To: Gunnison County Board of County Commissioners

From: Russell Forrest

Date: September 24, 2013

Subject: Considerations for Marijuana Cultivation/Manufacturing

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1. PURPOSE:

The purpose of this discussion paper is to summarize considerations involving the cultivation, testing, and manufacturing of marijuana within the framework of Amendment 64. This is based on the understanding that the Board of County Commissioners is only focused on investigating the pros and cons of allowing cultivation and manufacturing of marijuana in unincorporated areas of Gunnison County. It is also important to note that rules for implementing Amendment 64 are still evolving. The latest amendments to the relevant rules that the Marijuana Enforcement Division is responsible for enforcing came out on August 19, 2013. Much of the information below was provided by the Colorado Counties Inc. (CCI), Colorado Department of Revenue - Marijuana Enforcement Division, and other county and municipal jurisdictions in the State of Colorado.

2. INTRODUCTION TO AMENDMENT 64

The passage of Amendment 64 by Colorado voters in 2012 legalizes the personal possession, cultivation and use of recreational marijuana in Colorado and allows for retail sales, cultivation, infused produce manufacturing, and testing facilities. The amendment and subsequent rules for implementing this constitutional amendment allows for counties and municipalities to do one of the following:

1) Impose by ordinance regulations for marijuana use, cultivation, or manufacturing which must be duly adopted prior to October 1, 2013;
2) Prohibit all or some of the marijuana related uses articulated in Amendment 64 through an ordinance that must be duly adopted prior to October 1;
3) Take no action and the implementing regulations of Amendment 64 would become law within a jurisdiction; or
4) Craft a hybrid solution (in the nature of a moratorium to provide more time to develop specific regulations for all or some of the marijuana uses)

Aside from retail over the counter sales there are three other basic uses to consider under Amendment 64 and its implementing regulations:

1. Retail Marijuana Cultivation Facility: This use includes both indoor and outdoor facilities to cultivate or grow marijuana. In Gunnison County with our climate this use most likely would involve indoor grow facilities and greenhouses.

2. Manufacture of Retail Marijuana Products: This use could include packaging, labeling, and processing of edible marijuana products. This use is somewhat similar to a food processing facility.
3. Testing Facilities: These are facilities that involve testing and research of marijuana products. This again is more of a testing facility that requires a structure and equipment for such a facility. The purpose of a testing facility is to test the purity, quality, and potential potency of a marijuana product.

4. PERTINENT DEFINITIONS:

The following are definitions found in the *Permanent Rules Related to the Colorado Marijuana Code* that will be helpful in a discussion regarding Amendment:

A. Retail – Provided for Reference for the purposes of this discussion

"Retail Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate that is cultivated, manufactured, distributed, or sold by a licensed Retail Marijuana Establishment. Note: "Retail Marijuana" does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

B. Retail Marijuana Cultivation Facility

"Retail Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Stores, to Retail Marijuana Product Manufacturing Facilities, and to other Retail Marijuana Cultivation Facilities**, but not** to consumers, as described in section 12-43.4-403, C.R.S.

Licensees Authorized for Sale: A Person licensed as a Retail Marijuana Cultivation Facility may sell Retail Marijuana that it cultivates to a Person holding a Retail Marijuana Store license, to Retail Marijuana Products manufacturing facilities, and to other Retail Marijuana Cultivation Facilities, subject to the temporary limitations set forth in Rules R 402 – Retail Marijuana Sales: General Limitations or Prohibited Acts and R 502 – Retail Marijuana Cultivation Facilities: General Limitations or Prohibited Act.

Samples Provided for Testing. A Retail Marijuana Cultivation Facility may provide samples of its Retail Marijuana to a Person holding a Retail Marijuana Testing Facility license for testing and research purposes. The Retail Marijuana Cultivation Facility shall maintain the testing results as part of its business books and records.

Temporary Sales Limitation. From January 1, 2014 to September 30, 2014, any Retail Marijuana that is grown in a licensed Retail Marijuana Cultivation Facility must be sold or transferred to its commonly-owned Retail Marijuana Store or Retail Marijuana Products manufacturing facility, or

another of its commonly-owned Retail Marijuana Cultivation Facilities. Except that, a Retail Marijuana Cultivation Facility Licensee may sell not more than 30% of its processed and finished Retail Marijuana inventory to other Retail Marijuana Establishments with which it does not share common ownership. Licensees shall calculate the 31 percentage limitation using the total weight of its on-hand inventory at the end of the month preceding the purchase.

Sale to Consumer Prohibited. A Person licensed as a Retail Marijuana Cultivation Facility is prohibited from selling Retail Marijuana to a consumer.

Local Safety Inspections. Licensees may be subject to inspection of the cultivation area by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. The inspection could result in additional specific standards to meet local jurisdiction restrictions related to Retail Marijuana. An annual fire safety inspection may result in the required installation of fire suppression devices, or other means necessary for adequate fire safety.

C. Manufacture of Retail Marijuana Products

Manufacture of Retail Marijuana Products: Authorized Retail Marijuana Products Manufacturing Facility may manufacture, prepare, package, and Label Retail Marijuana Products, whether in concentrated form or that are comprised of marijuana and other ingredients intended for use or consumption, such as edible products, ointments, or tinctures.

Infused products facility: facility that produces products infused with marijuana that are intended for use of consumption other than by smoking.

D. **Testing of Retail Marijuana and Retail Marijuana Products Authorized**. A Retail Marijuana Testing Facility may accept samples of Retail Marijuana or Retail Marijuana Products from Retail Marijuana Establishments for testing and research purposes only. The Marijuana Enforcement Division may require a Licensee to submit a sample of Retail Marijuana or Retail Marijuana Products to a Retail Marijuana Testing Facility upon demand.

5. OTHER JURISDICTIONS:

The October 1st deadline is coming quickly and there are still many jurisdictions that are actively debating whether to ban, allow, put in place a "moratorium", and/or regulate marijuana uses. Staff has obtained an updated map of counties in Colorado from CCI and their current status on this issue (Attachment A). In addition, staff received an update on municipalities and their status related to Amendment 64 (Attachment B). Most jurisdictions are prohibiting recreational sales and cultivation. Five counties are allowing recreational sales and cultivations at this time. Also a significant number of jurisdictions are implementing moratoriums on recreational marijuana uses to allow more time for deliberations or for the development of appropriate land use regulations. This has created an interesting legal debate of whether a "moratorium" would stand up to a legal challenge given the mandated decision date of October 1st for local jurisdictions to decide whether to ban or create additional regulations as stipulated in Amendment 64. It is the opinion of staff - including the County Attorney - that implementing a ban on marijuana uses to allow more time to

develop a regulatory framework is defensible-and more defensible than a "moratorium." Such a current ban could be articulated as a "conceptual yes" with a current "no" instructions to staff to work on regulatory issues; this would meet the Amendment 64 October 1st "opt in/opt out" requirement as an opt out prohibition with the potential of future County opt in.

6. CONSIDERATIONS:

- **Federal Law:** Any of the above mentioned marijuana related uses/operations are or may be a violation of Federal Law.

- **Local Regulation:** Local jurisdictions can impose additional regulations on time, place, and manner of the above mentioned facilities if implemented in the time frames articulated within Amendment 64. This grant of power allows counties to have significant discretion on a wide number of issues concerning where and how recreational marijuana is grown and sold. There is also the provision in the state regulations for local jurisdictions to be able to inspect marijuana facilities to ensure compliance to local health, safety, and building codes. In most jurisdictions that are allowing marijuana uses, land use regulations have been developed to address these uses and ensure their location and impacts are appropriate.

- **Industrial vs. Agricultural:** The uses mentioned above including cultivation are (given Gunnison County's elevation and climate) are essentially indoor facilities. Cultivation and manufacturing related to marijuana are energy intensive and can generate odors that should be considerations in locating facilities. Many municipalities are not allowing cultivation and manufacturing because these uses can be incompatible with other residential and commercial uses. Arguments have been made that allowing the cultivation, manufacturing, and testing in industrial or rural areas, particularly if retail is allowed in urban areas, creates a more appropriate land use scenario. Cultivation facilities are essentially large green houses and are consistent with agricultural uses. Manufacturing and testing facilities on the other hands are more similar to a commercial/industrial use. The parameters for a testing facility are still anticipated to evolve at a state level as we have heard from CCI. On one hand testing facilities could be similar to a laboratory but it could be more "informal" in terms of its testing as long as retail sales are not occurring. If these uses are allowed, then cultivation could be considered in both agricultural and industrial locations (with appropriate setbacks and mitigation being required) while manufacturing and testing facilities are more appropriate in an industrial/commercial land use.

  It should be noted that agricultural uses, for the most part, are not regulated under the LUR in Gunnison County. Therefore if marijuana cultivation were to be considered as allowable in Gunnison County, applicable regulations would need to be considered for this use. Under the current LUR, for example, a greenhouse would be allowed without any land use review if it were under 2,500 square feet. If affirmatively allowed by Gunnison County, but without amendments to the LUR, a marijuana cultivation use (setting aside State regulations for the

purpose of this discussion) could occur under the current LUR in Gunnison County without any review under the LUR if it was in an Agricultural Structure under 2,500 square feet.

Note: Cultivation of "hemp" is a subject separate from the uses addressed in this memo. It is briefly mentioned below.

- **Land Use Regulations:** If marijuana uses are allowed and a local jurisdiction chooses to impose additional regulations, land use regulations have been adopted to ensure compatible uses and to mitigate impacts. In reviewing land use regulations for medicinal marijuana and pending regulations there are several common elements to these regulations including:

    - Process: A land use code needs to have an appropriate process for evaluating proposed marijuana uses. With a major and minor impact process such as Gunnison County's LUR process, an appropriate review process could be developed relatively easily.
    - Land Use: As mentioned above, appropriate lands uses for marijuana facilities need to be determined. With a performance based code, such as Gunnison County's LUR, criteria for appropriate land uses would need to be developed.
    - Proximity to sensitive land uses: Location of facilities can be controlled in proximity to sensitive land uses i.e., schools, preschools, parks, places of worship, half way houses, public buildings etc.. For example, a common standard appears to be banning marijuana uses within 1000 feet of a sensitive use. Also jurisdictions have limited the proximity of marijuana facilities to each other so that a commercial neighborhood is not created around this type of use.
    - Odor: Specific standards or criteria can be developed so any odor does not impact adjacent properties and impacts are mitigated with proposed ventilation systems.
    - Visual Impact: Uses can be required to meet certain visual or design related standards to be compatible within a proposed land use.
    - Lighting: Cultivation systems can have additional lighting requirements which may need to be screened from adjacent uses. Hours of lighting can be controlled if the exterior is translucent. There can be exterior lighting which can also be controlled through lighting regulations. Currently agricultural uses don't have to comply with lighting requirements in Gunnison County.
    - Signs & Advertising: Some jurisdictions are tightly limiting advertising along with imposing additional limitations on signage for marijuana facilities. Jurisdictions in some cased have banned off site advertising in all forms.
    - Hours of Operation. Hours of operation can be regulated to control lighting, noise, odor, and traffic associated with a facility.
    - Setback to other uses: Minimum setback typically control the location of the structure or use to the property boundary to limit impacts to adjacent properties. They can also be defined to reduce visual impacts from high ways, pedestrian easements, and other high traffic routes.
    - Visual buffering: Requirements for the screening of facilities can also be created.
    - Security: Additional requirements can be placed on a facility for security.

- Parking: Parking standards are common for most uses and can be developed for the applicable uses related to marijuana.
- Environmental impacts: As mentioned below, marijuana facilities can generate environmental impacts. Specific regulations can be created to reduce and or mitigate impacts from facilities.

- **Additional Sales Tax & Excise Tax:** HB 1318, was approved by the legislature as one piece of legislation to implement Amendment 64, will place a single question on the November ballot regarding two new taxes on recreational marijuana. The first would be a 15% excise tax (which was authorized under the language of Amendment 64) on recreational marijuana. In accordance with the constitution, the first $40 million in proceeds each year from this excise tax would go into the state school construction fund. The second part of the ballot question would ask voters to authorize a 15% state sales tax on recreational marijuana. While the sales tax would be *authorized* at 15% if approved, HB 1318 calls for the state to collect only a 10% sales tax through 2016 – at which time the General Assembly would have the ability to adjust this sales tax up or down. The act also establishes a 15% share back of the state sales tax to those local governments that have retail sales in their jurisdiction. The share back does not preclude a local government from seeking a local sales tax ballot question on recreational marijuana, although there is a question as to whether or not explicit statutory authority to do so exists.

- **Fees**: *License application fees* are capped in the state constitution at $5,000 for new businesses and $500 for medical marijuana facilities wishing to convert to recreational sales/cultivation. These application fees are to be shared 50/50 between the state and the local jurisdiction, assuming a local jurisdiction is planning to issues local licenses. Amendment 64 does allow the Department of Revenue (but not local governments) to increase this license application fee if it can show that it is insufficient to cover the cost of carrying out this regulatory program. HB 1317 requires the state to consult with local governments when considering whether to raise the license application fees to reflect the actual costs of reviewing applications.

  Amendment 64 states that local governments can adopt a schedule of "*operating fees*" for recreational marijuana establishments. The constitution did not define what an operating fee is, however. Accordingly, the task force issued a recommendation that implementing legislation should define operating fees as "fees that may be charged by a local government for costs including but not limited to inspection, administration and enforcement of businesses authorized pursuant to this section." This operating fee definition is now housed in state statute (through HB 1317) and should allow local governments to recoup their administrative and enforcement costs – especially given the relatively low licensing application fees that are now set in the constitution.

- **Hemp:** Amendment 64 directed the General Assembly to pass regulations on Hemp to govern the cultivation and processing and sale of industrial hem (which like marijuana, is currently prohibited by Federal law.). The Department of Agriculture has until 2014 to promulgate rules to implement limited cultivation, processing, and sale of hemp. Under the Act a landowner can

plant up to 10 acres of hemp. The crop must be registered with the Department of Agriculture and tested to ensure the hemp does not contain measurable amounts of THC.

- **Environmental Considerations**: Staff found several references to environmental impacts association with marijuana cultivation in the literature. A significant environmental impact associated with cultivation is energy consumption and the related carbon emissions associated with this use. A greenhouse will reduce energy requirements compared to an indoor use. Lighting, carbon dioxide generators to enhance production, and heat are all energy intensive uses in a cultivation facility. Water quality can be an issue with the use of fertilizer and pesticides. Also water consumption is required for cultivation and hydroponic cultivation will have even greater use of water. Odor from marijuana facilities, particularly manufacturing facilities, can be a significant issue with adjacent properties and is a major reason why proximity of uses is an important consideration. Marijuana uses generate waste from unused plant material and this can be a security issue if waste materials are not rendered unusable before they are disposed of.

- **Fire Safety**: Heat lamps and significant energy use, as mentioned above, can create a higher risk of fire for some marijuana uses. Pesticides and fertilizers are also used in the cultivation process which can add to fire danger. Additional, regulations regarding fire flows and sprinkling may be required for these types of facilities.

- **Transportation Impacts:** Most cultivation, manufacturing, and testing operations related to marijuana have been relatively small in nature. It is conceivable that a cultivation or manufacturing use could grow to the point where it involved more significant trucking of materials and could potentially impact transportation infrastructure and intersections. Staff is not aware of operations, at this time, growing to the point where this has been an issue.

- **Economic Impact:** On September 15th, *60 Minutes* had a report on the marijuana industry in Colorado. Arguments have been made that it will be helpful in economic development. Other communities have argued that marijuana use is inconsistent with creating healthy communities and the states reputation for outdoor recreation. Marijuana and the impact on the regions tourism brand was recently discussed at a Colorado Association of Ski Towns (CAST) meeting. The primary question that was debated whether someone choose to come or not to come Gunnison County because of its policy on marijuana? Most will agree it should not define our branding as a tourist destination.

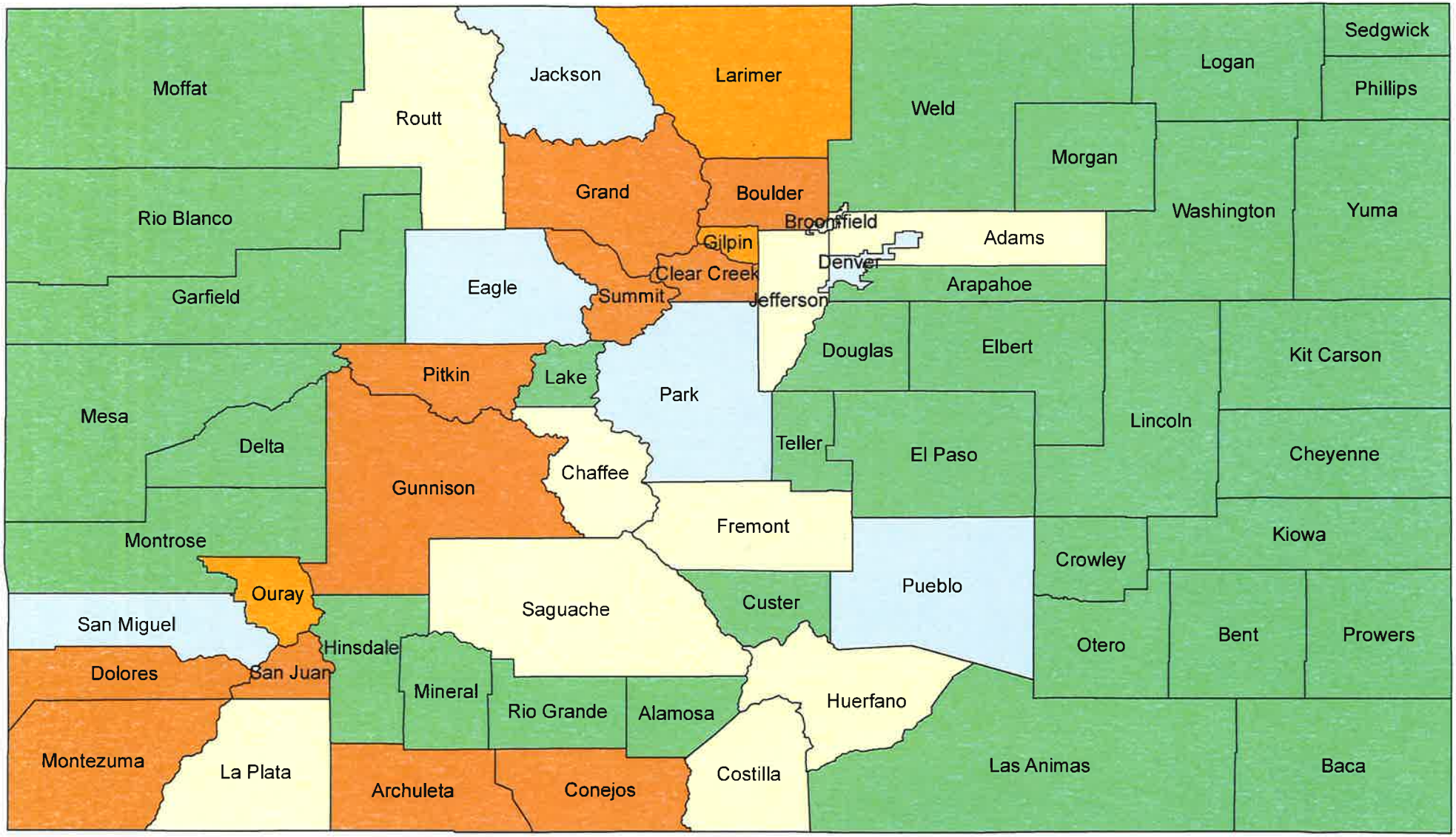
- **Sanctions for Illegal Operations:** Finally, but of significant importance, the Board should consider reviewing current County available sanctions for illegal operations to ensure that the positive consequences of legalizing any or all marijuana related uses are not undermined by illegal operations.

Attachments:

Attachment A: County Update on Amendment 64 Implementation
Attachment B: Municipal Update on Amendment 64 Implementation.

Attachment A: County Update on Amendment 64 Implementation

County Regulatory Status - Recreational Marijuana



Allowing Recreational Sales & Cultivation

Moratorium / Temporary Ban

Prohibiting Recreational Sales & Cultivation

Prohibiting New Establishments, but allowing migration of existing MMJ to Recreational

Status Still Pending

Created by Trent Pingenot for CCI

For information purposes ONLY. Please contact individual counties for specifics on their regulatory status.

Map Revision: September 10, 2013

Attachment B: Municipal Update on Amendment 64 Implementation.

Appendix B: Municipal Actions & Elections

Table 6: Recreational Marijuana Prohibition, Regulation and Taxation: 2012-August 2013

Municipality	Type of Issue	2012	2013	2014	2015
Alamosa	Prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, or retail marijuana		ADOPTED^		
Arvada	Moratorium until March 31, 2014 on the operation of marijuana establishments, private marijuana clubs, and similar businesses.		ADOPTED		
	Ordinance to comply with Amendment 64 age, grow, and possession provisions.		ADOPTED-		
Aurora	Ordinance to comply with Amendment 64 age, grow, and possession provisions.		ADOPTED-		
	Moratorium until May 5, 2014 on the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, and marijuana clubs.		ADOPTED		
Avon	Temporary suspension and delay in the acceptance, processing, and approval of all applications for any permit, license, or any other application pertaining to the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, and marijuana clubs until Sept. 30, 2014.		ADOPTED		
Bayfield	Moratorium on the acceptance of any application to operate any marijuana establishment as authorized by Amendment 64 until Oct. 1, 2013.		ADOPTED		
Bennett	Prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, or retail marijuana		ADOPTED^		
	Moratorium on private clubs until July 1, 2014		ADOPTED		
Berthoud	Prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, or retail marijuana		ADOPTED^		
Blanca	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Brighton	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Broomfield	Prohibition of the operation of marijuana establishments.		ADOPTED^		
Buena Vista	Prohibition of the use of property as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store. Prohibition of marijuana clubs.		ADOPTED^		
Burlington	Prohibition of the use or possession of marijuana in or on city owned property. Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Calhan	Prohibition of the use of property as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store.Prohibition of marijuana clubs.		ADOPTED^		
Carbondale	Moratorium on the establishment of any new medical or retail marijuana facility to 12/11/2013.	ADOPTED			
Castle Rock	Ordinance to comply with Amendment 64 age and possession provisions.		ADOPTED-		
	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		

+ Regulation by council action ^ Prohibition by council action - Amendment of municipal code by council action

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Municipality	Type of Issue	2012	2013	2014	2015
Centennial	A moratorium to Sept. 30, 2014 on the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, and marijuana clubs.		ADOPTED		
	Ordinance regulating the manner in which marijuana is grown for personal use, prohibiting the operation of certain marijuana enterprises, and prohibiting marijuana on city owned or leased property.		ADOPTED-		
Cherry Hills Village	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Cokedale	Prohibition of the retail sale of marijuana for any use or purpose		ADOPTED^		
Colorado Springs	Prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, or retail marijuana		ADOPTED^		
Craig	Moratorium on the use or consumption of marijuana or marijuana products on commerical and industrial zoned property that operates as a place of private assembly for the purpose of inviting persons to use or consume marijuana products on site (pot clubs) to Oct. 1, 2013.		ADOPTED		
Crawford	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Crested Butte	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Crestone	Moratorium on the licensing of marijuana cultivation, manufacturing, and testing facilities until Feb. 11, 2013.		ADOPTED		
Dacono	Prohibition of marijuana establishments (including clubs).		ADOPTED^		
Del Norte	Prohibiting the operation of all Marijuana Cultivation Facilities, Marijuana Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Store, and Private Membership Marijuana Clubs and Hash Bars.		ADOPTED^		
Dillon	Moratorium on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business to Oct. 1, 2013.		ADOPTED		
Englewood	Prohibition of recreational marijuana, cultivation facilities, recreational marijuana product manufacturing facilities, recreational marijuana testing facilities and recreational marijuana stores.		ADOPTED^		
Erie	Moratorium on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business to Oct. 1, 2013.		ADOPTED		
Evans	Prohibition of marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, and retail marijuana stores.	ADOPTED^			
Fairplay	Prohibition of the retail sale, distribution, cultivation and dispensing of recreational and medical marijuana.		ADOPTED^		
	Ordinance to comply with Amendment 64 age, grow, and possession provisions.		ADOPTED-		
Federal Heights	Moratorium on the licensing, establishment, or operation of any recreational marijuana business that sells, cultivates, manufatures, or otherwise allows the use of marijuana to Oct. 1, 2013.		ADOPTED		
Firestone	Prohibits the establishment or operation of marijuana establishments and businesses that invite or permit private assembly for the purpose of the use or consumption of marijuana or marijuana products.		ADOPTED^		

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Table 6: Recreational Marijuana Prohibition, Regulation and Taxation: 2012-August 2013

Municipality	Type of Issue	2012	2013	2014	2015
Julesburg	Prohibition of any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store. Prohibition of use on town property.		ADOPTED^		
La Junta	Prohibiting the acceptance, processing and approval of applications for a use permit of any nature, variance, building permit, building license, sales tax license or other applicable entitlement for use of any property, space or location for an adult-use retail marijuana outlet; prohitibiting the establishment of a retail adult-use marijuana outlet in any manner withing the city of La Junta; and setting forth other details related thereto.		ADOPTED^		
Lafayette	Moratorium on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business to Oct. 1, 2013.		ADOPTED		
Lakewood	Moratorium on the licensing, permitting, establishment, or operation of any new marijuana enterprise to Jan. 1, 2014		ADOPTED		
Larkspur	Moratorium on the licensing, permitting, establishment, or operation of any new marijuana enterprise to Nov. 4, 2014.	ADOPTED			
Leadville	Designated City Council of the City of Leadville as the "Local Licensing Authority" and granted it the same powers as a Local Licensing Authority under the Medical Marijuana Code and Retail Marijuana Code.		ADOPTED+		
Limon	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Littleton	Moratorium on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business to Oct. 1, 2013.		ADOPTED		
Log Lane Village	Moratorium on the Review of Applications for any and all Activity Permitted Pursuant to Amendment 64 to the Colorado Constitution Involving the Use of Marijuana to Oct. 1, 2013.		ADOPTED		
Lone Tree	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Longmont	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores. Prohibition of marijuana		ADOPTED^		
Lyons	Moratorium on the licensing, permitting, establishment, or operation of any new business that sells, cultivates, or tests marijuana or any marijuna products, or any marijuana enterprise to Oct. 1, 2013.		ADOPTED		
Mead	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores. Prohibition of private marijuana clubs.		ADOPTED^		
Montrose	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Monument	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores; unlawful to grow marijuana for personal use anywhere in the Town other than an enclosed, locked space which is not open or public; unlawful to make marijuana grown for recreational use available for sale in any manner. Separate ordinance to prohibit the use of marijuana in private clubs, lodges, and similar facilities.		ADOPTED^		
	Ordinance to comply with Amendment 64 age and possession provisions.		ADOPTED-		
Norwood	Moratorium on the operation of marijuana establishments pursuant to Amendment 64 to Oct. 1, 2013.	ADOPTED			

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Municipality	Type of Issue	2012	2013	2014	2015
Fountain	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores. Moratorium on marijuana clubs.		ADOPTED^		
Foxfield	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
	Regulation of the cultivation of marijuana in residential structures for personal use.		ADOPTED-		
Frederick	Ordinance to comply with Amendment 64 age, grow, and possession provisions.		ADOPTED-		
	Prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.		ADOPTED^		
Ft. Morgan	Moratorium on the operation of marijuana establishments pursuant to Amendment 64 to Dec. 31, 2013.		ADOPTED		
Frisco	Moratorium on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business to Oct. 1, 2013.		ADOPTED		
Fruita	Moratorium on private marijuana clubs to Oct. 1, 2013.		ADOPTED		
Glenwood Springs	Moratorium on the submission, acceptance, processing, and approval of any and all applications for any permits, licenses or land use entitlements issued by the City related to the location or operation of a marijuana establishment (retail or club), to Oct. 1, 2013.		ADOPTED		
Greeley	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores. Prohibition of marijuana		ADOPTED^		
	Ordinance to comply with Amendment 64 age and possession provisions.		ADOPTED-		
Green Mountain Falls	Prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.		ADOPTED^		
Greenwood Village	Prohibition of any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store or marijuana club.		ADOPTED^		
	Regulation of the personal cultivation, possesion, and use of marijuana.		ADOPTED-		
Gunnison	Ordinance to comply with Amendment 64 age, grow, and possession provisions.	ADOPTED-			
	Prohibition of any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store.		ADOPTED^		
Gypsum	Prohibition of the operation of clubs, cultivation facilities, product manufacturing facilities, testing facilities, and retail stores.		ADOPTED^		
Holyoke	Prohibition of the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, or retail marijuana establishments. SUNSETS at the time of the 2014 general election, at which point voters can either approve or reject the ordinance		ADOPTED^		
Hudson	Prohibition of any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store. Prohibition of marijuana clubs.		ADOPTED^		
Johnstown	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		

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Municipality	Type of Issue	2012	2013	2014	2015
Palisade	Temporary moratorium and delay on the acceptance, processing and approval of all applications for any Town of Palisade permit, license or any other application pertaining to the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores, as well as marijuana clubs, until Jan. 15, 2015.		ADOPTED		
Palmer Lake	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Parker	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.	ADOPTED^			
Poncha Springs	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Severance	Prohibition of the operation of marijuana cultivation facilities, product manufacturing facilities, testing facilities and retail stores within city limits		ADOPTED^		
Steamboat Springs	Moratorium on any business that permits or invites private assembly for the purpose of the use or consumption in any manner of marijuana or marijuana products in any form .		ADOPTED		
Sterling	Prohibition of the operation of marijuana cultivation facilities, product manufacturing facilities, testing facilities and retail stores within city limits		ADOPTED^		
Superior	Ordinance to comply with Amendment 64 age, grow, and possession provisions.		ADOPTED-		
	Prohibition of marijuana cultivation, product manufacturing, testing facilities, retail marijuana stores, and marijuana clubs.		ADOPTED^		
Thornton	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
Vail	Moratorium on the operation of marijuana establishments pursuant to Amendment 64 to Jan. 1, 2014.		ADOPTED		
Victor	Unlawful for any person to operate, cause to be operated, or permit to be operated in the City a marijuana establishment, and marijuana establishments are hereby prohibited at all locations in the City. (includes private marijuana clubs)		ADOPTED^		
Westcliffe	Prohibits "certain businesses related to the establishment, operation, and licensing of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the town of Westcliffe."		ADOPTED^		
Westminster	Prohibition on retail sale, distribution, cultivation and dispensing of recreational marijuana through marijuana establishments and optional premises cultivation operations.		ADOPTED^		
	Ordinance to comply with Amendment 64 age, grow, and possession provisions.		ADOPTED-		
Williamsburg	Prohibition of marijuana cultivation, product manufacturing, testing facilities, and retail marijuana stores.		ADOPTED^		
	Ordinance to comply with Amendment 64 age, grow, and possession provisions.		ADOPTED-		
Windsor	Prohibition of the operation of any marijuana business enterprise within the meaning of Amendment 64. Prohibition of the establishment and operation of private marijuana clubs.		ADOPTED^		
Woodland Park	Prohibition of marijuana cultivation, product manufacturing, testing facilities, retail marijuana stores, and marijuana membership clubs. Prohibits selling marijuana grown for personal use.		ADOPTED^		

+ Regulation by council action ^ Prohibition by council action - Amendment of municipal code by council action

Appendix B: Municipal Actions & Elections

Table 6: Recreational Marijuana Prohibition, Regulation and Taxation: 2012-August 2013

Municipality	Type of Issue		2012	2013	2014	2015
TOTALS	Local Opt-Out Ballot Questions Results:					
		Prohibit:	0	0		
		Allow:	0	0		
		Totals	0	0		
	Council Actions:					
		Prohibit:	2	51		
		Regulate:	0	1		
		Comply with Amendment 64:	1	13		
		Moratoria:*	3	23		
		Totals	6	88		
	CUMULATIVE ELECTION TOTALS:					
		Prohibit: 0				
		Regulate: 0				
	CUMULATIVE COUNCIL ACTION TOTALS:					
		Prohibit: 53				
		Regulate: 1				
		Comply: 14				
		Moratoria:* 26				
		TOTAL: 94 (56.4% prohibition rate)				

** Does not include moratoria that have expired or were supplanted by subsequent ordinances*