

MINUTES

ATTACHMENT: KEN CHARLES SUMMARY OF THE AUGUST 4th TRUSTEE AND PLANNING COMMISSION

DOLORS COLORADO

PLANNING AND ZONING COMMITTEE/DOLORS TOWN BOARD

AUGUST 4TH, 2020 6:30 P.M.

DUE TO THE COVID-19 PANDEMIC, THIS MEETING WAS HELD VIRTUALLY AND RECORDED

1. CALL TO ORDER: Commissioner Robinson called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST: Commissioner Robinson called for any conflicts of interest. None stated or given.

4. APPROVAL OF THE AGENDA: Commissioner Robinson asked for a motion to approve the Agenda. Commissioner Truelsen moved to approve the Agenda, seconded by Commissioner Robinson. Motion carried unanimously.

5. ROLL CALL: Members of the Planning and Zoning Board present: Commissioners: Robinson, Truelsen, Heeney, and Ex-officios Trustee Andy Lewis and Trustee Melissa Watters. Commissioner Tucker arrived later, and Commissioner Garlick was absent. The Board Trustees present were: Trustees, Jen Stark, Melissa Watters, Tracy Murphy, Andy Lewis, Sheila Wheeler and Duvall "Val" Truelsen. Mayor Chad Wheelus was absent.

5.1 Staff Members Present: Manager Interim Ken Charles, Building Official David Douady, and Town Clerk Tammy Neely, Attorney Jon Kelly, and Elizabeth Garvin of Community Recode.

6 TOWN BOARD AND PLANNING & ZONING COLLABORATION:

6.1 Marijuana Code and Licensing: Manager Ken Charles gave the Board and Commissions a short description for the topic. He presented the format for the meeting to address the future Marijuana Licensing regulation. Manager Charles presented the proposed Schedule for Adopting Marijuana

Regulations, including the deadline dates for the public review and public hearing of the final ordinance. The target deadline for adoption is November 9, 2020. The regulation must be ready and enforceable by January 4th 2021. Key decision points were itemized as well as the staff recommendations. The staff recommendations for placement of Marijuana Facilities in Town are as follows:

- a. Local occupancies of concern; which are: Schools, daycares and playgrounds. The staff recommends; 1000 feet separation from schools with greater than 100 students, 500 feet from daycares and schools with less than 100 students and the school district building, 250 feet from the Playground in Joe Rowell Park
- b. Number of facilities recommended: 2 combined Retail/medical, 2 cultivation facilities, and 1 testing facility. Encourage applicants to combine the three types of licenses on one establishment.
- c. Zones where facilities will be allowed are; CB1 and CB2 (Community business district) and CH (Commercial Highway). The Manufacturing facilities will be allowed in Light Industrial zone and will be included the land use code for future permitted uses as there is currently no industrial zone in Town limits.

The Land Use Code sections relating to Marijuana regulation will be adopted in the same time period as the Marijuana Regulation. The next P&Z meeting will be a work shop on the 18th of August. The Commission will be developing standards to recommend to the board for Marijuana facilities concerning site development, screening, lighting, parking and signage.

The town is on a time line for public review of the Marijuana regulation Ordinance and the zoning regulations for marijuana facilities beginning in September, a first reading of the ordinance(s) in October and finalizing by November. In December the town board will be approving the forms and procedures for licensing, inspecting and taxing marijuana facilities. In January the town should be able to receive and process applications for marijuana facilities. If the Town cannot complete the adoption process then the board has an option of extending the moratorium for a defined period of time. Town staff would like to see decisions made on regulations and hearings held in this time frame so that the town will be ready for applications in January.

Subject: NUMBER of Marijuana establishments:

Staff Recommendations:

2 Retail/medical establishments,
2 cultivation establishments

1 testing establishment

P & Z / Board member Comments:

Melissa Watters says to establish restrictive regulations to begin with and allow re-evaluation in the future. Mark Tucker is in favor of creating restrictions that are more stringent and allowing the regulations to be amended as needed.

Jenn Stark asked for clarification on the zones where Marijuana will exist. Elizabeth Garvin explained the transition in the new code of Commercial Highway and Community Business zones to Mixed Use Zones where commercial use is principal and residential use is subordinate. (Note: the commercial areas in Dolores are adjacent properties in the center of town and along the Highway.)

Dan Heeney feels that the restrictions on number of establishments should be equal to what liquor stores have. Currently the town does not have a limit on the number of liquor stores but there are recent distance requirements between establishments by the state.

Sheila Wheeler favors 2 but no more than 4 establishments.

Tracy Murphy is interested in setting a limit on total number of establishments.

Ken Charles asked for a show of hands for limits on number of establishments where all but one of the attending members of the Commission and the Board voted for "some limit".

Subject: DISTANCES from Occupancies of Concern:

Attorney Jon Kelly presented the distance from the identified occupancies of concern. Those are Schools, places of worship, playgrounds and day care facilities. The state requires separation from schools only and recommends but does not require separation distances from day cares, playgrounds, places of worship and other marijuana stores. Many communities do have separation distances for these occupancies in their regulations.

Staff Recommendations:

The staff recommends the main campus and schools with greater than 100 students have a separation of 1000 feet.

Schools with fewer than 100 students and auxiliary school premises have a 500 foot separation.

The Day care facility have a 500 foot separation.

The playground at Joe Rowell Park have a 250 foot separation.

P & Z / Board member Comments:

Linda Robinson asked for clarification on the elements in relation to the distance requirement maps. She is concerned that the arbitrary appearance of the map may not meld with the town characteristics. She asked how the town determines what the locations and the distances should be. Tracy Murphy says these are the standards and occupancies of concern the state prefer that local authority uses

Linda Robinson observed that the map showing the separation by colored circle shows some properties being on either side of the distance regulation. David Doudy explained the state guidance on the distance is from the front door of a marijuana establishment to the property boundary corners of the occupancy of concern. Looking specifically at the day care center on 5th street, the 500 foot distance extends to the middle of the commercial property on Railroad Ave. Following state guidance that property would not be eligible for an establishment. The town has discretion on this type of day care center because the state does not address these types in the statute.

The Planning Commission all agreed with the staff recommendations on separation distances except for the day care. With much dialog about the security measures of dispensaries and the close supervision of youths at the day care establishment the consensus was to shrink the separation distance requirement from the one day care in Dolores to less than 500 feet. Elizabeth Garvin recommends adding language to the ordinance that prevents waivers or variances from the established separation distances. All agreed with thumbs up sign.

Local option discussion:

Ken Charles will set the item for local option to another meeting agenda and began the discussion on the item of setting standards in the land use code for Parking, Lighting, Screening and Signage that will be adopted in the same time line as marijuana regulations.

Elizabeth has the parking loading and access draft ready and will prepare lighting and landscaping for the August 18th P & Z Workshop.

The meeting was adjourned at 8:27 p.m.