



## BOARD OF ADJUSTMENT MINUTES

September 07, 2023 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

---

---

### Join via Zoom:

<https://us02web.zoom.us/j/83429735658?pwd=S2ZlSENWk0ZHR3Y0RkxBOEp3c2xGdz09>

**Meeting ID:** 834-2973-5658 | **Passcode:** 915234

### 1. ROLL CALL

Meeting started at 1:34 pm.

Guests present were

Pat McConnell

Charlene Basset-Gertz

Paul Basset

Brenda Getz

On Zoom

Pharouck Hessein

Rowena Thoma

Michael Baudendistel

Rachael Ardanuy

Mike B

Sheryl Baudenistel

Francisco Bautista

### 2. PLEDGE OF ALLEGIANCE

### 3. READING OF MINUTES

#### a. Minutes from 8/17/23

Motion to approve minutes from 8/17/23 made by Fisher, Seconded by Kirkpatrick.  
Voting Yea: Edmundson, Falk, Kirkpatrick, Fisher, Martin

### 4. ACTION ITEMS

#### a. Variance 23-034 Bautista

Public Hearing Began at 1:58pm.

Legal counsel for applicant gave history of property. With legalized hemp in 2018, the price of hemp dropped, causing the farm to shut down operations in 2019.

Comments were heard on the variance from Patrick McConnell, Micheal Baudenistel, Brenda Getz, Charlene Basset-Getz, Paul Basset, Sheryl Baudenistel, and Rowena Thoma.

Michael Baudendistel stated he doesn't want another huge building on the property line. He told a story about when the hemp farm was in operation, some young visitors had an interaction with an armed guard at the property line. The interaction was friendly, but the presence of armed guards made him uncomfortable.

Betz and Basset spoke on behalf of neighbor to the south, who said they did not receive a notice. Asked if odors are enforced. Stated that other facilities generate odor complaints and asked if there is a process in place to enforce odor.

Basset spoke and asked what the point of regulations was if variances would be granted. Also asked whether the project had secured water.

Basset-Getz spoke, stating that she lives on the southern border and is worried about expansion. She stated she is allergic to smoke, including marijuana smoke. She was concerned about the fire hazards of the operation.

Sheryl Baudendistel stated that the land to the west was not vacant. That there are homes, and that they camp and play there. Stated that she tried to call previous operator to make complaints but calls went unanswered.

Thoma spoke, stating she would like to keep 1000 ft. setbacks.

Additionally, there were eight signed letters of support submitted in writing as part of public comment from Kendal Osborne, Colton Teal, Sophia V. Martinez, Casey Dimas, Jerry Martinez, Elaine Vigil, Jessica Dormire, and Joel Hough.

Legal counsel for Blue Sky Farms, Rachel Ardenuy, addressed issues/comments that were brought up during public comment. She stated the following:

--that any additional greenhouses and all operations would take place within the area currently fenced.

--that owner is a neighbor, and that he is trying to make his land profitable.

-- that marijuana and hemp have similar impacts.

-- that marijuana is more regulated, and that there would be no smoking allowed at the facility.

-- that the proposed use is for cultivation only, and that there is no risk of impacts from manufacturing.

-- that the plan for water would be to secure it through contracts and haul it to the site.

Public Hearing closed at 2:20pm. Motion made to deny the variance 23-034 to change the setbacks on two sides.

Motion made to deny the application by Kirkpatrick, Seconded by Falk.

Voting Yea: Edmundson, Falk, Kirkpatrick

Voting Nay: Fisher, Martin

**5. DISCUSSIONS**

**6. UPCOMING MEETINGS**

**7. ADJOURNMENT**