

STATE OF COLORADO)
) ss.
County of Otero)

At a Regular Meeting of the Board of County Commissioners for Otero County, Colorado, held at the Courthouse in La Junta, Colorado, on the 19th day of April, A.D., 2010, there were present:

✓G	Keith Goodwin,	Chairman
✓G	Kevin K. Karney,	Commissioner
✓G	Jim Sandoval,	Commissioner
✓G	Sharon Sisnroy,	Clerk to the Board
✓G	Jean Hinkle,	County Administrator

when the following proceedings were had and done, to-wit:

Resolution #2010-008

A RESOLUTION ADOPTING A TEMPORARY MORATORIUM UPON THE APPLICATION, ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF ANY REQUEST TO OTERO COUNTY FOR A PERMIT, LICENSE, AND/OR FOR ANY OTHER OTERO COUNTY AUTHORIZATION OF ANY NATURE RELATED TO OR IN ANY WAY CONNECTED WITH THE ESTABLISHMENT AND/OR OPERATION OF AN ENTERPRISE OR BUSINESS THAT PROPOSES TO SELL OR DISPENSE OR THAT SELLS OR DISPENSES MEDICAL MARIJUANA PURSUANT TO ARTICLE 18, SECTION 14 OF THE COLORADO CONSTITUTION.

WHEREAS, pursuant to the vote of the citizens of the State of Colorado and effective upon the proclamation of the Governor of the State of Colorado dated December 28, 2000, Article XVIII, Section 14 of the Colorado Constitution was adopted authorizing the sale and use of medical marijuana for the treatment of certain debilitating medical conditions; and

WHEREAS, the Board of County Commissioners and the staff of various departments of Otero County have been informed that some members of the general citizenry are pursuing, or may pursue, the establishment and operation of businesses or enterprises in Otero County to sell or dispense medical marijuana pursuant to the authorization in the Constitution; and

WHEREAS, the Otero County Land Use Code and, in particular, the land use regulations adopted as part of the Code do not address the operation of enterprises or businesses that propose to dispense or otherwise sell medical marijuana; and

WHEREAS, the adoption of a one hundred eighty (180) day moratorium on the application, acceptance, processing and/or approval of any requests to Otero County for a permit, license or for

any other Otero County authorization of any nature related to or connected with the establishment and/or operation of enterprises or businesses that propose to sell or dispense medical marijuana will allow the Board of County Commissioners and Otero County staff to research and explore Otero County's role, if any, in the regulation of such enterprises or businesses and further allow Otero County staff and the Board of County Commissioners to develop and consider for implementation such regulations; and

WHEREAS, a one hundred eighty (180) day moratorium is a reasonable period of time for Otero County to properly research, develop and, if advisable, adopt regulations with respect to enterprises or businesses proposing to dispense or otherwise sell medical marijuana; and

WHEREAS, potential owners and operators of such enterprises or businesses proposing to sell or dispense medical marijuana will not be unduly prejudiced by the adoption of such moratorium;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Otero, Colorado, that:

Section 1. Upon the adoption and execution of this Resolution, a moratorium is hereby imposed upon the application, acceptance, processing, and/or approval of any request to Otero County for a permit, license, and/or for any other Otero County authorization of any nature related to or in any way connected with the establishment and/or operation of an enterprise or business that proposes to sell or dispense, or that sells or dispenses medical marijuana pursuant to the Colorado Constitution. The moratorium so adopted by this Resolution shall commence upon the date of its passage and execution by the Board of County Commissioners and shall continue for a One Hundred Eighty (180) day period thereafter.

Section 2. The Board of County Commissioners hereby finds and declares that this Resolution is necessary to the preservation and furtherance of the health, safety, and welfare of the citizens of Otero County.

Section 3. The Board of County Commissioners hereby finds and determines that it has the power to adopt this Resolution pursuant to: 1) the Local Government Land Use Control Enabling Act, C.R.S. 29-20-101, et seq.; 2) C.R.S. 30-11-101(2) concerning the authority of counties to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law; 3) C.R.S. 30-11-107 concerning powers of the Boards of County Commissioners; 4) C.R.S. 30-28-113 concerning the regulation of the use of structures in various zone districts throughout Otero County; 5) C.R.S. 30-28-115 concerning the promotion of the health, safety, convenience, order, and/or welfare of the citizenry through the use of land use regulations; and 6) C.R.S. 30-28-121 concerning the authority of counties to adopt temporary land use regulations.

Section 4. Otero County staff, in conjunction with the Otero County Attorney, are instructed to prepare and report to the Board of County Commissioners with appropriate land use or other regulations governing the sale and/or dispensing of medical marijuana or with a report as to why the regulations of other governmental entities, including the Colorado Department of Public Health and Environment, are sufficient and no further regulation is needed. Such reports and other matters shall be brought before the Board of County Commissioners for appropriate consideration.

Section 5. The moratorium adopted by this Resolution shall automatically expire One Hundred Eighty (180) days after the date of adoption, unless repealed or extended prior to that date.

Adopted this 19th day of April, 2010.

ATTEST:

Sharon Sisimoy
County Clerk



BOARD OF COUNTY COMMISSIONERS
OF OTERO COUNTY, STATE OF
COLORADO:

Keith Goodwin

Keith Goodwin, Chairman

Kevin K. Karney

Kevin K. Karney

Jim Sandoval

Jim Sandoval