



# Land Use

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**BOULDER COUNTY Planning Commission**  
**September 18, 2013**  
**Hearing Room, Third Floor**  
**Boulder County Courthouse**

**Docket DC-13-0002: Proposed amendments to Article 4-512.I of the Land Use Code pertaining to Medical Marijuana Centers** - Proposed text amendments to Article 4-512.I of the Land Use Code pertaining to Medical Marijuana Centers – Types of Medical Marijuana Centers, setback requirements, and cleanup of outdated provisions.

**Staff Planner:** Dale Case, AICP

## Background

On June 8, 2010 the County Commissioners adopted Land Use Regulations that specifically dealt with the regulation of Medical Marijuana Land Uses in the Unincorporated County. The BOCC has authorized staff to draft and process amendments to the Boulder County Land Use Code regarding Medical Marijuana Centers 4-512(I) of the Boulder County Land Use Code. Amendments are necessary to address several issues that have arisen during implementation and to remove outdated provisions. These amendments are not concerning recreational marijuana sales or production.

## Proposed changes and analysis

Clarify the definition and what is included as a Medical Marijuana Center (MMC) and to add Medical marijuana infused products manufacturing and medical marijuana research facility as uses under this definition. Currently infused products and research with marijuana fall under a Light Industrial Use classification and not under the MMC use. This causes confusion with licensing (they still require a Medical Marijuana License through the state and locally but could be allowed without any of the other additional requirements under 4-512.I) and causes practical difficulties with the County Land Use Code's requirements when there are multiple principal uses on parcels. Currently a location with a Infused products manufacturing and a retail outlet is two principal uses which automatically triggers Special Review. There currently is not a separation requirement for the Light Industrial Use of infused products.

## Medical Marijuana Center

1. Definition: A business that grows, sells, and/or distributes medical marijuana as authorized under Section 14 of Article XVII of the Colorado Constitution and other applicable state law.

### This use includes the following

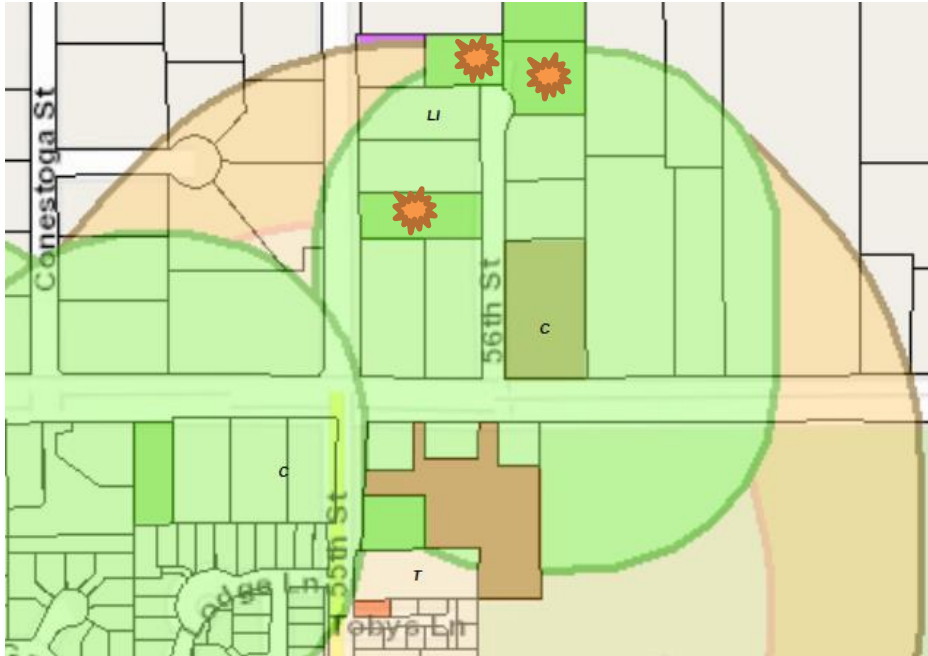
- a. Medical marijuana retail center;
- b. Medical marijuana-infused products manufacturing;
- c. Optional premises cultivation; and
- d. Medical Marijuana research facility

## Amendments to setback requirements for Medical marijuana-infused products manufacturing, Optional premises cultivation and Medical Marijuana research facility

Amendments are proposed which impact how the County imposes spacing requirements from certain critical facilities (drug and alcohol treatment facilities, schools, day care). The proposed

changes will more effectively reflect the rationale for these spacing requirements. Optional premise cultivation, research facilities, and infused products are industries which do not have the same presence and impact on the street as retail centers (no signage, retail sales, and customers/public access) and thus the same setback standards as required for dispensaries are not necessary. As a matter of fact these facilities are not permitted to have public access. The City of Denver regulates spacing in a similar fashion -- no spacing from critical facilities for grow and infused product manufacturing.

Below is an example of current buffers (need color copy to distinguish layers):



Green is 500' buffer around current Medical Marijuana Centers – Applies in Commercial and Business Zoning Districts only and is not proposed for change.

Tan with brown outline is the 1,000' buffer from treatment facilities. This is being proposed to be changed so Optional Premise Cultivation, Infused product manufacturing and Medical Marijuana Research Facilities would not be required to meet this buffer. In the map above there are several existing grow operations marked with orange splat (🌻) within this buffer that access off a different road and are not visible or accessible to anyone visiting the treatment facility. Currently these facilities cannot obtain licensing because they don't meet the zoning setback requirements prescribed in the Code.

5. Additional Provisions:

- a. This use A Medical marijuana retail center shall not be located within 1,000 feet of an alcohol or drug treatment facility, a licensed child care facility, or an educational facility with students below the college grade level (including facilities in the unincorporated County or substantially similar facilities in an adjacent municipality), as measured from the closest point of the subject parcel lines.
- b. Medical marijuana-infused products manufacturing, Optional premises cultivation, and Medical Marijuana research facility are not subject to the above setback requirement provided there is not an associated dispensary – option: Still require some setback between this use and child care and educations facilities –

**Change to remove language no longer necessary -**

~~e. Any Medical Marijuana Center established or operating in the unincorporated County as of~~

August 1, 2010, shall register with the County Land Use Department by that date. Any Medical Marijuana Center established or operating after August 1, 2010, shall register with the County Land Use Department within 30 days after establishment or commencement of operations. Registration information shall include, but is not limited to, the legal name of the business, its owner, and on-site manager; contact information for the owner and manager; date of establishment of the business; description of the nature and extent of the business; and identification of all structures, floor area, and property occupied by or associated with the business. Registration shall not be required for any Medical Marijuana Center which receives a County license on or after July 1, 2011 pursuant to Colorado House Bill 10-1284.

**Recommendation**

**STAFF RECOMMENDS THE PLANNING COMMISSION APPROVE AND RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF Docket DC-13-0002: Docket DC-13-0002: Proposed amendments to Article 4-512.I of the Land Use Code pertaining to Medical Marijuana and certify the Docket for action to the Board, which certification includes the approved text of the Docket, and the official record of the Docket before the Commission with its staff comments, public testimony, and Commission discussion/action.**