

February 13, 2014

SPECIAL MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on February 13, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 11:00 A.M.

Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Absent

Also present: George Sugars, County Manager and Jody Blauser, Chief Deputy Clerk.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Norden moved to approve the agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

NEW BUSINESS

1. Consideration of a moratorium on new construction or expansion of medical marijuana businesses pending adoption of licensing regulations.

Commissioner Bell read the proposed Resolution for the record.

Commissioner Bell moved to adopt Resolution #9 placing a temporary moratorium on future construction, alteration, or use of any building, structure, or property for the commercial cultivation, product manufacturing, dispensing and/or sale of medical marijuana until the effective date of the Fremont County Marijuana Business Licensing Rules and Regulations. Commissioner Norden seconded the motion.

Commissioner Norden noted the licensing regulations for Fremont County are currently being developed. These regulations will hopefully be enacted by July 1, 2014. The regulations will include a licensing component with a possible public hearing process. He hopes this will prevent licensees from spending money on expansions that may not be approved in the future.

Commissioner Bell is glad there are so many citizens present today and thanked them for being involved with the local government process. The Commissioners have considered the large amount of public input on this matter before making their decision today.

Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried. Resolution #9 is attached.

Chairman Payne adjourned the meeting at 11:10 A.M.

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RESOLUTION NO. 9, SERIES 2014

**A RESOLUTION PLACING A TEMPORARY MORATORIUM ON FUTURE
CONSTRUCTION, ALTERATION, OR USE OF ANY BUILDING, STRUCTURE, OR
PROPERTY FOR THE COMMERCIAL CULTIVATION, PRODUCT
MANUFACTURING, DISPENSING AND/OR SALE OF MEDICAL MARIJUANA
UNTIL THE EFFECTIVE DATE OF THE FREMONT COUNTY
MARIJUANA BUSINESS LICENSING RULES AND REGULATIONS**

WHEREAS, Fremont County has received a number of inquiries regarding the use of property in Fremont County for medical marijuana businesses, including cultivation, manufacturing, dispensing and sale; and

WHEREAS, current Fremont County Zoning Regulations have addressed the unique impacts of such facilities and land use; and

WHEREAS, the current Fremont County Zoning Regulations regarding medical marijuana businesses are inadequate to regulate the growth of medical marijuana growing, manufacturing and sales operations in the unincorporated areas of Fremont County; and,

WHEREAS, the Fremont County Board of County Commissioners is presently in the process of drafting and adopting licensing rules and regulations to address the medical marijuana business licensing procedure for the cultivation, manufacture, distribution and sale of medical marijuana and final licensing rules and regulations have not yet been adopted; and

WHEREAS, authority and power to adopt this Resolution is granted to the Board of Commissioners pursuant to Colorado Revised Statutes §§29-20-101, et seq., 30-11-10(2), 30-11-107, 30-28-113, 30-28-115, AND 30-28-121; and

WHEREAS, a one hundred twenty (120) day moratorium is, or appears to be, a reasonable period of time and no longer than necessary for the County to properly complete and adopt rules and regulations with respect to enterprises or businesses proposing to construct new buildings or structures; expand and/or alter existing buildings, structures, and properties; or change the use of existing buildings, structures or properties in conjunction with a medical marijuana business; and

WHEREAS, existing and potential owners and operators of such businesses will be allowed to continue with existing medical marijuana businesses and will not be unduly prejudiced by the adoption of this temporary moratorium.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY:

1. Upon the adoption and execution of this Resolution, a moratorium is hereby imposed upon all future use, construction, alteration or reconstruction of any building, structure or property for medical marijuana businesses in the unincorporated areas of Fremont County for

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120 days, or until the effective date of the Fremont County medical marijuana licensing rules and regulations, whichever first occurs.

2. Medical marijuana businesses and operations lawfully in effect prior to the effective date of this Resolution shall be permitted and allowed to continue such operations at their present, approved location, notwithstanding the adoption of this moratorium. Medical marijuana businesses and operations that have applied for, and been issued, a valid Fremont County building permit shall be allowed to continue with the work specifically requested and authorized by the issued building permit, but shall not be allowed to modify the plans or building permit in any manner that would effectively enlarge an existing medical marijuana business, or create a new medical marijuana business.

3. This moratorium shall apply only to commercial, nonprofit, collective or cooperative uses and shall not apply to persons who are certified medical marijuana users for their own individual use.

4. This moratorium shall be effective as of the date of adoption and is necessary to the preservation and furtherance of the health, safety, and welfare of the citizens of Fremont County.

Commissioner Bell moved adoption of the foregoing Resolution, seconded by Commissioner Norden and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Abstain	Absent
Edward H. Norden	<u>Aye</u>	Nay	Abstain	Absent
Timothy R. Payne	<u>Aye</u>	Nay	Abstain	Absent

Date: February 13, 2014

**BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY**

ATTEST:

By: T. Payne
Chairman

By: Hattie E. Bau
Clerk to the Board