

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

**DECEMBER 31, 2021**

**CALL TO ORDER**

Board of County Commissioners met in regular session on December 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. 2021-8259**

**APPROVE DISBURSEMENTS, DECEMBER 31, 2021**

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

General Fund	\$ 18,179.16
Road and Bridge Fund	\$ 14,701.89
EMS Fire Fund	\$ 1,464.15
Ambulance Fund	\$ 7,338.58
Water Fund	\$ 1,412.84
DHS Fund	\$ 2,638.66
Secretac Fund	\$ 8,250.00
Total Disbursements	\$ 53,985.28

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

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

**RESOLUTION NO. 2021-8260**

**APPROVE PAYROLL BENEFIT DISBURSEMENTS, DECEMBER 31, 2021**

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

General Fund	\$ 58,947.47
Road and Bridge Fund	\$ 19,438.16
EMS Fire Fund	\$ 2,469.28
Ambulance Fund	\$ 5,522.55
DHS Fund	\$ 28,859.21
Total Disbursements	\$115,236.67

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

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

**RESOLUTION NO. 2021-8261**

**APPROVE AMBULANCE WRITE OFFS FOR 2021**

Motion by McMillian, seconded by Elliott to approve ambulance charge offs in the amount of \$4,673.24.

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

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

**RESOLUTION NO. 2021-8262**

**APPROVE REVISED 2022 COMMISSIONER CALENDAR**

Motion by McMillian, seconded by Elliott to approve the revised 2022 Crowley County Commissioner calendar which changes a March meeting date from March 26, 2022 to March 21, 2022.

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

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

**RESOLUTION NO. 2021-8263**

**APPROVE NINTH REVISION TO THE CROWLEY COUNTY COMMERCIAL MARIJUANA REGULATIONS, SECTION, 14, ORIGINALLY DATED OCTOBER 24, 2016, WHICH AMENDS PENALTIES SECTION 13, PART A**

Motion by McMillian, seconded by Elliott to approve the ninth revision to the Crowley County Commercial Marijuana Regulations, Section 14, which includes the amended verbiage to Section 13 Penalties, part a, as follows:

**13. PENALTIES**

a. Failure to obtain a local license prior to any plant being tagged and registered on the State Metrc System will result in a fine and/or destruction of the plants. The fine is \$5,000.00.

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

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

**PLANNING AND ZONING HEARING**

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

Commissioners: Elliott and McMillian ; Arbuthnot was absent.

Deputy Clerk to the Board: LaShelle Benbow

Planning & Zoning Administrator: Matt Carter

Audience: Sue Ann Lowery, Roger Baker, Dianne Buford, Jerry Bob Buford, Shawn Buhr, Bert Buhr, Amanda Terrones, Quinten Reeves, Bob Offut, Phil Cuthbertson, Amanda Corum, Janna Ackerman, Andrew Walter, Melinda Carter, Kelly Sullivan, Helen Ashida, Lucky Ashida, Lucile Nichols, Vernon Dillon, Chad Edmundson, Jim McCuistion, Dove King, Norma Moore, Ronald Moore, Avraham Fasick, Leon Leonard, Pamela Baker, Toni Hughes, Paul Hughes, Leif Berg, Kashlee Karney, Jeremiah Buford, Manchie Hughes, Daniel Walter, Jim Reeves, Ashley Petty (via telephone), and Corey Popejoy (via telephone).

**RESOLUTION NO. 2021-8264**

**USE BY REVIEW, H-O DEVELOPMENT/JIM REEVES, FILE NO. 2021-27**

Jim Reeves has submitted a Use by Review application for a property located at 9292 Highway 96, Olney Springs, CO 81062. He desires to build a 4,000 square foot marijuana processing facility. The facility would use butane and presses to extract THC wax from the harvested buds of marijuana plants. It would require approximately 1.5 acres of an existing 6 acre parcel. The Crowley County Planning and Zoning Commission heard the request on December 27, 2021, and recommended approval by the Board.

Jim Reeves presented his request to the board and audience. The proposed business would bring in an estimated \$400,000 to \$700,000 in sales tax revenue. Once fully operational the facility can employ 10 to 15 workers which will generate \$35,000 to \$55,000 per year in earned income tax revenue. Arbuthnot asked the following questions, and Jim provided answers.

1. Do you have an approved water source? Jim stated that the property has two wells. Alan Baker, with Division II water, claims that three houses can be supported on each of the wells. Arbuthnot stated that he would want to see a letter from Division II approving the use of the wells for the specific commercial purpose. If Division II does not approve then Jim would need to obtain approval for a water meter from CCWA.

2. Is the cleanup of the property continuing? Jim said yes.

3. What is the plan for removal of byproduct waste? Jim stated that disposal will meet the Colorado Medical Enforcement Divisions requirements and regulations. Arbuthnot stated that he will want to see a written plan for byproduct disposal.

4. Elliott asked about water usage needs for the facility. Jim explained that water will be used for bathroom facilities and cleanup. Most of the cleanup of equipment will be done with isopropyl alcohol, and water will be used for toilets, sinks, and general cleanup. Water use will be minimal.

Arbuthnot asked the audience if anyone would like to speak.

Quinten Reeves stated that he thinks a business that will bring employment to Crowley County is a good thing. He stated that there are medical benefits to the wax that would be produced by the facility, and some doctors recommend use of such cannabis products.

Sue Ann Lowry stated that if one marijuana industrial center gets established it will set a precedent. She is concerned that the industrial facility may cause the surrounding areas to also become industrialized. She asked how many people would want to live in an industrial area. She feels marijuana related business should remain East of Highway 71, and leave everything to the west of Highway 71 as agricultural.

Janna Ackerman asked where the current marijuana being grown is being processed. Arbuthnot explained that some is being processed at the cultivation facility, while other gross ship out product for processing.

Amanda Terrones said she and her family are 100% opposed to Jim's plan. The area in question is a peacable habitation. This facility will destroy the neighborhood as we know it. She also expressed concern over the original approval of marijuana in Crowley County. She was under the impression that it was only allowed East of Highway 71. Arbuthnot said it was originally approved for the entire county, and that the Board is attempting to keep it in a certain location. She asked the board to research the original approvals.

Toni Hughes said she did some research and there are 400 homes between Lane 17 and Olney Springs; most of which are agricultural properties. Marijuana should be kept East of Highway 71, and west of Highway 71 should remain rural/agricultural.

Roger Baker stated that marijuana is the new crop, and it is here in Crowley County. He feels that it is not fair for it to be kept only on the East side of Highway 71.

Dove King asked where the water situation stands. Even though there are two wells, what effect will it have on existing water usage capabilities when there are currently problems with water supply? Jerry Bob Buford commented that CCWA only provides water for domestic or agricultural use.

Phil Cuthbertson stated that he has a number of years experience in marijuana extraction facilities, and they are not as "industrial" as people think. The prisons are industrial businesses. This will be a new business that will employ people, and the facility will look like a giant metal "barn". No water is used in the extraction process, only household usage amounts will be used. As for byproduct, it must be mixed 50/50 with an approved material before it is locked and sealed in a container for disposal.

Vernon Dillon stated that he feels we need the marijuana industry, but there needs to be accountability for the decisions made by the Board. As in, marijuana is allowed in the East part of the county, and hemp is allowed to be grown in the West part of the county. There is an inconsistency by allowing marijuana processing in the West part of the County.

Corey Popejoy, via telephone, explained the difference between the extraction process and cultivation. The extraction process will use little water consumption, and there will be no backflow water contamination. Disposal of the byproduct is in sealed and locked containers which are hauled to a designated location (currently outside of Colorado Springs or North of Denver). The byproduct will not contaminate other properties. Additionally, this business will increase surrounding property values, and bring in opportunities to veterans for employment.

Burt Buhr stated that the more processing facilities built will increase the number of grows in the County. Electricity and water are of great concern.

Elliott made the motion to table the decision until January 31, 2022, and allow for Jim Reeves to obtain written approval from Division II water and to prepare a written byproduct disposal plan. Terry McMillian seconded the request with those requirements.

Upon motion duly made and seconded the foregoing resolution was tabled until January 31, 2022 by the following vote:

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

**RESOLUTION NO. 2021-8265**

**SUBDIVISION EXEMPTION REQUEST BY LORNA M. BREWER ESTATE, FILE NO. 2021-25**

Danny Brewer, acting agent for the Lorna M. Brewer Estate, is requesting to exempt a 1-2 acre parcel with a residence from a 161 acre parcel located at 3978 Highway 207, Manzanola, CO 81058. The remaining land will be sold at auction. The Crowley County Planning and Zoning Commission heard the request on December 27, 2021, and recommended approval by the Board, subject to all easements and setbacks be honored, and that a new survey would be recorded with the Crowley County Clerk.

WHEREAS, Danny Brewer, Trustee for Lorna M. Brewer Trust, 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 12/27/2021; 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 Danny Brewer, Trustee for Lorna M. Brewer Trust, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:  
3978 Highway 207, Manzanola, CO 81058.

The property is also known as:

Section:1, Township: 22. Range:58 West 1/2SW1/4, Part w1/2NW1/4 West of Dayton Lateral (161 A)

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

Motion by Elliott, seconded by McMillian to approve the subdivision exemption request by Lorna M. Brewer Estate, File No. 2021-25.

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

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

**RESOLUTION NO. 2021-8266**

**SUBDIVISION EXEMPTION REQUEST BY LORNA M. BREWER ESTATE, FILE NO. 2021-26**

Danny Brewer, acting agent for the Lorna M. Brewer Estate, is requesting to exempt a 2-4 acre parcel with a residence from a 217 acre parcel located at 8949 County Road C.5, Olney Springs, CO 81062. The remaining land will be sold at auction. The Crowley County Planning and Zoning Commission heard the request on December 27, 2021, and recommended

approval by the Board, subject to all easements and setbacks be honored, and that a new survey would be recorded with the Crowley County Clerk.

WHEREAS, Danny Brewer, Trustee for Lorna M. Brewer Trust, 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 12/27/2021; 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 Danny Brewer, Trustee for Lorna M. Brewer Trust, is hereby approved.
- 2. The real property which is the subject of this resolution is described as follows: 8949 County Road C.5, Olney Springs, CO 81062.

The property is also known as:

Section: 5, Township: 22 Range: 58 Lots 1-3, S1/2NE1/4 (217 A)

Section:32, Township:21, Range:58 WEST 18A OF SE1/4, 22 A of E1/2SW1/4-EXCEPT 1A TOWHY, ALL SO OF RR & EXCEPT 4.71A BY M&B (34.18A)

- 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

Motion by McMillian, seconded by Elliott to approve the subdivision exemption request by Lorna M. Brewer Estate, File No. 2021-26.

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

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Blaine Arbuthnot, Chairman