

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
TUESDAY, January 9, 2018

MINUTES

CALL TO ORDER:

The Meeting was called to order by Board Chair, Tim Lovato, at 9:03 A.M., with the Following members present:

Jason Anderson, Commissioner, Board Chair
Tim Lovato, Commissioner
Ken Anderson, Commissioner
Lyn Lambert, County Co-Administrator
Wendi Maez, County Co-Administrator, Land Use Administrator
Ben Gibbons, County Attorney
Rhiannon Curry for Trish Gilbert, Clerk to the Board

PLEDGE OF ALLEGIANCE:

Board Chair, Tim Lovato, invited those in attendance to join in reciting the Pledge of Allegiance.

Additions/Deletions to the Agenda:

1. Ben Gibbons, County Attorney asks for an executive session for legal counsel and personnel during his time.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE AGENDA AS PRESENTED.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER KEN ANDERSON TO ENTER INTO EXECUTIVE SESSION FOR PERSONNEL PER C.R.S. 24-6-402(4)(F)(I) AT 9:06A.M.

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER KEN ANDERSON TO RETURN TO OPEN SESSION AT 9:17A.M.

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER KEN ANDERSON FOR COMMISSIONER JASON ANDERSON
TO BE THE BOARD OF COUNTY COMMISSIONERS CHAIR PERSON.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

Commissioner Chair Jason Anderson read all appointment for the reorganization of the Board. See attached for full list and occupants of those seats.

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE AND ACCEPT THE BOARD
AND STAFF APPOINTMENTS FOR 2018.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

Reading and Approval of Minutes:

**MOTION BY COMMISSIONER LOVATO TO APPROVE THE MINUTES OF
THE DECEMBER 19, 2017 REGULAR SESSION MEETING AS AMENDED.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

Review of Mail and Other Correspondence: 01/09/18

1. **Jill Harley, CDOT** sent an email to follow up on the May 12, 2017 meeting. The County asked that CDOT revisit speed concerns through the Town of Sargents and asked about adding School Bus Stop Ahead signs. CDOT Region 5 Traffic & Safety Engineer Julie Constan, performed an informal speed study and does not recommend a change. However, CDOT can still evaluate the need for School Bus Stop Ahead signs and would like you to provide a list of locations of bus stops where the County would like to have signs installed. (12/29/17)
2. **Jacquelyn Pyun**, sent an email stating concerns regarding the marijuana regulations for Saguache County and states she will be collecting signatures and letters of concern about the grow operations. She would like to know if there are other groups forming that are doing the same thing. (12/28/17)
3. **Laura Fox** sent an email regarding the West-Wide Energy Corridor. The BLM, USFS and the Department of Energy invite you to participate in the review of the West-Wide Energy Corridors on Public and National Forest System lands. (12/21/17)
4. **Laurie DePaolo, Executive Assistance, Colorado River District**, sent an email with an attached letter from General Manager Andy Mueller in response to the meeting held on December 6 in Grand Junction. The letter was to follow up on several suggestions made and questions posed to those from the River District.
5. **Kimberly Crawford, Butler/Snow** sent a letter regarding a "Notice of Special District Authorization or Issuance of General Obligation Indebtedness" for the Baca Grande Water and Sanitation District bond issue. (1/2/18)
6. **Rio Grande Headwater Land Trust (RIGHT)** sent an email to let everyone know that Rio De La Vista is leaving the organization and that there is currently an open position. (1/4/18)

7. **Jarrold and Julie Bowers, Kendall Magnussen, and Daniel Grey**, emailed letters of support for the Sheriff's Department.
8. **The Gunnison National Forest Service** sent an email inviting people to attend a (GMUG) Wilderness Inventory Webinar on Thursday, January 11 from 4:00pm-5:00pm or Friday January 12 from 8:30am-9:30am. They also included some of the information with the email.
9. **The Pike National Historic Trail** December 2017 Newsletter was received.
10. **CCI** sent a letter and invoice for the County's assessment as a member of CCI for 2018. (1/5/18)
11. **The Rio Grande Water Conservation Board of Directors** sent their agenda for the January 16 meeting. (1/5/18)
12. **The San Luis Valley 4-H** sent the January 2018 E-News. (12/29/17)

Introduction of Guests: Guests and Public Comment were moved and presented, after Director Daboll's Public Health Report due to volume of guests attending.

Dawn Anderson	Mark Swinny	Joyce Swinney	Bill Case
J LeBlanc	Dottie Eichhorn	James R. Falsetta	Carol Case
Rick Barrantes	Leslie Griffith	Terry Gillette	Tony Jerrif
Roy Smith	Robert Tafoya	Joanna Theriault	Sagandha Bidohs
Ayla Hoevers	Jason Box	Steve Dossenback	Lisa Cyriacks
Crowfox Fleming	Ann Carhart	Timothy Chittum	Nancie Johnson
Jason Irwin	Mike Biggio	Justin Trouard	Daniel Peller
Paul Roth	Marcia Heusted	Joyce Peden	Melanie Meyer
Don Tulles	Colleen Bennett	Elizabeth Karras	Luana Lovato
Sky Wright	Geoff Korra	Brenda Karras	Mike Zukuh
Renate Lamm	Jacquelyn Pyun	Ron Cabrera	Kwinn Varney
Diane Irwin	Matthew Robinson	Barbara Schindler	Donny Schindler
John Albert	Bill McClure		

Public Comment:

Mr. Bill Case first asked Commissioners about inconsistencies regarding two specific grows that were addressed last time he attended. Maez confirms that those have been corrected and her records are reflective of the corrections. Mr. Case asks about licensing, and Maez informs him that documentation would have to be received by the State, as she is not allowed to distribute it. Mr. Case comments the County should have the authority to tell growers that the information the State has does not match, and they will need to cease and desist until all is clear and matches with the County. Mr. Case asks Lisa Cyriacks for figures regarding the budget and amounts given to the fund balance at the end of 2017.

Mr. Case read statistics from several articles debating the citizen approval rate for marijuana. He also commented after speaking to Superintendent Garoutte of the Mountain Valley School District, that children from the Lazy KV Estates subdivision are arriving to school needing to be bathed and fed before they can attend classes and be taught. Case addressed Commissioner Chair Jason Anderson comment that marijuana is not a moral issue by stating it is a moral issue when it regards the safety and quality of citizens who are living in the County. Mr. Case closes his comments by

stating the Commissioners should put a moratorium on marijuana until they have law and code enforcement in place and have located all of the marijuana in the County.

Mr. James Falsetta addressed Commissioners regarding his concerns with marijuana in the County. Falsetta commented that marijuana grows are employing people of a questionable nature, shipping product out of the area, have no respect for the citizens of the community, and have no idea how to conserve the community they are a part of. Falsetta feels these grows are only here to abuse the resources and make a fast buck. He goes on to say that, growers have zero or adequate water supplies, no septic, no sense of community, and their only motivation for being here is money.

Falsetta explains he feels these grows are poisoning the aquifer, and their lighting is disrupting wildlife and migration of such. He feels families moved here to raise their children in a healthy and safe environment, and that is not possible with the excessive traffic on the roads, children are unable to ride their bikes on streets anymore. Falsetta ends by asking if the meeting can be moved so there is a place for everyone to sit. Commissioner Chair Anderson explains this is a regular County meeting, not a public comment meeting, which needs to be requested. Falsetta comments it is not right to ask elderly people to sit on the floor to attend.

Ann Carhart from Villa Grove comments she feels that marijuana is no different than the agricultural community that has been here for years, however feels the Sheriff's department needs to be supported and must be funded at whatever the cost.

Roy Elle Smith a resident of the Lazy KV Estates subdivision comments the water in that subdivision is polluted and has to have friends from outlying areas bring him drinking water.

Dawn Anderson and her neighbor Renee Lamm comment they are generally supportive of marijuana however a grow on 52 has very bright lights they run at night and a diesel generator that makes it so they can't sleep or go outside without smelling the diesel from their grow neighbors. Ms. Lamm offers to share a video with Commissioners should they like to review.

Rick Barrantes of Saguache suggests a committee to address the concerns of the citizens. Barrantes expresses he does not have faith that anything will be resolved by coming to the meetings. He also comments people are frightened and it is the Commissioners responsibility to address that. Barrantes ends his comments by saying many that were for marijuana are now against it because of the unintended consequences. They want marijuana but in a positive fashion.

Robert Tafoya comments there are real problems in this County and he would like to see some solutions. He feels there should be one governing body to regulate marijuana no matter where it is located.

Marcia Husted commends the Sheriff for submitting a new budget. Husted listed off figures of increases needed in the Sheriff's department and the need for more staff for safety reasons. Husted ended her comment by stating she feels a bigger forum is needed for the Commissioner meetings.

Mike Wheeler of Saguache commented he feels with the requirements of legal growers; he feels they are serious about being members of the community and raising their children here. Wheeler expresses to members of the audience, if you talk to legal growers, they will tell you they do not like the illegal growers either. Wheeler agrees on the formation of a coalition to get things monitored and fixed on the illegal side of things, so that the County can move forward.

Jason Irwin, who comments he lives on County Road 65, says his road is terrible from hay trucks, that there is no marijuana on his road. He asks the members of the audience to do their research, as he feels there are comments being made not based on fact in regard to marijuana growers. Irwin comments he feels it is out of line to put legal grower's names, who have complied with all regulations, in the papers, and suggests it could be slander. Irwin comments to Commissioners that if they put a moratorium on legal growers, all they will be doing is helping the illegal growers that are the true cause of the problems in the County.

Carol Case reads from an article regarding a Senator in California who issued a State of Emergency due to being overrun by illegal marijuana growers. The article expressed concerns about health issues, rise in crime, inexpensive land/privacy, squatters, and a majority of the illegal growers being a part of an Asian gang. After reading the article, she asked the audience and Commissioners if any of those things sound familiar. Mrs. Case gave Commissioners pictures of the property located behind hers that was busted by the Saguache County Sheriff's department and the DEA, and the trash and issues left behind when the growers there were busted. Mrs. Case pleads with Commissioners to shut down illegal grows, fund the Sheriff's department, clean up the crime, and protect the citizens of Saguache County.

Paul Roth comments that he sees marijuana as a question asked and answered, as the people of the County voted it in. He asks rather than a moratorium if folks feel this strongly, they put it back on the ballot to be voted on again. Roth's final comments were to fix the wheel because there is no stopping the wheel.

Mike Biggio commented that he feels there is a lot of misinformation and confusion between legal and illegal growers. Biggio points out it is a constitutional right to grow marijuana in this state and to change the constitution is the only way to stop marijuana.

David Daboll, Public Health Director, commented that marijuana is a problem in the County schools, and that is what should be paid attention to, as it is affecting the youth. Daboll states children are washing their clothes in sinks, taking showers, and need to be fed, each morning before they can be taught. Daboll claims awareness is the issue, and at the Public Health Department, they are trying to combat the effects of marijuana on the youth.

Bill McClure, a member of the Saguache County Planning Commission, advises members of the audience, that if they see things they are concerned with, they need to inform someone, be it the Sheriff, the Land Use Department, or the Planning Commission, so that it can be looked into and stopped. McClure goes on to say the legal growers are doing a great job and are not the issue, and comments the things he has heard at the meeting today may be an interpretation and should be taken with a grain of salt as everything being said is not truthful.

Mark Swinney addressed the Board and Mr. McClure regarding a Planning Commission meeting he attended where pieces of the application were missing and, yet the grower was still approved. Swinney goes on to comment that if he turned in a cattle application that way, he would have had to fix it before they would accept it. Swinney also comments on the number of grows that start building on their site before they even go before the Planning Commission and feels this should not be allowed to happen either, and feels they shouldn't even put a fence post in, until fully approved.

Colleen Bennett who lives in Casita Park commented on her neighbor who had a grow operation, with no fence on a property in the POA, who was taking water from the POA. Bennett comments that she informed Land Use, Commissioner Jason Anderson, Deputy Wayne Clark, and the POA and nothing was ever done about his grow, and tells Commissioners not to tell her everyone is doing the best they can.

Lisa Cyriacks commented on the difference between legislature passed by the State in regard to marijuana and the Saguache County marijuana regulations. Cyriacks went on to comment she feels the Commissioners are creating problems they hope law enforcement will address, and she is happy to support a marijuana committee.

Timothy Chittum – a Town of Saguache Board Trustee, questions when the Sheriff's budget was approved and when and if the revised submitted budget will be approved, and if the Town Board can get a copy of it.

Luana Lovato told a story of a friend of hers who was confronted and run off the road, in the Lazy KV Estates subdivision; because they thought her friend was trying to steal from his grow. Lovato comments situations such as those are a danger to the public. Lovato feels it is the Commissioners responsibility to have the foresight for planning, determining the issues of the County and solving them, and to be an employer of choice in the County. Lovato suggests pooling the resources of the County employees, and collaborating employees to come up with solutions for the County.

Terry Gillette suggested to the Board that they put some type of sign up at a legal grow location, so that members of the community know which grows are approved.

Dottie Eichhorn announced a radio show broadcast about the marijuana situation in Saguache County and urged others to listen.

COMMISSIONER REPORTS:

Jason Anderson:

12/22 – Received a notice from CCI concerning funding streams for TNF funds. This is important to Counties for a few reasons. First, each option has a different impact on County TANF reserves, which is described in the presentation. Second, because this increase is occurring within existing appropriations, there could be fewer funds available for other programs funding by the TANF allocation, including County contracts with local non-profits.

12/29 – Spoke with Joyce Sweeney concerning a conditional use application.

01/02 – Attended the Retirement party for Carla Gomez.

01/05 – Attended a discussion with members from the Governing Group for Crestone Resiliency concerning plans to establish a more resident-oriented body in the Baca Grande. Topics centered on clarifying County authority.

01/05 – Received a message via e-mail requesting a proclamation recognizing January 21-27, 2018 as Saguache County School Choice Week.

01/06 – Met with Karina Danforth, Mayor of Crestone, concerning Town issues and planning for the Eastern San Luis Valley Trails Coalition.

01/06 – Spoke with Commissioner Karla Shriver of Rio Grande County about prison sharing.

01/06 – Spoke with Mark Sweeny concerning County marijuana issues.

01/07 – Finished the agenda for the Valley Wide Commissioners meeting.

01/08 – Attended Saguache County Commissioner office hours.

Tim Lovato:

12/20 – Attended the Veterans monthly meeting in Alamosa.

12/28 – Drove to Monte Vista where I turned in a letter from the Board in response to an article in the Center Post-Dispatch.

01/02 – Attended the retirement party for exiting Saguache County Clerk and Recorder Carla Gomez, and spoke with Lisa Cyriacks regarding the inaccuracies of the newspaper articles.

01/03 – Signed a document removing Carla Gomez and adding Trish Gilbert as Saguache County Clerk and Recorder.

01/08 – Held office hours in Saguache. Received two visitors, also met with Bobby Woelz, the new Director of Office of Emergency Management to discuss future projects.

Ken Anderson:

Attended a fundraiser at the Alamosa Hospital for the Cancer center. Had three grand kids involved in singing, and there were many in attendance. Attended Saguache County BOCC office hours in Center. Spoke with the Center police chief and Center administrator. Received some information regarding police vehicles that could assist the Saguache County Sheriff. Also met with the Hooper/Mosca Fire department, regarding getting property added to the tax roll. Checked on roads throughout the County and they were looking good. Also visited the airport to follow up on repairs and maintenance happening there.

DEPARTMENT OF PUBLIC HEALTH REPORT – DAVID DABOLL: REPORT ATTACHED.

Director Daboll presented an MOU and IGA that needed to be signed by Commissioners.

**MOTION BY COMMISSIONER LOVATO TO APPROVE THE MOU FOR MASS
VACCINATION OR PROFLAXIS DISPENSING SITE WITH MOFFAT
CONSOLIDATED SCHOOL DISTRICT.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER LOVATO TO APPROVE THE IGA WITH SLV PUBLIC HEALTH PARTNERSHIP AND ALL SIX COUNTIES.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

Director Daboll informed Commissioners that the agreement with Alpine Achievers is now in place, and that the contract for the environmental health with Mineral County is as well. The cost of the contract increased, however it is still substantially less expensive, than hiring our own County environmental health person. Daboll advises he was able to convince them to take payments, vs. it all being due in one lump sum, so that will help the budget.

Daboll explains to Commissioners that the CTC program is going well, however the coordinator is having a hard time recruiting key leaders from the community to contribute. Daboll solicits volunteers from the guests in the audience for recruitment to the CTC. Daboll also informs Commissioners he received funding for immunizations and is setting specific spending goals for those funds.

DEPARTMENT HEAD REPORTS:

RANDAL ARREDONDO, SUPERVISOR, ROAD AND BRIDGE DEPARTMENT:

Arredondo presents Commissioners with bids for motor graders to be purchased per the adopted budget for 2018. Arredondo recommends to Commissioners that the motor graders be purchased through Caterpillar as the services available after purchase exceed those of the other bids received. Commissioner Lovato after making a motion to approve questions the trade amount that will be received from the two Arredondo plans on trading in to complete this purchase. Arredondo advises he does not have the final figure, but should be in the \$68K range as previously disclosed. Commissioner Lovato explains he would like to see the bids before completing the motion.

MOTION BY COMMISSIONER LOVATO TO ACCEPT THE BID FROM WAGNER EQUIPMENT ON TWO MOTORGRADERS, ONE WITH A SNOW PACKAGE FOR \$305,001.09 AND A SECOND WITHOUT A SNOW PACKAGE FOR \$273,307.92, ON A 5 YEAR LEASE PURCHASE AGREEMENT.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 2

VOTES AGAINST: 1

MOTION CARRIED

Arredondo reminds Commissioners of a Road and Bridge truck that was involved in an accident at the beginning of December, through no fault of the Road and Bridge driver, and informs Commissioners the other at fault driver did not have insurance. Arredondo questions Commissioners on how to proceed, as there is a lot of down time and money spent on repairs since the day of the accident. Attorney Gibbons advises to put the total cost of repairs and time accrued and contact the DA's victims advocate for restitution, to ensure the restitution is included in the charges.

Arredondo advises Commissioners, he is down one more employee as one of his crewmembers who had been with the County for thirty-one years retired on January 5, 2018.

Arredondo advises Commissioners that the Landfill is going well. There were some issues with a machine, but had Road and Bridge employees go out and help out, while the machine was being repaired. Commissioner Lovato advises there was a violation of policy at the Road and Bridge shop that needs to be addressed.

**MOTION BY COMMISSIONER LOVATO TO TERMINATE KEN BIGGS IMMEDIATELY
DUE TO VIOLATION OF COUNTY POLICY.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

BOBBY WOELZ, OFFICE OF EMERGENCY MANAGEMENT:

Mr. Woelz informed Commissioners of the accomplishments he has had since taking over the Director position in the Office of Emergency Management. Mr. Woelz also informed Commissioners of resolutions he is working on for multi hazard mitigation plans. Attorney Gibbons asked he be shown the resolutions for approval before presenting to the Board for signature and adoption. Woelz agreed.

Woelz turned in his schedule to Commissioners for the next month, and goes over the Multi- Hazard Mitigation Plan that will need a signature ensuring Commissioners it has been approved by FEMA, which will keep them eligible for grant funding.

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE 2018 RESOLUTION
REGARDING THE MULTI HAZARD MITIGATION PLAN, RESOLUTION NUMBER
TO BE ASSIGNED UPON RECORDING WITH THE CLERK AND RECORDER.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

EVAN SAMORA, SAGUACHE COUNTY HOUSING, REPORT ATTACHED:

**MOTION BY COMMISSIONER KEN ANDERSON TO ENTER INTO THE HOUSING BOARD
AT 3:01P.M.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER JASON ANDERSON TO RETURN TO OPEN SESSION AT
3:07P.M.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

BEN GIBBONS, COUNTY ATTORNEY:

Ben Gibbons time was presented after the Land Use Department report.

MOTION BY COMMISSIONER KEN ANDERSON TO ENTER INTO EXECUTIVE SESSION FOR PERSONNEL FOR THE ROAD AND BRIDGE DEPARTMENT PER C.R.S. 24-6-402(4)(F)(I) AND FOR LEGAL COUNSEL PER C.R.S. 24-6-402(4)(B) AT 2:24P.M.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

MOTION BY COMMISSIONER CHAIR JASON ANDERSON TO RETURN TO OPEN SESSION AT 2:44P.M.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

WENDI MAEZ, LAND USE ADMINISTRATOR: **Portions of the Land Use Report was given before lunch**

1. RA Blumenhein, landowner/Cannaspire, applicant – Conditional Use Modification W1/2 32-46-10 to add and move structures on previously approved application.
Site Address – 60063 County Road GG

Two letters of objection and concern have been received.

SCPC recommended unanimous approval of this request during their December 14, 2017 meeting, with requirements. Requirements include, only 3 storage units, (down from 10 in the original request), NO residences to be located on the North side of the property, NO RV's may be used for living quarters and re-location of the 10,500-sq. ft. structure to the location it was originally constructed.

Maez explains to the Board how the property owner built the building, but it was not in the right location to be used by the grower, so they are asking for the modification to include that building into the new plan where it was not before. Commissioner Chair Lovato comments that a citizen was planning on attending, was not sure why she was not there, but he would be interested to hear her comments on the modification. Commissioner Ken Anderson comments that the residence thing bothers him. Commissioner Lovato asks if the Board has any say before the State approves it. Maez informs Commissioners, they have to approve before the State will.

MOTION BY COMMISSIONER KEN ANDERSON TO POSTPONE A DECISION ON THE MODIFICATION UNTIL THE FEBRUARY 6, 2018 MEETING.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

2. Lora Lee Yates Trust No. 1, landowner/Elevated Acres LLC, applicant – retail marijuana cultivation area located at 18850 County Road 65, Moffat, CO – N1/2N1/2NW1/4 31-44-11.

Property Address – 18850 County Road 65, Moffat

Legal Description – N1/2N1/2NW1/4 31-44-11

Total acreage to be used – 1.5 acres

Present use of property – residence

Intended use of property – cannabis cultivation

Road access – County Road 65

Utilities – SLVREC – Cell phone

Water – Kelly Smith contract, signed contract included in packet. Letter from Division of Water Resources states that existing domestic well Permit #9306815 cannot be used for cultivation.

Sewage – will install

Elevated Acres was given approval for a location in 2016, the previously approved location did not work out with the landowner, and therefore they would like to move their location to 18850 County Road 65.

Two employees per day with one person possibly living on site – about 1 day per month, there will be 5-7 people for the day.

Traffic – typical days will be 8am-5pm with about two cars coming and going, one day per month, 5-7 people with up to 5 cars.

The request will be for

- a. 3 Greenhouses
- b. 2 Grow Sheds
- c. 1 Office/Main Building

Two letters of concern have been received – both from Rito Alto San Luis Ranches, Inc.

SCPC recommended approval of this request during their regular meeting on December 14, 2017 as presented with a vote of 7/1 with the following requirements:

- a. Must get an affidavit with the correct address (the address assigned to the application is 18850 County Road 65);
- b. corrected affidavit from Sheriff's Office for response time with correct address (received December 20); and
- c. Land Use to check to see when Kelly Smith's SWSP expires - his SWSP expires on April 1, 2018 - which he plans to renew with the Division of Water Resources.

Maez informs Commissioners the State license was previously approved for another location. Commissioner Lovato questions the water plan on the property. Attorney Gibbons comments he would have to look into the court aspect and get back to Commissioner Lovato regarding the substitute supply plan. Commissioner Lovato questions if the original application should be voided prior to approving this one, and Gibbons agrees.

**MOTION BY COMMISSIONER LOVATO TO VOID THE LAMM RANCH APPLICATION
CONDITIONAL USE APPROVAL DONE IN JULY OF 2016 AT RECEPTION NUMBER
380925.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE CONDITIONAL USE
PERMIT FOR ELEVATED ACRES, LLC, AS AMENDED WITH PLANNING
COMMISSION RECOMMENDATIONS, VIABLE WATER SUPPLY, AND PROOF OF
WATER AS OF APRIL 1, 2018.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

3. Susan Pae, landowner/Mammoth Farm, applicant – 50562 County Road U, Saguache – Lot 2, 3-43-8. Mammoth Farms has purchased the property since application has been filed.
Property address – 50562 County Road U – Saguache
Legal Description – Lot 2, 3-43-8
Total acreage to be used – 5
Present use of property – vacant
Intended use of property – commercial marijuana cultivation
Road access – County Road U
Utilities – Electricity – Diesel Generators, which he has changed to propane generators for noise reduction.
Water – Permit #12859-R – may be used during irrigation season and the applicant has applied for an exempt commercial well, with this exempt commercial well the water may be used year-round for drinking/sanitary demands of employees and cannot be used for irrigation purposes.

There are also several other wells located on the property that can be used for irrigation but have not been proposed to be used as part of the cultivation. See DWR letter attached.

This request is to have a marijuana cultivation and extraction with butane/propane method to be used. State approved for Tier 1 – 1800 plants or fewer.

Request will be for

- a. 1 manufactured building
- b. 2 Greenhouses
- c. 1 skid house
- d. 1 paint booth
- e. 2 shipping containers

Several letters of concern have been received.

SCPC recommended unanimous approval of this request during their December 14, 2017 meeting, as presented with the following requirements:

- a. No diesel generators, propane generators will be used

- b. No night time lights will be in the greenhouses
- c. A fence to be installed instead of a straw and gravel berm
- d. A legal easement must be in place to access the grow facility.

Jacqueline Pyun, a neighbor to the grow operation asks to speak as she was not notified of the grow operation prior to it going to the Planning Commission and fees as a property that abuts the grow operation she should have been notified. Ms. Pyun addresses Commissioners with her concerns, as there are already several grows in this area. Maez informs Commissioners because of the size of the parcel owned by the grower, that the notification area from where the grow site is located did not include Mrs. Pyun. Maez concludes that per the County regulations everything was done accordingly.

Audience members and neighbors of the grow operation up for approval question where the access will be given on the property as he can access from three different County Roads. Justin Truard the grower for the operation comments that he put the grow area where he did to limit the intrusion to his neighbors. Truard goes on to say he has complied with all that is required of him, spoken and answered questions asked of him. Commissioner Tim Lovato comments he feels a site visit should be done to get a better understanding of the parcel and layout, and feels that they should stop this and re-notify the adjoining properties. Gibbons advises all pending applications for marijuana would have to be put on hold and regulations reviewed for notifications if that is the route the Commissioners want to go.

**MOTION BY COMMISSIONER LOVATO TO POSTPONE THE DECISION UNTIL
FEBRUARY 6, 2018 AFTER A SITE VISIT CAN BE COMPLETED.**

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

4. Planning Commission Appointments

SCPC

Reappointment Requests –

July Messoline

Anne Nielsen

Ellen Cox

Bernita Curry

Steve Carlson

Daniel Davis

New Appointment Request

Mark Swinney

**MOTION BY COMMISSIONER KEN ANDERSON TO REAPPOINT SAGUACHE COUNTY
PLANNING COMMISSION BOARD MEMBERS AND APPOINT MARK SWINNEY AS
AN ATERNATE.**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

CBPC

Reappointment Requests

Charles Sommers, BGPOA Representative
Kairina Danforth, Town of Crestone Representative
Terry Gerkin, Town of Crestone Representative

Two additional appointment requests from Allison McClure and Dan R. Valley. New member requests will be emailed to you for your review prior to the meeting.

MOTION BY COMMISSIONER LOVATO TO REAPPOINT CHARLES SOMMERS, BACA GRANDE PROPERTY OWNERS ASSOCIATION REPRESENTATIVE AND KAIRINA DANFORTH AND TERRYGERKIN TOWN OF CRESTONE REPRESENTATIVE, ALISON MCCLURE AND DAN R. VALLEY AS ALTERNATES.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

5. Discussion concerning House Bill 17-1220 – plant count for medical and recreational use in residential zoned areas.

This was postponed to discuss during the work session on January 16, 2018.

WENDI MAEZ, SAGUACHE COUNTY AIRPORT MANAGER REPORT:

Airport Manager report was postponed to the next Commissioners meeting.

1. Hangar contract will not be updated until Mr. Hoestetter gets home in mid-January.
2. Pump house constructed and hydrant in the works to be installed.

LYN LAMBERT AND WENDI MAEZ, CO-ADMINISTRATORS – ADMINISTRATIVE

Admin report was given after Department Head reports at the end of the day.

1. Lambert has been on vacation from December 20, 2017 through January 8, 2018.
2. Sales Tax Grant notifications have been posted on the County website, and sent to all of the County newspapers, for publication. The application is on the website as well.
3. Year-end bookwork is being completed.
4. Northern Saguache County Ambulance District License update approval and signature.
5. Revenue and Expenditure line items on budget for marijuana excise tax.

Commissioner Tim Lovato asks if these line items have been established. Lambert explains that it was discussed but a directive was not given so it has not been completed at this time. Commissioner Chair Jason Anderson expresses that all Marijuana should show as its own department for tracking purposes. Lambert agrees and informs Commissioners herself and Maez will work together to get it all established. Gibbons advises this is a good plan, as eventually someone will ask how much legalizing marijuana has costs Counties.

MOTION BY COMMISSIONER JASON ANDERSON TO GRANT LICENSES TO NORTHERN SAGUACHE COUNTY AMBULANCE DISTRICT FOR AMBULANCE UNIT NUMBERS 180, 181, AND 182.

SECOND BY COMMISSIONER KEN ANDERSON

VOTES IN FAVOR: 3 VOTES AGAINST: 0

MOTION CARRIED

BILL PAYING:

MOTION BY COMMISSIONER KEN ANDERSON TO ADJOURN THE MEETING AT 4:11P.M SEEING NO FURTHER BUSINESS.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3 VOTES AGAINST: 0

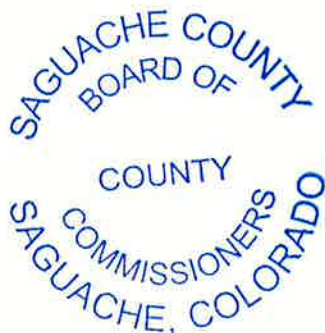
MOTION CARRIED


RESPECTFULLY SUBMITTED:



**RHIANNON CURRY FOR
TRISH GILBERT, CLERK & RECORDER**

DATE MINUTES APPROVED: January 23, 2018





**JASON ANDERSON, COMMISSIONER,
BOARD CHAIR**



KEN ANDERSON, COMMISSIONER



TIM LOVATO, COMMISSIONER



**ATTEST
TRISH GILBERT, CLERK & RECORDER**