

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES
WEDNESDAY, MAY 4, 2016
REGULAR MEETING
Second Floor, Miramonte Building
Telluride, Colorado

Present: Chair Joan May
Vice-Chair Art Goodtimes
Absent: Commissioner Elaine R.C. Fischer
Staff Present: County Administrator Lynn Black
County Attorney Steve Zwick
Chief Deputy Clerk Carmen Warfield
Planning Technician John Huebner

1. Call to order.
9:30 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
 - a. Acceptance of the April 2016 Road Report.
 - b. Approval of an Agreement for Services with Souther Brother Construction for site preparation and installation of two shade structures at the Fairgrounds Ballfields to be paid from the 2016 OSR budget in an amount not to exceed \$5,400.
 - c. Approval of USFS Collection Agreement 15-CO-11020405-030 for the high alpine country management of Black Bear, Ophir, and Imogene Pass roads for 2016 summer season.

MOTION by Goodtimes to approve [consent agenda] as presented. **SECONDED** by May. **PASSED 2-0.**

5. ADMINISTRATIVE MATTERS:
 - a. Introduction and update with Mandy Miller, Executive Director of San Miguel Resource Center and a Public Reading and Approval of County Proclamation proclaiming May as 2016 Sexual Assault Awareness Month.

Present: Mandy Miller, Executive Director of San Miguel Resource Center

MOTION by Goodtimes to approve [proclamation] as presented. **SECONDED** by May. **PASSED 2-0.** (ATTACHMENT I – Proclamation #2016-3)

- b. Update with BLM Tres Rios Field Office. May 2016.

Present: Connie Clementson, BLM Tres Rios Field Office Manager, Nathaniel West, BLM Wildlife Biologist, Mike Rozycki, County Planning Director, Dave Schneck, Environmental Health Director

6. PLANNING MATTERS:
 - a. **10:00 a.m. PUBLIC HEARING:** Consideration of proposed changes to Land Use Code (LUC) Section 5-29 Medical and Retail Marijuana Facilities, to 1) remove the requirement in LUC 5-2903 B. 2. that prohibits applicants from applying for a Special Use Permit for a marijuana cultivation facility unless they have a retail store within County or municipality within the County, 2) remove provision in LUC 5-2901 B. General that states that infused product manufacturing may only be allowed as an accessory use to a marijuana cultivation facility, and 3) replace the definitions with the most current definitions contained in the Code of Colorado Regulation Marijuana Enforcement Division, except for the county definitions of “substantial greenhouse” and “residential areas”.

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10:16 a.m. Chair opened the Public Hearing.

Mike Rozycki, County Planning Director, entered certain documents into the record.
(ATTACHMENT II – List) (EXHIBIT A – Documents)

Those who addressed the Board:
Mike Rozycki, County Planning Director
Linda Soucie, Norwood Resident

Others present: Karen Henderson, County Associate Planner

10:31 a.m. Chair closed the Public Hearing.

MOTION by Goodtimes to approve the three Land Use Code amendments [below] and the one minor change[s] as presented [to LUC Section 5-29:

1. To remove the requirement in LUC Section 5-2903 B. 2. General Requirements that prohibits applicants from applying for a Special Use Permit for a marijuana cultivation facility unless they have a retail store in San Miguel County or within a municipality within the County that is under the same ownership and licensing as the proposed cultivation facility. This same limiting provision is included in the BOCC adopted Local Licensing Standard and to fully implement this change the Board would also need to amend the County's Local Licensing standards.
2. To remove the LUC provision in 5-2901 B. General that states that Infused Product Manufacturing may only be allowed as an Accessory Use in a Cultivation Facility. The change would allow applications for infused product manufacturing as a "stand-alone" use subject to a Two-step Special Use Permit Review. There is nothing in the Local Licensing Standards that prohibits a "stand-alone" infused product manufacturing facility.
3. To replace the current definitions in LUC Section 5-29 or elsewhere in the LUC Definition Section with the most current definitions contained in the Code of Colorado Regulations, Marijuana Enforcement Division (see definitions in the in the draft LUC Section 5-2908). The County's definition of "Substantial Greenhouse" and the definition of "Residential Areas" and their depiction along with the ½ mile buffer on the BOCC approved map are not proposed to be changed or modified as part of this amendment.

finding the proposed amendments meets LUC Section 5-18 for Amendments to the San Miguel County Land Use Code.] **SECONDED** by May. **PASSED 2-0**.
(ATTACHMENT III – Resolution #2016-10)

- b. Consideration of a Resolution amending Resolution #2012-10 as it pertains to the adoption of additional Local Licensing Standards for the issuance of licenses for medical marijuana optional premises cultivation located within unincorporated San Miguel County, removing the requirement for owning a licensed medical marijuana center in the County.

Present: Mike Rozycki, County Planning Director

MOTION by Goodtimes to approve the amended changes to resolution #2012-10 as presented. **SECONDED** by May. **PASSED 2-0**. (ATTACHMENT IV – Resolution #2016-11)

- c. Consideration of a Resolution amending Resolution #2013-15 as it pertains to the adoption of additional Local Licensing Standards for the issuance of licenses for retail marijuana cultivation facilities located within unincorporated San Miguel County, removing the requirement for owning a licensed retail marijuana store in the County

Present: Mike Rozycki, County Planning Director

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MOTION by Goodtimes to approve the amended changes to resolution #2013-15 as presented. **SECONDED** by May. **PASSED 2-0.** (ATTACHMENT V – Resolution #2016-12)

- d. Consideration of an application submitted by the Telluride Regional Airport seeking to locate a vehicle impound parking lot adjacent to the airport's hangars, to serve the regional government's law enforcement entities, and to be operated by Telluride Tire and Auto

Present: Mike Rozycki, County Planning Director, Rich Nuttall, Telluride Airport Manager; Stuart Armstrong, Telluride Tire owner

MOTION by Goodtimes to approve the Telluride Regional Airport vehicle impound parking lot, [and approval is subject to] the conditions recommended by the County Planning Department [as follows]:

1. The use of the impound lot is limited to impounded vehicles by a government or public entity.
2. Continued representation from the Airport/FBO Manager.
3. A maximum of 20 vehicles at a time.
4. Any car parts or portions of cars shall be housed in the building on the site.
5. Lighting is limited to the light represented in the application.
6. There will be a review in 2 years or earlier if the operator changes.

SECONDED by May. **PASSED 2-0.**

- e. Discussion of Industrial Hemp cultivation.

Present: Mike Rozycki, County Planning Director, Steve Zwick, County Attorney

- f. Update of Planning Commission meeting agenda on May 11, 2016

10:45 a.m. Recessed.

10:52 a.m. Reconvened.

7. SAN MIGUEL COUNTY HOUSING AUTHORITY:

- a. Update on 2014 compliance effort.

Present: Lois Major, Attorney representing County; Shirley Diaz, San Miguel Regional Housing Authority Director

- b. Discussion and Review of 2014 Notice of Violation for Lot 26 Lawson Hill PUD, Ashley Boling and Susan Beraza.

Present: Lois Major, Attorney representing County; Shirley Diaz, San Miguel Regional Housing Authority Director, Steve Zwick, County Attorney, Ashley Boling, Owner Lot 26 Lawson Hill PUD

MOTION by Goodtimes to approve as presented [granting the Owners a 45-day extension from May 4, 2016, to resolve the valuation issues]. **SECONDED** by May. **PASSED 2-0.**

- c. Discussion and Review of 2014 Notice of Violation for Lots 316-1, 2 and Lawson Hill PUD, Pamela Hall and Kevin Edholm

Present: Lois Major, Attorney representing County; Shirley Diaz, San Miguel Regional Housing Authority Director

MOTION by Goodtimes to approve as presented [granting an extension of time to cure the violation as described in the October 2014 NOV for six months with the following conditions:

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1. Lawson Hill Lots 316-1, 2, and 3 may not be used as collateral or be burdened with any additional deeds of trust;
 2. The Owners shall sell to a qualified buyer(s) and shall send any interested buyer(s) to SMRHA to apply. Upon approval, buyers shall present a letter stating they are qualified to the Owners before entering a purchase contract;
 3. The Owners shall present quarterly updates (every three months, beginning June 1, 2016) to SMRHA that will document the continuous advertising of the lots and any further changes in asking price;
 4. If the Lawson Hill Lots are not sold within six months, the Owners shall place the Lawson Hill lots for sale at the purchase price or a pro-rata share of the original purchase price, if applicable;
 5. The County is authorized to execute an exception agreement as prepared by the County Attorney's Office, if necessary. **SECONDED** by May. **PASSED 2-0.**
8. ADMINISTRATOR'S REPORT:
- a. Update with County Administrator.
 1. State Land Board newspaper article.
 2. Broadband – Continuing to process broadband expansion project easements.
 3. Dolores County has been awarded a \$2 million grant from the Department of Local Affairs for a Public Service Center.

Present: Lynn Black, County Administrator

9. COMMISSIONER AND PUBLIC DISCUSSION:
- a. ~~Public Discussion.~~
 - b. Update on Outside Meetings.
 1. Elaine Fischer-
 2. Art Goodtimes – Community Building Assn / CCI
 3. Joan May – Outdoor Alliance / IG
 - c. ~~Website postings and press releases.~~
 - d. ~~General Discussion.~~
10. ATTORNEY MATTERS:
- a. Update on litigation.
 1. GHDC v. TSG and SMC BOCC, San Miguel County CO Supreme Court cert position response, Citation (4)(b).
 2. Update on the C.R. S7 litigation, Citation (4)(b).
 3. Halper et al. V. San Miguel County Assessor et al. SMCO Dist. Ct. Case No. 2015CV4 Division 5, Citation (4)(b)
 - b. Discussion of the letter of agreement with Idarado and the Town of Telluride concerning the conveyance of the Pandora Mill and related matters, Citation (4)(f).
 - c. Update on BAA cases, Citation (4)(b).

Present: Steve Zwick, County Attorney; Earl Rhodes, Attorney representing County

MOTION by Goodtimes to go into Executive Session to discuss GHDC v. TSG and SMC BOCC, San Miguel County CO Supreme Court cert position response, Citation (4)(b), update on the C.R. S7 litigation, Citation (4)(b), Halper et al. V. San Miguel County Assessor, et al. SMCO Dist. Ct. Case No. 2015CV4 Division 5, Citation (4)(b), Discussion of letter of agreement with Idarado and the Town of Telluride concerning the conveyance of the Pandora Mill and related matters, Citation (4)(f), and Update on BAA cases, Citation (4)(b). **SECONDED** by May. **PASSED 2-0.**

Note: The County Attorney requested that items 10.a.1, 10.a.2., 10.a.3, and 10.c. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT VI)

Note: Executive Session Minutes are confidential under 24-6-402(2) (d.5) (II)(A)(C), C.R.S. – Item 10.b.

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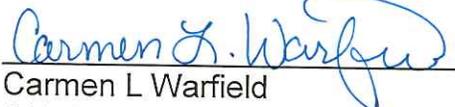
12:10 p.m. Recessed.
1:07 p.m. Reconvened.

Board discussed only the five items in Executive Session it stated.

11. Adjournment.
1:08 p.m.

Audio MP3 20160504-BOCC-Audio.

Respectfully submitted,

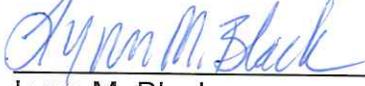

Carmen L Warfield
Chief Deputy Clerk

APPROVED June 29, 2016

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Joan May, Chair

ATTEST:


Lynn M. Black
County Administrator

**EXHIBIT A FILED IN CABINET DRAWER MARKED "EXHIBITS" OR STORED IN
COUNTY CLERK'S OFFICE.**



Proclamation of the Board of Commissioners of San Miguel County, Colorado,
Proclaiming May 2016 Sexual Assault Awareness Month

Proclamation #2016- 3

WHEREAS, sexual assault affects everyone - men, women, children, families, and communities of all racial, cultural, and economic backgrounds; and

WHEREAS, young people experience heightened rates of sexual violence one in four girls and one in six boys will be sexually assaulted before they are old enough to vote; and

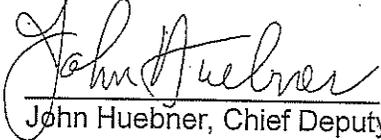
WHEREAS, prevention is possible when everyone gets involved; it is critical to intensify public awareness of sexual assault; and

WHEREAS, sexual assault affects each of us in San Miguel County - as a victim/survivor or as a friend, family member, significant other, neighbor or co-worker of a victim/survivor; and

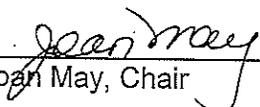
NOW THEREFORE, We the County Commissioners of San Miguel County do hereby proclaim the month of May 2016 as **Sexual Assault Awareness Month** in San Miguel County. We recognize that sexual assault victim/survivors in San Miguel County deserve the availability of quality services in our community; we support victim/survivors, their families and friends; and we honor the dedicated individuals who provide San Miguel County residents with crisis intervention, prevention education, and victim/survivor advocacy. We commend this observance to all citizens.

APPROVED this 4th day of May, 2016, by the San Miguel County Board of Commissioners of San Miguel County, Colorado, at a public meeting held in Telluride, Colorado.

ATTEST:


John Huebner, Chief Deputy Clerk

SAN MIGUEL COUNTY
BOARD OF COMMISSIONERS

By: 
Joan May, Chair



Public Hearing Record

Board of County Commissioners

Application: Land Use Code Amendment: Section 5-29 Medical and Retail Marijuana
Facilities

Date: May 4, 2016

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from the San Miguel County Planning Department Staff dated May 4, 2016.
4. Copies of draft resolutions for proposed Land Use Code amendment.
5. Public Hearing Notice published in the Norwood Post on April 20, 2016 and published in the Telluride Daily Planet on April 20, 2016.
6. Minutes of the October 14, 2015 County Planning Commission meeting (by Reference Only).
7. Minutes from the January 13, 2016 County Planning Commission meeting.
8. Meeting Notice for the February 3, 2016 Board of Commissioner meeting in Placerville and notice sent to Placerville Townsite and surrounding properties.
9. Memorandum from Town of Norwood Board of Trustees to San Miguel County Planning Commission dated January 13, 2016.
10. Email from Douglas Avery to Karen Henderson dated January 20, 2016.
11. Email from Therin Pace to Karen Henderson dated January 21, 2016.
12. Notice of Board of County Commissioners meeting to be held in Placerville, Colorado on February 3, 2016 sent to Placerville area residents.
13. Email from Lucinda Carr and Nancy Heim to Mike Rozycki dated January 28, 2016.
14. Email to from Mike Rozycki to Patti Grafmyer dated March 10, 2016.

ATTACHMENT III

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO,
ADOPTING AMENDMENTS TO
THE SAN MIGUEL COUNTY LAND USE CODE SECTION 5-29 MEDICAL AND
RETAIL MARIJUANA FACILITIES & ESTABLISHMENTS TO REMOVE THE
REQUIREMENT THAT A RETAIL STORE OR MEDICAL CENTER IS REQUIRED
TO HAVE A CULTIVATION OR INFUSED PRODUCT FACILITY IN THE COUNTY**

Resolution 2016-10

WHEREAS, Planning staff in response to requests from individuals in the Marijuana industry drafted a number of proposed changes to the current Land Use Code (LUC) Section 5-29 as adopted by the Board of County Commissioners (BOCC) in February 2014. These proposed changes and amendments were presented to the County Planning Commission (CPC) in a work session held on October 14, 2015 in Telluride and again at a public meeting held on January 13, 2016 in Norwood. At the January 13 meeting the CPC recommended approval of three (3) of the eight (8) items that staff had proposed be changed as part of this proposed amendment to LUC Section 5-29. The Planning Commission unanimously passed the following recommendations for the BOCC's consideration:

1. To remove the requirement in LUC Section 5-2903 B. 2. General Requirements that prohibits applicants from applying for a Special Use Permit for a marijuana cultivation facility unless they have a retail store in San Miguel County or within a municipality within the County that is under the same ownership and licensing as the proposed cultivation facility. This same limiting provision is included in the BOCC adopted Local Licensing Standard and to fully implement this change the Board would also need to amend the County's Local Licensing standards.
2. To remove the LUC provision in 5-2901 B. General that states that Infused Product Manufacturing may only be allowed as an Accessory Use to a Cultivation Facility. The change would allow applications for infused product manufacturing as a "stand-alone" use subject to a Two-step Special Use Permit Review. There is nothing in the Local Licensing Standards that prohibits a "stand-alone" infused product manufacturing facility.
3. To replace the current definitions in LUC Section 5-29 or elsewhere in the LUC Definition Section with the most current definitions contained in the Code of Colorado Regulations, Marijuana Enforcement Division (see definitions in the in the draft LUC Section 5-2908). The County's definition of "Substantial Greenhouse" and the definition of "Residential Areas" and their depiction along with the ½ mile buffer on the BOCC approved map are not proposed to be changed or modified as part of this amendment;

WHEREAS, the current LUC provisions state that Marijuana Establishments and Facilities are not allowed within the Wright's Mesa Master Plan Norwood Future Land Use Plan Area. This provision was included in the BOCC's adoption of LUC Section 5-29 at the request of the Town of Norwood. Due to several inquiries about allowing marijuana facilities in the WMLI area staff proposed eliminating this language in favor of stating that Marijuana Facilities (cultivation facilities and infused product manufacturing but not retail sales) may be allowed in the Wright's Mesa Light Industrial (WMLI) Zone District, which would be entirely within the Norwood

MEMO

Future Land Use Plan area, subject to approval through a Two-step SUP review which would be referred to the Town of Norwood. On the morning of the January 13, 2016 CPC meeting the Town of Norwood Board of Trustees provided comments expressing a number of concerns about the proposed amendments, foremost is their concern about potentially allowing marijuana facilities and establishments in the WMLI zone district. A number of folks at the January CPC meeting spoke out against allowing marijuana facilities within the WMLI Zone District. During the Planning Commission meeting based on the request from the Town and opposition from several WM residents' staff deferred this proposed change to amend the Land Use Code to allow Marijuana Facilities in the Wright's Mesa Zone District;

WHEREAS, Planning Department staff is not recommending approval of the amendment to allow marijuana facilities in the Wright's Mesa Light Industrial Zone District unless property owners and residents who owned property in the WMLI area come forward and state they support having the WMLI area, as identified in the Wright's Mesa Master Plan, as appropriate an appropriate zone district for applications for SUPs to allow marijuana cultivation and/or infused product manufacturing. The Planning Commission did not recommend making this change to the LUC at their January 13, 2016 meeting. Since the CPC meeting the Planning office has received an email from Theron Pace, Foreign Cars Inc. who owns property in the designated light industrial area for Norwood stating he supports the "commercial growing" of marijuana in the WMLI district. Staff also received a letter from Doug Avery a Wright's Mesa resident supporting allowing growing of marijuana in the "light commercial" district of Norwood. The planning office received an email from Lucinda Carr, Mesa Canyon Studio, who resides at 525 CR 43ZS stating she and her partner are opposed to an amendment that would allow more pot growing operations on the "Vet" Road;

WHEREAS, in addition to the previously mentioned amendments, staff had drafted several proposed changes to LUC Section 5-29 pertaining to Area & Bulk Requirements such as, minimum lot area requirements, the maximum size for proposed buildings of greenhouses including allowing the use of existing buildings for cultivation facilities even if they are larger than the maximum size allowed for new buildings, and more detailed site development standards. Due to concerns expressed by the public staff recommended not proceeding with these changes at this time;

WHEREAS, the draft amendments to LUC Section 5-29 also included adding the Placerville Commercial (PC) Zone District, as a zone where an owner would be eligible to apply for a SUP to allow a Marijuana Facility or Establishment on Front Street in Placerville. This amendment adding the PC Zone District to the list of zones where marijuana facilities and establishments may be allowed would have also required a modification to the previously designated ½ mile buffer from a Residential Area as approved by the BOCC in February 2014. In proposing this change it was recognized that it would be necessary and appropriate to hold a public meeting in Placerville to hear from Placerville and surrounding area residents of their opinions and reactions to allowing marijuana establishments and facilities in the Placerville area. It was abundantly clear from the twenty or so individuals who attended the public meeting at the Placerville School House in the evening on February 3, 2016 that they do not want to see marijuana businesses or facilities located in Placerville. The Planning staff has removed any reference to the PC Zone District from the latest draft of the proposed amendments to LUC Section 5-29;

WHEREAS, the Planning Department sent out notice of the Public Hearing to the Town of Norwood and members of the public who expressed an interest in the meeting attaching a draft copy of the proposed amendments. A Public Hearing Notice for the proposed amendments was published in the Norwood Post on April 20, 2016 and the Telluride Daily Planet on April 20, 2016.

WHEREAS, the Board of Commissioners of San Miguel County Colorado considered this amendment, along with relevant evidence and testimony from the public, following public hearing on May 4, 2016 and finds that the amendment meets the requirements set forth in Section 5-1802 of the Land Use Code and the applicable statutory provisions set forth in Title 30, Article 28, Part 1, C.R.S.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, hereby approve amendments to the San Miguel County Land Use Code (LUC) Section 5-29 Medical and Retail Marijuana Facilities and Establishments which is attached hereto and incorporated herein by reference as Attachment A to this Resolution. Attachment A includes the three major changes set forth in this Resolution together with several minor changes to clarify specific procedures of Land Use Code Section 5-29.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, on June 14, 2016.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

By: Joan May
Joan May, Chair

Vote:	Joan May	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
	Art Goodtimes	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
	Elaine R.C. Fischer	<u>Aye</u>	Nay	Abstain	<u>Absent</u>

ATTEST:

Carmen S. Waupe
Chief Deputy Clerk

[text/luc/Section.5-29.amend.05.16.reso]

ATTACHEMENT A**SECTION 5-29 MEDICAL AND RETAIL MARIJUANA FACILITIES & ESTABLISHMENTS****5-2901 A. Purpose of Section**

The Purpose of the Medical and Retail Marijuana Facilities and Establishments Section is to set forth the general requirements, review procedures, notice provisions and review standards for locating and allowing both Medical and Retail Marijuana Facilities and Establishments (Medical Marijuana Optional Premises Cultivation Operations, Medical Marijuana Infused Products Manufacturing and Retail Cultivation Facility and Retail Production Manufacturing) in unincorporated areas of San Miguel County that are eligible for licensing under the State of Colorado and San Miguel County licensing authority. The County is aware of concerns expressed by some individuals that allowing marijuana establishments may expose them to public safety risks and may also change or alter the character of their neighborhood or the community. In considering these concerns it is the County's position that the most effective way to control marijuana use in the community and to address public safety concerns is to regulate it. In addition to having stringent state and local licensing requirements for both medical and retail marijuana establishments the intent of this section is to strike a reasonable balance of allowing regulated marijuana establishments in limited locations through a thorough public review process that will not expose residents in our residential neighborhoods and in rural areas to safety risks and or dangerous situations.

The general standards are also intended to cause such establishments to be located and developed so they blend into the rural ranching and agricultural landscape, are not highly visible or have the location of these facilities readily apparent to neighboring landowners and the general public. This is proposed to be accomplished by requiring a Two-Step Special Use Permit Review process, requiring increased noticing requirements, including specific time, place and manner, restrictions limiting the location, prescribing distance requirements from schools and residential areas, setting size and scale limits on the operations, prohibiting signage, and potentially limiting the number of allowed marijuana establishments within the unincorporated areas of the county. Section 5-29, with the exception of Section 5-2908 Definitions, does not apply to marijuana establishments within the Illium Industrial Park where marijuana establishments are allowed by right subject to the applicable provisions in the Lawson Hill PUD Land Use Matrix and Section 5-2908 Definitions.

5-2901 B. General

Medical Marijuana Optional Premises Cultivation Operations, Medical Marijuana Infused Products Manufacturing, Medical Marijuana Centers and Retail Cultivation Facility, Retail Production Manufacturing, Retail Testing Facility and

Off Premises Storage of Retail Marijuana Facility are uses allowed in the Low Intensity Industrial (I) Zone District in the Illium Valley portion of the Lawson Hill PUD by Administrative Review.

Medical Marijuana Optional Premises Cultivation Operations, Medical Marijuana Infused Products Manufacturing and Retail Cultivation Facility and Retail Production Manufacturing may be allowed subject to approval of a Two-step Special Use Permit application in the Forestry, Agriculture and Open (F) Zone District, the Wright's Mesa (WM) Zone District and the Wright's Mesa Rural Agricultural (WMRA) Zone District.

~~Medical Marijuana Infused Product Manufacturing and Retail Marijuana Product Manufacturing may only be allowed as an Accessory Use to a Medical Marijuana Option Premises License or Retail Marijuana Cultivation Facility through a Special Use Permit review process.~~

Marijuana Facilities/Establishments are not allowed within the Wright's Mesa Master Plan Norwood Future Land Use Plan area.

A Medical or Retail Marijuana establishment may not operate until it is duly licensed by the state licensing authority and approved and licensed by San Miguel County.

The County Retail and Medical Licensing Standards, which are separate documents, shall establish the number of marijuana facilities allowed in the F, WM, and WMRA at any given time.

5-2902 Review Procedures

All applications for Facilities or Establishments to be located within the Forestry, Agriculture and Open (F), Wright's Mesa (WM) and Wright's Mesa Rural Agricultural (WMRA) Zone Districts are subject to a Two-step Planning Commission and Board of County Commissioner review. The process will consider the zoning, type, location, size and scale, the proximity to a Residential Area, and will be reviewed for compliance with the provisions and the standards set forth herein, as well as the standards of the applicable Zone District.

5-2903 Application Requirements

A. Pre-application Conference with Staff

Prior to the submittal of an application for a marijuana facility the applicant shall schedule a pre-application conference with the Planning Department staff. The applicant will provide information on the proposed facility, including the location. Staff may conduct a site visit to the proposed location to determine what specific issues may need to be addressed in addition to the

following General Requirements.

B. General Requirements

1. The use must comply with all applicable county and state regulations including but not limited to state and local licensing regulations for Facilities and Establishments.
- ~~2. Cultivation facilities must have a licensed retail store in unincorporated San Miguel County or within a municipality located within San Miguel County that is under the same ownership and licensing.~~
2. Retail Marijuana Stores and Medical Marijuana Centers are prohibited within the unincorporated areas of the County, except as an Accessory Use to a permitted and licensed Retail Marijuana or Medical Cultivation facility or Retail or Medical Production Manufacturing facility within the Illium Industrial Park.
3. The use shall be located within a building or Substantial Greenhouse and shall be designed to blend into the surrounding rural landscape.
- ~~4. Access. The facility shall be accessed from a private driveway or roadway. No access is allowed directly from a state highway, county road or public thoroughfare unless the facility is completely screened from the roadway.~~
4. Storage of Equipment. All equipment must be stored inside the structure or within an enclosed fenced area.
5. Water. The applicant must demonstrate a legal and physically adequate water supply for the proposed use. Applicant must complete the State of Colorado, Office of the State Engineer Water Supply Information Summary form and submit this form with the application for a Special Use Permit. This completed form will be referred by staff to the Office of the State Engineer, Division of Water Resources for review and comment.
6. The following must be addressed as part of any application:
 - a. Site Plan: The site plan shall show the location of the building containing the licensed premises and provide distances from the building to adjacent buildings, describe all existing uses within the building and all adjacent buildings, parking spaces, property lines, and physical land features, such as streams, driveways, and roadways.
 - b. Location Plan. The location plan shall show all uses located within one-half (½) mile of the property boundary line of the premises on which the Retail or Medical Marijuana Establishment is located, including, but not limited to: any public or private preschool or elementary, middle, junior high, or high school; the campus of any college, university, seminary, or residential child care facility; or a drug or alcohol rehabilitation center. The distance measurement shall be a direct line between the closest point of the premises' boundary and the closest point on the neighboring lot or parcel containing the specified use.

- c. Building Plan. The plans for the interior of the Marijuana Establishment shall include a detailed floor plan layout and information needed to demonstrate compliance with the Local Licensing standards and the applicable requirements of the County's adopted Building Code(s).
- d. Location of existing residential structures within ½ mile.
- e. Number of proposed employees, both permanent and temporary.
- f. A waste disposal plan.
- g. A noxious weed control plan.
- h. An odor abatement plan designed to keep all odors from the proposed use from emanating beyond the subject property lines to prevent impacts on adjacent properties.

C. Scenic Quality Mitigation Plan

- 1. A plan for mitigation of visual impacts or other appropriate aesthetic impacts of the proposed access, structure(s), fencing, landscaping, and ancillary site improvements and use to achieve the goal set forth in Section 5-2301 A. Purpose.
- 2. Visual mitigation techniques such as coloring, screening and landscaping. Use of natural colors and native vegetation is encouraged.
- 3. Provide a lighting plan. All exterior lighting shall be either directed toward the ground or the surface of a building. Lighting shall be shielded to prevent direct visibility of light bulbs from off-site. Motion detector security lighting may be approved if the lights are fully shielded and down lighted. High intensity sodium vapor and similar lighting is prohibited.
- 4. Signs. No advertising or identification sign is permitted anywhere upon or attached to the facility or property.
- 5. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual features, proximity to residential neighborhoods and other sensitive visual areas. Placement of structures in treed or screened areas rather than open meadow areas.

D. Area and Bulk Requirements

- 1. Minimum Lot Area: 5 acres. The minimum lot area requirement for a Medical Marijuana Infused Product Manufacturer and/or a Retail Marijuana Products Manufacturing Facility shall conform to the Area and Bulk requirements of the underlying zone district. Marijuana Product Manufacturing may also be considered through a Two-step SUP Review process on legally created substandard sized parcels if the application meets all other applicable Land Use Code requirements.
- 2. Maximum Size for a Proposed Building or Greenhouse: 3,000 square feet. The maximum square footage includes all marijuana related uses whether a single use or combined uses. Parcels 35-acres or larger may be allowed

up to three separate 3,000 sq. ft. structures depending on the parcel location, size and the applicants ability to comply with all applicable standards.

3. Setbacks:

- a. A minimum setback for a marijuana cultivation facility is 50 feet from all property lines regardless of zone district.
- b. In addition the following setbacks shall also apply:
 - (i) Any public or private preschool or elementary, middle, junior high, or high school; the campus of any college, university, seminary, or licensed residential child care facility; or a drug or alcohol rehabilitation center must be located a minimum of one-half (½) mile from the nearest property line of the parcel. The distance measurement shall be a direct line between the closest point of the structure and the closest point on the neighboring lot or parcel upon which any of the above uses are located.
 - (ii) Setbacks from a private camp or recreational facility frequented by minors: a minimum of 1,000 feet from the nearest property line of the land. The distance measurement shall be a direct line between the closest point of the structure and the closest point on the neighboring lot or parcel upon which any of the above uses are located.
 - (iii) Setbacks from Residential Areas: New facilities may not be located within one-half (½) mile of a Residential Area,
- c. Setbacks may be increased or decreased during the review and evaluation of the Special Use Permit.

5-2904-Noticing Requirements

Two-step reviews require that the notice to adjacent and affected property owners include the date, location and contact information for the time of the public meeting. The notice shall also include a provision that encourages the adjacent and affected property owners to provide written comments no later than one-week prior to the meeting date in order to be included in the meeting packets, although comments will be accepted up to the public meeting date.

The following noticing procedures shall apply:

1. The owners, as recorded in the records of the county, of any land adjacent to or located within one-half (½) mile of any portion of the boundary of the parcel or tract containing the subject site and owners of each parcel of real

property adjacent to or through which the designated Access Road extends from the nearest public road. Such notice shall be sent by the applicant or Planning Department at the applicant's expense at least 20 days prior to the scheduled meeting date. Email notice to adjacent and affected property owners is encouraged if Email addresses are available from the County Assessor's Office. Persons notified and the distance of notice may be increased at the discretion of the County based upon size and scale of the proposed Facility, surrounding land use pattern and perceived impacts.

In addition to the required written notice under this provision, the applicant shall make a good faith effort (at a minimum contacting the County Planning Department and checking the records of the County Clerk and Records Office) to ascertain if any of the landowners required to be provided written notice, as part of an application, are also members of a condominium association or homeowner's association. If the result of the good faith examination identifies the existence of such condominium association or homeowner's association, the applicant shall provide written notice to these associations in the same manner as other landowners. Email notice to these associations is encouraged if Email addresses are available from the County.

2. The public notice shall include the following:
 - (a) A description of the location of the facility (including a legal and practical locational description and a vicinity map), a general site plan, a vicinity map which includes the designated Access Road to the facility, and the proposed activity under review.
 - (b) Time and place of the public meeting.
 - (c) The name and address of the applicant and/or its designated agent, and a statement that additional information may be obtained from the Planning Department.
3. Posting of notice shall be made by the applicant by posting a sign (to be obtained from the County) in a conspicuous place on the property or closest public roadway at least 20 days prior to the scheduled meeting date.
4. The applicant shall present proof of such notice by submitting a copy of the letter and a list of the landowners notified, together with an affidavit attesting to the mailing of such notice executed by the person responsible for providing such written notice, to the Planning Department.

5-2906

Commencement, Duration and Modification of Special Use Permit

The Special Use Permit shall become effective on the date of written approval by the County.

Special Use Permits are issued to the applicant and do not run with the land.

If an applicant desires to modify the subject Facility by changes to equipment, site layout, approved operating plan, etc. an amendment to the original application shall be submitted for review and approval. The Planning Department shall determine whether the modification has substantial impacts or is considered a minor amendment pursuant to County adopted standards for Medical and Retail Marijuana uses.

Special Use Permit approval shall only be valid as long as the applicant holds a current State and County License for the approved use.

5-2907 Disposal of Marijuana

Marijuana waste shall be stored, secured, and managed in accordance with applicable state laws, including but not limited to rules promulgated by the Colorado Medical Marijuana Enforcement Division and the Colorado Department of Revenue-Marijuana Enforcement Division (DOR-MED) in effect and as amended from time to time hereinafter.

5-29078 Definitions

Local Licensing Standards

Means Local Licensing Standards as adopted and amended by the Board of County Commissioners.

Medical Marijuana

Means marijuana that is grown and sold pursuant to the Medical Code and includes seeds and Immature Plants.

Medical Marijuana Business

Means a Medical Marijuana Center, a Medical Marijuana Infused Product Manufacturer, or an Optional Premises Cultivation Operation.

Medical Marijuana Center

~~Means a person licensed pursuant to House Bill 10-1284 to operate a business that sells medical marijuana to registered patients or primary caregivers as defined in State Medical Marijuana Code, but is not a Primary Caregiver. A Medical Marijuana Center shall only be allowed as an accessory use to an approved Optional Premises Cultivation Operation within the Low Intensity Industrial (I) Zone District on lots which have this use specifically listed as an allowed use through review.~~

Medical Marijuana Center

Means a Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-402 C.R.S., and sells medical marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver.

Medical Marijuana-Infused Product

~~Means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. These products, when manufactured or sold by a licensed medical marijuana center or a medical marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the State Statutes "Colorado Food and Drug Act"~~

Medical Marijuana Infused Product

Means a product infused with Medical Marijuana that is intended for use or consumption other than by smoking, including but not limited to edible product, ointments, and tinctures. Such products shall not be considered a food or drug for purposes of the "Colorado Food and Drug Act," part 4 of Article 5 of Title 25, C.R.S.

Medical Marijuana-Infused Product Manufacturing Facility and/or Retail Marijuana Product Manufacturing Facility

~~Means a County Licensed Facility that allows manufacture of marijuana-infused products for the purposes of sales of the product at a State Licensed Medical Marijuana Center or State Licensed Retail Marijuana Store.~~

Medical Marijuana Infused Product Manufacturer

Means a Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-404, C.R.S.

Medical Marijuana-Optional Premises Cultivation Facility and/or Retail Marijuana Cultivation Facility

~~Means a County Licensed Facility that allows growing of marijuana for the purposes of sale of the product at a County Licensed Medical Marijuana Center or County Licensed Retail Marijuana Store or at a licensed Medical or Retail Center/Store located within a municipality within San Miguel County.~~

Optional Premises Cultivation Operation

Means a Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-403, C.R.S.

Residential Area

Means an area as depicted on the maps attached as Exhibit I to this Section. These mapped areas may be amended as necessary by the County. New marijuana facilities may not be located within one-half (1/2) mile of a Residential Area. A Residential Area may be zoned something other than WM, WMRA and F.

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. "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.

Retail Marijuana Cultivation Facility

Means an entity licensed to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers.

Retail Marijuana Establishment

Means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing facility as set forth in section 16 of article XVIII of the Colorado Constitution, or as may be more fully defined in the Colorado Retail Marijuana Code.

Retail Marijuana Establishment

Means a Retail Marijuana Store, a Retail Marijuana Cultivation Facility, a Retail Marijuana Products Manufacturing Facility, or a Retail Marijuana Testing Facility.

Retail Marijuana Product

Means a product infused with retail marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. These products, when manufactured or sold by a licensed retail marijuana center or a retail marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the State Statutes "Colorado Food and Drug Act".

Retail Marijuana Product

Means a product that is comprised of Retail Marijuana and other ingredients and is intended for use or consumption, such as, but not limited to, edible product, ointments and tinctures.

Retail Marijuana Products Manufacturing Facility

Means an entity licensed to purchase Retail Marijuana, manufacture, prepare, and package Retail Marijuana Product, and sell Retail Marijuana and Retail Marijuana Product to other Retail Marijuana Products Manufacturing Facilities and to Retail Marijuana Stores, but not to consumers.

Retail Marijuana Store

Means an entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Product to consumers.

Retail Marijuana Testing Facility

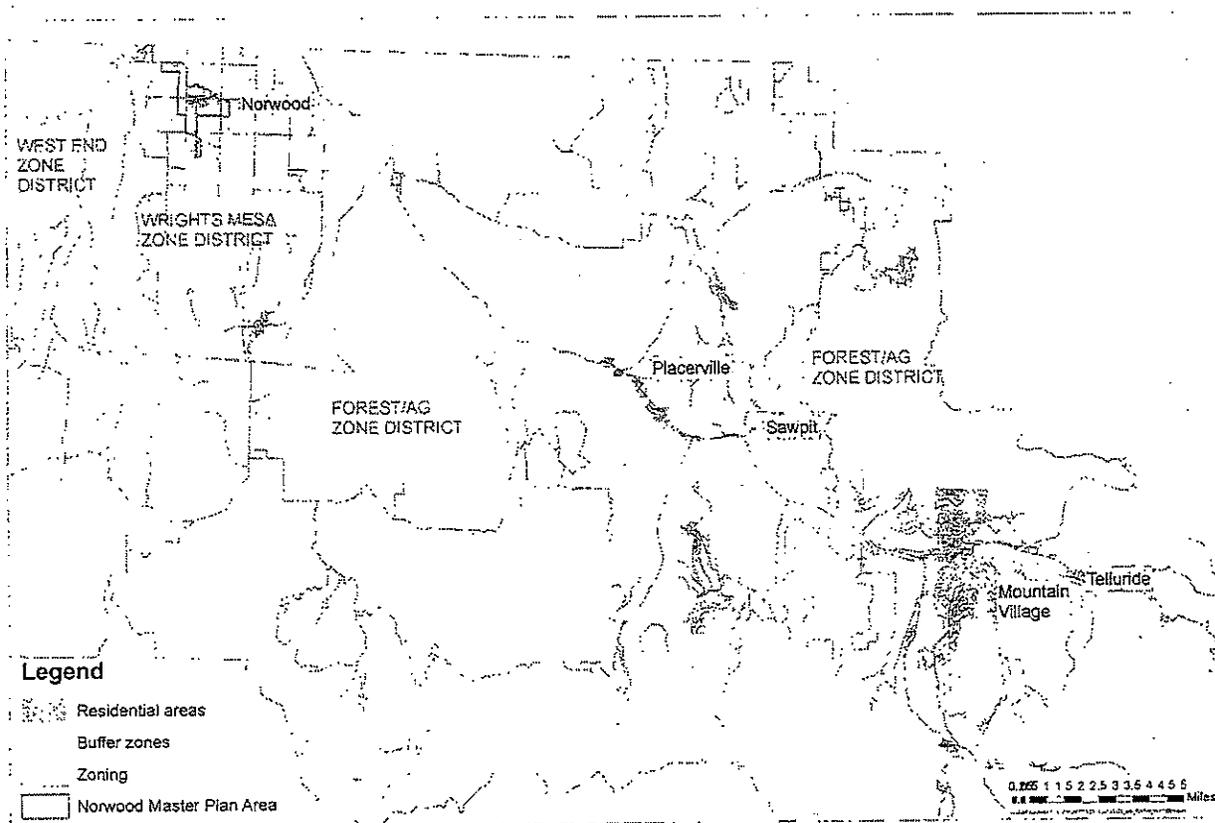
Means a public or private laboratory licensed and certified, or approved by the Division, to conduct research and analyze Retail Marijuana, Retail Marijuana Products and Retail Marijuana Concentrate for contaminants and potency.

Substantial Greenhouse

A solid, secured structure constructed to the design requirements for imposed loads (e.g., wind, snow, seismic activity) as required by the International Building Code. The exterior wall and roof coverings must be materials such as concrete, glass, metal, wood, polycarbonates or any such material that is tested and approved for such use. A hoop house, high tunnel or other similar structure that is covered or uses a membrane or a soft pliable sheet, i.e. plastic sheeting, visqu en, tarps, canvas, polyethylene films or similar materials is NOT a Substantial Greenhouse for this definition.

EXHIBIT 1

Residential Areas and Residential Area Buffer Zones



A full size version of this map may be viewed on the County webMap at www.sanmiguelcountyco.gov

[text/luc/Section.5-29.amend.05.16]

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO,
AMENDING RESOLUTION #2012-10 AS IT PERTAINS TO THE ADOPTION OF
ADDITIONAL STANDARDS FOR THE ISSUANCE OF LICENSES FOR MEDICAL
MARIJUANA OPTIONAL PREMISES CULTIVATION LOCATED WITHIN
UNINCORPORATED SAN MIGUEL COUNTY, COLORADO**

Resolution #2016 - 11

WHEREAS, the San Miguel County, Colorado, Board of County Commissioners (“BOCC”), acting pursuant to Article XVIII, Section 14, of the Colorado Constitution, and the Colorado Medical Marijuana Code, C.R.S. Title 12, Article 43.3, on June 20, 2012 enacted Resolution No. 2012-10, “Adopting Additional Standards for the Issuance of Medical Marijuana Center, Optional Premises Cultivation, or Medical Marijuana – Infused Products Manufacturing Licenses for Licensed Premises located within Unincorporated San Miguel County, Colorado, including the Designation of a Local Licensing Authority,” which was further amended by the BOCC’s enactment of Resolution # 2014-17 that adopted Section 12A, Medical Marijuana Infused Product Manufacturing Standards;

WHEREAS, the BOCC conducted a duly noticed public hearing on May 4, 2016 at which it considered the County Planning Commission’s (“CPC”) recommended amendments to Section 5-29 of the San Miguel County Land Use Code (“LUC”) pertaining to Medical and Retail Marijuana Facilities & Establishments, following which the BOCC adopted the CPC’s recommended LUC amendments;

WHEREAS, the San Miguel County, Colorado, Medical Cannabis Local Licensing Standards, Exhibit “A” to BOCC Resolution No. 2012-10, in Section 3. License Restrictions (c) provides that “The local licensing authority shall not issue a Local Optional Premises Cultivation License unless the applicant for such license has also applied for and received state and local license approval for a Medical Cannabis (Marijuana) Center and/or a Medical Cannabis (Marijuana) - Infused Products Manufacturer located within the County, including within the boundaries of any municipality located within the county, or within the unincorporated area of the County.

WHEREAS, the BOCC does hereby find and determine from the evidence received and considered at the proceedings held in this matter on May 4, 2016 that the public health, safety and welfare, will continue to be served if the county’s licensing standards for Optional Premises Cultivation operations located within unincorporated San Miguel County no longer require such licensees to also hold current valid state and local license for a Medical Cannabis (Marijuana) Center and/or a Medical Cannabis (Marijuana) - Infused Products Manufacturer located within the County, including within the boundaries of any municipality located within the county, or within the unincorporated area of the County, while continuing to require such licensees to comply with the relevant provisions of §12-43.3-403(1), C.R.S. that require an Optional premises cultivation licensee to also hold a Medical Marijuana Center License issued pursuant to §12-43.3-402(1), C.R.S., or a Medical Marijuana-infused Products Manufacturing License issued pursuant to §12-43.3-404(1), C.R.S.,

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of San Miguel County, Colorado, as follows:

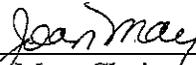
1. The San Miguel County, Colorado, Medical Cannabis Local Licensing Standards, Exhibit "A" to BOCC Resolution No. 2012-10, Section 3. License Restrictions (c), is hereby amended to read as follows:

(c) The local licensing authority shall not issue a Local Optional Premises Cultivation License unless the applicant for such license has also applied for and received state and local license approval for a Medical Cannabis (Marijuana) Center and/or a Medical Cannabis (Marijuana) - Infused Products Manufacturer located within the State of Colorado.

2. The provisions of this Resolution shall be deemed to be legally effective as of the date of its adoption and shall apply to all current and future San Miguel County approved Local Optional Premises Cultivation Licensees as of this resolution's adoption date
3. Except to the extent specifically amended by the provisions of subsection 1 of this Resolution, as set forth hereinabove, all other provisions of Resolution #2012-10, including Exhibit "A" thereto, as previously amended by Resolution #2014-17, shall remain in full force and effect.

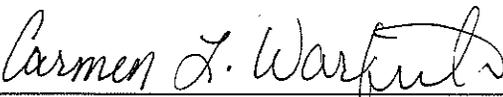
DONE, APPROVED, and ADOPTED by the San Miguel County, Colorado, Board of County Commissioners at a duly noticed public meeting held on May 4, 2016 in Telluride, Colorado.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**



Joan May, Chair

ATTEST:



Chief Deputy Clerk to the Board



VOTE:	Joan May	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
	Art Goodtimes	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
	Elaine R.C. Fischer	<input checked="" type="radio"/> Aye	Nay	Abstain	<input checked="" type="radio"/> Absent

PLANNING\Marijuana\BOCCresoAmendingLicesingStandardsOptionalPremisesCultivationClean042816

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO,
AMENDING RESOLUTION #2013-15 AS IT PERTAINS TO THE ADOPTION OF
ADDITIONAL STANDARDS FOR THE ISSUANCE OF LICENSES FOR RETAIL
MARIJUANA CULTIVATION FACILITIES LOCATED WITHIN UNINCORPORATED
SAN MIGUEL COUNTY, COLORADO**

Resolution #2016 - 12

WHEREAS, the San Miguel County, Colorado, Board of County Commissioners (“BOCC”), acting pursuant to Article XVIII of the Colorado Constitution, and the Colorado Retail Marijuana Code, C.R.S. Title 12, Article 43.4, on September 18, 2013 enacted Resolution No. 2013-15, “Adopting Standards for the Issuance of Retail Marijuana Store Licenses, Retail Marijuana Cultivation Facility Licenses, Retail Marijuana Products Manufacturing Licenses and Retail Marijuana Testing Facility Licenses Located within Unincorporated San Miguel County, Colorado, including the Designation of a Local Licensing Authority;”

WHEREAS, since the enactment of Resolution 2013-15 the BOCC has also enacted Resolutions 2014-7 and 2014-18 amending San Miguel County’s “Retail Cannabis Local Licensing Standards” and the BOCC conducted a duly noticed public hearing on May 4, 2016 at which it considered the County Planning Commission’s (“CPC”) recommended amendments to Section 5-29 of the San Miguel County Land Use Code (“LUC”) pertaining to Medical and Retail Marijuana Facilities & Establishments, following which the BOCC adopted the CPC’s recommended LUC amendments;

WHEREAS, the San Miguel County, Colorado, Retail Cannabis Local Licensing Standards, adopted pursuant to BOCC Resolution 2013-15, provides in the first paragraph of Section 4. Local License Restrictions that “The Local Licensing Authority shall not approve an Application for a Retail Marijuana Cultivation Facility unless the Applicant also holds a State and Local License for a Retail Marijuana Store, a Retail Marijuana Products Manufacturing facility, a Medical Marijuana Center, or a Medical Infused Products Manufacturing Facility, located within San Miguel County, whether in an unincorporated area or within the boundaries of a municipality;”

WHEREAS, the BOCC does hereby find and determine from the evidence received and considered at the proceedings held in this matter on May 4, 2016 that the public health, safety and welfare of San Miguel County’s citizens will continue to be served if the county’s licensing standards for Retail Marijuana Cultivation Facilities located within unincorporated San Miguel County no longer require such licensees to also hold current valid state and local licenses for a Retail Marijuana Store, a Retail Marijuana Products Manufacturing facility, a Medical Marijuana Center, or a Medical Infused Products Manufacturing Facility, located within the County, including within the boundaries of any municipality located within the county, or within the unincorporated area of the County.

WHEREAS, the Colorado Retail Marijuana Code, C.R.S. Title 12, Article 14.3, Part 4 License Types, does not require that the holder of a State Retail Marijuana Cultivation Facility License

must also hold a Retail Marijuana Store License, a Retail Marijuana Products Manufacturing License, a Medical Marijuana Center, or a Medical Marijuana Infused Products Manufacturing Facility License in order to be a State licensed Retail Marijuana Cultivation Facility.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of San Miguel County, Colorado, as follows:

1. The San Miguel County, Colorado, Retail Cannabis Local Licensing Standards, Exhibit "B" to BOCC Resolution No.2013-15, Section 4. Local Licensing Restrictions, is hereby amended by the deletion of the following provision:

"The Local Licensing Authority shall not approve an Application for a Retail Marijuana Cultivation Facility unless the Applicant also holds a State and Local License for a Retail Marijuana Store, a Retail Marijuana Products Manufacturing facility, a Medical Marijuana Center, or a Medical Infused Products Manufacturing Facility, located within San Miguel County, whether in an unincorporated area or within the boundaries of a municipality;"

2. The provisions of this Resolution shall be deemed to be legally effective as of the date of its adoption and shall apply to all current and future San Miguel County approved Local Optional Premises Cultivation Licensees as of this resolution's adoption date
3. Except to the extent specifically amended by the provisions of subsection 1 of this Resolution, as set forth hereinabove, all other provisions of Resolution #2013-15, including Exhibit "B" thereto, as previously amended by Resolutions #2014-7 and 2014-18, shall remain in full force and effect.

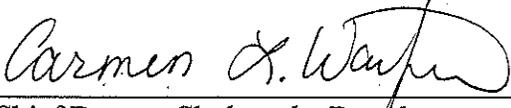
DONE, APPROVED, and ADOPTED by the San Miguel County, Colorado, Board of County Commissioners at a duly noticed public meeting held on May 4, 2016 in Telluride, Colorado.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

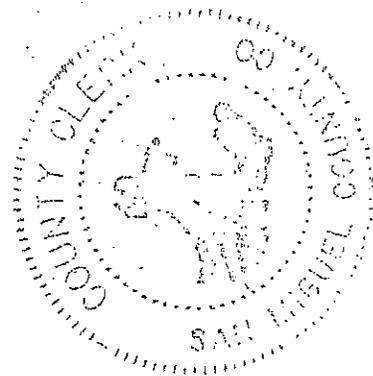


Joan May, Chair

ATTEST:



Chief Deputy Clerk to the Board



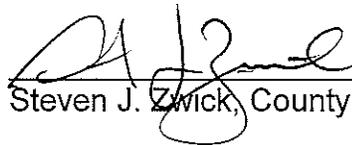
VOTE: Joan May Aye Nay Abstain Absent
 Art Goodtimes Aye Nay Abstain Absent
 Elaine R.C. Fischer Aye Nay Abstain Absent

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SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, MAY 4, 2016

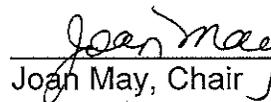
Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, May 4, 2016 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Steven J. Zwick, County Attorney

I, Joan May, Chair of the San Miguel County Board of Commissioners attest that the Wednesday, May 4, 2016 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Joan May, Chair