

RESOLUTION NO. 2014-3

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SAGUACHE
STATE OF COLORADO

A RESOLUTION CONCERNING THE AUTHORIZATION, PERMITTING AND REGULATION OF
RETAIL MARIJUANA.

WHEREAS, pursuant to Amendment 64 to Article XVIII, Section 16(5)(f) of the Colorado Constitution, and C.R.S. §12-43.4-104(3), the Saguache County Board of County Commissioners is authorized to promulgate regulations concerning the permitting and operation of Retail Marijuana Establishments located within the boundaries of unincorporated Saguache County, as such Establishments are defined and set forth in Amendment 64 and C.R.S. §12-43.4-101 et seq.; and

WHEREAS, the Board of County Commissioners have determined that it is in the best interests of the citizens of the County of Saguache to permit the sale and processing of Retail Marijuana and operation of Retail Marijuana Establishments within the unincorporated areas of the County of Saguache; and

WHEREAS, Amendment 64 also requires the Board of County Commissioners to designate an entity responsible for processing applications submitted for a permit to operate a Retail Marijuana Establishment; and

WHEREAS, the Board of County Commissioners wishes to designate an entity responsible for processing applications for a permit to operate a Retail Marijuana Establishment; and

WHEREAS, the Saguache County Land Development Code is simultaneously being amended to apply the current regulations regarding the time, place, and manner of operation of Medical Marijuana Businesses, as well as additional amendments specifically related to Retail Marijuana, to Retail Marijuana Establishments; and

WHEREAS, pursuant to C.R.S. §12-43.4-301(2), the Board of County Commissioners wishes to promulgate regulations relating specifically to the permitting of Retail Marijuana Establishments within the unincorporated area of Saguache County; and

WHEREAS, the Board of County Commissioners finds such regulations are reasonable and necessary to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SAGUACHE, STATE OF COLORADO, that the operation of Retail Marijuana

Establishments are authorized in the unincorporated areas of Saguache County and the following rules and regulations shall apply to the permitting and operation of Retail Marijuana Establishments:

SECTION 1: GENERAL

1.1 Definitions

Unless otherwise defined herein, the words and terms used in these regulations shall have the meaning as set forth in the Colorado Retail Marijuana Code, § 12-43.4-1 03 C.R.S.

1.2 Purpose. The purpose of these rules and regulations is to designate an entity of Saguache County Government to process applications for permits to operate Retail Marijuana Establishments in unincorporated Saguache County and to provide the structure by which such entity will process the applications.

1.3 Scope. These rules and regulations shall apply to all applications submitted pursuant to and by virtue of Colorado state law. Under no circumstances should these rules and regulations be construed to supersede any Federal law regarding the cultivation, sale, possession, distribution, or use of marijuana.

1.4 Violation. Failure to abide by these rules and regulations will result in the denial of an application for a permit to operate a Retail Marijuana Establishment. Operation of a Retail Marijuana Establishment without a permit issued by the Local Permitting Authority is a violation of State law and will be prosecuted as such.

1.5 Severability. If any part or parts of this resolution or these rules and regulations are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this resolution and these rules and regulations.

SECTION II: PROCEDURES

2.1 Local Permitting Authority. The Board of County Commissioners is the Local Permitting Authority for the issuance of permits for Retail Marijuana Establishment. The Saguache County Planning Commission is hereby designated as the review authority for all new applications and modification of application. The Saguache County Land Use Department is the enforcement agency for all Retail Marijuana Permit applications and operations and is responsible for providing application forms and assisting the applicant with the application process.

2.2 Permit Required. No person may operate a Retail Marijuana Establishment without a valid permit issued by both the Local Permitting Authority and the State Permitting Authority. The Local Permitting Authority is authorized to issue permits for the following operations:

- a. Retail Marijuana Cultivation Facility, as defined in C.R.S. § 12-43.4-103(16)
- b. Retail Marijuana Products Manufacturer, as defined in C.R.S. § 12-43.4-103(19)
- c. Retail Marijuana Store, as defined in C.R.S. § 12-43.4-103(20)
- d. Retail Marijuana Testing Facility, as defined in C.R.S. § 12-43.4-103(21)

2.3 Referral and Review Process. An application for a Retail Marijuana Establishment permit shall be reviewed by the review authority as a Conditional Use Permit Application in accordance with the applicable criteria set forth in Article 4 of the Saguache County Land Use Code. In addition to the referral agencies required to review applications in accordance with Article 4 of the Code, all applications for permits for Retail Marijuana Establishments shall be referred to the Sheriff's Office.

2.4 Environmental Health Inspection. Applicants for a permit to operate a Retail Marijuana Products Manufacturing facility shall be required to obtain a Retail Food Establishment Permit and pass all applicable inspections by the Saguache County Department of Public Health.

2.5 Decision. A decision regarding the issuance of a permit under these regulations shall be issued by the review authority pursuant to timelines set forth in the Conditional Use Permit Application Review Process once the application has been deemed complete.

2.6 Appeal. Appeals of the review authority's decision shall be made to the Saguache County Board of Commissioners.

2.7 Renewal. Permits shall be renewed on an annual basis and subject to the inspection and renewal procedures set forth in Article 4 of the Code.

2.8 Transfer of Ownership. Ownership of a permit may be transferred pursuant to the terms and conditions set forth in C.R.S. § 12-43.4-308. Individuals or entities wishing to transfer ownership of a permit shall submit an application to the review authority. Such application shall meet the requirements for a new permit set forth above in 2.3 above.

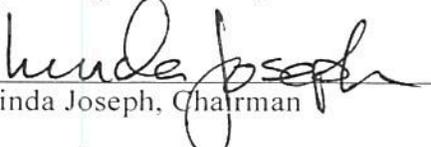
2.9 Change in Location. A permittee wishing to change the location of its Retail Marijuana Establishment operation shall submit an application to the review authority. Such application shall meet the requirements for a new permit set forth above in Section 2.3.

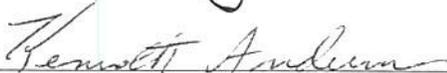
SECTION III: FEES

3.1 Fee Schedule. The applicable permitting and operating fees for Retail Marijuana Establishments shall be set forth in the Fee Schedule promulgated by the Saguache County Land Use Department and approved by the Board of County Commissioners, as amended from time to time.

Read, Approved and Adopted this 11th day of March, 2014.

By the Saguache County Board of Commissioners

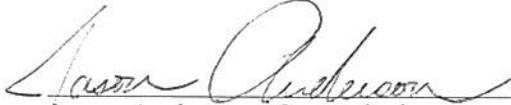

Linda Joseph, Chairman


Kenneth Anderson, Commissioner

Clerk of the Board


Carla Gomez

Seal


Jason Anderson, Commissioner

