



# Land Use

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**BOULDER COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**June 28, 2016 – 3:15 P.M.  
Hearing Room, Third Floor  
Boulder County Courthouse**

## **PUBLIC HEARING**

### **Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 to address the cultivation and processing of marijuana as a Residential Accessory Use**

**STAFF PLANNER:** Bryan Harding, Senior Planner

#### **BACKGROUND:**

The state of Colorado's legalization of marijuana has presented numerous land use challenges as the new laws have been implemented. The County recognized the votes to legalize marijuana and has undertaken sensible regulations to address the impacts while allowing various associated uses. Through the evolution of these uses it has become evident there are certain aspects of the County's regulations which do not fully address the impacts and potential hazards present. In addition, the land use regulations may permit more than what is allowed under state laws thus creating a situation where the cultivations/grows are for activities not permitted under state law. In regard to this the County has received several complaints about the residential cultivation and processing of marijuana. Complaints raise concerns about odors, safety concerns from fire, explosions and potential exposure to hazardous materials.

The current Land Use Code allows personal cultivation and caregiver cultivation as Accessory uses and limits the area for the activity to no more than 300 square feet. The provisions also prohibit the use of flammable gases during any extraction process. Staff is proposing to address the adequacy of the current regulations and draft amendments to address any shortcomings. The goal is to amend the current Land Use Code text to create a clear regulatory framework which protects the safety of County residents and meets the intent of Accessory Use regulations. Land Use staff also wishes to ensure that the home marijuana uses under the code are roughly comparable to the regulations of other jurisdictions within the County.

#### **SUMMARY OF PROPOSED CHANGES**

On January 26, 2016, the Board of County Commissioners authorized staff to pursue text amendments to the Boulder County Land Use Code. Staff are proposing changes to five sections of the Land Use Code including:

- Article 4-516(Q) – Home Occupation
- Article 4-516(R) – Personal Cultivation and Marijuana Product Manufacturing
- Article 4-512(I) – Marijuana Establishment
- Article 4-802 – Applicability and Scope of the Site Plan Review Process for Development
- Article 18 – Definitions

A summary of the changes to each section as well as detailed proposed changes are provided below following the Planning Commission summary.

## **PUBLIC NOTICE AND INVOLVEMENT**

Notification of these proposed Land Use Code text amendments has been made through several forums including:

- February 17, 2016 – Formal referral sent via email and postal service to applicable County referral agencies.
- February 17, 2016 – Formal referral sent via email and postal service to regional stakeholder jurisdictions and agencies including all cities and towns within Boulder County as well as all adjacent counties. Referrals were sent to all County fire departments and fire protection districts. At the request of the Pine Brook Hills Homeowners Association (HOA), a referral was also sent directly to the HOA.
- February 17, 2016 – Formal referral sent via email to 907 email addresses comprising the Boulder County Land Use Code email list.
- February 17, 2016 – Docket information including a draft of the text amendments was posted to the Boulder County Development Applications webpage at:  
[www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx](http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx)
- February 20, 2016 – Article posted in the Times Call and Daily Camera and by John Fryar titled “*Boulder County prepares possible changes to its marijuana regulations*”  
[www.timescall.com/longmont-local-news/ci\\_29540253/boulder-county-prepares-possible-changes-its-marijuana-regulations](http://www.timescall.com/longmont-local-news/ci_29540253/boulder-county-prepares-possible-changes-its-marijuana-regulations)
- March 2, 2016 – Public notice for the March 16, 2016 Boulder County Planning Commission Hearing was posted in the Daily Camera and the Times Call. Public comment was taken at this hearing.
- March 9, 2016 – Docket information including a revised draft of the text amendments and staff’s formal recommendation to the Planning Commission was posted to the Boulder County Development Applications webpage at:  
[www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx](http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx)
- March 16, 2016 – A public hearing was held before the Boulder County Planning Commission. Public testimony was taken. The docket was tabled until the April 20, 2016 Planning Commission Meeting.
- April 20, 2016 – Staff requested tabling of the docket to the May 18, 2016 Planning Commission meeting to provide additional time to respond to Planning Commission’s information requests made at the March 16, 2016 meeting.
- May 11, 2016 – The staff recommendation for the May 18, 2016 Planning Commission meeting including a draft of the revised proposed text amendments was sent via email to 907 email addresses comprising the Boulder County Land Use Code email list and was posted to the Boulder County Development Applications webpage at:  
[www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx](http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx)
- May 18, 2016 – A public hearing was held before the Boulder County Planning Commission. Public testimony was taken. The docket unanimously recommended for approval by a 7 to 0 vote.
- June 1, 2016 – Public notice for the June 28, 2016 Boulder County Board of County Commissioners Hearing was posted in the Daily Camera and the Times Call.
- June 21, 2016 – The staff recommendation for the June 28, 2016 Board of County Commissioners hearing including a draft of the revised proposed text amendments was sent via email to 907 email addresses comprising the Boulder County Land Use Code email list and was posted to the Boulder County Development Applications webpage at:  
[www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx](http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx)
- June 28, 2016 – This docket is scheduled for a public hearing before the Boulder County Board of County Commissioners. Public comment will be taken at this hearing.

**REFERRAL RESPONSES AND PUBLIC COMMENTS:**

The referral responses received by the Land Use Department are summarized below:

**Town of Superior** – This agency reviewed the proposal and noted no conflicts.

**Louisville Protection District** – This agency reviewed the proposal and noted no conflicts.

**Public Comment** – Staff has received 196 comment letters regarding this docket. Of those comments, the majority voiced support for the proposed text amendments. However, staff also received comments in opposition to the text amendments, including one letter from a City of Boulder resident who would not be subject to the Boulder County Land Use Code regulations or the proposed changes. Three responses indicated “no conflict” and the remaining three letters posed questions or comments that did not imply support or opposition to the proposal.

Letters of support cited concerns for wildfire safety, noting that several house and electrical fires in wildfire-prone areas of the County have been attributed to overloaded electrical systems related to residential marijuana grows. They also cited a desire for increased safety related to extraction techniques, not just for individuals conducting the extraction, but also for immediate neighbors in both multi-family buildings and for neighbors that would be affected or harmed in the event of an extraction-related fire or explosion. Several support letters also cited heightened concerns about crime related to residential grow operations and a desire to preserve quiet, safe neighborhoods for children and families.

Letters expressing opposition to the text amendments ranged in reasoning for their opposition. One letter questioned the enforceability of marijuana regulations when other residential uses and activities also have an impact on neighbors, such as loud noises from lawn mowers or barbecue smoke that drifts across property lines. One letter noted a fear that reducing legal residential growing capacity would embolden those conducting illegal activities by driving up demand while making illegal activities more clandestine. Two letters pointed to concerns that a six plant per parcel limit was too restrictive and did not provide enough usable marijuana for medical patients to grow for their own purposes. Other letters questioned the text amendment’s compatibility with state law, its effect on small businesses related to marijuana products and extraction, and whether or not there were other ways to support safer grow operations without restricting plant quantities such as education and outreach.

**MARCH 16, 2016 PLANNING COMMISSION SUMMARY**

This docket was first presented by staff for review by the Boulder County Planning Commission on March 16, 2016. Land Use staff presented a summary of proposed text amendments after which the Planning Commission posed questions to staff. This was followed by public comments heard from 18 individual speakers and additional questions for staff before Planning Commission discussion. Public comments ranged from general support for the proposed regulations to opposition.

Specifically, 11 speakers spoke in support of the proposed regulations citing the impacts of large scale grow operations on residential neighborhoods including increased possibility for marijuana-related fires and wildfires, security concerns related to unknown people in the area associated with grows, security dogs utilized by residents with grow operations, odor and quality of life concerns, and overall public safety.

John Benson, chief of the Boulder Mountain Fire Protection District, presented concerns for resident and fire fighter safety citing a close call caused by a 2015 fire thought to be started by a marijuana grow. He also noted safety concerns for emergency responders related to entanglement hazards caused by wiring and extension cords, hazardous chemical and mold exposure, safety concerns related to house modifications such as unpermitted electrical changes and unsafe structural changes, and concerns for explosion risks related to compressed gas canisters.

Two speakers were strongly opposed to the recommended regulations. One cited inconsistency with the state constitution and questioned the ability of the county to enact such regulations without a statewide vote. This speaker noted that the six plant limit is inadequate for marijuana consumers, including patients, who choose to make edibles or juices which require significantly higher plant quantities for such products. The speaker also questioned the County's ability to enforce such regulations and noted her concern for allegedly illegal searches conducted by other jurisdictions of properties suspected to be marijuana grows.

Another speaker against the regulations noted that he represents a marijuana retail business in the county and suggested that more education is needed on both sides of the marijuana debate. He pointed out that the proposed regulations represent the potential for increased costs for true marijuana patients who rely on home cultivation as a way to offset costs compared to purchasing marijuana at retail prices. He stated that the retail and medical marijuana industry also wants tougher regulations against illegal growing, but noted that despite the intensively regulated commercial marijuana industry, these regulations target the wrong people.

Other speakers were not clearly in support of or opposition to the regulations, but offered suggestions or requests for alterations to the regulations as presented. One speaker suggested that the regulations "had no teeth" and lacked enforcement options. Two speakers generally supported the regulations in concept, but questioned whether the regulations went too far by enacting a strict plant limit and inquired about the impact the regulations may have on caregivers. Finally, two speakers representing a company called ExtractCraft and based in Longmont spoke to an extraction device developed by their company that safely extracts marijuana oils as well as other types of oils using high proof alcohol. They noted that the device offers safer alternatives for extraction, but that the regulations as proposed do not allow the use of such a device due to a prohibition on electrified heat sources.

Following the staff presentation and again following public comments, Planning Commissioners had a series of questions for staff for which staff provided responses. The questions and responses summarized below:

**Regarding the proposed prohibition on marijuana cultivation in multi-family units:**

Commissioner Hilton asked whether the proposed language allowing marijuana cultivation in a single family structure conversely prohibits marijuana cultivation in multi-family structures. Other Commissioners had similar questions regarding staff's reasoning for this prohibition. Staff responded that the choice to restrict the use to an accessory single family residential use was spurred by concerns for safety of residents in the same building that had little to no control over the growing operation and potential for negative effects associated with mold, air quality, odor and other concerns. Commissioner Blaugrund noted that he was uncomfortable with this restriction and noted that he felt such a restriction was unfair to lower income residents who choose to live in multi-family units, or whose only housing option in Boulder County may be a multi-family unit.

**Regarding effects of proposed regulations on caregivers and patients:**

Commissioner Martinson questioned the difference between residential and industrial-scale growing and asked about total plant counts that might be associated with each. Liz Graves, Boulder County Marijuana Licensing Authority, noted that Caregivers are not licensed commercial growers and that these regulations are not an attempt to require commercial business licensing for caregivers.

Likewise, caregiver plant counts are limited by patient count and corresponding permissible plant quantities. Caregivers are licensed by the Colorado Department of Health and Environment and, though not the norm, a caregiver could grow several hundred plants without exceeding state law.

Commissioner Blaugrund stated that he generally supported the proposed regulations but that six plants would have impacts on caregivers and that suitable commercial or industrial real estate is very difficult to obtain in Boulder County. Staff pointed out that the regulations still allow caregiver growing in excess of six plants, but that such grow operations must be located in non-residential zoning districts. Several commissioners noted that while requiring caregivers to relocate to an industrial or commercial zoning district could cause a hardship, it was also acknowledged that growing significant plant quantities in a residential home, even if legal, has significant potential for conflicts with the surrounding residential community.

#### **Regarding the origin of the proposed six plant limit**

Commissioner Young noted that he was unclear on the origin of the proposed six plant limit and that he could be persuaded to consider additional plants. Commissioner Gargano had similar questions regarding the plant limit, and Commissioner Hilton questioned whether a square footage limit or plant count limit would be more effective. Staff responded that the six plant limit was a response to enforcement, safety and neighborhood compatibility concerns. A clear six plant limit serves to clarify and simplify the total number of plants allowed on a parcel compared to square footage limits. With a square footage limit, plant quantities can vary significantly based on desired mature plant sizes and growing strategies. Likewise, enforcement is complicated as larger grows often take place in various rooms or on different levels of a structure, making for difficult quantification of grow area.

Staff noted that six plants can typically be grown with a single grow lamp. A typical 1,000 watt grow lamp can be utilized on a typical 15-amp house hold circuit without requiring changes to the existing electrical system. Likewise, this lower plant quantity can typically be grown without significant changes to the house for ventilation while simultaneously lowering risks for mold growth compared to higher plant concentrations.

The six plant limit is also in general conformance with the regulations of the state and of local jurisdictions, towns and counties. For instance, the City of Boulder allows for a six plants per parcel within city limits. This is mirrored by several other area jurisdictions. By contrast, the City of Denver allows six plants per person but also allows higher plant quantities per parcel. The state implies a limit of six plants per person with a total of 12 per household, but plant quantities could be higher based on medical justification. Staff noted that the proposed regulations do not differentiate between indoor and outdoor grows, instead setting a limit on plants per parcel. Finally, six plants are not likely to cause significant neighborhood impacts such as odor, and likely won't play a role in crime or neighborhood traffic increases when compared with larger scale grow operations.

#### **Regarding enforcement of existing and proposed regulations**

Several commissioners noted that enforcement seems to be lacking regarding existing regulations. Staff responded that marijuana enforcement is challenging because of the usually non-visible, clandestine nature of marijuana growing. Home growers, including caregivers, are not required to register their information or addresses, and those that are registered with the Colorado Department of Health and Environment are protected by confidentiality laws.

Staff noted that this docket process has resulted in increased coordination between the Land Use Department and the Sheriff's office related to marijuana enforcement. The proposed regulations provide a clearer regulatory framework for growers and simplify the enforcement process for staff responding to complaints.

The March 16, 2016, meeting concluded with a motion made by Pat Shanks to table the docket until the April 20, 2016, Planning Commission meeting for further discussion to consider additional items and detail requested from Land Use staff. These items included:

- Summary of plant count limits and associated restrictions in other jurisdictions in Colorado
- Possibilities for allowing caregiver growing in excess of six plants in residential areas
- Additional information on proposed prohibitions on extraction technologies and methods, and whether such limitations are necessary
- Additional information regarding hazards and threats associated with marijuana cultivation in multi-family structures
- Additional information from health and safety stakeholders and the medical marijuana community
- Additional possibilities for enhanced enforcement of existing marijuana cultivation regulations
- Suggestions for implementation of a tiered approach to additional requirements or oversight that could be implemented if more than six plants per parcel are allowed
- Suggestions for education and outreach options to connect with and inform home growers
- Revised proposed language to clarify that processing of marijuana is limited only to those plants grown on a parcel.

The motion was seconded by Natalie Feinberg-Lopez and passed unanimously 5 to 0. Commissioners Gargano and Blaugrund left prior to the motion for this docket.

#### **APRIL 20, 2016 PLANNING COMMISSION SUMMARY**

At the April 20, 2016 Planning Commission meeting staff requested the Planning Commission table the discussion regarding this docket until the May 18, 2016 meeting to provide additional time to finalize research and stakeholder outreach related to the list of information requests. Pat Shanks moved that the Boulder County Planning Commission table the docket until the May 18 meeting. The motion was seconded by Leah Martinsson and passed unanimously 6 to 0.

#### **MAY 18, 2016 PLANNING COMMISSION SUMMARY**

At the May 18, 2016 Planning Commission meeting, staff presented its responses and associated research concerning the nine additional information requests made by Planning Commission at the March 16, 2016 meeting. This information is provided in full as Addendum 1 following this staff report. The May 18 meeting was limited for the purpose of considering the new information presented. Following the staff presentation, staff responded to Planning Commission questions. The meeting was then opened for public comment and concluded with additional questions for staff followed by Planning Commission discussion and a recommendation.

Public testimony taken for the limited purpose of considering new information was heard from 11 speakers, of which 9 spoke in general support of the proposed regulations. Specifically, several speakers cited a desire for regulations that reduce the potential marijuana related fires and explosion incidents, reduce the potential for compatibility conflicts with residential areas, and for regulations that are more similar to and compatible with regulations of the state and of surrounding jurisdictions. Several speakers noted that they were not opposed to the growing or use of marijuana, but that they felt large scale grow operations belonged in industrial and commercial zoning districts as opposed to residential zoning districts. Representatives from the Boulder Mountain Fire Protection District spoke to the proposed regulations' safety improvements for first responders by prohibiting the use of supplemental carbon dioxide, thereby limiting potential for cylinder explosions and air quality issues threatening first responders. They also noted the reduced threats associated with electrical fires, mold and entanglement hazards that threaten their staff. Additionally, one speaker noted that he was an unwitting owner of a house used for marijuana cultivation by his tenants and that damage caused by electrical alterations is still being discovered years after the growing ceased.

Three residents who live nearby existing residential grow operations discussed their reduced quality of life caused by the grow operations. Each cited significant odor issues that made living in their houses challenging and frustrating and reduced their ability to enjoy the use of their own properties. Two of these residents felt that mold represents a significant danger caused by marijuana cultivation. One was required to completely restore a basement formerly used by a previous occupant as a grow operation and the other pushed for a mold disclosure to be signed at the time of a property transfer. Each of the three speakers spoke of the challenging nature of the occupants of these houses and the lack of enforcement to date, hoping that the new regulations would improve the situation and expand on enforcement opportunities and follow through.

Of the speakers who opposed the proposed regulations, one felt that the proposed regulations do not properly address the safety issues they are proposed to reduce and felt that the six plant limit was vague and not supported by factual information, citing that no wildfire in Boulder County has been caused by a marijuana cultivation operation. The other speaker in opposition to the proposed regulations expressed her opinion that the Land Use Department is attempting to limit marijuana contrary to the state constitution and that other communities are seeking a moratorium on all proposed marijuana regulation changes. She felt that the new regulations fail to establish a safety nexus and that Boulder County, like many other towns and counties in the state, follows unconstitutional practices in its marijuana regulations.

Following the staff presentation and again following public comments, Planning Commissioners had a series of questions for staff for which staff provided responses. The questions and comments summarized below:

**Regarding the continued proposal for a six plant limit and its effect on caregivers:**

Commissioner Shanks stated that previous public comments noted concerns for the impacts of the proposed six plant limit on caregivers and asked how that impact was addressed through the originally proposed regulations or the draft presented at the May 18 meeting. Staff responded that no changes were made regarding additional provisions or exceptions for caregivers. While it is recognized that caregivers may be affected by these regulations and may not be able to grow large numbers of plants in residential area, the goal of the proposed regulations is to restore and ensure compatibility of marijuana cultivation within residential areas. Like most vocational activities, activities on a limited scale may be compatible with surrounding residential uses and neighborhoods, but any vocational activity on a large scale has the potential for significant neighborhood impacts. As such, staff stressed that the proposed regulations do not prohibit marijuana cultivation on residential properties, but that cultivation of six or more plants requires the use to be located in an industrial or commercial zoning district where the use would be compatible with surrounding uses, and where buildings and other infrastructure are constructed to house more intensive uses.

Commissioner Blaugrund suggested that it would be unrealistic to expect caregivers to relocate to industrial or commercial land areas in Boulder County due to the scarcity of this zoning type. However, he noted that there is no easy answer for space and agreed that large scale growing was not compatible with residential neighborhoods. Commissioner Gargano stated that she also felt that large scale growing was not appropriate in residential areas and suggested the possibility of the county seeking to create more space for growing.

Multiple commissioners noted that there is likely no perfect solution or plant count that works for all situations and residents. Commissioner Martinsson noted that she was initially interested in a “tiered approach” to regulations that could allow additional plants under certain conditions, but ultimately noted that a six plant limit better responds to compatibility concerns. Commissioner Baker noted that he felt the six plant limit aligned well with the City of Boulder’s regulations and also protected against potential loopholes created by properties with increased occupant numbers or multiple dwelling units.

**Regarding proposed regulation changes related to cultivation in multi-family structures:**

Commissioner Hilton and Commissioner Blaugrund stated their support for the changes by staff to recommend removing the prohibition on cultivation in multi-family structures from the original draft. Staff noted that this decision was made with a note of caution against potential impacts to other residents in these structures, but that the goal of the regulations was not to impose unfair or discriminatory measures toward those living in multi-family structures. Commissioner Baker and Commissioner Feinberg-Lopez noted their support for these changes, with Commissioner Feinberg-Lopez also noting her support for ozone and carbon dioxide restrictions, especially in multifamily structures where other residents could be at risk.

**Regarding discrepancies in language between the county’s proposal and state regulations:**

Commissioner Goldfarb noted that proposed Article 4-516(R) includes language that differs from language in state marijuana regulations and asked if the different language was intentional. She had concerns about creating loopholes based on these differences. Staff noted that the language in the proposed county regulations was specific to whether a marijuana grow required a license or not. It was discussed whether the proposed county regulations should seek to match the state regulations word for word, but was ultimately decided that the county regulations would be amended to include the phrase “or as authorized by the Colorado constitution or statutes” in order to close potential loopholes and make the county regulations responsive to any changes at the state level.

**CONCLUSION – REVISED PROPOSED TEXT AMENDMENTS**

Based upon feedback received through the public process for this docket including public comments, Planning Commission comments and additional research conducted by staff, Land Use staff proposes the following text amendments to Articles 4-516(Q), 4-516(R), 4-512(I), 4-802 and 4-16100(B) of the Boulder County Land Use Code concerning residential cultivation of marijuana. A brief summary of changes made to each code section is presented followed by proposed code text. A strike-through format is utilized to denote language suggested for deletion and an underline format is utilized to indicate suggested new changes or additions.

**Accessory Uses - Article 4-516(Q) – Home Occupation**

**Summary of Proposed Changes**

Staff proposes minor text amendments to this article to add “particulate” to the existing list of pollutant types. Most notable, references to marijuana uses as a Home Occupation are proposed to be removed from this section entirely and instead will be redefined as a separate use entitled Residential Marijuana Processing or Cultivation as described in detail below.

**Proposed Text Amendment**

**Accessory Uses - Article 4-516(Q) – Home Occupation**

***Accessory Uses***

***Article 4-516(Q) - Home Occupation***

1. *Definition: A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, and used only by the individuals who reside therein and one employee, provided that the home occupation:*
  - a. *does not result in noise or vibration, light, odor, dust, smoke, particulate, or other air pollution noticeable at or beyond the property line,*
  - b. *includes only the incidental sale of stocks, supplies, or products,*
  - c. *is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot,*
  - d. *does not include the outside storage of goods, materials, or equipment,*

- e. *has signage limited to a non-illuminated identification sign of two square feet or less in size,*
  - f. *does not exceed one-half the total floor area of the dwelling including activities carried out in an accessory structure(s), with the exception of child care which may exceed this limit,*
  - g. *does not produce traffic volumes exceeding that produced by the dwelling unit by more than 16 average daily trips or a maximum of 30 trips during any 24 hour period,*
  - h. *does not include nursing homes, restaurants, vehicle repair businesses, ~~or~~ boarding houses, or marijuana establishments, and*
  - i. ~~*Does not include operations conducted within a dwelling unit that grow marijuana, or prepare marijuana infused products, for sale to Marijuana Establishments or other marijuana related businesses are Marijuana Establishments.*~~
2. *Districts Permitted: By right in all districts*
  3. *Parking Requirements: One off-street space*
  4. *Loading Requirements: None*
  5. *Additional Provisions:*
    - a. *In subdivisions, no more than one vehicle associated with the use, registered as a passenger vehicle, light truck, recreational truck, or farm truck may be parked outside on the property.*
    - b. *The number or type of registration for vehicles associated with the use is not limited on properties located outside subdivisions.*
    - c. ~~*Medical marijuana operations in dwelling units shall be confined to residents growing their own medical marijuana or preparing their own infused products, and to individual primary caregivers growing medical marijuana or preparing infused products for their registered patients, as authorized under state medical marijuana law.*~~
    - d. ~~*Medical marijuana caregiver activities cannot exceed 300 sq. ft. including areas carried out in an accessory structure.*~~
    - e. ~~*Use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.*~~

**Accessory Uses - Article 4-516(R) – Personal Cultivation and Marijuana Product Manufacturing**

**Summary of Proposed Changes**

Staff proposes to rename this use changing its title to Residential Marijuana Processing and Cultivation and to expand on its definition to emphasize that this use is accessory to a residential use. Marijuana grown as part of this use is intended to be grown by and for those living on the parcel, not for sale or provision to others. Likewise, only plants grown on the parcel may be processed on the parcel. A significant change includes the reduction in the number of plants that can be grown under this use from a total of 300 sq. ft. to a total of 6 plants per parcel.

Changes are also proposed to extraction methods to allow for certain types of alcohol extraction while prohibiting the use of compressed or flammable gases. Additional language has been added to prohibit the use of supplemental ozone and/or carbon dioxide, and to clarify regulations pertaining to cultivation in multi-family structures.

## **Proposed Text Amendment**

### **Accessory Uses**

#### **Article 4-516(R) – ~~Personal Marijuana Cultivation and Marijuana Product Manufacturing~~ Residential Marijuana Processing and Cultivation**

1. Definition: Cultivation, production, or processing of marijuana or manufacture of marijuana products/by-products, or as authorized pursuant to Section 14 and Section 16 of Article XVIII of the Colorado Constitution and other applicable state law, in a legal dwelling unit or accessory structure, not for the purpose of sale or profit, primarily by and for the people individuals living on the parcel. A maximum of six (6) plants may be grown per legal dwelling unit, regardless of the number of occupants. Processing of plants is limited only to those plants grown on the parcel.
2. Districts permitted: By right in all districts.
3. Parking Requirements: none
4. Loading Requirements: none
5. Extraction of Marijuana Concentrate:
  - a. Use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
  - b. Alcohol/ethanol extraction is permitted provided it is done without application of heat from a fuel fired or electrified heat source an open flame or open heat source and uses not more than ~~16 ounces~~ 375 ml of alcohol or ethanol during the extraction process.
  - c. Food-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene, glycol, glycerin, butter, olive oil, or other cooking fats or oils.
  - d. Water-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.
6. Additional provisions:
  - ~~a. Marijuana cultivation for personal use cannot exceed 300 sq. ft. including areas carried out in an accessory structure~~
  - ~~b. Marijuana cultivation and marijuana product manufacturing must be accessory to a residential use~~
  - ~~c. Use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.~~
  - a. Residential Marijuana Processing and Cultivation must not result in noise or vibration, light, odor, dust, smoke, particulate or other air pollution noticeable at or beyond the property line or shared dwelling unit wall.
  - b. Supplemental carbon dioxide and/or ozone is prohibited.
  - c. Marijuana plants shall not be cultivated, produced processed or possessed in the common areas of a multi-family or attached residential development.

## **Retail and Personal Service Uses - Article 4-512(I) – Marijuana Establishment**

### **Summary of Proposed Changes**

Staff propose to redefine a Marijuana Establishment as any location where more than six plants are cultivated, produced, tested or distributed to correspond with changes to the Residential Marijuana Processing and Cultivation use described above.

Staff propose to omit the allowance for a single family dwelling to be considered customary and incidental to this use to minimize the potential for compatibility conflicts between the two uses within the industrialized and commercialized zoning districts Marijuana Establishments are permitted within.

Additionally, it is proposed that the provision that exempts a new Marijuana Establishment from Site Plan Review if establishing in an existing Retail or Personal Facility Use or an existing Professional Office Use be omitted. Rather, Site Plan Review shall be required for the change of use pursuant to Article 4-802(A)(10) of the Land Use Code.

Finally, staff propose the addition of language to clarify that required buffers between Marijuana Establishments do not prevent certain uses from being located within 500 feet of a primary caregiver or personal cultivation facility. This language was added to prevent adverse effects on the ability of commercial operations to locate in the permitted districts.

### **Proposed Text Amendment**

## **Retail and Personal Service Uses - Article 4-512(I) – Marijuana Establishment**

### ***Retail and Personal Service Uses***

#### ***Article 4-512(I) Marijuana Establishment***

1. *Definition: ~~A licensed business or a business with a pending license that grows, sells, and/or distributes medical and/or retail marijuana~~ Any location where more than six (6) plants are cultivated, produced, tested or distributed as authorized pursuant to Section 14 and Section 16 of Article XVIII of the Colorado Constitution and other applicable state law. This use includes the following:
  - a. *Marijuana store*
  - b. *Marijuana-infused products manufacturing;*
  - c. *Optional premises cultivation or retail marijuana cultivation facility;*
  - d. *Marijuana testing and/or research facility;*
  - e. Primary caregiver;
  - f. Personal cultivation.*
2. *Districts Permitted: By right in T, B, C, LI, and GI.*
3. *Parking Requirements:*
  - a. *One space per 200 square feet of floor area used for office, sales, or personal service operations.*
  - b. *One space per 1,000 square feet of floor area used for cultivating and research and/or testing facilities.*
4. *Loading requirements: One loading space for 10,000 or more square feet of floor area.*
5. *Additional Provisions:*
  - a. *This use must obtain and maintain all necessary state and local permits and licenses. Regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of marijuana or marijuana-infused products, as defined in the Colorado Medical Marijuana Code, C.R.S. §12-43.3-101, et. seq., and*

*the Colorado Retail Marijuana Code, C.R.S. §12-43.4-101, et. seq. (“the Codes”), are and will be subject to the provisions and limitations stated in those Codes. These provisions and limitations include those in the legislation, and any state and County requirements promulgated under the legislation. Such businesses or uses, even if allowed under this Section 4-512.I or prior provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate pursuant to the Codes.*

- b. This use may include the accessory sale of products containing marijuana to the extent authorized by applicable state law.*
- ~~*c. One single family dwelling to house the owner or manager of the Marijuana Establishment and his or her family will be considered customary and incidental as part of this use, to the extent authorized by state law.*~~
- c. Except in the LI and GI Zoning Districts, this use shall not be located within 500 feet of another Marijuana Establishment (including a Marijuana Establishment in the unincorporated County or a substantially similar facility in an adjacent municipality or county), as measured from the closest point of the subject parcel lines. This prohibition shall not prevent a marijuana store, marijuana-infused products manufacturing, optional premises cultivation, retail marijuana cultivation facility, or marijuana testing and/or research facility from locating within 500 feet of a primary caregiver or personal cultivation.*
- d. A Marijuana Store shall not be located within 1,000 feet of an alcohol or drug treatment facility, a licensed child care facility, or an educational facility with students below the college grade level (including facilities in the unincorporated County or substantially similar facilities in an adjacent municipality or county), as measured from the closest point of the subject parcel lines.*
- e. Marijuana-infused products manufacturing, optional premises cultivation, and marijuana testing and/or research facilities, are not subject to the above setback requirement in Subsection e., provided there is not an associated marijuana store on the same parcel.*
- ~~*f. A change of use from an existing Retail or Personal Facility Use under Art. 4-512.M. of this Code, or from an existing Professional Office Use under Art. 4-509.A. of this Code, to a Marijuana Establishment allowed under this Article 4-512.I, shall not require Site Plan Review approval under Article 4-802.A. of this Code.*~~
- f. Marijuana establishments shall not have a drive-through service.*
- g. Personal cultivation and Primary Caregiver cultivation facilities are limited to no more than 99 plants.*

**Applicability and Scope of the Site Plan Review Process for Development - Article 4-802**

**Summary of Proposed Changes**

To correspond with the deletion of Article 4-512(I)(5)(f) regarding exemption from Site Plan Review for a change of use to a Marijuana Establishment, the same exemption must also be deleted from the requirements for Site Plan Review pursuant to Article 4-802.

**Proposed Text Amendment**

**Applicability and Scope of the Site Plan Review Process for Development - Article 4-802**

***4-802 Applicability and Scope of the Site Plan Review Process for Development***

*A. Site Plan Review shall be required for (unless not required or waived pursuant to sections B and C below):*

- 1. Any development requiring a building permit on vacant parcels in unincorporated Boulder County.*
- 2. Any increase in residential floor area which results in a total residential floor area greater than 125% of the median residential floor area for the defined neighborhood in which the subject parcel is located. In determining if the proposed development is greater than 125% of the residential median floor area, any demolition and rebuilding of any existing residential structure or any portions thereof, shall be counted toward the threshold.*
- 3. Any cumulative increase in floor area of more than 1,000 square feet on a parcel over that existing as of September 8, 1998.
  - a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold.*
  - b. Any floor area not legally existing as of September 8, 1998 shall be counted toward the threshold.*
  - c. Applies to all principal and accessory structure(s).**
- 4. New structures of any size requiring a building permit when the site is located within a Natural Landmark or Natural Area as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.*
- 5. New structures 500 square feet or more in the 250' buffer associated with a Natural Landmark or Natural Area, as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.*
- 6. New structures or additions to existing structures of any size on property over which a conservation easement has been granted.*
- 7. Development occurring in a Rural Community District as described in the regulations for that District.*
- 8. Any development or earthwork requiring a floodplain development permit.*
- 9. Any grading permit for over 50 cubic yards of earthwork (including grading associated with an access permit).*
- 10. A change of use of a parcel, ~~except to residential, or except from an existing Retail or Personal Service Facility under Article 4-512.M. of this Code or from an existing Professional Office under Article 4-509.A. of this Code to a Marijuana Establishment under Article 4-512. of this Code.~~*
- 11. A commercial telecommunications facility utilizing an existing structure and meeting the height requirements of the district in which the facility is located.*
- 12. A small wind-powered energy system.*
- 13. A small solar energy system as a principal use.*
- 14. Any proposal which is eligible to be waived from Site Plan Review, but for which a waiver was not granted.*

## **Definitions - Article 18-185B – Primary Caregiver**

### **Summary of Proposed Changes**

For clarification, the term “Primary Caregiver” is referenced in the proposed text amendments above and is detailed below as follows:

### **Proposed Text Amendment**

## **Definitions - Article 18-185B – Primary Caregiver**

### **Summary of Proposed Changes**

For clarification, two new definitions are referenced in the proposed text amendments outlined above and are detailed below as follows:

### **Proposed Text Amendment**

#### ***Article 18 - Definitions***

- **Article 18-185B – Primary Caregiver: A person who meets the definition of primary caregiver under article XVIII, section 14(1)(f) of the Colorado constitution and applicable law.**

## **TEXT AMENDMENT CRITERIA ANALYSIS**

Article 16-100.B. contains the criteria for amending the text of the Land use Code. Staff finds that these criteria are met in the context of this Docket, as follows:

### **1. The existing text is in need of amendment:**

Staff has identified the goals of this docket and the reasons why these amendments should be made. Those goals are:

- To amend aspects of the County’s marijuana regulations to better address the impacts and potential hazards that have become evident since the legalization of marijuana in Colorado.
- To revise the County’s land use regulations to better align with state laws.
- To address resident complaints made about residential cultivation and processing of marijuana including odors, safety concerns from fire, explosions and potential exposure to hazardous materials.
- To create a clear regulatory framework which better protects the safety of County residents and meets the intent of Accessory Use regulations.
- To revise residential marijuana use regulations to a level roughly comparable to the regulations of other jurisdictions within the County.

### **2. The amendment is not contrary to the intent and purpose of this Code:**

The amendments are not contrary to the intent or purpose of the Code.

### **3. The amendment is in accordance with the Boulder County Comprehensive Plan:**

The amendments are in accordance with the Boulder County Comprehensive Plan.

## **RECOMMENDATION**

The Land Use staff finds that the proposal can meet all of the applicable criteria for a Land Use Code Text Amendment, as noted above. Therefore, Land Use staff recommend that the Board of County Commissioners approve **Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18** to address the cultivation and processing of marijuana as a Residential Accessory Use.

**ADDENDUM**

Staff research and findings presented to the Boulder County Planning Commission on May 18, 2016



# Land Use

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## **DISCUSSION:**

Staff has prepared and summarized responses for each of the information requests outline above. The information request summaries below are followed by revised proposed text amendments highlighting proposed changes to the original text amendment text presented at the March 16, 2016 hearing. The proposed revisions are recommended based on additional information gathered during the research process and based on new or additional findings made as a result.

### **Summary of plant count limits in other jurisdictions in Colorado**

Staff reviewed the regulations of twelve town, city and county jurisdictions including Boulder, Carbondale, Denver, Erie, Lafayette, Longmont, Louisville, Lyons, Nederland, Pueblo, Superior and Summit County and have provided the attached summary chart for reference. Boulder County is currently the most permissive jurisdiction as it relates to plant count allowing up to 300 sq. ft. of growing area without requiring a strict plant limit. Within such an area, it may be possible to grow between 50-100 plants depending on growing methods and desired mature plant sizes. Several jurisdictions have chosen to mirror State limits on plant quantities and several have offered some deviations ranging from the City of Boulder's maximum six plants per parcel up to the City of Denver's maximum of six plants per person up to a parcel maximum of 36. Some jurisdictions including Erie and Lafayette have combined plant count and square footage maximums, allowing personal cultivation in both single family and multiple family dwellings, but placing greater restrictions on maximum growing area in multi-family units. Likewise, the City of Lafayette also employs a grow lamp wattage maximum of 1200 watts, a wattage total that is compatible with typical household 15 amp or 20 amp electric circuits.

Based upon this review, staff finds that Boulder County's proposed regulations on plant counts are comparable with most nearby jurisdictions. Staff finds that a total of six plants can typically be grown with lighting and ventilation systems of a size and scale that are generally compatible with a typical dwelling unit's existing electrical systems without requiring upgrades. Likewise, such a limit significantly reduces the potential for odor generation and possibilities for mold growth compared with current limits and allows for residential cultivation that is significantly more compatible with surrounding neighborhood character than current regulations. Detailed information on these topics is presented below as individual subjects.

Land Use staff are not recommending implementation of a grow lamp wattage maximum due to the amount of different types of lamps, evolving technologies and varying wattage requirements that exist on the market today. Likewise, staff have not proposed implementation of square footage requirements due to the wide range of variability in grow techniques and the wide range of plant quantities that could be grown within a specific area as a result. Square footage requirements also make compliance and enforcement more challenging when grow spaces are located in different areas of a structure. In addition, square footage requirements have been skewed by examples of growers growing vertically within a confined square footage limitation, exploiting the intended grow area maximums with multiple vertical levels. A plant count limit, as opposed to a square footage limit, clarifies and simplifies the County's residential limits for both growers and enforcement agencies.

Please see attached comparison chart for additional detail.

**SUMMARY OF RESIDENTIAL MARIJUANA PLANT LIMITS AND CULTIVATION ALLOWANCES**

Jurisdiction	Plant Limits	Per Person/Per Residence (including accessory structures as noted)	Zoning Restrictions	Other Notes	Licensing
State of Colorado Constitution - Article XVII, Section 14	No more than 2 ounces of usable marijuana, and no more than 6 plants, 3 mature (unless determined to be medically necessary for a debilitating health condition).	Per person		This Article does not apply to personal growing or use outside of medical marijuana patients or caregivers	
State of Colorado Constitution - Amendment 64	Personal use - no more than 6 plants, 3 mature. Must be grown in an enclosed, secure space	Per person		Amendment 64 applies to personal use only. Does not affect medical marijuana patients or caregivers	Any growing, cultivation or processing not meeting these provisions shall be considered a business or commercial activity
Boulder	6 plants or 2 ounces of product	Per residence	>6 plants not permitted in residential zones	> 6 plants or 2 ounces is considered a business which requires a license	Required if greater than 6 plants
Carbondale	12 plants per dwelling	Per residence		Extraction only allowed in licensed facilities unless processed using water based or food extraction or alcohol without heat and not more than 16 ounces during the extraction process	
Denver	6 plants per MJ card holder or person over 21. Maximum 36 plant limit per parcel except for licensed marijuana cultivation facility	As noted		Must be grown in a completely enclosed structure, not in a common area, for personal use only by those living in the dwelling	Required if over 36 plants
Erie	Limit of 6 plants, 3 mature, within the primary residence of a patient or primary caregiver. 150 sf limit of contiguous space in single family structure, 100sf limit all other structures. >6 plants not allowed in residential zoning districts even with doctor recommendation.	Per residence	>6 plants not permitted in residential zones. Patient registration required with town prior to cultivation. Code makes clear that exterior impacts are unlawful including common visual observation, odors and smells, and light pollution.	Cultivation, production or processing not allowed in a garage or other structure. Code compliance required including ventilation.	No medical marijuana centers or retail facilities permitted within town limits. Unlawful to rent building or home space for medical marijuana uses.

Lafayette	12 plant limit - max. of 150sf of enclosed, locked space in a single family dwelling. 12 plant limit - max. of 100sf within an enclosed, locked space in a multifamily dwelling.	Per residence		No cultivation or processing allowed in accessory structures. Use must meet all adopted building and life/safety codes. Use of flammable gas is prohibited. Cultivation lighting shall not exceed 1200 watts total for the entire cultivation area.	
Longmont	Defers to State Constution			No retail or medical marijuana facilities or sales within the city	
Louisville	Limits 2 ounces every 7 days or per Amendment 20 - 6 plants			Retail cultivation and growing is prohibited. Manufacturing of retail marijuana products is prohibited. Medical marijuana centers prohibited from residential zoning districts.	
Lyons (Medical Marijuana)	6 plant limit per medical patient in residential zones, no more than 3 mature plants. Maximum of 12 plants total per parcel regardless of size or stage of growth unless authorized by law more as deemed necessary to address the patient's debilitating medical condition.	As noted	No medical marijuana centers or manufacturing in residential zones	"It shall be unlawful for the cultivation, production, possessing or processing of medical marijuana plants within a primary residence to be perceptible from the exterior of the residence by means of common visual observation, odors and smells, and light pollution.	
Lyons (Personal Marijuana)	6 plant limit per person, no more than 3 mature plants. Limit of 12 total plants regardless of occupants.	As noted		Cultivation in a rental requires permission from the property owner	
Nederland	Per state constitution		No medical or retail facilities in residential zoning districts. No cultivation facilities in residential zoning unless permitted through Special Use Review.		
Pueblo	Limit of 18 plants grown on a single family dwelling property, limit of 12 plants on the property of any unit of a multi-family dwelling. Limit of 36 plants on industrial and agricultural parcels.	Per residence including accessory structures	Code specifically calls out prohibition against living in industrial units.	Extraction is allowed but only if in compliance with state law and with prior approval from local fire officials if not in a licensed facility.	
Superior	6 plants per person , 3 flowering	Per person			

Summit County	6 plants per patient, primary caregiver or person over 21 residing in the primary residence - up to 12 plants total. Limit of 150 sq. ft. within a detached single family unit, limit of 100 sq. ft. within any other dwelling (such as multi-family).	As noted	Personal and caregiver cultivation within a residence require a permit subject to administrative review. Location of cultivation is kept confidential except such locations shall be disclosed to the Building Department, Sheriff's Office, local fire authority and other governing agencies with review authority. Inspections required prior to commencing cultivation.	Must occur within the primary residence or secure structure (garage or outbuilding associated with the primary residence). Not permitted in common areas. Grow space must meet building and zoning code requirements. Property owner permission required if occupant does not own the residence. Any growing, cultivation or processing not meeting these provisions shall be considered a business or commercial activity	
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## **Possibilities for allowing caregiver growing in excess of six plants in residential areas**

It is the goal of these proposed regulations to ensure that residential cultivation is compatible with a principal residential use and compatible with surrounding residential areas and neighborhoods. The proposed regulations define residential cultivation as an Accessory Use. Per Article 4-516 of the Land Use Code, all Accessory Uses must be “customarily incidental” to the main use on the property and comply with all regulations applicable to the main use.

The proposed text amendments permit up to six marijuana plants to be grown by and for the individual(s) living on the parcel. However, staff has significant concerns about the cultivation of more than six plants on a residential parcel, regardless of whether they are for personal, patient or caregiver use, as it relates to compatibility with the principal residential use and with surrounding residential neighborhoods. Ultimately, the land use effects of marijuana grows result from the intensity of the grow operation and are unrelated to the type of user.

Regarding compatibility with the principal residential use on the parcel, staff note that significant upgrades to existing residences are typically required for plant cultivation in excess of six plants. Specifically, six plants can be grown utilizing a single 1,000 watt grow lamp or multiple lesser wattage lamps while utilizing a typical residence’s existing 15 or 20 amp circuits. A 15-amp circuit at 80% capacity, a required safety margin per Building Code requirements<sup>1</sup>, can accommodate 1,440 watts. A 20 amp circuit at 80% capacity could handle up to 1,920 watts. Additional plants, which would typically require additional grow lights for maximum yields, would potentially require upgraded electric systems to handle added capacity requirements or extension cords that allow lights to be plugged in to different circuits throughout the house. Such cords create additional fire hazards, trip hazards and entanglement hazards for responding fire fighters in the event of an emergency. Likewise, the grow lights producing the highest plant yields<sup>2</sup>, such as 1000 watt High Intensity Discharge (HID) lights, also produce significant heat which must be reduced with additional ventilation or supplemental air conditioning. This again requires additional modifications to the residence and potentially to existing ventilation and electrical systems that staff do not find to be customarily incidental to the main residential use.

Regarding compatibility with surrounding residential neighborhoods, nuisance odors become more obvious with larger grow operations, causing impacts throughout residential communities where adjacent neighbors are frequently within close proximity. Likewise, the County has received numerous complaints of large scale grow operations in residential neighborhoods that have resulted in concerns for safety related to fire hazards, increased crime, security dogs and unknown people coming and going from properties during harvest times. Staff finds that a six plant limit for residential cultivation does not typically trigger such concerns for safety and odor, nor does a six plant grow operation require additional staffing during harvest periods.

Given these concerns for residential compatibility, the proposed text amendments direct cultivation of more than six plants, including those grown by caregivers, to the more industrialized or commercialized Transitional, Business, Commercial, Light Industrial and General Industrial zoning districts as a Marijuana Establishment Use. These zoning districts are intended for more intensive uses and include facilities where electrical, ventilation, mechanical and structural systems are

<sup>1</sup> 2015 International Residential Code – Chapter 37, Section 3702.3 – Branch Circuit and Feeder Requirements - <http://codes.iccsafe.org/app/book/content/2015-I-Codes/2015%20IRC%20HTML/Chapter%2037.html>

<sup>2</sup> Cannabis Grow Light Upgrade Guide - Yields & Potency Explained, <http://www.growweedeasy.com/grow-light-upgrade-guide>

designed for the intensity of use required for larger scale grow operations. Likewise, potential impacts of marijuana cultivation are more compatible with other surrounding non-residential commercial or industrial uses. For additional clarification, the proposed text amendments potentially allow personal and Primary Caregiver cultivation facilities for up to 99 plants under the Marijuana Establishment Use, which also allows multiple personal growers or caregivers to share the same facilities up to this plant maximum.

**Additional information on proposed prohibitions on extraction technologies and methods, and whether such limitations are necessary**

At the March 16<sup>th</sup> Planning Commission hearing, public testimony was heard regarding proposed prohibitions on extraction technologies and methods. Staff have completed additional research and are not recommending changes to proposed restrictions on the use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids. Since the March 16<sup>th</sup> hearing, another significant incident related to butane hash oil extraction occurred at the Broker Inn in Boulder<sup>3</sup> further strengthening the case for this prohibition. Staff consulted with local fire departments as well as fire and safety officials from Aurora and Denver. All agree that this prohibition is prudent to ensure safety.

However, staff have also further researched the use of alcohol in extraction, and are recommending changes to the original proposal. Specifically, the text amendment presented on March 16<sup>th</sup> states: *“Alcohol/ethanol extraction is permitted provided it is done without application of heat from a fuel-fired or electrified heat source and uses not more than 16 ounces of alcohol or ethanol during the extraction process.”*

Alcohol is significantly different than other solvents such as butane in both its chemical properties, explosive potential and flash point temperatures. There are many electric devices that can be safely used with alcohol in the extraction of marijuana and other food and plant-based products. These include rice cookers, crock pots and other appliances which drastically reduce and potentially eliminate altogether the risk of alcohol related fires or explosions and similar methods are used in a variety of non-marijuana related culinary processes. Research regarding alcohol flammability shows that the highest risk of fires or explosions occurs when alcohol or alcohol vapors come into direct contact with an open flame or an open heat source such as stovetop electrical coils. Based on this research, staff propose that alcohol extraction be allowed with application of heat from a fuel-fired or electrified heat source, but staff recommend restricting the the use of open flames or open heat sources in the alcohol extraction process. Likewise, staff continue to recommend limitations on quantities help to reduce the potential for the build-up of vapors that could lead to dangerous conditions and propose changing allowed limits from 16 ounces to 12.7 ounces, or 375 ml, to coincide with readily available container sizes.

Staff also propose that the prohibition against the use of flammable liquids be removed as such a statement is in direct conflict with provisions that allow alcohol extraction. Flammable liquids, including alcohol, cooking sprays, and oils are frequently used in a variety of cooking and culinary

<sup>3</sup> [http://www.dailycamera.com/news/boulder/ci\\_29759564/explosion-reported-at-boulders-broker-inn](http://www.dailycamera.com/news/boulder/ci_29759564/explosion-reported-at-boulders-broker-inn)

techniques and can be safely used in such applications. While the possibility for a fire exists, the explosive potential of these liquids should not be confused with that of flammable gas such as butane.

**More information regarding hazards and threats associated with marijuana cultivation in multi-family structures**

At the March 16, 2016 Planning Commission hearing, Land Use staff recommended the prohibition of marijuana cultivation in multi-family structures with a focus on the safety and welfare of occupants in the structure that may be affected by negative impacts of the cultivation without having the ability to affect change to reduce such threats. Staff continue to acknowledge these concerns, however, after careful consideration and after hearing testimony from medical marijuana patients, staff recognize that such prohibition may cause an unintended hardship to lower income marijuana users and patients who may be more likely to live in multi-family dwellings, and as noted, we reiterate that it is not the goal of these text amendments to deny citizens of the rights granted to them by the State.

Therefore, staff are proposing that marijuana may be grown in multi-family dwellings provided that the same six plant limit is adhered to and provided that additional provisions are met. First, staff recommend strengthening proposed text prohibiting noise, light, odor, dust, smoke, particulate or other pollution noticeable at or beyond the property line to also include “shared dwelling unit wall” as such a shared wall may substitute for a property line in multi-family dwellings. Second, staff recommend continuing the prohibition of supplemental carbon dioxide for all marijuana cultivation including in multi-family dwellings, and propose adding a prohibition against the use of ozone in all cultivation. Additional detail regarding these threats is outlined below. Finally, staff recommend adding text to prohibit the cultivation of marijuana in any common areas of multi-family or attached residential development. This language would be comparable to similar restrictions in place in other jurisdictions and would reinforce compliance with State regulations requiring marijuana to be grown in enclosed, locked structures. Proposed text can be viewed following the requested information responses below.

**Additional community input from health and safety stakeholders as well as the caregiver, patient and medical marijuana community**

Since the March 16, 2016 Planning Commission hearing, Land Use staff have worked to research and compile information on a variety of topics raised at the hearing and during the public comment period by stakeholders, health and safety professionals, and the caregiver, patient and medical marijuana community. Summaries of topic research and findings are below:

**Additional information regarding the use of supplemental carbon dioxide, associated safety concerns and health impacts:**

Marijuana plants need carbon dioxide as part of photosynthesis, whereby energy is converted from light. There is often enough carbon dioxide in regular fresh air for plants to be able to process all the light they are receiving from sunlight or from grow lights. However, under high light conditions,

such as lighting from HID lamps, plants may not be able to maximize energy conversion from the light without additional carbon dioxide in greater quantities than found in the typical air we breathe<sup>4</sup>. Therefore, marijuana growers frequently use supplemental carbon dioxide to increase plant yields.

Carbon dioxide is a colorless, odorless gas which exists in an average global concentration of 250-400 parts per million (ppm), or .025-.04% of average concentration totals. Various sources note that the ideal ratio of carbon dioxide for marijuana cultivation is 1,000-1,550ppm, or .10%-.15%, up to roughly four times higher than atmospheric average. In order to achieve this higher level of carbon dioxide within an enclosed grow space, growers have a variety of options but frequently utilize pressurized tanks or carbon dioxide generators that utilize propane or natural gas.

At high levels, carbon dioxide inhibits blood's ability to transport oxygen to vital body organs. The biological effects of higher than average carbon dioxide concentrations are established in a variety of sources and are summarized below.

Symptoms Associated With Carbon Dioxide Concentration Levels<sup>5</sup>:

- 250 - 350 ppm - background (normal) outdoor air level
- 350- 1,000 ppm - typical level found in occupied spaces with good air exchange
- 1,000 - 2,000 ppm - level associated with complaints of drowsiness and poor air
- 2,000 - 5,000 ppm - level associated with headaches, sleepiness, and stagnant, stale, stuffy air. Poor concentration, loss of attention, increased heart rate and slight nausea may also be present.
- >5,000 ppm - this indicates unusual air conditions where high levels of other gases could also be present. Toxicity or oxygen deprivation could occur. This is the permissible exposure limit for daily workplace exposures.
- >40,000 ppm - this level is immediately harmful due to oxygen deprivation

Even if correctly regulated, the ideal carbon dioxide quantities for marijuana cultivation have the potential for minor health effects. However, such regulation requires careful setup and air monitoring. Improper regulation of carbon dioxide has the potential for significant health impacts. Additionally, local fire departments and emergency professionals have commented on the explosive danger of compressed carbon dioxide cylinders during a fire and have noted additional safety hazards associated with propane cylinders used to power carbon dioxide generators. For these reasons, staff is recommending that the use of supplemental carbon dioxide be prohibited as part of the Residential Marijuana Processing and Cultivation use.

<sup>4</sup> <http://www.theweedblog.com/co2-and-marijuana-plants/>

<sup>5</sup> Wisconsin Department of Health Services – Carbon Dioxide  
<https://www.dhs.wisconsin.gov/chemical/carbondioxide.htm>

### Additional information regarding the use of ozone generators for marijuana cultivation

In addition to prohibitions on supplemental carbon dioxide, staff also recommend a prohibition on the use of ozone generators in the cultivation of marijuana. Studies by the California Environmental Protection Agency – Air Resources Board<sup>6</sup> have shown that ozone generators can produce indoor ozone levels several times the state outdoor health standard of 90 parts per billion (ppb) for one hour, as well as the eight hour standard of 70 ppb. In one experiment, a level of 300 ppb was measured in a house after 1-2 hours of ozone generator use. Indoor ozone levels were about twice the health standard levels when the ozone generator was set on the maximum setting and the central fan was either on or off. Ozone levels were almost twice the health standard levels in the near room even when the device was set to a medium setting. These concentrations are equal to, or worse than, a first stage smog alert. It is clear that the ozone concentrations produced by these devices can easily exceed health-protective standards. Such high concentrations are not typically used in grow operations, however mechanical malfunctions or user error can occur and could cause a sudden and rapid increase in ozone levels to unhealthy levels.

### Additional information regarding plant quantities required by marijuana consumers and patients versus proposed plant limits:

There are a variety of information sources that establish an approximate daily quantity of marijuana consumed or needed by marijuana users and patients, however, most result in similar averages. A report published by the Colorado Department of Revenue entitled “Market Size and Demand for Marijuana in Colorado”<sup>7</sup> found that heavy marijuana users, or those that consumed marijuana more than 21 days per month, averaged 1.3 to 1.9 grams of marijuana consumption per day. By comparison, regular users averaged about .67 grams per day. Similar findings were published in a 2013 report prepared for the Washington State Liquor Control Board. A report published by CFN Media Group, a cannabis advocacy group, entitled “Comparing Colorado and Washington Cannabis Market Demand”<sup>8</sup>, noted “no real differentiation between medical and recreational heavy users.” Excerpt tables from these reports are included below:

<sup>6</sup>California Environmental Protection Agency- Air Resources Board: Ozone Generating Indoor Air Purifier Fact Sheet - [http://www.arb.ca.gov/research/indoor/ozone\\_gen\\_fact\\_sheet-a.pdf](http://www.arb.ca.gov/research/indoor/ozone_gen_fact_sheet-a.pdf)

<sup>7</sup> Colorado Department of Revenue – “Market Size and Demand for Marijuana in Colorado” <https://www.colorado.gov/pacific/sites/default/files/Market%20Size%20and%20Demand%20Study,%20July%209,%202014%5B1%5D.pdf>

<sup>8</sup> <http://www.cannabisfn.com/comparing-colorado-washington-cannabis-market-demand/>

**Table 6 : Results from the Colorado Marijuana Use Survey**

Reported Frequency of Cannabis Usage	Share of Responses	Frequency on Days of Cannabis Use	Typical Dried Bud Consumption Per Day (Grams) <sup>2</sup>	Adjusted Dried Bud Consumption Per Day (Grams) <sup>1</sup>
Daily	51.1%	3.29	1.41	1.71
2-3 Times a Week	16.5%	1.69	0.53	0.65
Once a Week	4.5%	1.73	0.65	0.64
2-3 Times a Month	5.7%	1.37	0.44	0.43
Once a Month	2.4%	1.38	0.38	0.49
Less than Once a Month	9.0%	1.13	0.85	0.70
Never	0.9%	-	-	-

Unweighted; n=299; <sup>1</sup>5 or more recoded as "5." See: "Marijuana Use Survey", May 2014, submitted to the Colorado Department of Revenue.

**Table 7: Quantity demanded by marijuana users during each day of consumption, by user type.**

Use Days Per Month	Grams per Day		
	Low	Mean	High
<1	0.20	0.30	0.60
1-5	0.43	0.67	0.95
6-10	0.43	0.67	0.95
11-15	0.43	0.67	0.95
16-20	0.43	0.67	0.95
21-25	1.30	1.60	1.90
26-31	1.30	1.60	1.90

Note: Estimates are based upon Kilmer et al. (2013) findings and preliminary survey results.

Comparatively, plant yields can also vary greatly based growing conditions, lighting and experience of the grower. On average, it is estimated that an experienced grower can produce up to one gram of marijuana per watt of light per harvest. Averages are lower for typical home growers with homemade grow spaces, but yields are still significant. The following estimates of yield per light wattage and grow space size were derived from several websites including marijuana and medical marijuana advocate websites:

#### Average Marijuana Yields<sup>9 10</sup>

- An average of around 1.5 to 2.0 oz or 40 to 60 grams (3.5 oz or 100 grams for advanced growers) with 200-watt CFL lamps in a grow cabinet that measures 3.5 x 1.5 x 6.5 ft.
- An average of around 3.0 to 5.0 oz or 80 to 150 grams (9.0 oz or 250 grams for advanced growers) with a 250-watt HPS lamp in a grow cabinet that measures 3.5 x 1.5 x 6.5 ft.
- An average of around 4.5 to 9.0 oz or 100 to 250 grams (14 oz or 400 grams for advanced growers) with a 400-watt HPS lamp in a grow room that measures 3.5 x 3.5 x 7 ft.
- An average of around 5.0 to 10 oz or 150 to 300 grams (21 oz or 600 grams for advanced growers) with a 600-watt HPS lamp in a grow room that measures 4 x 4 x 8 ft.
- An average of around 9.0 to 18 oz or 250 to 500 grams (36 oz or 1000 grams for advanced growers) with a 1000-watt HPS lamp in a grow room that measures 5 x 5 x 8 ft.

<sup>9</sup> [http://mjgrowers.com/book\\_setting\\_light.htm](http://mjgrowers.com/book_setting_light.htm)

<sup>10</sup> <http://www.ilovegrowingmarijuana.com/marijuana-cannabis-yield-how-much/>

Using these estimates and assuming the use of a modest residential grow space of 5'x5'x8' with a 1000-watt lamp, suitable for the county's recommended six plant limit, an average grower could produce 9-18 ounces or 250-500 grams of marijuana every 3-4 months, equating to an annual yield of 27-54 ounces or 750-1500 grams per plant per year based on three harvests per year.

At high dosage levels of 1.9 grams of marijuana per day times 365 days per year, a heavy marijuana user requires an estimated 694 grams or 24.5 ounces per year for smoking purposes. Research suggests that an average grower using an average home grow space could produce enough marijuana to serve a heavy marijuana smoker while staying within the proposed six plant limit. It is acknowledged for the heaviest users, or those requiring more marijuana for production of edibles, juices, tinctures and oils, home growing under the county's proposed limits might not produce enough marijuana to cover all possible uses. However, staff finds that the proposed six plant limit offers significant opportunity for meeting these needs while minimizing potential impacts to surrounding neighbors of the surrounding neighborhood. This represents a significant cost savings for growers compared with buying marijuana from medical or retail establishments. At the same time, staff notes that if additional quantities of marijuana are necessary, options exist outside of residential cultivation including purchasing marijuana at legal marijuana establishments or growing marijuana as permitted in commercialized or industrialized zoning districts.

#### **Additional possibilities for enhanced enforcement of existing marijuana cultivation regulations**

The proposed Land Use Code text amendments for marijuana are coupled with an increased effort to enforce existing marijuana regulations. The Land Use Department, Boulder County Sheriff's Office and Boulder County Drug Task Force have been working to improve coordination between our respective organizations based upon the laws, codes and regulations each is responsible for enforcing.

Specifically, Land Use Department code compliance staff recently completed training with the Sheriff's Office outlining identification of marijuana cultivation operations, marijuana cultivation and extraction safety issues, and training regarding the marijuana industry, both legal and illegal in Colorado. The Land Use Department has held several meetings with the Sheriff's office and the Sheriff's Drug Enforcement Task Force to discuss opportunities for sharing of information gathered during site visits, obtained through resident complaints regarding potential grow operations, and observations made during required inspections. For instance, the Sheriff's office might receive a call about a suspected grow operation, but without a search warrant, might only make observations from a public right of way. While no grow operation may be obvious, a deputy might notice a new building on the property, or might notice suspicious electric lines or ventilation systems connected to a building. By sharing this information with the Land Use Department, the Land Use Department can review the property for Building and Land Use Code compliance. Any violations requiring permits would also require building code inspections, at which time building inspectors could access the property to ensure compliance with County regulations.

Conversely, Land Use code compliance specialists will work to share information received from complainants about suspected illegal marijuana grow operations with the Sheriff's office. Often the Land Use Department receives information that may help supplement a Sheriff's office investigation such as license plate numbers or firsthand knowledge from area property owners.

For cases where a marijuana grow operation is alleged to exist, whether suspected to be legal or illegal, the Land Use Department and Sheriff's office will be working together to make contact with

the property owner, inform them of the county's regulations, and attempt to discern whether the property is in compliance or whether additional enforcement action is needed. On significant cases where large illegal grow operations are suspected, the Sheriff's office may work to obtain warrants as needed to fully investigate and potentially prosecute the case. The Land Use Department will offer Building and Land Use Code assistance on these cases, providing expertise related to topics such as Code requirements for proper electric and ventilation installation. Similarly, coordination with Boulder County Public Health may be requested for air quality or mold evaluations.

This text amendment docket has brought to light several opportunities for enhanced enforcement and coordination between the County's various departments and agencies. As noted above, the goal of this text amendment, and any subsequent enforcement programs that are improved as a result, is not to infringe upon the marijuana rights of Colorado citizens, caregivers or patients, but rather to ensure compliance with County regulations, eliminate illegal marijuana operations, and ensure compatibility with existing residential uses and neighborhoods.

**Suggestions for implementing a tiered approach to additional requirements or oversight that could be implemented if more than 6 plants per parcel are allowed**

As noted previously, Land Use staff are maintaining their recommendation for an allowable maximum of six plants per parcel in Boulder County. Staff find that this number reduces and possibly eliminates most safety hazards and neighborhood compatibility issues associated with larger grow operations and is consistent with the use meeting the intent and purpose of being **accessory to a residential use**. This in turn makes Boulder County's regulations more comparable to surrounding and nearby jurisdictions.

If more than 6 plants are to be allowed per parcel, staff recommend additional building permit or registration requirements similar to those seen in other jurisdictions. For instance, a grow space with more than two 1000 watt lamps on the same circuit likely requires electrical and ventilation upgrades. The greater the plant numbers, the more lights are required, and the more significant the upgrades. Such upgrades may have serious health and safety implications if performed incorrectly, and should only be done by licensed professionals and inspected by county building inspectors to assure work quality and compliance with building code requirements. Therefore, staff recommend a requirement for a building permit for all grow operations exceeding six plants in order to ensure safety and code compliance of any existing grow space and infrastructure, or to assure that any new infrastructure and/or upgrades are safely installed. Please note, if this option is not a preferred path anyone making improvements to their residence (electrical, ventilation, plumbing, etc.) are still required to obtain appropriate building permits.

For comparison, Summit County, Colorado requires growers conducting personal or caregiver cultivation within a residence, regardless of the number of plants, to obtain a County permit subject to administrative review. Location of cultivation is kept confidential except that such locations shall be disclosed to the Building Department, Sheriff's Office, local fire authority and other governing agencies with review authority. Inspections are required prior to commencing cultivation to ensure safety and code compliance.

Several jurisdictions also require growers exceeding personal grow limits to obtain a license as a marijuana business, including the City of Boulder which requires licensure for greater than 6 plants on a parcel, and the City of Denver which requires licensure for greater than 36 plants on a parcel. Likewise, consistent with this proposal, most other jurisdictions note that plant counts exceeding personal or medical cultivation limits are considered commercial or business uses which are not permitted in residential zoning districts.

**Suggestions for education options for growers such as building permit requirements, health and safety threats, etc.**

The proposed six plant limit is a plant quantity that would not typically require electrical or ventilation upgrades beyond the capacity of a typical household's existing systems. Therefore, building permits would likely not be required for cultivation of up to six plants. However, staff recommend that building permits continue to be required for any upgrades triggering building permits per the Building Code, and that building permits should be required for cultivation of greater than six plants if a higher plant limit is ultimately approved. This building permit requirement would also require that health, safety and code inspections are completed to ensure compliance. This would be similar to requirements already implemented by Summit County.

It is important to note that any cultivation of marijuana has the potential for health and safety related impacts and potential community nuisances that growers should be aware of including but not limited to electrical and ventilation system safety, potential for mold growth, safe handling of fertilizers and chemicals, child safety, and possible odor impacts. With the legalization of marijuana in Colorado, Boulder County should work to ensure that cultivation safety is brought to light. Likewise, the County could work to welcome legal growers, work with growers to discuss their needs, and help growers obtain building permits and required inspections for required upgrades. By making the process, discussion and requirements more user friendly and welcoming, opportunities exist to work reduce the currently clandestine nature of grow operations and improve the dialogue surrounding safer cultivation practices.

To accomplish these goals, staff recommend the creation of education and outreach materials, including website information and publications, to be made available to the cultivation community to ensure that these issues are addressed, even if addressed confidentially through use of the internet. Likewise, Land Use staff are committed to working with county and non-county agencies such as Public Health, local fire departments, HOA's, the business community, the medical marijuana and marijuana advocacy communities, and county citizens to ensure that consistent information and messages are provided in an effort to reduce misunderstandings and misconceptions about the county's regulations.

**Revised proposed language to clarify that processing of marijuana is limited to those plants grown on the parcel.**

It was the intent of the text amendments proposed at the March 16<sup>th</sup> hearing to limit processing of marijuana under the Residential Marijuana Processing and Cultivation use to only those plants grown on the parcel. Staff recommend clarification of this issue by adding "Processing of plants is limited only to those plants grown on the parcel" to the revised proposed text amendment language below.

**From:** [Boulder Mountain Fire Chief](#)  
**To:** [Case, Dale](#); [Donaghey, Liz](#); [Gardner, Deb](#)  
**Cc:** [Harding, Bryan](#); [Goodell, Gary](#)  
**Subject:** Re: marijuana grow meeting follow-up  
**Date:** Wednesday, September 30, 2015 10:52:15 AM  
**Attachments:** [MMJ and Hash Oil \(BHO Incidents in Boulder County.docx\)](#)

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As requested here is the initial information regarding MMJ and Hash Oil incidents with Fire Protection District information.

We look forward to working with your staff in making a safer environment.

Thanks again for what I feel was a very productive meeting.

On Mon, Sep 28, 2015 at 12:43 PM, Case, Dale <[dcase@bouldercounty.org](mailto:dcase@bouldercounty.org)> wrote:

Chief Benson,

Thank you for meeting this morning and providing the background information. We have schedule an internal staff meeting to follow up on the concerns and ideas presented. In the meantime it would be great if you could copy me on complaints/issues so I have a good feel for what is happening. I have also copied in Bryan Harding who is our Senior Planner in charge of Compliance and Gary Goodell the Chief Building Official.

Please forward my contact information on to Jim an Duke as well.

Thanks and let me know if you have any questions.

Dale Case, AICP

Director, Boulder County Land Use Department

Mailing: PO Box 471 Boulder CO 80306

Physical address: 2045 13<sup>th</sup> street, Boulder CO 80302

Direct: 720-564-2604

Office: 303-441-3930

[dcase@bouldercounty.org](mailto:dcase@bouldercounty.org)

--

John Benson  
Fire Chief  
Boulder Mountain Fire Protection District  
1905 Linden Drive Boulder, CO 80304  
303-440-0235  
[chief@bouldermountainfire.org](mailto:chief@bouldermountainfire.org)

May 26, 2015

## MMJ and Hash Oil (BHO) Incidents in Boulder County

The information below is a collection of data, sent to me by fire departments in Boulder County. Those departments include Indian Peaks Fire Protection District, Lyons Fire Protection District, Boulder City Fire Department, Nederland Fire Protection District, Timberline Fire Protection District and the Boulder Mountain Fire Protection District.

Although the number of agencies that responded back to my request is small in number, the information provided, shows a troubling trend regarding non-legal grow houses, and the extraction of BHO. The information provided will hopefully help to get start the process of changing rules and regulations in Boulder County and also to help spur changes at the State of Colorado level as well.

I appreciate those who responded to the survey.

### **Indian Peaks Fire Protection District**

- No incidents

### **Boulder Rural Fire Protection District**

- Near miss with Butane, making hash oil, lit a Doobie, with Butane vapors still in the air..
- Other fires are electrical overload issues with home growers not professional grow.

### **Lyons Fire Protection District**

- Incidents with extration and use of Butane.
- One incident with BHO using Isopropyl alcohol
- Minors using some type of Butane and other devices unknown if producing BHO.

### **Boulder City Fire Department**

- Several incidents concerning fires, explosions and other incidents with MMJ grow operations.
- 2 explosions contributed to the production of hash oil in residential settings. 2012, single family residence heavy damage to house including structural concerns. This year in a multi-family complex (apartment), medium damage with a flash fire. Neither of the 2 were "legal" operations.
- One non-legal operation, extinguished by a single automatic fire sprinkler.
- Other fires turned out to be electrical issues rather than actual fires. (Blown electrical services off buildings, melted handful of electrical meters attached to buildings.
- Ones unknown or don't know about pose the risk.

### **Nederland Fire Protection District**

- Several issues related to MJ and BHO.
- 10 years ago rental property being used as a grow. Smelled gas, opened the window the house had exploded upon F.D. arrival. House destroyed, owner under insured.
- 2013 hash oil extraction in house went bad. Heavy damage to structure, occupants escaped without harm. Several renters displaced. Found master case of Butane (96 cans) in bedroom. Occupant charged with 4<sup>th</sup> degree arson. It is against Town of Nederland zoning regs "No Butane extraction in town limits".

### **Timberline Fire Protection District**

- One last year, with no specific information.

### **Boulder Mountain Fire Protection District**

- 2 fires caused by electrical overloading. One structure with moderate to heavy damage, one structure with light damage.
- 1 structure fire, undetermined at this time.



## Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

### **Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18**

**Request:** Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 to address the cultivation and processing of marijuana as a Residential Accessory Use (Land Use Staff Planner: Bryan Harding)

Dear Stakeholder/Interested Party,

On January 26, 2016, the Board of County Commissioners authorized Land Use staff to pursue text amendments to the Boulder County Land Use Code to address the cultivation and processing of marijuana as a Residential Accessory Use.

The state of Colorado's legalization of marijuana has presented numerous land use challenges as the new laws have been implemented. The County recognized the votes to legalize marijuana and has undertaken sensible regulations to address the impacts while allowing the various associated uses. Through the evolution of these uses it has become evident there are certain aspects of the County's regulations which do not fully address the impacts and potential hazards present. In addition, the land use regulations may permit more than what is allowed under state laws thus creating a situation where the cultivations/grows are for activities not permitted under state law. In regard to this, the County has received several complaints about the residential cultivation and processing of marijuana. Complaints raise concerns about odors, safety concerns from fire, explosions and potential exposure to hazardous materials.

The current Land Use Code allows personal cultivation and caregiver cultivation as Accessory uses and limits the area for the activity to no more than 300 square feet. Under that regulation it could be possible to grow more than 100 plants. The provisions also prohibit the use of flammable gases in any extraction. Staff is proposing to review the adequacy of the current regulations and draft amendments which then address any shortcomings. The goal is to have a clear regulatory framework which protects the safety of County residents and meet the intent of Accessory Use regulations. Land Use also wishes to ensure that the home marijuana uses under the code are roughly comparable to the regulations of other jurisdictions within the County to provide for more uniformity in enforcement and to avoid forum shopping by marijuana growers.

A draft of the proposed text amendments is attached to this letter for your review. You may also view the proposed draft text amendments and future revisions in our office or online at: <http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx>

This docket review process will include a public hearing before the Boulder County Planning Commission, tentatively scheduled for March 16, 2016 at 3:00pm, and a public hearing before the Boulder County Board of County Commissioners, tentatively scheduled for April 5, 2016 at 2:00pm. Public comments will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Land Use staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter or email with your comments. All comments will be made part of the public record. If you have any questions regarding this docket, please contact me at (303) 441-3930 or [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Cindy Domenico County Commissioner

Elise Jones County Commissioner

Deb Gardner County Commissioner

Please return responses to the above address by **March 1, 2016**. Late responses will be reviewed as the process permits.

We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed SWB Williams PRINTED Name STEVEN WILLIAMS

Agency or Address Town of SUPERIOR



## Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

RECEIVED

FEB 29 2016

BOULDER COUNTY

LAND USE

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The Land Use staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter or email with your comments. All comments will be made part of the public record. If you have any questions regarding this docket, please contact me at (303) 441-3930 or [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Cindy Domenico County Commissioner

Elise Jones County Commissioner

Deb Gardner County Commissioner

Please return responses to the above address by **March 1, 2016**. Late responses will be reviewed as the process permits.

We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed  PRINTED Name Chris Nestus Fire Marshal  
Agency or Address Louisville Fire Protection District.

**From:** [Harding, Bryan](#)  
**To:** [Hackett, Richard](#)  
**Subject:** FW: Marijuana growing in PBH: Reduce Size of Residential Growing  
**Date:** Wednesday, May 18, 2016 9:30:57 AM

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-----Original Message-----

From: Detrea De Herrera [<mailto:detread108@gmail.com>]  
Sent: Tuesday, May 17, 2016 9:22 AM  
To: Harding, Bryan  
Subject: Marijuana growing in PBH: Reduce Size of Residential Growing

Good Morning Mr. Harding.

I am sending my comments in regard to the working amendment to limit or reduce the size of residential grow operations in Boulder County. I am very much FOR putting a limit on residential marijuana growing...please! An amendment being put in place would be extremely beneficial to help keep dangerous fires from breaking out, especially up in the foothills, where I live, in Pine Brook Hills. As we know that wildfires are extremely dangerous and catastrophic. Please add my name to the list of putting this amendment in place.

Thank you.  
Best Regard,

Ms. Detrea De Herrera

**From:** [Harding, Bryan](#)  
**To:** [Hackett, Richard](#)  
**Subject:** FW: Spam: marijuana grow operations  
**Date:** Wednesday, May 18, 2016 9:30:42 AM

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-----Original Message-----

From: Edward Arnold [<mailto:mtbera@gmail.com>]  
Sent: Tuesday, May 17, 2016 11:09 AM  
To: Harding, Bryan  
Subject: Spam: marijuana grow operations

I concur that large-scale grow operations in residential areas is unsafe, as well as discourteous to neighbors. I think it is irresponsible for anyone doing grows, to drain large quantities of CO2-causing electricity from the grid. I wish Boulder County would require grow operations to use solar panels and energy-storage devices - i.e. be off the grid.

-----  
Edward R. Arnold \* 225 Linden Drive \* Boulder, CO 80304 \* USA era [at] pobox [dot] com \*  
303.442.2133 \* 720.539.4083 text/vm

## Harding, Bryan

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**From:** Darrell Snyder <duke.snyder@comcast.net>  
**Sent:** Tuesday, May 17, 2016 3:11 PM  
**To:** Harding, Bryan  
**Cc:** Boulder County Board of Commissioners  
**Subject:** BMFPD Response to Proposed Land Code Revision Docket DC-16-0002  
**Attachments:** Boulder Mountain Fire Protection District Response to Proposed Bldr. Cty. Land Code Revision.pdf

Bryan:

Boulder Mountain Fire Protection District's response to Proposed Land Code Revision; Docket DC-16-0002-Residential Marijuana Cultivation Text Amendments is attached. We ask that you place it into the record and that you provide a copy to each Planning Board member. We have cc'd the Boulder County Commissioners on this email to provide them with a copy of our response. Thank you for your assistance in this matter.

Respectfully,

John Benson    Fire Chief, Boulder Mountain Fire Protection District  
Darrell Snyder    Board President, Boulder Mountain Fire Protection District

May 15, 2016

To: Boulder County Planning Commission

From: Chief John Benson, Boulder Mountain Fire Protection District, Darrell Snyder, President, Board  
Boulder Mountain Fire Protection District

CC: Bryan Harding, Senior Staff Planner

Re: Boulder Mountain Fire Protection District Response to Proposed Land Code Revision;  
Docket DC-16-0002 – Residential Marijuana Cultivation Text Amendments

Unregulated residential marijuana grow operations present wildfire threats, endanger firefighters, jeopardize citizens, and pose environmental hazards. Boulder County has the right to regulate marijuana use to protect the public safety, health and welfare of its citizens and emergency responders. Therefore, the Boulder Mountain Fire Protection District supports the Boulder County Planning Staff's proposed revision to the land code.

#### **Safety Issues Require Reasonable Regulations**

Unregulated indoor marijuana grow operations can be a dangerous environment for firefighters replete with electrical and chemical hazards.<sup>i</sup> A grow fire can turn into catastrophic wildfires in Boulder County, especially in windy conditions. Also, citizens are deprived of the residential character and safety of their neighborhood.<sup>ii</sup> Further, these unregulated marijuana grows, characterized by lack of inspection, review or oversight, can and do result in pesticide tainted water wells, hazardous wastes and dangerous CO2 usage which, employs pressurized tanks or propane/gas combustion to enhance plant yields.<sup>iii</sup> Additionally, excessive water use and illegal electrical overloads arise out of unregulated residential marijuana grow houses.<sup>iv</sup> All of these growing techniques are typically beyond the skill level of the average homeowner who is not equipped to monitor and control such a complex environment.<sup>v</sup> The proposed land code revisions provide reasonable regulations on the number of plants that can be grown and address other well documented safety and health concerns. Failure to adopt the safer and more realistic regulations, with the lack of inspection, review and oversight which currently exists, is tantamount to allowing home growers to flaunt the health and safety of law abiding homeowners whose rights are being ignored.

#### **Colorado Constitution, State Law and Other Jurisdictions Impose Limits on Use**

While opponents of these reasonable regulations have argued that they have unfettered rights to indeterminate amounts of marijuana plants and rely on medical marijuana to justify that (whether or not they are actually growing for medical purposes can't be determined due to HIPAA rules), that is simply not the law nor is it supported by actual usage of patients.

The Colorado Constitution and state law recognize limits on the use of personal and medical marijuana.<sup>vi</sup> Indeed, the state of Colorado has now limited a patient care provider to 36 plants (regardless of the number of patients) and requires registration and licensing beyond that number.<sup>vii</sup> The City of Boulder allows 6 plants per dwelling—if greater than 6 plants, the plants cannot be in a residential zoned

area and a retail or medical marijuana license is required.<sup>viii</sup> Similar cities around the county limit the number of plants to 6.<sup>x</sup>

These restrictions arise out of the concern over widespread abuses of illegal grow operations by patient providers and others. According to the State Auditor, the Director of the CO Department of Health, the President of the CO Cannabis Chamber and this month's CO Department of Public Safety report on marijuana usage, there is widespread recognition that the caregivers system is "being abused across Colorado as a means of avoiding proper licenses...without the licensing or oversight of commercial grow operations" and being diverted into the black market and out of state.<sup>x</sup> The objective is not to impact marijuana usage but rather to enhance the safety of all concerned.

### **What is the Actual Dosage of Medical Marijuana Users and How Many Plants Meet that Need?**

The proposed Land Code revisions provide a reasonable limit, *i.e.* allowing a reasonable number of plants, that protect the rights of all citizens. So how many plants are needed for the medical marijuana user? Heavy Users, which includes medical marijuana users, consume 1.6 to 1.9 grams of marijuana per day, according to the recent State of Colorado Dept. of Revenue report (9/15) (CO Dept. Revenue. Rpt.).<sup>xi</sup> Even if the usage is increased over 50% to 3 grams of marijuana per day, the usage would be 274 grams or 9.7 ounces every 3 months. Assuming an average of 4 harvests per year (estimates range from 4-6 harvests a year per experts), a patient uses 9.7 ounces every 3 months or 38.8 ounces a year.<sup>xii</sup>

What does the average marijuana plant grown indoors yield? The DEA says a plant yields 16 ounces every quarter.<sup>xiii</sup> Assuming 6 plants yield 96 ounces every 3 months, the yearly production would yield 384 ounces. Even if the DEA's yield figures are reduced by 50%, the amount of production from 6 plants producing 8 ounces each quarter results in 48 ounces every 3 months or 192 ounces a year—the yield is still far in excess of a patient's yearly need of 38.8 ounces a year.

In fact, the yield could be much higher under ideal growing conditions of temperature, humidity, light and CO2 concentrations--conditions which increase the complexity for the home grower and potentially increase the adverse health and safety affects. Many growers contend that increasing light wattage to 1000 watts results in yields of 35 oz. per plant per harvest.<sup>xiv</sup>

As for caregivers, 79.9% (2156) of all 2700 total Colorado caregivers serve only 1 patient and an additional 19.8% serve up to 5 patients and only .3% (8) caregivers serve more than 5 patients. Statewide, most of the medical marijuana patients primarily consist of males 18-40 complaining of severe pain.<sup>xv</sup>

The amount of use by medical marijuana patients, coupled with allowance of 6 plants that produce far in excess of dosage requirements, and the number of caregivers that care primarily only for 1 patient all clearly indicate medical marijuana users have affordable access to ample supplies of marijuana with 6 plants per parcel.

We urge Boulder County to protect the health, safety and welfare of its citizens and emergency responders by maintaining the residential character of its neighborhoods, protecting the environment, emphasizing safety and keeping this County free of wildfires from excessive grows by adopting the proposed revisions to the Boulder County Land Code.

Surrounding Boulder County Area Residential MMJ Requirements

City	# of Plants	Parcel or Residence	Zoning	Licensing	Enhanced Plant Growth
<b>Boulder</b>	6 plants per residence	Residence	Where > than 6 plants, can't be in Resid. Zoned Area	If > than 6 plants, must have either applicable retail or medical marijuana license	No extraction, infusion, enhancement, use of CO2 or other volatile materials
<b>Erie</b>	6 plants per residence	Residence	No med marijuana estblmt. or retail facility allowed; No med. marijuana in common areas of multifamily resid. or attached dwelling	Business license required for primary caregiver and for med. Marijuana patient; Ownership of prop. or landlord proof required; Building inspection prior to issuance; Failure to comply criminal violation; Odor, light pollution prohibited	No extraction, enhancement, use of flammable gases
<b>Lafayette</b>	12 plants per residence	Residence; Not allowed in multifamily or attached dwelling; Allowed in rental only if written ok of landlord	No med marijuana estblmt. or facility within residential district; MM subject to odor, light pollution, noise requirements; Subject to home occup. Regulations; No > 1200 watts for cultivation		No compressed flammable gas
<b>Longmont</b>	Code prohibits marijuana; Separate code section allows use for resid. and medical marijuana (personal and caregiver) as per State Constitution	Residence	No med. marijuana facilities or manufacturing or sales within city		
<b>Louisville</b>	6 plants per residence	Residence	No retail No medical marijuana center or manuf. facility within residential district	Med Marijuana License Required	See "Licensing"
<b>Lyons</b>	6 plants per person not to exceed 12 in residence regardless of # of residents or patients	Residence	No med marijuana estblmt. or facility or retail facility or cultivation within residential district  MM subject to odor, light pollution, noise req.		Not produced with use of hazardous chemicals
<b>Superior</b>	6 plants for any person	Applies to any person; does not discuss limits as per residence	No med marijuana facilities or retail facilities		No use of solvents for extraction
<b>Denver</b>	6 plants per person, 12 total per residence regardless of # of residents	Residence	Extraction of marijuana concentrate prohibited except in licensed facility		No extraction except water based or food based in residential zone; marijuana concentrate requires permit from Denver Fire Dept.

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<sup>i</sup> FIRE CODES AND STANDARDS: DENVER'S LEGALIZED MARIJUANA INDUSTRY AND THE FIRE CODE 2/23/15  
Growing marijuana at home comes with hazards: fire, illness and even death *Gazette* 2/22/16  
Information regarding MMJ and Hash Oil incidents with Fire Protection District information, Chief John Benson,  
<http://www.bouldercounty.org/doc/landuse/dc160002pcrec.pdf> (p. 12-13)

**DOZENS ARRESTED IN DENVER-AREA POT RAIDS TARGETING EXPORTERS**, AP, April 14, 2016

**Denver Cracks Down on Marijuana Caregiver Grows**, *Rocky Mountain News PBS*, 3/26/16

**Suspects sought in hash oil explosion at Boulder's Broker Inn**, *Daily Camera* 4/14/16

**More illicit pot being grown in Colorado homes, shipped out of state**, *Denver Post* 4/15/16

ii

*Boulder County officers reveal texts they say were used in planning marijuana robbery*, Robbery in Sunshine Canyon in November, 2015, *Daily Camera*, February 1, 2016

*Feds, sheriff probe intruder's killing at Huerfano County home filled with illegal pot*, *Denver Post*, March 31, 2016

*Seven People, 7.6 Million Seized in Pot Raid*, *Denver Post*, March 31, 2016 ( *Pueblo has seized 180 illegal marijuana plants, bringing the total found in Pueblo raids since March 30 to 2,300*, *Denver Post*, April 11, 2016

*High Crimes*, NBC News, February 5, 2014, "Denver District Attorney Mitch Morrissey... Last summer he told the city council that there have been a dozen homicides "directly" related to mom-and-pop residential marijuana grows...".

**Boulder County Land Use Code recognizes Residential Areas not for Commercial Purposes, Not for Greenhouse Cultivation, Distribution, Delivery of Goods. Boulder County Planning Code**, <http://www.boulder-county.org/doc/landuse/lucodearticle04.pdf> , **Section 4.501(c), 4-501.5, 4.506**

<sup>iii</sup> Denver recalls Mahatma pot extracts containing unapproved pesticides *Denver Post* 9/8/15,

With No U.S. Standards, Pot Pesticide Use Is Rising Public Health Threat (*The Fern.org*, *Rocky Mountain PBS*)

21 Public Health and Safety Advisories regarding use of pesticides on marijuana (advising return of marijuana) issued by CO Dept. of Revenue from February 17, 2016 to April 7, 2016.

A study done by The Werc Shop, an independent testing lab for medical threat, and published in the Journal of Toxicology, found that **up to 70 percent of the pesticides found on a marijuana bud can transfer to the smoke being inhaled**

**Non-Smoker Exposure to Secondhand Cannabis Smoke.**

State Regulates Disposal of Marijuana Waste and Dangerous and Hazardous Chemicals, Code of Colorado Regulations, 1 CCR 212-1, 51-52

Colorado Fire Marshals' Special Task Group, Marijuana Facility Guidance v.1, Based on the 2015 International Fire Code, Effective Date: March 11, 2016 (CO Fire Marshals' Marijuana Facility Guidance)

<sup>iv</sup> CO Fire Marshals' Marijuana Facility Guidance, *ibid.*

"As more grow houses pop up it's becoming a bigger issue. For instance, Gardner says that roughly 12 percent of the electric grid in Boulder is now supporting marijuana growing", Dave Gardner, Senior Horticulturist with consulting firm Colorado Cannabis Systems. The High Cost of Growing Cannabis, JULY 16, 2014

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Coloradans feel the heat from indoor marijuana growing Environment & Energy Publishing 4/26/2016  
" Indoor Marijuana Grow Houses Pose Health Threat." National Jewish Health Press Release. 9/11/12.

<sup>v</sup> A Growing Danger: The Risks Posed by Marijuana Grow-Ops Electric Energy Online, *CO Fire Marshals' Marijuana Facility Guidance*, supra.

<sup>vi</sup> **CO Constitution, Article XVIII, Section 14: Medical Use of Marijuana for Persons Suffering from Debilitating Medical Conditions:**

, "... (5)(a) No patient shall: (I) Engage in the medical use of marijuana in a way that endangers the health or well-being of any person;

... (2)(d) Notwithstanding the foregoing provisions, no person, including a patient or primary care-giver, shall be entitled to the protection of this section for his or her acquisition, possession, manufacture, production, use, sale, distribution, dispensing, or transportation of marijuana for any use other than medical use.

... (8) Not later than April 30, 1999, the General Assembly shall define such terms and enact such legislation as may be necessary for implementation of this section, as well as determine and enact criminal penalties for: (a) Fraudulent representation of a medical condition by a patient to a physician, state health agency, or state or local law enforcement official for the purpose of falsely obtaining a registry identification card or avoiding arrest and prosecution; (b) Fraudulent use or theft of any person's registry identification card to acquire, possess, produce, use, sell, distribute, or transport marijuana, including but not limited to cards that are required to be returned where patients are no longer diagnosed as having a debilitating medical condition; (c) Fraudulent production or counterfeiting of, or tampering with, one or more registry identification cards

**Colo. Const. Art. XVIII, Section 16 (2015)**

**Section 16. PERSONAL USE AND REGULATION OF MARIJUANA"**

"... (5)... (f) A locality may enact ordinances or regulations, not in conflict with this section or with regulations or legislation enacted pursuant to this section, governing the time, place, manner and number of marijuana establishment operations; establishing procedures for the issuance, suspension, and revocation of a license issued by the locality in accordance with paragraph (h) or (i), such procedures to be subject to all requirements of article 4 of title 24 of the Colorado Administrative Procedure Act or any successor provision; establishing a schedule of annual operating, licensing, and application fees for marijuana establishments, provided, the application fee shall only be due if an application is submitted to a locality in accordance with paragraph (i) and a licensing fee shall only be due if a license is issued by a locality in accordance with paragraph (h) or (i); and establishing civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such locality. A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; provided, any initiated or referred measure to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores must appear on a general election ballot during an even numbered year.

<sup>vii</sup> **CO STATUTE: SENATE BILL 15-014 ,State Law Limits Patient Providers as to Number of Plants and Patients (effective 1-17)**

Patient care giver—cannot possess cultivate or transport more than 36 plants. If greater than 36 plants, care giver required to register with State. Patient care giver cannot have more than 99 plants total (regardless of number of patients)—if greater than 99 must be licensed as medical marijuana business by the state (Section 8.5(b)).

“...A. ... (8.6) Primary caregivers plant limits - exceptional circumstances. (a) (I) A PRIMARY CAREGIVER SHALL NOT CULTIVATE, TRANSPORT, OR POSSESS MORE THAN THIRTY-SIX PLANTS UNLESS THE PRIMARY CAREGIVER HAS ONE OR MORE PATIENTS WHO, BASED ON MEDICAL NECESSITY, HAVE AN EXTENDED PLANT COUNT. (II) (A) A PRIMARY CAREGIVER WHO CULTIVATES MORE THAN THIRTY-SIX PLANTS SHALL REGISTER THE INFORMATION REQUIRED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II) WITH THE STATE LICENSING AUTHORITY'S REGISTRY CREATED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (7) OF THIS SECTION. A PRIMARY CAREGIVER SHALL UPDATE HIS OR HER REGISTRATION INFORMATION UPON RENEWAL OF HIS OR HER PRIMARY CAREGIVER REGISTRATION. (B) A PRIMARY CAREGIVER SUBJECT TO THE REGISTRY IN THIS SUBPARAGRAPH (II) SHALL REGISTER THE FOLLOWING INFORMATION WITH THE STATE LICENSING AUTHORITY: THE LOCATION OF HIS OR HER CULTIVATION OPERATION; THE PATIENT REGISTRATION IDENTIFICATION NUMBER FOR EACH OF THE PRIMARY CAREGIVER'S PATIENTS; AND ANY EXTENDED PLANT COUNT NUMBERS AND THEIR CORRESPONDING PATIENT REGISTRY NUMBERS. (b) A PRIMARY CAREGIVER SHALL NOT CULTIVATE MORE THAN NINETY-NINE PLANTS. ONLY A MEDICAL MARIJUANA BUSINESS LICENSED AND PROPERLY AUTHORIZED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., MAY CULTIVATE MORE THAN NINETY-NINE PLANTS. THE PRIMARY CAREGIVER IS NOT ALLOWED TO GROW ADDITIONAL PLANTS UNTIL HE OR SHE IS LICENSED BY THE STATE LICENSING AUTHORITY

... (13.5) NOTHING HEREIN SHALL REDUCE OR ELIMINATE THE EXISTING POWER OF A STATUTORY MUNICIPALITY OR COUNTY THROUGH THE "LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT OF 1974", ARTICLE 20 OF TITLE 29, C.R.S., TO REGULATE THE GROWING OF MARIJUANA, COMMERCIALY OR OTHERWISE.”

<sup>viii</sup> City of Boulder, [City of Boulder Municipal Code Recreational Marijuana](#)

**Section 6-16-1 (b) (10)“ Protect public safety and residential areas by limiting the areas of the city where more than six marijuana plants may be grown”**

“*Recreational marijuana business* means (a) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or one ounce of marijuana, or (b) any person that sells any amount of marijuana, or (c) any person who possesses marijuana openly or publicly. The term recreational marijuana business shall not include the private cultivation, possession, or use within a person's residence of no more than (a) six plants in an enclosed, locked space, or (b) one ounce of marijuana, or (c) the marijuana derived from no more than six plants on the premises where the plants were grown if the plants were grown in an enclosed, locked space.”

**6-16-3. - License Required.**

(a)License Required. It shall be unlawful for any person to operate a recreational marijuana business without obtaining a license to operate pursuant to the requirements of this chapter and holding a license in good standing from the state.

**6-16-13. - Prohibited Acts.**

“(a)Prohibited Acts. It shall be unlawful for any person to:

... (4) Possess more than six marijuana plants without a recreational marijuana business license for a cultivation facility.”

**Chapter 14 Medical Marijuana Business**

**6-14-1. - Legislative Intent and Purpose.**

“(10) Protect public safety and residential areas by limiting the areas of the city where more than six medical marijuana plants may be grown.”

(11) Exclude from the definition of a *medical marijuana business* the private possession, production, and medical use of marijuana by an individual patient or the private possession, production, distribution, and medical use of marijuana by an individual caregiver for one patient, in the residence of the patient or caregiver, to the extent permitted by Article XVIII, Section 14 of the Colorado Constitution.”

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(c) Relationship to State Law. The provisions in this chapter that are different from the state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by § 12-43.3-305, C.R.S., and by the home rule authority granted to the city by Article XX of the Colorado Constitution and the charter of the city. The city intends that both state law and this chapter apply within the city. Where this chapter conflicts with the state law, this chapter shall apply on all matters authorized in § 12-43.3-101, et seq., C.R.S., and all matters of local concern.

**6-14-2. - Definitions.**

*Medical marijuana business* means (i) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or two ounces of a usable form of marijuana for medical use, or (ii) any person that produces any amount of medical marijuana. The term medical marijuana business shall not include the private possession, or medical use of no more than six plants, or two ounce of a useable form of marijuana by a patient or caregiver in the residence of the patient or caregiver

**6-14-13. - Prohibited Acts.**

(a) Prohibited Acts. It shall be unlawful for any person to:

... (6) Possess more than six marijuana plants without a medical marijuana business license for a cultivation facility. It shall be an affirmative defense to this charge if (a) a legitimate recommendation from a qualified physician of the patient for whom the marijuana is being grown includes a recommendation for a specific amount of marijuana in excess of six marijuana plants as being medically necessary to address the patient's debilitating medical condition, and (b) the plants are located within a licensed medical marijuana business.”

<sup>ix</sup> See attached Chart on page 3 above of this Letter (Chart showing Other Local Govts. Marijuana Regs.).

<sup>x</sup> **Colorado Cannabis Chamber wants controls on Medical Pot Grows, Denver Post 2/15**

**Medical Marijuana Regulatory System Part II, Dept. of Public Health and Environment and Department of Revenue, Performance Audit Report, June 2013, State Auditor.**

Marijuana Legalization in Colorado: Early Findings A Report Pursuant to Senate Bill 13-283 March 2016, Colorado Department of Public Safety, <http://cdpsdocs.state.co.us/ors/docs/reports/2016-SB13-283-Rpt.pdf>

**Interview of Dr. Larry Wolk (Director of CO Department of Health), with JAMA, May 14, 2014**

<sup>xi</sup> **HEAVY USER 1.6 TO 1.9 GRAM PER DAY (No Differentiation between Recreational and Medical Marijuana User) State of CO Dept. of Revenue Report**

“The **most recent study (Kilmer et al., 2013)** produced for the Washington State Liquor Control Board combines the findings from recent literature with their own survey focused upon Washington State resident consumption of marijuana. Their **results suggest that heavy users consume 1.3 to 1.9 grams per day, with a point estimate of 1.6 grams per day.** We believe that this estimate is the most accurate description of heavy marijuana use, and that it should be used in this study unless our own survey results indicate differently. I therefore, based upon the Kilmer et al. findings, the initial estimate used in this report is 1.6 grams per day for heavy users—those who use marijuana more than 21 days per month—and 0.67 grams per day for regular users. ... The demand for marijuana by Colorado adult residents is estimated to be 121.4 metric tons in 2014.” **MARKET SIZE AND DEMAND FOR MARIJUANA IN COLORADO** Prepared for the Colorado Department of Revenue, by Marijuana Policy Group

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"This analysis suggests that at that time the **number of joints/day was 1.68 for light users, 1.92 for weekly and more than weekly users, and 3.87 for daily/near-daily users. Based on a variety of considerations, the amount of marijuana in a typical joint is assumed to be 0.43 grams/joint. [note heavy use equates to 1.66 grams a day]** "[https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/wausid\\_results\\_report.pdf](https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/wausid_results_report.pdf)

"While there are no real differentiations between medical and recreational heavy users yet, **most of the heavy users still have medical cards versus recreational.**" Comparing Colorado & Washington Cannabis Market Demand,  
CFN Media Group, 7/11/14

<sup>xii</sup> **AMOUNT REQUIRED BY HEAVY USERS/MEDICAL MARIJUANA PATIENTS; PLANT YIELD**

- **Amount Required by Heavy Users/Medical Marijuana Patients:**

2 grams based on following report, MARKET SIZE AND DEMAND FOR MARIJUANA IN COLORADO Prepared for the Colorado Department of Revenue, by Marijuana Policy Group;

However, we used over 50% increase of 3 grams daily usage in the following calculation of amount required by Medical User:

3 grams x 91.25 days (per quarter) = 274 grams or 9.7 oz. every 3 months

6 plants x 16 oz. x 4= 384 ounces per year.

Specifically, 6 plants produce 6 lbs. every 3 months for total of 384 ounces or 24 lbs. a year. We used the lower DEA estimate of yield of 1 lb. per plant as set forth in Ftnt. 13.

Given daily dosage requirements (med. marijuana user amount) 3 grams X 365 days=1.1 kg. or 38.8 ounces yearly medical use requirement and Heavy User amounts, this far exceeds needs of medicinal marijuana users.

- **Number of Harvests:**

Cultivated indoors under optimum heat and lighting, the plant may reach maturity within as few as 60 days, Marijuana: A Primer, Paul Armentano, NORML Deputy Director

"Indoor production allows 4-6 harvests per year (5 being typical), whereas outdoor production allows only 1-3 harvests per year" Report by BOTEK to Washington State Liquor Board re Cannabis Production

<sup>xiii</sup> <http://www.sandiegouniontribune.com/news/2012/feb/06/region-pot-plant-values-fixed-regardless-of-green/>

-Yield of Plants: DEA says 16 oz. per quarter . We used this lower figure of 16 oz. per plant for yield calculation instead of the 35 oz. figure cited below in ftnt. 14

<sup>xiv</sup> **Yield from One Plant using 1000Watts-35 ounces of marijuana; Yield from Increased Wattage**

- **YIELD FROM ONE PLANT Using 1000 Watt HID Light= 1000 grams or 35 ounces of marijuana**

"Maximum yield per plant indoors...Lights are of the utmost importance when you're growing indoors. **Experienced growers can produce about a gram of marijuana per watt of light (1 gram = 0.035 oz).** So, a 400-watt HPS grow light can potentially translate to 400 grams or 14 oz of dried, usable cannabis. Likewise, a grow room with 1200 watts of light can yield 1.2 kilograms or 42 oz. of cannabis."

Author--Robert Bergman, master marijuana grower. Robert Bergman is the author of 'Marijuana Plant Care' and 'The Marijuana Grow Bible' <http://www.ilovegrowingmarijuana.com/marijuana-cannabis-yield-how->

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much/ **See also, Rosenthal (Marijuana's Grower's Handbook), for support of 35 gram figure per 1000 watt of light per plant.**

**-Yield from increased wattage.** "There are some predictable relationships, such as causation between more intense lighting and yield per unit area... Report by BOTEC to Washington State Liquor Board re Cannabis Production

<sup>xv</sup> **NUMBER OF MEDICAL MARIJUANA PATIENTS AND MEDICAL CONDITIONS**

CO Dept. of Public Health Statistics March 2016:

**Boulder Medical Marijuana Patients (as of 3/2016) 7,834**

**92.9% of medical marijuana patients reported severe pain as reporting condition for card, 43.5% of those reporting severe pain were between the ages of 21-40.**

**Other medical conditions reported by medical marijuana users are as follows:**

**Cachexia 969 <1%, Cancer 3,951 3.7%, Glaucoma 1,290 1.2% HIV/AIDS 582 <1%, Muscle Spasms 22,943 21.3%, Seizures 2,560 2.4%, Severe Nausea 13,041 12.2%,**

**Statewide--Total number of all CO caregivers serving more than 5 patients is 8 caregivers, constitutes < than 1% of the total caregivers in CO, [https://www.colorado.gov/pacific/sites/default/files/CHED\\_MMR\\_Report\\_March2016\\_Statistics\\_0416.pdf](https://www.colorado.gov/pacific/sites/default/files/CHED_MMR_Report_March2016_Statistics_0416.pdf)**

## Harding, Bryan

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**From:** Jim Eyster <jim@eysterville.com>  
**Sent:** Tuesday, May 17, 2016 9:07 AM  
**To:** Harding, Bryan  
**Subject:** Proposed Residential Marijuana Rule Changes

Bryan--

We strongly support Land Use's proposed rule changes for residential marijuana grows in unincorporated Boulder County.

There are 5 reasons we support the changes.

1. The changes are legal and reasonable.

The County has the legal authority to modify the rules for safety and environmental protection just as other governmental entities have done in the State of Colorado.

2. The changes will eliminate venue shopping in the County.

Since Boulder County currently has the most lenient allowance for residential grows, individuals are moving to unincorporated Boulder County just to grow more marijuana. If not changed, individuals can grow 300 square feet of marijuana (about 100 plants) versus in the City of Boulder where they are restricted to 6 plants. By matching the City's 6 plant rule, venue shopping would be eliminated.

3. It is not legally possible to differentiate between "medicinal" and "recreational" residential grows.

Due to HIPPA rules, growers don't have to answer if they are growing medicinal or recreational marijuana so it is indeterminate as to why they are growing.

4. Safety should govern the size of residential grows.

There have already been multiple residential grow fires in the County and we need to protect our neighborhoods and firefighters.

5. Based on usage, both medicinally and recreationally, the proposed 6 plant rule more that satisfies the need of all users.

The heaviest users, both medicinally or recreationally, consume 1.9 grams a day or 694 grams a year. This usage rate is from the 2015 Colorado Department of Revenue Report. Six plants, on the other hand, yield about one pound, 4 times a year per DEA published information. This equates to 10,800 grams a year which far exceeds the 694 gram usage by a single individual. The question now is, "If this is true, where does the rest of the marijuana go?" The growers may share/sell to friends or to the black market. Also, their yields may be less than DEA expectations but even a much lower yield would still be sufficient to meet most needs. Then, of course, grows could exceed the DEA expectations thus further complicating the question.

Once again, we support Land Use's proposed changes to reduce the number of plants grown legally in a residence to 6 in unincorporated Boulder County. We are not opposed to individuals using marijuana legally, but we are opposed to individuals jeopardizing our safety and the environment.

Respectfully submitted,

Jim and Kathy Eyster

50 Wildwood Lane

Boulder, CO 80304

## Harding, Bryan

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**From:** Jim Eyster <jim@eysterville.com>  
**Sent:** Monday, May 16, 2016 1:09 PM  
**To:** Harding, Bryan  
**Subject:** Proposed Residential Marijuana Rule Changes

Dear Bryan--

My wife and I support your proposed residential rule changes for growing marijuana in unincorporated Boulder County.

There are 5 reasons we support your changes.

1. The changes are legal and reasonable.

The County has the legal authority to modify the rules for safety and oversight reasons.

2. The changes will eliminate venue shopping in the County.

Since Boulder County currently has the most lenient allowance for large grows, individuals are moving to unincorporated Boulder County just to grow more weed. If not changed, you can grow 300 square feet of weed (about 100 plants) versus in the City of Boulder where you are restricted to 6 plants.

3. It is not legal or possible to currently differentiate between "medicinal" and "recreational" grows.

Due to HIPPA rules, one is not permitted to ask about growing medicinal weed so it is indeterminate as to why they are growing.

4. Safety should govern the size of residential grows.

There have already been multiple residential fires in the County and we need to protect our neighborhoods and firefighters.

5. Based on usage, both medicinally and recreationally, the proposed 6 plant rule more that satisfies the use of 90+ percent of all users.

The highest users consume about 2 grams a day or 730 grams a year. Six plants, on the other hand, yield about one pound, 4 times a year per the DEA. This equates to 10,800 grams a year which far exceeds the 730 gram usage by a single individual. You're now probably asking yourself, "If this is true, I wonder where the rest of the marijuana goes." The growers may share/sell to friends or to the black market. Also, their yields may not meet DEA expectations. The grows could, of course, exceed the DEA expectations thus exasperating the issue.

Once again, we support your proposed changes to reduce the number of plants grown legally to 6 in unincorporated Boulder County. Our main reason is safety of the residents in the County. We are not opposed to individuals using marijuana legally, but we are opposed to individuals jeopardizing our safety.

Respectfully submitted,

Jim and Kathy Eyster

50 Wildwood Lane

Boulder, CO 80304

## Harding, Bryan

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**From:** Traci <tracimcc@yahoo.com>  
**Sent:** Tuesday, May 17, 2016 6:33 AM  
**To:** Harding, Bryan  
**Subject:** Unincorporated Marijuana

Hi Bryan,

Once again I'm here to show my support of keeping large grow operations out of boulder heights and all unincorporated boulder county. I'm not opposed to citizens having a few plants for their own use of that's what they desire, but to allow large volume operations in a residential area is an endangerment to the lives of everyone that shares that land. We were lucky in the four mile file and I don't think we'll be that lucky again. We need this amendment to keep our neighborhood and families safe.

Thank you for listening,  
Traci

Sent from my iPhone

## Harding, Bryan

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**From:** Terra Goeres <terra.goeres@gmail.com>  
**Sent:** Friday, May 13, 2016 9:24 AM  
**To:** Harding, Bryan  
**Cc:** Dush Ramachandran  
**Subject:** Fwd: Marijuana growing in PBH: Next hearing

Brian,

Unfortunately my husband and I are traveling on business during the upcoming Planning Commission hearing. I've already submitted comments that are part of the public record, but both my husband and I want to reiterate that we are strongly in favor of the proposed limitations.

It is absolutely absurd that marijuana growing operations not be subject to the same type of regulation as other industries. If this is allowed to go on, can I turn my house into a public business? A bar perhaps? Maybe a gas station? A restaurant? A butcher shop? Of course not. Zoning regulations restrict where businesses are allowed to exist (thank God), so it's ridiculous for marijuana growing operations to be any different - especially when the threat they pose to the area is far greater than any of the other businesses I've mentioned.

We implore the Planning Commission to please do the sensible thing for Boulder County and its job of keeping the area safe and protected for all residents.

Terra and Dush Ramachandran

----- Forwarded message -----

**From:** Brian Wahlert <brian.wahlert@gmail.com>  
**Date:** Fri, May 13, 2016 at 6:56 AM  
**Subject:** Marijuana growing in PBH: Next hearing  
**To:** [terra.goeres@gmail.com](mailto:terra.goeres@gmail.com)

Pine Brook residents,

It seems like it's in the news every other week:

*April 21: Marijuana grow operation overloads transformer, causes 2-acre grass fire in Pueblo West ([link](#))*  
*April 13: Hash oil explosion blows out door of hotel room in Boulder ([link](#))*  
*March 8: Marijuana grow overloads electrical system, burns house in Colorado Springs ([link](#))*

The large-scale grow operations that are sparking these fires (49 plants in Pueblo West, 25 plants in Colorado Springs) are currently allowed in Pine Brook and the rest of unincorporated Boulder County, where 100 plants or more can be grown per residence, with no licensing required. But the consequences could be catastrophic in our area, where a house fire in the right conditions could grow into another Fourmile fire.

Boulder County is working on amending its regulations to reduce the size of residential grow operations and prohibit the most dangerous marijuana processing activities. Back in March, 88 Pine Brook residents provided

public comment on the changes, with 86 of the 88 in favor of the proposed limitations on residential marijuana growing. Thank you all for submitting feedback.

The amendment was tabled by the Planning Commission at its March 16 meeting, but now it's coming up for a second review, with a new report published [here](#). Comments that you submitted previously are still part of the public record, but if you have additional comments, you can email those to Bryan Harding at [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org). Better yet, attend the Planning Commission hearing this coming Wednesday, May 18, at the Boulder County Courthouse (1325 Pearl Street). The [current agenda](#) for that meeting has discussion of the marijuana issue beginning around 2 PM. You can bet the pro-marijuana folks will come out, so those of us who would like to keep commercial-scale marijuana growing out of Pine Brook will need to speak up as well.

Take care,

Brian Wahlert  
Pine Brook Hills HOA President

## Harding, Bryan

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**From:** Ann <aharsh@comcast.net>  
**Sent:** Friday, May 13, 2016 7:34 AM  
**To:** Harding, Bryan  
**Subject:** Marijuana Growing in PBH

Good morning to you, Bryan,

It is indeed a beautiful one with sunny clear skies and greenery popping up everywhere. I mention this because I would hate to have this lovely environment destroyed by fire. In reading about grow houses and seeing the results of people simply not following careful guidelines, I am even more convinced that there should be regulations in PBH that limit the growth of marijuana plants to no more than 6 plants per household. In reading the 150 pages online concerning this issue we are sure that we don't want neighbors growing this product in large amounts. We understand medical usage of this plant very well. I have recently had a bout of cancer and very difficult chemotherapy in another state prior to moving here. This is a residential community not one that should be considered a place to have a large-scale growing of this product. I am worried about fire and know our volunteer responders are worried also. We need to do everything we can to keep this mountain community protected. Please support the passing of this proposed land use amendment.

We certainly appreciate the work you do and thank you for the consideration of our views.

Respectfully submitted,  
Ann Harsh  
212 Wild Horse Circle  
PBH

## Harding, Bryan

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**From:** Michelle Grainger <michelle.grainger@gmail.com>  
**Sent:** Thursday, May 12, 2016 1:30 PM  
**To:** Harding, Bryan  
**Subject:** Re: Docket DC-16-0002 - Residential Marijuana Cultivation Text Amendments - Staff recommendation now posted online - please note revised 2pm start time for Planning Commission Hearing on 5/18

Thank you Bryan for letting me know about this meeting.

Please let me know what they decide.

The amount of "grow houses" up here, in Four Mile Canyon, is growing at an alarming rate.

Michelle

On May 11, 2016, at 11:28 AM, Harding, Bryan <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)> wrote:

>

> Hello,

> This email is to inform you that the Land Use staff recommendation for docket DC-16-0002 – Residential Marijuana Cultivation Text Amendments is now available for viewing online at the following link:

> <http://www.bouldercounty.org/doc/landuse/dc160002pcrec20160518.pdf> (11 MB PDF).

>

> This staff recommendation is being posted for public review as required one week prior to the scheduled Boulder County Planning Commission hearing set for Wednesday, May 18, 2016 in the Commissioners Hearing Room on the third floor of the Boulder County Courthouse located at 1325 Pearl Street in Boulder. Please note, the start time of the hearing for this docket has been revised to approximately 2 p.m. Public testimony will be taken for the limited purpose of considering new information. As always, we will provide any additional written comments received from the public to the Planning Commission for review and will include them in the docket file.

>

> Sincerely,

> Bryan

>

> Bryan Harding, ASLA/APA

> Senior Planner | Boulder County Land Use Department Zoning Compliance

> and Public Information

> 2045 13th Street, Boulder, CO 80302

> Mailing: P.O. Box 471, Boulder, CO 80306

> Ph: 303-441-3984 / Fax: 303-441-4856

> [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)

>

> <image001.png>

## Harding, Bryan

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**From:** Lee Sutherland <lee.a.sutherland@gmail.com>  
**Sent:** Thursday, May 12, 2016 1:18 PM  
**To:** Harding, Bryan  
**Subject:** Re: Docket DC-16-0002 - Residential Marijuana Cultivation Text Amendments - Staff recommendation now posted online - please note revised 2pm start time for Planning Commission Hearing on 5/18

Thanks, Bryan. This was a lot of work, and it looks great.

Best,  
Lee

On Wed, May 11, 2016 at 11:28 AM, Harding, Bryan <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)> wrote:

Hello,

This email is to inform you that the Land Use staff recommendation for docket [DC-16-0002 – Residential Marijuana Cultivation Text Amendments](#) is now available for viewing online at the following link: <http://www.bouldercounty.org/doc/landuse/dc160002pcrec20160518.pdf> (11 MB PDF).

This staff recommendation is being posted for public review as required one week prior to the scheduled [Boulder County Planning Commission](#) hearing set for Wednesday, May 18, 2016 in the Commissioners Hearing Room on the third floor of the Boulder County Courthouse located at 1325 Pearl Street in Boulder. **Please note, the start time of the hearing for this docket has been revised to approximately 2 p.m. Public testimony will be taken for the limited purpose of considering new information.** As always, we will provide any additional written comments received from the public to the Planning Commission for review and will include them in the docket file.

Sincerely,

Bryan

***Bryan Harding, ASLA/APA***

Senior Planner|Boulder County Land Use Department

Zoning Compliance and Public Information

2045 13th Street, Boulder, CO 80302

## Harding, Bryan

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**From:** P <purnimaoza@yahoo.com>  
**Sent:** Wednesday, May 11, 2016 11:36 AM  
**To:** Harding, Bryan  
**Subject:** Re: Docket DC-16-0002 - Residential Marijuana Cultivation Text Amendments - Staff recommendation now posted online - please note revised 2pm start time for Planning Commission Hearing on 5/18

Bryan,

Thanks for passing this on.

Are there any regulations that would allow me as a landlord to legally deny tenancy to applicants that state they want to grow MJ? In other words, I have a rental house; I do NOT want any marijuana use or growth on my property. Are there city ordinances existing or proposed that would allow me to state that in the lease?

Thanks,

Purnima Oza

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**From:** "Harding, Bryan" <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)>  
**To:**  
**Sent:** Wednesday, May 11, 2016 11:28 AM  
**Subject:** Docket DC-16-0002 - Residential Marijuana Cultivation Text Amendments - Staff recommendation now posted online - please note revised 2pm start time for Planning Commission Hearing on 5/18

Hello,

This email is to inform you that the Land Use staff recommendation for docket [DC-16-0002 – Residential Marijuana Cultivation Text Amendments](#) is now available for viewing online at the following link:  
<http://www.bouldercounty.org/doc/landuse/dc160002pcrec20160518.pdf> (11 MB PDF).

This staff recommendation is being posted for public review as required one week prior to the scheduled [Boulder County Planning Commission](#) hearing set for Wednesday, May 18, 2016 in the Commissioners Hearing Room on the third floor of the Boulder County Courthouse located at 1325 Pearl Street in Boulder. **Please note, the start time of the hearing for this docket has been revised to approximately 2 p.m. Public testimony will be taken for the limited purpose of considering new information.** As always, we will provide any additional written comments received from the public to the Planning Commission for review and will include them in the docket file.

Sincerely,  
Bryan

***Bryan Harding, ASLA/APA***

Senior Planner|Boulder County Land Use Department  
Zoning Compliance and Public Information  
2045 13th Street, Boulder, CO 80302  
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## Harding, Bryan

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**From:** Joyce Colson <joyce@colsonquinn.com>  
**Sent:** Tuesday, May 10, 2016 9:39 PM  
**To:** Harding, Bryan  
**Cc:** Boulder Mountain Fire Chief  
**Subject:** Marijuana Facility Guidance, fire code and building code issues

Bryan:

Here's the publication I recently found,

[https://coloradosprings.gov/sites/default/files/images/marijuana\\_guidance\\_document\\_v.1\\_2016\\_03\\_16.pdf](https://coloradosprings.gov/sites/default/files/images/marijuana_guidance_document_v.1_2016_03_16.pdf).

There are references to international building codes as well as international fire codes. Thought I'd send as I hadn't seen this before.

Here's the scope of the guide:

“Information contained within the Marijuana Facility Guidance document is provided to assist members of the Fire Marshals Association of Colorado (FMAC) and the marijuana industry with applicable code requirements and best practices as the code relates to cultivation, extraction processes, and the businesses related to medical and recreational marijuana. This document was developed by a task group who reviewed the applicable requirements in the 2015 International Fire Code (IFC) as well as other applicable codes and standards that apply to the marijuana industry.”

Best,

Joyce Colson

Boulder, CO 80304

Colorado Fire Marshals' Special Task Group

# Marijuana Facility Guidance v.1

Based on the 2015 International Fire Code

Effective Date: March 11, 2016

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## Scope

Information contained within the Marijuana Facility Guidance document is provided to assist members of the Fire Marshals Association of Colorado (FMAC) and the marijuana industry with applicable code requirements and best practices as the code relates to cultivation, extraction processes, and the businesses related to medical and recreational marijuana. This document was developed by a task group who reviewed the applicable requirements in the 2015 International Fire Code (IFC) as well as other applicable codes and standards that apply to the marijuana industry. Because every process and building differs, and every jurisdiction operates differently, this document is not intended to identify or discuss every code and standard requirement. Applicants are required to follow all codes and standards that have been adopted within the appropriate governmental jurisdiction.

This information is afforded solely for the guidance of the reader and is not intended to be used as an exclusive or adopted “enforcement” document.

In this document, the terms, marijuana facility and marijuana, applies to both medical marijuana and recreational marijuana. Each jurisdiction should consult licensing laws specific to these facilities.

## Purpose

The purpose of this document is to provide a reasonable level of life safety and property protection from the hazards associated within marijuana industries.

## Applicability

This guideline applies to the process of growing (cultivating) marijuana and extracting oils from marijuana. The guide can also be applied to the hemp industry as the cultivation and oil extraction process of this plant material is the same as marijuana.

It should be noted that any indoor plant cultivation process should consider the code references cited in this document. Although marijuana is unique in its recent popularity, legalization debate, and high demand for the product, the growing of any indoor plants, of any variety, in high volume would be required to follow the code references and considerations outlined in this document.

## Administration and Definitions

### Definitions

These definitions are for the items discussed within this document. Local variations in terms or definitions may be different. Locally defined terms should be used as applicable.

Water-Based Medical Marijuana Concentrate	A Medical Marijuana Concentrate that was produced by extracting cannabinoids from Medical Marijuana through the use of only water, ice or dry ice.
THCA	Tetrahydrocannabinolic acid.
THC	Tetrahydrocannabinol.
Standardized Serving Of Marijuana	A standardized single serving of active THC. The size of a Standardized Serving Of Marijuana shall be no more than 10mg of active THC.
Solvent-Based Medical	A Medical Marijuana Concentrate that was produced by extracting cannabinoids from Medical Marijuana through the

Marijuana Concentrate	use of a solvent approved by the Division pursuant to Rule M 605. Flammable solvents; Flammable combustible liquids; ethanol, isopropanol, butane, propane, CO2 Solvent; dry ice.
Retail Marijuana Store	An entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Product to consumers.
Retail Marijuana Products Manufacturing Facility	An entity licensed to purchase Retail Marijuana; manufacture, prepare, and package Retail Marijuana Product; and sell Retail Marijuana and Retail Marijuana Product to other Retail Marijuana Products Manufacturing Facilities and to Retail Marijuana Stores, but not to consumers.
Retail Marijuana Product	A product that is comprised of Retail Marijuana and other ingredients and is intended for use or consumption, such as, but not limited to, edible product, ointments and tinctures.
Retail Marijuana Establishment	A Retail Marijuana Store, a Retail Marijuana Cultivation Facility, Retail Marijuana Products Manufacturing Facility, or a Retail Marijuana Testing Facility.
Retail Marijuana Cultivation Facility	An entity licensed to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana Retail Marijuana Establishments, but not to consumers.
Retail Marijuana Concentrate	A specific subset of Retail Marijuana that was produced by extracting cannabinoids from Retail Marijuana. Categories of Retail Marijuana Concentrate include Water-Based Retail Marijuana Concentrate, Food-Based Retail Marijuana Concentrate and Solvent-Based Retail Marijuana Concentrate.
Retail Marijuana	All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate that is cultivated, manufactured, distributed, or sold by a licensed Retail Marijuana Establishment. "Retail Marijuana" does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
Public Way	A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which as a clear width and height of not less than 10 feet.
Professional Engineer	An individual who is licensed by a State, as a professional engineer.
Primary Care-Giver	A person, other than the patient and the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. The primary care-giver controls the acquisition of such marijuana and the dosage and frequency of its use by the patient.
Patient	A person's medical use of marijuana as defined by local or state jurisdiction.
Pesticide	Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; except that the term "pesticide" shall not include any article that is a "new animal drug" as designated by the United States Food and Drug Administration."
Original Equipment Manufacturer (OEM)	The original manufacturer of equipment or devices.
Medical Marijuana-Infused Products Manufacturer	A Person licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-404, C.R.S. A Medical Marijuana-Infused Products Manufacturer that engages in the production of Medical Marijuana Concentrate, regardless of the method of extraction or category of concentrate being produced. A Medical Marijuana-Infused Products Manufacturer may produce Water-Based Medical Marijuana Concentrate and Food-Based Medical Marijuana Concentrate. A Medical Marijuana-Infused Products Manufacturer may also produce Solvent Based Medical Marijuana Concentrate using only the following solvents: butane, propane, carbon dioxide, ethanol, isopropanol, acetone, and heptane. The use of any other solvent is expressly prohibited unless and until it is approved by the Division.
Medical Marijuana-Infused Product	A product infused with Medical Marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. Such products shall not be considered a food or drug for purposes of the "Colorado Food and Drug Act," Part 4, Article 5 of Title 25, C.R.S.
Medical Marijuana Concentrate	A specific subset of Medical Marijuana that was produced by extracting cannabinoids from Medical Marijuana. Categories of Medical Marijuana Concentrate include Water-Based Medical Marijuana Concentrate, Food-Based Medical Marijuana Concentrate and Solvent-Based Medical Marijuana Concentrate.
Medical Marijuana Center	A Person that is licensed pursuant to the Medical Code to operate a business as described in section 12-43.3-402, C.R.S., and that sells Medical Marijuana to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver.
Medical Marijuana Business	A licensed Medical Marijuana Center, a Medical Marijuana-Infused Products Manufacturer, or an Optional Premises Cultivation Operation.

Medical Marijuana (MMJ)	Marijuana that is grown and sold pursuant to the State Medical Code and includes seeds and immature plants.
Marijuana, Marihuana (MJ)	<p>The plant species <i>Cannabis sativa</i> L. typically refers to the dried leaves, flowers, stems, and seeds of that plant. <i>Cannabis sativa</i> L. has two main subspecies, <i>Cannabis sativa</i> and <i>Cannabis indica</i>. Hybrids of these main subspecies produce what are often referred to as “strains” of marijuana.</p> <p>All parts of the plant, genus <i>cannabis</i>, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate fall within the definition. The definition does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.</p>
Limited Access Area	A building, room, or other contiguous area upon the licensed premises where Retail Marijuana is grown, cultivated, stored, weighed, packaged, sold, or processed for sale under control of the Licensee.
Licensee	Any Person licensed or registered pursuant to the state and local jurisdiction’s Medical Code, including an Occupational Licensee.
Key License	An Occupational License for an individual who performs duties that are necessary to the Medical Marijuana Business’ operation and have the highest level of responsibility. Examples of individuals who need this type of license include, but are not limited to, managers and bookkeepers, but do not include an Owners.
Licensed Premises	The properties specified in an application for a license pursuant to the state and local jurisdictions the Medical Code that are owned or in possession of the Licensee and within which the Licensee is authorized to cultivate, manufacture, distribute, sell, or test Medical Marijuana in accordance with the provisions of the Medical Code and these rules.
Immature Plant	A non-flowering Retail Marijuana or Medical Marijuana plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping or seedling.
Hemp	A tall widely cultivated Asian herb ( <i>Cannabis sativa</i> of the family Cannabaceae, the hemp family) that has a tough bast fiber used especially for cordage and that is often separated into a tall loosely branched species ( <i>Cannabis sativa</i> ) and a low-growing densely branched species ( <i>Cannabis indica</i> ); the fiber of hemp; a psychoactive drug (as marijuana or hashish) from hemp; a fiber (as jute) from a plant other than the true hemp; also: a plant yielding such fiber.
Hexane	Used to extract edible oils from seeds and vegetables, as a special-use solvent, and as a cleaning agent. Hexane is a colorless volatile liquid that is insoluble in water and highly flammable. The odor threshold for hexane is 130 parts per million (ppm), with a faint peculiar odor reported. The vapor pressure for hexane is 150 mm Hg at 25 °C.
Harvest Batch	A specifically identified quantity of processed Medical Marijuana that is uniform in strain, cultivated utilizing the same Pesticide and other agricultural chemicals and harvested at the same time.
Food-Based Medical Marijuana Concentrate	A Medical Marijuana Concentrate that was produced by extracting cannabinoids from Medical Marijuana through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats. If used in the production of a Food-Based Medical Marijuana Concentrate, ensure that propylene glycol or glycerin is food-grade.
Flowering	The reproductive state of <i>Cannabis</i> in which the plant is in a light cycle intended to stimulate production of flowers, trichomes, and cannabinoids characteristic of marijuana.
"Flammable Solvent"	A liquid that has a flash point below 100 degrees Fahrenheit.
Edible Medical Marijuana-Infused Product	Any Medical Marijuana-Infused Product that is intended to be consumed orally, including but not limited to, any type of food, drink, or pill.
Dry sieve hash (sometimes “dry sift”)	A mechanical separation process which generally uses a variety of screens and agitation to separate trichome from plant material. Dry sieve hash is also traditionally known as “kief.”
Cannabinoid	Any of the chemical compounds that are the active principles of marijuana.
HHO: Hexane Hash Oil	Made by passing hexane liquid through an extractor filled with cannabis plant matter.
PHO: Propane Hash Oil	Made by passing propane gas (liquefied petroleum gas [LPG]) through an extractor filled with cannabis plant matter.
Hash Oil	<p>A concentrate from marijuana that involves extracting Tetrahydrocannabinol (THC) and other cannabinoids from the plant material using a light hydrocarbon or other process. The final product is typically a pliable waxy substance similar to caramel and honey. Also known as, Honey Oil, Weed Oil, Dabs, Concentrate, Ear wax, Amber Glass, Moon Rocks, Shatter and 710.</p> <p>A firm liquid made by dissolving cannabis plant matter and/or hash in a solvent “like alcohol, liquefied petroleum gas (LPG), acetone and others.”</p> <p>A dark green or black tar-like material made by solvent extraction of either cannabis resin or herbal cannabis. May exceed 60% THC. Hash oil is a resinous matrix of cannabinoids obtained from the cannabis plant by solvent extraction. The solvent is removed after the extraction.</p>
Butane Hash Oil (BHO)	Made by passing butane gas through a tube or “extractor” filled with cannabis plant matter.
Flammable Gas Extraction System	A professional grade, closed-loop extraction system capable of recovering the solvent for the production of a Solvent-Based Medical Marijuana Concentrate.

## Occupancy Classification

The Use and Occupancy Classification of Marijuana Business Functions may be found in Chapter 3 of the International Building Code (IBC), and International Fire Code (IFC). Typical occupancies are summarized as follows:

- 1) Medical / Recreational Marijuana Center, Store, or “Dispensary” – M Occupancy; B Occupancy if there is patient care and similar
- 2) Marijuana Plant Cultivation Locations or “Grow Facilities” – F-1 Occupancy [Retail Marijuana Cultivation Facility]
- 3) Marijuana Oil Extraction Operations – F-1 Occupancy\*<sup>1</sup>
- 4) Marijuana-Infused Product Kitchens/Bakeries – F-1 Occupancy

International Building Code lists “Hemp products” and “Tobacco” as examples of uses to be classified as F-1 Occupancies, which very closely matches the functions occurring in items 2, 3, and 4 listed above.

### Note:

- Liquefied petroleum gas (LPG) is not specifically listed in Chapter 50, Table 5003.1.1 (1) for a maximum allowable quantity (MAQ). However, it can be considered as a flammable gas (liquefied). Therefore, if the MAQ for flammable gas (liquefied) is exceeded, the occupancy would be considered H-2. LPG is specifically regulated in Chapter 61 of the IFC and NFPA 58.
- Carbon dioxide is also a common solvent used in the extraction process, and is classified as an asphyxiant gas. Asphyxiant gases are not regulated in the MAQ Per Control Area tables.

## Alternative Methods or Materials [Research Report and Tests, Approved Materials and Equipment, Technical Assistance]

Fire code officials have the authority to require an owner to provide a technical opinion report from a registered design professional or qualified specialist, laboratory or fire safety specialty organization that demonstrates that the equipment, devices, systems, products, technologies, materials and uses attending the design, operation or use of a building or premise comply with all applicable local and state building codes, fire codes, electrical codes and other laws. Typically, an authority having jurisdiction (AHJ) accepts listed or tested equipment; however, most, if not all of the developing equipment, is not listed and has not been tested. Therefore, this technical opinion or report becomes critical to ensure safe operating compliance based on at least some reasonable criteria.

If a nationally recognized testing laboratory (NRTL) listing of a submitted or proposed appliance(s)/equipment is not available, a third party technical report or certification may be an acceptable alternative. The AHJ may obtain a detailed report examining and evaluating a given piece of extraction equipment, device or appliance for compliance with the building code, fire code, recognized standard or best practices. This report should be

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<sup>1</sup> An “H” occupancy classification may apply to an infused product manufacturer using solvent based extraction systems where flammable liquids and/or flammable gases, such as, butane and propane are used. The facility’s chemical inventory and Maximum Allowable Quantities Per Control Area (MAQs) Tables, found in the IBC and IFC should be consulted to determine whether an “H” occupancy may be applicable.

prepared by an approved 3rd party agency. Common examples include solvent extraction devices which use flammable gases, liquefied petroleum gases, and high pressure carbon dioxide systems.

Any "approval" for equipment or a 3rd party agency as discussed above comes from the AHJ or, in this case, the fire code official. The fire code official "approves" various devices, processes or people. Additional justification may be required in order to substantiate an approval; justification will be detailed by the jurisdiction. Design code analysis, process hazard analysis or consequence analysis reports should be compiled for the proposed facility/process. This may be a narrative evaluation of the existing occupancy and its proposed use, including change of occupancy evaluation, related to, in this situation, marijuana concentrate extraction. The report should cite all applicable building and fire codes/standards and identify compliance and/or noncompliance facility issues with corrections or recommendations listed for final inspection. These documents are useful as design and inspection tools.

### **Operational Permits**

As with any specific hazard operation, the fire code official may require facilities to obtain operational permits. Common permits in marijuana cultivation and infused products manufacturing facilities include: Carbon Dioxide Systems used in beverage dispensing applications (amended for cultivation use and extraction), Compressed Gases, Combustible Fibers, Flammable and Combustible Liquids, Fumigation and Insecticidal Fogging, Hazardous Materials, High Piled Storage (high rack system cultivation), and Liquefied Petroleum (LP) Gas.

Section 105 of the IFC should be consulted for the described permit conditions and may also consider amendments to the code to suit the local AHJ's requirements. Further discussion on hazardous materials is found in the Hazardous Materials section of this document.

### **Construction Permits**

As with any specific installation or system, the building or fire code official may require facilities obtain construction permits. Common permits in marijuana cultivation facilities and infused products manufacturing facilities include: Building Construction, Electrical, Mechanical, Compressed Gases, Flammable and Combustible Liquids, Hazardous Materials, LP Gas, Automatic Fire Extinguishing/Suppression systems, Fire Alarm and Detections systems, and related equipment.

Section 105 of the IFC should be consulted for described permit conditions. The fire code official may consider amendments to the code to suit the local requirements.

## **General Safety Provisions**

### **Hazard Communication**

When storing or using any type of hazardous materials, IFC Section 407 should be followed and the appropriate paperwork made accessible to the fire code official. Additionally, IFC Sections: 5001.3 - 5001.6.3 should be consulted.

Section 407 of the IFC gives responders the information of the hazardous chemicals that is on the property.

- Material Safety Data Sheets (MSDS) shall be on property and made easily accessible.
- Containers and/or packages related to hazardous materials shall be properly labeled and warning signage shall be properly displayed and easily visible.

- All persons shall be trained on what to do in the event of an emergency involving hazardous material on the property.
- When required by the fire code official, a permit and authorized paperwork should be submitted to the AHJ.
- If shutting down or relocating, a facility closure plan may need to be submitted to the fire code official for the hazardous materials as well.

## **Building and Equipment Design Features**

### **Fire Protection**

Plant cultivation operations in commercial buildings are typically classified as F-1 occupancy. There are several common triggers for plant cultivation operations that require the installation of a fire sprinkler system. Section 903.2.4 of the IFC specifically addresses F-1 sprinkler requirements with the most common trigger being a fire area exceeding 12,000 square feet. Another common trigger is the desire for these businesses to have a sealed limited access building that leads to the creation of a story without openings (Section 903). An additional consideration would be a building that exceeds height and/or above grade area limitations. Per Section 903.2.5 of the IFC, Marijuana facilities that fall under a Group H occupancy classification require further consideration for a fire sprinkler system.

### **Interior Finishes**

It is common in marijuana grow facilities to use a Visqueen® or Mylar® type plastic/polyethylene or polyester sheeting to cover walls and ceilings. Any use of plastic to enclose rooms or cover walls and/or ceilings must be installed in accordance with building and fire code requirements. Interior finishes must comply with flame spread ratings in accordance with Table 803.3 of the IFC.

(Note: Hanging plastic from ceilings or suspended overhead structures to create wall dividers is typically NOT compliant with code provisions for a wall partition or interior finish.)

### **Exits and Exit Signage, Egress**

Security measures are often extreme in marijuana facilities. The desire for security in no way overrides the minimum requirements for exiting and egress. Common issues associated with exits and egresses are as follows:

- Number of exits shall be in accordance with Table 1006.2.1 and Table 1006.3.2(2) and Section 1017.2 of the IFC.
- Means of egress cannot be concealed in any way.
- Exit doors and their function cannot be eliminated without prior approval.
- Exterior doors that have been rendered non-functional and that retain a functional door appearance are required to have a sign affixed to the exterior of the door with the words THIS DOOR BLOCKED; reference Section 504.2 of the IFC.
- Where 2 or more exits are required, egress doors are required to swing in the direction of egress travel.
- Where more than one exit is required, illuminated exit signs are to be provided that must be readily visible from any direction of egress travel.
- Intermediary exit signs may also be required per Section 1013 of the IFC.
- H occupancies require specific considerations for exiting.

## **Locks and Key Box**

Where security and life safety objectives conflict, alternative measures may be required or permitted by the AHJ.

**SECURITY GATES** – Due to the increased security measures typically required, and the potential hazards associated with marijuana facilities, the AHJ is authorized to require that any security gate be installed across a fire apparatus road first be approved before installation.

**KEY BOXES** – Due to the increased security measures required, and the potential hazards associated with marijuana facilities, the AHJ is authorized to require the installation of a key box in an approved location, which will permit timely access to the facility in the event of an emergency.

**LOCKS** – Due to the increased security measures required, and the potential hazards associated with marijuana facilities, the AHJ is authorized to require the installation of “approved” locks on any and all gates or similar barriers, which will permit timely access to all areas of the facility’s property in the event of an emergency. If the facility has electronic access controls, the AHJ may require an access code or electronic access card be provided.

**BOLTS, BARS, LOCKS & LATCHES** – Egress doors are required to open easily when exiting without the need for a key, without using extra effort and/or without having special knowledge in order to operate the installed hardware. Door handles, pulls, latches, locks and other operating devices should be free of tight grasping, tight pinching or twisting of the wrist to operate. Slide bolts, security bars, dead bolts, thumb latches and similar hardware items are prohibited from being installed on emergency egress doors. The AHJ may permit an exception to this where a set of double-doors is installed and still meets all other requirements set forth in the fire and building codes.

**ALTERNATIVE LOCKING DEVICES** - Delayed egress locks and electromagnetic locks are permitted for use in other occupancy types, and must be approved for use by the AHJ.

## **Aisles**

Clear aisles are necessary to facilitate rapid evacuation of occupants and provide emergency egress in the event of an emergency. When considering product, equipment and fixture placement within a space, keep in mind that persons working in the area should be able to quickly stand and walk to an emergency exit door without having to twist or contort their body in order to avoid protruding objects from either side or above. Aisles require a clear width ranging from 28” to 44” or greater, depending on the occupancy load of a space. The AHJ may need to make a determination in this area with respect to the required widths based on obstruction and required responder egress.

## **Control Areas**

*\*Section Currently Being Written\**

## **Cultivation/Grow**

*\*Section Currently Being Written\**

## **Ventilation**

Marijuana facilities must implement and maintain appropriate ventilation and filtration systems to satisfy unwholesome or noxious odor nuisance standards that may be in place within the local jurisdiction. Generally, the AHJ may require that the odor of marijuana must not be perceptible at the exterior of the building, at the licensed premises or at any adjoining use of the property.

The AHJ may or may not mandate particular equipment specifications with regard to filtration; however, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

Marijuana product manufacturing facilities and testing facilities must implement appropriate exhaust ventilation systems to mitigate noxious gasses or other fumes used or created as part of any production process. Exhaust ventilation equipment is required to be appropriate for the hazard involved and must comply with local fire and mechanical codes.

### **Portable Fire Extinguishers**

Approved portable fire extinguishers are required to give the occupants the means to suppress a fire during its initial or incipient stage. A readily available portable fire extinguisher can contribute to the protection of the occupants.

Each occupancy type is considered unique in design, intended use of spaces, and types of materials within each space. Portable fire extinguishers are classified according to the types of fire (A, B, C & D) for which they are intended to extinguish. Class A and B extinguishers are also rated according to performance capability, which is represented by a number.

The size, classification, total number, and distribution of portable fire extinguishers required for occupancy type will be determined by the AHJ based on fire code requirements. The installation requirements for portable fire extinguishers vary according to size, weight and type of specific hazard. The AHJ will ensure that all portable fire extinguishers are located where they are readily visible and accessible at all times.

Proper maintenance of the installed portable fire extinguishers is the responsibility of the occupant or property owner.

### **Electrical: Wiring, Extension Cords, Appliance, Lighting, Extraction Equipment, Kitchen**

Electrical systems are a common cause of ignition for fires. In 2011, an estimated 64,100 structure fires across the United States were reportedly caused by some type of electrical failure or malfunction. When firefighters are working to extinguish a fire in a building, they need to be able to turn the electricity off so they can operate more safely. For these reasons, there are several considerations that must be taken by marijuana facilities in order to ensure that electrical systems are installed and maintained safely.

General electrical requirements for all facilities follow Section 605 of the IFC:

1. Doors into electrical control panel rooms are required to be marked with a sign stating ELECTRICAL ROOM. The means for turning off electrical power to each electrical service and each individual electrical circuit must be clearly and legibly marked.
2. Electrical panels and electrical disconnect switches must be accessible at all times. A clearance of 30 inches wide (wider for panels and equipment that exceeds 30 inches in width), 36 inches deep, and 78 inches high is required to be maintained free from storage.
3. Electrical systems must be maintained in good repair without exposed wiring, open junction boxes, or damaged equipment that could present an electrical shock or fire hazard.

4. Power strips with built-in overcurrent protection (“circuit breakers”) are allowed, provided they are plugged directly into a permanent electrical receptacle. Power strips may not be plugged into additional power strips (daisy chaining). A power strip’s cord may not be run through walls, above ceilings, or under doors or floor coverings. If power strips show evidence of physical damage, they must be replaced.
5. Extension cords may only be used to provide temporary power to portable electric appliances. Extension cords may not be used as a substitute for permanent wiring, and may not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings. Multi-outlet extension cords that do not have built-in overcurrent protection (“circuit breakers”) are not allowed. If extension cords show evidence of physical damage, they must be replaced immediately.

Special requirements for cultivation and extraction:

The amount of electricity needed for a cultivation operation can easily exceed that of other types of businesses. If the cultivation business/facility moves into an existing building, there is a strong likelihood that the electrical panel and the wiring inside the building will require upgrading in order to accommodate the required power needed to cultivate plants utilizing grow lamps and ventilation equipment. It is not uncommon to have the electrical utility provider upgrade the amount of electricity feeding the building from the transformer outside.

Flammable gases and liquids often used for marijuana oil extraction have the potential to create an explosive environment for which the electrical system can be an ignition source. Rooms or areas where extraction equipment utilizes these materials are subject to special wiring and equipment requirements to minimize this risk. These requirements keep the electrical system isolated from the remainder of the space in a way that typical electrical systems do not.

## Premise Identification

Most cultivation and extraction operations try to remain discrete. This is often part of their overall security method and not wanting to draw a lot of attention to what they are doing. It is not unusual for the businesses to remove all markings from the building. All buildings are required to be provided with address identification. This address must be visible from the street or road fronting the property and contrasting with the background of the building. Signage that identifies the name of the business is not regulated by fire code, but may be regulated by local city or county government.

## Security

While it is understood that security is very important to marijuana facilities, this security cannot create risks to employees, the general public, and emergency responders. Not only do occupants need to be able to exit the facility in an emergency, but firefighters must be able gain access. There are several factors that must be considered when balancing security with fire code compliance:

1. Egress doors are required to be readily openable from the egress side without the use of a key or special knowledge or effort, and cannot have hardware that requires tight grasping, tight pinching, or twisting of the wrist to operate. This means that double-cylinder deadbolts that allow the door to be locked with a key from either side are generally prohibited. Also prohibited are many styles of doorknobs and deadbolts that are often marketed for residential use. Door bars, surface bolts, and other security devices which require more knowledge or effort than the typical operation of a door latch are prohibited. (Section 1010)
2. The unlatching of an egress door cannot require more than one operation. This means that adding several locking devices to a door for increased security is prohibited. For example: the installation of a deadbolt to

a door that has an existing locking door latch is prohibited. Again, if it takes any more effort than the typical operation of a door latch, the device is most likely not permitted on an egress door. (Section 1010)

3. The installation of security features designed to disable, injure, maim or kill intruders is prohibited.

### **Appliances: Extractor, Still, Vacuum Oven, Kitchen, CO2 Generator, Sulfur Evaporator**

If required by the AHJ, a code analysis regarding compliance with the IFC in the use of all processing phases can be required to be provided by a third party, State Certified Professional Engineer or Fire Protection Engineer. The code analysis should cite all applicable building code, fire code/standards and identify compliance and/or non-compliance. Operational processes involving compressed gases should be documented in the analysis including annual LPG use and storage amounts; annual CO2 enrichment system process and storage amounts – including natural gas generators and for any system containing more than 100 lbs. of CO2; annual compressed gas use and storage (required for 6,000 cu/ft. or more of an inert – 1 lb. of CO2 = 8.74 cu/ft).

The AHJ should provide a list of requirements prior to the construction of a medical infused products (MIP) facility or processing room using the above listed appliances in the extraction, cultivation or processing of marijuana. Areas of interests include atmospheric monitoring, ventilation, posted proper emergency procedures, loading and offloading of compressed gases, storage of compressed gases and proper placarding on the building.

The AHJ is to confirm the recommendations made by the third party peer review that the room or space of use is in compliance with their recommendations before issuing a certificate of occupancy. Once the Engineer and the AHJ have both signed off on the proper setup of the room and all state regulations, such as proper licensing, has been completed the owner will then be granted permission to use the space as designed. Any alterations to the room of appliance will require a second review following the same requirements listed above.

### **Fire Department Access**

Buildings/facilities must have at least one all-weather road that is wide enough and strong enough to support the size and weight of fire department apparatus. Roads must extend close enough to buildings to allow for firefighting operations. Roads may have special requirements for “fire lane” signage to disallow parking. A means for turning fire department apparatus around may be required for roads that contain dead ends or no outlet. Gates or barricades that obstruct roads must be approved by the fire department.

All required exterior doors must remain operable for emergency access by firefighters. Eliminating the function of any exterior doors requires prior approval that cannot be granted in every circumstance, and where allowed, the door must be marked with a sign stating THIS DOOR BLOCKED.

Certain equipment rooms contained within a building may require identifying signage to aid firefighters.

1. Rooms containing fire protection equipment (fire alarm panels, fire sprinkler valves, etc.)
2. Rooms containing controls for air-conditioning equipment
3. Rooms containing utility equipment for gas or electrical service
4. Rooms containing hazardous materials

## Special Occupancies and Operations

### Combustible Fibers

Within most cultivation operations combustible fibers will rarely be a consideration but should also not be forgotten. The Hemp industry may have a processing operation that combustible fibers may need to be mitigated.

### Fumigation and Insecticidal Fogging

In marijuana facilities, fumigation and insecticidal fogging may be used to kill insects, rodents, other vermin, plant parasites, weed seeds, and fungi that adversely affect growth. Some fumigants are flammable under certain circumstances, and all fumigants are poisonous or toxic. Definitions of “fumigation” and “insecticidal fogging” should be looked at closely to determine if these processes are being utilized. To protect the public and firefighters, there are several requirements that must be followed when performing these operations:

1. Permits may be required by the AHJ.
2. Fire departments may require notification, at least 48 hours in advance, of performing these operations, including specific information about the location within the building, the products being used, and contact information for those conducting the operation. In these instance, the products being used must be approved by the fire department.
3. Written notice must be given to building occupants with enough notice to allow evacuation and must include information about the duration of the operation and all hazards associated with the operation. Only those directly conducting the operation are allowed to remain in the building.
4. Sources of ignition must be secured before these operations commence and must remain secure until after the space has been ventilated. Sources of ignition include electricity, portable electronic devices (such as cell phones), telephone lines, and any other sources of spark or flame. Certain types of electrical appliances deemed safe for hazardous atmospheres may be allowed when approved by the fire department.
5. Materials used to seal the affected structure or space must comply with flame propagation performance standards and must be approved by the fire department prior to installation.
6. Every access point to the affected structure or space must have both a warning sign and watch personnel to protect against unauthorized entry. The style and content of the warning signs and the duration of their posting must be approved by the fire department.
7. Personnel engaged in these operations must have proper respiratory protection available.
8. At the end of the operation, the affected structure or space must be safely and properly ventilated, and all fumigation or fogging product containers, residues, debris, and other materials must be properly disposed of.

Sulfur burners used to burn sulfur prills is a form of fumigation and must be treated as such. This method is typically utilized to treat powdery mildew on the plants.

### Rack Storage

Rack storage systems present unique challenges for firefighting operations. They allow a larger volume of combustible material than would be present if only the floor was being used, and they place that combustible material in a vertical orientation that increases the potential for fire spread. For these reasons, rack storage systems are very heavily regulated by fire and building codes. There are provisions for structural stability of the

racks, aisle widths, exterior access doors for firefighters, special types of fire protection systems, and building features to control the spread and ventilation of smoke.

Permits are required prior to the installation of any rack storage system. A qualified design professional will be required to analyze your space and submit documentation for rack storage to the local building department and fire department.

## **Hazardous Materials**

### **Hazardous Materials**

Marijuana manufacturing processes utilize various hazardous materials subject to the activity. The AHJ should require a detailed chemical inventory in accordance with the fire code to determine the hazards and classifications of the materials used within any cultivation, infused product manufacturing, and concentrate extraction occupancy facility.

Marijuana cultivation or grow operations include similar materials to that of other indoor botanical or greenhouse operations. They may employ the use of pesticides, insecticidal fumigation or fogging techniques, in addition to nutrients and fertilizers. The materials can range from benign to toxic. Each state's Department of Agriculture may have regulations and defined enforcement related to hazardous materials and should be consulted as a resource.

Carbon dioxide (CO<sub>2</sub>), an asphyxiant gas, is also commonly used in marijuana grow operations. Growing in a greenhouse or indoors, the CO<sub>2</sub> levels can be reduced as the plants use CO<sub>2</sub> during photosynthesis. Enriching the air with CO<sub>2</sub> supports plant growth and development. Carbon dioxide may be stored in mini-bulk cryogenic liquid cylinders that are vacuum jacketed, in steel or aluminum cylinders as liquefied compressed gas or be produced by carbon dioxide generators. Supply gases for CO<sub>2</sub> generators are natural gas and/or propane.

Infused product manufacturing and concentrate extraction processes, also known as hash oil extraction, may utilize flammable and combustible liquids, flammable gases (LP Gas), and asphyxiant gases. Water-based marijuana, food-based marijuana, and solvent-based marijuana are typical marijuana concentrates.

Each concentrate requires different processes, as well as the use of different materials to extract the product from the plant. Processing may employ the use of closed-loop solvent extraction, pressurized equipment, steam distillation, heat, ice, water or other methods that do not require solvents.

Processing types include, but are not limited to:

1. Water-based marijuana concentrates extract cannabinoids through the use of water, ice or a solid form of carbon dioxide, better known as dry ice. Materials in this category are typically non-hazardous.
2. Food-based marijuana concentrates extract cannabinoids through the use of food products such as propylene glycol, glycerin, butter, olive oil or other typical cooking fats. Materials in this category may be hazard classified as physical hazards or combustible liquids.
3. Solvent-based marijuana concentrates extract cannabinoids through the use of pressurized closed loop systems and non-closed loop systems. Materials in this category may be classified as physical hazards using flammable liquids (hexane, isopropanol, ethanol, grain alcohol); flammable liquefied gas - LP Gases butane, n-butane, propane; and health hazards, such as, high pressure carbon dioxide gas systems. Note

that most of these are not 'closed systems' as they have to be opened at some time to get product and waste out, thereby releasing volatile gases.

## **Compressed Gases**

Compressed gases of varying materials may be used in multiple processes in cultivation or extraction and are governed by Chapter 50 and Chapter 53 of the IFC. Listed below are highlighted sections and only refer to common requirements surrounding compressed gases in marijuana facilities. This list is not all-inclusive. Examples of these gases include, but are not limited to, butane, propane, and carbon dioxide.

A code analysis regarding compliance with these chapters in the related processing phases shall be provided by a third party, State Certified Professional Engineer or Fire Protection Engineer. The code analysis should cite all applicable building and fire codes/standards and identify compliance and/or non-compliance. Operational processes involving compressed gases that should be documented in the analysis should include annual LPG use & storage amounts; annual CO<sub>2</sub> enrichment system process and storage amounts – including natural gas generators and for any system containing more than 100 lbs. of CO<sub>2</sub>; annual compressed gas use & storage (required for 6,000 cu/ft. or more of an inert – 1 lb. of CO<sub>2</sub> = 8.74 cu/ft).

## **Flammable Gases**

Flammable gases of varying materials may be used in multiple processes in cultivation or extraction and are governed by Chapter 50, Chapter 58 and Chapter 61 of the IFC. Other referenced standards and/or documents from the IFC include, NFPA 58, Appendix B of NFPA 58, NFPA 70 and the *International Fuel Gas Code*. Sections listed below are highlighted sections of each, only refer to common code issues surrounding flammable gases in Marijuana Facilities, and are not inclusive of all requirements. Some examples of these gases include, but are not limited to butane and propane.

A code analysis regarding compliance with these chapters in the related processing phases shall be provided by a third party, State Certified Professional Engineer, or Fire Protection Engineer. The code analysis should cite all applicable building codes and fire codes/standards, as well as identify compliance and/or non-compliance. Operational processes involving flammable gases that should be documented in the analysis should include annual flammable gas usage and storage amounts.

## **Pesticides and Fertilizers**

Cultivation and extraction operations generally contain hazardous materials regulated by fire code, such as fertilizers, pesticides, and flammable gases and liquids. In some cases, retail facilities sell flammable liquids or gases for do-it-yourself extraction. There are several factors that need to be considered to remain compliant with the storage and use of these materials:

1. All hazardous materials must be classified in accordance with the categories and definitions provided in fire code. This can be a complicated process and may require professional assistance.
2. Once hazardous materials have been classified, there is a maximum allowable quantity that can be stored in a facility. It is possible, and even likely, that different products share a classification and must be counted together towards the maximum allowable quantity. There are options to increase the maximum allowable quantity in a facility, such as use of special hazmat cabinets, building rooms with fire-resistive construction to create control areas, and installation of fire sprinkler systems.
3. Facilities where hazardous materials are stored in certain quantities must have special signage installed outside to make firefighters aware of what is located in the building.

## Gas Detection and Alarms

Detection of gas or vapor release is typically not required unless the MAQ of hazardous materials are exceeded. However, Chapter 50 of the IFC states, if the release of hazardous material can cause immediate harm to a person or property a means to mitigate the release shall be provided. This could include the need of a gas detection system.

When using a flammable gas or flammable liquid, processes that are extracting oil from the marijuana plant will typically have some type of leak or gas detection.

Carbon Dioxide is a very common gas used within the marijuana cultivation operation and can also be used to remove the oil from the plant as discussed within the Hazardous Material section. The IFC does not require detection of CO<sub>2</sub> unless it is used within a "beverage dispensing application" where the CO<sub>2</sub> system exceeds 100 pounds (Section 5307 of the IFC). Although this section within the IFC is not related to marijuana, the hazard of an oxygen depleted atmosphere would be the same. Bottles of compressed CO<sub>2</sub> are used within the grow operation to enrich the atmosphere with CO<sub>2</sub> to assist in plant growth. If the amount of the CO<sub>2</sub> used within a room is an amount that could create an asphyxiation hazard than detection and local alarms should be provided. This would need to be determined by the AHJ based quantity of the CO<sub>2</sub> versus the cubic feet of the room.

When a gas detection system is required, the meter is required to be listed and labeled in accordance with UL 2075. Mechanical interlocks that shut down the flow of gas to the unit when gas is detected are required in any facility that is not constantly attended. If personnel are constantly attending the process in which gas is being used and can physically shut off the gas supply, the interlock is not required. In either case, atmospheric monitoring must give an audible alarm indicating the presence of gas in the air has reached its permissible exposure limit (PEL). Shutdown procedures must be followed by the manufactures recommendations and the room must be vacated until all alarms read normal. All equipment used in the detection of flammable and/or toxic gases must be approved by the AHJ and may require construction and mechanical permits. Emergency plans for administrative controls and shutdown should be reviewed and approved by the AHJ

## Liquefied Petroleum Gases (LPG), Indoor and Outdoor

Sites that have LPG such as propane and butane are regulated under Chapter 61 of the IFC and NFPA 58. Although LPG is flammable it is not regulated by IFC-Chapter 58 Flammable gas code. LPG gases are heavier than air and seek low lying areas. LPG has an extremely high expansive ratio, meaning amounts of LPG can lead to dangerously explosive levels quickly.

### LPG Requirements:

- Allowed locations if LPG containers within a building are found in NFPA 58 and subject to the approval of the fire code official.
- Compliance for portable containers is determined by NFPA 58 and IFC Sections 6103.2.1.1 through 6103.2.1.7
- Use of LPG in basements, pits or similar locations is prohibited in areas where heavier than- air- gas can collect.
- Within F occupancies, where manifolded, the water capacity of containers can reach 735 pounds per manifold.
- Because of the physical properties of LPG, special consideration should be given as to the location of LPG. The locations allowed are regulated by NFPA 58 as well as the approval of the fire code official.
- LPG needs to be used with approved equipment for LPG.
- LPG can only be released to atmosphere with accordance to NFPA 58 Section 7.3.

- No Smoking signs, as required by the fire code official, need to be present, as well as combustible material must to be maintained a distance of 10 feet from containers. If containers, regulators and piping are subject to vehicle traffic then protection is required in accordance with NFPA 58.
- Locations for extinguishers need to be in compliance with IFC Section 906 and placed according to NFPA 58.
- LPG containers cannot be stored near a means of egress.
- No more than 200 lbs. of the 2.5 lb containers may be stored within buildings accessible to the public.

## Highly Toxic and Toxic Materials (pesticide or agricultural products storage)

*\*Section Currently Being Written\**

### Flammable and Combustible Liquids

Flammable and combustible liquids are used for solvent based extraction of marijuana concentrated products. Hazards involved are the release of the solvent and low level ignition sources. Often these liquids are under pressure and a release could easily result in an explosion.

Classified locations are for areas where flammable liquids are stored, handled, dispensed and or mixed. The locations are held to the requirements of IFC Table 5703.1.1

Piping systems for flammable and combustible liquids need to be in accordance with IFC Sections 5703.6.1 through 5703.6.11 and the design of such systems need to be in accordance with NFPA 30 Chapter 27.

### Ventilation

Flammable/combustible liquids and compressed gases used in extraction or processing in Marijuana Facilities are required to be vented in accordance with IFC Chapters 50 and 53 and portions of the *International Mechanical Code*. This ventilation may include systems for gas rooms, exhausted enclosures, gas cabinets, indoor storage areas and storage buildings. Listed below are highlighted sections of the IFC that refer only to common code issues surrounding ventilation of flammable/combustible liquid vapors and compressed gases in Marijuana Facilities and are not inclusive of all requirements.

A code analysis regarding compliance with these chapters in the related processing phases may need to be provided by a third party, State Certified Professional Engineer or Fire Protection Engineer. The code analysis should cite all applicable building codes and fire codes/standards and identify compliance and/or non-compliance.

## Referenced Standards

Current Editions of the following

- NFPA 13- Standard for the Installation of Sprinkler Systems
- NFPA 30- Flammable and Combustible Liquids Code
- NFPA 55- Compressed Gases and Cryogenic Fluids Code
- NFPA 58- Liquefied Petroleum Gas Code
- NFPA 70- National Electrical Code®
- NFPA 497- Recommended Practice for the Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas

## Considerations for other Regulatory Departments

### Building Department

#### **Construction**

Cultivation/grow facilities should comply with the AHJ adopted fire and building codes for Use and Occupancy for a Factory (F-1), moderate hazard occupancy, primarily due to unconventional electrical systems, fumigation, carbon dioxide enrichment, maze like rooms, and the usual close proximity to other occupancies.

Dispensaries should meet AHJ adopted fire code and building code for the use and occupancy for Mercantile (M) occupancy.

Many times other MJ industry centered facilities will be based on a use and occupancy classification of a Mercantile Occupancy, "M" International Building Code (IBC 309.1) or possibly a "B" if there is patient care and similar.

"Use of a building and or structure or portion thereof, for the display and sale of merchandise and involves stocks of good, wares or merchandise incidental to such purposes and accessible to the public."

When a building department determines a structure or portion thereof to be a "classified" occupancy, the designer of record may be required to demonstrate "declassification" through ventilation designs or other methods.

#### **Electrical**

Apart from being a demanding electrical consumer, most cultivation facilities are no different to the electrical reviewer than any other F1 occupancy; however, when dealing with a hazardous process some AHJs and designers have chosen to classify the location according to NFPA 70 Article 500.

#### **Mechanical**

Colorado state laws require that the MIPP operation be located in a designated room and most AHJs require a hazardous exhaust system installed to capture any potential release of flammable gas.

Many AHJs require a system be installed to ensure that the odor from such locations cannot be detected at the exterior of the facility. Confirm with Uniform Mechanical Code (UMC) for confirmation of air changes required.

#### **Technical Assistance**

The fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion or report.

In MJ cases, a qualified professional can provide engineer certification to a piece of equipment for compliance with fire code, standards or best practices. The professional can also provide an Occupancy Evaluation Report that evaluates the occupancy and identifies facility compliance with the fire and building codes specific to the MJ operation.

## **Zoning**

Marijuana dispensaries, in many jurisdictions, have historically been required to adopt the same zoning restrictions as businesses that sell alcohol, pornography, and firearms. Businesses that sell these types of “vices” are prohibited from locating in residential or mixed-use neighborhoods and are pushed into much less affluent neighborhoods. Each jurisdiction might have specific requirements and should be evaluated prior to purchase, lease or occupancy.

## **Licensing**

Most jurisdictions adopt licensing code and regulations that are supplementary to the State MJ code and rules, and therefore deal mainly with the licensing and disciplinary procedures and processes. The regulation piece may also have an inspection process involved.

## **Law Enforcement**

Most law enforcement agencies maintain a licensing database, and MJ/MMJ licensees and businesses are subject to inspections (scheduled or compliance audits) at any time by police units.

## **Health Department**

Colorado Department of Public Health and Environment (CDPHE) does not regulate or inspect MJ/MMJ businesses. However Colorado Marijuana Enforcement Division (MED) does have basic “sanitary standards” for licensee compliance. The CDPHE does, however, handle registrations for “red card” holders (MMJ patients).

## **State Department of Agriculture**

*\*Section Currently Being Written\**

## **Referenced I-Codes**

- International Building Code
- International Mechanical Code
- International Existing Building Code
- International Fuel Gas Code
- International Plumbing Code

## Annex A – Denver Fire Marijuana Operations

### MARIJUANA OPERATIONS (Denver Fire proposed changes 10/15/2015)

#### SECTION 3901

##### GENERAL

**3901.1 Scope.** This section shall apply to all occupancies engaging in marijuana (i.e. cannabis and extract derivatives) sales locations, growing, processing, extraction, and/or testing. These occupancies shall comply with this chapter and other applicable provisions of this Code.

**3901.2 Permits.** Permits shall be required as set forth in Section 105.6 & 105.7

**3901.3 Existing Operations.** Buildings containing existing growing or extraction operations shall comply with this code by October 1st 2016.

#### SECTION 3902

##### DEFINITIONS

*Chemical Fume Hood.* A ventilated enclosure designed to contain and exhaust fumes, gases, vapors, mists, and particulate matter generated within the hood.

*Extraction.* The process of using solvents to remove essential oils or other botanic material from the marijuana plant.

*Post Oil Processing.* The process of refining essential oils after the extraction, including but not limited to dewaxing & winterization processes.

#### SECTION 3903

##### EXTRACTION OPERATIONS

###### **3903.1 Construction Requirements.**

**3903.1.1 Location.** Extraction processes shall be performed in a room dedicated to the extraction process.

**3903.1.2 Egress.** Exit doors from the extraction room shall swing in the direction of egress and be provided with panic hardware where hazardous materials are used in the extraction process.

**3903.1.3 Extraction Rooms.** Other than openings and penetrations allowed by Section 3903.1.4, extraction rooms shall be fully enclosed. The floor, ceiling, and walls of extraction rooms shall be constructed in accordance with the Denver Building Code and be continuous, non-combustible, and smooth. Rooms designed in accordance with Section 3903.4.1.1 shall be constructed to permit the free passage of exhaust air from all parts of the room.

**Exception:** Enclosed booths constructed in accordance with Sections 2404.3.2.1 through 2404.3.2.3.

**3903.1.4 Openings and Penetrations.** Openings and penetrations into extraction rooms shall only be provided for egress, mechanical, electrical, or plumbing systems serving the extraction room. Penetrations shall be sealed vapor tight. Non-operable glazing is permitted where glazing does not interfere with required exhaust systems.

**3903.1.5 Extraction Room Illumination.** Luminaires inside the extraction room shall comply with 3903.2.2. Luminaires attached to the walls or ceilings of an extraction room or booth, but outside of any classified area and separated from the flammable vapor areas by vapor-tight glass panels, shall be suitable for use in ordinary hazard locations. Such luminaires shall be serviced from outside the flammable vapor areas.

**3903.1.6 Fire Protection.** Extraction rooms, booths, or hoods, including ductwork where required for hazardous exhaust systems, shall be protected by an approved automatic fire extinguishing system complying with Chapter 9 where any of the following exist:

1. Extraction processes utilizing LPG or off gassing LPG from spent plant material or oil,
2. Vapors are released exceeding 25% of the lower flammable limit (LFL) from flammable liquid extraction processes or flammable liquid post oil processing.

**3903.2 Sources of ignition.** Extraction or post oil processing operations which use flammable liquids or Liquefied Petroleum Gas (LPG) shall be in compliance with 3903.2.1 through 3903.2.3

**3903.2.1 General Open flame and sparks.** Smoking, open flames, direct fired heating devices, etc. shall be prohibited in areas where flammable vapors exist.

**3903.2.2 Electrical equipment.** Electrical equipment installed in rooms designed in accordance with 3903.4.1.1, hoods, or booths, containing LPG extraction processes shall be in accordance with NFPA 70 as a Class I Division I location. Areas adjacent to classified locations shall be in accordance with NFPA 70. Electrical equipment installed in areas of flammable liquid extractions or post oil processing shall be in accordance with Chapter 50 and NFPA 70.

**Exception:** Subject to Approval of the Fire Code Official, rooms or booths containing LPG extraction equipment that is not normally opened within the room or booth for oil or plant material retrieval and frequent leakage in the closed system does not occur may be considered a Class I Division II Location.

**3903.2.3 Grounding and Bonding.** Precautions shall be taken within LPG extraction rooms to minimize the possibility of ignition by static electrical sparks through static bonding and grounding of extraction equipment, ducts, and piping etc. installed in accordance with NFPA 70.

**3903.3 Equipment.** Extraction process equipment utilizing hazardous materials shall be listed or approved.

**3903.4 Exhaust required.** Extraction and post oil processing, utilizing LPG or flammable liquids shall be provided with an exhaust system in accordance with Section 3903.4.1 or 3903.4.2. The exhaust system shall be in operation at all times when extractions or post oil processing is being performed and until LPG is off gassed from oil and/or plant material removed from LPG extraction equipment. Fans shall be of the type approved for use when flammable or explosive vapors are present in accordance with the International Mechanical Code 503.

**3903.4.1 Exhaust for LPG extraction processes.** A hazardous exhaust system engineered in accordance with the Denver Building and Fire Code shall be provided for LPG extraction processes including LPG degassing from processed plant material or oil removed from extraction equipment.

**3903.4.1.1 Exhausted Enclosure.** Where the extraction room is used as the exhausted enclosure, the exhaust system shall be designed to provide air movement across all portions of the floor to prevent the accumulation of vapors; the bottom of exhaust registers shall not be located more than 6" above the floor.

**3903.4.1.2 Electrical Interlocks.** The exhaust system shall be interlocked with the room power, such that when the exhaust system is not operating, power and lighting will be disabled.

**3903.4.2 Exhaust for Flammable Liquid Extraction processes.** A hazardous exhaust system in accordance with the Denver Building and Fire Code shall be provided for flammable liquid extraction processes.

**Exceptions:**

1. Distillation process with less than 5 gallons of flammable liquid performed under a chemical fume hood installed in accordance with the Denver Building and Fire Code unless a hazardous exhaust system is required by the Denver Building and Fire code.
2. Solvent distillation units in compliance with Section 5705.4.
3. Extractions performed in accordance with Denver Ordinance No. 629-14, § 1, 11-10-14

**3903.5 Gas Detection.** A continuous gas detection system shall be provided within rooms, booths, or hoods, containing CO2 or LPG extraction processes. Actuation of the gas detection shall initiate a local alarm within the room. CO2 gas detection systems shall alarm at 5000ppm. LPG gas detection systems shall alarm at 10% of the LFL. Portable LPG gas detection shall be utilized by the extraction system operator to verify local hydrocarbon levels, including system leaks.

**3903.6 CO2 Extraction Equipment Process discharge.** CO2 discharges shall be piped to the exterior.

**3903.7 Refrigeration and Cooling Equipment.** Refrigerators, freezers, and other cooling equipment used to store or process flammable liquids shall be in accordance with NFPA 45 and applicable provisions of the Denver Building and Fire Code.

**SECTION 3904**

**MARIJUANA GROWING OPERATIONS**

**3904.1 CO2 Enrichment Systems:** CO2 enrichment systems shall comply with Section 5310 or 5311.

### Annex B – Marijuana Facility 2015 IFC Code References

REQUIREMENT	CULTIVATION/ GROW	MIP/ MMIP	EXTRACTION	DISPENSARY	RETAIL/ RECREATIONAL	RESIDENTIAL/ CAREGIVER
<b>ADMINISTRATION &amp; DEFINITION</b>						
Definitions (MJ Industry)						
Change of Use or Occupancy	102.3, 102.4	102.3, 102.4	102.3, 102.4	102.3, 102.4	102.3	
Approved Materials & Equipment; Technical Assistance; Alternative Method or Material, Research Report and Tests	104.7.2, 104.9, 104.9.1	104.7.2, 104.9, 104.9.1	104.7.2, 104.9, 104.9.1	N/A	N/A	
Occupancy Classification Building Code	202	202	202	202	202	202
H Occupancy	202, Tables 5003.1.1.(1) - 5003.1.1.(4)	202, Tables 5003.1.1.(1) - 5003.1.1.(4)	202, Tables 5003.1.1.(1) - 5003.1.1.(4)	N/A	N/A	N/A
Operational Permits: Various Hazardous Materials, Carbon Dioxide Systems; Combustible Fibers, LP-gas; Fumigation & Insecticidal Fogging;	105.6.4; 105.6.9, 105.6.11, 105.6.21, 105.6.21; 105.6.8; 105.6.17; 105.6.20; 105.6.28	105.6.9, 105.6.11, 105.6.21, 105.6.21; 105.6.8; 105.6.17; 105.6.20; 105.6.28	105.6.9, 105.6.11, 105.6.21, 105.6.21; 1-5.6.8; 105.6.17; 105.6.20; 105.6.28			
Construction Permits: Various Hazardous Materials; Flammable & Combustible Liquids; LP-gas; Compressed Gas	105.7.10, 105.7.12, 105.7.3, 105.7.8; 1-5.6.8; 105.6.17; 105.6.20; 105.6.28	105.7.10, 105.7.12, 105.7.3, 105.7.8; 1-5.6.8; 105.6.17; 105.6.20; 105.6.28	105.7.10, 105.7.12, 105.7.3, 105.7.8; 1-5.6.8; 105.6.17; 105.6.20; 105.6.28			
<b>GENERAL SAFETY PROVISIONS</b>						
Hazard Communication	407	407	407	407	407	407
<b>BUILDING AND EQUIPMENT DESIGN FEATURES</b>						
Fire Protection	903.2.4, 903.2.5, 903.2.11	903.2.4, 903.2.5, 903.2.11,	903.2.4, 903.2.5, 903.2.11		903.2.7	
Interior Finishes						
Exits and exit signage; Egress						
Locks						

Key Box (Knox)	506.1, 503.6	506.1, 503.6	506.1, 503.6	506.1, 503.6	506.1, 503.6	
Aisles						
Control Areas						
Ventilation						
Portable Fire Extinguisher						
Electrical: wiring, extension cords, appliance, lighting, extraction equipment, kitchen						
Premise Identification						
Security						
Appliances: Extractors, Still, Vacuum Oven, Kitchen, CO2 Generator, Sulfur Evaporator						
Fire Dept. Access						
<b>SPECIAL OCCUPANCIES AND OPERATIONS</b>						
Combustible Fibers						
Fumigation and Insecticidal Fogging						
Rack Storage						
<b>HAZARDOUS MATERIALS</b>						
Hazardous Materials						
Compressed Gases						
Flammable Gases						
Pesticides/Fertilizers						
Gas Detection & Alarm						
Liquefied Petroleum Gases (LP-Gas): Indoor/Outdoor						
Highly Toxic and Toxic Materials (pesticide or agricultural products (storage))						
Flammable and Combustible Liquids						
Ventilation						

## **Annex C – Hemp and Cannibidoil (CBD Oil)**

Industrial Hemp (iHemp) is made up of varieties of “Cannabis Sativa” that contain less than 0.3% Tetrahydrocannabinol (THC). It is an annual broadleaf plant with a taproot and is capable of very rapid growth under ideal growing conditions. The female flowers and seeds are indeterminate, meaning that there are both ripe and immature seeds on the same plants at the time of harvest.

iHemp cultivation is similar to the marijuana cultivation activity. iHemp cultivation requires the same materials, supplies, equipment, and building design needs as the marijuana cultivation operation.

Cannibidiol (CBD) oil is extracted in oil form and is often found mixed in hemp oil extracts in varying concentrations. CBD is extracted and separated from specific varieties of cannabis, often known as hemp. Chemically, CBD is one of 85 chemical substances known as cannabinoids, which are all found in the cannabis plant. CBD is the second most abundant compound in hemp, typically representing up to 40% of its extracts. The most abundant constituent of cannabis is the cannabinoid known as THC, an intoxicating and illegal substance that is responsible for causing marijuana users to get “high.” While CBD is completely separated and isolated from THC, and CBD cannot get you “high,” there is still a lot of stigma as many people tend to mistake CBD for THC. A person cannot get “high” by smoking or ingesting CBD-high hemp (that has only traces of THC), as it is also impossible to get high by consuming CBD oil products (that contain no THC at all).

### **Hemp Seed Oil Vs. CBD Oil Extraction**

CBD oil is not exactly the same as hemp seed oil, and also because the extraction techniques used for producing the cannabinoid products are different from those used for obtaining oil from hemp seeds.

Hemp seed oil is produced by cold pressing the seeds and then extracting the oil. It requires no special equipment or solvent. The oil is obtained by simply pressing or grinding the seeds at a temperature that is lower than 120°F. The oil contains very small amounts of cannabinoids.

CBD oil is obtained from a plant’s seeds and stalks and the extraction methods are essentially the same as THC concentrate extraction (hash oil). Solvent based extraction utilizes solvents such as petroleum, naphtha, ethanol, or Super Critical Carbon Dioxide. Food based extraction can use olive oil for extracting the full range of cannabinoids and terpenes from the cannabis plant.

## Harding, Bryan

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**From:** Boulder Mountain Fire Chief  
**Sent:** Monday, May 02, 2016 11:06 AM  
**To:** Harding, Bryan; Joyce Colson; Duke Snyder; James Eyster  
**Subject:** Letter of support from BCFCA  
**Attachments:** BCFCA support letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning everyone,

I have attached a letter of support from the Boulder County Fire Chiefs' Association regarding the new proposed Land Use amendments regarding MMJ grow house.

Please add this to the packet that will be presented on May 18th.

Have a great day.

--

John Benson  
Fire Chief  
Boulder Mountain Fire Protection District  
1905 Linden Drive Boulder, CO 80304  
303-440-0235  
[chief@bouldermountainfire.org](mailto:chief@bouldermountainfire.org)



**BOULDER MOUNTAIN FIRE PROTECTION DISTRICT**  
1905 LINDEN DRIVE • BOULDER, CO 80304 • (303) 440-0235 • FAX (303) 440-5247

April 26, 2016

Mr. Bryan Harding, Senior Planner  
Boulder County Land Use  
2045 13<sup>th</sup> Street  
Boulder, Colorado 80302

RE: Docket DC-16-0002: Proposed Land Use Code Text Amendments  
to Marijuana Processing and Cultivation Regulations

Dear Mr. Harding:

This letter is to declare the Boulder County Fire Chiefs Association's full support of the current proposed land use code text amendments to marijuana processing and cultivation regulations.

We have had many discussions regarding the safety of emergency responders who respond to non-licensed residential marijuana grow houses that we are encountering in Boulder County. We are also concerned with the safety of our residents in the unincorporated areas of Boulder County as it relates to structure fires, wildland fires, and health exposures

Chief John Benson, Boulder Mountain Fire Protection District, provided you with the survey results as they pertain to each fire district regarding marijuana and hash oil incidents. This is a trend we continue to see and are concerned the number of incidents will increase in the near future of unincorporated areas of Boulder County.

At the Boulder County Fire Chiefs Association meeting, the members unanimously support the current proposed amendments pertaining to non-commercial residential grow house operations.

We must do everything possible to protect our emergency responders, citizens, and their property against a growing trend of incidents. Please feel free to contact Chief Benson at 303-440-0235 or [chief@bouldermountainfire.org](mailto:chief@bouldermountainfire.org), if you have any questions. He has been following this issue very closely.

We appreciate your hard work and diligence regarding this issue and look forward to working with you in the future.

Respectfully,

Boulder County Fire Chiefs Association

## Harding, Bryan

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**From:** Skoumal, Nicole M - Fire Department - CSA <Nicole.Skoumal@denvergov.org>  
**Sent:** Monday, May 02, 2016 8:40 AM  
**To:** Henning, James - DPD; Kevin Wong; Harding, Bryan  
**Subject:** RE: Question about alcohol extraction for marijuana purposes  
**Attachments:** Extraction.PDF; Extraction Guideline DFD 3-30-2016.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello all,

Attached please find a copy of the ordinance which limits the alcohol extraction as you noted in the highlighted text below. Please note – this is intended for unlicensed or residential facilities.

For licensed facilities which go through building plan review and approval – the allowances for alcohol extraction are different. Also attached please find the extraction guideline document which is available on our website and provides more information related to code requirements for extraction approvals.

If you have additional questions please let me know.

Thanks!

**Nicole Skoumal | Operations Supervisor**



Denver Fire Department | Fire Prevention | City and County of Denver  
720.913.3519 Phone | 720.913.3596 Fax  
[nicole.skoumal@denvergov.org](mailto:nicole.skoumal@denvergov.org) | [Dial 3-1-1 for City Services](#)

**CONFIDENTIALITY NOTICE:** This e-mail transmission from the City and County of Denver, and any documents, files, or previous e-mail messages attached to it, are intended solely for the individual(s) to whom it is addressed and may contain information that is confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any unauthorized review, forwarding printing, copying, distribution, or use of this transmission or the information it contains is strictly prohibited. A misdirected transmission does not constitute waiver of any applicable privilege. If you received this transmission in error, please immediately notify the sender and delete the original transmission and its attachments. Thank you.

**From:** Henning, James - DPD  
**Sent:** Friday, April 29, 2016 12:03 PM  
**To:** Kevin Wong <[kwong@rmhidta.org](mailto:kwong@rmhidta.org)>; Harding, Bryan ([bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)) <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)>  
**Cc:** Skoumal, Nicole M - Fire Department - CSA <[Nicole.Skoumal@denvergov.org](mailto:Nicole.Skoumal@denvergov.org)>  
**Subject:** RE: Question about alcohol extraction for marijuana purposes

Mr. Harding, I would refer you to the Denver fire Department Marijuana inspectors, they have the knowledge when it comes to the various extraction processes we have seen and would be able to look at any new techniques. I am including Nicole Skoumal from Denver Fire, she can put you in touch with the right technician..

Thanks,

Lt. Henning

**From:** Kevin Wong [<mailto:kwong@rmhidta.org>]  
**Sent:** Thursday, April 28, 2016 6:33 PM  
**To:** Harding, Bryan ([bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)) <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)>  
**Cc:** Henning, James - DPD <[James.Henning@denvergov.org](mailto:James.Henning@denvergov.org)>  
**Subject:** FW: Question about alcohol extraction for marijuana purposes

Greetings Mr. Harding,

May I introduce Lt. James Henning.

Lt. Henning will be able to address your request regarding the proposed verbiage.

**BY AUTHORITY**

1  
2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2014  
4

COUNCIL BILL NO. 14-0711  
COMMITTEE OF REFERENCE:  
Safety and Well-being Committee

5 **A BILL**

6 **For an Ordinance amending Article V of Chapter 38, Offenses Relating to**  
7 **Drugs and Intoxicants, by adding certain provisions concerning the**  
8 **extraction of marijuana concentrate.**

9 **WHEREAS**, the possession of any quantity of marijuana concentrate has historically been  
10 treated as completely unlawful in Colorado; and

11 **WHEREAS**, because possession of marijuana concentrate has historically been treated as  
12 completely unlawful, state and city laws have never been necessary to address how and where  
13 marijuana concentrate may be extracted from marijuana plants; and

14 **WHEREAS**, the adoption of Amendment 20 adding Section 14 to Article XVIII of the  
15 Colorado Constitution, created an affirmative defense and a limited exception to state criminal laws  
16 for patients and primary caregivers who possess or produce a limited amount of marijuana  
17 concentrate for medical use to treat a debilitating medical condition; and

18 **WHEREAS**, Amendment 20 prohibits both patients and primary caregivers from acquiring or  
19 producing marijuana concentrate in a way that endangers the health or well-being of any person;  
20 and

21 **WHEREAS**, the adoption of Amendment 64 adding a new Section 16 to Article XVIII of the  
22 Colorado Constitution, allows persons over the age of 21 in Colorado now to claim immunity from  
23 prosecution under state or city laws for possessing or processing marijuana concentrate in a  
24 quantity of one ounce or less for personal use or for distribution to others without compensation;  
25 and

26 **WHEREAS**, Amendment 64 provides that, in the interest of the health and public safety of  
27 our citizenry, marijuana sold in Colorado will be subject to additional regulations to ensure that  
28 consumers are protected; and

29 **WHEREAS**, both Amendment 20 and Amendment 64 are silent on the question of how and

1 where marijuana concentrate may be processed or manufactured for medical or personal use; and

2 **WHEREAS**, this state of affairs has resulted in a gap in the law in terms of regulating the  
3 appropriate methods and locations where marijuana concentrate may be extracted from marijuana  
4 plants, which has led to numerous examples of persons using highly dangerous methods of  
5 extracting marijuana concentrate in inappropriate, unregulated settings, including residential  
6 locations.

7 **WHEREAS**, the purpose of this ordinance is not to prohibit all forms of marijuana  
8 concentrate extraction, but instead to limit the more dangerous methods of extraction to licensed  
9 and regulated locations.

10 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**  
11 **OF DENVER:**

12 **Section 1.** Section 38-177 (Extraction of Marijuana Concentrate Prohibited) of the Denver  
13 Revised Municipal Code shall be amended by adding the language underlined, and deleting the  
14 language stricken, to read as follows:

15 **Sec. 38-177. Extraction of Marijuana Concentrate Prohibited.**

- 16 (a) Except as provided in paragraph (c) of this section, it shall be unlawful for any person to  
17 process or manufacture marijuana concentrate anywhere in the city.  
18 (b) Except as provided in paragraph (c) of this section, it shall be unlawful for any person who  
19 owns, manages, operates or otherwise controls the use of any premises anywhere in the  
20 city to allow marijuana concentrate to be processed or manufactured on the premises.  
21 (c) It shall not be an offense under 38-177(a) or 38-177(b) if:

- 22 1. The production of marijuana concentrate is done by licensed personnel in a  
23 licensed medical marijuana infused products manufacturing facility or in a  
24 licensed retail marijuana products manufacturing facility and in compliance with  
25 all applicable state and city laws, and all rules and regulations promulgated  
26 thereunder, including any and all necessary permits; or,  
27 2. The production of marijuana concentrate is done by means of water-based  
28 extraction or food-based extraction methods outside of a licensed medical  
29 marijuana-infused products manufacturing facility or a licensed retail marijuana

1 processing facility, and is done in full compliance with any and all other  
2 applicable state and city laws; or,

- 3 3. The marijuana concentrate is processed or manufactured using alcohol or  
4 ethanol outside of a licensed medical marijuana-infused products manufacturing  
5 facility or a licensed retail marijuana products manufacturing facility in  
6 compliance with all applicable state and city laws, and all rules and regulations  
7 promulgated thereunder; where,
- 8 i. The production of marijuana concentrate is done without the application of any  
9 heat from a fuel-fired or electrified source and uses no more than 16 ounces of  
10 alcohol or ethanol during each extraction process; or,
- 11 ii. The production of marijuana concentrate is done by a person who, at the time  
12 of production, holds a valid permit issued by the Denver Fire Department  
13 pursuant to the Denver Building and Fire Code.

14 (d) For purposes of this section:

- 15 1. “Food-based extraction” means producing marijuana concentrate by extracting  
16 cannabinoids from marijuana through the use of propylene glycol, glycerin,  
17 butter, olive oil, or other typical cooking fats. Except as otherwise provided in  
18 paragraph (c) of this section, “flammable liquids” may not be used in food-based  
19 extractions.
- 20 2. “Flammable liquid” means a liquid that has a flash point below 100° Fahrenheit,  
21 and includes all forms of alcohol and ethanol.
- 22 3. “Marijuana” means all parts of the plant of the genus cannabis whether growing  
23 or not, including but not limited to the seeds, leaves, buds, flowers, and any  
24 mixture or preparation thereof, without regard for cannabinoid concentration  
25 levels.
- 26 4. “Marijuana concentrate” means hashish, cannabinoids, or any alkaloid, salt,  
27 derivative, preparation, compound, or mixture, whether natural or synthesized, of  
28 cannabinoids.
- 29 5. “Water-based extraction” means producing marijuana concentrate by extracting  
30 cannabinoids from marijuana through the use of only water, ice or dry ice.
- 31 6. The definitions of “medical marijuana-infused products manufacturer” and “retail  
32 marijuana products manufacturing facility” as set forth in the Colorado Medical

1 Marijuana Code, §12-43.3-104, C.R.S., as amended, and the Colorado Retail  
2 Marijuana Code, §12-43.4-103, C.R.S., as amended, shall apply equally to this  
3 article V.

4 COMMITTEE APPROVAL DATE: October 14, 2014

5 MAYOR-COUNCIL DATE: October 21, 2014

6 PASSED BY THE COUNCIL: \_\_\_\_\_, 2014  
7 \_\_\_\_\_ - PRESIDENT

8 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2014

9 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
10 EX-OFFICIO CLERK OF THE  
11 CITY AND COUNTY OF DENVER

12 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2014; \_\_\_\_\_, 2014

13 PREPARED BY: Marley M. Bordovsky, Assistant City Attorney DATE: October 30, 2014

14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
16 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
17 3.2.6 of the Charter.

18 D. Scott Martinez, Denver City Attorney

19 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2014

## **MARIJUANA EXTRACTION GUIDELINE FOR COMMERCIAL / LICENSED FACILITIES**

The information contained within this guideline is provided solely for the convenience of the reader to help clarify how the Denver Fire Code (DFC) applies to marijuana extraction processes and equipment at commercial facilities licensed by the Denver Department of Excise and Licenses. Because every process and building differs, this guideline is not intended to identify or discuss every code requirement applicable and it is not intended to be a regulatory document; therefore, it is the responsibility of the persons performing these processes and/or otherwise responsible for the design or construction of extraction rooms, equipment, and operations to follow all applicable Codes and Standards as adopted by the City and County of Denver. This guideline is based upon the 2016 Denver Fire Code.

### **Part I – Extraction Process Equipment**

Extraction equipment, including equipment used for winterization or other oil refining processes, that use hazardous materials (i.e. flammable / combustible liquids, Carbon Dioxide (CO<sub>2</sub>), liquefied petroleum gases (i.e. butane), etc) are required to be listed or approved per DFC Section 2703.2.3.

#### **I.A Liquefied Petroleum Gas (LPG) and CO<sub>2</sub> Extraction Equipment**

Only closed-loop type LPG extraction equipment is permitted. Open blasting extractions or equipment that releases butane to the atmosphere during the extraction process is strictly prohibited.

Because there is no listing (such as UL, ETL, etc) available for compressed-gas extraction systems using hazardous materials, extraction equipment approval is required from the Denver Fire Department for use in the City and County of Denver. To obtain equipment approval, an engineering report (signed and sealed by a licensed Colorado engineer) must be submitted for approval. This approval report is required by DFC Section 104.7.2. It is the responsibility of the engineer to justify how the system meets the Denver Fire Code and any other national standards as a basis of design, including an analysis / description of every component of the system. Thus far, approved LPG (i.e. butane or propane) only closed-loop systems have been designed to applicable sections of NFPA 58. Open-blast LPG extractions are prohibited. In addition to the engineering report, an owners operation manual must be submitted with specific instructions regarding proper use of the equipment and any safety provisions identified. Equipment may be submitted / approved either by a Master Engineering Report or a Site Specific Engineering report. Engineering reports can be submitted in hard copy, signed and sealed by the licensed design professional, at 745 W Colfax, attention Brian Lukus.

In addition to this engineering report approval process, if the extraction equipment uses electrical components, a National Recognized Testing Laboratory (NRTL) listing is also required in addition to the engineering report certifying that the electrical components are compliant with appropriate electrical standards.

Site Specific Engineering Report: Site specific engineering reports can be submitted which approve extraction equipment exclusively to a location and specific equipment. A Plant Extraction Systems Operational Permit will be issued for final approval of the extraction equipment and use. Any modification of the equipment or relocation of equipment to a new address voids the equipment approval.

Master Engineering Report – For manufacturers of extraction equipment, a Master Engineering Report can be submitted for approval in lieu of submitting Site Specific reports for every address. Once approved, the report is retained by the Denver Fire Department. Site specific approval letters are then provided by the report Engineer of Record certifying (by location address and serial number) that the equipment on-site meets the approved Master Engineering Report on file. Once this letter is received (and all other extraction room safety provisions are met), a Plant Extraction Systems Operational Permit will be issued for final approval of the extraction equipment and use. Any modification of the equipment or moving addresses voids the equipment approval. See *Extractor Approval List* document on the Denver Fire Department website for a list of manufacturers with approved Master Engineering reports.

### **I.B Flammable liquid distillation or evaporative process equipment**

There are numerous methods to perform distillation or evaporative extraction / refinement processes. In general, electrified equipment used in these processes are required to be listed by a NRTL for their intended use and are required to be operated within the manufacturer's guidelines. Equipment such as rotary evaporators are typically listed for distillation processes. Where distillation stills or heated evaporation processes are performed, the heating source shall be listed as explosion-proof (i.e. rated for the electrically classified location) unless it can be shown that the equipment has been tested during its listing to heat flammable liquids without the explosion-proof classification. Approval of the proposed process equipment must be submitted during construction permitting review.

### **I.C Vacuum Ovens**

Vacuum ovens shall not be used to process volatile gases (i.e. alcohol/oil mixtures, oil containing off-gassing LPG, other flammable liquids, etc) unless the vacuum oven is rated to process these vapors (typically an explosion-proof classification). It is the responsibility of the extraction process operator to ensure the material being introduced into the oven does not contain volatiles. All vacuum ovens shall be listed by a NRTL.

### **I.D Refrigerators**

Refrigerated storage or processing of flammable liquids including oil-laden with flammable liquids must only use refrigerators/freezers rated to store flammable liquids. At minimum, a "Lab-Safe" or "Flammable Safe" rated refrigerator/freezer must be used. Residential type refrigerators are not rated by the manufacturer for flammable liquid storage or processing. See NFPA 45 for further information regarding refrigerators used for flammable liquid storage.

## **Part II – Extraction Room Construction, Gas Detection, Exhaust, & Electrical Systems**

### **II.A Room Construction**

Extraction rooms are required to be located in a room dedicated to the extraction process. There must be no other equipment within the room (i.e. refrigerators, cooking appliances, electrical panels, computers, cell phones, etc) that is not associated with the extraction process. Additionally there must be no penetrations into the room that are not essential for the extraction process (i.e. gas lines, HVAC systems, plumbing, etc.)

Rooms are to be of continuous, noncombustible, and smooth construction, and room finish should also consider Department of Health requirements for cleaning purposes. Booths constructed in compliance with flammable finish requirements of DFC Section 24 will be accepted as meeting these construction requirements. Acoustic-type drop ceilings that could conflict with large LPG extraction exhaust systems will not be permitted. Hand sinks and eye wash stations (if required by other Codes) can be located in the room.

Doors to the extraction room using hazardous materials (i.e. CO<sub>2</sub>, LPG, or flammable liquids) must swing in the direction of egress, be self-closing/latching, and be provided with panic hardware.

Post oil processing typically uses small volumes of flammable liquids and may be performed outside of a dedicated extraction room. This process can typically be performed under a bench-top chemical fume hood.

### **II.B Suppression Systems**

An LPG extraction room, booth, or hood is required to be provided with an automatic fire suppression system in accordance with DFC Chapter 9. A suppression system is also required in a flammable liquid extraction room, booth, or hood where vapors are released exceeding 25% of the LFL (lower flammable limit). No suppression systems are required in CO<sub>2</sub> extraction rooms. Where the building is required to be sprinklered, the sprinkler system shall be extended to the room, booth, or hood. Where the building is not required to be sprinklered, an alternative suppression system must be provided in accordance with DFC Section 904.

These extraction room requirements are not applicable to water extractions, kief production rooms, food-based extractions, or other extraction processes not using hazardous materials.

### **II.C LPG Extraction Process Gas Detection Systems**

There are two forms of flammable gas detection required in LPG extraction areas: fixed continuous flammable gas detector serving the room, hood, or booth and a portable flammable gas detector. The intent of these types of flammable gas detection systems within LPG extraction areas is twofold: for alerting the extraction process operator(s) that the area is at or above 10% of the lower flammable limit and for the extraction process operator(s) to specifically identify potential leaks during the extraction and additionally to determine when

oil and spent plant material is finished off-gassing and is safe to be removed from the extraction area.

The fixed detector must be installed in accordance with the manufacturers' guidelines and depending on the size and configuration of the room, booth, or hood, additional detectors may be required. The fixed detection alarm is a local alarm only and does not require off-site monitoring and does not require full occupant notification of the building or extraction room (including ADA visual notification) as a fire alarm system may require. Fixed detection is to alarm at 10% of the lower flammable limit. The method of alerting the extraction operator (audible / visual notification) is based on the type of the gas detector chosen. Some detectors have integrated visual alarms only that can be accepted when installed within clear view of the extraction operator; i.e. at eye level with the sensor extended to the floor. Otherwise, a remote visual or audible local alarm can be accepted.

## **II.D LPG Extraction Exhaust Systems**

A hazardous exhaust system is required to be installed in accordance with the Mechanical Code for extraction processes using LPG. There are many different ways to design a hazardous exhaust system including fume hoods, walk-in hoods, booths, and exhausted rooms. There are manufacturers of booths and hoods that meet this requirement in a complete off-the-shelf package. Exhaust systems can also be built specifically to suit the needs of a location or process; however, no one system is dictated by the Fire Code. The engineer of record must design and/or specify a system to meet the minimum requirements of a hazardous exhaust system.

The intent of the exhaust system provided is to be designed with capture and containment velocities across the work area (IMC 510.5.4) as typically seen with other industrial or laboratory processes using hazardous materials. There are several work areas that must be considered in this design and may be different for each extraction equipment manufacturer. The extraction process equipment location, the location of oil retrieval, and the location of LPG-laden plant material removed from the extraction equipment for degassing are all work areas that are intended to be provided with exhaust system capture and containment velocities. The assumption that a "closed-loop" system does not release LPG into the atmosphere will not be accepted as a basis in the design of these exhaust systems, since all extraction systems must be opened at some point in the process with vapor released. It is recommended that the ACGIH Industrial Ventilation Handbook be consulted for exhaust system and capture and containment velocity design.

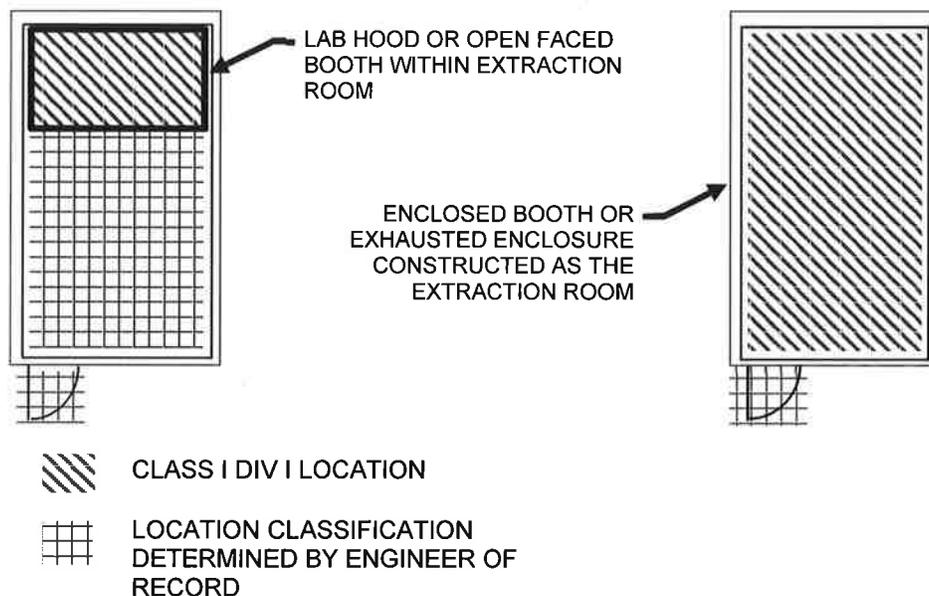
## **II.E LPG Extraction Electrical Systems**

The location of the LPG extraction process must be considered a Class I Division I location in accordance with the National Electric Code (NEC); depending on the type of exhaust system provided, this could be the entire room or the area inside of a hood or booth. This Class I Division I requirement was based on flammable gas metering of several extraction processes, all of which exceeded minimum LFLs during equipment opening for oil retrieval and removal of LPG-laden plant material in addition to other known equipment and accidental process failures releasing LPG. Flammable gasses are present during normal extraction operations, therefore this location meets the definition of a Class I Division I location per the NEC.

Marijuana Extraction Guideline Cont.

The location adjacent to the Class I Division I location must be classified by the design engineer (i.e. doors to the extraction room, hoods opening into the extraction room, etc.). This is dependent on the type of exhaust system provided and the room configuration. Normally, adjacent locations are Class I Division II; however, the NEC does not define a required distance that an "adjacent location" must be from the Class I Division I location in order to be classified as a Class I Division II location. The NEC defines Class I Division II as a location where flammable vapors could be present from accidental rupture or breakdown of containers. Therefore, this location classification should be established on a total extraction equipment failure. This classification has been intentionally left to the determination of the responsible engineer since many factors can influence this area, such as mechanical exhaust sizing, total LPG within the extraction equipment, etc.

Typical LPG exhaust types and the associated NEC location classification is illustrated below.



Based on the Class I Division I location, all equipment in the extraction room must be rated for use in Class I Division I locations. This includes lighting, power receptacles, vacuum pumps, recovery pumps, and any other electrical equipment in the room. The need for explosion-proof rated equipment can be minimized. Lighting located behind a vapor-tight glazing panel outside of the extraction room/booth is not required to be classified as Class I Division I; this concept is similar to flammable finish spray booth lighting systems. Other extraction process support systems such as air compressors to drive recovery pumps, heated / chilled water circulation pumps, vacuum air systems, etc can all be located outside of the Class I location and piped into the process area. Where electrical equipment is needed, it must be rated for the Class I location in which it is installed in.

To reduce the possibility of spark from static discharge, all metal objects including ductwork, hand sinks, water piping, etc. must be grounded / bonded in accordance with the NEC. This will also require the extraction equipment to be grounded/bonded.

The room lighting and room power receptacles (where provided) are required to be interlocked with the exhaust system such that the room power and lighting will not operate without the exhaust system running. Power serving room flammable gas detectors is not required to be part of this interlock requirement.

## **II.F Flammable Liquid Extraction & Post Oil Processing Gas Detection Systems**

None Required.

## **II.G Flammable Liquid Extraction & Post Oil Processing Exhaust Systems**

For the purposes of this section, exhaust system requirements for extraction processes using flammable liquids are also required for post oil processing using flammable liquids. Post oil processing is an oil refining or winterization process occurring after the initial extraction is completed.

There are many different methods available to perform flammable liquid extractions as well as a variety of equipment available; therefore, all processes cannot be described in detail within this guideline. Generally, these processes can be grouped into two categories; distillation extractions where most of the flammable solvent is recollected OR a heated boil-off (evaporative) process where flammable liquid is evaporated to the atmosphere without recollection.

A hazardous exhaust system is required complying with IMC Section 510 for flammable liquid processes exceeding 5 gallons. These typically include boil/evaporative processes, distillation processes, and flammable liquid plant wash processes. This exhaust system is intended for larger processes where dispensing of flammable liquids also occurs in greater volumes, flammable liquid laden plant material is removed from equipment and/or vapors are present from heated extraction processes. The exhaust system must provide capture and containment velocity across the work area per IMC Section 510.5.4 and is typically provided in the form of a standard lab-type exhaust hood. It is suggested that the ACGIH Industrial Ventilation Handbook be consulted for exhaust system and capture velocity design.

Distillation process using less than 5 gallons are to be performed under a chemical fume hood designed to contain fumes within the hood and exhaust them to the exterior. This system does not have the duct gauge thickness and other requirements of a full hazardous exhaust system. This exhaust system is typically for smaller bench-top type of distillations and also small flammable liquid dispensing volumes.

Listed solvent distillation units complying with DFC 5705.4 are not subject to these exhaust system requirements.

## **II.H Flammable Liquid Extraction & Post Oil Processing Electrical Systems:**

For rooms, booths, or hoods containing flammable liquid extraction or post oil processes, the electrical location classification must be specified by the responsible licensed design professional. It is expected that this classification is included on building permit drawings and

that supporting information is submitted justifying how the location classification was determined. Because there are numerous methods of performing flammable liquid extractions, the process must be evaluated and the classification determination must be established by the licensed design professional. Note that the licensed design professional must consider not only the process equipment, but also the dispensing (i.e. filling and removal) of flammable liquids, soaking (i.e. plant wash) material in open containers, and the removal of plant material saturated with flammable liquids, because these operations may have an impact on the location classification.

Also see section I.B of this guideline for further information.

## **II.I CO2 Extraction Process Gas Detection Systems**

A fixed continuous CO2 detection system is required within CO2 extraction rooms set to alarm at 5000 ppm. This system is a local alarm only and is not required to be monitored off site. The system is intended to alert the extraction operator of a potential asphyxiation hazard. There is no requirement to alarm the building nor to have ADA compliant visual notification as typically required for fire alarm systems.

## **II.J CO2 Extraction Exhaust Systems & Electrical Systems**

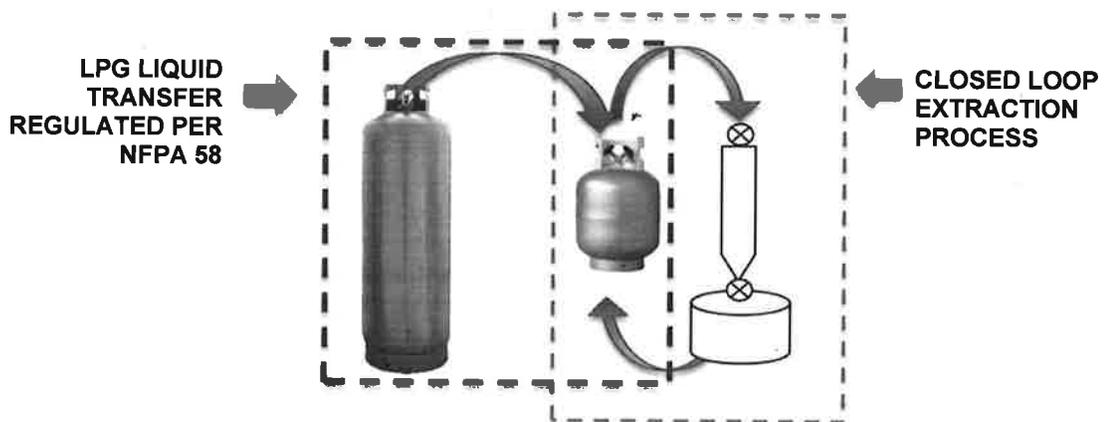
CO2 extraction equipment is required to have releases of CO2 piped to the exterior. Stored cylinders shall be secured to a fixed object to prevent falling. See DFC Chapter 53 for compressed gas storage requirements.

There are no further exhaust system or electrical requirements above ordinary requirements of the Denver Building Code.

## Part III – Filling LPG Extraction Equipment

### III. A Filling LPG Extraction Equipment

Although manufacturers may use different terminology, extraction equipment includes an LPG solvent tank (i.e. a local system supply tank) which is filled with LPG and supplies the extraction equipment and this same tank is also used to reclaim LPG after the extraction. The approval for closed loop LPG extraction equipment discussed in Part I of this document approves only the closed loop system. Filling the LPG solvent tank from a bulk tank (i.e. typically a 100# tank) is not included in the extraction equipment approval and is regulated per NFPA 58 as LPG liquid transfer. This delineation is depicted below.



Filling the solvent tank is regulated as LPG liquid transfer under NFPA 58 and must be conducted outdoors. Indoor filling and/or indoor filling from piped LPG liquid systems may be conducted indoors where the room and process has been designed in accordance with NFPA 58, notably Chapter 10; the requirements of this chapter are stringent and will not be discussed herein due to their complexity. Where performed, this process is included in the Plant Extraction Systems operational permit issued; information on LPG liquid transfer must be included at this time of permit application.

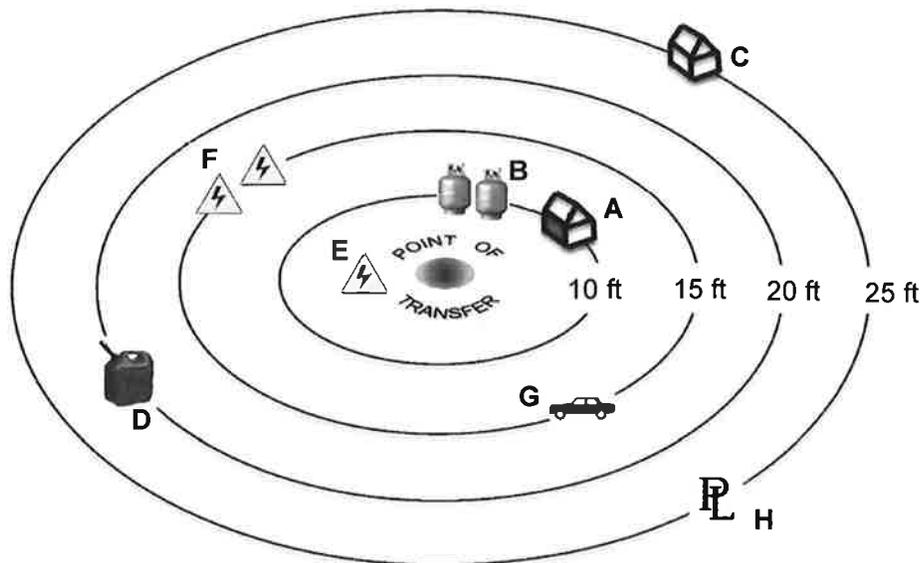
LPG liquid transfers using lighter refill-type containers using can taps or other puncture equipment is prohibited.

The following is a summary of requirements from NFPA 58:

- i. Personnel conducting liquid transfer operation shall be trained in LPG filling (recertified every 3 year). Documentation of training shall be available (NFPA 58-7.2.1)
- ii. Public access to the filling location must be restricted (i.e. fenced area)
- iii. The filling location must be located 15' from combustion engine use; i.e. vehicle parking. All ignition sources shall be shut off. The location may be located against a noncombustible building wall without openings

- iv. Electrical equipment is required to be Class I Division I within 5' and Class I Division II within 15' of filling operations.
- v. Where heating blankets are used, they must be listed for use in explosive environments. An electrical permit is required for any circuits being extended to the filling location.
- vi. Where scales are used for weighing containers, they shall be Class I Division I listed or be of the mechanical type.
- vii. Smoking, portable lighting, portable electric tools, etc shall not be in use within 25' of the filling operation.
- viii. Purging of tanks may be performed at the tank filling location in accordance with NFPA 58. The tank must be rapidly dispersed in the atmosphere, where environmental conditions do not allow rapid dispersal (i.e. wind conditions, site conditions such as neighboring buildings on lot lines not allowing adequate natural ventilation, etc). LPG must be flared using a method in compliance with NFPA 58.

The NFPA 58 separation distances from the transfilling location are illustrated below.



- A. Buildings with 1HR fire rated exterior wall
- B. LPG Containers in Storage
- C. Buildings with non-fire rated exterior wall or building openings
- D. Flammable / combustible liquid storage
- E. Class I Division I electrically classified area within 5' of transfer
- F. Class I Division II electrically classified area
- G. Vehicle traffic
- H. Property Line that can be built upon

[END OF DOCUMENT]

## Harding, Bryan

---

**From:** Lee Sutherland <lee.a.sutherland@gmail.com>  
**Sent:** Saturday, April 30, 2016 4:49 PM  
**To:** Harding, Bryan  
**Subject:** Re: FW: Question about alcohol extraction for marijuana purposes

**Follow Up Flag:** Follow up  
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Bryan,

I am grateful for the attention this issue is receiving, and impressed at you and your team's efforts.

First, I'd like to address the questions from Mr. Klein regarding how our product works, and then progress to the questions regarding the safety of ethanol in general. I'll close with some suggestions from my view of fire safety with regards to plant extractions.

The Source uses a vacuum chamber and mild heat at close to body temperature to purify plant extracts. First, a tincture is made with relatively pure food grade grain alcohol, such as Everclear. Then the tincture is filtered off and placed in the appliance, where a vacuum and mild heat is applied. The vacuum allows the ethanol to boil at a much lower temperature than normal. The vacuum pump operates briefly to create the vacuum, and enough of the air/alcohol vapor inside is removed to create the vacuum. After this initial vacuum, pump operation is only needed for a short time every 15 minutes or so to address tiny leaks inherent to the chamber. This is because as the ethanol boils at the reduced pressure, it also immediately condenses on the sides of the unit, which maintains the vacuum indefinitely. In fact, if the heat is removed, the vacuum will increase on its own. Almost all the alcohol that is placed in the appliance is recovered, with a tiny amount remaining on the interior walls and the extraction cup that is generally 5% or less of the volume. This is similar to pouring a glass of wine, where some remains on the glass.

While in operation, there is zero combustible vapor inside or outside the Source. In fact, testing included the addition of a lit cigarette lighter inside the unit full of ethanol to test. In each of the more than 20 trials, the flame was immediately extinguished as soon as the appliance was turned on. The vacuum and near-100% alcohol vapor makes combustion impossible. Furthermore, there is no air left in the unit to aid combustion since the ethanol vapor completely displaces the air inside the appliance. Even drop tests by an open propane torch that caused the vacuum chamber to shatter could not induce a fire even when the impact was immediately adjacent to the torch.

The Source emits less ethanol vapor than pouring a shot of vodka, and there are no publicly available reports at all of mixed drinks creating public safety issues with regards to fire that I am aware of, even in intense ethanol use areas like bars and kitchens.

Any test for ignitable vapors using any of the test equipment mentioned will detect faint flammable vapors occasionally during operation of the Source, and the same equipment will indicate significantly higher levels of these same vapors when placed next to a shot of brandy, when placed near the engine compartment or fuel filler cap of a motor vehicle, or a number of other common home environments. This is another test we have performed again and again with a portable sniffer familiar to fire professionals, plumbing technicians, and home inspectors. These environments with higher levels of flammable vapors have not created incidents that have motivated legislative distinctions. These environments are widely considered to be "safe".

The use of the terms "ethanol" and "grain alcohol" are not generic at all as suggested, and exactly describe a specific chemical compound (C<sub>2</sub>H<sub>6</sub>O). Ethanol is also not a hydrocarbon as suggested. It is an alcohol and has starkly different characteristics than hydrocarbons. Hydrocarbons contain only hydrogen and carbon, like butane, propane, etc., while alcohols contain oxygen (in the form of an -OH hydroxyl group) as well. Alcohols are a diverse group of compounds that encompass such diverse chemicals as roofing material, flooring, brake fluid, antifreeze, and literally hundreds of other materials in common use around us, including ethanol.

There is also some corrections to the use of flash points as a determinant in fire risk that need to be made. Flash point and the numbers given require an incandescent (glowing red hot or hotter, including sparks) heat source and an ethanol vapor/air mixture that is between 6% and 38% to initiate ignition in the presence of an incandescent heat source at sea level pressure and 59 degrees Fahrenheit by ASTM D93. The use of Tyvek in lab settings with ethanol is not observed widely in any lab environment except in very rare circumstances. I asked this question of four pharmaceutical researchers here in the Longmont area, including a production safety officer formerly of Amgen and a production scientist in an FDA GMP drug manufacturing facility in Phoenix Arizona. The practice is almost unheard of, and only normal precautions with using ethanol are taken in the lab that are familiar to anyone who has prepared martinis in their kitchen- no open flame, limit skin contact, clean up spills. Protective gear is, however, common with the use of ethers, some simple hydrocarbons, and other more biosensitive chemicals to limit skin exposure or open flame hazards. But this is not the case with ethanol according to experts.

The use of flash point temperature alone as a primary risk determinant does not use the definition appropriately. The question is whether an ignition source and a fairly narrow range of vapor mixtures is likely to coexist. Even the use of no heat source (evaporation on a counter top) will produce these conditions. In fact, the flash point of ethanol is around 62 degrees Fahrenheit, not 85 degrees as suggested. The real determinant relevant to the discussion is whether these conditions produce hazards in real life. They do not. Obviously, these conditions are not merely ordinarily rare, they are fantastically rare. Martinis do not burst into flame when served on a candlelit dining table.

It is suspect to think that ethanol poses such a grave hazard to public safety that it requires special clothing to handle and prohibitions when no actual safety incidents related to fire occur on a daily basis with tens of millions of these interactions occurring each and every hour of every day in homes and businesses across the united States alone. Sometimes it is necessary to re-visit assumptions behind motivations.

Theory is one thing, but data is data. Ethanol (an alcohol) is one thing. Hydrocarbons are very different.

With regards to the availability of hash oil, I think a contact with actual medicinal hash oil consumers would answer the question the best. Dispensaries offer products at a cost that is well outside the means of many. The State of Colorado also refuses to ensure the safety of the products except through recalls. It used to be that there was a recall for pesticides or unsafe products in concentrates every month or so. Now there is a recall almost every other week. Patients want to control the source of their concentrates, and dispensaries are too expensive and frankly too shady or outright unsafe to use the products offered in dispensaries at this time. Contrary to the comments, concentrates purchased from legal dispensaries are not necessarily safe, and this is a message we hear several times a day from our customers without raising the facts ourselves. Herbal and cannabis home extraction will become mainstream and are needed by many. Stating that banning alcohol extraction by the few for the safety of the many assumes that ethanol extraction and public safety are incompatible, and I don't think that assumption lives up to casual examination.

Extracts are 65% of the consumption in Colorado and elsewhere, and the ability to make safe home extracts is now just beginning to become a reality.

In summarizing the safety of ethanol for use in plant extracts, I think it is important to emphasize just a few points:

1. There is an almost total lack of data indicating ethanol plant extraction creates any hazard to public safety greater than outdoor grilling, having lawn mowers and fuels in a garage. It doesn't seem commensurate with a ban. Hydrocarbons are clearly hazardous.
2. Open flames or hot heat sources above the auto-ignition temperature of ethanol (approximately 685 degrees F) and the use of hydrocarbons describe precisely describe every single incident in the data set. Taking action on these alone will directly and almost definitively address the hazards of home extraction.
3. Despite the viewpoints expressed with flash points, ignition sources, jet fuel, etc., there are no data or anecdotes to demonstrate relevance of these points to anything real despite tens of millions of daily experiments with alcohol and flames in homes and businesses. There are daily incidents that show hydrocarbon extractions to be dangerous, on the other hand, in cannabis extraction as well as in backyard BBQ grilles. Clearly, the reasons are more complicated than notions of flash point or in mistakenly grouping ethanol with butane and other hydrocarbons.

For me personally, the task of finding the distinctions relevant in this issue are clear. The causes are related to the use of hydrocarbons, not ethanol (and they are indisputably different things) and open flames (in the case of the single incident on record with the use of alcohol). It is not clear why alcohol as added to the mix as a hazard except by making assumptions that are not born out on casual examination, and erroneously making the association between alcohols and hydrocarbons.

Bryan, thanks again for your interest in this issue. If you would like sources for definitions, facts, or anything else, let me know. I didn't intend to be technical, but I am happy and prepared to oblige if it will help in your research.

Best Regards,  
Lee

, Apr 29, 2016 at 4:28 PM, Harding, Bryan <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)> wrote:

Hi Lee,

As you and I discussed, we're in the process of working through the text changes to the marijuana regulations. I've been seeking input from several folks regarding our alcohol extraction language and the discussion caught the interest of the Aurora Fire Department who reviewed your website. I'm wondering if you had any thoughts on the information below since perhaps you've already run these tests? Likewise, you might find some additional contacts below to demonstrate your device with. They're definitely interested in the technology.

Thanks and have a great weekend,

Bryan

## Harding, Bryan

---

**From:** Klein, Siegfried <swklein@auroragov.org>  
**Sent:** Friday, April 29, 2016 4:16 PM  
**To:** Harding, Bryan  
**Subject:** Re: Question about alcohol extraction for marijuana purposes

**Follow Up Flag:** Follow up  
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Bryan,

That is a very interesting invention. I watched the video production of the hash oil on the site. The first question I have is when it pulls vacuum, from what I can tell, is that it would be pulling the vapors coming off the alcohol. Then it releases that vacuum air to atmosphere. So it is not a closed loop system as far as I could tell. In the video they say they got 90% of the alcohol back. I imagine the other 10% was lost as vapors.

The only way to test it would be to use a combustible gas monitor around the extractor to see if any flammable/igniteable vapors are being off gassed. Most fire departments have those monitors so it would not be hard to test. If you cannot find one let me know and we have a few. I would like to test it that way I have the factual data before I weigh in on it.

It is a very neat vacuum and crucible combination non the less.

I am leaving for Chicago on Sunday for work and will be back next week. If you can contact the gentlemen who brought it in and we could test it if you want too. Let me know.

Sincerely,

Siegfried

---

**From:** Harding, Bryan <bharding@bouldercounty.org>  
**Sent:** Friday, April 29, 2016 11:21:34 AM  
**To:** Kevin Wong; Klein, Siegfried  
**Subject:** RE: Question about alcohol extraction for marijuana purposes

Hello Captain Klein,

Thank you very much for this information. Its very helpful to get another perspective. We share your concern for public safety and are considering similar bans against the use of alcohol. What made us question this was an inventor and his company in Boulder County, who happens to be a former aerospace engineer, who created a machine to extract oils and waxes from marijuana as well as a variety of herbs, vegetables, and other sources. The machine is quite simple and uses alcohol under a vacuum to lower its boiling point in the extraction process. It is a closed loop system with three temperature fail safe switches. A link to this product is found here: <http://www.extractcraft.com/>



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[www.extractcraft.com](http://www.extractcraft.com)

ExtractCraft has created the Source, which is the world's only at-home extraction appliance for essential oils. It's more safe, simple and affordable than any home ...

We are trying to strike a balance between safety and not restricting access to an appliance like this that could help us reach our safety goals by providing a safe extraction option. Likewise, you can imagine that the small business community is behind a device like this and we want to support legitimate business that produce great ideas. The inventor of this device spoke at our last public hearing and definitely changed some minds about an all encompassing ban on alcohol. Therefore our current thought process is to allow alcohol, but prohibit use of an open heat source or open flame, and limit alcohol quantities to 16oz. However, I also understand that it doesn't necessarily take an open flame or heat source to create a problem.

I'm curious if you've heard of this device and if you see any opportunities here for alcohol-related regulations that can accomplish safety goals while balancing them with small business interests.

Thanks!

Bryan

**From:** Kevin Wong [mailto:kwong@rmhidta.org]

**Sent:** Friday, April 29, 2016 11:06 AM

**To:** Klein, Siegfried; Harding, Bryan

**Subject:** RE: Question about alcohol extraction for marijuana purposes

Capt. Klein,

## Harding, Bryan

---

**From:** Klein, Siegfried <swklein@auroragov.org>  
**Sent:** Friday, April 29, 2016 11:05 AM  
**To:** Kevin Wong; Harding, Bryan; Klein, Siegfried  
**Subject:** Re: Question about alcohol extraction for marijuana purposes

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Gentlemen,

Thank you for the opportunity to share my experience with you. I will share the thought process we had here in Aurora when we enacted our ordinance as well as some information to consider when drafting your ordinance.

First our thought process:

We had the same discussions, first we said that compressed flammable gasses/ LPG were definitely to dangerous to allow. Then the discussion turned to the alcohol based extraction.

Points we discussed about alcohol extraction:

The first thing to know is that liquids do not burn. It is the vapor the liquids give off that burns. The vapor is colorless and odorless, so you don't know where it is going.

The vapor does not need an open flame or hot surface to ignite. It only takes a spark. For alcohol vapors in air to begin to combust (explode) a simple spark from an electro-static discharge is enough to ignite the vapor in air. That means that the static shock produced by the human body arcing to an object, approx. 25-30 millijoules, will ignite the vapor causing an explosion.

This is why scientist's using alcohol in a laboratory have to use an intrinsically safe vent hoods and are usually in a Tyvek suit to prevent static electricity.

Remember most of the time the people making this stuff are not scientists, aero-space engineers or physicists.

The other thing to consider is, alcohol/ethanol is a generic term to describe a hydrogen/carbon compound. Which means it is a hydrocarbon, which could encompass a large variety of chemicals, concentrations and compounds. So what one considers simple isopropyl alcohol another could interpret as Methanol, which is race car fuel-technically alcohol.

The last thing we considered is the retail availability of Hash Oil. It is readily available to the citizens from legal/safe manufacturers and retailers. So the availability of the product outweighed the risk of home manufacturing.

So in the end we decided that the risk of home manufacture, even with alcohol, was too dangerous and that if the citizens wanted the product it was readily available to them to purchase legally and safely.

We decided the safety of the majority of our citizens outweighed the wants of a few to make Hash Oil.

Some facts about alcohol/ethanol:

Flashpoint comparison: The temperature a liquid off gasses to vapor and the temperature the vapor can ignite in air: Fahrenheit:

Ethyl Alcohol/Ethanol      62F

Jet Fuel A                      100F

Kerosene                        100F

Methyl Alcohol                52F

If you need any other information please feel free to contact me. I am also more than willing to discuss any of our information in person.

Thank you for your time,

Siegfried Klein, Captain

IAAI- CFI, CI, NAFI- CFEI

Aurora Fire Resure, Fire and Explosives Investigation

---

**From:** Kevin Wong <kwong@rmhidta.org>  
**Sent:** Thursday, April 28, 2016 6:31:13 PM  
**To:** Harding, Bryan (bharding@bouldercounty.org)  
**Cc:** Klein, Siegfried  
**Subject:** FW: Question about alcohol extraction for marijuana purposes

Greetings Mr. Harding,

May I introduce Capt. Klein.

Capt. Klein will be able to address your request regarding the proposed verbiage.

“Alcohol/ethanol extraction is permitted provided it is done without application of heat from a fuel-fired or electrified source and uses not more than 16 ounces of alcohol or ethanol during the extraction process.”

Capt. Klein was an integral part of developing an ordinance to ban THC extraction within the city of Aurora.

Please let us know if we can be of any further assistance.

Respectfully,

Kevin Wong

Intelligence Analyst

Rocky Mountain HIDTA

Mobile: 303-242-4824

Office: 303-671-1172

[kwong@rmhidta.org](mailto:kwong@rmhidta.org)

**From:** Haddox, Odessa [<mailto:ohaddox@bouldercounty.org>]

**Sent:** Thursday, April 28, 2016 11:35 AM

**To:** Kevin Wong

**Cc:** Harding, Bryan; Montez, Vincent; Heathman, Jason; Kessler, Jeff; Williams, Scot T.

**Subject:** FW: Question about alcohol extraction for marijuana purposes

Hi Sgt Wong- thanks for assisting us! See Bryan Harding's email below reference the questions.

## Harding, Bryan

---

**From:** Boulder Mountain Fire Chief  
**Sent:** Wednesday, April 27, 2016 3:59 PM  
**To:** Duke Snyder; Joyce Colson; Harding, Bryan  
**Subject:** Illegal grow found by wildfire  
**Attachments:** New Information Grassfire leads police to illegal grow \_ News - Home.htm

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I found this article very interesting, considering all of our conversations about safety.

enjoy

--  
John Benson  
Fire Chief  
Boulder Mountain Fire Protection District  
1905 Linden Drive Boulder, CO 80304  
303-440-0235  
[chief@bouldermountainfire.org](mailto:chief@bouldermountainfire.org)

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## New Information: Grassfire leads police to illegal grow

POSTED: 01:53 PM MDT Apr 21, 2016

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**PUEBLO, Colo.** - The Pueblo County Sheriff's Narcotics Deputies found nearly 170 marijuana plants and approximately \$80,000 in lighting, heating and ventilation equipment in an illegal marijuana home grow operation discovered in Pueblo West this week.

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Detectives confiscated the elaborate growing equipment from the home at 612 N. Limon Drive on Wednesday night (April 20, 2016) and issued an arrest warrant for the homeowner, Ryan Reuting, 28. Reuting moved to Pueblo West in April 2015, but also maintains a residence in Denver.

The bust marks the 10th illegal marijuana grow operation found by Pueblo County Sheriff's Office in three weeks. All but one of the homes was located in Pueblo West. Thirteen people have been arrested in connection to the grows and all have been out-of-state residents.

In the most recent bust, Sheriff's Detectives were tipped off of a possible illegal home grow operation at 612 N. Limon Drive following a grass fire near the residence on April 14, 2016. The fire consumed 2 acres of grass and damaged a fence.

While investigators were looking into the cause of the fire, it was later determined the transformer blew because it was pulling too much electricity from 612 N. Limon Drive. Investigators found extra equipment connected to the home's electrical box. Deputies attempted to contact the homeowner, identified as Reuting, to inform him power would be shut off to the home due to the transformer fire. When deputies approached the home, he reported they smelled a strong odor of marijuana and found a partial medical marijuana license in a window. No contact was made with the Reuting.

Sheriff's Detectives obtained a search warrant and returned to the home on Tuesday (April 19, 2016), to determine if there was a legal medical marijuana grow at the home. Detectives found 49 budding plants and another 117 freshly harvested plants in a three-car garage and in portions of the home. The garage was set up with a commercial heating and ventilation system along with extensive lighting and irrigation systems. Detectives learned Reuting's monthly electric bill was over \$1,500, and the home was consuming approximately five times the amount of electricity of an average single-family residence.

Reuting showed detectives partial paperwork for a medical marijuana license, which permitted him to

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have the 49 plants. Detectives did not take any plants while they researched Reuting's medical marijuana license.

While investigating the license, detectives learned that Reuting had another residence in Denver where he may have had an illegal grow. Detectives contacted Denver Police, who went to Reuting's home Wednesday and found 100 marijuana plants and 20 pounds of dried marijuana.

After learning what Denver Police found at Reuting's Denver home, Pueblo County Sheriff's Detectives executed a second search warrant at 612 N. Limon Drive, Wednesday night (April 20, 2016). Reuting was not at the home at the time of the search. The 49 marijuana plants also had been removed from the home prior to the second search. Detectives did seize lights, fans and irrigating equipment from the home.

Anyone with information on Reuting's whereabouts is asked to call the Pueblo County Sheriff's Office at 583-6250 or Crimestoppers at 542-STOP (542-7867).

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**Gina Armstrong** • 19 days ago  
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**Respect** → **By Executive Order** • 19 days ago  
We get it. You don't like Obama and you believe every little thing your favorite news source tells you. Comments like yours didn't even serve a purpose when Obama

## Harding, Bryan

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**From:** Joyce Colson <joyce@colsonquinn.com>  
**Sent:** Monday, April 25, 2016 7:41 PM  
**To:** Harding, Bryan  
**Cc:** Boulder Mountain Fire Chief; Darrell Snyder; Eyster  
**Subject:** Draft Notes  
**Attachments:** BOULDER COUNTY PROPOSED LAND USE CODE AMENDMENTS DRAFT SUMMARY (42416)-B.docx; Cities in Boulder County Municipal Regulation of Marijuana.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Bryan:

As we discussed on Friday, BMFPD will send a formal letter in response to the upcoming Planning Comm. Board meeting. I've sent a copy of my draft summary (1<sup>st</sup> document attached) as well as a document (2<sup>nd</sup> document attached) containing most of the applicable city ordinances for those cities listed in the table on p. 10 of the Draft Summary.

Thanks for meeting with me last Friday.

Best,

Joyce Colson

54 Wildwood Lane

Boulder, CO 80304

303.447.0975

# BOULDER COUNTY PROPOSED LAND USE CODE AMENDMENTS

## 1. Need for Revised Land Use Code re Marijuana—Safety

- Current regulations allow for unlimited number of plants within 300 square feet

- **Unsafe Conditions:** Fires--Grow Fires in Bldr. Cty., CO2 Hazards, Electrical--Overloading/ Illegal Tapping into Power Lines, Water—Contamination of Wells/Excessive Use, Personal Safety of Residents & Firefighters—Hazardous Chemicals/Dangerous Conditions on Premises, Robberies/Break-ins, Pesticides, Disposal of Chemicals/Dangerous & Hazardous Wastes, Secondhand Smoke, Odor

## 2. Residential Areas Do Not Permit Commercial Businesses in Boulder County

- Boulder County Land Use Code recognizes Residential Areas not for Commercial Purposes, Not for Greenhouse Cultivation, Distribution, Delivery of Goods. Boulder County Planning Code, Sections

<http://www.bouldercounty.org/doc/landuse/lucodearticle04.pdf> , Section 4.501(c), 4-501.5, 4.506

## 3. CO Constitution and CO Statute recognize limits on use of medical marijuana and personal marijuana

- **CO Constitution:** Article XVIII, Section 14: Medical Use of Marijuana for Persons Suffering from Debilitating Medical Conditions, Colorado Constitution (2)d, (5) and (8); Article XVIII, Section 16: Personal Use and Regulation of Marijuana (3) and (5)

- **State Law Limits Patient Providers as to Number of Plants and Patients**

**Senate Bill 15-104** (effective 1-17) Patient care giver—cannot possess cultivate or transport more than 36 plants. If greater than 36 plants, care giver required to register with State. Patient care giver cannot have more than 99 plants total (regardless of number of patients)—if greater than 99 must be licensed as medical marijuana business by the state (Section 8.5(b)).

## 4. Regulations of other Colorado Cities and Counties (See Attached Chart)

# of Plants	Most allow 6
Location	Residence or Parcel
Zoning	Yes
Licensing	Yes-if greater than specified # of plants, require license & in comml. area

## 5. How many plants are needed for Medical Marijuana Users (See Attachments):

- Usage: Heavy User 1.6 grams per day (CO Dept. of Rev. Report), 1.9 grams per day (DEA Report), amt.of marijuana 0.43grams/joint (White House report)

-Yield Per Plant: - **1 Plant with 1000 watt HID Light=400 grams or 14.13 oz.**

**Amount Required by Heavy Users, Assuming 2.0 grams daily usage, 30 days a month**

**60 grams monthly x 12 months=720 grams or 25.4 oz. yearly requirement**

**6 plants, harvested quarterly yield 339.12 ounces or 11.98 pounds on annual basis. Given dosage requirements and Heavy User amounts, this far exceeds needs of medicinal marijuana users.**

- THC Avg. Amt. THC 17.1% (cannabis flower), 62.1% (marijuana extracts)(CO Dept. of Rev. Rept. 9/15)

*According to CO. Dept. of Public Health Statistics Report of 3/16:*

- Boulder Medical Marijuana Patients 7,834

- 92.9% of medical marijuana patients reported severe pain as reporting condition for card, 43.5% of those reporting severe pain were between the ages of 21-40.

- Other medical conditions reported by medical marijuana users are as follows: Cachexia 969 <1%, Cancer 3,951 3.7%, Glaucoma 1,290 1.2%, HIV/AIDS 582 <1%, Muscle Spasms 22,943 21.3%, Seizures 2,560 2.4%, Severe Nausea 13,041 12.2%

-79.9% of caregivers serve only 1 patient, 2700 caregivers state wide, Only 8 caregivers in state of CO serve more than 5 patients, constitute <than 1% of all CO caregivers

# ATTACHMENTS

## 1. PUBLIC SAFETY ISSUES:

### A. FIRE

[DOZENS ARRESTED IN DENVER-AREA POT RAIDS TARGETING EXPORTERS](#), AP, April 14, 2016

[Denver Cracks Down on Marijuana Caregiver Grows](#), Rocky Mountain News PBS, 3/26/16

[Suspects sought in hash oil explosion at Boulder's Broker Inn](#), Daily Camera 4/14/16

[More illicit pot being grown in Colorado homes, shipped out of state](#), Denver Post 4/15/16

### B. HAZARDS ASSOCIATED WITH CO2 INFUSED MARIJUANA GROWS

At the March 16, 2016, Land Use Commission Public Hearing, the hazards and risks associated with unregulated, residential marijuana grows were discussed. Among the potential risks reviewed was the use of Carbon Dioxide (CO2) gas infusion into the residential grow space to enhance growth rates and product quantity. The discussion was short lived and ended with the expectation that more information was needed to better define the hazard. In fact, one Commissioner was of the opinion that there was essentially no risk and therefore no need for regulation.

Here are the facts:

CO2 is a colorless, odorless gas, heavier than air.

The average global atmospheric concentration is 300-400ppm (.03-.04%).

The ideal concentration for harvesting marijuana is in the range of 1000-1500ppm (.15%) which is 3-4 times higher than the atmospheric average (i.e., what you and I breathe every day).

To achieve this higher level of CO2 concentration in the enclosed grow space, the homeowner has several options including the use of pressurized tankage, propane or gas combustion, fermentation, dry ice, soda/acid, etc.

The quantity/quality of the harvest is significantly enhanced by the proper balance of CO2 concentration and light/heat, with more light promoting better growth in a high CO2 environment. (Photosynthesis)

The biological effects of higher than average CO2 concentrations are well established.

1000-2000ppm (.1-.2%)                      Complaints of Drowsiness

2000-5000ppm (.2-.5%)                      Headaches

40,000+ ppm (4%)                              Coma, Death

Conclusion: Allowing the unregulated use of CO2 in a residential grow operation could be hazardous to the health and safety of residents. Not to mention the added hazard of an exploding CO2 cylinder/tank in the event of fire or a fire produced by the gas/propane combustion process used in some cases to generate CO2.

Is this the type activity we want in our residential neighborhoods?

### C. MOLD

According to National Jewish Health Industrial Hygienist Dr. John Martyny, houses and other buildings used to grow marijuana indoors contain high levels of mold, which may pose a threat to residents living there and to law enforcement agents investigating them. "The combination of warm temperatures and high humidity found in many indoor marijuana grow operations can fuel extensive mold growth," said Dr. Martyny. "Airborne levels of mold spores that we found inside these structures may subject the occupants, emergency personnel and other individuals to significant health hazards, especially allergies, asthma, hypersensitivity pneumonitis and other respiratory diseases." Indoor Marijuana Grow Houses Pose Health Threat." [National Jewish Health Press Release. 9/11/12.](#)

## D. PESTICIDE USE/HAZARDOUS WASTES/CHEMICALS

### Life Flower medical marijuana recalled over pesticide use (Boulder)

21 Public Health and Safety Advisories regarding use of pesticides on marijuana (advising return of marijuana) issued by CO Dept. of Revenue from February 17, 2016 to April 7, 2016.

A study done by The Werc Shop, an independent testing lab for medical threat, and published in the Journal of Toxicology, found that **up to 70 percent of the pesticides found on a marijuana bud can transfer to the smoke being inhaled**. "I think that what's so alarming to us is that such a huge amount of pesticide material could be transferred," said Dr. Jeffrey Raber, who runs the testing lab. "And, you have to consider that when you inhale (something), it's much like injecting it directly into your bloodstream."

What are you smoking? Study finds pesticides transfer to marijuana smoke. Thadeus Greenson. The TimesStandard. December 3, 2013.

Off label use of pesticides is a threat to public safety and may be regulated, Executive Order D2015-015, Governor John Hickenlooper,

City of Denver, Denver Marijuana Industry Bulletin (Pesticides), <http://www.westword.com/news/pot-pesticide-contamination-in-denver-grows-6613765>

State Regulates Disposal of Marijuana Waste and Dangerous and Hazardous Chemicals

Code of Colorado Regulations, 1 CCR 212-1, 51-52

## E. SECONDHAND SMOKE HEALTH EFFECTS

### Non-Smoker Exposure to Secondhand Cannabis Smoke.

## F. ROBBERIES AND BREAK INS

Boulder County officers reveal texts they say were used in planning marijuana robbery, Robbery in Sunshine Canyon in November, 2015, Daily Camera, February 1, 2016

Feds, sheriff probe intruder's killing at Huerfano County home filled with illegal pot, Denver Post, March 31, 2016

Seven People, 7.6 Million Seized in Pot Raid, Denver Post, March 31, 2016 ( Pueblo has seized 180 illegal marijuana plants, bringing the total found in Pueblo raids since March 30 to 2,300, Denver Post, April 11, 2016

High Crimes, NBC News, February 5, 2014, "Denver District Attorney Mitch Morrissey... Last summer he told the city council that there have been a dozen homicides "directly" related to mom-and-pop residential marijuana grows...".

## G. ILLEGAL GROWS/SELLING OUT OF STATE

Marijuana Legalization in Colorado: Early Findings A Report Pursuant to Senate Bill 13-283 March 2016, Colorado Department of Public Safety, <http://cdpsdocs.state.co.us/ors/docs/reports/2016-SB13-283-Rpt.pdf>

In terms of assessing the extent of diversion of marijuana to other states, the Colorado Information Analysis Center (CIAC) compiled data from a service called Black Asphalt, an online forum for law enforcement drug interdiction with more than 20,000 active members. From January 1, 2014 to August 30, 2015 there were 261 drug-related interdiction submissions in which Colorado was the initiating state. Of those 261 submissions, 169 (65%) were for marijuana/hashish.

More illicit pot being grown in Colorado homes, shipped out of state Denver Post 4/15/16 "Some cities have limited the number of plants that can be grown in a single house, and some cities have imposed other zoning or code restrictions on home-growing. Denver has a cap of 12 plants...They can kind of hide in plain sight," said Barbra Roach, special agent in charge of the Drug Enforcement Administration's Denver division. "They don't try to abide by the law in any way. For a while, they were going into warehouses. Now they are just going into homes."

Roach said the unintended consequences of the illicit grows can be vast, from fires to water pollution to devaluing rental property.”

## **DIVERSION OF MARIJUANA TO OUT OF STATE, ILLEGAL GROWS**

**Highly critical report of State Auditor as to CO Department of Public Health** that “...Overall, we found that Public Health’s controls over access to medical marijuana do not provide reasonable assurance that only qualified individuals are receiving red cards... Public Health does not have sufficient oversight of physicians to ensure they are making appropriate recommendations for marijuana... we found that... Public Health’s controls for monitoring which dispensaries and caregivers patients designate as their providers are not strong...these caregivers are... growing significant amounts of medical marijuana without being subject to any of the security, safety, and other regulations that apply to licensed businesses that grow and sell medical marijuana. ...Lack of scrutiny over caregivers who are essentially operating as businesses increases the risk that medical marijuana will be diverted outside the industry. Specifically, law enforcement officials we interviewed said they have observed a relationship between caregivers and the diversion of medical marijuana to the black market. For example, one official told us anecdotally about a caregiver who ran an online marijuana distribution business for anyone who wished to purchase marijuana. Another official said caregivers contacted by law enforcement have said they operate under the guise of being caregivers, but they make money by charging fees to grow marijuana plants for people who are not registered medical marijuana patients. Finally, as mentioned earlier in this chapter, an August 2012 report issued by the Rocky Mountain High Intensity Drug Trafficking Area noted various examples of medical marijuana from Colorado being diverted to the black market for recreational purposes by patients, caregivers, and dispensaries.” [Medical Marijuana Regulatory System Part II, Dept. of Public Health and Environment and Department of Revenue, Performance Audit Report, June 2013, State Auditor.](#)

## **H. ODOR**

Denver Odor Regulation <https://www.denvergov.org/Portals/771/documents/Odor%20RegulationFinal%20website.pdf>

[Denver officials take aim at marijuana growing odors with new rules, Smell control plans would be required under expanded ordinance](#)

## **2. RESIDENTIAL AREAS DO NOT PERMIT COMMERCIAL BUSINESSES IN BOULDER COUNTY**

A. Boulder County Land Use Code recognizes Residential Areas not for Commercial Purposes, Not for Greenhouse Cultivation, Distribution, Delivery of Goods. Boulder County Planning Code, <http://www.bouldercounty.org/doc/landuse/lucodearticle04.pdf>, Section 4.501(c), 4-501.5, 4.506

## **3. CO CONSTITUTION AND CO STATUTE RECOGNIZE LIMITS ON USE OF MEDICAL MARIJUANA AND PERSONAL MARIJUANA; REGULATIONS OF OTHER CO CITIES**

A. **CO Constitution, Article XVIII, Section 14: Medical Use of Marijuana for Persons Suffering from Debilitating Medical Conditions, Colorado Constitution:**

“...(5)(a)No patient shall: (l) Engage in the medical use of marijuana in a way that endangers the health or well-being of any person;

...(2)(d) Notwithstanding the foregoing provisions, no person, including a patient or primary care-giver, shall be entitled to the protection of this section for his or her acquisition, possession, manufacture, production, use, sale, distribution, dispensing, or transportation of marijuana for any use other than medical use.

...(8) Not later than April 30, 1999, the General Assembly shall define such terms and enact such legislation as may be necessary for implementation of this section, as well as determine and enact criminal penalties for: (a) Fraudulent representation of a medical condition by a patient to a physician, state health agency, or state or local law enforcement official for the purpose of falsely obtaining a registry identification card or avoiding arrest and prosecution; (b) Fraudulent use or theft of any person's registry identification card to acquire, possess, produce, use, sell, distribute, or transport marijuana, including but not limited to cards that

are required to be returned where patients are no longer diagnosed as having a debilitating medical condition; (c) Fraudulent production or counterfeiting of, or tampering with, one or more registry identification cards; or

...(3) PERSONAL USE OF MARIJUANA. Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense under Colorado law or the law of any locality within Colorado or be a basis for seizure or forfeiture of assets under Colorado law for persons twenty-one years of age or older:

(a) Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana.

(b) Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.

(c) Transfer of one ounce or less of marijuana without remuneration to a person who is twenty-one years of age or older.

(d) Consumption of marijuana, provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others.”

## **B. Colo. Const. Art. XVIII, Section 16 (2015)**

### **Section 16. PERSONAL USE AND REGULATION OF MARIJUANA**

“...(5)

...(f) A locality may enact ordinances or regulations, not in conflict with this section or with regulations or legislation enacted pursuant to this section, governing the time, place, manner and number of marijuana establishment operations; establishing procedures for the issuance, suspension, and revocation of a license issued by the locality in accordance with paragraph (h) or (i), such procedures to be subject to all requirements of article 4 of title 24 of the Colorado Administrative Procedure Act or any successor provision; establishing a schedule of annual operating, licensing, and application fees for marijuana establishments, provided, the application fee shall only be due if an application is submitted to a locality in accordance with paragraph (i) and a licensing fee shall only be due if a license is issued by a locality in accordance with paragraph (h) or (i); and establishing civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such locality. A locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; provided, any initiated or referred measure to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores must appear on a general election ballot during an even numbered year.

## **C. CO STATUTE: SENATE BILL 15-014**

A. “... (8.6) Primary caregivers plant limits - exceptional circumstances. (a) (I) A PRIMARY CAREGIVER SHALL NOT CULTIVATE, TRANSPORT, OR POSSESS MORE THAN THIRTY-SIX PLANTS UNLESS THE PRIMARY CAREGIVER HAS ONE OR MORE PATIENTS WHO, BASED ON MEDICAL NECESSITY, HAVE AN EXTENDED PLANT COUNT. (II) (A) A PRIMARY CAREGIVER WHO CULTIVATES MORE THAN THIRTY-SIX PLANTS SHALL REGISTER THE INFORMATION REQUIRED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II) WITH THE STATE LICENSING AUTHORITY'S REGISTRY CREATED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (7) OF THIS SECTION. A PRIMARY CAREGIVER SHALL UPDATE HIS OR HER REGISTRATION INFORMATION UPON RENEWAL OF HIS OR HER PRIMARY CAREGIVER REGISTRATION. (B) A PRIMARY CAREGIVER SUBJECT TO THE REGISTRY IN THIS SUBPARAGRAPH (II) SHALL REGISTER THE FOLLOWING INFORMATION WITH THE STATE LICENSING AUTHORITY: THE LOCATION OF HIS OR HER CULTIVATION OPERATION; THE PATIENT REGISTRATION IDENTIFICATION NUMBER FOR EACH OF THE PRIMARY CAREGIVER'S PATIENTS; AND ANY EXTENDED PLANT COUNT NUMBERS AND THEIR CORRESPONDING PATIENT REGISTRY NUMBERS. (b) **A PRIMARY CAREGIVER SHALL NOT CULTIVATE MORE THAN NINETY-NINE PLANTS. ONLY A MEDICAL MARIJUANA BUSINESS LICENSED AND PROPERLY AUTHORIZED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., MAY CULTIVATE MORE THAN NINETY-NINE PLANTS. THE PRIMARY CAREGIVER IS NOT ALLOWED TO GROW ADDITIONAL PLANTS UNTIL HE OR SHE IS LICENSED BY THE STATE LICENSING AUTHORITY**

... (13.5) **NOTHING HEREIN SHALL REDUCE OR ELIMINATE THE EXISTING POWER OF A STATUTORY MUNICIPALITY OR COUNTY THROUGH THE "LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT OF 1974", ARTICLE 20 OF TITLE 29, C.R.S., TO REGULATE THE GROWING OF MARIJUANA, COMMERCIALY OR OTHERWISE."**

## **B. Testimony for enacted Senate Bill 15-014**

[Colorado Cannabis Chamber wants controls on Medical Pot Grows](#), Denver Post 2/15

**"Our caregivers system is being abused across Colorado as a means of avoiding proper licenses or abiding by the same regulations as the rest of the cannabis industry," Tyler Henson, the president of the chamber, said in a statement.**

The bill was introduced on the first day of the session, Jan. 7. and it awaits a hearing in the House Public Health Care and Human Services Committee.

The chamber explained that the rationale of the caregivers system is it allows medical marijuana patients who can't grow their own pot to find a person who can grow it for them. Many caregivers grow for multiple patients at once, which makes it efficient.

**But what that has resulted in, the chamber said, is growers yielding hundreds of plants per harvest without the same licensing or oversight as commercial grow operations. As a result, the pot that's grown for medicine doesn't have the same safety regulations or industry standards as its recreational counterpart.**

The chamber cited the case of an Avondale man who was arrested last week for [allegedly growing 600 plants](#) when he had only enough patients to grow 75. He also had about 100 pounds of dried pot, investigators said.

"Unfortunately, when things like this happen, it is the licensed and regulated industry that often takes the blame," Henson said.

He prefaced that by saying, "Colorado needs to address the lack of regulatory oversight that encourages illicit activity and puts a stain on the licensed community."

## **D. REGULATIONS OF OTHER COLORADO CITIES AND COUNTIES**

**City of Boulder:**

[City of Boulder Municipal Code Recreational Marijuana](#)

**Section 6-16-1 (b) (10)" Protect public safety and residential areas by limiting the areas of the city where more than six marijuana plants may be grown"**

*"Recreational marijuana business means (a) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or one ounce of marijuana, or (b) any person that sells any amount of marijuana, or (c) any person who possesses marijuana openly or publicly. The term recreational marijuana business shall not include the private cultivation, possession, or use within a person's residence of no more than (a) six plants in an enclosed, locked space, or (b) one ounce of marijuana, or (c) the marijuana derived from no more than six plants on the premises where the plants were grown if the plants were grown in an enclosed, locked space."*

### **6-16-3. - License Required.**

(a)  
License Required. It shall be unlawful for any person to operate a recreational marijuana business without obtaining a license to operate pursuant to the requirements of this chapter and holding a license in good standing from the state.

### **6-16-13. - Prohibited Acts.**

"(a)  
Prohibited Acts. It shall be unlawful for any person to:  
... (4)  
Possess more than six marijuana plants without a recreational marijuana business license for a cultivation facility."

## **Chapter 14 Medical Marijuana Business**

**6-14-1. - Legislative Intent and Purpose.**

"10)

Protect public safety and residential areas by limiting the areas of the city where more than six medical marijuana plants may be grown.

(11)

Exclude from the definition of a *medical marijuana business* the private possession, production, and medical use of marijuana by an individual patient or the private possession, production, distribution, and medical use of marijuana by an individual caregiver for one patient, in the residence of the patient or caregiver, to the extent permitted by Article XVIII, Section 14 of the Colorado Constitution."

(c)

Relationship to State Law. The provisions in this chapter that are different from the state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by § 12-43.3-305, C.R.S., and by the home rule authority granted to the city by Article XX of the Colorado Constitution and the charter of the city. The city intends that both state law and this chapter apply within the city. Where this chapter conflicts with the state law, this chapter shall apply on all matters authorized in § 12-43.3-101, et seq., C.R.S., and all matters of local concern.

#### **6-14-2. - Definitions.**

*Medical marijuana business* means (i) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or two ounces of a usable form of marijuana for medical use, or (ii) any person that produces any amount of medical marijuana. The term medical marijuana business shall not include the private possession, or medical use of no more than six plants, or two ounce of a useable form of marijuana by a patient or caregiver in the residence of the patient or caregiver

#### **6-14-13. - Prohibited Acts.**

(a)

Prohibited Acts. It shall be unlawful for any person to:

(6) Possess more than six marijuana plants without a medical marijuana business license for a cultivation facility. It shall be an affirmative defense to this charge if (a) a legitimate recommendation from a qualified physician of the patient for whom the marijuana is being grown includes a recommendation for a specific amount of marijuana in excess of six marijuana plants as being medically necessary to address the patient's debilitating medical condition, and (b) the plants are located within a licensed medical marijuana business."

## **E. CITY OF DENVER**

Sec. 38-175. - Possession or consumption of marijuana.

(a) It shall be unlawful for any person under the age of twenty-one (21) to possess one (1) ounce or less of marijuana.

(b) It shall be unlawful for any person to openly and publicly display or consume one (1) ounce or less of marijuana.

(1) The term "openly" means occurring or existing in a manner that is unconcealed, undisguised, or obvious.

(2) The term "publicly" means:

a. Occurring or existing in a public place; or

b. Occurring or existing in any outdoor location where the consumption of marijuana is clearly observable from a public place.

(3) The term "public place" means a place to which the public or a substantial number of the public have access, and includes, but is not limited to, streets and highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings or facilities.

- (c) It shall be unlawful for any person within one thousand (1,000) feet of the perimeter of any public or private elementary school, middle school, junior high school, or high school to display, transfer, distribute, sell, or grow marijuana upon any city-owned street or sidewalk or upon any other property owned by the city.
- (d) For the purposes of this section, section 38-175.5, and section 39-10, the term "marijuana" shall mean and include all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- (e) It shall not be an offense under subsection (b) of this section if the consumption of marijuana is occurring on private residential property and the person consuming the marijuana is:
  - (1) An owner of the property; or
  - (2) A person who has a leasehold interest in the property; or
  - (3) Any other person who has been granted express or implied permission to consume marijuana on the property by the owner or the lessee of the property.
- (f) Any violation of this section is hereby declared to be a non-criminal violation and, upon an admission or finding or judgment of guilt or liability by default or otherwise, the violator shall be subject to the following maximum penalties:
  - (1) First violation: One hundred and fifty dollars (\$150.00).
  - (2) Second violation: Five hundred dollars (\$500.00).
  - (3) Third and each subsequent violation: Nine hundred and ninety-nine dollars (\$999.00).

If the violator is under the age of eighteen (18) years of age at the time of the offense, any fine imposed may be supplanted by treatment as required by the court.

(Ord. No. 645-97, § 1, 9-29-97; Ord. No. 618-05, § 2, 8-9-05, elec. 11-1-05; Ord. No. 660-13, § 1, 12-9-13; Ord. No. 711-14, § 1, 12-23-13; Ord. No. 712-14, § 1, 12-23-13)

Sec. 38-175.5. - Marijuana prohibited on the 16th Street Pedestrian and Transit Mall and adjacent streets.

- (a) It shall be unlawful to consume, use, display, transfer, distribute, sell, or grow marijuana on the 16th Street Pedestrian and Transit Mall or on any city-owned street or sidewalk within a distance of one block from the 16th Street Pedestrian and Transit Mall.
- (b) For the purposes of this section, the 16th Street Pedestrian and Transit Mall shall mean the portion of 16th Street between the west curb line of Broadway, and the southeasterly curb line of Chestnut Street.
- (c) Any violation of subsection (a) of this section is hereby declared to be a non-criminal violation and, upon an admission or finding or judgment of guilt or liability by default or otherwise, the violator shall be subject to the following maximum penalties:
  - (1) First violation: One hundred and fifty dollars (\$150.00).
  - (2) Second violation: Five hundred dollars (\$500.00).
  - (3) Third and each subsequent violation: Nine hundred and ninety-nine dollars (\$999.00). (Ord. No. 660-13, § 3, 12-9-13)

Sec. 38-176. - Reserved.

Editor's note— Ord. No. 658-13, adopted Dec. 2, 2013, repealed § 38-176, which pertained to enforcement priority—marijuana, and derived from Ord. No. 464-07, adopted Nov. 6, 2007.

Sec. 38-177. - Extraction of marijuana concentrate prohibited.

- (a) Except as provided in paragraph (c) of this section, it shall be unlawful for any person to process or manufacture marijuana concentrate anywhere in the city.
- (b) Except as provided in paragraph (c) of this section, it shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises anywhere in the city to allow marijuana concentrate to be processed or manufactured on the premises.
- (c) It shall not be an offense under subsection 38-177(a) or 38-177(b) if:
  - (1) The production of marijuana concentrate is done by licensed personnel in a licensed medical marijuana-infused products manufacturing facility or in a licensed retail marijuana products manufacturing facility and in compliance with all applicable state and city laws, and all rules and regulations promulgated thereunder, including any and all necessary permits; or
  - (2) The production of marijuana concentrate is done by means of water-based extraction or food-based extraction methods outside of a licensed medical marijuana-infused products manufacturing facility or a licensed retail marijuana processing facility, and is done in full compliance with any and all other applicable state and city laws, or
  - (3) The marijuana concentrate is processed or manufactured using alcohol or ethanol outside of a licensed medical marijuana-infused products manufacturing facility or a licensed retail marijuana products manufacturing facility in compliance with all applicable state and city laws, and all rules and regulations promulgated thereunder; where:
    - i. The production of marijuana concentrate is done without the application of any heat from a fuel-fired or electrified source and uses no more than sixteen (16) ounces of alcohol or ethanol during each extraction process; or
    - ii. The production of marijuana concentrate is done by a person who, at the time of production, holds a valid permit issued by the Denver Fire Department pursuant to the Denver Building and Fire Code.
- (d) For purposes of this section:
  - (1) "Food-based extraction" means producing marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil, or other typical cooking fats. Except as otherwise provided in paragraph (c) of this section, "flammable liquids" may not be used in food-based extractions.
  - (2) "Flammable liquid" means a liquid that has a flash point below one hundred degrees (100°) Fahrenheit, and includes all forms of alcohol and ethanol.
  - (3) "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, including, but not limited to, the seeds, leaves, buds, flowers, and any mixture or preparation thereof, without regard for cannabinoid concentration levels.
  - (4) "Marijuana concentrate" means hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.
  - (5) "Water-based extraction" means producing marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.

- (6) The definitions of "medical marijuana-infused products manufacturer" and "retail marijuana products manufacturing facility" as set forth in the Colorado Medical Marijuana Code, § 12-43.3-104, C.R.S., as amended, and the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended, shall apply equally to this article V.

(Ord. No. 629-14, § 1, 11-10-14)

Sec. 38-178. - Non-licensed marijuana cultivation.

- (a) Legislative intent. The city council hereby finds and declares that the proliferation of large-scale, non-licensed, and unregulated marijuana cultivation operations poses a significant threat to the health, safety, and security of all citizens of the City and County of Denver. The city council finds that law enforcement and other city agencies report increased violations of criminal laws along with building, electrical, and fire codes in these large cultivation operations. It is, therefore, the intent of the city council to place reasonable and necessary restrictions on the cultivation of marijuana outside of a licensed marijuana cultivation facility.
- (b) It shall be unlawful for any person, alone or in concert with other persons, to possess or cultivate more than thirty-six (36) marijuana plants on any zone lot in the city, except in a Licensed marijuana cultivation facility and in compliance with all applicable state and city laws, and all rules and regulations promulgated thereunder.
- (c) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any zone lot to allow more than thirty-six (36) marijuana plants to be possessed or cultivated on the zone lot, except in a licensed marijuana cultivation facility and in compliance with all applicable state and city laws, and all rules and regulations promulgated thereunder.
- (d) It shall be unlawful for any person, alone or in concert with other persons, to cultivate marijuana outside of a completely enclosed structure.
- (e) Exceptions:
- (1) Nothing in this section shall be construed to allow the cultivation of marijuana in any number, manner, or location that is not allowed under the zoning code.
  - (2) Nothing in this section shall prohibit the cultivation of marijuana by residents of a dwelling unit in compliance with the zoning code.
- (f) For purposes of this section:
- (1) "Completely enclosed structure" has the meaning set forth in the zoning code.
  - (2) "Cultivate" means the planting, growing, harvesting, storing, drying, trimming, or processing of marijuana plants.
  - (3) "Dwelling Unit" had the meaning set forth in the zoning code.
  - (4) "Marijuana plant" means all parts of the plant of the genus cannabis whether growing or not, including, but not limited to, immature and mature plants, and any seeds, leaves, stalks, and flowers, without regard for cannabinoid concentration levels.
  - (5) "Marijuana cultivation facility" means an "optional premises cultivation facility" or a "retail marijuana cultivation facility" as defined in the Colorado Medical Marijuana Code, § 12-43.3-104, C.R.S., as amended, and the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended.
  - (6) "Zone lot" has the means set forth in the zoning code, except that the minimum zone lot size for the cultivation of marijuana outside of a dwelling unit shall be three thousand (3,000) square feet and the minimum zone lot width shall be twenty-five (25) feet.

(Ord. No. 109-15, § 1, 3-23-15)

City	# of Plants	Parcel or Residence	Zoning	Licensing	Enhanced Plant Growth
<b>Boulder</b>	6 plants per residence	Residence	Where > than 6 plants, can't be in Resid. Zoned Area	If > than 6 plants, must have either applicable retail or medical marijuana license	No extraction, infusion, enhancement, use of CO2 or other volatile materials
<b>Erie</b>	6 plants only in resid. zoned district whether recreational or medical marijuana	Residence	No med marijuana estblmt. or retail facility allowed; No med. marijuana in common areas of multifamily resid. or attached dwelling	Business license required for primary caregiver and for med. Marijuana patient; Ownership of prop. or landlord proof required; Building inspection prior to issuance; Failure to comply criminal violation; Odor, light pollution prohibited	No extraction, enhancement, use of flammable gases
<b>Lafayette</b>	12 plants	Primary residence; Not allowed in multifamily or attached dwelling; Allowed in rental only if written ok of landlord	No med marijuana estblmt. or facility within residential district; MM subject to odor, light pollution, noise requirements; Subject to home occup. Regulations; No > 1200 watts for cultivation		No compressed flammable gas
<b>Longmont</b>	Code prohibits marijuana; Separate code section allows use for resid. and medical marijuana (personal and caregiver) as per State Constitution	Residence	No med. marijuana facilities or manufacturing or sales within city		
<b>Louisville</b>	Limits to 2 ounces every 7 days or as per Amendment 20, 6 plants*	Residence	No retail No medical marijuana center or manuf. facility within residential district	Med Marijuana License Required	See "Licensing"
<b>Lyons</b>	6 not to exceed 12 regardless of # of residents or patients	Primary Residence	No med marijuana estblmt. or facility or retail facility or cultivation within residential district  MM subject to odor, light pollution, noise req.		Not produced with use of hazardous chemicals
<b>Nederland</b>	Not to exceed state constitution	Applies to any person; does not discuss limits as per residence	No med marijuana estblmt. or facility or retail facility or cultivation within residential district		No use of solvents for extraction
<b>Denver</b>	6 plants per person, 12 total per residence regardless of # of residents	Residence	Extraction of marijuana concentrate prohibited except in licensed facility		No extraction except water based or food based in residential zone: marijuana concentrate requires permit from Denver Fire Dept.

\*Louisville does not allow cultivation and growing of plants for retail nor retail marijuana sales. Allows "for nonretail purposes under Article XVIII, Sections 14 and 16 of the Colorado Constitution, consistent with all applicable state or local laws, rules or regulations."

Superior—allows no med. Marijuana facilities or retail facilities; limits to 6 plants for any person

## 5. HOW MANY PLANTS ARE NEEDED FOR MEDICAL MARIJUANA USER:

### A. HEAVY USER 1.6 TO 1.9 GRAM PER DAY (No Differentiation between Recreational and Medical Marijuana User)

"The most recent study (Kilmer et al., 2013) produced for the Washington State Liquor Control Board combines the findings from recent literature with their own survey focused upon Washington State resident consumption of marijuana. Their results suggest that heavy users consume 1.3 to 1.9 grams per day, with a point estimate of 1.6 grams per day. We believe that this estimate is the most accurate description of heavy marijuana use, and that it should be used in this study unless our own survey results indicate differently. Therefore, based upon the Kilmer et al. findings, the initial estimate used in this report is 1.6 grams per day for heavy users—those who use marijuana more than 21 days per month—and 0.67 grams per day for regular users. ... The demand for marijuana by Colorado adult residents is estimated to be 121.4 metric tons in 2014." [MARKET SIZE AND DEMAND FOR MARIJUANA IN COLORADO Prepared for the Colorado Department of Revenue](#), by Marijuana Policy Group.

"This analysis suggests that at that time the number of joints/day was 1.68 for light users, 1.92 for weekly and more than weekly users, and 3.87 for daily/near-daily users. Based on a variety of considerations, the amount of marijuana in a typical joint is assumed to be 0.43 grams/joint." [https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/wausid\\_results\\_report.pdf](https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/wausid_results_report.pdf)

"While there are no real differentiations between medical and recreational heavy users yet, most of the heavy users still have medical cards versus recreational." [Comparing Colorado & Washington Cannabis Market Demand](#), CFN Media Group, 7/11/14

**B. THC AMOUNTS**—[Colorado State Study](#) found that average THC is 17.1 percent THC for cannabis flower and 62.1 percent THC for marijuana extracts.

### C. DOSING REQUIREMENTS

- Mayo Clinic dosing <http://www.mayoclinic.org/drugs-supplements/marijuana/dosing/hrb-20059701>

- - [Marihuana\) for Medical Purposes Regulations-Daily Amount Fact Sheet \(Dosage\) April 2016](#), Average dose of medical marijuana in Canada is 1-3 g/day, whether smoking, vaporizing, edibles or tea.

[Health Canada medical marijuana dosing requirements.](#)

The new Health Canada regulations on medical marijuana permit physicians to prescribe dried cannabis to patients who can then purchase the cannabis directly from licensed distributors.<sup>1</sup> The prescription must specify the dose to be used per day and the amount to be dispensed per month (to a maximum of 150 g per 30 days, or 5 g per day). Unlike all other prescribed medications, Health Canada has not reviewed data on the safety or effectiveness of medical cannabis and has not approved cannabis for therapeutic use. The College of Canadian Physicians article cited above recommends that "the maximum recommended dose is 400 mg per day or 12 g per month."

Using maximum Health Canada dosing limits 150 g (per 30 days) X 12=1800 g or 63.6 oz. (using yield calculations below approx. 1 ½ plant required)

### E. PLANT YIELD; AMOUNT REQUIRED BY HEAVY USERS/MEDICAL MARIJUANA PATIENTS

- YIELD FROM ONE PLANT Using 1000 Watt HID Light= 1000 grams or 35 ounces of marijuana

"Maximum yield per plant indoors

Lights are of the utmost importance when you're growing indoors. Experienced growers can produce about a gram of marijuana per watt of light (1 gram = 0.035 oz). So, a 400-watt HPS grow light can potentially translate to 400 grams or 14 oz of dried, usable cannabis. Likewise, a grow room with 1200 watts of light can yield 1.2 kilograms or 42 oz. of cannabis."

Author--Robert Bergman, master marijuana grower. Robert Bergman is the author of 'Marijuana Plant Care' and 'The Marijuana Grow Bible'.

<http://www.ilovegrowingmarijuana.com/marijuana-cannabis-yield-how-much/>

- Amount Required by Heavy Users, Assuming 2.0 grams daily usage\*, 30 days a month

60 grams monthly x 12 months=720 grams or 25.4 oz. yearly requirement

1 Plant with 1000 watt HID Light=1000 grams or 35 oz.

6 plants, harvested quarterly yield 840 ounces or 52.5 pounds on annual basis. Given dosage requirements and Heavy User amounts, this far exceeds needs of medicinal marijuana users.

\* **2 grams based on following report**, MARKET SIZE AND DEMAND FOR MARIJUANA IN COLORADO Prepared for the Colorado Department of Revenue, by Marijuana Policy Group

## F. NUMBER OF MEDICAL MARIJUANA PATIENTS AND MEDICAL CONDITIONS

CO Dept. of Public Health Statistics March 2016:

Boulder Medical Marijuana Patients (as of 3/2016) 7,834

92.9% of medical marijuana patients reported severe pain as reporting condition for card, 43.5% of those reporting severe pain were between the ages of 21-40.

Other medical conditions reported by medical marijuana users are as follows:

Cachexia 969 <1%, Cancer 3,951 3.7%, Glaucoma 1,290 1.2% HIV/AIDS 582 <1%, Muscle Spasms 22,943 21.3%, Seizures 2,560 2.4%, Severe Nausea 13,041 12.2%,

Statewide--Total number of all CO caregivers serving more than 5 patients is 8 caregivers, constitutes < than 1% of the total caregivers in CO, [https://www.colorado.gov/pacific/sites/default/files/CHED\\_MMR\\_Report\\_March2016\\_Statistics\\_0416.pdf](https://www.colorado.gov/pacific/sites/default/files/CHED_MMR_Report_March2016_Statistics_0416.pdf)

Interview of Dr. Larry Wolk (Director of CO Department of Health), with JAMA, May 14, 2014

"...Dr Wolk: A physician doesn't prescribe marijuana; the physician has to make a recommendation. There's an application form a patient will take to a physician and then the physician makes a recommendation based on 1 of those 8 conditions. There is this 2-tiered approach. The recommendation can be for the standard amount, which is 6 plants or 2 ounces. **The constitution also allows for an excess amount based on medical necessity. A physician can make a recommendation for something in excess of 2 ounces or 6 plants. But that is an area we are cracking down on because there really is no evidence of a dose-related response to marijuana from a medical standpoint.**

So I think we have had passive permissiveness to allow for excess amounts to be recommended, because **certain edibles or certain oils or certain products require more than 2 ounces or 6 plants. But there is really no medical basis for that. So we've recently turned off unless the recommending physician can provide references to clinical studies, peer-reviewed literature, and even just longitudinal clinical notes so that there's a community standard of clinical care provided to these patients where they're monitoring objective information like vital signs, laboratory tests, EEGs. It's really following patients in a clinical longitudinal fashion like you would if you are trying to do some sort of dose-related trial for a patient of any kind of medication.**"

### Number of Medical and Retail Marijuana Establishments

Boulder County		City of Boulder
Medical center	23	15
Medical cultivation	23	32
Medical product manuf.	37	14
Retail store	15	17
Retail cultivation	46	38

Retail product manuf.	30	15
Testing lab	1	1
Total licenses	169	131

## Boulder County Use of Marijuana Fact Sheet

[http://www.bouldercounty.org/doc/adminservices/mj\\_mjandme.pdf](http://www.bouldercounty.org/doc/adminservices/mj_mjandme.pdf)

What is a primary caregiver for medical marijuana? A primary caregiver is a person who has significant responsibility for managing the well-being of a medical marijuana patient who has a debilitating medical condition. In addition to providing medical marijuana, duties can also include making medical appointments, transportation, housekeeping, meal preparation and assisting the patient with compliance with all state regulations. **A primary caregiver can possess up to two ounces of marijuana and 6 marijuana plants on behalf of the patient.**

### MMR1005 Fee Waiver | October 2015

Fee Waiver and Tax-exempt Status Tax-exempt status allows patients to: 1. Apply for a medical marijuana card without paying the application fee. 2. Purchase medical marijuana without paying Colorado sales taxes. You may qualify for a fee waiver if your household income is 185% of the Federal Poverty Level\* or less. The chart below indicates the annual adjusted household incomes that qualify. # in Family Annual Household Income 1 \$21,775 2 \$29,471 3 \$37,167 4 \$44,863 5 \$52,559 6 \$60,255 7 \$67,951 8 \$75,647 Each additional family member \$7,696 \*Poverty guidelines are updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

[https://www.colorado.gov/pacific/sites/default/files/CHED\\_MMR\\_Form\\_MMR1003\\_CAREGIVER\\_ACKNOWLEDGEMENT\\_1215.pdf](https://www.colorado.gov/pacific/sites/default/files/CHED_MMR_Form_MMR1003_CAREGIVER_ACKNOWLEDGEMENT_1215.pdf)

## Senate Bill 15-014

Senate Bill 15-014 was signed into law by the governor on May 18, 2015. The bill sets forth new requirements for caregivers to register with the Marijuana Enforcement Division and will go into effect in its entirety in 2017.

The registry is currently working on updating forms and procedures that coincide with this new legislation. We will keep our stakeholders informed as these updates are finalized and implemented.

### Summit County Ordinance

3804.04: Residential Cultivation of Marijuana This section provides regulations associated with the growing, cultivating, and processing marijuana in a residential dwelling unit. Marijuana may not be grown, cultivated, or processed in a residential unit except in compliance with this subsection. Any marijuana growing, cultivation or processing that does not meet the provisions of this subsection shall be considered a business or commercial activity as regulated above in this Section 3804 and/or other

provisions of this Code. A. The growing, cultivation, or processing of medical marijuana shall be done in full compliance with all applicable provisions of Amendment 20, the Colorado Medical Marijuana Code, the Medical Marijuana Program, and other applicable State laws, rules and regulations. B. The growing, cultivation, or processing of retail marijuana shall be done in full compliance with all applicable provisions of Amendment 64, C.R.S. §12-43.4-101 et seq., the CDR-MED Rules, and other applicable State laws, rules and regulations. C. Marijuana may be grown, cultivated, or processed only within the primary residence of the person growing, cultivating, or processing marijuana. Marijuana may not be grown, cultivated, or processed in the yard, outbuildings, or other area outside of such primary residence except as provided for in this section. D. Medical marijuana may be grown, cultivated, or processed within a primary residence only by a primary caregiver for his or her patients, or by a patient for himself or herself. A primary caregiver may not lawfully grow, cultivate, or process medical marijuana for a patient who does not reside at the primary residence where the growing, cultivating, or processing occurs. E. Commercial sale of marijuana grown, cultivated, or processed pursuant to this Section 3804.04 is prohibited. F. Not more than six marijuana plants may be grown, cultivated, or processed within any primary residence; provided, however, up to twelve marijuana plants may be grown, cultivated, or processed within a primary residence if more than one patient, primary caregiver, or other person over 21 years of age resides within the primary residence.

K. The space within the primary residence where marijuana is grown, cultivated, or processed shall meet all applicable requirements of the County's building, zoning, and other technical codes adopted in the Summit County Land Use and Development Code.

L. If a patient, primary caregiver or other person grows, cultivates, or processes marijuana within a primary residence that he or she does not own, such person shall obtain the written consent of the property owner before commencing to grow, cultivate or process medical marijuana on the property

M. No chemical shall be used by a patient, primary caregiver or other person to enhance or extract tetrahydrocannabinol (THC) from marijuana that is grown in a primary residence. N. The residential cultivation of marijuana may commence only after a permit for such activity has been approved in accordance with the provisions set forth in Section 3804.01 et al.

3804.01: Licensing and Permitting Requirements A. License Required: No person may operate a Marijuana Business without a valid license issued by the Local Licensing Authority and the State Licensing Authority. A person seeking to obtain a license from the Local Licensing Authority shall file an application with the County Planning Department in accordance with the requirements set forth in this section of the Code and Resolutions 13-68 and 13-67 setting forth the licensing requirements for Retail Marijuana Establishment operations and Medical Marijuana Businesses, respectively. The Planning Department is the supervising agency for all Marijuana Business License applications and is responsible for providing application forms and assisting the applicant with the application process. The County is authorized to issue licenses for: a.) a Medical Marijuana Center; b.) an optional Premises Cultivation Operation; c.) a Medical Marijuana Infused Products Manufacturing Facility; d.) a Retail Marijuana Store; e.) a Retail Marijuana Products Manufacturing Facility; f.) a Retail Marijuana Cultivation Facility; and g.) a Retail Marijuana Testing Facility. B. Permit Required: Any person wishing to cultivate marijuana in their

home for personal use or as a caregiver as permitted in accordance with Section 3804.04 et seq. shall apply for and be issued a permit by the Planning Department for such residential cultivation of marijuana and such activities shall be conducted in accordance with the provisions set forth in Section 3804.04 et. seq. below. C. Review Authority: An application for a marijuana business license or a residential cultivation permit shall be reviewed as a Class 2 application in accordance with the applicable process outlined in Chapter 12. All applications that include the cultivation of marijuana, including residential cultivation, shall be reviewed as a Class 2 administrative review and the location of the cultivation shall be kept confidential except that such locations shall be disclosed to the Building Department, Sheriff's Office, local fire authority and any other governing agency with review authority.

1. Additional Referral Agencies: In addition to the referral agencies required to review applications in accordance with Chapter 12, all applications for marijuana businesses shall be referred to the Sheriff's Office. Upon the receipt of a completed application, the Sheriff's Office shall obtain and review a criminal background records search on the applicant(s). The Planning Department shall also, at minimum, send a referral to the Office of the Clerk and Recorder, the Building Department and the local fire authority for review and comment. 2. Additional Conditions: The Review Authority may impose such reasonable terms and conditions on a license or permit as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of this Code, the Colorado medical marijuana code, the Building Code, and other applicable laws. 3. Decision by Local Licensing Authority: The decision by the local licensing authority shall be in accordance with C.R.S.12-43.3-301 et seq. for Medical Marijuana Businesses and in accordance with CDR-MED Rules for Retail Marijuana Businesses. All applications shall be processed within the timeframes for Class 2 applications as set forth in Chapter 12. 4. Inspection of Premises: After approval of an application for a Marijuana Business license, the license shall not be issued until the building in which the business to be conducted is ready for occupancy with such furniture, fixtures, and equipment shown in the approved plans as are necessary to comply with the applicable provisions of C.R.S.12-43.3 et seq., C.R.S. §12-43.4-101 et seq., and CDR-MED Rules, whichever is applicable, and then only after the local licensing authority has inspected the premises to determine that the applicant has complied with the architect's drawings and related plans for the interior of the building which was submitted with the application. Additionally, prior to the issuance of a license, the premises shall be inspected by the Building Official to determine compliance with the County's building and technical codes. No license shall be issued if the proposed licensed premises does not comply with the County's building and technical codes. Throughout the term of the license, the Building Official may inspect the licensed premises to determine continuing compliance with the building and technical codes. D. Transfer of Ownership/Change in Location: The ownership of a license may be transferred and the permanent location of a licensed premises may be changed in accordance with the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, the CDR-MED Rules, the state administrative regulations, and this Code. E. No County Liability: By operating a Marijuana Business pursuant to a license issued by the local licensing authority, or by cultivating marijuana in a residential dwelling, a licensee or permit holder releases the County, its officers, elected officials, employees, attorney's and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the licensee or permit holder, its owners, operators, employees, clients, or customers for a violation of any state or federal law, rule or regulation related to marijuana or medical marijuana, or from forced closure of the licensed premises or residential cultivation because the Colorado medical marijuana code, the CDR-MED Rules and/or if Section 3804 et seq. is found to be invalid under any applicable law, including but not limited to Federal

law. As a part of any application for a marijuana business license, an applicant shall sign and submit a waiver that states the following: 1. By applying for and accepting a license issued by the Local Licensing Authority, the licensee waives and releases the County, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations. 2. By applying for and accepting a license, all licensees, jointly and severally if more than one (1), agree to indemnify, defend, and hold harmless the County, its officers, elected officials, employees, attorneys, and agents against all liability, claims and demands on account of any injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license. F. Other Laws Remain Applicable: Before issuing a license, the Local Licensing Authority shall obtain written confirmation from the licensee that it understands and agrees to the following: 1. Neither Section 3804 et seq. nor the act of obtaining a license from the local licensing authority protects licensees, or the owners, operators, employees, customers, and clients of a licensed premises, from criminal prosecution pursuant to any law that prohibits the cultivation, sale, use, or possession of controlled substances, including but not limited to marijuana and/or medical marijuana. 2. Applicants for permits and licenses from the County shall either 1) request concurrent review with any necessary state licensing requirements per C.R.S. §12-43.3-302(5) for a Medical Marijuana Business or 2) have already completed the state application process and received any necessary state licenses or permissions. G. Annual Renewals: All licensed Marijuana Businesses and residential cultivation activities shall apply for a license or permit renewal annually to ensure continued compliance with Section 3804 et seq. and any other applicable regulations. All annual renewals shall follow the Class 2 process and at a minimum, shall be referred to the Sheriff's Office, the Building Department, and the local Fire Authority, which may conduct inspections of the licensed premises, along with the Planning Department if feasible. The County shall give the permit holder or licensee at least 24 hours notice prior to inspections.

### **CO Summary as to Patient providers**

**Possession Limits and Access:** Each patient can possess up to two ounces of marijuana and can cultivate up to six plants, three of which may be mature. Patients can designate a single caregiver or a medical marijuana center to cultivate for them. A caregiver can assist no more than five patients, unless the department of health determines exceptional circumstances exist. A caregiver must have "significant responsibility for managing the well-being of a patient."

### **summary of Senate Bill 14:**

The bill requires the Colorado medical board to adopt rules regarding guidelines for physicians who make medical marijuana recommendations for patients suffering from severe pain.

The bill requires the state health agency to adopt rules regarding guidelines for primary caregivers to give informed consent to patients that the products they cultivate or produce may contain contaminants and that the THC levels are not verified.

The bill requires all primary caregivers to register with the state health agency and the state medical marijuana licensing authority (licensing authority). Any primary caregiver who is not registered shall register within 10 days of being informed of the duty to register. If a person fails to register after such 10 days, the state health agency and licensing authority shall prohibit the person from ever registering and acting as a primary caregiver.

The bill requires the licensing authority and the state health agency to share the minimum amount of information necessary to ensure that a medical marijuana patient has only one caregiver and is not using a primary caregiver and a medical marijuana center.

#### Cities in Boulder County

Louisville:

#### **Sec. 5.11.020. - Definitions.**

*Dwelling unit* shall mean one or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building

#### **Sec. 5.11.180. - Cultivation, growing, and manufacturing.**

The cultivation and growing of **marijuana** plants and the manufacturing of retail **marijuana** products is prohibited within the City of Louisville, except as permitted for nonretail purposes under Article XVIII, Sections 14 and 16 of the Colorado Constitution, consistent with all applicable state or local laws, rules or regulations. It is unlawful for any person to operate, cause to be operated or permit to be operated in the city a **marijuana** cultivation facility or a retail **marijuana** products manufacturing facility.

(Ord. No. 1649-2013, § 1, 12-17-2013)

#### **Sec. 5.10.220. - Prohibited acts.**

A.

It shall be unlawful for any licensee to:

1.

Employ any person to manage a medical **marijuana** center or medical **marijuana** infused-product manufacturer facility or to dispense medical **marijuana** who is not at least 21 years of age or who has a criminal history contrary to the requirements described in [section 5.10.080](#) of this chapter;

2.

Sell, give, dispense or otherwise distribute medical **marijuana** to anyone other than a patient or primary caregiver;

3.

Sell, give, dispense or otherwise distribute to any patient or primary caregiver more than two ounces of any usable form of medical marijuana within any seven-day period of time or in such other quantities allowed pursuant to Amendment 20;

4.

To maintain, sell, dispense or otherwise distribute mature medical marijuana plants at any medical marijuana center;

5.

Purchase or otherwise obtain from another licensed medical marijuana center in Colorado more medical marijuana than permitted by state law or regulation;

6.

Permit on the licensed premises any person other than:

a.

The licensee, the licensee's manager, employees and financial interest holders;

b.

A patient in possession of a registry identification card or its functional equivalent under [Section 14\(3\)\(d\)](#) of Amendment 20;

c.

A minor patient accompanied by a parent or lawful guardian in possession of the minor patient's registry identification card;

d.

A primary caregiver in possession of his or her patient's registry identification card or its functional equivalent under [Section 14\(3\)\(d\)](#) of Amendment 20 and the patient's written designation of said person as the patient's primary caregiver, as submitted to the Colorado Department of Public Health and Environment;

e.

A person whose physical presence and assistance are necessary to assist a patient;

f.

A person who is actively engaged in the maintenance, repair or improvement of the licensed premises or in the provision of accounting or other professional services directly related to the conduct of the licensee's medical marijuana business;

g.

Law enforcement officers, inspectors and other officials or employees of any federal, state or local government or agency engaged in the lawful performance of their official duties;

7.

Permit the sale or consumption of alcohol beverages on the licensed premises; or

8.

Cultivate or permit the cultivation of medical marijuana on the licensed premises

### **Sec. 5.10.250. - Deliveries of medical marijuana.**

Deliveries of medical **marijuana** and paraphernalia by licensees operating a medical **marijuana** delivery business, whether or not such business is conducted in conjunction with a city-licensed medical **marijuana** center or medical **marijuana**-infused product manufacturer, shall be made only to patients and primary caregivers and only in the amounts specified in subsection 5.10.220.A.3 of this chapter. All such deliveries shall be subject to the record keeping requirements contained in [section 5.10.270](#) of this chapter

### **Sec. 5.10.070. - Location criteria.**

A.

No medical **marijuana** center or medical **marijuana**-infused product manufacturer shall, at the time it is established and first licensed by the city, be located within 1,320 feet of another medical **marijuana** center or medical **marijuana**-infused product manufacturer.

B.

No medical **marijuana** center or medical **marijuana**-infused product manufacturer shall, at the time it is established and first licensed by the city, be located:

1.

Within 1,320 feet of: a public or private preschool, elementary, middle, junior high, or high school; a public playground or outdoor pool; an outdoor education facility serving children; an alcohol or drug treatment facility; the principal campus of a college, university, or seminary; or a **residential** child care facility;

2.

Upon any city property;

3.

In a dwelling unit or any **residentially** zoned districts; or

4.

Within the agricultural (A), open space (OS) administrative office (AO), business office (BO), administrative office transitional (AO-T), industrial (I), planned community zone district (PCZD), mixed use (MU-R), commercial neighborhood (CN), or commercial community (CC) zone districts.

## **Longmont**

- **9.60.040 - Medical **marijuana** centers, optional premises cultivation operations, and medical **marijuana**-infused products manufacturers' licenses prohibited.**

It is unlawful for any person to operate, cause to be operated, or permit to be operated a medical **marijuana** center, optional premises cultivation operation, or a medical **marijuana**-infused products

manufacturers' facility, and all such uses are hereby prohibited in any location within the city, or within any area hereinafter annexed to the city.

(Ord. No. O-2011-27, § 1, 5-24-2011)

- **9.60.045 - Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores prohibited.**

It is unlawful for any person to operate, cause to be operated, or permit to be operated a marijuana cultivation facility, a marijuana product manufacturing facility, a marijuana testing facility, or a retail marijuana store, and all such uses are hereby prohibited in any location within the city, or within any area hereinafter annexed to the city.

(Ord. No. O-2013-17, § 1, 6-11-2013)

- **9.60.050 - Patients and primary caregivers.**

Nothing in this chapter shall be construed to prohibit or impair the use, cultivation, or possession of medical marijuana by a patient or the cultivation, possession or provision of medical marijuana by a primary caregiver for his or her patients, provided that any such patient or primary caregiver is doing so in accordance with applicable provisions of Article XVIII, Section 14 of the Colorado Constitution; the Colorado Medical Marijuana Code, as amended; C.R.S. § 25-1.5-106, as amended; city ordinances, as amended; and any applicable rules promulgated under state law.

(Ord. No. O-2011-27, § 1, 5-24-2011)

- **9.60.060 - Cultivation of medical marijuana prohibited.**

Except as provided in [section 9.60.050](#), the cultivation of medical marijuana is expressly prohibited in any zone district or location within the city, or within any area hereinafter annexed to the city.

(Ord. No. O-2011-27, § 1, 5-24-2011)

- **9.60.070 - Penalty.**

A.

A violation of the provisions of this chapter shall be punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or by both such fine and imprisonment.

B.

Each and every day a violation of the provisions of this chapter is committed, exists or continues shall be deemed a separate offense.

C.

The city is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate, or remove the violation, any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity.

(Ord. No. O-2011-27, § 1, 5-24-2011)

### • **III. - OFFENSES RELATING TO MARIJUANA**

#### • **10.36.110. - Possession or consumption prohibited.**

A.

It is unlawful for a person over the age of 21 years to possess between one and two ounces of marijuana. It is unlawful for a person under the age of 21 to possess two ounces or less of marijuana. The court shall punish offenders by a fine of not more than \$100.00, plus applicable court costs.

B.

It is unlawful for a person of any age to openly and publicly consume two ounces or less of marijuana. Unless [section 1.12.020](#) precludes imprisonment, the court shall punish offenders by a fine not less than \$100.00 plus applicable court costs, or by 15 days' imprisonment, or both such fine and imprisonment.

(Code 1993, § 10.36.110; Ord. No. O-94-61, § 9; Ord. No. O-92-51, § 1; Ord. No. O-2011-80, § 1, 11-8-2011; Ord. No. O-2013-01, § 1, 1-8-2013)

**State Law reference**— Similar provisions, C.R.S. § 18-18-406.

## **Lafayette**

### **Sec. 56-234. - Relationship to other laws.**

(a)

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Colorado Medical Marijuana Code and its rules. In the event of any conflict between the provisions of this article and the provisions of the Colorado Medical Marijuana Code, including its rules or any other applicable state or local law, the more restrictive provision shall control.

(Ord. No. 2014-05, § 2, 3-4-14)

**Sec. 56-241. - Location, co-location, operational restrictions and requirements, medicalmarijuana establishments.**

(f) *Residential location prohibited.* No medical marijuana establishment shall be located within any building which contains a residence or within any dwelling or residential zoning district.

(n)

*Off-premises storage of medical marijuana and medical marijuana-infused products prohibited.* No medical marijuana establishment may store medical marijuana or medical marijuana-infused products in any off-premises storage facility located within the city.

**Sec. 56-244. - Unlawful acts of licensees and persons**

(b)

It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, or consumption of marijuana other than those forms of business and commerce that are expressly permitted by Section 14 of Article XVIII of the Colorado Constitution, the Medical Marijuana Code, Retail Marijuana Code, Medical Marijuana Program (C.R.S. § 25-1.5-106), this article, and residential cultivation, section 76-31 of the Code, which permit only medical marijuana optional premises cultivation facilities, medical marijuana-infused products manufacturers, medical marijuana centers, co-located marijuana establishments, and primary care-giver home occupations.

(Ord. No. 2014-05, § 2, 3-4-14; Ord. No. 2015-16, § 2, 4-21-15)

• **ARTICLE IV. - MARIJUANA RESIDENTIAL CULTIVATION RESTRICTIONS**

• **Sec. 70-30. - Legislative powers.**

The city council hereby finds and declares that it has the power to enact this article and the regulations herein pursuant to Article XX, Section 6 and Article XVIII of Section 14, and Section 16, of the Colorado Constitution, Article XX, Section 6 of the Colorado Constitution, the Colorado Medical Marijuana Program (C.R.S. § 25-1.5-106), "Use of flammable gases in home marijuana cultivation prohibited" (C.R.S. § 9-7-113), [Article 15 of Title 31](#) C.R.S. (exercise of municipal powers) and the city's home rule charter and code.

(Ord. No. 2014-06, § 1, 3-4-14)

• **Sec. 70-31. - Cultivation regulations/legislative.**

(a)

The cultivation, production or possession of **marijuana** plants for medical use by a patient or primary caregiver as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution and the Medical **Marijuana** Program, C.R.S. § 25-1.5-106 shall be allowed in residential structures subject to the requirements set forth in this article.

(1)

The cultivation, production, or possession of medical **marijuana** plants must be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, and the Medical **Marijuana** Program, C.R.S. § 25-1.5-106; and

(2)

Any primary caregiver acting as a home occupation shall conduct such business in accordance with the requirements of home occupations (section 26-14-01 of the code) as same may be amended from time to time.

(b)

The cultivation, production or possession of **marijuana** plants for personal use by persons twenty-one (21) years of age or older, as such terms are defined by Article XVIII of Section 16 of the Colorado Constitution shall be allowed in residential structures subject to full compliance with the applicable provisions of Article XVIII of Section 16 of the Colorado Constitution and the requirements set forth in this article.

(Ord. No. 2014-06, § 1, 3-4-14)

• **Sec. 70-32. - Cultivation operational regulations.**

(a)

In addition to the requirements set forth herein in [section 70-31](#) of this article, the cultivation, production or possession of **marijuana** for medical use by a patient, or primary caregiver, or for recreational use by any person twenty-one (21) years of age or older shall be subject to the following conditions.

(1)

The **marijuana** plants must be cultivated, produced, processed and possessed within a person's primary residence, as defined in paragraph (a)(9) herein; and

(2)

The cultivation, production, processing and possession of **marijuana** plants must not be conducted in an open and public manner meaning it must not be perceptible from the exterior of the primary residence, and such activity shall not cause or create any of the following:

(i)

Unusual odors, smells, fragrances, or other olfactory stimulus detectable by any person with a normal sense of smell upon or within any adjacent unit or property;

(ii)

- Light pollution, glare, or brightness that unreasonably disturbs others in the use or enjoyment of their property, or constitutes a nuisance;
- (iii)  
Undue vehicular or foot traffic, including excess parking within the residential zone;
- (iv)  
Excessive noise.
- (3)  
Marijuana plants shall not be cultivated, produced, processed or possessed in the common areas of a multi-family or attached residential development; and
- (4)  
The cultivation, production, processing or possession of marijuana plants shall be limited to the following space limitations within a primary residence as follows:
- (i)  
For a single-family dwelling unit (group R-3 as defined by the most current international building code adopted by the city), within an enclosed locked, defined, contiguous area not to exceed twelve (12) plants and/or one hundred fifty (150) square feet within such person's primary residence;
- (ii)  
For a multifamily dwelling unit (group R-2 as defined by the most current international building code, adopted by the city), within an enclosed locked, defined, contiguous area not to exceed twelve (12) plants and/or one hundred (100) square feet within such person's primary residence.
- (5)  
Marijuana plants shall not be cultivated, produced, processed or possessed in any accessory structure; and
- (6)  
The cultivation, production, processing or possession of marijuana plants shall meet the requirements of all adopted city building and life/safety codes; and
- (7)  
The use of any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinols or other cannabinoids in a residential setting is prohibited; and
- (8)  
Marijuana cultivation lighting shall not exceed one thousand two hundred (1,200) watts total for the entire cultivation area within a dwelling.
- (9)  
For purposes of this section, "primary residence" means the place that a person, by custom and practice, makes his or her principle domicile and address, and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence, and the use of the

residential address for domestic purposes, such as, but not limited to, sleep, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.

(10)

For purposes of this section, "enclosed locked" area means a location within the primary residence accessible only to the person growing the marijuana through one (1) or more locked doors with walls and roofing that must be constructed of solid materials. Such premises must remain secure at all times and any windows must be locked to prevent access by children, visitors or casual passersby.

(Ord. No. 2014-06, § 1, 3-4-14)

### **Sec. 26-14-9. - Home occupations.**

A home occupation may be placed in a zone when the following standards can be met and maintained:

(a)

No persons other than family members residing in the dwelling or Mobile home are to be engaged in the business.

(b)

No more than twenty-five (25) percent of the floor area of the dwelling or mobile home is used for the business.

(c)

An accessory building may be used provided the floor area requirements of subsection (b) above are not exceeded and the accessory building can be converted to a common accessory building on termination of the home occupation.

(d)

A minimum of one (1) or more additional parking spaces may be required by the community development director.

(e)

The use must maintain a nonbusiness, noncommercial appearance at all times.

(f)

One (1) sign not to exceed one and one-half (1½) square feet.

(g)

The home occupation is not a nuisance to surrounding properties due to noise, odor or increased traffic. If a home occupation is lawfully established and a nuisance or abuse of an approved plan is determined to exist after the establishment of the use, the community development director shall give the owners one hundred twenty (120) days in which to correct the nuisance, relocate the use, or terminate use of the property for the home occupation.

(h)

The following uses shall not be considered home occupations: Automotive repair shops, construction equipment storage yards, welding shops, and other similar uses that generate undue noise, on-site storage, or require storage of toxic or flammable materials.

(Ord. No. 1986-01, § 2, 2-4-86; Ord. No. 2011-33, § 14, 9-20-11)

## Lyons

- **Sec. 10-8-70. - Cultivation of medical marijuana.**

(a)

It shall be unlawful for any person to cultivate, produce or process medical marijuana plants within any residential area in the Town, except for a lawful patient or primary care-giver, as those terms are defined under state law, and provided that:

(1)

The cultivation, production and processing occurs at the primary residence of the patient or the primary care-giver;

(2)

The cultivation, production and processing fully comply with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, all implementing regulations, all applicable Town building and safety codes and this Section;

(3)

Medical marijuana is not cultivated, produced or processed within any common area of any multi-family or single-family attached residential property without the written permission of all residents of the property;

(4)

Medical marijuana is not cultivated, produced or processed in the yard, lot or other area or structure located outside of the primary residence, including but not limited to outdoor gardens, ancillary or accessory buildings, greenhouses, sheds or storage units, unless reasonable security measures are implemented to prevent theft or vandalism, including but not limited to the use of fences, locks, alarms and other security measures as appropriate for the particular location, and to shield the plants from view anywhere outside of the property; and

(5)

Medical marijuana is not produced or processed with the use of hazardous chemicals.

(b)

It shall be unlawful for patients or primary care-givers to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed, more than the following maximum number of medical marijuana plants within the patient's or primary care-giver's primary residence:

(1)

A patient or primary care-giver may cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed within the patient's or primary care-giver's primary

residence, six (6) **medical marijuana** plants with three (3) or fewer being mature, flowering plants that are producing a useable form of **marijuana** for each patient residing in the primary residence. Except as provided herein, the maximum number of **medicalmarijuana** plants within a patient's or primary care-giver's primary residence shall not exceed twelve (12) **medicalmarijuana** plants, regardless of size or stage of growth or the number of patients residing at the primary residence.

(2)

If a patient is authorized by law to grow, cultivate and process **medical marijuana** in excess of the amounts stated herein, such patient must act in full compliance with all applicable laws, and:

a.

May grow, cultivate and process **medical marijuana** at his or her primary residence in the amount deemed **medically** necessary to address the patient's debilitating **medical** condition; and

b.

May also grow, cultivate and process **medical marijuana** plants in excess of the limits established herein in those locations within the Town where a **medical marijuana** center or optional premises cultivation operation may be licensed in accordance with [Chapter 6](#), Article 4 of this Code.

(3)

In accordance with Section 25-1.5-106(7)(b), C.R.S., the limits on the number of plants set forth in Paragraphs (1) and (2) above shall apply regardless of the number of primary care-givers and patients residing in any primary residence.

(c)

It shall be unlawful for the cultivation, production, possession or processing of **medical marijuana** plants within a primary residence to be perceptible to a person of normal sensitivity from the exterior of the primary residence by means including, but not limited to:

(1)

Common visual observation, including any form of signage.

(2)

Odors, smells, fragrances or other olfactory stimuli generated by the cultivation, production, possession or processing of **medical marijuana** plants.

(3)

Light pollution, glare or brightness of artificial illumination associated with the cultivation, production, possession or processing of **medical marijuana** plants.

(Ord. 895 §2, 2011; Ord. 956 §1, 2014)

• **Sec. 10-8-80. - Cultivation of noncommercial **marijuana** in residential areas.**

(a)

It is unlawful for any person to cultivate, produce or process **marijuana** plants within any residential area within the Town except as provided herein and in [Section 10-8-70](#) above. **Marijuana** plants may only be cultivated, produced or processed within any residential area if:

(1)

The cultivation, production and processing fully complies with all applicable provisions of Article XVIII, Section 14 and Section 16 of the Colorado Constitution, the Colorado **Medical Marijuana** Code, all implementing regulations, all applicable Town building and safety codes and this Section;

(2)

**Marijuana** is not cultivated, produced or processed within any common areas of any multi-family or single-family attached residential property without the written permission of all residents of the property;

(3)

**Marijuana** is not cultivated, produced or processed in any location on any rental property without the written permission of the property owner;

(4)

**Marijuana** is not cultivated, produced or processed in the yard, lot, garden or other area located outside of a residence. Accessory or ancillary buildings, including but not limited to garages, greenhouses, sheds and storage units, may be used only if reasonable security measures are implemented to prevent theft or vandalism, including but not limited to the use of fences, locks, alarms and other security measures as appropriate for the particular location, and to shield the plants from view anywhere outside of the property;

(5)

**Marijuana** is not produced or processed with the use of hazardous chemicals; and

(6)

**Marijuana** grown for personal use is not made available for sale in any manner.

(b)

It is unlawful for any person to cultivate, produce, possess or process or permit to be cultivated, produced, possessed or processed, more than six (6) **marijuana** plants, with no more than three (3) being mature, flowering plants. In no event shall the maximum number of **marijuana** plants within a residence exceed twelve (12) **marijuana** plants, regardless of size or stage of growth or the number of residents otherwise allowed to possess and grow **marijuana** for personal use living at the residence.

(c)

It is unlawful for the cultivation, production, possession or processing of **marijuana** plants within a residence to be perceptible from the exterior of the residence by a person of normal sensitivity and by means, including but not limited to:

(1)

Common visual observation, including any form of signage;

(2)

Odors, smells, fragrances or other olfactory stimuli generated by the cultivation, production, possession or processing of marijuana plants; or

(3)

Light pollution, glare or brightness of artificial illumination associated with the cultivation production, possession or processing.

(d)

This Section is not intended to impair and does not supersede or override provisions of any lawful privately imposed contracts, covenants, conditions or restrictions that are more restrictive regarding the use of a residence for the cultivation, production, possession or processing of marijuana plants. Nothing in this Section is intended to defer to or to permit privately imposed contracts, covenants, conditions or restrictions that would authorize any activity or action prohibited or regulated by this Section. The Town does not and shall not enforce private covenants, except to the extent specifically provided by law.

(Ord. 929 §1, 2013; Ord. 956 §1, 2014)

## ERIE

# MEDICAL MARIJUANA BUSINESS PROHIBITION

### 4-9-1: DEFINITIONS:

### 4-9-2: LEGISLATIVE INTENT:

### 4-9-3: FINDINGS AND APPLICABILITY:

### 4-9-4: USES PROHIBITED:

### 4-9-5: PATIENTS AND PRIMARY CAREGIVERS:

### 4-9-6: PENALTY; NUISANCE DECLARED:

### 4-9-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

**MEDICAL MARIJUANA:** Marijuana that is grown and sold for a purpose authorized by article XVIII, section 14 of the Colorado constitution.

**MEDICAL MARIJUANA CENTER:** A person licensed to operate a business as described in the Colorado medical marijuana code that sells medical marijuana and medical marijuana infused products to registered patients or primary caregivers as defined in article XVIII, section 14 of the Colorado constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

**MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURER:** A person licensed pursuant to the Colorado medical marijuana code to operate a business manufacturing medical marijuana infused products, and which a municipality is authorized to prohibit as a matter of law.

**OPTIONAL PREMISES CULTIVATION OPERATION:** A person licensed pursuant to the Colorado

medical marijuana code to grow and cultivate marijuana for a purpose authorized by article XVIII, section 14 of the Colorado constitution, and which a municipality is authorized to prohibit as a matter of law.

**PATIENT:** Has the meaning set forth in article XVIII, section 14(1)(c) of the Colorado constitution.

**PERSON:** A natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

**PRIMARY CAREGIVER:** Has the meaning set forth in article XVIII, section 14(1)(f) of the Colorado constitution. (Ord. 32-2010, 12-14-2010)

#### **4-9-2: LEGISLATIVE INTENT:**

It is the intent of this chapter to prohibit certain uses related to medical marijuana, and in furtherance of its intent, the board of trustees makes the following findings:

- A. The Colorado medical marijuana code, Colorado Revised Statutes section 12-43.3-101 et seq., clarifies Colorado law regarding the scope and extent of article XVIII, section 14 of the Colorado constitution.
- B. The Colorado medical marijuana code specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturers' licenses".
- C. The Colorado medical marijuana code specifically authorizes a municipality "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturers' licenses ... based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana".
- D. Based on careful consideration of the Colorado medical marijuana code, article XVIII, section 14 of the Colorado constitution, and the potential secondary effects of the cultivation and dispensing of medical marijuana, and the retail sale, distribution, and manufacturing of medical marijuana infused products, such uses have an adverse effect on the health, safety and welfare of the town and its inhabitants.
- E. As a matter of the town's authority, and consistent with the authorization provided by the Colorado medical marijuana code, it is the intent of the town to prohibit the cultivation and dispensing of medical marijuana, and the retail sale, distribution, and manufacturing of medical marijuana infused products in accordance with the provisions of the Colorado medical marijuana code.

F. Patients and primary caregivers should otherwise be afforded the protections of article XVIII, section 14 of the Colorado constitution and Colorado Revised Statutes section 25-1.5-106. (Ord. 32-2010, 12-14-2010)

**4-9-3: FINDINGS AND APPLICABILITY:**  

The board of trustees makes the following findings:

A. The Colorado medical marijuana code, Colorado Revised Statutes section 12-43.3-101 et seq., clarifies Colorado law regarding the scope and extent of article XVIII, section 14 of the Colorado constitution.

B. This chapter is necessary to protect and is enacted in furtherance of the public health, safety and welfare of the town.

C. This chapter is intended to apply and shall apply to all property, businesses, and business enterprises operating within the town, whether stationary, mobile, or virtual. (Ord. 32-2010, 12-14-2010)

**4-9-4: USES PROHIBITED:**  

It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation, or a medical marijuana infused products manufacturing facility in the town. (Ord. 32-2010, 12-14-2010)

**4-9-5: PATIENTS AND PRIMARY CAREGIVERS:**  

Nothing in this chapter shall be construed to prohibit, regulate or otherwise impair the protections of the use of medical marijuana by patients as provided in article XVIII, section 14 of the Colorado constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with article XVIII, section 14 of the Colorado constitution, the Colorado medical marijuana code and rules promulgated thereunder. (Ord. 32-2010, 12-14-2010)

**4-9-6: PENALTY; NUISANCE DECLARED:**  

A. It is unlawful for any person to violate any of the provisions of this chapter. Any such violation is hereby designated a criminal offense, and any person found guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be punished pursuant to title 1, chapter 4 of this code. Each day that a violation of any of the provisions of this chapter continues to exist shall be deemed a separate and distinct violation.

B. The conduct of any activity or business in violation of this chapter is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the abatement of nuisance provided for in [title 5, chapter 1](#) of this code.

C. In addition to other remedies available to the town, the town may commence an action to enjoin the alleged violation of any provision of this chapter, or to authorize and compel the removal, termination or abatement of such violation. (Ord. 32-2010, 12-14-2010)

#### 4-10-1: LEGISLATIVE INTENT AND PURPOSE:

A. Legislative Intent: The Erie board of trustees intends to regulate the use, acquisition, cultivation, production, and distribution of medical [marijuana](#).

1. The medical [marijuana](#) amendment to the Colorado constitution does not provide a legal manner for patients to obtain medical [marijuana](#) unless the patient grows the [marijuana](#) or the [marijuana](#) is grown by the patient's primary caregiver. These regulations are intended to apply to all medical [marijuana](#) operations in the town whether by a patient or primary caregiver under the medical [marijuana](#) amendment. Medical [marijuana](#) cultivation and production can have an impact on health, safety, welfare and community resources and this chapter is intended to permit medical [marijuana](#) cultivation where it will have a minimal impact.
2. Use, distribution, cultivation, production, possession, and transportation of medical [marijuana](#) remains illegal under federal law, and [marijuana](#) remains classified as a "controlled substance" by federal law.
3. The regulations for medical [marijuana](#) uses are not adequate at the state level to address the impacts on the town of medical [marijuana](#), making it appropriate for local regulation of the impacts of medical [marijuana](#) possession, cultivation and uses.
4. There is no reference to or evidence contained in article XVIII to establish that article XVIII is intended to address or regulate land use, planning, development, or operations of businesses engaging in the production, distribution, processing or dispensing of medical [marijuana](#).
5. Nothing in this chapter is intended to promote or condone the production, distribution, or possession of [marijuana](#) in violation of any applicable law.
6. This chapter is to be construed to protect the public health, safety, welfare and resources over medical [marijuana](#) patient and primary caregiver interests. There is no property right for an individual to possess or cultivate medical [marijuana](#) in the town.
7. Medical [marijuana](#) is heavily regulated within the town and the town has a zero tolerance policy for violations of this chapter.

B. Purpose: The purpose of this chapter is to protect the public health, safety and welfare of the residents and patients of the town by prescribing the manner in which medical **marijuana** may be used, possessed, distributed, cultivated, and produced within the town. Further, the purpose of this chapter is to:

1. Provide for means for a patient or primary caregiver to cultivate, produce and process medical **marijuana** pursuant to the provisions of this chapter.
2. Protect public health, safety and welfare through reasonable limitations on the cultivation, production and processing of medical **marijuana** as related to noise, air and water quality, food safety, neighborhood and patient safety, security and other health, safety and welfare concerns.
3. Impose fees to cover the cost to the town of licensing primary caregivers and registering patients in an amount sufficient for the town to recover its costs.
4. Adopt a mechanism for monitoring compliance with the provisions of this chapter.
5. Protect public health, safety and welfare and residential areas by limiting the areas of the town where more than six (6) medical **marijuana** plants may be cultivated, produced or processed.

C. Relationship To State Law: The provisions of this chapter that are different from the state law are consistent with the town's responsibility to protect the public health, safety and welfare as authorized by Colorado Revised Statutes section 12-43.3-305(3), as amended, and by the police powers granted to statutory municipalities pursuant to Colorado Revised Statutes section 31-15-401, as amended, and by the authority granted municipalities to regulate and govern land use matters within their jurisdiction, pursuant to Colorado Revised Statutes section 31-23-301 et seq., as amended. Where a provision of this chapter conflicts with the state law, this chapter shall apply on all matters authorized in Colorado Revised Statutes section 12-43.3-101 et seq., and all matters of local concern. (Ord. 17-2014, 5-13-2014)

#### 4-10-2: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

**COLORADO MEDICAL MARIJUANA CODE:** Section 12-43.3-101 et seq., of the Colorado Revised Statutes, as may be amended.

**COLORADO MEDICAL MARIJUANA PROGRAM:** That program defined by section 25-1.5-106(2)(d), Colorado Revised Statutes, as may be amended.

**CONTIGUOUS:** In terms of determining the area devoted to the cultivating, producing, possessing or processing of medical **marijuana** and medical **marijuana** plants, means an uninterrupted expanse of space on the same floor or the level of the primary residence that can be measured by framing the area with four (4) or more continuous and connected straight lines. The space within a single room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall or permanent structure but accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces separated by two (2) or more permanent walls or separated by floors or levels of the building are not contiguous.

CULTIVATION OR CULTIVATE: A. All phases of growth of **marijuana** from seed to harvest; or  
B. Preparing, packaging or repackaging, labeling or relabeling of a usable form of **marijuana**.

DISTRIBUTE OR DISTRIBUTION: The actual, constructive or attempted transfer, deliver, sale or dispensing to another, with or without remuneration.

LOT: That real property around the primary residence and the buildings thereon that are commonly used for domestic and residential purposes.

MEDICAL **MARIJUANA**: Any **marijuana** that is intended for medical use and is grown for a purpose authorized by article XVIII, section 14 of the Colorado constitution.

MEDICAL **MARIJUANA** PLANT: **Marijuana** plants, seedlings or any part thereof in a living condition that are lawfully cultivated, produced, possessed, or processed pursuant to the provisions of article XVIII, section 14 of the Colorado constitution, the Colorado medical **marijuana** code, the Colorado medical **marijuana** program, and other applicable laws or regulations governing the cultivation, production, possession or processing of medical **marijuana**.

MEDICAL USE: That use described and defined in article XVIII, section 14 of the Colorado constitution, the Colorado medical **marijuana** code and the Colorado medical **marijuana** program.

PATIENT: A person who meets the definition of patient under article XVIII, section 14(1)(d) of the Colorado constitution and applicable law.

PHYSICIAN: A doctor of medicine as defined in article XVIII, section 14(1)(e) of the Colorado constitution and meeting all requirements of section 25-1.5-106, Colorado Revised Statutes, as may be amended.

PRIMARY CAREGIVER: A person who meets the definition of primary caregiver under article XVIII, section 14(1)(f) of the Colorado constitution and applicable law.

PRIMARY RESIDENCE: The place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings. (Ord. 17-2014, 5-13-2014)

#### **4-10-3: GENERAL REQUIREMENTS:**

A. It shall be unlawful for any person to cultivate, produce or process medical **marijuana** plants within the town of Erie unless such person is lawfully registered as a patient with the state of Colorado, or lawfully licensed as a primary caregiver with the state of Colorado, and, provided that:

1. The cultivation, production, and processing of not more than six (6) **marijuana** plants occurs within the primary residence of the patient or the primary caregiver.

2. The cultivation, production and processing fully complies with all applicable provisions of article XVIII, section 14 of the Colorado constitution, the Colorado medical **marijuana** code, the Colorado medical **marijuana** program, this chapter, and all applicable requirements of the town of Erie ordinances, resolutions, and regulations including, but not limited to, building and safety codes, and the Erie unified development code, as may be amended.
3. Medical **marijuana** is not cultivated, produced or processed within a garage, whether attached or detached, or other structure designed or intended for the keeping or storage of vehicles, equipment, or goods.
4. Medical **marijuana** is not cultivated, produced or processed within any common area(s) of a multi-family or single-family attached residential property.
5. Medical **marijuana** is not cultivated, produced, or processed in the yard, lot, or other area or structure located outside of the primary residence, including, but not limited to, outdoor gardens, ancillary or accessory buildings, greenhouses, sheds, or storage units.
6. Medical **marijuana** is not produced or processed with the use of chemical(s) for the purpose of enhancing, concentrating or extracting tetrahydrocannabinol (THC) from medical **marijuana** or medical **marijuana** plants.
7. It shall be unlawful for any person to use any compressed, flammable gases as a solvent in the extraction of THC and other cannabinoids. Compressed, flammable gases shall include, but are not limited to, butane, propane and hexane.
8. The area of a primary residence devoted to the cultivation, production or processing of medical **marijuana** plants, including the keeping, storage and maintenance of all materials, supplies, tools, equipment and paraphernalia associated with the cultivation, production and processing of medical **marijuana** plants, does not exceed the following:
  - a. Within a single-family detached dwelling unit, a maximum contiguous one hundred fifty (150) square foot area; or
  - b. Within any residential structure other than a single-family dwelling unit, a maximum contiguous one hundred (100) square foot area.
9. In addition to compliance with this code, unified development code and code provisions, a patient or primary caregiver shall:
  - a. Conduct the cultivation, production, possession and processing of medical **marijuana** in a fully enclosed area of the residence or building, secured by adequate lock system;
  - b. Store all fertilizers and other chemicals in a separate and secure area;
  - c. Ensure sufficient ventilation, consistent with and compliant with codes adopted and enforced by the town;
  - d. Prohibit any person other than the patient or primary caregiver access to the area where medical **marijuana** is cultivated, produced, possessed or processed;

- e. Prohibit any person under the age of twenty one (21) years of age access to the area where medical **marijuana** is cultivated, produced, possessed or processed.
- 10. In the event the town incurs costs in the inspection, cleanup, surrender of plants or any other requirements to remove medical **marijuana**, the responsible person(s) shall reimburse the town all actual costs incurred by the town for such inspection or cleanup.
- 11. It shall be unlawful for the owner of any residence or other building to lease such property, or any part thereof, who knows or reasonably should know that the intended use of the property, or part thereof, will be used to cultivate, produce, possess or process medical **marijuana** in violation of this chapter. In the event the town has an articulable reason to believe that medical **marijuana** is being cultivated, produced, possessed or processed in violation of this chapter, it shall be unlawful for the owner of the residence or building to refuse to allow a police officer access to the portion of the building in which the suspected medical **marijuana** activity is located to determine whether there is **marijuana** on the premises in violation of this chapter. (Ord. 17-2014, 5-13-2014)

**4-10-4: PERMITTED IN ZONED DISTRICTS:**  

- A. It shall be unlawful for any patient to cultivate, produce, possess or process more than six (6) medical **marijuana** plants in any residential zoned district within the town.
- B. It shall be unlawful for any primary caregiver to cultivate, produce, possess or process more than six (6) medical **marijuana** plants in any residential zoned district within the town.
- C. Any patient or primary caregiver with legal authorization from the state to cultivate, produce, possess or process more than six (6) medical **marijuana** plants, may do so only in the following zoned districts within the town:
  - 1. LI - light industrial zone, as defined and set forth in the Erie unified development code.
- D. No more than one patient or one primary caregiver may cultivate, produce, possess or process more than six (6) medical **marijuana** plants in any one building, or part thereof, in a permitted zoned district listed in subsection C of this section.
- E. No primary caregiver business license or patient registration shall be issued for a location within one thousand feet (1,000') of any public, parochial or nonpublic school or a state licensed daycare center, or an addiction recovery facility. Distances shall be measured by the town on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the school or licensed daycare property. (Ord. 17-2014, 5-13-2014)

**4-10-5: PRIMARY CAREGIVER; BUSINESS LICENSE REQUIRED:**  

- A. No person acting in the capacity of primary caregiver, shall cultivate, produce, possess or process medical **marijuana** without first having obtained a business license therefor, as provided in this section.
- B. Application for a business license as a primary caregiver shall be completed on forms provided by the Erie town clerk's office. The application for primary caregiver business license shall include the registration identification number and name of each patient of the primary caregiver. An application fee in the amount set forth in [title 2, chapter 10](#), "Fee Schedule", of this code, shall accompany the application.
- C. Proof of ownership of the real property where the primary caregiver intends to cultivate, produce, possess or process medical **marijuana** shall be provided to the town clerk with the application for business license. In the event the primary caregiver is not the legal owner of the property, a written notarized statement from the legal owner acknowledging the intended use of the property to cultivate, produce, possess or process medical **marijuana** by the tenant/primary caregiver shall be included with the application for business license.
- D. Prior to issuance of any business license pursuant to this section, the town clerk's office shall obtain written documentation from the Erie building department and Mountain View fire district that the property where the primary caregiver will cultivate, produce, possess or process medical **marijuana** is fully compliant with all provisions of this chapter, provisions of this code, and all codes adopted and enforced by the Erie building department. In the event the applicant does not allow a town building inspector or fire district personnel access to the premises where the medical **marijuana** will be cultivated, produced, possessed or processed for purposes of inspection pursuant to this provision, the application will be denied. No business license shall be issued to a primary caregiver in the event the applicant is not fully compliant with this code, unified development code and the provisions of the codes adopted and enforced by the town of Erie.
- E. A business license shall expire one year from the date of issuance. Application for a renewal of the business license shall be submitted to the town clerk's office no sooner than thirty (30) days prior to expiration of the business license. In the event a renewal application is not timely filed, the application shall be deemed late and the additional fee set forth in [title 2, chapter 10](#) of this code, shall accompany the application. An application for renewal of a business license shall comply with all provisions herein, including inspection of the premises to ensure compliance with this code, unified development code, and the provisions of the codes adopted and enforced by the town of Erie.

- F. License does not provide any exception, defense or immunity from other laws. The issuance of any license pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of [marijuana](#).
- G. A license issued to a primary caregiver to cultivate, produce, possess or process medical [marijuana](#) is nontransferable. Said license shall expire when the primary caregiver no longer has lawful possession of the premises at which the cultivation, production, possession or processing occurs, unless the one year term of the license expires first.
- H. Failure to obtain a business license, as required herein, is deemed to be a criminal violation, and upon conviction, penalties set forth at [title 1, chapter 4](#) of this code shall apply. (Ord. 17-2014, 5-13-2014)

#### **4-10-6: PATIENT; REGISTRATION REQUIRED:**

- A. No "patient", as defined in this chapter, shall cultivate, produce, possess or process medical [marijuana](#) for his or her own use without first having registered with the town.
- B. Application for a registration as a patient shall be completed on forms provided by the Erie town clerk's office. An application fee in the amount set forth in [title 2, chapter 10](#), "Fee Schedule", of this code, shall accompany the application.
- C. Prior to issuance of any registration pursuant to this section, the town clerk's office shall obtain written documentation from the Erie building department that the property where the patient will cultivate, produce, possess or process medical [marijuana](#) is fully compliant with all provisions of this chapter, provisions of this code, unified development code and all codes adopted and enforced by the Erie building department. In the event the applicant does not allow a town building inspector access to the premises where the medical [marijuana](#) will be cultivated, produced, possessed or processed for purposes of inspection pursuant to this provision, the application for registration as a patient will be denied. No registration shall be issued to a patient in the event the applicant is not fully compliant with this code, unified development code, and the provisions of the codes adopted and enforced by the town of Erie.
- D. A registration shall expire one year from the date of issuance. Application for a renewal of the patient registration shall be submitted to the town clerk's office no sooner than thirty (30) days prior to expiration of the patient registration. In the event a renewal application is not timely filed, the application shall be deemed late and the additional fee set forth in [title 2, chapter 10](#) of this code, shall accompany the application. An application for renewal of registration shall comply with all provisions herein, including inspection of the premises to ensure compliance with this

code, unified development code, and the provisions of the codes adopted and enforced by the town of Erie.

E. A registration issued to a patient to cultivate, produce, possess or process medical **marijuana** is nontransferable. Said registration shall expire when the patient no longer has lawful possession of the premises at which the cultivation, production, possession or processing occurs, unless the one year term of the registration expires first.

F. Failure to register, as required herein, is deemed to be a criminal violation, and upon conviction, penalties set forth at [title 1, chapter 4](#) of this code will apply. (Ord. 17-2014, 5-13-2014)

#### **4-10-7: CONSENT TO INSPECTION:**

A. Application for a medical **marijuana** business license or patient registration pursuant to the provisions of this chapter constitutes consent by the applicant and all owners of the property to permit the Erie police department, building department or other town official as designated by the town administrator in his sole discretion, to conduct routine inspections of the cultivation, production or processing of medical **marijuana** on the premises of the primary caregiver or patient to ensure compliance with this chapter or any other applicable law, rule or regulation. Upon request, the primary caregiver or patient shall retrieve and provide records related to the medical **marijuana** cultivation, production, processing or possession.

B. Application by a primary caregiver for a business license or by a patient for a registration constitutes consent to inspect any premises where such cultivation, production, processing or possession occurs without a search warrant, and consent to seizure of any records, reports or other materials required as a condition of a medical **marijuana** license without a search warrant. (Ord. 17-2014, 5-13-2014)

#### **4-10-8: MAXIMUM NUMBER OF MEDICAL **MARIJUANA** PLANTS:**

A. It shall be unlawful for any patient to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed in any residential zoned district more than six (6) medical **marijuana** plants, of which no more than three (3) plants may be mature.

B. A patient who has a legitimate recommendation from a qualified physician of the patient for a specific amount of **marijuana** in excess of six (6) **marijuana** plants as being medically necessary to address the patient's debilitating medical condition may cultivate, produce, possess or process the number of medical **marijuana** plants recommended by the qualified physician. The cultivation, production, possession or processing of more than six (6) **marijuana** plants by a patient shall occur in the zoned district as set forth at subsection [4-10-4C](#) of this chapter.

C. It shall be unlawful for any primary caregiver to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed in any residential zoned district more than six (6) medical **marijuana** plants, of which no more than three (3) plants may be mature.

D. It shall be unlawful for any primary caregiver to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed in any zoned district as set forth at subsection **4-10-4C** of this chapter more than six (6) medical **marijuana** plants, of which no more than three (3) plants may be mature.

E. Where more than one patient and/or primary caregiver resides within a single dwelling unit, such persons may cultivate, produce, possess or process no more than six (6) medical **marijuana** plants, of which no more than three (3) may be mature. (Ord. 17-2014, 5-13-2014)

#### **4-10-9: EXTERIOR IMPACTS UNLAWFUL:**

A. It shall be unlawful for the cultivation, production, possession or processing of medical **marijuana** plants within a primary residence to be perceptible from the exterior of the primary residence by means including, but not limited to:

1. Common visual observation, including any form of signage;
2. Odors, smells, fragrances, or other olfactory stimulus generated by the cultivation, production, possession or processing of medical **marijuana** plants; or
3. Light pollution, glare, or brightness of artificial illumination associated with the cultivation, production, possession, or processing of medical **marijuana** plants. (Ord. 17-2014, 5-13-2014)

#### **4-10-10: REVOCATION OF PRIMARY CAREGIVER BUSINESS LICENSE/PATIENT REGISTRATION:**

A. If the state prohibits the cultivation, production, processing or possession of medical **marijuana** of a primary caregiver or patient, or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession or other distribution of medical **marijuana** supersedes state law, any local primary caregiver business license or patient registration shall be deemed to be immediately revoked by operation of law, with no grounds for appeal or other redress on behalf of the primary caregiver or patient.

B. A primary caregiver business license or patient registration is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein. (Ord. 17-2014, 5-13-2014)

#### **4-10-11: SPECIAL PROVISIONS FOR PRIMARY CAREGIVERS:**

A. A primary caregiver shall provide the registry identification card number of each of his or her patients to employees and contractors of the town and to law enforcement agencies, upon inquiry in the course of their official duties while investigating compliance with the requirements of this chapter.

B. To the extent required by law, documentation that evidences the name, address or other information of a patient or primary caregiver including, but not limited to, applications, permits, and correspondence, shall be maintained by the town as confidential. No person shall be permitted to gain access to such confidential documentation except for authorized employees and contractors of the town in the course of their official duties and authorized employees of the state or local law enforcement agencies.

C. A primary caregiver shall not delegate to any other person his or her authority to provide medical **marijuana** to a patient nor may a primary caregiver engage others to assist in the cultivation, production, processing or providing medical **marijuana** to a patient.

D. Two (2) or more primary caregivers shall not join together for the purpose of cultivating medical **marijuana**.

E. A primary caregiver may not charge a patient more than the cost of cultivating or purchasing the medical **marijuana**<sup>1</sup>. (Ord. 17-2014, 5-13-2014)

#### **4-10-12: USE OF MEDICAL **MARIJUANA**:**

A. A patient or primary caregiver shall not:

1. Cultivate, produce, process or possess **marijuana** in plain view of, or in a place open to the general public.
2. Engage in the medical use of **marijuana** in a way that endangers the health and well being of a person.

3. Engage in the medical use of **marijuana** in plain view of or in a place open to the general public, including, but not limited to, on any public right of way or roadway, any town park, open space or trail, or in any vehicle.
4. Undertake any task while under the influence of medical **marijuana**, when doing so would constitute negligence or professional malpractice.
5. Possess medical **marijuana** or otherwise engage in the use of medical **marijuana** in or on the grounds of a school or in a school bus. As used herein, "school" shall mean a public, parochial, or nonpublic school that provides a basic academic education in compliance with school attendance laws for students in grades 1 to 12.
6. Operate, or be in actual physical control of any vehicle, aircraft or motorboat while under the influence of medical **marijuana**.
7. Cultivate, produce, or process medical **marijuana** in a location or in a manner for which is prohibited by this chapter.
8. Refuse to allow inspection of the location where the patient or primary caregiver cultivates, produces or processes medical **marijuana**. The owner or occupant of the premises where such cultivation, production or processing takes place may be charged with violation of this subsection.
9. Prima facie indicia of impairment or being under the influence of **marijuana** includes, but is not limited to, bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, dry mouth, or any other indicators of impairment, including the odor of burnt **marijuana** on the person. (Ord. 17-2014, 5-13-2014)

**4-10-13: PRIVATE COVENANTS NOT AFFECTED:**  

This chapter is not intended to impair and does not supersede or override provisions of any lawful privately imposed contracts, covenants, conditions, or restrictions that are more restrictive regarding the use of a primary residence for the cultivation, production, possession and processing of medical **marijuana** or medical **marijuana** plants. Nothing in this chapter is intended to defer to or to permit privately imposed contracts, covenants, conditions or restrictions that would authorize any activity or action prohibited or regulated by this chapter. The town shall not enforce private covenants except the extent specifically provided by law. (Ord. 17-2014, 5-13-2014)

**4-10-14: PENALTY; NUISANCE DECLARED:**  

- A. It is unlawful for any person to violate any of the provisions of this chapter. Any such violation is hereby designated a criminal violation, and any person found guilty (including a plea of guilt or nolo contendere) of violating any of the provisions of this chapter shall, upon conviction, be punished pursuant to [title 1, chapter 4](#) of this code.
- B. Each day that a violation of any of the provisions of this chapter continues to exist shall be deemed a separate and distinct violation.

C. The conduct of any activity in violation of this chapter is hereby declared to be a public nuisance, which may be abated pursuant to the applicable provisions of this code.

D. In addition to other remedies available to the town, the town may commence an action to enjoin the alleged violation of any provision of this chapter, or to authorize and compel the removal, termination or abatement of such violation. (Ord. 17-2014, 5-13-2014)

**4-10-15: SEARCH WARRANT AUTHORIZED:**  

A. The town declares that a violation of this chapter involves a serious threat to public safety or order within the meaning of rule 241(a)(l) of the Colorado municipal court rules of procedure.

B. If the owner or occupant of the premises denies officials of the town, including any law enforcement officer, permission to enter and inspect the residential structure, or any accessory building, including, but not limited to, any shed or detached garage, authorized law enforcement personnel may request the Erie municipal court to issue a search warrant for the inspection of the premises pursuant to the procedures and standards set forth in rule 241(a)(l) of the Colorado municipal court rules of procedure.

C. The Erie municipal court may issue a search warrant authorizing officials of the town, including, but not limited to, any law enforcement officer, to inspect a residential structure for the cultivation, production, possession or processing of medical **marjuana** plants in accordance with rule 241(a)(l) of the Colorado municipal court rules of procedure. Any search warrant issued pursuant to this chapter shall fully comply with the applicable provisions of rule 241(a)(l) of the Colorado municipal court rules of procedure.

D. The Erie municipal court may impose such conditions on a search warrant as may be necessary to protect the private property rights of the owner of the premises to be inspected or to otherwise ensure that the warrant complies with applicable law.

E. It shall be unlawful and a violation of this chapter for any owner or occupant to deny any official of the town access to the property owned or occupied by such owner or occupant if the authorized person presents a warrant issued pursuant to this chapter. (Ord. 17-2014, 5-13-2014)

**4-10-16: MOST STRINGENT LAW APPLIES:**  

Nothing in this chapter is intended to supersede or modify applicable provisions of state law concerning the same subject. To the extent this chapter is interpreted to authorize an action or activity otherwise prohibited by state law, such authorization shall mean such action or activity is not

prohibited by local law. To the extent that a provision of state law is or becomes more stringent than a provision of this chapter, the most stringent requirement or construction shall govern or apply. (Ord. 17-2014, 5-13-2014)

## **Nederland**

Sec. 6-254. Limitation on sale of marijuana. No marijuana may be sold, given away or transferred at a medical marijuana business except to patients and to primary caregivers. (Ord. 690 §1, 2011) Sec. 6-255. Medical marijuana business location. (a) Except as provided in Subsection (i) of this Section, no medical marijuana business shall be located at a location that does not conform to the requirements of this Section. (b) No medical marijuana center shall be located except within zoning areas Neighborhood Commercial (NC), General Commercial (GC) and Central Business District (CBD). (c) No medical marijuana optional premises for cultivation shall be located except in zoning areas Neighborhood Commercial (NC), General Commercial (GC) and Industrial (I). Medical marijuana optional premises for cultivation may also be located in zoning area Central Business District (CBD) as a special review use. (d) No medical marijuana-infused product facility shall be located except in zoning areas Neighborhood Commercial (NC), General Commercial (GC), Central Business District (CBD) and Industrial (I). (e) In addition to the zone district restrictions imposed by Subsections (b) through (d) above, no medical marijuana business shall be located: (1) Within one hundred (100) feet of a licensed child care facility; (2) Within one hundred (100) feet of any educational institution or school, college or university, either public or private; (3) Within one hundred (100) feet of any facility or structure used to provide not-for-profit educational and recreational services for youth and teens; (4) Adjacent to property upon which a dwelling unit is located; provided, however, this restriction does not apply to a mixed-use building containing both residential and commercial units; (f) The distances described in Subsection (e) above shall be computed by direct measurement from the primary entrance of the structure used for child care, school, college, university or teen 6-56 center purposes to the primary entrance of the structure used for medical marijuana business purposes, using a straight line. (g) Each medical marijuana business shall be operated from a permanent and fixed location. No medical marijuana business shall be permitted to operate from a moveable, mobile or transitory location. (h) Subsection (g) above shall not prevent the physical delivery of medical marijuana to a patient or the patient's primary caregiver at a location off of the premises of the licensee's medical marijuana business if: (1) The marijuana was lawfully purchased by the patient or the patient's primary caregiver from the licensee's medical marijuana business; (2) The marijuana is delivered only to the patient or the patient's primary caregiver; (3) The marijuana is delivered only by the licensee or an employee of the licensee; and (4) The marijuana is delivered to a location within the Town. (i) The suitability of a location for a medical marijuana business shall be determined at the time of the initial issuance of the license for such business. The fact that changes in the neighborhood that occur after the initial issuance of the license might render the site unsuitable for a medical marijuana business under this Section shall not be grounds to suspend, revoke or refuse to renew the license for such center so long as the license for the center remains in effect. (j) No medical marijuana business shall be operated as a "home occupation" as described in Section 16-76 of this Code. (Ord. 690 §1, 2011)

Sec. 6-286. Unlawful acts; penalties; injunctive relief. The provisions of this Article shall not apply to the sale or distribution of sacramental marijuana sold and used for religious purposes.

(9) It shall be unlawful for any person to exceed the personal use of marijuana limitations for vegetative and mature flowering plants per adult unless as authorized by Section 14 of Article XVIII of the Colorado Constitution. Limitations in this Section shall not apply to clones. (10) It shall be unlawful for any person to extract marijuana concentrates using any industrial grade solvents such as but not limited to butane, diethyl ether, hexane, naphtha, petroleum ether, propane or natural gas or super critical CO2 on any property zoned residential unless authorized by a special review use pursuant to Section 6-284 of this Article. This shall not apply to food grade ethanol. All extraction equipment in contact with solvents must be food grade stainless steel or glass.

Sec. 6-284. Place of operation. (a) No marijuana establishment shall be located at a location that does not conform to the requirements of this Section, except as provided in Subsection (h) of this Section (see Section 16-32 of this Chapter). (b) No retail marijuana store shall be located except within zoning areas Neighborhood Commercial (NC), General Commercial (GC) and Central Business District (CBD). 6-71 (c) No marijuana product manufacturing facility shall be located except in zoning areas General Commercial (GC) and Industrial (I). (d) No marijuana testing facility shall be located except in zoning areas Residential (MR, LDR, MDR and HDR), Neighborhood Commercial (NC) as a special review use, Central Business District (CBD), General Commercial (GC) and Industrial (I). (e) No marijuana cultivation facility shall be located except in zoning areas Forestry (F), Residential (MR, LDR, MDR and HDR), Neighborhood Commercial (NC), Central Business District (CBD), General Commercial (GC) and Industrial (I). (f) A cultivation facility may be located in residential zoning as a licensed home occupation with an approved special review use permit, pursuant to Sections 16-32 and 16-76 of this Code and in the Central Business District (CBD) and the Neighborhood Commercial (NC) District as a special review use (See Section 6-32 of this Chapter). (g) A marijuana testing facility may be located in residential zoning as a licensed home occupation with an approved special review use permit, pursuant to Sections 16-32 and 16-76 of this Code. (h) In addition to the zone district restrictions imposed by Subsections (b) through (g) above, no retail marijuana store shall be located: (1) Within one hundred (100) feet of a licensed child care facility; (2) Within one hundred (100) feet of any educational institution or school, college or university, either public or private;

## SUPERIOR

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• **ec. 10-8-70. - Marijuana establishments prohibited.** Modified

(a)

It is unlawful for any person to operate, cause to be operated or permit to be operated in the Town a marijuana establishment, and marijuana establishments are hereby prohibited at any location in the Town.

(b)

For purposes of this Section, the following terms shall have the following meanings:

**Marijuana** means all parts of the plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including **marijuana** concentrate, but excluding industrial hemp, fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with **marijuana** to prepare topical or oral administrations, food, drink or other product.

**Marijuana club** means a place not used for residential purposes where individuals gather to consume or grow **marijuana**, regardless of whether such place calls itself private or public or charges an admission or membership fee.

**Marijuana cultivation facility** means a facility licensed to cultivate, prepare and package **marijuana** and sell **marijuana** to retail **marijuana** stores, to **marijuana** product manufacturing facilities and to other **marijuana** cultivation facilities, but not to consumers.

**Marijuana establishment** means and includes a **marijuana** cultivation facility, a **marijuana** testing facility, a **marijuana** product manufacturing facility, a retail **marijuana** store and a **marijuana** club.

**Marijuana product manufacturing facility** means a facility licensed to purchase **marijuana**; manufacture, prepare and package **marijuana** products; and sell **marijuana** and **marijuana** products to other **marijuana** product manufacturing facilities and to retail **marijuana** stores but not to consumers.

**Marijuana testing facility** means a facility licensed to analyze and certify the safety and potency of **marijuana**.

**Retail marijuana store** means a facility licensed to purchase **marijuana** from **marijuana** cultivation facilities and **marijuana** and **marijuana** products from **marijuana** product manufacturing facilities and to sell **marijuana** and **marijuana** products to consumers.

(Ord. O-3 §§1, 2, 2013)

## **ec. 10-8-50. - Possession of **marijuana**. Modified**

(a)

For purposes of this Section, the following terms shall have the following meanings:

**Marijuana** means all parts of the plant of the genus *Cannabis*, whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin, including **marijuana** concentrate, but the term does not include industrial hemp, nor does it include fiber produced from stalks, oil or cake made from the seeds of the plant, or the sterilized seed of such plant, which is incapable of

germination, or the weight of any other ingredient combined with **marijuana** to prepare topical or oral administrations, food, drink or other product.

**Marijuana accessories** means equipment, products or materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing or containing **marijuana**, or for ingesting, inhaling or otherwise introducing **marijuana** into the human body.

**Marijuana products** means concentrated **marijuana** products and **marijuana** products that are comprised of **marijuana** and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

*Openly or publicly* means the consumption or growing of **marijuana** in a place commonly or usually open to or accessible by the general public, or to which members of the general public may resort, including, without limitation, public ways, streets, sidewalks, alleys, bicycle paths, trails, golf courses, public buildings, parks, open spaces, parking lots, shopping centers, places of business usually open to the general public and automobiles or other vehicles in or upon any such place or places, but excluding the interior or enclosed yard area of private homes, residences, condominiums or apartments. For purposes of this Section, *openly or publicly* expressly includes the consumption or growing of **marijuana** in any place or building not used for residential purposes where individuals gather to consume or grow **marijuana**, regardless of whether such place calls itself private or public or charges an admission or membership fee.

- (b) It is unlawful for any person to use, display, purchase, transport, possess or transfer more than one (1) ounce of **marijuana**.
- (c) It is unlawful for any person to possess, grow, process or transport more than six (6) **marijuana** plants, with three (3) or fewer being mature, flowering plants. A person may possess the **marijuana** produced by these plants, provided that such possession is limited to premises where the plants were grown and further provided that the growing takes place in an enclosed locked space and is not conducted openly or publicly or made available for sale.
- (d) It is unlawful for any person under the age of twenty-one (21) to use, display, purchase, transport, possess or transfer **marijuana**, **marijuana** products or **marijuana** accessories anywhere in the Town.
- (e) It is unlawful for a person twenty-one (21) years of age or older to use, display, purchase, transport, possess or transfer **marijuana**, **marijuana** products or **marijuana** accessories in the Town for any reason other than personal use.
- (f)

It is unlawful for any person to openly or publicly consume or grow **marijuana** in the Town or to consume **marijuana** in the Town in a manner that endangers others.

(g)

A person found guilty of violating this Section shall be punished pursuant to [Section 1-3-20](#) of this Code.

(h)

It is an affirmative defense to a prosecution under this Section that a person is in possession of a valid registry identification card authorizing the medicinal use of **marijuana** issued by the State, so long as the consumption, use or growing does not occur openly or publicly.

(Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §17, 1996; Ord. O-4 §1, 2009; Ord. O-1 §1, 2011; Ord. O-2 §1, 2013)

## City of Denver Ordinance limiting total plants on zoned lots to 36 plants

### Sec. 38-178. - Non-licensed **marijuana** cultivation.

(a)

Legislative intent. The city council hereby finds and declares that the proliferation of large-scale, non-licensed, and unregulated **marijuana** cultivation operations poses a significant threat to the health, safety, and security of all citizens of the City and County of Denver. The city council finds that law enforcement and other city agencies report increased violations of criminal laws along with building, electrical, and fire codes in these large cultivation operations. It is, therefore, the intent of the city council to place reasonable and necessary restrictions on the cultivation of **marijuana** outside of a licensed **marijuana** cultivation facility.

(b)

It shall be unlawful for any person, alone or in concert with other persons, to possess or cultivate more than thirty-six (36) **marijuana plants** on any zone lot in the city, except in a licensed **marijuana** cultivation facility and in compliance with all applicable state and city laws, and all rules and regulations promulgated thereunder.

(c)

It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any zone lot to allow more than thirty-six (36) **marijuana plants** to be possessed or cultivated on the zone lot, except in a licensed **marijuana** cultivation facility and in compliance with all applicable state and city laws, and all rules and regulations promulgated thereunder.

(d)

It shall be unlawful for any person, alone or in concert with other persons, to cultivate **marijuana** outside of a completely enclosed structure.

(e)

Exceptions:

(1) Nothing in this section shall be construed to allow the cultivation of marijuana in any number, manner, or location that is not allowed under the zoning code.

(2) Nothing in this section shall prohibit the cultivation of marijuana by residents of a dwelling unit in compliance with the zoning code.

(f)

For purposes of this section:

(1) "Completely enclosed structure" has the meaning set forth in the zoning code.

(2) "Cultivate" means the planting, growing, harvesting, storing, drying, trimming, or processing of marijuana plants.

(3) "Dwelling Unit" had the meaning set forth in the zoning code.

(4) "Marijuana plant" means all parts of the plant of the genus cannabis whether growing or not, including, but not limited to, immature and mature plants, and any seeds, leaves, stalks, and flowers, without regard for cannabinoid concentration levels.

(5) "Marijuana cultivation facility" means an "optional premises cultivation facility" or a "retail marijuana cultivation facility" as defined in the Colorado Medical Marijuana Code, § 12-43.3-104, C.R.S., as amended, and the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended.

(6) "Zone lot" has the means set forth in the zoning code, except that the minimum zone lot size for the cultivation of marijuana outside of a dwelling unit shall be three thousand (3,000) square feet and the minimum zone lot width shall be twenty-five (25) feet.

(Ord. No. 109-15, § 1, 3-23-15)

## Denver Proposes Plant Limits for Non-licensed Grows

Mar 3, 2015

DENVER – The City and County of Denver today moved to make it unlawful to cultivate more than 36 marijuana plants on any non-residential zone lot in the city, except in a licensed marijuana cultivation facility.

The proposed change will address several health and safety concerns that the large, non-licensed marijuana grow operations pose in Denver's dense, urban environment. Unsafe conditions, such as

overloaded electrical systems, hazardous structural features and blocked egresses, are prevalent in these facilities, as are the improper use of pesticides, improper waste disposal and uncontrolled odor mitigation.

Additionally, the large amounts of untracked, non-licensed marijuana in these facilities provide opportunities for crime and diversion into the black market.

“After careful consideration, we have concluded that this is a necessary change to protect the health and safety of Denver residents,” said Ashley Kilroy, the city’s Executive Director of Marijuana Policy. “While the city previously took action to limit the number of plants in a residential dwelling to 12, this ordinance applies a limitation to the number of plants that can be grown outside of a residential dwelling unit, unless a marijuana business license is obtained.”

The proposed amendment to the Denver Revised Municipal Code does not affect the 12-plant limit already in place for residential dwelling units.

“This is a thoughtful modification that protects employees, neighbors, inspectors and first responders alike while respecting the will of the voters and their support of Amendment 64,” Kilroy said.

The proposed change was developed after considerable diligence by Denver safety officials and others, who have noted an exponential increase in the cultivation of marijuana in collective operations and other non-licensed settings. More than 60 of these locations have already been identified, including some with as many as 2,000 plants.

“General zoning, fire and building codes – the laws that attempt to regulate the safety of these locations – have not been sufficient in ensuring safe and compliant grow facilities,” Kilroy said. “Additionally, these non-licensed facilities undermine the stability and safety of the legal, regulated marijuana market that Colorado and Denver have worked hard to establish.”

Violations of the proposed code would be criminal penalties, based on the threat to the health and safety of those directly and indirectly involved with these operations. Like all other criminal violations of the DRMC, penalties for this code violation would include up to one year in jail and up to a \$999 fine.

The proposed code change requires Denver City Council approval and will be presented for initial discussion at the Safety and Wellbeing Committee today, Tuesday, March 3, at 1:30 p.m. Public comment will be taken at the meeting

## Harding, Bryan

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**From:** Dr. Allen Saville <allen@saville.us>  
**Sent:** Monday, April 18, 2016 1:20 PM  
**To:** Harding, Bryan  
**Subject:** Status of "6 plants"  
**Attachments:** Name key SM-12.psd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Bryan,

I am just checking to see what the status is on the change in the regulations on marijuana growing. If you can share, I would love to know how your next set of recommendations are shaping up. ???

I did attend the first consideration when you presented to the County Planning Commission. My personal opinion is that the Commissioners were not terribly prepared, hadn't really thought through these issues, and got surprised by the arguments from the care givers' side.

I am not very much persuaded that care givers who want to grow hundreds of plants should be doing that in residential areas / properties. First, when it really is hundreds of plants, that type of operation should be regulated as well and is – in fact – a “production operation” which has no place in residential area. Second, I am not persuaded that the amount of marijuana produced really all goes to patients in need of medical marijuana. When grow operations get large, I suspect that some “significant” amount of product goes into the gray and back markets. Which, in turn, creates a nexus between those operations and criminal activity . . .

As to whether the “number” is 6 or 12 or ... it really is an arbitrary number, and there is a big difference between somewhere close to 6 and hundreds. When the argument is what number between 6 and, say, 18 – I begin to believe that having consistency with the City of Boulder (at 6 plants) gets to be fairly important, so I continue to like the number 6.

My personal opinion about the production of marijuana for either medical purposes or recreational purposes is that it should – in ALL CASES – be regulated closely enough to ensure that the product is appropriate for its intended use, and that users are provided with guarantees that the products are not tainted, nor produced in an unsafe manner. Being an emergency medical responder (with the fire dept.) and having seen people who have gotten into medical trouble from consuming marijuana products that were not labeled as to strength, etc. – it is my strongly held opinion that producers of marijuana products have a responsibility to accurately test and label their products. We seem to have determined that others types of drugs that are many times greatly beneficial to people are subject to regulations about their purity, potency, etc. Marijuana should not be an exception to this.

Maybe the person who wants to grow six plants for personal consumption deserves an exception. A care giver who is growing “hundreds of plants” to produce product that is supposedly used by people who need the beneficial properties of marijuana should, in my opinion, not be exempted from responsibilities to produce a safe product of known, and labeled, potency, and should have to account for the disposition of all product. Also, I think you know that when a grow operation is “hundreds of plants” the facility is NOT residential in character – it becomes a production facility that usually trespasses on the building code types of provisions designed to make these facilities safe (electrical codes, provisions to deal with humidity and mold, presence of chemicals, etc. that can be dangerous, and more). Again, not residential in character.

Thanks Bryan for your work on this. I continue to believe that this is an important issue, and applaud that you guys are at least trying to do something about it.

Cheers,

**Allen**

Allen Saville

[allen@saville.us](mailto:allen@saville.us)

Tel: +1 303.415.9500

Mobile: +1 303.588.6600

[www.saville.us](http://www.saville.us)

## Harding, Bryan

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**From:** Elizabeth Ousley <elizabeth.ousley@gmail.com>  
**Sent:** Saturday, April 09, 2016 3:29 PM  
**To:** Harding, Bryan  
**Subject:** I am AGAINST ALL of DC16-0002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am AGAINST ALL of DC16-0002.

Extra interested into how law enforcement/firefighters think BC Land Use should proceed pushing their/LEO agenda they are trying to implement statewide, county by county.  
And currently, confirmed via CORA requests the Administrator of Nederland, Alisha Reis has been searching houses w/o warrant over 'possible', 'unlicensed'/'illegal' cultivation's based on the EXACT same language BC Land Use is proposing here--EXCEPT in Ned the A64 business language was NEVER discussed or amended to include residential gardens or anyone with over 6 plants to be considered a "marijuana occupation/establishment"-LEO's hopeful 'excuse' to get into people's houses and most certainly ruin lives. This is after she has been mistakenly calling ALL growers w/o state business licenses 'illegal' or "unlicensed" (implying unlawful) when in reality they are "Constitutional". So please understand the concern and outrage.

You need to halt this intrusiveness based on not nearly enough feedback from all BC residents at once.

Sent from my iPad

## Harding, Bryan

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**From:** J D <trichome@gmail.com>  
**Sent:** Friday, April 08, 2016 5:27 PM  
**To:** Harding, Bryan; Case, Dale; Graves, Liz; Gardner, Deb  
**Subject:** DC160002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom It may concern,

In regards to the changes to the land use code in the document referenced above I find it appalling that you would reduce the number of plants from 99 to 6. This is clearly a way to eliminate the affordable access to medicine that is provided by many caregivers in the county in favor of recreational shops and wholesalers as to collect the most tax revenue.

There are no commercial properties available for this use that are within any caregiver's budget and banning caregivers from growing in a residence will make it impossible to provide medicine. I have been a caregiver for 3 of my friends who cannot afford their medicine any other way for 6 years with no incidents.

While I do not grow 99 plants 6 would be way too few. A reasonable compromise would be to allow 24-48 flowering plants. While not ideal this would afford caregivers the opportunity to continue providing a reasonable amount of medicine to their patients.

Limiting me to 6 plants would not force my patients to spend money in medical or rec shops it would force them out of being able to access their medicine. I would only be able to provide enough medicine for a week or less.

Please consider revising this language as to expand the # of allowable plants from 6.

Regards,

John D'Angelo

## Harding, Bryan

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**From:** Mary Jarril <jarril.may@gmail.com>  
**Sent:** Friday, April 08, 2016 9:10 AM  
**To:** Harding, Bryan  
**Subject:** Cannabis land use

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Land Use Officials,

I devoted ten years of my life to educating the people of Boulder County, as a volunteer, about Cannabis Hemp through my weekly show on KGNU, the Hemp Report and later Cannabis News. These programs aired every Monday afternoon from 1993 to 2003.

What I discovered is that Cannabis is not harmful, not a drug, and should not be in the same schedule with opiates. Cannabis, by medical definition, is not a narcotic. Nor is there anything inherently bad or shameful about the plant.

Your proposed restrictions in Boulder County on plant counts are a clear move to indulge greedy politicians who see people who use or grow pot as their meal ticket and sure way to get a bigger house for themselves. Imagine if your language read like this:

"Caucasians are allowed to grow plants and indulge in commerce. People (of Jewish descent, or African Americans, any minority you wish to insert - gays, Baptists, you name it) we have decided to target will not have those rights. People we are targeting are subject to search, seizure, and imprisonment for living their lives as they see fit and as the law dictates, only because some group which is considered to be more powerful wants to discriminate and practice hatred on these groups.

Did I mention I am against you moving forward with any more unnecessary regulations? Perhaps the police can find something else to do, the courts can find someone else to soak, and you yourselves can find something better to do than go after people who are within the law.

Please add me to your list as a stakeholder.

Mary Jarril  
304 Griffith st  
Nederland 80466

 Virus-free. [www.avast.com](http://www.avast.com)

## Harding, Bryan

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**From:** one brown mouse <oshalee1969@yahoo.com>  
**Sent:** Thursday, April 07, 2016 5:22 PM  
**To:** Harding, Bryan; Mary Jarril; Jessica (Cheesecake) LeRoux  
**Subject:** Docket DC16-0002 meeting inquiry and PUBLIC COMMENT

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I wanted to confirm that the proposed cannabis language will be tabled until the May meeting and make sure I am included in the stakeholder email with the revised language (since DC16-002 was tabled last month).

Also - If you know the cut off date for the comments on whatever the revised language for the next meeting that addresses this? And will there be public comment on your revisions in the May hearing?

I will be sending in future stakeholder comments and want to make sure they are included in record, **along with this letter**, since the PCRLP represents thousands of medicinal users whose Constitutional rights (passage of) this proposed language would violate. I plan on pointing out all of the unconstitutional problems we can identify with the proposed language **especially when BC Land Use attempts to assume the provision in A64 for "local control" somehow can be applied to our 16 year old self regulated, medicinal constitutional amendment/patients/caregivers** and how the intent goes against the will of the majority of the voters on A20 and A64 and the lack of evidence of fire issues or need for this change provided in the packet. Complaints from anti-cannabis neighbors of 'suspected grows' that are constitutionally protected is not a justifiable reason for constitutional or inherent right/use by right attacks.

For years 3 years now I have been listening to the request from law enforcement (local and all the way up to the CBI) at the capitol and local hearings for "tools" (regulation) to "enforce" (get into peoples houses to shut down home grows) even though the majority of the voters don't believe enforcement is necessary since the 78 year war on cannabis users is based on lies, prejudice and greed and has no regard for science.

**Yes, law enforcement's 'hands are tied' since passage of both constitutional amendments. They know that, which is why they are at meeting/hearings begging for government to create them "tools" ('Loop-holes' around the constitution/people's rights/voter intent). They can't be untied without statewide votes repealing A20 and A64, yet the BC language is attempting to oblige law enforcement and violate citizens. State statutes and local codes cannot lawfully 'over-ride' (untie the hands of LEO) state constitutions no matter they are passed by the general assembly/local gov. or not.**

**Hearing you tell the committee this language was being proposed so that the "municipalities regulation could all be uniform" in BC sure throws up red flags for me.** I am not aware of a single municipality in BC that passed local limits on patients and caregivers or that tags/labels them as a "Marijuana establishments/occupations". At this point, after the meeting questions on it, can you? **Even more red flags when you misinformed everyone that your extensive research showed there was a current 6 plant limit per property statewide. And even more red flags when I hear government entities and people without medical schooling or license to practice medicine make health care decisions, (which in cases can be the difference between life and death and the pursuit of happiness) for fellow humans they have never even met. Hearing "6 plants is more than enough for any person" frightens me.**

I'm going to suggest when your work group comes up with any further (unnecessary) cannabis language that attempts regulation, you replace the word cannabis with something else to see if that registers any red flags for you all? Does it sound acceptable hearing that "6 tomato plants is more than enough for any person." or "6 cancer treatments is more than enough for any person" or "6 pain pills is more than enough for any person" or even "6 beers is more than enough for any person."

How do you rectify/justify a cannabis plant limit with other plants? Does it seem fair a person who can grow unlimited tomatoes or squash as a inherent right/use by right be limited to 6 cannabis plants? **And if the fire fighters are so fearful cannabis gardens will be burning down the county perhaps BC Land Use should make growing outdoors under the sun lawful under A64 "local control" and just have law enforcement not enforce on outdoor medicinal gardens?** That step would seem more inline with voter intent than additional prohibition when **66.1%-95% of unincorporated BC voted in favor of A64. I'm pretty sure their intent was not to create more prohibitions since A64 promised an "End to Prohibition" and "legalization like alcohol".** When I filed complaint with DA Stan Garnett over what I felt was fraudulent marketing of A64 as such, his investigation concluded A64 campaigners were not lying to voters.

So I am extra interested into how law enforcement/firefighters think BC Land Use should proceed pushing their/LEO agenda they are trying to implement statewide, county by county.

And currently, I have confirmed via CORA requests the Administrator of Nederland, Alisha Reis has been searching houses w/o warrant over 'possible', 'unlicensed'/'illegal' cultivation's based on the EXACT same language BC Land Use is proposing here--**EXCEPT in Ned the A64 business language was NEVER discussed or amended to include residential gardens or anyone with over 6 plants to be considered a "marijuana occupation/establishment"**-LEO's hopeful 'excuse' to get into people's houses and most certainly ruin lives. This is after she has been mistakenly calling ALL growers w/o state business licenses 'illegal' or "unlicensed" (implying unlawful) when in reality they are "Constitutional". So please understand my concern and outrage.

Like I testified at the last hearing, I am the only person statewide who has filed 5 lawsuits on behalf of everyone's cannabis rights/voter intent and 2 are still pending. If any of this unconstitutional BC language passes, I will be forced to file again.

By the way, the (unconstitutional) statewide medicinal 'limit' of 36 plants imposed by the general assembly in SB15-014 last year does not activate until Jan 1, 2017. Likewise the 99 plant limit for caregivers is just as unconstitutional as any plant limit under A20 and will eventually be challenged in the court of law. **There are no plant limits for medicinal users or caregivers. The Constitution affords them "whatever is medically necessary" and it's not the doctors who decide (regardless the fraudulent marketing of such by the CDPHE or the state), the patients and caregivers themselves decide.** And when I predicted the current attack on plant count and asked the proponents of A64, Mason Tvert and Brian Vicente, they publicly stated numerous times that 6 plants was NOT the ceiling but the floor.

Kathleen Chippi  
720-565-0265  
1-888-eat-hemp (328-4367)  
Patient and Caregiver Rights Litigation Project  
cannabislawsuits.com  
thepeoplesplant.com

## Harding, Bryan

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**From:** timbreen@aol.com  
**Sent:** Wednesday, March 30, 2016 11:48 AM  
**To:** Harding, Bryan  
**Subject:** Proposed revisions to Marijuana related code

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Brian,

I was at the recent Planning Commission Hearing (3/16/16) where you were charged to make revisions to the proposed code changes and report back to the Planning Commission. I spoke regarding my concerns that the proposed revisions were throwing the Medical Marijuana "baby" out with the "bath water" of concerns about safety hazards.

Your proposed revisions would force Medical Marijuana Patients and their Care Givers, who are sanctioned by CO State Law to grow Medical Marijuana to the level prescribed by their Doctors in their homes, to move to commercial space. This proposal seems to directly conflict with the letter and intent of the Colorado Medical Marijuana statutes. The whole point of the Colorado Medical Marijuana statute is to preserve the ability of Medical Marijuana Patients and their Caregivers to conveniently and inexpensively fulfill their prescriptions to treat their conditions. It's important to always keep in mind the low income single family Mom whose child has epilepsy and requires daily Marijuana treatments that are not covered by health insurance. She may have moved here from out of state solely to be able to care for her child.

I think there are several specific aspects of your original proposed code revisions that directly conflict with both the letter and intent of the Colorado Medical Marijuana statutes. Putting any limit on the number of plants legal Medical Marijuana Patients or their Caregivers grow is problematic because the number of plants they can grow, by CO law, is determined by their medical prescription. Any limit Boulder creates whether it is 6 or 100 is arbitrary and directly conflicts with CO statutes. Second, it is completely impractical to force Medical Marijuana Patients and/or their Caregivers into commercial space because by definition they could not afford the expense and even if they could there is no where near the commercial space available in Boulder County to accommodate what would be needed.

Safety concerns about Medical Marijuana Patients and their Caregivers growing in their homes are best addressed by educating about and enforcing existing electrical and other related building codes.

I am not sure if you are including any private citizen input into your work of revising the original proposed revisions, but I would be happy to serve.

Thank You,

Tim Breen  
303 579-6248  
[timbreen@aol.com](mailto:timbreen@aol.com)

## Harding, Bryan

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**From:** Kate Wilson <katewilson@ionsky.com>  
**Sent:** Monday, March 21, 2016 4:08 PM  
**To:** Harding, Bryan  
**Subject:** 2nd comment on revision of Docket DC-16-0002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Bryan,

on the point about commissioners wanting more info on caregivers, I keep thinking:

- for any drug that I can think of other than MMJ, doctors' prescriptions are filled at pharmacies (in business districts), not at someone's house (we certainly don't encourage private production of methamphetamine; anyone with a legitimate prescription for that will also go to a pharmacy, even though there are people out there who try to make a living by manufacturing and selling it (granted, that's not legal, and MMJ is))

- just because it is possible to grow the drug MJ in your home, as a business, I don't see that it follows that that should be allowed. People who want to go into business providing prescription medicine for others should do it in business districts, with appropriate inspections and licensing.

thanks,

Kate Wilson

303-444-3513

## Harding, Bryan

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**From:** Laura Murphy <lauramurph@comcast.net>  
**Sent:** Sunday, March 20, 2016 9:59 AM  
**To:** Harding, Bryan  
**Subject:** RE: County Commisioner's hearing  
**Attachments:** mold reports.pdf; mold recommendations.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Bryan- I read that this motion is delayed so I'm hoping I can still share this professional mold report to go along with my original letter below. When we discovered we had unknowingly purchased a home that was formerly used as a marijuana grow-op, this is the extent of the mold that was hidden in our home under fresh paint. The fresh paint held the mold back long enough to sell the home, then it grew right through the paint. During the time our family was exposed to this toxic black mold, we had trips to the ER for asthma attacks with my daughter, trips to the ER for nosebleeds that wouldn't stop with my other daughter. Our basement was deemed "uninhabitable." My children now require nebulizer machines, daily asthma controller medications and emergency inhalers. The lung damage continues years after the mold is fully remediated. Limits to the number of plants allowed in a residential setting can prevent this from happening to another family. In my opinion, it should be child abuse to grow more than six plants in a home with children. Their lungs are still growing, so they suffer the most severe damage of damage of all. Scarring to the lungs cannot be reversed and a child has to live with limitations the rest of their lives.

Thank you for your time,

Laura

**From:** Harding, Bryan [<mailto:bharding@bouldercounty.org>]  
**Sent:** Monday, February 22, 2016 11:08 PM  
**To:** laura Murphy <[lauramurph@comcast.net](mailto:lauramurph@comcast.net)>; #LandUsePlanner <[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>  
**Subject:** RE: County Commisioner's hearing

Hello Laura,

Thank you for your comments regarding this docket. I have added them to the public file for consideration during staff's review and for Planning Commission and Board of County Commissioners review. Please continue to check the following website for future draft regulation revisions and confirmation of public hearing dates and times for this docket:

<http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx>

If you have any additional comments or questions, please do not hesitate to contact me directly at 303-441-3984

or via email at [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Sincerely,  
Bryan

Bryan Harding, ASLA/APA  
Senior Planner|Boulder County Land Use Department  
Zoning Compliance and Public Information  
2045 13th Street, Boulder, CO 80302  
Mailing: P.O. Box 471, Boulder, CO 80306  
Ph: 303-441-3984 / Fax: 303-441-4856  
[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)

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From: laura Murphy [lauramurph@comcast.net]  
Sent: Monday, February 22, 2016 11:01 AM  
To: #LandUsePlanner  
Subject: County Commisioner's hearing

Hi-

I am writing to show support of the county's initiative to place stricter limits on marijuana land use regulations. We unknowingly purchased a home in Boulder County that we later discovered was used to house a large marijuana cultivation. The house was newly painted, newly carpeted and seemingly beautiful. When the floods of 2013 came and the humidity levels rose in our basement...mold started growing through the paint on the ceiling and walls and wallpaper just fell off the wall. Mold testing came back as "abundant spores of stachyabctris toxic black mold" as well as 2 other molds and deemed uninhabitable. Over \$100,000 in repairs to remediate the mold, rewire all of the electrical hazards shoved behind the wall then patched, mortar damage from venting out the chimney, structural damage to the foundation and extensive termite damage requiring reframing, new siding. But worst of all, irreversible lung damage to myself and my children because of our asthma. Daily nosebleeds, irritated eyes and eczema because this house was kept at humidity levels of 85% to house 100-150 marijuana plants. In addition, we have no idea what type of pesticides and fertilizers we were exposed to.

I hope Boulder County will limit the number of plants allowed in a home to prevent another family from going through this nightmare. I can provide mold reports if it is helpful.

Sincerely,  
Laura Murphy



August 30, 2013

Laboratory Code: RES  
Subcontract Number: NA  
Laboratory Report: RES 268179-1  
Project # / P.O. #: None Given  
Project Description: Murphy

Nick Houston  
RESA - Colorado  
6819 Camelia Ct.  
Longmont CO 80503

Dear Customer,

Reservoirs Environmental, Inc. is an analytical laboratory accredited for the analysis of pathogenic, non-pathogenic and environmental microorganisms by the American Industrial Hygiene Association, Lab ID 101533 - Accreditation Certificate #480. The laboratory is currently proficient in both EMPAT and FOODLAP programs.

Reservoirs has analyzed the following sample(s) per your request. The analysis has been completed in general accordance with the appropriate methodology as stated in the analysis table. Reported sample results were not blank corrected. Results have been sent to your office.

**RES 268179-1** is the job number assigned to this study. This report is considered highly confidential and the sole property of the customer. Reservoirs Environmental, Inc. will not discuss any part of this study with personnel other than those of the client. The results described in this report only apply to the samples analyzed. This report shall not be reproduced except in full, without written approval from Reservoirs Environmental, Inc. Samples will be disposed of after sixty days unless longer storage is requested. If you have any questions about this report, please feel free to call 303-964-1986.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Spencer". The signature is written in a cursive, flowing style.

Jeanne Spencer  
President

## RESERVOIRS ENVIRONMENTAL, INC.

5801 Logan St. Suite 100, Denver CO, 80221  
AIHA EMPAT #101533

RES Job Number: **RES 268179-1**  
 Client: **RESA - Colorado**  
 Client Project Number / P.O.: **None Given**  
 Client Project Description: **Murphy**  
 Date Samples Received: **August 30, 2013**  
 Date Samples Analyzed: **August 30, 2013**  
 Date Sampled: **August 5, 2013**  
 Analysis Type: **Direct Examination, Non-Viable Methodology**  
 Turnaround: **Same Day**  
 Analyst: **AH**

Client ID Number:	#1 Shower Surround (Back)	#2 Wetbar
Lab ID Number:	1017035	1017036
Sample Type:	Tape	Tape
	<b>Observations:</b>	<b>Observations:</b>
Alternaria		
Ascospores - Non-Specified		
Aspergillus / Penicillium	Moderate Spores	Occasional Spores
Basidiospores - Non-Specified		
Bipolaris / Drechslera / Helminthosporium / Exserohilium		
Cladosporium		
Myxomycete / Periconia / Smut / Ruts		
Penicillium		
Stachybotrys	Abundant Spores, Hyphae, & Conidiophores	Abundant Spores, Hyphae, & Conidiophores
Hyphal Fragments		
Pollen		
Other		
Other		
Other		
Comments:	Evidence of Fungal Growth	Evidence of Fungal Growth

\* Sample analyses have not been blank corrected  
 ND = Not Detected  
 NA = Not Analyzed  
 TNTC = Too Numerous To Count  
 Minimum Reporting Limit (MRL) = 1 Cell

Digitally  
signed by  
Gina  
Date:  
2013.08.30  
14:52:54  
0800

Data QA

### ANALYTICAL INFORMATION

Spore traps are a sampling devices that collect aeroallergens such as pollens, mold and fungal spores, fibers, dander, insect components and other air-borne contaminates. Samples are analyzed using light microscopy at 600X magnification with the entire sample trace or a percentage of the trace is counted. The results include both viable and non-viable fungal spores. This technique does not allow for the differentiation between Aspergillus and Penicillium spores. Small (1-3um) spherical fungal spores that cannot be identified and may included Aspergillus, Penicillium and Paecilomyces and others. Sample traces with greater than 500 spores per slide are difficult to count accurately due to overcrowding and should be considered estimations. Excessive non-microbial particulate debris can mask the presence of fungal spores, thereby reducing counting accuracies. All samples are graded with the following debris scale for data qualification.

#### AIHA EMPAT #101533

Background Debris Rating	Description	Interpretation
0	No Particles Detected	No particles were observed on slide. The absence of particulates could indicate improper sampling, as most air samples typically contain some particulate
1	Minimal non-microbial debris present.	Reported values are not affected by debris
2	Up to 25% of the slide occluded with particulate debris	Particulate debris could mask the presence of spores but do not provide significant interference with the analyses
3	26 to 50% of the slide occluded with particulate debris	Particulate debris could mask the presence of spores and begin to interfere with the analytical count. As a result actual values could be somewhat higher than reported.
4	51 to 90% of the slide occluded with particulate debris	Particulate debris are heavy and would mask the presence of some fungal spores if present. As a result, the count could be higher than reported.
CBR	Cannot Be Read	Sample could not be read due to excessive debris. Spores observed on the perimeter of debris are reported as present or abundant. The sample should be collected at shorter time interval or other measures taken to reduce the collection of non-microbial debris.

Qualitative Reporting Limits	Description
Infrequent	1 to 5 Structures per 22 x 22 mm
Occasional	5 to 50 Structures per 22 x 22 mm
Moderate	1 to 10 Structures per Field of View
Abundant	10+ Structures per Field of View

Due Date: 8.30.13  
 Due Time: \_\_\_\_\_

**REI LAB** **Reservoirs Environmental, Inc.**  
 5801 Logan St. Denver, CO 80216 • Ph: 303 964-1966 • Fax 303-477-4275 • Toll Free :866 RESI-ENV

RES 268179

After Hours Cell Phone: 720-339-9228

INVOICE TO: (IF DIFFERENT)

CONTACT INFORMATION.

Company: <u>RESA COLORADO</u>	Company:	Contact: <u>N. Houston</u>	Contact:
Address: <u>6819 CAMERON CT</u> <u>LOVELAND CO 80503</u>	Address:	Phone: <u>3.242-4531</u>	Phone:
		Fax:	Fax:
		Cell/pager:	Cell/pager:
Project Number and/or P.O. #:		Final Data Deliverable Email Address:	
Project Description/Location: <u>MURPHY</u>		<u>N.Houston@RESACOLORADO.COM</u>	

*paid WICC*

ASBESTOS LABORATORY HOURS: Weekdays: 7am - 7pm PLM / PCM / TEM ___ RUSH (Same Day) ___ PRIORITY (Next Day) ___ STANDARD (Rush PCM = 2hr, TEM = 6hr.)	CHEMISTRY LABORATORY HOURS: Weekdays: 8am - 5pm Metal(s) / Dust ___ RUSH ___ 24 hr. ___ 3-5 Day RCRA 8 / Metals & Welding ___ RUSH ___ 5 day ___ 10 day Fume Scan / TCLP ___ RUSH ___ 5 day ___ 10 day Organics ___ 24 hr. ___ 3 day ___ 5 Day MICROBIOLOGY LABORATORY HOURS: Weekdays: 9am - 6pm E.coli O157:H7, Coliforms, S.aureus ___ 24 hr. ___ 2 Day ___ 3-5 Day Salmonella, Listeria, E.coli, APC, Y & M ___ 48 Hr. ___ 3-5 Day Mold ___ RUSH ___ 24 Hr ___ 48 Hr ___ 3 Day ___ 5 Day	REQUESTED ANALYSIS	VALID MATRIX CODES		LAB NOTES:	
			Air = A	Bulk = B		
**Prior notification is required for RUSH turnarounds.** **Turnaround times establish a laboratory priority, subject to laboratory volume and are not guaranteed. Additional fees apply for afterhours, weekends and holidays.** Special Instructions:		PLM - Short report, Long report, Point Count TEM - AHERA, Level II, 7402, ISD, +/-, Quant, Semi-quant, Micro-vac, ISO-indirect Preps PCM - 7400A, 7400B, OSHA DUST - Total, Respirable METALS - Analyte(s) RCRA 8, TCLP, Welding Fume, Metals Scan ORGANICS - METH Salmonella: +/- E.coli O157:H7: +/- Listeria: +/- Aerobic Plate Count: +/- or Quantification E.coli: +/- or Quantification Coliforms: +/- or Quantification S.aureus: +/- or Quantification Y & M: +/- or Quantification Mold: +/-, Identification, Quantification SAMPLERS INITIALS OR OTHER NOTES	Air = A	Bulk = B		
			Dust = D	Paint = P		
		Soil = S	Wipe = W			
		Swab = SW	F = Food			
		Drinking Water = DW	Waste Water = WW			
		O = Other				
		**ASTM E1792 approved wipe media only**				
Client sample ID number (Sample ID's must be unique)		Sample Volume (L) / Area	Matrix Code	# Containers	Date Collected mm/dd/yy	
					Time Collected hh/mm a/p	
					EM Number (Laboratory Use Only)	
1	SHOWER SURROUND (BACK)					
2	WET BAR	1CM			8/5/13 4pm	1017035
3		1CM			8/5/13 4pm	6
4						
5						
6						
7						
8						
9						
10						

Number of samples received: 2 (Additional samples shall be listed on attached long form.)

NOTE: REI will analyze incoming samples based upon information received and will not be responsible for errors or omissions in calculations resulting from the inaccuracy of original data. By signing client/company representative agrees that submission of the following samples for requested analysis as indicated on this Chain of Custody shall constitute an analytical services agreement with payment terms of NET 30 days, failure to comply with payment terms may result in a 1.5% monthly interest surcharge.

Relinquished By: <u>[Signature]</u>	Date/Time: <u>8/30/13</u>	Sample Condition: On Ice	Sealed	Intact
Laboratory Use Only		Temp. (F°) ___	Yes / No	Yes / No
Received By: <u>[Signature]</u>	Date/Time: <u>8.30.13 1:25</u>	Carrier: <u>[Signature]</u>		
Results:	Contact: <u>[Signature]</u>	Phone: <u>[Signature]</u>	Email: <u>[Signature]</u>	Fax: <u>[Signature]</u>
	Date: <u>8/30/13</u>	Time: <u>2:50p</u>	Initials: <u>[Signature]</u>	Contact: <u>[Signature]</u>
	Phone: <u>[Signature]</u>	Email: <u>[Signature]</u>	Fax: <u>[Signature]</u>	Date: <u>8/30/13</u>
	Date: <u>8/30/13</u>	Time: <u>2:55p</u>	Initials: <u>[Signature]</u>	

*8/30/13* 7-2011\_version 1



# RESA

*"Consumer Friendly Environmental Solutions™"*

August 31, 2013

RESA Report #21308-1527

Subject Property and Homeowner: Sean & Laura Murphy  
7388 Glacier View Rd  
Longmont, CO 80503

Re: Sampling results - #21308-1527

Mr. Murphy:

Thank you for allowing RESA the opportunity to conduct sampling at the above referenced address. The following report summarizes our findings.

The visual inspection was limited to the following areas:

- Affected Basement

RESA conducted a limited visual inspection within the accessible areas inside the home as outlined above. The purpose of the inspection was to address issues indicated by the client as possible areas of microbial contamination exposed during demo due to a water incursion.

At the time of the inspection, the areas inspected were at various stages of demo, with all of the personal property removed. Visible evidence of water damage to the installed building systems was noted on multiple locations.

1 of 2

**RESIDENTIAL ENVIRONMENTAL SERVICES OF AMERICA™**  
6819 Camelia Ct. \* Longmont, CO 80503 \* Phone 720-652-9800



# RESA

*"Consumer Friendly Environmental Solutions™"*

Sampling methodology was discussed, and Surface sampling was performed in two of the suspect areas to confirm that the evident discoloration as fungal growth.

## **SAMPLING RESULTS AND RECOMMENDATIONS**

Surface sampling was performed as indicated above. The samples collected were sent to an accredited laboratory for independent/third party evaluation. The results for the samples taken indicate the following:

**Stachybotrys:** Abundant spores, Hyphae and Conidiophores.

**Aspergillus/Penicillium:** Moderate/Occasional Spores

Attached, please find a full copy of all of the sampling data for your records.

Due to the size and location of the apparent area/ areas affected, and due to the specific health concerns associated with the young children living in the home, it is recommended that the affected areas be placed under appropriate containment and HEPA filtration/negative air machines be put in place until professional remediation can be performed. The affected basement should not be entered or disturbed until remediation is performed, and appropriate post remediation air sampling is performed to confirm that no further elevated condition exists.

If you have any questions please feel free to give our office a call at (720) 652-9800. Thank you for selecting RESA as your environmental professional.

Yours truly,

Nicholas Houston, CMI, CMRS

2 of 2

**RESIDENTIAL ENVIRONMENTAL SERVICES OF AMERICA™**  
6819 Camelia Ct. \* Longmont, CO 80503 \* Phone 720-652-9800

## Harding, Bryan

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**From:** Kate Wilson <katewilson@ionsky.com>  
**Sent:** Thursday, March 17, 2016 2:12 PM  
**To:** Harding, Bryan  
**Subject:** Re: Docket DC-16-0002 post 3/16 hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Bryan,

thanks for all your good work on this issue to date.

To address one of the areas that some of the planning commission members were interested in at the end of the hearing yesterday: the grow that is up the road from me is, I believe (not certain of this), a caregiver operation. It still has the attendant ills I mentioned:

- increased traffic through a quiet residential neighborhood
- an attempted burglary at that house, in a neighborhood that hasn't had any, increasing everyone's anxiety
- strangers trying to get through the gate at the bottom of our hill (2+ miles from the house in question)
- loose pit bulls (I was the person who mentioned being charged by the dog)
- neighborhood fears from increased likelihood of fire in the foothills

It seemed to me that at least some of the commissioners were thinking that a caregiver operation is somehow not a commercial operation - but that is not true. This is a business, with folks who moved in from out of state to make money at it.

"Caregiving" is a provision of the state law that is probably necessary, but that is primed for abuse. Any enterprising person can get a bunch of friends or acquaintances to go get MMJ cards and turn over their grow rights. It is an avenue to a co-op, really. With recreational MJ now readily available, it would be great to see the caregiver rules tightened up. That's a state issue; in the meantime, I would like to see the rules as tight as possible in the county, without illegal conflict with state law.

I also felt that some of the commissioners did not really hear your point about venue shopping. A map of the surrounding communities with the limits written in might make that point, along with satisfying their request for information on the numbers of plants allowed in neighboring jurisdictions.

I remain strongly convinced that commercial operations do not belong in unincorporated Boulder County, except as you noted for areas with appropriate commercial zoning. I know people are allowed to run small, non-annoying businesses from their homes. Caregivers should be no different. At the moment, at least some of them are very different.

Thanks,  
Kate Wilson  
303-444-3513

On 3/2/2016 10:03 AM, Harding, Bryan wrote:

Hello Kate,

Thank you for your comments regarding this docket. I have added them to the public file for consideration during staff's review and for Planning Commission and Board of County Commissioners review. Please continue to check the following website for future draft regulation revisions and confirmation of public hearing dates and times for this docket:

<http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx>

If you have any additional comments or questions, please do not hesitate to contact me directly at 303-441-3984 or via email at [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Sincerely,

Bryan

Bryan Harding, ASLA/APA

Senior Planner|Boulder County Land Use Department Zoning Compliance and Public Information

2045 13th Street, Boulder, CO 80302

Mailing: P.O. Box 471, Boulder, CO 80306

Ph: 303-441-3984 / Fax: 303-441-4856

[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)

**From:** Kate Wilson [<mailto:katewilson@ionsky.com>]  
**Sent:** Wednesday, February 24, 2016 5:29 PM  
**To:** Harding, Bryan  
**Subject:** Docket DC-16-0002

Bryan,

just a note of support for the proposed county land use amendments regarding marijuana regulations. The 6 plant limit is entirely appropriate; and the limiting of any larger operation to being subject to licensing and associated inspection should go a long way towards making this activity safer for all of us.

I am a Boulder County homeowner living in the foothills, and also a member of the board of directors of my local volunteer fire department. I appreciate your work on this issue.

Katharine S Wilson  
721 West Coach Road  
Boulder 80302

RECEIVED  
3/16/2016

Subject: Re: Please make changes to its marijuana regulations  
Dear Bryan Harding and Boulder County Commissioners:

I recently became aware of the proposed land use change to limit the size of personal and caretaker marijuana grows in the County, and I support the proposal fully, specifically for safety reasons. Please (!!!) change this law and make it enforceable.

I am a resident of a road off of Four Mile Canyon. I lived through the anxiety, heartache, loss of friend's homes, and destruction of the 2010 Four Mile Canyon fire and 2013 flooding. I live in an older historic home and several of the homes near us are unsuitable for marijuana growing and the manufacturing of marijuana products, especially the electrical and water issues related to grow houses. This doesn't deter these homes to be rented or sold to growers. In fact, homes are rented to growers because there are no questions asked and rent is paid on time.

I am getting tired and worried of the growers running indoor extension cords to bring electricity to fans and lighting in make shift greenhouses (in the Salina area near the junction), the strong skunk and other odor smells all year long that come to our own home (or when we walk past these houses) and increased traffic coming to the homes.

Why, as long time property owners abiding by laws, should we be subject to the unsafe practices, threats, and the horrible smells? We already survived two huge disasters. What happens if these unsafe practices cause another huge fire? Who will pay for the damages? The growers/renters or property owners will take their pot money and run, leaving us here to fix yet another disaster. Additionally, I am worried about the increase in crime directly related to marijuana growers in Four Mile Canyon, Sunshine Canyon, and other near by canyons. I have been told crime has been common in other canyons. The lack of respect for neighbors is getting out of hand.

I am also concerned about (new) no trespassing signs placed on 100 year old social and mining trails near and around BLM and Forest Service lands and the threats if you go near any of the pot growing houses, property, or trails. There are people and dogs that run near these growing operations, children that play near and always have, and homes that can burn down or lose what is left of any value in these areas.

6 plants seem reasonable but 75+ 100 gallon outdoor plants growing on a hillsides and make shift tents and greenhouses with electricity wired up to them. Seriously?

Thank you for your time and consideration. This must be a delicate matter for all of you but we have to live with the growers, their way of life, the smells, and the increased non residential traffic. We, the residents that know of the growers, and want to be safe, have very few places to turn to with our concerns, without possible retaliation and danger.

Please take this seriously.

Thank you,

*Anonymous*  
*for safety!*

**From:** [Mary Jarril](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** DC-16-002  
**Date:** Wednesday, March 16, 2016 1:14:17 PM

---

Dear Planners,

I wish to draw your attention to a legal problem you may not have noticed in your proposed amendments to cannabis cultivation guidelines.

Patients are protected under amendment 20 and should not have to sign up and undergo regulation as marijuana businesses. End of story.

As far as the rest of the regs, restrictions on dangerous chemicals and materials which ignited into a chemical fire on 65th st west of Longmont about five years ago at a backyard car part manufacturing facility make sense. Telling people how many plants to grow is not going to protect us from chemical fires of this nature.

Why would Boulder County, a leader in Cannabis cultivation and enjoyment for decades, need to follow the lead of other counties in passing pages and pages of laws to inhibit people from continuing to do what they have been doing since the year 2000, mostly without incident? Land prices are rising. Businesses are flourishing. Let the people who helped build the county enjoy it.

The town of Nederland has been trying to insert itself into private homes to see how many plants are there. Nobody likes it and it had caused all kinds of problems here in Nederland.

Don't make criminals out of the people who elected you. Have you taken a look at the election results in recent years? People don't want more regulation on this and every time they go to the polls the people speak.

If you keep in mind these election results, and pass these restrictions anyway, you might expect to see some cartoons of your faces photoshopped into the face of Donald Trump. It's all over the internet.

Thank you in advance for sending these useless provisions that aim to generate a whole new population of criminals into the trash can where they belong.

Sincerely,

Mary Jarril  
304 Griffith St.  
Nederland, CO 80466

 0 viruses found. [www.avast.com](http://www.avast.com)

**From:** [sherry wood](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Docket DC-16-0002  
**Date:** Wednesday, March 16, 2016 11:09:56 AM

---

To whom it may concern,

I am a resident of the Sugarloaf community. I grow marijuana for my personal medical use. I understand the concern for using flammable solvents in extractions, but i do not understand why you are proposing to limit the plants someone can grow to 6? I have a serious medical condition, and it would be impossible for me to grow enough medicine for myself with only six plants. Is there a way to grow more than six? What are the requirements for getting a license? Will less plants really reduce a fire hazard? Please remove or change the plant restrictions in your proposal!

Thank You

Sherry

**From:** [deborah.steinmann](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket DC 16-0002  
**Date:** Wednesday, March 16, 2016 11:00:24 AM

---

Dear Boulder County,

My neighborhood continues to experience significant negative impacts in community and family life as a result of grow operations occurring in homes.

The current regulations are inadequate to address the safety concerns to the community stated in the docket.

Ideally ALL grow operations should be in the commercial domain.

If not, the grow space must be significantly reduced if any safety concerns are to be addressed. Limiting the number of plants to 6 or less and the grow space reduced radically will significantly reduce the risk of growers selling and processing oil and the multitude of other problems my community is experiencing. I suggest considering putting into place language that allows unannounced inspections.

Please create the changes to ensure safe residential areas.

D.S.

**From:** [LASZLO](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Comment for Docket DC-16-0002  
**Date:** Tuesday, March 15, 2016 1:09:59 PM  
**Attachments:** [Letter to Commissioners.docx](#)

---

Please consider the attached letter to the Boulder County Commissioners for the March 16, 2016, Planning Commission meeting.  
Thank you,  
Laszlo A. Pook

Dear Boulder County Commissioners,

March 15, 2016

Many of us in the Gold Run Subdivision by Gold Hill have been battling marijuana growers who have moved their operations into this mountain community. Under the 300 square foot rule it has become evident that these grow houses are producing marijuana for more than their personal use. Clearly it is for commercial consumption as attested to by the traffic, much of it from out-of-state, observable at these private homes. Also, these growers who moved in are renters who do not have a stake in the safety and welfare of the local community.

As these large domestic grows proliferate we notice,

- Increased traffic in our mountain community,
- Aggressive behavior on the part of growers toward established residents,
- Potential danger to children and other residents in the area from crime, and speeding cars,
- Putrid odors from extraction processes,
- Danger from explosions and fires from these extraction activities,
- Growth of damaging molds in structures which may ruin these homes for a long time to come.

Just how many plants does a person need for his/her use? Even six plants can provide a prodigious amount of marijuana to get high on. It would appear that plants grown on 300 sqft. can provide a high for a small village. A corollary question is what enforcement can you guarantee? You cannot seriously believe that licensing without entry is effective.

A related issue is the lenient regulations in the county for medical marijuana.

- What controls exist to ensure that medical marijuana is not used for recreational purposes? As I noted above licensing without entry is ineffective.
- If medical marijuana is to be used for "medical purposes" shouldn't there be tight medical and legal controls on its production, processing, and distribution to endure public safety? Can such safety be guaranteed by a private grower hidden in a home tucked away in the backwoods of the county?

We applaud you for considering tightening the growing regulations. We would also like to urge The Boulder County Commissioners to,

- Consider moving medical marijuana growing into the controllable commercial domain.
- Putting into place language which requires unannounced inspections of any and all licensed growing operations.

Gratefully yours,

Ellen and Laszlo Pook

392 Dixon Rd. Boulder, CO 80302 303-449-8604

**From:** [Jim Eyster](#)  
**To:** [Harding, Bryan](#)  
**Subject:** FW: Staff report now available - Docket DC-16-0002: cultivation/processing of marijuana as a Residential Accessory Use  
**Date:** Friday, March 11, 2016 3:08:27 PM

---

Bryan--

I read through the changes that staff has made and it still seems to me that it would be legal to process as much marijuana in a residence as you wanted to. Shouldn't the processing be limited to only that which is grown on the parcel?

Have a great weekend.

Jim

**From:** Boulder County Information [mailto:bouldercounty@public.govdelivery.com]  
**Sent:** Wednesday, March 09, 2016 6:16 PM  
**To:** jim@eysterville.com  
**Subject:** Staff report now available - Docket DC-16-0002: cultivation/processing of marijuana as a Residential Accessory Use



The staff report to the [Planning Commission](#) regarding proposed [Boulder County Land Use Code Amendment Docket DC-16-0002](#): Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 to address the cultivation and processing of marijuana as a Residential Accessory Use in unincorporated Boulder County is now available at: <http://www.bouldercounty.org/doc/landuse/dc160002prec.pdf> (2 MB PDF)

For more information regarding Docket DC-16-0002, please contact Senior Planner Bryan Harding at 303-441-3984 or [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Having trouble viewing this email? [View it as a Web page.](#)



**From:** [Jim Eyster](#)  
**To:** [Harding, Bryan](#)  
**Cc:** [Case, Dale](#); [Gardner, Deb](#)  
**Subject:** Large Residential Marijuana Grows  
**Date:** Wednesday, March 09, 2016 9:36:27 AM

---

Hi Bryan--

Here's an article regarding large residential marijuana grows in Colorado Springs and the safety concerns they have. This is obviously a state wide problem and I'm pleased that BoCo is taking corrective action.

[http://www.kktv.com/home/headlines/Fire-Marshal-Warns-Against-Large-Residential-Marijuana-Grows-371355981.html#.Vt-al\\_iBYto.email](http://www.kktv.com/home/headlines/Fire-Marshal-Warns-Against-Large-Residential-Marijuana-Grows-371355981.html#.Vt-al_iBYto.email)

Have you made any additions to the proposed changes that we have already seen?

Thanks for keeping this very important safety issue on track.

Jim Eyster

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I am using the Free version of [SPAMfighter](#).  
SPAMfighter has removed 159 of my spam emails to date.

Do you have a [slow PC](#)? Try a free scan!

**From:** [Lee Sutherland](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket DC-16-0002  
**Date:** Tuesday, March 08, 2016 10:57:59 AM

---

The inclusion of alcohol in a proposed home cannabis extraction ordinance is not based on a reasonable assessment of risk or need.

Extractcraft, LLC, ([www.extractcraft.com](http://www.extractcraft.com)) is a Boulder County small business with five people and rapidly growing, built on the life savings of its founder, myself. We manufacture a safe, effective kitchen appliance to extract and concentrate plant essences ranging from mint to orange peel to cannabis for culinary, aromatherapy, and medicinal uses. It is a closed vacuum system using grain alcohol from a liquor store in its process. The temperatures used in the process are about body temperature. The unit is safer than mixing drinks in a blender using the same liquor due to its closed vacuum system. Combustion isn't a risk, and the process is odor and fume free.

The State of Colorado already addressed this method in its language and explicitly allows it. Fire prevention specialists at public meetings depict an fire epidemic exclusively associated with butane and other explosive. In three years, Colorado has only seen only one alcohol fire is on record. To put this in perspective, in the same time period, over 20,000 fires have been caused by patio grills in the US, including over 100 incidents in Colorado every year.

Our Boulder County customers include professional kitchens for culinary use, and home lotion and soap making enthusiasts. Many of our Boulder County medicinal cannabis customers cannot afford commercial extract prices, and are avoiding the poisonous pesticide laden products available (and regularly recalled) available at dispensaries. They save money, and can do it privately and safely in their own kitchen.

I urge the Commission to consider the proposed ordinance carefully. This is about a safe product, and others like it that ironically are not scrutinized for a ban when used for any other plant material. It is also about the life savings investment of a local citizen and several jobs at stake. I would be happy to stop in and talk or demonstrate the product at any time.

Best Regards,

Lee Sutherland

Founder and CEO, Extractcraft, LLC

**From:** [Wade Griffith](#)  
**To:** [#LandUsePlanner](#)  
**Cc:** ["brian.wahlert@gmail.com"](mailto:brian.wahlert@gmail.com)  
**Subject:** DC-16-0002 Proposed Land Use Code Amendment  
**Date:** Sunday, March 06, 2016 3:50:22 PM

---

To whom this may concern,

I am a resident of Pine Brook Hills and also a local paid firefighter for Rocky Mountain Fire. I am writing you to support a land use code amendment that would further regulate the growth and cultivation of marijuana in Boulder county residential areas. We have a grow op at the bottom of our street and this concerns me greatly. I think that residential growers should have to apply for permits and have a fire inspection before being allowed to undertake this kind of activity. The consequences for poor decisions regarding the production of pot will affect all of us living uphill, especially if we are looking at a bad fire season this upcoming summer. Being a firefighter I am especially aware of the risks involved with growing operations and the production of alternate derivatives such as shatter and hash oils. This is the prime time to set an example for the rest of the state and the country as to how we regulate growth and cultivation and keep our communities safe in the process. Thank you for addressing this issue and I look forward to seeing a satisfactory resolution to this growing problem, no pun intended.

Wade Griffith

745 N. Cedar Brooke

(303)720-9353

**From:** [Mel Beauprez](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Re: Marijuana Grow House Hazard  
**Date:** Thursday, March 03, 2016 5:25:29 PM

---

Bryan,  
My preference would be that there would be no grow houses in my neighborhood and realize that may not be an option. As an alternative, I will support the proposal of 6 plants per parcel and would hope that those who exceed the limit would receive a large fine.  
Thanks for your help.  
Mel Beauprez

On Mar 3, 2016, at 12:02 PM, "Harding, Bryan" <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)> wrote:

Hello Mel,  
I am in the process of compiling comments received for the proposed marijuana text change docket. I noticed in your comments that you expressed concern for fires in your area related to residential grow houses, but at the same time are opposed to the text changes. I wanted to clarify your opposition to the changes and see if there are any questions I can answer for you. My goal is not to change your opinion, but to make sure to explain that the proposed changes significantly reduce the amount of marijuana that can be grown on a parcel from a total of 300 square feet of grow area (per the current allowed use) down to a total of 6 plants per parcel. In short, our goal is to reduce fire and safety hazards while also respecting state law under the Colorado Constitution.

As always, please feel free to contact me any time if I can provide additional information.  
Sincerely,  
Bryan

***Bryan Harding, ASLA/APA***  
Senior Planner|Boulder County Land Use Department  
Zoning Compliance and Public Information  
2045 13th Street, Boulder, CO 80302  
Mailing: P.O. Box 471, Boulder, CO 80306  
Ph: 303-441-3984 / Fax: 303-441-4856  
[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)  
<image001.png>

**From:** Mel Beauprez [<mailto:mbeauprez@gmail.com>]  
**Sent:** Wednesday, February 24, 2016 12:39 PM  
**To:** Harding, Bryan  
**Subject:** Marijuana Grow House Hazard

County Commissioners,

I have lived in Pine Brook Hills since 1970 and have experienced being evacuated due to potential and actual wild fires in my immediate area due to negligence and natural causes. An actual house fire occurred recently in a residence less than a half-mile from my home that was due to negligence related due to a home that had a marijuana grow operation. We have experienced two additional residential grow house fires within our fire district and the potential damage to cause additional houses and land to be burned because of the winds we often see in our district. Luckily the winds were not blowing at the time of the fire.

I am opposed to this proposal and urge you to not support it.

Sincerely,  
Mel Beauprez  
148 Pine Brook Road  
Boulder, CO 80304

**From:** [raegp@comcast.net](mailto:raegp@comcast.net)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket DC-16-0002  
**Date:** Thursday, March 03, 2016 11:47:17 PM

---

This note is written to express my support of the Proposed Land Use Code Amendments to Article 4 and Article 18 on Docket DC-16-0002 concerning the cultivation/processing of marijuana as a residential accessory use in unincorporated Boulder County. This is an important safety issue concerning a very real fire danger. For that reason alone, these amendments should pass.

Thank you  
Rae Polis  
Pine Brook Hills resident

**From:** [Heidi Grothus](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Re: Docket DC-16-002  
**Date:** Wednesday, March 02, 2016 11:41:46 AM

---

Dear Bryan,

I do have a question that just now occurred to me:

How does one distinguish between odors from smoking marijuana vs. odors from cultivation and/or processing?

If the odors are different from one another, then limiting odors pollution beyond property lines is straightforward and within the scope of the title of this docket "...Cultivation and Processing...."

If the odors are the same in both cases, then limiting the odors beyond property lines will also limit odor pollution from smoking, and I am all for that!!

Heidi Grothus

On Wed, Mar 2, 2016 at 9:59 AM, Harding, Bryan <[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)> wrote:

Hello Heidi,

Thank you for your comments regarding this docket. I have added them to the public file for consideration during staff's review and for Planning Commission and Board of County Commissioners review. Please continue to check the following website for future draft regulation revisions and confirmation of public hearing dates and times for this docket:

<http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx>

If you have any additional comments or questions, please do not hesitate to contact me directly at [303-441-3984](tel:303-441-3984) or via email at [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Sincerely,

Bryan

Bryan Harding, ASLA/APA

Senior Planner|Boulder County Land Use Department Zoning Compliance  
and Public Information

**From:** [Judrenfroe@aol.com](mailto:Judrenfroe@aol.com)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket DC 16-0002  
**Date:** Tuesday, March 01, 2016 8:16:34 PM

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Bryan,

Oops, I didn't mail a letter in time for the March 1 deadline. However, I wish to express my strong support for the proposed change to the zoning regulations. The people who have complained to the County are not the only ones who are affected by an apparently significant number of growers operating from residential properties.

We have had several MJ growing problems on our street that these changes would help prevent, assuming the will to enforce them is present. There is currently a property on my street being rented expressly as a MJ grow operation. I'm pretty sure it is not for personal use due to the amount rent being paid, plus unimaginable utility costs. Surely no one would pay that much to grow for their own use. Not sure the renter actually lives there. It is probably illegal under State law as well, but still small potatoes and apparently not something the S/O is interested in, yet.

Apparently there are enough other County residents in the same situation, and enough complaints, that this change in zoning regulations has been proposed. If these regulations are not passed, this is going to become a situation where small county houses are intentionally rented for MJ growing so the owners get several times the market rental value -- if it hasn't already become that. I suppose it could even evolve to where would be growers buy small County parcels just to grow and/or process, considering the profits would probably exceed the mortgage payments.

Question: Will existing grow (and whatever else) operations such as on Wonderview be grandfathered?

And if so, for only the present tenant, the present owner, or forevermore? Does it matter if they now exceed the current zoning limit? Does it matter if they currently exceed the amount allowed under State law? What proof will be required that they are currently legal if they were to be grandfathered? What if they were OK under the zoning regs but illegal under State law? What if they were legal under the State law that allows 6 plants per person, but the house were over-occupied? What if . . . . ?

After these changes are adopted, I would like to see some serious penalties for the property-owner/landlord as well as the person operating the illegal grow operation. (In the case on my street, the owner is collecting twice the rent the house would otherwise bring. He advertised it as allowing MJ grow.) It is going to take something like what the City of Boulder is doing in regard to blatant over-occupancy.

Zoning should not allow more than what is legal under State law, or what zoning in neighboring jurisdictions allows. Neighbors should not have to bear all of the potential dangers, ranging from the criminal activity MJ grows attract, or themselves involve, to burning down the neighborhood. In the case in our neighborhood I am particularly worried about the electrical system to the greenhouse (providing both light and, we think, heat) not being adequate, and if it burns, the ensuing grass fire could spread rapidly and sparks and embers travel a long distance.

Enforcement is going to be an issue, and not without some danger, but it needs to be done, probably with the aid of Law Enforcement. There also needs to be a provision to keep the names of the complainant confidential (if they aren't already) because this often involves a criminal enterprise. It's is not like other zoning complaints.

Judy Renfroe  
Wonderview Court  
Boulder County

**From:** [Diane Harpold](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Boulder County changes to reduce marijuana grow risks  
**Date:** Tuesday, March 01, 2016 1:43:23 PM

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Hello,

I would like to strongly support the proposal to amend the Boulder County Land Use code to reduce marijuana grow operations risks, particularly in the Pine Brook Hills subdivision where we live.

Commercial marijuana operations very close to our home have already caused a house fire, which could have been disastrous to our neighborhood, but was fortunately controlled by our fire department. Seeing the fire on the way to get to the school bus was extremely disturbing for us and our kids. I believe the previous owners had to make a significant effort to adjust the power lines to the home in order to operate a kiln, yet it seems there were no documented regulations to follow for safely upgrading energy requirements needed in establishing a commercial marijuana grow/processing operation. Either situation warrants regulations and enforcement efforts to keep our homes and families safe. Excessive water use from growing marijuana in Pine Brook also deserves attention so as not to adversely affect availability and pricing for families.

Marijuana growing regulations and enforcement would also help reduce the safety risk from increased traffic flows, speeds, parking, and frankly scary strangers showing up with a likely drug orientation. While the grow business near our home was actively operating, cars would regularly park on the narrow, steep, curvy street with poor visibility (even if space was available in the driveway). This caused inconvenience to other residents, at the least, from having to swerve into the on-coming traffic lane, while increasing accident risk and the incidence of cars ending up off the road in the adjacent ditch. The operation attracted unfamiliar people and cars, often with out-of-state license plates, who sometimes drove too fast for the neighborhood. This put kids walking home from the school bus at increase risk, and also scared them with more strangers coming into the area. Parents and schools teach kids to stay away from illegal (for kids) and harmful drugs, so exposing them to drug operations near the homes where they're supposed to feel most safe conveys a disturbing mixed message to kids.

The stench that comes from the growing/processing operations is also of great concern. We can't open the windows of kids rooms when the odor is flowing in our direction, as the smell inundates the inside of our home. The health risks are unknown but are at least suspect and unpleasant. If someone wants to use marijuana in the confines of their own home, perhaps that's their personal decision, but it is wrong to impose that choice, or the choice to operate marijuana business in a residential area, on neighbors and families exposed to the effects.

Please address this critical issue, reduce marijuana operations that negatively impact our living conditions, and implement regulations that keep our neighborhood safe!

Thank you for your time and consideration,  
Diane Harpold

**From:** [Case, Dale](#)  
**To:** [Harding, Bryan](#)  
**Subject:** FW:  
**Date:** Tuesday, March 01, 2016 9:00:57 AM

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**From:** Gardner, Deb  
**Sent:** Tuesday, March 01, 2016 9:00 AM  
**To:** Case, Dale  
**Subject:** FW:

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**From:** Carole M. Buhlman [<mailto:carolemb@indra.com>]  
**Sent:** Monday, February 29, 2016 6:07 PM  
**To:** Barth, Andrew; Jones, Elise; Gardner, Deb; [cdomineco@bouldercounty.org](mailto:cdomineco@bouldercounty.org)  
**Cc:** 'Friends of Four Mile Canyon'  
**Subject:**

I have been made aware of your proposal to change marijuana growing regulations in a residence from 300 square feet (which could be 100 plants or more) to 6 plants and highly support your proposal.

As a resident of Fourmile Canyon and an owner of a house built in the 1890's, we strive to maintain the structure of our house and make improvements to its safety after experiencing the fire of 2010. The fire came within one foot of the back of our home. We experienced only minor burn related damage on our home thanks to the efforts of the Four Mile Fire Protection District. You could see their footprints in the ash on our back porch as they worked to save our home.

We are terrified of another fire. Let me tell you why. In 2014 someone moved into the poorly maintained rental house next to our property. They started a grow house. Believe me there had to be over a 100 plants as all the rooms were blacked out so no one could see in. In addition they added air conditioning window units to each window of the darkened rooms. As the plants developed we could not go outside without being overwhelmed by marijuana smell. It smelled like a skunk convention. It carried so far on the wind that drivers going by smelled it as well and commented to us and our neighbors. The closest neighbors to us on Crisman Rd. could smell it.

They even had tents outside during the summer of 2014 and we could see at least 20 plants per tent. I attempted to call the owner but his number was disconnected. I then called the Boulder Sheriff DEA. We could not open our window without the smell and I have asthma so it was very difficult, especially when someone came by the house to smoke test their products. I asked one of the people who came by there what the tanks were that he was

unloading. He said they help plants grow. We have children in our neighborhood, pets and people with medical problems that are affected by the fumes when the growing was going on. At night you could see a faint glow around the windows from their grow lights.

In January of 2015 I continued contacting the Boulder Sheriff as they had dumped at least 75-100 culled plants over the side of the house near the porch after they had their harvest part the end of January. I was concerned that by summer they would be so dry they could torch.

I did go to the house and see barrels of chemicals for growing inside the kitchen. I had no idea where they were pouring or emptying their grow beds but we all have wells up here and worried that it might get into our water sources. Again a call to the Boulder Sheriff. Finally the Zoning Dept. "discovered" that they had made changes to their electrical, water pipes and other venting concerns and worked with the Sheriff's Department to find the owner and shut it down before another growing season could start. It took a rolling bin to take care of the amount of grow garbage, barrels of chemicals and dead plants. I still worry about the current renter as they may have used pesticides on their plants and he has a serious health condition.

My husband Craig and I do not want to see our Canyon further decimated by people whose only concern is finding an out of the way place to start up another grow house. I now feel the need to keep my front and back doors locked at all times.

Carole M. Buhlman  
3644 Fourmile Canyon Drive  
Boulder, CO 80302  
303-443-9628

**From:** [John Winchester](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Possible changes to its marijuana regulations  
**Date:** Monday, February 29, 2016 9:23:05 PM

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B Harding,

As a fire fighter in rural Boulder County, I support the proposed changes to the County's marijuana growing regulations that would limit the number of plants in residences to six plants. I have seen homes where people overload electrical circuits by plugging too many things into extension cords, which increases the risk of overheating the cords and subsequent fires. Because of the delayed response time and lack of inflammable areas, fires in the rural county are more likely to spread to the natural vegetation and then on to other structures. Reducing the risk to the grow house's owners is good, but is perhaps even more important to the surrounding area and adjacent neighbors.

Thank you.

---

John Winchester, member Sugar Loaf Fire

2000 Switzerland Park Rd

Boulder CO 80302

303-258-3323

**From:** [Sarah Wahlert](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Land Use Code Amendment: Docket DC-16-0002  
**Date:** Monday, February 29, 2016 7:58:15 PM

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I'm writing to support the proposed changes in marijuana growing regulations in unincorporated Boulder County. The electrical needs required to grow 300 sq ft of plants, as allowed in the current regulations, pose a serious fire hazard to the neighborhoods in the unincorporated area and are a danger to our fire fighters who respond. Changing the regulations to be in line with the far more stringent restrictions in place in the city of Boulder would significantly reduce this fire risk. Please adopt the new regulations to help keep our communities safe.

Thank you,  
Sarah Wahlert

**From:** [Diana Mereness](#)  
**To:** [Harding, Bryan](#)  
**Subject:** safety  
**Date:** Monday, February 29, 2016 6:57:28 PM

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I live in unincorporated Boulder County and want to see the marijuana safety changes adopted.

Diana Mereness

**From:** [Joyce Colson](#)  
**To:** [Harding, Bryan](#)  
**Subject:** FW: Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments  
**Date:** Monday, February 29, 2016 5:50:28 PM

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Bryan:

I concur with the comments of Jim Eyster below re the proposed Boulder County Land Use Code Amendments to Article 4 and 18 (he is a neighbor and has shared this email). I would add the following:

1. A sunset period needs to be as short as possible—90 days or even less is preferable. Given the issue of wildfires and number of grow fires in the Boulder Mountain Fire Protection District, this is a significant safety issue that puts lives and homes at risk. It needs to state that after that period, no further non conforming use is allowed. Nor should someone moving into a previous situation (with 300 sq ft. used for plants) be allowed to rely on that prior use, e.g. abandonment occurred and no transfer allowed. If a sunset period is proposed that exceeds 30 days, a license and inspection should be required.
2. 6 plants per parcel is sufficient—safety, enforcement and consistency with other jurisdictions warrants this limit.
3. The need for consistency with other jurisdictions is of paramount importance from an enforcement standpoint and from a safety standpoint (reducing concentration of such growing in wildfire prone areas that abut the City of Boulder and heavily populated areas of Boulder County).

Best,

Joyce Colson

Colson Quinn LLC

(member of Boulder Mountain Fire Protection District)

Boulder, CO 80304

**From:** Jim Eyster [mailto:jim@eysterville.com]  
**Sent:** Thursday, February 25, 2016 1:00 PM  
**To:** Harding, Bryan <bharding@bouldercounty.org>

**Cc:** dgardner@bouldercounty.org

**Subject:** Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments

Bryan--

I have read the Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 and support the changes with a few comments.

1. The 6-plant rule needs to pertain to the parcel and not to an individual; hence, only 6-plants could be grown on a parcel. If this is per individual living on a parcel, the safety aspect of the amendments is jeopardized since there could be many more plants growing on a parcel.

2. It is imperative, as stated in you cover letter, that the revised code "ensure that the home marijuana uses under the code are roughly comparable to the regulations of other jurisdictions within the County to provide for more uniformity in enforcement and to avoid forum shopping by marijuana growers."

3. Regarding the "processing" of marijuana on a parcel, the amount processed needs to be restricted to only that which is grown on the parcel.

4. If, during implementation of the amendments, current growers under the 300 square foot rule are "grandfathered" for some period, they should be required to get a "license." The license would require a safety inspection and show a "sunset" date as to when the new rules would be enforced.

I strongly support the need for these changes because of SAFETY. I do not believe that these changes question the legality of marijuana in Colorado but rather the impact residential grows have on community safety. We have experienced 3 marijuana grow fires in our fire district, one causing over \$100,000 in damage. Had this large fire started 8 hours earlier when the winds were blowing 50 MPH, we could have had another 4-Mile Fire. Unfortunately, residential grow operations don't require a license and/or inspection and are often cultivated without regard to building codes; thus, the need for the proposed changes.

I see these changes as a reasonable compromise between allowing individuals to have their marijuana while, at the same time, protecting neighborhoods and emergency responders from a potential catastrophe.

Sincerely,

James W. Eyster, Ph.D.

Member, Boulder Mountain Fire Protection Board

**From:** [Kristin Lhatso](mailto:kristin.lhatso@bouldercounty.org)  
**To:** [dgardener@bouldercounty.org](mailto:dgardener@bouldercounty.org); [cdominico@bouldercounty.org](mailto:cdominico@bouldercounty.org); [Harding, Bryan](#); [Jones, Elise](#)  
**Subject:** In Support of Stricter Grow House Regs  
**Date:** Monday, February 29, 2016 5:17:58 PM

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Dear Mr. Harding and Commissioners,

I live in Fourmile Canyon with my three children. In the last year and a half we have been extremely affected by living next to an active grow house. People come and go at all hours, regularly blocking our driveway, waking us up in the night, leaving trash and on several occasions I have observed cigarette butts thrown on the ground by people passing my house to go to work at the grow house up the road. It is so disturbing on so many levels. I constantly worry about fire safety and increased crime as well as the change in my neighborhood from this activity.

I support legalization in general, but there must be restrictions in the mountains and in neighborhoods in order to protect the integrity and safety of mountain communities.

I urge you to quickly put these new policies in effect and I am so happy to hear from Bret Gibson that a possibility for change might be about to happen. Living next to an active grow house has been a massive burden.

Thanks,  
Kristin

Kristin Lhatso  
Executive Director  
Snow Lion School  
2580 Iris Avenue  
Boulder, CO 80304  
720.564.0456  
[kristin@snowlionschool.org](mailto:kristin@snowlionschool.org)  
[www.SnowLionSchool.org](http://www.SnowLionSchool.org)

**From:** [Peter Gaal](#)  
**To:** [Harding, Bryan](#)  
**Subject:** fire hazard mitigation - marijuana growing  
**Date:** Monday, February 29, 2016 2:06:03 PM

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Dear sir,

This is regarding the proposal under consideration limiting the number of marijuana plants per household to 10 in Boulder County.

It is common sense that 6 plants provide sufficient yield for any size household, thus the limitation would not curtail unduly the right of anybody to provide for personal use. On the other hand large growing spaces supporting 100 or more plants are obviously commercial in nature, and have no place in a residential district any more than a body shop or a stone yard. Additionally, the energy needed for the growing of large number of plants likely to overload household wiring, and thus pose a severe fire hazard. We live in a pine forest and fire hazards cannot be taken lightly.

When we built our home 4 years ago, we had to make it energy efficient to meet the code. Perhaps we need to critically look at the increased carbon foot-print larger growing operations generate. Finally, but not least, there is a public safety implication in having a commercial size marijuana operation embedded in a residential neighborhood. The street value of the crop is so high that it may be a target for burglary, which may end up in armed action. We want our streets safe to walk any time of the day or night.

**I am a resident of unincorporated Boulder County (Pine Brook Hills) and I want to see these safety changes adopted.**

Respectfully,

Peter Gaal

Treasurer, Pine Brook Hills HOA

**From:** [LEONARD E SITONGIA](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Docket DC-16-002  
**Date:** Monday, February 29, 2016 10:22:25 AM

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I object to the new regulations at they are now drafted.

I do not see a statement of State regulations, which the drafted local regulations are intended to be consistent with. Does the state restrict growing to six plants? If so, then it does not need to be stated in local regulations. Is the limit of six plants MORE restrictive than the State?

The terminology of "Home Occupation" is confusing. Does this mean a home business? If not, how is it different? How is a vocational activity defined? This is all very ambiguous.

Many activities within the boundaries of a home parcel produce an impact that goes beyond the property line, for example the sound of a lawn mower, smoke from a BBQ.

These issues need to be clarified before this moves forward.

Leonard Sitongia  
7309 Pebble Ct  
Niwot, CO 80503  
303-442-8789

**From:** [Mark Hartmann](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Regulations  
**Date:** Monday, February 29, 2016 9:41:03 AM

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To County Commissioners and Land Use Commission:

I fully support the change to land use regulations to be more in-line with other county areas concerning the marijuana industry.

I support the proposal of no more than six plants could be grown in any residence in unincorporated Boulder County, regardless of the number of occupants, and if any location where more than six plants are "cultivated, produced, tested or distributed" would be considered "marijuana establishments." They'd have to meet other restrictions in the Land Use Code that apply to marijuana businesses and would have to have state and county licenses.

I also support the prohibition on the use of flammable gases or solvents for the processing of marijuana or its extracts, unless the facilities meet all of the same safety and fire codes required of a hazardous or flammable chemicals lab, i.e. analytical or chemistry labs at the University, pharmaceutical company, etc.

Best Regards

Mark Hartmann

Deer Trail Rd, Boulder Heights

303-554-1806

**From:** [Brian Gebhardt](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana grow house hazard  
**Date:** Monday, February 29, 2016 9:13:10 AM

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I support the increased restriction of marijuana grow houses in boulder county. Large grow houses cause increased risk of fire and risk to firefighters.

Sincerely  
Brian Gebhardt

**From:** [D Beltman](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Comments on Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18  
**Date:** Monday, February 29, 2016 8:07:41 AM

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Greetings

We are writing to comment on the above-referenced proposed amendments to the Boulder County Land Use Code.

We strongly support the County's efforts and proposed code changes to address some very important issues related to residential marijuana cultivation and processing. The state-wide legalization of marijuana in Colorado occurred quickly, and its implementation is far ahead of regulations to protect and safeguard public safety and welfare. The proposed changes do much to correct problems associated with residential operations, and we strongly encourage the County to adopt them.

However, the proposed language for residential marijuana cultivation and processing facilities highlights the significant shortcoming in County regulations for commercial operations. Commercial operations, by definition, are much, much larger than residential operations and can have substantially greater impact on their surrounding environment. The County also needs to address its inadequate regulations to deal with problems affecting residents from commercial operations.

We live near a commercial cultivation operation in the County. The operation vents its growing facilities into the open using numerous huge industrial fans. When the wind blows toward our house, the smell from the grow operation can be overwhelming. The situation has raised concerns for us about our family's health, our enjoyment of our property, and potentially our property value. When I contacted the County regarding this problem, I was told that I should take it up myself with the owner of the operation and hope that the owner would do something. The environmental impacts on our and our neighbors' health and welfare must be at least as great as, if not much greater than, the impacts from residential operations that the current proposed changes intend to address. Given this, the County should address impacts from commercial operations as well.

Once again, we support the proposed changes to the regulations for residential operations, and strongly encourage you to take the same approach to deal with commercial operations.

Sincerely,

Douglas Beltman and Carol Hinds  
3675 75th Street  
Boulder, CO 80301

**From:** [Greg McCullough](#)  
**To:** [#LandUsePlanner](#); [Harding, Bryan](#)  
**Subject:** Marijuana Regulations  
**Date:** Monday, February 29, 2016 8:00:50 AM

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To whom this may concern:

I am a homeowner in Boulder Heights and am concerned over the current regulations that allow residents to grow a large quantity of marijuana. I would like to see it reduced to a maximum of 6 plants per home. In addition to limiting the number of plants I think it is important that the processing be completed in a manner which does not increase the risk of fire.

Current regulations are causing a concern for the welfare of my family and property with the increased risk for fire. Based on the increase in traffic with unfamiliar vehicles also leads me to believe those growing large amounts are also selling their marijuana directly to users, which brings a long list of other concerns up.

Thanks for your consideration!

--

Greg McCullough  
957 Deer Trail Road  
Boulder, Colorado 80302  
Cell 303-261-5661

**From:** [Sue Brundege](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Increasing safety in unincorporated Boulder through marijuana grow restrictions  
**Date:** Sunday, February 28, 2016 10:16:32 AM

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Dear Bryan,

We moved to Boulder Heights last year, and are excited to be part of this beautiful and vibrant community. Given that we are surrounded by forest, fire safety is a high priority. We understand that there have been several residential grower-related fires in our area recently, which not only is tragic for those residents but puts the rest of our community, especially when fire danger is high. We were pleased to learn that there is a proposed change to marijuana growing regulations in unincorporated Boulder that imposes a six-plant limit per resident. We think this change will help decrease the risk of overloaded electrical circuits, thus helping reduce the likelihood of structural fires in our area.

We would like to see this regulation change adopted in unincorporated Boulder to increase safety to all residents and help preserve our beautiful surroundings.

Thank you for your consideration.

Warmly,

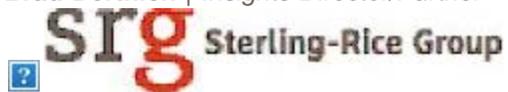
Sue Brundege  
241 Forrest Ln., Boulder 80302  
720.382.4560

**From:** [Brad Derthick](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Growing in Boulder County  
**Date:** Sunday, February 28, 2016 9:25:40 AM

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I would like to see limits enforced on the growing of Marijuana in Boulder county, limiting people to six plants or less. I am concerned about the fire danger associated with the larger scale growing operations, similar to the one that one of my neighbors is currently involved in.

**Brad Derthick** | *Insights Director/Partner*



1801 13th Street, Suite 400, Boulder, CO 80302  
303.381.6407 | [www.srg.com](http://www.srg.com)

**From:** [Cindie Baker Maita](#)  
**To:** [Harding, Bryan](#); [#LandUsePlanner](#)  
**Cc:** [Dominick Maita](#)  
**Subject:** Please Pass Changes in Docket DC-16-0002  
**Date:** Sunday, February 28, 2016 9:01:29 AM

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Hello,

My husband and I both live in unincorporated Boulder County, and we would like to see the proposed changes to the county land use code related to the cultivation and processing of marijuana, as detailed in docket DC-16-0002, adopted.

Thank you for your consideration.

Cynthia Baker Maita  
Dominick Maita  
404 Timber Lane  
Boulder, CO 80304  
Tel: 303-449-9944

**From:** [Bill Stahl](#)  
**To:** [Harding, Bryan](#)  
**Subject:** support for proposed changes to Marijuana growing limits in the county  
**Date:** Sunday, February 28, 2016 8:25:47 AM

---

hi

I would like to voice my support for the growing limits in the county.

--

Thanks,  
Bill Stahl

**From:** [Pntbrake](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Docket dc-16-002  
**Date:** Saturday, February 27, 2016 9:06:37 PM

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Hi my name is Mr Chaille. I live in boulder county and I am opposed to the docket proposing change in current land use.  
Thank you

**From:** [Darryl Meadows](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Docket DC-16-0002  
**Date:** Saturday, February 27, 2016 6:00:54 PM

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The average grower is lucky to pull 1 ounce of marijuana per plant and anywhere from 9 to 11 weeks for the flowering cycle, there is no way with just 6 plants you can grow enough to smoke, let alone to have anything to make edibles with which takes a lot to get a little. I'm very hopeful that the right decision will be made to deny this change.

Thank you

Darryl

**From:** [debbiec94@aol.com](mailto:debbiec94@aol.com)  
**To:** [Harding, Bryan](#)  
**Subject:** Boulder County marijuana growing regulations  
**Date:** Saturday, February 27, 2016 4:06:46 PM

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To Whom It May Concern:

We live in unincorporated Boulder County and have concerns about the current laws regarding marijuana growing in a residence.

We have had personal experience with neighbors growing marijuana in the neighborhood. Among the issues we have experienced include noise from fans that are being run 24 hours a day, lights on 24 hours a day (which can be seen beyond the property line), skunky odor which can be smelled in our house when the windows are open. Not only has this been extremely unpleasant but the fire hazard from electrical fires has us worried especially since we live in a high fire danger area. Since the building codes for fire safety in Boulder County have changed shouldn't the laws for marijuana growing reflect on fire safety?

We would like to see the following safety changes adopted:

No more than six plants could be grown in any residence in unincorporated Boulder County, regardless of the number of occupants (currently it is 300 square feet which could be 100 plants or more).

Should a resident wish to grow more plants, they would have to get the proper licenses from Boulder County and or the State of Colorado to do so.

Manufacturing of marijuana or pot products must not result in noise or vibration, light, odor, dust,

smoke, particulate or other air pollution  
noticeable at or beyond the property line.

Prohibit the use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids.

We feel that law officers should be able to do more to investigate when a house in a residential area is suspicious.

Thank you for your time and consideration in this matter.

We are long time Boulder County residents.

Sent from Windows Mail

**From:** [Dick Eggers](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Pending Legislation  
**Date:** Saturday, February 27, 2016 3:50:27 PM

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**I live in Unincorporated Boulder County and strongly support the proposed rule to limit residential marijuana to 6 plants.**

**Richard Eggers**

**8498 Greenwood Drive**

**Niwot,**

**From:** [Sarah Scala Kuyper](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Support for Land Use Code's Safety Regulations re Marijuana Growing in Unincorporated Boulder County  
**Date:** Saturday, February 27, 2016 1:09:47 PM

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Hello Mr. Harding

We are Richard and Sarah Kuyper and our home is in unincorporated Boulder County. We are very concerned about the potential dangers of people growing and processing marijuana in ways that can potentially start fires or any other sort of hazard in any of the rugged but also delicate mountain areas in the foothills. We support the proposed safety changes to the Land Use Code in unincorporated Boulder County. The last thing any of these canyons need is another disaster. Thank you for all you can do to protect these natural areas and the people who live in them.

Respectfully,  
Richard and Sarah Kuyper

**From:** [Bob Owens](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Regulations  
**Date:** Saturday, February 27, 2016 11:57:33 AM

---

I live in unincorporated Boulder County and I support the proposed regulation change to set a limit of 6 marijuana plats within a residential lot.

--

**Bob Owens**

1942 Timber Lane  
Boulder, CO 80304  
(303) 413-1353 H  
(303) 808-0266 C  
[rgowens3@gmail.com](mailto:rgowens3@gmail.com)

**From:** [greg sparre](#)  
**To:** [Harding, Bryan](#); [Grace Miller](#)  
**Subject:** Restricting freedoms  
**Date:** Saturday, February 27, 2016 11:50:01 AM

---

All you are doing with this MJ regulation is boosting business for corporations who want to control the industry. Your greedy friends will love you for it while as usual the individual is the one who pays!!

There are other ways to address the situation other than stomping on our right to grow our own and ultimately feed your rich greedy friends more customers. This is just another example of playing on the fears of people so you can get what you want.

You could offer classes on safety and proper installation. You could inspect homes that are using extra electricity. I'm sure that better minds than mine could offer more suggestions. Your knee jerk reaction of making more laws to infringe on peoples lives just to make yours easier is so typical.

Laws=tickets=fines=more \$ for the county.

Greg Sparre

Copper Rock

PS Grace, being your willing to make announcements for the county would you please forward this to the people of Fourmile. We need more than one opinion on this subject.

**From:** [Robert Hogle](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana plant numbers changes  
**Date:** Saturday, February 27, 2016 11:41:52 AM

---

I live in unincorporated Boulder County and would like to agree with the reduction in the number of marijuana plants to 6 allowable to be grown on an individual's property. As a matter of fact, I would be even more supportive if the County would reduce the number to 0. There is NO need for this mind altering substance on private property!

Janix Hogle  
8328 Pawnee Lane  
Niwot, CO 80503  
3 0 3-652-0495

**From:** [Alex Blumen](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Growing Regulations - Boulder County  
**Date:** Saturday, February 27, 2016 11:21:33 AM

---

Hello,

I am a Boulder Country resident living in Pine Brook Hills. I am a big proponent of adopting the 6-plant rule that City of Boulder has due to the fire hazard that is evident by the 300 sq ft rule.

Please let me know if you have any questions or would like too discuss further.

Regards,  
Alex Blumen  
(303) 993-4875

**From:** [Ray Hedberg](#)  
**To:** [Harding, Bryan](#)  
**Subject:** marijuana growing regulations  
**Date:** Saturday, February 27, 2016 10:22:54 AM

---

I live in unincorporated Boulder County and want to see the safety changes to reduce the allowable number of marijuana plants adopted.

-- Ray Hedberg  
1310 Old Tale Road

-- =====

**From:** [Danielle Heinrichs G](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Residential marijuana issue  
**Date:** Saturday, February 27, 2016 9:47:43 AM

---

"No more than six plants could be grown in any residence in unincorporated Boulder County, regardless of the number of occupants, under yet another staff proposal."

Yes, yes yes! I want any of my feedback to be anonymous. I have what I believe is an illegal marijuana grow house in my neighborhood and just down the street from me. Even if it were legal, the same issues would exist. He has bragged to have over 100 plants. The traffic and caliber of staff that a "harvest day" brings is not acceptable in a residential neighborhood. Often the "staff" seems to be impaired for driving, which makes me fear for my children. I have small children and have had to educate them early on trusting their gut with if anything weird seems to be happening on our street. That is sad. There is also an incredible odor that happens on harvest day with that many plants. That cannot be good for us to be breathing in and the only way to avoid it, is to stay indoors. That is sad. The odor is disgusting at least three houses away (mine). This house has three houses worth of neighbors in all directions. It likely goes even farther, I can only speak for my distance of three houses, though. Another concern is concentrating that amount of money in one place. They cannot put it in a federal banks so one supposes it is all in the house.

Someone is going to figure that out one day and it will bring crime to our once sleepy neighborhood. That is sad. High number of plants belong in an industrial or remote non-residential area, NOT, NOT, NOT in a neighborhood. Thank you for not attaching my name to anything; I actually am afraid of my marijuana growing neighbor.

**Danielle Heinrichs**

*Consultant, Beautycounter*

303.912.2997 |

[danielle.p.heinrichs@gmail.com](mailto:danielle.p.heinrichs@gmail.com)

[danielleheinrichs.beautycounter.com](http://danielleheinrichs.beautycounter.com)

**From:** [L.Ycas](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Proposed grow-house rules  
**Date:** Saturday, February 27, 2016 9:46:25 AM

---

Dear Mr. or Ms. Harding,

We support the adoption and enforcement of the proposed 6-plant rule for marijuana growing in individual residences in our county. We live in unincorporated rural Boulder County, in the Boulder Heights area. 3 years ago we personally witnessed the extensive electrical alterations created in a, then illegal, grow-house right here on own road. The renters had departed abruptly, and while assisting the owner with the enormous clean-up involved, we observed large gaping holes in the wall where immense fans had been installed, hundreds of feet of loose wiring, overloaded circuits, and huge batteries for the provision of emergency power for lighting, heat, and humidification. Luckily no fire had occurred, but the entire house felt like a tinderbox. Having resided here for 38 years, surviving several large area fires, and meticulously mitigating our property for decades, we oppose the creation and continued existence of preventable fire hazards, such as overloaded circuitry, whether for commercial gain or otherwise.

Respectfully,  
Lavinia & John Ycas  
221 Green Meadow Lane  
Boulder CO 80302

**From:** [Ryo Murraygreen](#)  
**To:** [Harding, Bryan](#)  
**Subject:** limit marijuana grows  
**Date:** Friday, February 26, 2016 6:06:05 PM

---

Hello Mr. Harding and Boulder County Commissioners,

My house barely survived the Four Mile Canyon Fire. However five of my neighbors houses were destroyed including 2 unlawful marijuana grows. I fully agree with Fire Chief Bret Gibson's assessment of current county grow operations and would like to see the number marijuana plants limited to 6 without proper licence and permits.

We can't afford the hell of another fire especially one that could be avoided.

Thanks for voting to limit marijuana grows.

yours sincerely

Ryo Murraygreen, 954 Arroyo Chico, Boulder 80302

**From:** [William Graef](#)  
**To:** [Harding, Bryan](#)  
**Subject:** (outdoor Garden) 6-plant marijuana grow rule  
**Date:** Friday, February 26, 2016 5:55:02 PM

---

Hello,

I live in Boulder county.

Will there be any consideration for a homeowner that would like to grow 12 or so plants in an outdoor garden? No lights or electricity is needed. They can be grown alongside a vegetable garden with no limitations or danger.

I agree with creating a safer indoor growing environment but I don't think it's necessary to limit an outdoor garden to 6 marijuana plants while I could grow a 100 stalks of corn without danger of setting a fire.

There should be 2 sets of rules for growing marijuana, one for indoor and one for outdoor.

My opinion,

Best regards,

*William Graef*

**From:** [tempjill@q.com](mailto:tempjill@q.com)  
**To:** [Harding, Bryan](#)  
**Subject:** 6-plant residential marijuana grow rule  
**Date:** Friday, February 26, 2016 4:49:03 PM

---

**To: Boulder County, [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)**

**RE: 6-plant residential marijuana grow rule**

We wish to express our concern about the private residences' current marijuana growing regulations being unsafe in that they have the potential to cause fire hazards because of excessive amounts of electricity needed for the large number of plants being grown. Overloaded and overheated circuits cause house fires.

This is particularly troublesome in the mountain forested areas of Boulder County. We do not need any more fire hazards in this already high danger area due to natural causes. One house fire here could possibly burn down an entire neighborhood. Our Boulder Mt. Fire district has already had 3 house fires due to this cause.

With this in mind, please put in place the proposed changes to residential marijuana growing to enforce a 6-plant residential grow rule like the City of Boulder already has in place.

Jill & Robert Stoecker,

Boulder Heights

**From:** [Margie Franklin](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** worried about fire danger in Pine Brook Hills  
**Date:** Friday, February 26, 2016 4:35:56 PM

---

Hello!

My husband and I hope that regulations will prevent marijuana from being grown in Pine Brook Hills. We are always concerned about fires in our neighborhood. We understand that electrical fires have started in homes growing marijuana plants.

Thank you for your consideration.

Sincerely,

Margie Franklin  
1531 Timber Lane  
Boulder Co 80304

**From:** [Naomi R Rachel](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Fires before weed  
**Date:** Friday, February 26, 2016 4:07:01 PM

---

Hello. I live in the foothills and experienced the horrors of the Four Mile Canyon fire. The houses near us that burned down were old and all wood and several of them housed illegal pot growing operations and they were a danger to the area. Now it is legal, it is still a fire hazard. Also, with the recent home invasion on Sunshine Canyon, crime is also of concern. Let's put safety before pot grows. It's just a weed and if the law allowed it to be grown outside, it would not pose a hazard. The need for grow lights is both a waste of electricity and an increased fire danger.

Thank you.

Naomi Rachel

954 Arroyo Chico, Boulder CO 80302

303-449-4031

**From:** [Jim Maynard](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Grow House Hazard  
**Date:** Friday, February 26, 2016 2:55:18 PM

---

Hi,

A quick note about the very real fire hazard of growing marijuana in the foothills above Boulder, including where we live in Pine Brook Hills.

Obviously we live in a high-risk fire area. What may be less obvious is that some of our neighbors don't seem to be adequately concerned. There are home owners in the area that don't bother to take simple fire mitigation steps like grass and small tree removal.

Perhaps more important there seems to be a lack of basic maintenance by some home owners. For example, one neighbor had a roof leak in a wood shingle (!) roof, and did not replace this old completely unsafe roof for over a year more. The point is that when such basic maintenance is neglected, how can we expect someone setting up high electricity demand grow lights for marijuana to have properly up-to-code safe electrical service installed?

Personally we are generally in favor of CO's experiment with legalized marijuana, and also understand how we as a society want to have our individual "rights". Still it seems foolish to allow a potential fire hazard to be placed within a high risk fire area, where there is the real possibility for loss of life and great property loss.

Please work to either exclude the high-fire-risk areas from being permitted to grow marijuana, or make the permitting process very robust.

Thanks for working on our behalf to create and maintain a safe environment for all of us.

Jim and Nora Maynard

**From:** [Karen E. Bowen](#)  
**To:** [Harding, Bryan](#)  
**Subject:** re: proposed marijuana regulations  
**Date:** Friday, February 26, 2016 2:54:30 PM

---

Dear Mr. Harding,

As a resident of unincorporated Boulder County, I encourage the county commissioners to accept proposed regulations that limit residential growing to six plants. I've seen firsthand self-rigged greenhouses with string after string of extension cords, all exposed to the elements. I believe the current regulations allow for too many plants and create a fire hazard. I also feel that the private capacity to produce high quantities of marijuana enables illegal sales.

Thank you for your consideration.

Karen Bowen

**From:** [Dianne Mehsling](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Fourmile  
**Date:** Friday, February 26, 2016 1:44:09 PM

---

I live in unincorporated Boulder county ( Gold Hill) and would love to see the Fourmile safety changes adopted!  
Thank you!  
Dianne Garabedian

Sent from my iPhone, pardon any typos:)

**From:** [Darrell Snyder](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Proposed Land Use Code Amendmnts regarding marijuana  
**Date:** Friday, February 26, 2016 1:04:58 PM

---

Bryan, I am a legal resident of unincorporated Boulder County. I fully support the proposed changes to Article 4 and 18. These changes are a practical way to significantly increase safety in the County while still providing residents with the option to grow a reasonable amount of marijuana in their homes.

There are a few issues which need to be addressed to provide clarity and to maintain the robustness of the amendments:

1. Given the quantity of marijuana which can be harvested from 6 plants, I strongly believe 6 plants per parcel is not only adequate for the homeowner/family, but, in the end, much safer than allowing 6 plants per individual resident within the residence.
2. The allowance for processing within the residence should absolutely be limited to the legal amount harvested on the parcel.
3. As with most new regulations, there needs to be a "grandfathering" clause as well as a "sunset" date for enforcement. These clauses must be clear and unambiguous to eliminate the potential for a home grower to argue that he or she has always been harvesting a 300 square foot plot, and therefore should be authorized to continue at that level.

Thank you for your valuable work on this important safety issue.

Duke Snyder, President, Board of Directors, Boulder Mountain Fire Protection District

**From:** [Valerie L.C. Conway](#)  
**To:** [Harding, Bryan](#)  
**Cc:** [Jones, Elise](#); [cdomineco@bouldercounty.org](mailto:cdomineco@bouldercounty.org); [Gardner, Deb](#)  
**Subject:** [Four Mile Canyon] Boulder County MMJ Land Use proposed regulation changes  
**Date:** Friday, February 26, 2016 12:13:50 PM

---

Dear Bryan Harding and Boulder County Commissioners:

I recently became aware of the proposed land use change to limit the size of personal and caretaker marijuana grows in the County, and support the proposal, specifically for safety reasons. I am a resident of Four Mile Canyon, and saw first-hand the terror and destruction of the 2010 Four Mile Canyon fire. There are many older-constructed homes in our fire district that are unsuitable for marijuana grows and the manufacturing of marijuana products. Additionally, I am deeply concerned about the increase in crime directly related to marijuana grows in Four Mile Canyon and Sunshine Canyon.

Thank you for your consideration.

Valerie Conway

Resident

Four Mile Canyon

**From:** [Catherine Von Hatten](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Grow Regulations  
**Date:** Friday, February 26, 2016 11:09:34 AM

---

Dear Mr. Harding,

I am writing to voice my support for changing the regulations in Boulder County regarding growing marijuana from 300 square feet to 6 plants as in the City of Boulder. I live in unincorporated Boulder County where we are keenly aware of fire hazards and do not want to increase the danger of wildfire by increasing the likelihood that a grow house would go up in flames due to production of large quantities of plants. I am an active volunteer in our fire department and I feel the recommended regulations will provide additional safety to our volunteer firefighters who would be put in harm's way by fires at grow houses...indeed that has already happened on three occasions in our immediate neighborhood.

Thank you for your assistance in getting these new regulations adopted by the County.

Catherine Von Hatten  
500 Pine Tree Lane  
Boulder, CO 80304

**From:** [Cheryl David Bailey](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Support marijuana safety grow changes  
**Date:** Friday, February 26, 2016 9:45:03 AM

---

David and Cheryl Bailey have lived in unincorporated Boulder Heights for 25 years. We have been involved with our fire department and feel these new proposed regulations will provide safe guards for our firefighters and our forests.

We earned over \$100,000 in neighbor donations and grants to build a 21 acre community fuel break in upper Boulder Heights with the department's support. It helped stop the Four Mile Canyon fire at the edge of our subdivision. These regulations are the newest layer of fire safety precautions for our district.

David and Cheryl Bailey  
328 Overlook Lane  
Boulder, CO 80302

Sent from my iPhone

**From:** [Mark Hoge](#)  
**To:** [Harding, Bryan](#)  
**Subject:** I support the proposed changes to growing MMJ in Boulder County  
**Date:** Friday, February 26, 2016 9:27:24 AM

---

Hello,

As a resident of Four Mile Canyon, I support the proposed MMJ growing changes - decreasing plant grow size to 6 plants maximum - to decrease the possibility of electrical fires.

thank you,  
Mark Hoge  
6231 Four Mile Canyon Drive  
Boulder CO 80301

--

[Mark Hoge](#)  
c 720-280-3579  
h 303-786-8193

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=====  
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**From:** [Ed Hartnett](#)  
**To:** [Harding, Bryan](#)  
**Subject:** approve of improved limitations for MMJ growers  
**Date:** Friday, February 26, 2016 9:27:00 AM

---

Howdy!

I live in unincorporated Boulder county and I approve of the proposed changes to the grow laws for MMJ.

Our weed industry is the wonder of the world, and I'm sure we are all very proud, but we need it to be done in a safe way that does not cause electrical fires. Restricting the size of grow operations in the home is a good idea.

Thanks,  
Ed Hartnett

**From:** [Ursula](#)  
**To:** [Harding, Bryan](#)  
**Subject:** changes for marijuana regulations  
**Date:** Friday, February 26, 2016 9:26:35 AM

---

Dear B. Harding,

My husband, a volunteer fire fighter, has been involved in fighting several house fires related to marijuana growth in our neighborhood.

It doesn't take much imagination to picture what our winds can do with a house fire in these forested foothills.

I live in unincorporated Boulder County and I want to see safety changes adopted re: the growing of marijuana.

Sincerely,  
Ursula Wade

**From:** [Home Email](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana plant limit  
**Date:** Friday, February 26, 2016 7:39:24 AM

---

Sir. My wife and I live now and have lived in Boulder heights for 25 years. We strongly support the current effort before the council to limit the number of marijuana plants in a home in our neighborhood. We need to limit any potential source of forest fires. David and Cheryl Bailey. 328 overlook lane

Sent from my iPhone

**From:** [Patricia Hought](#)  
**To:** [#LandUsePlanner](#); [Harding, Bryan](#)  
**Subject:** Proposed Changes to Boulder County Marijuana Regulations  
**Date:** Thursday, February 25, 2016 6:21:17 PM

---

Dear Boulder County Planning Commission, My husband and I live in unincorporated Boulder County and would like to voice our opinion on the proposed changes to the Boulder County marijuana regulations. We have lived through two very close fires that resulted in evacuation and it's a constant concern when living in the foothills. Therefore, we would like to reduce any threat of fire anytime we can and incorporating appropriate marijuana regulations would help accomplish that goal.

We support some of the suggestions being made by staff such as the following:

1. Amending the Land Use Code to specify that otherwise-permitted inside-the-home growing or manufacturing of marijuana or pot products "must not result in noise or vibration, light, odor, dust, smoke, particulate or other air pollution noticeable at or beyond the property line."
2. Spelling out what techniques the county will permit, and what it will ban, in extracting marijuana concentrates at home.
3. Prohibiting the "use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids."
4. No more than six plants could be grown in any residence in unincorporated Boulder County, regardless of the number of occupants, under yet another staff proposal.
5. Any location where more than six plants are "cultivated, produced, tested or distributed" would be considered "marijuana establishments." They'd have to meet other restrictions in the Land Use Code that apply to marijuana businesses and would have to have state and county licenses.

Thank you very much for your time.

Sincerely,  
Patricia and Roman

**From:** [Kay Lynn Hartmann](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Marijuana Regulations in Boulder County  
**Date:** Thursday, February 25, 2016 3:02:26 PM

---

Hello,  
I'm a resident of Boulder Heights, and support additional safety regulations limiting marijuana growth. My primary reasons for suggesting plant limitations/household include safety of kids and families in the neighborhood and limiting fire potential. We all know fires can spread quickly on our dry grass in unincorporated Boulder County, and additional plants often mean additional electrical needs increasing fire potential.

Thanks for your consideration.  
Kay Lynn Hartmann

**From:** [Heidi Grothus](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Docket DC-16-002  
**Date:** Thursday, February 25, 2016 2:13:20 PM

---

I am strongly in favor of Docket DC-16-002. A limit of six plants is quite reasonable and will meet the needs for a private property. One hundred plants is *excessive*. The use of flammable gases for THC extraction exposes residents to danger that is not necessary; extracted THC can be obtained at a MJ business. Finally, prohibiting noise and odor pollution beyond property lines is imperative - I would like to remind those involved with this docket, that marijuana has a 25% chance of inducing *psychosis requiring institutionalization* in individuals with a dual diagnosis of Bipolar Disorder and Generalized Anxiety Disorder (source: Dr. Howell, Psychiatrist, Longmont, CO). Do you want to take responsibility for seizures that result due to marijuana pollution? That's a gamble I do not want to take, nor should Boulder County.\* It could be extrapolated that NOT prohibiting marijuana pollution puts undue hardship on disabled individuals because without prohibition marijuana pollution they will have to seek housing with a large yard, which may otherwise be unaffordable.

\* Lest you think marijuana pollution will not occur, *please consider the circumstances where condo, townhouse, and Eagle Place (senior AND disabled housing) balconies and patios are within a few feet of one another.*

**From:** [Barbara Rosenthal](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Residential limits on MJ  
**Date:** Thursday, February 25, 2016 1:15:24 PM

---

I live in unincorporated Boulder County and you want to see these safety changes of limits on the number of residential marijuana plants allowable adopted.

Thank you,  
Barbara

Barbara Rosenthal  
900 Valley Lane  
Boulder, CO 80302

**From:** [Jim Eyster](#)  
**To:** [Harding, Bryan](#)  
**Cc:** [Gardner, Deb](#)  
**Subject:** Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments  
**Date:** Thursday, February 25, 2016 12:59:10 PM

---

Bryan--

I have read the Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 and support the changes with a few comments.

1. The 6-plant rule needs to pertain to the parcel and not to an individual; hence, only 6-plants could be grown on a parcel. If this is per individual living on a parcel, the safety aspect of the amendments is jeopardized since there could be many more plants growing on a parcel.

2. It is imperative, as stated in you cover letter, that the revised code "ensure that the home marijuana uses under the code are roughly comparable to the regulations of other jurisdictions within the County to provide for more uniformity in enforcement and to avoid forum shopping by marijuana growers."

3. Regarding the "processing" of marijuana on a parcel, the amount processed needs to be restricted to only that which is grown on the parcel.

4. If, during implementation of the amendments, current growers under the 300 square foot rule are "grandfathered" for some period, they should be required to get a "license." The license would require a safety inspection and show a "sunset" date as to when the new rules would be enforced.

I strongly support the need for these changes because of SAFETY. I do not believe that these changes question the legality of marijuana in Colorado but rather the impact residential grows have on community safety. We have experienced 3 marijuana grow fires in our fire district, one causing over \$100,000 in damage. Had this large fire started 8 hours earlier when the winds were blowing 50 MPH, we could have had another 4-Mile Fire. Unfortunately, residential grow operations don't require a license and/or inspection and are often cultivated without regard to building codes; thus, the need for the proposed changes.

I see these changes as a reasonable compromise between allowing individuals to have their marijuana while, at the same time, protecting neighborhoods and emergency responders from a potential catastrophe.

Sincerely,

James W. Eyster, Ph.D.

Member, Boulder Mountain Fire Protection Board

**From:** [Paul Domich](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Land Use Changes  
**Date:** Thursday, February 25, 2016 10:41:31 AM

---

We support the proposed land use changes that restrict residential grows to 6 plants per household.

Paul Domich  
1201 Cutter Ln  
Boulder Mountain Fire Protection District

Sent from my iPad

**From:** [Susan Schiff](#)  
**To:** [Harding, Bryan](#)  
**Subject:** 6 plant residential grow rule  
**Date:** Thursday, February 25, 2016 9:27:52 AM

---

Mr. Harding,

We are residents of Pine Brook Hills and are contacting you to voice our support for the limitation of the number of marijuana plants that may be grown in a residential neighborhood. Grow operations that exceed 6 plants would pose both a fire hazard and a conflict with Pine Brook Hills non-commercial activity limits.

Please express our support of this limitation to the County Commissioners.

Thank you.

H. Scott Schiff

Susan W. Schiff

2936 Linden Drive

Boulder, CO 80304

**From:** [Randy Ruhlman](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Proposed Marijuana regs.  
**Date:** Thursday, February 25, 2016 8:46:11 AM

---

Dear Mr. Harding,

My wife and I have become aware of the proposed new changes to the Marijuana growing laws and reduction from the currently allowed, and I am writing in support of those changes. As someone who lives in Pine Brook on the loop and have seen accidents in recent years we think that the proposed changes and reduction of allowable growth would definitely be in the best interest of Boulder County, especially from a fire hazard standpoint. These are safety changes that will benefit all those in Boulder County and reduce possible accidents and potential fires in the future.

Thank you for your consideration on this.

Randy Ruhlman

**From:** [Uriah Bueller](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Bueller in support of growing pot regulations  
**Date:** Wednesday, February 24, 2016 9:27:33 PM

---

We live in Boulder County in Pine Brook Hills at 1901 Linden Drive, 80304.

Everyone in our household is fully in support of more strict regulations for residential grow-house operations.

Please feel free to call us with any questions.

Uriah Bueller  
303-546-0294

**From:** [pendleton81@comcast.net](mailto:pendleton81@comcast.net)  
**To:** [Harding, Bryan](#)  
**Subject:** In favor of the county's proposed changes to marijuana regulations  
**Date:** Wednesday, February 24, 2016 6:57:36 PM

---

Dear Boulder County Representatives,

I read with interest the Daily Camera article referenced below.

[http://www.dailycamera.com/top-stories/ci\\_29540253/boulder-county-prepares-possible-changes-its-marijuana-regulations](http://www.dailycamera.com/top-stories/ci_29540253/boulder-county-prepares-possible-changes-its-marijuana-regulations)

I am an unincorporated Boulder County resident and in the interest of fire safety, I am very much in favor of the county adopting the stricter safety regulations. Thank you very much for your consideration.

Thanks Much,  
Cindy Pendleton  
81 Pine View Lane  
Boulder, CO 80302  
Boulder County / Boulder Heights  
(720)308-3393

**From:** [Richard Waters](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Commercial Marijuana Grow Operations in Residential Communities  
**Date:** Wednesday, February 24, 2016 6:03:29 PM

---

This email is in support of Boulder County's Land Use Code amendment to limit the number of marijuana plants that can be grown in a residential area to six plants. I believe that anything larger than this presents many problems/hazards to local communities.

Thank you,

Richard D. Waters, Jr.  
1472 Timber Lane  
Boulder, CO 80304

**From:** [Kate Wilson](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Docket DC-16-0002  
**Date:** Wednesday, February 24, 2016 5:28:35 PM

---

Bryan,

just a note of support for the proposed county land use amendments regarding marijuana regulations. The 6 plant limit is entirely appropriate; and the limiting of any larger operation to being subject to licensing and associated inspection should go a long way towards making this activity safer for all of us.

I am a Boulder County homeowner living in the foothills, and also a member of the board of directors of my local volunteer fire department. I appreciate your work on this issue.

Katharine S Wilson  
721 West Coach Road  
Boulder 80302

**From:** [Janet Ward](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana growth regulations  
**Date:** Wednesday, February 24, 2016 2:47:44 PM

---

Hello ~

I live in unincorporated Boulder County and am concerned about wildfire hazards created by people who grow large amounts of marijuana in their homes. I ask you to please adopt measures to curb this growth to 6 plants per household, as per regulations in the City of Boulder.

Besides the serious life, property, and environmental concerns, here is an additional aspect for consideration: The state of Colorado is already under a national microscope due to the legalization of marijuana. Imagine if a wildfire were to start due to massive marijuana growth at an individual's property. Colorado would once again be in the national news, not in a positive way. I can already hear the jokes on The Late Show with Stephen Colbert.

Please allow common sense to prevail in this matter. Thank you.

Best regards,  
Janet Ward

500 Timber Lane  
Boulder, CO 80304  
cell **330.612.2412**

**From:** [Mel Beauprez](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Grow House Hazard  
**Date:** Wednesday, February 24, 2016 12:38:56 PM

---

County Commissioners,

I have lived in Pine Brook Hills since 1970 and have experienced being evacuated due to potential and actual wild fires in my immediate area due to negligence and natural causes. An actual house fire occurred recently in a residence less than a half-mile from my home that was due to negligence related due to a home that had a marijuana grow operation. We have experienced two additional residential grow house fires within our fire district and the potential damage to cause additional houses and land to be burned because of the winds we often see in our district. Luckily the winds were not blowing at the time of the fire.

I am opposed to this proposal and urge you to not support it.

Sincerely,  
Mel Beauprez  
148 Pine Brook Road  
Boulder, CO 80304

**From:** [helennorton1.excite](mailto:helennorton1.excite)  
**To:** [Harding, Bryan](#)  
**Subject:** please support regulation of marijuana grow houses in unincorporated Boulder County  
**Date:** Wednesday, February 24, 2016 12:30:49 PM

---

Hello,

I'm writing as a resident of and voter in Boulder Heights. In recent years, we have seen more and more unregulated "grow" houses in our neighborhood. What's of most concern is that increased fire danger that these unregulated grow houses pose (at least three structure fires in recent years when otherwise we have very few structure fires in our neighborhood). In our mountain community, a structure fire in one of these houses not only depletes and endangers our firefighters and their resources, but also under certain common conditions can easily become a wildfire that threatens surrounding homes. I strongly support regulation designed to increase the safety and reduce the fire danger that these grow houses pose.

Thank you,

Helen Norton  
Brook Road in Boulder Heights  
Boulder CO 80302

**From:** [ALICE](#)  
**To:** [Harding, Bryan](#)  
**Subject:** for limiting to 6 plants  
**Date:** Wednesday, February 24, 2016 12:18:56 PM

---

Dear Sir or Madam:

I live at 171 Sky Trail Road in unincorporated Boulder County. I support Boulder County's proposal to change marijuana growing regulations in a residence from 300 square feet to 6 plants.

I have seen neighbor's houses turned into grow/distribution locations. I am not opposed to use of marijuana, but I oppose commercial operations occurring in residential areas.

I also am very concerned about the increased fire risk. Our mountain community's fire district has experienced 3 residential grow house fires in our district, one fire causing over \$100,000 damage and the potential to cause additional houses and land to be burned because of the winds we often see in our district.

Thank you.

Alice Henriques

171 Sky Trail Road

Boulder, CO 80302

**From:** [Jean Hlasnicek](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Safety changes/marijuan  
**Date:** Wednesday, February 24, 2016 11:59:16 AM

---

Gentlemen, please implement the subject changes.  
As a resident of Boulder heights.  
We do not need fire implications of commercial marijuana growing operations.  
Commercial growing needs to in licensed commercial areas.  
We do not need an invitation to criminal elements.  
Medical marijuana Doctor approved need should be ok for the 6 plants.  
Submitted respectfully, Richard and Jean Hlasnicek  
197 sky trail rd.

Sent from my iPad

**From:** [Brian Hanson](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Boulder County Grow Regulations  
**Date:** Wednesday, February 24, 2016 11:50:59 AM

---

Dear Sir or Madam:

I live at 171 Sky Trail Road in unincorporated Boulder County. I support Boulder County's proposal to change marijuana growing regulations in a residence from 300 square feet to 6 plants.

I have seen neighbor's houses turned into grow/distribution locations. I am not opposed to use of marijuana, but I oppose commercial operations occurring in residential areas.

I also am very concerned about the increased fire risk. Our mountain community's fire district has experienced 3 residential grow house fires in our district, one fire causing over \$100,000 damage and the potential to cause additional houses and land to be burned because of the winds we often see in our district.

Thank you.

Brian Hanson  
171 Sky Trail Road  
Boulder, CO 80302

Brian R. Hanson  
Baird Hanson LLP  
171 Sky Trail Road  
Boulder, CO 80302

303-447-9800

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**From:** [jptadams@comcast.net](mailto:jptadams@comcast.net)  
**To:** [Harding, Bryan](#)  
**Subject:** Fire safety in grow houses  
**Date:** Wednesday, February 24, 2016 11:23:27 AM

---

Greetings,

I support regulating large scale marijuana growing operations in private houses because of fire risk. Electrical systems for these operations should meet industrial code requirements, and should be frequently inspected for safety.

James Adams

1581 Timber Lane  
Boulder, CO 80304  
303-447-3302  
[jptadams@comcast.net](mailto:jptadams@comcast.net)

**From:** [Marilyn Newsom](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** marijuana grow houses  
**Date:** Wednesday, February 24, 2016 10:47:16 AM

---

I am a long-time resident of Pine Brook Hills and am in favor of severely limiting the number of marijuana plants which can be grown on property in our community. Pine Brook Hills has worked diligently, and at great expense, on wildfire mitigation. Some neighbors have been told by their insurers that vegetation must be cleared from their property as a condition of retaining homeowners insurance. Large crops of any kind, including marijuana, represent a fire hazard, potentially with the loss of the availability of competitive homeowners insurance, to say nothing of the potential loss of personal property. We must continue our efforts at wildfire mitigation, including limiting large-scale growing of marijuana.

Respectfully,  
Marilyn Newsom, MD

**From:** [Marla Saville](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Re: Residential Marijuana grow laws  
**Date:** Wednesday, February 24, 2016 10:23:25 AM

---

Bryan,

Thank you for your reply. I neglected to give you my address in case you'd like to have it on record: 1579 Linden Drive, Boulder 80304 in the Pine Brook Hills subdivision and I'm a volunteer with the Boulder Mountain Fire Protection District.

Thanks again,

**Marla**

Marla Saville [marla@saville.us](mailto:marla@saville.us)

On Feb 24, 2016, at 10:12 AM, Harding, Bryan  
<[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)> wrote:

Hello Marla,

Thank you for your comments regarding this docket. I have added them to the public file for consideration during staff's review and for Planning Commission and Board of County Commissioners review. Please continue to check the following website for future draft regulation revisions and confirmation of public hearing dates and times for this docket:

<http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx>

If you have any additional comments or questions, please do not hesitate to contact me directly at 303-441-3984 or via email at [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Sincerely,

Bryan

***Bryan Harding, ASLA/APA***

Senior Planner|Boulder County Land Use Department

Zoning Compliance and Public Information

2045 13th Street, Boulder, CO 80302

Mailing: P.O. Box 471, Boulder, CO 80306

Ph: 303-441-3984 / Fax: 303-441-4856

[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)

---

**From:** Marla Saville [[marla@saville.us](mailto:marla@saville.us)]  
**Sent:** Tuesday, February 23, 2016 5:56 PM  
**To:** Harding, Bryan  
**Subject:** Residential Marijuana grow laws

To whom it may concern,

As a homeowner in unincorporated Boulder County, I strongly support restricting residential marijuana grow limits to 6 plants per household. I am a volunteer with my Fire District and am extremely concerned about the significant threat of house and even wild land fires that can result from overloaded electrical circuits required to cultivate a large number of pot plants. Thank you for your attention to this problem.

Sincerely,

**Marla**

Marla Saville [marla@saville.us](mailto:marla@saville.us)

**From:** [Steve Arneson](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Proposed changes to marijuana growing regulations  
**Date:** Wednesday, February 24, 2016 9:48:55 AM  
**Attachments:** [image001.png](#)

---

I live in unincorporated Boulder County and would like to urge you to support the change in marijuana growing regulations to a maximum of 6 plants. This is an important fire safety issue that effects all of us in the foothills. Thank you!

Steve Arneson  
194 Canon View Road  
Boulder, CO 80302

Steve

**Steve Arneson, Ph.D.**

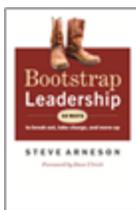
President, Arneson Leadership Consulting

571-334-9605

Follow me on Twitter @SteveArneson44

[steve@arnesonleadership.com](mailto:steve@arnesonleadership.com)

[www.arnesonleadership.com](http://www.arnesonleadership.com)



May, 2010



May, 2014

**From:** [Weiwild@aol.com](mailto:Weiwild@aol.com)  
**To:** [Harding, Bryan](#)  
**Cc:** [bubblesgt@aol.com](mailto:bubblesgt@aol.com); [Boulder Mountain Fire Chief](#)  
**Subject:** Boulder Co. marijuana growing regulations  
**Date:** Wednesday, February 24, 2016 9:37:31 AM

---

Dear Boulder County,

My wife and I have lived in unincorporated Boulder County and the Boulder Mtn. Fire District for 29 years. One of our principal concerns living in this area is the wildfire hazard. We have mitigated our property and last year were certified by Wildfire Partners. Despite our efforts we remain vulnerable to a fast moving wildfire. It is bad enough that we have to contend with ignition sources including lightning, illegal campfires, and cigarettes tossed out of vehicles. Now, the increasing incidents of residential grow house fires have added another fire source that could destroy everything we own. Therefore, we would like to see the proposed safety changes adopted that would greatly reduce the number of plants that could be legally grown in a residence and additional licensing that would reduce the likelihood of electrical, house, and wildland fires resulting from overloaded electrical circuits.

Thank you,

*Rick and Grace Thompson*

905 West Coach Road, Boulder, CO 80302  
(303) 442-6144; [weiwild@aol.com](mailto:weiwild@aol.com)

**From:** [Quentin M. McKenna](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Re: Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use  
**Date:** Wednesday, February 24, 2016 9:13:14 AM

---

Hi Bryan,

Dear Bryan,

I would like to substitute my previous submission into the public file sent on February 20 (see previous email in thread below) with this newer more complete submission for the public file. Thank you.

I am Quentin McKenna and I live in the unincorporated portion of Boulder County up in the foothills. This community chooses this rural environment to be closer to nature knowing we take on the very serious risk of wildfires. However a proposed land use Code Amendment: Docket DC-16-0002 regarding residential cannabis cultivation would greatly increase that risk and should be rejected on those grounds. Under current codes we are permitted to cultivate up to 300 sq. feet of marijuana. This amendment would limit marijuana cultivation to only six plants. This restriction will only promote more clandestine activity which will in turn push cannabis cultivation indoors and considerably increase our fire risk because it will require growing lights and other other paraphernalia demanding considerable amounts of electricity...Worse, in order to avoid detection they will probably hide their electric consumption, bypassing their electric meter and tapping into the grid directly which could cause dangerous overloads. Keeping it legal and above board means it can be grown outdoors. This not only makes \$ sense it also means good safety sense. Accordingly, I have invented an irrigation system which can facilitate this more sensible outdoor approach. It operates using permanent magnets and NO electricity. It operates directly through the water pressure off your water tap producing small intermittent water pulses. Stingy on water while maximizing plant water absorption. It can grow in virtually any medium, including sand, just like in hydroponics. It maintains constant moisture conditions to transform your growing space into a permanent firebreak. The web site describing this invention is at: [www.drip-jet.com](http://www.drip-jet.com)

On Feb 22, 2016, at 11:16 PM, Harding, Bryan  
<[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)> wrote:

Hello Quentin,

Thank you for your comments regarding this docket. I have added them to the public file for consideration during staff's review and for Planning Commission and Board of County Commissioners review. Please continue to check the following website for future draft regulation revisions and confirmation of public hearing dates and times for this docket:  
<http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx>

If you have any additional comments or questions, please do not hesitate to contact me directly at 303-441-3984 or via email at [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Sincerely,  
Bryan

Bryan Harding, ASLA/APA  
Senior Planner|Boulder County Land Use Department  
Zoning Compliance and Public Information  
2045 13th Street, Boulder, CO 80302  
Mailing: P.O. Box 471, Boulder, CO 80306  
Ph: 303-441-3984 / Fax: 303-441-4856  
[bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)

---

From: Quentin M. McKenna [[qmmckenna@comcast.net](mailto:qmmckenna@comcast.net)]  
Sent: Saturday, February 20, 2016 11:01 PM  
To: Harding, Bryan  
Subject: Re: Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use

Dear Mr. Harding,

I have an invention that can render this petition moot: [www.drip-jet.com](http://www.drip-jet.com). It is an intermittent watering system that can maintain constant moisture conditions while using very little water. It also doesn't require any electricity to operate and solely runs off of water pressure. Growing marijuana with this device could actually mitigate fire risk by preventing ignition and providing a fire barrier, especially during naturally dry conditions. I hope you will re-consider moving forward with this petition.

Best regards, Quentin McKenna

**From:** [Jeannie Hamilton](#)  
**To:** [Harding, Bryan](#)  
**Subject:** marijuana regulations  
**Date:** Wednesday, February 24, 2016 9:07:30 AM

---

As residential property owners in unincorporated Boulder County, we request your support of the proposed marijuana grow regulations to six plants total duplicating the City of Boulder's 6-plant grow rule. When large numbers of plants are grown, excessive electricity is required often leading to circuit overload and overheating and subsequent fires. This is not acceptable particularly in our mountain community where there have been recent wildfire events.

Thank you.

Jeannie & Bob Hamilton

Boulder Heights property owner

303-817-9988

**From:** [Thomas Long](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Adopt the residential grow limits  
**Date:** Wednesday, February 24, 2016 8:59:07 AM

---

I live in Boulder County and support the 6 plant limit on growing marijuana that is under present consideration.

Thomas Long

**From:** [Maureen Cochrane](#)  
**To:** [Harding, Bryan](#)  
**Subject:** proposed changes to marijuana growing regulations  
**Date:** Wednesday, February 24, 2016 8:35:09 AM

---

I live in unincorporated Boulder County and would like to urge you to support the change in marijuana growing regulations to a maximum of 6 plants. This is an important fire safety issue that effects all of us in the foothills. Thank you!

Maureen Cochrane  
194 Canon View Road  
Boulder, CO 80302

**From:** [Mandi Olivetti](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana growing regulations  
**Date:** Wednesday, February 24, 2016 8:33:37 AM

---

I live in unincorporated Boulder County and you want to see the proposed safety changes adopted limiting growing operations to 6 plants. Thanks for your time and attention to this matter.  
Mandi Olivetti  
27 Pine Needle Rd.

**From:** [Michelle Gesse](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Residential marijuana  
**Date:** Wednesday, February 24, 2016 8:06:54 AM

---

We would like to voice our support for the proposed changes to residential marijuana limitations in Boulder County. I cannot think of a reason that residents (renters or owners) in Boulder County should be allowed to raise so many more marijuana plants that residents of Boulder. The current allowed capacity endangers owners throughout the county as it encourages small commercial growers to support their operation with improvised electrical connections in residential homes never intended to support such an enterprise. There is no current method to ensure that the electrical or water uses of such growers comply with safety requirements. As a long-time resident of Boulder Heights, the danger of a wildfire originating because of faulty extension cords or overloaded circuits is real. Such a tragedy is avoidable if the same limitations imposed on residents of the city are extended to residents of the county. I encourage you to support the lower limit on marijuana plants be extended to the whole of Boulder County.

Mark S. and Michelle Gesse  
472 Brook Circle  
Boulder CO 80302

Mailing address: P.O. Box 20067, Boulder CO 80308

303-449-3488  
[mgesse@earthlink.net](mailto:mgesse@earthlink.net)

**From:** [c.hyink@comcast.net](mailto:c.hyink@comcast.net)  
**To:** [Harding, Bryan](#)  
**Subject:** Limit marijuana growing  
**Date:** Wednesday, February 24, 2016 7:51:32 AM

---

Sir,

I'm a Pine Brook Hills resident, and in response to information provided by the mountain fire-control authorities, I'm urging you to limit the growing of marijuana in our residential areas.

I'm in favor of fire control, not in favor of the marijuana industry.

Thank you,  
Clyde Hyink  
271 S. Cedar Brook Road  
Boulder, CO 80304

**From:** [Jeff Schilling](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Limiting pot to 6 plants  
**Date:** Wednesday, February 24, 2016 7:14:20 AM

---

I live in unincorporated Boulder County and support the proposed changes limiting of marijuana grows houses to 6 plants

**Jeff Schilling,**  
**120 Deer Trail Rd**  
**Boulder Hieghts**

[jeff.schilling@yahoo.com](mailto:jeff.schilling@yahoo.com)  
303-588-7393 mobile

**From:** [AC](#)  
**To:** [Harding, Bryan](#)  
**Subject:** please lower the Grow Rules in unincorporated Boulder County  
**Date:** Wednesday, February 24, 2016 7:06:26 AM

---

Hi,

As a resident of unincorporated Boulder county I strongly advocate lowering the amount of marijuana plants that can be grown in residences from 100 to 6 plants. While I do not partake in consumption or grow marijuana at all I don't object to others that do. However The fire potential in a such a beautiful area that also continues to add residents and grow is far to great a risk as a result of current grow rules, please lower them.

Thanks,

Anthony Christie  
Resident, Pine Brook Hills

**From:** [Ari Rabl](#)  
**To:** [Harding, Bryan](#)  
**Subject:** marijuana growing regulations  
**Date:** Wednesday, February 24, 2016 6:12:49 AM

---

I am a resident of Pine Brook Hills and in the interest of reducing fire hazards, I agree that it would be good to change marijuana growing regulations in a residence from 300 square feet (which could be 100 plants or more) to 6 plants, but to make this change only for the mountains and foothills of Boulder County or west of US 36.

Sincerely yours,  
Ari Rabl  
371 N. Cedar Brook  
Boulder, CO 80304

**From:** [Susan Rafii](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Changes to Marijuana regulations  
**Date:** Tuesday, February 23, 2016 9:40:31 PM

---

Hello,  
I'm a Boulder County Resident and have resided in Pine Brook Hills for over 20 years now. I would like to express my concern with the safety of our community with the existing regulations regarding Marijuana growing.

Please take the necessary steps to changing the current regulations that allow for growing of numerous marijuana plants in residential areas. I am extremely concerned about the fire danger it presents to our community , among other dangers. There is no need for a resident to grow more than a plant for personal consumption and believe we have the right to restrict the amount that can be safely grown in our community.

Thank you,  
Sue Rafii  
115 Meadowlook Way

**From:** [Margaret Wise](#)  
**To:** [Harding, Bryan](#)  
**Subject:** changing boulder county growing regulations  
**Date:** Tuesday, February 23, 2016 8:37:02 PM

---

hi-  
my family and i live in boulder county and we would like to see the marijuana growing regulations changed to 6 plants. This change would make our community feel a lot safer.  
Thanks for your work.

Sincerely,  
Margaret Wise

**From:** [mjhjah@gmail.com](mailto:mjhjah@gmail.com)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana grows  
**Date:** Tuesday, February 23, 2016 8:04:35 PM

---

We absolutely support the 6 plant limit for residential marijuana growers. It is an absolute fire hazard with the extensive electrical needs for the current requirements. The winds in Boulder County put residents at risk with these unscrupulous growers, which are largely renters. They have no stake in the community and neighborhoods and therefore no consequence if their actions have ramifications to their neighbors. There should be no difference between city and county regulations or else unscrupulous individuals will be moving to the county to get around the regulations. The state has established marijuana laws to ensure taxes are paid and businesses are conducted in accordance with the laws. The current liberal county grow laws circumvent this

Sincerely,

Mike and Jean Hupka

**From:** [edward\\_wayne\\_jr](mailto:edward_wayne_jr@bouldercounty.org)  
**To:** [#LandUsePlanner](#); [Harding, Bryan](#)  
**Subject:** Fwd: Boulder Mountain Fire Needs You to Help Prevent Fires  
**Date:** Tuesday, February 23, 2016 7:57:40 PM

---

"You can help us get these proposed changes accepted by sending an email of support "

**I support these changes.**  
**Edward Wayne Jr**  
**95 Acorn Lane**  
**Boulder 80304**

----- Forwarded message -----

**From:** **Brian Wahlert** <[brian.wahlert@gmail.com](mailto:brian.wahlert@gmail.com)>  
**Date:** Tue, Feb 23, 2016 at 2:41 PM  
**Subject:** Boulder Mountain Fire Needs You to Help Prevent Fires  
**To:** [edwayne100@gmail.com](mailto:edwayne100@gmail.com)

I'm passing along this important message from BMFPD Fire Chief John Benson. If you haven't yet voiced your opinion about the marijuana grow house hazard, please take a minute to do so with an email to [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org) or [planner@bouldercounty.org](mailto:planner@bouldercounty.org). Thanks!

The message from Chief Benson follows...

Dear District Residents:

I'm sure many of you saw the article last Saturday in the Daily Camera, "Boulder County prepares possible changes to its marijuana regulations." I've included the article for your review:

[http://www.dailycamera.com/top-stories/ci\\_29540253/boulder-county-prepares-possible-changes-its-marijuana-regulations](http://www.dailycamera.com/top-stories/ci_29540253/boulder-county-prepares-possible-changes-its-marijuana-regulations)

The essence of the article is that Boulder County is proposing to change marijuana growing regulations in a residence from 300 square feet (which could be 100 plants or more) to 6 plants. Should a resident wish to grow more plants, they would have to get the proper licenses from Boulder County and or the State of Colorado to do so. Unfortunately, when large number of plants are being grown, excessive amounts of electricity are required, often leading to overloaded circuits, thus causing those circuits to overheat and cause electrical fires. In addition to the overheated circuits we see multiple extension cords and electrical appliances that make for an entrapment hazard to our responding firefighting agencies. Also, so you know, the City of Boulder already has the 6-plant residential grow rule.

Boulder Mountain Fire has been working with Boulder County personnel over the past 6 months to make these safety changes and we are very pleased with what they have proposed. You may not be aware, but we have experienced 3 residential grow house fires in our district, one fire causing over \$100,000 damage and the potential to cause additional houses and land to be burned because of the winds we

often see in our district. Luckily the winds were not blowing at the time of the fire. Other Fire Districts are experiencing the same issues.

What we don't need are these potential ignition problems in Boulder County and especially ones in the mountains when the winds are blowing. Remember, it's always better to prevent a fire rather than to extinguish one!

You can help us get these proposed changes accepted by sending an email of support to [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org) before March 1. It doesn't have to be long or involved but simply state you live in unincorporated Boulder County and you want to see these safety changes adopted. Also, if you have friends in Boulder County, please ask them to help by sending an email too.

Thank you for your assistance in helping to keep our Fire District and Boulder County safe!

Respectfully,

John Benson

Fire Chief

Boulder Mountain Fire Protection District

--

Edward Wayne Jr.  
Director  
The Bridge of Life



#### MOBILE PHONES

\*Nepal-(977) 98 231 00 804

\*The Republic of the Union of Myanmar\*- (95) (0) 94 202 194 81

\*Thailand\*- (66) (0) 87 808 2275 (GMT +7 hours)

\*Serbia\*-(381)-(0) 63- 8675-946 (GMT +1 hour)

\*USA\* (1)-303-522-2545 (GMT -7 hours)

SKYPE- HUMANITARIAN100

[www.thebridgeoflife.net](http://www.thebridgeoflife.net)

**From:** [Bill Opdyke](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana growth rules  
**Date:** Tuesday, February 23, 2016 5:58:17 PM

---

I live in unincorporated Boulder County in the foothills where fierce wind storms and other weather hazards are always a concern. We have had several fire incidences this past year with growth of marijuana plants under the existing size rules. Therefore I support the proposed 6 plant growth rule in order to minimize fire danger that is present with the existing growth rule.

William Opdyke

Sent from AOL Mobile Mail

**From:** [Marla Saville](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Residential Marijuana grow laws  
**Date:** Tuesday, February 23, 2016 5:56:28 PM

---

To whom it may concern,

As a homeowner in unincorporated Boulder County, I strongly support restricting residential marijuana grow limits to 6 plants per household. I am a volunteer with my Fire District and am extremely concerned about the significant threat of house and even wild land fires that can result from overloaded electrical circuits required to cultivate a large number of pot plants. Thank you for your attention to this problem.

Sincerely,

**Marla**

Marla Saville [marla@saville.us](mailto:marla@saville.us)

**From:** [David Harrison](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Re Marijuana growing regs; fire safety  
**Date:** Tuesday, February 23, 2016 5:31:20 PM

---

My wife and I live in unincorporated Boulder County (Boulder Heights) and we want to support the proposed change in regulations about marijuana growing, reducing the number of plants allowable, thereby reducing electricity load and related fire hazard.

David and Melinda Harrison

247 Valley Vista Lane, Boulder CO, 80302

303-442-3026

**From:** [dichtlr@comcast.net](mailto:dichtlr@comcast.net)  
**To:** [Harding, Bryan](#)  
**Subject:** changes to its marijuana regulations  
**Date:** Tuesday, February 23, 2016 5:29:09 PM

---

Dear Mr. Harding,

*I live in unincorporated Boulder County and I would like to see these safety changes adopted regarding the change of marijuana growing regulations in a residence from 300 square feet (which could be 100 plants or more) to 6 plants.*

*Sincerely yours,*

Rudy  
Rudolph J. Dichtl  
41 Pineview Ln  
Boulder, CO 80302-9414  
303-442-3032

\*\*\*\*\*

**From:** [Peter Shapiro](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana grow changes  
**Date:** Tuesday, February 23, 2016 5:25:15 PM

---

Hi,  
I live in unincorporated Boulder County and I support proposed changes to reducing the number of marijuana plants legally grown to 6 per household. I support this change due to safety reasons.

Thank you,  
Peter Shapiro  
641 timber ln  
80304

**From:** [Judy Hart](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Restricted # Marijuana Plants in County Homes  
**Date:** Tuesday, February 23, 2016 5:18:02 PM

---

Dear Sir,

Here in Boulder County we live next door to a home which burned down due to huge numbers of marijuana plants being grown residentially. The home was old and had never had its electrical system simply brought up to code not to mention the huge overburdening even if the wiring would have met code. We were shocked seeing our Volunteer Firemen up here, unable to tell us what had happened. We suspected large illegal growing many years prior to the fire.

I believe fire hazards are enormous here in the mountains. High winds, lightning strikes, dry summer conditions alone make us vulnerable. The 6 plant restriction, if enforced would be an added measure of safety. Since the huge Sugarloaf Fire almost 7 years ago we Boulder heights residents live in fear of a repeat incident. We've done so much costly mitigation . We'd appreciate any legal measures taken to reduce home hazards and thus protect all our residences.

Much Appreciation.....Judith Hart

**From:** [Barry Aaron](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** "Grow houses"  
**Date:** Tuesday, February 23, 2016 5:11:13 PM

---

About a year ago, we had a major house fire on my street... (Pine Brook Road in Unincorporated Boulder County) ..which we suspect may have been caused by overloaded electrical circuits used for lighting pants in this particular home, a known "grow house".

Any regulations which would limit the use of residential premises for this purpose would, we think, provide important safeguards from future occurrences.

Thanks,

Barry Aaron  
395 Pine Brook Road  
Boulder CO 80304

**From:** [Debora Bryant](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** NO "grow houses "in Pine Brook!  
**Date:** Tuesday, February 23, 2016 4:58:13 PM

---

Hi,

I am writing to put in a STRONG request that "grow houses" definitely NOT be allowed in Pine Brook hills. We are already living in a high fire danger area, and have already had one house partially burn down in a similar situation which almost set the entire neighborhood in flames.

Thank you,  
Debora Bryant  
395 Pine Brook Rd.

**From:** [Sally Powell-Ashby](#)  
**To:** [Harding, Bryan](#)  
**Subject:** marijuana land use regulations  
**Date:** Tuesday, February 23, 2016 4:34:13 PM

---

I live in incorporated Boulder County and I support the new regulations to limit marijuana growing.  
Sally Powell-Ashby  
104 Acorn lane  
80304

**From:** [Scott Schiff](#)  
**To:** [Harding, Bryan](#)  
**Subject:** 6 plant grow limit  
**Date:** Tuesday, February 23, 2016 4:30:52 PM

---

Dear Sir or Madam,

My family resides in Pine Brook Hills. We spend a considerable amount of time and resources mitigating fire potential to our selves and our neighbors. This is a beautiful yet fragile residential neighborhood that should not be subject to commercial enterprises that substantially increase the risk of devastation by fire. Please move forward on the 6 plant maximum grow regulation that is in place in he City. Thank you very much.

Herbert and Susan Schiff  
2936 Linden Drive  
Boulder, CO 80304

H. Scott Schiff

**From:** [Steve Carter](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana growing regs  
**Date:** Tuesday, February 23, 2016 4:18:30 PM

---

I support the toughest possible regulations concerning the growing of Marijuana in residential areas.

**From:** [Jane H Lillydahl](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Opinion about the marijuana grow house hazard  
**Date:** Tuesday, February 23, 2016 3:59:23 PM

---

To whom it may concern:

This letter is in support of the proposed safety changes put forth by the Boulder Mountain Fire Department and the Boulder County personnel. I live in unincorporated Boulder County and am concerned about fire prevention in the foothills of Boulder.

Jane Lillydahl  
2150 Linden Drive  
Boulder, CO 80304

**From:** [gatopakas@comcast.net](mailto:gatopakas@comcast.net)  
**To:** [Harding, Bryan](#)  
**Cc:** [Boulder Mountain Fire Chief](#)  
**Subject:** Proposed New Marijuana Regulations for Home Growing.  
**Date:** Tuesday, February 23, 2016 3:58:09 PM

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We strongly support the proposed regulations limiting the number of plants grown in a home to 6, unless legally licensed to grow more, for fire safety reasons

Living in Boulder Heights for over 30 years we have witnessed forest fires and experienced evacuations and the fear of losing our lives, home, irreplaceable furniture, possessions and family memorabilia. Anything that will lessen the risk of fire and also place a more reasonable limit on the number of plants that can be grown in a home should be supported for the good of all.

Sincerely,

George Topakas

Lurania Topakas

**From:** [Kady Offen](#)  
**To:** [Harding, Bryan](#)  
**Subject:** marijuana grows  
**Date:** Tuesday, February 23, 2016 3:54:07 PM

---

We live in Pine Brook Hills and support the proposed limitations on marijuana growing ---there have already been 3 fires in the County from the grows, and increasing fire hazards makes no sense when we already have varying levels of wildfire risk out here.

Thank you for your attention.

*Kady Offen-Rovtar and Ron Rovtar  
1431 Timber Lane, Boulder 80304*

**From:** [cameron.peterson@comcast.net](mailto:cameron.peterson@comcast.net)  
**To:** [Harding, Bryan](#)  
**Subject:** proposed changes re marijuana grow house hazard  
**Date:** Tuesday, February 23, 2016 3:53:18 PM

---

We live in unincorporated Boulder County and you want to see these safety changes adopted.

Cameron and Mary Lou Peterson  
417 Wild Horse Circle  
Boulder, Co 80304

**From:** [Joyce Kandalaft](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana grow houses in unincorporated Boulder county  
**Date:** Tuesday, February 23, 2016 3:30:30 PM

---

As a homeowner in Pine Brook Hills, I am writing you out of great concern about the spreading of Marijuana grow houses in our neighborhoods. It is a known fact that we live in areas that are extremely susceptible to fires. These grow houses represent a constant hazard and add to the "flammability" of our surroundings.

We would like you to consider restricting or better yet, altogether banning, these establishments which do not belong in residential neighborhoods.

Thank you,  
Joyce Kandalaft  
584 N. Cedar Brook Rd  
Boulder 80304

Sent from my iPhone

**From:** [M.L](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Proposed Land Use Code Amendment  
**Date:** Tuesday, February 23, 2016 3:29:13 PM

---

**To:** [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org)

**Boulder County Land Use Staff and County Commissioners**

I am a resident of Pine Brook Hills and I urge you to support the **Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use.**

I **am sure you are** aware that our Boulder Mountain Fire Protection District has experienced 3 residential grow house fires in our district, one fire causing over \$100,000 damage and the potential to cause additional houses and land to be burned because of the winds we often see in our district. Other Fire Districts are experiencing the same issues.

What we don't need are these potential ignition problems in Boulder County and especially ones in the mountains when the winds are blowing.

Remember, it's always better to prevent a fire rather than to extinguish one!

Thank you,

Martin Lasher

1309 Timber Lane

Boulder, CO 80304

**From:** [Paul Flippen](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marajuana growing regulations  
**Date:** Tuesday, February 23, 2016 3:20:27 PM

---

We are in favor of the propose marijuana growing regulations. We live in unincorporated Boulder County in Pine Brooks Hills.  
Thank you for your consideration in this matter.  
Paul & Kim Flippen

Sent from my iPad

**From:** [eerickson007@comcast.net](mailto:eerickson007@comcast.net)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Grow Restrictions  
**Date:** Tuesday, February 23, 2016 3:07:28 PM

---

Dear Mr. Harding,  
My wife and I live in Boulder County just northwest of the City of Boulder. We strongly support any County effort to restrict residential, non-licensed marijuana plant growth to the same restriction of 6 plants per household that exists in the City of Boulder today. The current allowance of 300 sq ft per household presents a real and significant safety and fire threat to our community, and we want to see the current allowance significantly reduced to 6 plants. Thank you.  
Eric and Toni Erickson  
Pine Brook Hills residents

**From:** [Barbara Merrell](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Restricting the number of marijuana plants  
**Date:** Tuesday, February 23, 2016 3:07:08 PM

---

I live in the unincorporated area of Boulder county, and I applaud the proposed country restrictions on the number of marijuana plants to a total of 6. The fire hazard that grow-houses creates needs to be carefully monitored and controlled.

Please adopt these restrictions.

Barbara Merrell  
1472 Timber Lane

**From:** [Traci](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Safety grow measures  
**Date:** Tuesday, February 23, 2016 3:05:21 PM

---

I live in unincorporated boulder and I want to see the safety grow measures implemented where residents cannot grow more than 6 plants without the proper licensure. This will help keep everyone and their homes safe. Thank you,  
Traci McCullough  
Sent from my iPhone

**From:** [Rich Lirtzman](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana growing regulations  
**Date:** Tuesday, February 23, 2016 3:02:56 PM

---

I support the County's proposed changes to the marijuana growing regulations which would set the limit of plants to 6.

I believe this change would promote safety with less overloaded electrical circuits and consequent fire risk.

Rich and Gay Lirtzman  
374 Valley Lane

Sent from my iPad

**From:** [wreneth@aol.com](mailto:wreneth@aol.com)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use  
**Date:** Tuesday, February 23, 2016 2:55:56 PM

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To Whom It May Concern,

As a resident of Pine Brook Hills I strongly support the above mentioned land use amendment. I personally don't care what individuals do in their own homes but when it effects the neighborhood it becomes of issue. I have lived in PBH for over 10yrs and moved here knowing the reality of fire danger and have dealt with it. What we don't need is an increased risk of said danger by chemical processes/electrical use associated with larger grow operations. I am aware of several home fires in PBH in the last year that have been associated with "grow" operations, we don't need this. PBH tends to be a quiet neighborhood but in the last year their were occupants in a rental property on our street that had a large number of cars coming/going to the home through out the day/night, marijuana odors from the house could be smelled on the street and interaction with the tenets who appeared to be under the influence, as a parent I don't need my elementary school aged children exposed to this.

I hope the county approves this amendment.

Wren Schauer  
168 Meadowlook Way

**From:** [Ken Goldman](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Land use change  
**Date:** Tuesday, February 23, 2016 2:54:55 PM

---

Hi

I live in PBHills and support limiting / regulating indoor marijuana cultivation due to the fire safety issues involved.

I don't feel that outdoor / seasonal cultivation presents the same issues and therefore should not be subject to the same rules as indoor /high electricity use cultivation.

Kenny Goldman via iPhone

**From:** [Lex Shepherd](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Fire Hazard in Boulder County - Grow Facilities  
**Date:** Tuesday, February 23, 2016 2:53:58 PM

---

I appreciate, and fully support, any action to reduce the quantity of marijuana plants legally grown in Boulder County. Large facilities in buildings not equipped to handle the electrical needs are a real danger.

Best Regards,  
Lex

**From:** [Amy Munding](#)  
**To:** [Harding, Bryan](#); [#LandUsePlanner](#)  
**Subject:** Boulder County proposed changes to marijuana grow limits  
**Date:** Tuesday, February 23, 2016 2:44:52 PM

---

Dear Sirs and Madams,

I am writing in FAVOR of the Boulder County changes to limit marijuana grows to 6 plants per property.

I live in Boulder County. I live in the WUI - Wilderness Urban Interface. My husband has volunteered for Boulder Mountain Fire Protection District for over 14 years and I have volunteered in many support capacities. We love living in the suburban mountains of Boulder County and do everything we can to reduce the fire danger around us: mitigation, no burning, working on the fire department, educating new people who move to the area.

But we need your help with these proposed regulations. There is a grow house about 6 houses away from my residence, that is seemingly unregulated. In addition to the constant traffic of non-residents to and from this house, we are threatened by the potential fire hazards such a grow represents — please help us to do what we work to do all the time: reduce the fire danger in this WUI area.

Thank you for listening,

Amy Munding  
335 Pine Tree Lane  
Boulder, CO 80304

**From:** [Bill Rodgers](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Pot growing in Boulder Mountain Fire  
**Date:** Tuesday, February 23, 2016 2:29:59 PM

---

Dear Sir,

I strongly agree that the limit should be 6 plants. We already had a fire near our house. With the winds that we get, it could have been a bigger disaster.

Thanks,

Bill Rodgers  
599 Bow Mountain Road.

**William E. Rodgers | Director - International**

[wer@maxsgroupinc.com](mailto:wer@maxsgroupinc.com)

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**From:** [Brian Wahlert](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Land Use Docket DC-16-0002  
**Date:** Tuesday, February 23, 2016 2:23:49 PM

---

As a resident of unincorporated Boulder County and a volunteer in the Boulder Mountain Fire Protection District, I want to voice my strong support for the Land Use Code amendment in docket DC-16-0002. I was one of the first responders to a terrifying deck fire that started at a grow house in Pine Brook Hills -- terrifying because if it had started a few hours earlier, when winds were high, the fire could have spread rapidly and burned much of Pine Brook. Many other fires have started at grow houses in the unincorporated County, and it's only good fortune and excellent emergency response that have prevented these from exploding into wildfires on the scale of Fourmile.

I have no issue with residents growing a few plants for their own personal use. It's the large commercial-scale growing, with its attendant astronomical power consumption, and distillation of butane hash oil that pose the greatest threats. The Land Use amendment of DC-16-0002 is a commonsense, reasonable approach to allow personal growing while protecting residents from the potentially tragic consequences of large-scale growing in residential areas.

Please approve the Land Use Code amendment, and prevent the tragic and needless loss of life and property that will inevitably occur when one of these grow-house fires spreads out of control.

Thank you,  
Brian Wahlert

**From:** [Katy Fassett](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Boulder County Marijuana Regulations  
**Date:** Tuesday, February 23, 2016 2:17:17 PM

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Good Afternoon,

I would like to express my support of the proposed changes to Boulder County's marijuana regulations. We live in the foothills where a lot of industrial sized growing activity takes place - usually in the rental properties. The threat of having these commercial growing businesses using residential homes to our community is great. As you know, we have severe fire danger ten months out of the year and a small electrical fire could quickly escalate into something tragic for the entire community. These residential operations do not have the electrical capacity or preventative mechanisms that a zoned commercial property would have.

Thank you for making this change.

Katy Fassett  
303.818.4259

**From:** [gordonhoak@comcast.net](mailto:gordonhoak@comcast.net)  
**To:** [Harding, Bryan](#)  
**Subject:** Boulder Mountain change down to fewer home plants  
**Date:** Tuesday, February 23, 2016 2:01:41 PM

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Gentlepeople:

I live in unincorporated Boulder County, over 25 years now, and I would like to see the below safety changes adopted.

Boulder County is proposing to change marijuana growing regulations in a residence from 300 square feet (which could be 100 plants or more) to 6 plants. Should a resident wish to grow more plants, they would have to get the proper licenses from Boulder County and or the State of Colorado to do so.

Thank you for your service,  
Gordon Hoak  
of 1333 Peakview Circle  
M:(720) 938-0842

**From:** [Alex John Sweetman](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Fire Hazard  
**Date:** Tuesday, February 23, 2016 1:59:33 PM

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To whom it may concern:

The prospect of wild fire in the Foothills is terrifying, primarily because it seems to happen so frequently. The three house fires caused by grow operations in this area is horrific and potential lethal. Anything that can be done to make the neighborhood safer should be done and done immediately.

Sincerely,

Alex Sweetman

508 Deer Trail Road

Boulder, CO 80302

**From:** [Bonnie Baker](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Support for Changing Marijuana Rules  
**Date:** Tuesday, February 23, 2016 1:12:39 PM

---

To whom it may concern:

I strongly support changing the regulations on the permitted growing of marijuana in residences from 300 square feet to 6 plants per residence. Having lived in Boulder Heights for a very long time, I have a healthy respect for fire danger. By limiting the number of plants per residence, and therefore the amount of energy needed to grow the plants, that reduces a concern for fire in nearby residents. Please implement this judicious change to the law. We have enough fire potential from lightening and the occasional chimney fire without adding significant grow activity to the mix.

Sincerely,  
Bonnie Baker  
677 Sky Trail Road  
80302

**From:** [Marysue Huckabee](#)  
**To:** [Harding, Bryan](#)  
**Subject:** YES on limit of grows  
**Date:** Tuesday, February 23, 2016 1:03:21 PM

---

After experiencing two neighbors having LARGE grow houses in a rental, I SUPPORT 100% the limit of 6 plants in Boulder County. I hope now that it will be enforced. I reported a 700 sq grow house on a septic field a year ago and nothing happened. Now I hope you have the resources to shut them down.

Thanks so much.

--

~marysue  
[mswbook@gmail.com](mailto:mswbook@gmail.com)

**From:** [Ann Blonston](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Marijuana Grow safety regs  
**Date:** Tuesday, February 23, 2016 12:57:44 PM

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Dear Ms/Mr Harding:

My husband is a volunteer firefighter in unincorporated Boulder County. I am a civilian volunteer with our department. My husband was dispatched on two of the recent grow house fires in our district. I was very concerned in particular about one because the buildings were heavily shaded, with the potential for the house fire to turn into a wildland fire, in an area of our district with challenging terrain. My husband reported after the incident that when they encounter a pot grow, they are limited in what they can do to save the structure because they cannot be exposed to the fumes.

Simply bringing County growers into line with City growers will give us as residents a safer community, and may make our communities less appealing to growers who want to conduct large commercial operations in residential settings.

Thank you for your attention to this.  
Ann Blonston  
276 Forrest Lane  
Boulder CO 80302  
annblonston@gmail.com

**From:** [P](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Limiting Boulder County (unincorporated) marijuana plants to 6 like the municipalities have done  
**Date:** Tuesday, February 23, 2016 12:55:55 PM

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Dear Boulder County rep,  
I am writing in support of limiting all areas of Boulder County to 6 marijuana plants that can be grown on any residential premise regardless of whether they are within city limits or in unincorporated areas. I live in unincorporated Boulder County and do not want my house burned down by fires created by 'stoned' residents / growers or just faulty wiring necessary to heat or run a grow operation. There is also the stench of these plants.. why do I and my family have to deal with this too? Limiting all areas of Boulder County to 6 plants insures that we all can have our civil rights protected.

Thank you,  
Purnima Oza

**From:** [ziondotcom](mailto:ziondotcom)  
**To:** [Harding, Bryan](#)  
**Subject:** Grow limits  
**Date:** Tuesday, February 23, 2016 12:55:21 PM

---

I recently moved to Boulder Heights (unincorporated Boulder), and I support the proposal to limit marijuana growing to 6 plants for the sake of reducing fire risk from electrical fires from trying to grow many plants in a residence designed for normal electrical loads.

Thanks,  
David Ferrero  
862 Deer Trail Rd

Sent from my iPhone

**From:** [Sara Conrad](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Re: Marijuana restrictions/grow  
**Date:** Tuesday, February 23, 2016 9:16:06 AM

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Stating right here, publicly, you will not take away my right to grow my medicine in my yard in the City of Boulder.

I have a 6 foot fence, security lights and German Shepherd, I have grown my medicine in my backyard for the past 5 summers with no issues at all. No complaints from the neighbors, no kids jumping my fence, etc.

More than 6 plants a "marijuana establishment"?? Perhaps a caregiver? perhaps someone like me who grows to make edibles and oil which requires more than 6 plants.

You applying all these rules and regulations to people who make their own beer or alcohol at home?? Are you?

Why do you feel the existing rules/regulations aren't clear enough?

Have you thought about the REAL issue which is outdoor hemp in the same vicinity as outdoor cannabis grows? How are you determining which gets priority??

"Potential hazards" oh you mean the ones that still haven't appeared after how many years??

I will fight you every step of the way if you try and take away my rights.

Very sincerely,

Sara Conrad

**From:** [Ilene L](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Land Use Amendment concerning Marijuana Cultivation  
**Date:** Monday, February 22, 2016 6:58:32 PM

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To: Boulder County Land Use Staff and County Commissioners

I urge you to support the **Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use.**

The current law that allows growing over 100 marijuana plants per residence poses many hazards, one being fire. The electrical requirements of large-scale growing and the extraction and production of derivative products like hash oil greatly increase fire risk. Multiple fires have started in our district, and many more elsewhere in the County, at the large grow operations that are currently allowed in residential areas. And with the city of Boulder only allowing six plants per residence, people who want to grow on a large scale without commercial licensing are continuing to set up in unincorporated County subdivisions like Pine Brook Hills.

Thank you,

Ilene Lasher

1309 Timber Lane

Boulder, CO 80304

Ilene

**From:** [Anne Butterfield](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Re: Docket DC-16-0002  
**Date:** Monday, February 22, 2016 4:31:47 PM

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Edited for clarity from previous letter sent...

On Feb 22, 2016, at 2:01 PM, Anne Butterfield <[AnneFarr45@comcast.net](mailto:AnneFarr45@comcast.net)> wrote:

Dear Boulder County Planning:

I am writing to support the new amendment to the land use code for marijuana grow houses in unincorporated Boulder County in which a "residential" grow operation of 100 plants is allowed. I live in Pinebrook Hills and understand that even though our HOA covenants do not allow commercial operations here, the County regulations would allow a large scale (100 plant) grow house to be called "residential". This is my idea of commercial activity.

The amendment would limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today. Six plants is much more suitable to the residential setting.

**Most importantly, large scale grow houses would present a fire hazard and in the foothills and that risk is completely unacceptable. So the rules need to be tightened, in particular for mountain settings with special hazards such as wildfire.**

I write this as an avid supporter of the legal marijuana business that Colorado has brought to the nation.

Sincerely, and with thanks for your service,

Anne Butterfield

**Anne B. Butterfield**

H (best): 303 245 8786  
C (&text): 720-771-0409

President, [Clean Energy Action](#)

<PastedGraphic-29.png>

*Accelerating the Transition  
to the Post Fossil Fuel World*

**From:** [laura](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** County Commissioner's hearing  
**Date:** Monday, February 22, 2016 11:01:14 AM

---

Hi-

I am writing to show support of the county's initiative to place stricter limits on marijuana land use regulations. We unknowingly purchased a home in Boulder County that we later discovered was used to house a large marijuana cultivation. The house was newly painted, newly carpeted and seemingly beautiful. When the floods of 2013 came and the humidity levels rose in our basement...mold started growing through the paint on the ceiling and walls and wallpaper just fell off the wall. Mold testing came back as "abundant spores of stachybastris toxic black mold" as well as 2 other molds and deemed uninhabitable. Over \$100,000 in repairs to remediate the mold, rewire all of the electrical hazards shoved behind the wall then patched, mortar damage from venting out the chimney, structural damage to the foundation and extensive termite damage requiring reframing, new siding. But worst of all, irreversible lung damage to myself and my children because of our asthma. Daily nosebleeds, irritated eyes and eczema because this house was kept at humidity levels of 85% to house 100-150 marijuana plants. In addition, we have no idea what type of pesticides and fertilizers we were exposed to. I hope Boulder County will limit the number of plants allowed in a home to prevent another family from going through this nightmare. I can provide mold reports if it is helpful.

Sincerely,  
Laura

**From:** [troy ivan](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed changes to cannabis extraction regulation  
**Date:** Monday, February 22, 2016 10:37:09 AM

---

Dear County Planner,

I am writing as an investor in start-up companies in Boulder County. I am currently invested heavily in two projects out of Longmont, Colorado. One is an at home essential oil extraction unit. The unit called the Source by ExtractCraft has a wide array of practical at home and small business uses in the culinary arts, homeopathic healing, aroma therapy, soaps, candles, candies, and basically anything requiring a scent or flavor. The Source is attracting serious interest, outside of it's mainstream applications, from the cannabis market locally here in Colorado because it is a legal means of making extracts in the home. Please keep in mind in addition to recreational cannabis, there are a very large number of people moving to this area to avoid undue persecution from cannabis prohibition just to keep themselves and their children happy and healthy.

In the matter of proposed Boulder County regulation changes I would implore you to be very thoughtful in how this regulation takes place, on behalf of ExtractCraft, it's customers, people of your county, and all the medical cannabis patients in the area.

This passed summer I witnessed first hand how a single agitator in Longmont nearly ruined a great local skydiving company with untruths and a focused agenda.

I would hate to see agenda focused agitators take away a great product from those that need it and force them back into unsafe practices to make their medical and health cannabis products. Our product was designed with absolute safety in mind.

It is also designed to be unoffensive in odor and noise. The Source could run afoul of the local legislation because it is an alcohol based extraction method that introduces a low, controlled, safe electrical heating source. It is a closed-loop system that keeps any flammable evaporative vapor inside the unit to condense for reuse at a temperature well below any flashpoint danger. An obvious problem if the regulation makes our product illegal for cannabis is that it will still be legal for extractions of rosemary, lavender, citrus peels, roses and absolutely every conceivable botanical with the exception of cannabis. If in fact, through new regulation, the Source became illegal to use with cannabis when it is legal to use for extraction of every other botanical on god's green earth the regulation would not be founded on public safety or nuisance concerns but simply prohibition.

Thank you very much for your time and consideration. This is my personal email address and I welcome you to contact me with any questions you may have.

Additionally, my phone number is 720-491-0960. I am available anytime.

Best regards,  
Troy Ivan

**From:** [Tina Hirshland](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket DC-16-0002/support  
**Date:** Monday, February 22, 2016 10:35:43 AM

---

I support the proposed Land Use code amendment that would limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today. This change alone would greatly reduce the safety threat to unincorporated County residents. Thank you.

Tina Hirshland, 2064 Timber Lane, Boulder, CO 80304  
resident of Pine Brook Hills

**From:** [Bonnie Rush](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** cannabis plant counts/proposed regulations  
**Date:** Monday, February 22, 2016 10:34:10 AM

---

Dear Planners,

My husband and I, both medical marijuana patients and approaching our 70s, are concerned about the possibility of being unable to grow our combined allotment of twelve cannabis plants.

I have multiple autoimmune conditions, one of which keeps me housebound. My husband has a chronic disease and is recovering from chemotherapy. We depend on cannabis for relief.

Our total income is less than two thousand dollars a month. We simply cannot afford to purchase cannabis from dispensaries, so our supply is dependent on our own garden. We have sacrificed to acquire the necessary equipment and supplies.

Being unable to grow only six plants between us would definitely be a hardship.

I hope you will consider the many residents like us when considering changes to the current land use code.

Sincerely,

Bonnie Rush

**From:** [Terra Goeres](#)  
**To:** [#LandUsePlanner](#)  
**Cc:** [Dush Ramachandran](#)  
**Subject:** Fwd: Proposed Boulder County changes to reduce marijuana grow risks in PBH  
**Date:** Monday, February 22, 2016 10:15:01 AM

---

To Whom It May Concern:

As residents of Pine Brook Hills, we implore you to change this law immediately. We love our neighborhood, our home, and the scenery around our beautiful area. Pot houses of the scale that is currently allowed cause smell pollution, ruining our enjoyment of the beautiful outdoor environment where we live and lowers our property value. Furthermore, the fire hazard created by these grow-houses is appalling. There are enough natural risks in this area and we don't need to exponentially add to the risk with man-made causes. How would you feel if a fire that was started so that someone could grow weed burned down your family home?

The current regulations unfairly favor the pot houses without any regard for the people who have lived in this area for many years. We are all for freedom, but it shouldn't trample on our right to live in an environment that doesn't reek of skunk or unnecessarily increase the fire danger to our home.

Thank you for doing the right thing by the long-time residents of Pine Brook Hills.

Dush and Terra Ramachandran

----- Forwarded message -----

**From:** **Brian Wahlert** <[brian.wahlert@gmail.com](mailto:brian.wahlert@gmail.com)>  
**Date:** Fri, Feb 19, 2016 at 4:16 PM  
**Subject:** Proposed Boulder County changes to reduce marijuana grow risks in PBH  
**To:** [terra.goeres@gmail.com](mailto:terra.goeres@gmail.com)

**Your public comment can influence the future of commercial marijuana grow operations in Pine Brook Hills**

**Please read the following and submit your support of the proposed Boulder County regulatory changes**

Pine Brook residents,

In my new role as HOA president of our wonderful community, I try to keep abreast of issues that affect us and inform our residents. We live in such a spectacular place, surrounded by nature, with glorious mountain vistas, yet just minutes to Boulder. But by choosing to live here, we know we take on one very serious risk. I'm not talking about crime or wildlife or potholes; I'm talking about wildfire. The vast

majority of us are extremely cautious and conscientious regarding that risk, and many of our residents go beyond personal responsibility and into public service, volunteering countless hours to our outstanding fire department.

But when residents take actions that greatly increase our fire risk, that's cause for alarm. And that's what I want to tell you about...

Boulder County currently allows large commercial-scale marijuana grow operations in all residential areas of the unincorporated County, including Pine Brook Hills. Well over 100 plants can be grown per residence, with no registration or licensing required. Yes, you read that right -- *over 100 marijuana plants per residence, without any licensing.*

At that scale, marijuana growing poses quite a few hazards, particularly fire. The electrical requirements of large-scale growing and the extraction and production of derivative products like hash oil greatly increase our fire risk. Multiple fires have started in our district, and many more elsewhere in the County, at the large grow operations that are currently allowed in residential areas. And with the city of Boulder only allowing six plants per residence, people who want to grow at large scale without commercial licensing are continuing to set up in unincorporated County subdivisions like Pine Brook.

That's the bad news. The good news is that the County has proposed fixing this. As I write this, you can find the following on the Boulder County home page:

[Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use](#)

· 02/18/2016 04:05 PM MST

Click on the link for all the information, but among other things, the proposed Land Use code amendment would limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today. This change alone would greatly reduce the safety threat to unincorporated County residents.

### **What action can you take?**

If you would like to help protect PBH, the easiest thing you can do is send a few words in support of these changes to [planner@bouldercounty.org](mailto:planner@bouldercounty.org). Your comments

will become part of the public record for this docket and will influence the County commissioners' decision on whether to enact these changes. There will also be hearings scheduled on this issue at which public comments will be taken.

Following is Boulder County's background on this issue (copied from the [BoCo website](#) that I also linked above):

### **Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use**

*Boulder County sent this bulletin at 02/18/2016 04:05 PM MST*

A new proposed Boulder County Land Use Code amendment has recently been initiated. On January 26, 2016, the Board of County Commissioners authorized staff to pursue text amendments to the Land Use Code in [Docket DC-16-0002 – Proposed Boulder County Land Use Code Text Amendments to Article 4 and Article 18 to address the cultivation and processing of marijuana as a Residential Accessory Use](#).

#### **Background**

The state of Colorado's legalization of marijuana has presented numerous land use challenges as the new laws have been implemented. The County recognized the votes to legalize marijuana and has undertaken sensible regulations to address the impacts while allowing the various associated uses. Through the evolution of these uses it has become evident there are certain aspects of the County's regulations which do not fully address the impacts and potential hazards present. In addition, the land use regulations may permit more than what is allowed under state laws thus creating a situation where the cultivations/grows are for activities not permitted under state law. In regard to this the County has received several complaints about the residential cultivation and processing of marijuana. Complaints raise concerns about odors, safety concerns from fire, explosions and potential exposure to hazardous materials.

The current Land Use Code allows personal cultivation and caregiver cultivation as Accessory uses and limits the area for the activity to no more than 300 square feet. Under that regulation it could be possible to grow more than 100 plants. The provisions also prohibit the use of flammable gases in any extraction. Staff is proposing to review the adequacy of the current regulations and draft amendments which then address any shortcomings. The goal is to have a clear regulatory framework which protects the safety of County residents and meet the intent of Accessory Use regulations. Land Use also wishes to ensure that the home marijuana uses under the code are roughly comparable to the regulations of other jurisdictions within the County to provide for more uniformity in enforcement and to avoid forum shopping by marijuana growers.

The referral letter and proposed draft Land Use Code text amendments regarding Docket DC-16-0002 are available at:

<http://www.bouldercounty.org/doc/landuse/dc160002ref20160212.pdf>

#### **Next Steps**

This docket review process will include a public hearing before the Boulder County Planning Commission, tentatively scheduled for March 16, 2016, and a public hearing before the Boulder County Board of County Commissioners, tentatively scheduled for April 5, 2016. Public comments will be taken at both hearings. Confirmation of hearing dates and times will be published online at [www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx](http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx), and sent to the [Land Use Code email list](#).

The Land Use staff and County Commissioners value comments from individuals and referral agencies. All comments will be made part of the public record. Comments or questions on this proposed Land Use Code amendment may be sent to [planner@bouldercounty.org](mailto:planner@bouldercounty.org).

If you have any questions regarding Docket DC-16-0002, please contact Senior Planner Bryan Harding at [303-441-3930](tel:303-441-3930) or [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Thanks for taking the time to read about this serious issue, and I hope you'll send an email to [planner@bouldercounty.org](mailto:planner@bouldercounty.org) in support of the proposed changes!

Take care,

Brian Wahlert

Pine Brook Hills HOA President

**From:** [Paul Tiger](#)  
**To:** [Boulder County Board of Commissioners](#); [Harding, Bryan](#)  
**Subject:** THC extractions  
**Date:** Monday, February 22, 2016 9:34:12 AM

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I've called and written to Land Use, but it's hardly enough. LU is spinning their wheels on our collective dime when it comes to banning THC extractions using flammable gas.

Rep. Mike Foote authored HB15-1305 which passed into law last year. LU seems unaware of this.

The bill (now an Act) banned flammable gasses, but permitted alcohol extractions.

Mike consulted with ExtractCraft in Longmont while drafting the bill. ExtractCraft manufactures an essential oil extractor which can be used for THC extractions. It uses grain alcohol (Everclear from the liquor store) in small amounts. It recycles the alcohol used, using low heat and vacuum. The bill was exactingly created, and passed into law.

If the county comes up with a modification of state law, it is very likely that there will be a legal challenge over what this statutory county attempts to do with code.

Yes, I am clear that this would be a Land Use code, and the county has some leeway. There's also the issue of who has the deeper pockets.

The County (generally Ben Pearlman) assumes that with deeper pockets it can outlast court challenges. Now imagine fighting a multi-million dollar cash driven industry that has deeper pockets.

Oh sure, the county can still win the case, but was it necessary to have a case at all. A lot of resources and money can be wasted before arriving at a court decision.

I urge you to abide by state law and not invite lawsuits. Let's think fiscal conservancy.

--

Paul Tiger, Luddite  
303.774.6383 Home  
303.651.7919 Business  
720.217.9260 Mobile

"For a successful technology, reality must take precedence over public relations, for nature cannot be fooled." - Dr. Richard P. Feynman

**From:** [Rolokiss](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Regarding county commissioner's hearing March 16 - stricter marijuana land use codes  
**Date:** Monday, February 22, 2016 9:08:58 AM

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Dear Boulder County-

I read the article in the Times-Call asking for comments regarding stricter marijuana land use codes in unincorporated Boulder County residential grow operations. I am in full support of stricter land use codes and reducing the amount of plants in a residential environment. But of most concern is the lack of resources to enforce these laws. I respect that Boulder County Sheriff's Dept. works extremely hard and has greater law enforcement issues than investigating complaints about grow operations but we feel in danger in our current home because of the lack of resources to help us.

There is a large scale marijuana grow operation at the residence of 7394 Glacier View Rd. Longmont, CO 80503 in Gunbarrel. The grow operation has many violations: He is cultivating 100-150 plants in a **1,200 sq. ft.** basement area, he sells directly from his home at all hours, I do not believe he has proper state and county licenses to run an operation this large because he has an extensive history of violent crimes in Brevard County, FL including domestic violence, felony burglary with assault. He has been ordered no weapons, yet has an extensive gun collection including high capacity guns. I know the county would not issue special licenses to a felon. His 20-30 guns are illegal in CO because of his felonies. They make unregulated edibles from their home kitchen, sell at all hours. He has large gas canisters in his garage that are of safety concern. He also has a vehicle that comes into town from Florida every single harvest, so he is selling across state lines. The smells are so noxious on certain days that surrounding neighbors can't open windows, children can't play outside. Employees have left his home under the influence to the point they have driven on the sidewalk and wrong side of the street. The suspicious activity has gotten so concerning that several neighbors have installed alarm systems for their safety. Many neighbors have called the police to report odors, suspicious activity, neighbors have called the county and state marijuana enforcement tip line providing license plates, specifics details yet his business has been going on since 2011. We have never seen police go to his home to investigate neighbor complaints. He even started a second large scale operation in the Boulder Spanish Hills neighborhood. He threatens anyone who makes calls. He was even investigated for threatening to kill a former employee, but no one looked into the grow operation. He was investigated by Child Protection Services because another employee called out of concern for his daughter living in the home but the police never got past the front porch because there was no warrant to see the grow operation. Children have watched drugs get loaded into his truck for delivery right in front of them. We feel hopeless that this situation will ever get resolved because more law enforcement resources are needed to support investigating these concerns. He purchased his home with cash so we are forced to live with this situation until police shut him down. I know many neighbors have called repeatedly, yet we feel really unsafe and have to tolerate smells that have become health hazards. 150 plants should not be allowed in homes this close together, near a bus stop and the neighborhood park. Like I mentioned, I know Boulder Sheriff's work very hard, that's why more resources are needed for the safety of our community.

**From:** [Sprow Frank](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Marijuana Growing - Pine Brook Hills  
**Date:** Monday, February 22, 2016 7:35:17 AM

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As a homeowner in PBH (162 Valley View Way) I very much support the proposed changes to limit these operations.

We live in a rather severe fire danger zone and do not need more potential fire risks added.

Thank you.

Frank Sprow

**From:** [Robert Jackson](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Limitation of Marijuana Plants per Residence in Boulder County  
**Date:** Sunday, February 21, 2016 8:43:59 PM

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**[Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use](#)**

*02/18/2016 04:05 PM MST*

Click on the link for all the information, but among other things, the proposed Land Use code amendment would limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today. This change alone would greatly reduce the safety threat to unincorporated County residents.

This land use modification seems very reasonable and practical. During the nearly 14 years of living in Pine Brook hills we have witnessed first hand the threat from wild fire and any human activity that would increase its risk and therefore to residents is unthinkable. We (myself and my wife) support this amendment.

Regards,

Bob

Robert P. And Lynn B. Jackson  
98 Ridge Drive  
Boulder, CO 80304

m: 303-513-1822

Sent from my iPad

**From:** [Tina Fraser](#)  
**To:** [#LandUsePlanner](#)  
**Date:** Sunday, February 21, 2016 2:32:33 PM

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To Whom It May Concern -

I am writing to let you know that we strongly oppose the allowance of up to 100 marijuana plants in a 300sq. ft area being allowed to grow in residential areas within the county without any regulation. We would like this to be the same as those within the city, limited to 6-7plants/home, if any at all. We have to worry about fire hazards as it is living in this area - we do not want to add any more risk that is not necessary.

Thank you -

Garrett and Christina Fraser  
75 Alder Lane  
Boulder 80304

**From:** [aharsh@comcast.net](mailto:aharsh@comcast.net)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed land use amendment  
**Date:** Sunday, February 21, 2016 11:18:08 AM

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My husband and I recently bought a house in Pine Brook Hills and certainly enjoy the quality of life here with wonderful views and wildlife visitors. It has come to our attention that there is a proposed amendment (Docket DC-16-002) that would limit the cultivation of marijuana to 6 plants per 300 sq feet. We are certainly in favor of this proposed limitation. As you know we are very aware of fire hazards where we live so would not want a large grow facility in our neighborhood. that would increase the possibility of fires happening due to processing of marijuana. Thank you for your consideration of this opinion. Please do everything in your power to make sure this proposed amendment passes.

Ann & John Harsh  
212 Wild Horse Circle

**From:** [Greg Johnson](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Boulder County changes to reduce marijuana grow risks in forested unincorporated Boulder County  
**Date:** Sunday, February 21, 2016 7:45:09 AM

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Please register my support for the land use code amendment that would limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today.

Greg Johnson  
225 Bristlecone Way  
Boulder, CO 80304

**From:** [Quentin M. McKenna](#)  
**To:** [Harding, Bryan](#)  
**Subject:** Re: Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use  
**Date:** Saturday, February 20, 2016 11:01:50 PM

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Dear Mr. Harding,

I have an invention that can render this petition moot: [www.drip-jet.com](http://www.drip-jet.com). It is an intermittent watering system that can maintain constant moisture conditions while using very little water. It also doesn't require any electricity to operate and solely runs off of water pressure. Growing marijuana with this device could actually mitigate fire risk by preventing ignition and providing a fire barrier, especially during naturally dry conditions. I hope you will re-consider moving forward with this petition.

Best regards, Quentin McKenna

**From:** [John Powers](#)  
**To:** [#LandUsePlanner](#)  
**Cc:** [brian.wahlert@gmail.com](mailto:brian.wahlert@gmail.com); [Jones, Elise](#); [Gardner, Deb](#); [Domenico, Cindy](#); [Boulder County Board of Commissioners](#)  
**Subject:** Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use  
**Date:** Saturday, February 20, 2016 7:40:02 PM

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Dear Boulder County Planner,

As a real estate investor, commercial building developer and former realtor, I support the limitation of cultivation of marijuana plants not only to six plants, but to two plants for the following reasons:

Two plants can supply a family's use. More than two would be for commercial sale. Does Boulder County have plans to monitor growing and processing of marijuana in residential subdivisions and to license residential growers? Does the County envision people raising plants as if they were vegetables from their gardens and selling them at the Farmers' Market?

I live in Pine Brook Hills. I believe that grow operations threaten the neighborhood by increasing the potential for fire both in the increase of the quantity of plants and processing them into oils and edibles. In locations where growing occurs, the values of nearby property may well go down. Is the County prepared to increase fire protection for such subdivisions? Is the County prepared to compensate property owners for the loss of value? Will the County raise property taxes to cover the costs of regulating and inspecting properties where growing more than two plants will occur, of providing increased fire protection, and of reimbursing property owners for loss of property value? I strongly urge the County to help property owners who want to ban growing of marijuana at their rental properties. Will the County protect owners who rent their properties to tenants who grow more than the allowed number of plants? Will the County provide legal support and enforcement for property owners who want to include provisions in leases that prohibit growing of marijuana? Further, I strongly urge the county to enable Home Owners Associations to enact bans of growing marijuana in subdivisions or to set limits lower than what the County allows.

The elected Boulder County Commissioners and County officials are charged with balancing interests of individuals with those of communities. I ask the county to consider including in its Land Use Code Amendment that subdivisions are required to pass affirmative votes of a majority of the property owners in order for the cultivation of marijuana to be allowed in the subdivision. At least I urge the County to allow subdivisions to vote to prohibit the cultivation of marijuana at quantities greater than the amount determined by the property owners in the subdivision and less than the County determined quantity. Please weigh heavily the standing and rights of communities as you consider the rights of individuals.

Sincerely,

John Powers  
303-449-2522  
200 Alder Lane  
Boulder, CO 80304

**From:** [Cindy Owens](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** marijuana growth limits  
**Date:** Saturday, February 20, 2016 5:06:36 PM

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Please limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today. This change alone would greatly reduce the safety threat to unincorporated County residents. Fire is a concern for all of us that live in the mountains. Plus this is a residential neighborhood. It is not appropriate for a commercial marijuana business.

Thanks,  
Cindy and Bob Owens  
Pinebrook Hills Residents

**From:** [Brian Ridley](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** DC160002  
**Date:** Saturday, February 20, 2016 3:15:11 PM

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We are in strong support of the proposed Land Use code amendment that would limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today. Our biggest concern with large grow operations in unincorporated BoCo and especially in the foothills is the threat of fire. Indeed, a house (originally an illegal grow operation) within 1/4 mile of ours suffered major fire damage last spring (and the cause was likely inadequate electrical wiring). That house has yet to be put back into livable condition.

Brian and Sonia Ridley  
[619 Pine Brook Rd](#)  
[Boulder, CO 80304](#)  
[303 447 2219](#)

**From:** [Alicia Villarreal](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Support for Curtailment of Marijuana Growth & Manufacturing in Unincorporated County Residential Communities  
**Date:** Saturday, February 20, 2016 2:21:22 PM

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Dear County Leaders:

I write to encourage you to adopt a land use amendment to limit the number of marijuana plants that can be grown in unincorporated neighborhoods in the County. My husband and I just purchased a home in beautiful Pine Brook Hills and I was shocked to learn today that residents in this area may lawfully grow up to 100 marijuana plants. The health and safety, not to mention economic hazards, this conduct poses must be curtailed through reasonable regulation. The winds whip through this area like nothing I've ever experienced, and coming from California, I am all too familiar with accidental, intentional, and natural wildfires that feed off of winds far less intense than these. This natural environment poses a high risk of fire even without the exponential risk of marijuana-related operations, the latter of which literally constitutes "playing with fire" in a high fire danger area.

I ask that you carry out your duty to protect the health, safety and welfare of citizens and the environment, and reduce the risk of economic disaster that marijuana manufacturing invites in high-fire areas, by restricting this conduct.

Respectfully submitted,

Alicia Villarreal  
90 Hawk Lane  
(Pine Brook Hills)

**From:** [Terri Groh](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Land Use Code Amendment Docket DC-16-0002  
**Date:** Saturday, February 20, 2016 8:55:40 AM

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I am writing in full support of Proposed Land Use Code Amendment Docket DC-16-0002, and any other measures that can be taken to protect unincorporated Boulder County from the dangerous and obnoxious results of the marijuana grow industry that I have witnessed first hand.

Although my small street in Pine Brook Hill is lined with million/multi-million dollar houses, the large one next door to me was rented this past year to a group of young people who smoked marijuana openly and were undoubtedly operating a grow house. It ruined our beautiful, quiet, friendly, and safe neighborhood.

Among many complaints were that drug-impaired residents of the house were driving dangerously causing one man (not from the neighborhood) following one from downtown Boulder all the way up to our street because she nearly drove him and others off the road; when he stopped her and saw her condition he called the sheriff.

Another time a disoriented young male, who appeared to be under the influence of some kind of drug, attempted to enter a neighbor's house through the back door.

Cars with New York, Illinois, Wyoming, Florida, Alabama, Tennessee, and Texas plates arrived and stayed at the property and on the street for days or weeks or longer. Once a man was found sleeping in a car with Illinois plates on the street.

They were seen throwing lit cigarettes off the deck and out of their truck while driving in PBH. We've had damage to our properties from the late night reckless driving. They bred a an aggressive Cane Corso (Italian Mastiff) with a pit bull.

All these complaints were repeatedly made to the property owner who did nothing for almost a year. It's difficult to convince someone to give up the massive rental income they can easily make from 4-5-6 individuals in a large house. With housing so expensive and scarce in Boulder County, these types of rentals will become another damaging cottage industry unless we institute and enforce regulations like Proposed Land Use Code

Amendment Docket DC-16-0002.

This also highlights another critical issue: the definition of "single family" and the related regulations need to be strengthened and enforced to make landlords accountable - that would go a long way to solving the grow house problem in residential neighborhoods.

Please take action to protect and restore Boulder County to the beautiful and safe haven we have always known it to be.

Thank you,  
Terri Groh  
303-818-6871  
[tgroh@me.com](mailto:tgroh@me.com)

**From:** [paul.shippey](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Marijuana Laws  
**Date:** Saturday, February 20, 2016 8:27:44 AM

---

Dear City Planner

I wholeheartedly support the proposed laws that residential areas not be used for commercial marijuana grow operations. As a firefighter I can attest that marijuana growing poses quite a few hazards, particularly fire. The electrical requirements of large-scale growing and the extraction and production of derivative products like hash oil greatly increase our fire risk, especially in forested areas like Pine Brook Hills.

Thanks

Paul Shippey  
480 Timber Lane, 80304

**From:** [Kristen Pederson](#)  
**To:** [#LandUsePlanner](#)  
**Cc:** [brian.wahlert@gmail.com](mailto:brian.wahlert@gmail.com)  
**Subject:** Limits on Land Use for Pine Brook Hills  
**Date:** Friday, February 19, 2016 7:44:20 PM

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Hello.. I'm a home owner in PBH and very concerned about the lack of protection for the growing of large scale marijuana farms in this part of unincorporated Boulder County. I support the land use code amendment below..

**[Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use](#)**

... to limit residential grow operations to six plants per parcel, rather than the 100+ plants allowed today. This change alone would greatly reduce the safety threat to unincorporated County residents especially poised by heightened fire danger in an already high risk fire zone.

Thank you,  
Kristen Pederson  
1577 Linden Drive

**From:** [Frank Tanel](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Boulder County changes to reduce marijuana grow risks in PBH  
**Date:** Friday, February 19, 2016 6:52:34 PM

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To whom it may concern:

As a long time resident of Pine Brook Hills I am appalled to realize that my home and our beautiful surroundings are put at risk in order to further the needs of commercial marijuana.

This would be bad enough but to also realize that there are no registration or licensing requirements for these operations is outrageous. Also the fact that there have been multiple fires which have started in our district, and many more elsewhere in the County, at the large grow operations that are currently allowed in residential areas is very alarming.

At the very least we should have the same standards as the city of Boulder but I would prefer a strict prohibition with regards to commercial marijuana in order to prevent disastrous consequences.

**Frank Tanel**

**From:** [Alan Thompson](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Fwd: Proposed Boulder County changes to reduce marijuana grow risks in PBH  
**Date:** Friday, February 19, 2016 5:53:42 PM

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I support this change

Alan Thompson  
[alan.thompson303@gmail.com](mailto:alan.thompson303@gmail.com)

Begin forwarded message:

**From:** "Brian Wahlert" <[brian.wahlert@gmail.com](mailto:brian.wahlert@gmail.com)>  
**Subject:** **Proposed Boulder County changes to reduce marijuana grow risks in PBH**  
**Date:** February 19, 2016 at 4:05:20 PM MST  
**To:** <[alan.thompson303@gmail.com](mailto:alan.thompson303@gmail.com)>

**Your public comment can influence the future of commercial marijuana grow operations in Pine Brook Hills**

**Please read the following and submit your support of the proposed Boulder County regulatory changes**

Pine Brook residents,

In my new role as HOA president of our wonderful community, I try to keep abreast of issues that affect us and inform our residents. We live in such a spectacular place, surrounded by nature, with glorious mountain vistas, yet just minutes to Boulder. But by choosing to live here, we know we take on one very serious risk. I'm not talking about crime or wildlife or potholes; I'm talking about wildfire. The vast majority of us are extremely cautious and conscientious regarding that risk, and many of our residents go beyond personal responsibility and into public service, volunteering countless hours to our outstanding fire department.

But when residents take actions that greatly increase our fire risk, that's cause for alarm. And that's what I want to tell you about...

Boulder County currently allows large commercial-scale marijuana grow operations in all residential areas of the unincorporated County, including Pine Brook Hills. Well over 100 plants can be grown per residence, with no registration or licensing required. Yes, you read that right -- *over 100 marijuana plants per residence, without any licensing.*

At that scale, marijuana growing poses quite a few hazards, particularly fire. The electrical requirements of large-scale growing and the extraction and production of derivative products like hash oil greatly increase our fire risk. Multiple fires have started in our district, and many more

elsewhere in the County, at the large grow operations that are currently allowed in residential areas. And with the city of Boulder only allowing six plants per residence, people who want to grow at large scale without commercial licensing are continuing to set up in unincorporated County subdivisions like Pine Brook.

That's the bad news. The good news is that the County has proposed fixing this. As I write this, you can find the following on the Boulder County home page:

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**Background**

The state of Colorado's legalization of marijuana has presented numerous land use challenges as the new laws have been implemented. The County recognized the votes to legalize marijuana and has undertaken sensible

regulations to address the impacts while allowing the various associated uses. Through the evolution of these uses it has become evident there are certain aspects of the County's regulations which do not fully address the impacts and potential hazards present. In addition, the land use regulations may permit more than what is allowed under state laws thus creating a situation where the cultivations/grows are for activities not permitted under state law. In regard to this the County has received several complaints about the residential cultivation and processing of marijuana. Complaints raise concerns about odors, safety concerns from fire, explosions and potential exposure to hazardous materials.

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### **Next Steps**

This docket review process will include a public hearing before the Boulder County Planning Commission, tentatively scheduled for March 16, 2016, and a public hearing before the Boulder County Board of County Commissioners, tentatively scheduled for April 5, 2016. Public comments will be taken at both hearings. Confirmation of hearing dates and times will be published online at [www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx](http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx), and sent to the [Land Use Code email list](#).

The Land Use staff and County Commissioners value comments from individuals and referral agencies. All comments will be made part of the public record. Comments or questions on this proposed Land Use Code amendment may be sent to [planner@bouldercounty.org](mailto:planner@bouldercounty.org).

If you have any questions regarding Docket DC-16-0002, please contact Senior Planner Bryan Harding at [303-441-3930](tel:303-441-3930) or [bharding@bouldercounty.org](mailto:bharding@bouldercounty.org).

Thanks for taking the time to read about this serious issue, and I hope you'll send an email to [planner@bouldercounty.org](mailto:planner@bouldercounty.org) in support of the proposed changes!

Take care,  
Brian Wahlert  
Pine Brook Hills HOA President

**From:** [Burt Lewis](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Marijuana Growing Pine Brook Hills  
**Date:** Friday, February 19, 2016 4:59:51 PM

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Please limit the growth of marijuana plants to six per residence in Pine Brook Hills

Sent from my iPad

Burt Lewis, resident

**From:** [Donna Waters](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Regarding Docket DC-16-0002  
**Date:** Friday, February 19, 2016 4:48:30 PM

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Dear Boulder County Planner,

As a long-term resident of Pine Brook Hills neighborhood, I fully support any efforts to prohibit the commercial cultivation of marijuana on Boulder County residential property.

In particular, with respect to "Docket DC-16-0002 – Proposed Boulder County Land Use Code Text Amendments to Article 4 and Article 18 to address the cultivation and processing of marijuana as a Residential Accessory Use.", I strongly support the proposed revisions that would disallow "marijuana establishments" from the list of qualified home occupations, limit growth to 6 plants (I would actually prefer this limit be 2 plants), and prohibit THC extraction using methods that could result in health risks or fires.

Sincerely,

Donna Waters

**From:** [Michael L. Phifer](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use  
**Date:** Friday, February 19, 2016 4:33:49 PM

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Dear Boulder County Commissioners and Land Use Staff:

I live in Pine Brook Hills at 551 Pine Tree Lane.

I support the proposed amendment to limit the residential growing of marijuana to 6 plants.

The County should adopt the same standard as Boulder.

There is no justification for any resident to need 100 marijuana plants.

And the cultivation and harvesting and processing of such large numbers of plants poses significant fire hazards as well as pollution hazards to water, soil and air.

Thank you for your time and attention to this matter.

Sincerely,  
Michael L. Phifer

**From:** [TerietAl](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Land Use Code Amendment: Docket DC-16-0002, concerning cultivation/processing of marijuana as a Residential Accessory Use  
**Date:** Friday, February 19, 2016 4:25:21 PM

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I do not agree with changes. It is not within the framework suggested by POTUS.

I wish to state that I want the status quo no to be meddled with.

Allan Wolpowitz  
413 Wild Horse Circle, Boulder, CO 80304

**From:** [Dr. Allen Saville](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Proposed Regulations re: Marijuana cultivation / processing  
**Date:** Friday, February 19, 2016 4:09:52 PM

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Re: Docket DC-16-0002

Bryan Harding and other planners,

First, thanks for taking action on this issue of great concern to folks living in residential communities.

Second, I STRONGLY SUPPORT the proposed changes in land use regulation that will, in effect, eliminate commercial-scale marijuana grow and processing operations in residential communities.

As past president of the Pine Brook Hills HOA, and as a volunteer firefighter, and emergency medical responder, I am aware of some of the adverse impacts of having marijuana grow and processing operations of the size and scale currently allowed in the land use regulations. The bottom line is that these operations are definitely NOT in keeping with the residential character of our neighborhood and not desired by our residents. The current regulation that pretty much allows whatever cultivation and production activities that can be housed in 300 square feet of space produce the following adverse impact:

1. **Increased fire hazard** (both structure fire and increased potential for spreading to wildland fire)
2. **Significantly increased traffic activity** (especially during harvest times)
3. **Influx of criminal element** into the neighborhood (if you do the math, it seems clear that – even with quasi-legal grow operations – some of the product is going to the back and/or grey market; this is by definition “criminal” and participants in this market can include even very dangerous criminal types. Law enforcement also tells us that product is sometimes even headed out of state, even out of country, via illegal distribution channels. This is not the type of activity we want in our residential neighborhood.)
4. **Hazardous and fire-prone chemicals** in confined spaces that constitute a danger to firefighters and other people as well
5. **Increased nuisance** from guard dogs many times used to protect these grow operations (you also have to wonder about what they are trying to protect themselves against . . .); residents have complained that they are afraid to take walks with their children near these places.
6. **Non-Residential use:** When a home is used as an aggressive marijuana cultivation/processing operation, sometimes the use characteristics of the home are not residential at all. The structure is just a production facility; the owner does not live there; the people who occupy the structure are merely there to produce marijuana products; the structure is, in reality, a commercial facility with no concern for, or connection with, the surrounding neighborhood and/or neighbors. Certainly not in keeping with the spirit of the zoning ordinances, etc. that seek to preserve the residential character of residential neighborhoods.

Your proposed regulation changes that limit production in residential areas to 6 plants, will greatly reduce (and hopefully eliminate) all of the above.

Another good result of your proposed regulation is that more of the marijuana that is produced will now be subject to commercial production requirements. That will result in the production of safer and more accurately labeled marijuana products for the consumer, fair tax revenues, safer production and processing environments, and more.

PS: As an emergency medical responder I have responded to a growing number of medical emergency (9-1-1) calls in which the patient had very serious adverse reactions to consuming the newer, stronger marijuana products. A lot of people believe marijuana to be "totally harmless" – but I have witnessed some very serious physical reactions that seem to getting into the "life threatening" category. Being more careful about the production, processing, labeling, distribution and consumption of these new stronger marijuana products is a good thing. Your proposed new regulation will help.

Yours,

**Dr. Allen Saville**

Allen Saville      Tel: +1 303.415.9500      Mobile: +1 303.588.6600  
[allen@saville.us](mailto:allen@saville.us)      [www.saville.us](http://www.saville.us)



## Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

### **Docket DC-16-0002: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18**

Request: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 to address the cultivation and processing of marijuana as a Residential Accessory Use (Land Use Staff Planner: Bryan Harding)

Dear Stakeholder/Interested Party,

On January 26, 2016, the Board of County Commissioners authorized Land Use staff to pursue text amendments to the Boulder County Land Use Code to address the cultivation and processing of marijuana as a Residential Accessory Use.

The state of Colorado's legalization of marijuana has presented numerous land use challenges as the new laws have been implemented. The County recognized the votes to legalize marijuana and has undertaken sensible regulations to address the impacts while allowing the various associated uses. Through the evolution of these uses it has become evident there are certain aspects of the County's regulations which do not fully address the impacts and potential hazards present. In addition, the land use regulations may permit more than what is allowed under state laws thus creating a situation where the cultivations/grows are for activities not permitted under state law. In regard to this, the County has received several complaints about the residential cultivation and processing of marijuana. Complaints raise concerns about odors, safety concerns from fire, explosions and potential exposure to hazardous materials.

The current Land Use Code allows personal cultivation and caregiver cultivation as Accessory uses and limits the area for the activity to no more than 300 square feet. Under that regulation it could be possible to grow more than 100 plants. The provisions also prohibit the use of flammable gases in any extraction. Staff is proposing to review the adequacy of the current regulations and draft amendments which then address any shortcomings. The goal is to have a clear regulatory framework which protects the safety of County residents and meet the intent of Accessory Use regulations. Land Use also wishes to ensure that the home marijuana uses under the code are roughly comparable to the regulations of other jurisdictions within the County to provide for more uniformity in enforcement and to avoid forum shopping by marijuana growers.

A draft of the proposed text amendments is attached to this letter for your review. You may also view the proposed draft text amendments and future revisions in our office or online at: <http://www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx>

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Cindy Domenico *County Commissioner*

Elise Jones *County Commissioner*

Deb Gardner *County Commissioner*

Please return responses to the above address by **March 1, 2016**. Late responses will be reviewed as the process permits.

We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed William R Bunnell PRINTED Name William R Bunnell  
Agency or Address 10 Pine Tree W, Boulder, CO 80304



# Land Use

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Elise Jones *County Commissioner*

Deb Gardner *County Commissioner*

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Signed  PRINTED Name KAREN M. BRAWLEY  
Agency or Address 40 Pine Tree Lane Boulder CO 80304



## Land Use

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Signed Elise Branyan PRINTED Name Elise Branyan  
Agency or Address 40 Pine Tree Ln, Boulder, CO 80304