



**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
Wednesday, May 7, 2014  
5:30 p.m.  
Dillon Town Hall  
275 Lake Dillon Dr.**

**AGENDA**

1. Call to Order
2. Approval of the minutes of the March 5<sup>th</sup>, 2014 regular meeting. Note: The April 2014 Planning and Zoning Commission meeting was cancelled due to a lack of agenda items, so there are no minutes to approve.
3. Public Comments: Open comment period for planning and zoning topics not on tonight's agenda.
4. Zoning Motion Required: Self storage facilities are not designated as a permitted use in the Dillon Municipal Code. Town staff requests a determination by the Planning and Zoning Commission to provide for at least one zone district where such a business may operate (Sec. 16-3-10(b)).
5. Discussion Item: Retail Marijuana Regulations
6. Other Business
7. Adjournment

RECORD OF PROCEEDINGS

Draft

TOWN OF DILLON  
PLANNING AND ZONING COMMISSION

REGULAR MEETING  
WEDNESDAY, March 5, 2014  
5:30 p.m.  
Town Hall

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, March 5, 2014, at Dillon Town Hall. Chairman Brad Bailey called the meeting to order at 5:37 pm. Commissioners present were: Yvonne Bryant, Nathan Nosari, Jerry Peterson and Jeff Shibley. Staff members present were Ned West, Town Planner/Construction Inspector, and Debbie Wilkerson, Secretary to the Commission and members of the public.

**APPROVAL OF THE MINUTES OF FEBRUARY 5, 2014**

Commissioner Peterson moved to approve the meeting minutes from February 5, 2014. Commissioner Nosari seconded the motion, Commissioners Bryant and Bailey abstained, the motion then passed.

**Public Comments**

No Public Comments

**Consideration of Resolution No. PZ 04-14, Series of 2014, (PUBLIC HEARING)**

**A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF CLASS I SIGN PERMITS FOR PERMANENT INDIVIDUAL SIGNS FOR THE PETCO BUILDING AT 264 DILLON RIDGE ROAD.**

PETCO submitted Class I Sign Permit applications for Individual Sign Permits for permanent signs to be placed on the southern, northern and eastern building faces in accordance with the amended PUD for the Dillon Ridge Marketplace. An application for the monument sign on the Highway 6 side of the building was also received. Town staff reviewed the application and determined that it is complete. The PETCO building is located on Block 7 of the Dillon Ridge Marketplace PUD.

The new signs will be approximately 131 SQ FT total for the three building signs. The signs will be installed on raceways that are to be painted to match the building surface adjacent to them, or be pan channel letters attached directly to the building. The amended Dillon Ridge PUD provides for a maximum of 140 SQ FT of signage for three building mounted signs. The application meets the criteria established in the amended Dillon Ridge Marketplace PUD.

In addition to the three building mounted signs, PETCO will install new faces on the existing monument sign on the southern, Highway 6 side of the building. The face will be painted white with illuminated letters and a logo.

Since the proposed signs meet the requirements of Town Code and the amended Dillon Ridge Marketplace PUD, staff recommends approval of Planning and Zoning Commission Resolution No. PZ 04-14, Series of 2014 with the following condition:

## RECORD OF PROCEEDINGS

---

1. The monument sign shall have a black face with the illuminated colored text and logo, this is reflected in Section 4 of the resolution.

Commissioner Nosari made a motion to approve: Resolution NO. PZ 04-14; RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, RECOMMENDING THE APPROVAL OF CLASS I SIGN PERMITS FOR PERMANENT INDIVIDUAL SIGNS FOR THE PETCO BUILDING AT 264 DILLON RIDGE ROAD. Removing the condition in section 4. Commissioner Sheliby seconded the motion; which then passed unanimously upon roll call vote.

**Discussion Item: Dillon Town Center Revitalization Report by McCool Development Solutions, February 2, 2014**

McCool Development Solutions is putting together a public forum on, Wednesday, March 26 or Thursday, April 3. Commissioners stated the April 3<sup>rd</sup> date would be better for them.

**Other Business:** Staff and Town Council are working together on language for the retail marijuana regulations, they will bring it to the Work Session on the 18<sup>th</sup> of March and to Planning and Zoning in April /May for their input. Looking to get final approve and adoption in July/ August. This is just retail sales, no medical or cultivation of marijuana.

March 19<sup>th</sup> candidate forum

**Adjournment** There being no further business, the meeting adjourned at 6:25 p.m.

Respectfully submitted,

---

Debbie Wilkerson,  
Secretary to the Commission

## TOWN OF DILLON

275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

**To:** Dillon Planning and Zoning Commission

**CC:** Dillon Staff

**From:** Ned West, Town Planner

**Date:** April 28, 2014

**Re:** Retail Marijuana Regulations – Draft Dillon Municipal Code Language

---

### Introduction

Town staff has been working with the Dillon Town Council during numerous work sessions over several months to develop concepts and strategies for implementing retail marijuana regulations for the Town of Dillon. In November of 2012, the State of Colorado voters approved Amendment 64 that permitted the retail sales of marijuana and products containing derivatives from the plant. Summit County voted favorability for the Amendment with over two thirds support, as did the precinct in which the Town of Dillon is located. During a widely advertised public forum where approximately 60 individuals of the public contributed to discussing the topic in February of 2014, town staff was again reminded that some 2/3 of the population appear to support the retail sales of marijuana. On April 1, 2014, Dillon voters approved Ballot Issue A that provides for the attachment of a 5% excise tax on top of the retail sales taxes collected on the sales of retail marijuana. This vote passed by over 77%.

Given the sensitive nature of marijuana; its current classification as a prohibited Schedule I controlled substance by the Drug Enforcement Agency of the Federal Government (on the level of heroin, ecstasy, and LSD); the concern over the use by or exposure to those under the age of 21; and in an effort to ensure the health and safety of the citizens of the Town of Dillon, town staff has performed extensive research on the topic of retail marijuana legislation. State regulations and numerous municipal ordinances have been studied to ensure that Dillon's regulations conform to our understanding of the law and are close to those communities to whom we are neighbors. Numerous Town Council work sessions have worked through such elements of retail marijuana regulations as where such a business might most appropriately be sited; what sort of setbacks from a retail marijuana store provide for a reasonable buffer from adjoining uses such as residentially zoned areas, parks, schools, and child care facilities; as well as general considerations such as store hours, signage, licensing, odor mitigation, and the residential growing of marijuana for personal use (as provided for under Amendment 64).

Although the regulations are not yet completed, and have yet to receive a thorough review by the Town's legal counsel, staff does feel that we are approaching an understanding of what the Town Council would like to see for the regulations. Through a public process involving both the Planning and Zoning Commission and Town Council, the regulations may ultimately be adopted to allow for retail sales of marijuana starting as soon as January 1, 2015 (the soonest date the Town could assess the 5% excise tax).

## TOWN OF DILLON

275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

This information is presented to the Planning and Zoning Commission at this time to solicit input that may contribute to structuring the code language, and to provide an update on the Town Council's direction.

### **Anticipated Potential Adoption Timeline:**

First Planning & Zoning Meeting – Public Hearing:	June 4 <sup>th</sup> , 2014
Second Planning & Zoning Meeting – Public Hearing:	July 2 <sup>nd</sup> , 2014
First Reading at Town Council:	August 5 <sup>th</sup> , 2014
Second Reading at Town Council – Public Hearing:	August 19 <sup>th</sup> , 2014
Expiration of the Moratorium on Medical Marijuana:	October 1 <sup>st</sup> , 2014
Retail Sales Legal in Dillon:	January 1 <sup>st</sup> , 2015

### **Noteworthy Considerations**

#### **1.) Federal Stance on States allowing for Medical or Retail Marijuana:**

- a. Currently the Department of Justice appears to be waiting to see how things will play out.
- b. The D.O.J. has issued a memorandum to the States providing for some guidance on how state and local regulations should be structured to satisfy eight goals:
  - i. Preventing marijuana distribution to minors
  - ii. Preventing money from sales going to criminal groups
  - iii. Preventing the diversion of marijuana from states where it is legal to states where it is illegal
  - iv. Preventing criminal groups from using state laws as a cover for trafficking of other illegal drugs
  - v. Preventing violence and the use of illegal firearms
  - vi. Preventing drugged driving and marijuana-related public health problems
  - vii. Preventing the growing of marijuana on public lands
  - viii. Preventing marijuana possession or use on federal property
- c. That notwithstanding, the Federal Government does continue to intervene with businesses engaged in the sales of both medical and retail marijuana for numerous reasons.



# Memorandum

---

- d. A recent action by the Feds affected businesses in Boulder within 1000 feet of the CU campus.
  - i. “Boulder retailers, including all of this around CU, received federal letters and closed. The feds are not looking at local requirements; at the time Boulder only required 500’ from K-12 and didn’t include CU. What they are using is the federal penalty enhancement provisions where penalties for conviction of drug offenses are enhanced if the activity is done within 1000 feet of a school, college, university, rehabilitation center or property owned by a housing authority. They sent letters to all dispensaries (but not grows or MIPs) that fell within that criteria. They did not let us know what they were doing before the letters were sent.” (Kathy Haddock, Senior Assistant City Attorney, City of Boulder, April 21, 2014)
  - ii. Based upon this in conjunction with prior research, town staff is proposing a 1000 foot buffer from child care facilities, K-12 schools, as well as the Colorado Mountain College Dillon campus (even though the Dillon campus of CMC is not a primary campus of the school).
  - iii. Of issue, and requiring additional discussion, is the subject of the property owned by a housing authority.
- 2.) **Types of Marijuana Businesses:** Of the types of retail marijuana: sales, product manufacturing, cultivation for sales, or laboratory testing, what type of business might best be suited in Dillon. Of the four, only retail sales (stores that sell retail marijuana, marijuana products such as edibles, and products used for consuming marijuana achieved the greatest support in the public forum and by Town Council. The Council did not want to restrict the total number of such businesses or dictate their proximity to one and other. As there has been a ban on medical marijuana, and given the limited size of the Town of Dillon, the Town Council has elected to continue to ban medical marijuana stores in favor of retail marijuana stores that are restricted to individuals 21 years and older. The large scale cultivation operations did not seem to fit in the town due to space constraints and the lack of industrial settings. The manufacturing of products again did not seem to fit also because of the lack of the industrial setting, zoning restrictions on wholesale trade businesses, the potential for strong odor emissions, and concerns over the extraction methods employed by some of these operations, as they are not all just baking brownies laced with marijuana. Finally, the testing facilities did not have much support because of the lack of the appropriate setting, their use of chemicals and gases in their testing, and the fact that only three such labs exist in the State, all of which are in Denver.
- 3.) **Residential Cultivation of Marijuana:** The concern over the growing of marijuana plants in private residences has been a concern of town staff since the early discussions of the impacts of Amendment 64 on our community. According to Amendment 64, any person over the age of 21 may grow six (6) plants for their personal use. Only three (3) of them may be mature, flowering plants at any one time. This left open the total number of plants that may be legally grown within a residence that is occupied by say five individuals sharing a rental property. Dillon staff is proposing that the maximum number of plants shall not exceed 12 plants, with only 6 flowering at any one time, regardless of the number of individuals 21 years or older residing in the home. Staff is also proposing that any tenant must obtain written approval from the landlord to grow the

## TOWN OF DILLON

275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

plants, though enforcement of such would only likely be served at the time of responding to a complaint or other infraction at the residence.

- 4.) **Production of Hash Oil:** Recent news has highlighted another concern over the residential growing of marijuana, and that is the explosive nature of extracting THC from the marijuana plants by using flammable gas, typically butane. This is done by some individuals to create hash oil or “butane honey oil” (BHO), often referred to as “dab”, “wax”, “shatter”, or “glass”. The end product can yield concentrations as high as 70-90% THC, which seems to be the impetus for the product. Dillon staff proposes code language that prohibits the use of chemicals (an isopropyl alcohol extraction method also exists) and flammable gases for the extraction of anything from the marijuana plant. This was previously discussed with Council, and is highlighted here due to the recent occurrences of explosions and fires in private residences throughout the state. It now appears that the DEA has recently created a new drug code for marijuana extracts to track it as a separate controlled substance (“Dabs – Marijuana’s Explosive Secret”, CNBC 26 Feb 2014, [www.cnbc.com/id/101445332](http://www.cnbc.com/id/101445332)). An option that is available to the Town Council is to entirely prohibit the manufacture of concentrates within the Town limits, primarily out of public health and safety concerns for explosions and fires. Although there would be little means of enforcement of such prohibition, this could be used in the case where an explosion and / or fire does occur to provide for a citation mechanism and to aid in discouraging any future such activities.

### Draft Code Language:

#### **Sec. 16-4-110. Retail Marijuana**

##### I. Findings:

- A. On November 6, 2012 the voters of the State of Colorado approved Amendment 64. Amendment 64 added Section 16 of Article XVIII to the Colorado Constitution.
- B. Section 16(5)(f) of Article XVIII of the Colorado Constitution authorizes a municipality to enact an ordinance or regulation, not in conflict with Section 16 of Article XVIII of the Colorado Constitution, governing the time, place, manner, and number of marijuana establishments within the boundaries of the municipality.
- C. The Colorado Retail Marijuana Code (Article 43.4 of Title 12, C.R.S.) establishes a new procedure that allows for the dual licensing by the State Licensing Authority and the Local Licensing Authority of the retail cultivation, manufacture, distribution, and sale of retail marijuana and retail marijuana products.
- D. Specifically, the Colorado Retail Marijuana Code authorizes municipalities to:
1. enact regulations governing the time, place, manner, and number of retail marijuana establishments within the boundaries of the municipality, which may include a local licensing requirement (Section 12-43.4-104(3), C.R.S.);

## TOWN OF DILLON

275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

2. impose separate local licensing requirements as a part of the municipality's restrictions on time, place, manner, and number of marijuana businesses within the municipality (Section 12-43.4-301(2), C.R.S.);
3. enact ordinances or resolutions concerning matters authorized to local governments (Section 12-43.4-304(2), C.R.S.);
4. adopt and enforce regulations for retail marijuana establishments that are at least as restrictive as the Colorado Retail Marijuana Code and the state administrative regulations (Section 12-43.4-309(1), C.R.S.); and
5. adopt and impose operating fees on marijuana establishments located within its jurisdiction in an amount determined by the municipality (Section 12-43.4-501(3), C.R.S.).

## II. No Town Liability:

By operating a business pursuant to a license issued by the Local Licensing Authority a licensee releases the Town, 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 the licensee, or the licensee's owners, operators, employees, clients, or customers, for a violation of any state or federal law, rule or regulation related to retail marijuana, or from the forced closure of the licensed premises because, the Colorado Retail Marijuana Code, any applicable administrative regulation, and/or this Chapter, are found to be invalid under any superior law.

## III. Other Laws Remain Applicable:

Before issuing a license the Local Licensing Authority shall obtain written confirmation from the licensee that the licensee understands and agrees to the following:

- A. Neither this Chapter, 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 superior law that prohibits the cultivation, sale, use, or possession of controlled substances, including, but not limited to, medical marijuana and retail marijuana.
- B. As of the date of the adoption of this Chapter the cultivation, sale, possession, distribution, and use of marijuana remains a violation of federal law, and this Chapter affords licensees, and licensee's owners, operators, employees, customers, and clients, with no protection from criminal prosecution under such law. Licensees, and their owners, operators, employees, customers, and clients assume any and all risk and liability arising or resulting from the operation of the licensed premises under federal law.
- C. The Town has no liability to a licensee or any other person for injuries, damages, or liabilities of any kind, under any legal theory, arising from the forced closure of the licensed premises if the



## TOWN OF DILLON

275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

Colorado Retail Marijuana Code, the applicable administrative regulations, and/or this Chapter are found to be invalid or illegal under any superior law.

- D. To the greatest extent permitted by law, any action taken under the provisions of this Chapter by any public officer or officers, elected or appointed officials, employees, attorneys, and agents of the Town of Dillon, is not a personal liability of such person or of the Town.

#### IV. Rules and Regulations Amendments:

The Local Licensing Authority may from time to time adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this Chapter.

#### V. Permitted Retail Marijuana Uses:

Retail Marijuana Stores may be allowed as a Permitted Use within the Mixed Use (MU) and Commercial (C) zoning districts if the Town finds that such a business meets all the criteria for the granting of a Retail Marijuana Store License and it conforms to the standards in this section. No other type of marijuana facility shall be permitted in the Town of Dillon: Marijuana Cultivation Facilities, Marijuana Products Manufacturing Facilities, and Marijuana Testing Facilities are not permitted in the Town of Dillon. Medical Marijuana facilities are also not permitted in the Town of Dillon.

- A. All Retail Marijuana establishments shall conform to the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S., latest amendment thereof, and the Colorado Department of Revenue Marijuana Enforcement Division Permanent Rules Related to the Colorado Retail Marijuana Code, latest edition thereof.
- B. No Retail Marijuana Store shall be located closer than three hundred (300) feet from the following uses:
1. A church;
  2. Land zoned as Parks and Open Space (POS);
  3. A residential zoning district, regardless of jurisdiction; or,
  4. A residential use, unless the residential use is within the Mixed Use (MU) or Commercial (C) zoning districts and is not in the same building as a Retail Marijuana Store. Under no circumstances shall a Retail Marijuana Store be located in the same building as a residential use.
  5. Other same building exclusions: No Retail Marijuana Store shall be in the same building as a pediatrician's office or a building having rooms for boarding.
- C. No Retail Marijuana Store shall be located within one thousand (1,000) feet of a school (Pre-K and K-12), child care facility, or a college campus, whether a primary campus or not.

## TOWN OF DILLON

275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

- D. Measurement of Setbacks: For the purposes of this Section, the distance between a Retail Marijuana Store and any of the restricted uses stipulated shall be measured as follows: without regard to intervening structures, objects or Town limits, from the closest property line of the structure in which the Retail Marijuana Store is located to the nearest property line of the other use.
- E. Hours of Operation: 8:00 a.m. to 10:00 p.m., 7 days a week.
- F. Applicant Evaluation Criteria. The following criteria shall be met when evaluating an application for a Retail Marijuana Store:
1. The proposed business is identified as a permitted use and is consistent with the intent and purpose of the Comprehensive Plan and applicable zoning district.
  2. The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage, and natural features.
  3. The proposed use will not have significant adverse impacts on the air or water quality of the community.
  4. The proposed use will not substantially limit, impair or preclude the use of surrounding properties for the uses permitted in the applicable zoning district.
  5. Adequate public utilities and services are available or will be made available to the site prior to the establishment of the conditional use.
  6. The proposed use will not produce any noise or vibration issues that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building.
  7. The proposed use will not produce any smells, odors or noxious fumes that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building. The proposed use shall meet all applicable code requirements for ventilation and fire protection. The Retail Marijuana establishment shall have a separate ventilation, heating, and air conditioning system from that of any adjoining use space. The smell or odor of marijuana shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, adjoining tenant space, parcel, tract of land, or public right-of-way. The odor filtering method and equipment shall be approved by the Summit County Building Department, and shall meet the industry standard for odor control.
  8. The proposed use will not produce any storage, loading or delivery activities related to the storage, loading or delivery of products for the proposed use that have significant adverse impacts on the community and the neighboring property owners and tenants in a multi-tenant building.

## TOWN OF DILLON

275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

9. Any retail marijuana store proposed in a building not owned by the marijuana licensee, shall provide written approval of such operations from the property owner. Said written approval shall provide the specific location of the permitted space, the square footage of the permitted space, the terms of the approval, detail any conditions of said approval, provide complete contact information for the property owner and applicant, and shall be signed by the property owner and notarized.
10. The marijuana facility shall employ security measures, money and product storage, and video surveillance, including video record retention times, in accordance with State Law. The systems in place shall be reviewed by the Dillon Police Department, and all transaction records and video surveillance records shall be provided to the Dillon Police Department upon request.
11. Neither the word "Marijuana", nor any image representing any part of a marijuana plant or a device used for consuming marijuana shall be used in a business name or logo, shall be displayed on, or be visible from, the exterior of the business.
12. There shall be no display of marijuana, marijuana products, or paraphernalia visible from the exterior of the business.
13. No retail marijuana store shall employ the use of automated dispensing machines for marijuana, marijuana infused products, or any other products sold by the business.

## VI. Residential Growing and Processing of Marijuana Plants:

- A. No person over the age of 21 shall possess more than six (6) growing plants of marijuana. No person over the age of 21 shall possess more than three (3) mature, flowering marijuana plants. Regardless of the number of persons over the age of 21 living in a residence, there shall be no more than a total of twelve (12) marijuana plants, of which no more than six (6) may be mature, flowering plants.
- B. Operations in a single family residence are limited to 150 square feet, and 100 square feet in a multi-family residence. Said space shall conform to the adopted building and fire codes.
- C. Marijuana shall not be grown or processed in the common area of a multi-family residential dwelling.
- D. Marijuana shall be kept, cultivated, and processed in an enclosed, separate, lockable space that residents under the age of 21 cannot access in accordance with State Law. The plants must be grown and processed in a fully enclosed space that cannot be seen openly.
- E. The growing and processing operations shall be done entirely within a locked location shielded from view from the exterior of the structure. The open growing or processing of marijuana on such publicly viewable places as, but not limited to, decks, balconies, and patios is not permitted.

**TOWN OF DILLON**

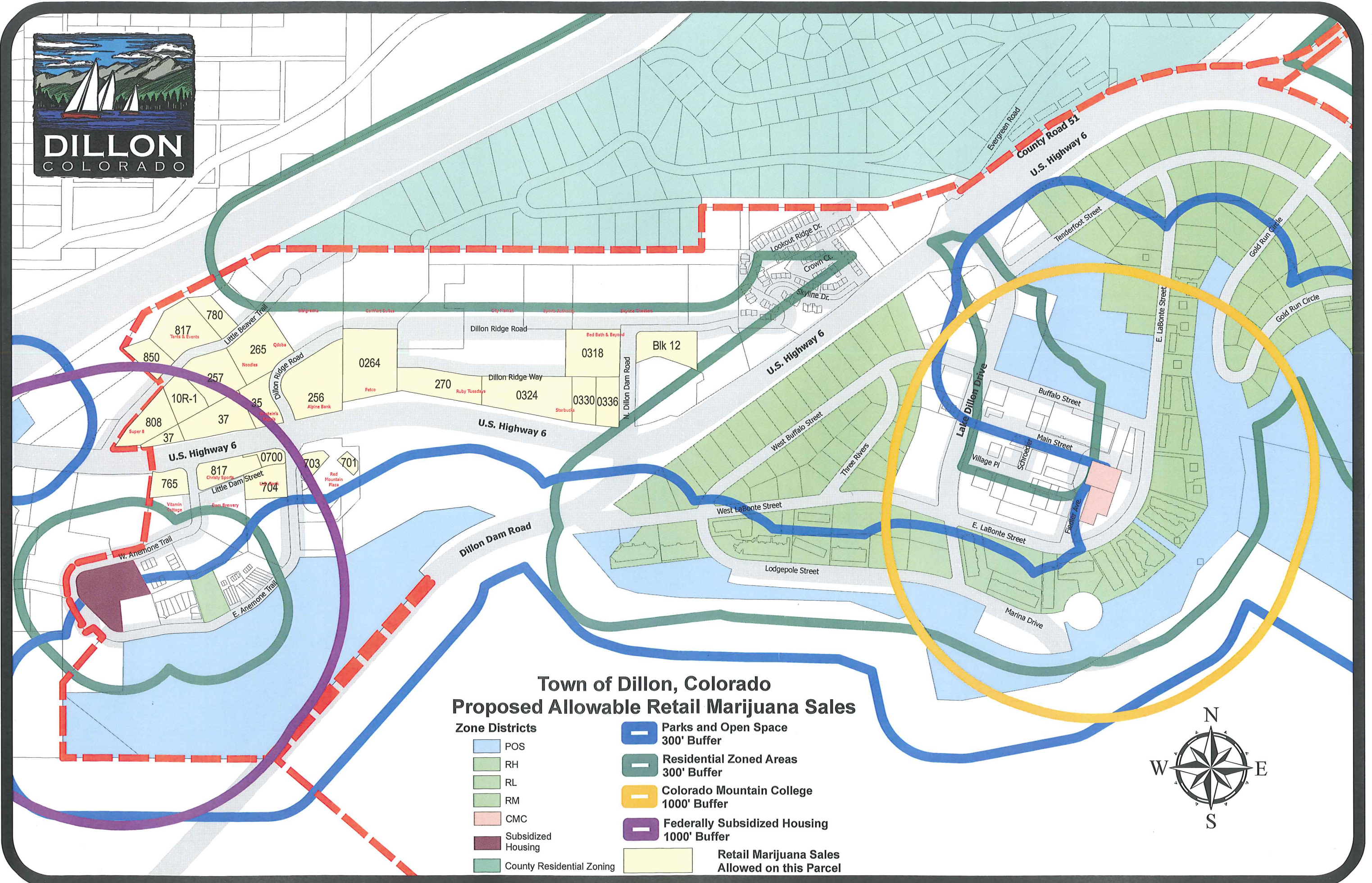
275 Lake Dillon Drive  
Post Office Box 8  
Dillon, CO 80435



# Memorandum

---

- F. If the operations are within a residence not owned by the grower / processor, then written approval of such operations shall be obtained from the property owner. A landlord or home owners association has the right to prohibit marijuana entirely.
  
- G. Home grown marijuana, or marijuana products from home grown plants, may not be sold, and the product must be kept on the premises except as allowed by the State possession limit.
  
- H. The growing, cultivation, and processing of marijuana shall not be perceptible from the exterior of a residential structure where plants are grown, 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 residential structure;
  - 4. Noise from an exhaust fan shall not be in excess of the maximum permissible noise level described in the Code;
  - 5. The smell or odor of marijuana shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, dwelling unit, parcel, or tract of land not owned by the owner of the residential structure, or from an adjoining public right of way.
  
- I. Processing Marijuana Plants for the Extraction of THC or other cannabinoids:
  - 1. The use of flammable gas or alcohol for use as a solvent for the extraction of THC or other cannabinoids in a residential structure is strictly forbidden.
  - 2. The use of any chemical or additive to enhance or extract THC or other cannabinoids in a residential structure is strictly forbidden.
  
- VII. Licensing:
  - A. State License is required.
  - B. Town of Dillon License required in accordance with Chapter 6 of the Dillon Municipal Code



### Town of Dillon, Colorado Proposed Allowable Retail Marijuana Sales

- |                           |  |
|---------------------------|--|
| <b>Zone Districts</b>     | Parks and Open Space<br>300' Buffer              |
| POS                       | Residential Zoned Areas<br>300' Buffer           |
| RH                        | Colorado Mountain College<br>1000' Buffer        |
| RL                        | Federally Subsidized Housing<br>1000' Buffer     |
| RM                        | Retail Marijuana Sales<br>Allowed on this Parcel |
| CMC                       |  |
| Subsidized<br>Housing     |  |
| County Residential Zoning |  |



**Retail Marijuana Local Jurisdictional Comparison**

	<u>State of Colorado*</u>	<u>Breckenridge Adopted</u>	<u>Frisco Adopted</u>	<u>Silverthorne Adopted</u>	<u>Summit County Adopted</u>	<u>Dillon Proposed</u>
<b>Permitted Recreation Marijuana Facilities:</b>						
1	Retail Store	Yes	Yes	Yes	Yes	Yes
2	Cultivation Facility	Yes	Yes	Yes* In Licensed Retail Location Only	No	No
3	Products Manufacturing	Yes	Yes	Yes* In Licensed Retail Location Only	No	No
4	Testing Facility	Yes	No	No	No	No
<b>Licensing:</b>						
6	State License Required?	Yes	Yes	Yes	Yes	Yes
7	Local License Required?	No	Yes	Yes	Yes	Yes
8	Licensing Authority	Dept. of Revenue	Town Manager or Appointee	Town Clerk	Town Council	County Commissioners
9	Public Hearing?	-	No	No	Yes	-
10	Referral to Police or Sheriff's Department? - <b>See Note 2</b>	-	-	-	Yes	Yes - <b>See Note 2</b>
11	Building Department Inspection	-	Yes	Yes	Yes	Yes
12	Allow Conditions	-	Yes	Yes	Yes	Yes
<b>Licensing Fee - \$5,000 max. per Amendment 64. Note that fees are due at time of application:</b>						
14	Application Fee	\$250.00				\$250.00 from State
15	Retail Store	\$3,750.00	\$2,062.50 - <b>See Note 3</b>	\$3,000.00	\$3,000.00	\$2,950.00
16	Cultivation Facility	\$2,750.00	\$2,062.50	\$3,000.00	-	\$2,165.00
17	Products Manufacturing	\$2,750.00	\$2,062.50	\$3,000.00	-	\$2,165.00
18	Testing Facility	\$2,500.00	-	-	-	NA
19	Change of Ownership on Business License or Application (this includes the cost of one new owners background check)	\$2,500.00	\$250.00	-	\$250.00	\$260.00
20	*Each additional new owner or associated person	\$1,000.00	-	-	-	-
21	Corporation or LLC Structure Change (per person)	\$1,000.00	\$100.00	-	\$100.00	\$105.00
22	Change of Trade Name	\$50.00	-	-	-	-
23	Change of Location	\$150.00	\$500.00	-	\$500.00	\$525.00
24	Modification of Premises	\$150.00	\$150.00	-	\$150.00	\$160.00
25	Duplicate Business License or Certificate of Application	\$50.00	-	-	-	-
26	Duplicate Occupational License	\$10.00	-	-	-	-
27	Duplicate Business/Vendor Registration License	\$50.00	-	-	NA	-
28	Annual Renewal Fee	\$3750 & \$2750	\$1,031.25	\$1,500.00	50% of a new license	50% of the new license fee
29	Residential Cultivation Fee	-	-	-	-	\$260.00
30	Term of License	1 Year	1 Year	Expires w/ State Lic.	1 Year	1 Year
31	State Issued Warehouse Storage Permits Allowed?	Yes	Yes	-	-	-
<b>Legal Disclaimers:</b>						
33	Statement for the Licensee to Comply w/ Federal Law?	No	Yes	-	-	Yes
34	Statement of No Licensing Authority Liability?	Yes	Yes	Yes	No	Yes
<b>Permitted Locations:</b>						
36	Land Use Districts	Not Defined	5,9,11,19,20, or 31	-	-	NA
37	Zone Districts	Not Defined	-	Retail Uses	-	Commercial [C] & Mixed Use [MU]
<b>Location Restrictions:</b>						
39	Setback (ft) from licensed child care facility	Not Defined	500	500	500	1000
40	Setback (ft) from educational institution (Pub. or Private)	Not Defined	500	500	500	1000
41	Setback (ft) from any halfway house or correctional facility	Not Defined	500	500	500	-
42	Setback from Residential Use or Residential Zoning District	Not Defined	Not Adjacent, Except in MU	100	500* Regardless of Jurisdiction	300
43	Setback from a Public Park, Recreation Center, or Publicly Owned Building	Not Defined	NA	NA	500	300
44	Setback from Another Retail Marijuana Establishment	Not Defined	NA	500	1000* Regardless of Jurisdiction	-
45	Permitted in a Building with a Residential Use?	Not Defined	No	No	No	No
46	Exclusion from Downtown or Core Area	Not Defined	Yes* After Jan. 2015-Medical	Yes	NA	Yes
47	Exclusion from Residential Zoning Districts	Not Defined	Yes	Yes	Yes	Yes
48	Exclusion from a building having Rooms for Boarding	Not Defined	Not Defined	Yes	Yes	Yes
49	Exclusion from a building have a Pediatrician's Office	Not Defined	Not Defined	Yes	Yes	Yes
50	Home Occupation?	-	No	-	-	No
51	Maximum Store Size Limitation? (SF)	None	-	-	7,500	-

**Retail Marijuana Local Jurisdictional Comparison**

		<u>State of Colorado*</u>	<u>Breckenridge Adopted</u>	<u>Frisco Adopted</u>	<u>Silverthorne Adopted</u>	<u>Summit County Adopted</u>	<u>Dillon Proposed</u>
52	How Distances are Measured?	Not Defined	PL to Building of Lic.-Ped. Access	PL to Building of Lic.-Direct Line	PL to Boundaries of Lic. Property	-	Property Line (PL) to PL
53	<b>Business Operation:</b>						
54	Hours of Operation	8 A.M. to 12 A.M.	8 A.M. to 10 P.M.	8 A.M. to 10 P.M.	9 A.M. to 7 P.M.	-	9 A.M. to 10 P.M.
55	Days of Operation per Week	7	7	7	-	-	7
56	<b>Signage:</b>						
57	Restrictions on the Display of the word "Marijuana"?	No*	Yes	-	Yes	-	Yes
58	Restrictions on the Display of an image of any part of a Plant?	No*	Yes	-	-	-	Yes
59	<b>Retail Sales Quantities per Transaction:</b>						
60	Colorado Residents (Ounce)	1	Not Defined	1	-	-	1
61	Non-Colorado Residents (ounce)	0.25	Not Defined	0.25	-	-	0.25
62	<b>Residential Growing:</b>						
63	Single Family Dedicated Area (SF)		150	-	-	-	150
64	Multifamily Dedicated Area (SF)		100	-	-	-	100
65	Maximum number of plants / regardless of number of occupants over 21	6 /-	6 / 12	-	-	-	6 / 12
66	Maximum Number of Mature, Flowering Plants	3	3	-	-	-	3
67	Written permission of landowner required in rental situation?		Yes	-	-	-	Yes
68	Restriction on the release of the odor of growing plants?	-	Yes	-	-	-	Yes
69	No Visible display from Exterior?	Yes	Yes	-	-	-	Yes
70	Light Pollution Restricted?		Yes	-	-	-	Yes
71	Noise from Exhaust Fans Restricted?		Yes	-	-	-	Yes
72	Lock off required if a person under 21 lives in the structure?	Yes	Yes	-	-	-	Yes
73	<b>Offenses:</b>						
74	"Open Containers of Marijuana" - in vehicle parked or moving		Yes	-	-	-	Yes
75	Marijuana Consumption Business Unlawful	Yes	Yes	-	-	-	Yes
76	No Display Visible From the Exterior of the Premises	Yes	Yes	-	-	-	Yes
77	No Consumption of Liquor or Marijuana on the Premises	Yes	Yes	Yes	Yes	-	Yes
78	Open and Public Consumption Prohibited	Yes	Yes	Yes	-	-	Yes
79	Immunity for Reporting an Overdose		Yes	-	-	-	Yes
80	<b>Offense Fines:</b>		1st, 2nd, 3rd Offense				1st, 2nd, 3rd Offense
81	Unlawful Possession	\$100-\$750,000	\$100, \$250, \$500	-	-	-	
82	Public Consumption	\$100-\$750K 15 D-12 Yr	\$100, \$250, \$500	-	-	-	
83	Underage Use	-	\$100, \$250, \$500	-	-	-	
84	Unlawful Transfer to Someone Under 21	\$2K-\$750K 2yr-12 yr	\$100, \$250, \$500	-	-	-	
85	Open Container/Driving Under the Influence	\$600-\$1500 5D-1yr	\$100, \$250, \$500	-	-	-	
86	Marijuana Consumption Establishment	-	\$100 or \$100 + 15 Days Jail	-	-	-	

**Note:** State Regulations consulted for this table were dated September 9, 2013. The State has revised and adopted the revised standards dated January 10, 2014.

**Note 2:** Planning Department, Police Department, local fire protection district, or any other department or agency the Authority deems necessary

**Note 3:** The fee for a Medical MJ Center is \$2,812.50 and when a Medical MJ Center transfers to a Retail the fee is \$2,062.50 for a total of \$4,875

\*State intends to revisit fee structure prior to July 1, 2014