# RECORD OF PROCEEDINGS PUEBLO COUNTY PLANNING COMMISSION WEDNESDAY, SEPTEMBER 21, 2016 COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE 215 WEST 10<sup>TH</sup> STREET

#### **ROLL CALL AND DECLARATION OF QUORUM**

<u>Commissioners Present</u>: Betty Alt, Donald Bruestle, Epimenio Griego, Kiera Hatton, Ronald Leyba, Roger Lowe, Donald Thorne (excused at 7:55 p.m.), and Philip Mancha.

Commissioners Absent: Judy Leonard.

Staff Present: Joan Armstrong, Director; Sandra Smith; and Jeffrey Woeber.

Others Present: Marci Day, Assistant County Attorney; and Pat Coffee, General Services Engineer, Pueblo County Department of Engineering and Public Works.

Chair Bruestle called the Pueblo County Planning Commission meeting to order at 5:38 p.m.

#### **APPROVAL OF AUGUST 17, 2016 MINUTES**

Ms. Alt motioned to approve the minutes of the August 17, 2016 meeting as mailed. Mr. Leyba seconded the motion. Motion carried unanimously.

#### **CHAIRPERSON'S REPORT**

Chair Bruestle had nothing to report.

#### **DIRECTOR'S REPORT**

The Director's Report was presented by Joan Armstrong. She requested the staff reports be made a part of the record of proceedings.

- (a) Acceptance of Map Amendments and Planned Unit Developments:
  - Smile High Farms Planned Unit Development No. 2016-006, GW Land, LLC (Owner/Applicant), Rob Ganger (Representative), 1965 Pope Valley Ranch Road. The applicant requests a planned unit development to rezone a 35.10-acre parcel from an A-1 Zone District to the Smile High Farms PUD to allow various medical and retail marijuana uses as well as other agricultural and residential related uses. The property is located on the west side of Pope Valley Ranch Road, east of Siloam Road, and approximately 2 miles south of West State Highway 96.
  - Greenhouse FX, LLC Planned Unit Development No. 2016-007, Greenhouse FX, LLC (Applicant), Vincent L. Linden, Esq. (Owner/Representative), 1201 Siloam Road. The applicant requests a planned unit development to rezone a 39.96-acre parcel from an A-1 Zone District to the Greenhouse FX, LLC PUD to allow various agricultural and residential related uses, and a hemp establishment on Parcel A; and various medical and retail marijuana uses on Parcel B. The property is located on the west side of Siloam Road approximately 1/2-mile south of West State Highway 96.
- (b) Correspondence--None.
- (c) Continuances--None.
- (d) Withdrawals--None.
- (e) Board of County Commissioners' Action--Summary of actions taken on September 14, 2016.
- (f) Administrative Reviews--Special Use Permit No. 2015-008 allowing the establishment of two (2) wind turbines (each with an overall height of 105 feet) for residential purposes in an A-1 Zone District and located at 67240 East State Highway 96.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with modified conditions of approval and notation, as per staff's review dated August 30, 2016.

Ms. Armstrong requested the Commission take action to accept the planned unit developments for processing; the Board of County Commissioners' action; and the administrative review as presented.

Mr. Lowe moved to accept the planned unit developments for processing; the Board of County Commissioners' action; and the administrative review as read into the record and make the Commission's comments a part of the record of the proceedings. Mr. Griego seconded the motion. The motion carried 7 to 1, with Mr. Thorne voting against the motion.

#### STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Bruestle reported that the applicant and/or representative are called upon to speak, followed by any opposition, with the applicant having the final say.

#### **PUBLIC HEARING**

Ms. Armstrong explained there was one item on the Consent Agenda and two items on the Regular Agenda for this evening's meeting.

#### **CONSENT ITEM:**

Ms. Alt moved to approve the Consent Item listed below with comments and/or conditions. Ms. Hatton seconded the motion. The motion carried unanimously.

➤ Housman Subdivision Final Plat No. 2016-003, Bob Housman requests final plat approval to re-subdivide Lot 1, Bradley Subdivision containing 2.03 acres into two (2) lots: Lot 1 will contain 1.015± acres and Lot 2 will contain 1.015± acres. The properties are in the A-3, Agricultural (minimum 1-acre lot area) Zone District and located on the north side of Everett Road between 24th and 25th Lanes in the St. Charles Mesa area.

The Commission recommended approval to the Board of County Commissioners with three comments and four conditions per staff's review dated September 7, 2016.

#### **REGULAR ITEMS:**

#### **Statement of Conduct and Demeanor**

Chair Bruestle stated in order for the business of the Commission to be conducted in the most effective and expeditious manner, it is necessary that all persons maintain a demeanor of civility toward each other. Uncivil conduct will not be tolerated. Such behavior shall constitute the forfeiture of a person's right to remain in attendance and may result in them being asked to leave the meeting by the chairperson or, upon their refusal, being escorted out of the meeting by the proper authority.

> Smile High Farms Planned Unit Development No. 2016-006 for GW Land, LLC rezoning 35.10 acres from an A-1 Zone District to the Smile High Farms Planned Unit Development.

Ms. Armstrong summarized staff's review dated September 10, 2016. She stated the purpose for the zoning change was to accommodate the use of marijuana-infused product manufacturing (MIPS). The A-1 Zone District already allows for the cultivation of marijuana. The proposed planned unit development will also allow for other agricultural and residential related uses.

#### **IN FAVOR**

**Mr. Robert Ganger**, owner of GW Land, LLC, represented the planned unit development. The address of the facility is 1996 Pope Valley Ranch Road. His personal address is 3240 Cherry Ridge Road, Englewood, Colorado. He explained he was in the process of building a 3,000 square foot processing building and a 3,000 square foot greenhouse. He would like to add the marijuana-infused products manufacturing, which would be within the existing processing building. He currently employees three people, and the additional use would increase that to four employees. He stated the employs would be on site in three shifts allowing for 24-hour coverage. A professional security system will be installed per State and Fire Code regulations. A buffer of fifty feet has been created around the structures in an effort to deter weed growth and mitigate the fire hazard. He stated the MIPS would use a Carbon Dioxide (CO<sub>2</sub>) process and not the more hazardous types like butane, propane, or hydrocarbon. The parking plan has been updated to accommodate the additional employee. The proposal does not include the

sale of any product from the site; therefore, he did not believe there would be an increased impact to the roads or traffic. The MIPS use would be using the existing septic system, noting the Pueblo City-County Health Department would recommend any required changes. He has purchased some additional water tanks to have near the facility to aid in firefighting, noting there have been discussions of purchasing his own fire truck. He has been working with all the necessary agencies moving forward with his facility and asked for the Commission's approval.

There were questions from the Commission pertaining to the Mr. Ganger's ownership, the MIPS processing, the water tanks, and the conditions of his Retail License.

Mr. Ganger replied that he was the owner of the facility, the MIPS processing would be with CO<sub>2</sub> not hydrocarbon, water tanks may be buried to prevent freezing, and he would need a Certificate of Occupancy to obtain his Retail License. Ms. Armstrong stated that the routing for a Certificate of Occupancy included authorizations from the Pueblo City-County Health Department, Pueblo Regional Building Department, Department of Planning and Development, and the Fire Department if applicable. She also conducts an on-site inspection of the improvements and compares them to the as-built drawings.

#### **IN OPPOSITION**

**Mr. Kurt Perse**, 1425 Siloam Road, spoke in opposition to the planned unit development. He was concerned about the wastewater. He wanted to know how it was going to be disposed of and if it would affect the water table. He was concerned with the number of water trucks coming to the site. He questioned who monitored these activities. He felt the Pueblo City-County Health Department should pay for water testing of the surrounding residents at least once a year.

Chair Bruestle asked Ms. Armstrong to read the "Wastewater" clause from staff's review, which outlined the disposal requirement. She indicated that any water removal from the property would be handled by a professional hauler such as American Septic and Sewer, noting the vehicle used was not a semi-truck. Ms. Armstrong also read the "Water" clause from staff's review, which explains the water source for the facility. Mr. Perse was concerned with the number of trucks needed to haul the wastewater.

Chair Bruestle replied that the applicant would address his concerns in rebuttal.

**Ms.** Amy Rye, 7355 Turtle Butte Road, Beulah, spoke in opposition to the planned unit development. She stated she has been in the area for 2½ years. She stated the area of the proposed facility was amongst grazing land. She was concerned that all of the established marijuana facilities were changing the characteristic of the area to industrial. She questioned how many more marijuana facilities there were going to be before it was changed forever. The local residents moved to the area to enjoy rural-ranch living. She was concerned with security issues for the surrounding residents. She stated that water was available east of Pueblo. The residents do not grow agricultural products because there is no water. They have cattle and horses, which require much less water than marijuana grows.

Mr. Mancha asked her to elaborate on her concerns with security. Ms. Rye replied that she was aware of some altercations with another facility that involved gunshots. She stated the need for heightened security suggests that trouble is expected.

Mr. Thorne concurred with her concerns regarding security, noting that he has some marijuana facilities near where he lives.

Mr. Ed Krall, 1401 Siloam Road, spoke in opposition to the planned unit development. He stated he would be living between two marijuana grow facilities. Siloam Road has historically been ranch lands, noting he has lived in the area for 12 years. He stated he felt like he was living in paradise until the marijuana grows moved in and changed the characteristic of the area. He submitted Opposer's Exhibit No. 1 showing a Hemp grow on the corner of Siloam Roan and Highway 96; and Opposer's Exhibit No. 2 showing a marijuana grow less than half a mile from the first grow, located just off of Siloam Road to the west. He stated as you travel down Siloam Road you run into Pope Valley Ranch. He was not happy that the marijuana grows were surrounding him and felt they were destroying the beauty and tranquility of one of the nicest areas in Pueblo County. It was unfair to the residents that were there before the marijuana grows. He was concerned there was not enough water to sustain the grows and felt the water quality would be adversely affected by the grows. He stated Siloam Road was not paved and could not support the additional truck traffic, noting he wished Siloam Road would never get

paved. He stated that all of the residents of the area do not want the marijuana grows in the area.

Ms. Day asked him to keep his comments based on his concerns and not the concerns of others.

Mr. Krall stated a neighbor's well has dried up and another one is selling his house. He asked the Commission to listen to the citizens of Siloam Road as the communities did in Penrose and Alamosa by denying marijuana rezoning and expansions of marijuana grows.

Ms. Alt stated that she drove to the address of the subject grow facility and noticed some plants outside that resembled corn stalks. Ms. Armstrong stated that the facility was a hemp grow.

Mr. Krall stated the location of the hemp grow that was mentioned was at the same location as a bus stop for Beulah School in District No. 70. That use should have never been allowed because of the bus stop. He stated that his other photo (Opposer's Exhibit No. 2) was also at a location of a bus stop.

Ms. Alt questioned if it was a marijuana grow. Ms. Armstrong replied that Opposer's Exhibit No. 1 was a hemp grow, and Opposer's Exhibit No. 2 was a marijuana grow.

Mr. Thorne questioned the depth of the aquifer. Mr. Krall replied his well was over 200 feet deep, noting the area residents depend on that water for their livelihood.

Ms. Marcia Weaber, 2137 Chautard Drive, spoke in opposition to the planned unit development. As of February 2017, their ranch will become a centennial ranch, 100 years old. In 1972, they drilled a well and ran pipeline to all of the pastures with tanks. The grasses improved with the alluvial motion of the dirt. If it were not for their well, they would not have the ranch they have today. Their well was not producing water last week. Mr. Pope told them that they were getting higher concentrations of iron, which was causing plugging of the pipes. The increase of population increases the iron content. There is no irrigation in the pasture. The only irrigation is in Beulah where they have creek irrigation, noting that some years they do not have that. Once the water is gone, the water table will not come back for at least 50,000 years. She was concerned that the Pueblo Board of Water Works was allowing the transfer of water from the City of Pueblo from the mountains to replace water the marijuana growers are taking out of the already fragile water table. She stated it was the same as irrigating, which was not allowed for this part of the County by State mandate. The current residents depend on that water for their livelihood.

Mr. Mancha questioned if the marijuana facility was functioning and if the current water problems were tied to the marijuana facility. Ms. Weaber replied no, it was caused by increased population growth on 3R Road. She stated that her well was currently fine. It was just getting more concentrations of iron due to more water being drawn out. She stated the marijuana grows were going to make it worse, noting they would be drawing out enough water to irrigate 500 acres of alfalfa. Mr. Mancha thought the water was going to be brought in and not drawn out. Ms. Weaber replied she thought there was a well involved.

Mr. Thorne questioned if she was using the water for household needs and cattle. Ms. Weaber replied yes, noting she depends on what Mother Nature provides and has to plan accordingly with the cattle so they do not overgraze. She stated she does not grow a vegetable garden or have residential grass.

**Ms.** Amy Haar, 8921 Central Avenue, Beulah, spoke in opposition to the planned unit development. She was concerned about the water for the future use. She stated she came from Fowler and it used to be green and flourished with crops; now it is just weeds and dirt. Fowler sold their water to Denver. She was concerned with the traffic on Siloam Road stating they drive too fast and with disregard to other drivers, noting she was forced into the ditch. Her friends have a large barn and anticipate it will get broken into eventually because it looks like the marijuana grows. She asked the Commission to pull back from allowing these marijuana grows because she felt they were taking away future rights of all of our grandchildren.

**Ms. Barbara Tilton**, 1400 Siloam Road, spoke in opposition to the planned unit development. She indicated she lived between two marijuana grows; one of them was Smile High Farms. She stated her well stopped producing on August 25, 2016. She has lived in the area for 14 years and gone through two droughts and never had a waiver in the well. The marijuana grows seem to have an unlimited amount of money to drill for water. She does not have that kind of money.

She questioned how marijuana grows can use water from the aquifer when she is not allowed to grow alfalfa and use her well. Her well specialist informed her that it would be cheaper to drill another well instead drilling what they already have. In 14 years, she has never seen a dead antelope on the side of the road. In the last couple of weeks, she has seen six, which is proof of the increased traffic and no regard to the area by the drivers. The condition of the roads is getting worse. She stated that she has almost been hit head-on three times because people are distracted by what is going on in the fields. She is upset because her grandchildren ask what is growing in the fields, and she feels they are too young to know about the product. She stated she knew both sides because she was a medical marijuana user. She has grown plants for personal use and knows how much water it takes to grow a plant. She questioned how the wells were being monitored to make sure they were being used for potable water only. She stated they have a large calcium increase in the water due to more draws from the aquifer. Her family moved out to the area for the peace and quiet but still go to Pueblo for a job. Many of the residents are moving away from the area because the marijuana grows continue to be approved. She was concerned with wastewater disposal. There have been planes and ATVs driving around her house and questioned what was going on.

Mr. Thorne stated that the aquifer was not only being drained by new residential population but by marijuana grows, noting there were a lot of them in the area. Ms. Tilton replied Pope Valley was directly behind them.

Mr. Thorne stated he was familiar with American Septic and Sewer and believed they would only be able to haul 3,000 gallons, which would require many more trips then was previously testified.

Ms. Tilton stated she sees cars with Florida plates all of the time going into the marijuana grows. She questioned why they could not grow in their own state.

Mr. Griego questioned her well use and Mr. Leyba questioned the aquifer. Ms. Tilton replied that they use a rain barrel, noting that the well will pump every 50 minutes for about 10 to 15 minutes and then shut off. It will try again in 50 minutes. If it does not pump in that 50 minutes, it will shut off for four hours. She stated she has five mules, one horse, and various small animals. The aquifer use was confirmed by Mr. Don Reeves, noting 90% of the wells in the area were dug by him. He was not able to attend this evening's meeting, but indicated he would attend the meeting on October 17 if needed.

**Ms. Carole Poysti**, 7360 Turtle Butte Road, Beulah, spoke in opposition to the planned unit development. She stated according to the Med Website, there are 90 grows in Pueblo County as of September 1, 2016. There are 29 grows in Pueblo West and Siloam Road has 33. Of the 33 on Siloam Road, seven are in the Pope Valley Ranch residential subdivision. There are six grows on Siloam Road addressed as 1115, 1201, 1750, 1660, 1640, and 1650 all within one mile of State Highway 96. She said she did not realize what was happening when Yeti Farms was applying for a planned unit development, noting it was the only planned unit development in the area and the rest of the properties were Agricultural 1. She was concerned about the MIPS or kitchens and how products were going to be produced, i.e., hydroponics, CO<sub>2</sub>, etc. She moved from Denver where water flowed freely from the tap. Now she lives in Beulah and it is brought in by truck. There are a lot of water trucks coming to the area. She noted that Mr. Ganger does not live in the area; he lives in Englewood.

Ms. Suzanne Balenger, 8728 Ponderosa Pine Drive, Beulah, spoke in opposition to the planned unit development. She stated the proposed uses would impact the lives of many people. She questioned how manufacturing was compatible to the natural characteristic of agricultural use. Making MIPS was manufacturing. Ranchers do not have meat packing plants and shipping warehouses on their properties because it is incompatible with rural ranching as is the manufacture of marijuana products. She questioned how industrial parks were keeping with rural-residential lifestyles. Farmers and ranchers do not have asphalt parking lots and aroundthe-clock employees. Allowing this application would compound the already approved licenses for expansion of non-ranching facilities for manufacturing. Allowing products to be manufactured on-site opens the possibility of increased criminal activity. She has government helicopters flying over her property on their way to illegal marijuana busts. The marijuana facilities are required to have heavy security for their facilities. She questioned how the surrounding residential neighbors were going to be protected. She is very concerned of the possibility of wildfires. At another County licensing meeting, it was stated by the local rural fire department they would not service the marijuana grows. Allowing more activities endangers everyone. There is an increased possibility of fires from the employees smoking cigarettes or something else and not disposing of them properly. Under Mr. Ganger's own testimony, he was

not prepared to answer questions about fire safety. Pueblo County has ruined the view, among other things, by allowing so many of these industrial businesses. She questioned how many more of these uses would be allowed. She did not understand how the lights used in these industrial parks was harmonious to the surrounding area. Her family has invested their life savings to live in the community and Pueblo County was letting these uses ruin what was good for Pueblo County. She asked the Commission to deny the applicant's request.

Ms. Debra DeNiro, 6890 State Highway 78 West, spoke in opposition to the planned unit development. She was concerned with the water consumption. She felt medical marijuana had its purpose but was opposed to retail and recreational marijuana. She stated that the decision of the Commission would affect thousands of lives. There are lights and generators that run all of the time. The Sheriff's Department has been called to the Beulah area to address issues with these marijuana grows. Colorado legislation did not think about how these uses would affect our rural community. People have agricultural animals, small gardens, and children in the area. The operators of these businesses are coming from non-rural communities, i.e., Denver, California, Missouri; they do not know what rural living is all about. Marijuana is growing in residential areas. It takes 50 minutes or more to respond to a fire or police issue. This was not fair to the existing residents who may have to deal with a burglary or fire because of increased marijuana traffic. She had a hard time understanding that a commission this small could affect thousands of people's lives, their welfare, their safety, and their animals. She stated it takes 500 gallons a day to sustain one plant. What is going to happen to the value of property when wells run dry? She asked the Commission to think about their decision because it would affect the future of the area.

Mr. Thorne stated that a family of four uses approximately 200,000 gallons of water a year. He stated the 33 grows have purchased over a 100 million gallons of water. Ms. Day advised Mr. Thorne not to offer testimony during this portion of the hearing, noting it was the fact finding portion for the Commission. She stated that this type of discussion could be had after the motion has been made.

Ms. DeNiro questioned what would happen if there was a bad water year. What if the mountains do not get the snow? She stated the Pueblo Board of Water Works was making a lot of money giving these grows a lot of water. If the water is not available, it is going to be taken away from the farmers and the good agricultural products. She felt nobody was thinking the process through.

Mr. Thorne apologized for speaking out of turn.

#### **REBUTTAL**

Mr. Ganger felt the opposition was opposed to marijuana in general rather than the MIPS being applied for in his proposed planned unit development. The addition of a small kitchen within the building would not change the footprint and the water usage for the actual MIPS was less than what it takes to grow the plants. It was mentioned that 500 gallons of water was used to grow a marijuana plant, which was a very close estimate, noting it would be for every three days and not every day. Indoor plants would require less water. He has invested money in at least six engineers to prepare reports for the Pueblo Board of Water Works and other water leases. The engineers have determined that it would take approximately 3/4 to 11/2 gallons of water per plant every other day for an indoor grow. He concurred that the area was beautiful, which was why he chose the area. He does live in Englewood, but has every intention to build a residence on the parcel. He stated his parents live in Pueblo, and he has spent many years in Pueblo with his children. He stated there is only one greenhouse in Pope Valley Ranch, which was his greenhouse. There are about six pole barns and two residences, one of which is occupied and the other is not. He stated the Pope Valley Ranch Subdivision was an 1,100-acre ranch that was subdivided for residential purposes. Because the developer was not able to sell the lots for residential purposes, the covenants were changed to allow for marijuana cultivation by allowing the establishment of a pole barn or greenhouse prior to a residence and was marketed as such. He spends most of his morning on Siloam Road and can attest to the amount of traffic. He stated the traffic he runs into are the gravel trucks from the gravel pit and contractors and subcontractors building the barns and greenhouses in the area. He has also been run off the road numerous times. He stated there were not enough growers in the area to be creating that amount of traffic from their facilities. If all 28 homes proposed for the subdivision had been built on the parcels with detached structures, there would have been no difference to what was happening now. He stated he only has eight months of experience with the traffic in the area. He stated there was testimony that there were seven grows in Pope Valley Ranch. He stated there was a small outdoor grow and some caregiver grows with 99 plants in the area that were

shut down. Currently, there are no grows in Pope Valley Ranch, and no one is pumping off the wells. The Pueblo Board of Water Works has issued 16 water leases. The remaining growers will have to haul water to their sites. Three of the leases that are currently pumping are not in the Pope Valley Ranch. His well is approximately 495 feet deep in the Dakota aquifer. Many engineers have calculated the usage, and it has been engineered by the Division II State Engineer. He could not comment as to why wells were drying up. When he had his water tested, it also had high iron content. He has addressed the water process, well acquisition, water hauling, and engineering. He stated that Yeti Farms was an existing planned unit development, there was another application for a planned unit development in Pope Valley Ranch, noting his planned unit development would be the third. He has consulted with the Beulah Volunteer Fire Department and was told they did not have the resources to fight a large structure fire and that he would have to be part of the solution. This is where the idea of having his own fire truck and a tank of water the fire department would be able to use. He has not had any incidents involving the police. He is in the area Monday through Friday, noting he could not comment on what happens on the weekends. He will have 24-hour protection on the property as a precaution to protect his investment. He is simply looking to add a small kitchen within the existing footprint of his currently facility.

Ms. Hatton questioned if he could estimate the additional water usage that the MIPS would require. Mr. Ganger replied that the engineers were currently working on those figures. He stated he did not have an exact number but that it was a small percentage.

Mr. Ganger stated that there was some confusion with regards to the MIPS processing. He has heard hydroponics mentioned. He was comparing the two processes of extraction using hydrocarbon versus CO<sub>2</sub>, not hydroponics.

Mr. Leyba questioned if he was currently pumping water from a well. Mr. Ganger replied he was not currently using the well. There have been some tests to set up the plumbing system. The facility is not finished and is not currently being used for bathrooms or sinks.

Chair Bruestle closed the hearing and entered staff's comments into the record.

#### **MOTION**

Ms. Alt moved to recommend approval of Smile High Farms Planned Unit Development No. 2016-006 with three comments and one condition to the Board of County Commissioners, per staff's review, dated September 10, 2016. Mr. Lowe seconded the motion.

Discussion ensued. Ms. Alt noted that she drove to the applicant's facility. She questioned Ms. Armstrong if the area was a subdivision. Ms. Armstrong replied it was a 35-acre subdivision. Ms. Alt stated there was almost no one living in the area, noting she only noticed two residences in the area.

Mr. Thorne questioned if there was a residence on the applicant's property. Ms. Armstrong replied no. Mr. Thorne thought that an accessory structure could not be built without a primary structure. Ms. Armstrong replied that the grow use was a use-by-right in the A-1 Zone District. The greenhouse would be the primary structure. An accessory structure to a primary residence would be a shed, barn, or detached garage. She stated that another use-by-right would be a sawmill that would not require a primary residence.

Ms. Alt questioned if a hydroponic tomato greenhouse would be an allowable use-by-right. Ms. Armstrong replied yes, under farming and ranching. Mr. Thorne stated it would only be a use-by-right if the water was acquired, noting that a domestic well could not be used. Ms. Armstrong replied that the Division of Water Resources reviews the type of well and use. Substitute water supply plans or augmentation may be required. A well could be used as approved by the Division of Water Resources.

Mr. Leyba stated the application was for the addition of a use within an existing structure. There would be very little amount of water used. The issue of water could be mitigated by testimony. Ms. Armstrong stated that everything in the planned unit development was a use-by-right except the MIPS. The water has already been approved by the Division of Water Resources, the traffic has not changed, and the applicant has a conditionally approved license to begin operation. All of these issues would be a moot point because as a use-by-right there would have been no hearing before the Commission or Board of County Commissioners. The applicant was before the Commission to include the MIPS, which was not a use-by-right.

Mr. Leyba stated that the discussion should be addressing the criteria the Commission must adhere to when approving or making recommendations of approval to the Board of County Commissioners. He felt the use of water was not relevant to the request to add a kitchen.

Ms. Hatton stated that most of the concerns she was hearing were about the use-by-right. If the discussions were about the A-1 uses, this would be a different discussion. There does need to be a broader discussion about water because it was vital to the community. In her opinion, the water issue did not change what the applicant could already do. Her vote might be different if talking about the standard agriculture use. She did not believe that it would change the standard use-by-right. She stated she was being asked to judge something very simple and straight forward.

Mr. Thorne stated he has been fighting over water since 1972. There have been times when he asks for 30 acre-feet of water and he gets eight. Just because you charge more for water, does not make any more water. Water cannot be hauled from the Pueblo Board of Water Works to an outdoor grow.

Chair Bruestle stated he moved to Pueblo County in 1977 from Minnesota. He had never heard the term acre-foot of water before. The issue of water needs to take place amongst the community. It was not going to be resolved by this Commission. He noted that the Board of County Commissioners would be making the final decision. He felt the audience was expecting too much of the Commission to resolve water issues that should be resolved at the State level. The addition of the MIPS in the facility was not going to change what already existed. He was hearing that there was a concern about how marijuana was being used in Colorado, noting it was a legitimate concern; however, this Commission could not solve it.

Chair Bruestle called for a roll call vote.

Mr. Lowe voted yes, because the application was to add a use to an existing facility.

Ms. Hatton voted yes, for the reasons previously stated.

Mr. Mancha voted yes, noting there was not a lot of specific concerns about the application as a whole.

Mr. Thorne voted no, because the planned unit development would allow for other agricultural and residential uses. Once the planned unit development was approved, it would allow more uses than were currently allowed in an A-1 Zone District.

Ms. Alt voted yes. She sympathized with the testimony. She lives north of Pueblo on 120 acres. She has the Love's Truck Stop, the indigent, and Strawberry Fields in the area. She felt that the applicant was adding on to what was already existing. Where she lives, it changes the agricultural land. She feels that she has a right to do what she wants on her property. She is going to support the application.

Mr. Griego voted yes, and felt water was not an issue.

Mr. Leyba voted yes, he felt the addition would be a moderate use to the existing facility.

Chair Bruestle voted yes.

Motion carried 7 to 1, with Mr. Thorne voting against the motion.

Greenhouse FX, LLC Planned Unit Development No. 2016-007 for Greenhouse FX, LLC rezoning 39.96 acres from an A-1 Zone District to the Greenhouse FX, LLC Planned Unit Development.

Chair Bruestle noted for the record that Mr. Thorne has been excused from the meeting.

Ms. Armstrong summarized staff's review dated September 10, 2016. The planned unit development will be separated into two parcels. Parcel A, 27.16 acres, will accommodate various agricultural and residential related uses and a hemp establishment. Parcel B, 12.80 acres, will accommodate various medical and retail marijuana uses-by-right as well as the uses-by-review for marijuana-infused product manufacturing (MIPS), marijuana storage warehouse/vaults, and marijuana testing facilities; therefore, the request for the rezoning. The uses are strictly for the use of Greenhouse X, LLC and no sales of any product will be conducted from the subject site. The A-1

Zone District already allows for the cultivation of marijuana as a use-by-right. The property currently has a conditional license for the retail marijuana grow.

#### **IN FAVOR**

**Mr. Vincent L. Linden**, 9391 Stoneglen Drive, Colorado Springs, represented the planned unit development. He stated he was an attorney and the applicant, noting his partner's name was Tim Hoiles. Mr. Linden stated that Mr. Hoiles wanted to make a general statement to the Commission.

**Mr. Timothy C. Hoiles**, 1483 Woolsey Heights, Colorado Springs, represented the planned unit development. He stated the subject was an emotional issue. For every person that does not like the product, there is another person that does. He spends many nights on the property and believes in the product. His actions speak louder than words and he stands by his actions.

Mr. Linden stated he has 39.96 acres at 1201 Siloam Road. Construction is approximately 78% completed. The greenhouse is 8,700 square feet and has a pump house with water storage tanks. There are two modular structures on site that will be used for offices. The building permit with Pueblo Regional Building Department was for five buildings. The property also has a three bedroom, two-bath residence with a two-car detached garage. He worked with Ms. Armstrong to analyze the planned unit development, and it was suggested that uses be designated on two different parcels. Parcel A and Parcel B were created within the 39.96 acres. Parcel A will retain the uses that are already permitted in the A-1 Zone District. Parcel B drops some of the uses allowed in the A-1 Zone District and focuses on the marijuana uses. The license that was granted last year gave them eight acres for the marijuana compound and the five buildings are contained on the eight acres. The request for the planned unit development was to accommodate the marijuana-infused products manufacturing (MIPS). He stated he was not building a kitchen or manufacturing infused products, but would like to seek approval from the Marijuana Licensing Board to process the marijuana that comes out of the greenhouse. There will be no hydrocarbon extractions. In order to process using hydrocarbon, the building would have to be a blast-proof facility and built to proper building codes. This would be something he would do because they intend to abide by the laws and follow all of the rules. They have tried to blend the buildings into the landscape. He has provided his personal cell phone number to the attendees of the marijuana licensing hearing so that those with questions could contact him. He would like to build a facility between 1,500-2,500 square feet on the northwest corner of Parcel B. He would like to process his product on-site so that it does not have to be taken off-site, which requires multiple trips. He has a legal water source, noting he was not currently in operation. He stated the MIPS facility would use a very small amount of water use. The restrooms and hand washing would require more. There are existing bathroom facilities designed in the other buildings. He felt the additional water use for the MIPS would be minimal. The facilities that have been built, i.e., greenhouse, veg-clone room, and pump house, were constructed on concrete floors with steel constructed framing. There will be two modulars on foundations, wrapped, and framed in steel construction. He has consulted with the Red Creek Volunteer Fire Department, noting his partner made the largest contribution to the Fire Department in its history. He stated his partner, Mr. Hoiles, was at the facility every day, and he was there about two times a week. Once the facility is up and running, he will be there every day. His family grew up in Pueblo, and all of his relatives worked at the CF&I Steel Mill. He spent his summers and holidays in Pueblo. He loves the community and wants to be a good neighbor and abide by the law. He wants to respect people's rights and in turn wants his rights respected.

Ms. Alt questioned if someone was living in the residence on the property and if they would continue to live on the property. Mr. Linden replied yes.

#### **IN OPPOSITION**

**Ms. Amy Haar**, 8921 Central Avenue, Beulah, spoke in opposition to the planned unit development. She stated she also had emotional ties to Pueblo, noting she grew up here. She was concerned that the rural-ranch area was turning into an industrial site. She questioned why these marijuana uses were not established in an industrial zone district. She was under the impression that allowing an industrial use would give the applicant carte blanche to acquire additional wells. She stated that the Planning Commission has a decision to make although the case goes before the Board of County Commissioners. She stated the Commission was approving an industrial use to be established in an area where it does not belong. She asked the Commission to listen to the emotions of the people instead of the eloquence of someone

who was very practiced at it. She asked the Commission members to use their hearts and brains because the decision was in their hands.

Ms. Alt replied that all of the members have hearts; however, they do not make the laws. The members may be for or against marijuana. They may live in the City or County. She may be unhappy about the Love's Truck Stop, but she can also see that they have brought in a lot of money to Pueblo County. Across the road from her is a solid waste transfer station. She noted that she voted to approve the application as a Planning Commission member. She does not like the dump trucks along her road. As a Commission member she is obligated to follow the rules and then use her best judgment. She may sympathize with people. She wants to continue to live where she lives, noting she will have to put up with it. She tries to make the best decision she can based what she was told to do as a Commission member. If it is stated that someone has adequate water, she has to base her decision on that.

Ms. Haar appreciated that Ms. Alt went to the area to see what was going on. She stated that Love's is on the cusp of Pueblo and is in the right area. She is talking about a place 30 miles from Pueblo in the middle of nowhere where there is not a lot of emergency help. It is not in a busy industrial area. Industrial applications open the doors for much more growth. Well uses increase because there are no limits. She asked the Commission to take these concerns under advisement.

**Mr. Robert Donley**, 3112 CR 387, Wetmore, spoke in opposition to the planned unit development. His residence is west of the applicant's property. His family has run cattle on the property since the 1940s. He questioned the configuration of Parcels A and B of the proposed planned unit development. Ms. Armstrong showed him a vicinity map. He was concerned with the wastewater disposal, capacity of the septic system, water consumption, augmentation of the aquifer, the depth of the well, and fire protection. He stated that the Wetmore Fire Department would be able to respond faster to the subject parcel than Red Creek Ranch Fire Department. He stated he hoped they would be good neighbors, noting he is in the area during camping season.

Chair Bruestle stated that when these matters are approved, the public has the opportunity to file a complaint if the property is not being used as intended. Compliance with zoning is dependent upon notification from the public by filing a complaint with the Department of Planning and Development.

Ms. Alt questioned if he was living off of Siloam Road. Mr. Donley replied no. He lives on the road between Wetmore and Beulah.

- **Mr. Greg Jenson**, 6890 State Highway 78 West, spoke in opposition to the planned unit development. He was concerned with the MIPS operation being toxic and explosive. He was concerned with the emergency response time. He felt the use would be better suited in an area like Pueblo West Industrial Park where response times were quicker. He questioned how the MIPS operation would be monitored.
- **Mr. Pat Chappell**, 1250 Siloam Road, spoke in opposition to the planned unit development. He stated he did not have "neighbors" he had "grows", noting he could see three of them from his residence. Two of the greenhouses are lit up all of the time and expects the third one to be the same. He was concerned with the well usage and suggested putting meters on the wells to monitor the water usage. He was very concerned with the fire response time to a location that had five or six large buildings. The fire department does not have the equipment necessary to fight a fire of that capacity. He stated he has his house listed for sale because he cannot live in an area with marijuana grows.
- **Ms. Randa Becco**, 1321 Siloam Road, spoke in opposition to the planned unit development. She questioned the regulations and monitoring of the MIPS and explosives, the electrical capacity, and the disposal of the by-products. Would the by-products be buried, burned, or flushed? How was the wastewater being disposed of? She questioned the agencies responsible for regulating these types of businesses. She was concerned groundwater would be contaminated if by-products were in the septic system. She stated that she had a drone circle her property, noting that good neighbors do not do that kind of stuff. She has horses and there was a good chance they could have been spooked into a fence. Mr. Donley's cows could have been spooked. She felt the people's concerns were not being heard.

**Ms. Amy Rye**, 7355 Turtle Butte Road, Beulah, spoke in opposition to the planned unit development. She was concerned that the emergency response time and electrical

requirements would not be adequate. She spoke with the fire chief who indicated that the fire department did not have the necessary equipment to fight a fire at the subject site. The donation received by Mr. Hoiles would not be enough to buy an additional fire truck or special breathing apparatuses. She stated the word "minimal" was being used a lot, noting that all of the "minimals" add up. Marijuana grows are turning rural-ranch land into industrial parks. The lighting required for a site are lighting up the area. She questioned the number of trips allowed for delivered products and an operation business plan. She questioned how many marijuana businesses were going to be allowed to be established in the area before it becomes an industrial park. Staff's review, Comment I, lists 17 purposes that are in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of Pueblo County. She questioned how this use furthers the public health, safety, integrity, and general welfare within Pueblo County since we know there are safety and security concerns involved with this type of use. It goes on to say that it must provide for well-located, clean, safe, and pleasant industrial sites involving a minimum of strain on transportation and other public facilities and services. She questioned what was minimum, and why the County was establishing an industrial site in a grazing ranch land, noting it was an inappropriate use for the land. It goes on to say it will encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings. She questioned how the use is more efficient. She would rather see more cows grazing rather than more industrial buildings and their uses. She did not understand the statement, "to provide more flexibility in the development review process." She stated the statement, "to provide for a greater variety of principal and accessory uses in the development of land", opens the number of allowable uses. She felt these types of uses were a drain on the public services. She disagreed with the statement, "to lessen the burden of traffic on streets and highways", noting it increases the burden of traffic. She stated all of the little things that are being approved are adding up to a lot more. She stated her well was at 1,000 feet and produces 5,000 gallons a minute. She cannot afford \$30,000 for a new well if her well goes dry. The applicants may have the right to do what they want with the water on their property. She also has the right to flush her toilet and take a shower. Her animals need water.

Ms. Alt questioned the comments from the Volunteer Fire Department. Ms. Rye replied she had a conversation with them. Ms. Alt stated she needed to consider what was submitted. Ms. Rye replied that testimony was requested, and she was giving testimony to what the conversation was about.

**Mr. Ed Krall**, 1401 Siloam Road, spoke in opposition to the planned unit development. He submitted photos, which were entered into the record as Opposer's Exhibit Nos. 1-5. He asked the Commissioners to review the photos and ask themselves if the structures looked like they blended into the land. He noted the paved driveway on ranch land, which was unheard of. The marijuana grows were turning ranch land into an industrial area. He has lived in the area for 12 years and it felt like paradise until the marijuana grows moved in. They may have a right, but are they thinking about their neighbors? It is destroying the beauty and tranquility of the area. He stated that some of the families have been in the area for 40 years. He hoped that Siloam Road never gets paved because that was the way of agricultural land. He asked the Commission to please listen to the community that was voting "no" to change the area from an agricultural community to an industrial one.

Ms. Vivian Wachholtz, 8706 State Highway 96. She stated she was neither in favor of or in opposition to the planned unit development. She has lived in the area for 50 years. Cattle has been the main commodity of the area. She was concerned with the well usage, noting the water levels change on a regular basis. She wants the water usage to be legal, noting putting a monitor on the well would be a good idea. Red Creek has water in it. If you have surface water, you have underground water. She did not feel the marijuana grows were contributing to the water issues. She stated she was not sure why Beulah was tied into Siloam. There are 1,000 plus residents with 1,000 plus wells in Beulah, noting Beulah has gone dry before. People have the right to grow what they want as long as it is legal. She would not want to be told what she could and could not grow. There needs to be regulations. She stated the marijuana grow facilities were very nice and well kept. She noted that there were quite a few barns in the area as well. She stated that Siloam was her country. She was there when it was a homestead. She preferred not to have the uses in Siloam, but as long as they were regulated by the appropriate agencies and kept legal, she was okay with it. She mentioned that the quarry and logging trucks also contribute to the degradation of Siloam Road. She stated she was in favor of people's rights as long as they were following regulations.

Ms. Alt commented on her statement, "to keep it legal". She stated as a Commission member, she was obligated to review the application within the legalities of the proposed uses.

Ms. Wachholtz questioned the size and flow of the aquifer. What happens when water is put back into the aquifer?

Mr. Kurt Perse, 1425 Siloam Road, stated he had a question for Ms. Armstrong. He questioned the division of Parcels A and B. Ms. Armstrong replied that the land was not officially subdivided, it was only for internal reference. If the property had gone through subdivision, it would have gone through a public hearing process. Mr. Perse questioned the zoning uses for the planned unit development. Ms. Armstrong replied that the uses identified for the planned unit development were the only uses allowed on the property. If another use was requested, it would require an amendment to the planned unit development. Mr. Perse questioned why they had to change the zoning. Ms. Armstrong replied that the MIPS use was not an allowable use-by-right in the A-1 Zone District. The storage/vault for storage was included for clarification of marijuana use. The testing facility was for the purpose of their own product; it would not be used commercially for the testing of other operation's products. Ms. Armstrong read the uses-by-right in the A-1 Zone District per Pueblo County Code - Title 17 -Chapter 17.12, AGRICULTURAL ONE (A-1) AND TWO (A-2) DISTRICTS, noting that special permission was not required. Establishing the use may require a building permit from the Pueblo Regional Building Department, a permit from the Pueblo City-County Health Department for septic systems, or a well permit from the Division of Water Resources.

Ms. Suzanne Belanger, 8725 Ponderosa Pine Drive, Beulah, spoke in opposition to the planned unit development. She stated Beulah was her mailing address. She did not live in Beulah. In order to get to her property, she has to use Siloam Road and drive by all of the marijuana grows. She was opposed to the rezoning of the property, not the broader issue of whether marijuana should be allowed in Pueblo County or not. She stated it was a big change to go from an A-1 use-by-right to a manufacturing use. The Commission had the decision to make as to whether the use was compatible to the rural area. She questioned how expanding into manufacturing was keeping with the rural lifestyle. The buildings do not blend into the surrounding landscape, noting they were huge and industrial in nature. The properties have asphalt parking spaces. Once the door is open to this type of use, a precedent is set, which cannot be allowed to continue. The uses increase the criminal activity in the area. Ordinary ranchers do not need the level of security the marijuana uses require. She stated she had read something in the application that the proposal was low density. She questioned the number of buildings in close proximity and if that was considered low density. She questioned if the applicant plans on living on the property. She did not agree with the statement in staff's review that stated since there were numerous marijuana establishments in the area, the proposed facility would not have a negative effect. She asked the Commission to deny the applicant's request.

**Ms. Debra DeNiro**, 6890 State Highway 78 West, spoke in opposition to the planned unit development. She questioned if someone was living in the residence on the property. The previous answer to the question was that there was someone on the property 24/7, not that there was someone living in the residence. She was concerned with the contamination of her leach field. She stated she was not allowed to use her well water to water her dry-land hay field. The leach field area is very green, which indicates that there is some seeping through the tanks. She was concerned with wildlife and Mr. Donley's cows and calves getting into the marijuana product. How were by-products being disposed of? Marijuana grows make things worse for the rancher surrounding the property. She was concerned with the facility's employees. There was no way of knowing how reputable they were going to be, noting that bad employees were a possibility.

Ms. Carole Poysti, 7360 Turtle Butte Road, Beulah, spoke in opposition to the planned unit development. She stated she was fighting for the land and land use, and the fact that she lived in Beulah was irrelevant. She stated the letter to Ms. Armstrong from Linden Kominek, P.C. was cut and pasted from a Website. She stated it was all about schmoozing. She disagreed with Ms. Hatton's comment that it was not changing the footprint. The applicant was prebuilding with the assurance that rezoning would be approved. It was Mr. Linden that stated that when he bought the place he was not sure there would not be any use for the area. She felt he presupposed a lot of things. She stated there is a danger factor of someone stealing the "weed" within a grow facility. With the MIPS, there is an added danger factor of people stealing something more valuable. She stated changing the land use was a forever decision. It would be changing the heartbeat and soul of the land. She stated if the \$8,000 donation to the Fire Department changes its mind about things, then it is called a bribe. She stated that Mr. Hoiles

made \$142 million in 2009 on the sale of something indicating that money was no object. She understood that the case would be going before the Board of County Commissioners. She intended to be better prepared for that meeting. She stated that marijuana was not legalized; it was industrialized. She asked to find out what the applicant intends to do before granting approval. She stated she was going to be screaming for a moratorium in the next month. The approvals have to stop until management catches up. She had a film prepared, but in the essence of time she was not going to show it. She stated it was very emotional. She asked the Commission to not be deceived by the schmoozers.

#### **REBUTTAL**

Mr. Linden rebutted the testimony. He acknowledged the late hour of the meeting. He stated he did not mind being called names. He has been called a lot worse things than a schmoozer. He promised that he would be building his facility the right way; he has done it the right way; and will continue to do it the right way. He stated the application process has not been easy due to the rules and regulations that overlay the marijuana industry. He stated Mr. Hoiles made a donation to the fire department because he thought it would be the right thing to do in an effort to be a good neighbor. He did not appreciate being accused of not being respectful. He has worked diligently with all of Pueblo County's departments. He had to hire lawyers, engineers, hydrologist, and soils experts to work with the various departments that oversee the application process. He will continue to do so. He can assure that Mr. Hoiles' donation was not a bribe. We as people in that community would not go to the fire chief at this point in time without consulting with him, without getting his input and opinion on how to do things the right way. They are not going to use the dangerous gasses. This is not an industrial park. It is not an industrial complex. They would like to build one more small building to process their marijuana. As Ms. Armstrong indicated, if they were growing tomatoes or strawberries he would be able to take that product into a processing building to make jams. He was not going to be manufacturing an infused product or using hydrocarbon gasses, noting that it could be made part of the conditions of approval. He has consulted with the fire chief to make sure the uses and processes were compliant with safety standards.

Ms. Alt asked him to address the security of the facility. Mr. Linden stated he has labeled the buildings according to their purpose. He stated there is a security building. The entire marijuana licensed area is already licensed by the State and conditionally approved by Pueblo County. All of the marijuana use buildings will be surrounded by a fence. There will be cameras on the fence and within all of the buildings. The <u>Code</u> requires cameras in certain places with the ability to identify a person within 20 feet. He is working with a security expert to make sure the system will be able to do that. The fiber optics will run underground from all of the buildings into the security building that has the computer systems and monitors. He pointed to a gentleman in the audience and indicated that he has lived on the property fulltime for the past year.

Mr. Mancha read the purpose of the planned unit development. He questioned why the request was made to have the storage and testing facility. Mr. Linden replied that it would be easier to test and process the plants from the grow facility on-site rather than taking it off-site. He stated the haul traffic to take the product off-site for testing in another facility would be greater. There would be less people entering and leaving the facility. Everything would be fully encompassed on the property making the facility more secure. He stated the storage of marijuana was already allowed, but wanted to clarify it for the planned unit development. He would like to test his product first before it went to a separate testing facility to establish a base line and have quality control of the product. He appreciated people's opinions and concerns even if he does not agree. All of the concerns presented this evening were all valid concerns. He has designed a greenhouse that is technologically advanced. They have approximately 20 different triple-layered curtains. He indicated that at dusk, the screens will come down and you will not see the lights from inside the greenhouse. He wants to be a good neighbor and he will address all of the concerns. He stated that his water engineers are going to be at the next meeting to address all of the water issues. People make a lot of opinion statements. He will provide facts.

Chair Bruestle closed the hearing and entered staff's comments into the record.

#### **MOTION**

Ms. Hatton moved to recommend approval of Greenhouse FX, LLC Planned Unit Development No. 2016-007 with three comments and one condition to the Board of County Commissioners, per staff's review, dated September 10, 2016. Mr. Lowe seconded the motion.

Mr. Mancha asked Ms. Armstrong if the applicant was already able to do the other uses that were stated. Ms. Armstrong replied that the marijuana product needs to be stored on-site. She stated that a water-based extraction for oil could be used without getting a MIPS license. Chair Bruestle asked Mr. Linden to respond to the comments. He stated that the product has to be taken to an independent testing facility. He does not want a product tested that he has not tested himself. He would like to predetermine his own quality standards before it goes to an independent facility.

Ms. Hatton stated that the marijuana industry has done a poor job in informing the public on what it does. She is willing to provide additional contact information for the public to gain knowledge. She was not one that voted for Amendment 64. She is far less worried about the retail facility than the other things that have happened in the community especially related to illegal grows. She has toured numerous facilities to learn as much as she can. This is something that no other State did before. She could not in good conscience sit on this Commission without understanding the marijuana industry. There are still many concerns that need to be addressed. She hoped the marijuana industry does a better job in educating the public on what they do. She stated that answers matter. Some of the concerns will be resolved and others will not. This issue can be made economically viable and positive for the community or it can be ruined. She does not like the latter. Some of the same concerns are heard consistently, and she does want to make sure they get resolved.

Ms. Alt concurred with Ms. Hatton. She commended the Planning Department for their work on the planned unit developments presented this evening. She appreciated the testimony that was given. She reminded the attendees that the Commission was merely making a recommendation to the Board of County Commissioners.

Chair Bruestle stated he has served eight years on the Planning Commission. It has been his observation that as population increases, the demand on land and resources increases. Unless there is a conservation easement in perpetuity, land will not be protected. As long as people can sell, transfer, or liquidate their property unconditionally without regard to the history of the property, this will continue. He suggested contacting senators and congressmen because they need to hear the people's concerns. The Commission will not be able to give the public what it is seeking, which is the protection of land. The jurisdiction comes from a higher power. He

need to near the people's concerns. The Commission will not be able to give the p is seeking, which is the protection of land. The jurisdiction comes from a higher por appreciated the public's passion and concerns.

Chair Bruestle called for a roll call vote.

Mr. Lowe, yes.

Ms. Hatton, yes.

Mr. Mancha, yes.

Mr. Leyba, yes.

Ms. Alt, yes.

ivis. Ait, yes.

Mr. Griego, yes.

Chair Bruestle voted yes.

Motion carried unanimously.

#### <u>UNFINISHED BUSINESS</u>

None.

#### **NEW BUSINESS**

None.

#### **REPORTS OF COMMITTEES**

None.

#### **ADJOURNMENT**

There being no further business, Chair Bruestle adjourned the meeting 9:35 p.m.

Respectfully submitted,

Joan Ounting

Joan Armstrong, Director Department of Planning and Development

SMS













