



TOWN OF KEENESBURG
PLANNING COMMISSION MEETING MINUTES
THURSDAY, MAY 7, 2020, 6:00 P.M.
HELD AT TOWN HALL AT
140 S. MAIN ST., KEENESBURG, CO 80643
AND
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, May 7, 2020, and electronically at <https://global.gotomeeting.com>. Chair Howell called the meeting to order at 6:02 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; Town Attorney, Kathleen Kelly; and Planning Staff, Teri Smith.

Public Comments

None

Approval of Minutes for April 16, 2020

Commissioner Wafel makes a motion to approve minutes for April 16, 2020 with a second by Commissioner Gfeller. Motion carried 5-0; roll call: Chair Howell, Commissioners Greening, Wafel, Gfeller, and Finkenbinder voting yes.

New Business

A. Public Hearing: Rattler Ridge Annexatons 1-6 Zoning to HI (Heavy Industrial)

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 April 15, 22, 29 and May 6, 2020; Mailing on April 21, 2020; and Sign posting, April 24, 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. John Vazquez, 103 Rock Bridge Ct., Windsor, CO 80550 is sworn in and presents background of the composting operations owned by the Wilson's whom currently operate a solid waste disposal site, are fully compliant with all of the development standards and has never had a citation or a violation with Weld County. John further explains that the Wilson's are proposing to bring this operation into the Town of Keenesburg for several reasons, composting operations is a part of their overall vision and second is their vision is to develop an industrial park or complex. John further explains that there have been conversations with the Town Staff in maybe bringing in infrastructure and the proposed green energy project and hoping to work with the Town to bring water and sewer and hopefully create an opportunity for the Town to grow. Chair Howell asks for the Town Planner to present the Staff Report. Todd Hodges presents the site is located at 12002 WCR 59 & County Rd. 51 in Weld County, CO and application is for annexations 1-6. The project is proposing to rezone the property from AG to Heavy Industrial and is currently operated by A1 Organics. A land use case will be processed and heard separately from this annexation and zoning request. After review of the Comprehensive Plan, Municipal Code and referral comments staff finds that this property is within the Growth Management Area and is anticipated to be annexed in the future and is designated as industrial use. Adjacent property owners were notified. Recommends approval of Rattler Ridge with the conditions set forth in Staff Report. Discussions on that this public hearing is for zoning only. Kathleen Kelly explains that the public hearing is a recommendation for the initial zoning and The Board of Trustees has the decision to make regarding the annexation. Chair Howell opens the public comment portion of the hearing asking if there is anyone wanting to speak on this matter, he further explains he has a list of 5 individuals that would like to do so. Art Guttersen at 17506 CR 57, Kersey, CO 80644 being sworn in and testifies that his ranch basically surrounds A1's complex and has ranched in Weld County for over four generations. Art states he has tried to be a good neighbor but since A1 began operating 20 years ago, he has had problems on his property such as foul odor, trash, flies and ground water contamination and has never had a satisfactory response to the problems. He opposes this annexation into town. Craig Rasmuson of 3050 W. 67th Ave., Ste. #100, Greeley, CO 80632 is sworn in and discusses that he has worked for Guttersen Ranch the past 2-3 years and prior worked 15 years in the oil and gas business and this is how he came to know the Guttersen Ranch and family. Craig discusses the impacts and the frustrations they have encountered and that the issues have not been rectified. He further comments on the impacts and the nuances to build a very complex, technical operation that requires significant ongoing monitoring and states his concern that if the property is annexed into the Town of Keenesburg, the monitoring and enforcement of the current operation will over burden the town and its resources. Shawn Guttersen, of 433 Soscol Ave., Ste A100, Napa, CA 94559 is sworn in and gives brief background of his years of being in solid waste and recycling in the composting industry over the past 30 years. He became a part of this project back in 2006 when A1 Organics applied to expand with the Weld County. Shawn further explains the he and Art wrote

letter at that time explaining concerns of the odor, trash, flies, and ground contamination and that their children did not want to even play outside because the smell was so bad. Further discussion on working with Bob Yost and Jeff Wilson with A1, however they can no longer look at the trash over all of the pastures, stay in the house or in the vehicle because of the stench in the air and flies. Carolynne White, 410 17th St., Ste. 2200, Denver, CO 80202 is sworn in explains that she is counsel for the Guttersen Ranch and discusses that the Guttersen's strongly oppose the proposed zoning and annexations for numerous reasons such as the nuisance like behaviors that impact the Guttersen's enjoyment of the property such as fly populations, foul odors, trash blowing and ground water contaminations. Carolynne further explains that the Guttersen's are concerned that the proposed annexations would exacerbate these problems along with this being a highly complex facility and how the Town of Keenesburg would handle any regulatory burdens and enforcement of these issues. Dave Stewart, 748 Whalers Way, Ste. 210, Ft. Collins, CO 80527 is sworn in and presents his background with the Guttersen Ranch which hired him to do some work on environmental issues associated with A1 Organics in which he found extensive odor, fly and trash issues and ground water issues. He further comments that the issue before the Planning Commission is that the Plasma operation is significantly more complicated and has tremendous issues associated with water, air quality, waste-water discharge and fire protection. Dave further explains that he has a PHD in Environmental Engineering from CSU, a professor with Colorado School of Mines and has own consulting firm and feels that before annexing this property the Town needs to really understand exactly what the impact will be both environmentally and physically. Chair Howell asks for further comments from applicant. John Vazquez speaks again to explain that A1 was selected as the Gold Level Partner in the Colorado Environment Leadership program, selected as the United States Compost Counsel of the year, CDHPE primary stake holder on solid waste initiatives, selected by Colorado Association of Recycling for their lifetime achievement award recipients and serve on US composting counsel Board of Directors Executive Committee member. Further comments that this is a highly complicated and sophisticated program that they are proposing but have some of the best minds and consulting firms in the nation, of not it the world working on this project. John's conversations with Weld County is there are no actual citations or violations on file. Chair Howell asks for further questions from Town Staff. None. Discussion on why the zoning was not changed by Weld County prior to this being presented. Kathleen Kelley answers that this is an initial zoning and not a re-zoning. Discussion from Shawn Guttersen with regards who will in the event that the annexation is approved, will follow through with the corrective action of the contaminated ground water, will it fall to the Town, the County or the State. Kathleen Kelley states that her understanding of the matter is that mediation will be done with the State Regulatory Agency. John Vazquez further adds CDHPE and the Division of Ground Water Quality will be addressing the ground water issue. All necessary permits are in process of being procured. The State is the ultimate entity that would be the enforcement and Town of Keenesburg is the issuer of the Certificate of Designation. Discussions from Planning Commission on what it will take as a

Town to maintain it and to keep them compliant. Debra comments that the Town of Keenesburg will be responsible for enforcing the municipal code. John Vasquez further adds that they do have USR application to be reviewed prior to Town of Board Meeting and should the Board not approve they will go back to the county for the USR, which is not their desire. The county board of commissioners has the authority to revoke any USR based off the violations of the development. A1 would do the same with the Town should this be approved. The State is going to enforce the engineering, design and operations plan and takes the burden from the Town. Further discussions from the Planning Commission on do we plan on expanding staff in order take complaints, if we will have an USR and an annexation and why this is not a use by right instead of an USR. Debra comments that the Town has the ability to utilize consultants if needed, and that we will have an USR and an annexation and that this is listed as Use by Right in our code. 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. None. Chair asks for questions from the Planning Commission. Discussion regarding the impression that the Planning Commission is in approval of it. Debra states that the area that they are requesting to be zoned Heavy Industrial has been designated in our comprehensive plan, therefore, the plan does support the zoning of Heavy Industrial and that this is the name of the annexation and the land we proposing to zone. John Vazquez states that he understands concerns but there has been no official violations or court documents and there is nothing to corroborate the claims. Discussions regarding the issues that have been presented be potentially vetted out in the Town Board Public Hearing. Kathleen Kelley explains that the Planning Commission has options in continuing the Public Hearing for initial zoning but would be after the Town Board Meeting on May 18, 2020. Dave Stewart asks to speak again after the closing of the public comment portion of the hearing. Chair Howell allows him to do so. Dave explains that the State of Colorado has an order regarding ground water contamination so, as to say no violations, is not an accurate statement and need to be aware of. John Vazquez states that there are ongoing negotiations and does require technical review. Chair Howell asks for questions. None. Chair closes the public hearing at 7:22 p.m.

**B. RESOLUTION NO. PC2020-04 A Resolution
Recommending approval of an initial zoning request for
property to be annexed to the Town of Keenesburg known
as the Rattler Ridge Annexation No. 1-6 to the Town of
Keenesburg**

Discussions regarding continuation of this Public Hearing to June 4, 2020. Commissioner Greening makes a motion to approve Resolution PC2020-04 A Resolution recommending approval of an initial zoning request for property to be annexed to the Town of Keenesburg known as the Rattler Ridge Annexations No. 1-6 to the Town of Keenesburg with a second by Commissioner Wafel. Motion carried 5-0; Chair Howell, Commissioners Greening, Wafel, Gfeller and Finkenbinder voting yes.

Old Business

C. Proposed ORDINANCE 2020-07 for review and consideration of the board

Debra states that this a draft ordinance relating to language as it relates to parking. It has been considered and tabled and has not yet been adopted as the Town Board has some concerns about the design standards and time to review them. Discussion on parking areas. Deb states this is for front yards only and will ask Nick to change some verbiage on parking.

Board Comments / Reports

None

Adjournment

Motion was made by Commissioner Wafel to adjourn the meeting at 7:43 p.m., with a second by Commissioner Greening. Motion carried 5-0; roll call; Chair Howell, Commissioners Greening, Wafel, Gfeller and Finkenbinder, voting yes.

ATTEST:

John Howell
Chairperson

Teri Smith
Planning Staff