

Updated Proposed Draft Language on Neighborhood Impact

The following standards 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.

Language Option 1:

- A. Applicant shall comply with the following requirements to address any neighborhood impact that may result from their application:
 1. Applicant shall complete a notice sheet, as supplied by Pueblo County. A copy of such notice shall be sent by mail to the last known address of owners of real property lying within three hundred (300) feet of the exterior boundaries of the property for which the application is sought. Applicant shall include a copy of such notice and proof of notification with their application.
 2. Applicant shall complete the Pueblo County Impact Mitigation 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.

Language Option 2:

- A. Applicant shall comply with the following requirements to address any neighborhood impact that may result from their application:
 1. For all application types, Applicant shall complete a notice sheet, as supplied by Pueblo County. A copy of such notice shall be sent by mail to the last known address of owners of real property lying within three hundred (300) feet of the exterior boundaries of the property for which the application is sought. Applicant shall include a copy of such notice and proof of notification with their application.
 4. For applications for new licenses, change of locations, or modification of premises that would add a new outdoor cultivation, Applicant shall complete the Pueblo County Impact Mitigation Plan for all neighbors in the surrounding area and submit the plan with their application.
 5. For all application types, 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 be triggered if either of the following occur:
 1. For applications for new licenses, change of locations, or modification of premises that would add a new outdoor cultivation, a hearing will be triggered if a member of the public contacts the Licensing Agent within ___ days of the notification date and requests that the hearing be scheduled.
 2. For modification of premises applications for expansion of an existing outdoor cultivation, a hearing will be triggered if an owner who was notified pursuant to _____ A 1, contacts the Licensing Agent within ___ days of the notification date and requests that the hearing be scheduled.
- C. If a hearing is triggered pursuant to _____ B, the 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.
- D. If a hearing on neighborhood impact is scheduled, the following impacts may be considered in determining whether to grant the application:
 4. Whether there would be an impact on any adopted neighborhood plan or comprehensive county plan that is applicable to the subject property;
 5. 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
 6. Whether there is any impact on the public health, safety, or welfare of the neighborhood.