

RESOLUTION NO.

08-17

Series of 2007

TITLE: A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE PORTION OF THE SAND HILLS ANNEXATION PROPERTY ZONED INDUSTRIAL-THREE DISTRICT (I-3), PERMITTING A 1250-INMATE ADULT MEDIUM SECURITY CORRECTIONAL FACILITY

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO, AS FOLLOWS:

Section 1. Findings of Fact as to Conditional Use Permit.

- A. The Town desires to grant a Conditional Use Permit for the I-3 portion of the Sand Hills Annexation Property, the "Property," which portion is described in **Exhibit A**, which is attached hereto and incorporated herein, to allow a 1250-inmate adult medium security correctional facility on the Property.
- B. Public notice has been given of such Conditional Use Permit application by one publication in a newspaper of general circulation within the Town at least fifteen (15) days before the public hearing of such conditional use permit and by posting of the Property at each adjacent public right-of-way.
- C. Written notice of such Conditional Use Permit application was sent by first class mail at least fifteen (15) days prior to the hearing to owners of property within five hundred (500) feet of the property being zoned.
- D. The proposed use in the Conditional Use Permit application, a 1250-inmate adult medium security correctional facility, is appropriate in the location for which it is proposed based on the following findings required by Section 16-60(f) of the Hudson Municipal Code:
 1. The proposed use is in harmony with the general purpose, goals, objectives and standards of the Town comprehensive plan.
 2. There is a proven community need for the proposed use at the proposed location given existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the Town and also within the immediate area of the proposed use.

- a. The proposed use in the proposed location does not result in a detrimental over-concentration of a particular use within the Town or within the immediate area of the proposed use; and
 - b. The area for which the use is proposed is not better suited for or likely to be needed for uses that are permitted as a matter of right within the Industrial-Three District (I-3), given policies or provisions of the comprehensive plan, this chapter or other plans or programs of the Town.
3. The proposed use at the proposed location does not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, either as they presently exist or as they may in the future be developed as a result of the implementation of provisions and policies of the comprehensive plan, Chapter 16 of the Town of Hudson Municipal Code or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice, by the Town or other governmental agency having jurisdiction to guide growth and development of the community.
4. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities and services of the Town or its residents. Where such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the applicant has, as part of the application and as a condition to approval to the Conditional Use Permit (see Section 2. below), committed and guaranteed to providing improvements, facilities, utilities and services in sufficient time and in a manner consistent with the comprehensive plan, Chapter 16 of the Town of Hudson Municipal Code and other plans, programs, maps and ordinances adopted by the Town to guide its growth and development.
5. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
6. The application shows that sufficient screening and landscaping will be used to ensure harmony for adjoining uses. No abutting uses are incompatible and, therefore, no physical barriers are necessary as buffers.

7. The performance criteria upon which the use is conditioned (see Section 2. below) prohibits noise, dust, vibration, odor, and other nuisance problems beyond the interior buffer yard line of the use. Data demonstrating such compliance was made part of the application for the Conditional Use Permit.
8. The proposed use meets the dimensional standards of the Industrial-Three District (I-3).
9. The Board has imposed additional reasonable conditions to protect the public interest and welfare of the community in Section 2. below.

Section 2. Conditions or Restrictions on Conditional Use Permit.

1. The applicant shall commit and guarantee to providing such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the comprehensive plan, Chapter 16 of the Town of Hudson Municipal Code and the Town's *Standards and Specifications for the Design and Construction of Public Improvements*.
2. The applicant shall prevent noise, dust, vibration, odor or other nuisance problems beyond the interior buffer yard line of the use.
3. The applicant shall provide to the Town additional and sufficient raw water to serve the inmates housed in the correctional facility.
4. That the facility be constructed and used as represented only for an adult medium security correctional facility with a maximum population of 1,250 inmates. Any proposed change to the specified use of the facility must be brought back to the Town for a revision to the Conditional Use.
5. That the site plan and building permit for the facility include a plan and application for outdoor lighting of the correctional facility that is designed with internally-directed and fully-shielded lighting and other state-of-the-art methods to minimize off-site glare and sky illumination.
6. That development within the property fully comply with the annexation agreement.
7. That the development substantially comply with the proposed site plan.

8. That a Site Development Plan and a Minor Subdivision be processed and approved prior to issuance of building permits.
9. No inmate shall be released into Hudson or into Weld County when her term is ended, with the exception of those inmates who were bona fide Hudson or Weld County residents prior to incarceration.
10. The grounds outside of the perimeter fence of the correctional facility shall be maintained according to Town code, and trash and other debris that may accumulate in the fencing shall be promptly removed. Landscaping as may be approved on the site development plan and installed at the facility entryway shall be properly maintained.

Section 3. Effective Date. This Resolution shall become effective upon the approval of the ballot question that reads substantially as follows: "Town of Hudson Question No. 1: concerning the amendment of a conditional use permit for the Industrial-Three (I-3) zoned portion of the Sand Hills Annexation. "Shall the Conditional Use Permit for the Industrial Three (I-3) portion of the Sand Hills Annexation be amended to permit adult inmates, and delete the requirement that it be limited to women inmates" at a special election within the Town on June 3, 2008, which special election is hereby called. In the event said ballot question is not approved, this Resolution shall be null and void.

INTRODUCED, READ and PASSED this _____ day of _____, 2008.

TOWN OF HUDSON, COLORADO

Neal Pontius, Mayor

ATTEST:

Judith A. McGill, Town Clerk Pro Tem

EXHIBIT A

I-3 ZONED AREA, LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF HUDSON, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SECTION 26, WHENCE THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26 BEARS NORTH 89°05'59" WEST, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 26 NORTH 01°03'33" WEST 2626.30 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°13'14" WEST 415.22 FEET; THENCE SOUTH 00°00'02" EAST 1432.28 FEET; THENCE SOUTH 89°59'58" WEST 1449.31 FEET; THENCE NORTH 00°00'02" WEST 3290.38 FEET; THENCE NORTH 89°59'58" EAST 1830.26 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SECTION 26; THENCE ALONG SAID NORTH-SOUTH CENTERLINE SOUTH 01°03'33" EAST 1852.77 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,507,345 SQUARE FEET OR 126.431 ACRES, MORE OR LESS.