

**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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