



Land Use

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BOULDER COUNTY PLANNING COMMISSION PUBLIC HEARING

**June 18, 2014 – 1:30 PM
Hearing Room, Third Floor
Boulder County Courthouse**

PUBLIC HEARING

STAFF PLANNER: Debra Bristol, Planning Technician

DC-14-0001: Text Amendments to Article 4-512.J Marijuana Regulations and 4-516.O Home Occupation

Description: Text amendments to Article 4-512.I of the Boulder County Land Use Code to amend the current definition of Medical Marijuana Center to Marijuana Establishment which includes both retail and medical marijuana. Additional amendments include changes to marijuana terms, home occupation provisions, and marijuana grown for personal use.

SUMMARY

With the advent of retail (recreational) marijuana in January 2014, Boulder County Land Use Staff has drafted regulations with the purpose of amending the County's current marijuana regulations to allow for the licensing and operation of retail marijuana businesses within the unincorporated County. The draft presented in this report proposes additional language and amends current language, to the Land Use Code (the Code) as it relates to retail and medical marijuana. Changes and additions to the Code were warranted by a need for uniformity and consistency between state and local marijuana licensing regulations. The proposed revisions incorporate retail marijuana as a use in the Code and modify provisions related to medical marijuana caregivers, home occupations, and personal use.

The proposed amendments to the regulations are as follows:

- Proposes the term "Marijuana Establishment" as a use that includes retail and medical marijuana businesses (Article 4-512.I);
- Provides updates and clarifications (Article 4-512 and Article 4-516);
- Includes additional provisions under Accessory Uses to include cultivation for personal use (Article 4-516.R);
- Proposes limitations on square footage used for caregiver activities under Home Occupation (Article 4-516.Q); and
- Proposes prohibiting the use of compressed, flammable has gas in the extraction of hash oil in a residential setting for caregiver and personal use production and manufacturing of infused-products (Article 4-516.Q and R).

HISTORY

Medical marijuana was legalized in the state of Colorado in 2010. Corresponding legislation allowed localities and related jurisdictions to prohibit marijuana-related facilities or regulate the time, manner, and place that businesses may operate. Boulder County enacted its first set of marijuana regulations in June 2010. As the marijuana business has evolved, County regulations have been amended to ensure that both public interests and state legislation continue to be recognized.

In 2010, after requiring the registration of operating medical marijuana businesses, the County passed its first Land Use medical marijuana regulations in June of that year. In October 2013 amendments were passed to add retail marijuana under the term “Medical Marijuana Center,” address multiple principle use issues by integrating infused-product manufacturing as a Medical Marijuana Center use, and revise the distance requirements for cultivation, testing, infused product manufacturing and storage.

In 2012 Amendment 64 authorized state licensing for businesses engaged in the cultivation, manufacturing of products, testing/research, and retail sale of recreational marijuana. Recognizing the voters’ decision, Boulder County Land Use Staff have drafted retail marijuana regulations that are consistent with state regulations and local interests.

Currently, the County has three retail marijuana establishments that are licensed and operating. There are three additional establishments with pending retail licenses. Boulder County has imposed a moratorium for retail marijuana prohibiting the establishment of any new retail business until January 1, 2015. The County’s Marijuana Authority is updating their licensing regulations as well.

DISCUSSION AND BACKGROUND

Proposed Terms:

Staff was able to identify several terms within the current land use marijuana regulations that were not consistent with State regulatory terminology. Staff is proposing the term “Marijuana Establishment” as a replacement for the term “Medical Marijuana Center.” It is also recommended that retail and medical marijuana be consolidated under “Marijuana Establishment” in Article 4-512.I. The draft regulations define “Marijuana Establishment” as any business that is engaged in the cultivation, testing, manufacturing and retail sale of medical or recreational marijuana. Other local governments have adopted similar terminology. Denver Retail Marijuana Code refers to the term “Marijuana Establishment” as a business that is engaged in the testing, cultivation, manufacturing and retail sale of marijuana.¹ The State has adopted the term “Retail Marijuana Establishment” to include retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, or a retail marijuana testing.² The proposed term “Marijuana Establishment” also requires a business to be licensed or have a currently pending license application to be considered a legal marijuana establishment.

Staff is recommending the term “Marijuana Store” as a replacement term for “Medical Marijuana Retail Center.” A marijuana store is an establishment that is engaged in the retail sale of medical or recreational marijuana.

¹ Article V. Sec. 6-200 of the Denver Retail Marijuana Code

² 12-43.4-103. Definitions of the Colorado Retail Marijuana Code

This draft also proposes defining a cultivation facility growing retail marijuana as a “retail marijuana cultivation facility,” in accordance with the Colorado Retail Marijuana Code.³ This is consistent with the State Constitution’s marijuana definitions.

Staff is proposing to remove “marijuana storage and warehouse facilities” from Article 4-512.I. With this change, storage and warehousing of marijuana is considered a Warehouse Use under Article 4-515.B.

Proposed Use Classification Changes and Additions:

In March of 2014, the Colorado Health Department took steps to manage concerns and issues that were a consequence of caregivers growing large quantities of medical marijuana by sending letters to doctors requesting detailed documentation justifying elevated plant counts for patients. Staff, having similar concerns, reevaluated the Code’s current caregiver and home occupation regulations.

In Boulder County’s Land Use Code, home occupations are categorized as an accessory use, limiting home occupation activities up to 50% of the floor area of the dwelling. A medical marijuana caregiver is required to perform caregiver activities as accessory to the residential use. Staff concluded that the County’s current limitation on square footage that may be dedicated to activities related to a home occupation may encourage cultivation of marijuana in large quantities within a residential setting. The resulting impacts of large scale marijuana cultivation are not compatible with and not accessory to a residential use. After researching proposed and current caregiver regulations from comparable counties, staff found 100 square feet to be a reasonable limitation and is proposing the limit as an additional provision under Article 4-516.Q.⁴ The proposed limitation also includes any square footage used for caregiver activities in accessory structures.

Extraction is the method of removing highly concentrated oil from the marijuana plant, and it is used for the production or manufacturing of infused products. The extraction processes removes highly concentrated THC from the marijuana plant and commonly relies on compressing gas used as a solvent in order to do so. This technique is extremely volatile if not performed correctly. Over the last couple of years there have been an increasing number of hash oil extraction-related explosions in residential areas. These events led to State legislation that grants a local government the ability to ban the use of a compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids in a residential setting.⁵ The draft amendments proposed in this docket recommend prohibiting extraction for personal use and caregivers operating as a home occupation.

Recognizing the legalization of marijuana cultivation for personal use, staff has proposed a new use classification under Accessory Uses (Article 4-416.R) called “Personal Marijuana Cultivation and Marijuana Product Manufacturing.” As proposed, cultivation and product manufacturing for personal use must be accessory to a residential use, it may not exceed 100 square feet, and using compressed, flammable gas for extraction is prohibited.

Staff is also proposing a new Additional Provision under Article 4-512.I (“Marijuana Establishment”) that prohibits any marijuana business from operating a drive-through service.

³ Article 43.4 of Title 12, C.R.S.

⁴ Summit County Land Use and Development Code, 3804.04: Residential Cultivation of Marijuana

⁵ Colorado State Constitution, C.R.S. §9-7-113

PUBLIC INVOLVEMENT

Staff sent a formal referral to interested parties on May 22, 2014 and Land Use Code ListServ on May 29, 2014. Two comments have been received from the public: they noted concerns and possible implications that may arise as result of the proposed caregiver square footage limitations and suggesting the County to recognize hemp cultivation in the County (see Exhibit C).

CRITERIA REVIEW

No text amendment shall be adopted [by the Board of County Commissioners] unless the Board has Determined that:

1. the existing text is in need of the amendment;
2. the amendment is not contrary to the intent and purpose of this Code; and
3. the amendment is in accordance with the *Boulder County Comprehensive Plan*

The existing Code does not clearly define retail marijuana as a use. Draft regulations addressed the need for clarification in the Code and inconsistency between local licensing regulations and land use regulations. Proposed regulations recognize the voter's decision while avoiding any contradictions to the intent and purpose of the Code.

Therefore, staff finds that the need for the amendments has been demonstrated, the amendments are not contrary to the intent and purpose of the Code, and the amendments do not conflict with the Boulder County Comprehensive Plan; consequently, the criteria for text amendments in Article 16-100.B. of the Land Use Code are met.

RECOMMENDATION

Staff recommends the Planning Commission approve and recommend the Board of County Commissioners **approve Docket DC-14-0001 Text Amendments to Article 4-512.J Marijuana Regulations and 4-516.O Home Occupation**, and certify to the Board the text of the Docket as approved by the Commission. This certification shall include the official record of the Docket before the Planning Commission, to provide the Board with the context and scope of the Planning Commission's discussion of and recommendation on the Docket. The Board may consider this record in determining whether any changes which the Board may make to the Docket after the Board's public hearing, constitute a substantial change to the Docket requiring re-referral to the Commission.

ATTACHMENTS

Exhibit A: Summit County Land Use Code and Development Code, Marijuana Regulations

Exhibit B: Articles pertaining to hash oil explosions

Exhibit C: Public comments

Exhibit D: Article on medical marijuana caregivers and patients

Exhibit E: C.R.S 9-7-113 Use of flammable gases in home marijuana cultivation

DRAFT REGULATIONS

Article 4-512 Retail and Personal Service Uses

I. Medical Marijuana Center Establishment

1. Definition: A licensed business or a business with a pending license application that grows, sells, and/or distributes medical and/or retail marijuana as authorized ~~under~~ pursuant to Section 14 and Section 16 of Article ~~XVII~~ XVIII of the Colorado Constitution and other applicable state law. This use includes the following:
 - a. ~~Medical Marijuana retail-center store;~~
 - b. ~~Medical Marijuana infused-products manufacturing;~~
 - c. Optional premises cultivation or retail marijuana cultivation facility ; and
 - d. ~~Medical Marijuana testing and/or research facilities.~~
2. Districts Permitted: By right in T, B, C, LI, and GI.
3. Parking Requirements:
 - a. One space per 200 square feet of floor area used for office, sales, or personal service operations.
 - b. One space per 1,000 square feet of floor area used for ~~growing cultivating warehousing, or storage operations, and research and/or testing facilities.~~
4. Loading requirements: One loading space for 10,000 or more square feet of floor area.
5. Additional Provisions:
 - a. This use must obtain and maintain all necessary state and local permits. Regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of ~~medical~~ marijuana or ~~medical~~ marijuana-infused products, as defined in ~~Colorado House Bill 10-1284~~ the Colorado Medical Marijuana Code, C.R.S. §12-43.3-101, et. seq., and the Colorado Retail Marijuana Code, C.R.S. §12-43.4-101, et. seq. [“the Codes”], are and will be subject to the provisions and limitations stated in ~~H.B. 12-1284~~ those Codes. These provisions and limitations include those in the legislation, and any state and County requirements promulgated under the legislation. Such businesses or uses, even if allowed under this Section 4-512.I or prior provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate ~~under~~ pursuant to, ~~H.B. 10-1284~~ the Codes.
 - b. This use may include the accessory sale of products containing ~~medical~~ marijuana to the extent authorized by applicable state law.
 - c. One single-family dwelling to house the owner or manager of the ~~Medical Marijuana Center Establishment~~ and ~~their~~ his or her family will be considered customary and incidental as part of this use, to the extent authorized by state law.
 - d. Except in the LI and GI Zoning Districts, this use shall not be located within 500 feet of another ~~Medical Marijuana Center Establishment~~ (including ~~a Center an~~ an Marijuana Establishment in the unincorporated County or a substantially similar facility in an adjacent municipality), as measured from the closest point of the subject parcel lines.
 - e. A ~~Medical Marijuana Retail Store 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.

- f. ~~Medical~~ Marijuana-infused products manufacturing, optional premises cultivation, and ~~medical~~ marijuana testing and/or research facilities, are not subject to the above setback requirement in Subsection e., provided there is not an associated ~~dispensary~~ marijuana store.
- g. A change of use from an existing Retail or Personal Facility Use under Art. 4-512.M. of this Code, or from an existing Professional Office Use under Art. 4-509.A. of this Code, to a ~~Medical Marijuana Center~~ Establishment allowed under this Article 4-512.I, shall not require Site Plan Review approval under Article 4-802.A. of this Code.
- h. Marijuana establishments shall not have a drive-through service.

(Use Tables 4-512 Retail and Personal Service Uses change “I” to Marijuana Establishment)

4-108 Transitional (T) District

- A. Purpose: Areas containing both a variety of residential uses and a limited number of business uses which are compatible with residential development.
- B. Principal Uses Permitted
 - 12. Retail and Personal Service Uses (see 4-512)
 - a. Building Material or Garden Store (S)
 - b. Day Care Center (S)
 - c. Eating or Drinking Place, with drive through (S)
 - d. Eating or Drinking Place, without drive through (S)
 - e. ~~Medical Marijuana Center~~ Establishment
 - f. Mortuary
 - g. Recycling Collection Center, Small (I)
 - h. Veterinary Clinic, without outdoor holding facilities

4-109 Business (B) District

- A. Purpose: Areas for the development of restricted retail and business uses which have minimal exterior impact on surrounding properties.
- B. Principal Uses Permitted
 - 12. Retail and Personal Service Uses (see 4-512)
 - a. Bank
 - b. Convenience Store
 - c. Day Care Center
 - d. Emergency Care Facility
 - e. Eating or Drinking Place, with drive through (S)
 - f. Eating or Drinking Place, without drive through
 - g. Indoor Theater
 - h. ~~Medical Marijuana Center~~ Establishment
 - i. Mortuary
 - j. Recycling Collection Center, small (I)

- k. Retail or Personal Service Facility
 - l. Vehicle Service Center
 - m. Veterinary Clinic, with outdoor holding facilities
 - n. Veterinary Clinic, without outdoor holding facilities
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4-110 Commercial (C) District

- A. Purpose: Areas for the development of commercial, business, retail, and/or service uses
 - B. Principal Uses Permitted
 - 12. Retail and Personal Service Uses (see 4-512)
 - a. Bank
 - b. Building Material and Garden Store
 - c. Convenience Store
 - d. Day Care Center
 - e. Emergency Care Facility
 - f. Eating or Drinking Place, with drive through (S)
 - g. Eating or Drinking Place, without drive through
 - h. Indoor Theater
 - i. ~~Medical Marijuana Center~~ Establishment
 - j. Mortuary
 - k. Outdoor Theater
 - l. Recycling Collection Center, Small
 - m. Retail or Personal Service Facility
 - n. Vehicle Service Center
 - o. Veterinary Clinic, with outdoor holding facilities
 - p. Veterinary Clinic, without outdoor holding facilities
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4-111 Light Industrial (LI) District

- A. Purpose: Areas for the development of research, light industrial, warehouse, and/or distribution centers.
 - B. Principal Uses Permitted
 - 12. Retail and Personal Service Uses (see 4-512)
 - a. Day Care Center
 - b. Emergency Care Facility
 - c. ~~Medical Marijuana Center~~ Establishment
 - d. Mortuary
 - e. Recycling Collection Center, Small
 - f. Veterinary Clinic, without outdoor holding facilities
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4-112 General Industrial (GI) District

- A. Purpose: Areas for the development of general industrial, manufacturing, commercial, and/or retail uses.
- B. Principal Uses Permitted
 - 12. Retail and Personal Service Uses (see-4-512)
 - a. Bank
 - b. Building Materials or Garden Store
 - c. Convenience Store
 - d. Day Care Center
 - e. Emergency Care Facility
 - f. Eating or Drinking Place, with drive through (S)
 - g. Eating or Drinking Place, without drive through
 - h. Indoor Theater

- i. ~~Medical Marijuana Center~~ Establishment
 - j. Mortuary
 - k. Outdoor Theater
 - l. Recycling Collection Center, Small
 - m. Retail or Personal Service Facility
 - n. Vehicle Service Center
 - o. Veterinary Clinic, with outdoor holding facilities
 - p. Veterinary Clinic, without outdoor holding facilities
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Article 4-516 Accessory Uses

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in 4-500 may be an accessory use if the Director determines that the use is customarily incidental to a main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

Q. Home Occupation

1. Definition: A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, and used only by the individuals who reside therein and one employee, provided that the home occupation:
 - a. does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line,
 - b. includes only the incidental sale of stocks, supplies, or products,
 - c. is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot,
 - d. does not include the outside storage of goods, materials, or equipment,
 - e. has signage limited to a nonilluminated identification sign two square feet or less in size,
 - f. does not exceed one-half the total floor area of the dwelling including activities carried out in an accessory structure, with the exception of child care which may exceed this limit,
 - g. does not produce traffic volumes exceeding that produced by the dwelling unit by more than 16 average daily trips or a maximum of 30 trips during any 24 hour period,
 - h. does not include nursing homes, restaurants, vehicle repair businesses, or boarding houses, and
 - i. does not include operations conducted within a dwelling unit that grow ~~medical marijuana~~, or prepare ~~medical marijuana-infused products~~, for sale to ~~Medical Marijuana Centers~~ Establishments or other ~~medical-marijuana~~ related businesses. ~~Medical marijuana operations in dwelling units shall be confined to residents growing their own medical marijuana or preparing their own infused products, and to individual primary caregivers growing medical marijuana or preparing infused products for their registered patients, as authorized under state medical marijuana law.~~
2. Districts Permitted: By right in all districts
3. Parking Requirements: One off-street space
4. Loading Requirements: None
5. Additional Provisions:
 - a. In subdivisions, no more than one vehicle associated with the use, registered as a passenger vehicle, light truck, recreational truck, or farm truck may be parked outside on the property.
 - b. The number or type of registration

- c. Medical marijuana operations in dwelling units shall be confined to residents growing their own medical marijuana or preparing their own infused products, and to individual primary caregivers growing medical marijuana or preparing infused products for their registered patients, as authorized under state medical marijuana law.
- d. Medical marijuana caregiver activities cannot exceed 100 sq. ft. including areas carried out in an accessory structure.

R. Personal Marijuana Cultivation and Marijuana Product Manufacturing

- 1. Definition: Cultivation of marijuana or manufacture of marijuana products/by-products, not for the purpose of sale or profit, primarily for the people living on the parcel.
- 2. Districts permitted: By right in all districts.
- 3. Parking Requirements: none
- 4. Loading Requirements: none
- 5. Additional provisions:
 - a. Marijuana cultivation activities for personal use cannot exceed 100 sq. ft. including areas carried out in an accessory structure.
 - b. Use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
 - c. Marijuana cultivation and marijuana product manufacturing must be accessory to a residential use.

4-802 Applicability and Scope of the Site Plan Review Process for Development

- A. Site Plan Review shall be required for (unless not required or waived pursuant to sections B and C below):
 - 1. Any development requiring a building permit on vacant parcels in unincorporated Boulder County
 - 2. Any increase in residential floor area which results in a total residential floor area greater than 125% of the median residential floor area for the defined neighborhood in which the subject parcel is located. In determining if the proposed development is greater than 125% of the residential median floor area, any demolition and rebuilding of any existing residential structure or any portions thereof, shall be counted toward the threshold.
 - 3. Any cumulative increase in floor area of more than 1,000 square feet on a parcel over that existing as of September 8, 1998
 - a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold
 - b. Any floor area not legally existing as of September 8, 1998 shall be counted toward the threshold
 - c. Applies to all principal and accessory structure(s)
 - 4. New structures of any size requiring a building permit when the site is located within a Natural Landmark or Natural Area as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County
 - 5. New structures 500 square feet or more in the 250' buffer associated with a Natural Landmark or Natural Area, as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County
 - 6. New structures or additions to existing structures of any size on property over which a conservation easement has been granted

7. Development occurring in a Rural Community District
 8. Any development or earthwork requiring a floodplain development permit
 9. Any grading permit for over 50 cubic yards of earthwork (including grading associated with an access permit)
 10. A change of use of a parcel, except to residential, or except from an existing Retail or Personal Service Facility under Article 4-512.M. of this Code or from an existing Professional Office under Article 4-509.A. of this Code to a ~~Medical Marijuana Center~~ Establishment under Article 4-512. of this Code.
 11. A commercial telecommunications facility utilizing an existing structure and meeting the height requirements of the district in which the facility is located
 12. A small wind-powered energy system.
 13. A small solar energy system as a principal use.
 14. Any proposal which is eligible to be waived from Site Plan Review, but for which a waiver was not granted
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4-1202 Standards of Review

B. Requests for a Variance from the Provisions of this Code

1. The Board of Adjustment shall not grant a variance to this Code which allows:
 - a. a use in a zoning district other than those as allowed in Section 4-100 of this Code;
 - b. a variance to the minimum lot area requirements or maximum gross density;
 - c. the alteration of any definition;
 - d. a substantial modification to any planned unit development or special use allowed approved by the County Commissioners;
 - e. any increase in the base flood level;
 - f. a change in the height or yard requirements which could be obtained, or have been denied, through Special Review; or
 - g. A decrease in the spacing requirements for ~~Medical Marijuana Centers~~ Establishments under the Additional Provisions of Article 4-512.G. of this Code.

3804: Medical and Retail Marijuana

- A. **Purpose and Intent:** It is the purpose and intent of these regulations to govern the uses and activities associated with medical marijuana and retail marijuana and ensure that such uses and activities all operate in a safe manner that does not endanger the public welfare.
1. As used herein, the following terms are defined as follows and collectively referred to as “Marijuana Businesses”:
 - a. Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana Infused Products Manufacturing Facilities as defined in Chapter 15 and under C.R.S. 12-43.3-104 and collectively referred to as “Medical Marijuana Businesses”.
 - b. Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Facilities, as defined under the “Colorado Department of Revenue, Marijuana Enforcement Division Permanent Rules Related to the Colorado Retail Marijuana Code” (CDR-MED Rules) and as may be amended from time to time or as may be defined in related and adopted Colorado Revised Statutes and collectively referred to as “Retail Marijuana Establishments”. 2. As used herein, the residential cultivation of medical and personal use marijuana is collectively referred to as “residential cultivation of marijuana”.
- B. **It is further intended that the purpose and intent of these regulations is to:**
1. Regulate the conduct of persons owning, operating, and using marijuana businesses in order to protect the public health, safety, and welfare.
 2. Establish a nondiscriminatory mechanism by which the County appropriately regulates the location and operation of marijuana businesses within the County.
 3. Mitigate potential negative impacts that the residential cultivation of marijuana may cause on surrounding properties and persons.
- C. **Adoption of State Statutory Provisions and State Administrative Regulations:** Except where the provisions set forth under Section 3804 et al. are inconsistent with or differ from the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, or the state administrative regulations relating to both medical and retail marijuana, all of the provisions of the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, and the state administrative regulations relating to both medical and retail marijuana are adopted by reference, and apply to all applications received and licenses issued by the local licensing authority. If there is a conflict between the provision of this section and the Colorado medical marijuana code or the state administrative regulations, the provisions of this Section control to the fullest extent permitted by applicable law.
- D. **Specific Authorization of Marijuana Business:** Only Marijuana Businesses specifically authorized under these provisions are permitted. All other marijuana related businesses are prohibited.

3804.01: Licensing and Permitting Requirements

- A. **License Required:** No person may operate a Marijuana Business without a valid license issued by the Local Licensing Authority and the State Licensing Authority. A person seeking to obtain a license from the Local Licensing Authority shall file an application with the County Planning Department in accordance with the requirements set forth in this section of the Code and Resolutions 13-68 and 13-67 setting forth the licensing requirements for Retail Marijuana Establishment operations and Medical Marijuana Businesses, respectively. The Planning Department is the supervising agency for all Marijuana Business License applications and is responsible for providing application forms and assisting the applicant with the application process. The County is authorized to issue licenses for: a.) a Medical Marijuana Center; b.) an optional Premises Cultivation Operation; c.) a Medical Marijuana Infused Products Manufacturing Facility; d.) a Retail Marijuana Store; e.) a Retail Marijuana Products Manufacturing Facility; f.) a Retail Marijuana Cultivation Facility; and g.) a Retail Marijuana Testing Facility.
- B. **Permit Required:** Any person wishing to cultivate marijuana in their home for personal use or as a caregiver as permitted in accordance with Section 3804.04 et seq. shall apply for and be issued a permit by the Planning Department for such residential cultivation of marijuana and such activities shall be conducted in accordance with the provisions set forth in Section 3804.04 et. seq. below.
- C. **Review Authority:** An application for a marijuana business license or a residential cultivation permit shall be reviewed as a Class 2 application in accordance with the applicable process outlined in Chapter 12. All applications that include the cultivation of marijuana, including residential cultivation, shall be reviewed as a

Class 2 administrative review and the location of the cultivation shall be kept confidential except that such locations shall be disclosed to the Building Department, Sheriff's Office, local fire authority and any other governing agency with review authority.

1. **Additional Referral Agencies:** In addition to the referral agencies required to review applications in accordance with Chapter 12, all applications for marijuana businesses shall be referred to the Sheriff's Office. Upon the receipt of a completed application, the Sheriff's Office shall obtain and review a criminal background records search on the applicant(s). The Planning Department shall also, at minimum, send a referral to the Office of the Clerk and Recorder, the Building Department and the local fire authority for review and comment.
 2. **Additional Conditions:** The Review Authority may impose such reasonable terms and conditions on a license or permit as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of this Code, the Colorado medical marijuana code, the Building Code, and other applicable laws.
 3. **Decision by Local Licensing Authority:** The decision by the local licensing authority shall be in accordance with C.R.S.12-43.3-301 et seq. for Medical Marijuana Businesses and in accordance with CDR-MED Rules for Retail Marijuana Businesses. All applications shall be processed within the timeframes for Class 2 applications as set forth in Chapter 12.
 4. **Inspection of Premises:** After approval of an application for a Marijuana Business license, the license shall not be issued until the building in which the business to be conducted is ready for occupancy with such furniture, fixtures, and equipment shown in the approved plans as are necessary to comply with the applicable provisions of C.R.S.12-43.3 et seq., C.R.S. §12-43.4-101 et seq., and CDR-MED Rules, whichever is applicable, and then only after the local licensing authority has inspected the premises to determine that the applicant has complied with the architect's drawings and related plans for the interior of the building which was submitted with the application. Additionally, prior to the issuance of a license, the premises shall be inspected by the Building Official to determine compliance with the County's building and technical codes. No license shall be issued if the proposed licensed premises does not comply with the County's building and technical codes. Throughout the term of the license, the Building Official may inspect the licensed premises to determine continuing compliance with the building and technical codes.
- D. **Transfer of Ownership/Change in Location:** The ownership of a license may be transferred and the permanent location of a licensed premises may be changed in accordance with the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, the CDR-MED Rules, the state administrative regulations, and this Code.
- E. **No County Liability:** By operating a Marijuana Business pursuant to a license issued by the local licensing authority, or by cultivating marijuana in a residential dwelling, a licensee or permit holder releases the County, its officers, elected officials, employees, attorney's and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the licensee or permit holder, its owners, operators, employees, clients, or customers for a violation of any state or federal law, rule or regulation related to marijuana or medical marijuana, or from forced closure of the licensed premises or residential cultivation because the Colorado medical marijuana code, the CDR-MED Rules and/or if Section 3804 et seq. is found to be invalid under any applicable law, including but not limited to Federal law. As a part of any application for a marijuana business license, an applicant shall sign and submit a waiver that states the following:
1. By applying for and accepting a license issued by the Local Licensing Authority, the licensee waives and releases the County, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
 2. By applying for and accepting a license, all licensees, jointly and severally if more than one (1), agree to indemnify, defend, and hold harmless the County, its officers, elected officials, employees, attorneys, and agents against all liability, claims and demands on account of any injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license.
- F. **Other Laws Remain Applicable:** Before issuing a license, the Local Licensing Authority shall obtain written confirmation from the licensee that it understands and agrees to the following:
1. Neither Section 3804 et seq. nor the act of obtaining a license from the local licensing authority protects licensees, or the owners, operators, employees, customers, and clients of a licensed premises, from criminal prosecution pursuant to any law that prohibits the cultivation, sale, use, or possession of controlled substances, including but not limited to marijuana and/or medical marijuana.

2. Applicants for permits and licenses from the County shall either 1) request concurrent review with any necessary state licensing requirements per C.R.S. §12-43.3-302(5) for a Medical Marijuana Business or 2) have already completed the state application process and received any necessary state licenses or permissions.
- G. **Annual Renewals:** All licensed Marijuana Businesses and residential cultivation activities shall apply for a license or permit renewal annually to ensure continued compliance with Section 3804 et seq. and any other applicable regulations. All annual renewals shall follow the Class 2 process and at a minimum, shall be referred to the Sheriff's Office, the Building Department, and the local Fire Authority, which may conduct inspections of the licensed premises, along with the Planning Department if feasible. The County shall give the permit holder or licensee at least 24 hours notice prior to inspections.

3804.02: General Provisions

- A. **Zoning Districts Where Medical Marijuana Centers, Medical Marijuana Infused Products Manufacturing Facilities, Retail Marijuana Stores, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Centers are Permitted:** Medical marijuana centers, medical marijuana infused products manufacturing facilities, retail marijuana stores, retail marijuana products manufacturing facilities, and retail marijuana testing centers are only permitted in the I-1, CG, CN, B1, and B3 Zoning Districts as well as on commercially zoned property within PUDs in accordance with all applicable provisions set forth in Section 3804 et al, state law, and all other applicable codes and regulations, including but not limited to the Building Code.
- B. **Zoning Districts Where Optional Premise Cultivation Operations and Retail Marijuana Cultivation Facilities are Permitted:** Optional Premise Cultivation Operations and Retail Marijuana Cultivation Facilities are only permitted in the I-1, CG, CN, B1, and B3 Zoning Districts as well as on properties with property commercial use designation in a PUD in accordance with the provisions set forth in Section 3804.03 below.
- C. **Co-location of Medical Marijuana Centers and Retail Marijuana Stores:** Medical Marijuana Centers and Retail Marijuana stores may co-locate on the same property or within the same licensed establishment in accordance with all State laws.
- D. **Marijuana Businesses-Proximity to Other Land Uses:** The distance limitations established by this section shall control over the distance limitations set forth in C.R.S 12-43.3-308 et seq., C.R.S. §12-43.4-101 et seq., and the CDR-MED Rules. Distances shall be computed by direct measurement from the nearest property line of the land use listed below to the nearest portion of the building of the marijuana business. Distances shall be verified by the applicant and confirmed by the Local Licensing Authority via a method deemed acceptable by the County. At a minimum, no marijuana business shall be located within the following distances from the specified land uses listed below:
1. 50 feet of property being used for a residential use, property in a residential zoning district, and a property with a residential use in a PUD;
 2. 1,000 feet of a licensed childcare facility or residential childcare facility;
 3. 1,000 feet of any elementary school, middle school, high school, college or university either public or private;
 4. 500 feet of a halfway house or correctional facility;
 5. 500 feet of another marijuana business;
- E. **Home Occupations:** A Marijuana Business license shall not be issued for a home occupation. Marijuana may not be sold from any residential unit nor shall marijuana be grown in a residence with the intent to sell. Residential cultivation of marijuana shall be conducted in accordance with Section 3804.04 et seq.
- F. **Hours of Operation:** A marijuana business may open no earlier than 8:00 a.m. and shall close no later than 7:00 p.m. on the same day, Monday through Sunday.
- G. **Alcohol:** The sale or consumption of alcohol on licensed premises is prohibited, except for the sale of tinctures, which is permitted provided all products sold on site comply with applicable State rules and regulations.
- H. **On-site Consumption:** The on-site consumption of marijuana at a licensed facility is prohibited, unless conducted at a properly licensed Retail Marijuana Testing Facility and in compliance with all rules and regulations regarding such facilities.
- I. **Disposal of Marijuana:** Marijuana waste shall be stored, secured, and managed in accordance with applicable state laws, including but not limited to rules promulgated by the Colorado Medical Marijuana Enforcement Division and the CDR-MED in effect and as amended from time to time hereinafter.

- J. **Security Systems:** All marijuana businesses shall provide adequate security on the premises which meets the minimum security standards set forth by the Colorado Medical Marijuana Enforcement Division Rules and the CDR-MED Rules, whichever are applicable, in effect and amended from time to time hereinafter.
- K. **Signage:** All signs shall comply with the sign provisions set forth in Chapter 9 and/or any sign program in effect for the property. In addition, no signage associated with a marijuana business shall use the word “marijuana”, “cannabis”, or any other word or phrase commonly understood to refer to marijuana, nor shall any images of the marijuana plant be used in signage.
- L. **Paraphernalia:** Equipment or apparatus used for the inhaling or consumption of marijuana, including but not limited to rolling papers, water pipes, pipes, and vaporizers may be sold at a marijuana center to persons authorized by law to purchase medical marijuana at the medical marijuana center or by persons 21 years of age or older at a Retail Marijuana Store.
- M. **Display of Marijuana and Related Paraphernalia:** Marijuana plants, products, and paraphernalia shall be screened from view from any exterior windows.
- N. **Annual Inspection:** As a condition of any approval for a Marijuana Business, an annual inspection of such business shall be conducted by the County Planning Department and any other regulatory agencies with jurisdiction.
- O. **Parking Requirements:** Parking for Marijuana Centers or Retail Marijuana Stores shall be based on the parking requirements for a general retail business, per Figure 3-7 of the Code. As long as there is no retail space associated with a Medical Marijuana Infused Products Manufacturing Facility or a Retail Marijuana Products Manufacturing Facility, the parking provisions for such uses shall be in accordance with a low-retail business, per Figure 3-7. Parking for an Optional Premises Cultivation Operation, a Retail Marijuana Cultivation Facility, and a Retail Marijuana Testing Facility shall be in accordance with manufacturing/warehousing facilities, per Figure 3-7.

3804.03: Commercial Cultivation of Marijuana

- A. The commercial cultivation of marijuana may only take place in a licensed marijuana business, an optional premise cultivation operation or a retail marijuana cultivation facility.
- B. **Direct Relationship to a Medical Marijuana Center or Medical Marijuana Infused Products Manufacturing Facility:** Any Optional Premise Cultivation Operation shall be directly associated with a licensed Medical Marijuana Center or Medical Marijuana Infused Products Manufacturing Facility located either in the unincorporated area of the County or within a town located in Summit County. Seventy percent of the product grown, cultivated, and/or processed at the Optional Premise Cultivation Operation shall be sold at a licensed Medical Marijuana Center or used at a licensed Medical Marijuana Infused Products Manufacturing Facility located within the County or within a town located in Summit County. At least annually and upon request by the County, any licensed Optional Premise Cultivation Operation shall submit documentation demonstrating compliance with this section.
- C. **Ventilation:** All licensed Optional Premise Cultivation Facilities and Retail Marijuana Cultivation Facilities shall be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the premises.
- D. **Water Rights:** For any marijuana business that proposes the cultivation of medical or retail marijuana, proof of adequate water rights shall be submitted with the application.
- E. **Hazardous Chemicals:** Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws. An application for review of any marijuana business that includes the cultivation of marijuana shall include a floor plan showing the location of the storage of such chemicals and shall be subject to review and approval by the Fire Authority.

3804.04: Residential Cultivation of Marijuana

This section provides regulations associated with the growing, cultivating, and processing marijuana in a residential dwelling unit. Marijuana may not be grown, cultivated, or processed in a residential unit except in compliance with this subsection. Any marijuana growing, cultivation or processing that does not meet the provisions of this subsection shall be considered a business or commercial activity as regulated above in this Section 3804 and/or other provisions of this Code.

- A. The growing, cultivation, or processing of medical marijuana shall be done in full compliance with all applicable provisions of Amendment 20, the Colorado Medical Marijuana Code, the Medical Marijuana Program, and other applicable State laws, rules and regulations.
- B. The growing, cultivation, or processing of retail marijuana shall be done in full compliance with all applicable provisions of Amendment 64, C.R.S. §12-43.4-101 et seq., the CDR-MED Rules, and other applicable State laws, rules and regulations.
- C. Marijuana may be grown, cultivated, or processed only within the primary residence of the person growing, cultivating, or processing marijuana. Marijuana may not be grown, cultivated, or processed in the yard, outbuildings, or other area outside of such primary residence except as provided for in this section.
- D. Medical marijuana may be grown, cultivated, or processed within a primary residence only by a primary caregiver for his or her patients, or by a patient for himself or herself. A primary caregiver may not lawfully grow, cultivate, or process medical marijuana for a patient who does not reside at the primary residence where the growing, cultivating, or processing occurs.
- E. Commercial sale of marijuana grown, cultivated, or processed pursuant to this Section 3804.04 is prohibited.
- F. Not more than six marijuana plants may be grown, cultivated, or processed within any primary residence; provided, however, up to twelve marijuana plants may be grown, cultivated, or processed within a primary residence if more than one patient, primary caregiver, or other person over 21 years of age resides within the primary residence.
- G. The growing, cultivation, and processing of marijuana plants shall be limited to the following areas within the primary residence:
 1. Within a detached single-family dwelling unit, marijuana may be grown, cultivated, or processed only within a secure, defined, contiguous area not to exceed 150 square feet;
 2. Within any residential dwelling unit other than a detached single-family dwelling unit, marijuana may be grown, cultivated, or processed only within a secure, defined, contiguous area not to exceed 100 square feet; and,
 3. Marijuana shall not be grown, cultivated, or processed within the common area or limited common area of any real property that is devoted to a residential use.
 4. Marijuana may be grown, cultivated, or processed in an outbuilding or a garage associated with a residential structure provided that the area is secure, defined, and limited in size in accordance with the provisions above.
- H. For purposes of this section, the term “secure” shall be defined as an area within the primary residence that is able to be locked and is accessible only to the patient, primary caregiver or adult 21 years of age or older. Secure premises shall be located or partitioned off to prevent access by children, visitors, passersby, thieves, or anyone else not licensed to possess medical marijuana or whom is not 21 years of age or older.
- I. The growing, cultivation, and processing of marijuana shall not be perceptible from the exterior of the primary residence, including, but not limited to:
 1. Common visual observation;
 2. Light pollution, glare, or brightness that disturbs the repose of another;
 3. Undue vehicular or foot traffic, including unusually heavy parking in front of the primary residence; and,
 4. Noise from an exhaust fan in excess of the maximum permissible noise level per C.R.S. §25-12-103(1).
- J. The smell or odor of marijuana growing within the primary residence shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, building unit, parcel or tract of land not owned by the owner of the primary residence, or from any adjoining public right of way.
- K. The space within the primary residence where marijuana is grown, cultivated, or processed shall meet all applicable requirements of the County’s building, zoning, and other technical codes adopted in the Summit County Land Use and Development Code.
- L. If a patient, primary caregiver or other person grows, cultivates, or processes marijuana within a primary residence that he or she does not own, such person shall obtain the written consent of the property owner before commencing to grow, cultivate or process medical marijuana on the property.
- M. No chemical shall be used by a patient, primary caregiver or other person to enhance or extract tetrahydrocannabinol (THC) from marijuana that is grown in a primary residence.
- N. The residential cultivation of marijuana may commence only after a permit for such activity has been approved in accordance with the provisions set forth in Section 3804.01 et al.

3804.05: Inspections and Compliance

Subject to the requirements and limitations of this section and pursuant to Chapter 14, Section 14300 of the Summit County Land Use and Development Code, the County shall have the right to request entrance into any structure within the County where marijuana is being sold, grown, cultivated, or processed during reasonable hours for the purpose of conducting a physical inspection of the premises to determine if the premises comply with the requirements of this Section 3804 et seq. and all other applicable regulations. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry and take such other enforcement action as may be deemed appropriate.

3804.06: Definitions

The definitions contained in Amendment 20, the Colorado Medical Marijuana Code, the Colorado Medical Marijuana Program, and any regulations promulgated by the Colorado Department of Public Health and the Environment and the Colorado Department of Revenue, as amended from time to time, are incorporated into this Section by reference. All other applicable definitions are as defined in Chapter 15 of this Code.

Hash oil explosions rise with legalized marijuana Associated Press, news source**6:30 p.m. MDT May 6, 2014**

DENVER (AP) - The opening months of Colorado's recreational marijuana industry have seen a rise in fiery explosions as pot users try to extract potent oil from the drug at home laboratories.

Hospital officials say more people are being seriously burned and injured trying to make hash oil. The golden concoction can be up to 80 percent THC, marijuana's intoxicating chemical. Devotees say one or two drops can produce a more euphoric high than a joint.

But home cooking is dangerous. Authorities who track explosions in Colorado say there have been at least 31 since legal sales started in January, up from 11 last year.

The state's only certified adult burn center has treated 10 people for second and third-degree burns.

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<http://www.9news.com/story/news/local/2014/05/06/hash-oil-fires-explosions-marijuana-colorado/8779679/>

May 06, 2014 09:40 AM EDT**Hash Oil Explosions Rise In Colorado Following Marijuana Legalization**

By Bianca Facchinei

In the months following the state's legalization of marijuana, Colorado has seen a rise in explosions as people try to extract hash oil from the drug at home, according to The Associated Press.

Because of the oil's high amount of THC -- a potent chemical in marijuana that offers a stronger high -- several pot users are hurting themselves by trying to obtain it from their own stash. However, hospital officials in the state say the amount of victims suffering burns and other injuries from the extraction process is growing. Since pot became legal in January, there have already been 31 reported explosions. In 2013, there were 11 total and in 2012 there was only one. Additionally, Colorado's single adult burn center has treated 10 patients for second- and third-degree burns. "These today are the meth labs of the '90s. We have to change our thinking and what we're looking for," Sgt. Pat Long in Thornton told The AP.

Kevin Wong, an analyst for the Rocky Mountain High Intensity Drug Trafficking Area, believes the true number of explosions is probably higher. "This is just the tip of the iceberg," Wong said. The newly formed agency began training police officers and firefighters on how to spot a hash oil explosion.

Wayne Winkler, a Colorado resident, recalled how he almost lost his life trying to obtain his own oil. "It was the worst pain of my life," said Winkler. "It wasn't worth the risk."

<http://www.hngn.com/articles/30573/20140506/marijuana-news-marijuana-colorado-news-colorado-news-hash-oil-explosions-hash-oil-price-hash-oil-marijuana-pot-legalization-effects-effects-of-legalized-marijuana.htm>

3 Hurt In Explosion At Denver Marijuana Grow House

April 23, 2014 5:42 PM

DENVER (AP/CBS4) – Authorities say three people are hurt after an explosion at a marijuana growing operation in Denver.

Investigators say the explosion happened Wednesday in the 1200 block of South Lipan Street while the people were using butane to extract the intoxicating chemical THC from the marijuana plant.

Denver Fire spokesman Mark Watson says the injured people were likely trying to make hash oil. The process is dangerous and has caused several similar explosions in Colorado and around the country. (credit: CBS)

Watson says it does not appear the marijuana growing operation was permitted, and the extraction process is illegal. Thirty-six plants were found in the building.

Two men and a woman were taken to hospitals with second-degree burns.

Witness Cindy Gilmore, who works in the area, told CBS4 she heard as many as 10 explosions and saw people running from the building.

Another witness heard an explosion and saw a person on fire running toward an ambulance. The victim was said to be "very badly burned."

Watson says the building, in an industrial area, wasn't damaged. Police haven't made any arrests.

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<http://denver.cbslocal.com/2014/04/23/3-hurt-in-explosion-at-denver-marijuana-grow-house/>

From: [Gmail](#)
To: [Bristol, Debra](#); [Bell, David](#)
Subject: Re: 2014 Boulder County Marijuana Regulations DC-14-0001
Date: Monday, May 26, 2014 6:07:21 AM

Hi Deb,

Thank you for including me in this email. I'm not sure if you remember, but I had originally contacted you regarding hemp cultivation and not marijuana as I am truly interested in hemp. I have been researching Cannabis for five to six years now and gained an incredible amount of knowledge. Last week I was in Germany attending the European Industrial Hemp Association Conference and was pleased to discover that the knowledge I have obtained was weak. I probably doubled if not tripled my knowledge base while at this conference. After reading through the code suggestions, it is clear that the county is extremely undereducated to the facts and truth regarding Cannabis. I can go through the code suggestions point by point, but that would take a long time and a lot of writing. I feel it is imperative that I be able to speak to the county commissioners to provide them with the information that I have learned so that they may make an informed decision regarding the changes to the code. I am happy to do this in a setting with the commissioners or in a public forum as there are many additions and changes that must take place for the code to be an asset to the county when allowing for and regulating the cultivation of Cannabis.

I have included David Bell from Parks and Open Space as he and I have spoken previously and he sent two employees to a farmers round table I put together back in March regarding hemp.

Please let me know when I will be able to meet with and speak to the county commissioners.

Thanks and Cheers,
Grant D. Orvis, Ph.D.

Sent from my iPhone

On May 22, 2014, at 11:37 AM, "Bristol, Debra" <dbristol@bouldercounty.org> wrote:

Dear Stakeholders,

Since state legalization of retail marijuana in January 2014, Boulder County Land Use Staff have been developing regulations with the purpose of amending the County's current marijuana regulations to allow for the operation of retail marijuana businesses within the unincorporated County. Docket DC-14-0001 is proposing changes and updates to the current Boulder County Land Use Code (the Code) as it relates to retail and medical marijuana. Changes and additions to the code were justified by the need to create consistency between state and local marijuana regulations. These updates include changes to terms and definitions that

will incorporate retail marijuana as a use in the Code. The proposed regulation changes also address provisions related to medical marijuana caregivers, home occupations, and personal use. The following is a summary of the proposed changes to the Code. Attached to this email are draft regulations for your review.

Proposed Terms:

For Article 4-512(I) Boulder County Land Use Staff are proposing that the term "Medical Marijuana Center" no longer be defined as a use in the Code. Instead retail and medical marijuana are to be combined under the definition of "Marijuana Establishment." "Medical Marijuana retail center" is suggested to be defined as a "Marijuana Store." Draft regulations propose that a cultivation facility that is growing retail marijuana be defined as a "retail marijuana cultivation facility." To be considered a legal marijuana establishment the proposed regulations require a business to be licensed or have a currently pending license application.

Staff is also proposing to remove marijuana storage and warehouse facilities from Article 4-512(I). Marijuana storage and warehouse facilities would be considered a Warehouse Use under Article 4-515(B).

Proposed provisions:

Caregivers operating as a home occupation under Article 4-516(Q) are subject to a limitation of 100 sq. ft. be used for medical marijuana caregiver activities. The square footage limit also includes any square footage used for caregiver activities in accessory structures.

There is an additional provision proposed under Accessory Uses (Article 4-416 (R)) to address marijuana grown for personal use. Personal marijuana cultivation and product manufacturing must obtain all required electrical permits needed for cultivation and use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited. Cultivation and product manufacturing for personal use must be accessory to a residential use.

Staff is also proposing a provision (Article 4-512(I)) that will prevent any marijuana business from having a drive-through service.

These changes and updates are only to the Boulder County Land Use Code and do not necessary reflect the marijuana authority's licensing policy and regulations. Please review and provide any comments that you may have by June 5th. If you have any questions please feel free to contact me.

Thank you,

Debra Bristol

Planning Technician

Boulder County Land Use Department

Main: 303.441.3930

Direct: 303.441.3922

dbristol@bouldercounty.org

<Land Use Proposed Marijuana Regulation Stakeholders May 22.pdf>

From: [JASON CRANFORD](#)
To: [Bristol, Debra](#)
Subject: Re: Boulder County Cargeiver Restrictions
Date: Tuesday, June 03, 2014 4:30:25 PM

Thank you for responding. I propose that the sq ft limitation be restricted to residential zonings and not apply to agricultural zonings as these farms are being used for similar purposes for non marijuana related applications with little to no restrictions. Then caregivers could not sue the county because the county is allowing it in the prope zones. I will be at the hearing.

Jason Cranford

On Tuesday, June 3, 2014, Bristol, Debra <dbristol@bouldercounty.org> wrote:

Jason,

Thank you for your comments regarding proposed changes to the Boulder County Land Use Code related to regulation of marijuana. Staff proposed the square footage limitation based on some concerns around the large amount of marijuana being grown by caregiver's operating as a home occupation and the impacts not being compatible with a residential zone district. The limitation is to encourage caregiver activities to remain an accessory use to the residential use.

As a caregiver, what amount of square footage do you find reasonable for cultivation and production?

The Boulder County Planning Commissioner will consider the changes at a public hearing on June 18, 2014 at 1:30 pm, at which time you can present your comments. I will also include your e-mail as a part of the record of this docket. Following the planning commission hearing, the matter will need to be taken up by the Board of County Commissioners.

Thank you,

Debra Bristol
Planning Technician
Boulder County Land Use Department
Main: 303.441.3930
Direct: 303.441.3922
dbristol@bouldercounty.org

On Jun 3, 2014, at 8:39 AM, JASON CRANFORD
<biotechcolorado@gmail.com> wrote:

I have a severe problem with the proposed ordinance that restricts caregivers to 100 SF. This is not enough space to cultivate and process. I have about 50 pediatric epilepsy patients that rely on me for life saving cannabis extract. This is a fatal illness and the patients will die with out the oil. I do not think Boulder County has the authority to undermine the Colorado Constitution by limiting the voters of this states will with unfair and unconstitutional land use ordinances. I believe the proposed ordinance directly violates mine and my patients constitutional rights in this state. This 100 sf limit was set in Park County and ended up with a law suit on the county. The county attorney warned land use and zoning that the ordinance was unenforceable before they voted it in. He was right. I have the Denver Post filming me this week and am wondering if I can bring them in your office so you can explain the ordinance to them and the rest of the citizens of Colorado. I also know Rob Corry, Vincente Siderberg and Sean McAllister. These are the attorneys who legalized cannabis in this state. They advised me that boulder County's proposed caregiver restrictions will not hold up in court. I know about 20 caregivers through out boulder county that will stand together and fight this ordinance through a court of law with the best attorneys in the state representing us should this ordinance be approved. Is there a public hearing on this? If so, what date and time? I will make sure I show up to speak along with several of my patients who are in wheelchairs. This email is dated June 3rd and I would like it to be included in the responses that were due by the 5th. I have attached a file that contains a few of my patient stories so you can see the lives that the new ordinance will impact.

Jason Cranford
303-842-0179
Director
Hope Foundation
www.floweringhopefoundation.org

----- Forwarded message -----

From: **Heather Cranford** <heather.riflemtn@gmail.com>
Date: Thursday, May 29, 2014
Subject: Our Patients PDF
To: JASON CRANFORD <biotechcolorado@gmail.com>

<Holistical Holdings Inc - Patients.pdf>

Colorado to crack down on medical marijuana patients and caregivers

By John Ingold

The Denver Post

POSTED: 03/28/2014 06:24:22 PM MDT [46 COMMENTS](#) | UPDATED: 2 MONTHS AGO

Colorado health officials on Friday announced a new crackdown on medical marijuana patients whose doctors have given them permission to grow more than the standard number of marijuana plants.

Starting Monday, the Colorado Health Department will send out letters to doctors who recommended the elevated plant counts and the patients who benefit, requiring them to provide more documentation on the need for the extra plants.

Dr. Larry Wolk, the department's executive director, said doctors must provide not only medical information about the patients that caused the elevated recommendations but also studies showing that the patients' conditions require more medical marijuana than average.

Colorado's constitutional medical marijuana provision limits patients to six plants each unless "greater amounts were medically necessary to address the patient's debilitating medical condition."

"We need information," Wolk said. "The constitution says 'medically necessary.' "

Wolk made the announcement Friday at a Health Department-hosted town hall meeting on medical marijuana. Also during the meeting, he unveiled a proposed bill that would strictly limit medical marijuana caregivers — people who grow cannabis for patients who can't grow for themselves — to serving only five patients and growing no more than six plants per patient. Caregivers can currently apply for a waiver to serve more than five patients.

The announcements brought an angry response from the crowd. One medical marijuana activist shouted, "Fascist!" as Wolk spoke. Later, during public testimony, another activist cursed at Wolk.

"This is criminal," said James Clark Jr., a caregiver from Akron who said he serves 25 patients because there are so few caregivers on the Eastern Plains. "This is mean. This is hurtful to people who are very sick."

Advocates say the higher plant counts are needed to make edible marijuana products and concentrates, which they say are a better way to treat some patients.

Colorado has about 3,300 medical marijuana caregivers, Wolk said, and 24 of them are registered to more than five patients. One caregiver serves 82 patients.

Law enforcement officials have repeatedly raised concerns over caregivers growing for large numbers of patients or patients who can grow large numbers of plants, arguing that they could be a source of illegal marijuana sales. A state audit last year recommended that lawmakers crack down on caregivers and elevated plant counts.

John Ingold: 303-954-1068, jingold@denverpost.com or twitter.com/john_ingold

http://www.denverpost.com/news/ci_25443826/colorado-crack-down-medical-marijuana-patients-and-caregivers

TITLE 9. SAFETY - INDUSTRIAL AND COMMERCIAL
EXPLOSIVES
ARTICLE 7. EXPLOSIVES - REGULATION AND INSPECTION

C.R.S. 9-7-113 (2013)

9-7-113. Use of flammable gases in home marijuana cultivation - prohibited

A local government may ban the use of a compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids in a residential setting.

HISTORY: Source: L. 2013: Entire section added, [\(SB 13-283\), ch. 332, p. 1889, § 1](#), effective May 28.