

**January 13, 2015**

**FIRST MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 13th, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present

Also present: Bill Giordano, Planning and Zoning Director; Jody Blausen, Chief Deputy Clerk, and Dotty Gardunio Deputy Clerk.

The Invocation was given by Joe Garkovich, First Christian Church.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

**APPROVAL OF AGENDA**

**Commissioner Bell** clarified that two of the Public Hearings scheduled for today will not take place today. The Public Hearing for SRU 14-003 Royal Gorge Paintball will be continued to the January 27, 2015 Board of County Commissioners Meeting. The Public Hearing for OPC 14-004 Thressor, LLC Optional Premises Cultivation License has been withdrawn altogether.

**Commissioner Bell** moved to approve the Amended Agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

**CONSENT AGENDA**

1. Approval of Minutes/Special BOCC Meeting/December 18, 2014
2. Approval of Minutes / December 23, 2014
3. Approval of Bills for January 13, 2015 / \$1,384,564.04
4. Approval of 2015 Loan Agreement SDA0044, with the National Museum of the United States Air Force Static Display Program
5. Approval of an agreement with H.W. Houston Construction Company for the Fremont County Emergency and E911 Remodel Project
6. Authorization to add the names of the Board of Commissioner in support of congressional efforts for designation of Brown's Canyon in Chaffee County as a National Monument, plus the mailing of letters of support to Colorado US Senators Bennett and Gardner
7. Schedule Public Hearing for January 27, 2015 at 10:00 a.m.
  - a. Community Service Block Grant for 2015 – 2018 Grant year allocations. The purpose of the hearing is to consider and designate the utilization of funds to the residents of the Counties in the Upper Arkansas Area. The grant will be used to assist low income families in these counties.

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8. a. Request approval of a Commercial development Plan for various retail stores, a mini-storage facility, personal services (barbershop, clinic), a restaurant, bar/lounge, auto sales, carwash and a watchman's quarters, Department file #CDP 14-002 The Outpost at Texas Creek, by Phillip & Teresa Poindexter, for their property which is located on the south side of U.S. Highway 50, 0.17 miles east of Fremont County Road 37 (aka McCoy Gulch Road) in the Texas Creek Area.

**Commissioner Payne** noted the scheduling of the one Public Hearing for the January 27, 2015 Board of County Commissioners Meeting. It is a Hearing for the Community service Block Grant for 2015-2018 Allocations. A Public Hearing is being scheduled for the February 10, 2015 Commissioners Meeting for CDP#14-002 the Outpost at Texas creek.

**Commissioner Norden** moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

#### **ADMINISTRATIVE/INFORMATIONAL**

##### 1. Administrative and Elected Officials

**Commissioner Bell** noted the Canon City Chamber of Commerce named Jim and Jolene Miesner as the Citizens of the Year at their Annual Banquet.

##### 2. Citizens Not Scheduled:

**Chyriese Marentette** discussed the tire problem at an abandoned house on Blazing Saddles Road. She has discussed the issue with the Planning and Zoning Department. The house was started being built eight years ago, and was never completed.

**Commissioner Norden** said the Code Enforcement Officers are fully aware of problem. They are working on it and it does take time to solve the tire issue.

**Becky Gerdler** asked if the applicant who had been denied a marijuana license would be able to re-apply for another license in the future.

**Commissioner Payne** explained the applicant can appeal the decision, but it would have to come before the Board again.

**Kay Chambers** spoke with an Aid from Senator Grantham's office regarding the marijuana growers in the county. She was told this is a zoning problem. It was suggested that the grow operations only be allowed in Industrial areas.

#### **OLD BUSINESS**

1. Consideration of approval of the Findings for the denial of OPC 14-003 The Organic Seed, LLC at the Special Meeting held on January 5, 2015.

**Commissioner Norden** said he was concerned about the inconsistencies with the applicant's statements. It was very apparent with documentation submitted for the drilling of the water well, that Mr. Griego had not been truthful about his ties with Josh Barnes.

**Commissioner Bell** noted in the findings, the applicant had admitted he failed to check the County and State regulations for growing marijuana. She found Mr. Griego's testimony to be less than credible.

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**Commissioner Norden** moved to approve Resolution #1, The Findings for the Denial of OPC 14-003. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #1 is attached.

### **NEW BUSINESS**

1. In Consideration of a Resolution recognizing Carlette Brocious, Fremont County Coroner for her years of service to Fremont County.

**Commissioner Norden** commended Carlette Brocious for her long hours and dedicated service.

**Commissioner Bell** said the Commissioners had appointed Carlette to serve as the Coroner in January 2013. Commissioner Bell read the Resolution into The Record.

**Commissioner Bell** moved to approve Resolution #2, recognizing Carlette Brocious, Fremont County Coroner. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried. Resolution #2 is attached.

2. Re-organization of the Board of County Commissioners

**Commissioner Bell** moved to appoint Commissioner Norden as Chairman of the Board of the Fremont County Commissioners for 2015. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**Commissioner Norden** moved to appoint Debbie Bell as Chairman Pro-tem to the Fremont County Board of Commissioners for 2015. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye, Commissioner Bell, aye. The motion carried.

**Commissioner Norden** presented a plaque and gavel to Commissioner Payne in appreciation for his service as the Chairman for 2014.

3. Appointment of the Fremont County Attorney

**Commissioner Payne** moved to appoint Brenda Jackson as the Fremont County Attorney for a one year term. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye, Commissioner Norden, aye. The motion carried.

4. Resolution designating and Approving Official Depositories for Fremont County for 2015.

**Commissioner Bell** moved to approve Resolution #3 Designating and Approving Sunflower Bank of Canon City, Colorado Surplus Asset Fund Trust (CSAFE), COLOTRUST, and Canon National Bank as the Official Depositories for Fremont County for 2015. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried. Resolution #3 is attached.

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5. Resolution Designating Schedule for Regular Meetings for the Fremont County Board of Commissioners.

**Commissioner Payne** moved to approve Resolution #4 Designating a Schedule for Regular Meetings for the Fremont County Board of Commissioners. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution # 4 is attached.

**Commissioner Norden** noted Carlette Brocius had joined the room and asked her to come forward so the Commissioners could honor her. Commissioner Bell read the Resolution honoring Carlette again. The Commissioners presented the resolution to Carlette.

**Carlette Brocius** thanked the Commissioners for the opportunity to serve as Coroner. She said it is truly a passion for her, and appreciated being able to serve as Coroner.

#### **PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

1. Request: SRU 14-003 Royal Gorge Paintball (Recreational & Outdoor Amusements or Amusement Facility) Continue item to the January 27, 2015 Board of County Commissioners' Agenda due to an error in the publication of the Public Notice.

**Commissioner Bell** moved to table the Public Hearing to 10:00 a.m. on January 27, 2015 for SRU 14-003. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

2. Request: OPC 14-004 Thressor, LLC (Optional Premises Cultivation License – Indoor grow – Greenhouse, Commercial). The applicant has requested that this item be rescheduled at a later date. Representative: Chris Height, owner.

**Commissioner Norden** explained if the applicant wants to reschedule this Public Hearing, it would be posted and published again. No Action was required by the Board.

3. Request: ZC 14-003 Kerr – Ritter Zone Change  
Request approval of a Zone Change (ZC #1 application as per the Fremont County Zoning Resolution) from the Agricultural Rural Zone District to the Agricultural Suburban Zone District, Department file #ZC 14-003 Kerr-Ritter Zone Change, by William & Clair Kerr and Timothy & Margaret Ritter, for their property which is located on the north side of Elm Avenue, 0.30 miles east of the intersection of Elm Avenue and Willow street, in the eastern Lincoln Park Area (Lots 1 & 2, J & K Smith Subdivision). Representative: Clair Kerr, owner

**Chairman Norden** opened the Public Hearing at 10:03 A.M.

**Claire Kerr** said she and her husband own this property jointly with Tim and Peggy Ritter. It is located at 2017 Elm Avenue in Canon City. They want to change the zoning from Agricultural Rural to Agricultural Suburban. There is nowhere on lot one to be able to build and meet the 300 foot lot requirement. By changing the zoning, it would change the 300 foot requirement to a 100 foot requirement. This will allow them to build a home on the most desirable part of the lot. This will also allow for the existing hay production to remain along the front of the property.

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**Planning & Zoning Director Giordano** said posting and publication had been completed. Additional notifications to adjacent property owners within 500 feet were also completed. There was one letter received from the mineral owners of the property, who are in favor of this zone change. The Planning Commission did unanimously approve this at the December 2<sup>nd</sup> meeting with all seven members present. The only contingency was documentation from the Colorado Division of Water Resources that they are in compliance. In the past if documentation has not been received from the Division of Water Resources, this contingency has been waived on other applications. The Planning Commission did cite two justifications for the rezoning:

A. The property was not properly zoned when existing zoning was imposed.

D. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.

The applicant is also in the process of a lot line adjustment as well.

#### **Public Comments:**

**Herb Cohagan** lives on the end of the road where the subdivision is going to take place. He received a letter that says this property is going to be broken into seven lots.

**Bill Giordano** clarified that on the additional notifications it shows that seven lots would be the maximum number of lots that could take place under the new zoning. There is only an adjustment of the lot lines at this time, no subdivision is taking place. There would be a separate application for a subdivision should it ever take place.

**Herb Cohagan** said he is concerned with the amount of traffic that would impact the road if a subdivision went in.

**Bill Giordano** said there is a 20 foot right of way on the road on the north side of Elm.

**Herb Cohagan** said the county does not maintain this road at all, there has never been any gravel placed on the road.

**Tim Ritter** explained they are trying to bring the property into compliance. Their intent is for each of them to build a house and keep the hay production. There should not be an increase in traffic.

**Chairman Norden** closed the Public Hearing at 10:13 A.M.

**Commissioner Bell** moved to approve Resolution #5, ZC 14-003 Kerr-Ritter Zone Change with the recommended contingency for compliance with any requirements of the Colorado Division of Resources, noting justifications #A- The Property was not properly zoned when existing zoning was imposed, and #D- The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

#### **NEW BUSINESS CONTINUED**

6. Resolution Designating Official Newspaper for Fremont County

**Commissioner Payne** moved to approve Resolution #6 designating The Canon City Daily Record as the Primary Official Newspaper and The Florence Citizen as the Secondary Official Newspaper for Fremont County for 2015.

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Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried. Resolution #6 is attached.

7. Resolution Designating Official Posting Place for Notice of Public Meetings for the Fremont County Board of Commissioners

**Commissioner Norden** noted the Resolution designates the bulletin board in the hallway outside the offices of the Board of County Commissioners, and the bulletin board located at the main entrance of the Administration Building as the Official Posting Places.

**Commissioner Bell** moved to approve Resolution #7, Designating the Official Posting Place for Notice of Public Meetings for the Fremont County Board of Commissioners. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried. Resolution #7 is attached.

8. Liquor License:  
TZ Liquor  
105 Forge Road  
Canon City, CO 81212  
Retail Liquor Store License  
Representative: Dina Tezak

**Commissioner Norden** noted that the applicant was not able to be present at the meeting today.

**Chief Deputy Clerk Blauser** explained the Modification of Premise application. The applicant is requesting to add a drive up window which is shown on the diagram. The applicant has also submitted paperwork to add two storage facilities at the back entrance of the store. These facilities will have an alarm, be triple locked, and have a camera for surveillance. When this license was originally approved the applicant was going to use the entire building as a liquor store. Since then the applicant has decided to convert one half of the store to a convenience store, and use the other half as a liquor store. The applicant will be required to have two separate cash registers, one for the liquor store, and another for the convenience/gas store. Sheriff Beicker will have to re-inspect the property once the modification is completed.

**Sheriff Beicker** has discussed the storage facilities with the applicant. They have done everything possible to help prevent any theft or vandalism of the storage facilities.

**Commissioner Bell** moved to approve the Modification of Premise and Storage Warehouse application for TZ Liquor. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

9. Approval of an agreement with Forest Stewardship Concepts for the preparation of the Dakota Hideout Community Wildfire Protection Plan (CWPP) Representative: Steve Morrissey, Emergency Management Director

**Steve Morrissey** explained these agreements have been done county wide and in Dawson Ranch, and the Garden Park area. A contractor looks at the vulnerability of the area to wildfires. The agreement will address actions that can be taken by the homeowner, or the homeowners association to mitigate wildfire risk. The agreements will aide in grant money that can help with mitigation costs.

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**Commissioner Payne** said these agreements have to be in place before grant funding can be secured. The county has about \$24,000 available in this restricted fund to use for these programs. There will still be about \$9,000 left in this fund for other areas that may need a consulting agreement.

**Commissioner Payne** moved to approve the agreement with Forest Stewardship Concepts for preparation of the Dakota Hideout Community Wildfire Protection Plan (CWPP). Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

10. Approval of an agreement with Forest Stewardship Concepts for the preparation of the Red Rock Community Wildfire Protection Plan (CWPP) Representative: Steve Morrisey, Emergency Management Director

**Commissioner Bell** moved to approve the agreement with Forest Stewardship Concepts for preparation of the Red Rocks Community Wildfire Protection Plan (CWPP). Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

**Chairman Norden** adjourned the meeting at 10:34 A.M.

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Clerk and Recorder

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**RESOLUTION NO. 1, SERIES OF 2015**

**RESOLUTION DENYING MEDICAL MARIJUANA  
OPTIONAL PREMISE CULTIVATION LICENSE  
OPC 14-003 THE ORGANIC SEED, LLC  
d/b/a CANNASSEUR**

WHEREAS, on July 8, 2014, the Board of County Commissioners adopted Resolution No. 22, Series of 2014, enacting Medical Marijuana Business Licensing Regulations within the unincorporated areas of Fremont County; and

WHEREAS, an Application for a Medical Marijuana Business License was submitted by The Organic Seed, LLC, requesting approval for an OPC located at 1783 Kit Carson Trail; and

WHEREAS, the Board of County Commissioners, in its capacity as the Local Licensing Authority for Medical Marijuana Business Licensing held a hearing on January 5, 2015, for consideration of the Application; and

WHEREAS, present at the hearing for the Applicant was Ryan Griego, principal officer and representative for The Organic Seed, LLC; and

WHEREAS, the Board of Commissioners conducted an extensive question and answer session with the applicant regarding the Application; and

WHEREAS, the Board of Commissioners considered all written comments from the public that were submitted regarding the Application, together with recommendations from county staff and comments and responses from the Applicant; and

WHEREAS, at the conclusion of the January 5, 2015 hearing, the Board voted to deny OPC 14-003, and continued the matter to January 13, 2015 at 9:30 a.m. for formal adoption of written findings; and

WHEREAS, on January 13, 2015, the Board met in regular session and formally denied application OPC 14-003, and adopted the following formal findings regarding the Application.

**Findings of the Local Licensing Authority**

1. The applicant leased the property on January 20, 2014 from Pinon Valley Properties, LLC. According to applicant, the principal officer and manager of Pinon Valley Properties, LLC, was Joshua Barnes, who is a college friend of Ryan Griego, the principal officer and manager of The Organic Seed, LLC, the Applicant.

2. Griego asserts that Joshua Barnes, the principal of Pinon Valley Properties, LLC, has no affiliation with The Organic Seed, LLC and denies any involvement by Mr. Barnes with The Organic Seed, LLC. Applicant states that he was hired as a consultant by Mr. Barnes to file the documents forming Pinon Valley Properties, LLC, and that any affiliation of Mr. Griego with Pinon Valley Properties, LLC was in that capacity. The January 20, 2014 Commercial Lease for the premises between Pinon Valley Properties, LLC (landlord) and Organic Seed, LLC, (tenant) is signed by Joshua Barnes, as the "Owner" of Pinon Valley Properties, LLC.

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3. Griego asserts that any use of the premises in 2013 was under the direction of Barnes and that he has limited or no knowledge or responsibility for any issues or problems that arose prior to the two companies entering into the January 20, 2014 lease agreement. The Board is unpersuaded for the following reasons:

- a. On February 13, 2013, Griego filed the Pinon Valley Properties, LLC organizational documents with the Colorado Secretary of State;
- b. On February 18 or 20, 2013, a quitclaim deed was executed by Gerald P. Barnes, conveying the property to Pinon Valley Properties, LLC. The signatures of both Joshua Barnes and Ryan Griego appear on the quitclaim deed, presumably on behalf of Pinon Valley Properties, LLC;
- c. On April 1, 2013, Pinon Valley Properties, LLC, submitted a Residential Water Well Permit Application to the Colorado Division of Water Resources. (Exhibit 15.1b) The application was signed on March 27, 2013 by Ryan Griego, as "Owner" of Pinon Valley Properties, LLC;
- d. On April 10, 2013, the well permit was issued to Pinon Valley Properties, LLC, c/o Ryan Griego, 2326 Curtis St., Denver, CO 80205 (Exhibit 15.1b);
- e. The well was constructed on September 10, 2013 and the pump installed on October 28, 2013. The Receipt indicating completion of the well was sent to Pinon Valley Properties, LLC, c/o Ryan Griego;
- f. On March 17, 2014, the principal office address for Pinon Valley Properties, LLC was changed to 2316 Curtis St., Denver, CO, 80205, which is also the address for Griego;
- g. On March 17, 2014, the registered agent for Pinon Valley Properties, LLC, was changed to Ryan Griego and the document changing the registered agent was filed by Griego. This status continued until July 21, 2014, when the registered agent was changed again;
- h. On August 18, 2014, property taxes for the premises were paid and a Receipt of Tax Payment was issued to Pinon Valley Properties, LLC, with an address of 11529 Hibiscus Lane, Colorado Springs, CO, which is the address for Joshua Barnes as indicated on the January 10, 2014 Commercial Lease.
- i. Exhibit 10.1 to the Organic Seed license application is a Statement of Authority dated October 28, 2014, for Pinon Valley Properties, LLC, which lists the business address of the company at 2316 Curtis St., Denver, CO, 80205, and indicates that Ryan Griego and Nick Dremel have full, unlimited authority to bind the entity, and execute instruments conveying, encumbering, or otherwise affecting title to the real property on behalf of the entity;

4. The Owner of the premises is Pinon Valley Properties, LLC. Griego states in his undated letter "to address the complaints received from Jim and Kay Chambers" that the operations of Organic Seed, LLC began on April 21, 2014, "leasing the property from Pinon Valley Properties, LLC." He asserts that the "official" purchase of the property was April 30, 2014, the date that Pinon Valley Properties, LLC was transferred from Joshua Barnes to Ryan Griego pursuant to a sale agreement that was not attached to the letter.

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5. Griego asserts that the newer building on the premises, constructed without building permits, proof of potable water, sewage disposal, and lacking a certificate of occupancy was “pre-existing” on the property when Organic Seed, LLC “officially” acquired the property. The best information available to the Board indicates that the building was constructed in early Spring of 2014. Organic Seed application Exhibit 2.1a is a Fremont County Assessor Account report dated January 20, 2014 showing a photograph of the premises. The photo does not show the newer building that was used by The Organic Seed for trimming and processing of plants by employees in the Fall of 2014. When questioned about the lack of a building permit, inspections, and sanitation facilities for the newer building, Griego disclaimed any knowledge, referenced Joshua Barnes, and stated that he intended to check into the issue and obtain a certificate of occupancy. The Board finds his remarks regarding the unpermitted construction of the building to lack credibility, particularly in light of his extensive involvement with Pinon Valley Properties and the existence of the January 20, 2014 Commercial Lease (Exhibit 10.1).

6. Griego admits that he did not check to see if the newer structure could lawfully be used for business operations on the property.

7. After the applicant began operations in 2014 as an OPC on the premises, six shipping/storage containers onto the property, at least two of which were placed within the setback from the neighboring property boundary, which is prohibited by the Fremont County Zoning Resolution.

8. Also in 2014, the applicant parked a recreational vehicle on the property. Applicant states that the vehicle was used to store equipment and was not used as a dwelling. The Board is unpersuaded and finds that the vehicle was used as a temporary dwelling at least in September and October of 2014 at the time the crop was flowering and then harvested. Personnel were on the property 24 hours a day beginning on approximately September 1, 2014. Griego states that the recreational vehicle parked on the property was used for storage and may have been used for restroom facilities for the occupants of the property. However, during the pre-hearing inspection of the property performed by the Department of Planning and Zoning, Scott, a designated representative of Organic Seed, LLC, stated that the recreational vehicle was used as a residence on the property. Use of a recreational vehicle for this kind of residential purpose is prohibited by the Fremont County Zoning Resolution.

9. The applicant admits that he did not check to see if there were setback or zoning regulations that applied to the property.

10. There is some dispute as to whether the domestic well on the property was used for watering the marijuana plants, which is not allowed under the terms of the Well Permit. The applicant denies that the well was used for any unauthorized purpose. Applicant states that approximately 7,000 gallons a week is necessary for the purpose of watering the plants, particularly from July through the time of harvest in September or October. Cistern/water tank storage capacity on the property is between 6000 and 7000 gallons. Applicant states that a water truck made deliveries an average of three times per week. Receipts submitted support this contention for the months of May, June and July, 2014. No evidence was submitted to verify hauling of water in August, September or October. Griego disavows any knowledge of a

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September 28, 2014, conversation in the Chambers' home between the Chambers, Organic Seed, LLC co-owner Nick Dremel, and a worker in which the worker acknowledged using water from the domestic well for watering the marijuana. While disavowing knowledge of the conversation, the applicant did not deny that such an admission was made by his employee.

11. According to Griego, the size of the licensed premises (40 acres) made the perimeter fencing requirements of State Regulation M305(A)(5) cost prohibitive and therefore the fencing was not installed. The applicant states that the Colorado Department of Revenue, Marijuana Enforcement Division, approved the site plans for the OPC and the plans did not show any perimeter fencing.

12. The OPC site has security cameras in place, which are hard-wired to a computer server located inside the newer structure. Several cameras, pointed in several directions are located on a single pole where the plants are grown.

13. There are no neighbors to the subject premises, with the exception of one residence owned by Jim and Kay Chambers. Applicant states that the relationship with the Chambers was positive until approximately September of 2014, when the relationship began to rapidly deteriorate. On September 1, 2014, the applicant hired professional, armed security to patrol the entire 40-acre property 24 hours a day.

14. From at least September 1, 2014 through the end of the harvest 4 to 8 weeks later, the property was occupied 24 hours a day by security professionals, employees, owners and managers of The Organic Seed, LLC. The property is isolated and there is no facility for sewage and wastewater disposal for the occupants of the property.

15. Exhibit 14.1b to the Application is a statement for rental of portable toilets, purportedly for the Kit Carson Trail premises, indicating rental from August 14, 2014 through September 29, 2014. The statement is billed to Precision Management at 41 N. Precision Drive, Pueblo West, CO, 81007. According to the records of the Colorado Secretary of State, Nick Richard Dremel is the registered agent for Precision Management LLC. Applicant offers no explanation as to why Precision Management LLC, is paying bills for the Organic Seed, LLC, OPC operation.

16. Applicant admits that at some point in time, a dog belonging to a security professional was allowed to leave the property. The dog entered a workshop belonging to the Chambers and attacked their 13 year old pet dog in the presence of Mr. Chambers. When the neighbor attempted to discuss the incident with security professionals, he was met with hostility from one or more guards armed with AR-15 semi-automatic rifles, who yelled profanely at him warning him to stay off the applicant's property. Mr. Chambers was on his own property at the time of the incident.

17. Applicant describes the neighbor as a "disgruntled employee" and asserts that complaints and problems with the neighbor stem from a previous employment relationship that was terminated by the applicant. Applicant stated at the licensing hearing that at least some of the complaints of Mr. Chambers were lies.

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18. On October 4, 2014, the applicant sent an e-mail to the Fremont County Department of Planning and Zoning in which Griego asserted that the applicant abides by all state and local laws. The applicant seeks to discredit the neighbors' complaints by describing the neighbors as "mentally unstable" and threatening the filing of harassment charges and restraining orders.

19. Applicant repeatedly states that the neighbor should call the Fremont County Sheriff's Office to report any problems, including the dog attack incident, claims of trespass, issues with armed security guards, sounds of gun shots, and any other issues. The Board has grave concerns about the Applicant's relationship with the neighboring property owners and the Applicant's reluctance or refusal to make efforts to repair the damaged relationship and establish a compatible relationship with the one and only neighbor of the OPC. Involvement of the Fremont County Sheriff's Office, the courts, and the concurrent use of public resources should not be the first reaction or solution when issues arise between two neighboring property owners.

20. The Board significantly notes that the Chambers have not lodged or filed complaints that object to marijuana in general, as many citizens have done. The evidence is undisputed that the Chambers even offered to provide or assist with security over the OPC. The complaints of the Chambers are focused on the specific operations of the OPC and how the operations have negatively affected and disrupted the peaceful and lawful residential use of their own property.

21. The Board notes that several residents in the vicinity of the OPC indicate that marijuana was cultivated on the premises in 2013, without a valid state license or compliance with the extremely minimal requirements of Fremont County. Griego stated that he has no awareness of whether marijuana was cultivated on site in 2013, but admitted that the holes for a significant number of plants (the type of which he did not know) were present on the property when Organic Seed, LLC, took possession. The Board finds his professed ignorance of a previous unlicensed and potentially illegal marijuana cultivation operation to lack credibility. Based upon ownership documents including the water well permit application in March, 2013, identifying himself as an owner of Pinon Valley Properties LLC, Mr. Griego should have had full knowledge of any marijuana being cultivated on the property owned by Pinon Valley Properties during the 2013 growing season.

22. Griego has stressed numerous times that Joshua Barnes was solely responsible for any issues that arose with respect to the premises prior to April of 2014 and seeks to distance The Organic Seed, LLC from any affiliation with Joshua Barnes. However, it is imminently clear to the Board that Griego was strongly tied to Joshua Barnes and Pinon Valley Properties, LLC from February of 2013 to April of 2014 (and perhaps thereafter) with respect to the operations and activities occurring on the premises.

23. The property has been owned by Pinon Valley Properties, LLC, continuously since February of 2013. The property presently is still owned by Pinon Valley Properties, LLC, which is now controlled by Ryan Griego.

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**Based upon the findings set forth above, the Board of County Commissioners, in its capacity as the Local Licensing Authority for medical marijuana businesses in Fremont County concludes as follows:**

- A. On July 8, 2014, the Fremont County Medical Marijuana Business Licensing Regulations were duly adopted pursuant to Resolution #22, Series of 2014.
- B. Article 3, Section c, of the Regulations provides that any person who is lawfully engaged in the business of selling, cultivating, or manufacturing medical marijuana as permitted by State law may continue in business if, on or before September 30, 2014, the person submits an application for local licensing.
- C. Article 3, Section d, of the Regulations provides no person shall have any entitlement or vested right to licensing under these Local Regulations.
- D. Section 12-43.3-303(1), C.R.S., provides that the local licensing authority to refuse to issue a license provided for in this section for good cause, subject to judicial review.
- E. Section 12-43.3-303(1), C.R.S., provides that the local licensing authority may consider the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.
- F. Good Cause, as defined in §12-43.3-104 (1), C.R.S., includes findings that the applicant has failed to comply with any supplemental local law, rules, or regulations, and findings that licensed premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located.
- G. The local licensing authority, in the same manner as the State, expects all applicants to submit information in a full, faithful, truthful and fair manner. Denial may be appropriate where the applicant made intentional or purposeful misstatements, omissions, misrepresentations, or untruths in the application. 1 CCR 212-1, Section M 202(C).
- H. The Department of Planning and Zoning is hereby ordered to return to the Applicant the \$5,000.00 licensing fee paid upon submission of this application. The \$5,000 Application fee is non-refundable.
- I. Final Agency action, for purposes of appeal, shall be the date of adoption of this Resolution by the Local Licensing Authority/Board of County Commissioners.

The Local Licensing Authority concludes that the findings and conclusions set forth above constitute good cause for denial of OPC 14-003, The Organic Seed, LLC (d.b.a. Cannasseur) Optional Premises Cultivation License Application.

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Commissioner Norden moved adoption of the foregoing Resolution, seconded  
by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 1-13-15

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: T. Payne  
Chairman

by: Jody Blausen  
Clerk to the Board

January 13, 2015

Res. #2



# Resolution

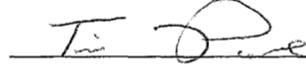
- WHEREAS, Carlette Brocious was appointed by the Fremont County Board of Commissioners to serve as Fremont County Coroner in January 2013; and
- WHEREAS, Carlette Brocious served as Deputy Coroner for seven years prior to being appointed as the Fremont County Coroner; and
- WHEREAS, Medical professionals, law enforcement officials, attorneys, and judicial officials have praised the work by Carlette Brocious and hold her in high esteem; and
- WHEREAS, Carlette Brocious has exhibited an exemplary measure of compassion and empathy to families and victims she worked with throughout her tenure.

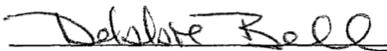
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County, Colorado, hereby publicly recognizes and expresses its deep appreciation and that of the residents of Fremont County, to Carlette Brocious for her years of devoted service to Fremont County.

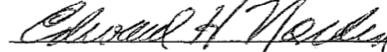
AND BE IT FURTHER RESOLVED that this resolution shall be read into the record of the Board of County Commissioners as a tribute to Carlette Brocious' service and that the official seal of Fremont County shall be affixed thereto and delivered to her.

DONE THIS 13<sup>th</sup> day of January, 2015 at Cañon City, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY, COLORADO

  
\_\_\_\_\_  
Tim Payne, District 1 Commissioner

  
\_\_\_\_\_  
Debbie Bell, District 2 Commissioner

  
\_\_\_\_\_  
Edward H. Norden, District 3 Commissioner



ATTEST:

  
\_\_\_\_\_  
Katie Barr  
County Clerk and Recorder

January 13, 2015

RESOLUTION NO. 3, SERIES OF 2015

**RESOLUTION DESIGNATING AND APPROVING OFFICIAL DEPOSITORIES FOR  
FREMONT COUNTY FOR 2015**

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-708 to designate and approve, by written resolution, all depositories for Fremont County funds; and

WHEREAS, Kathy Elliott, the Fremont County Treasurer has submitted a recommendation for designation and approval of depositories for Fremont County funds, based upon the Fremont County Treasurer's investment policy, a copy of which is available for review in the Fremont County Treasurer's Office; and

WHEREAS, it appears to the Board of County Commissioners the depositories recommended by the Treasurer are appropriate for the investment of County funds and that each of the depositories meet the requirements of the provisions of C.R.S. §30-10-708 and of article 47 of title 11, C.R.S. and article 75, title 24, C.R.S.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, that the following depositories are hereby approved and designated as the official depositories for Fremont County funds:

1. SUNFLOWER BANK OF CANON CITY
2. COLORADO SURPLUS ASSET FUND TRUST (CSAFE)
3. COLOTRUST
4. CANON NATIONAL BANK

BE IT FURTHER RESOLVED, that the Fremont County Treasurer is hereby authorized to use these designated depositories for the deposit and investment of the funds of Fremont County.

Commissioner Bell moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: 1-13-15

ATTEST:

  
Chairman

  
Clerk to the Board

January 13, 2015

RESOLUTION NO. 4, SERIES OF 2015

**RESOLUTION DESIGNATING SCHEDULE FOR REGULAR MEETINGS FOR THE  
FREMONT COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-303 to designate and publish a schedule for regular meetings of the Board; and

WHEREAS, the Board currently meets on the second and fourth Tuesdays of each month, commencing at 9:30 a.m. to conduct the regular business of Fremont County and finds that such schedule is widely known and accepted to the members of the public in Fremont County.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County hereby designates the second and fourth Tuesdays at 9:30 a.m. as the time for regular meetings of the Board of County Commissioners for Fremont County. All regular meetings shall be held in Canon City, the county seat, and at the Fremont County Administration Building, 615 Macon Ave., Room LL3, Canon City, CO 81212, unless otherwise previously publicized. The designation of the regular meeting schedule shall in no manner affect the ability of the Board of Commissioners to schedule and hold special or emergency meetings, as deemed necessary for best serving the public interest.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: 1-13-15

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: *Ed H. Norden*  
Chairman

By: *Jody Blausen*  
Clerk to the Board

January 13, 2015

RESOLUTION NO. 6, SERIES OF 2015

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR FREMONT COUNTY

WHEREAS, the Fremont County Board of County Commissioners is required by statute to designate an official newspaper for the purpose of legal notices, publication of ordinances and regulations, and announcement of requests for bids, as well as other official County publications; and

WHEREAS, there currently exist two legal publications or newspapers in Fremont County, as defined in C.R.S. §24-70-102, those being the Canon City Daily Record (six day-a-week publication), and the Florence Citizen (weekly publication).

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the following newspapers as the official newspapers for Fremont County publications:

Primary official newspaper: Canon City Daily Record

Secondary official newspaper: Florence Citizen

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: 1-13-15

BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY

ATTEST:

By: [Signature]  
Chairman

By: [Signature]  
Clerk to the Board

January 13, 2015

RESOLUTION NO. 7, SERIES OF 2015

**RESOLUTION DESIGNATING OFFICIAL POSTING PLACE FOR NOTICE OF PUBLIC MEETINGS FOR THE FREMONT COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §24-6-401 to designate a public place for posting notice of all public meetings at which the adoption of any proposed policy, position, resolution, rule, regulations, or formal action occurs, or at which a majority or quorum of the Board is in attendance or expected to be in attendance; and

WHEREAS, the Board currently maintains a calendar system for notice of all Board of Commissioners meetings and other scheduled events at which one or more Commissioners plans to attend; and

WHEREAS, the Board of Commissioners intends to continue the practice of posting the current calendar of Commissioner schedules as a means of providing public notice of all meetings.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County hereby designates the bulletin board in the hallway outside of the offices of the Board of County Commissioners, Fremont County Administration Building, 615 Macon Ave., Room 105, Canon City, CO 81212, and the bulletin board located at the main (south) entrance of the Fremont County Administration Building, as the official posting places for notice of Fremont County Commissioner public meetings. The posting place inside the building is open to the public during normal Fremont County business hours. The main entrance posting place is visible to the public from the outside of the building at all times.

Commissioner Bell moved adoption of the foregoing Resolution, seconded by Commissioner Payne and approved by roll call vote as follows:

Debbie Bell	Aye	Nay	Absent	Abstain
Edward H. Norden	Aye	Nay	Absent	Abstain
Timothy R. Payne	Aye	Nay	Absent	Abstain

Date: 1-13-15

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: E.H. Norden  
Chairman

By: Jody Blausen  
Clerk to the Board