



## Legislation Details (With Text)

**File #:** 22-637      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 10/25/2022      **In control:** Board of County Commissioners Business Meeting

**On agenda:** 11/8/2022      **Final action:** 11/8/2022

**Title:** LDC22-004 Marijuana Land Uses Land Development Code Amendment

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Summary Report, 2. Marijuana Land Uses PC Report, 3. Outside Referral Comments, 4. Prohibited Area Map, 5. 1.5 mile Buffer Maps, 6. Potential Retail Marijuana Store Location Maps, 7. BoCC Study Session March 21, 2022 Marijuana Land Uses, 8. BoCC Study Session July 5, 2022 Marijuana Land Uses, 9. Draft Motions, 10. Resolution

Date	Ver.	Action By	Action	Result
11/8/2022	1	Board of County Commissioners Business Meeting	adopted	Pass
11/8/2022	1	Board of County Commissioners Business Meeting	adopted	

**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works & Development

**Prepared By:**

Jason Reynolds, Planning Division Manager, PWD

**Presenter:** Jason Reynolds, Planning Division Manager, PWD

**Subject:**

LDC22-004 Marijuana Land Uses Land Development Code Amendment

**Purpose and Request:**

Planning Commission and Arapahoe County staff recommend approval of a code amendment to change the medical and retail marijuana regulations applicable to unincorporated Arapahoe County. The proposed regulations would allow the existing four medical/retail marijuana stores to relocate to other locations in the unincorporated area with a Use by Special Review process for the new location.

**Background and Discussion:** The Board of County Commissioners asked staff to develop rules that could allow the existing four unincorporated marijuana stores to change locations and to consider rules for marijuana grow operations. The Board discussed proposals at March 21, 2022 and July 5, 2022 study sessions and directed staff to proceed with rules for medical and retail marijuana stores, but to delay discussions regarding grow operations to a later date.

Based on Board direction, staff recommends amending the Land Development Code (“LDC”) to remove the nonconforming designation on marijuana stores and to allow them in some commercial and industrial zoning districts through a Use by Special Review Process, which would require a public hearing for any new location. The proposal would continue to limit the total number of stores to four locations within unincorporated Arapahoe County. Based on feedback from Greenwood Village and Centennial, the proposed regulations prohibit stores near those jurisdictions. For a more detailed analysis, please see the attached Planning Commission staff report.

**Fiscal Impact:** No direct fiscal impact.

**Alternatives:** The Board of County Commissioners has four alternatives:

1. Approve the Land Development Code amendment as it is currently written and as recommended by the Planning Commission;
2. Approve the Land Development Code amendment with specific changes;
3. Continue to a date certain for additional information; or
4. Deny the proposed amendment.

**Alignment with Strategic Plan:**

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

**Staff Recommendation:** Staff recommends approval of the proposed Land Development Code amendment.

**Concurrence:** Public Works & Development and County Attorney staff have reviewed the proposed amendment and recommend approval. On October 18, 2022, the Planning Commission voted 4-3 to recommend approval of the proposed regulations to the Board of County Commissioners, with Latsis, Rieck, and Sauve voting against the motion. None of the “no” votes elaborated on why they voted against the proposal. No members of the public spoke regarding the proposed changes.

**Suggestion Motion(s):** Attached.

**Resolution:** Attached.