



## Board Summary Report

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**File #:** 22-596

**Agenda Date:** 10/25/2022

**Agenda #:** 7.c.

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**To:** Board of County Commissioners

**Through:** Ron Carl, County Attorney

**Prepared By:**

John Christofferson, Deputy County Attorney

**Presenter:** John Christofferson, Deputy County Attorney

**Subject:**

First Reading of Ordinance No. 2022-01 Establishing the Operation of Limited Commercial Marijuana Stores within Unincorporated Arapahoe County

**Purpose and Request:**

The purpose of this General business Item is to introduce for first reading Arapahoe County Ordinance No. 2022-01 Establishing the Operation of Limited Commercial Marijuana Stores within Unincorporated Arapahoe County by the Board of County Commissioners and for the Board to order publication of the proposed Ordinance.

**Background and Discussion:**

At a study session on March 21, 2022, staff requested direction from the Board of County Commissioners regarding possible changes to the current marijuana land use policy including allowing the current four (4) commercial marijuana store locations to move location, to increase in square footage of a store, and other topics. The Board directed staff to continue to look into recommendations describing where to allow the current four (4) commercial marijuana store locations to possibly re-locate to or to increase in square footage within unincorporated Arapahoe County. At a study session on July 5, 2022, staff provided a follow-up to the March study session and provided recommendations for specific zoned areas east of the north/south alignment of Watkins Road. The Board directed staff to make amendments to Ordinance 2020-02 and the Arapahoe County Land Development Code Sec. 3-3.5 Marijuana Land Uses to allow up to four (4) licensed locations for commercial marijuana stores in specified zoned areas, under specified circumstances and limitations, and after a Use by Special Review process as specified in the related Land Development Code amendment and subject to State limitations.

The amendment to the Land Development Code Sec. 3-3.5 Marijuana Land Uses was scheduled before the Planning Commission on October 18, 2022 for review and comments. It is scheduled for Board review and consideration at a Public Hearing on Tuesday November 8, 2022.

Arapahoe County Ordinance No. 2020-02 authorized the establishment of retail marijuana stores within the County by the licensed medical marijuana centers that were in compliance with the provisions of the Colorado Medical Marijuana Code and Arapahoe County Land Development Code. In order to facilitate the ability for the current commercial marijuana store locations to relocate the Board will need to enact an ordinance that terminates Ordinance No. 2020-02 and authorizes limited commercial marijuana stores to relocate and/or increase in size. Proposed Ordinance No. 2022-01 (attached) is being presented for first reading. The limitations on locations where they could relocate and/or limit an increase in size are set forth in related LDC amendments.

In order to adopt an ordinance, the Board must first introduce and read the Ordinance at a public meeting, set a public hearing for the second reading, and order the publication of the ordinance in a newspaper of general circulation published within the County. Publication is required for at least ten (10) days prior to the second reading/hearing and adoption of the ordinance.

After adoption of the ordinance on second reading, the ordinance shall be published by title only and include any part of the ordinance that was amended following the initial publication and include the date of the initial publication. The adopted ordinance will take effect upon thirty (30) days after publication of the adopted ordinance.

**Fiscal Impact:** If the Board decides to enact the Ordinance, the Board will receive fees for the relocation applications for the commercial marijuana store licenses.

**Alternatives:** The Board could decide not to perform the first reading of the proposed Ordinance and either postpone the first reading or decide not to move forward with the proposed Ordinance. If the Board decides not to move forward with the proposed Ordinance, Ordinance No. 2020-02 will remain in effect.

**Alignment with Strategic Plan:**

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

**Staff Recommendation:** N/A.

**Concurrence:** This Ordinance supports the amendment to the Land Development Code Sec. 3-3.5 Marijuana Land Uses

**Suggestion Motion(s):** Attached

**Resolution:** Attached is a copy of the draft resolution.