

WHEREAS, pursuant to C.R.S. §29-20-104, each local government within its respective jurisdiction has the authority to plan for and regulate the use of land on the basis of the impact thereof and the community or surrounding areas, and otherwise plan for and regulate the use of land so as to provide planned and orderly use of land and the protection of the environment in a manner consistent with constitutional rights; and

WHEREAS, the Local Government Land Use Control Enabling Act allows local governments the authority to impose reasonable moratoriums upon activities which impact the community or surrounding areas (see *Droste v. Board of County Commissioners of Pitkin*, 159 P.3d 601, (CO 2007)); and

WHEREAS, pursuant to C.R.S. §12-43.3-301, prior to July 1, 2011, a county, city and county, or municipality may adopt and enforce a resolution or ordinance licensing, regulating, or prohibiting the cultivation or sale of medical marijuana; and

WHEREAS, on June 15, 2010, the Board determined and directed to allow the citizens of Grand County to vote during the November, 2010 regular election whether to prohibit or permit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses within unincorporated Grand County, and approved the extension of the temporary moratorium to and including December 31, 2010 by Resolution No. 2010-6-20, said Resolution being incorporated by reference as if set forth herein in full; and

WHEREAS, on November 2, 2010, a regular election was conducted during which the eligible voters of Grand County, Colorado voted not to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses, as those terms are defined in C.R.S. Section 12-43.3-104, within the unincorporated boundaries of Grand County, Colorado; and

WHEREAS, on December 14, 2011, the Board approved the extension of the temporary moratorium to and including June 30, 2011 by Resolution No. 2010-12-40, said Resolution being incorporated by reference as if set forth herein in full, in order to develop, approve and adopt regulations pertaining to the operation of medical marijuana centers, optional premises cultivation operations, or medical marijuana-infused products manufacturers' licenses to avoid irreparable harm by the absence of such regulations; and

WHEREAS, on January 12, 2011, House Bill 11-1043 was introduced, which, if passed, will substantially amend Colorado regulations concerning the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses; and

WHEREAS, House Bill 11-1043 also provides that if a Medical Marijuana Facility was not in operation as of July 1, 2010, that said facility may not apply for a state license to permit operation until July 1, 2012; and

WHEREAS, no Medical Marijuana Facility was in operation in Grand County, Colorado as of July 1, 2010; and

WHEREAS, the extension imposed by this Resolution is reasonable in length, and is no longer than is required for the County to continue to properly investigate, develop, and, if appropriate, adopt and implement regulations with respect to the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses; and

WHEREAS, upon the adoption of this Resolution, the moratorium imposed upon the operation of and submission, acceptance, processing, and approval of all applications for permits and licenses by the County of Grand businesses related to the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses is extended to and including July 1, 2012; County Staff is directed to refuse to accept for filing, and not to process or review, any such new or existing applications or other requests during the entire moratorium

period and to notice any business so operating of the violation of County Zoning Regulations.

WHEREAS, the Board of County Commissioners hereby finds, determines, and declares that this Resolution is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of Grand County and the inhabitants thereof.

NOW THEREFORE, be it resolved by the Board of County Commissioners of the County of Grand, State of Colorado that the extension of Resolution Nos. 2009-9-39, 2009-11-43, 2010-3-27, 2010-3-46, 2010-6-20, and 2010-12-40 with reference to the temporary moratorium on the operation, submission, acceptance, processing, and approval of any operation of a business that sells or distributes medical marijuana to and including July 1, 2012 be and is hereby approved.

BE IT FURTHER RESOLVED, Staff is directed to continue to investigate and develop appropriate regulations with respect to the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses within unincorporated Grand County, Colorado.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

.....	<i>Gary Burges</i>	Aye	
.....	<i>Wanda Stuart</i>	Aye	
.....	<i>James K. Hilmy</i>	Aye	Commissioners

STATE OF COLORADO }
 } SS.
County of Grand }

I,, 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 Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this day of A.D. 20.....
County Clerk and ex-officio Clerk of the Board of Commissioners.

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