

**SUMMARY  
MARIJUANA REGULATORY WORKING GROUP  
JULY 29, 2020  
9:00 A.M.**

*NOTE: The public may provide written comments prior to the meeting by emailing those comments by 5:00 p.m., on Tuesday, July 28, 2020, to [planning@pueblocounty.us](mailto:planning@pueblocounty.us). Only comments relating to the neighborhood impact of expanding licensed premises in Pueblo County will be considered. The meeting may be viewed live on the County's Facebook Page <https://www.facebook.com/PuebloCounty/> however comments will not be taken through Facebook during the meeting.*

Ms. Howard called the meeting to order at 9:01 AM.

**I. ROLL CALL**

Members Present: Rob Ganger, Brad Lisac, Jim Parco, George Schleining, Scott Smith

Members Absent: Vanessa Cruz, Matt Bernal, Tommy Giadone

Staff Present: Carmen Howard, Director of Planning and Development, Sarah Long, Assistant County Attorney; Dani Cernoia, Recording Secretary

**II. PUBLIC COMMENTS**

Ms. Long reviewed the public comment from Ms. Anita Garcia.

**III. GENERAL DISCUSSION**

7:00

Mr. Parco asked Ms. Long a question regarding the process of a requested hearing in the Proposed Draft Language on Neighborhood Impact document.

10:49

Mr. Ganger asked Ms. Long a question regarding section A.1 in the Proposed Draft Language on Neighborhood Impact document.

12:45

Mr. Lisac expressed his concern regarding a greenhouse expanding to an outdoor grow, fences, and his desire to prevent loopholes.

Discussion occurred regarding buffer zones for outdoor cultivations and how to measure the distance.

23:37

Ms. Long suggested to allow Ms. Howard to share information relevant to the decisions the group will be making.

24:20

Ms. Howard shared her screen and showed the group a map to give a visual representation of buffer zones and zone districts.

Discussion occurred.

29:30

Mr. Ganger asked Ms. Long if existing outdoor grows in an A-2 zone district, not 35-acres, would have the ability to expand taken away.

Discussion occurred.

31:55

Ms. Long stated that she thinks the group is interested in recommending that new licenses or relocated licenses would have a 35-acre minimum, but current licensed premises (if they are able to expand within the buffer zone and complete the neighborhood impact) would not have an issue expanding in a non-conforming property.

34:50

Mr. Parco asked if Ms. Long if she could type the language, read it to the group and they could vote to approve it so that everything is right. Ms. Long responded yes.

35:20

Ms. Long: "New and relocated outdoor cultivations must be on a parcel that is a minimum of 35-acres, but non-conforming parcels that currently exist may expand so long as they comply with all new buffer zone rules."

Mr. Lisac motioned to accept Ms. Long's verbiage. Mr. Smith seconded the motion.

The group voted as follows:

Mr. Smith - yes  
Mr. Schleining - yes  
Mr. Parco - yes  
Mr. Ganger - yes  
Mr. Lisac - yes

The motion carried unanimously.

39:00

Ms. Long: "Outdoor cultivations must stay on one parcel and cannot expand to a neighboring parcel." Discussion occurred. unless the parcels are combined into one parcel.

Mr. Ganger asked Ms. Long what if somebody is in an A-1 zone and buys a neighboring lot and abolished the property line to expand, is she saying they cannot do that? Mr. Parco responded that that would become a single parcel. Ms. Howard confirmed that would be one parcel for zoning purposes.

Ms. Long added that this recommendation would prevent people from leasing neighboring property to expand on separate addresses. Mr. Ganger asked if that can be clarified in the verbiage. Ms. Howard added that you can have multiple addresses on one parcel.

Ms. Long: "Outdoor cultivations must stay on one parcel and cannot expand to a neighboring parcel unless the parcels are combined into one parcel."

Ms. Howard informed Ms. Long that Ms. Wallingford-Ingo could help with the language. Ms. Long reminded the group that this is only the recommendation that will be given to the Commissioners and the actual language applied to the code will be worked out depending on the direction we get from them.

42:19

Ms. Long: "Outdoor cultivations must stay on one parcel and cannot expand to a neighboring parcel unless the parcels are combined into one parcel."

Mr. Ganger motioned to approve Ms. Long's verbiage. Mr. Parco verified a motion to approve subject to language correction by zoning to get the language right. Ms. Howard stated that the detailed will be honed out between the County Attorney and zoning. Mr. Parco seconded the motion.

The group voted as follows:

Mr. Smith - yes  
Mr. Schleining - yes  
Mr. Parco - yes  
Mr. Ganger - yes  
Mr. Lisac - yes

The motion carried unanimously.

44:49

Ms. Long stated that there was a lot of discussion within the group about making sure the parcel was surrounded by other parcels, so there wouldn't be one next to a residential area. She informed the group that the two options discussed were:

1. Parcels must be surrounded by other parcels zoned A-1. (This is problematic since there are a number of parcels that are zoned A-2).
2. Parcels must be surrounded by other parcels that are of a minimum acreage.

Ms. Howard informed the group that the second option could become tricky. She shared her screen to show a map with parcel sizes.

Discussion occurred.

51:10

Ms. Long asked the group if they would like to set this issue aside and try to address the concerns through the buffer zone recommendation. Mr. Lisac responded yes.

Ms. Long asked Ms. Howard to explain how 500 feet from licensed premises to a residential structure would be measured. Ms. Howard responded that there are a couple different ways of measuring. Sometimes it is measured from the fence line to the residence, other times it has been measured from the

licensed premise which is different from the parcel. She asked the group if they want to consider the parcel itself or the licensed premise (which can be a smaller area within a larger parcel). Mr. Ganger responded the closest point of the licensed premise to the residence. Mr. Parco added that 500 feet is going to be restrictive but doable. If they measure from property line or 1000 feet, they will massively restrict any opportunity for outdoor cultivation in Pueblo. Mr. Ganger agreed. Mr. Lisac agreed but gave his perspective from the residential side. He stated that he thinks the 500-foot buffer works if there are all 35-acre parcels.

57:25

Discussion occurred.

1:10:10

Ms. Long: "The buffer zone should be 500 feet from licensed premise to any existing residential structure for an outdoor cultivation." Mr. Lisac clarified this was for an outdoor grow only.

Mr. Lisac motioned to accept Ms. Long's verbiage. Mr. Smith seconded the motion

The group voted as follows:

Mr. Smith - yes  
Mr. Schleining - yes  
Mr. Parco - yes  
Mr. Ganger - yes  
Mr. Lisac – yes

The motion carried unanimously.

1:11:05

Ms. Long stated the last buffer zone issue is the question of an applicant cannot protrude into the buffer zone for any reason, or the idea of getting a waiver from a neighbor. Ms. Long added that Mr. Ganger raised the question of having an exception for if the adjacent property has their own cultivation on it. She added that from staff's perspective, it would be easiest to enforce if it was set so that you cannot protrude into the buffer zone for any reason, but it is up to the group to vote on what to recommend to the Board of County Commissioners.

Discussion occurred.

1:19:09

Ms. Long suggested addressing the issue as two separate items to vote on. One being common ownership and the other allowing a waiver from a neighbor to trigger some sort of preceding to allow an exception.

1:20:05

Ms. Long (regarding common ownership): "To permit common ownership exemptions for buffer zones when there is a residence on the same parcel, or the owner has a residence on an adjacent parcel."

Mr. Parco motioned to accept Ms. Long's verbiage. Mr. Ganger seconded the motion.

The group voted as follows:

Mr. Smith - yes  
Mr. Schleining - no  
Mr. Parco - yes  
Mr. Ganger - yes  
Mr. Lisac - no

The motion passed with a 3-2 vote.

1:22:20

Ms. Long: "Have a waiver mechanism for an exemption process when an adjacent resident agrees to waive the buffer zone."

Discussion occurred

Mr. Smith motioned to accept Ms. Long's verbiage. Mr. Ganger seconded the motion

The group voted as follows:

Mr. Smith - yes  
Mr. Schleining - no  
Mr. Parco - abstained  
Mr. Ganger - yes  
Mr. Lisac - no

The motion failed with a 2-2 vote and will not be included in the recommendation.

1:26:40

Mr. Ganger asked Ms. Long if they could vote on language for someone who builds a residence after an existing grow on an adjacent lot that has already been approved.

Discussion occurred.

1:32:32

Ms. Long: "Permit exemption to buffer zones when the licensee had licensing approval for outdoor cultivation that predated the existence of the residence."

Mr. Parco moved to approve Ms. Long's verbiage. Mr. Ganger seconded the motion.

The group voted as follows:

Mr. Smith - yes  
Mr. Schleining - no  
Mr. Parco - yes  
Mr. Ganger - yes  
Mr. Lisac - no

The motion passed with a 3-2 vote.

1:33:24

Ms. Long suggested that, unless there is a zoning issue that was missed, the group should look at the licensing issues.

Discussion occurred, but nothing was voted on.

1:56:28

Ms. Long informed the group that she will draft two versions of the language on neighborhood impact for the group to discuss and vote on next week.

**ADJOURN**

The meeting was adjourned at 10:57 AM

Respectfully submitted,



Dani Cernoia, Recording Secretary  
Department of Planning and Development

LDC