



City Council Marijuana Task Force Minutes
Friday, February 19, 2016, 3:00PM
Pikes Peak Conference Room, 2nd Floor, City Hall

In attendance: Brian Anderson, Councilmember Larry Bagley, Lynette Crow-Iverson Jan Doran, John Harding, Dale Hecht, Charles Houghton, Sarah Johnson, Fire Marshal Brett Lacey, Commander Sean Mandel, Tom Scudder, Marc Smith (representing Wynetta Massey), Bret Waters

1.	<p>Welcome & Update from the Chair - Councilmember Larry Bagley</p>	3:00PM
2.	<p>Enforcement Considerations – Fire Marshal Brett Lacey, Commander Sean Mandel</p> <p>Commander Mandel noted that Police Department staff have made contact with a number of other municipalities regarding their regulation of residential grows, and noted that the common denominator is plant count limits. Many jurisdictions have task forces of public safety, utilities, and other staff to investigate grow operations, and some have criminal consequences in their laws, others have zoning mechanisms. Sgt. Vargason and his team are looking at coming up with best enforcement mechanism for our municipality, the research is not complete yet and they don't feel they have the ability to come up with the best proposal at this point.</p> <p>Fire Marshal Lacey noted that a task force of Front Range Fire Marshals has convened to develop a document for industry's use to assist them in knowing what's consistent in terms of enforcement for commercial operations. The document will be published shortly and available. He discussed residential grows, and the occupational safety issues associated with them for firefighters, since they assume it's a typical residential occupancy and may not anticipate the hazards associated with a grow operation. His staff is examining occupancy classifications in the building code and fire code, and noted that in those codes, structures are classified by use, and the question of where to draw a line between a residential occupancy and a factory occupancy, i.e. greenhouses. He clarified that zoning doesn't have anything to do with fire code classifications.</p> <p>He also noted that, as for enforcement, the building code</p>	3:10PM

	<p>only has liens available as ultimate enforcement, so the problem may not get addressed until the property sells. If it's in the fire code, however, we would have some recourse (i.e. injunctive relief) to order things to get fixed immediately. For example, he noted that carbon dioxide (an asphyxiant) is being introduced to grows to aid in photosynthesis. He finally noted that the issue was still under study, and would have to come before Council with a public process.</p> <p>Mr. Harding noted that he would rather have meaningful enforcement laws, even though there might be limited resources for enforcement, rather than a law with no teeth.</p> <p>Mr. Waters noted that the executive branch is continuing to evaluate what other cities are doing. Things are constantly changing, and they're trying to get a bead on that. He expressed his concern about the task force's timelines, and about getting something meaningful to Council in the time allotted. The City needs to have an ordinance relating to enforcement by the end of the moratorium; Mr. Smith noted that he believes the task force can review a proposed ordinance on residential plant counts, including recommendations on enforcement mechanisms, if the next meeting is on March 4.</p>	
3.	<p>Conditional Use and Dispensary Zoning Discussion – Michael Turisk & Ryan Tefertiller, Land Use Review Division</p> <p>Mr. Turisk discussed the conditional use process, which is a way of evaluating whether a land use is something that could be in harmony with zone requirements, even though it might not be a permitted use. Cases are evaluated on their own merit, reviewed by staff, who make a recommendation to City Planning Commission (CPC), who makes the decision. CPC's decision is appealable to City Council. Mr. Waters reiterated a question from the last meeting - can we allow conditional use requests back into commercial zones for grows and MIPS if Council adopts an ordinance placing them into industrial zones as permitted uses? If the conditional use process is used, there's a public notification requirement, a requirement for the applicant to post notice on the site, newspaper publication, a public hearing, and staff can compel one or more neighborhood meetings. This may address the concerns of neighbors.</p> <p>Mr. Houghton asked about what uses are currently allowed in C5 and C6 zones? He noted that moving</p>	3:45PM

	<p>grows & MIPs out of C5 or C6 doesn't make sense, and asserted that they were uses compatible with current permitted uses.</p> <p>Mr. Turisk noted that some communities consider large industrial grows to be more akin to industrial-type pharmaceutical manufacturing.</p> <p>Mr. Waters explained that most of C5 and C6 are public-facing storefronts, and that he doesn't see large grows as compatible with that. Mr. Scudder expressed discomfort with moving away from what we have right now, since we don't know the probability that conditional uses will be approved. The group expressed a need for more information about what's allowed in C5 and C6, and Mr. Scudder wants there to be level playing field for this industry.</p> <p>Ms. Doran pointed out that grows should be likened to pharmaceutical uses; Mr. Houghton objected, noting that commercial greenhouses are allowed, and asked about the definition of pharmaceutical uses.</p> <p>Mr. Waters introduced a discussion about dispensary zoning, asking whether they are dispensaries currently appropriately zoned. Mr. Turisk noted that C5 is a neighborhood use, C6 is a higher-volume commercial use (moderate to intense). He remarked that dispensaries seem comparatively benign as it relates to their appropriateness for C5 zones, but that an argument could be made that they rely on a wider market area to be viable. Mr. Hecht and Mr. Scudder noted that most of their patients come from the local area, and that, absent a compelling need, which they haven't seen, they don't see any need to change, because these businesses are serving their local communities and neighborhoods.</p> <p>Mr. Turisk responded to a question by noting that dispensaries are only allowed to be subordinate/accessory uses to grows, with the percentage of the space depending on the zone (industrial, commercial, etc).</p>	
4.	<p>Caregiver Perspectives – Councilmember Larry Bagley & Industry Representative(s)</p> <p>Mr. Jason Warf of the Southern Colorado Cannabis Council discussed the negative impacts of changes to local regulations. He described the impact on patients, some of whom don't drive and need dispensaries in their neighborhoods. He noted that dispensaries are not violating current uses and are generally benign to the</p>	4:15PM

	neighborhood. Bottom line, he asked the task force not to make it harder for patients to get their medicine.	
5.	<p>Review of Meeting Schedule & Deadlines Eileen Lynch Gonzalez, City Council Administrator</p> <p>The group agreed for the need to bring a schedule of future deadlines to project overhead to the next task force meeting. Tentatively, the group plans to take a report to City Council on March 21, Planning Commission informal meeting on April 14 and CPC regular meeting on April 21, City Council work session May 9, first reading on May 10, second reading on May 24.</p> <p>The group agreed to hold an additional meeting on March 4 from 1-3PM.</p>	4:45PM
6.	Adjourn	5:00PM