

ORDINANCE #911

**AN ORDINANCE ADOPTING ORDINANCE PROVIDED FOR IN NOVEMBER 3, 2015 ELECTION
INITIATIVE QUESTION #300**

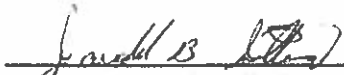
WHEREAS, A Coordinated Mail Ballot Election was held in conjunction with Otero County on Tuesday, November 3, 2015; and

WHEREAS, the electors of the City of Rocky Ford voted to adopt the ordinance as provided for in the full initiative text for Ballot Initiative Question 300 with effective date of January 1, 2016;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Rocky Ford, Colorado as follows:

1. The Rocky Ford City Council shall enact ordinances prior to March 1, 2016 and effective April 1, 2016 that
 - a. provide local regulation and licensing of medical marijuana center, optional premises cultivation operations, and medical marijuana infused products manufacturers in the City of Rocky Ford and any hereinafter annexed areas of the City of Rocky Ford; and
 - b. permit such uses as uses by review within districts zoned or hereinafter zoned as Local Commercial Districts, Highway Commercial Districts, Light Industrial Districts, and Industrial Districts, or equivalently zoned districts regardless of future nomenclature, and subject to distance restrictions only as set forth in Colorado law; and
 - c. providing a maximum application fee for any medical marijuana license of \$2,500.00 and a maximum annual license fee of \$2,500.00
2. All ordinances prohibiting medical marijuana centers, optional premises cultivation medical marijuana infused products manufacturers in the City of Rocky Ford, or that are inconsistent or conflicting with this ordinance are repealed to the extent of such inconsistency or conflict effective at 12:01 a.m. March 1, 2016.
3. The Rocky Ford City Council shall not amend this ordinance, with the sole exception of paragraph 1(c) as provided below, without prior approval by a majority of the City of Rocky Ford electorate.
4. Commencing in 2019, the Rocky Ford City Council may increase the maximum application fee and maximum annual license fee by a percentage equal to the rate of inflation for the prior year as shown by the Denver-Boulder-Greeley Consumer Price Index by ordinance.
5. The officers of the City shall take all action necessary or appropriate to effectuate the provisions of this ordinance.
6. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance and shall not affect application to other persons or circumstances.

The City Council of the City of Rocky Ford, Colorado, hereby finds and declares that an emergency exists and that the public health, welfare, and safety requires that this ordinance shall be and become effective five days after its final passage and publication.


Jarold Sitton, Mayor
City of Rocky Ford

ATTEST:


Rebecca Korinek, Deputy City Clerk



Passed first reading this 24th day of November, 2015.

Approved and adopted final reading this 8th day of December, 2015.

-ORDINANCE INITIATIVE QUESTION #300

AN ORDINANCE PROVIDING FOR THE LOCAL REGULATION AND LICENSING OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURERS IN THE CITY OF ROCKY FORD, EFFECTIVE JANUARY 1, 2016

- 1. The Rocky Ford City Council shall enact ordinances prior to March 1, 2016 and effective April 1, 2016 that**
 - a. provide for local regulation and licensing of medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturers in the City of Rocky Ford and any hereinafter annexed areas of the City of Rocky Ford; and**
 - b. permit such uses as uses by review within districts zoned or hereinafter zoned as Local Commercial Districts, Highway Commercial Districts, Light Industrial Districts, and Industrial Districts, or equivalently zoned districts regardless of future nomenclature, and subject to distance restrictions only as set forth in Colorado law; and**
 - c. providing a maximum application fee for any medical marijuana license of \$2,500 and a maximum annual license fee of \$2,500.**
- 2. All ordinances prohibiting medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturers in the City of Rocky Ford, or that are inconsistent or conflicting with this ordinance are repealed to the extent of such inconsistency or conflict effective at 12:01 a.m. March 1, 2016.**
- 3. The Rocky Ford City Council shall not amend this ordinance, with the sole exception of paragraph 1(c) as provided for below, without prior approval by a majority of the City of Rocky Ford electorate.**
- 4. Commencing in 2019, the Rocky Ford City Council may increase the maximum application fee and maximum annual license fee by a percentage equal to the rate of inflation for the prior year as shown by the Denver-Boulder-Greeley Consumer Price Index by ordinance.**
- 5. The officers of the City shall take all action necessary or appropriate to effectuate the provisions of this ordinance.**
- 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance and shall not affect application to other persons or circumstances.**

CITY OF ROCKY FORD, COLORADO
ORDINANCE NUMBER 922

AN ORDINANCE CONCERNING ANNEXATION OF PROPERTY

WHEREAS, completed annexation petitions were filed with the City of Rocky Ford on the 21st day of July, 2016, by Randall Kurtz, Managing Member of Habitat Construction, L.L.C., and William R. McKnight, Manager of McKeefe Ventures, L.L.C.; and

WHEREAS, the territory is eligible for annexation under the provisions of Colorado Revised Statutes, Chapter 31, Articles 12, and is in substantial compliance with said Statutes; and

WHEREAS, the persons signing the Petition for Habitat Construction, L.L.C, comprise more that 50% of their respective area proposed to be annexed, exclusive of public streets and alleys and land owned by the City of Rocky Ford pursuant to the Colo. Const. Art. II, Sec. 30(b). Said landowners attest to the facts and agree that the conditions herein contained negate the necessity of any annexation election; and

WHEREAS, the persons signing the Petition for McKeefe Ventures, L.L.C, comprise more that 50% of their respective area proposed to be annexed, exclusive of public streets and alleys and land owned by the City of Rocky Ford pursuant to the Colo. Const. Art. II, Sec. 30(b). Said landowners attest to the facts and agree that the conditions herein contained negate the necessity of any annexation election;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKY FORD, COLORADO:

Section 1. All proceedings for the annexation of the City of Rocky Ford, Colorado, of the lands hereinafter described are approved.

Section 2. There is hereby annexed to the City of Rocky Ford, Colorado, the real estate described as follows, to-wit:

A. A tract of land for annexation purposes lying in the SW1/4NW1/4 and in the NW1/4SW1/4 of Sec. 17, T.23S., R.56W. of the 6th P.M., being more particularly described as follows:

Beginning at the Southwest corner of the SW1/4NW1/4 of said Sec., 17; thence N.1°03'32"W., along the West line of said Sec. 17, a distance of 130.66 feet; thence S.85°57'51"E., 82.12 feet; thence N.25°53'41"E., 50 feet; thence S.64°06'19"E., 100 feet; thence N.25°53'41"E., 130.00 feet to a pint on the Southerly Right-Of-Way line of the Burlington Northern Santa Fe Railroad; thence S.64°06'19"E., along said railroad line, a distance of 147.66 feet; thence S.24°32'26"W., 481.00 feet; thence N.58°35'17"W., 209.00 feet to a point on the West line of said Sec., 17; thence N.1°03'32"W., 150.00 feet to the point of beginning. In the County of Otero, State of

Colorado. Annexation Tract contains 2.53 Acres.

- B. A tract of land for annexation purposes lying in the SW1/4NW1/4 and in the NW1/4SW1/4 of Sec. 17, T.23S., R.56W. of the 6th P.M., being more particularly described as follows:

Beginning at the SW corner of said SW1/4NW1/4 as monumented by a 3" diameter aluminum magnetic monument, properly marked; thence along the East-West centerline of said Sec., 17, N.88°59'00"E., 833.06 feet; thence S.25°08'12"W., 50.00 feet to the TRUE POINT OF BEGINNING; thence N.64°06'19"W., along the Southerly Right-Of-Way of the AT&SF Railroad, 477.48 feet; thence S.24°32'26"W., 440.00 feet, more or less, to the Northerly Right-Of-Way of the Rocky Ford Ditch; thence S.64°07'58"E., along the Northerly Right-Of-Way of the Rocky Ford Ditch, 472.90 feet; thence N.25°08'12"E., 439.70 feet to the True Point Of Beginning. In the County of Otero, State of Colorado. Annexation Tract contains 4.797 acres.

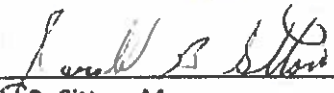
Section 3. The City Clerk of the City of Rocky Ford is hereby directed, upon final passage and approval of this Ordinance to keep on file in her office, a map or plat of the annexed territory, and to file two copies of said map or plat and two certified copies of said Ordinance with the County Clerk and Recorder of Otero County, Colorado; one copy of the Ordinance and the map to be retained by the Clerk and Recorder and the other copy of the Ordinance and map to be filed with the Division of Local Government of the Department of Local Affairs.

PASSED on first reading this 25th day of April, 2017.

ADOPTED AND APPROVED on second reading this 9th day of May, 2017.

ATTEST:


Cheryl Grasmick, City Clerk


Jarold B. Sitton, Mayor





ROCKY FORD CITY COUNCIL
April 25, 2017

Rocky Ford City Council met for a work session with City Manager Gary Cox at 6:00 p.m. on Tuesday, April 25, 2017 in Council Chambers. Following the work session, they met in regular session at 7:00 p.m. Mayor Sitton called the regular meeting to order. Those present at roll call were:

Mayor: Jarold Sitton

Councilmembers: Susan Jung, J. R. Thompson, Charles Pattie, Rachel Patrick, Rich Geist, Leon Ortega

Staff: City Manager Gary Cox, City Attorney H. Barton Mendenhall, City Clerk Cheryl Grasmick

Others present: Sally Cope, Bill McKnight, Randy Kurtz, Jack E. Barker, Cliff Hosea, Rich Hosea, Dora Luna, Frances Perez, Felicia Montoya, D. Jaramillo, 6 unidentified supporters for Jack Barker, Brian Burney, Mike Jurney, Paul Renteria, Jolly Rose, Dorothy Perea.

Mayor Sitton led the Pledge of Allegiance.

APPROVAL OF MINUTES

Councilmember Thompson moved to approve the minutes of the regular April 11, 2017 Council meeting as presented. Motion was seconded by Councilmember Patrick. Voting results were:

YES	Jung, Thompson, Pattie, Patrick, Geist, Ortega, Sitton
NO	None

Motion carried 7-0.

APPROVAL OF AGENDA

It was moved by Councilmember Thompson and seconded by Councilmember Ortega to approve the agenda as presented with consent items. Voting results were:

YES	Jung, Thompson, Pattie, Patrick, Geist, Ortega, Sitton
NO	No

Motion carried 7-0.

Consent items approved were a hotel & restaurant liquor license renewal for Mission Deli located at 401 N 145h Street in Rocky Ford, and ten special event permits for the Arkansas Valley Exposition and Fair Association for the following dates:

May 6, 2017	11:00 a.m. to 12:00 Midnight	Kentucky Derby Party at Gobin Bldg.
Aug 16, 17 & 20, 2017	11:00 a.m. to 12:00 Midnight	AVF Grandstand Beer Garden
Aug 18 & 19, 2017	11:00 a.m. to 1:00 a.m.	AVF Grandstand Beer Garden
Aug 16 & 17, 2017	11:00 a.m. to 12:00 Midnight	AVF Entertainment Pavilion
Aug 18 & 19, 2017	11:00 a.m. to 1:00 a.m.	AVF Entertainment Pavilion

CITIZEN'S REQUEST TO SPEAK TO COUNCIL

Jack Barker, owner of IWT, advised Council of his concerns for security for city property he is leasing on Industrial Park Road. He observed that the property is being used a lot by the public. Because of burglary concerns, he and his employees are "manning" the property 24/7. Mr. Barker presented two requests to

Council. First, he asked Council for the authority to post and gate the property. His second request was that Council consider owner financing for a loan so that he could purchase the property. Mayor Sitton thanked him for his comments and said that Council would take his requests under advisement.

Mike Journey and Brian Burney, both local business owners, spoke in favor of the City working with Jack Barker to keep IWT in the community. They both expressed a need to keep businesses here.

Paul Renteria addressed Council with his concerns with possible problems if the Habitat Construction, LLC, and McKeefe Ventures LLC properties were annexed into city limits. Mr. Renteria said that drugs were already an issue in the area and he did not feel the City needed any more. He wanted Council to answer questions on how water and wastewater would be addressed for a marijuana grow, how burning would affect the quality of the air for the community, how ventilation would be provided and how the property security would be addressed. Council advised Mr. Renteria that they would only be considering the annexation of the properties during the public hearing and that use of the property would be a future matter that must follow zoning code. Any issues regarding use would need to be addressed separately from the hearing. Mayor Sitton reiterated that the annexation hearing was for the property only and that any future use of the building was not under consideration at this point.

PUBLIC HEARING FOR ANNEXATION

Mayor Sitton opened the public hearing for the two annexation requests submitted by Habitat Construction, LLC, and McKeefe Ventures, LLC, at 7:15 p.m. in Council Chambers. Council was presented with packets containing the annexation petitions and accompanying documents, which were admitted as exhibits. Staff did not have any further information to add to the packets. The two applicants were sworn in and had nothing more to say when asked if they wanted to testify.

After being sworn in to testify, Paul Renteria addressed Council with his concerns with possible problems if the Habitat Construction, LLC, and McKeefe Ventures LLC properties were annexed into city limits. Mr. Renteria said that drugs were already an issue in the area and he did not feel the City needed any more. He wanted Council to answer questions on how water and wastewater would be addressed for a marijuana grow, how burning would affect the quality of the air for the community, how ventilation would be provided and how the property security would be addressed. Council advised Mr. Renteria that they would only be considering the annexation of the properties during the public hearing and that any other use of the property would have to go through other processes. Mayor Sitton reiterated that the annexation hearing was for the property only and that any future use of the building was not under consideration at this point.

No one else spoke for or against the petition requests at this time. After Council confirmed they did not have any questions or discussion, Mayor Sitton closed the public hearing at 7:20 p.m.

ORDINANCE CONSIDERATION

Following the closing of the public hearing for the annexation, Ordinance #922 concerning annexation of property was introduced, considered and passed on first reading. Councilmember Thompson moved to approve **Ordinance #922: An Ordinance Concerning Annexation Of Property** on first reading.

Councilmember Patrick seconded motion. Voting results were:

YES	Jung, Thompson, Pattie, Patrick, Geist
NO	None
ABSTAIN	Ortega, Sitton

Ordinance #922 passed on first reading 5-0, with 2 abstentions.

Councilmember Ortega and Mayor Sitton advised Council that they abstained from voting because of prior conversations with Bill McKnight from McKeefe Ventures, LLC.

STAFF REPORTS AND UPDATES

City Manager Gary Cox reported on the following items:

- Public Safety Building meeting was held April 20. Members of committee were advised that the project funding is short. Additional funding will be needed to complete the project. Grant application was not accepted by the Gates Foundation and other funding options have been pretty well exhausted. The next step will be to meet with USDA to discuss any options available with their department. One of suggestions proposed during building committee meeting was to make the emergency service fund an enterprise fund, similar to the water, sewer and garbage funds. This will be researched and an ordinance will be drafted to present to Council for their consideration.
- Repair work on a part of sewer line in City Hall basement is completed. Rotted cast iron pipe was removed and replaced with PVC. If the rusted pipes had broken, City would have faced a major catastrophe with ruined records and computers that are stored downstairs. Two commodes still need to be replaced in the ladies restroom in north hall.
- Groundbreaking ceremony for Melon Field Project is May 1 at 8:30 a.m.
- CIRSA/CML workshop presentation by Tami Tanoue will be May 4 from 5:30 p.m. to 7:00 p.m. at La Junta Senior Center.
- City Manager Cox gave an update on cement project along Highway 50 west by Global Treasurz. Because setting rocks in the cement would have created a trip hazard, only colored concrete was used.

OLD BUSINESS – None

NEW BUSINESS – None

RESOLUTION CONSIDERATION – None

CITIZEN'S REQUEST TO SPEAK TO COUNCIL - None

MAYOR AND CITY COUNCIL – SPECIAL REPORTS & UPDATES

Councilmember Pattie reported on OCLI/OPI meetings. OCLI is basically waiting for the state health department's approval of soil samples so they can continue with steps for closure Site 1. They are basically at a standstill until they get that approval. The Otero County Health Department will conduct a waste audit on May 16. OPI approved one more loan application and are done until next quarter.

Councilmember Jung shared that she plans on sponsoring a table at "Cruisin' Into Summer" to collect pledges and donations for the public safety building. She will set up her table in front of City Hall from 10:00 a.m. to 2:00 p.m. on June 3; her goal is set for \$300.00.

Mayor Sitton participated in an Action 22 conference call. The committee is looking at a house bill (HB) regarding road tax. Next meeting for Action 22 is May 14 in Pueblo. Mayor Sitton then gave updates for the Tree Board. They are happy with the cement project. Arbor Day celebration presentations and activities are planned for April 27, 2017. Sites for planting trees are the Rocky Ford High School, Jefferson Intermediate School and in front of City Hall.

EXECUTIVE SESSION

Councilmember Jung moved that Council and City Manager Gary Cox go into executive session with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. § 24-6-402(4)(b). Motion was seconded by Councilmember Thompson

Voting results were:

YES	Jung, Thompson, Pattie, Patrick, Geist, Ortega, Sitton
NO	None

Motion carried 7-0.

Council went into executive session in the conference room at 7:32 p.m. and returned from the session at 8:05 p.m. Mayor Sitton announced that participants in the executive session were Councilmembers Jung, Thompson, Pattie, Patrick, Geist, Ortega, himself, City Manager Gary Cox and City Attorney Bart Mendenhall. No one stated any concern for the record when Mayor Sitton asked if any participants believed any improper discussion or action.

There was no further action taken at this time.


ITEMS FOR NEXT AGENDA

- Second Reading for Ordinance #922: An Ordinance Concerning Annexation of Property
- IWT discussion

ADJOURNMENT

Councilmember Thompson moved to adjourn. There being no further business, Mayor Sitton adjourned meeting.




 Jarold Sitton, Mayor


 Cheryl Grasmick, City Clerk

RESOLUTION NO. 3
SERIES 2017

A RESOLUTION SETTING A PUBLIC HEARING AND INITIATING ANNEXATION AND ZONING PROCEEDINGS FOR UNINCORPORATED TERRITORY IN THE COUNTY OF OTERO, STATE OF COLORADO TO THE CITY OF ROCKY FORD, COLORADO.

WHEREAS, the City Council of the City of Rocky have considered the recommendation of the Rocky Ford Planning Commission which found substantial compliance of the annexation petitions submitted by Randall Kurtz, Managing Member of Habitat Construction, L.L.C., and William R. McKnight, Manager of McKeefe Ventures, L.L.C.; and

WHEREAS, C.R.S. §31-12-108 requires the City Council establish a date, time, and place for a hearing to determine if the proposed annexation complies with C.R.S. §31-12-104 and §31-12-105, or such parts thereof, to establish eligibility for annexation to the City of Rocky Ford, Colorado.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKY FORD, COLORADO, as follows:

1. The City Council of the City of Rocky Ford, Colorado, hereby finds that the annexation petition submitted for the Habitat Construction, L.L.C. property denominated as the Southeast Annexation, as described on Exhibit A attached hereto and incorporated herein, is in substantial compliance with the requirements of C.R.S. §31-12-107 (1).
2. The City Council of the City of Rocky Ford, Colorado, hereby finds that the annexation petition submitted for the McKeefe Ventures, L.L.C. property denominated as the Southeast Annexation, as described on Exhibit B attached hereto and incorporated herein, is in substantial compliance with the requirements of C.R.S. §31-12-107 (1).
3. The City Council of the City of Rocky Ford, Colorado, shall hold a hearing to determine if the proposed annexation complies with C.R.S. §31-12-104 and §31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part I, Article 12, Title 31 C.R.S. The public hearing shall be held at 7:00 p.m. on the 25th day of April, 2017 in the Council Chambers of the Rocky Ford City Administration Building, 203 South Main Street, Rocky Ford, Colorado 81067.
4. The City Clerk is hereby authorized to publish and notify required parties pursuant to C.R.S. §31-12-108 (2).

PASSED, APPROVED, ADOPTED AND SIGNED this 14th day of March, 2017.

CITY OF ROCKY FORD, COLORADO

By: Jarold B. Sitton
Jarold B. Sitton, Mayor

ATTEST:

Cheryl Grammick
Cheryl Grammick, City Clerk



EXHIBIT A
ANNEXATION PETITION 1

Legal Description of the entire property to be annexed

A tract of land for annexation purposes lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, T.23S., R.56W. of the 6th P.M., being more particularly described as follows:

Beginning at the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 17; thence N.1°03'32"W., along the West line of said Sec. 17, a distance of 130.66 feet; thence S.85°57'51"E., 82.12 feet; thence N. 25°53'41"E., 50 feet; thence S.64°06'19"E., 100 feet; thence N.25°53'41"E., 130.00 feet to a point on the Southerly Right-Of-Way line of the Burlington Northern Santa Fe Railroad; thence S.64°06'19"E., along said railroad line, a distance of 147.66 feet; thence S.24°32'26"W., 481.00 feet; thence N.58°35'17"W., 209.00 feet to a point on the West line of said Sec. 17; thence N.1°03'32"W., 150.00 feet to the point of beginning. In the County of Otero, State of Colorado.

The Annexation Tract contains 2.53 Acres.

EXHIBIT B
ANNEXATION PETITION 2

Legal Description of the entire property to be annexed

A tract of land for annexation purposes lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, T.23S., R.56W. of the 6th P.M., being more particularly described as follows:

Beginning at the SW corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ as monumented by a 3" diameter aluminum magnetic monument, properly marked; thence along the East-West centerline of said Sec. 17, N.88°59'00"E., 833.06 feet; thence S.25°08'12"W., 50.00 feet to the TRUE POINT OF BEGINNING; thence N.64°06'19"W., along the Southerly Right-Of-Way of the AT&SF Railroad, 477.48 feet; thence S.24°32'26"W., 440.00 feet, more or less, to the Northerly Right-Of-Way of the Rocky Ford ditch; thence S.64°07'58"E., along the Northerly Right-Of-Way of the Rocky Ford Ditch, 472.90 feet; thence N.25°08'12"E., 439.70 feet to the True Point of Beginning. In the County of Otero, State of Colorado.

The Annexation Tract contains 4.797 acres.



CITY OF ROCKY FORD -PLANNING COMMISSION
October 25, 2017

Rocky Ford Planning Commission met on Tuesday, October 25, 2017. Those present at roll call were:

Commissioners	Chris Ford Liz Fairchild Rachel Patrick
Commission President	Cindy Cowan
Mayor	Jerry Sitton
City Attorney	H. Barton Mendenhall
Deputy City Clerk	Rebecca Korinek

Others present: Bill McKnight, Jolly Rose, Rick Bailey, Susan Jung, Tom Martin and J.R. Thompson

Commission President Cindy Cowan called the meeting to order and led the Pledge of Allegiance.

Commissioner Rachel Patrick read aloud the purpose of the Planning Commission.

APPROVAL OF AGENDA

Commissioner Sitton moved to approve the Agenda. Motion was seconded by Commissioner Fairchild. Voting results:

YES	Sitton , Cowan, Fairchild, Ford, Patrick
NO	None
ABSENT	Patrick

Motion carried 4-0

APPROVAL OF MINUTES

Commissioner Sitton moved to approve the Meeting Minutes of 10/04/2017. Motion was seconded by Commissioner Fairchild. Voting results:

YES	Ford, Patrick, Sitton, Cowan, Fairchild
NO	None
ABSENT	None

Motion carried 5-0

OLD BUSINESS None

NEW BUSINESS

Application for Use by Review
William R. McKnight/McKeefe Ventures, LLC
Request for a Special Use Permit

Bill McKnight addressed the Commissioners to request a special use permit for the property located at 20094 Highway 50, Rocky Ford, Co, for the manufacture of infused products and the growing and selling of medical marijuana. Mr.

McKnight informed the Commissioners that he believes that the additional taxes that will be collected will be very beneficial for the City of Rocky Ford,

Commission President Cowan asked Mayor Sitton if the voters had passed Initiative 300. Mayor Sitton responded that yes, the voters did pass that. Commissioner Cowan then asked if the Rocky Ford City Council did adopt and pass Initiative 1(b) to the Rocky Ford Ordinance, stating that commercial and industrial districts are zoned for medical marijuana centers. Mayor Sitton responded with a yes.

Commissioner Cowan asked if there were any additional comments from Commissioners or Public Comments.

Tom Martin, Rocky Ford, Colorado, addressed the Commissioners. Mr. Martin commented that he had no problem with the application for use by review but disagreed with some comments made by Mr. McKnight regarding property taxes paid. Mr. Martin commented that he believed there are property taxes that are unpaid. Mr. McKnight responded that the Plant at that location has been shut down for two years and he reported that he had made arrangements with the Otero County Treasurer and with his Bank regarding taxes.

Commissioner Cowan read aloud the Use by Review form.

Question #1 – Is the requested use listed as a Use by Review in the district in which the parcel is located? Voting results:

YES	Cowan, Fairchild, Ford, Patrick, Sitton
NO	None
ABSENT	None

Question #2 – Will the granting of the Use by Review request substantially modify the intent, purpose or spirit of the Municipal Zoning Code? Voting results:

YES	Fairchild
NO	Ford, Patrick, Sitton, Cowan
ABSENT	None

Question #3 – Will the granting of the Use by Review request incorporate a reasonable means to create an environment harmonious with that of the surrounding property? Voting results:

YES	Ford, Patrick, Sitton
NO	Cowan, Fairchild
ABSENT	None

Question #4 – Will the Use by Review request adversely affect the public health, safety or welfare? Voting results:

YES	Cowan
NO	Patrick, Sitton, Fairchild, Ford
ABSENT	None

Use by Review request approved by majority vote

Commissioner Patrick moved to approve the Special Use Permit and to refer the matter to City Council for their consideration. Motion was seconded by Commissioner Sitton. Voting results:

YES	Ford, Patrick, Sitton, Cowan, Fairchild
NO	None
ABSENT:	None

Subdivision

N.E. Colorado Cellular Inc., dba Viaero Wireless/Mountain Tower and Land, LLC

Commission President Cowan apologized to Rick Bailey for not addressing the subdivision at the last meeting which required the setting of another hearing.

Rick Bailey addressed the Commission and informed them that the request for subdivision is a shuffling of lots in order to build the Cell Tower. Commission President Cowan noted that the lots are in C1 and I1. Commission President Cowan also informed Mr. McKnight that the remaining plot would not be able to be subdivided as it is not big enough.

Mr. Tom Martin informed the Commissioners that he owns property across the street from Cork Brothers Liquor and he stated that he was not notified of this hearing. Mr. Martin reported that he is trying to reopen the business. Mr. Martin informed the Commissioners that he was speaking to represent an investor that is in the process of filing for a treasurer's deed for the property at 1149 Railroad. City Attorney Mendenhall responded that any taxes owed on the property had no bearing on tonight's hearing, the matter is between the buyer and seller and has nothing to do with, nor is it a barrier to whether or not the Planning Commission agrees to the subdivision.

Commission President Cowan noted that the application meets all the requirements for a subdivision.

Commissioner Sitton moved to approve the subdivision and to refer the matter to City Council for their consideration. Motion was seconded by Commissioner Patrick. Voting results:

YES	Ford, Patrick, Sitton, Cowan, Fairchild
NO	None
ABSENT	NONE

PUBLIC COMMENTS - None

ITEMS FOR NEXT MEETING None

ADJOURNMENT

There being no further business the meeting was adjourned.

Cindy Cowan, Commission President

Rebecca Korinek, Deputy City Clerk



CITY OF ROCKY FORD -PLANNING COMMISSION
July 18, 2017

Rocky Ford Planning Commission met on Tuesday, July 18, 2017. Those present at roll call were:

Commissioners	Chris Ford Liz Fairchild Rachel Patrick
Commission President	Cindy Cowan
Mayor	Jerry Sitton
City Attorney	H. Barton Mendenhall
Deputy City Clerk	Rebecca Korinek

Others present: Bill McKnight, Susan Jung, Dorothy Perea and Jolly Rose

Commission President Cindy Cowan called the meeting to order and led the Pledge of Allegiance.

Commissioner Rachel Patrick read aloud the purpose of the Planning Commission.

APPROVAL OF AGENDA

Commission President Cindy Cowan asked for a motion to add approval of minutes to the agenda. It was moved by Commissioner Sitton and seconded by Commissioner Patrick to add the approval of minutes to the Agenda. Voting results:

YES	Fairchild, Cowan, Sitton, Patrick, Ford
NO	None
ABSENT	None

Motion carried 5-0

Commissioner Patrick moved to approve the Agenda. Motion was seconded by Commissioner Sitton. Voting results:

YES	Cowan, Sitton, Patrick, Ford, Fairchild
NO	None
ABSENT	None

Motion carried 5-0

Commissioner Patrick moved to approve the Meeting Minutes of 2/22/17. Motion was seconded by Commissioner Fairchild. Voting results:

YES	Sitton, Patrick, Ford, Fairchild, Cowan
NO	None
Absent	None

Motion carried 5-0

OLD BUSINESS None

NEW BUSINESS

**Application for Use by Review
William R. McKnight / McKeefe Ventures, LLC
Request for a Special Use Permit**

Bill McKnight addressed the Commissioners. Mr. McKnight asked Commissioners to adopt Initiative Question #300, allowing marijuana in industrial zone and to allow for the growth, harvest and retail of medical marijuana in industrial zone 1 by amending the zoning codes in Ordinance #916

Commission President Cowan asked Mayor Sitton if the City had taken any steps to amend the ordinance and the municipal zoning code to reflect the three areas on the Initiative Question 300 for medical marijuana centers, optional premises cultivation operations and medical marijuana infused products. Mayor Sitton responded that the City Council had not taken any action.

Commission President Cowan commented that the Planning Commission would be unable to consider the Application for Use by Review at this time. The City Council had not taken the necessary steps to amend the ordinance and zoning codes. Commission President Cowan informed Mr. McKnight that the ordinance and the municipal coding must match. City Council needs to approve the changes first.

City Attorney Bart Mendenhall informed Mr. McKnight that he would like to meet with McKnight's attorney Dan Hyatt to discuss the ordinance and zoning.

Planning Commissioner's apologized to Mr. McKnight and thanked him for his patience. Mr. McKnight was assured that after City Council approves the ordinance change and any amendments to the Code, then the Planning Commission will meet to consider his Application for Use by Review. Commission President Cowan also commented that Mr. McKnight should not have to pay additional fees.

PUBLIC COMMENTS - None

ITEMS FOR NEXT MEETING

Review, Discussion, Possible Action of Application for Use by Review

ADJOURNMENT

There being no further business the meeting was adjourned.

Cindy Cowan, Commission President

Rebecca Korinek, Deputy City Clerk



CITY OF ROCKY FORD

203 South Main * Rocky Ford, CO 81067 * (719)254-7414 * Fax (719)254-7416

The City of Rocky Ford Planning Commission held a meeting on Wednesday, February 22, 2017.

The City of Rocky Ford Planning Commission found substantial compliance of Annexation Petition 1 and Annexation Petition 2 and voted to recommend Annexation Petition 1 and Annexation Petition 2 to the Rocky Ford City Council for their consideration.

Cindy Cowan, Planning Commission

Attest:

Rebecca Korinek, Deputy City Clerk

PETITION 1
PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF OTERO, STATE OF COLORADO
TO THE CITY OF ROCKY FORD, COLORADO

TO THE CITY COUNCIL OF THE CITY OF ROCKY FORD, COLORADO

The undersigned, in accordance with Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Rocky Ford, Colorado, for the annexation of the following described unincorporated territory located in the County of Otero, State of Colorado, to-wit:

For legal description see Exhibit "A" attached hereto and incorporated herein by reference.

In support of this Petition, your Petitioners allege:

- 1 It is desirable and necessary that the above-described unincorporated territory be annexed to the City of Rocky Ford, Colorado.
- 2 The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, to-wit:
 - a Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Rocky Ford, Colorado;
 - b A community of interest exists between the territory proposed to be annexed and the City of Rocky Ford, Colorado;
 - c The territory is urban or will be urbanized in the near future;
 - d The territory is integrated or is capable of being integrated with the City of Rocky Ford, Colorado;
- 3 The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, to-wit:
 - a In establishing the boundaries of the territory to be annexed, no land 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 landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way; and
 - b In establishing the boundaries of the area proposed to be annexed, no land 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 comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two-hundred-thousand dollars (\$200,000) for ad valorem tax

purposes for the year next preceding the annexation) has been included without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the City of Rocky Ford as they currently exist; and

- c That no annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality; and
 - d The proposed annexation will not result in the detachment of area from any school district and the attachment of the same to another school district; and
 - e The proposed annexation would not have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year; and
 - f Prior to completion of the annexation, the City of Rocky Ford will have in place a plan for the three-mile area in any direction from any point of the municipal boundary that meets the requirements of C.R.S. §31-12-105(1)(e)(I).
 - g If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area proposed to be annexed.
- 4 **Habitat Construction L.L.C.** is the owner of the property described in Exhibit "A" attached hereto, excluding public streets and alleys.
- 5 The mailing address of the Petitioner is as follows:
- Habitat Construction, L.L.C.**
200 S. 17th ST
Rocky Ford, CO 81067
- 6 The persons signing the Petition comprise more than 50% of the landowners in the area to be annexed and own more than 50% of the area proposed to be annexed, exclusive of public streets and alleys and land owned by the city of Rocky Ford pursuant to the Colo. Const. Art. II, Sec. 30(b). Said landowners attest to the facts and agree that the conditions herein contained negate the necessity of any annexation election.
- 7 The legal description of the property proposed to be annexed is attached hereto and by reference made a part hereof.
- 8 The area proposed to be annexed comprises: less than ten acres and an impact report as provided for in C.R.S. § 31-12-108.5, as amended is, is not required.
- 9 The area proposed to be annexed is located within the following taxing districts.
- a. Rocky Ford School District R-2
601 8th ST
Rocky Ford, CO 81067

- b. Rocky Ford Rural Fire Protection District
203 S. 9th ST
Rocky Ford, CO 81067
- c. City of Rocky Ford
203 S. Main ST
Rocky Ford, CO 81067
- d. Southeastern Colorado Water Conservancy District
31717 United Avenue
Pueblo, CO 81001
- e. Lower Arkansas Valley Water Conservancy District
801 Swink Avenue
Rocky Ford, Colorado 81067
- f. Otero County Board of County Commissioners
13 W. 3rd ST
La Junta, CO 81050

10 The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition.

11 Accompanying this Petition are four (4) prints of the annexation plat.

12 The territory to be annexed is not presently a part of any incorporated town, city and county, or city.

13 The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the City, appear on the annexation map:

- g. Water shall be provided pursuant to municipal ordinance;
- h. The undersigned hereby waive any and all "vested rights" previously created pursuant to C.R.S. § 24-68-103, as amended;
- i. The undersigned and the City may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition; and
- j. Any development within the annexed territory shall comply with the City of Rocky Ford Comprehensive Master Plan.

14 Petitioners represent that: (Check one)

- No part of the property to be annexed is included within any site specific development plan approved by Otero County, Colorado.

EXHIBIT A
ANNEXATION PETITION 1
ANNEXATION PLAT

Attached

EXHIBIT B
ANNEXATION PETITION 1

Legal Description of the entire property to be annexed

A tract of land for annexation purposes lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, T.23S., R.56W. of the 6th P.M., being more particularly described as follows:

Beginning at the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 17; thence N.1°03'32"W., along the West line of said Sec. 17, a distance of 130.66 feet; thence S.85°57'51"E., 82.12 feet; thence N. 25°53'41"E., 50 feet; thence S.64°06'19"E., 100 feet; thence N.25°53'41"E., 130.00 feet to a point on the Southerly Right-Of-Way line of the Burlington Northern Santa Fe Railroad; thence S.64°06'19"E., along said railroad line, a distance of 147.66 feet; thence S.24°32'26"W., 481.00 feet; thence N.58°35'17"W., 209.00 feet to a point on the West line of said Sec. 17; thence N.1°03'32"W., 150.00 feet to the point of beginning. In the County of Otero, State of Colorado.

The Annexation Tract contains 2.53 Acres.

PETITION 2
PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF OTERO, STATE OF COLORADO
TO THE CITY OF ROCKY FORD, COLORADO

TO THE CITY COUNCIL OF THE CITY OF ROCKY FORD, COLORADO

The undersigned, in accordance with Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Rocky Ford, Colorado, for the annexation of the following described unincorporated territory located in the County of Otero, State of Colorado, to-wit:

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- 1 It is desirable and necessary that the above-described unincorporated territory be annexed to the City of Rocky Ford, Colorado.
- 2 The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, to-wit:
 - a Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Rocky Ford, Colorado;
 - b A community of interest exists between the territory proposed to be annexed and the City of Rocky Ford, Colorado;
 - c The territory is urban or will be urbanized in the near future;
 - d The territory is integrated or is capable of being integrated with the City of Rocky Ford, Colorado;
- 3 The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, to-wit:
 - a In establishing the boundaries of the territory to be annexed, no land 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 landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way; and
 - b In establishing the boundaries of the area proposed to be annexed, no land 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 comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two-hundred-thousand dollars (\$200,000) for ad valorem tax

purposes for the year next preceding the annexation) has been included without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the City of Rocky Ford as they currently exist; and

- c That no annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality; and
 - d The proposed annexation will not result in the detachment of area from any school district and the attachment of the same to another school district; and
 - e The proposed annexation would not have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year; and
 - f Prior to completion of the annexation, the City of Rocky Ford will have in place a plan for the three-mile area in any direction from any point of the municipal boundary that meets the requirements of C.R.S. §31-12-105(1)(e)(I).
 - g If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area proposed to be annexed.
- 4 **McKeefe Ventures, L.L.C.** is the owner of the property described in Exhibit "A" attached hereto, excluding public streets and alleys.
- 5 The mailing address of the Petitioner is as follows:
- McKeefe Ventures, L.L.C.**
%William R. McKnight
303 W. 17th ST
Pueblo, CO 81002
- 6 The persons signing the Petition comprise more than 50% of the landowners in the area to be annexed and own more than 50% of the area proposed to be annexed, exclusive of public streets and alleys and land owned by the city of Rocky Ford pursuant to the Colo. Const. Art. II, Sec. 30(b). Said landowners attest to the facts and agree that the conditions herein contained negate the necessity of any annexation election.
- 7 The legal description of the property proposed to be annexed is attached hereto and by reference made a part hereof.
- 8 The area proposed to be annexed comprises: less than ten acres and an impact report as provided for in C.R.S. § 31-12-108.5, as amended is, is not required.
- 9 The area proposed to be annexed is located within the following taxing districts.
- a. Rocky Ford School District R-2
601 8th ST
Rocky Ford, CO 81067

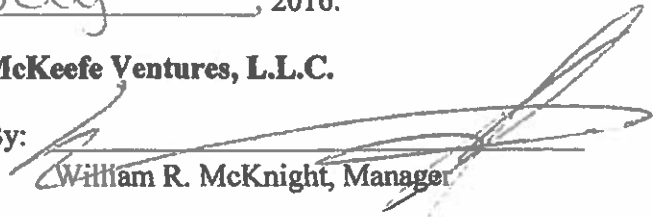
- b. Rocky Ford Rural Fire Protection District
203 S. 9th ST
Rocky Ford, CO 81067
 - c. City of Rocky Ford
203 S. Main ST
Rocky Ford, CO 81067
 - d. Southeastern Colorado Water Conservancy District
31717 United Avenue
Pueblo, CO 81001
 - e. Lower Arkansas Valley Water Conservancy District
801 Swink Avenue
Rocky Ford, Colorado 81067
 - f. Otero County Board of County Commissioners
13 W. 3rd ST
La Junta, CO 81050
- 10 The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition.
- 11 Accompanying this Petition are four (4) prints of the annexation plat.
- 12 The territory to be annexed is not presently a part of any incorporated town, city and county, or city.
- 13 The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the City, appear on the annexation map:
- g. Water shall be provided pursuant to municipal ordinance;
 - h. The undersigned hereby waive any and all “vested rights” previously created pursuant to C.R.S. § 24-68-103, as amended;
 - i. The undersigned and the City may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition; and
 - j. Any development within the annexed territory shall comply with the City of Rocky Ford Comprehensive Master Plan.
- 14 Petitioner represents that: (Check one)
- No part of the property to be annexed is included within any site specific development plan approved by Otero County, Colorado.

A site specific development plan has been approved by Otero County, Colorado which has created a vested right.

EXECUTED this 8 day of July, 2016.

McKeefe Ventures, L.L.C.

By:


William R. McKnight, Manager

State of Colorado)
) ss
County of Otero)

The foregoing instrument was acknowledged before me this 8 day of July, 2016, by William R. McKnight.

Witness my hand and official seal.

My commission expires April 25, 2017.

Hilary A. Simmons

Notary Public

(Full Name)

Hilary Ann Simmons

(Address)

2005 17th St.

(City, ST, Zip)

Rocky Ford, CO 81067

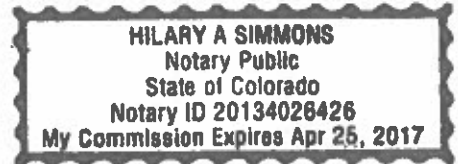


EXHIBIT A
ANNEXATION PETITION 2
ANNEXATION PLAT

Attached

EXHIBIT B
ANNEXATION PETITION 2

Legal Description of the entire property to be annexed

A tract of land for annexation purposes lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, T.23S., R.56W. of the 6th P.M., being more particularly described as follows:

Beginning at the SW corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ as monumented by a 3" diameter aluminum magnetic monument, properly marked; thence along the East-West centerline of said Sec. 17, N.88°59'00"E., 833.06 feet; thence S.25°08'12"W., 50.00 feet to the TRUE POINT OF BEGINNING; thence N.64°06'19"W., along the Southerly Right-Of-Way of the AT&SF Railroad, 477.48 feet; thence S.24°32'26"W., 440.00 feet, more or less, to the Northerly Right-Of-Way of the Rocky Ford ditch; thence S.64°07'58"E., along the Northerly Right-Of-Way of the Rocky Ford Ditch, 472.90 feet; thence N.25°08'12"E., 439.70 feet to the True Point of Beginning. In the County of Otero, State of Colorado.

The Annexation Tract contains 4.797 acres.

