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**PLANNING COMMISSION WORKSHOP AGENDA
CITY HALL, 250 NORTH 5TH STREET
COMMUNITY DEVELOPMENT CONFERENCE ROOM**

THURSDAY, OCTOBER 17, 2019 @ 12:00 PM

Call to Order - 12:00 PM

1. Review of Forthcoming Agenda Items
2. Consent Agenda Discussion
3. Marijuana Processing Regulations Discussion

Other Business

Adjournment



Grand Junction Planning Commission

Workshop Session

Item #1.

Meeting Date: October 17, 2019

Presented By: Tamra Allen, Community Development Director

Department: Community Development

Submitted By:

Information

SUBJECT:

Review of Forthcoming Agenda Items

RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND OR DETAILED INFORMATION:

SUGGESTED MOTION:

Attachments

None



Grand Junction Planning Commission

Workshop Session

Item #2.

Meeting Date: October 17, 2019

Presented By: Tamra Allen, Community Development Director

Department: Community Development

Submitted By:

Information

SUBJECT:

Consent Agenda Discussion

RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND OR DETAILED INFORMATION:

SUGGESTED MOTION:

Attachments

None



Grand Junction Planning Commission

Workshop Session

Item #3.

Meeting Date: October 17, 2019

Presented By: Tamra Allen, Community Development Director

Department: Community Development

Submitted By: Tamra Allen, Community Development Director

Information

SUBJECT:

Marijuana Processing Regulations Discussion

RECOMMENDATION:

EXECUTIVE SUMMARY:

The City currently allows production of the distillation of CDB and processing of CBD infused products. Staff has recently been approached to see if the City would be amenable to allowing for the production/processing of Marijuana Infused Products. Uses related to including processing of Marijuana is currently prohibited within the City.

BACKGROUND OR DETAILED INFORMATION:

The City currently allows production of the distillation of CDB and processing of CBD infused products. Staff has recently been approached to see if the City would be amenable to allowing for the production/processing of Marijuana Infused Products. Uses related to including processing of Marijuana is currently prohibited within the City.

Chapter 5.15

PROHIBITING CERTAIN USES RELATING TO MARIJUANA

Sections:

5.15.010 Marijuana.

5.15.011 Definitions.

5.15.012 Applicability and effective date.

5.15.013 Medical and personal use marijuana.

5.15.014 Penalty.

5.15.015 Severability.

5.15.010 Marijuana.

Under the authority granted in Article XVIII, Section 16 of the Colorado Constitution (Amendment 64) and the Charter of the City of Grand Junction this chapter is adopted by the City Council to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, retail marijuana stores and all business and land uses related to marijuana in the City and, in furtherance of its stated intent, the City Council makes the following findings:

After due and careful consideration of Article XVIII, Section 16 of the Colorado Constitution and the Controlled Substances Act (21 U.S.C. 811) and the real and possible primary and secondary effects of the cultivation and dispensing of marijuana and/or the manufacturing and sale of marijuana infused products, those businesses, operations and land uses have been found to adversely affect the health, safety and welfare of the City and its inhabitants.

Therefore, it is and shall be upon passage of the ordinance codified in this chapter unlawful for any person to operate, cause to be operated or permit to be operated a marijuana cultivation facility(ies), marijuana product manufacturing facility(ies), and/or a retail marijuana store(s), business or operation related thereto in the City and no City licenses, permits or approvals shall issue for the same.

(Ord. 4722, 10-21-16; Ord. 4599, 9-4-13)

5.15.011 Definitions.

All definitions provided in GJMC 5.14.011 and Article XVIII, Section 16 of the Colorado Constitution are adopted herein unless specifically amended hereby.

Marijuana, marijuana accessories, marijuana cultivation facility, marijuana establishment, marijuana product manufacturing facility, marijuana products, marijuana testing facility, retail marijuana store all shall have the same meaning as set forth in Article XVIII, Section 16 of the Colorado Constitution or as may be more fully defined in any applicable State law or regulation. Collectively these may be known as and/or referred to as "marijuana businesses."

Marijuana may alternatively be spelled "marihuana."

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or other organization or entity or a manager, agent, owner, officer or employee thereof.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an

object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession.

Produce or production means (1) all phases of growth of marijuana from seed to harvest, (2) combining marijuana with any other substance for distribution, including storage and packaging for resale, or (3) preparing, compounding, processing, encapsulating, packing or repackaging, labeling or relabeling of marijuana or its derivatives whether alone or mixed with any amount of any other substance.

Sale, sell, offer for sale, offer to sell means and includes every contract or transaction whether oral or written that contemplates the exchange of value, whether money or something else, tangible or intangible, for a product or commodity.
(Ord. 4599, 9-4-13)

5.15.012 Applicability and effective date.

This chapter shall apply to all property and persons within the City of Grand Junction.

It shall be unlawful and a violation under this chapter for a person to establish, operate, cause or permit to be operated, or continue to operate within the City and within any area annexed to the City after the effective date of the ordinance codified in this chapter, a marijuana cultivation facility, a marijuana establishment, a marijuana product manufacturing facility, a retail marijuana store and/or to conduct any business as either a primary, incidental or occasional activity or any other operation involving the sale of and/or the offer to sell marijuana and/or the establishment of a land use, home occupation, business or commercial activity concerning marijuana.

Pursuant to the prohibitions set forth above, any application for a license to operate a marijuana facility, establishment or commercial operation except a marijuana testing facility, shall be deemed denied upon the date of filing the same with the City.

Applications for licenses may be filed with the Finance Department. An application for a marijuana testing facility may be filed with the Community Development Division.

If an application for a marijuana testing facility is granted by the City, the facility shall conduct its operations in accordance with the processes, standards and requirements of §§ 44-12-301 and 44-12-405 C.R.S. and the regulations promulgated by Colorado regulatory agencies having jurisdiction, including but not limited to the Colorado Department of Health and Public Environment, on, over or pertaining to marijuana testing and the authorization of/licensing of the same. Furthermore, as determined necessary or required, the City Manager, in consultation with the City Attorney may issue administrative regulations pertaining to the licensure of a marijuana testing facility in accordance with GJMC 2.12.010. Those regulations may include but not be limited to the payment of fees; the licensee shall be obligated to pay any and all applicable state and local fees and charges and comply with all applicable law.

(Ord. 4722, 10-21-16; Ord. 4599, 9-4-13)

5.15.013 Medical and personal use marijuana.

Nothing in this chapter shall prohibit or otherwise impair or be construed to prohibit or impair the cultivation, use or possession of medical and/or personal use marijuana by a patient and/or by a primary caregiver for his/her patients; provided, that such patient or primary caregiver or a person acting in accordance with all applicable provisions of Article XVIII, Section 14(1)(C) and/or Article XVIII, Section 16(2) of the Colorado Constitution, § 44-11-101, C.R.S. et seq. as amended, § 25-1.5-106, C.R.S. and/or the regulations promulgated by the Colorado Department of Public Health and Environment, the Colorado Department of Revenue or any other State and/or Federal agency with regulatory authority and the laws of the City.

(Ord. 4599, 9-4-13)

5.15.014 Penalty.

A violation of any provision of this chapter shall constitute a misdemeanor offense punishable in accordance with GJMC 1.04.090. A person committing a violation shall be guilty of a separate offense for each and every day during which the offense is committed or continued to be permitted by such person and shall be punished accordingly.

The establishment, operation and/or continuation of any activity in violation of this chapter is specifically determined to constitute a public nuisance and may be abated by the City as a nuisance and may be enjoined by the City in an action brought before the Municipal Court.

The remedies set forth in this chapter are and shall be deemed cumulative and shall be in addition to any other remedy(ies) at law or in equity that the City may possess or assert.

(Ord. 4599, 9-4-13)

5.15.015 Severability.

This chapter is necessary to protect the public health, safety, and welfare of the residents of the City. If any provision of this chapter is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions

SUGGESTED MOTION:

Discussion

Attachments

None

