AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Marijuana License Renewal; TR Enterprises

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Approval of Marijuana License renewal for TR Enterprises

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 4/11/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/11/2019 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 4/11/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 4/16/2019

Revised April 2015

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

From: Beth Baker

Date: April 9, 2019

Subject: Marijuana Facility License renewal request -for cultivation

Applicant: TR Enterprises Limited

Location: 244 Buckley (Lot 5 Riverland , Filing One)

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1. PURPOSE:

The purpose of this work session is to review the TR Enterprises application, to renew a Marijuana Facility License for cultivation, located at 244 Buckley Dr., Crested Butte Co.; Lot Five, Riverland Industrial Park, Filing One. The current cultivation facility, is located in an existing building in the Riverland Industrial Park. TR Enterprises Limited leases units five and six, in the building located at 244 Buckley Dr., Crested Butte, Co., in Riverland Industrial Park.

The Gunnison County Marijuana Licensing Authority is the Board of County Commissioners (BOCC). 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.

The County Sheriff conducted a site visit, May 8, 2018. The Sheriff was taken through the entire facility. There was no detectable odor outside of the facility. There were cameras in the entire facility, and they are on 24 hours a day. The film is kept for forty days.

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 which does not comply with the licensing requirement in Article 5.

3. STAFF ANALYSIS OF CRITERIA AND PUBLIC INPUT RECEIVED

Staff has not received any negatives comments from the County Sheriff Department, Crested Butte Fire District, or the County Building and Environmental Offices since the facility was licensed April 19, 2016. The County Sheriff conducted an onsite inspection, on May 8, 2018, and found the facility in

compliance with the regulations. The County Sheriff provided verbal comments to Community and Economic Manger of Administrative Services Beth Baker, on April 9, 2019, noting the Sheriff's Department had no concerns with this application, and the application could be approved.

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 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 not yet been issued a conditional State License. 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 a marijuana facility would generally be consistent with the existing uses in the Riverland Industrial Park, if the applicant demonstrates 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. Two marijuana cultivation facilities were approved by the BOCC/Gunnison County Marijuana Licensing Authority in 2014, they were application numbers MJ-14-00178 and MJ-14-00159: both licenses were renewed in 2017. They are both located at 398 Riverland Dr., in Riverland Industrial Park. There are no sensitive or incompatible land uses adjacent to this use in staff's opinion.
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> **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.
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> **Staff Response:** Riverland Lot Owner's Association approved the proposed use with conditions, in a letter dated August 24, 2015.

C. **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 has used several large charcoal can filters inside the building on both floors, as well as an ionizing system used in hospitals to ensure success. This is the most common odor elimination measure used in the industry. Staff has not received any complaints concerning the odor from this facility.

D. **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.

Staff Response: As mentioned, the application has been referred to the Crested Butte Fire Protection District and the County Sherriff's Department. In addition, the State has specific security requirements. Staff has not received any comments/ concerns from Crested Butte Fire. Staff received verbal confirmation from Under Sheriff Scott Jackson, on April 9, 2019. Staff received an email dated April 10, 2019, from Crested Butte Fire Marshal Ric Ems, noting no concerns.

PUBLIC SERVICES: The Applicant has demonstrated that there are adequate public services to support the proposed use.

Staff Response: This is an existing building and there are no utility limitations for this applicant at this location. Water is provided by a well.

4. RECOMMENDATIONS

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

1) After the renewal of the license is issued, periodic inspections of the facility by Gunnison County officials shall be allowed by the property the property owner and applicant. There shall be no noticeable odors outside of the subject building detected by inspections. Failure to correct detectible odors outside of the building may result in revocation of the license.

2) 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 the Standards in Resolution No. 2014-18 or in Section 9-104 of the *Gunnison County Land Use Resolution* or failure to comply with other applicable local or state regulations may result in the revocation of the Gunnison County Marijuana Facility License.

3) 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.

The original Marijuana Cultivation License, for TR Enterprises, was issued by the Board of County Commissioners on April 19, 2016. Expiring April 19, 2019. Staff has received no complaints from any law enforcement agencies, CBFPD, the Riverland Property Owner's Association, or any individual since the issuance of the permit. The operation of the cultivation facility, and the ownership of the building has not changed since the issuance of the license.

COUNTY OF GUNNISON

Community Development Department

Marijuana License- Conditional License

A Marijuana Facility License for cultivation was approved by the Gunnison County Marijuana Licensing Authority with conditions

On **April 16, 2019** for

TR ENTERPRISES LIMITED
Located At:
244, Buckley Dr., Units Five and Six, Crested Butte, Co. 80224

Effective Date of License:
License Valid Through:
April 19, 2022

This license is conditioned upon the following:

1) There shall be no noticeable odor which results from the Marijuana Facility detectable outside of the subject building at the property boundary.
2) As of the date of this license, 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.
3) 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 the Standards in Resolution No. 2014-18 or in Section 9-104 of the *Gunnison County Land Use Resolution* or failure to comply with other applicable local or state regulations may result in the revocation of the Gunnison County Marijuana Facility License.
4) The 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 the Gunnison County Marijuana Facility License.

This license is issued subject to Gunnison County Board of County Commissioners Resolution No: 2014-19, "A Resolution Creating Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities. Resolution No. 2014-19 was adopted as allowed by the State of Colorado as provided by: article 43.3 of title 12, C.R.S. (the "CMMC) and 1 CCR 212-1, Series 100 through 1400, Medical Marijuana Rules ("the MMR"); and Article 43.4 of Title 12, C.R.S. (the "CRMC) and 1 CCR 212-2, Series 100 through 1400, Retail Marijuana Rules ("the RMR").

This conditional license is only valid through the expiration date shown. Any questions concerning this conditional license should be addressed to: Gunnison County Community Development Department, 221 N. Wisconsin #D, Gunnison, Co. 81230.

Authorized By:

_____ _____

BoCC Chairperson Jonathan Houck Date
Chair of Gunnison County Marijuana Licensing Authority

I accept and will comply with all conditions of this Conditional License, and waive any and all objections to each condition of this License.

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License Holder/Owner of Business