

PLANNING AND ZONING COMMISSION
August 14, 2013 MEETING PACKET
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**AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 8/7/2013**

DATE: WEDNESDAY, AUGUST 14, 2013
TIME: 7:00 P.M.
PLACE: CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.

7:00pm

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. UNSCHEDULED CITIZENS**
- IV. CONSIDERATION OF THE JULY 24, 2013 MEETING MINUTES**
- V. PUBLIC HEARING AND POSSIBLE ACTION: ZA 12-3, TEXT AMENDMENT TO THE *LAND DEVELOPMENT CODE*, Section 15.40.010, Definitions, to include definitions related to Commercial Marijuana Businesses and Personal Use of Marijuana; to amend Table 15.70.010 Schedule of Uses – Residential Zone Districts to allow personal use of marijuana and to prohibit marijuana cultivation facilities, establishments, product manufacturing facilities, testing facilities and retail stores; Table 15.70.030 Schedule of Uses – Commercial/Industrial Zone Districts to prohibit marijuana clubs, establishments, retail stores, cultivation facilities, manufacturing facilities, testing facilities in the B-1, CBD, C, and I zone districts and to prohibit industrial hemp production in the B-1, CBD, and C zone districts and to allow industrial hemp production in the I zone district; and Section 15.70.020, Review Standards by the addition of subsection (I) Personal Use of Marijuana.**
- VI. COUNCIL UPDATE**
- VII. COMMISSIONER COMMENTS**
- VIII. PLANNING STAFF UPDATE**
- IX. ADJOURN TO WORK SESSION**

WORK SESSION

DRAFT UPDATE TO THE ZONING MAP

To comply with ADA regulations, people with special needs are requested to contact the City of Gunnison Community Development Department at 641.8090.

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

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**DRAFT MINUTES JULY 24, 2013
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING**

7:00PM

Page 1 of 3

MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau			X
Andy Tocke	X		
Bob Beda			X
Greg Larson	X		
Stephanie White	X		
Councilor Stu Ferguson	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera and Planning Technician Pam Cunningham

I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none.

IV. CONSIDERATION OF THE JULY 10, 2013 MEETING MINUTES. Councilor Ferguson moved and Commissioner Niemeyer seconded to approve the July 10, 2013 meeting minutes as corrected.

Roll Call Yes: Tocke, Larson, Niemeyer, Ferguson
 Roll Call No:
 Roll Call Abstain: White
 Motion carried

V. ANNUAL THREE MILE REVIEW.

Planner Ruggera explained that under *State Statute*, the *Three Mile Plan* must be reviewed annually. She reviewed the existing Three-Mile Plan documents: the *Three Mile Plan*, the *Three Mile Plan Intergovernmental Agreement*, and the *Wastewater Treatment Facility Agreement*. She reviewed the maps of the Three Mile Boundary and Urban Growth Boundary and explained the proposed Three Mile Buffer and the proposed Urban Growth Boundary.

Commissioner Niemeyer asked about the [1 foot wide] sliver of land west of the Palisades subdivision. Director Westbay explained that the City and the property owner tried to work with the Assessor to quit claim the land but the Assessor wouldn't accept the quit claim deeds. The landowner is going to quit paying property taxes and let the Assessor take it to tax court. If that happens and the Assessor takes ownership of the property then, if the City so desires, the City can purchase it. However, it is already within the city limits, so it does not have to be annexed.

Planner Ruggera reviewed the Staff Observations and Director Westbay explained that the Three-Mile review has to happen annually in case there is an application for annexation.

Commissioner Niemeyer asked why funding will be needed for the Three Mile Plan update. Director Westbay replied that under the *Statutes* the City can prevail upon future road extensions. The County is the keeper of the real estate in the three mile area and seeking those sources of

funding is necessary because two entities are working for a similar cause and a third party will be needed to help in the discussion. Also, with the potential listing of the Gunnison Sage-grouse, growth and development have been the primary issue in that federal action. It would be incumbent upon the US Fish and Wildlife Service, the Colorado Department of Parks and Wildlife and the County to discuss the issue in the *Three Mile Plan*. This creates the need for specialized consulting. If the Gunnison Sage-grouse is listed every house in Occupied Habitat in the Three Mile area would be a “take” under the federal law. It would be in the community’s best interest to get a handle on it and deal with it. The City would ask all parties to bring resources to the table, especially if the listing occurs.

Councilor Ferguson stated that the proposed Three Mile boundary change makes sense.

Commissioner Niemeyer moved, Councilor Ferguson seconded and the Commission voted to approve the Annual Three Mile Review.

Roll Call Yes: Tocke, Larson, White, Ferguson, Niemeyer
Roll Call No:
Roll Call Abstain:
Motion carried

VI. COUNCIL UPDATE. Councilor Ferguson updated the Commission on recent Council business:

- The item of most interest is that the Council discussed economic development at their retreat. Council has gone through an exercise to identify what the priorities might be. Downtown revitalization came out at the top of the list. It is obvious that Council’s preference is to look at downtown to see what might be able to be done, such as traffic calming and a pedestrian mall. At City Fest there will be opportunity for people to give input.

Chair Larson asked if Council is thinking about a Downtown Authority. Councilor Ferguson responded that an authority would need a huge amount of support so Council will probably look at other areas. There is not a specific focus.

Chair Larson asked if there is grant funding available. Director Westbay responded that several similar initiatives have been undertaken in the past. A few years ago DOLA and Downtown Inc. gave suggestions on wayfinding, signage, tree pruning, branding, the IOOF Park and clutter on sidewalks. He observed that the Main Street corridor has been busy all summer with many people attending the Farmers Market, and that “downtown” is functioning. One of the main issues is parking, which is very emotional for business owners. Traffic consultants have suggested installing parking meters, but that wouldn’t go over too well. A few years ago Bill Fox was going to do a parking and traffic circulation study in conjunction with a pedestrian mall. That did not move forward.

Councilor Ferguson said that in the last initiative the pedestrian mall was the focus and evolved into two factions with strong feelings on both sides. Council decided at that time that there wasn’t a strong consensus. Any future effort of this Council will be to take a strong look at community input and try to find out what the community wants. He said it is like economic development—no one wants to pay and no two people agree with what it looks like. Council will try to educate the community on making informed choices and develop a plan. Taking a slower time and doing it well is an asset. He said that City Fest is a good way to meet people and hear their ideas.

VII. COMMISSIONER COMMENTS

- There were none

VIII. PLANNING UPDATE. Director Westbay updated the Commission on recent activity in the Community Development Office. Staff has been working on:

- City Fest;
- The Gunnison Rising Major Change was heard at Council on July 23rd and Council will consider the first reading at next meeting in August;
- The Family Dollar project has started;
- The architectural plans for City Hall and the Police Department. With the Police Department relocating, staff has been trying to determine how to reconfigure space usage in City Hall. Community Development may move upstairs, Finance may move into the space currently occupied by Community Development, there may be modifications to the Records Office for City Clerk records, and there may be some meeting space downstairs. Once the plan is figured out a budget for the project will be presented to City Council. There are 29 single pane windows that should be replaced and the HVAC system, which is costing a lot each year for maintenance, should be replaced. Commissioner Tocke suggested the City do an energy audit.
- Staff is taking some vacation days during the summer; and
- There are quite a few projects going on. Chair Larson asked how building permits are going. Director Westbay replied that because of the commercial jobs the valuations are great. He sees it as a spike right now, but the new budget can't be based on this spike.

IX. ADJOURN. Chair Larson adjourned to a Work Session at approximately 7:32p.m.

Greg Larson, Chair

Attest:

Pam Cunningham, Secretary

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Application Fact Sheet

City of Gunnison Land Development Code

Minimum Application Contents

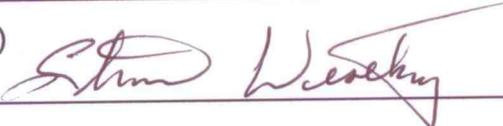
In Accordance With 15.120.030 C.

City of Gunnison

P.O. Box 239

Gunnison, CO 81230

(970)641-8090

Applicant Name(s): Steve Westbay, Director of Community Development	
Phone #: 970-641-8152 Fax #: 970-641-8051 E-Mail: swestbay@cityofgunnison-co.gov	
Mailing Address: PO Box 239 City: Gunnison State: Colorado Zip: 81230	
Summary of Request: A Text Amendment to the <i>Land Development Code</i> of Section 15.40.010 (Definitions), Table 15.70.010 (Schedule of Uses – Residential Zone Districts) and Table 15.70.030 (Schedule of Uses – Commercial / Industrial Zone Districts) and Section 15.70.020 (Review Standards applicable to particular residential uses), establishing standards for the home cultivation and personal processing of marijuana, and prohibiting marijuana clubs.	
Disclosure of Ownership- Please provide one of the following: <input checked="" type="checkbox"/> Assessor Parcel Info <input type="checkbox"/> Mortgage <input type="checkbox"/> Deed <input type="checkbox"/> Judgments <input type="checkbox"/> Liens <input type="checkbox"/> Contract <input type="checkbox"/> Easement Agreement <input type="checkbox"/> Other Agreements	
Legal Description Site Address of Property: See attached legal description Zoning _____ Block: _____ Lot(s): _____ Addition: _____	
Attachments: <input checked="" type="checkbox"/> Vicinity Map (8.5"x11") <input checked="" type="checkbox"/> Written Narrative/Description of Proposal <input checked="" type="checkbox"/> Names, Addresses and Map of Adjoining Property Owners (From Assessor's Office) <input type="checkbox"/> Vested Property Rights <input type="checkbox"/> Letter/Authorization of Agent (from Owner if not applicant) <input checked="" type="checkbox"/> Site Plan (11"x17") to scale, includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Includes a table for all dimensional requirements based on 15-7-4.	
YOU ARE REQUIRED TO SUBMIT FOUR (4) COMPLETE COPIES OF YOUR APPLICATION	
Signature(s) 	Date <u>7.19.13</u>
_____	Date _____

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STAFF REPORT
Text Amendment to the *Land Development Code*

TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: August 14, 2013
RE: *Text Amendment regarding Personal Use of Marijuana – ZA 13-3*

CODE PROVISIONS

The *Land Development Code (LDC)*, Section 15.150.030 specifies that a Text Amendment to the *LDC* be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days public notice. The Commission establishes a recommendation to City Council, to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by Ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information. A Text Amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director, a resident of the city, an owner of a business within the city, or any person who holds a recognized interest in real property within the city.

APPLICATION

This application is for a Text Amendment to the *LDC* to establish standards for the home cultivation and home processing of marijuana and to prohibit marijuana clubs. Amendments are proposed in Section 15.40.010 (Definitions), Table 15.70.010 (Schedule of Uses – Residential Zone Districts), Table 15.70.030 (Schedule of Uses – Commercial / Industrial Zone Districts), Section 15.70.020 (Review Standards applicable to particular residential uses), and Section 15.20.040, Penalty. Application contents include applicable minimum application requirements listed in *LDC* section 15.150.040 and the *City of Gunnison Land Development Code*.

HISTORY

In November 2012, the Citizens of the State of Colorado passed Amendment 64 to the *Colorado Constitution* establishing certain rights and protections, under state law, regarding the growing, distribution, and consumption of marijuana. The City has approved two ordinances in response to the passage of Amendment 64.

On January 23, 2013, City Council passed Ordinance Number 2, Series 2013 amending Chapter 5.10 of the *Gunnison Municipal Code* relating to General Offenses, which are enforced by the Police Department. The Ordinance specifically amended police enforcement provisions for the possession and cultivation of marijuana for personal use.

City Council passed Ordinance 6, Series 2013 on February 12, 2013, to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the boundaries of the City of Gunnison.

Enclosure 1 of this memorandum is a draft ordinance which will address *Land Development Code* regulations responding to the passage of Amendment 64. The proposed Ordinance will

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Text Amendment to the *Land Development Code*

allow for the personal use of marijuana, pursuant to the *Colorado Constitution*, but it sets certain standards limiting the floor area of a home that can be used for growing marijuana. It also restricts the use of combustible gases (butane, propane, and hexane) that are sometimes used for growing plants.

The proposed Ordinance also prohibits commercial retail and commercial growing operations and also prohibits marijuana clubs that may gain revenues by patrons using marijuana in club facilities.

The technical outline of the Ordinance proposes to change the *City of Gunnison Land Development Code* Use Tables. The Use Tables identify uses that are allowed, conditionally permitted, or prohibited in the various zoning districts within the city. The Ordinance also adds several definitions to the *Land Development Code* and establishes specific regulations for the personal growth and consumption of marijuana.

COMMUNITY DEVELOPMENT DIRECTOR REVIEW

Several factors weighing into this staff recommendation are summarized herein. First, the terms of this Ordinance comply with the Emergency Regulations, adopted by the State. However, the *Denver Post* (July 2013) reported it is obvious that additional work is required:

13 Rules related to marijuana advertising, health and safety protections, labeling, inventory control and testing all contain notices that additional regulation in those areas is likely. The lack of detail on inventory control — the so-called “seed-to-sale” tracking system — is especially noticeable since such a system is the linchpin of Colorado's plans to keep retail marijuana from leaking into the black market.

The same article reported that “...*Colorado Attorney General John Suthers said the lack of detail is troubling and said he hopes the Department of Revenue — which will oversee the recreational marijuana industry — provides more guidance in its permanent rules.*” These conclusions point out that the State will have to make additional revisions to the Rule, and in the interim existing standards will have to suffice.

The second matter of significance is the fact that Marijuana is currently listed as a Schedule I controlled substance under the *Controlled Substances Act (CSA)*. This indicates that the federal government has determined that “the drug or other substance has a high potential for abuse; the drug or other substance has no currently accepted medical use in treatment in the United States and there is a lack of accepted safety for use of the drug or other substance under medical supervision.”

Federal law enforcement has generally tailored its efforts to target criminal networks rather than individual criminals. This federal law enforcement stance regarding drug offenders (particularly marijuana) appears consistent with this position. In the years since the enactment of the CSA and the establishment of the U.S. Drug Enforcement Administration (DEA), federal counter-drug efforts have largely been focused toward traffickers and distributors of illicit drugs, rather than

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Text Amendment to the *Land Development Code*

the low-level users of illicit substances. In fact, United States Attorney Jenny A. Durkan published the following press release on December 5, 2012

The Department of Justice is reviewing legalization initiatives recently passed in Colorado and Washington State. The Department's responsibility to enforce the Controlled Substance Act remains unchanged. Neither State nor the Executive branch can nullify the statute passed by Congress. In enacting the Controlled Substance Act, Congress determined that marijuana is a Schedule I controlled substance. Regardless of any changes in state law, growing, selling or possessing any amount of marijuana remains illegal under federal law. Members of the public are also advised to remember that it remains against federal law to bring any amount of marijuana onto federal property including all federal buildings, national parks and forests, military installations and courthouses.

Recently, (April 2013,) the Drug Enforcement Administration (Seattle, WA) has started a systematic crack-down on marijuana enterprises. To date, such actions have been through the submittal of Registered Mail notices to pot-shops, especially in the vicinity of schools, that the illegal activities may result in criminal prosecution.

Associated criminal activity is another matter to consider in relation to commercial marijuana operations. Specifically, recent controversial reports from the Denver District attorney about the violent crimes associate with medical marijuana dispensaries have been highlighted in the news. The following are summaries and quotes regarding this matter in Denver.

Morrissey [Denver DA] told FOX31 Denver Wednesday. "There have definitely been 12 homicides." One armed robbery took place in October 2010, when Myles Stephens ambushed employees of a dispensary on East Colfax Avenue as they were leaving work, forced them back inside and down into the basement. "[He] lays them down, puts a gun to the manager's head and says 'open the safe'," Morrissey said. A year later, investigators linked two double homicides, both of which started with two men looking to rob medical marijuana dispensaries or licensed dealers working out of their homes. Jovan Rivers and Harrell King were both shot and killed on March 31, 2011 when they broke into the Sable Landing Condos and tried to rob Athina Munoz, a licensed caregiver who just happened to return fire with an assault rifle.

"We hear about the shootings, but people don't know there's a connection to marijuana," Morrissey said. Often, that's because cases remain unsolved. Nearly all of these crimes highlight a larger issue that's to blame for much of the violence around the industry: state licensed medical marijuana retailers are unable, due to federal banking regulations, to put their money in the bank. "It's an all-cash business," Morrissey said. "These criminals don't set out to rob dispensaries of their plants. They go after the cash, and often times there's a lot of cash to be had."

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Text Amendment to the *Land Development Code*

<http://www.coloradonewsday.com/news/9603-da-morrissey-defends-medical-marijuana-violence-claims.html#sthash.CpwYq7jy.dpuf>

Under the confines of the ethical responsibilities as a member of the American Institute of Certified Planners, I cannot make a recommendation to elected or appointed officials that is unlawful. Possession of marijuana is classified as a “Controlled Substance.”

PROPOSED AMENDMENTS

The proposed amendments to the *LDC*, Section 15.40.010, (Definitions), Table 15.70.010 (Schedule of Uses – Residential Zone Districts) Table 15.70.030 (Schedule of Uses – Commercial/Industrial Zone Districts), Section 15.70.020 (Review Standards applicable to particular residential uses) and Section 15.20.040 (Penalty) are highlighted below:

“Colorado Medical Marijuana Code” means Article 43.3 of Title 12, *Colorado Revised Statutes*.

“Consumer” means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.

“Industrial hemp” means the plant of the genus *cannabis* and any part of such plant, whether growing or not, with Delta-9 Tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

“Marijuana” or “Marihuana” means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” or “Marihuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topic or oral administrations, food, drink or other product.

“Marijuana accessories” means any equipment, products, or material of any kind which are used, intended for use, or designed for the use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana club” means a place of private assembly, operated for purposes of inviting members to use or consume marijuana on site.

“Marijuana cultivation facility” means an entity licensed to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana establishment” means marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or retail marijuana store.

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“Marijuana product manufacturing facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

“Marijuana testing facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

“Medical marijuana center” means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to Article XVIII, Section 14 of the *Colorado Constitution* and the *Colorado Medical Marijuana Code*.

“Primary residence” means the place that a person or family member, by custom and practice, makes his or her principle domicile and address and to which the person or family member intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person or family member shall have only one primary residence.

“Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

“Secure area” means an area within the primary residence or associated accessory structure accessible only to the person possessing, growing or processing the marijuana plant for personal use. Secure areas shall be partitioned space with doors, walls, ceilings and floors constructed with rigged wood, sheet rock or other typical construction materials and locked to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess marijuana.

Uses in Residential Zone Districts. Table 15.70.010: Schedule of Uses – Residential Zone Districts, of the *City of Gunnison Municipal Code*, is hereby amended to read as follows:

Table 15.70.010: Schedule of Uses – Residential Zone Districts

(A=Allowed, C=Conditional, =Prohibited)	R-1	R-1M	R-2	R-2M	R-3	Standards*
Residential Uses						
Accessory buildings and structures	A	A	A	A	A	
Accessory dwelling unit	P	P	C	C	C	GMC 15.70.020(A)
Duplex dwelling units	P	P	A	A	A	
Multiple-family units	P	P	P	A	A	

STAFF REPORT
Text Amendment to the *Land Development Code*

Table 15.70.010: Schedule of Uses – Residential Zone Districts

(A=Allowed, C=Conditional, =Prohibited)	R-1	R-1M	R-2	R-2M	R-3	Standards*
Single-family dwelling unit	A	A	A	A	A	
Manufactured housing	A	A	A	A	A	GMC 15.70.020(B)
Mobile home park	P	P	P	P	C	GMC 15.70.020(C)
Recreational vehicle park	P	P	P	P	C	GMC 15.70.020(D)
Rooming or boarding house, fraternity, sorority or dormitory	P	P	P	C	C	
Personal use of marijuana	A	A	A	A	A	GMC 15.70.020(I)
Residential Business Uses						
Daycare home	C	C	A	A	A	GMC 15.70.020(E)
Daycare school	P	P	C	C	C	GMC 15.70.020(E)
Daycare center	P	P	C	C	C	GMC 15.70.020(E)
Home occupation	A	A	A	A	A	GMC 15.70.020(F)
Home business	C	C	C	C	C	GMC 15.70.020(F)
Medical marijuana centers	P	P	P	P	P	
Medical marijuana-infused products manufacture	P	P	P	P	P	
Optional premises cultivation operation	P	P	P	P	P	
Marijuana cultivation facility	P	P	P	P	P	
Marijuana establishment	P	P	P	P	P	
Residential Business Uses (continued)						
Marijuana product manufacturing facility	P	P	P	P	P	
Marijuana testing facility	P	P	P	P	P	
Retail marijuana store	P	P	P	P	P	
Clubs/Public Assembly/Institutional Uses						
Church, parish home and religious education building	C	C	C	C	C	
Clubs operated by and for their members	C	C	C	C	C	

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Table 15.70.010: Schedule of Uses – Residential Zone Districts

(A=Allowed, C=Conditional, =Prohibited)	R-1	R-1M	R-2	R-2M	R-3	Standards*
Marijuana club	P	P	P	P	P	
Community buildings and uses	C	C	C	C	C	
Government administrative facilities, services, and buildings	P	P	P	P	C	
Group home	P	P	P	P	C	GMC 15.70.020(G)
Hospice	P	P	C	C	C	
Hospital	P	P	C	C	C	
Nursing home	P	P	C	C	C	
Parks and recreation facilities	A	A	A	A	A	
Satellite reception device	A	A	A	A	A	GMC 15.70.020(H)
School	C	C	C	C	C	
Notes: *The standards referenced herein are in addition to all other applicable standards of this <i>Land Development Code</i> .						

Uses Prohibited in Commercial/Industrial Zone Districts. Table 15.70.030: Schedule of Uses – Commercial/ Industrial Zone Districts, of the *City of Gunnison Municipal Code*, is hereby amended to read as follows:

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	B-1	CBD	C	I	Standards ¹
Commercial and Office Uses					
Clubs operated by and for their members	C	A	A	P	
Marijuana club	P	P	P	P	
Marijuana establishment	P	P	P	P	
Marijuana retail store	P	P	P	P	
Commercial lodging	P	C	A	P	
Commercial parking lots and garages	P	C	A	A	
Drive-in facility	P	C	A	P	GMC 15.70.040(A)
Drive-in food or beverage facility	P	C	A	P	GMC 15.70.040(A)
Indoor amusement and entertainment establishments	P	A	A	P	

STAFF REPORT
Text Amendment to the *Land Development Code*

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	B-1	CBD	C	I	Standards ¹
Commercial and Office Uses (continued)					
Indoor and outdoor eating and drinking establishments	C	A	A	C	
Medical marijuana centers	P	P	P	P	
Professional offices	A	A	A	C	
Publishing business	A	A	A	A	
Radio and television studios	A	A	A	A	
Recreational vehicle park	P	P	C	P	
Retail sales establishment	C	A	A	P	GMC 15.70.040(B)
Sexually oriented businesses	P	P	P	A	GMC 15.70.040(D)
Temporary commercial activities	P	C	C	P	GMC 15.70.040(C)
Personal Services					
Bank, credit and loan services	C	A	A	P	
Beauty and barber shop	A	A	A	P	
Catering services	C	A	A	A	
Personal Services (continued)					
Funeral home and mortuary	P	C	A	P	
Laundry and dry cleaners	P	A	A	C	
Photographic studios	A	A	A	P	
Repair and maintenance of small appliances, electronics and sporting goods	P	A	A	A	
Secretarial, copying and related service	A	A	A	A	
Self-service laundromat	P	P	A	P	
Tailor, tack or shoe repair services	P	A	A	C	
Travel agency	A	A	A	P	
General Services					
Agricultural feed and equipment supply store	P	P	C	A	
Automobile sales and rental	P	A	A	A	
Automobile service and repair	P	P	C	A	

STAFF REPORT
Text Amendment to the *Land Development Code*

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	B-1	CBD	C	I	Standards ¹
General Services (continued)					
Commercial storage of personal property in enclosed storage areas	P	P	P	A	
Commercial storage of personal property in open areas	P	P	P	C	
Gasoline service station and car wash	P	P	A	A	
Kennel	P	P	C	C	
Lumber and building supply store	P	P	C	A	
Mobile home and recreational vehicle sales and service	P	P	C	A	
Nursery, greenhouses and garden supply	P	P	C	A	
Rental, repair and service of light motorized and non-motorized tools and equipment and large appliances	C	A	C	A	
Veterinary clinic	P	P	C	C	
Light Industrial Uses					
Bulk laundry, dry cleaning or carpet cleaning plant	P	P	P	C	
Cabinet and carpenter shop	P	P	C	A	
Manufacture or assembly of products from the following previously prepared materials: electronic components and wire, fibers, glass, leather, paper, plastics, textiles and wood	P	P	C	A	
Marijuana cultivation facility	P	P	P	P	
Marijuana product manufacturing facility	P	P	P	P	
Marijuana testing facility	P	P	P	P	
Industrial hemp production	P	P	P	A	
Medical marijuana-infused products manufacture	P	P	P	P	
Optional premises cultivation operation	P	P	P	P	
Plumbing, heating, electrical, sheet metal, construction or paint contractors	P	C	C	A	
Printing establishments	C	C	C	A	
Satellite or electronic transmitting devices including radio or television stations	P	P	C	C	GMC 15.70.020(H)

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Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	B-1	CBD	C	I	Standards ¹
Light Industrial Uses (continued)					
Repair, rental, sales, service or storage of heavy equipment, heavy machinery, large appliances and boats	P	P	C	A	
Satellite or electronic reception devices	C	C	C	C	GMC 15.70.020(H)
Sign making and sign sale or repair shop	C	C	A	A	
Upholstery shop	P	C	C	A	
Warehouses and truck terminal	P	P	C	A	
Welding or machine shop	P	P	C	A	
Wholesale businesses	P	C	C	A	
Wood truss manufacture	P	P	C	A	
General Industrial Uses					
Bulk fuel storage facilities and wholesale sales of fuels	P	P	P	C	
Processing of aggregate, mineral, and other subsurface resources	P	P	P	C	
Junk yard, salvage yard, or automobile wrecking yard	P	P	P	C	
Laboratories	P	C	C	C	
Manufacture of chemicals and explosives	P	P	P	C	
Meat processing plant	P	P	C	C	
Ready mix concrete or hot mix plant	P	P	P	C	
Wood processing, including millwork and sawmill	P	P	C	A	
Tire retreading or vulcanizing shop	P	P	P	C	
Yards for stockpiling coal, sand, gravel, and other materials	P	P	P	C	
Airport Uses					
Air cargo terminal	P	P	P	A	
Air passenger terminal, including airline ticketing facilities and ground support facilities; food, personal service, and retail businesses within the terminal	P	P	P	A	
Aircraft sales, rental, repair, service, and storage	P	P	P	A	

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Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	B-1	CBD	C	I	Standards ¹
Airport Uses (continued)					
Air side facilities such as runways, taxiways and aprons for the arrival and departure of aircraft	P	P	C	A	
Aviation fuel storage, hangars, and air traffic control facilities	P	P	P	A	
Public and Institutional Uses					
Bus station	P	C	C	C	
Church, parish home, and religious education building	C	A	A	P	
Community buildings and uses	C	A	A	P	
Government administrative facilities, services and buildings	C	A	A	A	
Hospital	P	P	C	P	
Nursing home	P	P	A	P	
Parks and recreation facilities	A	A	A	A	
Public parking facilities	P	C	C	C	
School	C	C	C	C	
Residential Business Uses					
Bed and breakfast inn	C	C	C	P	
Daycare home	A	A	A	C	GMC 15.70.020(E)
Daycare school	C	C	C	C	GMC 15.70.020(E)
Daycare center	P	P	C	P	GMC 15.70.020(E)
Home occupation	A	A	A	P	GMC 15.70.020(F)
Home business	A	A	A	P	GMC 15.70.020(F)
Rooming or boarding house ²	C	C	C	P	
Residential Uses					
Personal use of marijuana	A	A	A	A	GMC 15.70.020(I)
Single-family dwelling unit ³	A	C	C	P	

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Text Amendment to the *Land Development Code*

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	B-1	CBD	C	I	Standards ¹
Residential Uses (continued)					
Duplex Dwelling unit ³	A	C	C	P	
Multiple-family dwelling units ³	C	P	C	P	
One or more dwelling units on the same site as a commercial or industrial use ⁴	A	A ⁵	C	A	
<p>Notes:</p> <ol style="list-style-type: none"> 1. The standards referenced herein are in addition to all other applicable standards of this <i>LDC</i>. 2. Provided county/state health code space and sanitation requirements are met. 3. These uses refer to dwelling units which are the primary use of the property. 4. These dwelling units shall be accessory to a commercial or industrial use. 5. In the CBD, dwelling units on the same site as commercial uses shall only be located off the street level. 					

Section 15.70.020, Review standards applicable to particular residential uses:

(I) Personal Use of Marijuana. Possessing, growing, or processing marijuana in any residential district and any structure with residential dwelling units shall be governed by the following standards.

1. Any person or family member for the purposes of this section and consistent with Article XVIII, Section 16(3)(b) of the *Colorado Constitution*, who is twenty-one years of age or older that is cultivating marijuana plants for their own use, may only do so within their primary residence or associated accessory structure.
2. Possession, growing and processing of such marijuana plants must not be perceptible from the exterior of the primary residence or accessory structure, including, but not limited to:
 - a. common visual observation, including any form of signage;
 - b. unusual odors, smell, fragrances, or other olfactory stimulus; or
 - c. light pollution, glare, or brightness that disturbs the repose of another.
3. Marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
4. The use of compressed gases including, but not limited to butane, propane, and hexane, in the cultivation, production, growing and possessing of marijuana plants shall be prohibited.

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5. Cultivation, production, growing and possessing of marijuana plants shall be limited to the following space limitations:
 - a. Within a single family dwelling unit, which is defined as Group R-3 in the *International Building Code*, the aggregate area used for the production, and growing of marijuana plants shall be confined to a contiguous 75 square foot secure area.
 - b. Within a multi-family dwelling unit, which is defined as Group R-2 in the *International Building Code*, the aggregate area used for the production, and growing of marijuana plants shall be confined to a contiguous 35 square foot secure area.

6. Notwithstanding the standards established herein, the possession, growing and processing of marijuana shall comply with all adopted City building and life-safety codes and regulations as the same may be amended from time to time.

7. The Community Development Director shall have the authority to inspect any primary residence or associated accessory structures used for the possession, growing and processing of marijuana plants, following the provisions of Section 15.20.010 (Authority to inspect) of the *LDC*.

Section 7. Section 15.20.040, Penalty. (A) **Misdemeanor.** Penalties for violation of any portion of the *Land Development Code* shall be as provided in Chapter 4.20, Section 4.20.010 of the *Gunnison Municipal Code*.

DEPARTMENTAL COMMENTS:

<u>Building Official:</u>	No issue
<u>Fire Marshal:</u>	No issue
<u>Parks and Recreation Department:</u>	No issue
<u>Police Department:</u>	No issue
<u>Public Works Director:</u>	No issue
<u>City Engineer:</u>	No issue
<u>Water and Sewer Superintendent:</u>	No issue
<u>Electric Superintendent:</u>	No issue
<u>City Attorney, Kathleen Fogo:</u>	No issue

STAFF OBSERVATIONS

1. City Council approved Ordinance No. 2, Series 2011 that prohibits the use of land in the city boundaries for the retail sale, distribution, cultivation and dispensing of medical marijuana and the processing and sale of infused products.
2. City Council approved Ordinance No. 2, Series 2013 that defines offenses and penalties related to personal marijuana use, possession and cultivation and prohibits the sale of marijuana without a license.
3. City Council approved Ordinance No. 6, Series 2013 that prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the city limits.
4. The proposed amendment complies with the State of Colorado Emergency Regulations; however, 13 rules related to marijuana advertising, health and safety protections, labeling,

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and inventory control and testing lack ruling detail and all contain notices that additional regulation is likely. The State will have to make additional revisions to the Rule and on the interim existing standards will have to suffice.

5. Marijuana is currently listed as a Schedule I controlled substance under the *Controlled Substances Act (CSA)* enacted by Congress. Regardless of any changes in state law, growing, selling or possessing any amount of marijuana remains illegal under federal law.
6. The Federal government may restrict federal grants to states and municipalities unless anti-marijuana laws are adopted. The City of Gunnison relies on grants to complete a variety of public improvement projects.
7. In April, 2013 the Drug Enforcement Administration has started a systematic crack-down on marijuana enterprises with criminal activity a concern. Violent crimes have been documented to be associated with marijuana dispensaries.
8. City Council carefully considered the provisions of Article XVIII, Section 16(3) of the *Colorado Constitution*, and the impact of marijuana cultivation, processing and consumption for personal use in residential structures on the health, safety and welfare of the city and the inhabitants thereof, and has determined, as an exercise of its local land use authority, to regulate such activity in residential structures in a manner consistent with the City land use regulations.
9. The Governor's Task Force recommendations (March 13, 2013) find that the use of compressed, flammable gases (including butane, propane and hexane) as solvents in the extraction of THC in a residential setting presents a significant life-safety risk to the Citizens of the State of Colorado and the City of Gunnison.
10. City Council has considered whether the consumption of marijuana and marijuana products in commercial or industrial buildings, such as in marijuana "clubs" may be inconsistent with surrounding uses, or may otherwise be detrimental to the public health, safety and welfare.
11. City Council has considered whether the existence of marijuana "clubs" in residential areas is inconsistent with surrounding uses, or may otherwise be detrimental to the public health, safety and welfare.
12. The proposed text amendment establishes standards for the home cultivation and home processing of marijuana and prohibits marijuana clubs.
13. The proposed ordinance will modify the *LDC* Enforcement Section 15.20.040 Penalties, to comply with the maximum fine and/or imprisonment as adopted by Colorado State Legislation.
14. The proposed text amendment protects the health, safety and welfare of the community.

REVIEW STANDARDS FOR TEXT AMENDMENTS

Reader note: Direct quotes from the LDC are highlighted. *LDC* Section 15.120.060.C, states that "...an application that fails to comply with any applicable review standard shall be denied." The *LDC* Section 15.150.050 states that "...an application for an amendment to the text of this *Land Development Code* shall comply with the following four standards:"

15.150.050 A. Consistent with Purposes. The proposed amendment shall be consistent with the

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purposes of this *Land Development Code*.

No Conflict: The text amendment is consistent with the purposes of the *LDC* which are to: 1) Establish Development Standards; 2) Protect Quality of Life; 3) Establish Review Process; 4) Provide for Orderly Development of the City; and 5) Conserve Property Values.

The *Colorado Constitution* authorizes a municipality to establish standards for home cultivation and home processing of marijuana and to prohibit marijuana clubs based on local government zoning, health, safety, and public welfare laws.

15.150.050 B. No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this *Land Development Code*, or shall repeal or amend provisions of this *Land Development Code* which are inconsistent, unreasonable or out-of-date.

No Conflict: The proposed text amendment does not conflict with any sections of the *LDC*.

City Council approved Ordinance No. 6, Series 2013 that prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City limits.

15.150.050 C. Consistent with *Master Plan*. The proposed amendment shall be consistent with the *Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *Land Development Code*.

No Conflict: Chapter 5, Land Use and Growth – Goal: Growth and development will preserve and enhance the quality of life which makes Gunnison unique and attractive.

City Council previously approved Ordinance No. 6, Series 2013 that prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City limits.

15.150.050 D. Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

No Conflict: The text amendment protects the public health, safety and general welfare and environment by establishing standards for home cultivation and home processing of marijuana and to prohibit marijuana clubs within the City of Gunnison.

Marijuana is currently listed as a Schedule I controlled substance under the Controlled Substances Act (CSA) enacted by Congress. Regardless of any changes in state law, growing, selling or possessing, any amount of marijuana remains illegal under federal law.

The Governor’s Task Force (March 13, 2013) established that the use of compressed, flammable gases (including butane, propane and hexane) as solvents in the extraction of THC in a residential setting presents a significant life-safety risk to the citizens of the State of Colorado and the City of Gunnison.

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RECOMMENDATION

During the Planning and Zoning Commission meeting held on August 14, 2013, Commissioner _____ moved, Commissioner _____ seconded and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council of Zoning Amendment Application ZA 13-3, for a Text Amendment to establish standards for the home cultivation and home processing of marijuana and to prohibit marijuana clubs within the City of Gunnison, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that City Council previously approved Ordinance No. 2, Series 2011 that prohibits the use of land in the city boundaries for the retail sale, distribution, cultivation and dispensing of medical marijuana and the processing and sale of infused products.
3. The Planning and Zoning Commission finds that City Council previously approved Ordinance No. 2, Series 2013 that defines offenses and penalties related to personal marijuana use, possession and cultivation and prohibits the sale of marijuana without a license.
4. The Planning and Zoning Commission finds that City Council previously approved Ordinance No. 6, Series 2013 that prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City limits.
5. The Planning and Zoning Commission finds that the proposed amendment complies with the State of Colorado Emergency Regulations; however, 13 rules related to marijuana advertising, health and safety protections, labeling and inventory control and testing lack ruling detail and all contain notices that additional regulation is likely.
6. The Planning and Zoning Commission finds that Marijuana is currently listed as a Schedule I controlled substance under the Controlled Substances Act (CSA) enacted by Congress and that regardless of any changes in state law, growing, selling or possessing, any amount of marijuana remains illegal under federal law.
7. The Planning and Zoning Commission finds that the Federal government may restrict federal grants to states and municipalities unless anti-marijuana laws are adopted.
8. The Planning and Zoning Commission finds that the Drug Enforcement Administration has started a systematic crack-down on marijuana enterprises since criminal activity is a concern.

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9. The Planning and Zoning Commission finds that City Council carefully considered the provisions of Article XVIII, Section 16(3) of the *Colorado Constitution*, and the impact of marijuana cultivation, processing and consumption for personal use in residential structures on the health, safety and welfare of the city and the inhabitants thereof, and has determined, as an exercise of its local land use authority, to regulate such activity in residential structures in a manner consistent with the City land use regulations.
10. The Planning and Zoning Commission finds that the Governor’s Task Force (March 13, 2013) established that the use of compressed, flammable gases (including butane, propane and hexane) as solvents in the extraction of THC in a residential setting presents a significant life-safety risk to the citizens of the State of Colorado and the City of Gunnison.
11. The Planning and Zoning Commission finds that processes, methods, and certain materials used for growing, cultivating, and processing marijuana may present life-safety risks to citizens which risks may be reduced by the regulation of marijuana growth and cultivation.
12. The Planning and Zoning Commission finds that the consumption of marijuana and marijuana products in commercial or industrial buildings, such as in marijuana “clubs” may be detrimental to the public health, safety and welfare.
13. The Planning and Zoning Commission finds that the proposed text amendment establishes standards for the home cultivation and home processing of marijuana and prohibits marijuana clubs within the city of Gunnison.
14. The Planning and Zoning Commission find that the proposed ordinance will modify the *LDC* Enforcement Section 15.20.040 Penalties to comply with the maximum fine and/or imprisonment as adopted by Colorado State Legislation.
15. In regard to the process of this text amendment application, the Planning and Zoning Commission has reviewed the draft Ordinance, Series 2013 (enclosure 1) and the Planning and Zoning Commission finds that it complies with the established review standards (Section 15.150.050) of the *LDC*.
16. The Planning and Zoning Commission finds that based on the findings cited above, the approval of this Text Amendment protects the health, safety and welfare of the community.

ORDINANCE NO. ____
Series 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING TITLE 15 (*LAND DEVELOPMENT CODE*), OF THE *CITY OF GUNNISON MUNICIPAL CODE* ESTABLISHING STANDARDS FOR THE HOME CULTIVATION AND PERSONAL PROCESSING OF MARIJUANA, AND PROHIBITING MARIJUANA CLUBS.

WHEREAS, Colorado voters approved an amendment to Article XVIII, Section 16 of the *Colorado Constitution* that makes the personal use, possession and limited home growing of marijuana for adults twenty-one years of age or older legal under Colorado law; and

WHEREAS, under Article XVIII, Section 16(3) of the *Colorado Constitution*, any person who is twenty-one years of age or older may possess, grow, process or transport no more than six marijuana plants, with three or fewer being mature flowering plants, provided that the growing takes place in an enclosed locked space, is not conducted publicly or openly and is not made available for sale; and

WHEREAS, Gunnison City Ordinance No. 2, Series 2011, prohibits the use of land in the city boundaries for the retail sale, distribution, cultivation and dispensing of medical marijuana and the processing and sale of infused products; and

WHEREAS, Gunnison City Ordinance No. 2, Series 2013, defines offenses and penalties related to personal marijuana use, possession and cultivation and prohibits the sale of marijuana without a license; and

WHEREAS, Gunnison City Ordinance No. 6, Series 2013, prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City limits; and

WHEREAS, the City Council has carefully considered the provisions of Article XVIII, Section 16(3) of the *Colorado Constitution*, and the impact of marijuana cultivation, processing and consumption for personal use in residential structures on the health, safety and welfare of the City and the inhabitants thereof, and has determined, as an exercise of its local land use authority, to regulate such activity in residential structures in a manner consistent with the City land use regulations; and

WHEREAS, the Governor's Task Force recommendations (March 13, 2013) find that the use of compressed, flammable gases (including butane, propane and hexane) as solvents in the extraction of THC in a residential setting presents a significant life-safety risk concern to the citizens of the State of Colorado and the City of Gunnison; and

WHEREAS, the City Council has considered whether the consumption of marijuana and marijuana products in commercial or industrial buildings, such as in marijuana “clubs” may be inconsistent with surrounding uses, or may otherwise be detrimental to the public health, safety and welfare; and

WHEREAS, the City Council has considered whether the existence of marijuana “clubs” in residential areas is inconsistent with surrounding uses, or may otherwise be detrimental to the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings. The City Council hereby finds as follows:

A. Article XVIII, Section 16(3) of the *Colorado Constitution* sets forth certain broad directives for marijuana cultivation, processing and consumption for personal use in residential structures, without any specific legislative directive at this time, and the City Council finds and determines that this ordinance complies with the broad directives under the Colorado Constitution; and

B. The City Council finds and determines that the adoption of Ordinance 2, Series 2011, prohibited retail activities for medical marijuana by prohibiting the establishment of medical marijuana centers, optional premises cultivation operation and medical marijuana-infused product manufacturers within the City of Gunnison; and

C. The City Council finds and determines that the adoption of Ordinance No. 2, Series 2013, defines offenses and penalties related to personal marijuana use, possession and cultivation and prohibits the sale of marijuana; and

D. The City Council finds and determines that the adoption of Ordinance No. 6, Series 2013, prohibits the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City limits; and

E. The City Council finds and determines that the Governor’s Task Force (March 13, 2013) established that the use of compressed, flammable gases (including butane, propane and hexane) as solvents in the extraction of THC in a residential setting presents a significant life-safety risk to the citizens of the State of Colorado; and

F. The City Council finds that processes, methods, and certain materials used for growing, cultivating, and processing marijuana may present life-safety risks to citizens which risks may be reduced by the regulation of marijuana growth and cultivation; and

G. The City Council finds and determines that the consumption of marijuana and marijuana products in commercial or industrial buildings, such as in marijuana “clubs” may be detrimental to the public health, safety and welfare; and

H. The City Council finds and determines that the existence of marijuana “clubs” in residential areas is inconsistent with surrounding uses, or may otherwise be detrimental to the public health, safety and welfare.

I. The City Council finds that the Colorado Legislature passed a bill allowing municipal fines up to \$2,650 and one year in jail for violations.

Section 2. Authority. The City Council hereby finds, determines, and declares that it has the power and authority to adopt this Article pursuant to:

- A. Article XVIII, Section 16 of the *Colorado Constitution*;
- B. The authority granted to home rule municipalities by Article XX of the *Colorado Constitution*;
- C. The powers contained in the *City of Gunnison Home Rule Charter*.
- D. The *Local Government Land Use Control Enabling Act*, Article 20 of Title 29, *C.R.S.*;
- E. Part 3 of Article 23 of Title 31, *C.R.S.*, (concerning municipal zoning powers);
- F. Section 31-15-101, *C.R.S.*, (concerning municipal bodies politic powers);
- G. Section 31-15-401, *C.R.S.*, (concerning municipal police powers); and
- H. Section 31-15-501, *C.R.S.*, (concerning municipal authority to regulate businesses).

Section 3. Definitions. Section 15.40.010, Definitions, of the *City of Gunnison Municipal Code* is hereby amended by the addition of the following definitions:

“Colorado Medical Marijuana Code” means Article 43.3 of Title 12, *Colorado Revised Statutes*.

“Consumer” means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one years of age or older, but not for resale to others.

“Industrial hemp” means the plant of the genus *cannabis* and any part of such plant, whether growing or not, with Delta-9 Tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

“Marijuana” or “Marihuana” means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” or “Marihuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topic or oral administrations, food, drink or other product.

“Marijuana accessories” means any equipment, products, or material of any kind which are used, intended for use, or designed for the use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana club” means a place of private assembly, operated for purposes of inviting members to use or consume marijuana on site.

“Marijuana cultivation facility” means an entity licensed to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana establishment” means marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or retail marijuana store.

“Marijuana product manufacturing facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

“Marijuana testing facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

“Medical marijuana center” means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to Article XVIII, Section 14 of the *Colorado Constitution* and the *Colorado Medical Marijuana Code*.

“Primary residence” means the place that a person or family member, by custom and practice, makes his or her principle domicile and address and to which the person or family member intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence

and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person or family member shall have only one primary residence.

“Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

“Secure area” means an area within the primary residence or associated accessory structure accessible only to the person possessing, growing or processing the marijuana plant for personal use. Secure areas shall be partitioned space with doors, walls, ceilings and floors constructed with rigged wood, sheet rock or other typical construction materials and locked to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess marijuana.

Section 4. Uses in Residential Zone Districts. Table 15.70.010: Schedule of Uses – Residential Zone Districts, of the *City of Gunnison Municipal Code*, is hereby amended to read as follows:

Table 15.70.010: Schedule of Uses – Residential Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	R-1	R-1M	R-2	R-2M	R-3	Standards*
Residential Uses						
Accessory buildings and structures	A	A	A	A	A	
Accessory dwelling unit	P	P	C	C	C	GMC 15.70.020(A)
Duplex dwelling units	P	P	A	A	A	
Multiple-family units	P	P	P	A	A	
Single-family dwelling unit	A	A	A	A	A	
Manufactured housing	A	A	A	A	A	GMC 15.70.020(B)
Mobile home park	P	P	P	P	C	GMC 15.70.020(C)
Recreational vehicle park	P	P	P	P	C	GMC 15.70.020(D)
Rooming or boarding house, fraternity, sorority or dormitory	P	P	P	C	C	
Personal use of marijuana	A	A	A	A	A	GMC 15.70.020(I)
Residential Business Uses						
Daycare home	C	C	A	A	A	GMC 15.70.020(E)

Table 15.70.010: Schedule of Uses – Residential Zone Districts

(A=Allowed, C=Conditional, P=Prohibited)	R-1	R-1M	R-2	R-2M	R-3	Standards*
Daycare school	P	P	C	C	C	GMC 15.70.020(E)
Daycare center	P	P	C	C	C	GMC 15.70.020(E)
Home occupation	A	A	A	A	A	GMC 15.70.020(F)
Home business	C	C	C	C	C	GMC 15.70.020(F)
Medical marijuana centers	P	P	P	P	P	
Medical marijuana-infused products manufacture	P	P	P	P	P	
Optional premises cultivation operation	P	P	P	P	P	
Marijuana cultivation facility	P	P	P	P	P	
Marijuana establishment	P	P	P	P	P	
Marijuana product manufacturing facility	P	P	P	P	P	
Marijuana testing facility	P	P	P	P	P	
Retail marijuana store	P	P	P	P	P	
Clubs/Public Assembly/Institutional Uses						
Church, parish home and religious education building	C	C	C	C	C	
Clubs operated by and for their members	C	C	C	C	C	
Marijuana club	P	P	P	P	P	
Community buildings and uses	C	C	C	C	C	
Government administrative facilities, services, and buildings	P	P	P	P	C	
Group home	P	P	P	P	C	GMC 15.70.020(G)
Hospice	P	P	C	C	C	
Hospital	P	P	C	C	C	
Nursing home	P	P	C	C	C	
Parks and recreation facilities	A	A	A	A	A	
Satellite reception device	A	A	A	A	A	GMC 15.70.020(H)
School	C	C	C	C	C	
Notes: *The standards referenced herein are in addition to all other applicable standards of this <i>Land Development Code</i> .						

Section 5. Uses Prohibited in Commercial/Industrial Zone Districts. Table 15.70.030: Schedule of Uses – Commercial/ Industrial Zone Districts, of the *City of Gunnison Municipal Code*, is hereby amended to read as follows:

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A = Allowed, C = Conditional, P = Prohibited)	B-1	CBD	C	I	Standards ¹
Commercial and Office Uses					
Clubs operated by and for their members	C	A	A	P	
Marijuana club	P	P	P	P	
Marijuana establishment	P	P	P	P	
Marijuana retail store	P	P	P	P	
Commercial lodging	P	C	A	P	
Commercial parking lots and garages	P	C	A	A	
Drive-in facility	P	C	A	P	GMC 15.70.040(A)
Drive-in food or beverage facility	P	C	A	P	GMC 15.70.040(A)
Indoor amusement and entertainment establishments	P	A	A	P	
Indoor and outdoor eating and drinking establishments	C	A	A	C	
Medical marijuana centers	P	P	P	P	
Professional offices	A	A	A	C	
Publishing business	A	A	A	A	
Radio and television studios	A	A	A	A	
Recreational vehicle park	P	P	C	P	
Retail sales establishment	C	A	A	P	GMC 15.70.040(B)
Sexually oriented businesses	P	P	P	A	GMC 15.70.040(D)
Temporary commercial activities	P	C	C	P	GMC 15.70.040(C)
Personal Services					
Bank, credit and loan services	C	A	A	P	
Beauty and barber shop	A	A	A	P	
Catering services	C	A	A	A	
Funeral home and mortuary	P	C	A	P	
Laundry and dry cleaners	P	A	A	C	
Photographic studios	A	A	A	P	

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A = Allowed, C = Conditional, P = Prohibited)	B-1	CBD	C	I	Standards ¹
Personal Services (continued)					
Repair and maintenance of small appliances, electronics and sporting goods	P	A	A	A	
Secretarial, copying and related service	A	A	A	A	
Self-service laundromat	P	P	A	P	
Tailor, tack or shoe repair services	P	A	A	C	
Travel agency	A	A	A	P	
General Services					
Agricultural feed and equipment supply store	P	P	C	A	
Automobile sales and rental	P	A	A	A	
Automobile service and repair	P	P	C	A	
Commercial storage of personal property in enclosed storage areas	P	P	P	A	
Commercial storage of personal property in open areas	P	P	P	C	
Gasoline service station and car wash	P	P	A	A	
Kennel	P	P	C	C	
Lumber and building supply store	P	P	C	A	
Mobile home and recreational vehicle sales and service	P	P	C	A	
Nursery, greenhouses and garden supply	P	P	C	A	
Rental, repair and service of light motorized and nonmotorized tools and equipment and large appliances	C	A	C	A	
Veterinary clinic	P	P	C	C	
Light Industrial Uses					
Bulk laundry, dry cleaning or carpet cleaning plant	P	P	P	C	
Cabinet and carpenter shop	P	P	C	A	
Manufacture or assembly of products from the following previously prepared materials: electronic components and wire, fibers, glass, leather, paper, plastics, textiles and wood	P	P	C	A	
Marijuana cultivation facility	P	P	P	P	
Marijuana product manufacturing facility	P	P	P	P	

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A = Allowed, C = Conditional, P = Prohibited)	B-1	CBD	C	I	Standards ¹
Light Industrial Uses (continued)					
Marijuana testing facility	P	P	P	P	
Industrial Hemp production	P	P	P	A	
Medical marijuana-infused products manufacture	P	P	P	P	
Optional premises cultivation operation	P	P	P	P	
Plumbing, heating, electrical, sheet metal, construction or paint contractors	P	C	C	A	
Printing establishments	C	C	C	A	
Satellite or electronic transmitting devices including radio or television stations	P	P	C	C	GMC 15.70.020(H)
Repair, rental, sales, service or storage of heavy equipment, heavy machinery, large appliances and boats	P	P	C	A	
Satellite or electronic reception devices	C	C	C	C	GMC 15.70.020(H)
Sign making and sign sale or repair shop	C	C	A	A	
Upholstery shop	P	C	C	A	
Warehouses and truck terminal	P	P	C	A	
Welding or machine shop	P	P	C	A	
Wholesale businesses	P	C	C	A	
Wood truss manufacture	P	P	C	A	
General Industrial Uses					
Bulk fuel storage facilities and wholesale sales of fuels	P	P	P	C	
Processing of aggregate, mineral, and other subsurface resources	P	P	P	C	
Junk yard, salvage yard, or automobile wrecking yard	P	P	P	C	
Laboratories	P	C	C	C	
Manufacture of chemicals and explosives	P	P	P	C	
Meat processing plant	P	P	C	C	
Ready mix concrete or hot mix plant	P	P	P	C	
Wood processing, including millwork and sawmill	P	P	C	A	
Tire retreading or vulcanizing shop	P	P	P	C	

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A = Allowed, C = Conditional, P = Prohibited)	B-1	CBD	C	I	Standards ¹
General Industrial Uses (continued)					
Yards for stockpiling coal, sand, gravel, and other materials	P	P	P	C	
Airport Uses					
Air cargo terminal	P	P	P	A	
Air passenger terminal, including airline ticketing facilities and ground support facilities; food, personal service, and retail businesses within the terminal	P	P	P	A	
Aircraft sales, rental, repair, service, and storage	P	P	P	A	
Air side facilities such as runways, taxiways and aprons for the arrival and departure of aircraft	P	P	C	A	
Aviation fuel storage, hangars, and air traffic control facilities	P	P	P	A	
Public and Institutional Uses					
Bus station	P	C	C	C	
Church, parish home, and religious education building	C	A	A	P	
Community buildings and uses	C	A	A	P	
Government administrative facilities, services and buildings	C	A	A	A	
Hospital	P	P	C	P	
Nursing home	P	P	A	P	
Parks and recreation facilities	A	A	A	A	
Public parking facilities	P	C	C	C	
School	C	C	C	C	
Residential Business Uses					
Bed and breakfast inn	C	C	C	P	
Daycare home	A	A	A	C	GMC 15.70.020(E)
Daycare school	C	C	C	C	GMC 15.70.020(E)
Daycare center	P	P	C	P	GMC 15.70.020(E)
Home occupation	A	A	A	P	GMC 15.70.020(F)
Home business	A	A	A	P	GMC 15.70.020(F)
Rooming or boarding house ²	C	C	C	P	

Table 15.70.030: Schedule of Uses – Commercial/Industrial Zone Districts

(A = Allowed, C = Conditional, P = Prohibited)	B-1	CBD	C	I	Standards ¹
Residential Uses					
Personal use of marijuana	A	A	A	A	GMC 15.70.020(I)
Single-family dwelling unit ³	A	C	C	P	
Duplex Dwelling unit ³	A	C	C	P	
Multiple-family dwelling units ³	C	P	C	P	
One or more dwelling units on the same site as a commercial or industrial use ⁴	A	A ⁵	C	A	
Notes:					
<ol style="list-style-type: none"> 1. The standards referenced herein are in addition to all other applicable standards of this <i>Land Development Code</i>. 2. Provided county/state health code space and sanitation requirements are met. 3. These uses refer to dwelling units which are the primary use of the property. 4. These dwelling units shall be accessory to a commercial or industrial use. 5. In the CBD, dwelling units on the same site as commercial uses shall only be located off the street level. 					

Section 6. Section 15.70.020, Review standards applicable to particular residential uses, of the *City of Gunnison Municipal Code* is hereby amended by the addition of sub-section (I) which shall read as follows:

(I) Personal Use of Marijuana. Possessing, growing, or processing marijuana in any residential district and any structure with residential dwelling units shall be governed by the following standards.

1. Any person or family member for the purposes of this section and consistent with Article XVIII, Section 16(3)(b) of the *Colorado Constitution*, who is twenty-one years of age or older that is cultivating marijuana plants for their own use, may only do so within their primary residence or associated accessory structure.
2. Possession, growing and processing of such marijuana plants must not be perceptible from the exterior of the primary residence or accessory structure, including, but not limited to:
 - a. common visual observation, including any form of signage;
 - b. unusual odors, smell, fragrances, or other olfactory stimulus; or
 - c. light pollution, glare, or brightness that disturbs the repose of another.

3. Marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
4. The use of compressed gases including, but not limited to butane, propane, and hexane, in the cultivation, production, growing and possessing of marijuana plants shall be prohibited.
5. Cultivation, production, growing and possessing of marijuana plants shall be limited to the following space limitations:
 - a. Within a single family dwelling unit, which is defined as Group R-3 in the *International Building Code*, the aggregate area used for the production, and growing of marijuana plants shall be confined to a contiguous 75 square foot secure area.
 - b. Within a multi-family dwelling unit, which is defined as Group R-2 in the *International Building Code*, the aggregate area used for the production, and growing of marijuana plants shall be confined to a contiguous 35 square foot secure area.
6. Notwithstanding the standards established herein, the possession, growing and processing of marijuana shall comply with all adopted City building and life-safety codes and regulations as the same may be amended from time to time.
7. The Community Development Director shall have the authority to inspect any primary residence or associated accessory structures used for the possession, growing and processing of marijuana plants, following the provisions of Section 15.20.010 (Authority to inspect) of the *LDC*.

Section 7. Section 15.20.040, Penalty. Is hereby amended by the change to sub-section (A) which shall read as follows:

(A) **Misdemeanor.** Penalties for violation of any portion of the *Land Development Code* shall be as provided in Chapter 4.20, Section 4.20.010 of the *Gunnison Municipal Code*.

Section 8. Severability. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the City Council of the City of Gunnison that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this _____ day of _____, 2013, on first reading, and introduced, read, and adopted on second and final reading this _____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

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TO: Planning and Zoning Commission
FROM: Community Development Staff
DATE: July 24, 2013/August 14, 2013
RE: Proposed Zoning Changes

To prepare for discussion on specific zoning throughout the City, the following is a list of proposed changes that are indicated on your map:

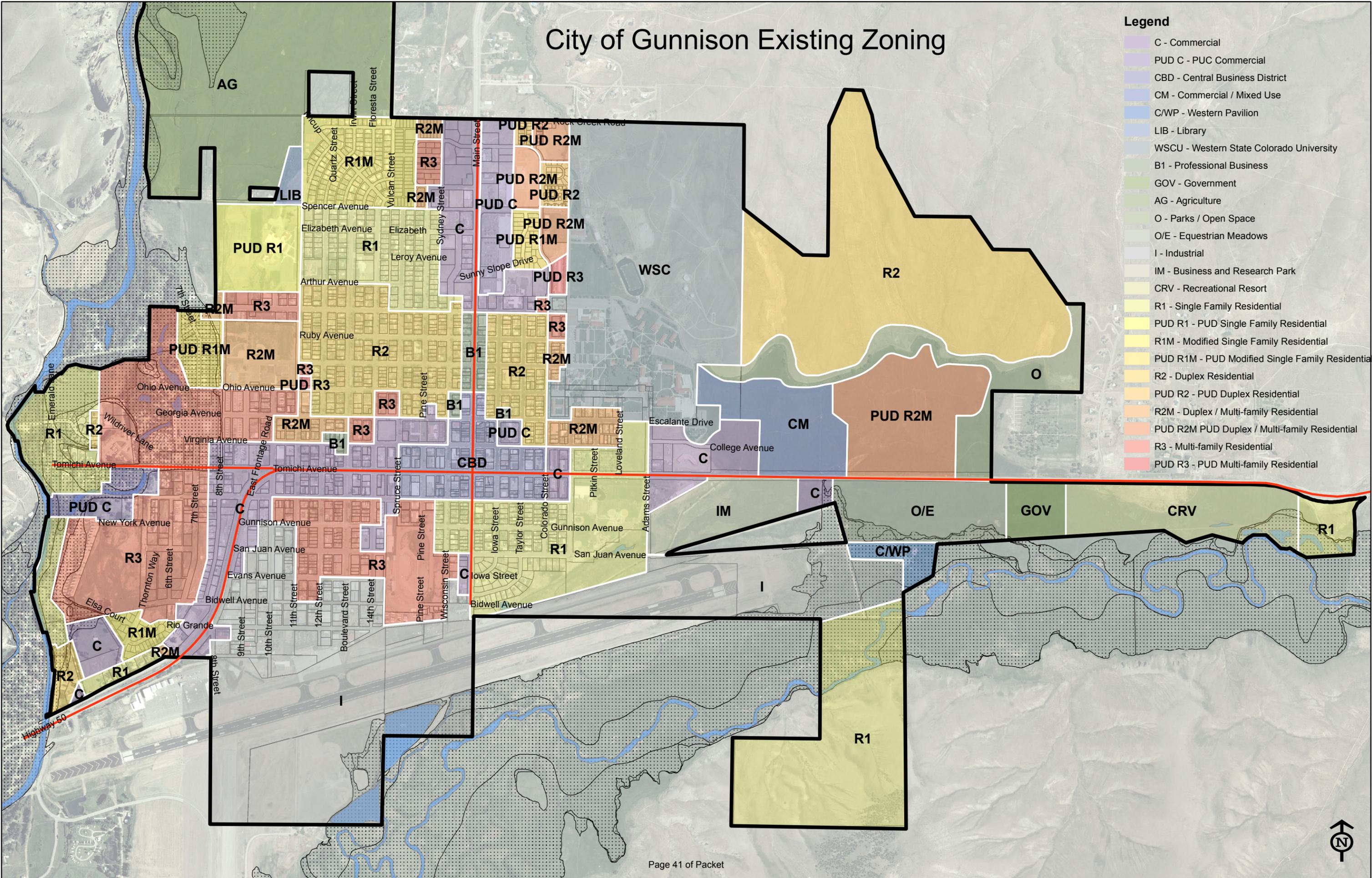
- West Gunnison Neighborhood
 - Commercial portion (old drive-in movie theater) changed to RMU
 - Twin Pines Mobile Home Park changed from R3 to R1
 - Large R3 area undeveloped changed to RMU
 - West Cove Condos change from PUD C (part of the Lazy K PUD) to R2
 - Lazy K/Diamond K changed from PUD C to R1 on the southern portion and R2 on the northern portion adjacent to Tomichi Avenue
- Sunspot (8th Street and Ohio) changed from PUD R1M to R1M
- Ohio and 11th (small parcel) changed from PUD R3 to R3
- Community School changed from PUD R1 to R1
- Fairgrounds changed from R3 to Industrial
- Park and Wildlife and Fire Station (north of fairgrounds) changed from R3 to Commercial
- Courthouse changed from PUD C to Commercial
- WSCU entrance (Ruland site adjacent to McDonalds) changed from R1 to WSCU
- Meldrum Townhomes (adjacent to WSCU along College Avenue) changed from Commercial to RMU
- Properties south of east Denver Avenue (adjacent to hospital) changed from R2 to B1
- Gunnison Center (City Market, Wal-Mart, True Value, Community Center, Rock Creek, and Meadows Park areas changed from a PUD to stated zoning.
- All existing R2M throughout the City (except Gunnison Rising) changed to RMU to coincide with new *LDC*.
- WSC changed to WSCU

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City of Gunnison Existing Zoning

Legend

- C - Commercial
- PUD C - PUC Commercial
- CBD - Central Business District
- CM - Commercial / Mixed Use
- C/WP - Western Pavilion
- LIB - Library
- WSCU - Western State Colorado University
- B1 - Professional Business
- GOV - Government
- AG - Agriculture
- O - Parks / Open Space
- O/E - Equestrian Meadows
- I - Industrial
- IM - Business and Research Park
- CRV - Recreational Resort
- R1 - Single Family Residential
- PUD R1 - PUD Single Family Residential
- R1M - Modified Single Family Residential
- PUD R1M - PUD Modified Single Family Residential
- R2 - Duplex Residential
- PUD R2 - PUD Duplex Residential
- R2M - Duplex / Multi-family Residential
- PUD R2M - PUD Duplex / Multi-family Residential
- R3 - Multi-family Residential
- PUD R3 - PUD Multi-family Residential

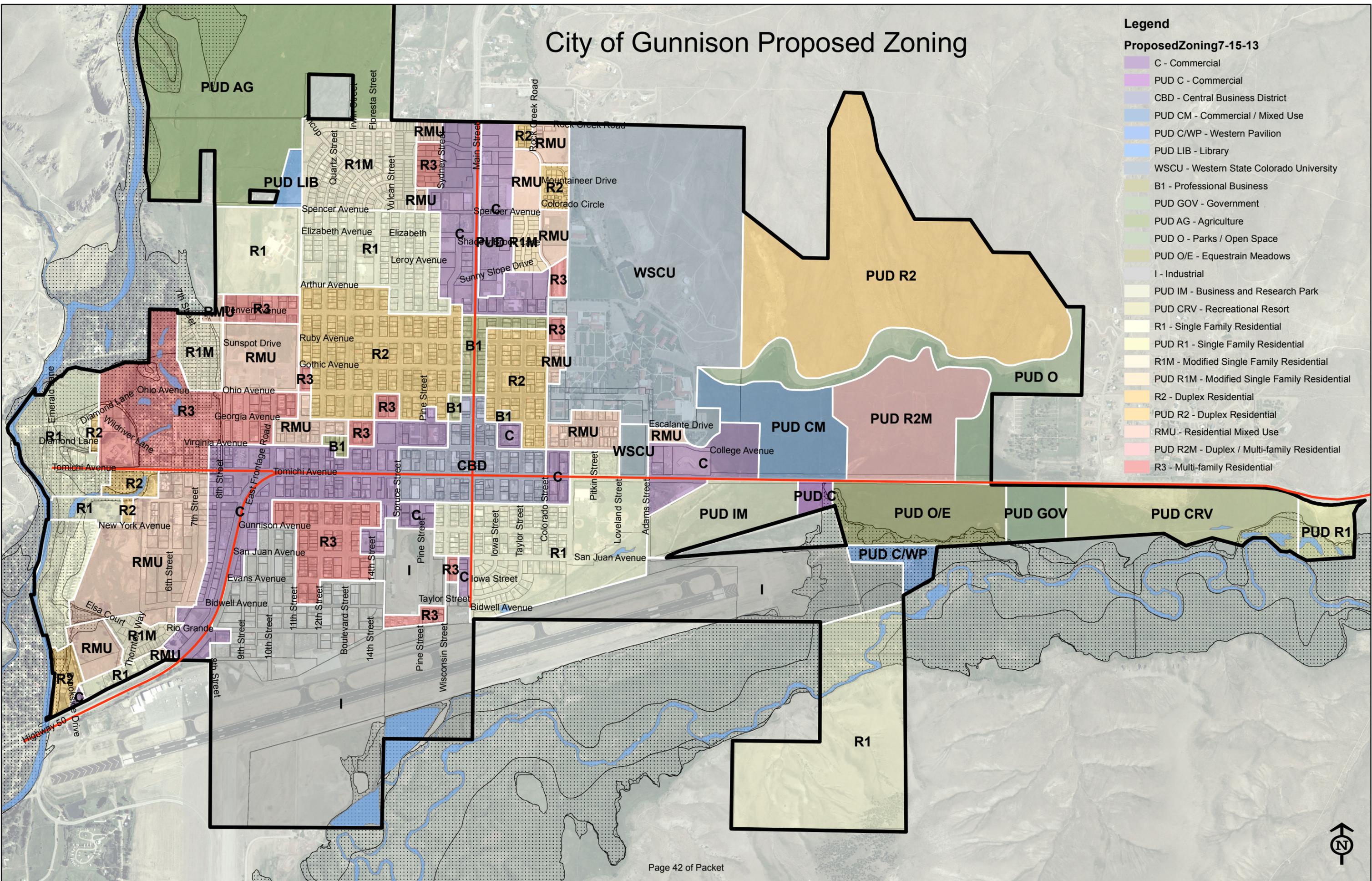


City of Gunnison Proposed Zoning

Legend

Proposed Zoning 7-15-13

- C - Commercial
- PUD C - Commercial
- CBD - Central Business District
- PUD CM - Commercial / Mixed Use
- PUD C/WP - Western Pavilion
- PUD LIB - Library
- WSCU - Western State Colorado University
- B1 - Professional Business
- PUD GOV - Government
- PUD AG - Agriculture
- PUD O - Parks / Open Space
- PUD O/E - Equestrain Meadows
- I - Industrial
- PUD IM - Business and Research Park
- PUD CRV - Recreational Resort
- R1 - Single Family Residential
- PUD R1 - Single Family Residential
- R1M - Modified Single Family Residential
- PUD R1M - Modified Single Family Residential
- R2 - Duplex Residential
- PUD R2 - Duplex Residential
- RMU - Residential Mixed Use
- PUD R2M - Duplex / Multi-family Residential
- R3 - Multi-family Residential



Notes from Erich Ferchau

RE: Solar Fence

1. Do we have the demand for solar development sufficient to establish a solar fence regulation that applies to all residential? In general, I do not believe it is a regulation that should be implemented today and believe that, if demand grows in the future it can be strongly considered. If the demand does exist, I would like to better understand it as I am not aware of it.
2. If so, I strongly encourage limiting the solar fence regulation to R1 zoning only. All other zoning allows for higher density relative to lot size and that will be effectively lost if there is a limit to height of a structure. For example, a 50x125 lot with a 5 or 10 foot side lot setback does not have much flexibility to shift the footprint. Vertical construction is far more critical on these higher density lots.
3. An alternative might be to create some incentive (vs. regulation) that encourages a future development where the solar fence concept is applied...creating an area (block, community, etc) that is more solar friendly.

RE: Zoning

I assume this topic will not be decided at the meeting. However, these are my initial thoughts:

To prepare for discussion on specific zoning throughout the City, the following is a list of proposed changes that are indicated on your map:

GENERAL OBSERVATION:

IF WE CAN CHANGE ZONING, WHY CAN'T WE ESTABLISH A PRE-APPROVED ZONING CHANGE INSTEAD THAT ENABLES OWNERS OR POTENTIAL OWNERS OF PROPERTY TO SEE HOW THE LAND CAN BE ALTERNATIVELY ZONED WITHOUT REQUIRING A ZONING CHANGE PROCESS. ESPECIALLY IF THERE IS NO COMPELLING REASON TODAY TO MAKE THE CHANGE. IF THERE IS A PROBLEM THAT EXISTS THAT MUST BE REMEDIED, THEN A ZONING CHANGE MIGHT MAKE SENSE.

• West Gunnison Neighborhood –

- o Twin Pines Mobile Home Park changed from R3 to R1 = disagree without the request of the owner. This is a major change in zoning despite a very established mobile home park. I believe the current owner owns surrounding land that they may consider for expansion of the mobile home park. If they are making this request, that is a different subject. Someone could develop a very appealing high density, high quality river front community in this area. We don't allow for subdivisions of land that create a nonconforming use, why would we change zoning and create a non-conforming use?
- o West Cove Condos change from PUD C (part of the Lazy K PUD) to R2 = Are the existing condos in conformance with R2 zoning? I would think this would be R3.
- o Lazy K/Diamond K changed from PUD C to R1 on the southern portion and R2 on the northern portion adjacent to Tomichi Avenue. = There is a commercial building (restaurant) that is partially remodeled on this property. I think it should remain that way.

- Community School changed from PUD R1 to R1 = I don't understand why this would not have a school designation. Is the R1 zoning reasonable at all?
- Fairgrounds changed from R3 to Industrial = If the fairgrounds stays in place, I do not understand the reason for a change. If the fairgrounds moves, an appropriate infill is more likely residential...likely R3. This puts more people in the center of town. Either way, a lot needs to happen for this to ever be an issue. I don't see the demand for more industrial given the business park, the proposed gravel pit and industrial east of town and the existing industrial land further west of the fairgrounds.
- Park and Wildlife and Fire Station (north of fairgrounds) changed from R3 to Commercial = Commercial expansion will occur east of town as soon as the infrastructure is in place. R3 makes sense to me unless there is a call for that change by a property owner.
- Courthouse changed from PUD C to Commercial = Commercial is fine. Would like to see this become something that draws people into the commercial district.
- Properties south of east Denver Avenue (adjacent to hospital) changed from R2 to B1 = Interesting. Would like to understand what is motivating this change.
- Gunnison Center (City Market, Wal-Mart, True Value, Community Center, Rock Creek, and Meadows Park areas changed from a PUD to stated zoning. = Why, if we are moving to more PUD projects are we changing from PUD to zoning?