

TOWN OF PARACHUTE, COLORADO
RESOLUTION NO. 2018-12

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO APPROVING WITH CONDITIONS A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 211 DIAMOND LOOP, LOT #11 IN THE TOWN OF PARACHUTE FOR A RETAIL MARIJUANA CULTIVATION FACILITY AND MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION AND CREATION OF A VESTED PROPERTY RIGHT.

WHEREAS, Emergent #2, LLC (the “Applicant”) submitted an application for special use permit and site specific development plan for a retail marijuana cultivation facility and medical marijuana optional premises cultivation operation (the “Application”) for property located at 111 Diamond Loop, Lot #11, in the Town of Parachute, identified as Garfield County Parcel No. 2409-123-02-011 (the “Property”);

WHEREAS, the Property is owned by Parachute Development Corporation, c/o Hayden Rayder, P.O. Box 686, Glenwood Springs, CO 81602 (the “Owner”);

WHEREAS, Applicant is under contract to purchase the Property from Owner and Applicant is authorized to otherwise submit the Application;

WHEREAS, pursuant to the Review Procedures Chart (Table 1.1) at Section 15.01.220 of the Code, an application for special use permit is a two-step review process and the Planning Commission reviews an application and makes a recommendation to the Board of Trustees;

WHEREAS, the Applicant wishes to construct a structure to accommodate retail marijuana cultivation facility, retail marijuana product manufacturing facility, retail marijuana store, retail marijuana testing facility, medical marijuana optional premises cultivation operation, medical marijuana infused products manufacturer, and medical marijuana testing facility uses;

WHEREAS, the Property is zoned Light Industrial Zone District (LI);

WHEREAS, pursuant to Schedule of Uses contained at Section 15.02.230 of the Code, retail marijuana cultivation facility and medical marijuana optional premises cultivation operation uses are special uses in the LI Zone District and retail marijuana product manufacturing facility, retail marijuana store, retail marijuana testing facility, medical marijuana infused products manufacturer, and medical marijuana testing facility uses are permitted uses in the LI Zone District;

WHEREAS, pursuant Section 15.02.210.A of the Code, uses designated as special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the comprehensive plan;

WHEREAS, pursuant to Section 15.02.210.C of the Code, in considering an application for special use, the Planning Commission and Board of Trustees shall consider: (1) the compatibility of the use with adjacent uses and adjacent zone districts, as applicable, including the use's potential traffic generation, noise, lighting, parking requirements, and general deleterious effects on such adjacent uses and properties; (2) conformance with the comprehensive plan; and (3) the applicant's history of zoning compliance within the Town;

WHEREAS, pursuant to Section 15.02.210.D of the Code, the Board of Trustees may impose conditions on a special use approval designed to lessen the adverse impacts, if any, of the special use, to protect the health, safety and welfare of Town residents, and to ensure compliance with all other applicable provisions of the Code;

WHEREAS, pursuant to Section 15.01.260 of the Code, a land use approval for a special use shall be 1 year; however, if, within the duration of the approval, no required subsequent application has been filed, or authorized use established or building permit or other development action taken, the approval shall expire, except, for good cause, the granting authority may grant a single extension of the approval for a time period not to exceed the amount of the initial approval's duration;

WHEREAS, pursuant to Section 15.02.210.E of the Code, the Board of Trustees may, in its discretion, specify that the length of the special use approval: (1) be personal to the original applicant, (2) run with the original location for which the permit is approved, or (3) be otherwise transferable, upon such terms and conditions specified by the Board of Trustees; and, in the absence of any specific findings or orders of Board of Trustees concerning the length of an approved special use, the special use approval shall be deemed to be non-transferable and personal to the applicant;

WHEREAS, pursuant to Sections 15.01.420 and 15.01.270.F of the Code, approval of a special use pursuant to PMC Section 15.02.210 shall be considered a site specific development plan, approval of which creates a vested property right for a period of three (3) years, which may be extended where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions:

WHEREAS, a vested property right means the right to undertake and complete development and use of property under the terms and conditions of a site specific development plan and be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town

WHEREAS, pursuant to Section 15.01.270.G of the Code, the Town may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions

may, at the option of the Town Board, after public hearing, result in the forfeiture of vested property rights;

WHEREAS, the Planning Commission reviewed the Application at a public meeting, found the Application in conformance with the review criteria set forth in Section 15.02.210.C, and recommended the Board of Trustees approve of the Application, subject to conditions; and

WHEREAS, the Board of Trustees of the Town of Parachute reviewed the Application at a public meeting, finds the Application in conformance with the review criteria set forth in Section 15.02.210.C as it relates to the retail marijuana cultivation facility and medical marijuana optional premises cultivation operation uses, wishes to approve of the Application for a special use permit for retail marijuana cultivation facility and medical marijuana optional premises cultivation operation constituting a site specific development plan and creation of a vested property right, and wishes to extend the vested property rights to a period of five (5) years, subject to the conditions set forth in Exhibit A which is incorporated herein (the “Conditions”).

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Board of Trustees hereby approves Applicant’s Application and issues this Resolution as a special use permit for retail marijuana cultivation facility and medical marijuana optional premises cultivation operation uses on the Property subject to the conditions set forth on Exhibit A. This special use approval shall constitute approval of a site specific development plan, and creates a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, for a period of five (5) years

Section 3. This Resolution shall be recorded in the public records of Garfield County, Colorado.

INTRODUCED, PASSED, APPROVED, AND ADOPTED by a vote of 5 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at the Town Hall in the Town of Parachute, Colorado on the 15th day of FEBRUARY, 2018 and approved by the Mayor on the 15th day of FEBRUARY, 2018.

**BOARD OF TRUSTEES OF THE
TOWN OF PARACHUTE, COLORADO**



By

Roy B. McClung
Roy B. McClung, Mayor

ATTEST:

Lucy Cordova
Lucy Cordova, Town Clerk

EXHIBIT A

1. A 7 ft. high screened fence that meets Parachute Municipal Code standards shall enclose that section of the property that is proposed for active use for the Marijuana Cultivation (building and refuse area) as shown on the application.
2. As required by the Parachute Municipal Code, the applicant shall submit a detailed site plan subject to review and conformance with Sections 15.01.215 of the Municipal Code. The Town Manager shall review for submittal of items related to General Architectural Standards as necessary (Section 15.04.310), Landscape Plan (15.04.170), Lighting Plan (15.04.175) and allowed waivers, Parking Standards (15.04.210) and allowed waivers, and Signage (Chapter 15.060).
3. The Applicant shall comply with Section 15.07.305 – General Requirements for all Uses throughout the life of the project.
4. All use of the site shall conform to adopted fire codes applicable to the Town of Parachute and recommendations on emergency access and other appropriate safety measures as suggested by the Grand Valley Fire Protection District and the Town of Parachute Police Department.
5. A resolution approving the Application shall be recorded in the public records of Garfield County.
6. All representations made in the applicant's written material or verbally as reflected in the minutes of the public meetings or hearings where the Application was presented to the Commission and/or Board of Trustees are considered part of the application and binding on the applicant.
7. At time of Site Plan or Building Permit submittal, applicant will provide a plan by a qualified professional that will provide specifications for a state-of-the-art odor reduction system.
8. The applicant will provide a drainage plan and utility plan for review and approval by the Town Engineer.
9. Per applicant's Special Review Use application, the applicant will submit with the Site Plan Review or Building Permit set appropriate engineering and documentation in connection with erosion control, the site and grading plan, confirmation of trash and utility areas and details as well as complete building design and engineering package.

10. Applicant shall reimburse the town for any and all fees, including consulting costs, incurred in the review of the Application.