

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

MARCH 31, 2021

CALL TO ORDER

Board of County Commissioners met in regular session on March 31, 2021. The meeting was called to order by Chairman Blaine Arbuthnot at 8:30 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. 2021-8051
APPROVE MARCH 2021 PAYROLL**

Motion by McMillian, seconded by Elliott to approve the disbursements for March 31, 2021 payroll, and authorize transfer of funds in the following amounts:

General Fund	\$ 78,452.81
Road and Bridge Fund	\$ 22,892.21
EMS Fire Fund	\$ 4,279.13
Ambulance Fund	\$ 8,683.27
DHS Fund	\$ 32,893.56
Total	\$147,200.98

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

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

**RESOLUTION NO. 2021-8052
APPROVE DHS DISBURSEMENTS, MARCH 25, 2021**

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

DHS Fund	\$ 6,163.32
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Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

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

**RESOLUTION NO. 2021-8053
APPROVE PAYROLL BENEFIT DISBURSEMENTS, MARCH 31, 2021**

Motion by McMillian, seconded by Elliott to approve the payroll benefit disbursements for March 31, 2021, and authorize transfer of funds in the following amounts:

General Fund	\$ 60,201.08
Road and Bridge Fund	\$ 17,830.67
EMS Fire Fund	\$ 3,143.32
Ambulance Fund	\$ 3,899.06
DHS Fund	\$ 27,069.29
Total Disbursements	\$112,143.42

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

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

RESOLUTION NO. 2021-8054

APPROVE DISBURSEMENTS, MARCH 31, 2021

Motion by Elliott, seconded by McMillian to approve the disbursements for March 31, 2021, and authorize transfer of funds in the following amounts:

General Fund	\$139,810.13
Road and Bridge Fund	\$148,096.81
EMS Fire Fund	\$ 4,656.26
Ambulance Fund	\$ 2,296.28
Water Fund	\$ 325.96
DHS Fund	\$ 1,548.87
Secretac Fund	\$ 23,096.51
Total Disbursements	\$319,830.82

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

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

RESOLUTION NO. 2021-8055

APPROVE IT DISASTER RECOVERY MANUAL, DATED MARCH 23, 2021

Motion by McMillian, seconded by Elliott to approve the revised IT Disaster Recovery Manual dated March 23, 2021.

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

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

OTHER DISCUSSION

The Commissioners continue to have discussions with the lobbyist regarding the private prison.

On April 6, 2021, at 6:00 p.m., there will be a meeting with SECED. The purpose of the meeting is learn about projects throughout the County. Stimulus or other grant funds may be available for the projects.

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
Sheriff Deputy: Tim Valdez
Audience: David Hirsch, Sandra Gray, Cullen Hirsch, Jim Reeves, Amanda Terrones, Chris Rice, Remy Sigel, Barrie Fritz, T. Brad English, Kellie Gruntorad, Jim Gruntorad, Leif Berg, Matt Heimerich, Dylan Pepper, Paul Hughes, Toni Hughes, Amanda Corum, Janna Ackerman, Stephen Arnold, and Scott Cuckow.

RESOLUTION NO. 2021-8056

USE BY REVIEW AND SUBDIVISION EXEMPTION REQUEST BY SANDY GRAY/CULLEN HIRSCH, FILE NO. 2021-11

Cullen Hirsch has applied for a use by review for commercial marijuana cultivation and processing on six acres located at the SE intersection of Lane 10 and Road E in Olney Springs. A subdivision exemption request was also made to subdivide the 24.5 acre parcel into four new lots; one six-acre lot, and two 9.25 acre lots. He has obtained letters from the Town of Ordway, SECPA, CWPDA and Division 2 Water. He has a letter from CCWA stating that he is eligible for membership for domestic water use only. The letter stated that he will have to extend the existing 2" line at his own expense. Cullen indicated his plan to haul water until he has a well drilled on the property. Black-outs would be used so the grow lights would not be a concern. Various audience members expressed their opposition against his requests. The Crowley County Planning and Zoning Commission heard the request on March 22, 2021, and voted to not approve the requests. Today, Cullen presented to the Board of County Commissioners his business plan, and discussed what he wants to do with the property. When asked why he was looking at property in the western part of Crowley County, he explained that the cost is less than the lots north of the feedlot, and the risk of microbe contamination is much less, not being so close to a feedlot. Members of the audience commented on his request.

Sandra Gray supports his request as she believe it will bring revenue into the county.

Jim Reeves supports Cullen's request, because it would bring tax revenue to the county and it will provide jobs.

Matt Heimerich commented that the area is currently zoned as residential farming, agricultural. Cullen's plan does not fit into the agricultural scope of what has been built in the area, and it is currently not zoned for commercial grows. wells in the surrounding area may be permitted, but they cannot meet the supply needs of a commercial grow.

Amanda Terrones described the area as rural ranchers, with peaceable habitation. Based on her research one marijuana plan will consume 2,190 gallons of water per year. Hazards that grow workers will be exposed to include: heat stress, mold exposure, excessive UV exposure, and chemical pesticide exposures. These hazards will effect our enviornment, and have a negative effect on our peaceable habitation.

Toni Hughes commented that she looked at an aerial map, and counted 400 residences within the surrounding area. Most of these residences are farms or ranches. She noted that microbes are still in the area, because of the existing livestock. She expressed concerns as to what would happen to the property should the business fail. Paul Hughes mentioned that it would become another eyesore, as there are no county requirements on grow facilites as to what must be done to a commercial property should the business fail.

David Hirsch stated that Cullen has considered the aesthetics of the property, and plans to build a home in which to live. Cullen wants to keep the aesthetics of the property pleasing to the surrounding community. Colorado would not have passed the law to legalize marijuana if there were health concerns. Cullen would be willing to provide something in writing to address what would be done to the property in the event that the grow business failed.

Dylan Pepper expressed concerns regarding his children. He mentioned that he and his wife orignally moved to Crowley County to keep their children away from marijuana grows. He feels the grow would be an eyesore in the community.

Amanda Corum expressed concerns about power and water usage. She feels such utilities are not available to support a commercial grow. She also stated that the use of security lights, generator noise, and potential trespassers will have an effect on neighbors of the grow.

Leif Berg commented that guidelines have already been established by the county as to where commercial grows can reside. The two grows that have been approved on the west side of the county have failed, and are in shambles. There has been no cleanup, and they are not aesthetically pleasing. Additionally, roads are in poor condition and are not maintained. They cannot support additional traffic.

David Hirsch agreed that ordinances should be established to address cleanup and property management in the event a business fails.

Motion by Elliott, seconded by McMillian to deny the use by review and subdivision exemption requests for Crowley County File No. 2021-11.

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

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

RESOLUTION NO. 2021-8057

SUBDIVISION EXEMPTION REQUEST BY ROSHAN BASNET, FILE NO. 2021-12

Roshan Basnet desires to split a five acre lot on Sherman Subdivision in half, creating two, 2.5 acre lots. The lot is approved for marijuana cultivation and processing, and the purpose of splitting the lot is to increase the number of cultivation licenses on the property. The Crowley County Planning and Zoning Commission heard the request on March 22, 2021, and recommended approval by the board subject to required survey and recording.

WHEREAS, Roshan Basnet, 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 03/22/2021; 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 Roshan Basnet, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:
The property is also known as:
Lot 11 Sherman Subdivision filing No. 1
A portion of the NW1/4 of Section 17, and a portion of the SW1/4 of Section 8, Township 21 South, Range 56 West of the 6th PM. As shown by the plat recorded 1/24/2020 at reception No. 174444 in the County of Crowley, State of Colorado.
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 31st day of March, 2021.

Motion by Elliott, seconded by McMillian to approve the subdivision exemption request for Crowley County File No. 2021-12, subject to required survey and recording.

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

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

RESOLUTION NO. 2021-8058

USE BY REVIEW AND SUBDIVISION EXEMPTION REQUEST BY CHRIS RICE, FILE NO. 2021-09

Chris Rice is requesting a use by review for the growing and processing of commercial marijuana at 7038 County Lane 20, in Ordway, Colorado. He is also requesting to exempt a five acre parcel on the existing forty acre parcel for outdoor grow. Chris was not present at the planning and zoning meeting, and he had not turned in any letters of approval from 96 Pipeline, Division 2 Water, and SECPA. The Crowley County Planning and Zoning Commission heard the requests on March 22, 2021, and voted to not approve the requests. Today, Chris presented his request to the Board of County Commissioners.

He explained that he missed the planning and zoning meeting because he made an error with the date, and he was plowing snow in Colorado Springs to ensure that his business up there remained open. He stated that he has eleven years of growing experience, and his business is in Colorado Springs. It is privately owned, as he has no investors. He explained that he has received a letter from 96 Pipeline, and a letter from the Town of Ordway to haul water. Arbuthnot indicated that he was approached by Carmen Hernandez who stated that he experiences low water pressure on 96 Pipeline. McMillian also mentioned that he has concerns about 96 Pipeline's water delivery capabilities.

Motion by Elliott, seconded by Terry to deny the use by review and subdivision exemption requests for Crowley County File No. 2021-09. The Board did encourage Chris to come back with his request in a year.

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

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

RESOLUTION NO. 2021-8059

USE BY REVIEW AND SUBDIVISION EXEMPTION REQUEST BY CULLEN HIRSCH/BARRIE FRITZ, FILE NO. 2021-04

Cullen Hirsch has requested a use by review and commercial subdivision exemption request of 40 acres located at 18761 County Road J, Ordway, CO, 81063. The use by review and subdivision exemption requests are to create a four acre parcel; one, two acre parcel; and four, 8.5 acre parcels. The four acres will be for the cultivation and processing of recreational and commercial marijuana. He has letters from the Town of Ordway, Division 2 Water, 96 Pipeline, SECPA and CWPDA. He plans on working with 96 Pipeline to increase water access to the rest of the property for future development. 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 March 22, 2021, and voted not to approve the requests. Today, Cullen presented his requests to the Board of County Commissioners.

Cullen mentioned that he is willing to upgrade 96 Pipeline at his own expense. This would be his primary water, and he will haul if necessary. Or, hauling can be his primary water and he will utilize 96 Pipeline water as a secondary source if that is what is required. Concerns remain as to the water pressure on 96 Pipeline.

Barrie Fritz stated that she has never had water pressure issues in the six years that she has lived on the property.

Kelly and Jim Gruntorad are opposed to Cullen's requests. They feel that people are being pushed out of their homes by the grows, and there is a problem with water pressure. Kelly wants to know when the grows will stop. She stated that she loves this community, and she doesn't feel like Cullen really wants to be part of the community. Jim expressed that he believes Cullen is only in the county to make money.

David Hirsch explained that Cullen is here because he wants to be part of the community, and to make money. He would not set up a business if he did not want to be part of the community.

J. Brad English was asked for his opinion on Cullen's requests. He stated that he has no opinion on whether a grow goes in or not.

Motion by McMillian, seconded by Elliott to deny the use by review and subdivision exemption requests, Crowley County 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

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

ATTEST:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman