

Commissioner Chandler Henry moved adoption
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO**

RESOLUTION NO. 2016 - 075

**RESOLUTION APPROVING SPECIAL USE PERMIT
FOR
RFSC-G1 LLC. MARIJUANA CULTIVATION FACILITY**

FILE NO. ZS-6082

WHEREAS, on or about March 15, 2016, the County of Eagle, State of Colorado, accepted for filing an application submitted by RFSC-G1, LLC. (hereinafter the "Applicant") for the purpose of constructing and operating a Marijuana Cultivation Facility on certain real property (hereinafter the "Property"), located in the Resource Zone District in the unincorporated area of Eagle County more particularly described as follows:

Tract 3, Pleasant Valley Ranch Subdivision, a 44-acre parcel of land situated in portions of Sections 4 and 9, Township 7 South, Range 87 West of the 6th P.M., Counties of Eagle and Garfield, State of Colorado, and;

WHEREAS, the Applicant requested approval of a Special Use Permit (Eagle County File No. ZS-6082) to allow for the construction and operation of a Marijuana Cultivation Facility (hereinafter the "Facility") entirely within the portion of the Property located in Eagle County (the "Special Use"), and;

WHEREAS, approval of a Special Use Permit for a Marijuana Cultivation Facility on 1.3 acres of the subject Property (Eagle County File No. ZS-4960) inclusive of an approval for a variation (hereinafter the "Variation") from Section 4-620.J.1.h., *Dual Access*, Eagle County Land Use Regulations (ECLURs), as provided for in Section(s) 5-250.C – *Variations Authorized*, and 5-250.D – *Basis for Granting Variations*, ECLURs, was granted via Eagle County Resolution No. 2015-009 on March 3, 2015, and;

WHEREAS, the Applicant now proposes to add up to five (5) acres of outdoor, open-air cultivation in addition to all previously approved uses associated with the Facility, and;

WHEREAS, the Facility will consist of up to two (2) 4,000 square foot greenhouse structures, up to five (5) acres of outdoor cultivation area, and up to 6,000 square feet of storage, propagation, drying, curing and packaging facilities, as well as associated on-site storage, parking areas, security equipment, and certain accessory structures on approximately six and three tenths (6.3) acres of the Property as shown on the site specific development plan (attached

hereto as "Exhibit 'A'"), and;

WHEREAS, notice of the Special Use was given to all proper agencies and departments as required by Section 5-210.E, ECLURs – *Notice of Public Hearings*, and;

WHEREAS, public notice was posted in a newspaper of general circulation and said notice was sent to all adjacent property owners as required by the Section 5-210.E, – *Notice of Public Hearings*, ECLURs, and;

WHEREAS, at its public hearing held on June 16, 2016, the Roaring Fork Valley Regional Planning Commission (hereinafter the "Planning Commission"), based upon its findings, recommended approval of the proposed Special Use (Eagle County File Number ZS-6082), with conditions, and;

WHEREAS, at its regular meeting on July 19, 2016, the Board of County Commissioners (hereinafter "the Board") considered the proposed Special Use; associated plans; the statements and concerns of the Applicant, the Eagle County Community Development staff, other interested persons, and the recommendation of the Planning Commission, and;

WHEREAS, based on the evidence, testimony, exhibits, and study of the Comprehensive Plan for the unincorporated areas of Eagle County, the Mid-Valley Area Community Plan, as well as comments of the Eagle County Community Development Department, comments of public officials and agencies, the recommendation of the Planning Commission, and comments from all interested parties, the Board finds as follows:

1. That proper publication and public notice was **provided** as required by law for the hearings before the Planning Commission and the Board.
2. That pursuant to ECLURs Section 5-250.B - *Standards* for the review of a Special Use Permit, all standards required for the Special Use Permit **have been met** as required by the ECLURs.
3. That pursuant to Section(s) 5-250.C – *Variations Authorized*, and 5-250.D – *Basis for Granting Variations*, ECLURs, Variations **have not** been requested associated with the review of Eagle County File No. ZS-6082; however Variations were previously reviewed and approved via Eagle County Resolution No. 2015-009.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Eagle, State of Colorado:

THAT the Special Use Permit application for the RFSC-G1, LLC. Marijuana Cultivation Facility, located in the Resource Zone District, on the Property located in the unincorporated area of Eagle County described herein, be **approved**, subject to the following conditions, and that violation of any condition shall be the basis for revocation of the Special Use Permit:

1. Except as otherwise modified by this development permit, all material representations made by the Applicant in this application and in public meeting shall be adhered to and considered conditions of approval.
2. Any lighting associated with the Facility site shall be downcast in accordance with dark/night-sky compliant lighting standards; specifically, any on-site lighting shall be designed and installed so as not to direct glare onto adjacent properties.
3. The Applicant shall provide a Construction Management Plan with any building or grading permit application associated with the Facility.
4. The Applicant shall address and incorporate all suggested wildlife mitigation and management measures provided in two letters dated August 12, 2014 and May 3, 2016, from Perry Will, Colorado Parks & Wildlife Division.
5. The Applicant shall successfully apply for and obtain any and all state and local licensing required for the cultivation of marijuana (hereinafter the "Cultivation License") for the Facility prior to commencing any cultivation activities.
6. Pursuant to local and state licensing requirements specific to renewal of licensing and annual verification of 'good standing', the Applicant shall provide a brief report or other evidence to Eagle County Planning Department on an annual basis, demonstrating that the Cultivation License is valid at both the state and local levels, and, therefore, that the Special Use Permit remains in compliance with Eagle County regulations as well as applicable conditions of approval for the Special Use.
7. Upon annual renewal of the Cultivation License, the Applicant shall provide Eagle County Marijuana Licensing Authority (the "Authority") with reports focusing on off-site parking (based on a review of previous licensed terms of operation as well as forecasting future needed off-site parking for future license terms and based upon the estimated number of seasonal employees to be employed at the Facility during planting and harvesting operations that may need to be shuttled to and from the subject Property). Such plan shall provide

information related to the anticipated locations and capacities of off-site parking areas associated with shuttle pick-ups and drop-offs for such seasonal operations, as well as any agreements secured with public or private property owners allowing for such off-site, temporary parking uses. Reporting shall also include any information related to odor complaints associated with the Facility and mitigation that may have occurred during the previous license term, as well as any issues related to security at the site.

8. The Applicant shall provide a detailed grading plan, showing existing and proposed grades, as well as proposed limits of disturbance, drainage and erosion control measures for the site prior to or concurrent with any grading and/or building permit application associated with the Facility.
9. The Applicant shall provide final details regarding pond construction and any dry-hydrants, or other firefighting infrastructure to be provided on the site, along with a schedule of anticipated construction of the pond and firefighting infrastructure, prior to or concurrent with the application for any building or grading permits associated with the Facility.
10. The Applicant shall provide an updated landscape plan for the site concurrent with building permit application associated with the Facility specifically showing screening for temporary wastewater facilities (porta-lets) to be used within the Facility. Landscape plantings and/or fencing shall be included in any screening mitigation.
11. The Applicant shall work with the Ten Peaks Mesa Homeowner's Association to ensure installation of a security gate across and limiting access to Pleasant Valley Ranch Road/Ten Peaks Mesa Road prior to commencement any cultivation activities on the Property.

THAT, this Special Use Permit shall be subject to review as provided for by the ECLURs.

THAT, the Board directs the Planning Department to provide a copy of this Resolution to the Applicant.

THAT, the Board hereby finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the citizens of Eagle County.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 13 day of September, 2016, *nunc pro tunc* to the 19th day of July, 2016.



COUNTY OF EAGLE, STATE OF COLORADO, By and Through Its BOARD OF COUNTY COMMISSIONERS

ATTEST:

BY: Teak J. Simonton
Teak J. Simonton
Clerk to the Board of
County Commissioners

BY: J. McQueeney
Jeanne McQueeney, Chairman

BY: Kathy Chandler-Henry
Kathy Chandler-Henry, Commissioner

BY: absent
Jillian H. Ryan, Commissioner

Commissioner McQueeney seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Jeanne McQueeney
Commissioner Kathy Chandler-Henry
Commissioner Jillian H. Ryan

This Resolution passed by 2/0 vote of the Board of County Commissioner of the County of Eagle, State of Colorado.