

AMENDED MEETING SUMMARY
MARIJUANA REGULATORY WORKING GROUP
JULY 8, 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 7, 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.

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 opened the meeting at 9:03 A.M

I. ROLL CALL

Members Present: Matt Bernal (Joined at 9:09 A.M), Vanessa Cruz, Brad Lisac, Jim Parco, George Schleining, Scott Smith

Members Absent: Michael Sample, Tommy Giadone

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

II. PUBLIC COMMENTS

6:56

Ms. Howard read the public comment received from Ed Vazquez. This comment can be found on the Pueblo County website.

III. GENERAL DISCUSSION

13:38

Ms. Howard read the items on the Working Document created at last week's meeting.

Mr. Parco and Mr. Lisac gave their input on the public comment from Mr. Vazquez.

18:27

Mr. Lisac reiterated his feelings on his desire to have indoor and outdoor grows as separate license types.

20:30

Ms. Howard asked if the group had discuss having a minimum lot size or non-conforming parcels. Mr. Lisac replied that they had discussed that and having an A1 35-acre plus surrounded by A1 parcels.

21:41

Ms. Howard informed the group that she will be reaching out to some other jurisdictions that have outdoor grows to ask what they do to mitigate some of the things the group is discussing. Boulder has something called the neighborhood impact plan, and she has reached out to them for more information. She said the public hearing process the group has discussed is great and gave the example of a license up for renewal with issues relating to the impact on neighbors. Those neighbors can come to the department prior to the license renewal and it would be heard at a public hearing. She stated that simple regulations that are easy to enforce are the best regulations and to keep simplicity in mind.

24:07

Mr. Bernal thinks one of the concerns is that there are a lot of "if's" in the conditions. He thinks a simple way to address the concerns is by going to a Use by Review and set the standards for smell and light mitigations. Then they could have the hearings for new licenses and modifications. He asked if there is any issue going to Use by Review for cultivations and Use by Right for other licenses

25:15

Ms. Howard informed the group that instead of "Use by Review" they will use the term "Public Hearing."

26:00

Mr. Bernal stated the idea of a standard requiring a certain number of neighbors needing to be happy and which type of parcel the license is at (35 acre or grandfathered non-conformed). He would like to have these as part of the Public Hearing instead of making if/then conditional rules.

27:12

Ms. Howard read some of the standards that the Board from Denver considers. Mr. Schleining asked if a license is renewed annually in Denver. Ms. Howard replied yes. Mr. Schleining asked if, at the renewal, the public has a chance to discuss any adverse effects the license has on them. Ms. Howard responded with the information from Denver's process (29:40).

34:21

Mr. Parco stated that the information from Denver is good for educating the group about what other municipalities are doing but he is uncomfortable looking at what some other municipality different from Pueblo is doing because he thinks there is some good but that they are missing things.

Ms. Cruz left the meeting around 9:30

36:25

Mr. Parco shared some documents that he put together regarding Pueblo County zoning districts and setbacks for cannabis facilities.

47:00

Discussion took place reiterating points made previously.

52:15

Mr. Parco asked the group how much longer they want to talk before making recommendations to move forward. He stated that the more time they take, the more they hurt Pueblo County. He asked if anyone in the group has issues with expansion of premises in dispensaries, manufacturing facilities or testing facilities.

Mr. Smith responded no.

53:13

Ms. Day stated that she is hearing a lot of broad strokes and not discussion about what the actual standards are going to be. She stated she would like to try to steer the conversation back to developing some actual standards to weigh the arguments from the public against. The standards give the people who are making the decisions a checklist of "do they meet this standard?"

55:14

Mr. Parco asked if anyone has concerns about the license types so they can check something off the list and work harder on cultivations. Mr. Lisac replied that he doesn't have any that directly affect him. Mr. Smith responded no. Mr. Schleining responded that he was curious about the 250 feet with the retail, and how it was developed. Ms. Wallingford-Ingo responded that it is a separation distance imposed within Title 17.

1:00:06

~~Ms. Wallingford-Ingo reminded the group that last week, there were issues raised regarding stores and manufacturing facilities for traffic generated, light, and order.~~ LDC

Ms. Wallingford-Ingo: "Mr. Parco, if I might, just please be reminded that during your last working group too, there was issues raised regarding the... and they were little, minor, not minor ones... but there were also issued raised regarding stores, and MIPs, and stuff about the traffic generated, as well as the light and the odor."

Ms. Howard: "So one thing I do want to mention about the lighting, I mean we have a lighting code that's already in existence. Sometimes the enforcement is a little tricky because we don't always have all the resources that we need to be effective that way."

That's something that we're working on but we do have the lighting ordinance already in existence."

1:01:00

Mr. Parco stated that if liquor stores and pharmacies are not held to the set of rules, why are cannabis dispensaries? He wants to simplify the regulatory structure and hold people to the same set of rules. If the rules don't work for the community, they need to be addressed. He doesn't see the difference between a dispensary, pharmacy, and liquor store. He would like to see a normalization, so all businesses have to conform to the same rules.

Ms. Howard responded that those are all things addressed in current codes, and there are not special rules for dispensaries.

1:03:00

Mr. Lisac stated that if a store expanded in a residential area they are in the same boat.

1:06:58

Mr. Parco repeated his thoughts about focusing on indoor and outdoor cultivations. Mr. Schleining responded that there had to be a reason for the moratorium to take effect. Ms. Wallingford-Ingo explained some of the reasoning for the moratorium.

1:10:35

Mr. Parco motioned to make no further recommendations to the rules regarding zoning and licensing for dispensaries, testing facilities, manufacturing facilities, and transportation licenses beyond the Pueblo County Code. Mr. Lisac and Mr. Schleining responded that they didn't know. Mr. Lisac continued that, as others said, the moratorium was put in place for a reason and they should find out what they are to protect the residents and to help the industry.

1:11:27

Mr. Parco explained why he thought the moratorium was put in place.

1:14:05

Ms. Day stated that she is not hearing a consensus and has not heard a recommendation from the meeting. She recommended the group go back to discuss getting solid standards.

1:17:15

Mr. Lisac brought up the standards of having A1 35-acre plus parcel surrounded by A1 35-acre plus parcels, public notice and meetings, neighborhood protection plans as used in Denver County, if the license affects a nearby property and causes crime. He wanted to clarify that those are all standards they have touched on but not come to terms with.

1:18:43

Ms. Howard asked the group to re-address what Mr. Parco stated earlier; letting the County Commissioners know that the other licenses and expansion of those licenses are not an

issue. She asked if they are satisfied with their discussion to the point that they want to further it to the County Commissioners, or do they want to get back to the other expansions.

1:20:43

Mr. Parco repeated his previous question.

1:23:17

Mr. Schleining stated that there are no other businesspeople, other than those in the marijuana industry, on the working group. He asked how he would know if the restrictions they have now are sufficient, adequate, or even reasonable to businesses next to dispensaries. He gave an example to explain his point.

1:24:05

Mr. Bernal commented about the moratorium and neighborhood impact. He asked Ms. Howard for a copy of the example standards.

Mr. Parco repeated his previous question.

1:31:10

Mr. Parco asked for a list of all complaints against all license types in the last number of years to provide the data to the group.

1:31:43

Ms. Howard and Ms. Wallingford-Ingo responded that staff could obtain a basic list of zoning violations.

1:32:40

Mr. Bernal added that he believes most of the standards will be based around smell and visible aesthetics. Some of these things are already in the Pueblo County Code, so it may be a question of how to enforce these things. He wants to know what the County's process to deal with a public complaint. If there is an issue at a public hearing,

Closing discussion occurred.

1:39:20

Ms. Howard read the public comments that were submitted during the meeting.

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

ADJOURN

The meeting adjourned at 10:41 AM.

Respectfully submitted,

Dani D Cernoia

Dani Cernoia, Recording Secretary
Department of Planning and Development

LDC