

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, CONCERNING AN AMENDMENT TO RESOLUTION NO. 2013-15 ADOPTING SECTION 7A, RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY LICENSING STANDARDS, TO THE COUNTY'S LICENSING STANDARDS FOR RETAIL MARIJUANA ESTABLISHMENTS LOCATED WITHIN UNINCORPORATED SAN MIGUEL COUNTY

Resolution No. 2014 - 18

WHEREAS, the San Miguel County, Colorado, Board of County Commissioners, 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 become aware of certain public health, safety, and welfare issues associated with the operation of Retail Marijuana Product Manufacturing Facilities that are engaged in the manufacture of cannabis derivatives that are not addressed in Section 7. Retail Marijuana Establishment Operational Standards as adopted in the County's Retail Cannabis Local Licensing Standards in 2013;

WHEREAS, the BOCC, at duly noticed public meetings held on August 5 and 27, 2014, received testimony and evidence regarding the need for and purpose of Section 7A. Retail Marijuana Product Manufacturing Facility Licensing Standards of the County's Retail Cannabis Licensing Standards, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, the BOCC does hereby find and determine based upon competent testimony and evidence received at its public meetings on August 5 and 27, 2014, that it is in the interest of the public's health, safety, and welfare to adopt Section 7A. Retail Marijuana Product Manufacturing Facility Licensing Standards, as an amendment to the County's Licensing Standards for Retail Marijuana Establishments Located within Unincorporated San Miguel County previously adopted pursuant to Resolution No. 2013-15.

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

1. San Miguel County's Retail Cannabis Local Licensing Standards, as adopted pursuant to BOCC Resolution No. 2013-15, are hereby amended by the enactment of Section 7A. Retail Marijuana Product Manufacturing Facility Licensing Standards, as set forth in Exhibit A attached hereto.
2. All other provisions of San Miguel County's Retail Cannabis Local Licensing Standards enacted pursuant to BOCC Resolution No. 2013-15 shall remain in full force and effect.

Should it be found or determined that an irreconcilable conflict or inconsistency exists between Section 7A and the other provisions of the County's Local Licensing Standards, the provisions set forth in Section 7A shall control

3. The provisions of Section 7A. Retail Marijuana Product Manufacturing Facility Licensing Standards, as set forth in Exhibit A shall become effective immediately upon the adoption of this Resolution.

DONE and APPROVED by the San Miguel County, Colorado, Board of County Commissioners at a duly noticed public meeting held on August 27, 2014 in Norwood, Colorado.

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

Art Goodtimes, Chair

ATTEST:

Chief Deputy Clerk to the Board



VOTE:

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

Attachment: Exhibit "A" – Section 7A. Retail Marijuana Product Manufacturing Facility Licensing Standards

PLANNING\MJ\BOCresoAdoptSection7ARetailProductManufacturingLicensingStandardsCLEAN0804014 08082014

EXHIBIT "A"
SAN MIGUEL COUNTY, COLORADO
RETAIL CANNABIS LOCAL LICENSING STANDARDS
FIRST AMENDMENT – 08/27/2014

Section 7A. Retail Marijuana Product Manufacturing Facility Licensing Standards

All Retail Marijuana Product Manufacturing Facilities located within the unincorporated area of San Miguel County shall be operated in full compliance with all applicable standards set forth in the Colorado Retail Marijuana Code, the Colorado Department of Revenue ("DoRev") Retail Marijuana Regulations, and these Local Licensing Standards. Retail Marijuana Product Manufacturing Standards include, but are not limited to, the following:

- a) The manufacturing of concentrated marijuana products such as Hash Oil, that contain tetrahydrocannabinol ("THC"), or other cannabinoids, is prohibited within the unincorporated area of San Miguel County unless it is produced in a Retail Marijuana Product Manufacturing Facility that satisfies the following requirements:
 - 1) The Facility is licensed by both the State of Colorado Department of Revenue Marijuana Enforcement Division and the San Miguel County designated Local Licensing Authority; and is in full compliance with the applicable provisions of DoRev Regulation R 605 - Retail Marijuana Products Manufacturing Facility: Retail Marijuana Concentrate Production; a copy of the documentation that the Licensee has submitted with its state license application concerning its compliance with DoRev Regulation R 605 shall be submitted with the license application filed with the Local Licensing Authority together with the written certification of a Certified Industrial Hygienist or Colorado Registered Professional Engineer that they have personally inspected the facility and that its installation fully complies with DoRev Regulation R 605; and
 - 2) The Facility is not located in, connected to, and/or part of a structure that is considered to be a "Residential Setting" within the meaning of San Miguel County Ordinance 2014-1; and, as to which:

2.2.1) the facility's DoRev approved product manufacturing process(es) is/are being fully complied with at all times during such process(es); and

2.2.2) a current and accurate Emergency Planning and Community Right-to-Know Act ("EPCRA") Tier II report for zero quantity and above for all process solvents and all other process materials located on the site of the Retail Marijuana Product Manufacturing Facility is provided by the licensee in a timely fashion and is on file with the San Miguel County Local Emergency Planning Committee ("LEPC") and the appropriate fire protection district.