# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Public Hearing; Riverland Remedies, LLC; Marijuana

**Action Requested:** Motion

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**

Riverland Remedies LLC Marijuana Cultivation License Application Public Hearing

**Fiscal Impact:**

**Submitted by:** Beth Baker **Submitter's Email Address:** bbaker@gunnisoncounty.org

**Finance Review:** ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ◉ Required ○ Not Required

Comments:
ok db 10/13/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 10/13/2017 Certificate of Insurance Required Yes ○ No ◉

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 10/13/2017

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 15

Agenda Date: 10/17/2017

*Revised April 2015*

To: Gunnison County Board of County Commissioners/Gunnison County Marijuana Licensing Authority

From: Beth Baker

Date: October 17, 2017 Public Hearing

Subject: Public Hearing for a Marijuana Facility License for Cultivation

Applicant: Riverland Remedies, LLC, represented by Rob R Carney

Location: 80 Buckley Road, Units 2A, 2B, and 2C, Riverland Industrial Park

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**1. PURPOSE:**

The purpose of this public hearing is to receive public input regarding a proposed Marijuana Facility License for cultivation located at 80 Buckley Rd. Units 2A, 2B and 2C, Riverland Industrial Park. The proposed cultivation facility, if approved, would be located in a new warehouse building in the Riverland Industrial Park. The approximate square footage of the building is 12,000 square feet (6,000 sq. ft. each floor) and it is located on Lot 4 Riverland Industrial Park Filing 1. Riverland Remedies, LLC have a lease for Units 2A, 2B and 2C.

The Gunnison County Marijuana Licensing Authority is the Board of County Commissioners (BOCC). The BOCC is requested to receive public input and review the application against the standards mentioned below. A motion is requested to either approve, approve with conditions, or deny the application.

This proposed facility, given its location in Riverland Industrial Park, (See Section 9-104 of the Land Use Resolution) was reviewed under an Administrative Review Land Use Change Permit Application.

**2. PURPOSE AND STANDARDS**

On July 1, 2014 the BOCC approved Resolution No. 2014-18 which authorized regulations for marijuana cultivation, manufacturing and testing facilities. The purpose of these regulations are to:

1. To authorize licensing of marijuana cultivation, manufacturing, and testing in unincorporated Gunnison County as provided in §§ 12-43.3-301(2)(a), 12-43.4-104(3) and 12-43.4-301, C.R.S., as amended;
2. To establish specific standards and procedures for local licensing of marijuana-related business and establishments; and

3. To protect the health, safety, and welfare of the residents, consumers and patients in Gunnison County by prescribing the manner in which marijuana businesses can be conducted in the County.

As per Article 5, Standards, of Resolution of **No. 2014-18** the Board must find the following to approve a license:

A. **LACK OF CRIMINAL HISTORY**: The applicant and principal employees of a marijuana facility have no history of criminal activity indicating moral turpitude. Applicants shall provide suitable evidence of a Persons' proof of lawful presence, residence, and good character and reputation that the Board may request. The applicant must also consent to a criminal background check of the applicant and its principal employees.

B. **HARMONIOUS LAND USE**: The use and any associated signage is not identifiable as a Marijuana Facility from adjacent property, nor any arterial road, public trail, or public park. The applicant must demonstrate to the Board's satisfaction that there is no measurable detrimental impact to adjacent property which cannot be mitigated, and the applicant has demonstrated to the Board that the facility will be harmonious with its surrounding uses.

C. **APPLICABLE PROPERTY OWNERS ASSOCIATION APPROVAL:** The applicant must provide written consent for the use from the Property Owners Association if an active association exists for the subject property.

D. **ODOR:** Odors from any marijuana facility shall not be detectable and noticeable at the boundary to adjacent properties. Facilities shall be equipped with proper ventilation systems so that odors are filtered and do not materially interfere with adjoining land uses.

E. **FIRE AND SECURITY EMERGENCY SERVICES:** Applicable Fire Districts and the Sheriff's Department will receive applications for their review and comment. Concerns related to public safety received from emergency services must be avoided or mitigated to the Authority's satisfaction.

F. **PUBLIC SERVICES**: The Applicant shall demonstrate that there are adequate public services to support the proposed use.

The Board may approve or approve with conditions a license that meets all of the standards in Article 5. The Board shall deny an application that does not comply with the licensing requirement in Article 5.

## 3. STAFF ANALYSIS OF CRITERIA AND PUBLIC INPUT RECEIVED

Staff referred this application to the Crested Butte Fire Protection District, Gunnison County Building and Environmental Health Official, Gunnison County Sheriff's Department, Gunnison County Public Works, and Gunnison County Electric Association. In addition, a public notice of this hearing and the land use application was sent to all property owners within 1000 feet of the property, notice placed on the property, and a notice was placed in the paper at least 15 days prior to the public hearing. No public input was received on the application at the time this memorandum was prepared. Staff has not received any comments from referral agencies or the public that would generate any concern regarding the issuance of a Marijuana Facility License.

**Attachment A** includes the application, an operational summary, and the applicant responses to the standards for a License. The following is staff's analysis of compliance to the Standards in Article 5.

A. **LACK OF CRIMINAL HISTORY**: The applicant and principal employees of a marijuana facility have no history of criminal activity indicating moral turpitude. Applicants shall provide suitable evidence of a Persons' proof of lawful presence, residence, and good character and reputation that the Board may request. The applicant must also consent to a criminal background check of the applicant and its principal employees.

> Staff Response: Staff, in the creation of the licensing requirements, acknowledged that we would utilize the background check process required by the State of Colorado and the State of Colorado Marijuana Enforcement Division (The Division). The Division has completed the background check for this applicant and reviewed the results with County staff. The applicant has been issued a conditional State License, dated August 1, 2017. In addition, as mentioned previously, this application was forwarded to the Sheriff's office for their review. Again no input was provided to raise any concern regarding this standard.

B. **HARMONIOUS LAND USE**: The use and any associated signage is not identifiable as a Marijuana Facility from adjacent property, nor any arterial road, public trail, or public park. The applicant must demonstrate to the Board's satisfaction that there is no measurable detrimental impact to adjacent property which cannot be mitigated, and the applicant has demonstrated to the Board that the facility will be harmonious with its surrounding uses.

> Staff Response: It was felt during the development of Marijuana Facility Regulations that a marijuana facility would generally be consistent with the existing uses in the Riverland Industrial Park if the applicant demonstrates that they meet the Standards in Section 9-104 along with the other applicable sections of the LUR and the Marijuana Facility Licensing Standards. In reviewing this specific application, staff believes this proposal will result in a harmonious land use with the recommended conditions stated below. The following image indicates the location of the proposed business. Three marijuana cultivation facilities have been approved by the BOCC/Gunnison County Marijuana

Licensing Authority, in the Riverland Industrial Park.
Two located at 398 Riverland Dr. and one located at 244 Buckley Dr.  There are no sensitive or incompatible land uses adjacent to this use in staff's opinion.

C. **APPLICABLE PROPERTY OWNERS ASSOCIATION APPROVAL:** The applicant must provide written consent for the use from the Property Owners Association if an active association exists for the subject property.

Staff Response: The Riverland Industrial Park Lot Owners Association, in a letter dated, July 12, 2017, has approved this use at this location.

D. **ODOR:** Odors from any marijuana facility shall not be detectable and noticeable at the boundary to adjacent properties. Facilities shall be equipped with proper ventilation systems so that odors are filtered and do not materially interfere with adjoining land uses.

Staff Response: The Applicant is proposing the use of UVONAIR-CD Ozone by Corona Discharge. The system will use ozone to alter the molecular structure of odor. Staff has recommended a condition provided below and with that condition, if accepted, staff believes this standard will be met.

E. **FIRE AND SECURITY EMERGENCY SERVICES:** Applicable Fire Districts and the Sheriff's Department received applications for their review and comment. Concerns related to public safety received from emergency services must be avoided or mitigated to the Authority's satisfaction.

Staff Response: As mentioned, the application has been referred to the Gunnison Fire Protection District and the Sherriff's Department. In addition, the State has specific security requirements. In a letter dated, July 26, 2017, the Crested Butte Fire Protection District has noted they have conducted a preliminary review, outlining all the Crested Butte Fire Protection requirements.

The applicant is required to secure approvals for a building permit for the tenant finish of the units.

In a verbal conversation dated August 30, 2017, Sheriff Rick Besecker said the Gunnison County Sheriff's Department, had no comments.

F. **PUBLIC SERVICES**: The Applicant shall demonstrate that there are adequate public services to support the proposed use.

Staff Response: This is a new building in the Riverland Industrial Park and there are no utility limitations for this applicant in this location. Water is provided by Riverland Industrial Park Central System. No comments were received by Gunnison County Electric Association.

G. **Building and Environmental Health Official Review**: The application was referred to the Gunnison County Building and Environmental Health Official.

Staff Response: In a memo dated August 25, 2017, Gunnison County Building and Environmental Official, Crystal Lambert noted, "After reviewing the Riverland Remedies, LLC Marijuana Cultivation Facilities License application, it is feasible that the applicant may be able to receive Building and Environmental

Health Office approval for the proposed use in the proposed space in the structure. A final inspection of the space will need to be conducted and passed by the Building Office and the Crested Butte Fire Protection District prior to use and occupancy of the space. "

Lambert stated " The on-site wastewater treatment system (OWTS) that is to serve the structure was permitted and installed under the Gunnison County OWTS permit #2016-00161. The OWTS system shall receive only biodegradable wastes for treatment and distribution as are compatible with those biological treatment processes that occur within the septic tank. All other waste, including wastewater from the marijuana growing process, shall be delivered via a separate drain system to holding vaults (shown on the OWTS as-built drawing.) A regular schedule of pumping and delivery to an approved wastewater treatment facility shall be required as part of the use permit. "

H. **Public Works Input**: The application was referred to the Gunnison County Public Works Department.

Staff Response: In an email, dated August 22, 2017, Director of Public Works Marlene Crosby noted the driveway access had not been approved yet. This permit will be contingent on the approval of the access and a Certificate of Occupancy for the facility.

## 4. RECOMMENDATIONS

Staff finds that the application meets the Marijuana Facility License standards and recommends approval of the license with the following recommended conditions:

1) The subject building and the applicant (tenant space) must both receive a Certificate of Occupancy prior to the license being issued to the applicant
2) After the license is issued and operation has commenced, periodic inspection of the facility by Gunnison County officials shall be allowed by the property owner and applicant with reasonable notice.
3) There shall be no noticeable odors which result from the Marijuana Facility, detectable outside of the subject building at the property boundary. Failure to correct detectable odors outside of the building may result in revocation of the license.
4) As mentioned in Resolution No. 2014-18 the applicant is consenting to inspections. Evidence from inspections or documented complaints regarding the facility in respect to Standards in Resolution No. 2014-18 or in Section 9-104 of the Land Use Resolution or failure to comply with other applicable local or state regulations may result in enforcement action against the applicant, including revocation of the license.
5) As of the date of the license of this Resolution, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution and a Federal action may result in the revocation of this license.

6) This license is approved conditioned upon receiving and maintaining all appropriate licenses with the Colorado Marijuana Licensing Authority. Failure to receive or maintain a valid applicable Colorado Marijuana License will result in the revocation of Gunnison County Marijuana Facility License.

Application and accompanying documents may be viewed using the link;

http://204.132.78.100/citizenaccess/

- Click on Permits
- Click on Application Number
- Use application number MJ-17-00157 (exactly)
- Click on Attachments
- Click on View

September 27, 2017

**TO**: Board of County Commissioners

**From**: Beth Baker

**RE: Riverland Remedies Marijuana Cultivation Public Hearing**

Rivierland Remedies LLC, has applied for a Marijuana Cultivation license. It will be located at 80 Buckley Dr., in Riverland Industrial Park.

The building is under construction, and has not had the final building inspection yet, so the license will be contingent on the building receiving a Certificate of Occupancy. The license can be approved today, but would not be issued and signed by the Board until they have the Certificate of Occupancy.

**View the application using the link:**

http://204.132.78.100/citizenaccess/

- Click on permits
- Click on applications
- Use application number MJ-17-00157 (exactly)
- Click into application
- Click on Attachments
- Click on View

If you have any questions, please call.

Thanks,

Beth Baker
Gunnison County Community Development Department