

**CROWLEY COUNTY BOARD OF COUNTY COMMISSIONERS
RECORD OF PROCEEDINGS**

FEBRUARY 26, 2021

CALL TO ORDER

Board of County Commissioners met in regular session on February 26, 2021. The meeting was called to order by Chairman Blaine Arbuthnot at 9:00 a.m. The following were present:

Blaine Arbuthnot-----Chairman
Roy Elliott-----Vice Chairman
Terry McMillian-----Member
LaShelle Benbow-----Deputy Clerk to the Board

RESOLUTION NO. 2021-8024

APPROVE DHS DISBURSEMENTS, FEBRUARY 25, 2021

Motion by Elliott, seconded by McMillian to approve the DHS disbursements for February 25, 2021, and authorize transfer of funds in the following amounts:

DHS Fund \$ 2,014.46

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8025

APPROVE FEBRUARY 2021 PAYROLL

Motion by McMillian, seconded by Elliott to approve the disbursements for February 26, 2021 payroll, and authorize transfer of funds in the following amounts:

General Fund \$ 80,077.94
Road and Bridge Fund \$ 22,479.99
EMS Fire Fund \$ 2,357.37
Ambulance Fund \$ 7,716.91
DHS Fund \$ 32,152.15

Total \$144,784.36

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8026

APPROVE DISBURSEMENTS, FEBRUARY 26, 2021

Motion by Elliott, seconded by McMillian to approve the disbursements for February 26, 2021, and authorize transfer of funds in the following amounts:

General Fund \$ 18,052.27
Road and Bridge Fund \$ 1,114.47
EMS Fire Fund \$ 1,870.47
Ambulance Fund \$ 9,660.37
Water Fund \$ 666.71
DHS Fund \$ 579.70

Conservation Trust \$ 6,000.00

Secretac Fund \$ 22,528.05

Total Disbursements \$ 60,472.04

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8027

APPROVE PAYROLL BENEFIT DISBURSEMENTS, FEBRUARY 26, 2021

Motion by McMillian, seconded by Elliott to approve the payroll benefit disbursements for February 26, 2021, and authorize transfer of funds in the following amounts:

General Fund	\$ 61,964.93
Road and Bridge Fund	\$ 17,658.15
EMS Fire Fund	\$ 2,366.33
Ambulance Fund	\$ 3,798.98
DHS Fund	\$ 26,960.61
Total Disbursements	\$112,749.00

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8028

APPROVE E911 SYSTEM MAINTENANCE CONTRACT

Motion by Elliott, seconded by McMillian to approve the E911 maintenance contract from May 1, 2021 through April 30, 2022, for a total amount of \$8,836.30.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8029

APPROVE LIQUOR LICENSE RENEWAL APPLICATION FOR CORNER LIQUOR CUBBY

Motion by Elliott, seconded by McMillian to approve the liquor license renewal for Corner Liquor Cubby. There have been no violations on this license in the past twelve months.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8030

APPROVE CONTRACT WITH LOWER ARKANSAS VALLEY AREA AGENCY ON AGING - OPTION LETTER #21-2 FOR CONTRACTS CROWLEY-FED-21 AND CROWLEY-STATE-21

Motion by Elliott, seconded by Arbuthnot to approve the contract, Option Letter #21-2, for contracts CROWLEY-FED-21 and CROWLEY-STATE-21 with the Lower Arkansas Valley Area Agency on Aging for senior center operations funding for SFY July 1, 2020 through June 30, 2021.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

OTHER DISCUSSION - AUDIENCE DEAN HIATT AND DAVID LESSER

Dean Hiatt and David Lesser wanted to touch base with the Commissioners regarding housing development. David Lesser said he has the ability to provide capital to build affordable, quality rental housing in Crowley County, and will pursue the project.

PLANNING AND ZONING HEARING

The board conducted a planning and zoning hearing. Those present were:

Commissioners: Arbuthnot, Elliott and McMillian
Deputy Clerk to the Board: LaShelle Benbow
Planning & Zoning Administrator: Matt Carter
Audience: Dave Hirsch, Cullen Hirsch, Steve Arnold, and Rebecca Ray

RESOLUTION NO. 2021-8033

USE BY REVIEW AND SUBDIVISION EXEMPTION REQUEST BY QUEEN BEE CROWLEY, LLC AND REBECCA RAY, FILE NO. 2021-03

Rebecca Ray, of Queen Bee Crowley, LLC, has applied for a use by review and subdivision exemption request for 40 acres (8 lots) on a 222.42 acre parcel of land located at the NE corner of Road H and County Lane 19. The use by review is for the cultivation of commercial and recreational marijuana. Concerns regarding water pressure and supply were expressed over 96 Pipeline water being used. Rebecca has a water use mitigation plan established. The Crowley County Planning and Zoning Commission heard the request on February 22, 2021, and made the stipulation that only lots with water meters and septic could be used for grows, which would currently be lot #1 in the White Moon subdivision. Motion failed, as the vote was 2-2. The Board of County Commissioners reviewed the requests.

WHEREAS, Queen Bee Crowley, LLC, has filed a Use by Review request and a request for Subdivision Exemption with the Crowley County Planning and Zoning Commission concerning certain property located in Crowley County, Colorado.

WHEREAS, a hearing was held before the Crowley County Planning and Zoning Commission concerning this request on 02/22/2021; and

WHEREAS, the Crowley County Planning and Zoning Commission has recommended to the Crowley County Commissioners that said request be approved;

NOW THEREFORE, the following resolution is hereby adopted by the Board of County Commissioners of Crowley County, Colorado;

1. The Subdivision Exemption request of Queen Bee Crowley, LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:
Land located at the NE corner of Road H and County Lane 19 in Crowley County.

The property is also known as:

Lots 1-4, E1/2W1/2 of Sec. 7, Township 21 South, Range 56 West of the 6th P.M. (said premises also being described as the W1/2 of Sec. 7): EXCEPT, beginning of the South Quarter corner of said Section 7: thence west along the South boundary line of said Section, a distance of 602 feet to a point in the center of the drainage ditch as the same is constructed and now exists in the W1/2 of said Section: thence North 00°25' west a distance of 2416.5 feet along the center of said drainage ditch to a point; thence North 21°00' west a distance of 3072.5 feet along the center of said drainage ditch to a point in the North boundary line of said Section 7; thence East along the North boundary line a distance 1682.1 feet to the North Quarter corner of said Section; Thence South along the North and South center line of said Section a distance of 5252 feet to the point of beginning; ALSO EXCEPT, that portion of the Q1/2 of Section 7 heretofore conveyed to the Valley View Drainage District by Deed recorded in Book 121 at Page 221 of the records in the Office of Crowley County Clerk and Recorder.

3. This resolution is approved and the real property which is the subject of this resolution for division is granted subject to the following conditions:

- 1) Any and all health department requirements are to be complied with in their entirety.
- 2) Crowley County Building Codes, if applicable, are to be complied with in their entirety.
- 3) One certified copy of the survey shall be recorded with the Crowley County Clerk and Recorder and a second copy filed with the Land Use Administrator.

4. Other requirements:

Water source mark when applicable Yes

Required Access Road mark when applicable Yes

Sewer System mark when applicable Yes

Adopted this 26th day of February, 2021.

Motion by Elliott, seconded by Arbuthnot to approve the use by review and subdivision exemption requests for Crowley County File No. 2021-03, subject to the stipulation that only lots with water meters and septic could be used for grows, and that all county regulations regarding commercial marijuana grows be followed.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Against

RESOLUTION NO. 2021-8034

USE BY REVIEW REQUEST BY CULLEN HIRSCH, FILE NO. 2021-04

Cullen Hirsch presented his proposal for a use by review of 40 acres located at 18761 County Road J, Ordway, CO, 81063. The request is for the cultivation and processing of recreational and commercial marijuana. Concerns regarding water pressure and supply were expressed over 96 Pipeline water being used. Additionally, residents do not want grows getting any closer to their properties than they already are. The Crowley County Planning and Zoning Commission heard the request on February 22, 2021, and did not make a motion so the request failed 0-4. The Board of County Commissioners reviewed the request.

Currently, and 1 1/4" pipeline supplies the water to the residences in this area. It is not sufficient to provide water to additional residences, or grows. Cullen Hirsch requested that his request be tabled until he can reevaluate his plan.

Motion by Elliott, seconded by McMillian to table Cullen's use by review request, File No. 2021-04.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8035

SUBDIVISION EXEMPTION REQUEST BY PW CO CANRE TAM 19, LLC AND DEAN HIATT, FILE NO. 2021-05

Dean Hiatt, of PW CO CanRE Tam 19, LLC, has applied for a subdivision exemption request to divide lot #19, located at 19970 Tamarack Lane in the Tamarack subdivision, from 2.11 acres into two, 1.055 acre lots for the purpose of increasing cannabis licenses. The Crowley County Planning and Zoning Commission heard the request on February 22, 2021, and recommended approval by the Board subject to the stipulation that they will receive a new survey and it be recorded at the County Clerk's office.

WHEREAS, PW CO CanRE Tam 19, LLC, has filed a request for Subdivision Exemption with the Crowley County Planning and Zoning Commission concerning certain property located in Crowley County, Colorado.

WHEREAS, a hearing was held before the Crowley County Planning and Zoning Commission concerning this request on 02/22/2021; and

WHEREAS, the Crowley County Planning and Zoning Commission has recommended to the Crowley County Commissioners that said request be approved;

NOW THEREFORE, the following resolution is hereby adopted by the Board of County Commissioners of Crowley County, Colorado;

1. The Subdivision Exemption request of PW CO CanRE Tam 19, LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

Land located at 19970 Tamarack Lane, Ordway, Colorado, 81063 in Crowley County. The property is also known as:

Lot #19 Amended Tamarack Acres Subdivision A portion of the w1/2 NE1/4 of Section 18, Township 21 south, Range 56 west of the 6th P.M. except a strip of land 150 feet wide in Section 18 conveyed to the City of Colorado Springs by deed recorded in Book 231, at page 622-30. East 63.5 acres of that portion of the NE1/4 lying North of the railroad right of way in Sec. 18, Township 21 South, Range 56 west of the 6th P.M. Except a strip of land 150 feet wide conveyed to the City of Colorado Springs by deed recorded in Book 231, at page 622-630.

3. This resolution is approved and the real property which is the subject of this resolution for division is granted subject to the following conditions:

- 1) Any and all health department requirements are to be complied with in their entirety.
- 2) Crowley County Building Codes, if applicable, are to be complied with in their entirety.
- 3) One certified copy of the survey shall be recorded with the Crowley County Clerk and Recorder and a second copy filed with the Land Use Administrator.

4. Other requirements:

Water source mark when applicable Yes

Required Access Road mark when applicable Yes

Sewer System mark when applicable Yes

Adopted this 26th day of February, 2021.

Motion by Elliott, seconded by McMillian to approve the subdivision exemption request for Crowley County File No. 2021-05, subject to the stipulation that they receive a new survey and it be recorded at the County Clerk's office.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2021-8036

SUBDIVISION EXEMPTION REQUEST BY PW CO CANRE TAM 7, LLC AND DEAN HIATT, FILE NO. 2021-06
Dean Hiatt, of PW CO CanRE Tam 7, LLC, has applied for a subdivision exemption request to divide lot #7, located at 7889 Maverick Lane in the Tamarack subdivision, from 4.32 acres into two separate lots for the purpose of increasing cannabis licenses. The Crowley County Planning and Zoning Commission heard the request on February 22, 2021, and recommended approval by the Board, subject to the stipulation that they will receive a new survey and it be recorded at the County Clerk's office.

WHEREAS, PW CO CanRE Tam 7, LLC, has filed a request for Subdivision Exemption with the Crowley County Planning and Zoning Commission concerning certain property located in Crowley County, Colorado.

WHEREAS, a hearing was held before the Crowley County Planning and Zoning Commission concerning this request on 02/22/2021; and

WHEREAS, the Crowley County Planning and Zoning Commission has recommended to the Crowley County Commissioners that said request be approved;

NOW THEREFORE, the following resolution is hereby adopted by the Board of County Commissioners of Crowley County, Colorado;

1. The Subdivision Exemption request of PW CO CanRE Tam 7, LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

Land located at 7889 Maverick Lane, Ordway, Colorado, 81063 in Crowley County. The property is also known as:

Lot #7 Amended Tamarack Acres Subdivision A portion of the w1/2 NE1/4 of Section 18, Township 21 south, Range 56 west of the 6th P.M. except a strip of land 150 feet wide in Section 18 conveyed to the City of Colorado Springs by deed recorded in Book 231, at page 622-30. East 63.5 acres of that portion of the NE1/4 lying North of the railroad right of way in Sec. 18, Township 21 South, Range 56 west of the 6th P.M. Except a strip of land 150 feet wide conveyed to the City of Colorado Springs by deed recorded in Book 231, at page 622-630.

3. This resolution is approved and the real property which is the subject of this resolution for division is granted subject to the following conditions:

- 1) Any and all health department requirements are to be complied with in their entirety.

- 2) Crowley County Building Codes, if applicable, are to be complied with in their entirety.
- 3) One certified copy of the survey shall be recorded with the Crowley County Clerk and Recorder and a second copy filed with the Land Use Administrator.
4. Other requirements:

Water source mark when applicable	Yes
Required Access Road mark when applicable	Yes
Sewer System mark when applicable	Yes

Adopted this 26th day of February, 2021.

Motion by McMillian, seconded by Elliott to approve the subdivision exemption request for Crowley County File No. 2021-06, subject to the stipulation that they receive a new survey and it be recorded at the County Clerk's office.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
 Elliott-----Aye
 McMillian-----Aye

**RESOLUTION NO. 2021-8037
 SUBDIVISION EXEMPTION REQUEST BY PW CO CANRE APOTHEKE, TAM #8, LLC AND DEAN HIATT, FILE NO. 2021-07**

Dean Hiatt, of PW CO CanRE Apotheke, Tam 8, LLC, has applied for a subdivision exemption request to divide lot #8, located at 7835 Maverick Lane in Tamarack Subdivision, from 4.32 acres into two separate lots for the purpose of increasing cannabis licenses. The Crowley County Planning and Zoning Commission heard the request on February 22, 2021, and recommended approval by the Board, subject to the stipulation that they will receive a new survey and it be recorded at the County Clerk's office.

WHEREAS, PW CO CanRE Apotheke, Tam #8, LLC, has filed a request for Subdivision Exemption with the Crowley County Planning and Zoning Commission concerning certain property located in Crowley County, Colorado.

WHEREAS, a hearing was held before the Crowley County Planning and Zoning Commission concerning this request on 02/22/2021; and

WHEREAS, the Crowley County Planning and Zoning Commission has recommended to the Crowley County Commissioners that said request be approved;

NOW THEREFORE, the following resolution is hereby adopted by the Board of County Commissioners of Crowley County, Colorado;

1. The Subdivision Exemption request of PW CO CanRE Apotheke, Tam #8, LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

Land located at 7835 Maverick Lane, Ordway, Colorado, 81063 in Crowley County. The property is also known as:

Lot #8 Amended Tamarack Acres Subdivision A portion of the w1/2 NE1/4 of Section 18, Township 21 south, Range 56 west of the 6th P.M. except a strip of land 150 feet wide in Section 18 conveyed to the City of Colorado Springs by deed recorded in Book 231, at page 622-30. East 63.5 acres of that portion of the NE1/4 lying North of the railroad right of way in Sec. 18, Township 21 South, Range 56 west of the 6th P.M. Except a strip of land 150 feet wide conveyed to the City of Colorado Springs by deed recorded in Book 231, at page 622-630.

3. This resolution is approved and the real property which is the subject of this resolution for division is granted subject to the following conditions:

- 1) Any and all health department requirements are to be complied with in their entirety.
- 2) Crowley County Building Codes, if applicable, are to be complied with in their entirety.

3) One certified copy of the survey shall be recorded with the Crowley County Clerk and Recorder and a second copy filed with the Land Use Administrator.

4. Other requirements:

Water source mark when applicable Yes

Required Access Road mark when applicable Yes

Sewer System mark when applicable Yes

Adopted this 26th day of February, 2021.

Motion by Elliott, seconded by McMillian to approve the subdivision exemption request for Crowley County File No. 2021-07, with the stipulation that they receive a new survey and it be recorded at the County Clerk's office.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

RESOLUTION NO. 2021-8038

SUBDIVISION EXEMPTION REQUEST BY ALVIN CARTER, FILE NO. 2021-08

Alvin Carter has applied for a subdivision exemption request of 6.65 acres on North side of Road G between lanes 14.5 and 15 for new home construction. The Crowley County Planning and Zoning Commission heard the request on February 22, 2021, and recommended approval by the Board, subject to the stipulation that a new survey will be completed and recorded at the County Clerk's office.

WHEREAS, Alvin Carter, has filed a request for Subdivision Exemption with the Crowley County Planning and Zoning Commission concerning certain property located in Crowley County, Colorado.

WHEREAS, a hearing was held before the Crowley County Planning and Zoning Commission concerning this request on 02/22/2021; and

WHEREAS, the Crowley County Planning and Zoning Commission has recommended to the Crowley County Commissioners that said request be approved;

NOW THEREFORE, the following resolution is hereby adopted by the Board of County Commissioners of Crowley County, Colorado;

- 1. The Subdivision Exemption request of Alvin Carter, is hereby approved.
- 2. The real property which is the subject of this resolution is described as follows:

The property is also known as:

The W1/2E1/2SE1/4 and the E1/2W1/2SE1/4 of Section 17, Township 21 South, range 57 West of the 6th P.M., EXCEPT the North 41.25 feet thereof as conveyed to Numa Drainage District by Deed recorded in Book 71 at Page 160; and EXCEPT 3 acres, more or less, as conveyed to Leo F. Wathen and Emma Alice Wathen by Deed recorded in Book 196, at Page 169; And EXCEPT a parcel of land conveyed to Numa Drainage District by Deed recorded in Book 89 ant Page 82.

3. This resolution is approved and the real property which is the subject of this resolution for division is granted subject to the following conditions:

- 1) Any and all health department requirements are to be complied with in their entirety.
- 2) Crowley County Building Codes, if applicable, are to be complied with in their entirety.
- 3) One certified copy of the survey shall be recorded with the Crowley County Clerk and Recorder and a second copy filed with the Land Use Administrator.

4. Other requirements:

Water source mark when applicable Yes

Required Access Road mark when applicable Yes

Sewer System mark when applicable Yes

Adopted this 26th day of February, 2021.

Motion by McMillian, seconded by Elliott to approve the subdivision exemption request for Crowley County File No. 2021-08, subject to the stipulation that a new survey be completed and recorded at the County Clerk's office.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Aye
McMillian-----Aye

No further business appearing the meeting was recessed.
Minutes taken by LaShelle Benbow.

ATTEST:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman