Minutes of the Board of County Commissioners Meeting, held on March 13, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

| Members Present: | Darius Allen, Chair  
|                 | Mike Yohn, Vice-Chair  
|                 | Marianne Dunne, Commissioner  
|                 | Jason Kelly, County Attorney  
|                 | Carol Osborn, Assistant Administrator  
|                 | Belina Ramirez, Office Manager |

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Addition under Consent Agenda which is the acceptance of bid for concrete removal.

M/S Yohn/Dunne motion to approve the agenda of March 13, 2013.  
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:  
Regular Minutes-February 20, 2013  
Dune View Spirits PH Minutes

M/S Yohn/Dunne motion to approve the Minutes of February 20, 2013.  
Motion was passed unanimously.

Approval of Bills/Obligations

M/S Dunne/Yohn motion to approve the Bills/Obligations  
Motion was passed unanimously.

Public Comment
Approval of Consent Agenda
Ratify CDPHE Contract Amendment #1-Reduce obesity risk factors in Alamosa County youth
Chronic Disease Risk Reduction Program Subcontract Statement of Work-National Jewish Health
Acceptance of bid for Concrete removal

M/S Yohn/Dunne motion to approve Consent Agenda
Motion was approved unanimously.

Public Hearings

Special Use Permit – Adrian Maestas/Leonard Garcia

SEE PUBLIC HEARING MINUTES FOR MORE INFORMATION

Commissioner Dunne stated it is true that according to the laws you have the right to open a business in Alamosa. She feels Alamosa needs businesses but not a Marijuana business. She spoke to nurses before where they gave stories of a patient where marijuana did help him get back to take care of himself and sheep. She also knows there is a huge prescription drug problem but they are working on it. She went to the National Honor Society she wouldn’t want to see any of the kids experiment use marijuana even they may use it. Another gentleman spoke about jobs and he stated he could not hire from Alamosa but they have to pass a drug test and so many fail these tests. She tends to say people can buy their gasoline in Alamosa and drive to Conejos.

Commissioner Yohn stated this is new ground for Alamosa. There was a dispensary here but they did not license it. They are going for what the Alamosa County residents wanted and what they voted for. They have to work through it. There is as many for it as against it. They tried to put requirements to benefit the people of Alamosa County to protect them. They had to determine where to have it. It could be regulated better than growing in their own home. He does have some concerns of County regulating for two years. They reviewed annually stated Mr. Atemirano. Does the hours include weekends and holidays. Is it state law or is up to them to determine hours. It is not regulated by the state stated Mr. Maestas. They close on Sundays and major holidays like Christmas and Thanksgiving. There are two separate licenses the state issues licenses but they have to go through the county. He went to the basketball where there was a sign that said 70% of students did not try marijuana at schools. They have set up a lot of requirements for the business of medical marijuana. He would be concerned about growing such as the amount, importing, water, and the waste so he would like some more information on this. Mr. Atemirano stated the special use is only for dispensary not for growing. The grow would take place in San Luis where they grow it. The state requires dispensaries to grow 70% of their product within Colorado. It doesn’t have to be in the same county.

Commissioner Allen stated these are difficult decisions. Over the years they have been trained and schooled that they need to take the information before them. This is not something they just decided to just do it. They took this to election and it was passed. They have no choice to approve one when it meets all the rules and regulations. He voted against it. He did not want
medical marijuna in his community. They are still a democracy so it has passed and now it is up to them as County Commissioners to regulate. They went through many meetings to come up with regulations to protect those who didn’t and did vote for it. The Planning Commission meeting they had only one person show up. Everyone that lived in the 1500 feet radius was notified of this which is state regulation. Alamosa County Code that they use with 5 members of the Community that are on this committee. This is set up for an annual review. If they have a violation in that year then they can deny any use for them. He called the Sheriff’s Department on the old dispensary. They had zero calls for the facility there. They have 12 additional conditions attached if they approve this. The biggest concern is the access. He agrees marijuna is as bad as alcohol. It boils back to the home and the family of what this whole country was founded on was a family. We have gotten so out of control like we used to take control of our household. It has been a tough decision. It is not the Commissioners it is the people who voted for it when they had it on the ballot. The people of the county voted for this issue and it passed. It is up to them to regulate it.

Commissioner Yohn wanted to make clear the domestic use water will not be used for growing. There will not be any growing. It is for commercial use they have a commercial well on their property stated Mr. Altamirano. Mr. Maestas stated they do all of their growing in Costilla County. It has gone through the Planning Commission, they recommend it and it has met all their requirements. He still thinks honoring the vote of the people and he would rather see regulated than the unregulated use out there. It is better where it is at a dispensary. He doesn’t see it any different than the Budweiser Facility right next to it.

Commissioner Dunne asked for clarification from Mr. Kelly when they voted did they vote for the use or the selling of Medical Marijuana in Alamosa County. Whether the county should prohibit the dispensary. You cannot regulate the use. It was a no where we should not prohibit it.

Mr. Maestas stated when someone comes in they record the card number not the name for privacy reasons and the amount for the state. It is all on record for the state. It is in a very controlled manner. It is the safest way rather than growing in backyards. Then people could jump fences and take it. All purchases are logged and regulated by the state. Where they grow it is also requires extensive security, camera systems, record any waste, require the weight. The camera has to focus on the weight. They need to email and fax a transport manifest when it is going to be transported. When they deliver it they have to have a camera on it again to show what was sent is received. It is tightly managed and recorded.

Commissioner Allen would like to see some documentation from CDOT that it won’t be a problem entering off of the highway coming off of Budweiser. They took an Oath of the Office and raised their right hand to swear to uphold every statute for the State of Colorado and the rules and regulations of the County and to abide by those. His heart is telling him to vote no but his head is telling him when he took the Oath of the Office to do the right thing. Sometimes the right decision isn’t always the most popular and the most popular decision isn’t always the right one.
Commissioner Dunne stated she understands the law requires her to vote for it. She does hope that they really control it and do a good job.

Commissioner Allen asked for motion to include additional conditions by the Planning Commission and by the Land Use on pages 3 and 5. Also have a clear letter for access from CDOT.

Ms. Lorna Sowards spoke. If they are going to pass this can they make a special recommendation of the building of what it looks like, the sign, and the hours. They do limit the size of the signs. The size is limited by the Land Use Code on any commercial property. They have to have a sign that is 36x36 that states it is still a federal offense and they still can be prosecuted. This applies to the applicant and anyone that walks into that dispensary. It has this disclaimer on there. The type of building has to be regulated. They have turned in building plans into their office and they are currently under review. They have laid out the sight plan on what the façade would look like. It is going to be stick built. Some landscaping will be required of this facility. As in the terms of the signage that is regulated by the size of signs and type of signs that will be located on the premises. The only thing they cannot regulate is the content of the sign. Commissioner Allen stated if they violate any of those they have the right to nullify their permit. He will not hesitate to pull it. If it goes back to the vote of the people it can change. They would have to go to the Clerk & Recorder’s Office to check but he thinks it maybe too late for this year stated Mr. Kelly. They want to be part of the community stated Mr. Maestas. They want to get along with the people. State regulations state there are certain things they cannot put up in the sign such as a marijuana leaf.

Commissioner Allen stated they have sat on many marijuana meetings throughout the state on their CTSI organization.

List of Exhibits

1. Special Use Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Ownership & Encumbrance Report
6. Deed
7. Assessor Record
8. Receipt of Taxes Paid
9. Letter of Intent from Leonhard Velasquez
10. State of Co Business License
11. Water Documentation
12. Site Drawing
13. Aerial View & Zoning
14. 1500 Foot Boundary Map
15. List of Adjoining Property Owners
16. Letter to Neighbors
17. Public Notice for the Planning Commission
18. Public Notice for the BOCC
M/S Yohn /Dunne motion to approve with application for the Special Use Permit for Medical Marijuana Dispensary with conditions set forth by staff report, letter of approval from CDOT regarding access from Budweiser Way, and hours of operation will be 10am-7pm Monday-Saturday; closed on Sundays and legal holidays. Motion was approved unanimously.

Commissioner Yohn stated this would be safer than home grown for regulations.

Commissioner Dunne stated they need more education regarding the use of marijuana; the pros and the cons. Just like we had to educate about cigarette use or now it is supersizing. It needs to be in our schools, churches, and everywhere. What we do to our bodies is really sacred and we need to take care of them.

Commissioner Allen stated it is a difficult decision but when he took the Oath he sweared he would uphold the rules and regulations of Alamosa County that set forth. He feels like he can’t breech those it is his job to do that. They just approved a liquor store in Mosca Colorado which he is not a liquor advocate but they came in and met all the regulations. They had people for and against. This was tough for him too.

Alamosa County Treasurer
Treasurer’s Report

Lois Widhalm was present. She presented the financial report for the Office of the Treasurer for the month of February. It shows they are in full balance.

m/s Dunne/Yohn motion to accept Treasurer’s Report
   Motion was approved unanimously.

Amendment to Resolution authorizing Treasurer to Deposit and Invest Public Funds

They have a resolution in place from February 2012. Today she is asking for approval for the addition of one more investing company. As the investing authority she does find that this particular pool is giving a higher yeild than any other she has investigated. This is Colorado State Wide Investment Fund.

M/s Yohn/Dunne motion to amend Resolution 2012-G-3 for the addition of Colorado State Wide Investment Fund.
   Motion was approved unanimously.
Alamosa County Clerk & Recorder

Liquor License Renewal-Great Sand Dunes Oasis

Melanie Woodward was present. She is requesting the Board to renew the Liquor License for Great Sand Dunes Oasis. Background check was done and had no violations and they submitted all the fees.

m/s Dunne/Yohn motion to approve Liquor License Renewal for Great Sand Dunes Oasis Motion was approved unanimously.

Jinger Getz Code Enforcer and Juan Altamirano were present. The BOCC has asked the Land Use to begin to look at blight issues around the county that need improvement. They brought on a Code Enforcement Officer to take care of the areas around Alamosa County that are a concern to the County Commissioners. They have been investigating areas with complaints with potential blight issues. They have taken pictures and sent out certified letters. Part of the process of Ordinance 7 is to have Show Cause Hearing for potential blight violators. The Board has to determine if there is or not blight. Then they could make recommendation to their office and to the potential blight violator that they have a certain amount of days. If this is not done then the case is referred to our attorney for prosecution.

Show Cause Hearing — Donna Maes

m/s Yohn/Dunne motion to there is a blight problem and notify 30 days to clean up Motion was approved unanimously.

Show Cause Hearing — Aubrey Hoag

m/s Dunne/Yohn motion to continue Show Cause Hearing for Aubrey Hoag to post notice Motion was approved unanimously.

Solar Reserve

Adam Green was present. He is here to seek their support in Saguache County. He presented some material. The project is fully permitted in Saguache County. They received support letters from a number of entities as well such as Town of Center, City of Monte Vista, Center Consolidated School District, and Center Conservation District. They are seeking their support because it will be a political issue in Denver so it is important for them to hear local. It would bring 100’s of construction jobs to the valley. They are projecting over 600 jobs on peak, 1.5 million man hours of work, and 50 full time jobs for lifetime. The affects for the area food service, hospitality, material supply, just all sorts of reasons that this is good for the community.

Commissioner Allen asked if they gave them a letter of support before. No stated Mr. Green you did speak in favor of the project at their Preliminary 1040 Permit Hearing in Saguache County. We have had good success with our solar facilities. We have two more permitted to come in. They are looking at new transmission lines coming in from the South and upgraded transmission
lines from the North. He has always supported the concept they have come up with and considering that they need to dry up between 30-40,000 acres of ag land that they don’t have water for this is a good back fill.

Commissioner Yohn asked for an update on their purchase agreements because this drives everything. The Power Purchase Agreement is the next step for this project as a long term contract with the utility. Major Utilities in Colorado are holding solicitations. Tri-State has Requests for Proposals and they will be submitting for that. Xcel will be have an RFP that will be opening very soon and when they do they will submit for that as well. They are going to upgrade the transmission line up north but the existing lines you have are sufficient for them. There are other plans for transmission lines but it will take a few years.

Commissioner Dunne stated the sun is their greatest blessings and it is something we need to use. The concern among everybody is water use but the only use is for cleaning of the mirrors. That is for the majority of the water stated Mr. Green.

M/S Dunne/Yohn motion to draft a letter of support for SolarReserve
Motion was approved unanimously.

SLV Weed Management Association
Introduction of new Weed Coordinator

Jim Clair, Darryl Plane Chairman, Aaron Price, and Leah Opitz were present.

A letter from the Colorado Department of Agriculture was presented regarding the Noxious Weed Act in the State of Colorado for the municipalities to get on board. Back in 2008 RC&D met and did a seminar for noxious weed management. They are the Noxious Weed Group of the SLV. RC&D dissolved so they moved forward to form a group. They are in the process of forming a 501C3 and becoming an independent group valley wide. They formed a partnership with several partners in the valley.

Ms. Opitz is their new SLV Noxious Weed Coordinator. They brought in for funding in 2011 a $120,000 grant from National Fish and Wildlife Foundation. They used over half of that to support their partners and their management efforts. They do a cost share or a mini grant process. Rio Grande and Conejos both benefited from that for their districts. First year in 2011 it was $30000, for 2012 $50000 and with funding this year they are anticipating over $70000. They have been able to bring in funds from private foundations, Colorado Department of Ag, State Land Board, and the forest service. All to support noxious weed control in the valley. The biggest conclusion from their past efforts is it is going to take an entire valley effort something cohesive.

Commissioner Allen asked if they could schedule a work session to see what could we do to make an impact in Alamosa County. They have a small Northwest Weed District in Alamosa County.
Mr. Clair stated they appreciate their support. Their emphasis is going to be in education. Commissioner Yohn stated time is very important because there is different stages of when to treat these. That is why we need education, because there are new chemicals out, and proper time to apply stated Mr. Claire. They do have some money to supplement your noxious weed program stated Mr. Price.

100th Year Celebration Kickoff
100 Year Celebration Proclamation
Ralph Outcalt—Alamosa County Centenarian
Stage Agreement
Application & Permit for Use of City of Alamosa Parks & Recreation Facilities—Cole Park
Ozomatli Band Contract

Commissioner Allen stated this is our 100th year celebration. We are the youngest county in Colorado excluding Broomfield. We have put together a committee that is putting together a celebration. We have a Centenarian here Mr. Ralph Outcalt. We are planning our celebration on July 4th.

m/s Yohn/Dunne motion to approve 100 Year Celebration Proclamation
Motion was approved unanimously.

The contract itself looks fine stated Mr. Kelly. The concern he has are the riders that are in the contract because they are very specific as to what they require as far as what the band requires as far as equipment goes. Alamosa County doesn’t have that equipment so we would have to contract that out. He did get some emails last night from Pro Audio who is working with Alamosa County and ALMA. He wanted to make sure that we have all the equipment that they need and his concerns have been elivated in terms they have the equipment and they could do that. If they don’t perform because we didn’t have what they wanted was his concern. He would advise the board with Pro Audio specifically attaching the rider that we have that identifies the equipment needed.

Commissioner Allen stated he a conversation with Julie Mordecai who is present. The dollars have been set aside are from our Solar Companies through our Community Development Fund so they do not come from Alamosa County dollars.

Ms. Mordecai with ALMA stated we interviewed several different musicians. All these higher level musicians have these riders like this. Aaron Miltenberger who just did Los Lobos had a similar rider. She will do the food. The sound and lights they always put what they really want but they rediscuss down what we can handle. Adams State University is going to handle picking them up and taking them back, pay for the generator, and money towards the event. It has been a great collaboration between both the University and ALMA. We are going to have a whole day of entertainment. We are going to start off with Indian Nickel, SLV Big Band, Haunted Windchimes, and The Rifters. This will represent the cultures of the valley. What happens typically is you okay the contract and get one bid to see what the costs will be but we can get other bids. Ms. Mordecai stated she could sign but ALMA doesn’t have those kinds of funds in
their account. These riders are very common and they have never had anyone walk away due to a rider.

**m/s Yohn/Dunne motion to approve Paradigm Contract (Band Contract) with riders and conditions that we enter with a third party to provide equipment.**

   Motion was approved unanimously.

**m/s Dunne/Yohn motion to approve Application and Permit with the City of Alamosa Parks & Recreation Facility at Cole Park**

   Motion was approved unanimously.

**m/s Dunne/Yohn motion to approve Stage Rental Agreement**

   Motion was approved unanimously.

**Teleconference**

**12th Judicial District**

Bill Gurule Chief Probation Officer and Patti Swift Chief Judge were present. They have some needs that have come up recently in concern with the rental space that they share the cost with the commissioners. The SLV Brewery is expanding their operations so they have terminated their lease. They would give them until August but the sooner the better so he could move forward for his operations. They are in a position where they have run out of room. At this point they are at a position to look at additional space to house staff. They contacted Preston Porter to research some possibilities. He has handed out information on the locations available for lease. He wanted to present some options and what their current agreement is and work out. The least ideal is for people to work at home.

Commissioner Allen stated when they first did they met with the SLV Commissioners Association they agreed that Alamosa County would prepay the rent and then tally up between the counties depending on the number of cases in their county.

Mr. Gurule believes they won’t find a place for $600 anymore. He had agreed to pay half of the rent out of a grant they had for administrative services. He doesn’t envision they can or want to go above the $300. They run the risk of using money that should go for the youth.

It looks like it is coming to $500 so they can go back to the SLV Commissioners Association. If they can still continue putting in $300 stated Mr. Gurule. The one thing is not included is the location to be connected to the network. The further they go it would be more difficult and have additional costs. There is one place that looks like across the street.

Commissioner Dunne asked how many rooms would you want. Three rooms at a bare minimum stated Mr. Gurule. They need to have functional office space.

Commissioner Allen asked what the statute for holding probation. It is the exact same as for the court stated Judge Swift. The Tenth District has a separate building next to DHS and is paid by
the county. Eagle County has five counties such as here and they are financial responsible for them.

Commissioner Allen stated the closer to the courts would be better.

What is square footage of the office now? He is not sure. They have three, one for reception and two others for offices. They have furniture maybe they could get a better rate. It needs to be functional. He feels it would be irresponsible to tap into the funds for the youth. Judge Swift talked about Senate 94 Budget. He doesn’t have anything for rent as they do not for them. He partnered with Chief Dodd where they had one extra office at that time. In the future if their needs expand it would trump theirs and they would be asked to leave. They have the similar situation in Monte Vista at the Police Department there. They are looking for a new city manager and he hopes they don’t ask to change that.

Judge Swift asked if they would want more information. If he could look at space and determine what their best fit would be stated Commissioner Allen.

Commissioner Allen asked if they meet with the clients at their office. For safety reasons they do not stated Mr. Gurule. He recommends to the staff to have no or less contact with someone at the office. They go across the street and meet in a conference room or an office available there.

The Probation Office will come back at next meeting with more information on an exact location and cost to present to the commissioners.

**Board/Staff Updates**

M/s Yohn/Dunne motion to sponsor a table for the SdCHA Fundraiser
Motion was approved unanimously.

**Adjourn**

There being no further business, the Regular Meeting of the Board of Alamosa County Commissioners was adjourned.

**ATTEST:**

Becca Ramirez, Office Manager
Carol Osborn, Assistant Administrator
Darius Allen, Chairman
Mike Yohn, Vice-Chair
Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Special Use Permit Adrian Maestas/Leonard Garcia was held on March 13, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair  
Mike Yohn, Vice-Chair  
Marianne Dunne, Commissioner  
Jason Kelly, County Attorney  
Brittney DeHerrera, Chief Financial Officer  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Juan Altamirano was present.

Property Address: 5986 Budweiser Way, Alamosa CO 81101

Legal Description: FR SE4 36-38-9 1.29 AC, M/L Tract 1A Replat Lot 4 MC and Tract 1 Barrier Division of Land WD Rec #341474 02-19-10 Plat Rec: #3606740 6-24-02

Zoning: Commercial

Purpose: The applicant is requesting a special use permit to allow the operation of a Medical Marijuana Center in a Commercial Zone District.

Location: The property has a physical location of 5986 Budweiser Way, Alamosa CO 81101 and is located north of US Hwy 160 W. The property is legally described as Tract 1A, according to the Replat of Lot 4 MC and Tract 1, Barrier Division of Land filed in the office of the Clerk and Recorder of Alamosa Colorado, under Reception No. 306740 in Alamosa County, Colorado.

Recommendation: Before the proposed use can be established, the applicant will need to apply for and obtain all of the necessary licensing and/or permits which govern Special Use Permits and Medical Marijuana from at a minimum the following agencies:

- Colorado Department of Revenue, Medical Marijuana Enforcement Division
- Alamosa County Building Department

Should the approval be granted, staff believes the use of the property for a Medical Marijuana Center can be considered consistent with Alamosa County Code and Medical Marijuana Ordinance. The imposition of additional conditions of approval will insure the use is operated within the parameters of the original application.

Therefore, staff recommends that should the Alamosa County Planning Commission choose to recommend the Special Use Permit No. 2013-001, the following conditions should be imposed:

1. Prior to establishing the Medical Marijuana Center on the property, the applicant shall submit written documentation to the Land Use Office that proper approvals (i.e., licenses, permits) have been obtained from a minimum, the following entities:
2. The approval of Special Use Permit No. 2013-001 shall be limited to a Medical Marijuana Center as defined in the Ordinance No. 2012-01 regarding Medical Marijuana Centers in Alamosa, Colorado
3. No Marijuana shall be smoked, eaten, or otherwise consumed or ingested on the licensed premises
4. No person under eighteen years of age shall be permitted on the licensed premises, unless the person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent.
5. The Medical Marijuana Center shall have a sign located at the main entrance of the premises measuring not less than 36"x36" that states as follows:
   "Warning: Marijuana is classified under Schedule I of the Controlled Substance Act. The use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution."
The text of said sign shall cover at least 75% of the sign.
6. In addition to any labeling required set forth by the State Licensing Authority, all marijuana sold or otherwise distributed by the local licensing shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation.
7. License (including Special Use Permit) shall be issued to the applicant for the purposes of owning, operating, or managing a Medical Marijuana Center (MMC) and shall not be transferable.
8. If all requirements are met and the license is granted, said license shall be provisional subject to the issuance of a State License within one-hundred and eighty (180) days.

DIRECTIVE TO STAFF UNDER ORDINANCE

The Land Use Office is directed to conduct an annual review of Special Use Permit No 2013-001 to ensure compliance with all local and state laws, including but not limited to any applicable rules regulations promulgated by the State Licensing Authority. Such review will be presented to Alamosa County Board of County Commissioners at its next regularly scheduled Board meeting. If the use is not established and/or the property is not in full compliance with the Alamosa Code and/or all of the conditions of the approval, the Board of County Commissioners may, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing, if necessary. THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITIONAL OF APPROVAL.

OTHER REQUIREMENTS

9. The facility will be inspected by the Alamosa County Land Use Department on an annual and compliant basis to determine the facility's compliance with general local and state compliance.
10. Limited Access Areas: subject to the provisions of section 12-43-701, a limited access area shall be a building, room, or other contiguous area upon the licensed premises where medical marijuana is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the State Licensing Authority. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the State of Licensing Authority.

ADDITIONAL CONDITIONS

- In granting approval of the Special Use Permit, the Board of County Commissioners may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right of way or easement dedications; recreation; open space or buffer provisions; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- Any additional condition approved by the Board of County Commissioners shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to is terms.

BACKGROUND

The State of Colorado, Department of Revenue, Medical Marijuana Enforcement Division defines Medical Marijuana, Medical Marijuana Center, and Premises as follows:

Medical Marijuana means marijuana that is grown and sold pursuant to the provisions of this article and for a purpose authorized by section 14 of Article XVIII of the State Constitution but shall not be considered a nonprescription drug for purposes of section 12-22-102(20) or section 39-26-717, C.R.S., or an over-the-counter medication for purposes of section 25-5-322, C.R.S.

Medical Marijuana Center (MMC) means a person licensed pursuant to this article to operate a business as described in section 12-43-3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of article XVIII of the State Constitution, but is not a primary caregiver.

“Premises” means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area. The applicant is not currently licensed through the State of Colorado to operate a Medical Marijuana Center in Alamosa, but is in the process of obtaining the necessary approvals to obtain the required license.

The applicant has requested that Special Use Permit No. 2013-001 be issued to La Casa Cannabis II LLC.

ZONING AND LAND USE

The property is located in a Commercial (C) Zoned District; adjacent parcels within the same vicinity are located within general area.
The property is currently vacant. Several of the lots in the area have been improved with other commercial-like development, while other scattered lots remain vacant.

ACCESS

The property will be accessed from Budweiser Way. Staff will contact the Alamosa County Road Supervisor to review and comment on the proposed access.

WATER AND WASTEWATER
The property is currently vacant and does not have sewer service. The property has been approved for a well on the condition that the well is operated in accordance with the San Luis Valley Water Conservancy District Augmentation Plan approved by the Division 3 Water Court in case no.94CW62, certificate no.436. Further, the use of ground water from this well is limited to drinking and sanitary facilities as described in C.R.S. 37-92-602(1)(C), for a commercial business and the irrigation of not more than 1000 square feet of landscaping.

FIRE PROTECTION

The property is within the service area of the Alamosa County Fire Protection District.

FINDINGS OF FACT

a. The application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

b. The application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.

c. The application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

d. The application will not adversely affect the adopted plans and policies of the county, or violate the character of existing standards for development of the adjacent properties.

e. Environmental protections, wildlife habitats, ground and surface water, air quality, jurisdictional wetlands.

f. The granting of the Special Use Permit will not substantially modify the Land Use Comprehensive Plan or the intent, purpose and spirit of the Land Use and Development Code.

The Medical Marijuana Center will be established within a Commercial Zoned District. The applicant is planning to construct and design a commercial building in accordance to the Alamosa County Building Code and regulations imposed by the State of Colorado, Department of Revenue, Medical Marijuana Enforcement Division. In addition to a local review process, the Medical Marijuana Enforcement Division sets the guidelines, rules, regulations and issues the required license.
The stated purpose and standards of the Commercial Zoned District are designed to retain and provide areas for the development and maintenance of a restricted range of retail sales and services intended to serve local residents.

The applicant must also obtain documentation from the Alamosa County Building Division in order to build the commercial building. Documentation verifying the building has been built to County Building Code standards. Further a Certificate of Occupancy will need to be obtained by the applicant prior to being able to operate.

Provided that the applicant maintains the facility as required by adhering to all regulatory agency rules, regulations and licensing guidelines and standards, all building code requirements and the imposed conditions of approval, staff believes the special use permit will not adversely affect the public health, safety or welfare.

Any person aggrieved by the decision of the Planning Commission on the Special Use Permit may, upon the specific terms and conditions set forth in the Alamosa County Code, Article 7, Section 7.8 Special Use Review, appeal the decision to the courts of competent jurisdiction.

**Adrian Maestas spoke.** They want to be clear this going to be a Medical Marijuana Center it has nothing to do with recreational marijuana. It is a whole different process. They have been in San Luis for three years without any incident. They follow all state and local laws. They have a lot of patients that come from Alamosa County and other surrounding counties. Being that Alamosa is the hub for the valley and most people come and do their business here they were wanted to provide to the people. They would provide that service for those who have medical red cards. They feel they have met all the rules that they have placed.

**County Attorney Jason Kelly spoke.** There was a Constitution amendment that allowed for medical marijuana to be used but no regulations were made. Trying to adopt some regulations set forth by the state on how they were going to regulate it, how people could use it and what they would need. This came up with the red card if they meet the criteria they could use marijuana. The regulations allowed for the County outright ban it or put it to a vote of the people. Alamosa County elected to put it up for a ballot initiative. The results that they allow medical marijuana dispensaries here in Alamosa County. Alamosa County had a choice they could adopt some of their own local regulations and if they did not it would default to the State regulations that are there. It would be lawful for them to have a dispensary under a commercial/industrial area. They would still have to come before the Board of County Commissioners to show that there is a need and met all the criteria in order to establish a dispensary. The applicants would have to provide all the state documentation that they would be submitting to the state so they could see what the background checks were and what they were trying to do. This is not recreational marijuana which is separate than this.

**Dr Martin Sowards who resides at 5664 County Rd 6 S Alamosa spoke.** This is ½ mile from his home and he does not want anything near his home. If it is similar to the last medical marijuana facility he does not want it near his home. His experience as a physician with medical marijuana is not favorable. There are red card mills where certain medical doctors are lured by the mighty dollar to provide red card to prove they have chronic pain. The experience he has with it is the
last gentlemen was thrown out of his house, fired from his job, his wife left him and problems with alcohol. He asked what he should do. He advised to give up marijuana. He has and now he is back with his family. There might be some people that benefit from this but he has not seen the benefit. He doesn’t believe it is beneficial for the County. He feels they could drive to San Luis.

Bill Rogers who resides at 5226 S 106 Alamosa spoke. It has been his experience that those that get it share it with other people and ruin other people’s lives. It makes an undesirable place for the community of Alamosa. It is degrading because what it does to the other people that they share with. It is not good for their community. It causes problems. In Denver it causes problems with the law officers and law. They would have to increase law enforcement to take care of this so the county will have to take that into consideration. He is dead against it.

Gary Steffens who resides at 5490 Sierra Vista Alamosa spoke. He would like to ask about the access to Budweiser Way off of 160. Would that access be on 106 then to Budweiser Way? This would be his concern. He has lived here many years and has seen increased traffic. He doesn’t want to see no more business north or south off of 106. He has seen with the turn lanes you have to access back into fast traffic that is on 160. He travels off of 106 and coming off of 106 onto 160 is very difficult with the traffic that goes there. It affects his safety. He doesn’t want to see another business with access off of 106.

Rick Needham 4880 Sierra Vista Rd spoke. He is a retired law enforcement and member of the drug task force. He opposes medical marijuana and marijuana use because he is concerned about public safety. It does not promote public safety in shape or form. He understands that people can and do use marijuana in the State of Colorado. It is constitutional protected but they can grow their own and not have a dispensary within a mile of his home. They are not going to go home and smoke. They will smoke it there and then get on the road loaded. This will increase public safety risk. We don’t want this in Alamosa County. They have enough fatalities already. Some of primary factors of drug abuse in the community is availability and if it is safe. If we pervade this as medicine we already see the problems of prescription drug abuse that are being diverted and a lot of people die from it. Marijuana is no different. People get into fights, hurt people, operate machinery, and kill people. They already see an increase of intoxicated drivers due to marijuana in fatal wrecks has increased 25%. Dr. Sowards has testified against it. The FDA has qualms about it. Public attitudes they see a lot of medical marijuana diverted in the schools. Some was clear it was marked medical marijuana. They are going to have to have security and he hasn’t heard anything of this in their conditional use and it should be included. Attitudes have changed about marijuana. With alcohol 130 million people drink alcohol and most drink responsibly. But there are a lot who don’t which causes a huge public safety. They tax alcohol but it only pays for 15% of the problems. In Alamosa County we have a detoxification facility that is already full. They have a huge problem already. They have a facility in San Luis where the unemployment rate and the poverty rate is higher. Do we want those issues here? If they want it they could grow it themselves. In the latest marijuana they were talking about taxing of 15% and part would go to fund public schools for $48 dollars a year per pupil in Colorado. If you’re thinking of taxing our way out of this it didn’t work in California and it is not going to work here. With advertising of tobacco use price has gone up and use has gone down. Regulation does work in making usage harder to obtain works.
Amendment 20 passed in the year 2000 and Medical Marijuana use wasn’t high now there are over 100,000 cards issued. The dispensary in Alamosa brought a doctor down to get a card. There is only person in this room who wouldn’t be able to get a card because everything could be considered chronic pain. The only one who wouldn’t be qualified is his grandson who is five. They are just really easy to get. Dispensaries are on the corners everywhere else it is not what we want here. He has a study here from Harvard Medical that talks about the increased rates of Schizophrenia. In Colorado you can get a card at 18 or 21. There are a lot of studies out there on intoxication and operating a vehicle. It stays with them and they will be under the influence until the morning for operating a vehicle and machinery. It reduces coordination, deception, distortive perceptions, concentration difficulties, impaired learning functions, dependence, respiratory illnesses, impaired brain development, impaired short term memory, a greater risk of cancer, behavior problems, and increased sexual activity. The most common drug which users seek treatment for is marijuana. Dr. Sowards spoke that he had a patient with problems due to medical marijuana well 375,000 visits to the hospital are due to medical marijuana. It is the leading cause of substance abuse other than alcohol. A ban in Alamosa County would just inconvenience a few people to go to Costilla County but they can grow their own thing. This is the only down side everything else is a plus. It will reduce the use in Alamosa County. It will reduce the risk of public safety due to the number of accidents of motor vehicles and other equipment. Some people may benefit from Marijuana they will just have to grow it, have someone else grow it, or travel to get it.

*Lorna Sowards* resides at 5664 County Rd 6 S Alamosa spoke. She opposes this in their area because there are a lot of single family homes in that area. Once clarification Mr. Altamirano stated he kept stating 2003 did they mean 2013? Yes stated Mr. Altamirano. The applicant is not yet licensed by the state so she doesn’t know how they are running in the state. The other one has to do with the recent going ons with Alamosa High School. The word on the street is 97% of Alamosa students have or currently are using marijuana. This is a huge red flag for Alamosa County. She doesn’t think that Alamosa County wants to have that reputation. She realizes that on paperwork it looks real good as far as regulations but it is huge abused. Those who are not licensed are getting it. You increase the risk of anything detrimental to the County and if you want to maintain your status of where people want to come and visit then you have to look at what kind of business you bring in because that brings that kind of people. This is not what you want for your county it is not want she wants for their county and their neighborhood.

*Jeanne Hewitt* who resides at 1559 N 16th St, Blanca CO spoke. She is here to support the people and opposes the use of Marijuana, pot, drugs.

*David Broyles* who resides at 700 Plachy Dr spoke. He would like to express the fact that he opposes the center in the County of Alamosa. Our larger concentration of youth in the SLV is here in Alamosa. There has been inadequate training of use of Marijuana in our schools, in our county, and people who have knowledge of this. He is concerned about the additional problems with law enforcement. There is going to be complaints and put a burden on our law enforcement. As a resident of Alamosa County we are the ones who will pay for that. He is concerned about the social and health costs the residents of Alamosa are going to pay for that. There are pharmaceutical drugs that incorporate the benefits of marijuana that are much safer and more effective than the use of Marijuana. There is going to be pressure on the youth to get red
cards by those youth that have red cards. He doesn't know how the county is going to control the abuse of this type of activity. He would like to echo his opposition to have this in the County because it would adversely affect the youth and the cost that landowners and residents will have to carry.

Jim (James) Robins who resides at 5915 Aspen Ave spoke. He would like to give a different slant on this marijuana business. He will not dignify it by saying medical marijuana because there is nothing medical about marijuana if it was it would be regulated through the AMA or pharmaceutical institutions that are federal regulated. Mr. Broyles alluded to the fact that there are drugs on the market that cover the medical affects of marijuana. In his practice of anesthesia where he has practiced for over 30 years they at the Anesthesia practice shudder at the thought of someone coming in with marijuana to be rendered unconscious by their drugs. They worry about the affects of the combinations of drugs. Marijuana is not something regulated by the medical community. They have no control of how much these people take, how much they consume, how much they give to other people or how they get the drug when it doesn't come through from a dispensary. To have a dispensary near places where there are children living because he has grandchildren living a mile of that proposed site. When they ask him is that a medical place. He will say no it is a drug pushing place where people go to get drugs that they can't get at the hospital. When they ask how did this happen and why it is here his only answer will be the county commissioners allowed it.

Bradley Heredia 5410 County Rd 5.4 S Alamosa spoke. The reason he is here is because a year ago his son and him had a decent relationship but they became bumping heads because he went to this dispensary to get his marijuana. He says this because he has lived it and if anybody has kids in this community and they care you won't allow it. He is Hispanic and he sees his own people going downhill and it starts right here. Whoever cares about their kids and he is talking about the commissioners and their grandkids it will happen. His son got it from his friends that got the card. He has ankle and back problems but he doesn't need it. If you need it that bad it is only a drive away.

Adrian Maestas spoke. He has heard the opinions they have and they are sincere and legitimate concerns. One person said they were not in favor of medical marijuana and it shouldn't be here in this community but the people voted to have it here and it passed. It is their constitutional right. Dr Sowards stated that marijuana is addicting but he didn't say that Vicodin and all the other drugs that are out on the streets are addictive. He is not saying whether that is wrong or right but they are pushing for what they sell because Dr. Sowards is giving prescriptions for medicine such as Vicoden. Those believe lose everything even their homes because of prescription drugs. They believe that medical marijuana has taken these people off of those prescribed drugs. Mr. Needham had stated there was no way of regulating and that is not true. The state requires them as far as the monitoring; they have to have an onsite and offsite recording. They have to have cameras on all areas transgression and ingestion. They also to have when a person goes to make a purchase they have to show their medical ID card. Ms. Sowards talked about the talk on the street of 97% on this was a little high. He believes there are more than that of good kids. Mr. Needham had stated they can grow their own marijuana well than this just opens it up to have it all over. It is better to have it at one place regulated by the State of Colorado. As Mr. Altamirano stated by the state the people are not allowed to smoke it.
or consumed it on premises so they will not be driving away stoned or impaired. It is a constitutional right. Everyone has the right to chose what is right for them what kind of medicine is right for them. They have an application with the state. They receive like a report card showing they have passed everything and met by the state. The reason they have not received the license is because there are still some laws to go in place in the county because they have to be approved from them. They have everything in place and they have been approved for their application. They are more than happy to provide what they received from the state. As for the increase in law enforcement because of a dispensary well you already had the opportunity of a medical facility here. The last facility stated they had no problems. They don’t feel they will have any problems. They have to put very extensive security. Their goal is to meet all the criteria. He has attended the meetings when they made the laws and no one opposed those laws. They should have addressed those concerns at that time and maybe they wouldn’t have made them. If they live here, voted here, and pay taxes here they are entitled to get it where they want to just like they do with prescription drugs. The county had their opportunity to object when the rules were being put in place. The hours of operation they currently run in San Luis is during daylight hours 10-7pm. They take their last patient at 645 because by law they can’t make a sale after 7pm. There are a lot of misconceptions about the law because one gentleman said there was a 5 year old that couldn’t get this. There are young children who are entitled to get this with parent’s permission. There is also the first State Patrolman in the valley that has gotten a card.

Luz Heredia who resides at 5410 County Rd spoke. This is not a gossip it is facts she has worked in the school district for 14 years and she sees it every day with the kids. They deal with parents that have medical permission to use marijuana. It is sad because they do not know how to work with them. On paper it looks good but in reality they have to pay for the effects of marijuana. Then parents smoking marijuana they are not ready for this they need more regulations and laws. She has a problem with the people that don’t need this especially the little kids. They are not ready for this they don’t need it.

Darius Allen asked if anyone is in opposition or in favor of this application

There being no further business, the Public Hearing for Adrian Maestas/Leonard Garcia was adjourned.

ATTEST:

Belina Ramirez, Office Manager
Carol Osborn, Assistant Administrator

Darius Allen, Chair
Mike Yohn, Vice-Chairman
Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Aubrey Hoag was held on March 13, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Darius Allen, Chair
Mike Yohn, Vice-Chair
Marianne Dunne, Commissioner
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Jinger Getz and Juan Altamirano were present.

Location: The location of the property is off of Bonney Dr the single family residence on the property is addressed as 261 Bonney Dr Alamosa CO 81101.

Issues: On March 30, 2012 a complaint form was filed to the Land Use Office from a neighbor bordering the property in question. The property alleged that the property owner in question had been dumping trash in the back yard of the property.

- A notice of violation letter was mailed to the property owners on May 4, 2012 explaining that the property is in violation of the county ordinance No 7.
- September 18, 2012, a site inspection was done to confirm if property was in compliance. The findings were that property still had piles of trash surrounding the property.
- January 21, 2013 the Land Use Office did a site visit on the property. The office found that the property is still in violation of the county ordinance.
- A letter was then mailed out to the property owner for a notice of violation to correct the violation before February 25, 2013.
- A follow up site visit was done on February 26th and the violation continues to exist.

Findings: The property owners in question continue to be in violation of the county’s ordinance #7. Staff believes that there may be unforeseen impacts to the land and surrounding land owners. The Land Use Staff has reviewed the file and hereby recommends that the property be brought into compliance. We recommend that the Board of County Commissioners issue an order to remove or eliminate the items from the property.

They sent out certified letters and they did not receive the certified letter back.

Pictures taken yesterday were presented. There has been no change since January.

Mr. Kelly asked if any other service was done by Sheriff’s Office or posted anything on her property stated she is in violation. No stated Ms. Getz. Mr. Kelly stated he knows she knows but his concern if she is not picking up her mail or she is not visiting the property. If he goes to the court and ask for warrant he won’t get it because he can’t prove notification.
Commissioner Allen asked if they could post notice on property. Yes stated Mr. Kelly.

There being no further business, the Public Hearing for Aubrey Hoag was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice-Chairman

Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Donna Maes was held on March 13, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair  
Mike Yohn, Vice-Chair  
Marianne Dunne, Commissioner  
Jason Kelly, County Attorney  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Juan Altamirano and Jinger Getz were present.

Legal Description: Lot 9 & 10 Godfrey & Boyd Block 22

Location: The location of the property is on the corner of Rio Grande Ave and East 3rd St. The property is addressed as 391 East 3rd St, Alamosa, CO 81101.

Issues: In January 2001, a complaint form was filed to the Land Use Office from a neighbor bordering the property in question. The property alleged that the property owner in question had been dumping trash and has accumulated multiple cars on the property.

- May 17, 2001 another complaint form was filled out in regards to several abandoned vehicles on property.
- Notice of violation letter was served by the Alamosa County Sheriff’s Office to the property owner on July 19, 2001 explaining that the property is in violation of the County Ordinance No. 7.
- October 18, 2012, an adjacent property owner filed a complaint on the property that is in question; a person is living in a camper trailer that is located on the property and complaining that the trash and debris has become a nuisance to the neighborhood.
- October 19, 2012, a site inspection was done on the property in question. It was declared that there is a motorhome that appeared to be living in and several unlicensed cars were located on the property.
- A notice of violation letter was mailed to the property owner on October 24, 2012 explaining that the property is in violation of the County Ordinance No. 7.
- January 21, 2013, the Land Use Office did a site visit on the property. The office found that the property is in violation of the County Ordinance.
- A letter was then mailed out to the property owner for a notice of violation to correct the violation before February 25, 2013.
- A follow up site visit was done on February 26th and a violation continues to exist.

Findings: The property owners in question continue to be in violation of the County’s Ordinance #7. Staff believes that there may be foreseen impacts to the land and surrounding land owners. The Land Use Staff has reviewed the file and hereby recommends that the property be brought into compliance. We recommend that the property be brought into compliance. We recommend
that the Board of County Commissioners issue an order to remove or eliminate the property from the property.

They did a sight inspection yesterday. Exhibit 19 are the new pictures taken. There are no improvements, no sign of change at all.

Under the Alamosa County Assessor Records they have two different addresses listed. They sent letters to both addresses. One with the PO Box did not come back and the one from the 3rd Street did come back to her. She did Certified letters for these.

Commissioner Dunne asked if someone is living at the home why can’t they go to the home. They try not to go into anyone’s property without permission. When the investigation is done it is done from County property or public right away. They believe someone is residing in that motor home but they have no proof. The house that is shown is that part of the property. It is adjacent property.

Commissioner Allen stated that this property is owned by multiple owners. That is correct stated Ms. Getz. Also Commissioner Allen clarified the name Rale or Rael. It is Rael stated Ms. Getz.

Commissioner Yohn stated he is familiar with the location. He believes the owner comes and goes as he pleases. The debris isn’t really the owners stuff it is another individuals but they had permission to have it there. He wants to know if that PO Box is military or out of the country. He is feeling the owner is not getting the information on this. The neighbor to the left is some kind of relation to him.

Mr. Altamirano stated they ran into the adjacent property owner and was approached by him. They related the issues of the concern they had with the property. He understood and he would have property owner contact office but that never happened.

They have to somehow find the owner stated Commissioner Yohn.

They have to determine if there is blight problem then they would notify the owner. What timeframe do they give the owner. What is a reasonable time. They have to be conscious of the time they give the owners. Each case is going to be different. 30 days maybe too close because the Board wants them to do everything possible to contact the landowner. If they could consider giving 30-45 days. Commissioner Allen stated it can be 30 days and then they could extend it. Mr. Kelly stated they have to be consistent.

Commissioner Dunne stated they have been working on this for three years.

There being no further business, the Public Hearing for Donna Maes was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Darius Allen, Chair
Carol Osborn, Assistant Administrator

Mike Yohn, Vice-Chairman

Marianne Dunne, County Commissioner