

**MEETING SUMMARY  
MARIJUANA REGULATORY WORKING GROUP  
WEDNESDAY, OCTOBER 14, 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, October 13, 2020, to [planning@pueblocounty.us](mailto:planning@pueblocounty.us). Only comments relating to the Marijuana Regulatory Working Group 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.*

*The following are summarized statements from the Working Group members and County Staff. Please refer to the Pueblo County Facebook page to watch the full video of the meeting. Times from the video are listed below for your convenience.*

Ms. Howard began the meeting at 9:00 a.m.

**I. ROLL CALL**

Members Present: Matt Bernal, Rob Ganger, Tim Gordon, Brad Lisac, David Lytle, Jim Parco, Scott Smith

Members Absent: Vanessa Cruz, George Schleining

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

**II. PUBLIC COMMENTS**

There were no public comments.

**III. GENERAL DISCUSSION**

Ms. Long provided the group with an update on the recommendations sent to the Commissioners in August.

Ms. Howard commented on the information provided to the group prior to the meeting regarding cases of illegal hemp grows in 2019.

6:14

Ms. Long suggested that since the group had a lot of discussion regarding cross-pollination issues at the last meeting, they could focus on some other points and circle back to cross-pollination once other points have been addressed.

7:00

Mr. Parco began the conversation by referencing the violations sent to the group prior to the meeting. He mentioned seeing a lot of places that used to grow hemp and are done, but there are wild hemp plants growing. He stated that there are concerns with this, not just with cross-pollination, but with people getting marijuana seeds and planting them where the wild hemp plants are growing. There is no

way to tell the difference between a marijuana plant with high THC and a hemp plant. He added that this is also a way for people with illegal marijuana grows to hide in plain sight. He thinks all the plants he sees are stray hemp plants but does not know that it isn't somebody's illegal cannabis farm. From a policy perspective, he would like to think about treating any type of rogue plant (hemp or marijuana) as noxious weed and eradicate it immediately. That will prevent any incentive for 14 year olds that think they have their own gorilla grows and for people that are wanting to do something black market. He added that he is thinking of what can be done to put an ordinance in place to prevent any kind of unregulated hemp or marijuana growing. If it is not behind the fence, etc., then it would need to come down and that property owner would be responsible for cleaning the fields.

9:42

Ms. Howard responded that the Planning and Development needs to be informed via zoning violation when a potential illegal grow has been identified. Any kind of an abatement program would need to be discussed further.

11:00

Ms. Long added that that was a good segway to start the discussion of coming up with an outline or list of suggestions of how the County can address the issue of rogue hemp.

11:35

Discussion occurred regarding rogue hemp and how to handle it. Mr. Lisac voiced concerns of needing to spray on people's property. Ms. Howard asked if instead of spraying the marijuana industry could do something like a Community Hemp Cleanup Day. Mr. Parco clarified that he is talking specifically about abandoned fields.

16:15

Ms. Ganger brought up an email he sent to Planning and Development in December of 2019 with his concerns about cross pollination. He recommended that subsection H of the Pueblo County Code (17.120.280) be eliminated. Regarding a ZCRH, Mr. Ganger suggested an inspector that will check the State database of registered hemp growers to make sure they have a ZCRH. He added that if they are within 5 miles of a marijuana establishment, especially without a ZCRH, they are finished.

19:41

Ms. Long added that she doesn't have a list of the complaints received for cross-pollination and Ms. Howards document was referring to documented zoning violations.

20:45

Mr. Lytle disagreed with Mr. Ganger's opinion about a 5-mile radius between marijuana and hemp establishments. He provided details.

Discussion occurred.

24:17

Discussion occurred regarding eliminating rogue plants.

27:00

Ms. Wallingford-Ingo summarized the zoning violation process for the group.

28:45

Mr. Parco suggested economic incentives (ex: a \$50.00 fine if someone is cited for rogue plants

growing. That \$50.00 fine would go to the person that reported it) to drive public behavior to help with the issue.

29:25

Ms. Wallingford-Ingo informed the group of the process once a notice of violation is sent to the property owner.

Discussion occurred regarding zoning violations.

32:14

Mr. Gordon suggested having a Cannabis Compliance Officer that looks at databases from both the Department of Agriculture and Pueblo County, performs farm visits, reaches out to farmers, and provides education about cannabis cultivations, the reasons for possible abatement and how cannabis can grow like a noxious weed. He provided details.

36:00

Discussion occurred about grandfathering rules and zoning violations.

42:20

Mr. Lytle asked Mr. Parco and Mr. Gordon if they knew how other Counties address the rogue plant issue.

43:15

Mr. Howard added that a lot of other Counties only allow indoor grows and referenced the document from Boulder County that was sent to the group.

44:15

Mr. Parco responded to Mr. Lytle's question.

46:28

Mr. Gordon reiterated his thoughts about a Compliance Officer. Ms. Howard responded. Ms. Gordon suggested that the Compliance Officer work for both hemp and marijuana. Discussion occurred. It was determined that the Compliance Officer would actually be a Cannabis Compliance Liaison.

Discussion occurred. Ms. Long suggested that the Compliance Officer/Liaison work with Marijuana Inspectors as well.

53:15

Mr. Lytle suggested that, moving forward, a farmer would have to put up a \$1,000.00 bond that would be redeemable 12 months after termination. Once they stop growing, they have 12 months to clean up their operations. When they get a clean bill of health the County would rebate the bond to the farmer.

54:45

Mr. Parco referenced the private applicators license that the Department of Agriculture requires for cultivators and suggested doing something similar for Pueblo County. This would force people to read the rules and provides documented data that the licensee has seen the rules, has taken a test, and presumptively knows the rules. Mr. Lisac agreed.

56:45

Ms. Long asked the group to think about what types of education and materials the County could

provide that would assist new cultivators (marijuana and hemp) coming into the County.

**ADJOURN**

The meeting adjourned at 9:58

Respectfully submitted,

*Dani D Cernoia*

Dani Cernoia, Recording Secretary  
Department of Planning and Development