

**Board of Directors
RCR-Newton Property Owners Association
702 Newton Road
Pueblo, CO 81005**

Website: redcreekranch.org
Email: board@redcreekranch.org

October 8, 2016

Liquor & Marijuana Licensing Board
Pueblo County Courthouse
215 W. 10th Street
Pueblo, CO 81003

Tracy Hokett
1035 Newton Road
Pueblo, CO 81005

Ms. Joan Armstrong
Pueblo County Planning Department
215 W. 10th Street
Pueblo, CO 81003

RE: Retail Marijuana Cultivation Facility Application by Tracy Hokett
Owner: 4 Thumbs Up, LLC
Application Date: August 11, 2016
ZCRM 2016-048

Ladies and Gentlemen:

On behalf of a majority of the members of our RCR-Newton Property Owners Association ("Association") we submit this letter in opposition to the cultivation facility referenced above. We are a covenant protected subdivision in Pueblo County with 99 lots. The covenants that are in force for our subdivision were recorded May 24, 1994 (Reception No. 1045619), long before marijuana was legal in our state and long before it was considered a use by right under A-1 zoning. This is a subdivision of lots that were intended for residential and ranching use.

At the annual meeting of the Association, held on September 10, 2016, there was a vote taken of all members in attendance, based on a motion, that the Board write a letter in opposition to this application. Every member at the meeting (except for one abstention) voted to oppose this facility and mandated that the Board write this letter on their behalf.

Retail marijuana grow operations are certainly not within the residential definition for the Association members or the intent of the restrictive covenants. The peace, tranquility and quality of life in general would be seriously impacted by a commercial facility to be located very near the entrance to the subdivision. Every resident on property within the Association uses Newton Road for access to their properties as do visitors and other service providers. The impact to the section of road used by this facility could be devastating as this is a section of road that has consistently been difficult to maintain and repair.

Because of the time frame in which our Association was formed, and because of the wording of our covenants, we are not subject to the Colorado Common Interest Ownership Act and are bound by law to never exceed the assessments set forth in our covenants for road maintenance and repair. There are limited funds to maintain, repair, improve and remove snow from the approximately 13 miles of road within the subdivision. The Association does not have the ability to assess additional charges against any single owner.

The approval of this marijuana cultivation facility will bring traffic onto our roads that are already in poor repair because of the extreme conditions in 2015 and 2016. The applicant has stated that he may, at some point in time, build many green houses on the property in accordance with the site plan filed with his application. He could also be hauling water in water trucks to the facility. Water trucks are very heavy as are construction vehicles. He will also have construction workers, employees and possibly buyers to add to the traffic. This one cultivation operation could bring many times the volume of traffic that currently drives the road and would incrementally increase for each additional structure built.

Allowing this facility could only open the door to the possibility of many large grow operations in our subdivision bringing more and more traffic. Not only could this facility have a devastating effect on our roads it will adversely affect the welfare of our residents.

We would like the County to seriously consider the hardship on older covenant protected communities that are bound by laws that were in effect long before the marijuana laws came to be, and that have no resources or possibility of resources for maintenance of roads impacted by these cultivation grow operations.

Our covenants also state that "no noxious or offensive activity shall be carried on upon any Lot nor anything done thereon tending to cause embarrassment, discomfort, annoyance or nuisance to the neighborhood." There are close neighbors and the building of large structures that will obstruct their views, generate noise, light pollution, and heavy traffic could certainly violate that provision if the build out shown on the site plan filed by the applicant is ever implemented.

In addition, there are already two licensed grow operations within the Association boundaries and by adding this one and the one on the north side of Highway 96 (a very large operation) it would make 4 facilities within a square mile. Our residents moved to this location for the peace, quiet and beauty of the plains/foothills, for the views and for the personal enjoyment of their land for residential and recreational endeavors. This proposed facility clearly has no interest whatsoever in the residential aspect of RCR-Newton and acquired the property only for commercial purposes. The previous two licensed facilities within the Association boundaries were occupied by the licensees as residences long before the marijuana licenses were issued and built their homes and outbuildings within the spirit for which the property was intended. The existing building upon the applicant's property was originally built as a large indoor riding arena, which was also very much within the spirit of the usage intended,

not as a large grow facility for marijuana. The site plan filed with this application has no residence at all proposed to be built.

All that being said, the Board of Directors, on behalf of a majority of our membership, would like to go on record as being opposed to this application based on the welfare concerns for our members.

Sincerely,

A handwritten signature in cursive script that reads "Alice Bryan".

Alice Bryan, President

Board of Directors

RCR-Newton Property Owners Association

cc: Board of County Commissioners

Pueblo County Attorney