

April 20, 2015

**Special Board of County Commissioners Meeting
As The
Medical Marijuana Business Licensing Authority**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session as The Medical Marijuana Business Licensing Authority on April 20, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 1:30 P.M.

Edward H. Norden	Commissioner	Present
Tim Payne	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present

Also present: Planning and Zoning Director Bill Giordano and Jody Blausner, Chief Deputy Clerk.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Payne moved to approve the Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

NEW BUSINESS

1. Request: OPC 14-005 Today's Health Care, LLC DBA Today's' Health Care (Optional Premises Cultivation – Commercial, Greenhouse). Request for issuance of an Optional Premises Cultivation license for an indoor grow operation, Department file #OPC 14-005 Today's Health Care, LLC (Optional Premises Cultivation – Commercial, Greenhouse), by Today's Health Care, LLC (DBA Today's Health Care, LLC), for property which is owned by COAZ North, LLC. The address of the property is 1015 Highway 115, in the Beaver Park / Penrose Area, which is located on the north side of State Highway 115, approximately 492 feet to the center of the driveway, from the intersection of State Highway 115 and C Street, in the Beaver Park / Penrose Area. The property is zoned Business and contains 2.65 acres more or less. Representative: Natalie Romolt / Angela Morton

Planning & Zoning Director Giordano said the representatives did send notice that they are both out of state and unable to attend the meeting today. They did request an extension in writing and did comment on the consideration items. The applicant has complied with all of the contingencies.

Commissioner Norden said the Board had decided not to continue this item again as it had already been previously extended. The Board will proceed with the request even though the applicant is not present.

Planning & Zoning Director Giordano discussed the department review and the items for consideration. There have not been any complaints or state violations for this facility. The Board discussed with Mr. Giordano regarding the lease, odor mitigation, and the amount of time the applicant has been in operation.

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Mr. Giordano said the facility was inspected by the department and was found to be compliant. Mr. Giordano stated there is a letter in the file from an engineer regarding the odor mitigation system and all of the application fees have been paid.

Commissioner Bell moved to approve OPC 14-005 Today's Health Care, LLC license with the following two items of consideration to be provided to the Department no later than 90 days after approval by the Board and prior to the issuance of the license:

1. A copy of the State Medical Marijuana License (403-01351) for Medical Marijuana Center that expired on 2-11-2015, upon receipt from the State.
2. Documentation as to compliance with any requirements of the Colorado Division of Water Resources.

Amending the language in Department Comments item #12 to read:

The applicant has provided an agreement stating that employees from the Optional Premises Cultivation grow operation on 934 C Street can use the restroom facility at this location. Also, the applicant has provided a memo from the Fremont County Environmental Health Officer noting that the employees of 934 C Street may use the restroom facility at 1015 Hwy 115 provided that the total number of employees {of the two facilities} does not exceed six employees at any given time. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. Request: OPC 14-006 Mile High Green Cross, LLC, DBA Mile High Green Cross, LLC (Optional Premises Cultivation – Commercial, Greenhouse). Request for issuance of an Optional Premises Cultivation license for an indoor grow operation, Department file #OPC 14-006 Mile High Green Cross, LLC (Optional Premises Cultivation – Commercial, Greenhouse), by Mile High Green Cross, LLC, (DBA Mile High Green Cross, LLC), for property which is owned by Jeff & Lissa Pinello. The address of the property is 685 State Highway 115 – Unit A (indoor grow), in the Beaver Park / Penrose Area, which is located on the west side of State Highway 115, approximately 500 feet south of 6th Street, in the Beaver Park / Penrose Area. The property is zoned Business and contains 4.65 acres more or less. Representative: Adam Ziegler

Adam Ziegler explained they have had the OPC license since 2011 or 2012. The facility has a vegetation room and two flower rooms. They only grow plants for the flower, there is no processing. The plants are grown year round in a closed environment that is fueled by CO₂.

Commissioner Bell stated there have been complaints from citizens at the Coyote Coffee Den and the Gooseberry Patch regarding the odors coming from the applicant's facility.

Adam Ziegler said the air is contained within a closed venting system and does not go outside. He has not had any complaints from either of those business owners.

Planning & Zoning Director Giordano discussed the department review. There are current leases in place to show proof of possession. Mr. Giordano reviewed the items for consideration, noting the current State Medical Marijuana Conditional license for the Center associated with the OPC expired on 1-25-15.

Adam Ziegler said he did receive that license from the state last week. He had sent the renewal into the state in November but was not notified there was an issue with the paperwork. The renewal and employee badges have since been issued. They did pass the last on site inspection by the state.

Commissioner Norden asked how the two units in the building are separated and about the security system.

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Adam Ziegler explained the two units are separated by a wall and there is no shared access. There is an alarm monitoring system, and a DVR system with 18 cameras that meet the states equipment requirements.

Commissioner Norden explained it is the intent of the Board to track down the source of the odor. Code Enforcement will continue to investigate the odor issue.

Commissioner Payne moved to approve OPC 14-006 Mile High Green Cross License with the following three items for consideration to be provided to the Department no later than 90 days after approval by the Board and prior to the issuance of the license:

1. Documentation that the existing indoor and outdoor lighting prevents the beams or the rays from any light source, including indoor greenhouse lighting, from being directed toward or onto adjacent properties.
2. A copy of the State Medical Marijuana License (402-00920) for Medical Marijuana Center that expired on 1-25-2015, upon the receipt from the State.
3. Documentation as to compliance with the requirements of the Colorado Division of Water Resources as per letter dated March 9, 2015.

Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

3. Request MMC 14-004 Virtual Marketing LLC DBA Maggie's Farm (Medical Marijuana Center – Pharmacy) Request for issuance of a medical marijuana license, Department file #MMC 14-004 Virtual Marketing LLC, DBA Maggie's Farm (Medical Marijuana Center – Pharmacy), by Virtual Marketing, LLC (Winston Conkling), for property which is owned by Country Green Apartments, LLC, to allow for a Medical Marijuana Center, which is addressed as 3055 E. Highway 50, Canon City, Colorado. The property is located on the north side of US Highway 50, (Fremont Drive) approximately 800 feet west of the intersection of US Highway 50 and Dozier Avenue, in the East Canon Area. They property is zoned Business and contains 1.51 acres. Representative: Winston Conkling, Owner.

Bill Conkling said the center has been at this location for one year and was previously located in Penrose. There was one complaint of odor from a neighboring tenant which the landlord had investigated and did not find an odor. That tenant has since moved out and a new tenant has moved in. There are 13 to 15 employees who work at this center. They have a perfect record with the state as he has his own legal team perform in house audits as well.

Planning & Zoning Director Giordano discussed the department review and the items for consideration. The Board needs to decide if the current odor control system needs to be certified by an engineer. An onsite inspection was performed and they were found to be compliant.

Commissioner Bell asked Mr. Conkling if additional odor complaints are received at what point would he consider changing the odor mitigation system.

Bill Conkling said all of the marijuana in his store is already cured and in sealed containers. There is no odor at this stage. If the Board did have an odor complaint and upon investigation it was warranted, he would then install a new odor mitigation system.

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Commissioner Bell moved to approve MMC 14-004 Virtual Marketing LLC DBA Maggie's Farm, moving item #1 – A new lease shall be provided prior to the expiration of the current lease (expires 8-31-15), which at a minimum shall be for the duration of the license - down to item #3 under additional considerations, and accepting the current odor control system as is. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

4. Request: OPC 14-007 C'3 Colorado Springs, LLC DBA Pure Intensions Wellness Center (Optional Premises Cultivation – Commercial Greenhouse). Request for issuance of an Optional Premises Cultivation License, Department file #OPC 14-007 C'3 Colorado Springs, LLC (Optional Premises Cultivation (OPC) – Commercial, Greenhouse), by C'3 Colorado Springs, LLC (Jared Doi), for property which is owned by Jeff & Lissa Pinello. The property is addressed as 685 Highway 115, Penrose, Colorado which is located on the west side of State Highway 115, five hundred (500) feet south of 6th Street, in the Penrose Area. The property is zoned Business and contains 4.65 acres more or less. Representative: Jared Doi

Jared Doi explained his licenses cover both of the green houses and unit B. He does not use the front greenhouse and it will be removed from the property. The back greenhouse is used for the flowering plants. The interior of the building is used for vegetation, cloning, harvesting and storing the plants.

Commissioner Norden asked if there is odor coming from the greenhouse.

Jared Doi explained the greenhouse is vented to direct air away from neighboring properties. The cure room is sealed off with no ducting in the room and dehumidifiers are used. There is not an engineered odor control system inside of Unit B. He stated the tenant in Unit A has air vented from their side into his which does have an odor.

Commissioner Bell said the letter from the engineer only addresses the proposed system in the greenhouse. The engineer says exhausting the odor far enough away will take care of the odor. She believes the odor will carry more than 175 feet and can be smelled by surrounding properties. All of the other letters from engineers refer to scrubbing the air and using a filtration system prior to exhausting the air.

Jared Doi said the air from the greenhouse vents to the outside towards the Gooseberry Patch Restaurant. He has complied with what the engineer had suggested. He does not know how you can seal off a greenhouse. There is no negative air system in place.

Commissioner Norden noted there have not been any specific complaints, just concerns from the neighboring businesses.

Commissioner Payne said there have been complaints from customers at the Gooseberry Patch regarding a strong odor. The Board is trying to track down the source of the odor.

Jared Doi stated there was a break in at both units on April 16th but no product was taken. The greenhouse was broken into last year. There is an alarm system and camera system in place. There is not a security fence around the greenhouse. They have not had any formal violations with the state. He will get a second opinion from the engineer regarding the greenhouse odor control.

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Commissioner Norden moved to approve OPC 14-007 C'3 Colorado Springs, LLC DBA Pure Intensions Wellness Center with the following four items for consideration to be provided to the Department no later than 90 days after approval by the Board and prior to the issuance of the license noting this approval does not include the 2nd greenhouse:

1. Copy of a detailed report on the effective mitigation of any odors of the proposed operation or the mitigation and rectification of any past odors reported from the activity, prepared and signed by a licensed mechanical engineer or other acceptable professional to the standards contained in the International Mechanical Code or other acceptable industry standard requiring proper ventilation systems so that odors are filtered and do not materially interfere with adjoining properties. The applicant will submit a modified odor mitigation plan for the greenhouse beyond an exhaust system no later than 45 days after approval by the Board.
2. Documentation from Joseph Schultes, PE Engineer certifying that the following recommendations were met or completed:
 - a. Each corner at ground level be adjusted to further mitigate light transmission by replacing ground fabric disrupted with installation of wood posts intended for the security system.
 - b. The movable ceiling fabric may require attention in the near future as it is beginning to fray, potentially allowing unintended light transmission.
3. Documentation that the issues listed in Exhibit 12.1 (violations of regulations) has been resolved.
4. Documentation from the Fremont County Environmental Health Officer as to use of an acceptable On-Site Wastewater Treatment System.

Commissioner Bell seconded the motion. Discussion was held regarding the odor mitigation system. If the Board is not satisfied with the system they can have the applicant re-appear. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

Mr. Ziegler said he has not made any modifications to the mitigation system since the engineer letter has been completed. His system is a closed system and there are no vents going between the units. He understands the importance of odor control.

Chairman Norden adjourned the meeting at 3:18 P.M.

Clerk and Recorder