

RESOLUTION NO. P&D 15- 013

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION APPROVING TEXT AMENDMENT NO. 2015-002 AMENDING THE
PUEBLO COUNTY CODE, TITLE 17, LAND USE, DIVISION I. ZONING,
BY AMENDING SECTION 17.04.030 DEFINITIONS,
SECTION 17.12.020 USES-BY-RIGHT A-1 AND A-2 ZONE DISTRICTS STANDARDS,
SECTION 17.68.020 USES-BY-RIGHT I-1 ZONE DISTRICT STANDARDS,
SECTION 17.72.020 USES-BY-RIGHT I-2 ZONE DISTRICT STANDARDS,
BY ADDING SECTION 17.120.280 HEMP ESTABLISHMENTS, AND
BY AMENDING SECTION 17.132.030 FEE SCHEDULE**

WHEREAS, the Board of County Commissioners is authorized, after public notice and a public hearing, to adopt and amend regulations governing the zoning of land within the unincorporated area of Pueblo County, Colorado; and

WHEREAS, Text Amendment No. 2015-002 proposes amending the Pueblo County Code, Title 17 Land Use, Division I. Zoning to:

- 1) add the definitions pertaining to the cultivation of Hemp to Chapter 17.04 General Provisions and Definitions,
- 2) add Hemp Establishments to Chapter 17.12 Agricultural One (A-1) and Two (A-2) Districts, Chapter 17.68 Special Industrial District (I-1), and Chapter 17.72 Light Industrial District (I-2) regulations as uses-by-right,
- 3) add a new Section 17.120.280 for Hemp Regulations to Chapter 17.120 Supplementary Regulations,
- 4) add a new application and fee to Section 17.132.030 Zoning, Subdivision, and Other Land Use Development Applications – Fee Schedule by adding Zoning Compliance Review Hemp Establishment Fee: \$350 as shown in EXHIBIT "A", attached hereto; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on February 18, 2015, at the conclusion of which the Planning Commission voted unanimously to recommend approval of Text Amendment No. 2015-002 to the Board of County Commissioners; and

WHEREAS, at said Planning Commission meeting, no one spoke in opposition to Text Amendment No. 2015-002; however, people from the marijuana industry spoke in favor of Text Amendment No. 2015-002; and

WHEREAS, a public hearing, preceded by proper public notice, was opened by the Board of County Commissioners on March 11, 2015 and was continued to the March 18, 2015 public hearing; and

WHEREAS, a public hearing was heard by the Board of County Commissioners on March 18, 2015 and, at said hearing, all those who desired to be heard were heard and their testimony recorded; and

RESOLUTION NO. P&D 15-013 (CONT.)

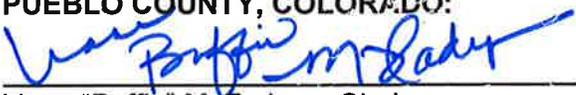
WHEREAS, the Board has reviewed and taken administrative notice of the recommendation of the Pueblo County Planning Commission and also the testimony, application, evidence, documents submitted at the public hearing, and the contents of the Planning Director's file.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Text Amendment No. 2015-002 is hereby approved amending the Pueblo County Code, Title 17, Land Use, Division I. Zoning as attached and incorporated herein by this reference labeled EXHIBIT "A".

BE IT FURTHER RESOLVED, Text Amendment No. 2015-002 is effective on this date of adoption.

PASSED AND ADOPTED this 18th day of March 2015, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: 
Liane "Buffie" McFadyen, Chair

ATTEST:
By: 
Gilbert Ortiz, County Clerk

EXHIBIT "A"

Pueblo County Code - Title 17 - Chapter 17.04 GENERAL PROVISIONS AND DEFINITIONS

B. Specific. For the purpose of this resolution certain words and terms are defined as follows:

Industrial Hemp means a plant of the genus Cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis.

Hemp Establishment means

- 1) any Establishment which has been issued a Research and Development (R & D) Industrial Hemp Registration or Commercial Industrial Hemp Registration by the Colorado Department of Agriculture, pursuant to the Industrial Hemp Regulatory Program Act, Title 35, Article 61, C.R.S, including outdoor farming, greenhouse farming and indoor (building; excludes residential structures) farming; greenhouse and building shall be permitted by Pueblo Regional Building Department and obtain zoning authorization from Pueblo County Department of Planning and Development;
- 2) any Establishment which processes Industrial Hemp as defined herein as Hemp Processing.

Hemp Establishments shall follow and abide by rules and regulations issued by Department of Agriculture in accordance with the Industrial Hemp Regulatory Program Act and shall also follow and abide by Pueblo County's regulations regarding Industrial Hemp.

Hemp Processing means the refinement of Industrial Hemp to create products derived from hemp. Hemp Processing shall only be conducted in a greenhouse and/or building, excluding residential structures, that are permitted by Pueblo Regional Building Department and Pueblo City-County Health Department and have obtained zoning authorization from Pueblo County Department of Planning and Development.

Delta-9 tetrahydrocannabinols has the same meaning as "tetrahydrocannabinols" as set forth in section 27-80-203(24), C.R.S.

**Chapter 17.12, Pueblo County Code, Agricultural One (A-1) and Two (A-2) Districts
17.12.020 Uses-by-right.**

Hemp Establishment as defined in Section 17.04.040, Definitions and subject to Section 17.120.280, Hemp Establishment in this Title;

**Chapter 17.68, Pueblo County Code, Special Industrial District (I-1)
17.68.020 Uses-by-right.**

Hemp Establishment as defined in Section 17.04.040, Definitions and subject to Section 17.120.280, Hemp Establishment in this Title;

**Chapter 17.72, Pueblo County Code, Light Industrial District (I-2)
17.72.020 Uses-by-right.**

Hemp Establishment as defined in Section 17.04.040, Definitions and subject to Section 17.120.280, Hemp Establishment in this Title;

Chapter 17.120 SUPPLEMENTARY REGULATIONS

Section 17.120.280 Hemp Establishments

- A. Prior to the operation of any Hemp Establishment, a Commercial Industrial Hemp Permit or Research and Development Permit shall be obtained from the State of Colorado Department of Agriculture. Said Permit shall be submitted to the Pueblo County Department of Planning and Development as part of the Zoning Compliance Review Hemp application.
- B. Prior to the operation of any Hemp Establishment, proof of processing either on-site or the name of the processing company shall be submitted to the Pueblo County Department of Planning and Development as part of the Zoning Compliance Review Hemp application.
- C. Prior to the operation of any Hemp Establishment, a Zoning Compliance Review Hemp application shall be submitted for review by the Pueblo County Department of Planning and Development and only upon approval shall the operation be permitted.
- D. Uses established pursuant to this Section shall at all times be in complete compliance with the terms and conditions of its Hemp Establishment permit for Permits issued by the State of Colorado Department of Agriculture and Pueblo County.
- E. No Hemp Establishment shall be allowed as a Home Occupation use.
- F. Distances are measured from the property line upon which the Hemp Establishment is located using a direct line. If part of a larger parcel of land as described as one property by legal description in a recorded deed upon which several Hemp Establishments are to be located, the distances are measured from the fence line of each Hemp Establishment or if no fences, from the outside boundary of the grow area or from the greenhouse and/or building in which the Hemp Establishment is located.
- G. No Hemp Establishment shall be located within five (5) miles of any Marijuana Establishment as measured from the property line of the Hemp Establishment to the property line of the Marijuana Establishment using a direct line. This subsection G shall not apply to: 1) any Hemp Establishment that contains only plants that are confirmed female and documentation of female only plants shall be submitted to the Pueblo County Department of Planning and Development; or 2) any Hemp Establishment who submits a waiver of the distance requirement that is signed by all Marijuana Establishments within the five (5) mile radius; or 3) a location where the Pueblo County Department of Planning and Development previously approved a Zoning Compliance Review Hemp application and a permitted Hemp Establishment has existed in continuous operation since the time of original permitting.
- H. No Hemp Establishment shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school as measured from property line of the school to the property line of the Hemp Establishment using a direct line.
- I. No Hemp Establishment shall be located in:
1. a building containing residential units,
 2. a movable or mobile structure.
- J. Permitted Zone District. Hemp Establishment is only permitted in the A-1/A-2, Agricultural Zone Districts in a greenhouse, building, or outside farming as a use-by-right; in the I-1/I-2 Industrial Zone Districts in a greenhouse or building as a use-by-right. Male hemp plants and hermaphrodite hemp plants shall only be grown in an enclosed building, which does not include a greenhouse, with a proper filtration system and

clothing/footwear preventative measures (i.e., clean room mat) to prevent escape of pollen/seed/or other product that might be detrimental to a hemp and/or marijuana crop.

K. Any transporting of Industrial Hemp shall be accompanied by a copy of the Department of Agriculture Hemp Permit.

L. Quarterly and year end harvest data shall be provided to Pueblo County Department of Planning and Development.

M. Pueblo County Department of Planning and Development has the right to inspect the Hemp Establishment and request paperwork from the Department of Agriculture. Other Governmental Agencies whether State or Local, such as Colorado Division of Water Resources, Pueblo Regional Building Department, City-County Health Department, have the right to inspect the Hemp Establishment for compliance with their respective regulations.

Chapter 17.132, Pueblo County Code, Fee Schedules

17.132.030 Zoning, subdivision and other land use development applications--Fee schedule.

Zoning Compliance Review Hemp Establishment Fee: \$350.00