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County tightens its rules on pot

Large growers now banned from residential areas

By [Heather Scofield](#) Herald Staff Writer

La Plata County residents need not worry that the vacant home down the street will be home to a large-scale, county-sanctioned drug operation that plummets property values and creates safety concerns.

To ensure residents are buffered from such side effects of the growing medicinal marijuana industry, county commissioners on Tuesday voted unanimously to ban the drug's cultivation in residential dwellings.

Not everyone at the meeting was happy about the decision, though.

"Would you do the same thing to a resident growing bell peppers for salsa to be sold at the local fair?" asked Travis Pollack, owner of Natures Own Wellness Center and director of the advocacy group Southwest Safe Access.

The ban is one of several changes commissioners made to their temporary medical marijuana regulations, and it applies to commercial cultivators and large "caregivers" that would use more than 1,000 square feet of space to grow and process the drug.

"Patients and small caregivers could grow inside a house," County Planner Carolyn Pakelitis said.

County Commissioner Kellie Hotter said the county's temporary land-use regulations are its "only jurisdiction in this very complicated new world."

In addition to banning what officials view as commercial-sized growing operations in homes, commissioners added provisions on lighting, eliminated cultivators' ability to use hauled water for irrigation and formalized an earlier decision to ban dispensaries in the unincorporated areas of the county.

Elected officials also back-pedaled on a previous decision to not require land-use permits for cultivators using less than 300 square feet of space for growing and processing the drug.

Now, growing operations using more than 200 square feet of space will require an administratively issued permit. And those using more than 1,000 square feet of space will require a public hearing and a formal review process before being permitted.

The changes caused some disagreement among commissioners. Wally White argued the lower

space threshold for permits was too restrictive, and banning cultivators from using hauled water was akin to “pulling the rug” from under businesses that already are using the practice.

Hotter and Bobby Lieb said the changes would bring the temporary marijuana permit rules more in line with the county’s other regulations. And no one will be grandfathered under the temporary provisions when permanent marijuana land-use regulations are adopted sometime in the next year, they said.

“Everyone has to realize that these (regulations) are temporary in nature,” Hotter said. “There will be changes from us and changes from the state.”

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