

AGENDA

**TOWN OF HUDSON PLANNING COMMISSION
REGULAR MEETING
September 14, 2016 – 6:00 p.m.**

CALL TO ORDER

ROLL CALL

ADDITIONS TO AGENDA

CITIZEN'S COMMENTS

1) APPROVAL OF MINUTES

- a. Planning Commission Meeting Minutes–July, 13, 2016; No Quorum present for the August 10, 2016 Planning Commission Meeting.

2) PUBLIC MEETING

- a. AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 16 OF THE HUDSON MUNICIPAL CODE TO ADD A NEW SECTION 16-49, C-O, COMMERCIAL OFFICE ZONING DISTRICT

3) GENERAL BUSINESS

- a. Weld County Referral, 5MUSR16-85-655, Sparboe Farms.

Amendment to add more chickens and buildings

A Minor Amendment to a Site Specific Development Plan and 4th Amended Use by Special Review Permit No. MUSR14-0009 [4AmUSR-655] for an Agricultural Service Establishment primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis, including Livestock Confinement Operations (egg production facility housing a maximum of 1,620,000 layers) to increase the number of chickens (layers) from 1,790,000 to 2,200,000, replace 12 of the barns with 8 cage free barns, expand the egg production building, add a new cooler building, and add one (1) single-family dwelling unit per lot other than those permitted under Section 23-3-20.A. (second single-family dwelling unit) in the A (Agricultural) Zone District.

- b. Planning Commission Information: Article 84 of Chapter 7 of the Hudson Municipal Code – Backyard Chicken Hens.

- c. Weld County Referral, RECX16-0128, Randal Curl26521 CR 18, Amended Recorded Exemption

4) STAFF REPORT

5) ADJOURNMENT

6) WORK SESSION – Status of Various Planning Activities

MEMO: Planning Commission
SUBJECT: DISCUSSION NEW ZONING CATEGORY and OLD TOWN HALL USES
DATE: May 6, 2016

The assumption is that with the eminent construction of a new town hall the current facility would be considered surplus and would be sold.

Features of the current site are its

Size – 17, 471 square feet

Visibility – frontage along Main Street/SH 52

All utilities available to the site.

It's disadvantages are:

Proximity to BNSF rail line and crossing that generates noise.

Access will only be permitted off of Ash Street as there is no existing access onto Main Street.

The existing town hall building contains 1,888 square feet of space on the main floor and 1,682 square feet in the basement (Weld County Assessors Data). There is believed to be an extensive amount of asbestos in the building and the foundation is in need of major repair and is not considered to be a prime candidate for rehabilitation.

The site is zoned Residential One (R-1) which only permits single family residences, governmental uses (such as the town hall), parks, churches (which the building once was) and community centers.

Thus, it appears that the following are options for use or reuse of the site:

Vacate the building and offer it for sale as is and entertain uses for the site from developers/builders that would presumably require rezoning.

Rezone the site for one of the following:

Zoned for town homes or a walkup apartments – R-2 Zoning

Zoned for business – B Zoning same as the zoning across Main Street.

Zoned for Commercial – C-1 Zoning which permits a variety of uses, some of which are not appropriate for the site.

The Town currently has the regulatory tools to accomplish the above, with the exception of a category that only permits commercial – office uses. A draft ordinance that was presented to Town Council for first reading is attached that addresses this use.

INSERT PDF Ordinance A.

MEMORANDUM

To: Hudson Town Council

3a

From: Roy Fronczyk, thru Joe Racine

Date: July 28, 2016

Subject: Notice of Inquiry, Weld County, Sparboe Summit Farms, Minor USR Amendment

Attachments: NOI Notice; Weld County Pre-Application Review Request

Background

The Coordinated Planning Agreement between the Town of Hudson and Weld County establishes procedures and standards which the parties will use in exercising their land use and related regulatory powers within the unincorporated areas surrounding the Town. The County is required to refer any application for “Development” within the unincorporated area to the Town of Hudson. The definition of “Development” includes any land use requiring regulatory approval such as a change in land use or additional construction and improvement on the property. Excluded from the types of development for referral are an amendment to a plat, a down-zoning (neither of which would create any additional lots), a Recorded Exemption or Subdivision Exemption.

If a request for “Development” meets the above criteria then a “Notice of Inquiry” identifying the nature of the application is sent to the Town. Depending on the nature of the proposal the Town is being asked if the area in question should be considered for Annexation by the Town. If the Town is interested in pursuing annexation, then a process would be initiated to annex the land including requirements described in Colorado State Statutes.

The town has received a Notice of Inquiry for a Minor Amendment to a Site Specific Development Plan Use by Special Review from Sparboe Summit Farms egg production facility. The amendment includes:

- Replacing 12 existing north side barns with 8 cage-free barns,
- Constructing between 2 and 4 manure storage barns,
- Expanding the egg production building,
- Construction of a cooler building, and
- Increasing the capacity of the facility from 1,790,000 layers to 2,200,000 layers.

The applicant submitted a letter highlighting the amendment and Town staff requested and received from Weld County the responses provided by the Applicant in a “Pre-Application Review Request Questionnaire” which provides more in-depth information about the proposed amendment. Both documents are attached.

The following are concerns and questions raised in the submittal:

Municipal Boundary

The map submitted by the applicant does not indicate that the Town of Hudson municipal boundary is adjacent along the entire eastern edge of the site along Oak Street and the adjacency makes the property eligible for annexation.

Additionally the south eastern portion of the boundary of the site extends south of I-76. The Town's municipal boundary includes all of the I-76 right of way and the I-76 North Frontage Road. This suggests that the Sparboe Summit Farm property is currently within the Town limits and should be subject to development regulations and property tax liabilities. (See attached map highlighting the

In another mapping omission, the utilities shown in the Oak Street right of way does not identify the 12" water line that serves the Hudson Correctional Facility site.

Traffic Generation and Access

The application indicates that there will be no additional access points to the site other than those driveways that front on Oak Street. However, the applicant fails to acknowledge that access to the facility includes Oak Street, I-76 Frontage Road and through the I-76 Frontage Road and SH 52 intersection. Oak Street and the roadways and intersection of SH 52 and I-76 Frontage Road are Town maintained roadways.

The traffic generation estimates include those associated with operation of the facility such as feed, manure, commodity and chicken trucks. It fails to estimate traffic generated by the 60 full time employees who are employed daily at the site.

There are two main questions to be asked of the property: (1) is the proposed use compatible with our long range master plan; and (2) should the property be considered for annexation to the Town and be afforded the services provided by the town.

Long Range Master Plan.

The Town of Hudson's comprehensive plan is currently undergoing an update and revision. The existing plan map was adopted in 2012 and indicates that the Sparboe Summit Farms property is envisioned as being used for agricultural purposes. The preliminary draft of future land uses discussed with the planning commission identifies the area as being appropriate for non-residential and oil and gas development. (Within the last 3 years the Town has approved a number of Use by Special Review permits for numerous well pad developments in the area.) The current activities on the Sparboe Summit Farm site have been recognized and taken into account in the current and future land use plans for the area and is consistent with those plans.

Annexation

The Town needs to respond to Weld County on whether the Town **DOES** or **DOES NOT** desire the property to be part of the Town of Hudson.

If the answer is that the Town **DOES NOT** desire the property to be part of the Town of Hudson, then Sparboe Summit Farms can pursue development approval in Weld County

Should the Town determine that the property **DOES** belong in the Town and the applicant is willing to be annexed then the process of annexation according to State of Colorado Statues would be followed.

Annexation of the Sparboe Summit Farms would generate annual tax revenues in the amount of \$59,224. 98 (2016 Assessed Value of Land and Buildings = \$1,951,850.00 (x) Hudson mill levy rate of 30.343).

Should the Town determine that the property **DOES** belong in the Town and the applicant declines to accept the invitation to annex to the town then Weld County would **NOT** be able to accept the application for development and Sparboe Summit Farm's request for development would be declined.

A fourth option is the formative stage of consideration and involves the creation of a **Pre-Annexation Agreement**. This agreement essentially states that the property owner will annex to the town at such time as when certain conditions are in place. For example, should the sewer service become adjacent to the property, then annexation of the property would take place.

Until the time the referenced stipulations are met the owner can proceed to develop property in the manner which they desire without any additional Town approval.

The use of a Pre-Annexation Agreement has not been discussed with the applicant at this time. Additionally, the Town has never used such an agreement and thus we would be in 'unchartered' waters, so to speak.

Further discussion is expected at the meeting.

DISCUSSION OF THE NOTICE OF INQUIRY at THE TOWN COUNCIL MEETING, AUGUST 3, 2016.

c. Weld County Notice of Inquiry – Sparboe Farms

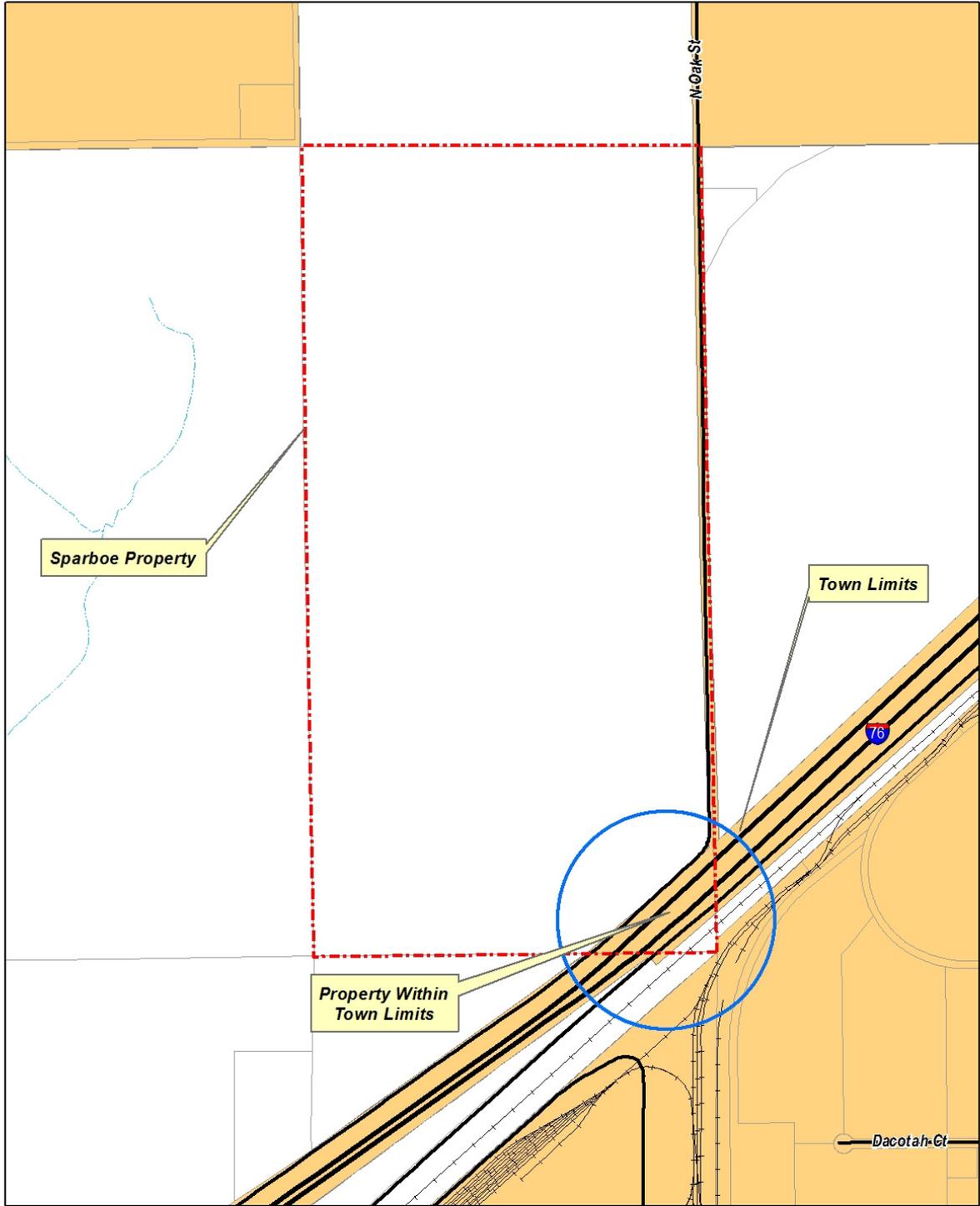
Joe Racine, Town Manager, reported that the Town's "Coordinated Planning Agreement" with Weld County provides for a notice to the Town when development is planned in the defined Urban Growth Area (UGA). The Town has the option to require annexation when "development" occurs in the UGA. On July 21st we received a "Notice of Inquiry" from Weld County regarding a redevelopment proposal from Sparboe Farms to demolish 12 barns on their property and to replace them with eight new cage-free barns. This would increase the capacity of the facility by over 400,000 chickens. The question asked by the Notice is "Do you wish to annex the property?" The Town has until August 11th to respond to the County. If we do not respond by that date, the County is free to continue with consideration of the development.

Tim Naylor, representing Sparboe Farms on behalf of Ag Professionals, reported that this is just a minor amendment to the existing USR Permit. The request is to add a foundation to an existing modular home and to replace 12 existing barns on north side of property with eight larger, cage-free barns. The project will start in approximately 1-2 years and increase their capacity. This would prevent Sparboe from having to truck in cage-free bird eggs. Sparboe Farms is continuing negotiations on purchasing water from the Town of Hudson. He recommended that the Town and Sparboe enter into an access/road maintenance agreement in which Sparboe pays the Town a

yearly maintenance fee. If any road damage occurs beyond the agreement and is deemed the responsibility of Sparboe Farms that would be an additional cost.

Corey Hoffmann, Town Attorney, reported that he does not recommend pre-annexation agreements. They are not useful if the plan is not set to occur in the near future. This is not the type of land use typically found within towns. The entity that regulates Sparboe Farms also deals with any of their complaints.

The Town Council and Town Staff had no objections to this request. Staff will send a letter that there is no desire to annex at this time and ask that Weld County approval include a requirement for a road maintenance agreement.



LOCATION MAP
Sparboe Summit Farms

 Town Limits



Map Not to Scale

August, 2016

MEMORANDUM

3b

TO: Town of Hudson Planning Commission
FROM: Roy Fronczyk thru Joe Racine
DATE: August 5, 2015
SUBJECT: Staff Report – Revisions to the Municipal Code:
Article 84 of Chapter 7 of the Hudson Municipal Code – Backyard Chicken Hens.

I. BACKGROUND:

Staff has received a number of inquiries about keeping chicken hens on properties other than is currently permitted in the R-1 Zoning District. The inquiries have come primarily from owners of single family homes that are located in the B Business Zoning District.

The question for the Planning Commission is whether chickens should be permitted on properties with single family homes regardless of the zoning district.

II. STAFF CONCLUSIONS

Staff finds no issues with the permitting of backyard chicken hens in areas other than those designated as R-1 Zoning. A permit can only be issued to owners of existing single family homes. In the case of a home under construction a certificate of occupancy has to be issued and the unit occupied before a backyard chicken permit will be considered. No other types of housing types such as mobile homes, apartments or attached homes are eligible for a backyard chicken permit.

It is suggested that the issuance of a permit should be a two part process:

- (1) The owner must apply for an approval of use for a single family home in the district which it is currently not permitted, and
- (2) The owner must apply for and conform to the limitations and requirements associated with the issuance of a backyard chicken permit.

The revision to the Hudson Municipal Code was initiated by the Town Planner and further consideration of the item will be undertaken by Town Council and conform to the procedures of ordinance adoption.

A recommendation to the Town Council on this amendment should include findings regarding the appropriate modifications to the Land Development Code and testimony at the hearing.

INSERT PDF Ordinance B