



AGENDA
HAYDEN PLANNING COMMISSION

THURSDAY, SEPTEMBER 8, 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: August 25, 2016
4. PUBLIC COMMENTS
5. OLD BUSINESS
6. NEW BUSINESS
 - a. Decision: Conditional Use Permit Emerge Farms, LLC
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 7:02 p.m. Other members present were Amy Williams, Ashley McMurray, Tim Frentress and John St Pierre. Interim Town Manager, Greg Tuliszewski and Ross Culbertson, Town 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 **Vice Chair Williams** moved to approve the minutes for the regular meeting held on July 28, 2016 as written. Commissioner McMurray seconded. Voice vote. Frentress aye, McMurray aye, St Pierre aye, Williams aye, Robinson aye. Motion carried.

Public Comments None.

Old Business None.

New Business

Decision: Wagner Sign Permit **John St Pierre** moved to approve McCarty Minor Subdivision Plat. Commissioner Frentress seconded. Voice vote. Frentress aye, McMurray aye, St Pierre aye, Williams aye, Robinson aye. Motion carried.

Decision: Conditional Use Permit Hayden Green Grow, LLC **Vice Chair Williams** moved to recommend to the Hayden Town Council approval as submitted with staff conditions: 1. Approval and Recording of a future Minor Plat to combine Lots 3 & 4 into one lot prior to Building Permit approval. 2. Approval of a future Building Permit. 3. Approval of a State of Colorado Marijuana Cultivation Facility License. 4. Approval of a Tow of Hayden Marijuana Cultivation Facility License. Commissioner Frentress seconded. Voice vote. Frentress – aye, McMurray – aye, John St. Pierre – aye, Williams – aye, Robinson – aye. Motion carried.

Staff and Commission Member Reports

Adjournment **Chair Robinson** adjourned the meeting at 8:04 p.m.

Recorded by:

Sharon Johnson, Town Clerk

APPROVED THIS 8th DAY OF SEPTEMBER, 2016.

Angie Robinson, Chair

Minutes subject to editing and approval prior to becoming official record.



Town of Hayden

Planning Commission

Staff Report

Project: Emerge Farms Conditional Use Permit (CUP)
Address/Location: 401 & 411 Capital Street/Valley View Business Park, Lots 28 & 29
Applicant: Mr. Steve Herron, on behalf of Emerge Farms, LLC.
Prepared by: Ross Culbertson, Hayden Consulting Planner
Hearing Date: September 8, 2016

Background

The applicant has submitted a request to establish a Conditional Use Permit (CUP) for a 9,115 square foot warehouse facility for marijuana cultivation and growing within an existing building on approximately 0.86 acres of land. The property is located on the north side of Capital Street, west of Commerce Street (within the Valley View Business Park, Lots 28 & 29). Emerge Farms will own, operate, and repurpose the existing two-story industrial office building on the property for this use. The encompassing Valley View Business Park was designed to accommodate independent industrial businesses. The existing industrial building is zoned within a Light Industrial (I-1) district which permits marijuana cultivation operations with approval of a CUP.

The proposed business will be housed within the building's first-floor office section and the vaulted two-story open warehouse area containing 7,241 square feet and a second floor office suite having 1,874 square feet. The first-floor operations will be divided to contain four flower rooms, a vegetative room for plant maturation, a trimming and mother room, a drying room, product storage and packaging areas and an internal reception/administration room. The second floor will house an employee breakroom, security/surveillance office, and manager's offices. The upstairs space will be secured from operations below. Outside the building, the property contains an existing six-foot high chain-linked fence which was previously used for outside storage and will now enclose a secured shed for grinding and composting plant waste materials. Please refer to the Site Plan, Floor Plan and Building Elevation exhibits attached to this report for further details of the building's operation and site layout.

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 within the Valley View Business Park.

East: Property to the east is vacant and zoned Light Industrial within the Valley View Business Park.

West: Property to the west is developed as an industrial use with outside storage and is zoned Light Industrial within the Valley View Business Park.

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 Hayden 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. Additionally, a Special Municipal Election was held on January 26, 2016 and voters confirmed support for the Town's Marijuana Ordinance.

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.

Staff Analysis

Staff has worked with the applicant and his consultants 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 Marijuana Ordinance No. 666, in addition to general compliance review under the Conditional Use Review Criteria of the Hayden Land Use Code, Section 16.03.070.C. Below are *italicized* criteria sections from the guiding Marijuana Ordinances and staff's analysis 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 has applied and recently been granted a 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. A state license documenting the same has recently been granted. 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 new structure is an enclosed and secured building. Public access is limited to only the reception room which will have badge and controlled key access to interior portions of 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. Additionally, the building's exterior windows will be modified with window tints and fitted with security bars on the inside of the window opening for added security. The applicant has consulted with Canna Security America to provide a security package that includes exterior building cameras and a system interior camera located in each operational room which may contain fish-eyed lens cameras, and internet protocol cameras at windows, doors, and inside product rooms. Video feeds will be available for review on site and digitally via a MED system. Additional building details and security specifications will be made with a future

Building Permit. Please refer to the attached Security Floor Plan Exhibit for camera locations and the applicant's CUP Narrative for further details.

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. The HVAC system will incorporate use of 12-inch fans located in grow rooms, vegetative areas, transplant areas, and hallways to circulate air throughout the building. Air molecules will be cleaned and mitigated for odors by Active Carbon Filtering. The applicant will use Phat Filters (can filters) which is listed to have the highest certified adsorption yielding carbon on the market. The process of Adsorption differs from basic absorption by a process of molecular adhesion of gas, liquid, or atoms which are accumulated on the surface of the adsorbent material. A general Absorption process allows a fluid to permeate or be dissolved by a liquid or solid. The Adsorption yield number from can filters indicates a greater capacity of the filter unit to absorb odor. Please refer to Item "F" below for more details.

- 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 Exterior Lighting Plan and Building Elevations indicate a comprehensive security lighting system with down-lit fixtures. The building will use existing wall lights connected to the building's exterior as indicated by fixture "Type A" (Axis LED Wall Pack) on the Exterior Lighting Plan. Exterior side walls that have limited original security lighting will be enhanced with additional building sconces shown as "Type B" (Evolve LED Area Light Wall Pack) fixtures. The applicant will also include 16 new 15-foot high light pole fixtures identified as "Type C" (Evolve LED Area Light N Series) to illuminate parking areas and the fence compound. Type C fixtures will be activated by motion sensors. The secured shed for plant waste grinding will be fit with Type B fixtures. A Photometric Lighting Plan will be submitted with a future Building Permit to verify light levels at the property line so as not to become a nuisance to the community. Please refer to the Exterior Lighting Plan and product sheet for more details.

- 3. Excessive noise.*

The business will comply with existing Town regulations 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 has contracted with Ideal Harvest, a professional marijuana consultant, to implement and operate a closed loop system for air purification. There will be no exhaust air leaving the facility at any time. The building's entry is designed with a dual vestibule system as one passes from the entry to reception/administration area. All of the HVAC equipment will recirculate 100% of the supply air being distributed to the various application areas throughout the facility. Active carbon filtering (by: Phat Filters-12", 1700 CFM) will be installed to mitigate odors within the facility. To the extent possible, the odor mitigation is intended to mitigate odor migration to the outside of the building and surrounding areas. The applicant will utilize 12-inch fans moving 1708 cubic feet per minute (CFM) of air through the 1700 CFM Phat Filters for; grow rooms, vegetative areas, material access rooms, transplant areas, and connecting hallways. Less intensive areas such as a trim room, dry and cure rooms, office areas, and main entry areas will use 8-inch fans to move 667 CFM of air through 950 CFM carbon filters to match the square footage for volume of air cleaned and purified. The applicant will follow all manufacturer specifications of the Phat Filters to ensure optimum performance and will test filters every six months to verify integrity of the filters and replace on an 18-24 month rotation. Please refer to the applicant's attached CUP Narrative for further details.

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. No accessory structure outside of the enclosed building will be used to house active marijuana plants. An accessory structure within a fenced yard is proposed to grind and compost inactive plant material only. 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. The applicant is coordinating with YVEA on a list of operational equipment to determine the

building's full electric power needs. Yet due to the substantial power provided to the Valley View Business Park, it is expected that the electric load for this business 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, consisting of stems and fan leaves from the plant materials, will be rendered unusable by grinding and mixing with a 50/50 ratio with bleach, soil or other compostable materials. A gas powered grinder will be used on-site to grind up the excess plant material. The grinder will be stored inside a secured shed protected and monitored within the six-foot high chain-linked fences beside the parking area. Once waste is rendered unusable and unrecognizable, the applicant will store composted waste in a secured and locked receptacle on-site until transported by Twin Enviro Services (a waste management company) who will deposit composted waste at a certified facility for storage or revegetation.

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 is located within the Valley View Business Park on the eastern edge of the town of which Emerge Farms would be the third marijuana cultivation facility in this development. Valley View Business Park does contain industrial live-work units approximately 700 feet southwest of the subject site which accommodates small residential studios above ground-floor business space. The Town is not aware of any opposition by these residents to marijuana grow uses in this development. The Vista Verde Subdivision is the next closest neighborhood at approximately 700 feet to the nearest residential property and the third closest is the senior living center at approximately 820 feet north of this subject site. The proposed marijuana cultivation use will have limited immediate impacts on adjacent neighborhoods. The proposal is in compliance to this standard.

Ordinance No. 666 CUP Compliance for Non-Residential Cultivation

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 will provide sufficient measures and means to control and prevent smoke, odors, debris, dust, fluids, or other substances from exiting the cultivation facility. The facility will generally 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 which is expected to be 15% of the weekly water consumption. The dissolved solid composition would primarily have concentrations of existing mineral profiles from the municipal water supply, mixed fertilizer salts, small amounts of organic materials that escape the grow containers and minimal traces of organic pesticides. Waste water profiles 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*. The Town's Building Inspections Official will require a wastewater sampling point be installed in the sewer service and sewer pipe during a Building Permit review for monitoring.

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 (in above sections of this report), describes the applicant's compliance measures to mitigate and filter internal air for odor elimination. The applicant is aware the facility will be under monitoring by the Town's Chief of Police and its citizens and is confident in the expected performance of the Active Carbon Filtering system to control odors from lingering outside of the facility and affecting the public air.

Conditional Use Review Criteria of the Hayden Land Use Code

Section 16.03.070.C of the Hayden Land Use Code lists the following 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 requested use meets all applicable sections of the Hayden Codes. The use is proposed on property that has been platted and is recorded as such with Routt County. The use will be applied to the existing industrial building on the property of which all interior space planning to repurpose the building will follow all Building Code regulations. The CUP Site Plan has been reviewed to meet all applicable sections of the zoning code and no variances are necessary. 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 requested use is 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 requested use will continue to be served by the Town’s public utilities and public services; being located within an existing building on site. Any public complaints or inquiry into violations to the Town’s Ordinances for this use 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 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. The existing building’s exterior will not be altered and the basic character of the district will be preserved. It would be advisable to locate future marijuana cultivation business within this industrial development, as the area is zoned appropriately and accommodates the necessary infrastructure requirements for this type of use. A recently approved, but not yet operational, cultivation business is located in this business park on Lot 26.

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 requested use and its accompanying site plan indicate 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 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 existing building will house all components of the marijuana cultivation business and was designed as a general office building. The building’s façade treatments are non-descriptive so as not to bring undue attention to its new 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 in process of obtaining both a local and state marijuana cultivation facility license which must be issued prior to operating the facility.

Referral Agency and Department Comments

The proposed CUP 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, & Streets): Review of the CUP request is complete. Town services are currently being supplied to the existing building on 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.

Staff Recommendation

Based on the above observations and findings of compliance with the Hayden Land Use Code and Hayden Marijuana Ordinance No. 666; staff recommends:

Approval of the Conditional Use Permit for the Emerge Farms marijuana cultivation facility subject to the following conditions:

- 1. Approval of a future Building Permit.
- 2. Approval of a State of Colorado Marijuana Cultivation Facility License.
- 3. 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 Commissioned Conditions.
- 3. Recommend to the Town Council project denial.

Attachments

Application	Exterior Lighting Plan & Product Cut Sheets
Site Plan	Security Floor Plan Exhibits
Building Plans & Elevations	CUP Narrative & Odor Control Exhibit



LAND USE APPLICATION FORM

Staff Use Only	
Application Number:	<u>20160701</u>
Received By:	<u>smg</u>
Date:	<u>7-1-16</u>
Fees Paid:	<u>\$ 200 CO. Fee</u>
Deposit Paid:	

\$ 250 PreApp Fee

1. Application is made for: (please circle one of the following)

- | | | |
|--|---------------------------|-------------------------|
| Administrative Plat | Annexation | <u>Conditional Use</u> |
| Historic Designation | Historic Renovation | Major Subdivision 1 2 3 |
| Petition | Planned Development | Minor Subdivision |
| Zoning | Right of Way Construction | Sign Permit |
| Site Plan | Variance or Appeal | Waiver |
| Other: <u>marijuana cultivation facility</u> | | |

2. Project Name: Emerge Farms LLC
please print or type legibly

3. Contact information: (a list of additional contacts may be attached)

Owner Name: <u>(through Steve Herron)</u>	Applicant Name: <u>(through Mike McCannan)</u>
Address: <u>PO Box 1390, Hayden, CO 81639-1390</u>	Address: <u>PO Box 1420, Hayden, CO 81639-1420</u>
Telephone: <u>719.661.1141</u> Fax: <u>none</u>	Telephone: <u>720.273.7223</u> Fax: <u>none</u>
E-mail: <u>steve@steveherron.com</u>	E-mail: <u>mikemccannan@mtacpas.com</u>

4. Property Description:

Address or Location: 401 ³⁴¹¹ Capital Street, Hayden, CO 81639

Existing Zoning: Light Industrial (I-1) Existing Use: Vacant Warehouse

Proposed Zoning: No change (I-1) Proposed Use: marijuana cultivation facility

5. Purpose: (describe intent of this application in 1-2 sentences)

To obtain the required licenses and permits for a retail marijuana cultivation facility for wholesale distribution.

6. Certification: (must be signed in blue ink)

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner: [Signature] Date: 5/20/16 AND [Signature] Date: 5/20/16
Steven Karl Herron, a Member/Manager of Hayden Municipal LLC, a CO LLC, the Member/Manager of Morgan Creek LLC

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Hayden must be submitted prior to having this application processed.

Applicant: [Signature] Date: 6-24-16
Michael Don McCannan, as Member/Manager of Emerge Capital Holdings, LLC, a Colorado limited liability company (CO, LLC), the Member/Manager of Emerge Farms LLC

Applicant: Emerge Farms LLC
Hayden Conditional Use Permit: Written Statement

Conditional Use Permit ("CUP"): Attachments and Supporting Documentation

CUP Land Use Application Form - Question 3 - Additional Contact Information (continued)

Applicant: Emerge Farms LLC

Contact Person: Michael Don McCannon (Member/Manager of Emerge Capital Holdings LLC, which is a Member/Manager of Emerge Farms LLC)

Address: 7403 East Jefferson Drive, Denver, CO 80237

Email: mikemccannon@mtacpas.com

Phone: (720) 273-7223

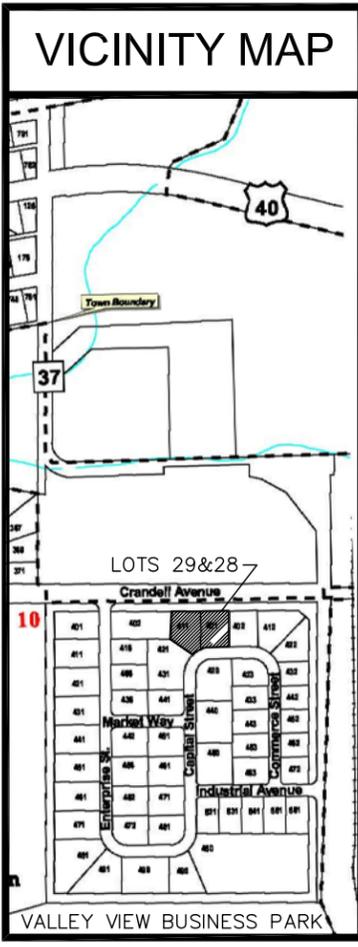
Other Members of Emerge Farms LLC:

Rust Belt Holdings LLC, Member (c/o Kevin Dietrich, sole Member/Manager)

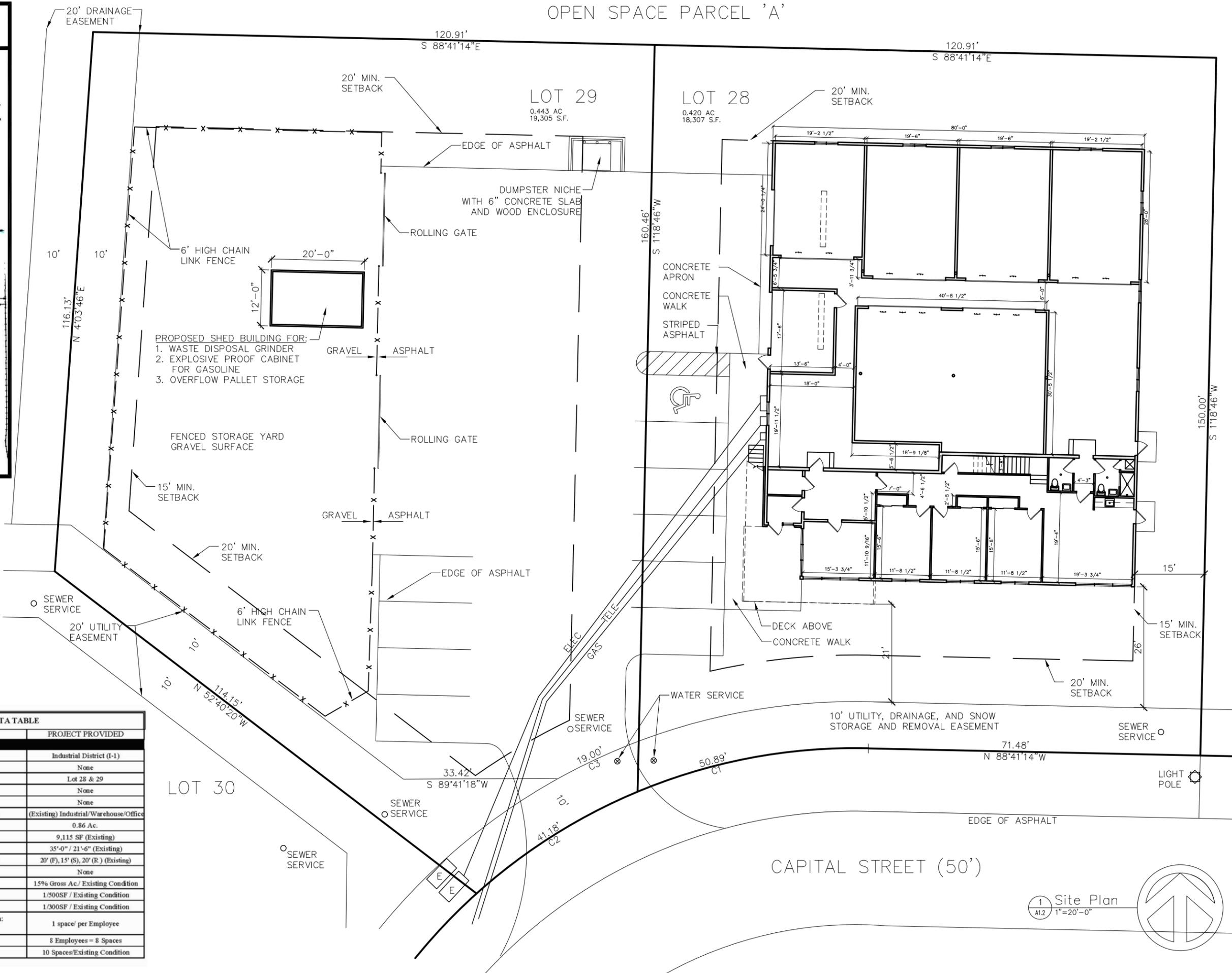
Address: 35 5th Street #309, Steamboat Springs, CO 80487

Email: kevin@mybrokers.com

Phone: (970) 389-6745



OPEN SPACE PARCEL 'A'



SITE DATA TABLE	
DEVELOPMENT CRITERIA	PROJECT PROVIDED
Existing Zoning:	Industrial District (I-1)
Proposed Zoning:	None
Lot Number:	Lot 28 & 29
Min. Lot Area: Per Zoning:	None
Max. Lot Coverage: Per Zoning / Provided:	None
Land Use Designation: (Existing or Proposed):	(Existing) Industrial/Warehouse/Office
Site Acreage:	0.86 Ac.
Building Area: Existing / New:	9,115 SF (Existing)
Building Height: Allowed / Provided:	35'-0" / 21'-6" (Existing)
Building Setbacks: Per Zoning (F, L.S, R.S, R):	20' (F), 15' (S), 20' (R) (Existing)
Floor Area Ratio: Per Zoning / Provided:	None
Min. Landscape Area: Per Zoning / Provided:	15% Gross Ac / Existing Condition
Trees Provided: Per Zoning / Provided:	1/500SF / Existing Condition
Shrubs Provided: Per Zoning / Provided:	1/300SF / Existing Condition
Parking Calculations Per Zoning Classification: Business Park/Industrial:	1 space/ per Employee
Parking Required:	8 Employees = 8 Spaces
Total Parking Provided:	10 Spaces/Existing Condition

Axial Arts
 PO Box 774292
 Steamboat Springs, CO 80477
 Tel 970.276.7295
 Kevin@AxialArts.com
 Wendy@AxialArts.com

STAMP

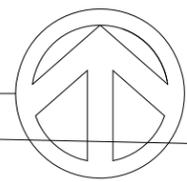
Morgan Creek Facility
 401 Capital Street
 Hayden, Colorado 81639

ISSUED FOR:		
No.	Date	Remarks
A	6.28.16	STATE/TOWN SUBMITTAL
	8.18.16	SUBMITTAL REVISIONS

PROJECT NO: 1602
 PHASE: DD
 DRAWN BY: AxA
 CHECKED BY: L2

SITE PLAN
 SHEET NAME
A1.2
 SHEET NUMBER

1 Site Plan
 A1.2 1"=20'-0"



STAMP

Morgan Creek Facility
 401 Capital Street
 Hayden, Colorado 81639

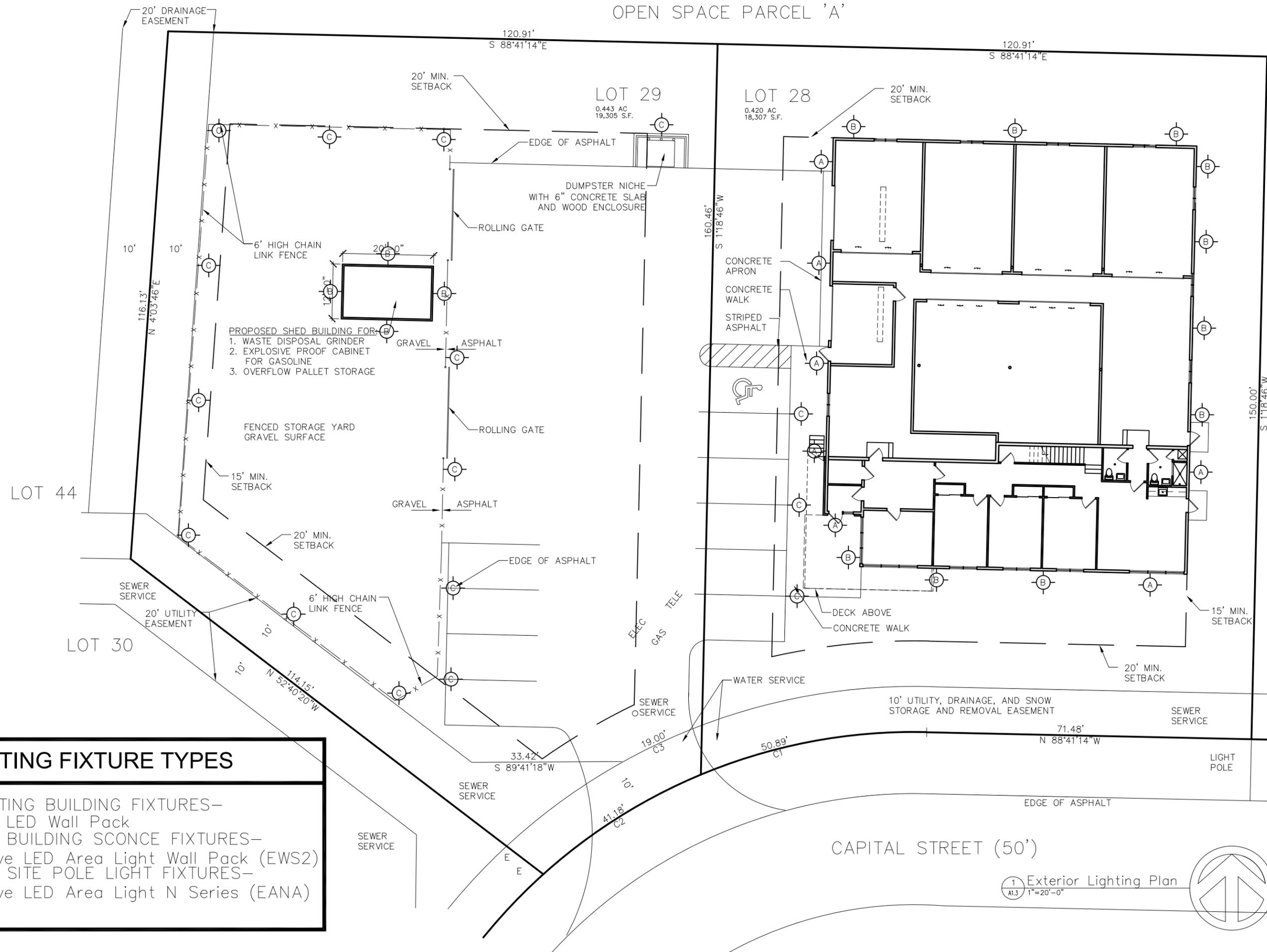
ISSUED FOR:		
No.	Date	Remarks
A	6.28.16	STATE/TOWN SUBMITTAL
	8.18.16	SUBMITAL REVISIONS
	8.29.16	EXTERIOR LIGHT SPEC

PROJECT NO: 1602
 PHASE: DD
 DRAWN BY: AxA
 CHECKED BY: L2

EXTERIOR LIGHTING PLAN
 SHEET NAME

A1.3
 SHEET NUMBER

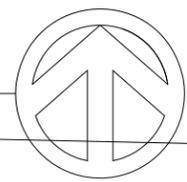
OPEN SPACE PARCEL 'A'



LIGHTING FIXTURE TYPES

- Ⓐ EXISTING BUILDING FIXTURES—
Axis LED Wall Pack
- Ⓑ NEW BUILDING SCNCE FIXTURES—
Evolve LED Area Light Wall Pack (EWS2)
- Ⓒ NEW SITE POLE LIGHT FIXTURES—
Evolve LED Area Light N Series (EANA)

1 Exterior Lighting Plan
 A1.3 1"=20'-0"



GE
Lighting

Evolve™ LED Area Light

Scalable Wall Pack (EWS2)



imagination at work

Product Features

The GE Evolve™ LED Scalable Wall Pack is optimized for customers looking for an efficient and reliable LED solution for wall mounted, site, area and general lighting applications.

Depending on the application, Evolve™ LED Scalable Wall Pack can yield up to a 75% reduction in system energy consumption compared with standard HID systems. This reliable system operates well in cold temperatures and offers more than 11 years of service life to reduce maintenance frequency and expense, based on a 50,000 hour rated life and 12 hours of operation per day. Containing no mercury or lead, this environmentally responsible product is RoHS compliant.

Applications

- Wall mounted, site, area and general lighting utilizing an advanced LED optical system providing uniformity, vertical light distribution, reduced offsite visibility, reduced on-site glare and effective security light levels.

Housing

- Die-cast aluminum housing.
- Sleek architectural design incorporating a heat sink directly into the unit ensuring maximum heat transfer and long LED life.
- Meets 1.5 G vibration standards per ANSI C136.31-2010.

LED & Optical Assembly

- Structured LED array for optimized area light photometric distribution.
- Evolve™ LED light engine utilizes reflective technology to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 70 CRI at 4000K & 5000K typical.
- LM-79 tests and reports are performed in accordance with IESNA standards.

Lumen Maintenance

- System rating is L85 at 50,000 hours, with L70 > 100,000 hours.

Ratings

-  listed, suitable for wet locations.
-  listed with option code "J" SKUs.
- IP 65 rated optical enclosure per ANSI C136.25-2009.
- Title 24 compliant with motion sensor option.
- Temperature rated at -40° to 50°C. (35°C at high wattage 91W SKU).
- Upward Light Output Ratio (ULOR) = 0
-  DLC Listed

Please refer to the DLC QPL website for the latest and most complete information.
www.designlights.org/QPL

Mounting

- Flush wall mount to "J" Box with inspection hole for IP 65.

Finish

- Corrosion resistant polyester powder paint, minimum 2.0 mil. thickness.
- Standard colors: Black and Dark Bronze.
- RAL & custom colors available.

Electrical

- 120-277 volt and 347-480 volt available.
- System power factor is >90% and THD <20%*.
- Integral surge protection:
 - Exceeds ANSI C136.2-2015 "Basic" (6kV/3kA) (120 strike)
- EMI: FCC Title 47 CFR Part 15 Class A.
- Motion sensor with dimming capability available with "H" option code.

* System THD <26% for 347-480v supply with A7 power level.

Ordering Number Logic

Scalable Wall Pack (EWS2)



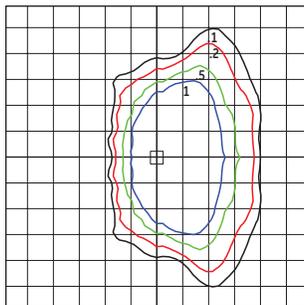
EWS2

PROD. ID	VOLTAGE	POWER LEVEL	PHOTOMETRIC TYPE	LED COLOR TEMP	PE FUNCTION	COLOR	OPTIONS
E = Evolve W = Wallpack S = Scalable 2 = Product Generation	0 = 120-277 H = 347-480 1 = 120* 2 = 208* 3 = 240* 4 = 277* 5 = 480* D = 347* *Specify single voltage only if fuse option is selected.		D1 = Asymmetric Forward E1 = Asymmetric Medium	40 = 4000K 50 = 5000K	1 = None NOTE: Select "H" Option for PE functionality with Motion-Sensing Dimming Control.	BLCK = Black DKBZ = Dark Bronze GRAY = Gray WHTE = White Contact manufacturer for other colors.	F = Fusing H = Motion Sensor* J = cUL/Canada XXX = Special Options *Option H only available in 120-277V. Reference page 5 (under H Motion Sensing Option) for more details.

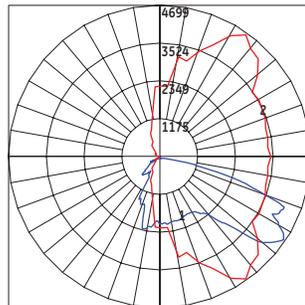
POWER LEVEL	PHOTOMETRIC TYPE	TYPICAL INITIAL LUMENS		TYPICAL SYSTEM WATTAGE		IES FILE NUMBERS 4000K		IES FILE NUMBERS 4000K		IES FILE NUMBERS 5000K		IES FILE NUMBERS 5000K		B-U-G RATING
		4000K	5000K	120-277V	347-480V	120-277V		347-480V		120-277V		347-480V		
A7	D1	3,100	3,100	29	34	EWS2_A7D140____-120-277V.IES		EWS2_A7D140____-347-480V.IES		EWS2_A7D150____-120-277V.IES		EWS2_A7D150____-347-480V.IES		1-0-1
	E1	3,100	3,100	29	34	EWS2_A7E140____-120-277V.IES		EWS2_A7E140____-347-480V.IES		EWS2_A7E150____-120-277V.IES		EWS2_A7E150____-347-480V.IES		1-0-1
B7	D1	3,900	3,900	39	44	EWS2_B7D140____-120-277V.IES		EWS2_B7D140____-347-480V.IES		EWS2_B7D150____-120-277V.IES		EWS2_B7D150____-347-480V.IES		1-0-1
	E1	4,000	4,000	39	44	EWS2_B7E140____-120-277V.IES		EWS2_B7E140____-347-480V.IES		EWS2_B7E150____-120-277V.IES		EWS2_B7E150____-347-480V.IES		1-0-1
C7	D1	4,800	4,800	51	55	EWS2_C7D140____-120-277V.IES		EWS2_C7D140____-347-480V.IES		EWS2_C7D150____-120-277V.IES		EWS2_C7D150____-347-480V.IES		1-0-1
	E1	4,900	4,900	51	55	EWS2_C7E140____-120-277V.IES		EWS2_C7E140____-347-480V.IES		EWS2_C7E150____-120-277V.IES		EWS2_C7E150____-347-480V.IES		1-0-1
D3	D1	6,700	6,700	70	70	EWS2_D3D140____.IES		EWS2_D3D140____.IES		EWS2_D3D150____.IES		EWS2_D3D150____.IES		1-0-1
	E1	7,000	7,000	70	70	EWS2_D3E140____.IES		EWS2_D3E140____.IES		EWS2_D3E150____.IES		EWS2_D3E150____.IES		2-0-1
E3	D1	8,400	8,400	91	91	EWS2_E3D140____.IES		EWS2_E3D140____.IES		EWS2_E3D150____.IES		EWS2_E3D150____.IES		2-0-2
	E1	8,500	8,500	91	91	EWS2_E3E140____.IES		EWS2_E3E140____.IES		EWS2_E3E150____.IES		EWS2_E3E150____.IES		2-0-1

Photometrics

EWS2 - Asymmetric Forward (D1)
8400 Lumens, 5000K (EWS2_E3D150____.IES)

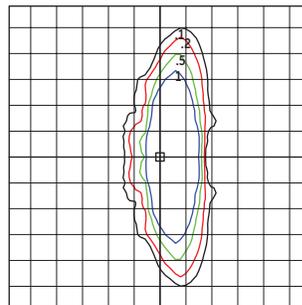


Grid Distance in Units of Mounting Height at 12' Initial Footcandle Values at Grade

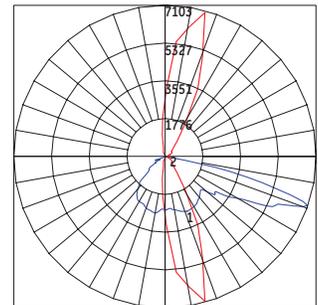


Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

EWS2-Asymmetric Medium (E1)
8500 Lumens, 5000K (EWS2_E3E150____.IES)



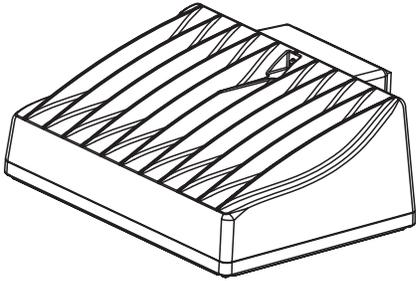
Grid Distance in Units of Mounting Height at 12' Initial Footcandle Values at Grade



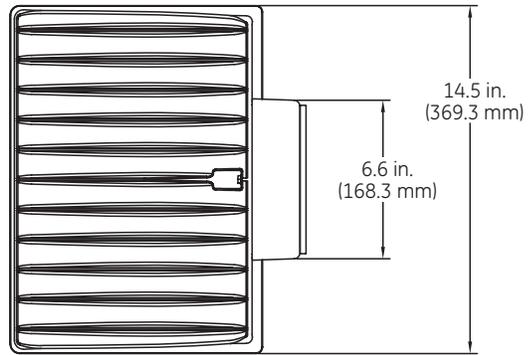
Polar Trace Vertical and Horizontal Plane through Horizontal Angle of Maximum Candlepower

Product Dimensions

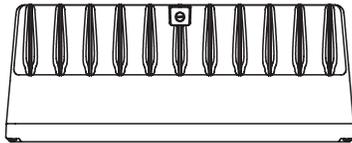
Top/Side View



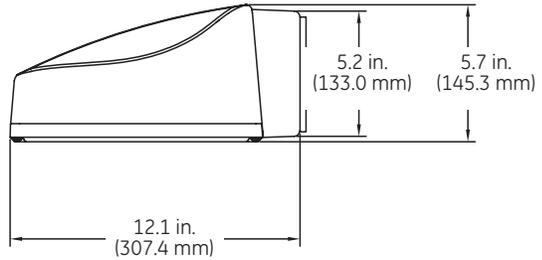
Top View



Front View

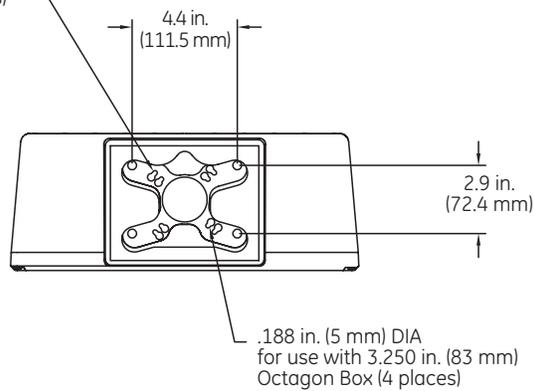


Side View



.188 in. (5 mm) DIA
for use with 4.000 in. (102 mm)
Octagon Box (4 places)

Back View

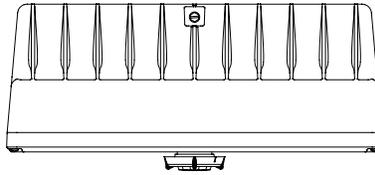


DATA

- Approximate Net Weight: 21 lbs (9.53 kgs)

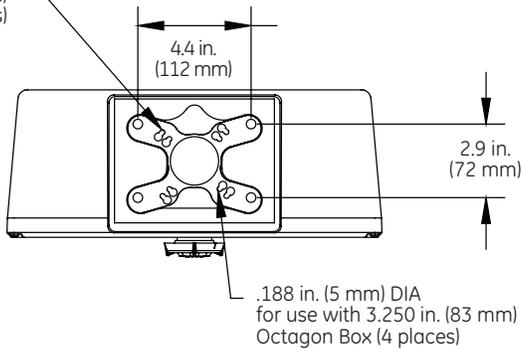
Product Dimensions

Front View with Motion Sensor Option

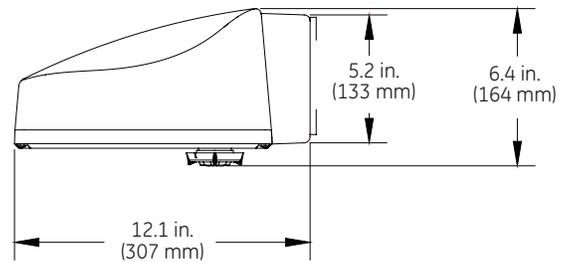


Back View with Motion Sensor Option

.188 in. (5 mm) DIA for use with 4.000 in. (102 mm) Octagon Box (4 places)

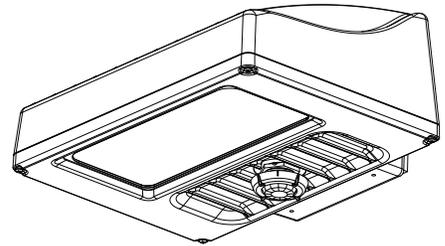


Side View with Motion Sensor Option



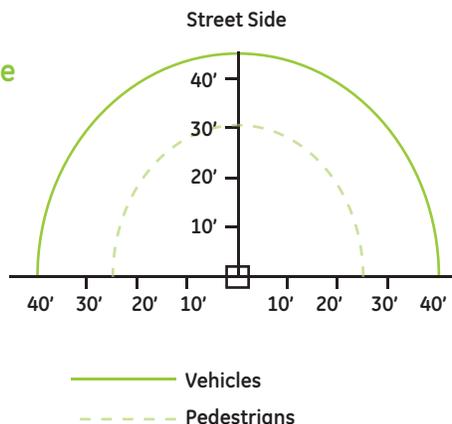
H-Motion Sensing Option:

- Intended for 8-25ft mounting heights.
- Provides a coverage area radius for walking motion of 25-30ft.
- Provides 180° of coverage (~180° is blocked by the wall).
- Factory preset to 50% dimming with no occupancy.
- May be reprogrammed using additional remote programmer.
Remote Programmer part number: WS FSIR-100 PROGRAMMER (197634)
- Photoelectric control is integrated through the motion sensor, and is offered as standard.



Sensor Pattern:

Sensing Pattern Wall Pack Fixture Up to 25ft.



GE
Lighting

Evolve™ LED Area Light

N Series (EANA)



imagination at work

Product Features

The next generation of the GE Evolve™ LED Area Light is an exciting solution to efficiently illuminate site and area applications. The smaller-form design of the EANA fixture provides superior illuminance at impressive site ROIs. The exclusive optical ring design effectively directs the light and produces impressive vertical illuminance and glare control. Additionally, the Evolve LED Area Light provides significant operating cost benefits over the life of each fixture with reduced energy consumption and a long rated life that virtually eliminates ongoing maintenance expenses.

Applications

- Site, area, and general lighting applications utilizing advanced LED optical system providing high uniformity, excellent vertical light distribution, reduced offsite visibility, reduced on-site glare and effective security light levels.
- Obtain a truly optimized and efficient parking space with dimming and occupancy sensing features.

Housing

- Die-cast aluminum housing.
- Slim architectural design incorporates an integral heat sink and light engine, ensuring maximum heat transfer, long LED life, and a reduced Effective Projected Area (EPA).
- Meets 2G vibration level per ANSI C136.31-2010.

LED & Optical Assembly

- Structured LED arrays for optimized area light photometric distribution.
- Evolve light engine with directional reflectors designed to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 70 CRI at 4000K and 5000K typical.

Lumen Maintenance

- System rating is L85 at 50,000 hours. Contact manufacturer for Lxx rating (Lumen Depreciation) beyond 50,000 hours.

Ratings

- /° listed, suitable for wet locations.
- IP66 rated optical enclosure per ANSI C136.25-2009.
- Temperature rated at -40° to 50°C.
- Upward Light Output Ratio (ULOR) = 0.
- Title 24 compliant with "H" motion sensor option.
- Compliant with the material restriction requirements of RoHS.

-  DLC Listed

Please refer to the DLC QPL website for the latest and most complete information.
www.designlights.org/QPL

Mounting

Option A

- 10-inch (254mm) mounting arm for square pole prewired with 24-inch (610mm) leads.

Option B

- 10-inch (254mm) mounting arm for round pole prewired with 24-inch (610mm) leads.

Option C

- Slipfitter mounting for 2 3/8-inch (60mm) O.D. pipe prewired with 24-inch (610mm) leads.

Option D

- 10-inch (254mm) mounting arm for round or square pole prewired with 24-inch (610mm) leads.

Finish

- Corrosion resistant polyester powder painted, minimum 2.0 mil. thickness.
- Standard colors: Black & Dark Bronze.
- RAL & custom colors available.

Electrical

- 120-277 volt and 347-480 volt available.
- System power factor is >90% and THD <20%.
- Photo electric sensors (PE) available for all voltages.
- GE dimmable PE socket is available making the unit "adaptive controls ready." Contact manufacturer for details.
- Dimming:
 - Wired 0-10V continuous dimming with "D" option code
 - Stand-alone motion sensor based dimming using "H" option code
- Surge Protection Options:
For 120-277VAC and 347-480VAC per IEEE/ANSI C136.2-2014.
 - 6kV/3kA "Basic" surge protection, standard.
 - 10kV/5kA "Enhanced" surge protection available with "R" option code.

Ordering Number Logic

Evolve™ LED Area Light N Series (EANA)



E A N A - - - 5 - - - - - - - - - -

PROD. ID	PHOTOMETRIC SERIES	VOLTAGE	OPTICAL CODE	DRIVE CURRENT	LED COLOR TEMP	PE FUNCTION	MOUNTING ARM	COLOR	OPTIONS
E = Evolve A = Area Light N = Housing Series	A = Photometric Series "A"	0 = 120-277 1 = 120* 2 = 240* 4 = 277* 5 = 480* H = 347-480V D = 347*		5 = 525mA	40 = 4000K 50 = 5000K	1 = None 2 = PE Rec. 4 = PE Rec. with Shorting cap 5 = PE Rec. with Control** A = ANSI C136.41 7-pin PE Receptacle †# D = ANSI C136.41 7-pin PE Receptacle with Shorting Cap †# ** PE control not available for 347-480V. Must be a discrete voltage (347V or 480V). † When ordering PE function socket A or D, a dimming driver must also be ordered under the "OPTIONS" column. # Order Dimming/Control PE as a separate item.	A = 10" Arm for Square Pole, supplied with leads B = 10" Arm for Round Pole, supplied with leads C = EXT Slipfitter 2" Pipe (2.378 in. OD) supplied with leads D = 10" Arm for Round or Square poles, supplied with leads and additional hardware	BLCK = Black DKBZ = Dark Bronze GRAY = Gray WHITE = White Contact manufacturer for other colors.	D = Dimming (0-10 Volt Input) † F = Fusing R = 10kV Enhanced Surge Protection H = Motion Sensor *# XXX = Special Options † Dimming leads will be provided through the back of the arm, unless specified with A or D PE Function. * May only be selected in conjunction with A or B Mounting Arm. # Dimming is standard with H option code. Do not also select D option. Not compatible with PE receptacle options A, or D.

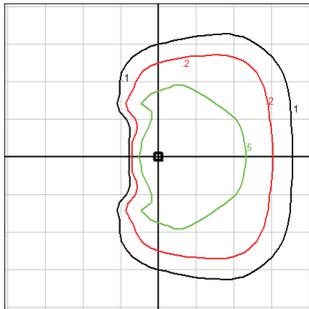


	OPTICAL CODE	TYPE	TYPICAL INITIAL LUMENS		TYPICAL SYSTEM WATTAGE		BUG RATINGS*						IES FILE NUMBER	
			4000K	5000K	120-277V	347-480V	B	U	G	B	U	G	4000K	5000K
TYPE IV	A4	Asymmetric Forward	3,730	3,750	46	46	1	0	1	1	0	1	EANA_A4540__IES	EANA_A4550__IES
	B4	Asymmetric Forward	5,510	5,540	65	65	1	0	2	1	0	2	EANA_B4540__IES	EANA_B4550__IES
	C4	Asymmetric Forward	7,180	7,210	85	85	1	0	2	1	0	2	EANA_C4540__IES	EANA_C4550__IES
	D4	Asymmetric Forward	8,810	8,850	104	104	1	0	2	1	0	2	EANA_D4540__IES	EANA_D4550__IES
	E4	Asymmetric Forward	10,370	10,410	123	123	2	0	2	2	0	2	EANA_E4540__IES	EANA_E4550__IES
	F4	Asymmetric Forward	12,320	12,380	148	148	2	0	3	2	0	3	EANA_F4540__IES	EANA_F4550__IES
TYPE III	A3	Asymmetric Wide	4,070	4,090	46	46	1	0	1	1	0	1	EANA_A3540__IES	EANA_A3550__IES
	B3	Asymmetric Wide	6,010	6,040	65	65	1	0	1	1	0	1	EANA_B3540__IES	EANA_B3550__IES
	C3	Asymmetric Wide	7,830	7,860	85	85	1	0	2	1	0	2	EANA_C3540__IES	EANA_C3550__IES
	D3	Asymmetric Wide	9,620	9,650	104	104	2	0	2	2	0	2	EANA_D3540__IES	EANA_D3550__IES
	E3	Asymmetric Wide	11,320	11,360	123	123	2	0	2	2	0	2	EANA_E3540__IES	EANA_E3550__IES
	F3	Asymmetric Wide	13,450	13,500	148	148	2	0	2	2	0	2	EANA_F3540__IES	EANA_F3550__IES
TYPE II	A2	Asymmetric Narrow	3,940	3,960	46	46	1	0	1	1	0	1	EANA_A2540__IES	EANA_A2550__IES
	B2	Asymmetric Narrow	5,820	5,850	65	65	1	0	1	1	0	1	EANA_B2540__IES	EANA_B2550__IES
	C2	Asymmetric Narrow	7,580	7,620	85	85	2	0	2	2	0	2	EANA_C2540__IES	EANA_C2550__IES
	D2	Asymmetric Narrow	9,310	9,350	104	104	2	0	2	2	0	2	EANA_D2540__IES	EANA_D2550__IES
	E2	Asymmetric Narrow	10,960	11,010	123	123	2	0	2	2	0	2	EANA_E2540__IES	EANA_E2550__IES
	F2	Asymmetric Narrow	13,020	13,080	148	148	2	0	2	2	0	2	EANA_F2540__IES	EANA_F2550__IES

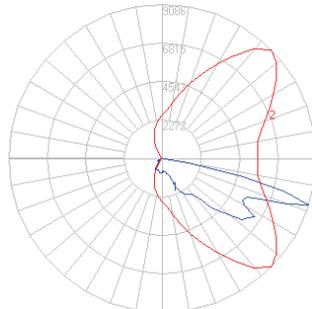
*Rating values for B and G are based on rated lumens and may vary due to flux tolerances.

Photometrics

EANA Type IV - Asymmetric Forward (F4)
 12,380 Lumens, 5000K (EANA_F4550__IES)

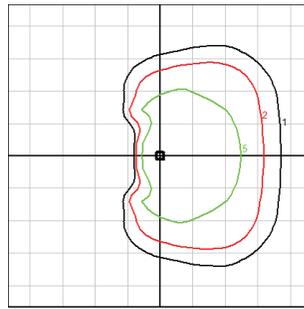


Grid Distance in Units
 of Mounting Height at 30' Initial
 Footcandle Values at Grade

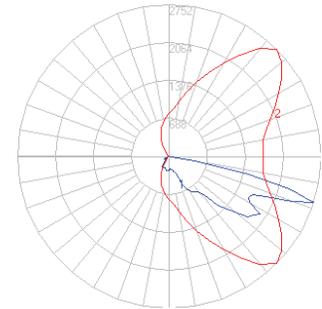


— Vertical plane through horizontal angle
 of maximum candlepower at 45°
 — Vertical plane through horizontal angle of 72.5°

EANA Type IV - Asymmetric Forward (A4)
 3,750 Lumens, 5000K (EANA_A4550__-120-277V.IES)

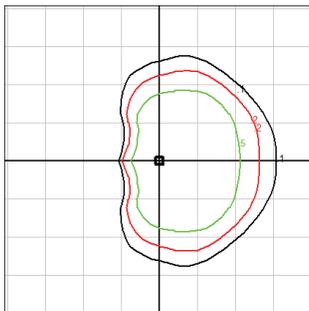


Grid Distance in Units
 of Mounting Height at 15' Initial
 Footcandle Values at Grade

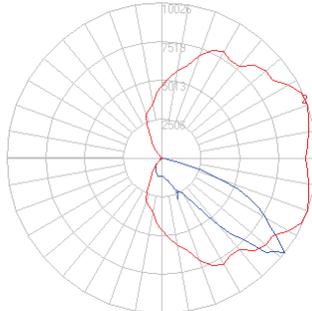


— Vertical plane through horizontal angle
 of maximum candlepower at 45°
 — Vertical plane through horizontal angle of 72.5°

EANA Type III - Asymmetric Wide (F3)
 13,500 Lumens, 5000K (EANA_F3550__IES)

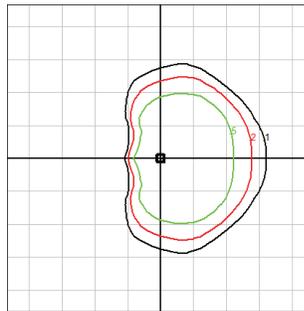


Grid Distance in Units
 of Mounting Height at 30' Initial
 Footcandle Values at Grade

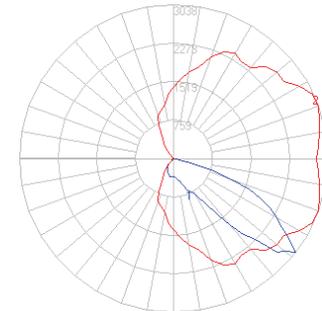


— Vertical plane through horizontal angle
 of maximum candlepower at 20°
 — Vertical plane through horizontal angle of 52.5°

EANA Type III - Asymmetric Wide (A3)
 4,090 Lumens, 5000K (EANA_A3550__-120-277V.IES)

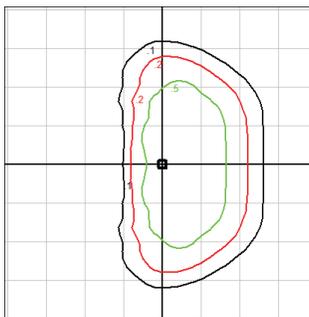


Grid Distance in Units
 of Mounting Height at 15' Initial
 Footcandle Values at Grade

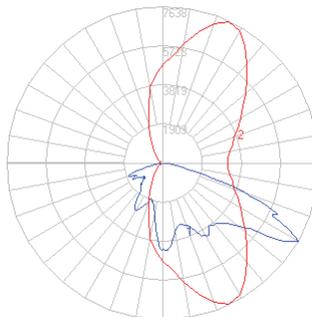


— Vertical plane through horizontal angle
 of maximum candlepower at 20°
 — Vertical plane through horizontal angle of 52.5°

EANA Type II - Asymmetric Narrow (F2)
 13,080 Lumens, 5000K (EANA_F2550__IES)

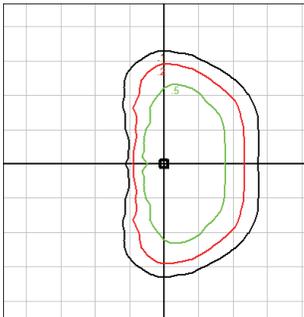


Distance in Units
 of Mounting Height at 30' Initial
 Footcandle Values at Grade

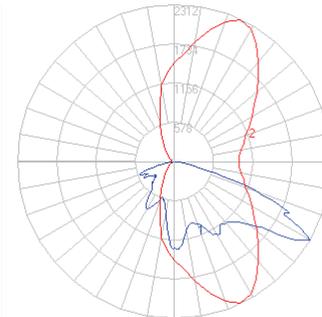


— Vertical plane through horizontal angle
 of maximum candlepower at 65°
 — Vertical plane through horizontal angle of 60°

EANA Type II - Asymmetric Narrow (A2)
 3,960 Lumens, 5000K (EANA_A2550__-120-277V.IES)



Grid Distance in Units
 of Mounting Height at 15' Initial
 Footcandle Values at Grade



— Vertical plane through horizontal angle
 of maximum candlepower at 65°
 — Vertical plane through horizontal angle of 60°

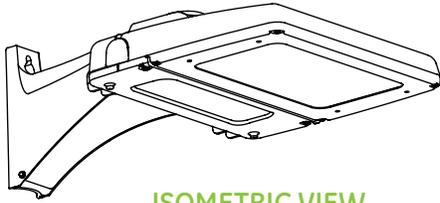
Product Dimensions

10" Arm For Square Pole Mount (Option A)

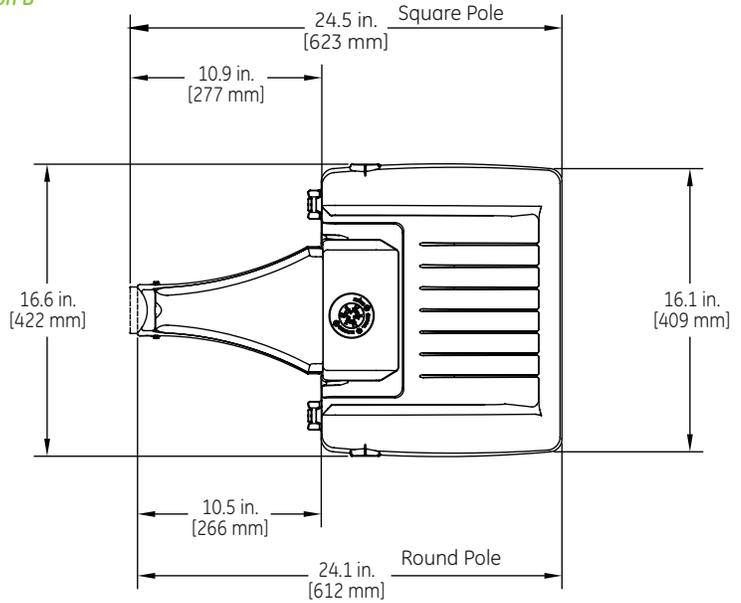
10" Arm For Round Pole Mount (Option B)

10" Arm For Square Pole Mount or Round Pole Mount (Option D)

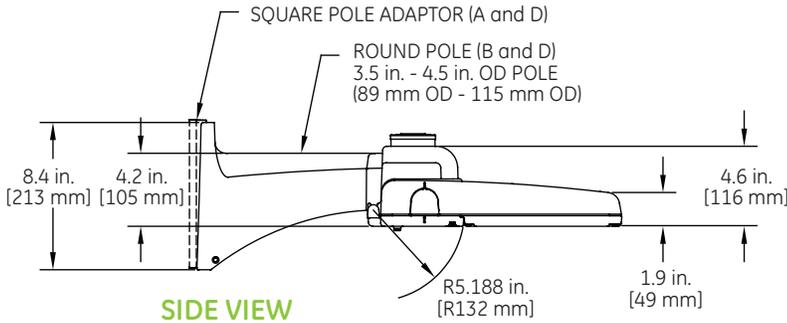
Option D includes all mounting hardware in Option A and Option B



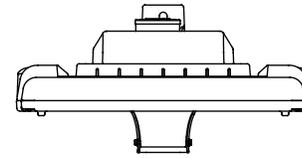
ISOMETRIC VIEW



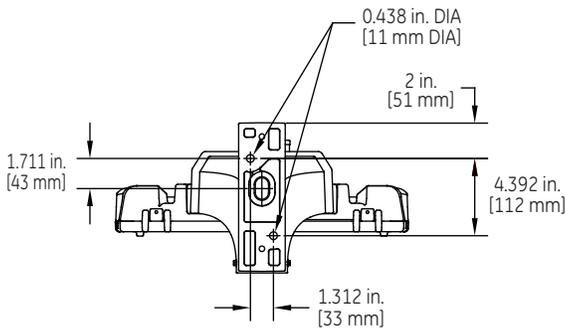
TOP VIEW



SIDE VIEW

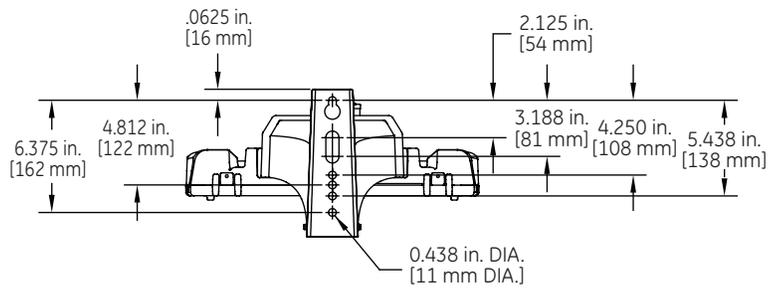


FRONT VIEW



BACK VIEW

Option A and D Square Pole
3.5 in. - 4.5 in POLE
(89 mm - 115 mm)



BACK VIEW

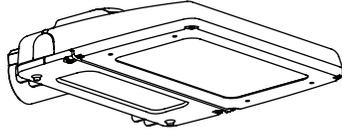
Option A and D Round Pole
3.5 in. - 4.5 in OD POLE
(89 mm OD - 115 mm OD)

DATA

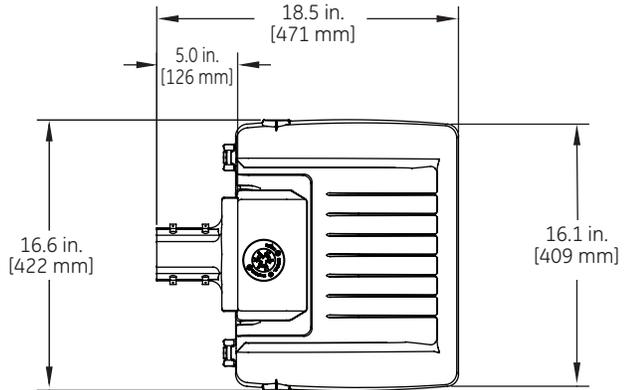
- Approximate net weight: 20 lbs (9.07 kgs)
- Effective Projected Area (EPA) with 10" Mounting Arm: 0.67 sq ft max (0.06 sq m)

Product Dimensions

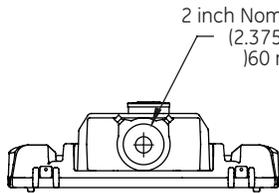
Slipfitter Arm Mount (Option C)



ISOMETRIC VIEW

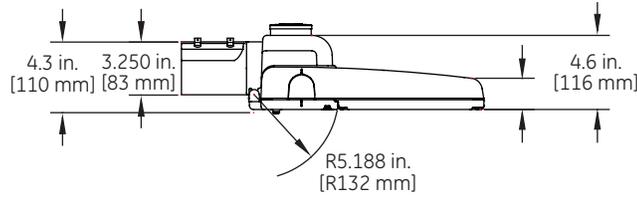


TOP VIEW

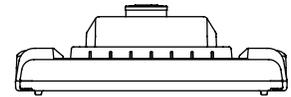


BACK VIEW

2 inch Nominal PIPE ONLY
(2.375 inch OD)
(60 mm OD)



SIDE VIEW



FRONT VIEW

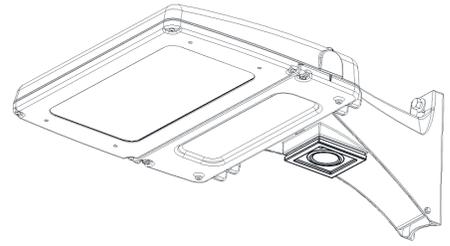
DATA

- Approximate net weight: 19 lbs (8.61 kgs)
- Effective Projected Area (EPA) with Slipfitter: 0.43 sq ft max (0.04 sq m)

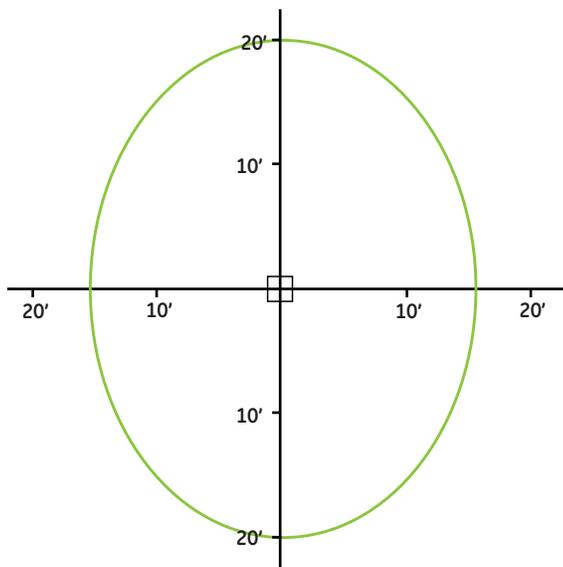
H-Motion Sensing Option:

- Intended for high mounting applications, between 15-30ft (4.57-9.14m). For mounting heights exceeding 30ft, pole mounted sensors are recommended.
- Provides a coverage area radius for walking motion of 15-20ft (4.57-6.10m).
- Provides 270° of coverage (~90° is blocked by the pole).
- Comes standard with 50% dimmed light output with no occupancy, and full power at occupancy.
- Comes standard with photocell function. Note: It is not necessary to also purchase PE receptacle or control.
- Comes standard with a 5 minute occupancy time delay and a 5 minute ramp-down to the 50% dimmed level.
- Must order with decorative mounting arm options "A" or "B".
- Fixture power increase of 1W expected with sensor use.

Note: Standard options may be reprogrammed in the field. Reprogramming instructions included in product shipment.



Sensor Pattern:



**Sensing Pattern Area Fixture
Up to 30 ft.**

Exhibit B

IDEAL HARVEST
401 Capital St, Hayden, CO 81639



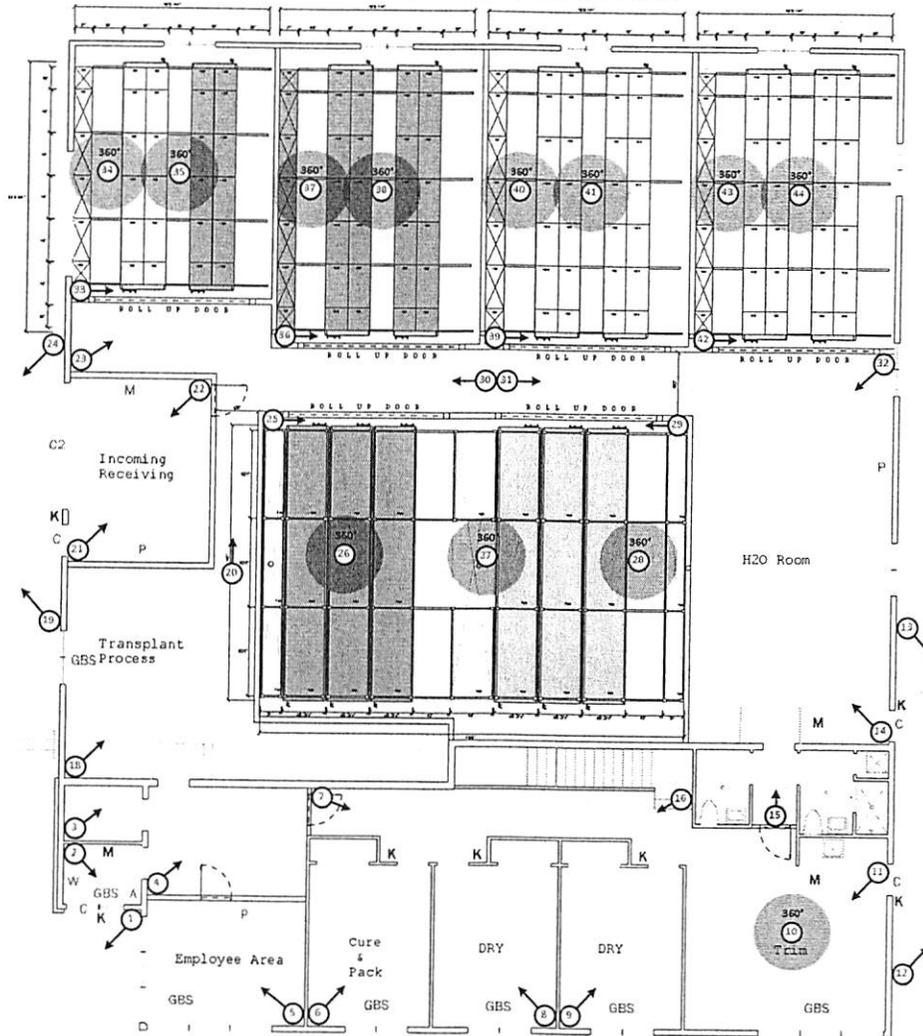
**Canna Security
AMERICA**

PLAN KEYNOTES.

- (R) IP Camera
- NVR Network Video Recorder
- A Alarm Keypad
- ACP Alarm Control Panel
- B Biometric Access
- C Door/Window Contact
- C2 Overhead Door Sensor
- GBS Glassbreak Sensor
- K Keycard Access
- K2 Keycard/Keycode Access
- M Motion Detector
- LEM Security Monitor
- P Panic Switch
- P2 Personal Panic Transmitter
- S Seismic Vibration Sensor
- W Alarm Siren

Full Build out
3,680 Flower
1,848 Veg

600 Permit



SECURITY FLOOR PLAN

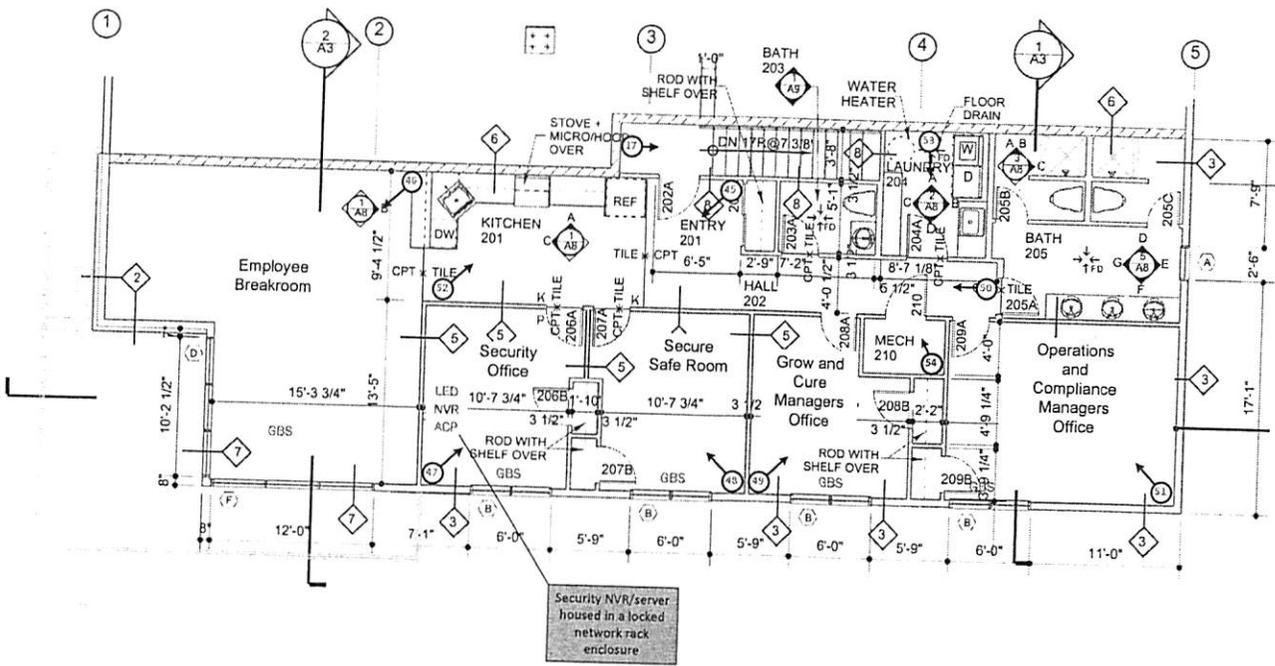
Canna Security America (CSA)
4704 Harlan St. Suite 520
Denver, Colorado
(720) 536-5824

IDEAL HARVEST
401 Capital St, Hayden, CO 81639



PLAN KEYNOTES.

- (B) IP Camera
- NVR Network Video Recorder
- A Alarm Keypad
- ACP Alarm Control Panel
- B Biometric Access
- L Door/Window Contact
- C2 Overhead Door Sensor
- GBS Glassbreak Sensor
- K Keycard Access
- K2 Keycard/Keycode Access
- M Motion Detector
- LED Security Monitor
- P Panic Switch
- P2 Personal Panic Transmitter
- S Seismic Vibration Sensor
- W Alarm Siren



SECURITY FLOOR PLAN

Canna Security America (CSA)
4704 Harlan St, Suite 520
Denver, Colorado
(720) 536-5824

Applicant: Emerge Farms LLC
Hayden Conditional Use Permit: Written Statement

Applicant: Emerge Farms LLC ("Emerge")

Attachment to Conditional Use Permit Application

Written Statement: Description of Proposed Use, Operating Characteristics, and How Conditional Use Review Criteria and Non-Residential Marijuana Cultivation Review Criteria Will Be Satisfied

I. Precise Nature of Proposed Use and Operating Characteristics

- a. **Proposed Use:** The proposed use for obtaining a conditional use permit is to conduct retail marijuana cultivation operations for wholesale distribution in compliance with all applicable state and local laws.

II. Operating Characteristics

- a. **Hours of Operation:** The facility's hours of operation will be from 8:00a.m. – 6:00p.m., seven days per week; there may be extended hours at times, if then existing condition of plants requires additional maintenance. Extended hours are subject to compliance with all applicable local and state regulations. In no event will distribution of marijuana occur after 12:00 a.m. MST but before 8:00 a.m. MST. Emerge will ensure compliance with State Retail Marijuana Code Rule 308, which governs hours of operation at all times.
- b. **Waste Plan:** All marijuana and non-marijuana waste will be disposed of in compliance with all applicable state and local regulations. Importantly, all marijuana waste will be made unusable and unrecognizable prior to leaving the licensed premises. There will be two waste streams: one stream which contains excess marijuana waste, and one stream which contains other non-marijuana waste.

The second stream of waste (the industrial, non-marijuana waste) will be disposed of through ordinary waste pickup by Twin Enviro Services, or another waste management company. The first stream of waste (the marijuana waste) will be disposed of as follows: excess marijuana plant material will be ground up and incorporated with non-consumable solids such as bleach and soil, such that the resulting mixture is at least 50% non-marijuana waste. A gas powered grinder will be used on-site to grind up the excess plant material; the grinder will be stored inside of a secure shed in a fenced area of the premises. Once waste is rendered unusable and unrecognizable, Emerge will store the unusable marijuana waste in a secured and locked waste receptacle on-site that is solely in Emerge's possession and control.

The waste will subsequently be disposed of at a facility that has a Certificate of Designation from the local governing body. Emerge will likely use Twin Enviro Services, as this waste management company services Hayden, has the appropriate Certificate of Designation, and has confirmed that it has experience dealing with marijuana waste from licensed cultivation facilities in the Routt County area.

- c. Odor Control Plan: Emerge will use a closed air filtration system in its cultivation facility (see *Exhibit A* for a diagram of the odor filtration system). There is no outside venting whatsoever in this design; this allows for the air to be treated solely inside of the building. The main entrance employs a two door vestibule system that helps contain odor when entering and leaving the building. In addition, the other material access door is sectioned off from the rest of the grow operation, thereby creating a buffer and preventing odor from exiting the facility.

Odor is treated in each individual section of the building. Grow rooms contain 12 inch fans moving 1708 cubic feet per minute ("CFM") of air through 1700 cubic feet per minute carbon filters. These rooms are matched by square footage to the number of filters (in other words, the number of filters in each room is based on the room's square footage). The vegetative area contains 12 inch fans moving 1708 CFM of air through 1700 CFM carbon filters matched to square footage. Connecting hallways and material access rooms have 12 inch fans moving 1708 CFM of air through 1700 CFM carbon filters matched to square footage. The transplant area contains 12 inch fans moving 1708 CFM of air through 1700 CFM carbon filters matched to square footage. All processing areas (Trim, Dry, Cure) and main entry contain 8 inch fans moving 667 CFM of air through 950 CFM carbon filters matched to square footage.

The carbon filters act as air "scrubbers." They operate 24 hours per day cleaning the particles in the air that create odor. Carbon filters are replaced annually to ensure proper filtration. Emerge will be using "Phat Filters," the highest certified adsorption yielding carbon on the market. (Adsorption is defined as the adhesion of molecules of gas, liquid, or dissolved solids to a surface. This process creates a film of the adsorbate - the molecules or atoms being accumulated - on the surface of the adsorbent. It differs from absorption, in which a fluid permeates or is dissolved by a liquid or solid.) Adsorption yield number equals a greater capacity to absorb odor and sustain a long life span.

- d. Security Plan: Emerge Farms plans to utilize Canna Security as its security system provider. The premises will be monitored 24 hours a day, 7 days per week. *Exhibit B* illustrates the location of all cameras, the security office (including a server room and required recording equipment), and the secure safe room for the on-site guard. Emerge's security plan is designed, so that all areas and individuals within the facility, including interior entry points to all grow and process areas/rooms and all perimeter entry points and perimeter windows, can be viewed and recorded. The security plan for the facility will also include the following components:
- i. A set of written operating instructions for each aspect of the Security Alarm System.
 - ii. Commercial-grade II, non-residential locks at all points of ingress/egress and into the surveillance room.

Applicant: Emerge Farms LLC
Hayden Conditional Use Permit: Written Statement

- iii. A video surveillance and camera recording system that is fully digital.
- iv. All documentation and approvals relating to surveillance, shall be kept in a locked room.
- v. A 19" call up monitor attached to a DVR playback station with accessibility to DVR controls for playback operation.
- vi. A printer capable of producing a clear color still photo from any camera image or surveillance footage.
- vii. Fish eye cameras in all grow areas to provide coverage to capture all activities even in low light.
- viii. All surveillance recordings shall be kept for twenty (20) days on DVD with the following twenty (20) days on an external hard-drive.

In addition to the fish eye lens cameras, the video surveillance system also utilizes Internet Protocol "IP" cameras with the following features:

- i. 640 X 480 Resolution
- ii. 1/4" CCD Image Sensor1
- iii. H.264 Video Compression
- iv. 30fps Frame Rate
- v. .1 Lux Illumination
- vi. Zoom Factor (10 Times)
- vii. Auto Gain Control/Auto White Balance /Auto Focus

The security plan for the facility also provides all necessary exterior lighting as required. All employees of Emerge will hold and properly display at all times a current and valid license badge.

- e. Expected Electrical Use: While the electrical system is still in the design phase, Emerge has worked on defining the facility's electrical requirements. The facility is currently being supplied by a 120V/208V transformer. Based upon the current voltage supplied to the site from the substation, the facility would require a 3000A (amperage) service. Emerge is working with Yampa Valley Electric Association ("YVEA") through YVEA's process to define the exact configuration of the incoming power. It is expected that YVEA will be installing a transformer capable of a 4000A service to provide sufficient safety margin to the demand.

The internal electrical system is being engineered with sufficient design margin such that no single service will have the need to connect electrical demand greater than the amperage of the individual circuits. This protects the equipment, the facility, and the product from damage due to any interruption of power.

- f. Expected Water and Sewer Use: Water usage will be dictated by the quantity used in the grow areas of the cultivation facility. The primary uses include the irrigation of plants, humidification, and cleaning. Additionally a small amount of water will be used for housekeeping and by the employees. At the 1800 plant count level, the facility will use an average of 2,000 gallons of water daily. Within the City of Hayden, the location of the cultivation facility with respect to the Town’s water supply will be sufficient for the operations intended and is derived from a municipal source that is a regulated water system.

Waste water that is generated from the facility will be collected through standard drainage systems. Less than 10% of the water used in irrigation becomes runoff that will go to the drain. An in-ground collection tank of no less than 1,500 gallons will be utilized to hold the site drainage in advance of being pumped up to the Town sewer system.

III. Fulfilment of Conditional Use Criteria (16.03.070.C)

- a. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations; no variance is being requested. The premises seeking licensure and permitting are located in the light industrial zone, which is consistent with the proposed use (non-residential marijuana cultivation operations, a light industrial use).
- b. The conditional use will conform with and further the goals, policies, and strategies set forth in the Town of Hayden’s Comprehensive Plan (the “Plan”). Starting a marijuana cultivation business in Hayden will bring employment opportunities to the Hayden community, increase local tax revenues, will contribute to fiscally balanced growth, and promote fiscal self-sufficiency.

One of the key goals enumerated in the Plan’s Executive Summary is to plan for new light industrial development that will provide jobs to the local population and increase tax revenues. Emerge illustrates this goal; it is a pioneering light industrial business that will provide job opportunities to the local Hayden population and generate tax revenues through payment of the local excise and commercial property taxes. Section 2.2.6 of the Plan states, “Approximately half of Hayden’s workforce is employed in the surrounding area.” In other words, Hayden also serves as a bedroom community to other towns such as Steamboat Springs and Craig. Based on Section 4.1.1 of the Plan, it is clear that a primary goal is to bring new employment and business activity to the town of Hayden itself, so that commuting residents do not spend their money and pay sales tax in neighboring communities. The overall goal is to keep Hayden residents’ money in Hayden to fund town services and fuel the local economy. As a local employer, Emerge will help fulfill this goal by keeping Hayden residents in town, thereby

reducing commuting and increasing the demand for shopping and services in Hayden, while simultaneously reducing the flow of sales tax dollars to other communities.

Additionally, one of the fiscal health goals outlined in the Plan is to create a balanced tax base for the Town that is not overly dependent on one sector of the economy. Allowing the newly legalized marijuana industry to establish roots in Hayden inevitably diversifies the local economy and its tax base, thereby reducing tax dependence upon the more traditional industries that Hayden has relied on in the past. Furthermore, fiscal balance is achieved through the business's commercial nature. Commercial properties generally generate higher tax revenues than residential properties. Additionally, commercial uses generally require less municipal services than residential uses; thus, the property taxes generated by commercial uses will offset the municipal costs of residential uses elsewhere. Finally, the premises seeking licensure and permitting are located within the Town limits and are already connected to municipal services. Thus, there is no extra cost involved to expand municipal services to the property because it is already served by the Town.

- c. The conditional use will be adequately served with public utilities, services, and facilities and will not impose an undue burden above and beyond those of the permitted uses of the district. The premises that seek to be permitted are located within the Town of Hayden's limits, and are already serviced by public water and sewage, as provided by the Town of Hayden. Electricity is provided by Yampa Valley Electric Association. The property is also located on Capital Street, a public road, so is easily accessible. As part of the Town of Hayden, the property is located in the West Routt Fire Protection District and is in close proximity to the nearest fire department, which is located approximately two miles away at 500 South Poplar Street in Hayden. The property also enjoys a developed storm drainage system and has refuse collection to be serviced by either Twin Enviro Services or Waste Management.
- d. The conditional use will not substantially alter the basic character of the district in which it is in, nor will it jeopardize the development or redevelopment potential of the district. The marijuana cultivation operation will be fully concealed and enclosed within the building on the premises. There will be no signage or external indication that marijuana cultivation operations are housed inside the building. Moreover, the property's exterior appearance will remain as it is currently constructed. Thus, the conditional use will not physically alter anything on the outside of the building, and the basic character of the district, a light industrial business park, will be preserved. No development potential will be jeopardized in any way, as there will be no visual or sensory impact on neighboring properties.
- e. The conditional use will result in efficient on and off-site traffic circulation, which will not have any adverse impact on the adjacent uses or result in hazardous conditions for

pedestrians or vehicles in or adjacent to the site. The premises proposed for the cultivation operations has its own parking lot, so there will be no parking issues for employees and/or vendors, and all traffic for the operation will be directed to this area. The premises are located in a light industrial business park and the ingress/egress is designed to accommodate the park. Furthermore, the volume of traffic is expected to be minimal, and carpooling amongst employees will be encouraged as a company policy to promote a greener environment. Emerge will employ approximately eight (8) full time employees, which include the following positions: Grow Manager, Operations Manager, Grow Technicians, Trim Technicians, Dry/Cure Manager, Harvest Quality Assurance and Compliance Specialist, and Inventory and Tracking Technologist. Vendors will occasionally visit the property for delivery and service purposes. No adverse impacts from traffic are anticipated. No hazardous conditions for pedestrians or vehicles will occur on or adjacent to the site.

- f. No potential negative impacts of the conditional use on the rest of the neighborhood (or of the neighborhood on the conditional use) are expected. Where potential may exist, Emerge has plans to mitigate.
- i. **Traffic Impacts:** See III(e) above. No negative traffic impacts are anticipated.
 - ii. **Activity Levels:** There will be daily business activity on the property; the level of business activity will not exceed normal standards. Business activity will commence seven days per week and between the hours of 8:00a.m and 6:00p.m., though later than 6:00p.m. when plants require extra attention, and in no event will any distribution take place between the hours of 12:00a.m. MST and 8:00 a.m. MST. Additionally, this routine business activity will not adversely impact the surrounding properties. It is estimated that Emerge will employ eight (8) full-time employees.
 - iii. **Light Impacts:** There will be no adverse impacts on the rest of the neighborhood from lighting. All lighting for marijuana cultivation operations will be enclosed inside the building with the exception of exterior lighting for security purposes, as required by the Town. To comply with the Hayden Municipal Code's security provisions, Section 5.22.110(E)(3), the building's outside walls shall be illuminated during evening hours. See separate Town of Hayden license application attachment for a full and comprehensive exterior lighting plan.
 - iv. **Noise Impacts:** There will be no adverse noise impacts. All cultivation operations will be conducted inside of the building and all noise will be contained within the building.
 - v. **Odor Impacts:** There will be no odor impacts. As detailed above in Section II(c), Emerge will implement an odor control plan, specifically designed so that any scent of marijuana will not exit the building.
 - vi. **Building Type, Style, and Scale Impacts:** The building's exterior will remain as it is currently constructed, which is already compliant with applicable Town codes.

As it is a preexisting structure existing in the neighborhood, there will be no adverse impacts on the surrounding neighborhood. No signage is proposed (if any is to be used, it will be of a minimal nature and directory-type signage). The cultivation facility is intended to blend in with the environment as it currently exists.

- vii. **Hours of Operation:** There will be no negative impacts caused by Emerge's hours of operation. For planned hours of operation, see Section II(a) above.
 - viii. **Dust Impacts:** There will be no negative impact from dust on the neighborhood. No construction is proposed other than a minimal amount to the interior of the building. Dust is a nonissue.
 - ix. **Erosion Control Impacts:** No erosion is anticipated from the marijuana cultivation operation, and thus there will be no negative impact on the neighborhood in this regard. As mentioned previously, the site has already been constructed, and no construction is proposed other than minimal interior improvements. Erosion is a nonissue.
- g. A local marijuana cultivation facility license application has been submitted to the Town of Hayden (see application that accompanies this Conditional Use Permit application) and is currently in process. A state business retail marijuana license application has been submitted to the State of Colorado (see state retail business license application that accompanies this Conditional Use Permit application) and is currently in process with the State of Colorado's Marijuana Enforcement Division ("MED").

IV. Fulfilment of Non-Residential Marijuana Cultivation Review Criteria

- a. Possession and cultivation of more than twelve (12) marijuana plants on any premises or within any structure in any zone district in the Town will not occur by Emerge without an approved Conditional Use Permit and without the license required for such a cultivation facility under Chapter 5.22 of the Hayden Municipal Code.
- b. Morgan Creek LLC, the owner of the premises that seeks licensure and permitting, and Emerge Farms LLC, the business that operates within the premises, shall not 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 the Hayden Municipal Code.
- c. Marijuana will not be cultivated outside of any completely enclosed locked structure. All cultivation operations will occur inside of the secure building located at 401 Capital Street.
- d. The marijuana plants will be cultivated, produced, and possessed within the building approved as part of the Conditional Use Permit process. Exposed cultivation of

**Applicant: Emerge Farms LLC
Hayden Conditional Use Permit: Written Statement**

marijuana outside of the building is not contemplated. All marijuana plants will be cultivated within a completely enclosed, locked, and secure structure.

- e. The cultivation, production, and possession of marijuana plants will not be conducted in an open and public manner; operations will not be perceptible from the exterior of the building on the subject site. Cultivation, production, and possession will not cause: 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. All operations will be conducted within the building on the premises seeking licensure and thus, odors, light, and noise will not be perceptible from the exterior of the building.**
 - i. Odor Mitigation: See above Section II(c) for Emerge’s odor control plan.**
 - ii. Light Mitigation: All lighting will be contained within the facility and will not disturb enjoyment of any neighboring properties. The exterior lighting of outside walls is required per Hayden’s Municipal Code.**
 - iii. Noise Mitigation: There will be no excessive noise generated by the operation. Any noise that is generated by the operation will be contained within the building.**

- f. The marijuana cultivation facility will have a ventilation and odor control system (a closed system that employs carbon filters individually treating each room) that is adequate for the size of the facility. Such system is designed to effectively eliminate odors from escaping the facility, so no person outside of the facility should sense any unusual odors. Emerge engaged professional marijuana cultivation consultants, Ideal Harvest, to design an effective odor control plan specific to its Hayden building.**

- g. Marijuana plants will not be cultivated, produced, processed, or possessed in any accessory structures. All plants will be located in the building constructed on the premises.**

- h. The cultivation, production, processing, or possession of marijuana plants does meet the requirements of all adopted Town building and life/safety codes. When necessary, Emerge has engaged in consultation with town officials throughout the permitting application process.**

- i. The use of any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinols or other cannabinoids will not be used in the marijuana cultivation operations.**

- j. The total load for a single branch circuit will not exceed the ampacity for the entire cultivation area within the building. See above Section II(e) for further details on the facility's expected electrical usage.
- k. Marijuana waste will be rendered unusable prior to leaving the facility by grinding and incorporating the material with non-consumable solid wastes such as soil and bleach. A gas-powered grinder will be used on-site. Once waste is made unusable and unrecognizable, Emerge will dispose of the retail marijuana waste in a secured waste receptacle solely in Emerge's possession and control, and Twin Enviro Services will dispose of such waste. See above Section II(b) for further details regarding Emerge's waste plan.
- l. Cultivation facilities are not 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. See attached *Exhibit C* for Vicinity Map.
- m. Retail marijuana cultivation uses will 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 business is committed to consistently function in a manner that complies with all local and state regulations, is a good neighbor to the Town of Hayden, and provides economic benefits to the local population.

V. Fulfillment of Emissions Criteria

Emerge will, at all times, provide sufficient measures and means of preventing smoke, odors, debris, dust, fluids, or other substances from exiting the cultivation facility.

In the event that any odors, debris, dust, fluids, or other substances exit the cultivation facility, Emerge will clean up and correct such condition immediately and fully. Emerge will always 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.

As described above, the ventilation and odor control system employed will be adequate for the size of the cultivation 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. As described earlier, the odor control system has been specifically designed for the facility by professional marijuana cultivation consultants, Ideal Harvest.

EXHIBIT A

ODOR CONTROL SYSTEM

