

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO,
ADOPTING AN AMENDMENT TO
THE SAN MIGUEL COUNTY LAND USE CODE
ADDING A NEW SECTION 5-29 MEDICAL AND RETAIL MARIJUANA FACILITIES
THAT WOULD POTENTIALLY ALLOW CERTAIN TYPES OF MEDICAL AND
RETAIL MARIJUANA FACILITIES IN THE FORESTRY, AGRICULTURE & OPEN
(F), WRIGHT'S MESA (WM) AND WRIGHT'S MESA RURAL AGRICULTURAL
(WMRA) ZONE DISTRICTS THROUGH A
SPECIAL USE PERMIT REVIEW PROCESS**

Resolution 2014-6

WHEREAS, the proposed Land Use Code Amendment (LUC) would add a new section to the LUC, Section 5-29 Medical and Retail Marijuana Facilities. Following the San Miguel County, Colorado, Board of County Commissioners ("BOCC's") consideration and adoption of Local Licensing Standards for Retail Marijuana Establishments on September 18, 2013 there was a discussion with the BOCC concerning a potential amendment to the current LUC to consider allowing both Medical and Retail Marijuana Establishments in other unincorporated areas of San Miguel County in addition to the Ilium Industrial Park, where such uses are currently allowed. The Planning staff, with input from various County representatives, drafted a proposed LUC amendment concerning Medical and Retail Marijuana Facilities that requires Two-step Planning Commission and Board of County Commissioner's Special Use Permit review pursuant to LUC Section 3-601 D. Two-step Reviews and 5-1802 Land Use Code Amendments;

WHEREAS, the Planning Commission considered the proposed amendment to the LUC to potentially allow certain types of Medical and Retail Marijuana Facilities in the Forestry, Agriculture & Open (F), Wright's Mesa (WM) and Wright's Mesa Rural Agricultural (WMRA) Zone Districts through Special Use Permit Review at two public meetings, one of which was held in Norwood and the other in Telluride;

WHEREAS, the Board of County Commissioners considered the proposed amendments at two Public Hearings. These Public Hearings were noticed in the Norwood Post on January 29, 2014 and in the Telluride Daily Planet on January 31, 2014. The February 13th Public Hearing was held at the Norwood Community Center to provide an opportunity for public comment and the second Public Hearing was held at the BOCC's February 19, 2014 meeting in Telluride;

WHEREAS, some of the key provisions of the planning staff's draft LUC amendment are as follows:

- * Retail Marijuana Stores are prohibited within the unincorporated areas of the County.
- * To be eligible for a Medical or Retail Marijuana Cultivation facility the applicant must have a licensed medical marijuana center within unincorporated San Miguel County or have a licensed medical marijuana center or a retail marijuana store within a municipality that is located within San Miguel County that is held under the same ownership & applicable state/local licensing.

- * The cultivation operation shall be located within a building or Substantial Greenhouse and shall be located and designed to blend into the surrounding rural landscape. Licensed facilities are not allowed to grow marijuana outdoors as a field crop.
- * The applicant must demonstrate that they have a legal and physically adequate water supply for the proposed use. It is intended that applications for marijuana grow facilities will be referred to the State Engineer's office for their review of the proposed water usage and supply. If water is to come from Norwood water system the application will also be referred to the Norwood Water Commission.
- * Marijuana Establishments/Facilities are not allowed within the Wright's Mesa Master Plan Norwood Future Land Use Area.
- * Proposed facilities must be located at least one-half mile from schools, residential child care facilities, and drug or alcohol rehabilitations centers and also from "designated residential areas".
- * The minimum lot area or parcel size requirement is 5-acres.
- * There are expanded special use permit application public noticing requirements.
- * If approved the Special Use Permit is issued to the applicant and does not run with the land.
- * The Special Use Permit approval shall only be valid as long as the applicant holds a current State and Local License for the approved use. If there are violations, State and Local Licenses may be suspended or revoked;

WHEREAS, the County Planning Commission (CPC) held a public meeting on December 11, 2013 in Norwood to provide information concerning this proposed amendment to the Land Use Code and to take public comment on the draft LUC Amendment. The CPC also held a public meeting concerning this proposed LUC amendment on January 8, 2014 in Telluride. At the January 8th meeting the Planning Commission recommended (4-1 Taylor opposed) approval of the proposed Land Use Code Amendment with a recommendation that the following items be considered by the BOCC:

1. Modifying the 3,000 sq. ft. maximum building size as proposed in the current draft to allow a larger building upon review of the application dependent upon parcel size and neighborhood conditions. It might also be acceptable to allow multiple smaller buildings rather than one large building.
2. Capping the number of allowed marijuana facilities allowed in the WM, WMRA and F zone districts. The "Cap" would be set in the Retail and or Medical Marijuana Local Licensing Standards documents rather than in the LUC.
3. Providing a requirement for a bond (or Operational Fee) to be held by the County for cleanup of any waste and site remediation in the event of an unanticipated closure of the facility.
4. In discussing the proposed ½ mile setback from Residential Areas and the draft definition of Residential Area it was recommended that Planning staff prepare a map depicting the areas that are considered Residential Areas where Marijuana Facilities would not be allowed within ½ mile of these areas;

WHEREAS, planning staff made certain changes to the proposed amendment after the CPC meetings:

1. After discussing the growers expressed need for more square footage the CPC recommended allowing more square footage for cultivation operations by allowing multiple 3,000 sq. ft. buildings on larger parcels. The Maximum building size has been modified to allow up to three

separate 3,000 square foot structures and/or substantial greenhouses depending upon the size of the parcel and the applicant's ability to meet all of the other applicable standards. The maximum structure size of 3,000 feet has been retained because in staff's opinion this size building would more readily blend into the rural ranching landscape, not be highly visible or readily apparent as a marijuana grow facility, as a much larger building might be, and these smaller buildings would be more easily repurposed in the future should the grow operation cease.

2. Planning staff had recommended setting a cap on the number of retail marijuana grow facilities in the WM and WMRA Districts through the County Retail Licensing Standards. The Planning Commission's recommendation proposed a cap on the number of allowed Marijuana grow facilities in the WM, WMRA and F Zone Districts. Staff had suggested a cap on the total number of retail marijuana grow facilities on Wright's Mesa in response to the concerns and objections to these types of facilities expressed by residents of Norwood and Wright's Mesa at the various public meetings. It appears that the greatest interest for new retail marijuana grow facilities is on Wright's Mesa due to climate, good soil and land prices. There does not appear to be significant interest in new medical marijuana grow facilities nor has staff heard concerns or objections about potential marijuana grow facilities to date from owners and residents in other areas of the County. In considering this issue and visiting with current licensed growers and product manufacturers Planning staff recommended that the BOCC consider amending Section 4. of the Retail Marijuana Local License Standards limiting the number of licensed Retail Marijuana Cultivation Facility Licenses to a combined total of four (4) in both the WM and WMRA Zone Districts. It is proposed that this limit on the number of licenses specific to the WM Master Plan Area would be subject to BOCC review in one year from an approval of this LUC amendment.

3. Staff has discussed the question of requiring a bond for cleanup of a cultivation site with the Colorado Department of Revenue – Marijuana Enforcement Division (“DOR-MED.”) The DOR-MED closely tracks all plants from seed to sale and all operators of cultivation facilities. They would be aware of any plants that are not in production and would follow up with the operator and if necessary take control of the plants. In checking with DOR-MED and various other jurisdictions we did not find where any of these entities were requiring a bond for clean-up. As the BOCC is aware under the State regulations for Retail Marijuana the County has the authority to charge “Operational Fees” to cover our costs for but not limited to administration, inspection and enforcement. At present the BOCC has only adopted a nominal Operational Fee to cover the County's costs associated with the existing Medical Marijuana Establishments in Ilium converting to and/or adding Retail Marijuana activities to their on-going cultivation operations. Since the Planning Commission meeting and staff's research into potentially requiring a bond for clean-up and/or closure, as an alternative we've added LUC Section 5-2907 “Disposal of Marijuana” to the draft amendment. This new language states that Marijuana waste shall be stored, secured and managed in accordance with state law and the rules promulgated by the DOR-MED.

4. As requested, Planning staff has identified what it considers residential areas within both the east end of the county and on Wright's Mesa. A Residential Area is an area that has been subdivided or divided into smaller lots and higher densities than agricultural lands or 35-acre parcels and such lots are intended primarily to be developed with single-family residences. The

maps specify the Residential Area and a ½-mile buffer zone around the area which would prohibit marijuana facilities. At this time mapped Residential Areas are zoned WM, F, Single-family Residential (R), Planned Unit Development (PUD), Mobile Home (MH), Placerville Residential (PR), Low Density (LD), Medium Density (MD), Affordable Housing PUD (AHPUD), and Accommodations & Recreation 2 (AR2). The proposed LUC amendment does not allow licensed Marijuana Facilities in these other zone districts, i.e. R, the old PUD Zone District, PR, LD, MD or AHPUD. This map depicting Residential Areas and the associated ½ mile buffer will be available as an overlay on the County Web Map and as an exhibit to the new Land Use Code Section 5-29.

5. Staff has previously implemented an Insubstantial PUD amendment to the Ilium Valley Industrial Park Lawson Hill PUD Matrix 400 lots to add notes stating that Medical and Retail cultivation facilities shall be located within a building or a Substantial Greenhouse.
6. Staff has added a Definitions section to Section 5-29 listing definitions specific to Medical and Retail Marijuana facilities taken from the State's definitions. Staff has also included its own definitions of "Residential Area" and "Substantial Greenhouse". Staff has revised the proposed definition of Residential Area from what was originally proposed and are no longer applying the definition of Residential Area that was created as part of the LUC amendment concerning Wireless Services and Telecommunication Facilities.
7. Staff has moved the Article 6 Definitions for "Medical Marijuana Center" and "Medical Marijuana-Infused Product" to the new Section 5-2908 Definitions.
8. In considering the proposed ½ mile buffer or separation from Residential Areas Staff has modified the draft to increase the setback requirements for Marijuana Facilities from schools and residential day care facilities etc. from 1,000 feet, which is the minimum requirement set in state statutes to one-half mile, which is also the proposed separation or setback requirement Staff is proposing from designated Residential Areas;

WHEREAS, in drafting this proposed LUC amendment Staff has focused on Marijuana Cultivation Facilities and has not specifically addressed either Medical Marijuana Infused Products Manufacturing ("MMIPM") or Retail Products Manufacturing ("RPM"). At present each of the licensed Medical and Retail Marijuana growers located in unincorporated San Miguel County are also licensed to make products infused with marijuana that is intended for use or consumption by other than smoking, including but not limited to edible products, ointments or tinctures. Medical Marijuana Infused Product Manufacturing and Retail Marijuana Product Manufacturing are currently identified as Allowed Uses in the Ilium Industrial Park. Staff recommended that Infused Product Manufacturing only be allowed in the F, WM and WMRA as an Accessory Use to a Medical or Retail Marijuana Cultivation Facility to be reviewed and considered as part of the Special Use Permit application for a Medical or Retail Marijuana Cultivation Facility;

WHEREAS, the BOCC adopted standards for local licenses for both Medical and Retail Marijuana Establishments state that the Local Licensing Authority shall not approve an application for a Marijuana Cultivation Facility unless the applicant holds a State and Local

License for a Medical or Retail Store or a Medical or Retail Infused Product Manufacturing Facility within San Miguel County. The proposed draft LUC amendment is more stringent in that to be eligible for Special Use Permit for a Marijuana Grow Facility in the F, WM or WMRA the applicant must have a licensed marijuana center or store within the County;

WHEREAS, the Board of Commissioners of San Miguel County Colorado considered this amendment, along with relevant evidence and testimony from the public, following public hearings on February 13, 2014 and February 19, 2014 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 approves (2-1 Goodtimes opposed) an amendment to the San Miguel County Land Use Code (LUC) to add a new Section 5-29 Medical and Retail Marijuana Facilities which is attached hereto and incorporated herein by reference as Attachment A to this Resolution.

BE IT FURTHER RESOLVED that the Article 6 Definitions for Medical Marijuana Center and Medical Marijuana-Infused Product will be removed from Article 6 and placed in Section 5-2908 Definitions.

BE IT FINALLY RESOLVED that the Board of Commissioners will review the Section 5-29 Land Use Code amendment for compliance with County and state regulations and standards within one year of approval of this Resolution.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, on February 27, 2014.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

By: [Signature]
Art Goodtimes, Chair

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

ATTEST:
[Signature]
Chief Deputy Clerk



[text/luc/Marijuana.LUC.Amend.Sect.5-29.resol]

ATTACHMENT A

SECTION 5-29 MEDICAL AND RETAIL MARIJUANA FACILITIES

5-2901 A. Purpose of Section

The Purpose of the Medical and Retail Marijuana Facilities Section is to set forth the general requirements, review procedures, notice provisions and review standards for locating and allowing both Medical and Retail Marijuana 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 Optional Premises License or a Retail Marijuana Cultivation Facility through a Special Use Permit review process.

Marijuana Establishments/Facilities 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 WM and/or WMRA zone districts at any given time.

5-2902 Review Procedures

All applications 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.

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.

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.
3. Retail Marijuana Stores are prohibited within the unincorporated areas of the County.
4. The use shall be located within a building or Substantial Greenhouse and shall be designed to blend into the surrounding rural landscape.
5. 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.
6. Storage of Equipment. All equipment must be stored inside the structure or within an enclosed fenced area.
7. 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.
8. 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 (1/2) 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.
 - d. Location of existing residential structures within 1/2 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 structure 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.
2. Maximum Size for Proposed Building or Greenhouse: 3,000 square feet. The maximum square footage includes all marijuana uses whether a single use or combined uses. Parcels 35-acres or larger may be allowed up to three separate 3,000 square foot structures depending upon the parcel size and the applicants ability to comply with all applicable standards.
3. Setbacks:
 - a. A minimum setback for a marijuana 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 ($\frac{1}{2}$) 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.

5-2905 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 Recorders 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.

5-2908 Definitions

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-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 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 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.

Residential Area

A Residential Area is 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 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 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”

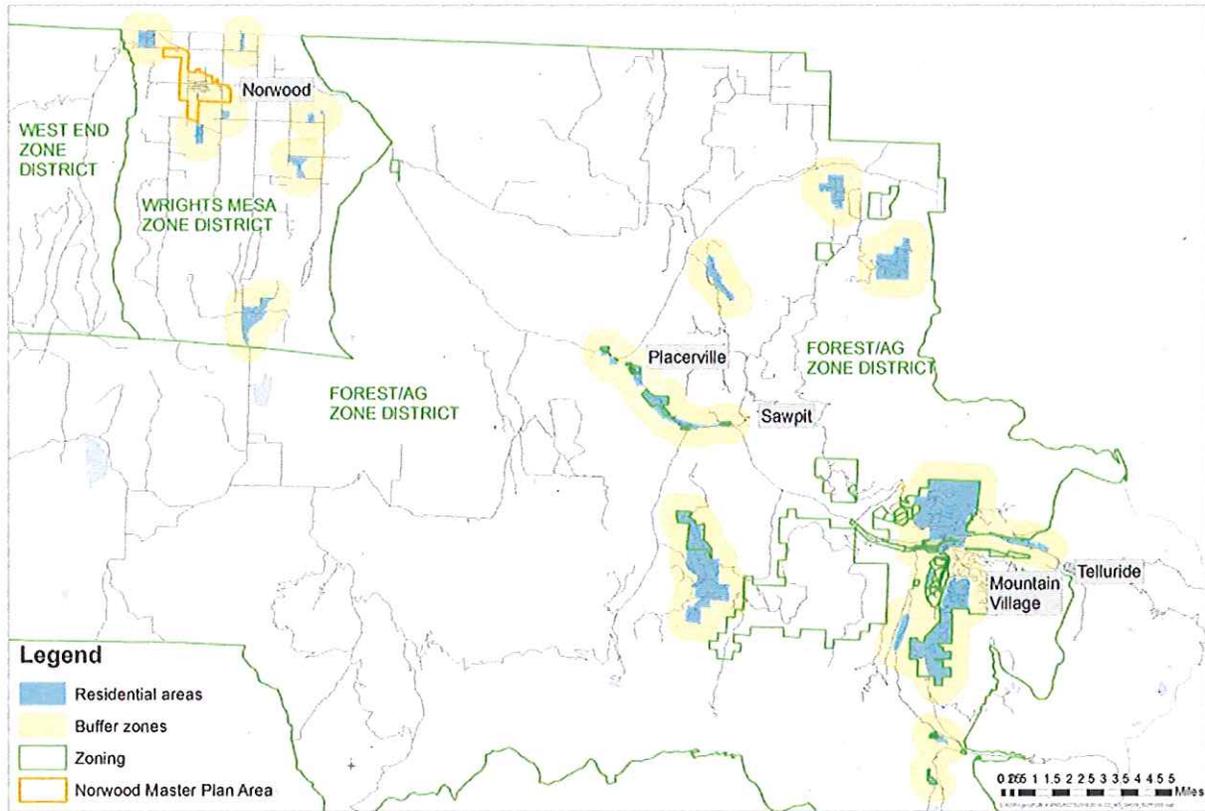
Substantial Greenhouse

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, visqueen, tarps, canvas, polyethylene films or similar materials is NOT a Substantial Greenhouse for this definition.

EXHIBIT I

Residential Areas and Residential Area Buffer Zones



A full version of this map may be viewed on the county webMap at www.sanmiguelcounty.org