



**MARIJUANA BUSINESS LICENSE APPLICATION
NEW FACILITY**

Land Use Department; 111 Mall Road, Ridgway CO -- 970.626.9775

STAFF USE ONLY:

Accepted as Complete by Land Use Staff (Date/Time/Initial): _____
 Fee Total: _____
 Paid (Date/Initial): _____

LICENSE TYPE REQUESTED & ZONING

Type of Marijuana License: (Check only one)

- Retail and/or Medical Cultivation Facility
- Retail and/or Medical Testing Facility
- Retail and/or Medical Products Manufacturing Facility
- Medical Research and Development Facility

Zoning: (Check only one)

- High Mesa Zone
 - Valley Zone
- Note that Marijuana Facilities are not allowed in any other zoning district

APPLICANT / AGENT INFORMATION:

Land Owner Name: _____

Mailing Address: _____ City/ST/Zip: _____

Phone: _____ Email Address: _____

Applicant Name: _____

Mailing Address: _____ City/ST/Zip: _____

Phone: _____ Email Address: _____

Authorized Agent Name: _____

Mailing Address: _____ City/ST/Zip: _____

Phone: _____ Email Address: _____

Business Name: _____

Mailing Address: _____ City/ST/Zip: _____

Phone: _____ Email Address: _____

FACILITY/USE LOCATION INFORMATION:

Parcel # _____ Account # _____

Site Address: _____ City: _____

Zip Code: _____ No. of Acres: _____ (Cultivation requires a 35-acre/conforming parcel.)

Subdivision: _____ Lot/Tract #: _____ Filing/Phase: _____

Directions to site from nearest County Road: _____

Does subject parcel qualify for *agricultural* status by the County Assessor's Office: Yes No

SUBMITTAL REQUIREMENTS: (use checklist to ensure that your application is complete)

Pre Application Meeting: A pre-Application Meeting is required prior to submittal of this application.

Applicant verification of date that Pre-Application meeting was held: _____

Application Fee: Payment of all non-refundable Local Fee(s) is required at time of application.

Applicant verification of submission (please initial): _____

or **N/A Verification of 30-day timeline waiver for Medical Facilities only:** Verification of whether the Applicant waives the thirty (30) day timeline, for Applicant's right to a public hearing for any medical Facility within thirty (30) days of the submission of the application, pursuant to C.R.S. § 44-10-303(1)(a). In the event the Applicant does not waive this deadline, Staff and/or the LLA may expedite and alter any deadlines in the Ordinance (Ordinance 2022-002), and reschedule or delay other pending matters, to the maximum extent permissible under the Marijuana Code and other applicable state law and local regulations.

***Note: Each of these following submittal items must be included and labeled in your submittal**

Application submitted to the State of Colorado: Unless otherwise provided by the State MED, a copy of the completed application form(s), and all additional supporting documentation provided to the State of Colorado for licensing under state law and regulations.

Copy of any State License granted or denied: A copy of all license(s) or other approval or denial related actions from the State MED to operate in the State of Colorado. Local license approval for medical Facilities is required as a condition of state licensure, within one year of issuance of the state license(s), under C.R.S. § 44-10-305(2)(b)(I).

Submit the following evidence, including documents submitted by the Applicant to Staff, to establish good moral character and compliance with the Marijuana Code based upon the criteria and prohibitions set forth in C.R.S. §§ 24-5-101(2) and 44-10-307(1) through (3), and other applicable law, including:

Drivers License: A copy of the driver's license of each Applicant or partner, officer, director or manager if the Applicant is a business entity;

or **N/A Other Evidence of lawful presence/residency:** Such other evidence of lawful presence and place of residency, if applicable;

Fingerprints: A complete set of fingerprints of the Applicant or of each of the partners, officers, directors or managers, if the Applicant is a corporation, limited liability company, partnership, joint venture, or other business entity, although an Applicant who has previously submitted fingerprints for local licensing purposes may request that the fingerprints on file be used;

Financial Information: Financial information regarding loans and investors necessary to determine whether all persons with a financial interest in the Facility have been included as owners pursuant to Colorado statutes and regulations;

Also submit specific documentary evidence, which shall be compiled by the Applicant, or appropriately-qualified third-party professionals and/or consultants if it is feasible to do so at the sole discretion of the Staff and/or LLA, demonstrating that, for all Facilities, whether medical or retail:

I. General Location, Physical, and Siting Requirements:

Lease/Rental Agreement: The Applicant is, or will be, entitled to possession of the Property under a lease, rental agreement, or other similar contractual arrangement;

Site Plan: Detailed Site Plan to demonstrate the following:

Any buildings used for Facility operations in which marijuana in any form is present for commercial purposes, including any applicable sale(s), using a direct route of measurement from

the nearest portion of any such Facility building used for such purposes, shall comply with a two hundred (200) foot minimum internal set-back from any outside boundary of the Property, and shall comply with a one thousand (1,000) foot minimum set-back from any currently-existing:

- i. Property boundary of a school;
- ii. Property boundary of an alcohol and/or drug treatment facility;
- iii. Property boundary of a principal campus of any college, university, or seminary;
- iv. Property boundary of a residential childcare facility;
- v. Nearest portion of a building, within any surrounding properties, which is a Primary Dwelling Unit or Accessory Dwelling Unit, as those terms are defined within Section 2 of the Land Use Code, but not to include any Primary or Accessory Dwelling Units within the Property.

The Facility shall be located in the unincorporated areas of the County.

Parcel/lot, and other physical requirements for specified types of Facilities:

or **N/A Additional Site Plan Requirements for Cultivation Facilities:** Cultivation Facilities shall only be located on Property of 35-acres or more in size. All cultivation Facilities, including all structures, greenhouses, designated parking areas, storage buildings, and any screened outdoor storage, may not cover more than 10% of the Property. The size of any Property proposed for a cultivation Facility may be a factor in limiting the size and/or approval or denial of the proposed Facility.

or **N/A Additional Site Plan Requirements for Products manufacturing, research and development, and testing Facilities:** Facilities for retail and/or medical products manufacturing, medical research and development, and retail and/or medical testing, shall be located only as a use accessory to an existing licensed and producing cultivation Facility. If the operation includes multiple types of Facility at one Property, then all structures related to every type of Facility, all cultivation area(s), and all outside storage, may not cover more than ten percent (10%) of the total square footage of the lot or parcel. Outside storage of supplies, equipment, machinery, or similar items is allowed up to a maximum of 500 square feet and must be screened from neighboring properties, County Roads, and/or public rights-of-way, and outside storage with its limitations is included with, and not in addition to, the overall Property coverage limitations stated within the Ordinance.

or **N/A Additional Site Plan Requirements for Other License Types:** Other types of licenses, including all license types specified in the Marijuana Code including C.R.S. § 44-10-401(1), as amended, are not specifically prohibited from local licensure, if required and applicable, under the Ordinance and the Marijuana Code, with the exception of retail and medical marijuana stores, marijuana hospitality businesses, and retail marijuana hospitality and sales businesses, which are all prohibited within the unincorporated areas of the County under the Ordinance. All such other license types shall be subject to all requirements for products manufacturing, research and development, and testing Facilities, set forth in Section 5(d)(I)(c)(II) of the Ordinance, and all other requirements of the Ordinance as applicable.

Access and Parking Requirements: The Facility has adequate parking, and directly abuts a principal arterial, numbered Type 1 County Road, or numbered Type 2 County Road.

or **N/A Variation Request to Access/Parking requirements (see Section 11 of the Ordinance):** For any Variation granted under Section 11 of the Ordinance for this provision, the LLA has discretion to ensure the Facility will not unreasonably disrupt properties with shared access routes. The LLA also has discretion for all Facilities to ensure compliance with the provisions of Section 15.1(F) of the Land Use Code including the payment of impact fees.

Principal arterials, numbered Type 1 County Roads, and numbered Type 2 County Roads are defined in Section 15.1(D) of the Land Use Code, and further identified by numbering on the Ouray County Road Map from County Resolution 2014-014, as amended.

- Note that any variation request should be submitted as a separate exhibit, and not included on your site plan)

[] **Verification that Geologic Hazards are absent:** The Facility is not located within areas subject to identified geo-hazards, including but not limited to rock-fall areas, avalanches, landslide, potentially unstable slopes, slopes greater than 30-percent, alluvial fans, colluvial slopes, talus slopes, shale faults, or ground subsidence including both collapsing and expanding soils.

[] **Verification that chemical or other contaminants are absent:** The Facility is not located on a property containing known chemical or other contamination, as demonstrated in at least a Phase I Environmental Site Assessment.

[] **Verification of impacts to Wildlife & Habitat:** The Facility will not unreasonably impact wildlife or significant wildlife habitat.

[] **Verification of Weed/Revegetation Plan:** The Facility has obtained, and will comply with a formal weed mitigation and/or revegetation plan completed by the County Vegetation Department.

[] **Visual mitigation plan:** The Facility is in compliance with all provisions of the Land Use Code and such provisions of any local building codes as may be applicable, including the requirement for an approved building permit for any new structure or modifications to an existing structure related to the Facility. Proposed structures related to a Facility do not qualify for agricultural exemptions to building permit requirements. Section 9, except for Section 9.7, of the Land Use Code does not specifically apply to Facilities, but all Facilities shall still reduce visual impacts through blending, architectural design, landscaping, site placement, building materials, and other measures, to limit the visibility and reflectivity of any building or structure, including but not limited to greenhouses, from adjacent properties or roads, or other roads or properties from which the Facility may be visible. For construction of new buildings or structures, it shall be necessary to submit elevation drawings, drawings or depictions of proposed fencing, proposed blending, architectural, and landscaping plans to limit visual impacts.

[] **Verification that physical or biological hazards/conflicts will not occur:** The Facility shall not otherwise result in or present undue risks of any physical or biological hazards or conflicts due to its proposed siting and location.

II. Infrastructure requirements:

[] **Traffic Analysis:** A traffic analysis shows that the Facility can be operated with no more than fourteen (14) Average Daily Trips (ADTs) over any given thirty (30) day period by both commercial and employee vehicles to and from the Facility, and that sufficient on-site parking is available at the facility for all employees and residents (if applicable). If ADTs exceed fourteen (14), a mitigation plan may be required by the Staff and/or LLA.

[] **Verification of Adequate Water Supply:** The Facility has an adequate water supply. Adequate potable water access is required for residents and workers at any Facility. A domestic and irrigation water supply analysis (supply vs. anticipated demand) and a will-serve letter or equivalent from the water provider are required. If irrigation water for commercial cultivation purposes or other commercial purposes is not available on the property, the Facility may use domestic water for commercial cultivation or other commercial purposes, but that domestic use must be included in the water supply analysis including a specific analysis of the Facility's ability to utilize available domestic water supplies without depressurization or other negative effects to adjacent and nearby properties. The use of hauled water may not be used as a source of water and shall not be considered an adequate water supply except as an emergency, temporary supply. Any use of well water for commercial cultivation or other commercial purposes shall require evidence from the Division of Water Resources or other regulatory

agency of a single dedicated well on the Property. The use of shared well water (i.e. a well located outside the Property) is prohibited. In addition, the Facility shall not alter, restrict, or inhibit, or interfere historic irrigation practices. The Facility shall also use commercially feasible best practices to conserve water, and wasteful uses of water are strictly prohibited under any circumstances.

Verification of Adequate Power Supply: This Facility has, or will have, an adequate power supply. A power supply analysis (supply vs. anticipated demand) and a will-serve letter or equivalent from the power provider are required. This may require a “New Construction/Upgrade Engineering Request Form” from the power provider. In addition, the Facility shall use commercially feasible best practices to conserve energy, and wasteful uses of energy are strictly prohibited under any circumstances.

Waste Water Disposal Plan: The Facility has, or will have, adequate and legal sewage and wastewater disposal in compliance with any relevant state and federal agency requirements. Both the Colorado Department of Public Health and Environment and the Ordinance prohibit commercial cultivation wastewater from entering a domestic On-Site Waste Water Treatment System (i.e. septic system).

Solid Waste Disposal Plan: The Facility has an adequate solid waste disposal plan, and shall properly dispose of all materials, items, and other substances in a safe, sanitary, and secure manner, in accordance with all applicable local and state laws and regulations.

Signage Plan: The Facility’s signage and advertising are in compliance with state laws and regulations, as well as the Land Use Code, and any applicable special use permit. No on-site sign or advertising, other than County-approved address signage is allowed. County-assigned addresses shall be clearly posted per County Resolution No. 2017-048, as amended, which adopted sign standards and criteria under Section 8.9 of the Land Use Code.

Security Plan: The Facility has reasonable and necessary security measures, which are in compliance with state law and regulations, and shall also include security surveillance cameras, robbery and burglary alarms, a locking safe affixed to the Facility, exterior lighting, and deadbolt locks on all exterior doors, and on-site security presence. The County Sheriff’s Office may inspect the Facility at any time to ensure appropriate security measures are in use, and to ensure compliance with state laws and regulations. Facilities are required to have a 24/7 on-site caretaker, unless the Staff and/or LLA approves, in advance, other alternative security measures designed to ensure continual protection of the Facility from intruders. Facilities shall provide contact information in advance for any 24/7 on-site caretaker to Staff, which shall be kept current at all times, and Staff shall promptly forward such contact information to the County Sheriff’s Office.

Infrastructure Demand Report: The Facility shall not unduly impact the available infrastructure, beyond what would be allowed in a “Use by Right” under the Land Use Code. An infrastructure demand report is required, which shall address Facility usage calculations for all proposed improvements, along with any other evidence addressing any possible impacts on available infrastructure above any “Use by Right” under the Land Use Code.

III. Community Compatibility Requirements:

Community Compatibility Plan Addressing how each of the following items will be achieved:

The Facility shall not generate Excessive Debris.

The Facility shall not generate Excessive Heat.

The Facility shall not generate Excessive Light.

The Facility shall not generate Excessive Noise.

The Facility shall not generate Excessive Odor. In addition, the Facility shall implement an **odor mitigation plan** which, at the sole discretion of the LLA and/or Staff, shall utilize any or

all of the following: (1) facility sealing; (2) negative pressure environments; (3) best-in-class technology; (4) automated monitoring; and (5) a proper ventilation system that filters and/or mitigates the odor of marijuana to prevent Excessive Odor.

The Facility shall not generate Excessive Traffic.

The Facility shall conduct all of its marijuana-related activities inside of a building, greenhouse, or other enclosed structure, including without limitation, growing, processing, displaying, selling, storage and packaging. For purposes of the Ordinance, greenhouse cultivation shall be deemed to occur indoors. In addition, no devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana shall be displayed or kept in a manner so as to be visible from outside the licensed Facility.

All operations at the Facility, including any dual or multiple Facility uses permitted under Section 7(c) of the Ordinance, shall not exceed any cultivation of a maximum 9,000 total plant count.

The Facility is in general conformance with the County Master Plan.

The Facility is generally compatible with the community and neighborhood character including surrounding land uses; the Facility shall not unreasonably disrupt, inconvenience, or injuriously affect the health, safety, or welfare to any resident/property owner within 1 mile of the proposed facility; and the facility shall not create additional impacts that affect public health, safety, or welfare in the County including the immediate neighborhood in which the Facility is located.

or **N/A Additional Variation Request for Location, Physical, Siting, and Infrastructure requirements (see Section 11 of the Ordinance for Requests for Variations):** Submit facts and proposed terms for any request for Variation, showing the strict application of a provision or provisions of the Ordinance are unreasonable in this instance and would result in peculiar and exceptional practical difficulties or undue hardship upon the Applicant; and the Variation from the strict application of the Ordinance to relieve such difficulties or hardship may be granted without substantial detriment to the public good and without substantially impairing the overall spirit, purpose, and intent of this regulation. Variations are only available for the requirements of Section 5(D)(1) and 5(D)(11) of the Ordinance, and Variations also cannot operate as an exception to any requirements of Title 44 or other state law.

- Note that any variation request should be submitted as a separate exhibit, and not included on your site plan.
- Note that special requirements for variations from parking/access requirements are listed above, p. 3.

COMPLIANCE WITH COVENANTS / HOA NOTIFICATION:

I represent that the proposed facility or use does not conflict with any applicable covenants or subdivision regulations, and, that I have notified the Home Owners Association regarding the pending application.

I represent that there are no covenants or HOA regulations affecting this property

STATE MARIJUANA LICENSE NUMBERS: (If Available)

Cultivation Facility Number(s): _____

Medical Research and Development Number(s): _____

Testing Number(s): _____

Products Manufacturing Number(s): _____

PLEASE READ THE FOLLOWING CAREFULLY BEFORE YOU SIGN!

1. *By accepting a license issued pursuant to Ordinance 2022-002, the licensee waives and releases Ouray County, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages, or other liabilities of any kind that result from the arrest or prosecution of marijuana facility or establishment owners, operators, employees, clients, or customers for a violation of state or federal laws, rules or regulations. All licensees, jointly and severally in the case of more than one, agree to indemnify, defend and hold harmless the County, its officers, elected officials, employees, attorney and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitations, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, claims of injury to water rights or interference with the ability to receive a federal grant, loan or other source of federal funds, forced closure, or any other claim whatsoever arising out of or in any manner connected with the operation of the marijuana facility that is the subject of the license.*
2. *In adopting Ordinance 2022-002, and in taking any and all actions related to marijuana facilities, the Board of County Commissioners is relying on, and does not waive or intend to waive, by any provision of Ordinance 2022-002, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq., as amended, or any other limitations, rights, immunity, or protection otherwise available to Ouray County, its officers or its employees, including but not limited to the County's absolute immunity for both quasi-judicial and prosecutorial functions in administrative proceedings.*
3. *I hereby verify and certify that the application and all supplemental information submitted with the application are true, complete, and accurate.*
4. *I hereby certify that I have read this application completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the license(s) contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false or misleading information may result in any license(s) issued being revoked, or other penalties. The granting of license(s) does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the license contemplated by this application.*
5. *I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq.) and that my personal information contained on this application may be available to the public for review.*
6. *Applicant affirms that he/she understands that marijuana is an illegal drug under federal law; that state and local laws permitting the use, sale, and cultivation of marijuana and/or marijuana products for either medical or retail purposes, including Ordinance 2022-002, may be determined to be void, invalid, or otherwise superseded by federal law. Applicant agrees, by submitting this application to Ouray County, that issuance of a license from Ouray County does not in any manner alter the potential application and enforcement of federal law; that federal officials could prosecute applicant or otherwise enforce federal law at any time; and that Applicant will not sue, make a claim against, or otherwise hold Ouray County responsible for any enforcement action, loss of property or other damage resulting from any enforcement action under federal laws and regulations.*
7. *I have read Ordinance # 2022-002, and agree to comply with all regulations and requirements as stated.*

NOTE – SIGNATURE(S) MUST BE NOTARIZED!!!

Signature of Property Owner/Lessee: _____ **Date:** _____

Printed Name: _____

OR

Signature of Authorized Agent: _____ **Date:** _____

Printed Name of Authorized Agent: _____

Notary

STATE OF: _____)

)ss.

COUNTY OF: _____)

The above signature was acknowledged before me on this _____ day of _____ 20____, by

Witness my hand and official seal.

My commission expires _____

Notary

NOTE TO APPLICANT:

If application is approved, the original license shall be displayed in a location visible to the public or enforcement officials. Licenses approved per this application shall be valid for one (1) year from the date of issuance.

STAFF REVIEW

Land Use Department:

Name: _____ Title: _____

Signature: _____ Date: _____

Notes (may be additional pages or staff packet/memorandum):

County Attorney

Name: _____

Signature: _____ Date: _____

Notes (may be additional pages or staff packet/memorandum):

COUNTY/LICENSING AUTHORITY APPROVAL

Board of County Commissioners

ACCEPTED AND AGREED TO BY THE OURAY COUNTY, COLORADO, BOARD OF COUNTY COMMISSIONERS, ACTING IN ITS CAPACITY AS THE LOCAL LICENSING AUTHORITY PURSUANT TO THE COLORADO MARIJUANA CODE (Title 44, Article 10, C.R.S.) AND SUBJECT TO ALL CONDITIONS AS STATED IN THE ASSOCIATED RESOLUTION.

**OURAY COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY LOCAL LICENSING AUTHORITY**

By: _____
Chair – Board of County Commissioners

Date: _____