

**PARK COUNTY BOARD OF COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

BOCC Meeting Date: August 24, 2021

To: Board of County Commissioners (BOCC)
Date: August 9, 2021
Prepared by: Louise Derengowski
Subject: Aqua Farms, LLC
Request: Retail Marijuana Cultivation License

License Summary:

Business:	Aqua Farms, LLC
Applicant & Business Owner:	Kevin Pham
Property Owner:	Aqua Farms, LLC
Location:	Property is a part of T08 R75 S05 and is addressed as 39329 Highway 285, Jefferson, CO
Zone District:	Commercial
Lot Size:	1.99 acres
License Type:	Retail Marijuana Cultivation License

Background:

The subject property is located at 39329 Highway 285, Jefferson, Colorado, see Attachment 1 the Vicinity Map. The applicant is applying for a Retail Marijuana Cultivation license and the proposed business would utilize the existing commercial structure. The property is zoned Commercial, which is an appropriate zone district for the proposed use, see Attachment 2. Adjacent zone districts include Agricultural and Commercial.

The property meets all setback requirements for marijuana facilities.

On June 15th, 2021 the BOCC designated the neighborhood as a 1-mile radius. Staff canvassed the neighborhood my mail. The canvass results are: 6 neutral, 10 opposed, and 3 support the requested license. See Attachment 3.

Referrals were sent to applicable agencies. The local Water Commissioner confirmed this property has received a water well augmentation plan through the Head Waters of

the South Platte and does not have any concerns about the application. A letter from the Sheriff was received stating that Kevin's background check was acceptable as an owner of a marijuana facility.

If the BOCC elects to approve the application, staff suggests consideration of the following conditions:

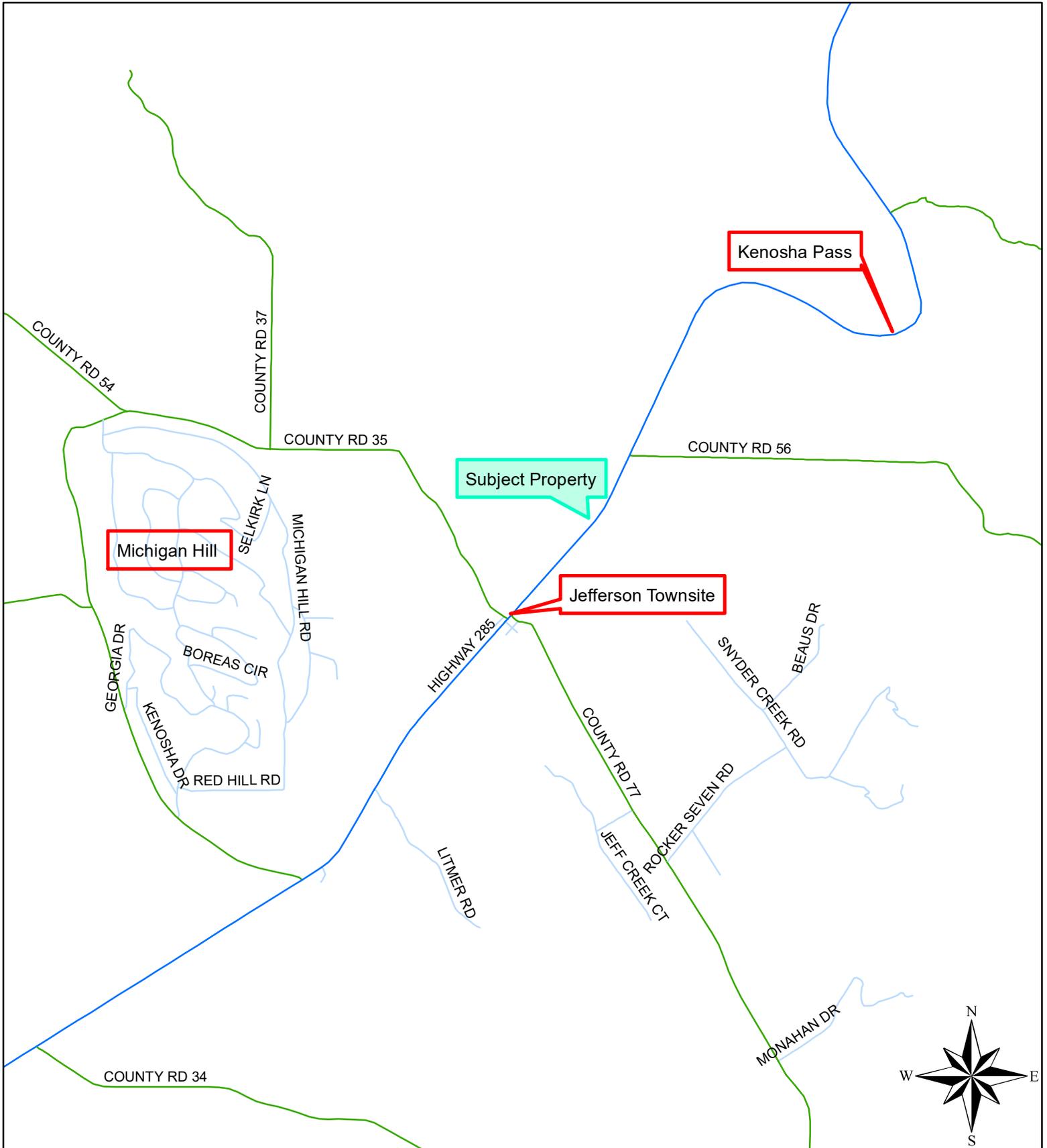
1. No fugitive light shall be emitted from the interior of the structures used for marijuana cultivation.
2. No wastewater attributable to marijuana cultivation shall leave the structures used for marijuana cultivation.
3. No marijuana-related odors shall be detectable beyond the borders of the licensed premises.
4. No signage identifying the licensed establishment as a retail marijuana establishment or referencing cannabis or marijuana is allowed.
5. All representations regarding the conduct of the licensed retail marijuana establishment made by the Licensee or its representatives, in the application or during the public hearing, are incorporated herein and made a condition of the license. Any failure by the Licensee to perform or comply with such representations or any other condition set forth herein may result in suspension or revocation of the License.
6. The retail marijuana cultivation shall file an excise tax return with Park County each month. If any excise tax payment is due it shall be paid by the twenty-fifth (25th) day of the month following the month reported and with the report shall remit the amount of tax due.

Requested Action:

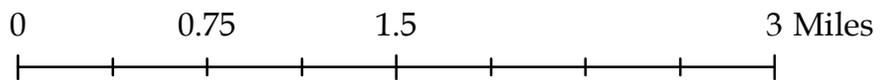
Upon completion of the public hearing and deliberation, the proper BOCC action is to authorize the County Attorney to draft a resolution to either:

- approve the application with no conditions,
- approve the application with conditions, or
- deny the application.

Attachment 1 Vicinity Map



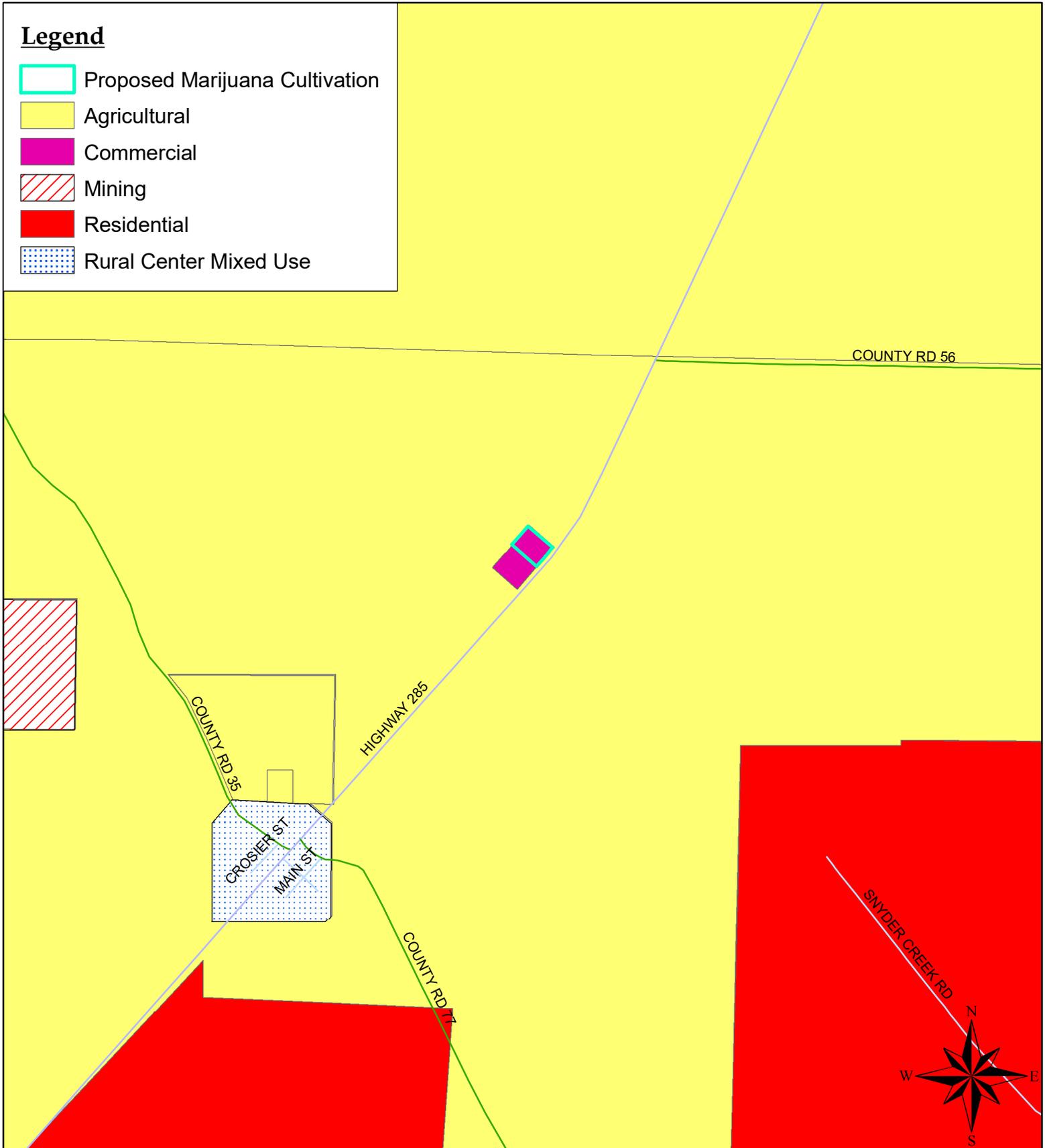
This map is not a survey



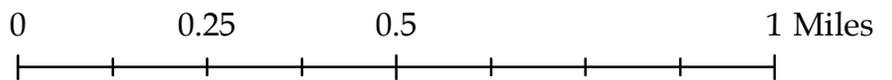
Attachment 2 Zoning Map

Legend

-  Proposed Marijuana Cultivation
-  Agricultural
-  Commercial
-  Mining
-  Residential
-  Rural Center Mixed Use



This map is not a survey



Attachment 3:
Neighborhood Responses from Property Owners One Mile Away from Aqua Farms

NAME	RESIDENCE ADDRESS	OPINION	COMMENT
Peter Feyereisen	101 Snyder Creek, Jefferson	support	
Jeff Paulis	107 Main St, Jefferson	opposed	
Paula Morgan	1741 Michigan Hill Rd	opposed	I do not want a retail store selling pot at this location
Amy Caniglia	189 Snyder Creek, Jefferson	neutral	I am concerned about bright lights which could affect wildlife, birds, etc. and our otherwise unaffected night sky. If this can be handled in a responsible manner then I support their property use.
Anthony Caniglia	189 Snyder Creek, Jefferson	neutral	Please have a shield over the spot light or street lighs to the points downward. We don't want to see the lights on the other side of south park. Per Park County night sky.
Carol Schattinger	24 Main St, Jefferson	opposed	we don't need another marijuana facility
Emery Schattinger	24 Main St, Jefferson	opposed	we don't need another marijuana facility
Erin George	370 French Pass Circle	opposed	
Jacob George	370 French Pass Circle	opposed	
Abby Carrington	38037 Highway 285, Jefferson	opposed	would not like increase traffic or people it brings to the area
Lance Manske	38037 Highway 285, Jefferson	opposed	would not like store or operation so close to home
John Lee	38539 Highway 285, Jefferson	opposed	
Laura Evans	38670 Highway 285, Jefferson	support	
Richard Evans	38670 Highway 285, Jefferson	support	
Brett Jenkins	39237 Highway 285, Jefferson	neutral	
Teri Baker	39237 Highway 285, Jefferson	neutral	I am opposed to operating a dispensary at this location
Jennie Robberson	39329 Highway 285	neutral	
Jack Fusco	39825 Highway 285, Jefferson	opposed	I own over 4000 acres in Park County that we have under a conservation easement. This is an unnecessary waste of colorado resources.
Al Smith - Grace Chrch	6259 Co Rd 35, Jefferson	neutral	

Total number of opinions received from canvassing:

6 = neutral
10 = opposed
3 = support