

**CROWLEY COUNTY BOARD OF COUNTY COMMISSIONERS
RECORD OF PROCEEDINGS**

October 24, 2016

CALL TO ORDER

Board of County Commissioners met in regular session on October 24, 2016. The meeting was called to order by Chairman T. E. Allumbaugh at 8:30 a.m. with the following present:

T. E. Allumbaugh-----Chairman
Frank Grant-----Vice Chairman
Gary Gibson-----Member
Mike Apker-----Deputy Clerk to the Board

Audience: None

PUBLIC HEARING: AMENDMENTS TO LAND USE MANUAL/COMMERCIAL MARIJUANA REGULATIONS

The board conducted a public hearing soliciting comments on the proposed amendments to the Land Use Manual for Commercial Marijuana Facilities.

There were no comments presented to the board either in writing or in attendance.

The board returned to regular session

RESOLUTION NO. 7080

APPROVAL RESOLUTION AMENDING THE CROWLEY COUNTY LAND USE CODE FOR COMMERCIAL MARIJUANA REGULATIONS

Motion by Grant, seconded by Gibson to approve the amended provisions to the Crowley County Planning and Zoning regulations for Commercial Marijuana Regulations. Crowley County Planning and Zoning Commission approved the regulations at a special meeting on October 10, 2016

CROWLEY COUNTY
COMMERCIAL MARIJUANA
REGULATIONS
SECTION 14
October 24, 2016

1. AUTHORITY OF ARTICLE:

This article is authorized by Colorado Constitution Article XVIII, Sections 14 & 16 and C.R.S 12-43.3-101 et seq., 12-43.4-101 et seq., and 39-28.2-101 et seq.

2. PURPOSE OF ARTICLE:

These Commercial Marijuana Regulations establish additional rules, procedures, criteria and conditions governing the time, place, manner, and fees for Commercial Marijuana Cultivation Facilities in the unincorporated area of Crowley County. These Regulations may be amended by Resolution of the Board of County Commissioners.

3. GENERAL PROVISIONS:

The title of this section shall be the Crowley County Commercial Marijuana Regulations, and may be so cited.

4. DEFINITIONS:

a. General definitions, terms and phrases are stated in the Crowley County Planning and Zoning Manual, beginning with page 50. This article adopts the definitions in Colorado Constitution article XVIII, Sections 14 & 16, and C.R.S 12-43.3-101 et seq., 12-43.3-101 et seq. and 39-28.8-101 et seq.

b. Facility Operator: A "person" as defined in in the Crowley County Planning & Zoning Manual that holds a current State license for the Commercial Cultivation of Marijuana and oversees the day to day operations of a Commercial Marijuana Cultivation Facility.

5. COUNTY EXCISE TAX: Pursuant to the Crowley County Board of County Commissioners' Resolution 2016-2, a local five percent (5%) excise tax has been presented to the Crowley County voters. If approved, the excise tax will be imposed upon the Facility Operator who shall pay the excise tax to the Crowley County Treasurer upon the transferring of any commercial marijuana from said facility. Failure to comply with all provisions of this resolution may result in the revocation of the Use by Review Permit.

6. USE BY REVIEW:

a. Commercial Marijuana Cultivation Facility may be permitted only as a conditional use in Agricultural and/or Commercial & Industrial Zoning Districts as defined in the Crowley County Planning & Zoning Manual.

b. All Commercial Marijuana Cultivation Facility Owner(s) shall have an approved Use by Review Permit before commencing construction or operation of such facility.

c. Facility Operator(s) must have a conditionally approved Colorado Marijuana Cultivation License pursuant to Colorado Department of Revenue, Marijuana Enforcement Division 1 CCR 212-2.

d. Use by Review Permits for Commercial Marijuana Cultivation Facilities or Facility Operator shall not be transferrable. Any change of the identity of person or ownership listed as the applicant or combination thereof, as defined in the Crowley County Planning & Zoning Manual, requires a new Use by Review Permit to be approved by the Board of County Commissioners.

e. Each successful applicant for a conditional use permit shall provide to the County any reports deemed necessary by the Crowley County Land Use Administrator, including but not limited to, books & records maintained pursuant to section 39-38.8-303 CES, payroll records, water source and water consumption records.

f. The licensed premises, including but not limited to any places where marijuana is grown, stored, cultivated and/or tested shall be subject to inspection by the Local Licensing Authority or its designee, and any other state or local law enforcement personnel during all business hours and other times of apparent activity, for the purpose of inspection or investigation. The Local Licensing Authority and its designee may conduct unannounced or covert compliance inspections. For examination of any inventory or books and records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area shall be made available for inspection without delay and, upon request by authorized representatives of the Local Licensing Authority, the licensee shall open the area for inspection. Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period of the current tax year and the three immediately prior tax years.

g. Each Applicant shall sign a waiver acknowledging that activities authorized by a Use by Review Permit under this provision may constitute a violation of Federal Law and that the issuance of the Use by Review Permit hereunder in no way excuses such violation, and may result in revocation of the Use by Review Permit.

h. To the degree possible/practical, when hiring employees, each grow facility should give preference to Crowley County area residents.

7. USE BY REVIEW REQUIREMENTS AND CONDITIONS

a. In addition to the provisions applicable to Use by Review permits as described above and in the Crowley County Planning & Zoning Manual, permits to operate a Commercial Marijuana Cultivation Facility shall be conditioned on the following, at the discretion of the Crowley County Board of County Commissioners (BOCC).

b. Annual Compliance Reviews shall be performed by the Board of County Commissioners, or its designees, no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit.

c. All required construction permits must be in place within forty-five (45) days of the Use by Review approval. Construction must begin within 180 days of the Building Permit approval, and all final building inspections must be performed within one year of the building permit approval.

d. Failure to meet any conditions of the approved Use by Review requirements may result in the revocation of the Use by Review Permit and fines of up to \$1,000 per day until corrected to the satisfaction of the Local Licensing Authority.

e. In addition to the provisions described above, the following information shall be submitted:

- 1). General Land Use Application
- 2). Operations & Business plan
- 3). Proof of Colorado Residency (required minimum of two (2) years).
- 4). Written consent from the Conditional Use by Review holder to act as the facility operator.
- 5). A signed contract with an approved water provider from an approved water source as determined by the Colorado Division of Water Resources. Said contract shall be for a minimum of five (5) years.

8. MANNER OF OPERATIONS:

a. A Commercial Marijuana Cultivation Facility shall be in conformity with all applicable State statutes and regulations, as well as any of the terms and conditions of any state license issued to the facility, and the Commercial Building Standards adopted by Crowley County at the time of the application.

b. All commercial marijuana cultivation shall take place inside of greenhouses, composed of a secured, locked and unobtrusive structure with approved perimeter fencing meeting the commercial building standards adopted by Crowley County at the time of construction. No outdoor commercial grows will be allowed in Crowley County.

c. Commercial Marijuana Cultivation Facilities shall be located at least one mile from the boundary of any incorporated town.

d. When determined necessary by the Board of County Commissioners, Commercial Marijuana Facilities shall be equipped with an automatic fire sprinkler system, meeting the commercial building standards adopted by Crowley County at the time of construction.

e. All Commercial Marijuana Cultivation Facilities must secure a water source adequate to meet their needs without harming other water customers on their water system and their specific water line. The water source secured must be approved by a Division 2 Engineer from the Colorado Division of Water Resources. Documentation of this approval must be included in the application at the time of the initial submittal, or the application shall not be accepted.

f. All applications for commercial marijuana cultivation shall be sent to the Colorado Division of Water Resources, as referenced above, as well as the Fire Chief, the Crowley County Sheriff's Department and any other agency determined necessary by the Planning and Zoning Board.

9. FEES:

a. Initial Review Fee: \$500. This fee shall be paid when the application is submitted to the Land Use Department.

b. Application Fee: \$500.

c. Initial Owner & Operator Fee: \$10,000 Subsequent Annual Fee: \$5,000

d. The Initial Review Fee and the Application Fee must be paid prior to the Planning & Zoning Commission's review/decision.

e. Be advised, Crowley County charges a 2% use tax on all building materials purchased outside of the county.

f. The Local Licensing Authority by rule or regulation shall set the due dates for any fee due pursuant to this section. These and all other fees must be paid within 30 days of invoice date.

10. DISCLAIMER

a. Activities authorized by a Use by Review Permit under this provision may constitute a violation of Federal Law. Be advised issuance of a Use by Review Permit hereunder in no way excuses such violation.

11. APPLICATION, NOTICE AND HEARING

a. Application, notice and hearing procedures shall be in accordance with the Crowley County Planning and Zoning Manual.

12. CONFLICTING PROVISIONS

a. Should any provisions within these Commercial marijuana Regulations conflict with any other State or Local Regulations, the most restrictive applies, unless otherwise stipulated.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye
Gibson-----Aye
Grant-----Aye

MONTHLY PRISON MEETING

The board met with representatives from the Crowley County Correctional Facility and the Arkansas Valley Correctional Facility.

Those present were:

Commissioners: Allumbaugh, Grant and Gibson
CCCF Warden: Mike Miller
AVCF Warden: Shawn Foster
AVCF Asst Warden: Colin Carson

No further business appearing the meeting was recessed.
Minutes taken by Mike Apker.

ATTEST:

Lucile Nichols, County Clerk

Tobe Allumbaugh, Chairman