

**Huerfano County Land Use**  
**401 Main Street, Suite 304**  
**Walsenburg, CO 81089**  
**(719) 738-3000, Ext. 506**



December 30, 2022

Attn: Nicholas Perrino  
3100 County Road 616 Unit A  
Walsenburg, CO 81089

RE: Monte Fiore CUP 17-001 and Variance 20-011

Dear Mr. Perrino:

On December 20, 2022 the Huerfano County Board of County Commissioners voted 2-1 to give you until January 31, 2023 to get your CUP17-001 and Variance 20-011 into complete compliance.

This includes the following:

1. Pay \$40,978.37 in unpaid excise taxes that you reported to Huerfano County in 2022.
2. Pay \$4097.84 the ten percent penalty fee for being late with the amount owed in the numbers you provided on your reporting sheets to Huerfano County in 2022.
3. Pay the annual inspection fee for 2022 to the Las Animas-Huerfano Counties Health Department in the amount of \$385.00.
4. Pay the late fee in the amount of \$75.00 to the Las Animas-Huerfano Counties Health Department.
5. An inspection of the property will be conducted by the Huerfano County Land Use Office prior to January 31, 2023 to determine compliance.
6. Review Chapter 18 of the Huerfano County Marijuana Regulations ([www.huerfano.us](http://www.huerfano.us))

I am enclosing the spreadsheet from our investigation with the excise taxes you reported each month, the amount of excise taxes submitted, all of the receipts of the payments submitted, and all of the payments that were rejected. I have also enclosed Resolution 18-06 "A Resolution Governing the Collection, Administration, and Enforcement of Huerfano County's Marijuana Excise Tax", a copy of CUP 17-001, and Variance 22-011.

Thank you sincerely,

A handwritten signature in blue ink that reads "Cheri Chamberlain".

**Cheri Chamberlain**  
Huerfano County  
Building and Code Enforcement  
401 Main Street Suite 304  
Walsenburg, CO 81089  
(719) 738-1220 ext. 117 (Office)  
(719) 248-6715 (Cell)  
[cchamberlain@huerfano.us](mailto:cchamberlain@huerfano.us)

401 Main Street, Suite #201 Walsenburg, Co 81089  
Office: 719-738-3000 Ext. 200 Fax: 719-738-3996



**A motion was made by Commissioner Cisneros and seconded by Commissioner Vezzani to approve and sign Contract for Custodial Services Agreement between Huerfano County and Pamela Garcia Archuleta at the Ray Aguirre Community Center in Gardner, starting December 30, 2016 through December 31, 2017 at \$650.00 per month. Motion passed by unanimous vote.**

**A motion was made by Commissioner Cisneros and seconded by Commissioner Vezzani to approve Liquor License Renewal on behalf of Cuchara Dog Bar and Grill. Motion passed by unanimous vote.**

**A motion was made by Commissioner Cisneros and seconded by Commissioner Vezzani to approve Retail Liquor License Renewal on behalf of Cuchara Spirits, LLC. Motion passed by unanimous vote.**

County Administrator John Galusha and the Board reviewed correspondence.

10:50 A.M. Nick Perrino, with Spanish Peaks JV, LLC & Monte Fiore, LLC, Jeff Kochevar and Jeremiah Perrino with Spanish Peaks JV, LLC and Steven Janssen, Attorney (water law) regarding Conditional Use Permit #17-001, Colorado Retail Marijuana Cultivation Permit.

*CUP 17-001*

**A motion was made by Commissioner Vezzani and seconded by Commissioner Cisneros to approve Conditional Use Permit #17-001, with the following conditions from Planning and Zoning and Board of County Commissioners:**

- 01. Exterior lighting shall be aimed downward to comply with the County's Dark Sky Regulations.**
- 02. MSDS sheets shall be kept on site and distributed to the Huerfano County Office of Emergency Management.**
- 03. A sign shall be posted at the County Road entrance, as well as at the facility location, with company name and emergency contact number.**
- 04. The Tamarisk on the entire property shall be treated/eradicated and approved by the Huerfano County Weed Controller.**

**CUP 17-001 Cont.**

05. Annual Compliance Reviews shall be conducted by the BOCC (or by their designated agent), beginning one year from the date of CUP approval.
06. Periodic site visits may also be conducted during normal business hours at the discretion of the BOCC (or their designated agent), with a 12 hour notice given to the Applicant.
07. The CUP shall be terminated in the event that the water hauling contract is no longer in place, and no alternative water source has been approved.
08. County Road 616 shall be treated with Magnesium Chloride, from Highway 69 to the facility entrance, prior to commencement of construction, and as needed (determined by Road & Bridge) thereafter.
09. A trip generation study must be completed utilizing the ITE Trip Generation Manual, 9<sup>th</sup> Edition.
10. Evaluate Road & bridge regulations with Public Works Coordinator Melanie Bounds and remediate any damages as needed.
11. 10,000 gallons of water shall be kept available on site for the purpose of fire suppression.
12. Odors shall be unobtrusive at a distance of 1,000 feet from the security boundary of the facility. More than three (3) legitimate odor complaints received on non-sequential days within a 12 month period of time will require corrective action, to be prescribed by the BOCC.
13. This CUP will not be transferable.
14. A 1041 application for agricultural lands being dried up to ensure a long term water source shall be file within 30 days of approval of the CUP.
15. Applicant shall secure a long term water source or an update contract with a water provider.

**Motion passed by unanimous vote.**

11:34 A.M. Richard Goodwin met with the Board regarding the hiring of Foote Consulting Group, LLC.

# MONTE FIORE FARMS

Monte Fiore, LLC 4155 E. Jewell Avenue Suite 1018 Denver, CO

---

July 16, 2020

Huerfano County Commissioners & Land Use Department

Huerfano County, Colorado

400 Main Street, Suite B

Walsenburg, Colorado 81089

O: 720.523.6800 | D: 720-523-6855

**RE: Request for variance for CUP 17-001**

Dear Huerfano County Commissioners,

Thank you for taking time to review the request in variance for CUP 17-001. In discussions with Steve Channel, he has recommended we reach out to the county commissioners office to obtain approval on our property in order to extend the setback requirement on our site to a level we can achieve, as well as approval to cultivate outdoor marijuana within 100' of our property line on our 54 acre parcel located at 3100 CR616 Walsenburg, CO 81089 under CUP 17-001.

The code in question is, section 18.3.3 Setback – Normal. All facilities in the Agricultural Zoning District shall be setback a minimum of one-thousand (1,000) feet from each of the facility's property lines. For facilities located in the Commercial or Industrial Zoning Districts, existing zoning district setbacks shall apply.

Due to the fact that several changes in land use rules have occurred between now and when CUP 17-001 received our CUP approval, we are requesting a variance for our property on section 18.3.3, as well as section 18.4.2. Below are the two closest neighbors, and both parties are stakeholders in the project. Additionally we have provided graphics of our existing site plan, as well as proposed outdoor cultivation areas.

We are requesting to be added to the upcoming agenda in order to obtain approval for our variance from 1000' setback to a 100' setback requirement. Additionally, we would like to address the compliance of section 18.4.2 Odor. Section 18.4.2 states that Odor from a cultivation facility must not be detected by an Olfactometer after the odorous air has been diluted with seven (7) or more volumes of odor-free air at the property line of the facility. Since the adjoining properties are all stakeholders in the project, we are requesting to amend and or remove the 18.4.2 compliance requirement for our location.

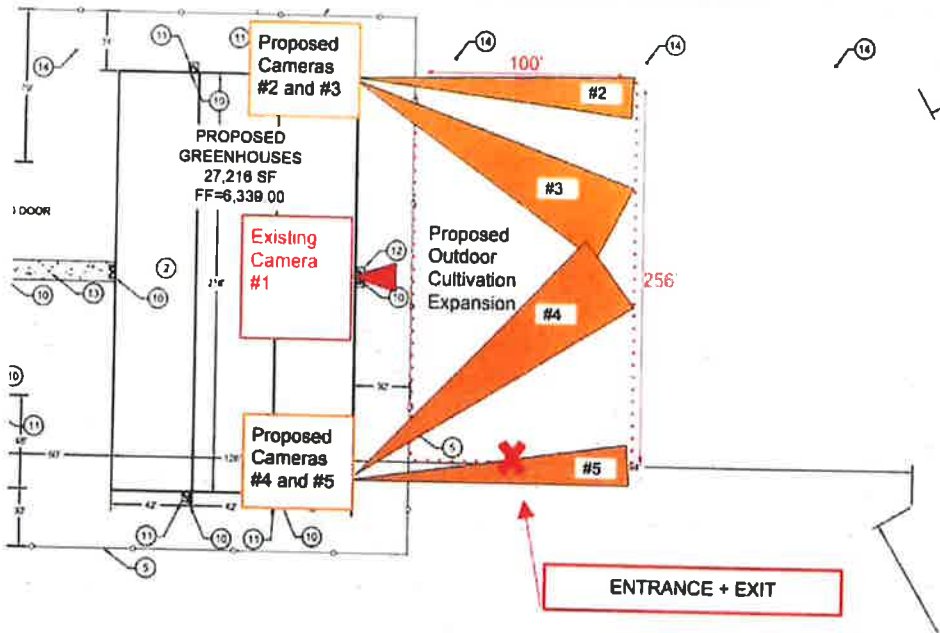
Adjacent Property #1 - 743'



Adjacent Property #2 - 1602'



Proposed Outdoor Cultivation Expansion area (100'x256')



Proposed Outdoor Expansion Area and current setbacks to nearest property Line

