

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue

August 18, 2014

Mayor Jay called the Study Session to order at 6:32 p.m.

Council members present: Jerry DiTullio, Bud Starker, Kristi Davis, Zachary Urban, Tracy Langworthy, Tim Fitzgerald and Genevieve Wooden

Absent: George Pond

Also present: City Clerk, Janelle Shaver; City Attorney, Carmen Beery; Community Development Director, Ken Johnstone; Chief Daniel Brennan; John Schumacher, Chief Building Inspector; and interested citizens

PUBLIC COMMENT ON AGENDA ITEMS none

APPROVAL OF AGENDA

1. Staff Report(s) ~ none
2. 2012 International (Building) Code, including marijuana products manufacturing occupancy classification

John Schumacher gave the staff report. He gave an overview of the Codes and outlined the local amendments.

Discussion followed.

- Councilmember Fitzgerald handed out a set of proposed changes related to marijuana facilities and hash oil. The changes also remove wording against extraction that does not use combustible or explosive processes.
- Councilmember DiTullio inquired what the consultant said about putting the restrictions back for siding. Mr. Johnstone said Steve Thomas agreed with the change.
- There was discussion about the definitions of H-1 and H-3 for hazardous processes. H-1 is for explosive products (bombs, fireworks, explosives, etc.) Mr. Schumacher agreed that the H-3 category would cover water based processes.
- There were some questions about water based extraction.
- Mr. Schumacher explained the sources for some of the changes, including internet research, the fire industry, and the City of Denver. He said Wheat Ridge is more liberal and less restrictive.
- There was concern about zoning the extraction facilities out of existence, and that we should figure out a way to let them stay in buildings with walls (i.e. not require them to be in free-standing buildings)
- John Cooper from the EBBU testing facility spoke. They have already promised a safe and consistent product and processes. He said water extraction is used

in other industries and there's never been an explosion. He said CO₂ and ethanol are used in such small quantities they are not combustible. A fire proof locker is not required (per Arvada Fire).

- Councilmember Starker received consensus to only require builders to submit 2 copies of their plans instead of 3 (p.4 section 106.4)
- There was considerable discussion of various issues related to the current penalties for minor building code violations (the fines, the threat of jail time, staff doubling fines or permit fees, and the absence of recourse for the contractors and citizens). ~ Staff identified these as standard building code penalties that all cities have. Discussion on possible remedies included removal of the threat of jail, lowering fines, removing doubled fines.
- During discussion of an appeals process Carmen Beery pointed out an appeals process that exists. This could be included with the fines.

Motion by DiTullio at 7:32pm to suspend the Study Session, convene the Special Meeting, and then return to the Study Session at the conclusion of the Special Meeting; seconded by Councilmember Starker; carried 7-0.

The Study Session resumed at 9:04 pm.

Discussion about the building codes continued.

- The odor of marijuana is addressed in the Mechanical Code.
- Mr. Schumacher explained "live/work" and the nail requirements for shingles.
- Staff will look into lowering the minimum sq ft requirement for requiring separate sex bathrooms.
- H-3 classification seems to be a satisfactory compromise to allow the marijuana extraction process.
- Kevin Ferry of the Arvada FD addressed the H-3 hazardous issue.
- Consensus to look at the H-3 classification, disallow butane extraction processes, classify marijuana grow operations as F-1, and ban solvent based extraction processes.

Staff noted they have taken good notes of Council's preferences and concerns and will modify the local regulations accordingly.

3. Elected Officials' Report(s)

Zach Urban challenged Mayor Jay to an ice bucket challenge.

Joyce Jay reported that 200,000 tickets had been sold at the Carnation Festival.

ADJOURNMENT

The Study Session adjourned at 9:43 p.m.



Janelle Shaver, City Clerk