

**WORKING DOCUMENT
MARIJUANA REGULATORY WORKING GROUP**

Outdoor Cultivations

1. To require new and change of locations for any outdoor cultivations only on an A1, 35-acre, parcel surrounded by other A1 parcels.
2. For new outdoor cultivations and expansions of licenses premises, require notice to residents within a certain proximity.
3. Potential tax incentive to have outdoor cultivations in proper areas.
4. Standards for the Liquor and Marijuana Licensing to consider when hearing concerns from residents in surrounding areas of new or expanding outdoor cultivations.
5. Consider changes to buffer zones

Indoor Cultivations

1. Light pollution at night
2. Fencing to be more appealing

Standards to Consider:

1. The existence of the retail marijuana cultivation facility on the licensed premises has frustrated the implementation of the County's comprehensive plan and any adopted neighborhood plan applicable to the subject property
2. The existence of the retail marijuana cultivation facility on the licensed premises has negatively affected nearby properties or the neighborhood in general, including by way of example any adverse effects caused by excessive noise, odors, vehicular traffic, or any negative effects on nearby property values
3. The existence of the retail marijuana cultivation facility has caused crime rates to increase in the surrounding neighborhood
4. The continued existence of a licensed retail marijuana cultivation facility in the subject location will have a deleterious impact on public health, safety and the general welfare of the neighborhood or the County
5. Buffer zone
6. Minimum lot size
7. Outdoor marijuana cultivation zoning overlay districts
8. Percentage of neighborhood consensus and support

The following are the sections of the Pueblo County Code associated with the above provisions:

17.120.190 Marijuana Establishments

F. Performance Standards

1. **Odor.** Marijuana Establishments in the B-4 Zone District shall have odor mitigation. The building (term includes buildings, greenhouses, and hoop houses) shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior discernable by a reasonable person. The ventilation system must be inspected and approved by the Pueblo Regional Building Department. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor.
2. **Noise.** Outside generators used for any kind of power supply shall be fully enclosed and have appropriate baffles, mufflers, and or other noise reduction systems to mitigate noise pollution.
3. **Lighting.** To prevent excessive lighting and to prevent glare on the public roadway, on other public ways and onto adjoining property, and to reduce atmospheric light pollution Greenhouses & Buildings shall have internal shielding (such as blackout curtains) to prevent glare and light trespass from the Greenhouse & Building Walls and Roof. At the time of zoning authorization for a building permit, proof of Wall & Roof shielding as shown on the building plans submitted to Pueblo Regional Building Department shall be submitted to the Department of Planning and Development.
4. **Fencing.** All outdoor cultivations shall be properly fenced for security with a minimum seven (7) foot chain-link fence (6 foot of chain-link material with 1-foot security arm with barb wire or razor wire) or equivalent type of fencing for security excluding field fence, wood fence. (Res. P&D 16-067, app. 12-7-2016) (Res. P&D 18-025, 7-23-2018)

The following is taken from the Department of Revenue Marijuana Enforcement Division Colorado Marijuana Rules pages 83 and 84.

<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=8439&fileName=1%20CCR%20212-3>

Basis and Purpose – 3-220

The statutory authority for this rule includes but is not limited to sections 44-10-202(1)(c), 44-10-203(1)(j), 44-10-203(2)(e), and 29-2-114(8)(a), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(IV). The purpose of this rule is to ensure adequate control of the Licensed Premises and Regulated Marijuana contained therein. This rule establishes the minimum guidelines for security requirements for alarm systems and commercial locking mechanisms for maintaining adequate security. This rule also establishes fencing and lighting requirements for outdoor cultivations. This Rule 3-220 was previously Rules M and R 305, 1 CCR 212-1 and 1 CCR 212-2.

3-220 – Security Alarm Systems and Lock Standards

A. Security Alarm Systems – Minimum Requirements. The following Security Alarm Systems and lock standards apply to all Regulated Marijuana Businesses, unless stated otherwise by these rules.

1. Each Licensed Premises shall have a Security Alarm System, installed by an Alarm

Installation Company, on all perimeter entry points and perimeter windows.

2. Each Licensee must ensure that all of its Licensed Premises are continuously monitored.

Licensees may engage the services of a Monitoring Company to fulfill this requirement.

3. A Licensee shall maintain up-to-date and current records and existing contracts on the Licensed Premises that describe the location and operation of each Security Alarm System, a schematic of security zones, the name of the Alarm Installation Company, and the name of any Monitoring Company. See Rule 3-905 – Business Records Required.

4. Upon request, Licensees shall make available to agents of the Division or relevant Local Licensing Authority or Local Jurisdiction or state or local law enforcement agency, for a purpose authorized by the Marijuana Code or for any other state or local law enforcement purpose, all information related to Security Alarm Systems, Monitoring, and alarm activity.

5. Any outdoor or Greenhouse Medical Marijuana Cultivation Facility or Retail Marijuana Cultivation Facility is a Limited Access Area and must meet all of the requirements for Security Alarm Systems described in this Rule. An outdoor or Greenhouse Medical Marijuana Cultivation Facility or Retail Marijuana Cultivation Facility must provide sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals. It shall be the responsibility of the Licensee to maintain physical security in a manner similar to a Medical Marijuana Cultivation Facility or Retail Marijuana Cultivation Facility located in an indoor Limited Access Area so it can be fully secured and alarmed. The fencing requirements shall include, at a minimum, perimeter fencing designed to prevent the general public from entering the Limited Access Areas and shall meet at least the following minimum requirements:

CODE OF COLORADO REGULATIONS 1 CCR 212-3

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a. The entire Limited Access Area shall be surrounded by a fence constructed of nine gauge or lower metal chain link fence or another similarly secure material.

The fence shall measure at least eight feet from the ground to the top, or in the alternative, the fence may measure six feet from the ground to the top with a 1 foot barbed wire arm with at least three strands along the entire fence. All support posts shall be steel and securely anchored.

b. All gates of ingress or egress shall measure at least eight feet from the ground to

the top of the entry gate, or in the alternative, the gate may measure six feet from the ground to the top with a 1 foot barbed wire arm with at least three strands, and shall be constructed of nine gauge or lower metal chain link fence or a similarly secure material.

c. The fence shall obscure the Limited Access Area so that it is not easily viewed from outside the fence.

d. All areas of ingress and egress of the fence shall be illuminated including a 20 foot radius from the point of ingress or egress. The required lights may be, but are not required to be, motion sensing. See Rule 3-225(C).

e. A Licensee or Applicant for initial licensure may, in writing, request that the Division waive one or more of the security requirements described in this subparagraphs (a) through (d) of this Rule, by submitting on a form prescribed by the Division a security waiver request for Division approval. The Division may, in its discretion and on a case-by-case basis, approve the security waiver if it finds that the alternative safeguard proposed by the Licensee or Applicant for initial licensure meets the goals of the above security requirements or that the security requirements are in conflict with a local ordinance of general applicability.

Approved security waivers expire at the same time as the underlying License and may be renewed at the time the License renewal application is submitted. The Licensee's or Applicant for initial licensure's request for a waiver shall include:

- i. The specific rules and subsections of a rule that is requested to be waived;
- ii. The reason for the waiver;
- iii. A description of an alternative safeguard the Licensee will implement in lieu of the requirement that is the subject of the waiver; and
- iv. An explanation of how and why the alternative safeguard accomplishes the goals of the security rules, specifically public safety, prevention of diversion, accountability, and prohibiting access to minors.

B. Lock Standards – Minimum Requirement

1. At all points of ingress and egress, the Licensee shall ensure the use of a commercial grade, non-residential door locks.
2. Any outdoor or Greenhouse Medical Marijuana Cultivation Facility or Retail Marijuana

Cultivation Facility must meet all of the requirements for the lock standards described in this Rule.

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