



**RESOLUTION NO. 2022-8356  
APPROVE DISBURSEMENTS, MAY 31, 2022**

Motion by McMillian, seconded by Elliott to approve the disbursements for May 31, 2022, and authorize transfer of funds in the following amounts:

General Fund	\$ 47,426.71
Road and Bridge Fund	\$ 1,157.83
EMS Fire Fund	\$ 448.11
Ambulance Fund	\$ 27,875.80
Water Fund	\$ 2,986.15
DHS Fund	\$ 85.31
Conservation Trust Fund	\$ 6,236.81
E911 Fund	\$ 14,592.30
Secretac Fund	\$ 36,651.35
Total	\$137,460.37

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

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

**RESOLUTION NO. 2022-8357  
APPROVE ACCESS EASEMENT AGREEMENT BETWEEN HORTENSE RODRIGUEZ AND CROWLEY COUNTY**

Motion by Elliott, seconded by McMillian to approve an Access Easement Agreement between Hortense Rodriguez and Crowley County for the sum of \$300.00. The easement will allow access to a new storage tank that will be installed for the domestic water system.

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

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

**RESOLUTION NO. 2022-8358  
APPROVE OPTION LETTER NO. 8 TO ORIGINAL CONTRACT #129148 BETWEEN COLORADO DEPARTMENT OF CORRECTIONS AND CROWLEY COUNTY**

Motion by McMillian, seconded by Elliott to approve Option Letter No. 8 to original contract number 129148 between Colorado Department of Corrections and Crowley County which decreases the quantity of the services for Fiscal Year 2022 in the amount of \$1,384,000.00.

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

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

**JACK GOBLE FROM LOWER ARKANSAS VALLEY WATER CONSERVANCY DISTRICT (LAVWCD)**

Jack Goble, General Manager of LAVWCD introduced himself and discussed various projects that LAVWCD is involved in. He mentioned that Otero County entered into an Intergovernmental Agreement with LAVWCD to work on various legal cases that both parties have an interest in. He mentioned that he will periodically meet with the Board of County Commissioners to update them on regional projects.

**CRAIG SHRIVER - JUNK HOUSES**

Craig Shriver spoke to the board regarding seven junk houses in Ordway that are free from asbestos, and the EPA is willing to demolish them. For junk houses that the EPA will not demolish he is willing to provide that service. Payment would be in the form of a lien against the property which would be collected when the property is sold. He asked if we would consider him if there are additional properties that need to be demolished.

He inquired about marijuana funds that are available to the Towns. Blaine explained that we are accepting project requests from the Towns and the Board will consider their requests.

He asked about a culvert for one of his properties. Blaine mentioned that he thought the ditch was managed by Ordway Drainage and that he should contact Jim McCuiston to see if the drainage management is responsible for the cost and installation of the culvert.

## **PUBLIC DISCUSSION - PLANNING & ZONING AND MARIJUANA INDUSTRY**

A number of audience members were in attendance for this discussion. The group provided an outline for the meeting with the following expectations and action items.

- A. Better understanding of the role of the Planning & Zoning Commission.
- B. Defining the problem with the current marijuana regulations.
  1. Physical location of marijuana industry and ancillary services.
  2. Create mechanism that limits future expansion of the industry.
  3. Can this be done by ordinance or is changing the Planning & Zoning Manual best?
- C. Action Items
  1. Who is responsible for drafting language to address the issue?
  2. What does the timeline look like for whichever process is chosen?
  3. Lines of communication moving forward.

In summary, Matt Heimerich discussed how the group would like to see more rigid plans regarding the geographical location for marijuana industry and future expansion, and inquired as to how a public group can assist with the necessary documentation whether it is an ordinance and/or revisions to the Planning & Zoning manual.

Toni Hughes expressed concerns about how the marijuana industry has affected the value of land and homes, and the increase in law enforcement activity as written in the local newspaper. She is not opposed to growth as long as it is positive and safe for the community, and properties should be kept clean and maintained. Current growth seems to have brought an increase in crime and trash.

Sue Ann Lowrey proposed the creation of an ordinance for the geographic concentration of the marijuana industry. This would provide for the sheriff and emergency medical services to respond to events in a more timely manner rather than having to respond all over the county.

Kashlee Karney feels that Crowley County has declined since the marijuana industry was allowed. The county is now attracting trash, junk, and homelessness. This too has had a negative impact on the education system.

Matt Heimerich said the group wants to help provide a livable area that is safe from petty crime, and has clean and responsible neighbors who care about their properties. Perhaps marijuana funds can be used to support a county beautification project. Shirley Ager suggested it could be used to provide a trade school for graduating students.

Grace Wilson expressed concern as to how far east of Highway 71 the marijuana industry can expand to. There is a lot of dust, plastic, and other construction materials that are being blown around the county from this area.

Blaine stated that the marijuana industry is somewhat geographically located as the available water sources prevent them from moving too far east or west of Highway 71. The Board is willing to ask the County Attorney about options available for establishing geographical limitations for the marijuana industry, as well as ask questions that the public group may have. Matt Heimerich will provide a list of questions to LaShelle Benbow which will be given to the Board and County Attorney.

## **PLANNING & 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: George and Jean Reeves, Dean Hiatt, Craig Shriver, Grace Wilson, Jim Maucher, Shirley Ager, Sue Ann Lowrey, Amanda Terrones, Toni Hughes, Jeremy Heyt, Matt Heimerich, Jack Goble, and Kashlee Karney.

## **RESOLUTION NO. 2022-8359**

### **SUBDIVISION EXEMPTION REQUEST, CAEV ORDWAY, LLC, FILE NO. 2022-10**

Dean Hiatt, on behalf of CAEV Ordway, LLC, desires to split lot 11 at Sherman Subdivision #2 into two equal parcels. The two new lots will be 2.5 acres in size. The lots are being split for the purpose of licensing more marijuana plants on the site. The Crowley County Planning and Zoning Commission heard the request on May 23, 2022, and recommended approval by the Board.

WHEREAS, CAEV Ordway 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 05/23/2022; 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 CAEV Ordway LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows: 20251 Elliott Lane, Ordway, CO 81063.

The property is also known as:

A portion of the SW1/4 and a portion of the S1/2 of the NW1/4 of Section 8, Township 21 South, Range 56 West of the 6th PM, 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

Motion by Elliott, seconded by McMillian to approve the subdivision exemption request by CAEV Ordway, LLC, File No. 2022-10, subject to street access or recorded easement for each lot, developed electrical and water system including meter for each lot, and recorded survey with Crowley County Clerk.

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

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

**RESOLUTION NO. 2022-8360  
 SUBDIVISION EXEMPTION REQUEST, POWER REIT = PW CO CANRE GAS STATION, LLC, FILE NO. 2022-11**

Dean Hiatt, on behalf of Power Reit = PW CO CanRE Gas Station, LLC, desires to split lot 3 at Tamarack Subdivision into two equal parcels. The current lot is 2.2 acres in size and the two new lots will be 1.1 acres in size. The lots are being split for the purpose of licensing more marijuana plants on the site. The Crowley County Planning and Zoning Commission heard the request on May 23, 2022, and recommended approval by the Board.

WHEREAS, Power Reit = PW CO CanRE Gas Station, 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 05/23/2022; 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 Power Reit = PW CO CanRE Gas Station, LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:  
7850 Maverick Lane, Ordway, CO 81063.

The property is also known as:

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 622-30, 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

Motion by Elliott, seconded by McMillian to approve the subdivision exemption request by Power Reit = PW CO CanRE Gas Station, LLC, File No. 2022-11, subject to street access or recorded easement for each lot, developed electrical and water system including meter for each lot, and recorded survey with Crowley County Clerk.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2022-8361**

**SUBDIVISION EXEMPTION REQUEST, DANIEL AND CAROL MUMM, FILE NO. 2022-09**

Daniel and Carol Mumm plan to put a trailer house on the west of their residence on the family farm at 14672 County Road H in Ordway. The home will be available for one of his employees. The new 10-acre parcel would be adjacent to the current residence. The Crowley County Planning and Zoning Commission heard the request on May 23, 2022, and recommended approval by the Board.

WHEREAS, Daniel and Carol Mumm, 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 05/23/2022; 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 Daniel and Carol Mumm is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

The property is also known as:

Section 17, Township 21, Range 57; W1/2NE1/4 (80 ac)

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 Daniel and Carol Mumm, File No. 2022-09, subject to a survey being completed and recorded with the County Clerk, required culverts to be installed, utilities and septic being installed, and all applicable taxes and fees be paid.

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

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

**RESOLUTION NO. 2022-8362**

**SUBDIVISION EXEMPTION REQUEST, JEFFREY S. KUHN, FILE NO. 2022-12**

Jeffrey S Kuhn desires to create two, 10-acre parcels from an existing 116.84 acre parcel. One parcel is his existing home site, and the second parcel would be a future home site. Jeffrey Kuhn was not in attendance to present his request to the Crowley County Planning and Zoning Commission on May 23, 2022, so the Commission did not recommend approval by the Board.

Opposition to his request was expressed in a letter from Debbi Oliver, and George and Jean Reeves. George and Jean do not want a house right next to them; they want to live in the country and not be surrounded by homes. An access road will create additional dust on their property. Terry McMillian expressed concern regarding the access road right next to their property.

WHEREAS, Jeffrey S Kuhn, 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 05/23/2022; 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 Jeffrey S Kuhn is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

The property is also known as:

Section 11, Township 21, Range 57, SE1/4 EXCEPT (32 acres) and (4588 sf) and (11.6 acres)
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 Arbuthnot to approve the subdivision exemption request by Jeffrey S Kuhn, File No. 2022-12, subject to a single lane access or recorded easement by Highway 71 or a gravel, two-lane access or recorded easement by the Reeves property, developed electrical and water system including meter for each lot, and recorded survey with Crowley County Clerk.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Nay

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

ATTEST:

\_\_\_\_\_  
Melinda Carter, County Clerk

\_\_\_\_\_  
Blaine Arbuthnot, Chairman