

AGENDA  
LARIMER COUNTY PLANNING COMMISSION  
Wednesday, March 15, 2018/6:30 P.M./Commissioners' Hearing Room

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. PUBLIC COMMENT ON THE COUNTY LAND USE CODE
- D. PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA
- E. APPROVAL OF THE MINUTES FOR THE MARCH 15, 2018 MEETING.
- F. AMENDMENTS TO AGENDA
- G. TABLED ITEM:
  - 1. AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE –SECTION 4.2.2  
#17-CODE0209

**Staff Contact:** Eric Tracy

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- H. CONSENT ITEMS: \*Will not be discussed unless requested by Commissioners or members of the audience.
  - \*2. BIGUS REZONING #17-ZONE2118

**Staff Contact:** Savannah Benedick-Welch

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- \*3. S BAR G CONSERVATION DEVELOPMENT LOT 3 REPLAT #16-LAND3586

**Staff Contact:** Rob Helmick

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- I. ITEMS:
  - 4. AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE – SECTION 4.3  
#17-CODE0210

**Staff Contact:** Michael Whitley

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5. AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE – SECTION 0.1  
#17-CODE0211

**Staff Contact:** Matt Lafferty

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J. REPORT FROM STAFF

K. ADJOURN

NEXT MEETINGS: Wednesday, April 12, 2018: BCC/Planning Commission worksession  
Wednesday, April 19, 2018: Planning Commission hearing

4. <u>TITLE:</u>	Amendments to the Larimer County Land Use Code
<u>REQUEST:</u>	Amend the Larimer County Land Use Code by: <ol style="list-style-type: none"> <li>1. Adding Section 4.3.10.R - Accessory personal medical marijuana cultivation, personal non-medical marijuana cultivation and medical marijuana primary caregiver cultivation.</li> <li>2. Deleting Section 4.3.12.B.</li> <li>3. Renumbering the remainder of Section 4.3.12.</li> </ol>
<u>APPLICANT:</u>	Larimer County
<u>FILE #:</u>	17-CODE0210
<u>STAFF CONTACT:</u>	Michael Whitley, AICP
<u>NOTICE GIVEN:</u>	Newspaper publication

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PROJECT DESCRIPTION/BACKGROUND

In the last several months, concerns have been raised about large-scale medical marijuana caregiver and personal marijuana cultivations in the rural portions of unincorporated Larimer County.

Larimer County has adopted regulations for retail marijuana facilities establishments that require state and local licenses for those establishments and that confine them to C – Commercial and I – Industrial zoning districts.

Larimer County does not currently have regulations specific to unlicensed marijuana cultivations that are allowed by Amendments 20 and 64.

The proposed Land Use Code amendment would limit personal medical marijuana cultivation, personal non-medical marijuana cultivation and medical marijuana primary caregiver cultivation to the property that contains the cultivator’s primary residence, would limit a property to one primary caregiver cultivation and would establish standards intended to minimize off-site visual and odor impacts of such cultivations.

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REVIEW CRITERIA:

There are two review criteria for amendments to the text of the Land Use Code:

1. The proposed changes are consistent with the Master Plan and the intent and purpose of the Land Use Code; and
2. The proposed changes are necessary to correct an omission or error in the Land Use Code.

PROPOSED CHANGES:

4.3.10.R Accessory personal medical marijuana cultivation, personal non-medical marijuana cultivation and medical marijuana primary caregiver cultivation.

1. Personal medical marijuana cultivation and personal non-medical marijuana cultivation is allowed only as an accessory use to a dwelling, which dwelling is occupied by the person or persons cultivating the marijuana as that person or persons' primary residence.
2. Marijuana cultivation by a medical marijuana caregiver for the caregiver's patient(s) is allowed only as an accessory use to a dwelling, which dwelling is occupied by the medical marijuana caregiver as that caregiver's primary residence. Only one medical marijuana caregiver cultivation shall be allowed at a dwelling.
3. Personal medical marijuana cultivation, personal non-medical marijuana cultivation and medical marijuana caregiver cultivation is not allowed as a principal use in any zoning district.
4. Marijuana cultivated as an accessory use pursuant to this Section 4.3.10R is limited to the resident's/residents' own personal use or the resident medical marijuana primary caregiver's patients' use.
5. Marijuana plants cultivated pursuant to this Section 4.3.10.R shall not be visible to the naked eye at or beyond the boundary of the property containing the accessory cultivation.
6. Marijuana cultivation shall not result in odors detectable at or beyond the boundary of the property containing the accessory cultivation.

4.3.12. - Prohibited uses.

~~B. Medical Marijuana Patients and Medical Marijuana Primary Caregivers. Nothing in this Code shall prohibit, regulate or otherwise impair or be construed to prohibit, regulate or otherwise impair the use of medical marijuana by patients as defined by the Colorado Constitution, or the provision of medical marijuana by a medical marijuana primary caregiver to a medical marijuana patient in accordance with Section 14, Article XVIII of the Colorado Constitution, and consistent with the Colorado Medical Marijuana Code and other statutes, rules and regulations of the State of Colorado.~~

C. B. Private marijuana clubs are prohibited in all zoning districts as principal or accessory uses, including home occupations and accessory rural occupations, regardless of whether any such use is operated for profit or not for profit.

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STAFF FINDINGS:

The Community Development Staff recommends that the Larimer County Planning Commission the adoption of the following findings with respect to these code amendments:

1. The proposed changes are consistent with the Master Plan and the intent and purpose of the Land Use Code.

2. The proposed changes are necessary to correct an omission or error in the Land Use Code.

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**STAFF RECOMMENDATION:**

Community Development Staff recommends that the Larimer County Planning Commission recommend to the Board of County Commissioners approval of the proposed amendments to the Larimer County Land Use Code, File #17-CODE0210.