

**Huerfano County Land Use  
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Walsenburg, Colorado 81089  
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# **Staff Report**

## **Review of CUP 15-010 Walsenburg Cannabis Planning Commission**

**Meeting Date: 03/23/2023**

### **Background**

- The facility is located at 23054 US Hwy 160 near the Spanish Peaks Regional Medical Center and Lathrop State Park.
- The original CUP 15-010 was granted to DDS Ltd. The PW CO CanRE Walsenburg and Walsenburg Cannabis then transferred the CUP into their name.
- On August 26<sup>th</sup> 2021 the Board of County Commissioners approved the amendment to CUP #15-010, which transferred CUP 15-010 and gave specific facility operator approval to transfer Site 1. Case reference number: 21-15-010 Amendment.
- The applicants at time were Cedric Crockett, Jared Schrader, and David Lesser.
- Building permits for greenhouses #21-185, 21-205 and 21-206, were pulled on 11/9/21 and 12/6/21.
- When the Huerfano County Building Department went to do pier hole inspections they were notified that Cedric Crockett had no further affiliation with Walsenburg Cannabis.

### **Code Enforcement**

- In July, 2022, Huerfano County Code Enforcement was informed that Walsenburg Cannabis was no longer in operation. Huerfano County Code Enforcement was also informed that the doors had closed and all of the plants that were being grown were destroyed through a wood chipper. A phone call was made to Jared Schrader who informed Huerfano County Code Enforcement that the operation had been shut down, but he declined to give an explanation.
- On September 28<sup>th</sup>, 2022 an email was sent out to David Lesser, the only other known owner, and no response was received. A second email was sent out to David Lesser on November 7, 2022, which he had not responded to by November 15<sup>th</sup>, 2022. Mr. Lesser was contacted again on November 17<sup>th</sup>, 2022. Since then, there has been no further communication with Mr. Lesser. The email was to inquire about Mr. Lesser's intention with the future of Walsenburg Cannabis. The emails also explained that CUP 15-010 would go to the Huerfano County Planning Commission after February 1, 2023 to be considered for revocation. Two phone calls were placed to each of the numbers that were listed and messages left for Mr. Lesser with no return call.
- No building inspections have been conducted in over a year by the Huerfano County Building Department. Section 18.04.01.02 states that final inspections must be performed within one year of the building permit approval. There has been no communication on the building side of things.

- There were conditions put forth by the Huerfano County BOCC to the amendment to CUP 15-010 at their August 21, 2021 meeting. One of those conditions was that the Planning Commission would hold a compliance review after one year from the date of the CUP approval. No compliance review done as the facility was no longer in operation.

## Code References

18.04.01 Time of application and operation.

18.04.01.01 Annual Compliance Reviews shall be performed by the Board of County Commissioners, or its designees, no later than 30 days following the anniversary date of the issuance of a Commercial Building Permit.

18.04.01.02 All required construction permits must be in place within forty-five (45) days of CUP approval, construction must begin within 180 days of building permit approval, and all final building inspections must be performed within one year of the building permit approval.

18.04.01.03 Failure to meet any of the foregoing thresholds may result in revocation of the CUP.

## Staff Comments

Because no compliance review was conducted as per 18.04.01.01 and the permit holders have declined to communicate with Huerfano County Code Enforcement, Walsenburg Cannabis is not in compliance with the terms of CUP 15-010. Possible recommendations are sought from the Planning Commission to send to the Huerfano County Board of County Commissioners. Consider recommending revocation of CUP 15-010 based upon 18.04.01.03 non-compliance. and no return correspondence from the owner.