



**AGENDA  
HAYDEN PLANNING COMMISSION**

**THURSDAY, JUNE 9, 2016  
7:00 P.M.  
HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE**

**REGULAR MEETING**

- 1. CALL TO ORDER, MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. CONSIDERATION OF MINUTES**
  - a. Decision: May 26, 2016
- 4. PUBLIC COMMENTS**
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
  - a. Decision: Routt County RV Park ROW Street Vacation Request
  - b. Decision: Bayou Breeze Conditional Use Permit Application
- 7. STAFF AND COMMISSION MEMBER REPORTS**
- 8. ADJOURNMENT**

*NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town's public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.*

The regular meeting of the Hayden Planning Commission was called to order by Chair Angie Robinson at 7:01 p.m. Other members present were Donna Hellyer, John St Pierre, and Tim Frentress. Interim Town Manager, Greg Tuliszewski, Town Clerk, Sharon Johnson, and Ross Culbertson, Planner were also in attendance.

**Moment of Silence and Pledge of Allegiance**      **Chair Robinson** asked for a moment of silence and led the Pledge of Allegiance.

**Consideration of Minutes**      **Commissioner Frentress** moved to approve the minutes for the regular meeting held on January 28, 2016 as written. **Chair Robinson** seconded. **Voice vote.** **Frentress aye, St Pierre aye, Robinson aye. Motion carried.**

**Public Comments**      **Terry McCarty and Gordon Dowling** provided supportive information for the **McCarty Annexation and Zoning.** **McCarty** indicated that his son was retiring from the military and would like to return to his hometown of Hayden, Colorado. **McCarty** would like to place a single family home on the acreage for his son. **This is the sole purpose of the annexation and zoning.**

**Old Business**      **None.**

**New Business**

**Staff Report: McCarty Annexation II**      **Interim Town Manager Greg Tuliszewski** opened the **McCarty Annexation II** explaining the process and introduced **Ross Culbertson** the **Town Planner** to review the staff report with the commissioners. **Culbertson** presented the original application and **Hayden Town Council** approval of substantial compliance. **Culbertson** presented the town’s annexation and zoning requirements; property meets the requirements including impacts for the town, and the owner and **Town Clerk** took required actions to notify effected parties. **Zoning** requested is **RLD-Residential Low Density.**

**Public Hearing: McCarty Annexation II**      **The public hearing** was opened by **Chair Robinson** at **7:16 p.m.** **No public comments** were received. **The public hearing** was closed at **7:17 p.m.**

**Decision: McCarty Annexation II**      **Commissioner** moved to approve the proposed annexation of **McCarty** property and recommend approval to the **Town Council** as shown on the annexation plat. **Commissioner St Pierre** seconded. **Voice vote.** **Frentress aye, St Pierre aye, and Robinson aye. Motion carried.**

**Decision: McCarty Zoning**      **Commissioner** moved to approve the proposed zoning of **McCarty** property and recommend approval to the **Town Council** as shown

*Draft minutes subject to editing and approval before becoming official record.*

**on the zoning map. Commissioner St Pierre seconded. Voice vote. Frentress aye, St Pierre aye, and Robinson aye. Motion carried.**

**Staff and  
Commission  
Member Reports**

**Adjournment**                      **Chair Robinson adjourned the meeting at 7:35 p.m.**

Recorded by:

\_\_\_\_\_  
Sharon Johnson, Town Clerk

APPROVED THIS 9<sup>th</sup> DAY OF JUNE, 2016.

\_\_\_\_\_  
Angie Robinson, Chair



***Town of Hayden***

**Planning Commission**

**Staff Report**

**Project:** Routt County Street ROW Vacation - Portions of 1st Street and Cleveland Avenue adjacent the Routt County Fairgrounds

**Address:** 365 South Poplar Street

**Applicant:** Ms. Jill Delay c/o Routt County

**Prepared by:** Ross Culbertson, Hayden Consulting Planner

**Hearing Date:** June 9, 2016

**Background**

The applicant has submitted a request to vacate approximately 0.85 acres (or 37,028 square feet) of street right-of-way (ROW) for portions of 1st Street and Cleveland Avenue adjacent the Routt County Fairgrounds. The purpose is to facilitate the development of a Recreational Vehicle (RV) Park with nine RV pads; in addition to providing access to new public parking and improved pedestrian pathways for access to the Routt County Fairgrounds.

The Town Council at their regular meeting on Thursday, November 19, 2015, approved Resolution No. 2015-36 regarding a Conditional Use Permit (CUP) for a RV Park at the Routt County Fairgrounds. The CUP was approved with a condition that South 1st Street and Cleveland Avenue ROW vacations were to be approved by the Town Council for the CUP to be effective and that no development of the site occur until all nine conditions were met.

**Staff Analysis**

The submitted Routt County Street Vacation Exhibit (attached to this report) depicts the boundary of the street ROW vacation request. The vacated alignment resembles a reversed "L" shape, comprised of an 80 foot wide ROW section of 1st Street, south of South Poplar Street, and an 80 foot wide section of Cleveland Avenue. The vacated area containing the Cleveland Avenue leg terminates at the surveyed alley which separates Routt County property from private property owned by Mr. Bruce J. Daniel. For the purpose of the Routt County request, the Cleveland Avenue termination spot encompass all land area required for the future RV Park development. A portion of Cleveland Avenue from the alley to

South Poplar Street will remain as Hayden ROW until such time a separate street vacation request is made.

The Routt County Street Vacation Exhibit also indicates surveyed Town of Hayden water lines will remain in service as shown with the effective ROW vacation. Routt County will grant the Town a 20 foot wide water line easement by means of a separate instrument document for continued use and maintenance of the utility.

Upon approval of the vacated ROW's, vacated land will be portioned back as equal distance land from the centerline of each ROW to adjacent property ownerships. Adjacent ownership to the east and west of 1st Street and additionally to the north and south of Cleveland Avenue is Routt County.

### **Compliance with Review Criteria**

The applicant is initiating the request under *Title 12 Streets and Sidewalk, Subsection 12.05.010.B & C* of the Hayden Town Code which reads:

*Street or alley vacation shall only be allowed if the applicant/petitioner demonstrates by clear and convincing evidence that said vacation is necessary because one or more of the following reasons:*

*B. The land surrounding the vacant street or alley has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or a new approach to development.*

Routt County has applied for a Great Outdoors Colorado (GOCO) Grant to improve the fiscal viability of the Fairgrounds by developing the RV Park as an ancillary use to the Fairgrounds. The CUP's approval by Town Council changed the nature of the Routt County property from a need to strictly maintain the streets as a principle means of vehicular access to Routt County property. Allowing for the site's redevelopment is in staff's opinion a more substantial benefit for the Town than not supporting the street vacation. Staff finds the proposal is in compliance with this standard.

*C. The proposed vacation is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Town's Comprehensive Plan, and that such vacation will be consistent with the polices and goals of the Comprehensive Plan.*

Hayden citizens and those within the surrounding communities support and utilize the Routt County Fairgrounds as a local park and community event center. The proposed street vacations will allow for the full development of the RV Park as a year round extension of the Fairgrounds as a community related use. Utilizing and promoting the Fairgrounds as a regional community gathering spot supports the Policy and Action step 7.5 within the Town's Comprehensive Plan for implementing the Recreation Master Plan.

### **Referral Agency and Department Comments**

The proposed Street ROW Vacation request was referred to the following agencies for a development review:

1. Planning Consultants – planning review of the Street ROW Vacation request (including exhibits) is complete.
2. Public Works Department (incl. Water & Sewer) comments included:
  - 2a. Dedicate a 20 foot wide Public Water Easement by plat or by separate instrument
  - 2b. Include all of Cleveland Avenue to South Poplar Street within the vacation request.
  - 2c. Identify location of the sewer line in Poplar Street adjacent to 1st Street to insure easements needed to preserve the line are provided.

### **Public Input**

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper at least 15 days prior to this Planning Commission public hearing date. No comments or concerns regarding the Street ROW Vacation of portions of 1st Street and Cleveland Avenue have been received by Planning Staff or the Town Clerk to date.

### **Staff Recommendation**

Based on the above observations and findings of compliance with the Hayden Town Codes, staff recommends:

**Approval** of the Street ROW Vacation request, subject to the following condition:

1. Routt County shall grant the Town of Hayden rights to a 20 foot Public Water Easement for maintenance of water lines on Routt County property.

### **Planning Commission Recommending Options**

The Planning Commission may choose to:

1. Recommend to the Town Council approval as submitted with staff's conditions.
2. Recommend to the Town Council approval subject to staff conditions and additional Planning Commissioned Conditions.
3. Recommend to the Town Council project denial.

### **Attachments**

Routt County Request for ROW Vacation  
Routt County Street ROW Vacation Exhibit  
Routt County Site Pictures  
Routt County RV Park Site Plan

Rcvd 3/3/16  
Office of Town Clerk  
smg



## ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Box 773598 • Steamboat Springs, Colorado 80477

Phone: 970-879-0108 • Fax: 970-879-3992

March 2, 2016

Town of Hayden  
PO Box 190  
178 West Jefferson Avenue  
Hayden, CO 81639-0190

Timothy V. Corrigan  
District 1

Douglas B. Monger  
District 2

Cari Hermacinski  
District 3

Thomas A. Sullivan  
County Manager

Re: Request Vacation of a portion of 1<sup>st</sup> Street and Cleveland Avenue

Dear Town Board Members:

Routt County requests that the Town of Hayden consider the vacation of a portion of 1<sup>st</sup> Street and Cleveland Avenue south and east of Poplar Street adjacent to the Routt County Fairgrounds Exhibit Hall (please see the attached map and legal description). This area, formerly a trailer park, was purchased by Routt County to provide better access and parking for the Routt County Fairgrounds. Routt County will grant the Town of Hayden utility easements for the existing water lines for the purposes of repair and maintenance of these utilities.

According to the Town code, Routt County is requesting the vacation based on section 12.05.010 C which reads: "The proposed vacation is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Town's comprehensive plan, and that such vacation will be consistent with the policies and goals of the comprehensive plan." Routt County has requested and received approval from the Hayden Planning Commission and Town Board for development of an RV Park and improved pedestrian circulation on the site and the street vacations are necessary to complete the plans as proposed and approved.

Thank you for your consideration of this matter.

Sincerely,

Tim Winter  
Purchasing Agent/Property Manager

# ROUTT COUNTY STREET VACATION

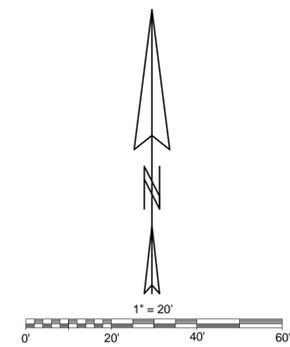
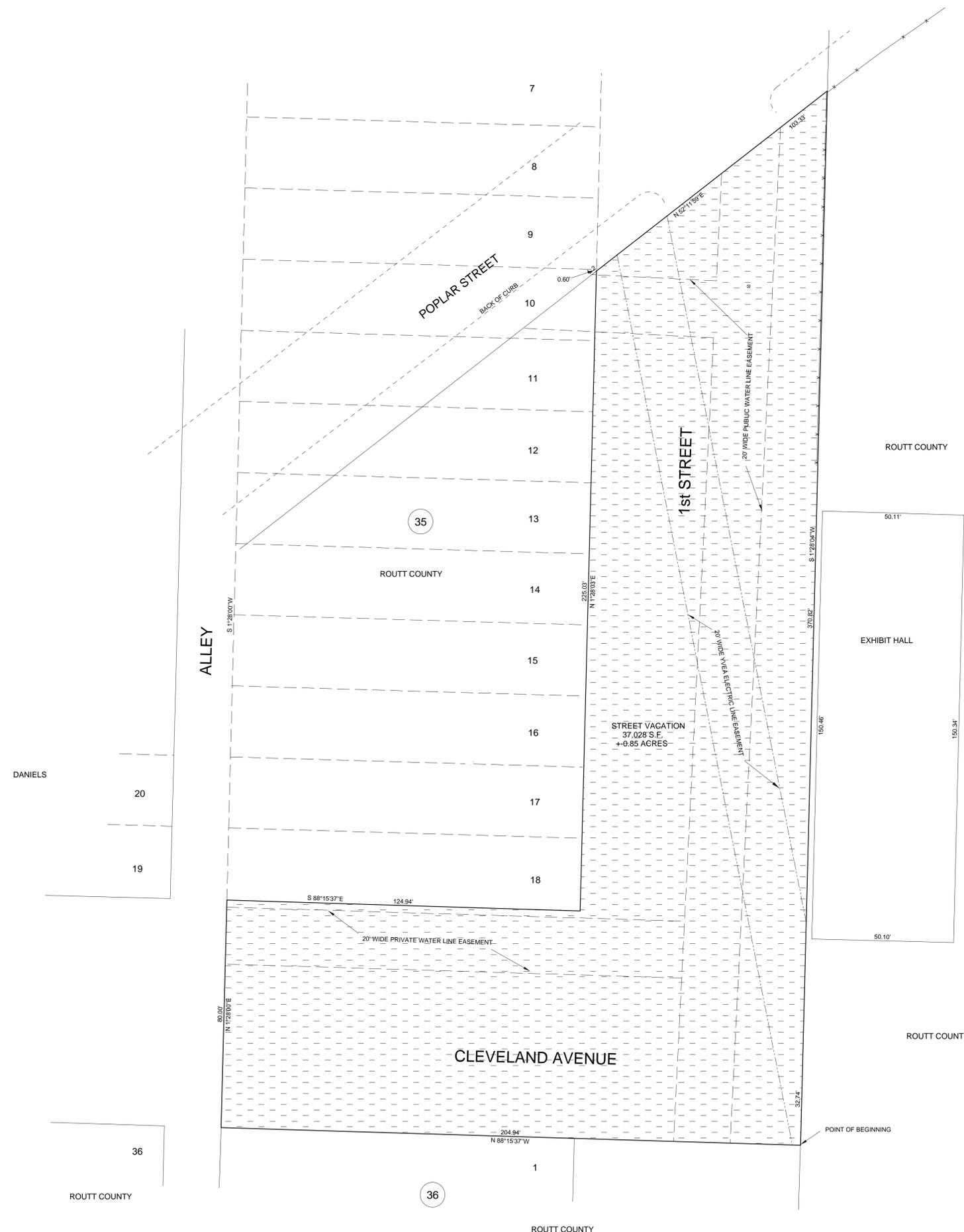
## ROUTT COUNTY FAIRGROUNDS EXHIBIT HALL PARKING AREA

PORTIONS OF 1st STREET & CLEVELAND AVENUE  
WEST HAYDEN TOWNSITE, TO THE TOWN OF HAYDEN  
ROUTT COUNTY, COLORADO

### LEGAL DESCRIPTION

A tract of land located in First Street and Cleveland Avenue adjacent to Block 35 and Block 36, First Addition of the West Hayden Townsite Company to Hayden, being more particularly described as follows:  
**BEGINNING** at a point being the intersection of the projected South line of Cleveland Avenue and the East line of First Street; thence N 88°15'37" W along said projected South line of Cleveland Avenue, a distance of 80.00 feet, to the Northwest Corner of Lot 1, Block 36; thence N 88°15'37" W along the North line of Block 36 and the South line of Cleveland Avenue a distance of 124.94 feet, to the Northwest Corner of Lot 1, Block 36; thence N 01°28'00" E, across Cleveland Avenue, a distance of 80.00 feet, to the Southwest Corner of Lot 18, Block 35; thence S 88°15'37" E along the South line of Lot 18, Block 35 a distance of 124.94 feet to the Southeast Corner thereof; thence N 1°28'03" E along the East line of Block 35 a distance of 225.03 feet to a point from which the Northeast Corner of Lot 10, Block 35 bears N 01°28'03" E a distance of 0.60 feet, further being on the purported Southerly Right-of-Way of Poplar Street (Routt County Road No. 53); thence N 52°11'59" E, along said Right-of-Way, a distance of 103.33 feet, to a point on the East line of First Street; thence S 1°28'04" W along the East line of First Street a distance of 370.82 to the **POINT OF BEGINNING**, containing 37.028 Sq. Feet or 0.85 Acres, more or less.

Bearings Based on the Town of Hayden Horizontal System



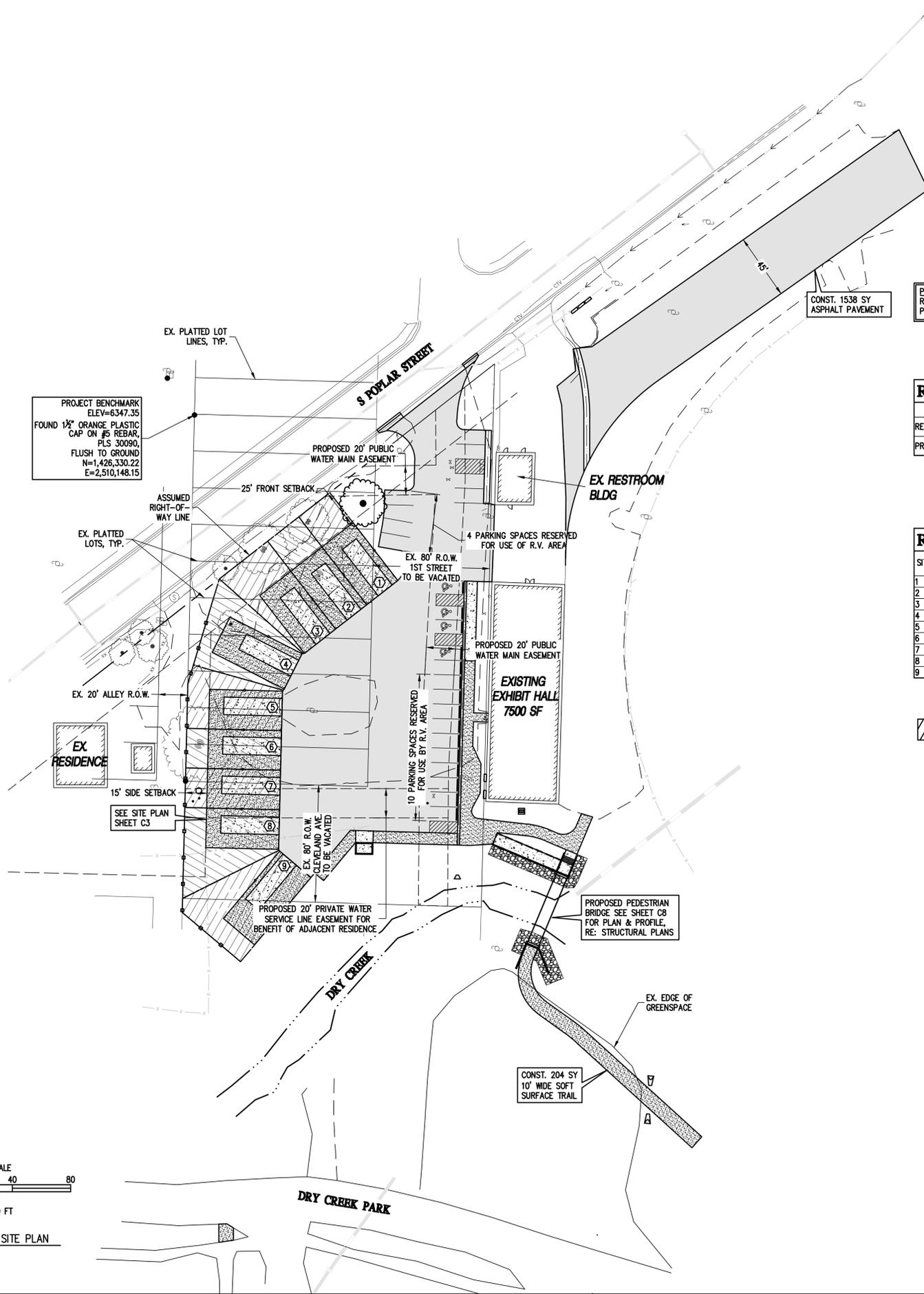
REV. 1 4/27/12 ADD EXISTING WATER LINES LOCATION  
 REV. 2 4/21/16 ADD EASEMENTS AND LEGAL DESCRIPTION

ROUTT COUNTY FAIRGROUNDS EXHIBIT HALL PARKING AREA					ROUTT COUNTY STREET VACATION
1st STREET & CLEVELAND AVENUE WEST HAYDEN TOWNSITE					
TOWN OF HAYDEN ROUTT COUNTY, COLORADO					DOWLING LAND SURVEYORS P.O. BOX 954 HAYDEN, CO. 81639 (970) 276-3613 FAX 276-4595
SCALE	DWG	DATE	REV	FILE	
1" = 20'	GRD	4/6/12	4/27/12 4/21/16	REVISIONS	

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY ACTION BE COMMENCED MORE THEN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

**PROJECT SPECIFIC CONSTRUCTION NOTES**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR SAFEGUARDING THE PROJECT BENCHMARK AND OTHER SURVEY CONTROL MONUMENTS. DAMAGED MONUMENTS SHALL BE RE-ESTABLISHED AND REPLACED BY THE LICENSED LAND SURVEYOR AT THE EXPENSE OF THE PARTY RESPONSIBLE FOR THE DAMAGE.
- A GEOTECHNICAL SUBSURFACE INVESTIGATION HAS BEEN PERFORMED FOR THIS PROJECT. CONTRACTOR TO ADHERE TO RECOMMENDATIONS PREPARED BY SOLOGIC FROM THE "GEOTECHNICAL EXPLORATION AND PAVEMENT SECTION RECOMMENDATIONS ROUTT COUNTY FAIRGROUNDS" DATED NOV. 12, 2015 AND THE GEOTECHNICAL SUBSURFACE EXPLORATION REPORT PROPOSED PEDESTRIAN BRIDGE ROUTT COUNTY FAIRGROUNDS" DATED SEPT. 22, 2015."
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPTLY NOTIFYING THE ENGINEER OF ANY PROBLEMS OR POTENTIAL PROBLEMS IN CONFORMING TO THE DESIGN LINE AND GRADE FOR ANY ELEMENT OF THE CONSTRUCTION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPTLY NOTIFYING THE ENGINEER OF SITE CONDITIONS THAT DIFFER FROM THOSE SHOWN ON THE APPROVED PLANS.
- IN THE EVENT THE CONTRACTOR ALLOWS, AUTHORIZES, APPROVES OR CONSTRUCTS ITEMS THAT DIFFER FROM THE APPROVED PLANS, SPECIFICATIONS OR OTHER CONTRACT DOCUMENTS, WITHOUT WRITTEN APPROVAL BY THE ENGINEER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY LIABILITY ARISING FROM SUCH CHANGES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SAFEGUARDS, SAFETY DEVICES, PROTECTIVE EQUIPMENT, AND ANY OTHER NEEDED ACTION TO PROTECT THE LIFE, HEALTH AND SAFETY OF THE PUBLIC AND TO PROTECT PROPERTY IN CONNECTION WITH THE PERFORMANCE OF WORK COVERED BY THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SAFE, PASSABLE ACCESS TO PRIVATE PROPERTIES ADJACENT TO THE WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ERECTING AND MAINTAINING BARRICADES AND OTHER SAFETY DEVICES AS NECESSARY AROUND THE SITE TO PROTECT PROPERTY AND PERSONS. THE CONTRACTOR IS REQUIRED TO COORDINATE WITH ALL AFFECTED PARTIES AS TO CLOSURE OF TRAILS, SIDEWALKS, ROADWAYS, UTILITY SERVICE OUTAGES, ACCESS TO PRIVATE PROPERTY, ETC.
- THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO FOR LOCATION OF UNDERGROUND GAS, ELECTRIC AND COMMUNICATION UTILITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION (811). THE CONTRACTOR SHALL NOTIFY OTHER APPLICABLE UTILITY COMPANIES AS WELL TO OBTAIN FIELD LOCATES OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
- LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN ON THE PLANS WERE TAKEN FROM THE RECORDS OF THE CONTROLLING AGENCIES OR FROM AGENCY MARKINGS IN THE FIELD. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR COMPLETENESS OR ACCURACY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE AND/OR LOCATION OF ALL UNDERGROUND UTILITIES AND PARTICIPATE IN THE RESOLUTION OF ANY CONFLICTS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE CONTRACTOR SHALL MAKE EVERY EFFORT TO PROTECT EXISTING UTILITIES AND SHALL REPAIR ANY DAMAGE CAUSED BY THE CONTRACTOR AT THEIR OWN EXPENSE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ALL NECESSARY UTILITY RELOCATIONS WITH THE APPROPRIATE UTILITY COMPANY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE JOB SITE CONDITIONS THROUGHOUT THE DURATION OF CONSTRUCTION, INCLUDING SAFETY OF ALL PERSONS AND PROTECTION OF PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED ONLY TO WORKING HOURS. THE CONTRACTOR SHALL DEFEND INDEMNIFY AND HOLD THE OWNER, THE ENGINEER AND THE GOVERNING JURISDICTION HARMLESS FOR ANY AND ALL LIABILITY, IN CONNECTION WITH THE PERFORMANCE OF WORK, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER, THE ENGINEER OR THE GOVERNING JURISDICTION. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO PROPERTY CAUSED BY CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING NEARBY PUBLIC OR PRIVATE STREETS OF MUD AND DEBRIS, DUE TO CONSTRUCTION ACTIVITIES, ON A DAILY BASIS OR AS DIRECTED BY GOVERNING JURISDICTION PERSONNEL.
- THE CONTRACTOR SHALL HAVE IN HIS POSSESSION AT ALL TIMES THE APPROPRIATE EDITION OF THE GOVERNING JURISDICTION DESIGN AND CONSTRUCTION STANDARDS, ONE SET OF APPROVED CONSTRUCTION PLANS, AND ALL REQUIRED PERMITS.
- ALL CONSTRUCTION SHALL CONFORM TO THE APPROPRIATE EDITION OF THE STANDARDS AND SPECIFICATIONS OF THE COLORADO DEPARTMENT OF TRANSPORTATION, AND INDUSTRY STANDARDS AS APPLICABLE TO ELEMENTS OF WORK NOT COVERED BY LOCAL AGENCY STANDARDS AND SPECIFICATIONS. REQUIREMENTS OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE ENVIRONMENTAL PROTECTION AGENCY AND THE U.S. ARMY CORPS OF ENGINEERS, SHALL ALSO BE FOLLOWED AS THEY RELATE TO THE WORK.
- TO THE EXTENT PRACTICABLE, EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO EXCAVATION ACTIVITIES. AT ALL TIMES DURING PROJECT CONSTRUCTION, ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED AND REPAIRED AS NEEDED TO PREVENT ACCELERATED EROSION ON THE SITE AND ON ANY ADJACENT PROPERTIES. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION PROTECTION DURING CONSTRUCTION AND FOLLOWING CONSTRUCTION UNTIL SUCH TIME AS PROPER VEGETATION IS REESTABLISHED.
- ALL TOPSOIL WHERE PHYSICALLY PRACTICABLE, SHALL BE SALVAGED AND NO TOPSOIL SHALL BE REMOVED FROM SITE EXCEPT AS SET FORTH IN THE APPROVED PLANS. TOPSOIL AND OVERBURDEN SHALL BE SEGREGATED AND STOCKPILED SEPARATELY. TOPSOIL AND OVERBURDEN SHALL BE REDISTRIBUTED WITHIN THE EXCAVATED AREA AFTER TRENCHING TO PROVIDE A SUITABLE BASE FOR AREAS WHICH WILL BE SEEDED AND PLANTED. RUNOFF FROM STOCKPILED AREA SHALL BE CONTROLLED TO PREVENT EROSION AND RESULTANT SEDIMENTATION OF RECEIVING WATER.
- TEMPORARY SOIL STABILIZATION MEASURES SHALL BE APPLIED TO DISTURBED AREAS WITHIN 14 DAYS AFTER BACKFILLING IS COMPLETE. SOIL STABILIZATION MEASURES SHALL BE APPLIED WITHIN 14 DAYS TO DISTURBED AREAS WHICH MAY NOT BE AT FINAL GRADE, BUT WILL BE LEFT DORMANT FOR LONGER THAN 30 DAYS. TEMPORARY STABILIZATION SHALL CONSIST OF PLACEMENT OF TOPSOIL, TEMPORARY SEEDING, AND MULCHING. THE CONTRACTOR WILL BE RESPONSIBLE FOR WATERING SEEDED AREAS AS NECESSARY TO ESTABLISH VEGETATIVE COVER.
- PERMANENT STABILIZATION IS TO BE COMPLETED ONCE ALL WORK IS COMPLETE. PERMANENT STABILIZATION SHALL CONSIST OF PERMANENT SEEDING AND MULCHING. IN THE SPRING AND EARLY SUMMER OF 2015 THE CONTRACTOR WILL BE RESPONSIBLE FOR WATERING SEEDED AREAS AS NECESSARY TO ESTABLISH VEGETATIVE COVER AND RESEEDING BARE SPOTS AS NECESSARY.
- FUGITIVE DUST EMISSIONS RESULTING FROM GRADING ACTIVITIES AND/OR WIND SHALL BE CONTROLLED USING THE BEST AVAILABLE CONTROL TECHNOLOGY AS DEFINED BY THE COLORADO DEPARTMENT OF HEALTH AT THE TIME OF EXCAVATION.
- ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED DURING CONSTRUCTION AND SHALL BE INSTALLED WITHIN 24 HOURS IF REQUIRED BY THE STORMWATER COORDINATOR OR THEIR REPRESENTATIVE.
- AREAS WHERE SEDIMENT CONTROL LOG IS NOT INDICATED, WILL REQUIRE SOME FORM OF SEDIMENT CONTROL. CONTRACTOR TO CRIMP MULCH INTO THE SLOPE.



**PARKING SUMMARY:**

REQUIRED # OF PARKING SPACES FOR R.V. AREA = 14 SPACES  
 PROVIDED # OF PARKING SPACES FOR R.V. AREA = 14 SPACES

NOTE: RESERVED PARKING SPACES FOR R.V. AREA AS SHOWN ON OVERALL SITE PLAN THIS SHEET WILL BE IDENTIFIED WITH SIGNAGE. REMAINING PARKING SPACES WILL BE USED BY FAIRGROUNDS STAFF AND VISITORS.

**RESTROOM FACILITIES TABLE**

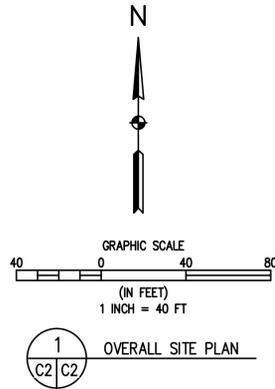
	TOILETS	URINALS	LAVATORIES	SHOWERS
REQUIRED	1 MALE 1 FEMALE	1 MALE	1 MALE 1 FEMALE	1 MALE 1 FEMALE
PROVIDED	1 MALE 3 FEMALE	2 MALE	2 MALE 2 FEMALE	3 MALE 3 FEMALE

NOTE: RESTROOM FACILITIES WILL BE PROVIDED IN THE EXISTING RESTROOM BUILDING IMMEDIATELY NORTH OF EXHIBIT HALL. SEE OVERALL SITE PLAN FOR LOCATION.

**RV SITE AREA TABLE**

SITE #	AREA (SQARE FEET) MINIMUM ALLOWABLE = 1,500 SF
1	2,050
2	2,050
3	2,643
4	3,029
5	2,314
6	1,755
7	1,755
8	2,925
9	3,352

- ④ RV SITE NUMBER DESIGNATION
- ▨ RV INDIVIDUAL SITE BOUNDARY
- NOTES:
- ALL RV SITES WILL BE CLEARLY MARKED WITH THE SITE DESIGNATION NUMBER.
  - PORTIONS OF EXISTING 1ST STREET AND CLEVELAND AVENUE RIGHT-OF-WAY WITHIN THE RV DEVELOPMENT AREA ARE TO BE VACATED PER TOWN OF HAYDEN REQUIREMENTS. ANY NECESSARY PUBLIC AND PRIVATE UTILITY EASEMENTS WILL BE GRANTED AT THE TIME OF RIGHT-OF-WAY VACATION.



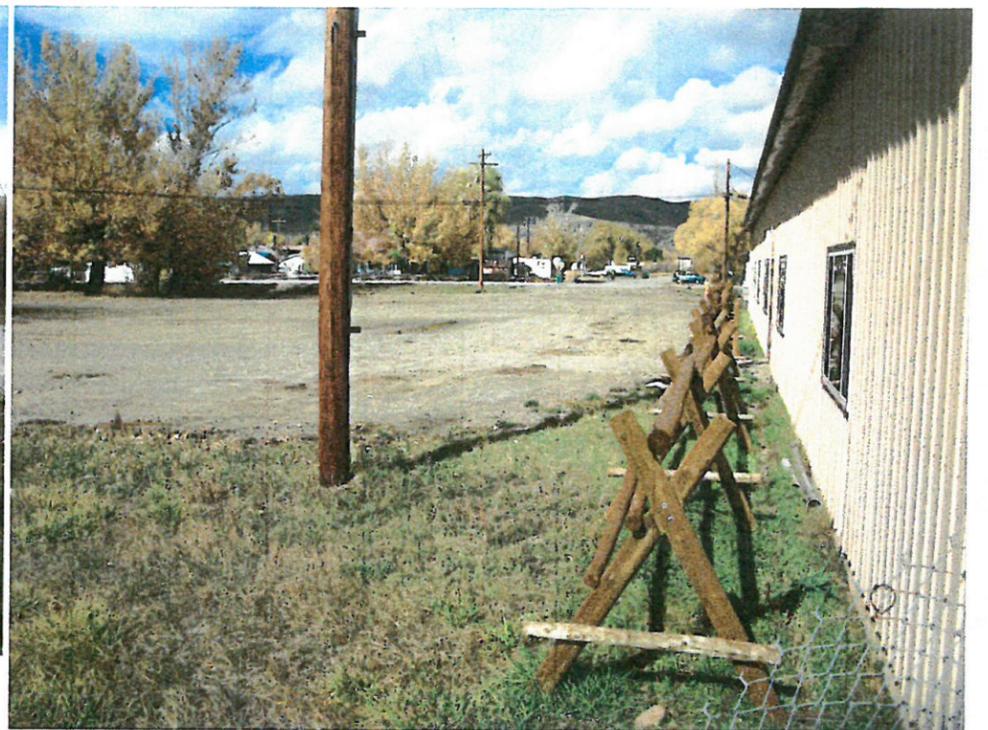
DESIGNED BY	DATE	PREPARED BY	REVISION	DESCRIPTION
CSR	10-15-15	CSR	ADDRESS TOWN COMMENTS	
CSR	1-27-16	CSR	FLOODPLAIN DEVELOPMENT SUBMITTAL	
SMB	2-19-16	SMB	PROGRESS SET COUNTY REVIEW	
SMB	2-26-16	CSR	BID SET	
JMM				

**ROUTT COUNTY**  
 FAIRGROUNDS RV & PEDESTRIAN IMPROVEMENTS  
 POPULAR STREET  
 OVERALL SITE PLAN

FOR AND ON BEHALF OF  
 BASELINE CORPORATION

INITIAL SUBMITTAL	9/25/15
DRAWING SIZE	24" X 36"
SURVEY FIRM	AUGUST 2015
4 POINTS	
JOB NO.	C020143
DRAWING NAME	C020143_civil.dwg
SHEET	2 OF 10

C2



Routt County Fairgrounds: Street Vacation Request March 2016



***Town of Hayden***

**Planning Commission**

**Staff Report**

**Project:** Bayou Breeze Grow Warehouse Conditional Use Permit (CUP)

**Address:** 412 Commerce Street (Valley View Business Park, Lot 26)

**Applicant:** Mr. Rodney McGowen c/o Petra General Contractors, Inc.

**Prepared by:** Ross Culbertson, Hayden Consulting Planner

**Hearing Date:** June 9, 2016

**Background**

The applicant has submitted a request to establish a Conditional Use Permit (CUP) for a 5,600 square foot, one-story warehouse facility for marijuana cultivation and growing on approximately 0.5 acres of land. The property is located on the north side of Commerce Street, approximately 100 feet east of Capital Street (within the Valley View Business Park on Lot 26). The business park was designed to accommodate independent industrial businesses. The subject property for the marijuana cultivation facility is zoned within a Light Industrial (I-1) district which permits marijuana operations with approval of a CUP.

The proposed business will be housed in an enclosed and secured building and will contain four grow rooms, three vegetative rooms for plant maturation, a cutting and trimming room, a storage room, and water supply areas. Additionally, there will be an internal office, security room, and shipping area. Outside there is a secured chain-linked trash enclosure protecting waste materials. Refer to the Building Plan and Site Plan exhibits attached to this report for further details of the building's operation and site layout.

**State of Colorado Constitutional Amendment for Marijuana**

*Amendment 64 (Article XVII, Section 16)* - The State of Colorado adopted Amendment 64 to the Colorado Constitution on December 10, 2012, after the November 6, 2012, State ballot initiative; authorizing the use, possession, growth, transport and transfer of marijuana in limited amounts and under limited circumstances, and further authorizes the conduct of business to cultivate, produce, test and sell marijuana and marijuana products.

Title 12-43.3-202, Colorado Revised Statutes (C.R.S) - This Subsection of the State Statutes defines application of the Colorado Medical Marijuana Code as amended from time to time, and any rules or regulations promulgated thereunder.

Title 12-43.4-202, Colorado Revised Statutes (C.R.S) - This Subsection of the State Statutes defines application of the Colorado Retail Marijuana Code as amended from time to time, and any rules or regulations promulgated thereunder.

### **Town of Hayden's Marijuana Ordinances**

Ordinance No. 666 - The Town Council passed, approved, and ordered published this Ordinance on August 6, 2015; permitting, regulating and licensing the cultivation of retail and medical marijuana under limited circumstances and making conforming amendments to Subsections 8.08.080.A, to Sections 8.35.010, 8.35.040, 16.03.040.I.3, and 16.03.040.J.3, and to Titles 5 and 16 of the Hayden Municipal Code.

Ordinance No. 668 - The Town Council passed, approved, and ordered published this Ordinance on September 3, 2015; imposition of an excise tax of 7.5 percent in 2016 and up to 15 percent thereafter on the wholesale of marijuana and contingent upon elector approval, amending the Hayden Municipal Code.

The Town of Hayden also held a Special Municipal Election on Tuesday, January 26, 2016, by a Mail Ballot to decide, "Should the Town of Hayden, CO Permit, Regulate, and License the Cultivation of Retail and Medical Marijuana under Limited Circumstances as Approved by the Town Council in Ordinance 666?" The resulting vote confirmed citizen support for the Ordinance in permitting, regulating, and licensing cultivation of retail and medical marijuana.

### **Staff Analysis**

Staff has worked with the applicant and his consulting team to thoroughly review the project in accordance to all applicable codes. In determining the appropriateness of the proposed use, staff evaluated the CUP based upon the criteria listed within the Town's local marijuana ordinance (Ordinance No. 666) in addition to general compliance with the Conditional Use Review Criteria of the Hayden Land Use Code (16.03.070.C). Below are *italicized* criteria sections from the guiding Marijuana Ordinances and non-italicized statements are staff's findings of the CUP's compliance.

### **Ordinance No. 666 CUP Compliance for Non-Residential Cultivation**

**Section 14.080** identifies Non-Residential Cultivation Restrictions and compliance criteria for marijuana grow facilities in the Town of Hayden:

*A. It shall be unlawful to possess or cultivate more than 12 marijuana plants on any premises or within any structure in any zone district in the Town without an approved Conditional Use Permit and without the license required for such a cultivation facility under Chapter 5.22 of this Code.*

The applicant is requesting to cultivate 1,800 plants under a *Tier-1* facility and will apply for a future state license documenting the same. Approval of a CUP is required to cultivate over the minimum threshold of 12 plants. The CUP will not take effect until the state license is issued.

*B. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises to allow more than 12 marijuana plants to be possessed or cultivated on the premises without approval of a Conditional Use Permit and without the license required for such a cultivation facility under Chapter 5.22 of this Code.*

The applicant will own, manage, and operate a facility that processes 1,800 plants under a *Tier-1* facility and will apply for a future state license documenting the same. Approval of a CUP is required to possess or cultivate over the minimum threshold of 12 plants. The CUP will not take effect until the state license is issued.

*C. It shall be unlawful to cultivate marijuana outside of a completely enclosed locked structure.*

1. *Nothing in this section shall be construed to allow the cultivation of marijuana in any number, manner, or location that is in conflict with the cultivation restrictions imposed in this Article within single family and multi-family residential dwelling units.*

2. *For purposes of this section:*

a. *“Completely enclosed locked structures” means a structure as defined by the zoning code accessible only to the persons cultivating the marijuana through one or more doors secured by a locked mechanism designed to limit access such as with a key or combination lock, and with walls and roofing that must be constructed of solid materials. Such structure must remain secure at all times and any window must be locked to prevent access by children, visitors, or a casual passerby.*

b. *“Cultivate” means the planting, growing, harvesting, storing, drying, trimming, or processing of marijuana plants.*

The applicant’s Site Plan and Building Plan indicate the structure is an enclosed and secured building. Public access is limited to only the office room which will have badge and key access to interior portions to the building. Fire doors will have “panic hardware” for egress from inside the building only. All doors and windows will have alarm and video surveillance. Additional building details and security specifications will be made with a future Building Permit.

*D. The marijuana plants must be cultivated, produced, processed and possessed within the building approved as part of a Conditional Use Permit process.*

The applicant’s Site Plan and Building Plan indicate all plant cultivation, production, and processing will be solely within the building envelope. The proposal is in compliance to this standard.

*E. The cultivation, production, processing and possession of marijuana plants must not be conducted in an open and public manner meaning it must not be perceptible from the exterior of the building on the subject site, and such activity shall not cause or create any of the following:*

- 1. Regularly occurring or persistent unusual odors, smells, fragrances, or other olfactory stimulus detectable by any person with a normal sense of smell upon or within any adjacent unit or property;*

The business will implement and operate a closed loop system for air purification. There will be no exhaust air leaving the facility at any time. A circular movement of cleaned air (through Can Filters) will flow from grow rooms to the hallway being contained within the building. See Item "F" below for more detail.

- 2. Light pollution, glare, or brightness that unreasonably disturbs others in the use or enjoyment of their property, or constitutes a nuisance; or*

The applicant's Site Plan indicates parking is being provided in accordance to the Land Use Code. Yet, the amount of parking is minimal and not over burdensome to the site. Lighting of parking areas will be made from the building and not with lighting standards. A Photometric Lighting Plan will be submitted with a future Building Permit to verify light levels at the property line.

- 3. Excessive noise.*

The business will comply with existing Town regulation and limit excessive noise levels.

*F. All marijuana cultivation facilities must employ and maintain ventilation and odor control that is adequate for the size of the facility to effectively eliminate odor from the facility escaping the facility so as to be detected by a person with a normal sense of smell at the exterior of the premises, in the surrounding neighborhood or in adjacent units.*

The applicant indicates the business will implement and operate a closed loop system for air purification. There will be no exhaust air leaving the facility at any time. Each Flowering and Growing Room, Vegetative Room, Cutting Room, Hanging Rack Room, Shipping & Receiving Area (all spaces except the Office Room) will contain either a Can Filter 75 or Can Filter 50 unit with a total of 20 cans throughout the building for air filtration. The Can Filter 75 unit contains a 2.5" bed depth of pure virgin-activated carbon to which air and odor is filtered and cleaned at a rate of 1200 CFM (cubic feet per minute) and releases or exhausts into the building at a rate of 420 CFM. Similarly, the Can Filter 50 unit cleans at a rate of 840 CFM and releases or exhausts into the building at a rate of 420 CFM. All air filtration will occur within the closed environment. A circular movement of cleaned air will flow from grow rooms to the hallway being contained within the building. The applicant will follow all manufacturer specifications of the Can Filters to ensure optimum performance and will conduct a

“contact film test” of the Can Filters every six months to verify integrity of the filters and replace as needed.

*G. Marijuana plants shall not be cultivated, produced, processed or possessed in any accessory structure.*

The applicant’s Site Plan and Building Plan indicate all plant cultivation, production, and processing will be solely within the building envelope. No accessory structure outside of the enclosed building will be used or constructed. The proposal is in compliance to this standard.

*H. The cultivation, production, processing or possession of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes.*

The CUP is being reviewed under the guiding Town Codes and Ordinances. Applicable Building Codes will be applied to the facility with a future Building Permit review.

*I. The use of any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinols or other cannabinoids is prohibited.*

The applicant’s Building Plan and project narrative indicates this operation will not use any compressed flammable gas for extraction method. The proposal is in compliance to this standard.

*J. The total load for a single branch circuit shall not exceed the ampacity for the entire cultivation area within the building.*

The applicant has consulted with Yampa Valley Electric Association regarding the electric needs of this operation and the electric load for cultivation areas will not exceed ampacity. The proposal is in compliance to this standard.

*K. Marijuana waste shall be rendered unusable prior to leaving the facility by grinding and incorporating the material with non-consumable solid wastes such as food waste, soil or other compostable materials.*

The waste by-products will consist of stems and fan leaves from the plant materials. They will be rendered unusable by grinding and mixing with a 50/50 percent ratio with soil or other compostable materials. All plant waste will be stored within the building until it is ready to be disposed of in accordance to the local and state laws by placing it into a locked dumpster behind a secured and surveillance monitored fence. The locked dumpster containing the waste/soil mixture will be removed from the site regularly and be additionally composted on private land off Breeze Basin Road in Hayden.

*L. Cultivation facilities shall not be located with 500 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any commercial child care center. Distances described in this paragraph shall be calculated by measuring the distance from the nearest*

*property line of the school, park or commercial child care center to the building in which the medical marijuana center is located.*

The subject site for the cultivation operation is within an industrial business park and does not have proximity to nor is located within 500 feet of any existing or planned school, park, or commercial child care center. The proposal is in compliance to this standard.

*M. Retail marijuana cultivation uses shall not operate in a manner that adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana cultivation use is located.*

The subject site and the business operation has been reviewed and evaluated for any conditions that may affect the public. The site's location within the Valley View Business Park, being an industrial park, is located on the eastern edge of the town. Industrial uses, including marijuana cultivation will not have immediate impacts on adjacent neighborhoods. The proposal is in compliance to this standard.

**Section 14.090** identifies Control of Emissions and compliance criteria for marijuana grow facilities in the Town of Hayden:

*In accordance with Town of Hayden Code Title 8: Health and Safety Section 8.08 Nuisances, sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cultivation facility must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a cultivation facility, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state, and local laws and regulations.*

The applicant indicates the facility will produce three categories of waste; liquid, plant, and soil. **Section 14.080.K** above, states the applicant's compliance to rendering plant and soil wastes inactive. Concerning water or liquid waste, the facility will produce general bathroom waste water, irrigation runoff and cleaning waste water. The applicant indicates there will be no hazardous material released to the Town's sewer system. Irrigation runoff will constitute no more than 5% of the water usage and cleaning waste water will be released by floor drains after pressure washing the grow rooms at harvest. Per the Town's Waste Water Codes, synthetic organics, organic matter, and pesticides are prohibited to enter the waste water treatment plant. Staff finds the applicant has not completely evidenced or satisfied this requirement and the CUP will be conditioned upon giving more detail to systems that prevent waste water contamination or pollutants entering the waste water treatment plant. The applicant has stated waste water will be monitored for conformance to the *MED Permanent Rules Section R307 Waste Disposal Section A, for All Applicable Laws and Section B, for Liquid Waste.*

*All cultivation facilities must employ and maintain ventilation and odor control that is adequate for the size of the facility to effectively eliminate the pungent odor from the operation so that the odor does not*

*migrate in and around the marijuana cultivation site and is not detected by a person with a normal sense of smell at the exterior of the premises, in the surrounding neighborhood and/or in adjacent units.*

**Section 14.080.E.1 and F** above, states the applicant's compliance to mitigate and filter internal air for odor elimination. The applicant knows the facility will be under scrutinized monitoring by the citizens and is confident with the Can Filter system will control odors from lingering outside of the facility and escaping into the public air.

***Conditional Use Review Criteria of the Hayden Land Use Code***

**Section 16.03.070.C** lists the criteria to evaluate Conditional Use Permits (CUP's):

- 1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.*

The CUP's requested use can and will meet this requirement. The use is proposed on property that has been platted as a Lot and is recorded as such with Routt County. The CUP Site Plan has been reviewed per the zoning code. Applicable Building Codes will be applied to the facility with a future Building Permit review. No variances have been applied for. The proposal is in compliance to this standard.

- 2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Hayden Comprehensive Plan.*

The CUP's requested use was not specifically addressed within the goals, policies and strategies within the Hayden Comprehensive Plan. However, this use does contribute to policy statements found within Section 3.2: *Fiscally Balanced Growth*, and Section 4.1: *Stage One Growth – Business/Light Industrial Uses*. The proposal is in compliance to this standard.

- 3. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.*

The CUP's requested use will be served by the Town's public utilities and public services. Since this is the first implemented marijuana cultivation facility within Hayden, any public complaints or inquiry into violations to Town Ordinances will be met with swift investigation by town authorities and proper communication made to the owner and or operator for compliance measures.

- 4. The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.*

The CUP's requested use is located within the Valley View Business Park (an industrial park) and is compatible with adjacent uses and does not jeopardize additional development. It would be advisable to locate any future marijuana cultivation business within this industrial development as

the area is zoned appropriately under the Light Industrial zoning district and accommodates the necessary infrastructure requirements for this type of use.

5. *The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.*

The CUP's requested use and site plan shows all vehicular access and movement will be on-site and will not adversely impact adjacent properties. The proposal is in compliance to this standard.

6. *Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:*
  - a. *Traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.*

The CUP's requested use has been reviewed in conjunction with a Site Plan and Building Elevations which were vetted in compliance to the *Land Use Code, Article 2 – Community Design Standards, and Article 3 – Zoning*. The building will internally house all components of the marijuana cultivation business and is designed to be a non-descriptive building as not to bring undue attention to its operation. No additional screening of the use is required within the Light Industrial zoning district. The proposal is in compliance to this standard.

7. *The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.*

The applicant is coordinating in addition to the CUP request, both a local and state marijuana cultivation facility license which must be issued prior to operating the facility.

### **Zoning and Land Use**

The subject property is zoned Light Industrial (I-1) and all adjacent lots within the industrial park are zoned Light Industrial:

**North:** Property to the north across Crandell Avenue (Hayden Cemetery) is zoned Agriculture and Forestry (AF) under Routt County Jurisdiction.

**South:** Property to the south is vacant and zoned Light Industrial (I-1) within the Valley View Business Park.

**East:** Property to the east across Hawthorne Street is vacant and zoned Agriculture and Forestry (AF) under Routt County Jurisdiction.

**West:** Property to the west is vacant and zoned Light Industrial (I-1) within the Valley View Business Park.

## **Referral Agency and Department Comments**

The proposed annexation request was referred to the following agencies for a development review:

1. Planning Consultants – planning review of the CUP request (including exhibits) is complete.
2. Public Works Department (incl. Water & Sewer) – review of the CUP request is complete. Town services can be provided to the property.
3. Building Inspections Consultants – review of the CUP request is complete. A more thorough review of building plans will be made at the time of future commercial building permits.
4. Fire District - review of the CUP request is complete.
5. Police Department - review of the CUP request is complete.
6. Engineering Consultants - review of the CUP request is complete. A more thorough review of civil engineering plans will be made at the time of future commercial building permits.

## **Public Input**

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper at least 15 days prior to this Planning Commission public hearing date. No comments or concerns regarding the CUP request for a marijuana cultivation facility have been received by Planning Staff or the Town Clerk to date.

## **Staff Recommendation**

Based on the above observations and findings of compliance with the Hayden Town Codes, staff recommends:

**Approval** of the Conditional Use Permit for the Bayou Breeze Grow Warehouse subject to the following four conditions:

1. Approval of a future Building Permit.
2. Provide evidence of a waste water filtration system that prevents contaminants from entering the Town’s waste water treatment plant with a future Building Permit.
3. Approval of a State of Colorado Marijuana Cultivation Facility License.
4. Approval of a Town of Hayden Marijuana Cultivation Facility License.

## **Planning Commission Recommending Options**

The Planning Commission may choose to:

1. Recommend to the Town Council approval as submitted with staff’s conditions.
2. Recommend to the Town Council approval subject to staff conditions and additional Planning Commission Conditions.
3. Recommend to the Town Council project denial.

## **Attachments**

CUP Site Plan                      CUP Building Plan  
CUP Elevations                      CUP Can Filter Cut Sheet  
Ordinance No. 666

**MEDIUM TRAPEZOID WALL PACK** **WPTZ**  
LED

CATALOG # TYPE

PROJECT: NOTES:

**EXAMPLE WPTZ - L38/750 - OPTIONS - DIM - UNV**

SIZE LUMEN PACKAGE OPTS DIM VOLUME

**CROSS SECTION** This fixture does not comply with Buy American/ARRA and similar regulatory programs.

14-1/4" x 9-1/8" x 11-3/4"

**ORDERING INFORMATION**

**SERIES** Medium Trapezoid Wall Pack

**LED PACKAGE**

LUMEN PACKAGE	NOMINAL LUMENS	MINIMUM CRI & CCT	AVERAGE SYSTEM WATTAGE
L38	3800	750 - 70 CRI, 5000K	42

**ACCESSORIES** (only one lens-mounted accessory per fixture)

**PC** Only one lens-mounted accessory per fixture. See page 2 for details. Factory provided physical, field-installed (120V, 208V and 277V only, must specify voltage)

**PVS** Polycarbonate vandal shield

**WG** Stainless steel wireguard

**Y** Adjustable yoke mount allows 60° vertical swivel (hardware included)

**DRIVER** DIM Driver provided for 0-10V low voltage dimming applications

**VOLTAGE**

120	120V
208	208V
240	240V
277	277V
UNV	120-277V
347	347V
480	480V

H. E. Williams, Inc. • Carthage, Missouri • www.hew.com • 417-358-4065

Williams H. E. WILLIAMS, INC. Wall Mount Page 1 of 2

**WPTZ** MEDIUM TRAPEZOID WALL PACK  
LED

**FOOTCANDLE DISTRIBUTION**

FIXTURE: WPTZ-L38/750

Footcandle calculations based on standard building reflectance of .10 with a ground reflectance of .0 and a light loss factor of .90. Fixture installed at 12' mounting height.

- Efficacy: 90 lm/W
- Flux: 3832 lm
- CRI: 72
- CCT: 5033
- BUG Ratings: B2-U1-G1

**SPECIFICATIONS**

**Housing** - Heavy-duty die-cast aluminum construction

**Lens** - Heat and impact-resistant clear tempered-glass standard

**Finish** - Powder coated on heavy-duty die-cast housing. Dark bronze finish only.

**Electrical** - Electronics: 120-277V or 347/480V dimmable driver. Metal core PCB LED array.

**Mounting** - Wall mounts directly over a 4" maximum recessed outlet box or accepts 1/2" surface conduit.

**Labels** - ICSA listed to STD22.2 No. 250.0 certified as luminaire suitable for wet locations. 40°C maximum ambient operating temperature.

**Warranty** - 5-year limited warranty.

**ACCESSORIES**

**PVS**

**WG**

**Y**

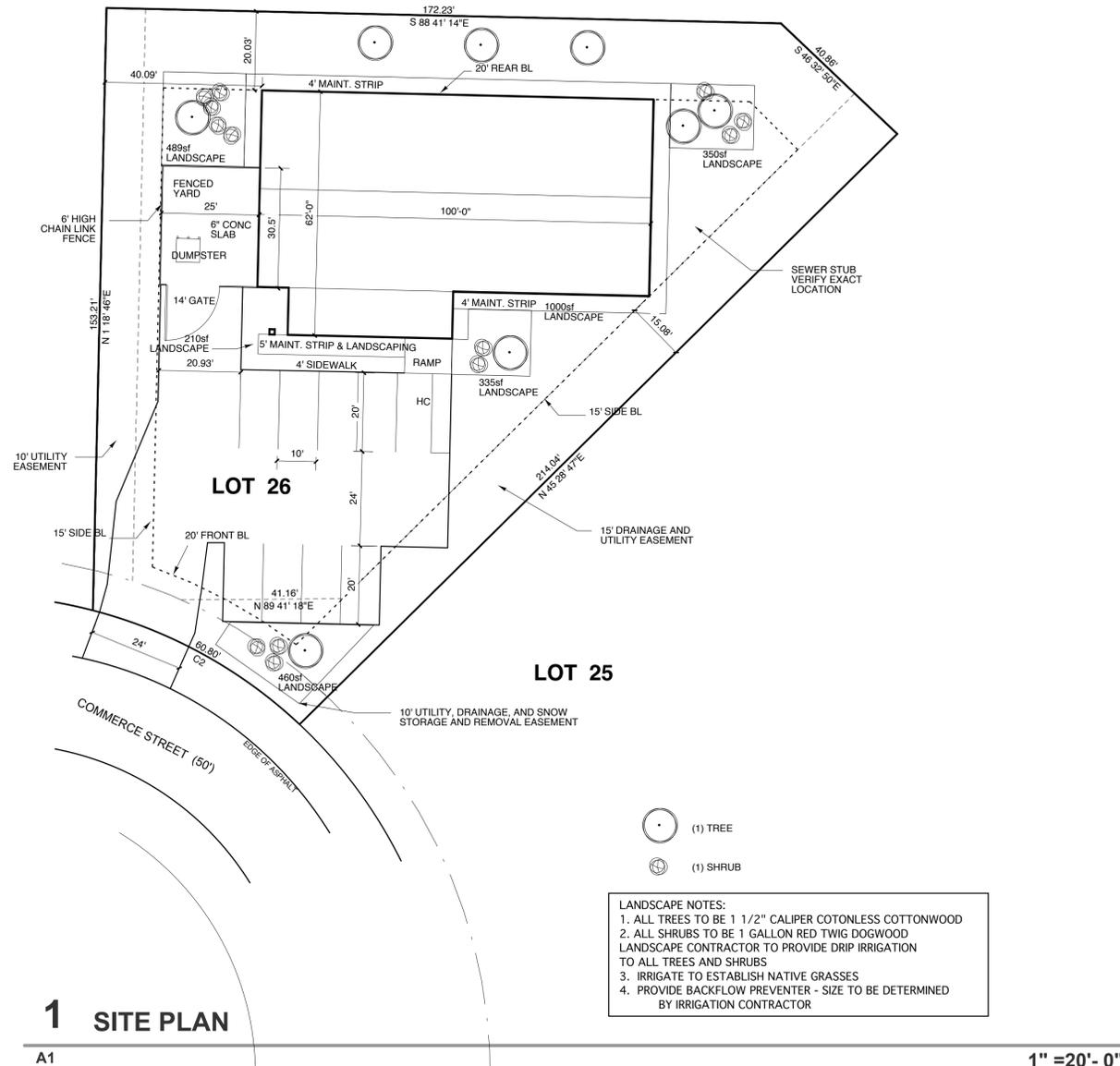
**MOUNTING**

**BACKVIEW**

**BOLT CIRCLE PATTERN DETAIL**

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Williams H. E. WILLIAMS, INC. Wall Mount Page 2 of 2



**PROJECT DATA TABLE LOT 26**

STANDARDS	ZONE DISTRICT I-1 REQUIREMENTS	FINAL DEVELOPMENT PLAN
LOT AREA	NO MINIMUM OR MAXIMUM	23,867 SF
LOT COVERAGE	NO MAXIMUM	.25
LOT WIDTH	NO MINIMUM OR MAXIMUM	TRIANGLE
NUMBER OF UNITS	NO LIMITS	1
FLOOR AREA RATIO	1:1 MAXIMUM	.23
BUILDING HEIGHT	35 FEET MAXIMUM	28'-4"
FRONT SETBACK	20' MINIMUM	80'-9"
SIDE SETBACK	15' MINIMUM	15'-0"
REAR SETBACK	20' MINIMUM	20'-0"
LANDSCAPED AREA	15% OF GROSS 18,738 GROSS AREA	2810SF REQ'D / 2844 PROPOSED
NUMBER OF TREES	1/1500SF	2 TREES REQ'D / 8 PROPOSED
SHRUBS	1/300SF	10 SHRUBS REQ'D / 13 PROPOSED
PARKING	1/EMPLOYEE	6 REQ'D / 9 PROPOSED

**Building Code Analysis**

2009 INTERNATIONAL BUILDING CODE

**OCCUPANCY GROUP:**  
GROUP F-1 - INDUSTRIAL  
ACCESSORY B - OFFICE

**TYPE OF CONSTRUCTION**  
V-A - UNSPRINKLERED

**ALLOWABLE AREA:** 2 STORY 14,000 SF / STORY  
PROPOSED AREA: 1 STORY 5,600 SF

**OCCUPANT LOAD:**  
B OFFICE 3 - ONE EXIT REQUIRED  
F-1 MANUFACTURING 50 - 2 EXITS REQUIRED

**SHEET INDEX**

A1 - SITE PLANS

A2 - PLANS

A3 - ELEVATIONS / SECTION

S1 - STRUCTURAL PLANS

Architect  
**scott myller. architect**  
652 Ruby Square  
P. O. Box 771854  
Steamboat Springs, CO 80477  
970.846.1700

Structural Engineer  
Bear Valley Design, Ltd.  
P.O. Box 475  
Steamboat Springs, Co 80477  
(970) 879-5454  
Attn: Greg Herman

**BAYOU BREEZE WAREHOUSE**

412 COMMERCE STREET  
HAYDEN COLORADO

REVISIONS:  
REV. DATE: REV. NAME: REV. NO:

NOTES:

**SITE PLAN**

date: 26 MAY 2016  
scale: 1" = 20' - 0"

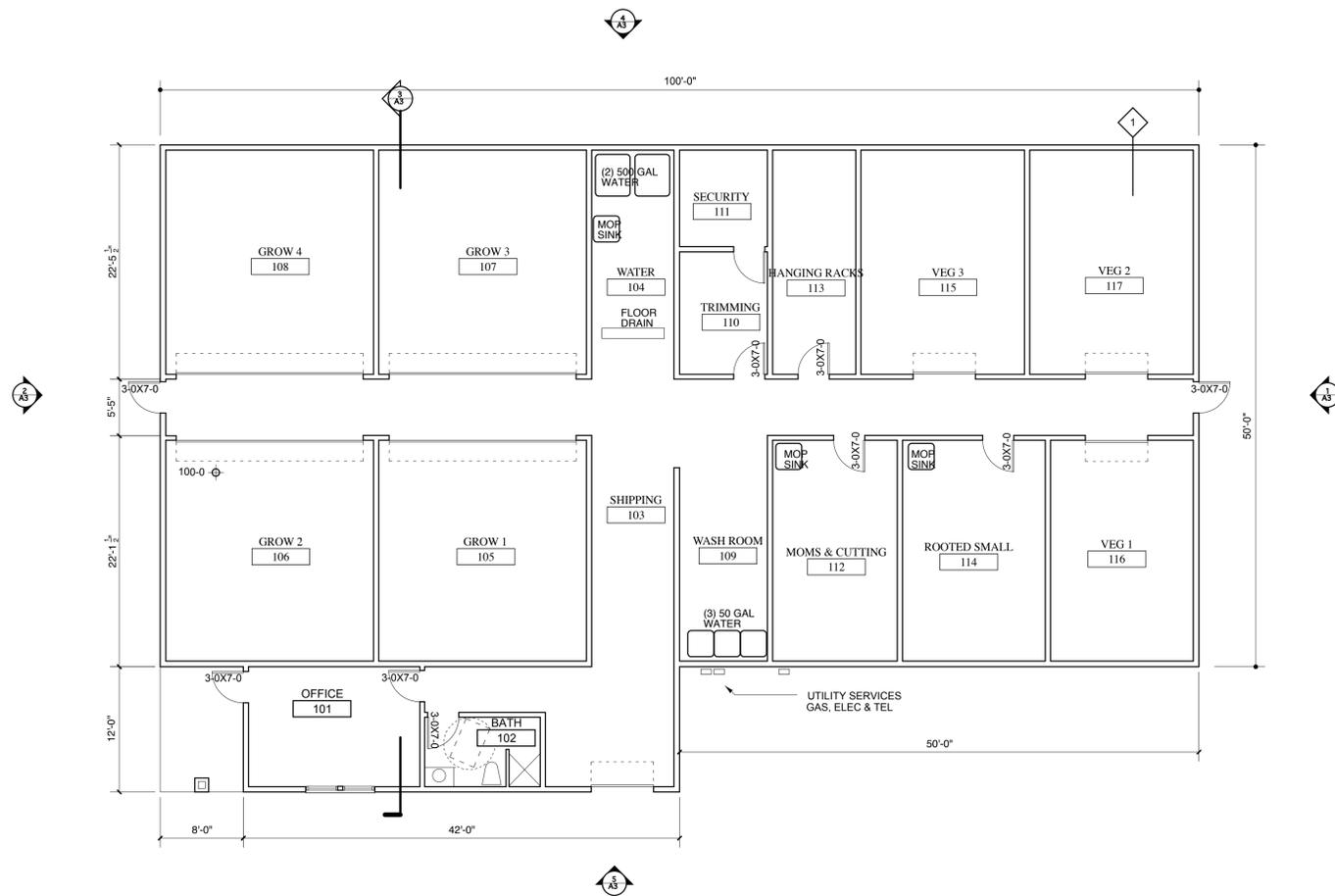
**A1**

**2 EXTERIOR LIGHT FIXTURES**

A3

Architect  
**scott myller. architect**  
 652 Ruby Square  
 P. O. Box 771854  
 Steamboat Springs, CO 80477  
 970.846.1700

Structural Engineer  
 Bear Valley Design, Ltd.  
 P.O. Box 475  
 Steamboat Springs, Co 80477  
 (970) 879-5454  
 Attn: Greg Herman



**1** MAIN LEVEL PLAN  
 A2 1/8" = 1'- 0"

**BAYOU BREEZE  
 WAREHOUSE**

412 COMMERCE  
 STREET  
 HAYDEN  
 COLORADO

REVISIONS:

REV. DATE:	REV. NAME:	REV. NO.:

NOTES:

**PLAN**

date: 10 MAY 2016  
 scale: 1/8" = 1' - 0"

**A2**



WELCOME TO HIGH TECH GARDEN SUPPLY

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Password

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- Reflectors and Hoods
- Reflective Films and Liners
- Ventilation and Fans
- Garden Fertilizer and Nutrients
- Complete Nutrient Packages
- Hydroponics Systems
- Hydroponics Supplies
- Carbon Filters and Odor Control
- Pots, Grow Bags, Buckets and Lids
- Grow Tents and Dry Nets
- Complete Grow Kits
- Grow Mediums and Potting Soil
- Environmental Controls
- Monitoring and Test Equipment
- Cloning and Seed Starting Supplies
- Indoor Gardening Accessories
- Pest Control
- Water Filtration Systems
- Indoor Gardening Books
- HTGSupply Gear
- Refurbished Equipment
- Clearance Items

**Can 50 Carbon Filter**  
 Product Number: ODR-CAN50F



Can-Filters has been manufacturing carbon air filters for over 15 years. With time comes experience and professionalism which has enabled the manufacture of a high quality, no maintenance, carbon air filter for the ultimate in air purification, particulate removal and extreme odor control, up to 99.5%.

If you've ever tried to garden with organic fertilizers in a greenhouse environment, or suffered through allergies due to pollen, you'll see why we offer these amazing filters.

All carbons are not the same. Can-Filters uses a custom specified Virgin Activated Coal Based Carbon (CKV4) to insure longest possible performance. Whether utilized for commercial, industrial, or residential use, you can be sure that the proper carbon type, carbon weight, and bed width has been chosen for maximum effectiveness.

Can-Filters Activated Carbon Filters are constructed with a "packed bed" design to give consistent performance, long life (12 to 18 months), and are completely maintenance free. The packed bed design prevents the formation of preferential channels which can allow untreated air through the system. This unique design gives Can-Filters a larger surface area for significantly lowered pressure drops.

Effective treatment requires the exchange of air in the growing area in a period of 5 minutes. **Compute your requirements by multiplying the width times the length times the height of your growing area to obtain the total cubic feet. Divide this number by 5 to determine the proper filter size needed.**

For example, if your growing area is 8 feet long by 8 feet wide by 8 feet tall, it contains a total of 512 cubic feet. To treat this area in five minutes, you would need to use a fan with a CFM (cubic feet per minute) rating of approximately 102.

Max Recirculating (Scrubbing) CFM: 840 cfm / 1426 m<sup>3</sup>h

Max Exhaust CFM: 420 cfm / 713 m<sup>3</sup>h

@ 0.1 sec contact time

Recommended Min Airflow: 210 cfm / 356 m<sup>3</sup>h

Pre-filter: Yes

Flange: 6", 8", 10"

Dimensions: (with pre-filter)

·Outside Diameter: 42cm / 16.5"

·Height: 50cm / 19.7"

·Total Weight: 25kg / 55lbs.

·Carbon Weight: 19kg / 42lbs.

·Carbon Bed Depth: 6.5cm / 2.56"

Max Operating Temp: 80°C

Pressure drop at max cfm: 180pa / .75"wg

**Recommended Can-Fan:**

FAN	Watts Consumed	Filtered Air CFM
Max-Fan 10"	212 Watts	572 CFM
Can-Fan 10" HO	280 Watts	515 CFM
Max-Fan 8"	152 Watts	478 CFM
Can-Fan 8" HO	285 Watts	475 CFM
Can-Fan 8"	134 Watts	365 CFM
Can-Fan 6" HO	137 Watts	312 CFM

**Customize your product**

**Flange:**

- No Flange (\$0.00)
- 6 Inch Flange (\$12.50)
- 8 Inch Flange (\$13.50)
- 10 Inch Flange (\$15.95)

**Hang Your Filter With Rope Ratchets:**

- No Rope Ratchets (\$0.00)
- 1/8" Rope Ratchets - 75lb Max (\$11.00)

Price: \$222.08

Quantity:

[Add to Cart](#) [Add to Wishlist](#)

## **ORDINANCE NO. 666**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, PERMITTING, REGULATING AND LICENSING THE CULTIVATION OF RETAIL AND MEDICAL MARIJUANA UNDER LIMITED CIRCUMSTANCES AND MAKING CONFORMING AMENDMENTS TO SUBSECTION 8.08.080.A., TO SECTIONS 8.35.010, 8.35.040, 16.03.040.I.3 AND 16.03.040.J.3, AND TO TITLES 5 AND 16 OF THE HAYDEN MUNICIPAL CODE**

#### **RECITALS**

1. In the November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution ("Article XVIII Section 14") which, among other things, authorizes the sale of medical marijuana for use in the treatment of debilitating medical conditions.
2. In response, and for those reasons stated in Ordinance No. 632, the Town Council ("Council") of the Town of Hayden, Colorado ("Town") prohibited the location, operation or other establishment of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers in Town.
3. At the November 2012 general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Article XVIII, Section 16") which authorizes the use, possession, growth, transport and transfer of marijuana in limited amounts and under limited circumstances, and further authorizes the conduct of business to cultivate, produce, test and sell marijuana and marijuana products.
4. In response, and for those reasons stated in Ordinance No. 659, the Council prohibited the location, operation or other establishment of Marijuana Establishments, as that term is defined by Article XVIII, Section 16, within Town.
5. Among the stated reasons for the above-referenced prohibitions were: Amendment 64 did not provide information on how the conduct of business to cultivate and sell marijuana would meet the new State of Colorado laws, or how the Federal government would react to the State of Colorado's voter supported constitutional amendment to cultivate and sell marijuana, or how the Town would pay for the licensing, permitting and regulation of marijuana cultivation business(s), or what nuisances would arise from the cultivation of marijuana and how these nuisances would be addressed to minimize the nuisance impact on neighboring properties, or how the Town might afford to defend itself if local policies and regulations for the cultivation, sale and taxation of the marijuana business(s) were challenged; and the Council now finds and determines that other Colorado municipalities have adopted codes to provide for proper ways to regulate and permit marijuana businesses, that the Federal government is currently allowing Colorado marijuana cultivation businesses to continue, that the Town Council can set licensing, permitting and regulatory fees at an amount likely to fully cover the Town-incurred expenses, that nuisances arising from marijuana cultivation operations are capable of being mitigated and regulated with proper enforcement, and that by adopting regulations and permit requirements similar to those successfully adopted and implemented by other Colorado communities, the Town can mitigate the previously identified concerns and taxpayers can benefit by

the economic opportunities, property development, a broadening of the local job diversity, increased local tax revenue and local job growth.

6. Based on its observations of the secondary effects of marijuana cultivation activities in other jurisdictions, the Council finds that such activity can pose a significant risk to the public health, safety and welfare if and when the use of pesticides, fertilizers, butane and other combustible materials is unregulated and when individuals without experience or training in cultivation or extraction methods begin to experiment with such activity.
7. The Council further finds that, while cultivation and extraction activities present a risk if unregulated, those risks may be mitigated through regulations that limit such activities to certain zone districts, limit the permissible size and scope of home-based cultivation and require commercial cultivation operations to obtain a Town license and to meet certain health, safety and welfare standards.
8. The Council now therefore desires to adopt regulations to permit and license, under certain limited circumstances, the cultivation of both medical and retail marijuana within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, THAT:

**Section 1.** Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council of the Town of Hayden, Colorado.

**Section 2.** Title 5 of the Hayden Municipal Code (“Code”), concerning Business Taxes, Licenses and Regulations, is hereby amended by the addition of a new Chapter 5.22, to read in its entirety as follows:

### **Chapter 5.22**

### **MARIJUANA CULTIVATION FACILITIES**

Sections:

- 5.22.010. Purpose, Intent and Other Laws
- 5.22.020. Definitions
- 5.22.030. Application
- 5.22.040. Licensing Authority created
- 5.22.050. Composition of the Authority
- 5.22.060. Functions of the Authority
- 5.22.070. License required; term of license; renewal application
- 5.22.080. Application requirements; payment of application fee
- 5.22.090. Denial of application
- 5.22.100. Persons prohibited as licensees
- 5.22.110. Requirements related to the premises
- 5.22.120. Prohibited acts.
- 5.22.130. Required books and records
- 5.22.140. Inspection of licensed premise
- 5.22.150. Nonrenewal, suspension or revocation of license
- 5.22.160. Violations and penalties
- 5.22.170. No Town liability; indemnification; no defense

5.22.010 Purpose, Intent and Other Laws

- A. The purpose of this Chapter is to authorize, under limited circumstances and in limited locations, the cultivation of retail marijuana pursuant to the Colorado Retail Marijuana Code and the cultivation of medical marijuana pursuant to the Colorado Medical Marijuana Code, which authorize the licensing and regulation of marijuana cultivation and affords the Town the option to determine whether or not to allow such cultivation within its jurisdiction and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law. The intent of this Chapter is to establish a nondiscriminatory mechanism by which the Town can control, through appropriate regulation, the location and operation of marijuana cultivation within the Town. Nothing in this Chapter is intended to promote or condone the sale, distribution, possession or use of marijuana in violation of any applicable law. Compliance with the requirements of this Article shall not provide a defense to criminal prosecution under any applicable law.
  
- B. If the State adopts any stricter regulation governing the cultivation of marijuana than that set forth in this Chapter, the stricter regulation shall control such activity in the City. A licensee may be required to demonstrate, upon demand by the local licensing authority or by law enforcement officers, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with applicable state regulation. If the State prohibits the cultivation of marijuana, any license issued under this Chapter shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress by the licensee. The issuance of any license pursuant to this Chapter shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

5.22.020. Definitions

The following words and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

*Applicant* means any person or entity who has submitted an application for a license or renewal of a license issued pursuant to this Chapter. If the applicant is an entity and not a natural person, applicant shall include all persons who are members and managers of such entity.

*Colorado Medical Marijuana Code* means Title 12, Article 43.3 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

*Colorado Retail Marijuana Code* means Title 12, Article 43.4 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

*Consumer* means a person who purchases marijuana for his or her own use and not for resale to others.

*Cultivation or cultivate* means the process by which a person grows a marijuana plant.

*Facility* means the defined area in which a cultivation operation may be conducted, whether the entirety of a building or structure or a unit, suite, leaseable space or other defined portion thereof, as clearly-delineated on the site plan or other development approval associated with the conditional use permit issued for the facility and on the detailed diagram of the proposed licensed premises required to be filed with the Town pursuant to Section 5.22.080.B.(7) hereof as part of an application for a License under this Chapter.

*Fee schedule* means the Town of Hayden Fee Schedule, as adopted and amended by the Town Council from time to time.

*Good cause* (for the purpose of refusing or denying a license or license renewal under this Chapter) means: (1) the licensee has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this Chapter, of the Colorado Retail Marijuana Code, of the Colorado Medical Marijuana Code, of any rule or regulation promulgated pursuant to such Codes or pursuant to this Chapter, or of the Hayden Municipal Code; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license, whether state or local, at the time the license was issued, or that were placed on its license, whether state or local, in prior disciplinary proceedings or to which the licensee agreed in the context of potential disciplinary proceedings; or (3) the licensee's facility has been found to have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the facility is located. Evidence to support such a finding can include: (i) a continuing pattern of offenses against the public peace; (ii) a continuing pattern of drug-related criminal conduct within the premises of the facility or in the immediate area surrounding the facility; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the facility.

*Industrial hemp* means the plant of the genus Cannabis and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent (0.03%) on a dry-weight basis.

*License* means a document issued by the Town officially authorizing an applicant to operate a marijuana cultivation facility pursuant to this Chapter, or, if required by the context, means a document issued by the state licensing authority pursuant to the Colorado Retail Marijuana Code.

*Licensed premises* means the premises specified in an application for a license under this Chapter which is owned or in possession of the licensee and within which the licensee is authorized to cultivate marijuana in accordance with state and local law.

*Licensee* means the person or entity to whom a license has been issued pursuant to this Chapter.

*Marijuana* means all parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate, but provided, however, that such concentrate must have

been extracted with water-based methods. Water-Based marijuana concentrate is the only type of marijuana concentrate that a Marijuana cultivation facility is authorized to produce under a License issued pursuant to this Chapter. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

*Marijuana cultivation facility* means an entity licensed to cultivate more than twelve (12) marijuana plants at any one time, prepare and package the marijuana and either provide medical marijuana to one or more patients or sell marijuana to marijuana stores, to marijuana product manufacturing facilities, to other marijuana cultivation facilities, to medical marijuana centers or to medical marijuana-infused products manufacturers, but not to consumers.

*Marijuana product manufacturing facility* shall have the same meaning as set forth in the Colorado Retail Marijuana Code.

*Marijuana store* shall have the same meaning as set forth in the Colorado Retail Marijuana Code.

*Medical marijuana center* shall have the same meaning as set forth in the Colorado Medical Marijuana Code.

*Medical marijuana-infused products manufacturer* shall have the same meaning as set forth in the Colorado Medical Marijuana Code.

*State* means the State of Colorado.

*State licensing authority* shall have the same meaning as set forth in the Colorado Retail Marijuana Code, in the context of retail marijuana, and in the Colorado Medical Marijuana Code, in the context of medical marijuana.

*Water-based marijuana concentrate* means a specific subset of marijuana that was produced by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.

B. In addition to the definitions contained in Subsection (a) above, other terms used in this Chapter shall have the meaning ascribed to them in Article XVIII, Section 14, of the Colorado Constitution or in the Colorado Medical Marijuana Code or in the Colorado Retail Marijuana Code, and such definitions are hereby incorporated into this Chapter by reference.

5.22.040. Licensing Authority created.

There shall be and is hereby created a Marijuana Licensing Authority, hereafter referred to in this Chapter as the "Authority."

5.22.050. Composition of the Authority.

The Authority shall be the Town Clerk.

5.22.060. Functions of the Authority.

A. The Authority shall have the duty and authority pursuant to this Chapter and the Colorado Medical Marijuana Code and Colorado Retail Marijuana Code to grant or deny licenses, as well as all powers of a local licensing authority as set forth in said Colorado Codes.

B. The Authority shall have the power to: (i) promulgate rules and regulations concerning the procedures for hearings before the Authority; (ii) require any applicant or licensee to furnish any relevant information required by the Authority; and (iii) administer oaths and issue subpoenas to require the presence of persons and the production papers, books and records at any hearing that the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by a district court of the State.

5.22.070. License required; term of license; renewal application.

A. It shall be unlawful for any person to establish or operate a marijuana cultivation facility in the Town without first having obtained from the Town and from the State, if the State requires licensure of such a facility, a license for each facility to be operated. Such licenses shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current license shall constitute a violation of this Section.

B. It shall be unlawful for any person, group of persons or entity to cultivate more than twelve (12) marijuana plants on any premises without first having obtained the license required by this Chapter, regardless of whether such plants are grown individually or cooperatively, for wholesale, personal use or for provision to another, as a commercial enterprise, as a caregiving enterprise or for purely personal use, and regardless of any other factor(s) concerning such cultivation.

C. Any license issued by the Authority under this Chapter shall expire one year after the date of its issuance.

D. An application for renewal of an existing license shall be made on forms provided by the Town and the State. At the time of the renewal application, each applicant shall pay a nonrefundable fee to the Town, as set forth in in the Fee Schedule, to defray the costs incurred by the Town for background investigations, review of the application and inspection of the proposed premises, as well as any other costs associated with the processing of the application.

5.22.080. Application requirements; payment of application fee.

A. Prior to making an application for a license, the person potentially seeking the license shall first attend at least one pre-application meeting with the Town Manager, Town Clerk and any other Town official or employee whose presence is requested by the Town Manager or Clerk. The purpose of the pre-application meeting is to advise the potential applicant as to the process for applications under this Chapter, to answer preliminary questions from the potential applicant and to provide an opportunity to identify issues

that might preclude the issuance of a license pursuant to this Chapter. Prior to such pre-application meeting, the potential applicant shall pay a pre-application fee to the Town, as set forth in Fee Schedule, to defray the costs incurred by the Town in conducting the meeting. A person seeking a license shall submit an application to the Town on forms provided by the State and Town. At the time of application, each applicant shall pay an application fee to the Town, as set forth in Fee Schedule to defray the costs incurred by the Town for background investigations, review of the application and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present for recording one (1) of the following forms of identification:

- (1) An identification card issued in accordance with Section 42-2-302, C.R.S.;
- (2) A valid state driver's license;
- (3) A valid driver's license containing a picture issued by another state;
- (4) A United States military identification card;
- (5) A valid passport; or
- (6) An alien registration card.

B. The applicant shall also provide the following information on a form approved by, and acceptable to, the Town, which information shall be required for the applicant and all persons having a financial interest in the facility that is the subject of the application or, if the applicant is an entity, having a financial interest in the entity:

- (1) Name, address, date of birth and other identifying information as may be required;
- (2) An acknowledgement and consent that the Town may conduct a background investigation, including a criminal history check, and that the Town will be entitled to full and complete disclosure of all financial records of the facility, including but not limited to records of deposits, withdrawals, balances and loans;
- (3) If the applicant is a business entity, information regarding the entity, including without limitation the name and address of the entity, its legal status and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, as applicable;
- (4) A copy of the deed reflecting the applicant's ownership of, or a lease reflecting the right of the applicant to possess, the proposed licensed premises;
- (5) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marijuana cultivation facility;
- (6) Evidence of the issuance of a valid Town excise tax license, if required;

(7) A clearly legible "to scale" diagram of the proposed licensed premises, no smaller than 8.5" x 11" and no larger than 11" x 17", showing, without limitation, the building layout, all entryways and exits to and from the proposed licensed premises, all areas in which marijuana will be cultivated and stored, and all proposed areas of water-based extraction activities;

(8) A comprehensive operation plan for the cultivation facility that contains, at a minimum, the following:

a. A description of the security provisions and systems meeting the requirements of Section 5.22.110.E. of this Chapter; and

b. An exterior lighting plan; and

c. A description of the cultivation activities, including without limitation, the area in which plants will be grown, a description of the ventilation and odor filtration system for the premises, if required by Section 5.22.110.D. of this Chapter, and a description of the automatic fire suppression system, if required by applicable building and fire codes; and

(9) An area map drawn to scale indicating land uses of other properties within a 500-foot radius of the property upon which the applicant is seeking a license. The map shall depict the proximity to the property to any school, park or commercial child care center.

(10) Any additional information that the Authority reasonably determines to be necessary in connection with the investigation, review and determination of the application.

C. A license issued pursuant to this Chapter does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the facility, including, without limitation, any development approvals or building permits required by this Code.

D. Upon receipt of a complete application, the Authority shall circulate the application to all affected service areas and departments of the Town to determine whether the application is in full compliance with all applicable laws, rules and regulations. No license shall be approved until after the Authority has caused the proposed premises to be inspected to determine compliance of the premises with any applicable requirements of this Chapter and Code, and with the plans and descriptions submitted as part of the application. Within thirty (30) days after the completion of the Authority's investigation of the application, the Authority shall issue a written decision approving or denying the application for licensure, which decision shall state the reasons for the decision and be sent via certified mail to the applicant at the address shown in the application. In addition, the Authority shall promptly notify the State Medical Marijuana Licensing Authority of any approval of an application for local licensure.

E. After approval of an application, the Authority shall not issue a license or license certificate until the building in which the business is to be conducted is ready for

occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the applicable provisions of this Chapter. After approval of an application, the Authority shall not issue a license or license certificate until the applicant provides written evidence that the applicant has paid all license application fees due to the State in connection with the State Licensing Authority's review of the application, where applicable. Each license certificate issued by the Town pursuant to this Chapter shall specify the date of issuance, the period of licensure, the name of the licensee and the premises or optional premises licensed.

**5.22.090. Denial of application.**

The Authority shall deny any application that does not meet the requirements of this Chapter and may deny an application that does not meet the requirements of the Colorado Medical Marijuana Code. The Authority shall also deny any application that contains any false, misleading or incomplete information. Denial of an application for a license shall be subject to review by a court of competent jurisdiction.

**5.22.100. Persons prohibited as licensees.**

No license shall be issued to, held by or renewed by any of the following:

- A. Any applicant who has made a false, misleading or fraudulent statement, or who has omitted pertinent information, on the application for a license;
- B. Any applicant who has failed to pay all required state and local application and/or license fees, as applicable.
- C. Any licensee who is delinquent in or who has failed to file tax returns and other required financial information, to remit taxes to the Town or the State, or who has otherwise failed to conduct the facility in compliance with all applicable ordinances, rules, regulations and laws.

**5.22.110. Requirements related to the premises.**

- A. All cultivation, water-based extraction and related activities shall be conducted indoors.
- B. All product storage shall be indoors. Marijuana shall not be visible from a public sidewalk or right of way.
- C. No marijuana shall be consumed on the licensed premises.
- D. The cultivation of marijuana that results in any single marijuana plant of a height greater than twelve (12) inches is only permitted when the premises are equipped with a system that removes the odors of the marijuana being cultivated so that the odor is not detectable from the exterior of the business or from within any adjoining premises. Approval of the odor removal system by the Building Inspector is required prior to any cultivation process beginning. The Building Inspector's determination of the adequacy of any proposed odor-removing system shall be based on his reasonable determination of the ability of the proposed system to remove odors as required by this Subsection, which

determination shall be based upon the manufacturer's or an engineer's design specifications for the system as they relate to the premises in question.

E. Adequate security must be provided on the premises. At a minimum, the security shall include:

- (1) Security surveillance cameras installed and properly maintained to monitor each entrance along the interior and exterior of the premises to discourage crime and to facilitate the reporting of criminal acts, as well as nuisance activities; security video shall be preserved in the manner and for the period of time set forth in the Colorado Medical Marijuana Enforcement Division Rules, as amended from time to time;
- (2) Robbery and burglary alarm systems that are professionally monitored and maintained in good working condition;
- (3) Exterior lighting that illuminates the exterior walls of the business during evening hours and is compliant with the Town Code;
- (4) A secure safe that is utilized for the purposes of storing cash and marijuana that is not then being actively cultivated; and
- (5) Locking systems for exterior doors that are designed and installed in such fashion as to deter unlawful entry and provide safe emergency egress.

#### 5.22.120. Prohibited acts.

A. It shall be unlawful for any licensee to permit the consumption of alcohol beverages, as defined in the Colorado Liquor Code, on the licensed premises.

B. It shall be unlawful for any licensee to sell, dispense, give or otherwise distribute marijuana except as permitted by law.

C. After issuance of a license, it shall be unlawful for a licensee to make a physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without obtaining the prior written approval of the Authority and the State Licensing Authority, when applicable. For purposes of this Subsection, physical changes, alterations or modification of the licensed premises, or in the usage of the premises requiring prior written approval, shall include but not be limited to the following:

- (1) Any increase or decrease in the size or physical capacity of the licensed premises;
- (2) The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of ingress and/or egress, when such common entryway, doorway or passage alters or changes the cultivation, wholesale or distribution of marijuana within the licensed premises;

(3) Any enlargement of a cultivation area; and

(4) Any change in the interior of the premises that would affect the basic character of the premises or physical structure that existed in the plan on file as part of the latest prior application.

5.22.130. Required books and records.

A. In addition to any requirements under the Colorado Medical Marijuana Code or Colorado Retail Marijuana Code, and any rules or regulations promulgated thereunder requiring licensees to maintain books and records, every facility shall maintain an accurate and complete record of all marijuana cultivated, all marijuana processed into usable form, and all marijuana sold, given away, dispensed or otherwise distributed or removed from the licensed premises. Such records shall include:

(1) The total quantity of marijuana cultivated and the total usable quantity of marijuana produced from time to time, including the date(s) of cultivation and the date(s) on which cultivated marijuana was reduced to usable form; and

(2) The date and time at which any marijuana was removed from the licensed premises, including the amount of marijuana removed, the person who removed it, the location to which the marijuana was delivered and the date and time of such delivery.

B. All events and/or transactions that are to be recorded pursuant to this Section shall be kept in a numerical register in the order in which they occur.

C. All records required to be kept under this Section must be kept in the English language in a legible manner and must be preserved and made available for inspection by the Town for a period of three (3) years after the date of the occurrence and/or transaction. The licensee may redact any information the licensee is required by law to maintain as confidential prior to providing records to the Town for inspection and shall provide to the Town, upon request, a citation to the law that requires such non-disclosure or a copy of any court order or other legal authority to withhold such information.

5.22.140. Inspection of licensed premises.

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Chief of Police, the Fire Chief, the Building Official or the authorized representative of any of them, for the purpose of investigating and determining compliance with the provisions of this Chapter and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

5.22.150. Nonrenewal, suspension or revocation of license.

A. The Authority may suspend, revoke or refuse to renew a license for any of the following reasons:

(1) The applicant or licensee, or his or her agent, manager or employee, have violated, do not meet or have failed to comply with any of the terms, requirements, conditions or provisions of this Chapter or with any applicable state or local law or regulation;

(2) The applicant or licensee, or his or her agent, manager or employee, have failed to conduct the licensed operations in conformance with the application pursuant to which the license was issued, or have failed to comply with any special terms or conditions of its license pursuant to the order of the State or Local Licensing Authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or

(3) The facility has been operated in a manner that adversely affects the public health, safety or welfare.

B. The Authority shall not suspend or revoke a license until after notice and an opportunity for hearing has been provided to the licensee.

C. The Authority shall not hold a hearing on a license renewal application unless a complaint has been filed concerning the licensee or there are allegations against the licensee that, if established, would be grounds for suspension, revocation or nonrenewal under Subsection A. of this Section.

D. Evidence to support a finding under Paragraph A.(3) of this Section may include, without limitation, a continuing pattern of disorderly conduct or drug-related criminal conduct within the premises of the facility or in the area immediately surrounding the facility, or a continuing pattern of criminal conduct directly related to or arising from the operation of the facility.

#### 5.22.160. Violations and penalties.

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Chapter, any person, including but not limited to any licensee, manager, agent or employee of a cultivation facility who violates any provision of this Chapter shall be guilty of a misdemeanor punishable in accordance with Section 1.08 General Penalty of this Code.

#### 5.22.170. No Town liability; indemnification; no defense.

A. By accepting a license issued pursuant to this Chapter, the licensee waives any claim concerning, and releases the Town, its officers, elected officials, employees, attorneys and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of facility owners, operators, employees, customers or patients of the licensee for a violation of state or federal laws, rules or regulations.

B. By accepting a license issued pursuant to this Chapter, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the Town,

its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the facility that is the subject of the license.

C. The issuance of a license pursuant to this Chapter shall not be deemed to create an exception, defense or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution or use of marijuana.

**Section 3.** Subsection 8.08.080.A. of the Code, concerning Specific Nuisances Declared, is hereby amended by the addition of a new paragraph 15, to read in its entirety as follows:

15. Regularly occurring or persistent unusual and/or offensive odors, smells, fragrances, or other olfactory stimulus detectable by any person with a normal sense of smell upon or within any nearby property or unit.

**Section 4.** Subsection 8.35.010.A. of the Code, concerning Findings and Legislative Intent in regards to the prohibition of marijuana establishments, is hereby amended to read in its entirety as follows:

E. The Town Council therefore finds and determines that as a matter of the Town's local land use and zoning authority, and consistent with authorization provided by Article XVIII, Section 16 of the Constitution, that no suitable location exists within the corporate limits of the Town for the manufacture and sale of marijuana by the operation of or through marijuana establishments, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores.

**Section 5.** Section 8.35.040 of the Code, concerning the prohibition of Marijuana Establishments, Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores, is hereby amended to read in its entirety as follows:

It is unlawful for any person or entity to operate, cause to be operated or permit to be issued to operate a marijuana establishment, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store which license could otherwise be obtained with the Town and all such uses and operations are hereby prohibited in any location within the Town or within any area annexed to the Town.

**Section 6.** Title 16 of the Hayden Municipal Code, concerning Land Use, is hereby amended by the addition of a new Article 14, to read in its entirety as follows:

## **ARTICLE 14 - MARIJUANA REGULATIONS**

### **DIVISION 1 RESIDENTIAL CULTIVATION RESTRICTIONS**

**Section 14.010. Legislative powers.**

The Town Council hereby finds and declares that it has the power to enact this Article and the regulations herein pursuant to Article XVIII, Section 16(5)(f) of the Colorado Constitution; C.R.S. § 12-43.4-104(3); C.R.S. § 12-43.3-106; Article 20 of Title 29, C.R.S.; Part 3 of Article 23 of Title 31, C.R.S.; Section 31-15-103, C.R.S.; and Section 31-15-401, C.R.S.; and Section 31-15-501; Article XX, Section 6 of the Colorado Constitution, and the Town's Home Rule Charter.

**Section 14.020.**

**Unlawful Acts.**

It shall be unlawful for any person to cultivate marijuana in a residential zone district or in a residential structure being used for residential purposes in any zone district except as permitted and regulated by this Article.

**Section 14.030            Definitions.**

The definitions set forth in Chapter 5.22 of this Code shall apply to this Article.

**Section 14.040.            Residential Cultivation regulations.**

- A. The cultivation, production and possession of marijuana in a residential structure is permitted, subject to the following requirements:
  - (1) The cultivation, production and or possession of medical marijuana plants must be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Medical Marijuana Program, C.R.S. § 25-1.5-106, including its regulations set forth in 5 CCR 1006-2; and the Colorado Medical Marijuana Code, if applicable, and all its implementing rules and regulations; and
  - (2) The only cultivation activity that may occur as a home occupation is the cultivation by a primary caregiver of medical marijuana for his or her patient(s), subject to all other applicable requirements and restrictions, including but not limited to those restrictions set forth in this Section as well as all home occupation requirements set forth in the Town's zoning regulations.
  - (3) The cultivation, production and possession of marijuana for personal use by persons twenty-one years of age or older must comply with the applicable provisions of Article XVIII of Section 16 of the Colorado Constitution and the requirements set forth in this Article.
  - (4) Marijuana must be cultivated, produced, processed and possessed within a person's primary residence, as defined in Subsection B. below; and
  - (5) The cultivation, production, processing and possession of marijuana plants must not be conducted in an open and public manner meaning it must not be perceptible from the exterior of the primary residence, and such activity shall not cause or create any of the following:
    - a. Regularly occurring or persistent unusual odors, smells, fragrances, or other olfactory stimulus detectable by any person with a normal sense of smell upon or within any adjacent unit or property;
    - b. Light pollution, glare, or brightness that unreasonably disturbs others in the use or enjoyment of their property, or constitutes a nuisance; or

c. Excessive noise.

- (6) The residential structure must include ventilation and odor control in the area in which cultivation occurs that is adequate to effectively eliminate odor from the cultivation travelling to and being detected by a person with a normal sense of smell at the exterior of the premises, in the surrounding neighborhood and/or in adjacent units.
  - (7) Marijuana plants shall not be cultivated, produced, processed or possessed in the common areas of a multi-family or attached residential development; and
  - (8) The cultivation, production, processing and possession of marijuana plants shall be limited to the following maximum permissible number of plants and area restrictions:
    - a. For a single-family dwelling unit (Group R-3 as defined by the most current international building code adopted by the Town), within a single enclosed locked, defined, contiguous area containing no more than twelve (12) plants within such person's primary residence;
    - b. For a multi-family dwelling unit (Group R-2 as defined by the most current international building code, adopted by the Town), within a single enclosed locked, defined, contiguous area containing no more than twelve (12) plants within such person's primary residence.
  - (9) Marijuana plants shall not be cultivated, produced, processed or possessed in any accessory structure; and
  - (10) The cultivation, production, processing and possession of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes; and
  - (11) The use of any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinols or other cannabinoids is prohibited; and
  - (12) The total load for a single branch circuit shall not exceed the ampacity for the entire cultivation area within a dwelling.
  - (13) Marijuana waste shall be rendered unusable prior to leaving the residence by grinding and incorporating the material with non-consumable solid wastes such as food waste, soil or other compostable materials through a garbage disposal or any other reasonably available residential method or through any other method that renders such waste material unrecognizable and unusable.
- B. For purposes of this section, "primary residence" means the place that a person, by custom and practice, makes his or her principal domicile and address, and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence, and the use of the residential address for domestic purposes, such as, but not limited to, sleep, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings.

- C. For purposes of this section, “enclosed locked” area means a location within the primary residence accessible only to the person growing the marijuana through one or more doors secured by a locking mechanism designed to limit access such as with a key or combination lock, and with walls and roofing that must be constructed of solid materials. Such premises must remain secure at all times and any windows must be locked to prevent access by children, visitors or a casual passersby.

**Sections 14.050 – 14.060. Reserved.**

**DIVISION 2 NON-RESIDENTIAL CULTIVATION RESTRICTIONS.**

**Section 14.070. Legislative intent.**

- A. Town Council hereby finds and declares that the proliferation of large-scale, non-licensed, and unregulated marijuana cultivation operations poses a significant threat to the health, safety, and security of all citizens of the town. The Town Council finds that such operations can result in increased violations of criminal laws along with violations of building, electrical, and fire codes in these large cultivation operations. It is, therefore, the intent of the Town Council to place reasonable and necessary restrictions upon such cultivations.

**Section 14.080. Non-Residential Cultivation Restrictions.**

- A. It shall be unlawful for any person, alone or in concert with other persons, to possess or cultivate more than twelve (12) marijuana plants on any premises or within any structure in any zone district in the Town without an approved Conditional Use Permit and without the license required for such a cultivation facility under Chapter 5.22 of this Code .
- B. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises to allow more than twelve (12) marijuana plants to be possessed or cultivated on the premises without approval of a Conditional Use Permit and without the license required for such a cultivation facility under Chapter 5.22 of this Code.
- C. It shall be unlawful for any person, alone or in concert with other persons, to cultivate marijuana outside of a completely enclosed locked structure.
  - 1. Nothing in this section shall be construed to allow the cultivation of marijuana in any number, manner, or location that is in conflict with the cultivation restrictions imposed in this Article within single family and multi-family residential dwelling units.
  - 2. For purposes of this section:
    - a. “Completely enclosed locked structure” means a structure as defined by the zoning code accessible only to the persons cultivating the marijuana through one or more doors secured by a locking mechanism designed to limit access such as with a key or combination lock, and with walls and roofing that must be constructed of solid materials. Such structure must remain secure at all times and any windows must be locked to prevent access children, visitors or a casual passerby.
    - b. “Cultivate” means the planting, growing, harvesting, storing, drying, trimming, or processing of marijuana plants.

- D. The marijuana plants must be cultivated, produced, processed and possessed within the building approved as part of any Conditional Use Permit process; and
- E. The cultivation, production, processing and possession of marijuana plants must not be conducted in an open and public manner meaning it must not be perceptible from the exterior of the building on the subject site, and such activity shall not cause or create any of the following:
  - 1. Regularly occurring or persistent unusual odors, smells, fragrances, or other olfactory stimulus detectable by any person with a normal sense of smell upon or within any adjacent unit or property;
  - 2. Light pollution, glare, or brightness that unreasonably disturbs others in the use or enjoyment of their property, or constitutes a nuisance; or
  - 3. Excessive noise.
- F. All marijuana cultivation facilities must employ and maintain ventilation and odor control that is adequate for the size of the facility to effectively eliminate odor from the facility escaping the facility so as to be detected by a person with a normal sense of smell at the exterior of the premises, in the surrounding neighborhood or in adjacent units.
- G. Marijuana plants shall not be cultivated, produced, processed or possessed in any accessory structure.
- H. The cultivation, production, processing or possession of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes.
- I. The use of any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinols or other cannabinoids is prohibited.
- J. The total load for a single branch circuit shall not exceed the ampacity for the entire cultivation area within the building.
- K. Marijuana waste shall be rendered unusable prior to leaving the facility by grinding and incorporating the material with non-consumable solid wastes such as food waste, soil or other compostable materials.
- L. Cultivation facilities shall not be located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any commercial child care center. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park or commercial child care center to the building in which the medical marijuana center is located.
- M. Retail marijuana cultivation uses shall not operate in a manner that adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana cultivation use is located.

**Section 14.090. Control of Emissions.**

In accordance with Town of Hayden Code Title 8. Health and Safety Section 8.08 Nuisances, sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cultivation facility must be provided at all times. In the event that any odors, debris, dust fluids or other substances exit a cultivation facility, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state, and local laws and regulations.

All cultivation facilities must employ and maintain ventilation and odor control that is adequate for the size of the facility to effectively eliminate the pungent odor from the operation so that the odor does not migrate in and around the marijuana cultivation site and is not detected by a person with a normal sense of smell at the exterior of the premises, in the surrounding neighborhood and/or in adjacent units.

**Section 7.** Section 16.03.040.I.3 of the Hayden Municipal Code shall be amended to include the addition of a new conditional use, cc. Marijuana Cultivation.

**Section 8.** Section 16.03.040.J.3 of the Hayden Municipal Code shall be amended to include the addition of a new conditional use, z. Marijuana Cultivation.

**Section 9.** Affirmation and Restatement of Prohibition of all Marijuana-Related Businesses, Enterprises and Activities Not Expressly Permitted by this Ordinance. Pursuant to the authority granted by Article XVIII, Section 16(5)(f) of the Colorado Constitution; C.R.S. § 12-43.4-104(3); C.R.S. § 12-43.3-106; Article 20 of Title 29, C.R.S.; Part 3 of Article 23 of Title 31, C.R.S.; Section 31-15-103, C.R.S.; Section 31-15-401, C.R.S.; and Section 31-15-501; the Council hereby affirms and restates the prohibition of all marijuana-related businesses, enterprises and activities adopted by Ordinances No. 632 and 659 excepting only those businesses, enterprises and activities that are expressly permitted by this Ordinance.

**Section 10.** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 11.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

**Section 12.** The repeal or modification of any provision of the Municipal Code of the Town of Hayden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 13.** This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

**Section 14.** Violations of this ordinance shall be punishable in accordance with the provisions of the Hayden Municipal Code.

**Section 15. EFFECTIVE DATE.**

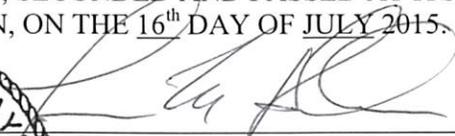
This Ordinance, immediately on final passing and adoption, shall be published by the Town Clerk in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in force and take effect fifteen (15) days after second publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

**Section 16. PUBLIC HEARING.**

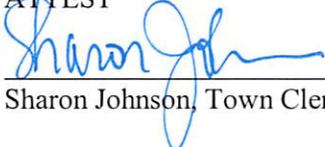
A public hearing on this Ordinance will be held on the 6th day of August 2015, at or about 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 16<sup>th</sup> DAY OF JULY 2015.

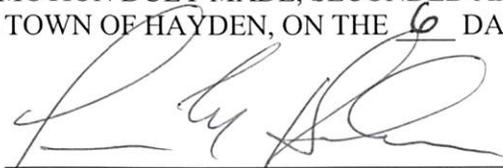


  
James M. Haskins, Mayor

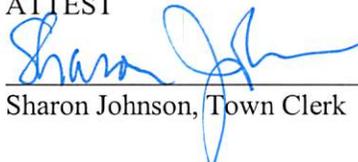
ATTEST

  
Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 6 DAY OF August 2015.

  
James M. Haskins, Mayor

ATTEST

  
Sharon Johnson, Town Clerk

