



REGULAR PLANNING COMMISSION MEETING MINUTES

Tuesday, November 27, 2012

Chair Ned Bascom called the Regular Planning Meeting to order at 7:00 p.m.

MEMBERS PRESENT AT ROLL CALL:

ROLL CALL: Bascom, Rogers, Plum, Pettinger, Elliott, Clifton, Rossilli and Caldwell

Commissioner Rogers moved to EXCUSE Commissioner Mead from the meeting. Commissioner Pettinger seconded the motion. The motion CARRIED with the following vote:

ROLL CALL: Yes- Bascom, Rogers, Plum, Pettinger, Elliott, Clifton and Rossilli

Commissioner Clifton will be voting member.

OTHERS PRESENT:

Assistant City Manager Matt Sturgeon, Planner Nathan Lindquist, Assistant City Attorney Jeff Conklin, Administrative Assistant Charlotte Squires, City Television Station Jim Bell, Michael Churchill, Mark Sills, Frank & Catherine Podest, Daniel Griffin, Douglas Burgmann, Kevin Whelan, Debby Ellsworth, Riley Ellsworth, Anna Ellsworth, Charles Ellsworth.

APPROVAL OF OCTOBER 30, 2012 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Rogers moved to APPROVE October 30, 2012 Planning Commission Meeting & Board of Adjustment Minutes. Commissioner Plum seconded the motion. The motion CARRIED with the following vote:

ROLL CALL: YES- Bascom, Rogers, Pettinger, Plum, Rossilli, Elliott and Clifton

CONDITIONAL USE PERMIT 2012-7 LOT 7 McLEARNS ORCHARDS

The Chair called up the applicant(s) Mark Sills, Daniel Griffin, Frank & Catherine Podest

The Chair verified public notice requirements had been met.

Purpose: The applicant requests approval of a Conditional Use Permit for a Medical Marijuana Cultivation (MMC) Operation.

Staff Report: The applicant requests that the Conditional Use Permit be approved for McLearn Orchard Lands Lot 7, located on 10th Street South. The property is zoned Light Industrial. There are four metal buildings on Lot 7. The current proposal is for the operation to occur in one building.

RECOMMENDATION

Staff recommends that Planning Commission APPROVE Conditional Use Permit 2012-7 subject to the following conditions:

1. (a) The Conditional Use Permit is valid for the entirety of McLearn Orchards Lands Lot 7 and is not valid on any other property. Business license alterations that are permissible under state and local regulations may be approved by the City Manager without amendment to this Conditional Use Permit; (*this option was not chosen*)

OR

(b) The Conditional Use Permit is valid for one building on McLearn Orchard Lands Lot 7. Expansions of the operation into more than one building on Lot 7 may not occur without amendment to this Conditional Use Permit; (*this option was chosen*)

2. The Conditional Use Permit shall only be valid in conjunction with a Medical Marijuana Cultivation Operation license awarded by the City Manager.
3. No improvements for this operation shall occur within the building until a license is granted by the City Manager. If a license is not awarded within 1-year of approval by the P&Z, the permit shall become null and void;
4. The Conditional Use Permit shall become null and void if the grow operation is discontinued for 12 consecutive months;
5. The Conditional Use Permit shall only allow planting and harvesting of marijuana intended for medical marijuana dispensaries; growing for retail use outside of the medical marijuana statutes is not permitted regardless of how Amendment 64 is interpreted and implemented unless expressly allowed by City Council through amendment to the Rifle Municipal Code;
6. Failure to comply with any and all licenses required by the City of Rifle and/or the State of Colorado for the purpose of growing medical marijuana shall result in this Conditional Use Permit becoming null and void upon revocation of said licenses.
7. The production of marijuana infused products on the premises of Lot 7 is not approved by this Conditional Use Permit. Only cultivation may occur on site.

Public Comments:

Mr. Sills explained Kevin Whalen, Fire Marshall for the Rifle Area, went to a site where they are growing marijuana and he might be able add what he thought, regarding the smell of the facility.

Mr. Whalen replied he did take a tour of the existing facility in Silt, walked through the site and discussed the growing operation and he did not notice smells on the outside of the building.

Staff replied they contacted the Fire Department and Police Department to see if they wanted to add any comments to the conditional use permit. The departments said they will be able to handle it at the license step if applicant gets to that point.

Commissioners Questions and Comments:

Commissioner Elliott commented that relocating a business in the area where a Medical Marijuana Cultivation Operation is or was will be difficult, due to reputation. There are businesses in the area that have to be in a drug free environment and if they leave due to the Cultivation Operation it could be detrimental to the area. If Marijuana becomes legal does the medical card go away? Suggested to table the application to give some time to see what the state is going to do, on this matter

Commissioner Clifton asked if all we are doing right now is approving the land use? If the CUP is approved then the request goes to the City Clerk and that is when the conditions are applied based on the City Ordinance related to security and verifying all that is in place; so all that is nothing we are dealing with here?

Staff replied that is correct.

Commissioner Rogers asked the applicant to explain the operation in Denver. What is the security system?

Mr. Griffin explained in Denver it is a medical marijuana infused products kitchen. The grow operation which is what we are asking to do here supplies the raw material. The raw material then goes to Denver and is converted into oil which is then converted into eatables that are for sale. The security system has very specific requirements by the state medical marijuana enforcement division.

Mr. Podest explained there are cameras set up and every room is video taped;, there are outdoor cameras on all the doors, entrances and it is run through a DVR that is secured and the DVR is connected to a backbone that goes to Denver or Grand Junction where they can record that information too. We have intrusion alarms, and motion detectors so when we are not there in the evening if anyone enters the facility the alarms would go off and call Acme Alarm Company and the police and we would get a call. We have never had an issue with the growing facility in New Castle. We keep everything discreet, the building is not marked and there is no indication on what is going on inside.

Ms. Podest explained we all have to wear a badge; we have had our background checks with the Rifle Police Department. Every door has to be locked at all times.

Commissioner Rogers asked has there been any beefed up police patrol, would there be a necessity for increased security staff?

Mr. Podest explained Garfield County periodically drives through New Castle parking lot, but other than that no. They are welcome to come and go anytime they please. There is no extra security because of the grow operations.

Commissioner Rogers replied that it was mentioned it was all shipped out. Curious about waste, disposal and storage, is there anything outside the building that would be taken to a waste area.

Mr. Podest explained the root ball is composted and reused, everything is used and there is no waste. We don't want any indication that we are growing marijuana there. We want it to be as low profile as possible. We are not going to advertise the Medical Marijuana Cultivation Operation, we want the cultivation operation to blended in with the neighborhood. We don't want peeping eyes and people snooping around. There will be no signs on the building.

Staff explained the municipal code does not allow for signage on these operations.

Mr. Sills explained that not all marijuana is shipped to Denver but seventy (70) percent has to be grown for the local store, so there is a need for the facility.

Commissioner Pettinger asked which building on Lot 7 will be used, and would it be visible from the street. How big are the exhaust fans that will be setting on the building?

Mr. Sills explained it would be the second (2nd) building from the north end of the property. It will not be that visible from the street.

Chair replied public notice was met; the other business owners in the area had plenty of notice of what was going on. As you can see there is no one from the surrounding area here at the meeting speaking up with concerns. There are a lot of different uses out on Airport Road and he does not see it out of character.

Closing Comments:

Mr. Sills asked Staff if someone wanted to grow medical marijuana for their store they have to do it in a area like this, correct? They can't do it at their store where they sell it right now. They have to have a place to grow it, so it is important we give them a place and might as well have it in the City of Rifle where we are getting some of the income rather than somewhere else.

Commissioner Rossilli commented there are a couple of things we consider, is the compatibility of the proposal with the character of the surrounding area. Struggling with the whole idea of surrounding area, in small town like Rifle. Not looking at just a couple of businesses or not just what is on Airport Road, it is the character of the community that I wrestle with in making this decision. Believe there was a complaint regarding an asphalt batch plant east on Airport Road. If there was a concern about the batch plant with the kind of businesses and things Rifle is trying to attract in the area, to have a marijuana growing facility, this will affect the attraction for new business. When people talk about impact they are usually talking about financial impact. There are other kinds of impact that might not be qualified in terms of the perception of a community and how people view their community. What do we mean by negative impacting; are we just talking about finances, are we talking about proposed use of the value of the property and the buildings within the surrounding area. Again what does surrounding area mean? With the way things are I think that could affect property values and businesses doing business in Rifle.

Commissioner Rogers explained she was at the City Council meeting regarding the asphalt plant and it was not regarding landuse but personal issue, with another individual.

Motion Made:

Commissioner Rogers moved to **APPROVE** Conditional Use Permit 2012- 7 Lot 7 Mclearns Orchards, with Staff's recommendation 1(b) and recommendations 2-7. *Commissioner Plum* seconded the motion. The motion **CARRIED** with the following vote:

ROLL CALL: YES- Bascom, Rogers, Plum, and Clifton NO- Pettinger, Rossilli and Elliott
DECEMBER MEETING – cancelled by unanimous vote

MEMBER COMMENT AND ADJOURNMENT

Chair Bascom adjourned the meeting at 7:45 p.m.

Ned Bascom, Chairman

Date

SIGNED COPY ON FILE

Charlotte Squires, Planning Technician

Date