

### **Proposed Draft Language on Neighborhood Impact:**

The following standard would apply to applications that would create a new outdoor cultivation license, add an outdoor cultivation to an existing license, relocate an outdoor cultivation to a new location, or expand an existing outdoor cultivation. This standard would be in addition to any other application requirements that come either from the Pueblo County Code or from Planning and Development. Please note that the “Licensing Agent” for the purposes of the Code is the Director of Planning and Development.

- A. Applicant shall comply with the following requirements to address any neighborhood impact that may result from their application:
  1. Applicant shall notify any residential property with an adjacent property line of the nature of their application, using the form supplied by Pueblo County. Applicant shall include proof of notification with their application.
  2. Applicant shall complete the Pueblo County Operational Plan for all neighbors in the surrounding area and submit the plan with their application.
  3. Applicant shall attend the hearing on neighborhood impact, if scheduled, and describe their plan to mitigate any potential neighborhood impacts.
- B. A hearing on neighborhood impact shall only be scheduled if a member of the public contacts the Licensing Agent within \_\_\_ days of the notification date and requests that the hearing be scheduled. Licensing Agent shall then schedule a hearing on neighborhood impact mitigation before the application may be approved. If a hearing for the application would already be scheduled in accordance with Pueblo County Code, or at the request of the Licensing Agent or Enforcement, then the neighborhood impact mitigation may be addressed at the same hearing.
- C. If a hearing on neighborhood impact is scheduled, the following impacts may be considered in determining whether to grant the application:
  1. Whether there would be an impact on any adopted neighborhood plan or comprehensive county plan that is applicable to the subject property;
  2. Whether there would be an impact on the nature of the neighborhood including, but not limited to, any adverse effects caused by excessive noise, lighting, odor, traffic, or negative effects on nearby property values; and/or
  3. Whether there is any impact on the public health, safety, or welfare of the neighborhood.

**Other issues that need votes:**

- Acreage requirement for outdoor cultivations:
  - Must be on a parcel that is a minimum of 35 acres regardless of zoning
  - Must be on a parcel that is a minimum of 35 acres and zoned A1
- Neighborhood requirement for outdoor cultivation locations:
  - Parcel must be surrounded by other parcels that are zoned A1 and a minimum of 35 acres
  - Parcel must be surrounded by other parcels that are zoned A1
- Buffer zone distance options:
  - 500 feet from the licensed premises to any existing residential structure
  - 500 feet from the licensed premises to any existing residential structure on a parcel zoned A1, and 1000 feet from the licensed premises to any existing residential structure on any other type of zoned parcel.
- Impact of buffer zone options:
  - Applicant cannot protrude into the buffer zone for any reason
  - Applicant can get a formal waiver from the owners of an adjacent residence in order to protrude into the buffer zone