



Archuleta County Sheriff's Office

November 29, 2021

RE: Proposed amendment to Archuleta County Land Use Regulation

Archuleta County Board of County Commissioners,

On September 16, 2021, Archuleta County Sheriff's Office received information regarding possible marijuana related cultivation offenses in unincorporated Archuleta County. Through follow up investigation and surveillance with the assistance of Colorado Bureau of Investigations over a period of three weeks, commencing on September 29, 2021, Archuleta County Sheriff's Office served 12 Search Warrants in relation to the illegal cultivation of marijuana on residential property within unincorporated Archuleta County.

During the entirety of this operation, multiple other criminal offenses were identified resulting in criminal charges for theft, drug related distribution and drug related manufacturing. It has been estimated that approximately 500 marijuana plants and related product were destroyed yielding a street value of approximately \$1.5 million dollars. Unfortunately due to the time of year, a large majority of the illegal cultivation operations had already been harvested. Recently, through a basic aerial search using standard mapping technology we have identified approximately 25 properties that appear to be cultivating or show infrastructure consistent with marijuana cultivation operations. This is purely a localized area, and is by no means a final representation within the County. In addition to the illegal cultivation activity, we have also identified that a large volume of water has been required to sustain these cultivation operations. Given the drought situation within the County and Region and the restrictions imposed on the average household for use of water during the summer, we believe that this has been a gross misuse of a precious resource, and that in addition to the criminal charges imposed for the illegal activity described above, penalties surrounding the misuse of water should also be formalized.

It is our belief that black and grey market marijuana operations are prolific within Archuleta County and as a result would like to propose an amendment to the current Archuleta County Land Use Regulation (LUR).

The primary purpose of a proposed LUR amendment is to set and implement plant count limits on marijuana cultivation for both Personal Use/Recreational and Medical Marijuana cultivation on Residential and Non-Residential Properties in all Zone Districts in unincorporated Archuleta County (AC) consistent with the provisions in House Bill



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17-1220 (attached), effective January 1, 2018, which are intended to stop diversion of legal marijuana to the illegal market.

The information below has been gathered from San Miguel County, CO (SMC), in relation to probable marijuana production.

After consulting with numerous Retail and Medical Marijuana shops in the state, ER Doctors, other users and cultivators, Infused Products Kitchens and the Poison Control Center, SMC has compiled the following statistics. The following is a compilation of the probable amounts of usable marijuana that could be expected in a marijuana cultivation operation.

A single marijuana plant, 5 foot tall and 3 foot across would produce about 3/4 pound of bud material and 3 pounds of leaf and trim material that could be used for extract and concentrates. The bud material is generally smoked for consumption and the concentrates are generally used to make edibles, shatter, or dab. As a rule, only the very high end medical and retail shops process their buds into concentrates.

CONCENTRATES

One pound of trim material will produce about 45,000 milligrams of marijuana concentrate. This concentrate will average between 60-80% THC per gram, depending on the plant strain and growing conditions. Using the low figure of 60% THC, means that one pound of trim, after processing and extraction, produces about 27,000 milligrams of pure THC. Therefore, from 3 pounds of leaf material per plant you would likely get 81,000 milligrams of pure THC from each plant.

Per the State Medical Board and the Colorado Department of Health a single dose of marijuana used in a retail edible product is 10 milligrams of THC per dose. This translates to a single marijuana plant producing 8,100 single dose edibles.

BUD PRODUCT

A retail marijuana Joint contains 1 gram of marijuana. The average pipe or bong uses 1/2 gram to 3/4 gram of marijuana. If each plant produces a minimum 3/4 pound of marijuana bud this translates to 12 ounces, or 340 grams. That's 340 rolled joints or 680 half gram bong hits per plant.

WHAT DOES THIS MEAN?

If an illegal cultivation operation yields and harvests 50 plants when they are about 5 foot tall and three feet wide, they would have to smoke 47 joints and eat 1,109 single serve edibles every day of the year in order to consume the amount of marijuana they produced. That's 11,090 milligrams of pure THC in just the edibles, every day of the year.



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According to the Department of Health, the Center for Poison control, and several commercially licensed medical marijuana curators, any consumption passing 500 milligrams (50 single serve edibles) of THC in a 24 hour period would be considered toxic, more than 1000-1500 milligrams (100-150 single serve edibles) per day would probably put the subject in a stupor so severe they would not physically be able to consume anymore. The idea that one person could consume over 11,090 milligrams of TCH in single day was referred to as "ludicrous" and "not possible" by various professionals in the marijuana industry.

In conclusion, the purpose of the proposal to amend the Archuleta County Land Use Regulation, seeks to implement a greater level of transparency and accountability within the personal recreational and medical marijuana cultivation industry. We acknowledge that Colorado Law exists and establishes parameters surrounding personal recreational and medical marijuana cultivation, however, believe that the parameters are broad and open to interpretation, thereby creating potential confusion between legitimate and illegitimate operations. State Law also does not address the potential issues surrounding the impact of outdoor growing operations and their negative impact on neighboring structures for example sight and odor, including the potential for neighboring property devaluation. It also does not address the occupational health and safety issues relating to mold and the property damage sustained internally with indoor grows.

Our belief is that by incorporating amended regulations into the Archuleta County Land Use Regulation, we'll vastly reduce the ambiguity that currently exists, and reduce the potential for increased criminal activity within Archuleta County, therefore setting our community up for success and protecting them at the same time.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Mike Le Roux".

Mike Le Roux
Archuleta County Sheriff's Office
Commander – Emergency Manager

CC: Sheriff Valdez
CC: Undersheriff Woodman
CC: Development Director Pamela Flowers