

RESOLUTION NO. 18-2010

RESOLUTION
Of
The Board of County Commissioners for Montrose County, Colorado
Concerning
Enacting A Temporary Moratorium On The Construction, Alteration,
Or Use Of Any Building, Structure, Or Property For The Commercial Growing Or
Dispensing Of Medical Marijuana For A Period Of Six (6) Months

Whereas, Montrose County has received a number of inquiries regarding the use of property in Montrose County for the growing and dispensing of medical marijuana, and

Whereas, the current Montrose County Zoning Plan as adopted in the Montrose County Zoning Resolution does not address potentially unique impacts of such medical marijuana facilities and land use, and

Whereas, the legal status of medical marijuana growing operations and dispensaries is unclear under the Colorado Constitution, statutes, regulations, and federal enforcement policies and priorities, and

Whereas, the Colorado General Assembly is considering legislation to address the legal status of medical marijuana growing and dispensing, and

Whereas, it will take a significant amount of research and time to draft and adopt land use regulations to address the impact of medical marijuana growing operations and dispensaries, and

Whereas, Section 30-28-121 Colorado Revised Statutes grants to the Board of County Commissioners the authority to impose a moratorium or prohibition for a period not to exceed six months, without public hearing, on the use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other land uses associated with the dispensing or growing of medical marijuana pending the adoption of zoning regulations to address such use, construction, alteration or reconstruction, and

Whereas, it is in the best interests of the health, safety, and welfare of the citizens of Montrose County to temporarily prohibit the use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other land uses associated with the dispensing or growing of medical marijuana for a period of six months.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY:

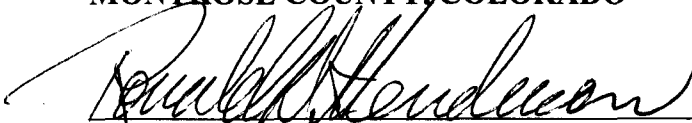
1. The use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other

land uses associated with the dispensing or growing of medical marijuana is hereby prohibited in the unincorporated territory of Montrose County for a period of six months from the date of this Resolution.

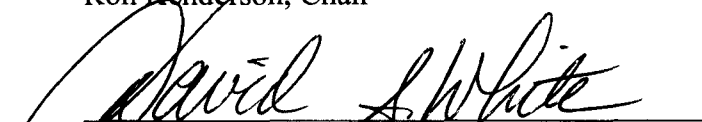
2. Montrose County staff is instructed to research, draft, and submit for adoption prior to the expiration of this moratorium amendments to the Montrose County Zoning Regulations to regulate and control the use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other land uses associated with the dispensing or growing of medical marijuana.
3. This moratorium shall apply only to commercial, nonprofit, collective, or cooperative uses and shall not apply to persons who are certified medical marijuana users for their own individual use.
4. Should any one or more sections or provisions of this Resolution be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Resolution, it being the intent of the Board that such invalid or unenforceable provisions are severable.

Adopted this 5th day of April, 2010.

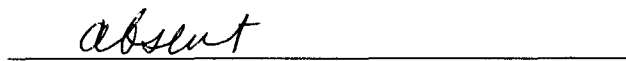
**BOARD OF COUNTY COMMISSIONERS
MONTROSE COUNTY, COLORADO**



Ron Henderson, Chair




David White, Commissioner



Gary Ellis, Commissioner





Marie Simons, Clerk to the Board