

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 25th day of January, 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 ADOPTING A MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWING OPERATIONS IN ADAMS COUNTY

WHEREAS, the Adams County Development Standards and Regulations, which are enacted to protect the health, safety and welfare of the citizens of Adams County, contain provisions for the regulation of land use in the unincorporated areas of Adams County; and,

WHEREAS, under Adams County's current Development Standards and Regulations the operation of medical marijuana dispensaries and medical marijuana growing operations are not permitted land uses and Adams County has not approved any such land uses; and,

WHEREAS, Adams County does not currently have zoning regulations addressing the operation of medical marijuana dispensaries and medical marijuana growing operations; and,

WHEREAS, it is believed that the unregulated operation of medical marijuana dispensaries and medical marijuana growing operations in Adams County could result in abuses and negative impacts on the health, safety and welfare of citizens of Adams County; and,

WHEREAS, the state of the law in Colorado with regard to the operation of medical marijuana dispensaries and medical marijuana growing operations and the local zoning of such operations is not clear and there has been no legislative clarification or Colorado Court of Appeals or Colorado Supreme Court opinions on the matter; and,

WHEREAS, other jurisdictions in Colorado have been faced with litigation involving the legal parameters of zoning for medical marijuana dispensaries and medical marijuana growing operations; and,

WHEREAS, in order to avoid any unlawful zoning of medical marijuana dispensaries or medical marijuana growing operations and the potential for litigation, and in order to protect the health, safety and welfare of the citizens of Adams County, the Board of County Commissioners believes that it is necessary to institute a moratorium on the establishment and operation of medical marijuana dispensaries and medical marijuana growing operations in Adams County for six months until July 25, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Adams, State of Colorado, that there shall be no establishment or operation of medical marijuana dispensaries or medical marijuana growing operations in Adams County until such time as the Board lifts this moratorium, or until July 25, 2010;

BE IT FURTHER RESOLVED that the Board of County Commissioners intends that this moratorium 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 moratorium 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 25th day of January, A.D. 2010.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Karen Long:



By:



Deputy