



SAN MIGUEL COUNTY PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA THURSDAY, DECEMBER 8, 2022 – 10:30 AM

333 W. Colorado Avenue, 2nd Floor

MEETING INFORMATION - This meeting will be held in person and online. To join the meeting: <http://zoom.us/join>, Meeting ID: 965 1288 5206, Password: 534277; Audio only: Dial 1-301-715-8692 or 1-253-215-8782 (long-distance rates may apply)

1. 10:30 A.M. CALL TO ORDER

2. APPROVAL OF MINUTES, PLANNING COMMISSION AND STAFF COMMENTS

2a.. Approval of the November 10, 2022 minutes

4. ANNUAL REVIEW

4a.. Amendment to the Alpine Wellness Marijuana Retail Cultivation Facility Special Use Permit at 557 Woodstock Road, Norwood, Colorado to Add an Outdoor Cultivation Area, 2 temporary greenhouses and a processing/storage Building

[CPC Packet Materials Alpine Wellness SUP Amendment Annual Review 12.8.22.pdf](#)

6. EAST END MASTER PLAN

7. ADJOURN

NOTE: All times are approximate; items may begin earlier (except public hearings) or later than scheduled. For more information contact Planning Department at (970) 728-3083.

If special accommodations are necessary per ADA, contact 970-728-3844, via email at bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designate posting place for all meeting notices will be online at <https://www.sanmiguelcountyco.gov/liveagenda>. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.



AGENDA ITEM 2a.

TITLE:

Approval of the November 10, 2022 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Planning

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description:



AGENDA ITEM 4a.

TITLE:

Amendment to the Alpine Wellness Marijuana Retail Cultivation Facility Special Use Permit at 557 Woodstock Road, Norwood, Colorado to Add an Outdoor Cultivation Area, 2 temporary greenhouses and a processing/storage Building

Presented by:

Time needed:

PREPARED BY:

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ATTACHMENTS:

[CPC Packet Materials Alpine Wellness SUP Amendment Annual Review 12.8.22.pdf](#)

Description:

M E M O R A N D U M

TO: San Miguel County Board of Commissioners
FROM: John Huebner, Senior Planner
RE: Permit Annual Review: Amendment to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility Special Use Permit: Add an Outdoor Cultivation Area, 2 temporary greenhouses and a processing/storage Building
DATE: December 8, 2022

[Z:\Applications_Alpine Wellness_Marijuana Cultivation SUP \Amend Outdoor Cultivation Review.docx]

Background

Alpine Wellness, LLC was granted a Special Use Permit (SUP) for a Retail Marijuana Cultivation Facility in the Wright's Mesa zone district by the Board of County Commissioners, in BOCC Resolution 2016-17. A 3,000 s.f. Substantial Greenhouse was subsequently built for the cultivation of Retail Marijuana by Alpine Wellness on the subject property located at 557 Woodstock Road, Norwood, Colorado, a 79 acre parcel (PIN # 429529400007). Alpine Wellness, LLC has licensed retail marijuana stores in Towns of Telluride and Norwood.

The Board of County Commissioners in April 2021 conditionally approved an Amendment to Alpine's SUP to add a 20,000 s.f. Outdoor Cultivation Area, two (2) temporary 3,000 s.f. Non-substantial Greenhouses, i.e. "hoop houses", and a 3,000 s.f. marijuana processing building. The operator could increase its capacity to 800 plants; the outdoor cultivation area (a 10-foot-square area for each plant) and each greenhouse can accommodate about 200 plants (BOCC Resolution 2021-011 is attached). "Hoop greenhouses" are temporary structures and can be used for only one to two seasons. A review of operations for this Amendment to Special Use Permit by the San Miguel County Planning Commission and Board of County Commissioners was required.

The subject property is located approximately one mile west of the Town of Norwood, about ½ mile south of County Road Z42 at the end of Woodstock Road. Woodstock Road is listed on the county road inventory and maps as a non-maintained public road. The property is about 4,000 feet from the Residential Buffer Zone, as shown on the following vicinity map.

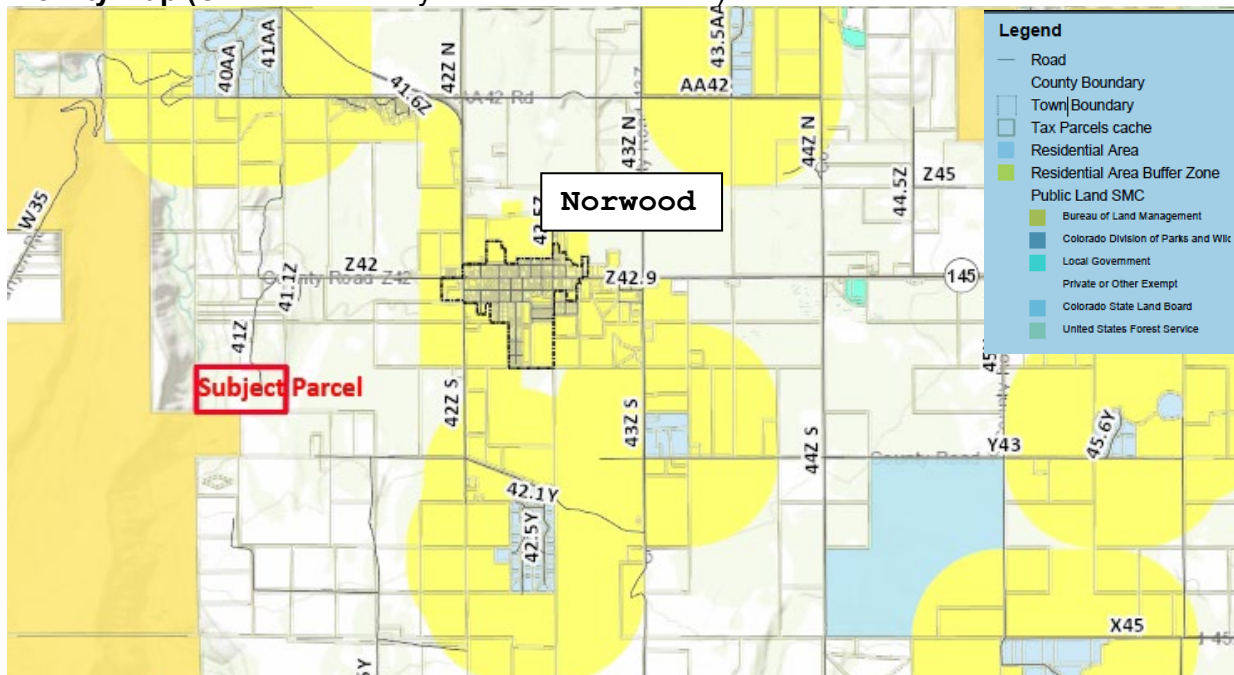
The Operator reported to Planning staff that despite dry conditions in 2021, they had a good crop and there were no complaints from neighbors regarding odors or other impacts. In 2022 the 200 plants outside and 150 in the greenhouse were successfully harvested. The 42 x 56 processing building was constructed on site this year but the installation of utilities and the concrete floor is planned for next year. No temporary greenhouses have been placed on site to date. The requisite 8' chainlike perimeter fence and security devices are in installed. New gates are planned.

Public Notice and Referral Agencies

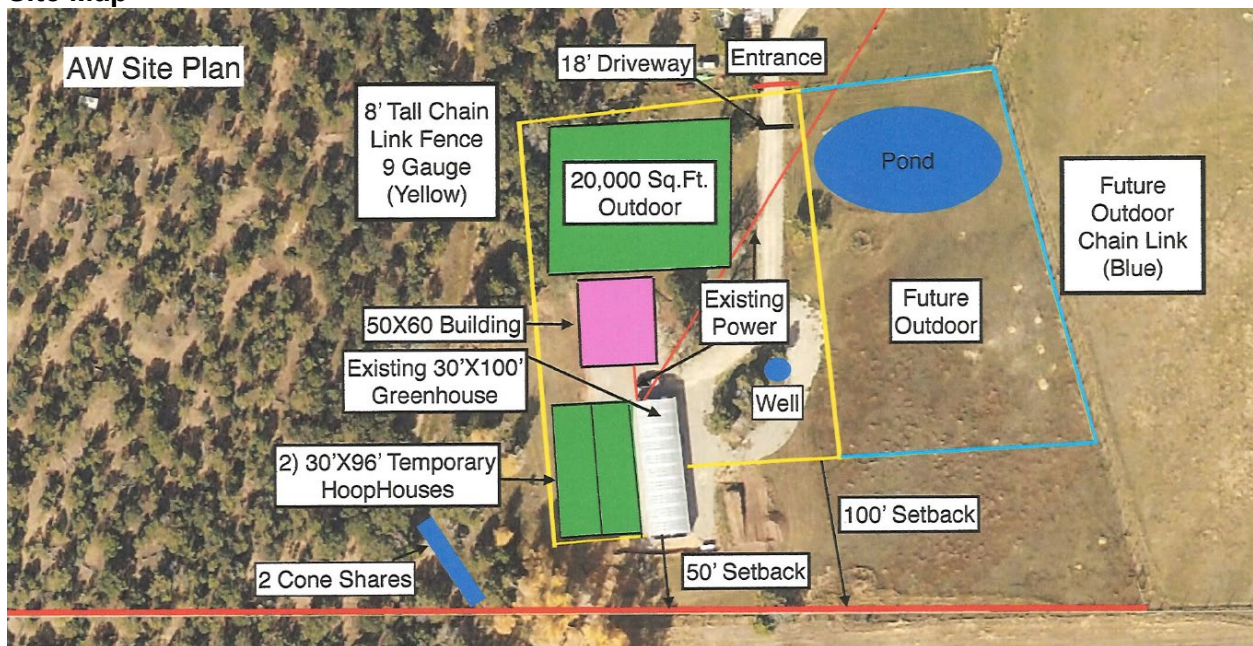
Planning Staff has sent email to neighbors and stakeholders, who provided comments on the Alpine Wellness Special Use Permit application, regarding the annual review to be conducted by the San Miguel County Planning Commission (CPC) and Board of County Commissioners (BOCC). It was requested they make known their support, questions, comments or concerns regarding activities allowed by the SUP.

No review comments have been received from any individuals.

Vicinity Map (Cultivation Facility location shown in red)



Site Map



Aerial Map



Recommendation

Staff recommends that no changes be made to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility Special Use Permit.

Sample Motion:

I move to recommend to the Board of County Commissioners that no changes be made to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility Special Use Permit and Amendment, based on the finding that the administration and oversight of the approved Special Uses has complied with the terms and conditions of approval.

ATTACHMENTS:

1. Summary email received October 28, 2022, from Nolan Murphy, Alpine Wellness
2. BOCC Resolution 2021-11 Approving Amendment to Special Use Permit for a Retail Marijuana Cultivation Facility for Alpine Wellness, LLC in Wright's Mesa (WM) Zone District



John Huebner <johnh@sanmiguelcountyco.gov>

Re: Amendment to Retail Marijuana Cultivation Facility Special Use Permit (SUP)

1 message

NOLAN MURPHY <nolanmurphy1@msn.com>

Fri, Oct 28, 2022 at 10:18 AM

To: John Huebner <johnh@sanmiguelcountyco.gov>

Hi John, we harvested the outdoor plants already this year. There were 200 plants outside and 150 in the greenhouse. We have the 8' chainlink fence up but are still waiting for the new gates so we have been using the old gate which works fine. All cameras are installed and operational. The building was installed in January but I still need to get power, heat and concrete in there.

Also, Matt Gonzalez mentioned we need to have a bathroom in there which will require septic system. We weren't able to use the building this year as much as we wanted because of the temperature in the building but it is going to be great to have it dialed in for next year as soon as we can afford to do the rest of the construction.

All in all it has been great to have the opportunity to grow outdoor but it definitely relies on good weather at the end of harvest to be successful. This year worked out pretty well until the rains in mid September and we were forced to cut everything out to avoid rain damage. We never installed any temporary greenhouses yet but that will help protect some of the crop in the future.

Let me know if you need any other info. Hope all is great with you, talk soon

Nolan Murphy
970-708-7784

On Oct 24, 2022, at 4:45 PM, John Huebner <johnh@sanmiguelcountyco.gov> wrote:

Nolan and Grady,

I am touching base concerning an upcoming annual review of the Moonrise Enterprises LLC, 557 Woodstock Road Amendment to Retail Marijuana Cultivation Facility Special Use Permit (BOCC Resolution 2021-11 see attachment) with the Planning Commission and Board of Commissioners. It will be scheduled for either the November or December Planning Commission meeting and afterward with the BOCC. I will provide notice to neighbors, individuals, who commented on this SUP application and to the Town.

Would you please provide me with a status update on operations (esp. the outdoor grow and any other changes made) prior to my sending notice of the review. Thanks!

John Huebner
Senior Planner
San Miguel County Planning Department
Office: (970)728-3083
www.sanmiguelcountyco.gov



<BOCC Resolution 2021-11.pdf>

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
OF SAN MIGUEL COUNTY, COLORADO,
AMENDING RESOLUTION 2016-17 AND APPROVING AN AMENDMENT TO A
SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY
FOR ALPINE WELLNESS, LLC IN THE WRIGHT'S MESA (WM) ZONE DISTRICT**

Resolution 2021-11

WHEREAS, Alpine Wellness, LLC, hereafter "Applicant" as Moonrise Enterprise LLC, is the owner of a 79 acre parcel (PIN # 429529400007), hereafter "Property," in the Wright's Mesa Zone District, more particularly described as shown on Exhibit A, Legal Description; and

WHEREAS, Nolan Murphy on behalf of the Applicant has submitted an application for an Amendment to its Retail Marijuana Cultivation Facility Special Use Permit ("Application") at the Property, in accordance with San Miguel County Land Use Code Sections 5-2905 *et seq.* (Medical and Retail Marijuana Facilities and Establishments); and

WHEREAS, Applicant is seeking to Amend its Special Use Permit to add a 20,000 s.f. Outdoor Cultivation Area, two (2) temporary 3,000 s.f. Non-substantial Greenhouses, i.e. "hoop houses", and a 3,000 s.f. marijuana processing building as shown on Exhibit B, Site Plan; and

WHEREAS, the Application was referred to the County Attorney, County Building Official, County Manager, County Road and Bridge Director, County Sheriff, County Site Inspector, Colorado Parks and Wildlife, Colorado Division of Water Resources, Colorado Marijuana Enforcement Division, and the Town of Norwood for review and comment; and

WHEREAS, at its regular meeting held on March 11, 2021, following its consideration of the application, the referral comments provided, and public comments received, the County Planning Commission unanimously recommended approval of the proposal, subject to certain conditions; and

WHEREAS, on or about March 15, 2021, the Applicant sent Notice of the application and the BOCC Public Hearing to be held on Wednesday, April 7, 2021 to all property owners within one-half (1/2) mile of the subject parcel, and signs were posted on the property noticing the proposed use and the BOCC meeting to be held on April 7, 2021; and

WHEREAS, a Public Hearing Notice for the proposed Subdivision Exemption Plat and the Board of County Commissioners meeting to be held on April 7, 2021 was published in the Norwood Post and the Telluride Daily Planet on March 17, 2021; and

WHEREAS, a list of the items included in the Public Hearing Record is attached to this resolution as Exhibit C; and

WHEREAS, the Board of Commissioners of San Miguel County, Colorado, considered this application, along with relevant evidence and testimony, at a public hearing in Telluride on Wednesday, April 7, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves the proposed Amendment to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility Special Use Permit, to add a 20,000 s.f. Outdoor Cultivation Area, two (2) 3,000 s.f. Non-substantial greenhouses, i.e. "hoop houses", and a 3,000 s.f. Processing/storage Building, based on the finding that the proposed amendment complies with the standards of Land Use Code Section 5-2905 et seq. for Retail and Medical Marijuana Cultivation Facilities and the County Master Plan with the following conditions:

General Conditions:

1. This Special Use Permit (SUP) is issued to the applicant and does not run with the land.
2. This SUP Approval is subject to all written representations of the applicant, in the original submittal and all supplements, letters and emails, are deemed to be conditions of approval, except to the extent modified by this Motion.

Specific Conditions:

3. All applicable conditions of approval as set forth in BOCC Resolution 2016-17 shall be followed.
4. The Special Use Permit shall only be valid as long as the applicant holds a current State and County License for the approved use and complies with all state and county regulations at all times.
5. The location of the Outdoor Cultivation Area, "hoop houses" and processing / storage building shall be as shown on the enclosed Site Map.
6. The fence design shall be as approved by the Colorado Marijuana Enforcement Division. A copy of the final MED approval shall be submitted to the Planning Department upon receipt.
7. If the facilities (greenhouse, hoop houses or storage/processing building) are to be used after dark the facilities will be constructed in such a way as to prevent light leakage from the buildings; no outdoor lighting shall be allowed except at the entrance gate that is motion sensitive, shielded and directed down and meets the International Dark-Sky Association (IDA) guidelines for light color and intensity.
8. Privacy screening may be required after construction of the greenhouse, outdoor cultivation area, hoop houses, and storage/building.
9. The Non-substantial greenhouses, i.e. "hoop houses" will be permitted for an initial period of one (1) year, with renewal for one (1) additional year upon administrative review. They shall not be permitted to be used for a period longer than two (2) years. The hoop house coverings shall be maintained and all torn plastic shall be removed

immediately.

10. No signs will be posted on the property advertising the business with the exception of a sign that identifies the state and county license numbers and which buildings are not being used for cultivation.
11. All processing of marijuana shall take place within the processing/storage building or greenhouses
12. If offensive odors are reported offsite by the neighbors, after consultation with the Planning Department, the applicant may be required to provide an odor removal system.
13. Waste disposal shall comply with Colorado Department of Health & Environment regulations.
14. Equipment related to the cultivation operation will be stored inside a structure or within an enclosed area.
15. Any and all water used associated with the Marijuana Facility shall be in accordance with guidance provided by the Colorado Division of Water Resources and not in conflict with the water decree for the source of water being used.
16. All outdoor water storage shall be covered and maintained to prevent the establishment of mosquito larvae and other vectors.
17. Unless needed for security of the overall site, fence segments shall be opened to allow wildlife to move through the site when outdoor cultivation is not occurring.
18. The applicant shall maintain and remove any damaged and exposed landscape fabric used in the outdoor cultivation area to prevent litter from spreading.
19. Applicant will remove hoop house coverings at the end of the growing season for winter.
20. Applicant will monitor the traffic associated with its operation and will make attempts to mitigate excessive traffic on Woodstock Road.
21. Any request to increase the number of growing areas, greenhouses or structures on site or to modify the conditions of this SUP approval may be considered a Substantial Amendment and shall be reviewed subject to the applicable Land Use Code requirements and process for a Marijuana Retail Cultivation Facility.
22. The applicant shall obtain all necessary state and local permits, including Building, Development, Electrical, and MED.

Review Period:

23. There shall be an annual review after the first full calendar year of operations (January

2023). Prior to this annual review by the Planning Commission, notice will be provided to the neighbors and individuals and review who received noticed for this SUP amendment application, prior to the scheduled public meeting so they may make their comments, questions or concerns known to the CPC and BOCC. The CPC shall then make its recommendation to the BOCC as to any recommended changes to the approved SUP, if any.

The BOCC may then take action to allow the SUP to continue as approved, modify or add conditions, or even revoke the SUP for non-compliance with the BOCC Resolution terms and conditions of approval or if there are unintended substantial impacts to neighbors adjacent to the site. As a part of its consideration the BOCC may make a determination in its discretion if there is a need for additional annual reviews, or periodic reviews of the terms and conditions of the SUP in the future or not.

DONE AND APPROVED by the Board of County Commissioners of San Miguel County, Colorado, on April 7, 2021.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

DocuSigned by:
By: Lance Waring
788F04194B38430
Lance Waring, Chair

Vote:	Hilary Cooper	x	Aye	Nay	Abstain	Absent
	Kris Holstrom	x	Aye	Nay	Abstain	Absent
	Lance Waring	x	Aye	Nay	Abstain	Absent

ATTEST:

DocuSigned by:
By: Carmen Warfield
DE2AF0C99063400
Carmen Warfield, Chief Deputy Clerk



EXHIBIT A – Legal Description
EXHIBIT B – Proposed Site Plan
EXHIBIT C – Public Hearing Record list

"Z:\Applications\2021 Alpine Wellness Marijuana Cultivation SUP_Wrights Mesa\1 Staff Memo(s) and Resolution(s)\BOCC Resolution 2021-0__ Alpine Wellness SUP Amendment 4.7.21.docx"

**EXHIBIT A
LEGAL DESCRIPTION**

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 45
NORTH, RANGE 13 WEST, NEW MEXICO PRINCIPAL MERIDIAN,

COUNTY OF SAN MIGUEL, STATE OF COLORADO,

KNOWN BY STREET AND ADDRESS AS 557 WOODSTOCK ROAD, NORWOOD, CO
81423

EXHIBIT B
PROPOSED SITE PLAN

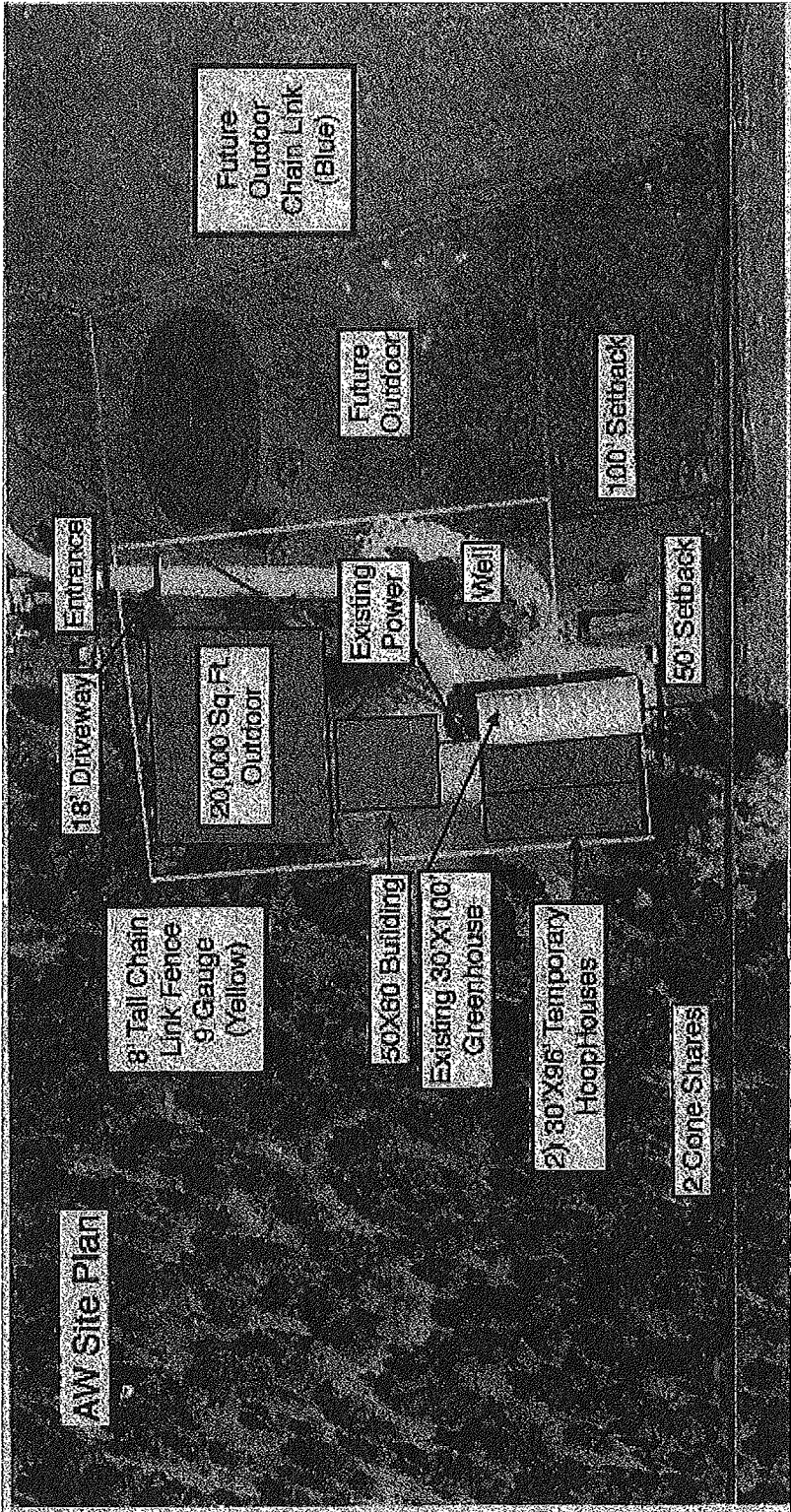


EXHIBIT C**Public Hearing Record****Board of County Commissioners**

Application: Amendment to the Alpine Wellness, LLC Marijuana Retail Cultivation Facility
Special Use Permit: Add an Outdoor Cultivation Area, 2 temporary greenhouses
and a processing/storage Building

Date: April 7, 2021

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Board of County Commissioners from John Huebner, Senior Planner dated April 7, 2021.
4. Draft Resolution
5. Draft Minutes of the March 11, 2021 County Planning Commission meeting.
6. Memorandum to the San Miguel County Planning Commission from John Huebner, Senior Planner dated March 11, 2021.
7. San Miguel County Board of Commissioners Resolution 2016-17.
8. Marijuana Enforcement Division – Outdoor Cultivation Rules
9. Certification of Application Completeness from John Huebner, Senior Planner dated January 25, 2021.
10. Application submitted by Nolan Murphy, Alpine Wellness, LLC, received January 8, 2021, and Supplements received January 27, 2021.
11. Applicant's Certifications of Compliance with the public noticing requirements of the San Miguel County Land Use Code Section 3-9 dated February 16, 2021 and March 15, 2021.

AGENCY COMMENTS

12. Agency Referral Email(s) from John Huebner, Senior Planner dated January 26, 2021 and March 3, 2021.
13. Email received from Amy Markwell, County Attorney, to John Huebner, Senior Planner dated January 26, 2021.

14. Email received from Ryan Righetti, County Roads D, to John Huebner, Senior Planner dated January 26, 2021.

PUBLIC COMMENTS

15. Email received from Patti Jo Royer, Lot 1, La Mesa Vista, to John Huebner, Senior Planner dated February 18, 2021.
16. Letter received from Dave and Lynette Foley, adjacent property owner, to Planning Department dated March 2, 2021.