



**City Council Marijuana Task Force
 Friday, February 12, 2016, 10:00AM
 Pikes Peak Conference Room, 2nd Floor, City Hall**

1.	Welcome from the Chair Councilmember Larry Bagley	10:00AM
2.	Approval of meeting minutes Eileen Lynch Gonzalez, City Council Administrator	10:10AM
3.	Introduction of draft ordinances City Attorney's Office & Planning Department Staff <ul style="list-style-type: none"> • Plant count limit – discussion & vote • 1000' buffer – discussion & vote • Zoning restrictions to commercial and industrial zones – discussion & direction to staff 	10:15AM
4.	Enforcement considerations City Staff	11:00AM
5.	Review of Meeting Schedule & Deadlines Eileen Lynch Gonzalez, City Council Administrator	11:30AM
6.	Questions & Comments	11:45PM
7.	Adjourn	12:00PM



City Council Marijuana Task Force - Minutes
Thursday, December 3, 2015, 10:00AM
Pikes Peak Conference Room, 2nd Floor, City Hall

1.	<p>Welcome from the Chair Councilmember Larry Bagley</p> <p>Councilmember Bagley welcomed the group and noted that Council relies on input from volunteer citizens to help it understand our communities priorities on important issues. He went on to say that the marijuana industry, both medical and recreational, is a relatively new one, and as time passes, we're hearing about problems emerging as new business models and strategies develop. Those problems have to do with locations of marijuana businesses (which the City can regulate under its land use and zoning codes), licensing requirements (which the City can regulate under its business licensing powers).</p> <p>The moratorium will permit the City to study the impacts of new types of marijuana-related land uses and determine whether additional land use, zoning, or other regulations are necessary to protect and preserve the public health, safety and welfare.</p>	10:00AM
2.	<p>Introductions & Housekeeping Eileen Lynch Gonzalez, City Council Administrator</p> <p>Ms. Gonzalez introduced herself and invited the citizen members to provide information on their backgrounds and any specific concerns they have.</p> <p>She noted that staff are developing a web page to collect relevant documents, including agendas and minutes and reference material, as well as an email address that's specific to the task force.</p> <p>Ms. Gonzalez explained that City Council imposed a six-month moratorium on the City's processing of land use or licensing reviews or approvals for any new medical marijuana facility. It began November 26, 2015 and goes through May 26, 2016, and will not be extended.</p> <p>Existing locations continue to operate with current licensing regulations; if Council adopts new ordinances or regulations, they will apply to new facilities.</p>	10:10AM

3.	<p>Issue Background and Task Force Charge</p> <p>Councilmember Bagley provided information on the task force's charge, Council's concerns, and his hopes for the task force's work.</p>	10:25AM
4.	<p>Current Regulatory Environment Sarah Johnson, City Clerk</p> <p>Lee McRae, License Enforcement Officer with the City Clerk's Office, provided an overview of the City's role in licensing medical marijuana businesses in the City, and answered questions.</p>	10:40AM
5.	<p>Public Safety and Neighborhood Concerns Commander Sean Mandel, Fire Marshal Brett Lacey, Brian Anderson, Colorado Springs Utilities</p> <p>Sgt. Vargason outlined the process of investigating a suspected marijuana grow, including utilities issues. He discussed plant counts and the challenges law enforcement faces when addressing citizen complaints relating to marijuana grows, including odor, and their concerns regarding the City's ability to enforce zoning requirements.</p> <p>Sgt. Vargason noted that Boulder, Aurora and Denver are on the cutting edge of marijuana regulation in Colorado.</p> <p>Commander Mandel discussed the link between home grows and illegal distribution, and said there needs to be enforcement available to the PD on the plant count.</p> <p>Jan Doran asked about possible fire dangers resulting from for unpermitted electrical, which Fire Marshal Lacey will address in a future meeting.</p>	10:55AM
6.	<p>Orientation to Marijuana-Related Land Use Issues Peter Wysocki, Planning Director</p> <p>Ryan Tefertiller of the Planning Department provided a high-level overview of the City's land use provisions relating to marijuana businesses in general, with an emphasis on the overall context of the City's role in regulating zoning and land use for the protection of public health, safety and welfare. Addressed odor enforcement on licensed grows, noting that most complaints arise from caregivers grows in residential areas.</p> <p>Fire Marshal Lacey has some concerns about MIPS and their locations.</p>	11:10AM

7.	<p>Meeting Schedule & Deadlines Eileen Lynch Gonzalez, City Council Administrator</p> <p>Ms. Gonzalez noted that the Task Force’s report is due to City Council within 120 days. Since task force was appointed on November 24, 2015, the report is due to Council on March 23, 2016, which would allow the group to target presentation of the report to Council at its March 21, 2016 work session.</p> <p>Due to the short timeline, the report will consist of proposed new or amended ordinances and/or regulations and a presentation on the group’s recommendations to Council rather than a comprehensive written report.</p> <p>The group agreed to four meetings on Fridays – January 8 and 22 and February 12 and 26, with additional meetings as needed.</p>	11:25AM
8.	Questions & Comments	11:40PM
9.	Adjourn	12:00PM



City Council Marijuana Task Force - Minutes
Friday, January 8, 2016, 10:00AM
Pikes Peak Conference Room, 2nd Floor, City Hall

Attendance – Lynette Crow-Iverson, John Harding, Brian Anderson, Councilmember Larry Bagley, Sean Mandel, Charles Houghton, Sarah Johnson, Dale Hecht, Fire Marshal Brett Lacey, Bret Waters

Absent – Jan Doran, Wynetta Massey

1.	<p>Welcome & Update from the Chair Councilmember Larry Bagley welcomed the group, and members of the task force introduced themselves.</p>	10:00AM
2.	<p>Adoption of Minutes of December 3, 2015 Eileen noted that the minutes were not distributed in advance, and that she will send them out for comment.</p>	10:10AM
3.	<p>Discussion of Residential Grow Issues – Sergeant Roger Vargason, Detective Adam Hughes, CSPD</p> <p>Sgt. Vargason presented information relating to residential marijuana grows in the City. He noted that affected homes are evenly distributed across the city, not concentrated in particular neighborhoods. He described various problems associated with marijuana grows in residences.</p> <p>The group discussed various electrical, ventilation, and hazardous materials impacts of large grows in residential settings. Mr. Wysocki asked some questions relating to enforcement provisions needed by the Police Department to enforce plant count limits, and discussion of enforcement challenges ensued. Mr. Houghton noted that there are, in fact, some residences within the city that are located in commercial zones.</p> <p>The group noted that the industry is dynamic and creative, and that limitations on one aspect of the business would merely cause operators to find other ways to expand, and that maybe a combination of lights/plant count/square footage would have to be implemented to achieve control.</p> <p>Mr. Scudder suggested that the group consider a policy that encourages people to go into a commercial space for</p>	10:15AM

	<p>large grows, and that he thinks the twelve plant limit violates the spirit of the constitution for caregivers. He noted that Denver allows 12 in a house, or 36 in a commercial space, under a different licensing model.</p>	
4.	<p>Introduction to Zoning – Peter Wysocki, Director, Planning & Development</p> <p>Mr. Wysocki described the basic concept of zoning, which is to group like uses together, i.e. commercial, industrial, residential.</p> <p>The group discussed whether any of the task force’s decisions limiting businesses to certain zones would limit the location options of caregivers – would they be able to find a property to do their grow? There’s a limited amount of space whose owners will allow a mj business.</p>	11:00AM
5.	<p>Review of Meeting Schedule & Deadlines – Eileen Lynch Gonzalez, City Council Administrator</p> <p>Ms. Gonzalez introduced the task force’s website, and confirmed that the next meeting would take place on Friday, January 22.</p> <p>Next agenda – caregiver input on plant limits, dispensaries.</p>	11:25AM
6.	<p>Questions & Comments – Task Force Members</p>	11:40PM
7.	<p>Adjourn</p>	12:00PM



**City Council Marijuana Task Force
 Friday, January 22, 2016, 10:00AM
 Pikes Peak Conference Room, 2nd Floor, City Hall**

Attendance – Lynette Crow-Iverson, Jan Doran, John Harding, Councilmember Larry Bagley, Sean Mandel, Charles Houghton, Sarah Johnson, Dale Hecht, Fire Marshal Brett Lacey, Bret Waters

Absent – Wynetta Massey, Brian Anderson

1.	<p>Welcome from the Chair Councilmember Larry Bagley</p>	10:00AM
2.	<p>Approval of Meeting Minutes Eileen Lynch Gonzalez, City Council Administrator</p> <p>There were no meeting minutes to discuss; this item will be continued to the next meeting.</p>	10:10AM
3.	<p>Medical Marijuana Caregiver/Patient Input and Task Force Q&A Jason Warf & Bill Fodge, Southern Colorado Cannabis Council</p> <p>Mr. Warf introduced himself and his organization, the first marijuana industry group in Southern Colorado, they represent dispensary owners & caregivers. He described the need for caregivers, who care for the sickest of the sick, for elevated plant counts and noted that every dispensary owner is a caregiver. He described his organization’s opposition to caregiver legislation at the state level last year, especially the plant count provisions, and noted that caregivers were reluctant to testify in public out of fear of retribution.</p> <p>Jan Doran asked if there is there legislation pending at the state level, and Mr. Warf stated that there is not currently.</p> <p>John Harding asked whether there is tracking about where the medicine goes. Mr. Warf noted that, no, it’s essentially unenforceable unless we want to allow law enforcement carte blanche to enter people’s homes. Law enforcement would need some sort of warrant.</p>	10:15AM

Ms. Johnson asked Mr. Warf to expand on the caregiver registration he mentioned. He described that caregivers must register through the state Health Department, including plant count and location of your grow, and noted that the city could do that, as well. Ms. Johnson asked whether caregivers would be open to that. Mr. Warf noted that there's a "vibe" right now that caregivers are being over-regulated, so there would be some pushback, but he felt that he could persuade them.

Mr. Harding asked why they are overregulated? Mr. Warf noted that they feel Amendment 20 is "self-regulating," and that, overall, they have not heard of any problems. Mr. Harding stated that he doesn't understand how you can say that. Mr. Warf stated that the media does a good job of "blowing up" stories of someone taking an edible across state lines. Believes that the problem of fake caregivers is a myth, blown out of proportion. Ms. Gonzalez asked why there was such a disconnect? Mr. Warf stated that he feels like there's enough in statute for law enforcement to take action against people who aren't on the level.

Mr. Houghton stated that we have heard from citizens and law enforcement that there are some people who are using the caregiver model as a front for illegal activities, and asked Mr. Warf what help can the Council give us to address their concerns? The response: Local registration would be a simple solution.

Mr. Warf noted that it's virtually impossible to represent all caregivers, no one organization represents a large percentage of them.

Mr. Waters noted that the task force had received a presentation at the last meeting including concerns about the impact of industrial grows in residential areas, and asked for Mr. Warf's thoughts. He noted that landlords and HOAs have a right to restrict activity in residential areas. Restricting plant counts is risky, since caselaw says the only person who can set a limit is your physician, and that the perceived fear of fire, etc. is not evidence that there's a real public safety risk. Restricting large grows from residential areas is not defensible unless there's clear evidence of danger to public safety, and growing is safe at a couple hundred of plants. He believes that the claims of danger/damage are exaggerated.

4.

Dispensary Staff Recommendations & Task Force Discussion

10:45AM

	<p>Commander Sean Mandel, Fire Marshal Brett Lacey, City Clerk Sarah Johnson</p> <ul style="list-style-type: none"> • Distance/Separation – 1000’ separation from schools, residential childcares; method of measurement same as the state. Drug free school zone act federal requires 1000’, which is where that number comes from. • The ground discussed legal nonconforming uses, amortization, and how land uses might convey with property. • Advertising – Marc Smith of the City Attorney’s Office noted that as of now the only regulations the City has is that it be compliant with state law and the municipal sign code. In 2016 we’ll be looking at the city’s sign code, want to make sure we’re compliant with recent court cases. Ms. Johnson noted that they have received some feedback from industry that they could use some clarity. • Hours of Operation – Ms. Johnson noted that they would propose some clarifying language that drive-up windows are not allowed, as well as some language that reflects the previous 8AM-7PM operating hours rather than current 8AM – midnight that the state allows. • Product Offerings – Staff noted that they would propose prohibiting other non-medical products from dispensaries, incorporating state provisions into city code, allowing mmj accessory products in dispensaries. Mr. Houghton expressed some concerns about these limitations. • Gas and Grass model – Staff noted that there were not aware how one would prohibit this model, Mr. Waters said staff would look into it and bring a recommendation, but don’t really know what we can do with that. <p>Mr. Scudder asked for some time to be able to discuss with dispensaries and bring their feedback to the task force.</p>	
5.	<p>Review of Meeting Schedule & Deadlines Eileen Lynch Gonzalez, City Council Administrator</p> <p>The group discussed the possibility of adding meeting on February 19th from 3-5PM if it’s needed.</p>	11:30AM
6.	<p>Questions & Comments</p>	11:45PM
7.	<p>Adjourn</p>	12:00PM

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 105 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES) OF PART 1 (RESIDENTIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL MARIJUANA EXCEPTIONS - PATIENT OR PRIMARY CAREGIVER

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 105 (Additional Standards for Specific Land Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES:

* * *

P. ~~Medical Personal Cultivation of Marijuana Exception—Patient Or Primary Caregiver:~~ A patient who is in possession of a Colorado State issued registry identification card may grow a maximum of six (6) plants and possess medical marijuana for their medical use only in accord with Colorado Constitution article XVIII, section 14. A person designated as the primary caregiver for no more than five (5) patients may grow and possess a maximum of six (6) medical marijuana plants per patient for their patients' medical use in accord with Colorado Constitution article XVIII, section 14. **Pursuant to Colorado Constitution article XVIII, sections 14 and 16, patients, caregivers, and persons over twenty-one (21) years of age may lawfully grow a limited amount of marijuana. No more than twelve (12) marijuana plants, with ½ or fewer being mature, flowering plants can be grown in a single residential unit or accessory structure, regardless of the**

number patients, caregivers, or persons over twenty-one (21) years of age, or any combination thereof, that reside in the residential unit. These activities are allowed as accessory uses in all residential zone districts or residential units so long as:

1. No ~~medical~~ marijuana is dispensed, except to registered patients **pursuant to Colorado Constitution article XVIII, section 14;**
2. No ~~medical~~ marijuana infused products are manufactured or sold;
3. No ~~medical~~ marijuana is cultivated outdoors;
4. No signs regarding medical marijuana are displayed;
5. No more than one **(1) caregiver** ~~per~~ **resides in the** dwelling unit ~~is permitted~~¹;
6. **A ventilation and filtration system that ensures odors from the cultivation activities are not detectible outside of the residential unit and prevent mold and moisture from accumulating within the dwelling unit; and**
7. **Marijuana plants are grown in an enclosed and locked space.**

~~Footnote 1: See Colo. Const. art. XVIII, §1 for definitions of "medical use", "patient", "primary caregiver" and "registry identification card".~~

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____
Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL MARIJUANA CENTERS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

* * *

L. * * *

5. A medical marijuana center (MCC) shall be located no less than ~~four hundred feet (400')~~ **one thousand feet (1,000')** from any public or private elementary, middle, junior high or high school, or a residential childcare facility or a drug or alcohol treatment facility. This minimum distance shall be measured from the nearest portion of the building used for the medical marijuana center to the nearest property line of the school, residential childcare facility or drug or alcohol treatment facility using a route of direct pedestrian access.

* * *

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____
Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

DRAFT

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL MARIJUANA CENTERS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

* * *

L. * * *

5. A medical marijuana center (MCC) shall be located no less than ~~four hundred feet (400')~~ **one thousand feet (1,000')** from any public or private elementary, middle, junior high or high school, or a residential childcare facility, ~~or~~ a drug or alcohol treatment facility **or any residentially used or zoned property**. This minimum distance shall be measured from the nearest portion of the building used for the medical marijuana center to the nearest property line of the school, residential childcare facility or drug or alcohol treatment facility using a route of direct pedestrian access.

* * *

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

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Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____
Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk

DRAFT