked="" type="checkbox"/> Weld County Health Department
<input checked="" type="checkbox"/> Town of Hudson	<input checked="" type="checkbox"/> Lost Creek Water

If you have comments, please respond by: April 30, 2020

Comments may be emailed to toddhodgesdesign@gwestoffice.net or mailed to the address below. A non-response to this referral may be considered a favorable response.

COMMENTS:



DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.com

Email: jflesher@weldgov.com

Phone: (970) 400-3552

Fax: (970) 304-6498

Via Email

April 13, 2020

Todd Hodges, Planner
Town of Keenesburg
PO Box 312
Keenesburg, CO 80643

Subject: Rattler Ridge Annexation

Dear Todd:

The Weld County Department of Planning Services has reviewed this proposal and submits the following comments for your consideration.

The annexation contains the following County-approved Uses by Special Review (USRs):

1. SUP-439: Electrical substation and 115 kv line (portion)
2. USR-1285: Landfill
3. USR-1160: Coal mine and waste disposal facility (portion)
4. SUP-386AM: Coal mine and ash disposal pits (portion)

Additionally, the following County-approved USRs are located in the vicinity:

1. USR-987: Oil and gas production facility
2. USR-959: Natural gas compressor station
3. USR-966: Landfill

There is no County commitment to upgrade County roads and bridges to accommodate municipal developments.

The present zoning of adjacent and surrounding unincorporated properties are predominantly Agricultural. Owners of property in the area of this proposal should be made aware that agricultural uses, even when done in a manner consistent with good agricultural practices, may generate impacts such as noise, dust, flies, odors, aerial spraying, and slow-moving equipment on County roadways. It is important for future residents to note that adjacent properties may be in unincorporated Weld County and that Weld County has adopted a Right-to-Farm Statement and a Right to Extract Mineral Resources Statement and recommends they be placed on all plats adjacent to unincorporated areas:

Right-to-Farm Statement

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is

common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high-speed traffic, sand burs, puncture vines, territorial farm dogs and livestock and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.

Weld County Right to Extract Mineral Resources Statement

Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the State's commercial mineral deposits are essential to the State's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state.

Mineral resource locations are widespread throughout the County and person moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

Thank you for the opportunity to comment on this proposal. This response addresses general requirements, concerns, or issues and is intended to assist in your community's decision-making process regarding this land use proposal. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,

Jim Flesher, AICP
Long-Range Planner
Weld County



COLORADO
Division of Water Resources
Department of Natural Resources

April 14, 2020

Todd Hodges, Town Planner
Town of Keenesburg Planning Department
Transmission via email: toddhodgesdesign@qwestoffice.net

Re: Rattler Ridge Annexations 1-6 and Zoning Request for Heavy Industrial
Part of Sections 1, 2, 11, 12, 13, 14, 15, 22, 23, and 24, T2N, R64W and Sections 35 and 36,
T3N, R64W, 6th P.M., Weld County
Water Division 1, Water District 1

Dear Todd Hodges:

We have received your April 10, 2020 proposal to annex six parcels as part of Rattler Ridge into the town of Keenesburg and rezone for heavy industrial. The area being annexed total approximately 471.8 acres, comprised of a 441.6-acre parcel located in Section 36, T3N, R64W, 6th P.M. and roads. The annexation will result in the incorporation of the business A-1 Organics, located on the 471.8-acre parcel, into the town of Keenesburg.

This referral does not appear to qualify as a "subdivision" as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

Proposed water uses and estimated water demand were not provided. The current water supply for the A-1 Organics business is potable water hauled to the site. Assuming this is also the proposed future water supply source, this office has no objections to the proposal so long as water hauled to the site is obtained from a legal source.

If you or the applicant have any questions, please contact Wenli Dickinson of this office via email at wenli.dickinson@state.co.us.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral no. 27102



THDLLC

From: Hice-Idler - CDOT, Gloria <gloria.hice-idler@state.co.us>
Sent: Wednesday, April 15, 2020 9:52 AM
To: THDLLC
Cc: Timothy Bilobran - CDOT; Allyson Mattson - CDOT
Subject: Rattler Ridge

Follow Up Flag: Follow up
Flag Status: Flagged

CDOT has no comment regarding the annexation and rezoning. Please keep us involved as plans progress.

Gloria Hice-Idler
Rocksol Consulting

(970) 381-8629



10601 W. 10th Street, Greeley, CO 80634
gloria.hice-idler@state.co.us | www.codot.gov | www.cotrip.org



April 9, 2020

Debra Chumley
Town of Keenesburg Manager
P.O. Box 312
140 S. Main Street
Keenesburg, CO 80643

RE: Rattler Ridge Annexation Nos. 1 through 6
Annexation Map and Petition Review, February 13, 2020 Maps

Dear Debra:

Professional Engineering Consultants (PEC) reviewed submitted legal descriptions provided with the annexation petition and annexation maps for six sequential annexations proposed as the Rattler Ridge Annexation No. 1-6, which would result in the annexation to the Town of Keenesburg of property located in Sections 35 and 36, Township 3 North, Range 64 West, and in Sections 1, 2, 11, 12, 13, 14, 15, 22, 23 and 24, Township 2 North, Range 64 West, 6th Principal Meridian, Weld County, Colorado. Our review is summarized below. The February 13, 2020 maps included all of the County Road right-of-way where right-of-way was annexed.

Legal Descriptions. PEC reviewed the bearings and distances provided on the annexation map drawings on Sheets 2 through 4 of the annexation maps and in the narrative legal descriptions provided on Sheet 1 of the annexation maps and found them to be consistent one with the other.

Contiguity Calculations. PEC performed a check for each annexation as to its compliance with the State requirement that the portion of the annexation's perimeter that is contiguous with the Town be greater than 1/6 of the total annexed perimeter length. We found that all six proposed annexations met the State contiguity requirement, as indicated in Table 1.

Table 1. Contiguity Calculations

Annexation Number	Perimeter Length, Feet	1/6 of Annexation Perimeter, Feet	Provided Contiguity, Feet
Annexation 1	359.75	59.96	60.00
Annexation 2	1,678.38	279.73	279.75
Annexation 3	7,193.64	1,198.94	1,199.00
Annexation 4	30,126.56	5,021.09	5,394.64
Annexation 5	40,310.84	6,718.47	9,447.84
Annexation 6	31,181.55	5,196.93	5,430.00

Annexation Petition. We note that the annexation petition uses the same name as the annexation maps and includes an Exhibit A with legal descriptions for each of Annexations 1 through 6. PEC reviewed the legal descriptions in the annexation petition with the narrative legal descriptions provided on the annexation maps and found them to be consistent one with the other.

Closure Calculations. We reviewed and confirmed the legal descriptions in the closure calculations submitted by the applicant's surveyor. Those closure results are provided in Table 2 and show acceptable closure for each of the six annexations.

Table 2. Closure Calculations as Presented by Applicant's Surveyor

Annexation Number	Error North, Feet	Error East, Feet	Closure Distance, Feet	Precision
Annexation 1	-0.00481	0.00017	0.0048	1:74,945
Annexation 2	0.00513	0.00127	0.0053	1:316,675
Annexation 3	-0.00452	-0.00263	0.0052	1:1,383,392
Annexation 4	-0.00243	-0.00574	0.0062	1:4,859,123
Annexation 5	-0.0179	-0.00701	0.0193	1:2,088,645
Annexation 6	0.00454	-0.0142	0.0149	1:2,092,721

Additionally, we completed an independent confirmation of the closure of the annexations' legal descriptions, as presented in Table 3. We conclude that the legal descriptions presented in the annexation petition and shown on the annexation maps close acceptably.

Table 3. Closure Calculations as Confirmed by PEC

Annexation Number	Closure Distance, Feet
Annexation 1	0.0048
Annexation 2	0.0053
Annexation 3	0.0052
Annexation 4	0.0062
Annexation 5	0.0193
Annexation 6	0.0149

Please let me know if you have any questions or comments.

Respectfully Submitted,

PROFESSIONAL ENGINEERING CONSULTANTS, PA



Kent Bruxvoort, P.E.
 Town Engineer

cc: Todd Hodges, Town Planner
 Kathleen Kelly, Town Attorney

b.

RESOLUTION NO. PC2020-04

**A RESOLUTION RECOMMENDING APPROVAL OF AN INITIAL ZONING
REQUEST FOR PROPERTY TO BE ANNEXED TO THE TOWN AND KNOWN AS
THE RATTLER RIDGE ANNEXATION NO. 1-6 TO THE TOWN OF KEENESBURG**

WHEREAS, there has been submitted to the Planning Commission of the Town of Keenesburg a request for approval of initial zoning for property to be annexed to the Town and known as the Rattler Ridge Annexation No. 1-6 to the Town of Keenesburg; and

WHEREAS, all materials related to the proposed initial zoning request have been reviewed by Town Staff and found with conditions to be in compliance with Town of Keenesburg zoning ordinances and related Town ordinances, regulations, and policies; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Planning Commission finds that the initial zoning request, to zone the property Heavy Industrial (HI), should be approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF
THE TOWN OF KEENESBURG, COLORADO:**

Section 1. The Planning Commission hereby recommends approval of the proposed initial zoning of Heavy Industrial (HI) for the property annexed to the Town and known as the Rattler Ridge Annexation No. 1-6 to the Town of Keenesburg.

INTRODUCED, READ, and ADOPTED this 7th day of May, 2020.

TOWN OF KEENESBURG, COLORADO
PLANNING COMMISSION

John Howell, Chairperson

ATTEST:

Teri Smith, Secretary

C.

ORDINANCE NO. 2020-07

AN ORDINANCE AMENDING CHAPTERS 16 AND 17 OF THE KEENESBURG MUNICIPAL CODE TO INTEGRATE THE TOWN OF KEENESBURG DESIGN STANDARDS AND AMENDING CHAPTER 8 REGARDING PARKING ON IMPROVED SURFACES

WHEREAS, on the direction of the Board of Trustees of the Town of Keenesburg (the “Board”), the Town Engineer developed the “Town of Keenesburg Design Standards,” applicable to new development within the Town of Keenesburg (the “Design Standards”), in consultation with Town staff, the Town Attorney’s office, and the Planning Commission of the Town of Keenesburg (“Planning Commission”); and

WHEREAS, the Board adopted the Design Standards at its April 20, 2020 meeting; and

WHEREAS, the Board desires to amend Chapters 16 and 17 of the Keenesburg Municipal Code to set forth the applicability of the Design Standards; and

WHEREAS, a draft of this Ordinance has been reviewed by the Planning Commission and the Planning Commission has forwarded to the Board its recommendation that such Ordinance be adopted; and

WHEREAS, Sections 4 and 11 have been added to the Ordinance to add additional requirements to Chapters 8 and 16 regarding parking on improved surfaces and improved surface lot coverage; and

WHEREAS, the Board has held a duly-noticed public hearing on this Ordinance, at which hearing evidence and testimony were entered into the record, and following such hearing, finds the Ordinance should be adopted and Chapters 8, 16, and 17 amended accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KEENESBURG, COLORADO:

Section 1. Section 16-1-70 of the Keenesburg Municipal Code is amended to include the following definitions to be inserted in alphabetical order, and the entire section renumbered accordingly:

Carport means a shelter for a vehicle consisting of a roof supported on posts, attached to the roof plane of the primary structure.

Landscape plan means a plan or map, created by a landscape architect or engineer duly licensed by the State of Colorado, showing landscaping, irrigation, and erosion control measures associated with a development in conformance with the Town of Keenesburg Design Standards.

Shed means an accessory building for use as a storage space, a shelter for

animals, or a workshop.

Town of Keenesburg Design Standards means those certain design standards adopted by resolution of the Keenesburg Board of Trustees, as may be amended by resolution of the Board of Trustees from time to time.

Section 2. Subsection (d)(1) of Section 16-2-100 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(d) Additional requirements.

(1) All multifamily developments must be landscaped according to an approved landscape plan, which landscape plan shall conform to applicable Town of Keenesburg Design Standards.

Section 3. Section 16-2-40 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

Sec. 16-2-40. - Accessory buildings and uses.

(a) Accessory buildings and uses are naturally and normally incidental to a use by right and comply with all the following conditions:

(1) Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use by right.

(2) Is operated and maintained under the same ownership as the use by right on the same zone lot.

(3) Includes only those structures or structural features consistent with the use by right.

(4) Does not exceed maximum lot coverage. Lot coverage is the area of all structures and impervious surfaces on the lot, including the main building and all accessory buildings.

(5) May include home occupations, as defined in this Chapter and/or by residential zone districts.

(6) In all residential zones, an accessory structure shall be constructed of materials that are compatible with the use by right structure and shall not be constructed from corrugated sheet metal, canvas or similar nondurable materials. Accessory buildings shall use exterior colors that are used on the primary structure.

(7) All permitted accessory buildings must be located at a distance from the front lot line which is greater than the front setback for the principal building.

(8) Under no circumstances may an accessory building be constructed or located in the right-of-way.

(9) No more than one (1) single shed shall be allowed on any single lot. All new sheds shall be constructed in accordance with the Town of Keenesburg Design Standards. Under no circumstances may a shed be used for human habitation.

(10) No more than one (1) single carport shall be allowed on any single lot. Double carports are not allowed unless approved through the Town's special review process. All new carports shall be constructed in accordance with the Town of Keenesburg Design Standards.

(b) Accessory buildings and uses must meet setback and other design standard requirements in each zone district, including but not limited to the requirements set forth in the Town of Keenesburg Design Standards. Construction of accessory uses may or may not require a building permit. If a permit is required, a plot plan showing the location of the accessory use on the zone lot will be required.

Section 4. Article II of Chapter 16 of the Keenesburg Municipal Code is amended to add a new Section 16-2-175, to read as follows:

Sec. 16-2-175. – Front yard improved surface coverage restriction.

In addition to the minimum and maximum lot coverages set forth in Section 16-2-170, improved surfaces shall cover not more than the lesser of (i) 380 square feet or (ii) 40% of the front yard of any lot zoned R-1, R-2, or R-3. For purposes of this Section, improved surface means a surface comprised of asphalt, recycled asphalt, concrete, brick, cement pavers, compacted or crushed stone or gravel, or similar materials installed and maintained according to industry standards. Nothing in this section shall relieve new development from complying with standards applicable to driveways and parking areas set forth in the Town of Keenesburg Design Standards.

Commented [NC1]: Is this the intent?

Section 54. Subsection (e)(13) of Section 16-2-180 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(13) Use by special review and landscape plan maps. Plans shall show existing and proposed buildings, parking, landscape elements, lighting, drainage elements, utilities, public rights-of-way and any other information deemed necessary by Town staff. Use by special review plans and associated landscape

plans shall comply with applicable provisions of the Town of Keenesburg Design Standards. Plans shall include a vicinity map at an appropriate scale to show surrounding area. The use by special review plan map shall be considered a site plan and shall fulfill the requirement for a site plan submittal as required by Section 16-2-190 unless during the required pre-application meeting it is determined that a separate site plan submittal is required for uses by right associated with the special review permit.

Section 65. Subsection (g)(8) of Section 16-2-190 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(8) Traffic study. Requirements to be determined in the preapplication meeting or at the request of CDOT. All required traffic studies are to be prepared by a certified engineer, and approved by the Town Engineer. Developers may be required to modify site plans to mitigate traffic impacts associated with the development as determined by the traffic study.

Section 76. Subsection (g)(12) of Section 16-2-190 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(12) Site plan and landscape plan maps. Plans shall show existing and proposed buildings, parking, landscape elements, lighting, drainage elements, utilities, public rights-of-way and any other information deemed necessary by Town staff. Site plans and landscape plans shall comply with applicable provisions of the Town of Keenesburg Design Standards. The site plan shall include a vicinity map at an appropriate scale to show surrounding area.

Section 87. Subsection (h)(3) of Section 16-2-190 of the Keenesburg Municipal Code is amended to read as follows (words added are underlined):

(3) Conformance with all applicable parking and open space requirements, and any adopted architectural design standards, including but not limited to the Town of Keenesburg Design Standards.

Section 98. Article I of Chapter 17 of the Keenesburg Municipal Code is hereby amended by the addition of a new Section 17-1-70, to read as follows:

Sec. 17-1-70. – Design criteria.

In addition to all other criteria established in this Chapter, the Comprehensive Plan and this Code, all new subdivisions, except minor subdivisions, shall be designed in accordance with applicable provisions of the Town of Keenesburg Design Standards.

Section 109. Section 17-10-70 of the Keenesburg Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17-10-70. - Homeowners associations.

A. Homeowners associations (HOAS) or similar legal entities are responsible for the maintenance and control of common areas, including recreational facilities and open space; HOAS shall be established in such a manner that:

(1) Provision for the establishment of the association or similar entity according to state law is to be made before final subdivision approval is made or any lot in the development is sold; legal documents are to be forwarded to the Town prior to final approval.

(2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities.

(3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

(4) The Town retains the legal authority to compel HOAS to maintain their properties in proper condition, through requirement of a maintenance agreement executed with the Town or by any other legal means.

B. HOAS shall maintain all common areas under their control and rights-of-way within and adjacent to the development in good condition. Without limiting the generality of the foregoing, HOAS shall:

(1) Ensure that all landscaped areas are maintained in accordance with approved landscape, irrigation, and erosion control plans, including but not limited to replacement of dead, dying, or diseased plantings and trees;

(2) Ensure areas covered with irrigated turf are mowed and irrigated in accordance with approved landscape and irrigation plans;

(3) Ensure brush and weeds are maintained so as to inhibit the spread of noxious weeds, and to mitigate public, health, safety and wellness hazards, such as the spread of wildfires, slope failures, soil erosion, and increased flooding; and

(4) Ensure that all areas, including but not limited to rights-of-way and alleys, are kept free of dead vegetation, refuse, trash, and debris.

Section 11. Article II of Chapter 8 of the Keenesburg Municipal Code is amended to add a new Section 8-2-90, to read as follows:

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Sec. 8-2-90.- Parking on improved surface required.

No person shall park a vehicle, utility trailer, or trailer on private property except on an improved surface. For purposes of this Section, improved surface means a surface comprised of asphalt, recycled asphalt, concrete, brick, cement pavers, compacted or crushed stone or gravel, or similar materials installed and maintained according to industry standards. The term improved surface does not include dirt, landscape mulch, or other similar materials. Parking on lawns, whether public or private, is expressly prohibited within the Town.

Commented [NC2]: Vehicle means a machine designed to be propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, to transport persons or property or pull machinery and shall include, without limitation, automobile, airplane, truck, trailer, camper, recreational vehicle, motorcycle, motor scooter, snow machine, recreational vehicle, tractor, buggy and wagon. Sec. 8-2-20.

Section 1012. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Commented [NC3]: Added for your consideration. The 2010 model traffic code definitions for "utility trailer" and "trailer" would apply:

"Utility trailer" means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

Section 1113. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

"Trailer" means any wheeled vehicle, without motive power and having an empty weight of more than two thousand pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2020.

TOWN OF KEENESBURG, COLORADO

Ken Gfeller, Mayor

ATTEST:

Note: The definition of "vehicle" in Sec. 8-2-20 includes "trailer" but would arguably not include a "utility trailer." But, I think we should add both to clarify to residents what's prohibited.

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Christina Fernandez, Town Clerk