

Judges' Certificate and Statement of Ballots

Part 1: Judges' Certificate

31-10-613(1)

ABSTRACT OF VOTES CAST

At an Election held at the City of Manitou Springs, County of El Paso and State of Colorado, on the 18th day of January 2022, the following responses received the number of votes annexed to their respective choices for the following referendum question. Total number of votes cast were:

Ballot Question 1:

Shall Section 5.09.100 of the Manitou Springs Municipal Code be amended as follows:

5.09.100 Location and application criteria.

Prior to the issuance of a license for a medical marijuana center, retail marijuana store or marijuana testing facility, the local licensing authority shall determine whether the proposed location of the medical marijuana center, retail marijuana store or marijuana testing facility complies with the requirements of this section. Failure to comply with the requirements of this section shall preclude issuance of a license.

- A. Zone District Limitation. Medical marijuana centers, retail marijuana stores and retail marijuana testing facilities shall only be located EITHER in the portion of the commercial zone district located north and east of US Highway 24, and south of El Paso Boulevard to the city's eastern boundary or in the portion of the commercial zone district located no more than one hundred fifty (150) feet south of U.S. highway 24 within the city limits so long as such medical marijuana center, retail marijuana store or marijuana testing facility provides at least one hundred (100) parking spaces for its customers and business invitees.

- B. Dual Operation Requirement. No more than ~~two~~ three medical marijuana centers and retail marijuana stores, operating as dual operations, may be licensed and located within the city at any given time. Neither a medical marijuana center nor a retail marijuana store may operate as a stand-alone establishment and shall only be a dual operation as defined in Section 5.09.040 and permitted in Section 5.09.060. Any licensed retail marijuana store or medical marijuana center not operating as a dual operation as of _____, 2019 shall have until October 1, 2019 to file a complete application for a license to operate as a dual operation. Failure to file a complete application to operate as a dual operation by October 1, 2019 shall constitute grounds for revocation of the existing license. Existing licensees that file a complete application for dual medical and retail operations on or before October 1, 2019 shall be allowed to continue to operate until the state grants the dual operation license, in which event the existing licensee shall continue operations as a dual medical and retail operation. If the application for dual medical and retail operation is denied by the state, such establishment may not operate until a dual medical and retail operation is obtained and such denial shall constitute grounds for revocation of the existing license.

- C. Application Process. If the maximum number of licenses have been issued, the city shall not accept any further applications until an existing license is either revoked or expires. When the number of licensed dual operations is less than the limit for any reason, including the cessation of operation either by license revocation or expiration, notice shall be posted on the city's website indicating that applications for a dual operation medical marijuana center and retail marijuana store shall be accepted for a sixty-day period. At the end of the sixty-day period, the city shall review the applications by a random selection process. The first complete application randomly selected will be reviewed, and if it is denied, then the local licensing authority shall review the next complete application randomly selected. Only fully complete applications will be eligible for review. Once a license has been issued, all unselected or rejected applications shall be discarded. The city shall notify each applicant that is not selected for formal review by the local licensing authority. +60 DAYS

- D. Conditional Use Approval. No license shall be issued unless a dual operation medical marijuana center and retail marijuana store, or marijuana testing facility is approved as a major conditional use pursuant to the criteria and procedures for major conditional uses set forth in Chapter 18.30 of this code. When considering whether to grant major conditional approval, the requirements of this chapter shall be considered in addition to the criteria set forth in Chapter 18.30.
- E. Location Restrictions. No medical marijuana center or retail marijuana store shall be located at the following locations:
1. Within five hundred feet of any educational institution or school, whether public or private (this distance limitation shall not apply to property owned by an educational institution or school unless an actual school building is located on the property);
 2. Within five hundred feet of a licensed child care facility;
 3. Within five hundred feet of any alcohol or drug rehabilitation facility;
 4. Within any building or structure that contains a residential dwelling or lodging unit;
 5. Within five hundred feet of an existing medical marijuana center or retail marijuana store as measured from nearest property boundaries regardless of whether such existing establishment is located within or outside of the city; or
 6. Upon any city of Manitou Springs owned property.
- F. Although there is no minimum distance standard from the following locations, when reviewing an application, the proximity and compatibility with the following uses shall be considered:
1. The exterior boundary of any residential zone district; and
 2. Any public community center, park, designated recreation trail, library, hotel or recreation center, or any publicly owned or maintained building open for use to the general public.
- G. The distances described in this section shall be computed by direct measurement, as a crow flies, from the nearest property line of the land used for the above purposes to the nearest property line of the property upon which the retail marijuana store is located.
- H. Each medical marijuana center, retail marijuana store or marijuana testing facility shall be operated from a permanent location. No medical marijuana center, retail marijuana store or marijuana testing facility shall be permitted to operate from a moveable, mobile or transitory location.

Yes FOUR HUNDRED TWENTY-FOUR (424)

No ONE THOUSAND THREE HUNDRED TWO (1302)

Certified by us:

Aranna D. H. Kingston

Holly King

John D. Smith

Loetta Wood

Judges of Election

**THIS ABSTRACT IS TO BE POSTED IN A CONSPICUOUS PLACE OUTSIDE THE
POLLING PLACE IMMEDIATELY UPON COMPLETION OF THE COUNT**