

FEATURED

## Lawsuit puts hold on Niwot dispensary

By Jesse Murphy Editorial@lhvc.com Updated Aug 11, 2016



Photo by Aurelia Pollard

After Boulder County commissioners approved a marijuana retail location in Niwot on June 30, a group of 16 people have filed suit asking a judge to overturn the approval.

Colorado law allows citizens to ask for judicial review on actions of local governments.

Niwot resident Steve Romano, one of the plaintiffs against the county, said that the county did not follow standard procedure when they granted approval.

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“Our stance is that Boulder County commissioners did not follow the comprehensive plan and the land use code,” Romano said. “There’s nothing personal here. It’s just the wrong place for this type of business. We don’t think the county has looked close enough at this.”

The dispensary can not open until the proceedings take place.

“Pending that judicial review, until it takes place, the county commissioners’ approval (of the dispensary) is on hold,” Romano said.

The main reason why the group filed the suit is the location, on the south end of the shopping center in Niwot.

“It has everything to do with putting this particular kind of land use right next to residences,” Romano said. “The closest residence is 39 feet away. The question we would ask is that if your back porch was 39 feet away from a business that requires armed security guards — with children routinely present — does that seem like a good land use?”

The plaintiffs posit that the commissioners’ decision goes against their own comprehensive plan, under which the land use code is included.

“We believe that Boulder County is unique from some other Colorado counties in that we have decided to incorporate the comprehensive plan as part of the land use code,” Romano said. “The applicant has to satisfy the requirements of the land use code.

“There are specific provisions in the plan for Niwot in particular, and we believe that County commissioners did not adequately consider those components of the comprehensive plan and they erroneously treated this dispensary.”

There will be no hearings on this review, but all transcripts are available to the public. There is also an appeal process for both sides.

Romano also pointed out that this is not a challenge to state legalization, simply about the location of the approved dispensary.

“This location in Niwot is not appropriate,” Romano said. “It’s too close to residences, areas where children are present. We believe it has to do with safety, this has nothing to do with the state law concerning marijuana.

“This is a standard procedure under Colorado law. If citizens feel like their elected officials have not used discretion properly, we can exercise our right.”