

## Public comments from Marijuana Working Group July 8, 2020

**From:**

**Sent:** Tuesday, July 7, 2020 7:53 AM

**To:** planning1 <planning@pueblocounty.us>

**Subject:** Comments for MJ Working Group

Hi Group,

Jim and Brad, I think you two have set out the specific pinch points of the discussion. Right to Farm and Property Owner's Rights are both deeply fundamental values, and in this case are raising conflict. I think we can find a working answer that does not upend these principals. In most municipalities, indoor marijuana growing is a "manufacturing" zone use, akin to business types usually set in industrial-zoning areas. I-zoning addresses the commercial (and objectional) nature of the business, and moves it away from residences and special sites (churches and schools). However, outdoor and greenhouse cultivation truly is an agricultural practice. I think Pueblo County did get this right from the beginning. Cannabis farming can raise objection, but not more than onion fields or hog farming. If we change the subject word here from "marijuana" to "hemp", I think you would find the public, including the farmers, would begin to discuss it as any other agricultural commodity. Ag uses tend to be loud, odorous, and sometime unpleasant. This is the common baseline of both Right-To-Farm and owner's property rights. For us today, A3 and A4 zonings really are the contention properties. This is the zoning where raw land and large agricultural operations transition and develop into mixed use and farm-homestead sites. With respect to being good neighbors, I think the cannabis community can make some small changes that will address the crux of the issue here. This is what I hear coming from the group:

For properties in the contested areas, like A3 and A4, add direct contact, not just public notice, and require waivers from homeowners within a buffer zone (500' or 1000' of residential homes) measured from the house (the effected area) to the Limited Access Area (the area of causation).

- Necessary for new operations, or MOPs that specifically change the nature (outdoor, greenhouse, indoor) or footprint of the business operation. I don't believe we need to differentiate types of grow licenses between outdoor and indoor, this is already addressed in the ZCRM process.
- If the residence is owned by the same business, a neighbor's grow, or owners who otherwise don't have issue, then don't hold up the MOP or new license with hearings.
- If there is contest, or the business cannot get waivers, then let it go to a public hearing. This would allow all parties to openly and fairly discuss issues, solutions, and try to find a proper balance between property owner rights (on both side). Allow the applicant to present their case, garner support from the neighbors, and allow opposition to voice their dissent.
- If the group really wants to encourage the grows out to more desolate A1 zonings, than use the setbacks as enticement to encourage grows to move out to the A1/A2 zones.
  - Create these buffers for all A3/A4 agricultural zones, or A1/A2 less than 35 acres.
  - Tax subsidies seem an enticing idea, it will be interesting to see how the Pueblo MJ industry, as a whole, latches on to this idea. The County could look to create special zone districts for cultivations.

Comment continued on next page

On another note, as an indoor, greenhouse, and outdoor operator, let me offer a couple points.

The MED considers greenhouses to be akin to outdoor cultivations. In definition, and by security requirements, it is the same to the state authority. This is a smart designation that was updated in the past year or two. Greenhouses are, in the most basic form, are field grown-crops with a temporary plastic covering to extend the growing season. More advanced greenhouses are designed and built as permanent indoor-like structures. However, even these building-like greenhouses, almost without exception, use passive-air methods of cooling. Passive air cooling (fan and pad systems, cool walls, or roof vents/ retractable sidewalls) rely exclusively on passing large amounts of air through the structure. The air exchange carries the odors as well. There are odor-mitigation techniques, and business owners may need to be required to put these in place. Indoor cultivations use recirculating cooling techniques, that is why the odor is not as dramatic, and why it is more easily controlled. Pueblo County may want to update and better define the zoning and nature-use of greenhouse. In respect to outdoor and nuisance odors, I think this can still be addressed when, and if, those issue come up within setbacks.

Thanks for all your ongoing work, I have been watching every week and I think you all are doing a great job on finding common ground. Brad, thank you for keeping such an open mind to the industry needs, and thanks to everyone else for helping us to be good neighbors.

Ed Vazquez

**From:****Sent:** Wednesday, July 8, 2020 9:55 AM**To:** planning1 <planning@pueblocounty.us>**Subject:** marijuana working group

I feel there needs to be a strong look into the environmental impact of marijuana outdoor grows on 35 acre parcels. It is extremely easy to use the Mesa area farming of pueblo county to be an assumption of common 35 acres use. However, in much of the Pueblo County rural areas, the land is on small grass praires and those environmental areas are not the same as the irrigated farm land of the Pueblo County Mesa area. If you step back and look at what happened to the effects of dry land farming one will see it did not fair well on the environment.

Rod Smith

**From:****Sent:** Wednesday, July 8, 2020 10:02 AM**To:** planning1 <planning@pueblocounty.us>**Subject:** Distance on Marijuana grows

Last week you were all speaking about distances. Pueblo County Code 5-12.070 C5 gives guidance on neighborhood notification or canvassing for marijuana.

Jim, to clear up your comments on alcohol and marijuana, the smell is one of the differences.

Rod Smith

**From:****Sent:** Wednesday, July 8, 2020 10:33 AM**To:** planning1 <planning@pueblocounty.us>**Subject:** Effects on Rural Roads and Agriculture product

As marijuana has expanded into the rural areas, has there been a look into cost increase into the dirt road upkeep? I think there are several additional cost that come with letting marijuana out door grow expansion into the VERY rural areas of Pueblo County. I would think that there should be a study by roads and grounds into what the cost is to let an outdoor grow into the very Rural areas of Pueblo County, that was once just large cattle ranches. Have we looked into how our neighboring county outdoor grows (Huerfano) effect our very rural area road system?

in addition, there has been comments about marijuana being an agriculture product and those of us living in an A1 area just have to deal with it. Well, that is not exactly true. If there was going to be a hog farm move in beside us in A1 areas, there would be specific regulations regarding that agriculture product to be produced, same as with a commercial feed yard. Marijuana is no different. The smell, late night traffic, lights and environmental effects come with marijuana when it comes to an A1 35 acre plus area. These are issues that the group needs to address.

Rod Smith