

MEETING SUMMARY
MARIJUANA REGULATORY WORKING GROUP
JUNE 17, 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 Monday, June 15, 2020, to planning@pueblounty.us OR may provide comments on the County's Facebook Page <https://www.facebook.com/PuebloCounty/> during the meeting.

Ms. Howard began the meeting at 9:06 am

I. ROLL CALL

Members Present: Matt Bernal, Vanessa Cruz, Tommy Giadone, Brad Lisac, Jim Parco, Michael Sample (via phone), George Schleining, Scott Smith

Members Absent: None

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

II. INTRODUCTIONS

III. SCOPE AND RULES

Ms. Long summarized the scope and rules of the Board as follows:

- The work group was established by Resolution 20-157. The purpose of the workgroup is to come up with a recommended proposal that will effectively address the neighborhood impact of expanding licensed premises in Pueblo County.
- The proposal will be voted on by the whole group and will be presented by staff to the commissioners as a recommendation. They can then adopt any or all of it that they think would be good changes for the code. The changes will then be implemented by Zoning or Licensing staff, whichever is most appropriate.
- The current standards that must be met for applications only consider public health and safety. The purpose of the group is to come up with a way to balance the needs of the industry and the neighborhood that the industry is impacting.
- The workgroup has a limited time frame and will automatically expire on August 30, 2020.
- The frequency of the meetings will be determined by the group.
- Each member is serving as an individual and not allowed proxies. If they are not able to attend a meeting, they cannot send someone in their place.
- Ms. Howard is the official liaison between the workgroup and the Board of County Commissioners.
- All discussion about the purpose of the workgroup need to be kept to the public meetings, including email. If there are questions between meetings, email Ms. Howard individually and not the entire group. If the question is something that needs to be discussed with the group, it will be addressed at the next meeting.

IV. MEETING SCHEDULE

The group discussed and agreed that the meetings should occur every Wednesday morning at 9:00 a.m., subject to change.

V. GENERAL DISCUSSION

Ms. Howard started the general discussion to compile a list of the impacts of various businesses and grows to the community from cannabis activities.

The following are summarized statements from the Working Group members. 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.

20:08

Mr. Bernal stated the if the County wishes to make a more concrete moratorium, he would like to look at a token system associated with a parcel number for existing locations. He would also like to see a simplification of the ZCRM process and renewals. He had the idea of being able to have a new license on his current footprint, on the same PUD and parcel. He suggested a 'use by review' if you're a good neighbor and following the code, only those cases are use by review.

24:42

Ms. Long clarified that square footage fees were changed to plant count fees earlier this year to match the State. Mr. Bernal referenced square footage fees, and she wanted to notify the public that those are changed. She also clarified that modifications that were approved under the emergency ruling from the State to allow social distancing are not subject to local licensing. They are temporary and will have to be looked at when COVID is no longer an issue.

25:52

Mr. Bernal added that he has heard the County has invested in digital application receiving and would like to simplify the process and have a little more availability and customer service in the process.

27:24

Mr. Smith agreed with a lot of what Mr. Bernal had to say. He added that he was surprised that when the program was rolled out, cannabis was viewed as a 'use by right' as opposed to a higher-level review. He stated that the only effective way to look at impacts is by looking at your neighbors and who you are impacting. He believed there should be more of that put into the code. Some sort of review standard on modifications should be explored.

30:35

Mr. Parco stated that economics and having a culture of transparency are important impacts. They (the marijuana industry) created 1300 jobs by 2016, and now have around 2000 cannabis jobs in the community. The reasons the citizens voted resoundingly on propositions 200 and 300 in 2016 were job creation, economic growth, and erosion of the black market. He believes they have absolutely delivered as an industry on those promises. The industry contributes a vast amount of revenue, as they pay around 35% in sales and excised taxes not counting income taxes.

35:20

Mr. Lisac clarified that he has nothing to do with the marijuana industry, but his family and farm have been directly impacted by the industry. He thinks it is easy to get a Modification of Premise (for marijuana businesses). He lives on a family farm and subdivided the farm into a PUD, which took him two years through Planning and Zoning and County Commissioners to build a home on his farm. It took the marijuana grow next to him 3 months to expand their business by over 2000%. Brad froze and lost connection.

37:20

Mr. Smith asked if there was a change in the legislation as far as the moratorium impacting dispensaries. Ms. Long responded that Resolution 20-132 listed some of the exceptions under Resolution 20-110 for people already going through the process with zoning, already had zoning approval, or already had the licensing process started.

39:15

Mr. Schleining agreed with Mr. Smith that community input is important and a huge impact on the industry as well as the relationship between the industry and the residents that surround it. He hopes that the group can come up with some good recommendations that will help before a license is permitted.

40:50

Mr. Lisac reconnected to the meeting and continued that the regulations that recently came out prevented a grow close to him, then it changed, and a grow has now expanded with no public comment or neighborhood comment. When he expanded his property, it was mandatory for him to send out letters to neighbors within a certain distance of his home. There are farmers losing property to the marijuana industry that have been farming for generations. He thinks protecting the residents is something the residents and the marijuana industry would want. He had the idea of giving a tax incentive for marijuana grows to go to an industrial area instead of a residential area.

44:50

Ms. Howard clarified that outdoor grows are not allowed in industrial areas, only indoor grows are allowed there and that is something the group could talk about. The change in the regulations Mr. Lisac referred to was the 1000 foot buffer that changed to 250 feet. This was a text amendment and requires a public hearing. Notification requirements for sub-divisions and text amendments are different.

47:13

Mr. Giadone stated that he always gets asked where the tax revenue goes. It is hard to explain because they (business owners) do not know either. Some policies and procedures were put into place by past County Commissioners and should have been more transparent. He hopes the group can rectify some of those things. He also stated that with so much community input, there will always be people that are morally against the product and that needs to be taken into consideration as well.

50:14

Mr. Parco stated that transparency is important, and it is hard for them to know when meetings are happening. He would like to have a website to go to in order to see what they have done for the last few years and what trade-offs have been made. He would like to go somewhere other than the courthouse to find out when a meeting is and would like to know when land-use issues are coming up.

56:24

Mr. Lisac asked if the people in the industry are open to opening the moratorium and letting anyone get a license. Mr. Parco responded that, from a community perspective and specifically for retail stores, the more that is sold in the community the more tax revenue they raise. There is an optimal number of stores and grows that would allow the industry to raise taxes and not hurt the entrepreneurs. He believes the group needs to address cultivations, because that is what most of the negative externalities are affected by. He thinks the group needs to make a recommendation to the Commissioners for the number of retail licenses allowed in Pueblo County, with cultivations being the focus.

1:04:43

Mr. Giadone would like to look at what is done when a license goes away, is another license allowed in or not?

1:10:20

Mr. Bernal stated that it would be nice to know if people have been inquiring about new store licenses and what the frequency of that is, to give the group a good idea of how many people are trying to enter the industry.

1:11:05

Mr. Parco stated that he believes it is important that the decisions the group makes are data driven. He asked if the group is at liberty to receive data from the County on all the things they need to look at.

The group agreed that the information they need is a map and a spreadsheet with business name, location, and license type. Ms. Howard confirmed that staff will compile the requested information.

1:35:55

Mr. Parco suggested that next week, the meeting should start with Mr. Lisac expressing his concerns with outdoor cultivations. The group agreed.

VI. PUBLIC COMMENTS

Ms. Long and Ms. Howard agreed that, for future meetings, all public comments need to be submitted via email to planning@pueblounty.us instead of on Facebook.

ADJOURN

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

The meeting ended at 10:45am

The next meeting will be held on Wednesday, June 24, 2020 at 9:00 a.m.

Respectfully submitted,



Dani Cernoia, Recording Secretary
Department of Planning and Development

LDC