

governing such plans and plats by the Board of County Commissioners for the unincorporated areas of Garfield County, Colorado. Pursuant to this authority, the Board of County Commissioners may amend such subdivision regulations from time to time.

E. Pursuant to Section 4-114 of the Land Use and Development Code, the Board of County Commissioners initiated a text amendment to the LUDC.

F. On September 14, 2016, the Garfield County Planning Commission, with a 7-0 vote, recommended to the Board of County Commissioners, that the Board approve a text amendment pursuant to their recommendation.

G. On November 7, 2016, the Board of County Commissioners held a public hearing at which time, the Board of County Commissioners on the basis of substantial competent evidence produced at the aforementioned hearing, made the following determinations of fact:

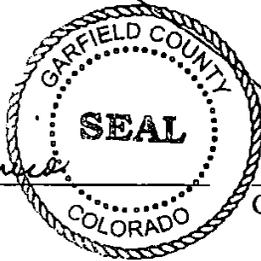
1. The proposed text amendment is in compliance with any applicable intergovernmental agreements.
2. The proposed text amendment does not conflict with State Law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that the Garfield County Land Use and Development Code, and as subsequently amended by this Board, shall be and hereby is amended and said language will be incorporated into the codified Garfield County Land Use and Development Code as shown on the attached Exhibit A.

ADOPTED this 21st day of November, 2016

ATTEST:

Jean M. Alberico
Clerk of the Board



GARFIELD COUNTY BOARD OF COMMISSIONERS, GARFIELD COUNTY, COLORADO
[Signature]
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

John Martin, Aye
Tom Jankovsky, Aye
Mike Samson, Aye

EXHIBIT A

Section 7-1201 - Accessory Use

The following shall apply to all Accessory Buildings, Structures, or Uses.

Use Table 3-403:

Table 3-403: Use Table														
<i>/P/ By Right /A/ Administrative Review /L/ Limited Impact Review /M/ Major Impact Review /E/ Exempt from County Review and Standards</i>														
Use Category	Use Type	Residential Districts				Nonresidential Districts				Resource Land Zone Districts				Unless exempted, all uses must comply with Article 7 Standards including Use-Specific Standards.
		R	RS	RU	RM HP	CL	CG	I	PL	RL P	RL E	RL TS	RL GS	
ACCESSORY USES AND STRUCTURES														
	Building or Structure, Accessory	P	P	P	P	P	P	P	•	P	P	P	P	7-1201
	Fence, Hedge or Wall	P	P	P	P	P	P	P	•	P	P	P	P	7-1201
	Marijuana, Personal Use, Medical Use or Caregiver (up to 300 Square Feet)	P	P	P	P	P	P	P	•	P	P	P	P	7-1201(C)

Section 7-1201(C) - Marijuana, Medical, Personal or Caregiver:

1. Any person growing marijuana for their own medical use, for their patients' medical use, or for personal use shall comply with the County land use code and the adopted Building Code.
2. Any person growing marijuana shall grow it in an Enclosed Locked Space not viewable by the public or adjacent property.
3. All cultivation of marijuana shall only occur as an accessory use to a Dwelling Unit.
4. All cultivation of marijuana shall only occur in the primary residence of the patient, caregiver or person over 21 years old, or in an accessory structure on the same property.
5. Each Lot is restricted to the following marijuana growing space and plant count limitations regardless of the number of patients, primary caregivers, or persons over the age of 21 residing on one Lot:

<u>Lot Size and Dwelling Unit Count</u>	<u>Grow Area and Plant Count Limitation</u>
<u>20,000 Square Feet or more and with 2 or fewer Dwelling Units</u>	<u>300 Contiguous Square Feet and not to exceed 36 Plants per Lot</u>
<u>Less than 20,000 Square Feet and with 2 or fewer Dwelling Units</u>	<u>100 Contiguous Square Feet and not to exceed 12 Plants per Lot</u>
<u>Any Lot with 3 or more Dwelling Units</u>	<u>100 Contiguous Square Feet and not to exceed 12 Plants per Dwelling Unit</u>

6. All cultivation of marijuana shall not cause odors, smoke, heat, glare or light that is detectable to a person of normal senses beyond the property line of the property upon which the use is being conducted, or in an adjacent dwelling unit or public area.
7. All chemicals utilized in the growing of marijuana shall be used, stored, and disposed of in accordance with all applicable laws and regulations. In addition, all spent soils shall be disposed of in accordance with all applicable laws and regulations.

Article 15

Agriculture. The use of land for production, cultivation, growing and harvesting of crops and plants; raising and breeding livestock, commercial animal feed lot operations; harvesting, storage, grading, packaging, processing, and distribution of agricultural commodities; construction of internal roads, ponds, dams and ditches necessary to agricultural operations, excepting those regulated as Water Impoundment; dairying, aquaculture, horticulture, floriculture, viticulture, nursery, and animal and poultry husbandry; and the necessary Accessory Uses and Structures needed for harvesting, packing, treating, or storing, excluding forestry. Agriculture does not include the growing of marijuana for Medical Use, Personal Use, Caregiver, or Optional Premises Cultivation Operation (OPCO) purposes.

Enclosed Locked Space. Shall mean a permanent or semi-permanent structure covered and surrounded on all sides (eg. walls, roof and doors) so that no plants are visible to the public or adjacent property that is secured at all points of ingress or egress with a locking mechanism designed to limit access such as with a key or combination lock.

Marijuana, Personal Use. Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense under Colorado law or the law of any locality within Colorado or be a basis for seizure or forfeiture of assets under Colorado law for persons twenty-one years of age or older:

- a. Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana.
- b. Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.
- c. Transfer of one ounce or less of marijuana without remuneration to a person who is twenty-one years of age or older.
- d. Consumption of marijuana, provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others.
- e. Assisting another person who is twenty-one years of age or older in any of the acts described in paragraphs (a) through (d) of this subsection.

Marijuana, Medical Use. The acquisition, possession, production, use, or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating medical condition, which may be authorized only after a diagnosis of the patient's debilitating medical condition by a physician or physicians, as provided by this section.

Marijuana, Caregiver. "Primary care-giver" means a person, other than the patient and the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. Colo. Const. Art. XVIII, Sec. 14 (f).