

Grand County Clerk and Recorder Marijuana License Review

To: Grand County Board of County Commissioners
From: Sara L. Rosene, Grand County Clerk and Recorder
Date: October 11, 2016
Re: Retail Marijuana Products Manufacturer (the term “retail marijuana” is commonly known as “recreational marijuana”)
Applicant: RM Concepts LLC
Rudy Miick, Owner
Location: 60 County Road 820, Units 1 and 3, Tabernash, CO 80478
Zone District: Business
Applicable
Regulations: Resolution No. 2014-1-26, Ordinance #14, and Ordinance #14-1
Request: The Applicant is requesting renewal of Retail Marijuana Products Manufacturer (the term “retail marijuana” is commonly known as “recreational marijuana”)

Discussion:

Grand County Board of County Commissioners passed Resolution No. 2014-1-26, Ordinance #14, and Ordinance #14-1 to exercise the authority of the County of Grand to allow state licensed marijuana establishments to exist in unincorporated Grand County in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions. This regulation and ordinances were adopted pursuant to constitutional and statutory authority as well as the county’s authority under its police power in order to preserve the public health, safety, and general welfare.

The applicant for this Retail Marijuana Products Manufacturer RM Concepts LLC. Rudy Miick is the owner. The current location is 60 County Road 820, Units 1 and 3, Tabernash, CO 80478. The building is owned by Tabernash Business Center, LLC. The lease expires October 1, 2019.

Applications for renewal of Retail Marijuana Products Manufacturer are submitted to the State of Colorado Marijuana Enforcement Division. Once the State review is complete, only the conditional license is remitted to the local authority.

During the review process, the County Clerk’s Office makes courtesy notification to all landowners, taxing districts, hospitals, and towns within 1,000 of the proposed license location.

After the final review, the Clerk and Recorder schedules a public hearing to be heard by the Board of County Commissioners.

“Retail Marijuana Products Manufacturer” has the same meaning as “marijuana product manufacturing facility” as defined in section 16(2)(j) of article XVIII of the state constitution. “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.”

The items required on Renewal Application are reviewed below and the Exhibits, Comments, and Petitions can be found at <http://www.co.grand.co.us/720/Applications-in-Process>.

Exhibit A: Cover Letter: The cover letter shall give an overview of the business plan for the license. It should describe the products and services to be provided by the business including an indication of whether or not the applicant proposes to engage in the retail sale of food for human consumption (including marijuana infused products). The cover letter for renewal applications shall also include a written description of any changes in the business plan, the marijuana management plan, the security plan, or the waste disposal plan since the previous application.

The requirement has been satisfied.

Exhibit B: Copy of State Application: For new retail applications the state will forward a copy of the application to the Local Authority. For new medical applications, the applicant must submit a copy. For all renewals, the applicant must submit a copy.

The requirement has been satisfied.

Exhibit C: Trade Name Registration

The requirement has been satisfied.

Exhibit D: Certificate of Good Standing from the Colorado Secretary of State

The requirement has been satisfied.

Exhibit E: Entity Documents (by-laws, articles of incorporation, operating agreement, partnership agreement, as applicable)

The requirement has been satisfied.

Exhibit F: Documents Demonstrating Legal Possession of Property: Please include the deed and/or lease for the property. If the property is leased, include written consent of all owners to lease property to a marijuana establishment)

The requirement has been satisfied.

Exhibit G: Diagram of Premise: Floor plan of the proposed premise drawn to scale on 8-1/2" x 11" paper, showing the layout of the establishment and the principal uses of each section of the floor area. Please include dimensions, security cameras, and separate pages for each floor/level. Limited access areas and restricted access areas should be labeled as such.

The requirement has been satisfied.

Exhibit H: Financial Documents: Include copies of notes, security instruments, and financial obligations. Provide an explanation of the funding sources that will be used for the business. Provide a list of operating and investment accounts at financial institutions.

This requirement has been satisfied.

Exhibit I: Copies of any Inspections, Violations, Orders to Show Cause, Summary Suspension or Administrative Hold issued by the Local Authority or Marijuana Enforcement Division in the last 12 months (for renewals only) as well as an explanation as to how any issues have been resolved.

The requirement has been satisfied.

Exhibit J: Current Colorado Sales Tax License: For renewals, the applicant shall include a letter from the Department of Revenue or other evidence that all applicable excise taxes and/or sales taxes have been paid during the previous license term.

The requirement has been satisfied.

Exhibit K: Security Plan indicating how the establishment will comply with requirements related to monitoring and securing the licensed premise as required by law. Please include a copy of the Burglar Alarm Monitoring Contract.
This requirement has been satisfied.

Exhibit L: Copy of Application Fees Submitted to the State for the County
Not applicable.

Exhibit M: Copy of Application and License Fees Submitted to the County
The requirement has been satisfied.

Exhibit N: Grand County Marijuana Business License Application, Memorandum of Understanding Form, Owners and Managers Form and Affidavit of Lawful Presence Form.
The requirement has been satisfied.

Exhibit O: Grand County Department of Community Development Marijuana License Review: An update will be required if it is over six months old.
The requirement has been satisfied.

Exhibit P: Letter from Applicant Detailing Previous/Current Marijuana Licenses Held: If the applicant has held previous licenses, include a letter from the Marijuana Enforcement Division or other evidence stating that the applicant has not violated any State Regulations during any previous licensed term at any establishment owned or operated by the applicant or any of its affiliated business entities. If the applicant has violated any State or Local Regulations during any previous term, the applicant shall provide a detailed description of all violations and how the applicant has satisfactorily corrected and mitigated any such violations. If the applicant has not held any previous licenses, a letter stating such will be accepted.
This requirement has been satisfied.

Exhibit Q: Copy of Supplemental Information Provided to the State. If the state did not require supplemental information, the applicant shall submit a letter stating such.
This requirement has been satisfied – no supplemental documentation.

Exhibit R: State of Colorado Conditional Marijuana License
This requirement has been satisfied.

Exhibit S: Map of 1000 foot buffer around the proposed premise. The applicant will need to indicate the land use for each property within the 1000 foot buffer. This should include a letter stating that there are no schools, churches, child care establishments, or alcohol/drug treatment facilities within the 1000 foot buffer. The letter should indicate the proximity of the property to the nearest school, church, child care establishment, alcohol or drug treatment facility as well as to any other marijuana establishment.
This requirement has been satisfied.

Exhibit T: Map of the 2 Mile Radius. Please indicate any marijuana establishments already licensed within the 2-mile radius.
This requirement has been satisfied.

Exhibit U: Grand County Assessor's Property Record and Schedule Number
This requirement has been satisfied.

Exhibit V: Proof of Property Taxes Paid

This requirement has been satisfied. The 2015 taxes are paid.

Exhibit W: Applicant's Marijuana Management Plan. This should detail the training program for employees and staff that shall contain, at a minimum, educational and operation standards on the prevention of sale or distribution of marijuana products to anyone under the age of twenty-one (21) years old. Such plan should detail any efforts being made or proposed to be made by the applicant to educate the community or otherwise participate in community outreach regarding the topic of underage marijuana use. In addition, the plan should outline the waste disposal plan for the business.

Applicant has agreed to assist the Clerk and Recorder in creating inspection checklists for the type of licenses held. The goal is to create a detailed inspection list for each license.

Exhibit X: Copy of Marijuana Occupational License Applications provided to the State and Copies of Badges and valid ID for Current Employees (including Affidavit of Lawful Presence for each owner). Applications, badges and IDs must be submitted for new employees within 30 days of employment. All employees must be fingerprinted by CBI.

All badges provided have been verified with the Marijuana Enforcement Division of the Colorado Department of Revenue. Applicant has provided a list of employees.

Comments

The Grand County Clerk and Recorder has received most of the documentation required by Grand County Resolution No. 2014-1-26 and Ordinance Nos. 14 and 14-1. The fees required by law and statute have been remitted.

All standard language and conditions of the Grand County Resolution No. 2014-1-26 and Ordinance Nos. 14 and 14-1 shall be made part of any approved license.

My office has performed an initial inspection of the property and based on our knowledge, the applicant appears to have meet all requirements of licensing.

Recommendation

If, after taking testimony at the public hearing the Board of Commissioners finds that the reasonable requirements of the neighborhood and the desires of the adult inhabitants are being met by renewing this license, the Clerk and Recorder recommends renewal of this license.