



**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2014-19**

**A RESOLUTION AMENDING THE GUNNISON COUNTY, COLORADO LAND USE RESOLUTION
WITH THE ADDITION OF SECTION: 9-104 TO REGULATE MARIJUANA CULTIVATION,
MANUFACTURING, AND TESTING FACILITIES**

WHEREAS, pursuant to Section 14 of Article XVIII of the Colorado Constitution, Article 43.3 of title 12, C.R.S. (Colorado Medical Marijuana Code) and Article 43.4 of Title 12, C.R.S. (the Colorado Retail Marijuana Rules) local jurisdictions can create regulations to further regulate marijuana related businesses and can be more restrictive than the above mentioned state regulations.

WHEREAS, on July 1, 2014, the Board of County Commissioners of the County of Gunnison, Colorado ("Board of County Commissioners") adopted Resolution No: 2014- 19, "A Resolution Creating Licensing Regulations for Marijuana Cultivation, Manufacturing, and Testing Facilities"; and

WHEREAS, consistent with the above and Section 1-113 of the Gunnison County, Colorado Land Use Resolution, dated December 4, 2012, ("Land Use Resolution"), the Gunnison County Community Development Department has prepared an additional section to the Land Use Resolution titled "Section 9-104: Marijuana Cultivation, Manufacturing or Testing Facility", attached hereto and incorporated herein by reference as Attachment "A" ("Section 9-104"); and

WHEREAS, the Gunnison County Planning Commission has completed review and has approved Section 9:104;

WHEREAS, the Gunnison County Planning Commission on June 27, 2014, forwarded its written recommendations to the Board regarding the proposed amendments; and

WHEREAS, on July 1, 2014, the Board of County Commissioners conducted a duly noticed public hearing for adoption of Section 9:104; and

WHEREAS, the Board of County Commissioners has evaluated Section 9:14 with consideration of the following criteria:

- Consistency with the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Rules;
- Consistency with the Criteria for Text Amendments in Section 1-113 of the Land Use Resolution
- Effect of the proposed amendments on the natural environment;
- Community needs;
- Development pattern;
- Public health, safety and welfare; and

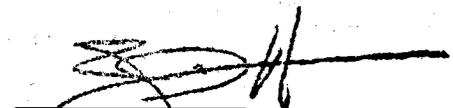
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Gunnison , Colorado that the Gunnison County, Colorado Land Use Resolution , dated December 4, 2012 and amendments thereto shall be and hereby is amended with the adoption of "Section 9-104: Marijuana Cultivation, Manufacturing or Testing Facility" attached hereto as "**Attachment A.**"

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland and adopted on this 1st day of July, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**


Paula Swenson, Chairperson


Phil Chamberland, Commissioner


Jonathan Houck, Commissioner

ATTEST:


Deputy County Clerk





Attachment "A"

SECTION 9-104: MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY.

- A. GENERAL.** The purpose of this Section to protect the health, safety, and welfare of the residents of Gunnison County by regulating marijuana cultivation, manufacturing and/or testing facilities in unincorporated Gunnison County.
- B. NO INTENT TO PROMOTE.** Gunnison County does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of these regulations, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution.
- C. PROHIBITED USE.** The following are prohibited in unincorporated Gunnison County.
 - 1. Retail Marijuana Store Prohibited:** Retail marijuana stores that sell marijuana shall be prohibited in unincorporated Gunnison County.
 - 2. Medical Marijuana Centers Prohibited:** Medical Marijuana Centers that sell marijuana shall be prohibited in unincorporated Gunnison County.
- D. MARIJUANA MANUFACTURING AND TESTING FACILITIES ARE ALLOWED ONLY IN GOLD BASIN, RIVERLAND, OR SIGNAL PEAK INDUSTRIAL PARKS.** Medical and Retail Manufacturing and Testing Facilities are only allowed in the Gold Basin, Riverland, and/or Signal Peak Industrial Parks. Medical and Retail Manufacturing and Testing Facilities shall not be located anywhere in Gunnison County other than the Gold Basin, Riverland, or Signal Peak Industrial Areas.
- E. LAND USE CHANGE PERMIT AND LICENSE REQUIRED.** To lawfully engage in the business of cultivating, manufacturing, and/or testing marijuana in unincorporated Gunnison County, all persons must obtain a land use change permit, all applicable licenses, and in addition to being required to comply with all other applicable standards and requirements of this *Resolution*, shall comply with the standards identified in 9-104. H. *Additional Standards for Marijuana Cultivation, Manufacturing and/or Testing Facility.*
- F. GOLD BASIN INDUSTRIAL PARK.** A marijuana cultivation, manufacturing or testing facility is a permitted use in the Gold Basin Industrial Park and shall be reviewed pursuant to the *Gold Basin Industrial Park Special Area Regulations* and shall be in compliance with Section 9-104.H of the Land Use Resolution.
- G. REQUIRE A LAND USE CHANGE PERMIT.** The following uses require a land use change permit and shall be reviewed pursuant to Section 5-105: Administrative Review Project Review Process and in all circumstances must comply with **Section 9-104.H.**
 - 1. MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS.** The following are classified as Administrative Review Projects pursuant to Article 5: Administrative Review Projects That Require Land Use Change Permits:
 - a. MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY.** Marijuana, cultivation, manufacturing, or testing facility located within an existing, permitted structure, in the Signal Peak Industrial Park or Riverland Industrial Park.



b. **EXPANSION OF MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY.**
Expansion of a permitted marijuana cultivation, manufacturing or testing facility, where the total square footage of the expansion is less than 5,000 square feet.

2. **MARIJUANA CULTIVATION, MANUFACTURING OR TESTING FACILITY CLASSIFIED AS MINOR IMPACT REVIEW PROJECTS.** A Marijuana Facility which is not subject to an administrative review under 9-104 G.1 shall be reviewed pursuant to Section 6-106: *Minor Impact Review Project Review Process*. Marijuana Cultivation Facilities may be considered through a Minor Impact Review process in locations other than Signal Peak, Riverland, and Gold Basin Industrial Parks. All Marijuana Cultivation, Manufacturing and Testing Facilities shall comply with Section 10-104. C2: Compatible With Existing Uses Established In Impact Area and 10-104.C3: No Significant Net Adverse Impact.

H. **ADDITIONAL STANDARDS FOR MARIJUANA CULTIVATION, MANUFACTURING AND/OR TESTING FACILITY.** The establishment or operation of a marijuana cultivation, manufacturing or testing facility is required to comply with the following:

1. **LICENSE REQUIRED.** An applicant shall obtain a state and local license pursuant to and in compliance with the *Gunnison County Licensing Regulations for Marijuana Cultivation, Manufacturing and Testing*.
2. **NO RESIDENTIAL USE WITHIN THE STRUCTURE.** Marijuana Facilities and residential facilities cannot be collocated in the same structure.
3. **NO SIGNIFICANT DEGRADATION:** A Marijuana Facility shall not cause significant degradation to either the natural or man-made environment of the site or the adjacent properties. The applicant shall demonstrate that there will not be a significant degradation or impact in the following areas:
 - a. **ODOR.** Noticeable odors shall not occur at the boundary to adjacent properties. Facilities shall be equipped with proper ventilation systems so that odors are filtered and do not materially interfere with adjoining land uses.
 - b. **ADEQUATE WATER SUPPLY.** The applicant shall demonstrate that the premise is legally and physically served by a water supply pursuant to Section 12-105: *Water Supply* and.
 - c. **ADEQUATE WASTEWATER TREATMENT SYSTEM.** The applicant shall demonstrate compliance to State and County regulations for waste water treatment including Section 12-106: *Sewage Disposal/Wastewater Treatment*.
 - d. **ADEQUATE PARKING.** The applicant shall demonstrate that there will be adequate parking to serve the facility, pursuant to Section 13-110: *Off- Road Parking and Loading*.
 - e. **ADEQUATE PUBLIC INFRASTRUCTURE:** The applicant shall demonstrate that there is adequate road and utility infrastructure to support the use and its proposed operation.
 - f. **SECURITY:** The applicant shall demonstrate that there is adequate premises, product, personnel, and consumer security.
 - g. **FIRE SAFETY.** The applicant shall demonstrated that based on its proposed use and operation that there is not a significant fire or criminal safety risk created by the use.
 - h. **WASTE DISPOSAL.** The applicant shall demonstrate that waste can be securely and safely disposed
 - i. **ENVIRONMENTAL IMPACTS:** The applicant shall demonstrate that there are no significant environmental or human health impacts associated with the construction and operation of proposed facilities.



- j. **VISUAL RESOURCES:** The applicant shall demonstrate that the proposed operation will not be identifiable as a marijuana facility and shall be designed so that it is architecturally compatible with the surrounding natural and built environment. The applicant shall demonstrate that the ambient lighting of a proposed facility does not impact adjacent uses.
- 4. **OPERATION CONDUCTED WITHIN BUILDING.** All activities associated with the operation of the facility must be conducted within the building and not be visible from the exterior of the business.
- 5. **COMPLIANCE WITH STATE AND COUNTY REGULATIONS.** The facility must operate in compliance with County and State regulations related to marijuana facilities.
- 6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** The facility shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the facility is located.
- 7. **COMPLIES WITH APPLICABLE CODES.** The facility shall comply with the applicable building codes, adopted and amended by Gunnison County, State of Colorado Licensing requirements, and Colorado Department of Public Health & Environment codes, and the requirements of the applicable fire protection district.