



**City Council Marijuana Task Force Minutes**  
**Friday, March 4, 2016, 1:00PM**  
**Pikes Peak Conference Room, 2<sup>nd</sup> 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><b>Welcome &amp; Update from the Chair</b> - Councilmember Larry Bagley</p> <p>Councilmember Bagley thanked Mr. Scudder for hosting him for a tour of a medical marijuana business containing a MIP, grow, and dispensary, and noted that it was very informative.</p>	<b>1:00PM</b>
2.	<p><b>Zoning for Licensed Marijuana Grows (Optional Premises Cultivation) &amp; Medical Marijuana-Infused Products Manufacturers (MIPs)</b> – Peter Wysocki, Director, Planning and Development</p> <p>The task force considered three options regarding possible zoning limitations for these business types, based on previous task force discussions: (1) leave them as is (no restrictions other than not in residential zones); (2) limit them to industrial (M1 &amp; M2) zones; or (3) limit to industrial (M1 &amp; M2) zones, but allow conditional use applications into commercial (C5 &amp; C6) zones.</p> <p>Mr. Wysocki introduced the land use perspective on this issue. He noted that, in staff’s opinion, the most appropriate zoning for commercial grows and MIP facilities is industrial zones as a permitted use. Staff believes these businesses are best classified as “crop production” in city code, and distributed the definition, rather than “commercial greenhouses.”</p> <p>Mr. Wysocki went on to discuss MIPS, and noted that staff believes those are best classified as Heavy Industry uses, and distributed the code definition. He noted in particular the “noticeable odor” part of the definition, and described their evaluation of bakery and specialty food sales uses as intended for food sales on site. Any business that is mass producing food for sales off site is defined as heavy industry. Mr. Houghton objected strongly, noting that he believes that</p>	<b>1:05PM</b>

	<p>commercial grows are commercial greenhouse, not crop production, and that different types of MIPS (hazardous and non-hazardous) could be differentiated.</p> <p>The group discussed the conditional use process, including public hearing provisions, and redevelopment or revitalization aspects of uses that are open to the general public. Mr. Hecht expressed concern about criteria for approval of conditional use permits, which is to a certain extent on a case-by-case basis. Mr. Scudder asked about membership on the Planning Commission, including the appointing body, their terms, and their level of independence. Mr. Houghton pointed out that Colorado Springs was recently named the #5 city to live in, even with six years of dispensaries being regulated as they are, and that no City has more dispensaries except Denver, which was ranked #1.</p> <p>Mr. Scudder noted that there are a great many possible other options than the three that have been presented and that possibly zoning for grows could be more restrictive than that for MIPS.</p> <p>Mr. Houghton proposed a fourth option, permitting licensed marijuana grows (Optional Premises Cultivation) in M1 and M2 zones, with, all other zones (C5, C6, FBZ, OC, OR, PBC, PIP1, and PIP2) as a conditional use. The fourth option, as proposed by Mr. Houghton, was endorsed unanimously by the task force.</p> <p>Mr. Houghton went on to discuss MIPS, differentiating two types of such businesses. One type is, for example, a bakery, which is a low-impact business with no hazardous processes involved. The other type is a heavier industrial use, utilizing hazardous chemicals and/or processes. He suggested that it might make sense to come up with new definitions to accommodate this distinction, and the group agreed to table this discussion for MIPS until another meeting on March 14 to allow staff to research and discuss.</p>	
3.	<p><b>Enforcement of restrictions on marijuana growing operations in residential zones</b> – Fire Marshal Brett Lacey</p> <p>Mr. Smith of the City Attorney’s Office summarized changes to the draft ordinance amending City Code section 7.3.105 from the previous draft, and noted that he would clarify that the six plant limit per person for recreational use still applies. Michael Curran, chief prosecutor, answered questions relating to the City’s general penalty, noting that it could include up to 189 days in jail, \$2,500, or probation, depending on judge. Mr. Harding asked what happens when the police discover plants</p>	1:35PM

	<p>in excess of twelve in residential areas, and Mr. Curran noted that it depends on the specifics of the case. Commander Mandel noted that removal of excess plants might be an option, but that the Police Department would need advice from City Attorney’s Office on specific cases. He noted that the vast majority of the cases that are causing trouble would be addressed by this proposed ordinance.</p> <p>Councilmember Bagley brought up the option of limiting to six plants in residential areas versus twelve, but after discussion the task force did not express interest in making this change.</p> <p>Mr. Scudder noted that he was concerned about this proposal on the medical side of the business, and would caution Council about introducing criminal penalties, which might leads the City “back down the road to prohibition.” His recommendation would not include criminal penalties, and would include an explicit statement that law enforcement has the right to cut plants down if they’re found in excess of the limit. Mr. Houghton cautioned the group that destroying plants might not be legal.</p> <p>Fire Marshal Lacey proposed an Annex to the Fire Code containing guidelines for growing “indoor flora” in more than 150 square feet in residences as a way to introduce controls on mold, electrical, and other hazardous conditions arising from any large indoor cultivation in a residence, noting that it does not apply solely to marijuana. He noted that the Regional Building Commission had not yet vetted the issue, and was scheduled to review it in the next week.</p> <p>The task force unanimously recommended the proposed changes to City Code section 7.3.105 relating to plant count limits, section 9.7.210 relating to criminal penalties, and the proposed annex to the Fire Code indoor flora, pending further review by the Regional Building Commission.</p>	
4.	<p><b>Continuation of Issues before the Task Force – Bret Waters, Deputy Chief of Staff</b></p> <p>This discussion was postponed to added meeting on March 14.</p>	<b>2:05PM</b>
5.	<p><b>City Clerk’s recommendations re: licensing ordinances – City Clerk Sarah Johnson</b></p> <p>Lee McRae of the City Clerk’s Office discussed the proposed changes in the provided handout. He noted that the changes would streamline the disciplinary process for licensees; include new elements as unlawful acts, including hours of</p>	<b>2:20PM</b>

	<p>operation; clarify product mixes similar to state code for recreational marijuana operations; put odor violations into the licensing code; and include references to building and fire code compliance. Mr. Houghton recommended some clarity about cannabis vs. hemp product restrictions.</p> <p>The group postponed the vote on this issue until the March 14 meeting.</p>	
6.	<p><b>Review of Meeting Schedule &amp; Deadlines</b> Eileen Lynch Gonzalez, City Council Administrator</p> <p>Ms. Gonzalez described the tight timeframes for the changes, provided that the moratorium ends in May.</p>	<b>2:30PM</b>
7.	<b>Adjourn</b>	<b>3:00PM</b>

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