

STATE OF COLORADO )  
COUNTY OF ADAMS )

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 8<sup>th</sup> day of December, 2010 there were present:

Alice J. Nichol \_\_\_\_\_ Chairman  
W.R. "Skip" Fischer \_\_\_\_\_ Commissioner  
Larry W. Pace \_\_\_\_\_ Commissioner  
Hal B. Warren \_\_\_\_\_ County Attorney  
Kristen Hood, Deputy \_\_\_\_\_ Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

**RESOLUTION PROHIBITING THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA FACILITIES WITHIN ADAMS COUNTY**

WHEREAS, on January 25, 2010, the Board of County Commissioners of Adams County, State of Colorado ("BOCC") adopted a resolution establishing a moratorium on the establishment and operation of medical marijuana dispensaries and medical marijuana growing operations in Adams County ("temporary moratorium"); and

WHEREAS, on July 14, 2010, the BOCC adopted a resolution extending the temporary moratorium ("extended moratorium"), which extension expires on December 31, 2010; and

WHEREAS, the BOCC has extensive authority to regulate land use within Adams County, including, but not limited to, laws relating to the County Planning and Building Codes, §30-28-101, et seq., C.R.S. (2009) and the Local Government Land Use Control Enabling Act, §29-20-101 et seq., C.R.S. (2009); and

WHEREAS, the cultivation, manufacture and sale of medical marijuana was not contemplated at the time the current Adams County Development Standards and Regulations ("ACDSR"), as amended, were adopted, and the BOCC has interpreted the current ACDSR to not include these uses, thus such uses are prohibited in unincorporated Adams County; and

WHEREAS, during the pendency of the temporary moratorium, the 2010 General Assembly adopted legislation which in pertinent part added a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code; and

WHEREAS, the Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution ("Article XVIII, Section 14"), and at the same time authorizes a mechanism for the sale, distribution, cultivation, and dispensing of medical marijuana known as a "medical marijuana center," and further authorizes licensing mechanisms known as an "optional premise cultivation operation" and a "medical marijuana-infused products manufacturers' license"; and

WHEREAS, §12-43.3-106 C.R.S. (2010) specifically authorizes in part that the governing body of a county may "vote to prohibit the operation of medical marijuana centers, optional premise cultivation operations, and medical marijuana-infused products manufacturers' licenses"; and

WHEREAS, the BOCC is aware that there has been litigation concerning prohibiting medical marijuana facilities, and probably will be litigation concerning prohibitions of medical marijuana facilities authorized under the Colorado Medical Marijuana Code; and

WHEREAS, the BOCC recognizes the protections afforded by Article XVIII, Section 14 of the Colorado Constitution, and desires to affirm the ability of patients and primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and §25-1.5-106, C.R.S. (2009); and

WHEREAS, the BOCC has considered the options under the Colorado Medical Marijuana Code, and studied the November 2, 2010 election results on various ballot initiatives concerning medical marijuana facilities throughout the State of Colorado and finds in the interests of protecting the health, safety, and welfare of the citizens of Adams County, medical marijuana facilities, including but not limited to medical marijuana centers, optional premise cultivation operations, and medical marijuana-infused products manufacturers in unincorporated Adams County must be prohibited.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Adams, State of Colorado, that establishing or operating medical marijuana facilities, including but not limited to medical marijuana centers, optional premise cultivation operations, and medical marijuana-infused products manufacturers in unincorporated Adams County is hereby prohibited;

BE IT FURTHER RESOLVED that the Board of County Commissioners intends that this prohibition applies to any other land uses not specifically mentioned above which are associated with the dispensing or growing of medical marijuana;

BE IT FURTHER RESOLVED that this prohibition shall not apply to possession and use of medical marijuana by persons who are certified medical marijuana patients in their residences and if the use and possession of medical marijuana by these patients is in accordance with Colorado law and not related to commercial, nonprofit, collective or cooperative uses;

BE IT FURTHER RESOLVED that in order to protect the health, safety and welfare of the citizens of Adams County, this resolution shall take effect immediately upon its passage.

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

Nichol \_\_\_\_\_ Aye  
Fischer \_\_\_\_\_ Aye  
Pace \_\_\_\_\_ Aye  
Commissioners

STATE OF COLORADO )

County of Adams )

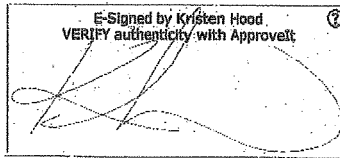
I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 8<sup>th</sup> day of December, A.D. 2010.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Karen Long:

By:



Deputy