

July 8, 2014

THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 8th, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

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

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

The Invocation was given by Joe Garkovich, First Christian Church.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes/ June 24, 2014
2. Approval of Bills July 8, 2014/ \$848,059.91
3. Public Hearing Scheduled for August 12, 2014 10:00 a.m. CUP 14-001 Mica White Stockpile Area

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials
 - a) County Clerk's Monthly Report, Katie Barr, County Clerk and Recorder

County Clerk Barr presented the Fremont County Clerks Report for June. The grand total collected was \$1,029,977.69. Of that amount \$552,179.01 was kept for disbursement. We were up \$158,296.41 compared to last year. The amount collected for the month of June for the Sheriff's tax came to \$52,860.00. The Clerk's office still collected \$105,436.41 more in revenue than last year.

Commissioner Bell moved to accept the County Clerks Report. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

July 8, 2014

b) Regional Building Status Update, Commissioner Bell

Commissioner Bell gave an update on the status of the Regional Building Authority. Commissioner Bell along with County Manager George Sugars and Rob Brown who is the Executive Director of the Fremont Economic Development Corporation, feel confident they are ready for the next step in the process after coming up with a workable budget. Commissioner Bell would like to submit a proposal to give an informal approval for an Inter-Governmental Agreement that will spell out the specifics of how such a Regional Building Authority would work. Once the IGA is in the final format then the working group would bring it to the Board of Commissioners for a final vote on the approval.

Rob Brown commented on maintaining a unified front for outside support in our goal of economic recovery. He feels working toward the Regional Building Authority and the IGA will accomplish that goal.

Commissioner Bell gave her consent to allow the working groups to begin on the IGA process.

Commissioner Norden commented he is in support of the Regional Building Authority project. Commissioner Norden expressed concern with the working group continuing to be proficient and not increasing the cost to the tax payers. He feels convenience and service are a driving force for the users, and if it can remain cost effective they will stay in consideration of it.

Commissioner Payne agreed with Commissioner Norden and feels the tax payers dollars need to be spent wisely.

Commissioner Bell said they will move forward with the IGA

Commissioner Norden made mentions that the Colorado Smile Makers Dental Van will be parked at the DHS office. They will provide free dental screenings and dental treatment to children under the age of 18. It will be there for the next 2 weeks. Contact the Public Health Department for more information.

Commissioner Bell announced the Bad Boys Bull Riding Event this weekend at Pathfinder Park. Some of the Elected Officials have volunteered to take part in the dunk tank event they are having there at 11:00 a.m. She urges everyone to come down and take part in it.

2. Citizens Not Scheduled: None

OLD BUSINESS

- 1) Proposed Fremont County Medical Marijuana Business Licensing Regulations- Adoption of Fremont County Medical Marijuana Business Licensing Regulations Within unincorporated Fremont County.

Commissioner Payne said this item had been tabled to allow the Commissioners time to review additional information.

July 8, 2014

County Attorney Jackson commented on the changes made following the public hearing. The first is under Article 6E-3, premises modification and the language at the end of paragraph 3. It reads if the proposed modification is expected to increase the consumption of water from a public water supplier or impact the availability or supply of water the director shall notify the water supplier of the proposed modification and accept comments from water supplier.

The second change was made to Article 4-7C, it is a language clarification with respect for the map for the proposed licensed premises. The state regulation and statute does not prohibit these uses for cultivation centers and infused product manufacturing with-in 1,000 feet. If it is a medical marijuana center, the map must show the distance computed to the nearest property line of drug or alcohol treatment facilities, public community centers, public buildings, school or campus, or residential child care facility using a route of direct pedestrian access.

Page 5 subpart M, adding the language “medical marijuana infused product manufacturing facilities for those facilities that show an adequate supply of water”.

Article 7 subpart P Commissioner Norden read at the public hearing regarding signage.

Article 8 subpart A will allow transfer of ownership with the approval of the Board. A fee of transfer of ownership was also added and approved. Article 11 added “clarification under each county medical marijuana license is associated with the particular site or location regardless of the number of state licenses affiliated with that site or location. If there are 5 state licenses registered to a specific location it will only require one county license”.

Commissioner Norden clarified on page 4 for the 1,000 foot distance. It does not prohibit such a site within a 1,000 feet, it just declares the applicant/licensee has to show what is in the neighborhood.

County Attorney Jackson noted that it is prohibited in regards to certain centers where medical marijuana is sold. There are certain prohibitions in the state regulations but with respect to cultivation and manufacturing they are not the same restrictions.

Commissioner Payne informed everyone that there was a public hearing on June 26, 2014 and the public had a chance to comment. Commissioner Payne gave permission to open the floor for speakers.

Jim Bensberg and Tim Brown represent Apex, which is a growth facility in Penrose. Jim is also a former El Paso County Commissioner. With the passage of Amendment 64 he would like the Board to consider adopting the proposed amendment. He would like the Board to adopt an ordinance covering both medical and recreational sales. He would also like the county to continue prohibition on retail establishments where in recreational marijuana would be sold. They would also submit via this amendment that the number of establishments i.e. cultivation centers would be limited to the current number as of August 1, 2014. He would like the Board to consider repealing the moratorium on the processing and approval of applications for permits and licenses for grow operations that are currently in operation but desire to grow recreational product. He would like to submit the Amendment to the Board for earnest consideration.

Commissioner Bell addressed Jim Bensberg and Tim Brown about their knowledge of the lawsuit that was filed in Colorado to repeal all the additional taxes as being unfair on one agricultural crop or one business as opposed to another.

July 8, 2014

Jim Bensberg and Tim Brown responded in the affirmative. They said it was filed by Attorney Mr. Cory in Denver for a 5th Amendment violation. They didn't feel the lawsuit would get very far. They wanted to touch on the taxes generated from the sales, all the taxes would get re-circulated and then redistributed to the county. They said the county would directly benefit from the sales of the licensing they can impose on the retail cultivation centers. That would be money that only the county would receive and no one else. The money could be used for regulation costs.

Commissioner Norden went over the proposal that was laid in front of the Commissioners. Jim Bensberg and Tim Brown want the board at some point to lift the moratorium on processing applications for recreational marijuana and allow applications for recreational marijuana cultivation with the number not to exceed those matching medical cultivation facilities. They also want the Board at some point to allow existing medical facilities to become recreational. Commissioner Norden felt for his own purposes that the decision would not be a spur of the moment decision.

Jim Bensberg and Tim Brown broached the issue from the June 26, 2014 meeting about the draft issues for regulations on medical marijuana. These regulations would put his company out of business.

Commissioner Norden said that if anyone thought that any comments made in the June 26, 2014 meeting meant that they were going to consider recreational marijuana as part of the language of this medical marijuana series of regulations they are confused.

Tim Brown said the Commissioner's view point was fair but feels that it is life and death to their business so they will take every opportunity they have to be heard.

Commissioner Payne explained to Jim Bensberg and Tim Brown that they knew this coming into this County. He felt that they were rolling the dice like everyone else was.

Tim Brown did not agree with Commissioner Payne's statement. He felt that they would be able to provide jobs for the community and economic opportunity. They hoped the county would see the ability for them to bring in revenue.

Tina Heffner started out by thanking the Commissioners for the compromise they created for the amount of money in fees the county would be charging the growers rather than them having to pay for multiple licenses. She thought it was a great effort on the Commissioners part and it would satisfy the growers and the residents of Fremont County. The second topic she wanted to address was formally requesting that a stipulation and/or an amendment be made to the Fremont County medical marijuana regulations which prohibits the review or acceptance of any future medical marijuana cultivation applications specific to Penrose. She currently has 27 green houses within a mile radius of her home. She feels that the saturation has reached a level in Penrose that is not conducive to the well being, life style or quality of life to the residents of Penrose. That total includes 4 current cultivation individuals, growers, and businesses. That number doesn't include the 7-10 licenses that are currently in Penrose but have not begun building. She would like the Board to please take her request into consideration.

Charlotte Norman chose to hold her comments until her part of the meeting.

Tony Gleiforst had one concern he would like to add to the regulations. He would like all of the businesses to be public information. He would like the major corporations to post where their addresses are, what their business pertains to and what their profit margins are. He would like the Board to add these questions to the regulations.

July 8, 2014

County Attorney Jackson said not right now. It would need to go back to the Public Hearing. There are privacy protection state statutes and regulations.

Tish Davies wanted to bring some information to the County Commissioners about the fee schedules for applications for medical marijuana facilities. It is mainly pertaining to MIP's Licenses and OPC Licenses. She feels that our county fees are extremely high in comparison to other neighboring counties. She had a copy of Denver County, El Paso County, and Pueblo County fees. She said that Pueblo County doesn't require application fees. The fees that have been proposed are non refundable which puts a burden on someone who is trying to get into the industry.

Commissioner Payne explained he has a copy of the Pueblo County fees and he feels that we are pretty much in line with them other than the medical cultivation, which is a little higher than theirs.

Commissioner Bell asked if Tish Davies knew for certain if the fees she was quoting from other counties were one fee per location as Fremont County was looking at doing or if that was one fee per license according to the state licensing fee.

Tish Davies said indeed it was for one center or location.

Fred Warner informed the Board of Commissioners that he had asked the opinion from several people at a "Penrose Concerned Citizen Meeting" for their input on what they considered the main issue in Fremont County. He brought forth seven of them to read. They read as follows:

Alan Labos feels there are too many grow houses and that will lead to less water, more crime, and smell.

Ken Green feels that the water will be polluted and water pressure will be affected. He doesn't want property value to be decreased either.

Sandra Nicholson said jobs other than the medical marijuana business. She wants our youth to find quality jobs and to be proud of what they do. She feels marijuana takes away all ambitions to do this.

Kasia Stevens said it was medical marijuana/recreational marijuana. She is concerned about the cost of regulations and the devaluing of property of current residents.

Norma Degenhart feels there are no valuable jobs in Fremont County. She feels Marijuana will kill tourism and the housing market.

Robert Hannah feels the stink and lights need to be dealt with. He said that the medical marijuana medical growers should not burden the residents with their need for more money, i.e. Recreational Marijuana.

Fred goes on to give his opinion about his concerns. He is concerned about the business man who comes to Fremont County to open his grow house in Penrose. To find out that in the final result that it's the possibility of federally funded water support systems that could impact the continued availability of water. He isn't sure if it will and he doesn't know all of the federal ramifications of what is and isn't available.

Stephanie Luck thanked the Board for their efforts they put towards the regulations. She wanted to reiterate Tina's comments. She is in full support of the regulations they have put forth and she hopes that they will vote in favor of the ones that they currently have in front of them. She would also like the county to consider a ban on any future medical marijuana licenses and just maintain the licenses that are currently in operation and not allow any additional expansion in that particular field. She would also like to issue an objection to the transferring of licenses. She asks that they not be transferable.

July 8, 2014

Commissioner Bell moved to approve resolution No. 22, Fremont County Medical Marijuana Business Licensing Regulations within Unincorporated Fremont County as presented today. Commissioner Norden seconded the motion. Commissioner Bell believes as a Board the state was going to fully regulate medical marijuana. They also believed that medical marijuana was going to die a slow death once the voters approved recreational. Much to her surprise the exact opposite ended up happening. Fremont County, in specific the Penrose area, virtually exploded with this business which has created an environment there that makes neighbors feel unwelcome in their own homes. The very entrepreneurs that have brought these changes here to this area told the Board months ago that they realized that everyone was speculating in this business hoping that Fremont County would eventually allow recreational marijuana and they wanted to be the first with their foot in the door. She also believes that with that risk there has to be balanced out against the risks that every single home owner and resident has taken to find their own American dream on Fremont County soil. Originally, the regulations did not allow transfers, but now it states that a license maybe transferred at the discretion of the Board, not that it will automatically transfer but may transfer. In her opinion there are places in Fremont County that would be much more suited to put a medical marijuana growth house than where they all are in the Penrose area. If one of those people decided "I need to get away from here, I need to move somewhere else", they would like to have the ability to let them do that. If the Board says "no more, they can't move", then they are constricted to the location they currently have. Commissioner Bell noted that if our current businesses say that these new regulations could put them out of business then what is the chance of someone new coming to town to create a new business. Commissioner Norden says he has spent a lot of time contemplating all these issues. He would like to clarify some of the comments he made at the public hearing. The basis he was drawing upon was he grew up on a farm in Kansas. He recalls that the farm a mile away had a big hog operation and the prevailing north winds would carry the stench of the hog farms. Eventually the farmer discontinued the operation due to the odor. Even if he tried to take measures to contain the odor he could never do it. There was still the odor of the hog operation. That was the point he was trying to make a couple weeks ago was that regardless of what efforts they make to control the odor of marijuana there is still going to be an odor. Hopefully the regulations that the Board is trying to impose will have some positive impact. On the Cannabis web site here in Colorado, they report that in the first four months of this year recreational marijuana sales totaled 69.5 million. In the same four months medical marijuana sales totaled 133 million and those numbers were gleaned from the Colorado tax report. In January of this year there were 111,000 medical marijuana patients in Colorado. By the end of April those patient numbers had climbed to over 116,000. Colorado State economists have downgraded their projection for pot taxes in the new fiscal year that just began last week. It won't be 202 million dollars, it will be more like 30.6 million in pot taxes. The economists point to one reason; the medical marijuana users have not converted to the recreational market. The Board has listened to the economic arguments, and the statistics in front of them that show it doesn't trend that way. Commissioner Payne stated citizens in Fremont County continually tell us keep government out of our lives, less regulations. When you have an industry that comes in like this and effects neighbors the way it has. Then they are forced to issue more regulations. Upon Vote: Commissioner Bell, aye: Commissioner Norden, aye: Commissioner Payne, aye. The Motion carried. Resolution #22 is attached.

July 8, 2014

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. SRU-14-002 Arkansas- Penrose Raw Water Line (Public Utility, Buildings, Buildings, Regulators and Substations) Request approval of Special Review Use (SRU) Permit, Department file #SRU 14-002 Arkansas-Penrose Raw Water Line (Public Utility, Business, Regulators and Substations), by the Penrose Water District, to allow a diversion from the Arkansas River using shallow ground water wells generally located within fifty (50) feet of the Arkansas River and pumping the water to Brush Hollow Reservoir for storage, or to the District's water treatment plant for treatment of potable water. Ground water will be pumped from the well field in a twelve (12) inch diameter pipeline to an above ground storage tank located at the booster pump station site. The booster pump station will pump from the storage tank (referred to as the wet well) in a twelve (12) inch diameter pipeline and discharge into Brush Hollow Reservoir and then to the treatment plant. The pump station will consist of a 20 foot by 38 foot CMU block building approximately 1,600 feet northwest of the well field. The diversion will begin at the pump station which is located south of 15th Street, lying between 15th Street and the Arkansas River and lying east of B Street, if extended south from 15th Street, lying to the southwest of the Town of Penrose. The pipeline will be located within County right-of-ways extending north from the pump station, within C Street to 3rd Street (County Road #123), and either west along 3rd street (County Road #123), then north along County Road #F42, to the Brush Hollow Reservoir or east along 3rd Street (County Road #123), then north along F Street, then east along 2nd Street to the Penrose Water Treatment Plant. The pipeline will cross private property at the intersection of US Highway 50 and State Highway 115 (with an alternate route if easement is not acquired) at the intersection of 3rd Street (County Road #123) and County Road F42 and from 3rd Street (County Road #123) along F42 to Brush Hollow, and the portion of 3rd Street (County Road #123) from E Street to F Street.

Chairman Payne opened the Public Hearing at 10:20 A.M.

Charlotte Norman from the Penrose Water District spoke. Penrose Water District is a Colorado Special District, a governmental entity with only one mission, which is to provide treated drinking water for their constituents. They serve an unincorporated area in eastern Fremont County covering an area of 22 square miles, and they have 1,700 taps online now. Our water currently comes through a lease agreement from Beaver Park Water, a privately held mutual ditch company. Water comes from the south flank of Pikes Peak through Beaver Creek which is an intermittent stream. As a result Penrose Water District has had a long history of water shortages, restrictions, and moratoriums on tap sales. We did purchase a ranch in Howard with the intention of moving the water down stream and it has been a long and arduous journey, but we have moved the water rights through court, sold the property in Howard and after a long search found a good diversion point on the Arkansas River. We purchased 100 acres of property from Holcim Inc. We have drilled 6 diversion wells on the property; the holes have been approved by the state engineers, their locations have also been approved by the core of engineers. We have purchased storage space, and leased additional storage space up stream. We are working on purchasing even more storage space from Pueblo Reservoir, all with the intent of making life better for our current residents. This year we have also completed contract documents for our booster pumping plant station, the wet well, and the four car parking lot which is the direct subject of our special review use permit today. The bid documents for those structures and the pipe line are on the street now. Since we appeared before the Planning Commission we have continued to work on the project and as a result of that have secured the last of our easements for the pipe line. We have 5 easements total. We have installed silt fencing on the property.

July 8, 2014

We have completed a weed survey on the property and there were no noxious weeds found near the pumping plant site. There are some weeds on the 100 acre parcel that we own and we ask that you only require us to have a weed control program for our own property. This project will answer the counties concerns from the 2002 master plan which discusses negotiations with the state division engineer about water rights. It will buffer the impact to current residents by using water from a different water shed and providing more water, about 330 acre feet a year into the system and significant water storage. It will also allow growth consistent from the 2002 master plan. The project won't allow us to expand our service area, it will not allow us to increase density from the 2002 master plan, and it will not allow for large scale commercial growth.

Tom McClernan is with GMS out of Colorado Springs, and he brought some exhibits for the Board to review. He gave a brief summary of the project. Along the Arkansas River there are 6 diversion wells that have been completed and test pumped and the water quality has been completed on it as well. It will pump across the site and to a pump station and a wet well. Then it is boosted in a 12 inch pipeline approx. 5.2 miles across Hwy 50 and Hwy 11. Then it heads west on 3rd Street, over to County Road F42 and the up to Brush Hollow Reservoir. The pipeline will mostly be PVC pipe. On the 100 acre site toward the northern end is 15th Street and C Street. The wells have to be within 50 feet of the river for direct diversion. The pump station is an above ground facility that measures 20ft x 34ft. It will have two rooms in it, one electrical room and the other is a pump room. It will have four 60 horsepower pumps in it that will pump up to 1,400 gallons a minute which is the maximum. These wells and the pumps station will be tied together with the district's water treatment plant using a telemetry system which is used for control and monitoring. There is an alternate pipeline which would be in addition to the diversion to Brush Hollow which is about 7,000 feet of 12 inch pipeline that would lead to the district's water treatment plant if there are enough funds available in the project to do this. The bid date is July 17, 2014 and construction will take about six months probably between August and February. All permits and licenses are in place for both the county and state levels.

Bill Giordano said the applicant has notified the property owners within 500 feet, of the pump houses and the wells. They also notified adjacent property owners. They have posted the property and published in the newspaper. The Planning Commission recommended additional notifications and those have been completed as well. The Planning Commission heard the request on June 3, 2014 and it was unanimously approved with the following conditions: The special permit is issued for the life of the use, days and hours were recommended for 7:00 a.m. to 7:00 p.m. for construction operation but the Planning Commission removed any limitation on time due to the applicant's request. Requested Penrose Water district to notify the Road and Bridge dept. Sheriff's office, and Penrose Fire Protection 48 hours prior to and road closures. Construction activities shall not result in overnight closing of any access to private property owners unless approved by that property owner. A lot of these things have already been done by applicant. It's been requested that the Board limit the weed control to the pump station site on the 100 acres. The Planning Commission granted a waiver for the buffering of the landscaping as it is located in a remote area. It will require a resolution if the Board approves it today.

Commissioner Norden asked for a change in the language for #Q to be for pump station site only instead of the entire SRU.

Tom McClernan made a request about the condition for the filing of the quit claim deed for maintenance for drainage facilities. He says that isn't applicable because they do not have any drainage facilities that would require long term maintenance.

July 8, 2014

Bill Giordano informed Mr. McClernan that if there are no drainage facilities then it would not be applicable.

Commissioner Norden addressed Mr. McClernan about the use of the term “diversion” due to the rumor of them building a diversion dam across the Arkansas River.

Tom McClernan informed the Board that the wells that are being constructed are shallow ground wells. The wells are about 20-24 feet deep. It is a “diversion” but no dams are being built.

Commissioner Norden asks Mr. McClernan to expand and talk about when they anticipate pumping water and how the storage plan works to get it to Brush Hollow and is the cost the only determining factor in the alternate of the pipeline.

Charlotte Norman said she would answer one question at a time. She said that building a dam in the river was a possibility. They decided against that because the Arkansas has such fluctuating flows, the overall cost as well. We are allowed to divert from May 1 to October 1, but because we have some storage down in Pueblo Reservoir we might pump out side of that window. We will do that by exchange with the state. Cost is the determining factor for the alternate pipeline. We bought storage space from Beaver Park Water Inc. in Brush Hollow. At some point they are worried that the need to pump water from Brush Hollow will displace too much water from their share holders. In the future we will have to build the pipeline from Brush Hollow back to the plant. If we can't afford it now we will put it off for the future to see if we can get funding for it.

Public Comments:

James McAllister lives on County Road F42. Depending on the Judge's decision is where the pipeline will go. He wants to know if they put the pipeline on County Road 123 and it goes across the bridge, are they going to be doing any reconstruction of the bridge. Right now the bridge is very dangerous as it is.

Ken White with GMS Consulting said they have obtained an easement across the McDonald property and they won't be affecting the bridge at all. There has been a property dispute over the range line that runs across Bremlin Road. He said the pipeline wouldn't go through Bremlin Road it would go in front of it and through the McDonald Property and then to County Road F42.

Lisa Pinnelo said she served on the Penrose Water District Board for 13 years. She was there when this project was conceived and she is in full support of their special use permit. She feels a lot of thought has gone into it and it is a pretty major project for a community this size to do. One of the true benefits of it is the redundancy of the water sources from Beaver Creek and the Arkansas River and it would really be helpful if we ever experienced another drought like we did in 2002.

Commissioner Norden would like to know the minimum and maximum depth of the pipeline over the construction route.

Mr. McClernan said the depth of the pipe is 6 foot. The County has a minimum water line of 40 inches. The intent is in the months when we are not diverting water the pipeline will remain charged. During the winter you would still have water in the pipeline, they wanted to keep that 5 foot for frost protection.

Chairman Payne closed the Public Hearing at 10:50 A.M.

July 8, 2014

Commissioner Norden made a motion to approve SRU 14-002. Adopting those conditions that are laid out by Mr. Giordano; adopting the Planning Commission recommendation for condition H, removing the limitation on hours of operation, amending condition Q to clarify that the weed control plan is for the pump station site only, compliance for Fremont County Reviewing Engineer be a condition rather than contingency 3, waving, buffering, lighting and landscaping as Resolution # 23.

Commissioner Bell seconded the motion. Commissioner Bell knows Penrose has been having water problems for a long time. She agrees with Ron Gasser in that this project is 20 years behind the times. All the way back in the 1970's there were moratoriums being placed on new water taps because Penrose simply did not have the water. She says it looks like a job well done and she wishes them the very best of luck with this project.

Commissioner Norden congratulated Penrose Water District. He knows it has been a long road since they have acquired the water rights from the Goodwin Ranch. It is disappointing any time we take agricultural water off the land in any area in Fremont County, but in this case at least we are keeping it in the boundaries of Fremont County. He was surprised they were able to move it through water court and get the adjudication on the water so quickly. Commissioner Payne has been on several Boards that have taken on major projects so he knows the amount of effort that went into it. Upon Vote: Commissioner Norden, aye: Commissioner Bell, aye: Commissioner Payne, aye. The motion carried.

New Business

1. Liquor License:
 - a. TZ Liquor
105 Forge Road
Canon City, Co 81212
Retail Liquor Store License
Representative: William & Dina Tezak

Dina Tezak explained it was an existing Gas, Convenience & Liquor Store at one time but is now closed. They are now going to reopen just as a liquor store and in the future open up the gas and convenience side of it. They are going to have a drive up window installed in the north part of the building so a redraw will be submitted at that time. They anticipate opening at the end of September.

Commissioner Norden asked the County Clerk's office if they had everything in order.

Chief Deputy Blausner stated in the affirmative. She said they have published in the newspaper; they have posted the property, and all background checks have been completed. All paperwork is in order.

Commissioner Norden asked Dina Tezak if she has operated any type of liquor operation as a licensee before.

Dina Tezak said she had not. She is attending the liquor license course on July 17, 2014. She has retail experience.

Commissioner Norden asks her how many employees she would have.

Dina Tezak said at this time it would just be herself. She is reviewing Colorado Liquor Laws and will continue to review them.

July 8, 2014

Commissioner Norden asked if she understood her obligation to make sure she isn't selling to under age consumers.

Dina Tezak said yes, she understood that there is a zero tolerance for under age selling of alcohol.

Commissioner Bell wanted to clarify that she does see the name William Tezak throughout the paperwork. They have information that says he previously possessed the liquor licenses at that location. Commissioner Bell was curious to know if he was going to be there as some sort of advisor or if he was going to be assisting her at times.

Dina Tezak said that William won't be actually operating the store, any decision making he will take part in.

Commissioner Norden verified that Dina understood if she hired any employees that they would have to be properly trained in the liquor laws of the State of Colorado.

Sheriff Biecker said she would have to do a Modification of Premise when she adds the drive up window. He had been in the building when it was previously open. He asked if there were any changes being made.

Dina Tezak said the only change being made to the building is possibly adding a drive up window. It does have security surveillance which will be functional.

Chief Deputy Blausen informed Tezak that there would be a \$75 dollar fee to go through this process again and then onto the state. If she wanted to amend the map now and show the drive up window on there, she wouldn't have to come back. It would be completely up to the Board.

County Attorney Jackson said that she would need an inspection anyway. They cannot inspect something that isn't there.

Commissioner Norden said she would indeed have to come back and do an amendment with the new drawing to get approval of the window and the location. He also asked if she does extend to a Convenience Store with gasoline sales will this require yet another modification.

Chief Deputy Blausen said she would. She would also have to have two cash registers, one for the convenience store and one for the liquor.

Dina Tezak said that the store is currently set up to accommodate the requirements. There is even a divider to separate the two.

Commissioner Bell moved to approve the Liquor License for TZ Liquor. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

2. Consideration of Architecture Engineering Services by Reilly Johnson
Architecture for the Judicial Building 4th Floor.

Commissioner Norden said that the conversation with Bob Johnson of Reilly Johnson took place via conference call sometime early last week. Bob was touching base with the principal governing board to make sure the budget for the combined dispatch center was in place to proceed.

July 8, 2014

Sheriff Biecker said that Mr. Johnson was nervous about the existing budget by Technology Plus. During the call they were able to work through the issues. They did clean up the budget and made sure the budget would work for the DOLA grant request.

Commissioner Norden said the other Commissioners listened to the conference call so they are familiar with the issues. He was hoping with George Sugars returning that they would be able to get together with the Fire Chief and the Sheriff so they can work out any issues with the Technology Plus component. He feels the appropriate action would be to authorize the Chairman's signature on the contract once we have a final review with George Sugars and the Sheriff.

Sheriff Biecker said that within the tax question 1A that was approved by the voters, dispatch and dispatch services were clearly stated as expenditures of his budget. It will allow them to move forward without waiting for the approval of the DOLA grant.

Commissioner Norden said that not all their budgetary questions would be answered until they go to the DOLA grant hearing on the 22nd and see if we can get an amended figure in the grant application and approval of the same.

Commissioner Norden moved to authorize the Chairman's signature on the contract for Architectural Engineering Services for the 911 dispatch center on the 4th Floor of the Fremont County Judicial Center subject to final review by the County Manager and the Sheriff. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

3. Consideration to appoint Sunny Bryant as the Fremont County Representative on the Southern Colorado Economic Development District Board.

Commissioner Bell said since she has been sworn into office she has been a Fremont County Representative on the SCEDD (Southern Colorado Economic Development District) Board. She finds that her time is required more and more here in the county and not in Pueblo in meetings for other Boards. She feels that she needs to withdraw her name because she never goes to the meetings. She spoke to Sunny Bryant who is our Finance and Budget Officer to see if she would be interested in representing our county. She seemed eager to do so. She has in fact already attended her first meeting.

Commissioner Bell moved to appoint Sunny Bryant as the Fremont County Representative on the Southern Colorado Economic Development District Board. Commissioner Norden seconded the move. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

4. Consideration to authorize expenditure on the Memorial Wall at War Memorial Park.

Commissioner Norden said this has been a long process as well. Mike Madone of Mountain Masonry submitted a proposal to rectify the problems with the engraving of names and the conflicts of different parts of the Memorial Wall. This project would attempt to satisfy the needs of both the county and the 12th Tactical Fighter Wing who originally donated up to \$7,000 dollars to have a panel reserved in their name. The problem is the previous Board of Commissioners decided that the names on that particular portion of the wall would be staggered with an empty brick not assuming we would need every brick. Some engravings were made and interspersed with the 12th Tactical Fighter Wing names.

July 8, 2014

This will correct that and we will have the existing panel separated into a 12th Tactical Fighter Wing panel with about 103 names. The other half of the panel will be reserved for those names that people in Fremont County want to honor for Veterans living or deceased. We have a proposal from Mountain Masonry to pursue this and get it corrected. This will be in the cost of \$7,523.00. This money will come from our park fund for Memorial Park from Conservation Trust Lottery Monies.

Commissioner Norden moved to approve authorization of that expenditure to Mountain Masonry. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

Chairman Payne adjourned the meeting at 11:10 A.M.

Clerk and Recorder

July 8, 2014

RESOLUTION NO. 22, SERIES 2014

**ADOPTION OF FREMONT COUNTY
MEDICAL MARIJUANA BUSINESS LICENSING REGULATIONS
WITHIN UNINCORPORATED FREMONT COUNTY**

WHEREAS, Fremont County, Colorado (the “County”) is a political subdivision of the State of Colorado (the “State”), duly organized and existing pursuant to the laws of the Constitution of the State; and

WHEREAS, the State Local Government Land Use Control Enabling Act, §29-20-101 et seq. C.R.S. (“Land Use Act”) and the County Planning Code, §30-28-101 et seq., C.R.S. (“Planning Code”), expressly delegate paramount authority to counties to implement land use regulations on unincorporated territory within their boundaries; and

WHEREAS, in November of 2000, the voters of the State of Colorado approved the medical use of marijuana for persons suffering from debilitating medical conditions, which is codified at Article XVIII, Section 14 of the Colorado Constitution; and

WHEREAS, in 2010, the Colorado Legislature adopted §12-43.3-101, et seq., C.R.S., known and cited as the Colorado Medical Marijuana Code, which became effective July 1, 2010; and

WHEREAS, the Colorado Medical Marijuana Code grants licensing authority for medical marijuana businesses to local governments; and

WHEREAS, since 2010, the Board of Commissioners has regulated medical marijuana businesses through temporary zoning regulations; and

WHEREAS, the Board of Commissioners has determined that regulation of medical marijuana businesses through licensing is more effective and is a better means by which to address site-specific issues and concerns relating to medical marijuana businesses; and

WHEREAS, the Board of Commissioners has been presented with proposed licensing regulations for medical marijuana businesses, which have been presented to the public for comment and are attached hereto and incorporated into this resolution by reference; and

WHEREAS, on June 26, 2014 at 3:30 p.m., after providing public notice, the Board of Commissioners conducted a public hearing on the proposed licensing regulations and received public input concerning the same; and

WHEREAS, the Board of Commissioners has determined that adoption of the proposed Fremont County Medical Marijuana Business Licensing Regulations would be in the best interests of the citizens of Fremont County and would allow the Board of Commissioners more effective governance over the health, safety and welfare of the citizens with respect to medical marijuana businesses.

July 8, 2014

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FREMONT, STATE OF COLORADO:

1. The Fremont County Medical Marijuana Business Licensing Regulations, attached hereto and incorporated herein by reference are hereby adopted, approved and enacted, effective as of the date indicated below.
2. In accordance with the Licensing Regulations, Applications for Medical Marijuana businesses will be accepted and processed in the Department of Planning & Zoning on Fremont County Application forms commencing August 1, 2014.
3. The Fremont County Temporary Regulations regarding Marijuana Dispensaries and Marijuana Growing Operations, approved by the Board of Commissioners in Resolution 19, Series of 2010, (2nd Amendment to the Fremont County Zoning Resolution) are hereby repealed and shall no longer be in effect or valid.
4. Beginning with the effective date of the Medical Marijuana Business Licensing Regulations, a medical marijuana center, optional premises cultivation operation or marijuana-infused products manufacturing, as those terms are defined in §12-43.3-104, C.R.S., shall not be permitted to begin operations in the unincorporated area of Fremont County until a Fremont County License is issued for the operation.
5. Any medical marijuana business presently in operation, under the authority of the Fremont County Temporary Regulations shall be permitted to continue its operations, provided an application for a Medical Marijuana Business License for the operation is submitted to the County no later than September 30, 2014. Operations may continue while the Application is pending review and consideration by the Licensing Authority.
6. The temporary moratorium imposed on February 13, 2014, by Resolution 9, and extended on May 27, 2014 by Resolution 20, is hereby lifted and shall no longer be in place.
7. The adopting of these Licensing Regulations shall have no effect upon Fremont County Ordinance No. 2013-1, Prohibiting the Operation of Retail/Recreational Marijuana Cultivation Facilities, Retail/Recreational Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores Pursuant to Article XVIII, §16 of the Colorado Constitution.
8. Any prior Fremont County regulations, resolutions, or enactments regarding medical marijuana that are inconsistent with the Fremont County Medical Marijuana Business Licensing Regulations are hereby deemed to be superseded by the Licensing Regulations.

Commissioner Bell moved the adoption of the foregoing Resolution with a second by Commissioner Norden.

July 8, 2014

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: July 8, 2014

T. Payne
Chairman

Attest: Katie E. Bau
Clerk

July 8, 2014

**FREMONT COUNTY MEDICAL MARIJUANA
BUSINESS LICENSING REGULATIONS**

Article 1: Establishment and Purpose.

Limited medical marijuana use is allowed in Colorado pursuant to the provisions of Section 14 of article XVII of the Colorado Constitution and the Colorado Medical Marijuana Code, article 43.3 of title 12, C.R.S., and corresponding regulations. The purpose of these regulations is to further define the manner in which medical marijuana businesses can be conducted in the county and to authorize licensing in unincorporated Fremont County.

Article 2. Applicability and Jurisdiction.

These regulations shall govern the cultivation, manufacture, distribution, and sale of medical marijuana, and the manufacture and sale of medical marijuana-infused products in the unincorporated areas of Fremont County and shall further govern all persons who attempt to establish and/or who in fact, establish a medical marijuana business in unincorporated Fremont County. All terms in these Local Medical Marijuana Regulations shall have the same meaning and definition as in the Fremont County Zoning Resolution, the Colorado Medical Marijuana Code (C.R.S. §12-43.3-101, et seq.) the State of Colorado Permanent Rules Related to the Colorado Medical Marijuana Code (1 CCR 212-1), and all other statutes, rules and regulations duly adopted by the State Licensing Authority unless specifically stated otherwise.

Article 3. Effective date and applicability.

- a. **Effective Date.** These regulations shall become effective upon adoption by the Board of County Commissioners for the County of Fremont. Except as provided in section (c) below, on and after such adoption, it shall be unlawful to operate any medical marijuana business in unincorporated Fremont County without first having obtained a local license under these regulations and a State license under the applicable State Regulations.
- b. **Applications for local licenses.** On and after August 1, 2014, Fremont County shall begin receiving and processing applications for licensing under these regulations.
- c. **Pre-existing businesses.** Any person who is lawfully engaged in the business of selling, cultivating, or manufacturing medical marijuana as permitted by State law may continue in business if, on or before September 30, 2014, the person submits an application for local licensing under these regulations. If an application is submitted according to this subsection, the business may continue until such time the State or local renewal licensing application is denied, or the State or local license is revoked.
- d. **Entitlements.** Except as provided herein, no person shall have any entitlement or vested right to licensing under these Local Regulations. These Local Regulations, the State Regulations, the Fremont County Zoning Resolution and Building Codes, may be changed or amended from time to time. Such changes may preclude the continuance or further issuance of a local license at any given location.

July 8, 2014

To lawfully engage in the business of selling, cultivating or manufacturing medical marijuana in unincorporated Fremont County, all persons must obtain a license under these regulations. As of the date of the enactment of these Local Regulations, 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. Any license given hereunder does not provide any exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

Article 4. Local Licensing Authority.

The Fremont County Board of County Commissioners (“Board”) shall be the Local Licensing Authority (“Authority”) for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and/or sale of medical marijuana businesses and is hereby designated to act as the local licensing authority for the County.

Article 5: Licenses.

(a) *License Types.* The Authority is authorized to issue the following local licenses should the applicant fulfill the requirements: medical marijuana center; optional premises cultivation; medical marijuana-infused products manufacturing. The license requirement in these regulations shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other law or regulations applicable to the operation of a medical marijuana business. A separate license shall be required from the State as provided by the State Regulations.

(b) *State License Requirement.* Should the Authority approve an application of a local license, no such license shall be issued or become effective until and unless the State Licensing Authority has approved the issuance of a State License for the proposed licensed premises.

(c) *Inspection.* No such license shall be issued or effective until the building in which the licensed business operations are to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with applicable provisions of any State Regulations and Local Regulations, and only after the Authority, or its designated representative, has inspected the proposed licensed premises to determine that the applicant(s) has complied with the drawings and requirements provided by the Applicant.

Article 6: Licensing Procedure.

(a) *General Procedure.* The Authority shall consider and act upon all complete local license applications as authorized by these regulations unless otherwise stated herein. The Authority may defer to the State to enforce compliance with the requirements in the State Regulations. The Authority shall grant or deny a license based solely upon the Authority’s investigation and findings, following a public hearing with notice provided as required in these regulations. The Authority shall deny any application that is not in full compliance with these regulations.

July 8, 2014

No public hearing shall be required on the initial application for pre-existing businesses (See Article 3(c)) that are operating in compliance with state and local law and regulations.

(b) *Application Forms.* All applications for local licensing shall be made upon forms provided by the Authority or the State and shall include any supplemental materials as required by the State, these Regulations, the Authority, and the County Zoning Resolution and Building Codes.

(c) *Submission of Application.* Completed Applications, together with all required supporting documents and fees shall be submitted to the Fremont County Department of Planning and Zoning.

(d) *Contact Person.* For purposes of coordination and communication with the Colorado Department of Revenue and the Colorado Department of Public Health and Environment, the point of contact for the Authority shall be the Director of the Department of Planning and Zoning.

(e) *Review and Recommendation.*

1. The Director of the Department of Planning and Zoning, or his/her designee, shall review the Application for completeness, compliance with state and local licensing requirements, local zoning, building and other applicable requirements. The Applicant shall be provided with notice of any deficiencies in the Application and shall correct or cure such deficiencies by the deadline stated by the Director in the notice, which shall be no less than 14 days from the date of the notice. The review shall include legal review by the county attorney.

2. All new Applications shall be scheduled for public hearing before the Authority for a date and time no less than 30 days after the date of submittal and within 60 days from the date all deficiencies are corrected and the Application is deemed complete.

3. Application for premises modification shall be scheduled for public hearing before the Authority if the Director of the Department of Planning and Zoning determines that the proposed modification will result in additional traffic, lighting, odor, or other impacts to the neighborhood or community. If the proposed modification is expected to increase consumption of water from a public water supplier, or impact the availability or supply of water, the Director shall notify the water supplier of the proposed modification and accept comments from such water supplier.

4. Applications for renewal shall be reviewed and approved or denied by the Authority without a public hearing.

July 8, 2014

5. When a public hearing is scheduled, notice of the public hearing shall be posted on the proposed licensed premises with a sign in a conspicuous place for no less than ten (10) days prior to the hearing. A Notice of Public Hearing shall also be published in the primary official newspaper for Fremont County. The sign, posting and publication shall comply with the requirements of §12-43.3-302, C.R.S., including any subsequent amendments thereto.

(f) *Concurrent Application.* As provided for under the State Regulations, upon receipt of a local licensing application under these regulations, the Authority may request that the State Licensing Authority conduct a concurrent review of a new license application and that the State advise the Authority of any items it finds that could result in the denial of the license. The applicant shall be responsible for submitting any required fees and materials directly to the State Licensing Authority under the State Regulations when a request is made. If the Authority receives such a notice from the State, the Authority shall suspend its review of the local license until it receives a notice from the State Licensing Authority that the noted discrepancies have been corrected.

Article 7: Licensing Requirements.

Before issuing a local license for a medical marijuana business, the Authority shall require that the applicant provide the requisite information necessary to determine that all of the following requirements have been met by the applicant:

- (a) Identification of the owner of the property on which the premises is located;
- (b) Payment of the appropriate application, licensing, renewal and other applicable fees;

(c) Fremont County Planning Department confirmation that the use is permitted in the zone district proposed and the owner or operator has obtained all required approvals under the Fremont County Zoning Resolution as determined by the Planning Director. For Medical Marijuana licenses of any type, the applicant shall provide a detailed legal description of the precise location and a map showing the following uses that are located within 1000 feet of the proposed licensed premises: residence, medical marijuana centers, drug or alcohol treatment or rehabilitation facilities, public community centers or publically owned or maintained buildings open for use to the general public, any public school or private school, any principal campus of a college, university, or seminary, public park or public playground, and licensed residential child care facility. If the proposed licensed premises is a medical marijuana center, the map must show the distance of these uses from the proposed location, computed by direct measurement from the nearest portion of the building used for the marijuana business to the nearest property line of the land used for a drug or alcohol treatment facility, public community center, public building, school or campus, or residential child care facility, using a route of direct pedestrian access;

(d) Fremont County Building Official confirmation that the proposed structure and use comply with all applicable building code provisions and all necessary building permits have been obtained. To obtain such letter, the applicant shall provide a detailed floor plan layout drawn to

July 8, 2014

scale which clearly reflects the uses, functions, and operations within the building. The plan shall show mechanical functions such as cooling and ventilation systems, filters and discharge systems and locations, heating systems, grow light configurations, wall construction and separation from other occupants, and any other information necessary as determined by the Building Official;

(e) Submission 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. Such report shall include proof that the design for the purification of air and odor shall have been either prepared or approved by a professional 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. Outdoor cultivation facilities shall be exempt from odor mitigation requirements, but any activities conducted inside a structure in conjunction with an outdoor cultivation facility shall have an Authority-approved odor mitigation plan in place;

(f) Submission of a lighting plan that prevents the beams or the rays from any light source, including indoor greenhouse lighting, from being directed toward or onto adjacent residential properties. Shielding of lighting, or other requirements, may be required to mitigate impacts on surrounding properties. All light sources used for operations, advertising, security or safety purposes shall be arranged or shielded in such a manner so that by its degree of intensity or duration of operation, it does not unnecessarily or unreasonably disturb the comfort and repose of the adjoining or neighboring landowners;

(g) Submission of a letter or Tax Certificate from the Fremont County Treasurer showing that all property taxes have been paid and no tax liens exist on the property;

(h) Submission of proof of the right to possess the proposed licensed premises for the duration of the license;

(i) Submission of proof of notification to the appropriate fire and law enforcement personnel describing the location and nature of the proposed business;

(j) Disclosure of violations of any state or local marijuana regulations (regardless of jurisdiction). If the Applicant has violated any State Regulations or Local Regulations during any previous licensed terms, submission of a detailed description on how the applicant has satisfactorily corrected and mitigated any such past violation;

(k) Submission of proof that all State Regulations; including, but not limited to: disclosures related to ownership of the proposed business, fingerprints of the applicants, background investigation, building plans, and security plans have been satisfied;

(l) Submission of any additional materials that, in the discretion of the Authority, is necessary to make a determination under these regulations;

(m) For cultivation and medical marijuana infused product manufacturing facilities, submission of detailed information regarding the source(s) of an adequate water supply for the

July 8, 2014

proposed business. Businesses that rely on hauling water, in part or in total, may be assessed a fee for impact to county roads used as a route for hauling water;

(n) Submission of proof of a valid occupational license for all individuals who possess, cultivate, manufacture, test, dispense, sell, serve, transport, or deliver Medical Marijuana and for any person who has the authority to access or input data into the Marijuana Inventory Tracking Solution (MITS) or another officially-approved Medical Marijuana Business point of sale system;

(o) For optional premises cultivation and medical marijuana-infused products manufacturing license application, information about which medical marijuana center is associated with the business.

(p) For medical marijuana businesses, there shall be no advertising signs other than one (1) flush wall sign, door placard or window sign on the front of the medical marijuana business structure. No sign associated with a medical marijuana center shall use the word "marijuana," "Cannabis," or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical" or the message of such sign includes the words "for medical purposes" in letters no smaller than the largest letter on the sign. Off-site signage is prohibited.

Article 8: Changes in License.

(a) *Transfer of Ownership.* Any license issued under these regulations may be transferred or assigned. Any change of ownership shall require approval by the Authority, before the change is effective.

(b) *Change of Location.* Any license granted under these regulations is limited to the location(s) specified on the license application. Operation of a medical marijuana center, optional premises cultivation, and/or medical marijuana-infused products manufacturing at a new location requires a new license.

(c) *Modification of premises.* Modification of any building structure where a medical marijuana center, optional premises cultivation, or medical marijuana-infused products manufacturing is located is subject to all applicable provisions of the Fremont County Zoning Resolution, Building Codes and other local regulations. Approval from the Authority must be obtained prior to making any modifications to the premises. Failure to obtain prior approval may be deemed a violation of the terms and conditions of the license.

Article 9: Term of license; renewal.

Any local license issued under these regulations shall be valid for a period of one (1) year from the date of issuance. Applications for renewals shall be processed in the same manner as new licenses under these regulations. A licensee shall submit a renewal application at least forty-five (45) days before the expiration of the license. Upon denial or revocation of a State license, any license issued under these regulations shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates any State or federal law, all licenses issued

July 8, 2014

under these regulations shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

Article 10: Violations.

Procedures for suspension or revocation of licenses issued under these regulations, and other fines, sanctions and penalties shall be as provided in §12-43.3-601, C.R.S. The Authority may adopt local hearing procedures for the disciplinary process as it deems appropriate.

Article 11: Application and License Fees.

- A. The application fee for local licenses shall be:
1. Medical Marijuana Center: \$5,000.00
 2. Optional Premises Cultivation: \$5,000.00
 3. Medical marijuana-infused products manufacturing: \$5,000.00
 4. Public Hearing additional fee: \$250.00
 5. Fee for Renewal Application shall be \$2,500.00.

All Application fees are nonrefundable.

- B. The annual business license fee for local licenses shall be:
1. Medical Marijuana Center: \$5,000.00
 2. Optional Premises Cultivation: \$5,000.00
 3. Medical marijuana-infused products manufacturing: \$5,000.00

All license fees are due at the time an application is submitted. Each county medical marijuana license shall be associated with a particular site or location, regardless of the number of state licenses affiliated with such site or location. If an application is denied, an Applicant may request that the Authority refund the license fee after the denial appeal period has expired or after the completion of the denial appeal process, whichever is later.

- C. Administrative Fees for medical marijuana businesses shall be:
1. Change of corporation or LLC structure: \$50.00 per person
 2. Change of trade name: \$50.00
 3. Modification of License Premises: \$500.00 (includes public hearing)
 4. Re-inspection fee for 3rd and each subsequent inspection during Application and Licensing process: \$250.00
 5. Transfer of Ownership: \$500.00

All administrative fees shall be due at the time each applicable request is made. If a public hearing is not required for a proposed modification of licensed premises, the fee shall be reduced to \$250.

July 8, 2014

Article 12: Decision and Appeal.

Once the Authority has completed its review of an application, it shall either issue an approval or a denial letter that specifies the reasons for the decision. Within ten (10) days of a denial letter, the applicant may request that the Authority reconsider its decision by submitting a letter to the Authority clearly stating the grounds for the request. In response, the Authority may deny the request, issue a revised denial letter, or issue an approval.

The decision of the Fremont County Planning Director under these Local Regulations that the use is not permitted or that the applicant has not obtained the required approvals for the business operation under these Local Regulations, State Regulations, or the Fremont County Zoning Resolution and Building Codes shall constitute a final administrative officer or agency decision, appealable to the Fremont County Board of Zoning Adjustment pursuant to the applicable provisions of the Fremont County Zoning Resolution.

Any decision of the Authority regarding approval or denial of an Application, imposition of disciplinary sanctions up to and including revocation of a license shall constitute final agency action for purposes of appeal after the time period for requesting reconsideration has expired. Request for reconsideration is not a mandatory administrative process for Applicants or Licensees.