

SUMMARY
MARIJUANA REGULATORY WORKING GROUP
JULY 15, 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 14, 2020, to planning@pueblounty.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 9:03 AM and introduced Mr. Rob Ganger as the new member of the group, replacing Mr. Michael Sample

I. ROLL CALL

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

Members Absent: 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

III. GENERAL DISCUSSION

Ms. Howard stated that during this meeting, she would like to accomplish compiling a set of standards for outdoor cultivations to provide to the commissioners.

3:42

Ms. Long informed the group to keep in mind the County does have standards to look at for new applications and renewals that mostly focus on aspects relating to public safety. Some of the ideas that Ms. Howard is having the group look at could potentially expand which types of standards to look at. If the group comes up with standards to recommend for outdoor cultivations, it could impact how the County looks at expansion of licensed premise and maybe how we look at the application process in general.

4:30

Ms. Howard shared her screen to allow the group to see the working document as they discuss it.

Mr. Parco informed Ms. Howard that he had some concerns with the previous week's meeting minutes and asked if he could review his concerns with the group. Ms. Howard responded that some of that is a meeting summary rather than true minutes, but if there are things that he doesn't agree with they can be discussed.

6:30

Mr. Parco stated that (regarding Working Document, Standards to Consider, Item 3) he did not remember having any discussion on crime. He expressed his concerns with this item on the document. Mr. Smith responded that he thought, maybe anecdotally, someone mentioned driving fast or stealing things (from grows) but he didn't think he was tied to criminal reports from law enforcement relative to activities in a specific grow. Mr. Lisac responded that the reason that item is in the Working Document, is because that is one of the standards set forth by Boulder.

7:50

Crime and security were discussed.

9:58

Ms. Howard informed the group that it (crime) should be something they consider because they are talking about impacts. When licenses are reviewed, Liquor and Marijuana licensing reaches out to the Sheriff's Department to obtain a list of calls that have been made to the address. Public health, safety, and welfare are the things that are always considered when looking at a use or impact. If there is an issue with the word "crime," she suggested the group come up with a different term.

11:40

Ms. Long clarified that crime does come up under public safety for renewals, occasionally. It is usually not a crime analysis, but repeated specific incidents at one licensed premise. A lot of times it comes down to the fact that they are not necessarily operating the way they should be which come up under public safety. She agreed with Ms. Howard regarding the group calling it something different. She does not believe the suggestion is to consider crime rates, but rather does a business have specific issues that have come up through an incident report repeatedly.

Further discussion regarding crime took place.

19:00

Mr. Parco expressed his concerns regarding the wording from the summary of the July 8 meeting.

23:22

Ms. Howard clarified that she put the standards on the list based on the research she has done from other jurisdictions. They are standards for the group to consider, but not necessarily standards that the group has come up with. The intent of the list is for the group to come up with the standards to give the commissioners.

24:20

Ms. Long clarified that the group may not all agree on the standards, and there will be a formal vote. Whatever is voted on will be sent to the commissioners, not the Working Document.

Mr. Parco expressed his concerns with the items on the Working Document being claims, not standards.

26:01

Mr. Parco suggested changing the wording of the items under Standards to Consider (on the Working Document) to the following:

1. Impact on neighborhood considerations and subject property
2. Negative impact causes by excessive noise, odors, vehicular traffic or other negative impacts on property
3. Impact on crime
4. Impact on public health, safety, and welfare

Mr. Smith agreed.

27:10

Ms. Howard asked the group what they would like the standards to be, and to come up with the list.

28:36

Mr. Parco suggested, for the first standard regarding neighborhood impact, adopting a proposal like the one from Boulder. Any new applicant on a new premise or an existing business with a new license type, to have the conversation with the community to address this (concerns?). This would not include a modification of premise.

30:03

Mr. Lisac agreed, and expressed his concerns that an indoor grow and outdoor grow should be two different license types. Discussion occurred regarding this concern.

31:33

Ms. Long asked if adopting the operating plan would apply to change of locations. Mr. Parco and Mr. Smith responded yes.

33:33

Mr. Smith suggested a waiver provision if they are okay with infringing on the buffer or negotiated between parties.

35:05

Mr. Parco suggested "The Lisac Rule" that requires a new outdoor cultivation to talk to their neighbors.

37:00

Discussion began regarding the second standard (negative externalities).

38:25

Mr. Parco suggested that after a certain time of night, curtains must be shut.

39:14

Mr. Parco stated that light pollution is the one thing driving 95% of the complaints. Mr. Lisac disagreed, as none of his complaints were included in the list. Mr. Parco clarified that he was referring to the list specifically.

41:58

Ms. Howard added that the standard is already in the zoning code.

41:08

Ms. Long added that the list does not include complaints that have come in through the renewal process.

Discussion occurred.

44:47

Mr. Parco added that Pueblo County has standards in place for noise, odor, and traffic. If the group believes they are insufficient they should talk about adding new standards to what already exists. He asked the group if there is anything else on number 2 that needed to be added as a standard. Mr. Lisac responded odor, vehicle traffic, and negative impact on property value.

45:53

Ms. Howard recommended the wording of standard to be along the lines of "if the business has these issues, then it should go to a hearing." Not something that looks derogatory to the whole industry, but if it does create this, we can act this way. Mr. Smith, Mr. Lisac, and Mr. Parco agreed.

46:48

Ms. Long suggested to incorporate what Mr. Smith previously said regarding a waiver. If they adopt an operating plan to require the owner to talk to and notify their neighbors, the group may also want to suggest having the notification inform the neighbors exactly how to request a hearing. That way, the hearing would only come up if there is a neighbor with one of the concerns. She also suggested having the standard so that if a hearing is triggered, it lists the factors that can be considered. (Odor, traffic, negative effects on property value, public health and safety). This would incorporate specific, concerning criminal issues.

48:22

Mr. Parco agreed, and suggested that items 2, 3, and 4 were combined into what Ms. Long said.

48:48

Ms. Long informed the group that she will work on drafting that proposal for next week's meeting.

48:36

Mr. Parco requested the group begin discussing buffer zones, specifically for outdoor cultivations.

50:20

Mr. Lisac stated that his text amendment changed 'licensed premise' to 'structure to plant' and 250 feet to 1000 feet. He repeated his thoughts on having two separate licenses for indoor and outdoor.

51:24

Ms. Howard added that that can be handled through zoning through the ZCRM process.

51:36

Discussion occurred regarding outdoor cultivation buffer zones.

59:52

Mr. Parco stated that he would like to hear Mr. Ganger's thoughts. Mr. Ganger responded that he is in an A1 area surrounded by A1 lots and he is not opposed to the buffer zone. He stated that 1000 feet may be a bit too much, as he has a triangular lot and 1000 feet would limit what he could do significantly. He would like to strengthen the buffer zones and suggested an exemption for someone that has a residence and cultivation combined. Ms. Howard asked if Mr. Ganger is on a 35-acre lot, he responded yes.

1:03:36

Mr. Parco recommended if you are A1, surrounded by conforming A1s, the buffer would be 500 feet. If you are surrounded by non-conforming A1 parcels or other types of parcels, the buffer would be 1000 feet. If there is a problem, the mechanism would be a hearing.

1:06:40

Discussion occurred, resulting in Mr. Lisac stating that he thinks 1000 feet is fair and he would be comfortable with that.

1:08:08

Mr. Parco suggested that you must be in a conforming A1, 35-acre or more parcel surrounded by other A1 parcels in order to grow outdoor (not including greenhouses). Mr. Ganger summarized that he thinks it is fair.

After discussion, most of the group agreed that only allowing outdoor grows on A1, 35-acre plus parcels and a 500-foot buffer zone from residence to licensed premise on an A1 to A1 would be fair. Mr. Smith disagreed, with the 500-foot buffer zone thinking there would be some situations that it wouldn't be enough of a buffer but would be a good compromise.

1:15:15

Mr. Lisac suggested having the 500-foot buffer be a trigger for a hearing.

1:16:07

Ms. Long asked what time frame the group was looking at for an existing residence. Discussion occurred with suggestions from Mr. Parco and Mr. Lisac.

1:19:55

Mr. Smith asked if there is a way to have a regulation that, by 2030, all non-conforming A3s will no longer grow. Ms. Long responded that when people already have a license and zoning approval for the property they are on, that would be a problem. There could be things to incentivize people to want to move.

1:23:16

Mr. Schleining asked how to write into the standards that the process is not complete, and licenses are not issued until all hearings are done and settled. Ms. Long responded that if you change a zoning rule when somebody already has approval, they are grandfathered in.

1:25:47

Mr. Lisac added that he would like a modification of premise or expansion to trigger a hearing, not just the original hearing. Mr. Schleining agreed.

1:26:40

Ms. Long will put together the standards that were put together by the group and send it to them for review so they can vote next week.

Discussion occurred regarding the group's scope.

Ms. Howard informed the group that a public comment was received, and it is on the website for review.

Mr. Smith motioned to adjourn. Mr. Lisac seconded the motion. The motion carried unanimously.

ADJOURN

The meeting adjourned at 10:40 AM.

Respectfully submitted,



Dani Cernoia, Recording Secretary
Department of Planning and Development

LDC