

F. One medical marijuana center currently exists in unincorporated Routt County as a use by right subject to a site plan review in the commercial zoning district as contained in the Routt County Zoning Regulations; and

G. C.R.S. § 12-43.3-301(2)(a) states that a “local licensing authority shall not issue a local license within ... the unincorporated portion of a county unless ... the governing body of the county has adopted a resolution containing specific standards for license issuance...;” and

H. C.R.S. § 12-43.3-104(5) includes in its definition of a “local licensing authority,” the board of county commissioners if no other authority has been designated; and

I. For the purposes of C.R.S. § 12-43.3-104(5), no other authority has been designated as a “local licensing authority” in Routt County, Colorado; and

J. The Board finds that the existing medical marijuana center is operating at its own risks as to federal and state laws that prohibit the manufacturing, distribution, or possession of marijuana; and

K. On June 21, 2011, the Board conducted a public hearing on the proposed imposition of a prohibition related to the operation of any new business that cultivates, processes or dispenses marijuana, notice of said hearing having been printed in the Steamboat Today, a local newspaper of general circulation; and

L. The Board intends, pursuant to the provisions of the Code as well as the provisions of the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S. and the County Planning and Building Codes, Article 28 of Title 30, C.R.S., to prohibit the establishment or operation of new medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing within the unincorporated areas of Routt County; and

M. The Board intends, pursuant to the C.R.S. § 12-43.3-301, to adopt specific standards for license issuance for existing medical marijuana centers or medical marijuana optional premises cultivation operations; and

N. The Board recognizes the protections afforded by Article XVIII, Section 14 of the Colorado Constitution and intends to affirm the ability of patients and primary care-givers to have the rights and obligations as set forth in the Colorado Constitution and the provisions of C.R.S. § 25-1.5-106; and

O. The Board intends to reserve to itself the authority, but not the obligation, to amend this Resolution in the future in order to extend, modify or remove the prohibition or standards set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Routt County, Colorado, that:

Section 1. On and after June 21, 2011, the establishment or operation of any new medical marijuana centers, medical marijuana optional premises cultivation operations, and medical marijuana-infused products manufacturing is prohibited in the unincorporated areas of Routt County, Colorado.

Section 2. The prohibition set forth herein shall not apply to the possession and use of medical marijuana by patients who are registered and licensed by the State of Colorado to be medical marijuana patients and shall not apply to persons who are registered with the State of Colorado as primary care-givers who supply medical marijuana to third persons provided that the possession and use by such persons of medical marijuana is in accordance with Colorado law.

Section 3. The prohibition established herein shall not apply to any medical marijuana centers or medical marijuana optional premises cultivation operations operating within the unincorporated area of Routt County on or before June 8, 2010. Any such medical marijuana center or medical marijuana optional premises cultivation operation will be considered by Routt County to be a commercial operation pursuant to the Routt County Zoning Regulations and may continue to operate as a commercial operation so long as such operation is in compliance with the laws and regulations of the State of Colorado and Routt County, including but not limited to licensing regulations, and the site plan approved by Routt County as amended on August 5, 2010. If Routt County amends regulations applicable to medical marijuana centers and/or medical marijuana optional premises cultivation operations, any then-existing medical marijuana center and/or medical marijuana optional premises cultivation operation will be required to comply with such regulations.

Section 4. The Board specifically reserves the authority, but not the obligation, to amend this Resolution as circumstances warrant in order to extend, modify, or remove the prohibitions described herein.

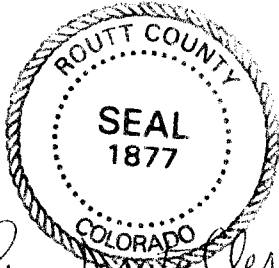
Section 5. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Routt County, Colorado, declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

Upon motion duly made, seconded and adopted this 21st day of June, 2011.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ROUTT, COLORADO

By: 

Diane Mitsch Bush, Chair



ATTEST:

Kay Weinland
Kay Weinland *By Jeni Juy* Deputy Clerk
Clerk and Recorder

RESOLUTION VOTE:

Nancy J. Stahoviak:	<input checked="" type="radio"/> Yes	No	Abstain	Absent
Douglas B. Monger:	<input checked="" type="radio"/> Yes	No	Abstain	Absent
Diane Mitsch Bush:	<input checked="" type="radio"/> Yes	No	Abstain	Absent