

RESOLUTION NO. 50-16

A RESOLUTION ENDORSING THE APPOINTMENT OF A COUNCIL PRESIDENT'S SPECIAL MARIJUANA WORKING GROUP TO STUDY THE ISSUE OF MARIJUANA REGULATION WITHIN THE CITY OF COLORADO SPRINGS AND MAKE RECOMMENDATIONS TO COUNCIL AND CITY STAFF

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Article XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, in November 2000 the voters of the State of Colorado approved Amendment 20, adding Article XVIII, Section 14, to the Colorado Constitution which permits the medical use of marijuana for persons suffering from debilitating medical conditions; and

WHEREAS, City Code § 2.2.101 "declares it to be in the interest of the health, safety and welfare of the citizens of the City, and a proper exercise of the police power, to require the licensing of persons and businesses providing medical marijuana related services"; and

WHEREAS, when the City's licensing and land use regulations for medical marijuana related services and medical marijuana facilities were adopted in 2011, retail marijuana sales and related businesses were not sanctioned in the City; and

WHEREAS, in the November 2012 general election, the voters of the State of Colorado approved Amendment 64, adding Article XVIII, Section 16, to the Colorado Constitution; and

WHEREAS, Amendment 64 authorizes the City to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana retail stores, and retail marijuana establishments; and

WHEREAS, the City has exercised its local option and ordained it "unlawful for any person to operate a retail marijuana establishment within the City"; and

WHEREAS, marijuana use statewide and within the City has fundamentally changed since the City adopted initial land use and licensing provisions related to medical marijuana facilities in 2011, possibly requiring new approaches

regarding land uses, business licensing, civil and criminal enforcement, and other regulation related to marijuana businesses and other issues relating to marijuana within the City; and

WHEREAS, the rapidly changing situation regarding marijuana regulation statewide and the considerable interest in the establishment of new medical marijuana facilities and the change of location or expansion of currently operating medical marijuana facilities within the City illustrates the need for continued study of the effects of new marijuana uses to determine the appropriateness and sufficiency of existing and proposed zoning and land use regulations to ensure the protection of the public health, safety and welfare in accord with City Code § 7.2.102; and

WHEREAS, on May 10, 2016, the City Council ordained a twelve (12) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the City in order provide the City time to study the issues related to land use, zoning, licensing and other necessary regulations with respect to medical marijuana facilities; and

WHEREAS, a Task Force was directed by Ordinance 15-79 to review, study, develop, evaluate, and review appropriate laws and regulations pertaining to marijuana businesses for presentation to the City Council including but not limited to location and licensing criteria, fees, advertising, and other time, place, manner, and number regulations; and

WHEREAS, although the Task Force has made significant recommendations to City Council on issues relating to zoning, licensing and enforcement, the Task Force did not have sufficient time to complete all of the tasks assigned to it, including making, reviewing, studying, developing, evaluating and reviewing appropriate laws and regulations regarding fees and advertising; and

WHEREAS, in the course of its work, the Task Force has identified more issues that need further review, study, and evaluation, including but not limited to potential changes to the fire code to address hazards associated with cultivating horticulture in residential dwellings, balancing caretaker rights under Amendment 20 with the City's obligation to protect the life and property interests of its citizens through the adoption of land use and licensing regulations, cultivation in zones other than residential, and allowing co-op cultivation of medical marijuana with other types of marijuana; and

WHEREAS, Section 5-2 of City Council's Rules and Procedures, adopted by Resolution 42-13, effective April 16, 2013, and amended by Resolution 8-14,

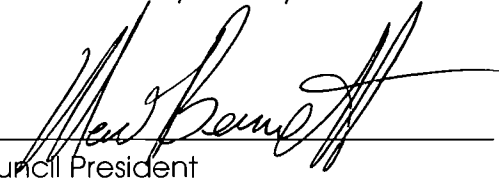
effective February 12, 2014, authorizes the President of Council to appoint special boards, committees, or commissions composed of Councilmembers and/or citizens to assist in the study of items before the Council, and further authorizes a working group so appointed to serve until the matter is disposed of by the Council unless sooner terminated by the President.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

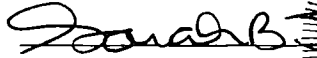
Section 1. City Council hereby endorses the creation of a Council President's Special Marijuana Working Group to study, review, evaluate and develop recommendations related to the regulation of marijuana within the City of Colorado Springs. The working group shall report to City Council, as requested by the President or City Council.

- a) The working group will be comprised of a Councilmember, City staff and local stakeholders, including subject matter experts, marijuana industry business owners and industry representatives, neighborhood representatives, physicians or other medical professionals, medical marijuana patients and caregivers. The group may be augmented with individuals and professionals as necessary for the discussion of items under consideration.
- b) The President of City Council shall designate a Chairperson of the working group who may be a City Council member.
- c) The working group will hold regular meetings with the ultimate purpose of proposing recommendations concerning marijuana related regulatory issues, as directed by the President or City Council. The group shall hold its first meeting not later than June 30, 2016.
- d) The working group shall, within ninety (90) days after its first meeting, provide recommendations to the City Council concerning hardships affecting existing licensees by the application of the moratorium, and prudent regulations that might address such hardships.
- e) The working group shall, within one hundred twenty (120) days after its first meeting, provide recommendations concerning the feasibility and potential role of a permanent board or committee to deal with the licensure of marijuana-related businesses.

DATED at Colorado Springs, Colorado, this 24<sup>th</sup> day of May, 2016.

  
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Council President

ATTEST:

  
Sarah B. Johnson, City Clerk

