



Arapahoe County

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Board Summary Report

File #: 22-377

Agenda Date: 7/5/2022

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To: Board of County Commissioners

Through: Ron Carl, County Attorney; Bryan Weimer, Director, Public Works and Development

Prepared By:

John Christofferson, Deputy County Attorney; Jason Reynolds, Planning Division Manager, Public Works and Development

Presenter: John Christofferson, Deputy County Attorney; Jason Reynolds, Planning Division Manager, Public Works and Development

Subject:

2:00 PM *Marijuana Land Use in Unincorporated Arapahoe County Follow-Up

Purpose and Request:

The purpose of this study session is to request further direction from the Board of County Commissioners regarding recommended changes to the current marijuana land use code policy based on the March 21, 2022 Study Session.

Background and Discussion:

At the March 21, 2022 Study Session, the Board of County Commissioners ("BoCC") provided direction for staff to make recommendations allowing the four (4) current marijuana stores to change locations and recommendations allowing marijuana grows, as detailed below.

The following are recommendations for the BoCC to contemplate and provide direction.

Marijuana Store Location Change

State law authorizes the BoCC to limit the number of licenses and designate the location where a marijuana store is located. There are currently only four (4) marijuana store locations allowed as legal nonconforming uses in unincorporated Arapahoe County. The BoCC directed staff not to increase the number of marijuana store locations.

Based on BoCC Direction, staff recommends amending the Land Development Code (“LDC”) to remove the nonconforming use designation on marijuana stores, and to allow the four (4) current marijuana stores to move to locations within the Business zone districts B-3, B-4, and B-5 and Industrial zone districts I-1 and I-2, and within commercial or industrial portions of Planned Unit Developments allowing retail uses, through a Use by Special Review (“USR”) process or a marijuana licensing process requiring law enforcement inspections, provided that the proposed retail site is located west of the North-South alignment of Watkins Road. Further, relocated marijuana stores would be limited in size to less than 5,000 square feet.

Staff recommends mirroring state statute distance requirements that prohibit a marijuana store from being located within one thousand feet of a school; an alcohol or drug treatment facility; the principal campus of a college, university, or seminary; or a residential child-care facility. The distances referred above are to be computed by direct measurement from the nearest property line of the land used for a school or campus to the nearest portion of the building in which medical marijuana is to be sold, using a route of direct pedestrian access. A map of the recommended zoned districts along with a 1,000-foot radius circles around the facility restrictions is included for this study session.

Marijuana Grows and Manufacturing in Unincorporated Arapahoe County East of the North-South N/S Watkins Road Alignment

State law authorizes the BoCC to allow marijuana grow operations within unincorporated Arapahoe County. Currently the LDC, Section 3-3.5(C)(2)(a) authorizes a person residing at the dwelling unit, for such person’s own use, or by a primary caregiver on behalf of a patient who resides at the same dwelling unit as the primary caregiver to conduct non-commercial growing, cultivation, storage, or production of marijuana or marijuana products only as a non-primary use in certain circumstances.

Staff recommends allowing medical and/or retail marijuana cultivation facilities (a commercial grow operation that sells to marijuana stores) in Agricultural zone district AE and Industrial zone district I-2 that are located east of the North-South alignment of Watkins Road through a USR process or a marijuana licensing process requiring law enforcement inspections and located in a permanent enclosed building space.

Currently, there is a hemp manufacturing facility (the Kazmira location) that has been successful. The marijuana products manufacturing would be a similar type facility. Due to this, staff also recommends medical and/or retail marijuana products manufacturers (manufacturing of marijuana that can include grow operations) in Agricultural zone district AE and Industrial zone district I-2 that are located east of the North-South alignment of Watkins Road through a USR process or a marijuana licensing process requiring law enforcement inspections and located in a permanent enclosed building space.

Staff does not have a recommendation for limiting the number of marijuana cultivation facilities nor the marijuana products manufacturer locations.

A map of the recommended zoned districts is included for this study session.

Next Steps

If the BoCC provides direction accepting staff's recommendation, staff will move forward with amending the LDC, Marijuana Ordinance, and the Marijuana Licensing Policy.

Fiscal Impact: The fiscal impact will depend on the direction from the BoCC. Fees for licensing and inspections will be recommended to off-set costs to the County.

Alternatives: The Board could decide not to make any changes to the current LDC, Marijuana Ordinance, or the Marijuana Licensing Policy.

Alignment with Strategic Plan:

- ☒ Be fiscally sustainable
- ☐ Provide essential and mandated service
- ☒ Be community focused

Staff Recommendation: N/A.

Concurrence: N/A.