



Request for Comments

Case Name: Navarro-Dueñas Retail Marijuana Cultivation Location Variance

Case Number: VSP2023-00037

December 7, 2023

The Adams County Board of Adjustment is requesting comments on the following application: **Variance from the performance standards for a retail marijuana cultivation facility. Section 4-2-03-07(1) requires that retail marijuana cultivation facilities be located within a geographic boundary when zoned Agricultural-3; the application is seeking relief from this requirement.** This request is located at 14175 HARBACK RD. The Assessor's Parcel Number is 0156319100003.

Owner Information: REAL NAVARRO ARLETY
14175 HARBACK RD
BENNETT, CO 80102

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 01/07/2024 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to CSpaid@adcogov.org.

Once comments have been received and the staff report written, the staff report will be forwarded to you. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Cody Spaid
Planner II

BOARD OF COUNTY COMMISSIONERS

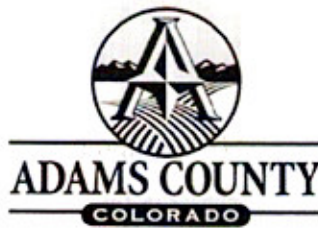
Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Lynn Baca
DISTRICT 5



VARIANCE

Application submittals must include all documents on the checklist as well as this page. Please use the reference guide (pg. 2) included in this packet for more information on each submittal item.

All applications shall be submitted electronically to epermitcenter@adcogov.org. If the submittal is too large to email as an attachment, the application may be sent as an unlocked OneDrive link. Alternatively, the application may be delivered on a flash drive to the One-Stop Customer Service Center. All documents should be combined in a single PDF. Once a complete application has been received, fees will be invoiced and payable online at <https://permits.adcogov.org/CitizenAccess/>.

- ☐ 1. Development Application Form (pg. 3)
- ☐ 2. Application Fees (see table below)
- ☐ 3. Number of variance requests:

Variance Request:	# of Requests:
Setback	
Height	
Lot Coverage	
Other: <i>APPROVE USE ON</i>	<i>1</i>

other side of street

- ☐ 4. Hardship Statement (pg. 5)
- ☐ 5. Site Plan Showing Proposed Development/Variance, including:
 - Proposed Building Dimensions, Location, and Setbacks
 - Location of Well
 - Location of Septic Field
 - Location of Easements
- ☐ 6. Proof of Ownership (warranty deed or title policy)
- ☐ 7. Proof of Water and Sewer Services
- ☐ 8. Legal Description
- ☐ 9. Certificate of Taxes Paid
- ☐ 10. Certificate of Notice to Mineral Estate Owner/and Lessees (pg.6)
- ☐ 11. Certificate of Surface Development (pg. 7)

Application Fees:	Amount:	Due:
Variance	\$500-residential \$700-non-residential *\$100 per additional request	After complete application received
Tri-County Health	\$150 (TCHD Level 1)	After complete application received

Variance-Guide to Development Application Submittal

The submittal documents for all Land Use/Development Applications are listed below. Detailed explanations of the submittal documents are also provided.

All development application submittals shall comprise of one (1) electronic copy (emailed or delivered on a USB). **Application submittals that do not conform to these guidelines shall not be accepted.**

4. Hardship Statement:

- Describe how the request meets each of the criteria listed in Section 2-02-21-06 and on the handout (see pg. 5), mainly pertaining to unique circumstances present on the property.

5. Site Plan:

- Shall be to scale and include: a north arrow, date of preparation, identify streets and roads, intersections, driveways, access points, parking areas, existing structures, wells, septic systems, easements, utility lines, lot dimensions, no build or hazardous areas
- An Improvement Location Certificate or Improvement Location Survey may be required during the official review

6. Proof of Ownership:

- A deed may be found in the Office of the Clerk and Recorder
- A title commitment is prepared by a professional title company

7. Proof of Water:

- A written statement from the appropriate water district indicating that they will provide service to the property **OR** a copy of a current bill from the service provider
- Well permit(s) information can be obtained from the Colorado State Division of Water Resources at (303) 866-3587

Proof of Sewer:

- A written statement from the appropriate sanitation district indicating that they will provide service to the property **OR** a copy of a current bill from the service provider
- A written statement from Tri-County Health indicating the viability of obtaining Onsite Wastewater Treatment Systems

8. Legal Description:

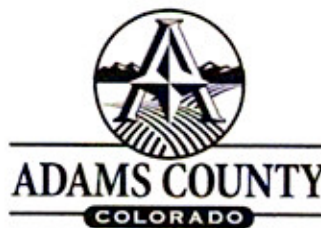
- Geographical description of a real estate property
- Visit <http://gisapp.adcogov.org/quicksearch/> to find the legal description for your property

9. Proof of Taxes Paid:

- All taxes on the subject property must be paid in full. Please contact the Adams County Treasurer's Office
- Or <http://adcogov.org/index.aspx?NID=812>

10. & 11. Certificate of Notice to Mineral Estate Owners/ Certificate of Surface Development:

- Mineral or Surface right owners may be found in the title commitment for the subject property
- You may also search the Office of the Clerk and Recorder for any recorded deeds, easements, etc



DEVELOPMENT APPLICATION FORM

Application Type:

<input type="checkbox"/> Conceptual Review	<input type="checkbox"/> Preliminary PUD	<input type="checkbox"/> Temporary Use
<input type="checkbox"/> Subdivision, Preliminary	<input type="checkbox"/> Final PUD	<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Subdivision, Final	<input type="checkbox"/> Rezone	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Plat Correction/ Vacation	<input type="checkbox"/> Special Use	<input type="checkbox"/> Other: _____

PROJECT NAME: Retail Cannabis Cultivation Zone Variance Request

APPLICANT

Name(s): Amaury Navarro ^{Duenas} Phone #: 530-680-7449
Address: 14175 N. Harback Road
City, State, Zip: Bennett Co. 80102
2nd Phone #: _____ Email: Amaurynd@yahoo.com

OWNER

Name(s): Ariety Navarro Phone #: 530-521-8595
Address: 417 Silo Ct
City, State, Zip: Brighton CO 80601
2nd Phone #: _____ Email: Arietyreal@yahoo.com

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name: Colin Mudd Phone #: 720-955-2777
Address: Po Box 472
City, State, Zip: Eastlake CO 80614
2nd Phone #: _____ Email: Colin@konopeconsulting.com

DESCRIPTION OF SITE

Address:

City, State, Zip:

Area (acres or square feet):

Tax Assessor Parcel Number

Existing Zoning:

Existing Land Use:

Proposed Land Use:

Have you attended a Conceptual Review? YES ☐ NO ☒

If Yes, please list PRE#:

I hereby certify that I am making this application as owner of the above described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name:

Date:

Owner's Printed Name

Name:

Owner's Signature

HARDSHIP STATEMENT

Using the following hardship criteria for granting a variance, please provide an explanation of how the criteria have been satisfied (see Section 2-02-21-06 of the Adams County Development Standards and Regulations for the full text of the criteria). Please feel free to attach your statements using a separate piece of paper.

Please see Attached document

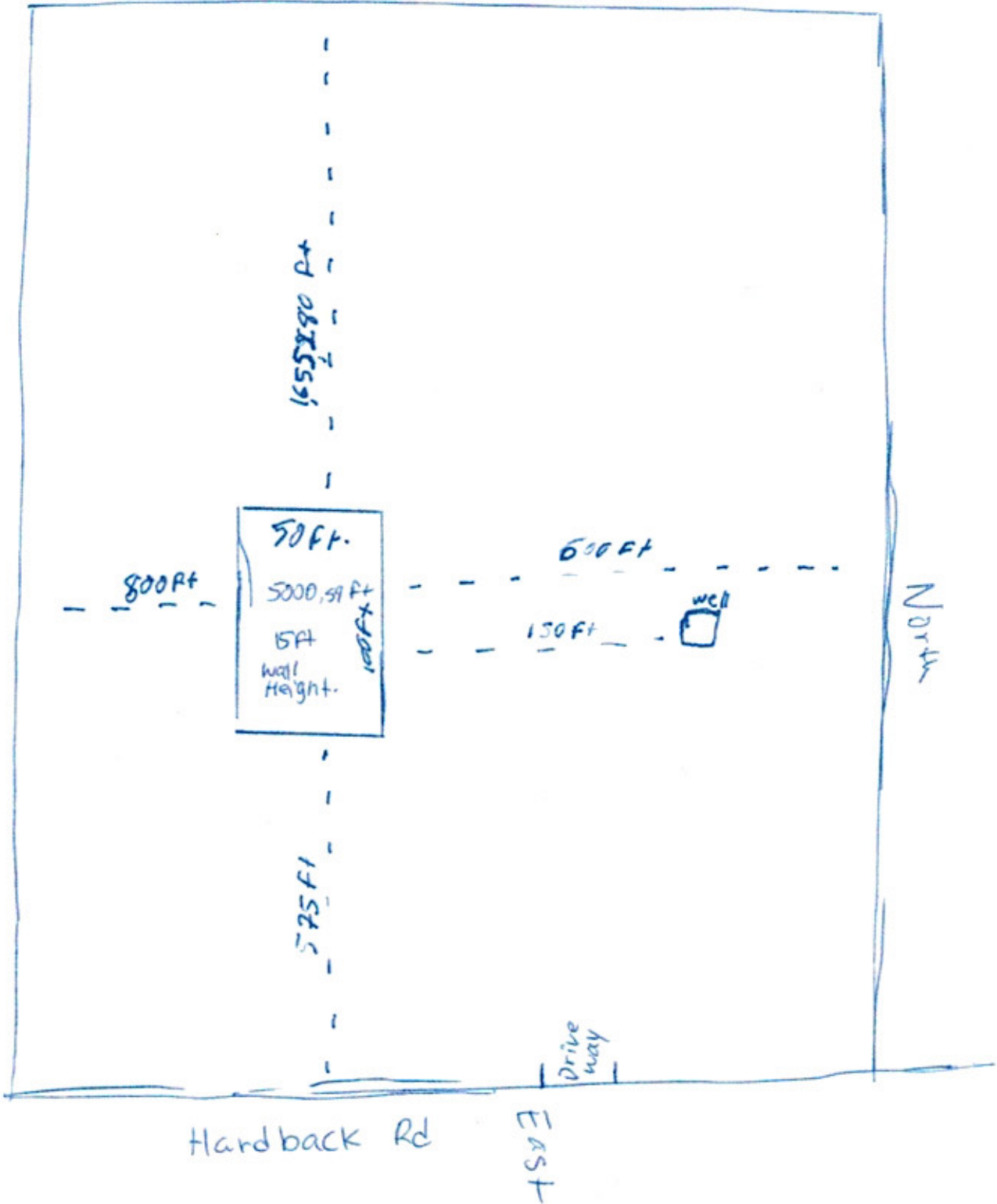
1. There exists special physical requirements or circumstances of the subject property such as irregularity, narrowness, shallowness, or slope.
2. Because of these physical circumstances, the strict application of the code would deprive the applicant of rights commonly enjoyed by other properties in the same district.
3. Granting the variance will not confer on the applicant any special privilege.
4. Due to the physical circumstances or conditions, the property cannot be developed in conformity with the regulations.
5. The special circumstances or hardship is not self-imposed.
6. That the variance, if granted, will be in harmony with the general purpose and intent of the Adams County regulations and with the Adams County Comprehensive Plan.
7. That the variance, if granted, will not cause substantial detriment to the public good or impair the intent of these standards and regulations.
8. That the variance, if granted, would not allow a use which is not otherwise permitted in the zone district in which the property is located, would not result in the extension of a non-conforming use, or would change the zone classification on the property.

1. Our property's physical location is on the East side of Imboden Road. As the wording currently states in the Development Standards and Regulations in Adams County Code, Medical/Retail marijuana cultivations can only be located on the west side of Imboden Road. We believe this is a hardship because of the property's physical location, where current circumstances prohibit our proposed use of the property as a Retail Marijuana Facility because we are on the wrong side of an arbitrary line.
2. Given the current wording of the Development Standards and Regulations in the Code, we are being deprived of the ability to apply for a Retail Marijuana Cultivation Facility in Adams County, even though our property meets every other requirement in the current standards and regulations.
3. Granting of the variance will not confer on the applicant any special privilege not granted to others who meet all the current requirements in the current standards and regulations, which are located on the right side of the arbitrary line.
4. Due to the physical circumstances or conditions, the property cannot be developed in conformity with the current version of the standards and regulations of Adams County.
5. The special circumstances or hardship are not self-imposed.
6. The variance, if granted, will be in harmony with the general purpose and intent of the County's comprehensive plan and regulations because it does not promote adding any additional cultivation facilities in the county, it will not place a cultivation facility in a non-conforming zone-use district, and it will not place a cultivation facility in a place where it will be too close to a school, daycare, playground, park, pool, or place of worship, etc.
7. The variance, if granted, would not cause substantial detriment to the public good or impair the intent of these standards and regulations because the proposed property would confine to all the other current standards and regulations.
 - a. It is located in an A-3 zone district, not a residentially zoned or used building or in a moveable structure.
 - b. The property is developed in harmony with other surrounding properties and enhances the design elements of other buildings and properties accordingly.
 - c. Best industrial practices to mitigate odor, noise, vapors, fumes, and dust will be utilized and functioning properly at all times.
 - d. The parcel is at least 35 acres in size for stand-alone operations.
 - e. The proposed cultivation facility is not within 1,000 feet of any existing public or private elementary, middle, junior, or senior high school, state-licensed daycare homes, and daycare centers in existence as of the date of application, playground, park, and public housing facility.
 - f. The proposed retail cultivation facility would not be within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, or group home for the developmentally disabled.
8. The variance, if granted, will not allow a use that is not otherwise permitted in the zoning district in which the property is located. It would not result in extending a non-conforming use or changing the zone classification on the property.

BDP21-2992

West
N

South



APPLICANT'S CERTIFICATION CONCERNING QUALIFYING SURFACE DEVELOPMENT,
PURSUANT TO C.R.S. §24-65.5-103.3 (1)(b)

I, _____ (the "Applicant") by signing below, hereby declare and certify as follows concerning the property located at:

Physical Address:

Legal Description: _____

Parcel # (s): _____

With respect to qualifying surface developments:

Access to existing and proposed mineral operations, surface facilities, flowlines, and pipelines in support of such existing and proposed operations for oil and gas exploration and production, including provisions for public roads sufficient to withstand trucks and drilling equipment or thirty-foot-wide access easements, were provided for in a " _____ " area as recorded in Reception # _____ on _____.

Date: _____
Applicant By: _____
Address: _____

STATE OF COLORADO)
COUNTY OF ADAMS)

Subscribed and sworn to before me this _____, by _____.

Witness my hand and official seal.

My Commission expires: _____
Notary Public

After Recording Return To:

Name and Address of Person Preparing Legal Description:

A recorded copy of this Certification shall be submitted to the Adams County Community and Economic Development Department with all applicable land use applications.

CERTIFICATION OF NOTICE TO MINERAL ESTATE OWNERS

I/We, _____
(the "Applicant") by signing below, hereby declare and certify as follows:

With respect to the property located at:

Physical Address: _____

Legal Description: _____

Parcel #(s): _____

(PLEASE CHECK ONE):

_____ On the _____ day of _____, 20____, which is not less than thirty days before the initial public hearing, notice of application for surface development was provided to mineral estate owners pursuant to section 24-65.5-103 of the Colorado Revised Statutes;

or

_____ I/We have searched the records of the Adams County Tax Assessor and the Adams County Clerk and Recorder for the above identified parcel and have found that no mineral estate owner is identified therein.

Date: _____ Applicant: _____

By _____
Print Name _____
Address _____

STATE OF COLORADO)

COUNTY OF ADAMS)

Subscribed and sworn to before me on _____, 20____, by _____

Witness my hand and official seal.

My Commission expires: _____

Notary Public

After Recording Return To:

Name and Address of Person Preparing Legal Description:

A recorded copy of this Certification shall be submitted to the Adams County Community and Economic Development Department with all applicable land use applications.

APPLICANT'S CERTIFICATION CONCERNING QUALIFYING SURFACE DEVELOPMENT,
PURSUANT TO C.R.S. §24-65.5-103.3 (1)(b)

I/We, _____,
_____, (the "Applicant") by signing below, hereby declare and certify as follows:

Concerning the property located at:

Physical Address: _____

Legal Description: _____

Parcel #(s): _____

With respect to qualifying surface developments, that (PLEASE CHECK ONE):

_____ No mineral estate owner has entered an appearance or filed an objection to the proposed application for development within thirty days after the initial public hearing on the application; or

_____ The Applicant and any mineral estate owners who have filed an objection to the proposed application for development or have otherwise filed an entry of appearance in the initial public hearing regarding such application no later than thirty days following the initial public hearing on the application have executed a surface use agreement related to the property included in the application for development, the provisions of which have been incorporated into the application for development or are evidenced by a memorandum otherwise recorded in the records of the clerk and recorder of the county in which the property is located so as to provide for the same. The Applicant and any mineral estate owners shall be bound by such surface use agreement.

_____ The application

(i) Access to the property, including roads, easements, and pipelines in support of the proposed development, shall be provided to the public hearing on the application, and the roads shall be sufficient to provide for a 10-foot-wide access to the property.

(ii) An oil and gas lease shall be recorded in the records of the clerk and recorder of the county in which the property is located in accordance with the provisions of the Revised Statutes; and

(iii) That the department of natural resources has been made.

Date: _____ Applicant: _____

After Recording Return To:

By: _____
Print Name: _____
Address: _____

STATE OF COLORADO)
)
COUNTY OF ADAMS)

Subscribed and sworn to before me this ____ day of _____, 20____, by
_____.

Witness my hand and official seal.

My Commission expires: _____
Notary Public

Name and Address of Person Preparing Legal Description:

A recorded copy of this Certification shall be submitted to the Adams County Community and Economic Development Department within thirty days after the initial public hearing on all applicable land use applications.

Not
Needed
Per
Greg Barnes



**OFFICE OF THE TREASURER -- ADAMS
COUNTY, COLORADO
RECEIPT OF PAYMENT (Tax, Fees, Costs,
Interests, Penalties)**

Account	Parcel Number	Receipt Date	Receipt Number
R0199450	0156319100003	Apr 18, 2023	2023-04-18-JM-5501

REAL NAVARRO ARLETY
14175 HARBACK RD
BENNETT, CO 80102

Situs Address
14175 HARBACK RD

Payor
ARLETY REAL NAVARRO
14175 HARBACK RD
BENNETT, CO 80102

Legal Description

SECT, TWN, RNG 19-1-63 DESC: PARCEL 3 DESC AS FOLS CONSIDERING THE E LN OF THE SE4 OF SD SEC 19 TO BRS S 01D 12M 35S E AND WITH ALL BRNG COMM AT THE E4 COR OF SD SEC 19 TH S 89D 27M 24S W A DIST OF 40 FT TO THE POB TH N 01D 05M 43S W // WITH AND 40 FT WLY FROM THE E LN OF THE NE4 OF SD SEC 19 A DIST OF 1285/61 FT TH S 89D 30M 55S W A DIST OF 1352/86 FT TH S 01D 13M 06S E A DIST OF 1293/04 FT TH N 89D 12M 05S E A DIST OF 1350/02 FT TO THE POB 40A

Property Code	Actual	Assessed	Year	Area	Mill Levy
AG DRY FARMING LAND - 4127	5,363	1,420	2022	120	65.151

Payments Received

Cash \$100.00

Payor ARLETY REAL NAVARRO 14175 HARBACK
RD BENNETT, CO 80102

Cash (\$7.48)

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2022	Tax Charge	\$92.52	\$0.00	\$92.52	\$0.00
				\$92.52	\$0.00
				Balance Due as of Apr 18, 2023	\$0.00

Adams County Current Boundary For Cultivations

