

# Chapter 4 Text Amendments (PLN2020-00002)

Community and Economic Development Department

Andrea Berg

March 10, 2020



# Request

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## Amendments to Chapter 4 of the County's Development Standards and Regulations:

### ☐ Marijuana Establishments

**Purpose:** These text amendments are required to be able to prohibit this type of use until additional research and stakeholder outreach is performed. The results will be presented to the Board of County Commissioners December 2020.

# Background

- ❑ May 29, 2019 HB19-1230 Marijuana Hospitality Establishments signed into law
  - ❑ Marijuana Hospitality Establishments
    - ❑ An entity licensed to permit the use or consumption of marijuana with a Consumption Area
  - ❑ Retail Marijuana Hospitality and Sales Establishments
    - ❑ An entity licensed to (1) purchase Retail Marijuana from Retail Marijuana Business, (2) Transfer Retail Marijuana to consumers, and (3) permit the use or consumption of Retail Marijuana transferred to a consumer within the Restricted Access Area.

# Background

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- ❑ July 23, 2019 Study Session to present general information
  - ❑ Direction given to research possible options for licensing
- ❑ November 12, 2019 Study Session to present possible licensing options
  - ❑ Different types of licenses
  - ❑ Information regarding existing establishments

# Background

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- ❑ January 21, 2020 Study Session to present rulemaking released by Marijuana Enforcement Division
  - ❑ Establishment Specifics
  - ❑ Update regarding existing establishments
  - ❑ Direction given to research licenses, zoning, setbacks, paired uses

# Development Standards

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- ❑ Section 2-02-15 details the procedures for amendments to the text of the Standards and Regulations.
- ❑ Only the BoCC may, after a recommendation from the Planning Commission, adopt a resolution amending the text of the Standards and Regulations.

# Criteria for Approval

## (2-02-15-06-01)

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1. The text amendment is consistent with the Adams County Comprehensive Plan.
2. The text amendment is consistent with the purposes of these Standards and Regulations.
3. The text amendment will not be detrimental to the majority of person or property in the surrounding areas nor to the community in general.

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# Proposed Text Amendments

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## ☐ 4-18 MARIJUANA ESTABLISHMENTS

- 4-18-14 Marijuana Hospitality Establishments and Retail Marijuana Hospitality Sales Establishments as defined in C.R.S. 44-12-103, as amended, are prohibited.



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# Public Comments

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- 3 Public Comments received
  - 1 Comment
    - Interested in obtaining a license when available, plan to operate in conjunction with a spa or restaurant.
  - 2 Comments
    - Disagrees with prohibiting these operations and ask that provisional licenses be offered to those in operation until regulations are established.

# Referral Comments

- Referral request sent to 250+ agencies:
- Responding without Concerns:

| Agency                          | Agency   |
|---------------------------------|--|
| Arapahoe County Engineering     | Arapahoe County Planning                       |
| Brighton Fire                   | Division of Water Resources                    |
| Colorado Dept of Transportation | South Adams County Water & Sanitation District |
| Xcel Energy                     |  |

# Referral Comments

- Notified but not Responding

| Agency                 | Agency                       |
|------------------------|------------------------------|
| Cities                 | Citizen Groups               |
| Counties               | Ditch Companies              |
| Federal Agencies       | Fire Districts               |
| Recreational Districts | Regional Agencies            |
| Utilities              | Water & Sanitation Districts |
| Marijuana Licenses     | Marijuana Interest Groups    |

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# Staff Recommendation

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The request is:

1. Consistent with the Comprehensive Plan
2. Consistent with the Development Standards and Regulations
3. Will not be detrimental to the citizens of Adams County.

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# Planning Commission Update

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- Hearing: February 27, 2020
- Public Comment: No public comment
- 7-0 vote for approval

Staff and Planning Commission are recommending:  
**Approval** of this text amendment (PLN2020-00002) based on 3 Findings of Fact and 1 Condition.

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# Recommended Condition

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1. The Community and Economic Development Department staff may make minor corrections to these text amendments until March 31, 2020, including but not limited to, typographical errors, to ensure consistency and accuracy throughout the regulations.

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# Findings-of-Fact

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1. The text amendment is consistent with the Adams County Comprehensive Plan.
2. The text amendment is consistent with the purposes of these Standards and Regulations.
3. The text amendment will not be detrimental to the majority of persons or property in the surrounding areas nor the community in general.