

D. On June 18th, 2012, the Garfield County Board of County Commissioners closed the public hearing regarding the proposed amendments to the text of the Land Use Code; and

E. The Board of County Commissioners, on the basis of substantial competent evidence produced at the aforementioned hearing, has made the following determinations of fact:

1. Proper public notice was provided as required for the meeting before the Board of County Commissioners.
2. The public hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting.
3. The above stated and other reasons, the proposed amendments to the text of the Unified Land Use Resolution of 2008, as amended, has been determined to be in the best interest of the health, safety, convenience, order, prosperity and welfare of the citizens of Garfield County.
4. The application has met the requirements of Sections 4-202 of the Garfield County Unified Land Use Resolution of 2008, as amended, and specifically: (Section 4-202(A)(8) and (9)):

Section 4-202(A)(8)

- a) Compliance with Comprehensive Plan and Intergovernmental Agreements. The proposed text amendment is consistent with applicable provisions of the Garfield County Comprehensive Plan and any intergovernmental agreements affecting land use or development or an approved amendment to the Comprehensive Plan prior to the decision on the text change.
- b) Compliance with Statutory Provisions. The proposed text does not conflict with State statutory provisions regulating land use.

Section 4-202(A)(9)

- a) Increased Hazards. The proposed use does not result in hazards or alter the natural environment to an extent greater than the other uses permitted in the zone district to which it would be added.
- b) Increased Nuisance. The proposed use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than that normally resulting from the other uses permitted the zone

district to which it would be added.

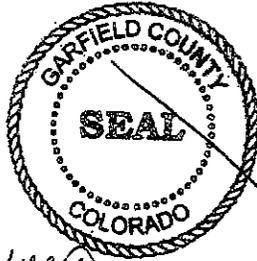
- c) Compatibility. The proposed use is compatible with the uses permitted the zone district to which it would be added.

RESOLUTION

NOW, THEREFORE, pursuant to the regulatory authorities set forth above, the Garfield County Board of County Commissioners does hereby APPROVE the amendments to the text of the Garfield County Unified Land Use Resolution of 2008, as amended, specifically, adding NEW REGULATIONS REGARDING OPTIONAL PREMISES CULTIVATION OPERATIONS (OPCO) FOR MEDICAL MARIJUANA ALSO KNOWN AS 'GROW OPERATIONS' and are specifically contained in Exhibit A, attached.

Dated this 18th day of June, A.D. 20 12.

ATTEST:



GARFIELD COUNTY BOARD OF
COMMISSIONERS, GARFIELD COUNTY,
COLORADO

Jean M. Alberico
Clerk of the Board

[Signature]
Chairman

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

COMMISSIONER JOHN F. MARTIN, CHAIR _____, Aye
COMMISSIONER MIKE SAMSON _____, Aye
COMMISSIONER TOM JANKOVSKY _____, Aye

EXHIBIT A

The following new definitions shall be added to Article XVI of the Unified Land Use Resolution of 2008, as amended:

- i. Colorado Medical Marijuana Code means C.R.S. § 12-43.3-101, et seq. and any regulations promulgated thereunder.
- ii. Marijuana means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, but excludes the plant's stalks, stems, and roots.
- iii. Medical Marijuana means Marijuana that is grown or sold pursuant to the Colorado Medical Marijuana Code, and for the purpose of assisting patients as authorized by Section 14 of Article XVIII of the Colorado Constitution.
- iv. Medical Marijuana Patient means a person who has a debilitation medical condition that was previously diagnosed by a physician and has properly obtained a registry card from the Colorado Department of Public Health & Environment prior to engaging in the use of Medical Marijuana as authorized by Section 14 of Article XVIII of the Colorado Constitution.
- v. Optional Premises Cultivation Operation means a person who has been issued a Medical Marijuana center and/or infused product manufacturing license pursuant to the Colorado Medical Marijuana Code, and who is licensed or seeking licensing to grow or cultivate Medical Marijuana at a Premises for the purpose of supplying its associated licensed center or infused product manufacturer. Manufacturing of Marijuana-infused products and retail sales of Medical Marijuana are expressly prohibited in unincorporated Garfield County, including at an Optional Premises Cultivation Operation. The term "Optional Premises Cultivation Operation" does not apply to the private cultivation of Medical Marijuana by a registered patient or primary caregiver who is growing an amount medically necessary to addresses a debilitating medical condition as set forth in Section 14(4) of Article XVIII of the Colorado Constitution.
- vi. Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area used exclusively for an Optional Premises Cultivation Operation.

- vii. State Licensing Authority means the Colorado Department of Revenue, the authority created pursuant to the Colorado Medical Marijuana Code for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of medical marijuana in Colorado.
- viii. Local Licensing Authority means the the Garfield County Board of County Commissioners which shall be responsible for regulating and controlling the licensing of the cultivation of Medical Marijuana in unincorporated Garfield County.
- ix. Residential Child Care Facility means a facility licensed by the state department pursuant to this part 1 to provide twenty-four-hour group care and treatment for 5 or more children operated under private, public, or non-profit sponsorship. Residential Child Care Facility includes community-based residential child care facilities as defined in rule by the state board, and psychiatric residential treatment facilities as defined in section 25.5-4-103 (19.5), C.R.S. A residential child care facility may be eligible by designation by the executive director of the state department pursuant to article 65 of title 27, C.R.S.

The following existing definitions in Article XVI of the Unified Land Use Resolution of 2008, as amended shall be modified as follows:

Commercial Nursery/Greenhouse. A use which may contain greenhouses where trees, shrubs, flowers or vegetable plants are grown and sold either wholesale or retail and where other directly related non-organic materials may be sold. An Optional Premises Cultivation Operation may not be operated as a Commercial Nursery/Greenhouse.

Home Office/Business. Any use for gain or support carried on as an accessory use within a dwelling unit or a building accessory to the dwelling unit, which does not create the appearance or impact of a commercial activity. An Optional Premises Cultivation Operation may not be operated as a Home Office/Business.

The use **Optional Premises Cultivation Operation (OPCO)** shall be added to Table 3-501 in Article III. This use shall be allowed in the County's Commercial and Industrial Zone Districts and shall require a Major Impact Review.

USE	ZONE DISTRICT								
	RURAL	RESIDENTIAL - SUBURBAN	RESIDENTIAL - URBAN	Residential Manufactured Home	COMMERCIAL - BUSINESS	COMMERCIAL - LIMITED	COMMERCIAL - GENERAL	INDUSTRIAL PUBLIC LANDS	
Optional Premises Cultivation Operation					M	M	M	M	I *

[Note: the asterisk in the Public Lands column is intended to direct the reader to the federal government for their policies / laws regarding cultivation operations for Medical Marijuana.]

The following section includes standards that shall be added for an **Optional Premises Cultivation Operation** as a new section 7-841 of the Unified Land Use Resolution of 2008, as amended:

Section 7-841 Optional Premises Cultivation Operation

- A. The use of land, buildings, or structures to grow, produce, cultivate, sell, dispense, distribute, store, test, or Manufacture Marijuana and/or Marijuana-infused products is not permitted anywhere in unincorporated Garfield County, except to the extent specifically set forth in this Section 7-841. This section will not be construed to apply to the private cultivation of Medical Marijuana by a registered patient or primary caregiver as defined in Article XVIII, Section 14 of the Colorado Constitution.
- B. General Review Standards. All Applications shall demonstrate they have met the standards in Divisions 1, 2, and 3 of Article VII.
- C. Signs. All signage associated with a Optional Premises Cultivation Operation shall be prohibited.
- D. Odor. An Optional Premises Cultivation Operation shall not produce adverse or noxious odors that can be detected outside of the licensed Premises in which it is occurring. All applications shall include proposed methods of odor control.

- E. Visual. All Marijuana plants, products, and associated equipment identifying the use as a Optional Premises Cultivation Operation shall be contained entirely within an enclosed building and shall not be visible from outside the building. All applications shall provide an Alarm System and Security System Plan for the subject building that meets state law for buildings containing an OPCO. All processing, packaging, and business transactions shall take place indoors and in a manner that does not disclose the identity of the use. The facility shall be constructed in a manner that prevents any nighttime leakage of lighting. All products being transported from the Optional Premises Cultivation Operation shall be wrapped or contained in such a manner that does not disclose its contents.
- F. Location. A Optional Premises Cultivation Operation shall meet the following location standards where no facility shall be located any closer than 1,000 feet from any of the following uses:
1. An Education Facility
 2. A Family Child Care Home
 3. A Public Park
 4. Drug & Alcohol Treatment Facilities (aka "Group Home Facility")
 5. A Place of Worship
 6. Public Building

For purposes of this provision, the distance between the Optional Premises Cultivation Operation and the neighboring land use described above shall be measured as the crow flies from the nearest property line of the land used as listed above to the nearest portion of the building in which Medical Marijuana is to be cultivated.

No land Use Change Permit shall be issued to an Optional Premises Cultivation Operation that is connected with a Medical Marijuana Center outside of Garfield County.

- G. On-Site Use: The consumption, ingestion or inhalation of Medical Marijuana or alcohol shall be prohibited in or on the Premises of an Optional Premises Cultivation Operation.
- H. Other Applicable Licenses. Prior to operating, an Optional Premises Cultivation Operation must obtain and comply with the terms of all applicable state and local licensing and present those approved licenses to the Garfield County Planning Department and County Clerk and Recorder. An Optional Premises Cultivation Operation shall post these documents within the premises. For Optional Premises Cultivation Operations that existed prior to June 21, 2010, and have been confirmed by the Board of County Commissioners through the local verification process in a public hearing, shall be required to provide proof of that approval.



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- I. On-Site Notice. There shall be posted in a conspicuous location in each Optional Premises Cultivation Operation a legible sign as required by state law.

- J. Compliance with other laws and regulations. An Optional Premises Cultivation Operation shall comply with all applicable state and local building codes, laws and regulations.