

**RESOLUTION NO. 14
SERIES OF 2017**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
CARBONDALE, COLORADO, APPROVING STIPULATED
ADDITIONAL CONDITIONS FOR SPECIAL USE PERMIT FOR
LAUGHING DOG GROUP, LLC MARIJUANA INFUSED PRODUCT
MANUFACTURING FACILITY IN LIEU OF FURTHER PROCEEDINGS
CONCERNING REVOCATION OF SAID SPECIAL USE PERMIT**

WHEREAS, on October 27, 2015, the Town of Carbondale's Board of Trustees approved a Special Use Permit for a Marijuana Infused Product Manufacturing Facility to be located within Units LL4 and UL 2 and 3, Lots 11 through 133, Village Business Center, Carbondale, Colorado (with a business address of 500 Buggy Circle); and

WHEREAS, the approved Special Use Permit was recorded in the office of the Garfield County Clerk & Recorder on December 16, 2015, Reception No. 871480; and

WHEREAS, sub-section C.3 of the approved Special Use Permit requires "that the facility shall significantly control or mitigate any odor, waste water, and hazardous material impacts to the Town and surrounding properties;" and

WHEREAS, Laughing Dog Group, LLC, has operated a Marijuana Infused Product Manufacturing Facility pursuant to the Special Use Permit in 2016 and 2017; and

WHEREAS, after Town staff received numerous odor complaints about this facility, on October 10, 2017, the Board of Trustees convened a public hearing concerning potential revocation of this Special Use Permit due to alleged violations of its terms by the holder, Laughing Dog Group, LLC pursuant to Sub-Sections 4.3.4.S.3, 4.3.1.F and 1.8.3.B of Title 17 of the Carbondale Municipal Code (a/k/a the Town's "Unified Development Code"); and

WHEREAS, on October 10, 2017, after receiving evidence from Town staff, Town police, the permit holder and various other individuals, the Board of Trustees determined to continue the public hearing until November 14, 2017; at that time the Board of Trustees also directed the Town prosecutor and the permit holder to explore whether stipulated conditions might be agreed to in lieu of the Town taking further action concerning revocation; and

WHEREAS, without admitting or denying the various allegations pertaining to alleged violation of the Special Use Permit to date, the Town prosecutor and the permit holder have proceeded to negotiate a list of stipulated proposed additional conditions of the Special Use Permit, a copy of which Stipulation and Agreement is attached to this Resolution as Exhibit A, and submitted the same for approval by the Board of Trustees; and




WHEREAS, after receiving additional input from Town staff, and any additional public comment, the Town Board finds and determines that it is in the interest of the public health, safety and welfare for the Town to accept and adopt the conditions listed on Exhibit A as additional conditions of the Special Use Permit, rather than further consider revocation of said permit at this time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Carbondale, Colorado, that:

1. The Board of Trustees hereby approves and adopts the additional conditions listed on the attached Exhibit A (Stipulation and Agreement) as additional terms and conditions of the Special Use Permit recorded at Reception No. 871480.
2. The Board of Trustees' approval of said additional conditions shall have not limit or amend the Town's rights to review future renewals of the Special Use Permit or the marijuana license associated with the facility operating pursuant to said permit, or to pursue further enforcement or revocation of said permit should there be future violations of Town Code requirements or permit conditions.
3. A copy of this resolution shall be recorded in the Office of the Garfield County Clerk & Recorder to provide notice to third parties of the additional conditions that shall be imposed upon the Special Use Permit.


INTRODUCED, READ, AND PASSED this 14th day of November 2017.

THE TOWN OF CARBONDALE

By: 

Dan Richardson
Mayor

ATTEST:



Cathy Derby, Town Clerk





BEFORE THE TOWN OF CARBONDALE, COLORADO
BOARD OF TRUSTEES

In the Matter of the Request to Revoke)
the Special Use Permit of) STIPULATION & AGREEMENT
Laughing Dog Group, LLC)

Town Prosecutor (in consultation with Staff) and Steven Garcia (in his capacity as owner of Laughing Dog Group, LLC, referred to as "LDG" and "Applicant") have agreed to the addition of the following conditions to the current Special Use Permit held by LDG:

13. That the Applicant shall cease use of the oven on premises until a proper hood has been installed, inspected and approved by the Town Building Inspector. This shall be accomplished on or before December 31, 2017. That the Applicant shall install and use additional appliances and equipment in compliance with the Building Code or be subject to immediate abatement.

14. That the Applicant shall obtain a written report, on or before November 10, 2017, from a mechanical engineer in relation to odor mitigation at the facility. Said report shall contain the following information: (1) inspection of the b-vent at the adjacent facility (Novus Auto Glass), which is connected to an air handling unit in the corner of the Novus garage, to ensure that odors from the facility are not entering the adjacent garage at this location; (2) if odors are entering the adjacent facility from the b-vent, identify what is the recommended action to mitigate the odor seepage; (3) whether additional air sealing can be done and if so, how and where; (4) whether any other testing would assist in odor mitigation; (5) recommended air cooling system which will meet the odor mitigation requirements; (6) recommended mechanical servicing contract terms for long-term maintenance of odor mitigation; and (7) whether replacement of carbon filters should be tied to a timeframe or the weight of the filter given the size of the facility, number of employees and feasibility of implementation.

15. That the Applicant shall contract with a mechanical company to comply with the mechanical engineer's recommended long-term maintenance plan related to odor mitigation at the facility.

16. That the Applicant shall maintain on premises written documentation of compliance with the mechanical contract related to odor mitigation. Additionally, Town staff shall be permitted to inspect the documents immediately upon request during normal business hours of 9:00 a.m. to 5:00 p.m., when facility is open.

17. That the Applicant shall provide regular reports from a mechanical engineer which shall state the date of inspection and findings related to the functionality of the air handling system in addition to the Applicant's adherence to the odor

mitigation plan provided by the mechanical engineer's November 2017 report. Said reports shall be provided to the Town every month for four months, due on the 15th of each month, starting on November 15, 2017. Thereafter, the reports shall be provided to the Town bi-monthly, on the 15th of every other month, with the last report due on the November 15, 2018. The Applicant shall bear all costs related to the contracting of the mechanical engineer and provision of all reports to the Town. The mechanical engineer shall provide the reports directly to the Town. If the reports are not provided by the mechanical engineer as required, the Town shall give notice to the Applicant, who shall provide the reports directly to the Town within five business days

18. That the Applicant shall address the air cooling issue which will meet odor mitigation requirements with proof to the Town on or before January 31, 2018. The air cooling system shall remain operational at all times it is in use, but nothing in this requirement shall require its use.

Town Prosecutor and LDG request that these stipulated conditions be considered by the Board of Trustees and added to the current Special Use Permit.

Stipulated and agreed this 7 day of November, 2017.

BY: TOWN PROSECUTOR

LAUGHING DOG GROUP, LLC



Angela M. Roff



Steven Garcia