

# Joint Meeting of the Planning Commission, Board of County Commissioners

November 9, 2010  
Custer County Courthouse  
Westcliffe, Colorado

## Present:

Board of County Commissioners: Lynn Attebery Chairman, Jim Austin Vice Chairman and Carole Custer Commissioner

Planning Commission: Vic Barnes, Keith Hood, Rod Coker, Bill Donley, Paul Buckles and Pat Bailey

Associate Members: Dorothy Nepa, Dale Mullen, Brad Stam, Ken Lankford and Cindy Howard

County Attorney John Naylor

Staff: Jackie Hobby and Chuck Ippolito

Absent: Sherry Rorick and Roger Camper

The meeting was called to order at 1:03 P.M. by VIC BARNES Planning Commission Chairman.

COMMISSIONER ATTEBERY: Reconvened the Board of County Commissioner meeting at 1:04 P.M.

Pledge:

BARNES: We will need to approve October minutes. Are there any additions or corrections? If not they will stand approved as read.

BARNES: The first item on the agenda is a Zoning report.

HOBBY: In the month of October we had 4 septic inspections, 1 Septic Contractors test, 3 Special Conferences and 5 compliance inspections. Permits issued in October were 21 Zoning permits and 7 septic permits. In 2010 to date septic permits were 65 versus 53 in 2009. Zoning permits year to date in 2009 were 170 and 171 in 2010.

BARNES: Thank you. We have two items on the agenda. One is the Special Use Permit for the Pines Ranch and a Special Use Permit, Re-plat and Subdivision Waiver that is a combined application from the Sangre De Cristo Electric Association and The Board of County Commissioners. We are going to amend the agenda and move the request from the Sangre De Cristo Electric and the Board of County Commissioners to the first item on the agenda.

BARNES introduced the Planning Commission, Alternates and the chairman on the Board of Zoning Adjustment, Skip Northcross, who is also taking notes for the final record.

Associate Board Member DOROTHY NEPA will replace SHERRY RORICK. BRAD STAM will replace PAUL BUCKLES for the Special Use Permit only.

BARNES: The first item on our agenda is a joint request by the Custer County Commissioners and the Sangre De Cristo Electric Association. Applicants statement: *"The commissioners were recently made aware of an opportunity to improve the electrical power supply for the*

*Rosita area. Sangre De Cristo Electric has determined that the present Querida Substation is rapidly reaching its maximum capacity to serve the Rosita area. A new Substation will soon be required. It turns out that a Substation in the area of the Landfill would allow for upgrade in quantity and dependability of electrical power. This would also provide power service to the Landfill facility. With this goal in mind the County Commissioners directed the County Surveyor to survey and describe a parcel to meet the requirements of Sangre De Cristo Electric. This is a two component application. The first will be a presentation for the Special Use Permit and then in December there will be the hearing for the Special Use Permit. They also have a request for a Vacation and Re-plat and a Subdivision Waiver that we will decide after the presentation. KIT SHY, the County Surveyor, will represent the applicants.*

SHY: I believe the applicant's statement is self explanatory. REA has decided that a new Substation in that part of the county would be beneficial and would allow them to service the Landfill and property that at this time does not have power available. The main power for Rosita comes in from the north, down the highway and the valley corridor. There is no connection on Schoolfield Road between the highway and the Rosita area. This could provide that connection and the dependability of the power also. Querida has reached its capacity and needs to be upgraded. This looks like a much better site. It's level and has no tree cover. They essentially chose this area and in conversations with LYNN ATERBERRY they came up with this site. It's a two acre parcel. It's in the northeast corner of the landfill ownership along Schoolfield Road. The greatest length is along Schoolfield and extends southerly about 200 feet. The County Commissioners have decided that all the permits for this site should be applied for at one time and then they will do the paperwork to convey the property to Sangre De Cristo Electric. They do not anticipate putting a building on it or using the entire parcel.

BARNES: Any comments from the Planning Commission?

BUCKLES: Is the county retaining ownership of the parcel?

SHY: No.

BARNES: County Commissioners do you have any questions?

ATTEBERY: No.

BARNES: Any questions from the audience?

No comments.

DONLEY: Will you apply for a variance for an undersized lot?

BARNES: Yes, at the presentation next month.

BARNES: Do I have a motion from the Planning Commission for a Re-plat and a Sub-division Waiver.

BUCKLES: I make a motion to approve the Re-plat and Sub-division Waiver subject to granting them a variance to create an undersized lot.

HOOD: Seconded the motion

Motion passed unanimously

REASONS:

BAILEY: YES, a reasonable request to get additional power to an area that is growing.

DONLEY: YES, a reasonable request and the county needs to upgrade the system.

HOOD: YES, a reasonable request and an opportunity to upgrade the system.

COKER: YES, it seems like something that is needed and fits in with the land use already.

NEPA: YES, logical location with the least adverse impact for adjoining land owners and necessary upgrading.

BUCKLES: YES, for all the reasons stated and this will also provide power for the compactor and electricity for the landfill.

BARNES: Yes, I agree with all the reasons stated.

BARNES: The motion has passed and the Planning Commission recommendation is to approve the re-plat and Subdivision Waiver subject to the Board of Zoning Adjustment granting variances for an undersized lot and a setback.

ATTEBERY: I make a motion that we take the recommendation of the Planning Commission.

CUSTER: Seconded the motion.

ATTEBERY: All in favor.

Motion passed, unanimously.

ATTEBERY: As a Board we certainly hope that it will help correct the situation that we have in the county with power outages. This will also provide power for the landfill and power to property that has never been serviced.

Motion passed.

BARNES: Our next agenda item is a Special Use Permit for the Historic Pines Youth Facility.

BRAD STAM will replace PAUL BUCKLES at this time. The presentation was made at the September 7, 2010 meeting. At that time we thought we were rushing things and there were a lot of questions. We met for a workshop on October 21 2010 to get some questions answered. This will be the hearing for the Special Use Permit. I will read the applicants statement.

APPLICANTS STATEMENT:

For many years The Historic Pines Ranch has enjoyed the privilege of building relationships with various individuals and families via our dude ranch business. At the end of our 2009 season we started pursuing other avenues of keeping our ranch open but switching our facility to an entity that would be able to give back to those who are in need. Due to our work with the Make a Wish Foundation we had decided that a ranch for children with problems would be something we would enjoy very much. This spring we were contacted by several individuals who were actively engaged in making a difference in the lives of youth's ages 12-18. After several meetings with them we realized that the Historic Pines, with limited cost could be changed from a vacation ranch to a therapeutic equestrian ranch. This change is very exciting to us!

Currently our business partners, who run two treatment centers in the state of Nevada, have seen great successes in helping young people make better choices in their lives. The youth who will be treated at the Historic Pines Youth Ranch will have the opportunities to participate in equine therapy, various works and service projects. A key part of the program for the youth will be geared toward giving back to the community they are in through clean up projects, mending fences, painting barns, helping farmers to plant crops and other such notes services. The opening of a youth treatment center will not only be of benefit to the youths but will also benefit the community and allow individuals who are interested in the community to volunteer to help the youth learn skills, crafts, talents and other needed skills to be effective adults. The ranch will provide the youths with onsite therapy, skills, school, recreational actuates, and life building skills.

We feel that in the midst of these economic times that our proposed new business will also bring the potential of new jobs and economic benefits to the Westcliffe area.

We look forward to our community helping make the difference in the lives of these youths.

Sincerely,

Dean and Jodi Rusk

Kenny Anderson

Brett Belliston

Christy Kane

BARNES: This has been a very emotional two months with a lot of different viewpoints. Please try to keep your comments on land use issues and not bring up personal issues. When you come up to the podium identify who you are and where you live. I will start with the Planning Commission members and ask for their comments and then we will hear from the Board of County Commissioners. We will then go to the audience for their comments. Please limit your testimony to three minutes. We have had a couple of requests from individuals representing specific groups that would like longer time. I will encourage you to not discuss this between each other while others are speaking. JACKIE will give us some updates on letters. HOBBY: Note the table in front of the podium. On it are bundles of letters that have been read at previous meetings. I have some here that I received since our last meeting. I will read those that add new information and then they will go into the bundles. Also on the table are the items used in the meetings and two petitions, one for the Youth Facility and one against. All of these items will be part of the public record. I will read the letter from Sheriff Jobe. We also have a letter from Jan and Dave Weddington. They withdraw their previous support. Judith Smith opposes more strongly than before. All letters will be part of the record.

ATTORNEY NAYLOR: JACKIE has this all been filed in the Zoning office?

HOBBY: Yes, this is information that we received from the Pines Ranch, State Regulations and site tour information.

NAYLOR: Everything on this table will be public record.

BARNES: Thank you. Applicants please come forward. That would be KENNY ANDERSON, BRETT BELLISTON, CHRISTY KANE and HARVEY DEAN and JODI RUSK.

ANDERSON: I am one of the potential owners of the Historic Pines Youth Facility. We have made an application to have youth ages twelve to eighteen come to this youth ranch. The maximum would be thirty-two and will provide a good experience for these youth. We are also requesting permission for an indoor horse arena and some storage buildings. During the hearing I will have BRETT and CHRISTY come up when appropriate to answer any questions.

BARNES: Thank you, any questions from the Planning Commission?

NEPA: What are your qualifications?

ANDERSON: I will be an owner of the ranch. I have worked with youth for the past fifteen to twenty years. My purpose in this is to help youth. I do not have a hidden agenda there are no tricks up the sleeve. Some of the kids made bad choices they are not bad kids.

NEPA: What capacity have you worked with kids?

ANDERSON: With a church group, I was in scouting for twenty years. I worked with youth twelve to eighteen years old.

NEPA: Do you have any mental health training?

ANDERSON: No, I have been a stockbroker for twelve years and in real estate for eight years. I am a business owner and have a passion for helping youth.

BARNES: JACKIE just read the letter from Sheriff FRED JOBE. From my recollection that is somewhat different from what we heard from you folks. Could you explain or reply to that?

KANE: I called the sheriff's office myself. When we opened the White Pines Boys Ranch the sheriff's policy was not to respond unless a youth was missing for more than four hours. It was clarified that they would need to respond sooner than that. As far as the removal of youth it's a law if the youth commits crimes then they need to be removed and transported by the sheriff's office. If it's a behavioral issue then we can transport them back to the Probation Dept. We had a couple of youth that hit each other and that was an assault charge. The White Pines Sheriff Department had to transport them to Elko, Nevada which is a three hour drive. I asked the

Sheriff if it impacted the county and he said no. They have never broken into or taken anything. The only problem was a couple of kids hit each other.

BUCKLES: To clarify, you said you spoke with the Sheriff. Was that the White Pine Sheriff? The parameter for transporting, is that the Nevada statues?

KANE: Yes, I would think Colorado would have the same statues or similar but I do not know.

MULLEN: We were provided a copy of your business plan. A couple of questions regarding staffing. I believe that your company is well organized, well staffed and the staff compensated and you have a mission. When I went through the compensation levels I was concerned about the compensation for the management that was going to provide oversight. I became more concerned as I went down the list of people that would be sub-organizational. You are going to pay them less than minimum wage. Am I correct that you are building a business plan on compensating people that will be looking after these kids at less than minimum wage? These people will be looking after these kids and will need to commute to and from work over some distance for 365 days a year, in an environment that a good portion of will be in snow. You are going to compensate them below minimum wage? The second question is that it appears that your revenue comes from state payments for these troubled youth at the rate of \$72,000.00 a year. You will run this facility with thirty-two youth once you get to a steady state level. That will be revenue of about 2.3 million dollars a year. I went through and picked up your expenses and profit margin. You are showing a profitability when you get to a steady state of about \$80,000.00 a month. Run that out by twelve and you will show a profit margin of 41.6 percent, if your business plan has any creditability. I am interested in your comments as a former finance guy. It looks like a business that is being built on what I view as being under compensated. In return you will have a very lucrative business.

ANDERSON: BRETT put together the business plan. We certainly will not pay anyone less than minimum wage. I don't know if we did not know what the minimum wage was when this was put together. We will not under compensate people. The Project Manager will be making \$50-60,000.00 a year. The Clinical Director will make around \$60,000.00 a year. Depending on the responsibility, that will differ. Maybe someone that is a cook for us will have a different salary compared to a wrangler. We sure hope we are profitable. Those numbers are run on full capacity and DEAN and JODI informed us that the expenses to run the ranch are about \$30,000.00 a month. Obviously we will operate in the red for a while until we reach full capacity. We have good insurance and we have been told it will cover any potential property damage done off the grounds. The staff that has more responsibility will be compensated accordingly. We will have between thirty-five and forty different positions. It takes a lot to run a facility like this. CHRISTY has a lot of experience running a facility like this based on her facility in Nevada.

BELLISTON: There are actually a couple of positions that are part time. They will not be full time positions. I believe you are looking at the part time positions that are about \$12,000.00 a year. These positions are not full time. This is strictly an estimate.

MULLEN: One last question. You did not make any comment on your churn. An environment like this from my experience would have a degree of churn. You have run two of these institutions, so you probably have a feel for churn. You are proposing a five percent per year increase in the salaries that you are compensating. After four or five years it would not take long to decide that you would be better off without that person. What is your experience with churn?

BELLISTON: There is some pretty high turnover at the minimum wage rate. One of the major key ingredients is to hire people who are good and will be compensated for that. Our philosophy is to hire the best employees for this.

MULLEN: What is the churn that you are relating to in Nevada?

CHRISTY: At Day Break Equestrian Center we have zero. At White Pines Boys Ranch on our clinical staff we have not lost any of them and the rest of the staff about 35 percent turnover.

NEPA: How many of these are contract workers?

BELLISTON: We will abide by the federal guidelines. There may be a contract worker, for example, a person who we plan on overseeing the medications. That may be a contract worker. We will go by the federal guidelines whether or not they are contract or paid employees.

NEPA: If they are W-2 employees, what is their compensation packet?

BELLISTON: We will have a benefit package in place, health insurance. There will be thirty six positions we indentify. Ninety-five percent will be full time employees and about five percent will be part time employees.

BUCKLES: The revenue from the state, is that negotiable or is that established? That would be \$169.00 dollars a day?

BELLISTON: The revenue is established. Whether it's Medicaid, Colorado Dept. of Education or the Colorado Dept of Human Services we operate under the same guidelines as any like facility in the state. There is some negotiation when we work with counties. We can reduce that rate.

ANDERSON: I would like to state that there are opportunities to bill at the county level for educational purposes. We agreed at the workshop that we would not do that in Custer County and Custer County would not incur any financial responsibility for the educational needs at the facility.

BUCKLES: When you identify the school district, can you do that and still be superseded by the Colorado Dept. of Education?

ANDERSON: That would be a question the School Superintendent would need to answer.

BELLISTON: We control the billing with education. We don't bill. The Colorado Dept of Education gives us a per pupil rate of approximately thirty nine dollars a day per pupil. We can bill an excess cost rate above that. We control the billing and if we choose not to bill the State of Colorado or to bill the county from which the youth came from for the excess cost rate, that is our choice. The state does not mandate it. We just have to bill it and document that the youth have received proper education and a proper curriculum, then they reimburse us for the cost of the education.

BARNES: I would like to comment. RANDY WOODS represented the School District at the workshop and at this time we have the Superintendent of our school district, LANCE VILLARS. Do you have a comment?

VILLARS: Yes, everything they said is correct. If we choose to enter into an agreement with them that they would agree not to bill us for the excess cost, there is nothing that would supersede that agreement. They cannot come back and bill us.

BARNES: I am going to ask JACKIE for a comment. We received an e-mail from you that you had sent to the applicants asking for information. I would like to know if that information was provided?

HOBBY: One of things was a business plan and everyone received a copy of that. The other item was in that the first meeting you stated that you had a certified water inspector and I did receive an e-mail stating that one of the employees of the HPYR would be taking the courses and become the certified water inspector. When we discussed licenses, I had received a

license for CHRISTY from Utah but I did not receive a license from Nevada where White Pines is located. You will be required by the State of Colorado to have a license for this state.

BELLISTON: We will need a license from the Department of Human Services and one of the requirements is the Special Use Permit. The state department that does the licensing has been to the facility and will not approve the facility until we have permission from the county.

HOBBY: We also have the report from the inspection that the State did at the ranch.

BARNES: Any further questions from the Planning Commission?

MULLEN: A lot of us are successful because education was a big factor in our life. I am assuming that if there is any hope for these youth it will not only be based on discipline but education also. When I look at your business plan I note that you have a special education consultant and two teachers. I am struggling with the fact that for the first six months you will have one teacher and a consultant part time. You will have a school environment that meets Colorado criteria so when they end up they will have something similar to what Custer County meets. I hope that is your goal.

ANDERSON: Yes, education will be a huge factor in this. The kids will not be in the classroom at the same time. We will rotate during the day. The thirty-two kids will not be in the classroom at one time.

BELLISTON: The reason we started out with one teacher is we will not be at full capacity in the beginning and when we are we will hire another teacher.

MULLEN: My next question is for LANCE VILLARS. Can this institution end up with a certified education program with a maximum of two teachers, does that qualify them?

VILLARS: That is completely left up to the State Department of Education.

BELLISTON: The day staff will also be in the classroom. There will always be two individuals at all times with the youth. We will have thirty-six people on staff, most of them will be there during the day. The night staff will be less.

BARNES: Mr. Chairman does the Board of County Commissioners have any questions?

ATTEBERY: JIM do you have any comments?

AUSTIN: I am going to withhold comments until I hear from the audience.

ATTEBERY: We will wait and hear the comments from the audience.

BARNES: PAUL, do you have a question?

BUCKLES: Yes, how many people on staff will have licenses and how vulnerable will the institution be if those licenses are revoked or under scrutiny?

CHRISTY: Are you referencing clinical licenses?

BUCKLES: Yes.

CHRISTY: Medicaid has a requirement of the number of staff required to have those licenses. In the state of Nevada its one to ten and in Colorado I would need to find out. We will follow their guideline for licensed professionals.

BUCKLES: Would there be overlaps in the ratios in case someone had an issue with their license that the whole place would not go into limbo and could still be functioning?

CHRISTY: Yes, we have had that at one of our facilities. A youth can make a complaint about a staff member and that member is put on suspension until the facts are clarified and that does not put the facility in limbo. It still can function.



BARNES: At this point we are going to seek public input. The first two speakers represent groups. I want to reiterate to come to the podium and state your name and address.

DON HOPKINS: I have property north of the ranch. We have been engaged with people that oppose this taking place at this ranch and as we have discussed it. We have tried to consolidate these comments into an overview. Is a Special Use Permit appropriate in this situation? We must work with the Zoning Resolution and the Master Plan. This Special Use Permit will violate the Zoning Resolution and the Master Plan. The Pines Ranch is in Zone II, a residential and agricultural area. A commercial use might be permitted in that zone but such a use must be supported by agricultural, forestry or recreational use. This correctional facility for troubled youth for profit does not meet that definition. They may want this to be a ranching area business with the equine program, but it is not supported by local ranches.

The Master Plan introduction says "neighbors respecting each other and a less stressful life for county resident ensuring that the county is a safe place for families to live and prosper" we strongly believe that this proposal undermines this instead of supporting this. So how do you make a decision? The standards are set out in the County Zoning Resolution in sec 8.6 and 8.7. A non conforming use should be relevant to its surroundings. This facility is in a residential neighborhood. This facility is not going to be a home, it's going to be a short term correctional facility. Second, it should be compatible and not have adverse impacts with adjacent properties. This clearly means that the concerns of the neighbors should be given special consideration. I am not talking about the technical definition of neighbors that are touching the property. At this time there are forty to fifty residential sites and homes. All those people have a valid concern. A third standard is that nonconforming uses will not jeopardize the safety of people in the surrounding area. Runaways will happen and has happened in Nevada. Forrest fires are another concern. A fourth standard is that a nonconforming use should be adequately buffered from property owners. You know from the site tour, this is not buffered from adjoining property owners. The residents present and future have to transport themselves through this facility to access their homes. A fifth standard is the vehicle traffic. Our group firmly believes that traffic on CR170 will be greatly impacted and it will be year around traffic. It will necessitate additional road maintenance and snow removal. In applying these standards the applicant should represent that these will not be an issue.

GEMIN: I have been asked to speak for some people in the Pines Village. Once you allow this Special Use Permit the county will relinquish it's control over a mental health facility in our county. It will turn that responsibility over to the owners of a private company and the State regulatory authorities that are already overworked and under budgeted. State regulations will trump any concerns that our county might have. We will not know the problem severity of the youth due to the HIPA regulations. There will be no transparency. This is a private operation and it is totally within their rights to withhold information. State statute does not regulate the severity of behavioral problems that is qualified to be at this TRCCF facility. There is only one level higher then this facility.

In August we were told as homeowners they would only accept residents with a risk score of one to four. Then in the September meeting with the Planning Commission, they stated that they would accept youth with a risk score of some fives and up to ten percent fives. What we have heard over time is that the risk score has increased and they are willing to take higher risk kids and we will simply not know what the risk score will be for the youth once this is approved. They could take tougher kids once this is approved to keep the beds full. Our counties ability to know that information is part of the protection of the public. Another concern is cost to the county concerning maintaining the county roads. DAVE TRUJILLO of the Custer County Road and Bridge Department stated in his letter that they have no plans to increase

maintenance on these roads. He did have a concern about the increase in traffic. Historic Pines Ranch is probably a four to five month a year facility. We are now looking at when it reaches full capacity of thirty-two youth, thirty to forty staff will be coming and going. At the October 21st meeting we heard that there would be year round delivery and pickups of approximately eighty or more youth a year. It's easy to get thirty- two in your head but at White Pines they have had approximately 160 youth in two years of operation. Delivery trucks year around, possibly more than once a week, up to forty staff coming and going, most living off site. Monthly case workers coming monthly to visit the youth, quarterly inspections by the CDE and the CHS, family visits and the off site visits by the youth to the bowling alley etc. This does not seem reasonable to think there would not be any additional costs to maintain the roads. The Division of Child Care that licenses the TRCCF in the state requires an emergency medical evacuation plan be in place and I have not, in the two public meetings, heard that brought up yet. This is a State requirement and at some point the Medical Clinic and the County would have to be involved. There are a couple of road safety issues, with increased traffic the turn onto Pines Road from SH 69 and the blind curve. I am sure the County realizes the liability if they would have to reach that many youth in the winter time. I do not believe it is fair to our County to bear the financial issue concerning the County roads. Law enforcement, SHERIFFJOBE, has remarked in his letter that he would take care of any problem that comes up. His latest letter brought up some issues that the White Pines Nevada Sheriff has experienced and also some issues with relations to this location, the close proximity of trees and mountains. If a youth should run away, and a youth will run, and we know from previous meetings that they will not be restrained. Also, it was brought up that due to the harshness of our winter, making runaways a priority to find them as quick as possible, Search and Rescue volunteers might have to be called in. And again he mentioned the issue of transporting the out of control youth. There seems to be enough history at the Nevada boy's ranch to raise concern of some level of additional expense on law enforcement resources. The White Pines Sheriff still has not retracted his statement that was presented to the Nevada State Child Care in February when the White Pines facility requested permission to allow weapons safety at the facility. Where it was noted "that the Sheriff was called to the ranch for violent behavior" and "that they have transported children that they can't control to the Elko detention center," so again, I think it is unrealistic to think there won't be issues due to fights and runaways. There will be additional use and cost for law enforcement. I was going to skip schools all together since RANDY and LANCE have done a lot to make sure that our school is protected. In terms of a list of possible jobs that they have, and it may be in the business plan. But I did not see a Director of Special Education. That will be required by the CDE. I bring this up because of our regional BOCES, they are responsible for the special education need. They also have a say-so if a youth from one of their regional counties will be allowed to attend the ranch. There are not educational needs covered in the educational plan. BOCES can reject the youth from other counties. They also are concerned that the two highly qualified teachers they plan to hire will also need special education as part of their qualifications.

A final point, there is a growing list of contradictive statements. For most of us that have attended public and a private meetings there is a serious concern about it. We have been told, and seen, that there has been a change in the risk level that they would allow. It was one through four then taking fives. Ranch neighbors were particularly surprised at the October 21st, 2010 workshop that the White Pines Ranch had six runaways. We were under the impression that there had only been two. That came out during meeting with the owners and potential buyers. We were told on September 7, 2010 that there would be no impact on our school system. In the work that has been done there will not be any impact on our school

system. On September 7, the owners did not state there would be no impact on our school system because at that time they did not know. Why not tell us it was something they were working on. We were also told at the workshop on October 21, "the youth will not see more than one house, if that. They will not be aware of the homes in the area". Driving up to the entrance to the Pines you see four or five houses. From the barn you see six or seven homes minimum. On trail rides from the Rainbow Trail you can see the roofs of all the houses. Why not just say they will be able to see the homes. While all these inaccuracies are not troubling individually, our county is being placed into a situation where we're hearing various numbers on what youth they will take and the number of youth that have run away in Nevada, contradicting information from the White Pines Sheriff in Nevada. There will be no transparency. You will not have any control of this facility if the Special Use Permit is allowed. The owners of the facility on a couple of occasions have point blank asked us to trust them. I could not agree more we have to trust them with the facility and the information that we have been given.

BARNES: Thank you BUTCH. I appreciate the efforts you and DON made to facilitate this along. Next we have a request from ELLEN HOPKINS to speak.

ELLEN HOPKINS: We've had a home here for thirty years. I've been asked to read two short letters from people who are opposed to this but could not attend today's meeting. These are people that believe that the proposed youth ranch is not needed to serve the population of troubled youth and offenders of this state. These kids would be better served by the excellent facilities already in place in Colorado. This goes to the issue for many of us that do care to help children. This letter is from JERRY ADAMEK, a former Director of the Colorado Youth Correction. "Why is another residential youth facility placement in a rural area needed. A 100 plus bed program in Canon City has not been making it. Colorado Boys Ranch in La Junta, long established, has been scrambling to keep thirty to thirty-five kids in a ninety bed program. The issue of keeping good staff is not promising and courts and human service agency are not placing kids. The residential placement numbers are dropping in every state that I have contact with and those being placed are tough kids." The second letter is from MARY ELLEN LESAGE. "My major concern is the welfare of the youth in this facility. To reach this type of referral they have been in the system and not done well at the many different levels that the State of Colorado offers. Colorado already has many excellent facilities that over many years have proven to help teens obtain a productive adulthood. Fewer adjudicated teens are being sent to residential facilities resulting in open beds. These facilities have highly educated and experienced staff. Budget cuts are affecting all the surrounding states that send youth into the juvenile system. When making your decision, please take into account these young people. Only a professional therapeutic setting will be able to finally find success."

DARRY STANSBURY: I have a concern with the runaway clients from the ranch. The Custer County Zoning Regulation Section 10 Paragraph 7 sub point B states such use does not jeopardize the safety of people or endanger wildlife in surrounding areas. Information regarding other facilities operated by MS. Kane suggests that runaways are to be expected. The homeowners of Spread Eagle and the Pines Ranch have homes in the surrounding area adjacent to the Pines Youth Ranch. Concern for our safety is paramount. Property damage and homeowners safety could be jeopardized. The HPYR clearly violates the Zoning Resolution that such use does not create or endanger the safety of its citizens. I am opposed to this Special Use Permit.

DIANE ROSE: I live in Fremont County, but I do operate a business in this County and my son attends the local School. The potential economic impact it will be to this County concerns me. Besides others mentioned by prior speakers another is property values. There would be a

reduction in property values for not only that area but for the whole valley. Tourism is another thing. The county is trying to be promoted. This correction facility would only impact the county in a negative. Local retailers have been told that the youth will frequent local business, the bowling alley, theatre and Club America. As a parent it will only take one time for one of our local youths to be assaulted. I do believe it will result in a decrease to the local business at those facilities and as for my child they will not be there. I am opposed to this.

DEB MILLER: I live in the Spread Eagle Subdivision, My husband and I dreamt of living in the mountains where life could be lived in a more relaxed pace. We purchased a piece of property because of the conveniences that align with our views and those parts of the Custer County Master Plan that state protecting local values and preserving community assets and being responsible stewards of its inspiring natural environment. We love the rural, peaceful feeling of this area. Canon City made its choice and now it is known as the prison capital of the United States. Custer County would be known as having this correctional facility for teens. The lessened appeal to the valley and its visitors threatens the valleys future. This commercial venture is completely non-conforming to Custer Counties heritage and character.

TERRY DAVIS: As a former School Superintendent with a PHD in School Administration and the County Superintendent representative for twenty-one different School Districts to the juvenile court system. My remarks are limited to the students and the responsibilities to the local School system. First and foremost are the needs of the students. We must recognize that these students have severe problems which didn't just occur but have developed to an ongoing individual need. These youth should not be enrolled in a program that may not be as good as the one that they are attending. The staffing must be highly qualified i.e. Special Education Certification including all aspects of the needs of these specific children. It is questionable that one Director of Special Education and two teachers with highly qualified specifications will in any way be able to meet the needs of thirty-two special needs children. These youth have already experienced failure and we must not let it happen again. A possibility of a failed program will promote another failure for these youth. Therefore, we would be an enabler to failure. As a Superintendent, I would certainly question the quality of the program being offered. Is it better than what we are currently offering in our own school district? Who will evaluate the program? What is that persons qualifications to do so? The community will not be allowed to know the severity of these special youth because of HIPA. If the District is currently receiving the per pupil expenditure dollars from the State and possibly federal funds why would we give this up for students to leave and possibly attend another school? Would there be special arrangements made and are these youth still our responsibility? Or, do we transfer this responsibility? What is our liability for now and the future? Who approves the transfer? Is the Westcliffe School District exempt from any of the responsibility to provide any services to these youth? What about athletics and extracurricular activity? Where do these students rights come into play? I am certain that State and Federal regulations are involved in this entire matter. Who will be responsible to see if all these regulations are met? In closing, why would we put any youth, a school district or a community at great risk when there are so many unanswered question regarding liability, and a moral commitment considering the Special Use Permit.

JOANIE LIEBMAN: I worked for thirty plus years in the adolescent health field as a Counselor, Advisor and State agent. I co-authored and authored curriculum for adolescent treatment which is still being used today. I believe I do know what it takes to turn kids around to be happy and healthy productive members of society. I do believe that education is a big part of it. It's really hard to focus on learning when you can't even deal with how you're functioning day to day, when you're filled with rage, grief, sadness, loss and anti-social behavior. I understand

when you are saying how much education helped all of us. In a residential treatment center with the kind of kids this kids are, they will need some really serious therapy. What is the therapy that will be used for these kids? Nowhere have I seen that. You really need highly qualified, experienced, trained people whether they are Special Ed, Psych nurses who can work with children who have had sexual, physical abuse. My concern is the qualifications and the leadership of this organization. My understanding of the leadership of this particular organization background is finance.

DOROTHY CUSACK: My Grandfather built the Pines Ranch. This type of facility does not preserve the historic and family issues that are my concerns. One of my daughters works with disturbed teens and is aware of the destruction that can be caused by outbursts.

TANYA CUSACK. (Daughter of Dorothy): The thought of the destruction of the historical value of the Pines Ranch hurts my feelings. My family has a cemetery located on property close to the Pines. We already have problems with kids that go up there to smoke and throw beer bottles at the family cemetery. Every year we go up and clean up the trash. What will it be like now? I have worked with BOCES. I have taught special needs kids and I know how they are. If these kids come to your home and are angry, I guarantee you the headlines are not going to be good. How will my family come up to our privately owned cemetery? The Historic Pines Ranch will not be respected by these kids, especially those kids with issues. Respect my Grandparents. Everyone else who said something, thank you.

PAUL RONDEAU: I have owned property here for fifteen years and am finally in the process of building my retirement home. I thought compromise was possible. I now realize how naïve I was. I think it would be in the best interest of the County to deny this Special Use Permit. I put together four hurdles:

The first hurdle is changing the County image. This would give us the new signature icon of Custer County including the signature cynical characterization and a constant reminder of a decision that was made in 2010. I believe this project runs counter to the County Mission Statement. I am also talking about critical omissions, inconsistencies and inaccuracies. I documented two pages of them. Most were covered by previous speakers.

ARLENE MACCHIA: I remember fifteen years ago a man named Les Franklin who had a son that committed suicide and wanted to have a youth facility, the Shaka Franklin Foundation. It's built on four hundred acres on Mountain Springs. It's empty. It's deserted and it's rat infested. He had a second son that committed suicide and now it sits there as an awful reminder of what can happen and I agree with everyone else.

DAVE BUTLER: I have been a resident for about twelve years. After all I have heard here, someone needs to speak for the troubled youth. I worked at the El Pueblo Boys Ranch for twelve years. The program Director there would tell you that they had a ninety two percent success rate. I could never really swallow that. It all depends what you consider a success. If a kid comes here and does not shoot anyone in three weeks, that's a success. In twelve years I would say they had a fifty to sixty percent success rate. My definition of success was they come in on a bad path and leave on a better path. There are not a whole lot of good facilities. El Pueblo Boys Ranch is pretty good. All I hear you people saying is my money, my roads. If the rest of the County feels like what I heard today, maybe it would not be good if they came here. They come from families of drug addicts, alcoholics and people that already do not want them. From what I am hearing no one in Custer County wants them. I think that sucks, excuse my language. I took a tour of the Pines Ranch. It's a fine facility and as far as Pines Road it's been that way in the twelve years I have been here.

JODY JOHNNIE: I have been employed by the Pines Ranch for the last two years. I was previously employed as a Sheriff's Dispatcher in Kansas. Through those years I have seen

people that need help from the young to the old. If we throw away kids, if we are so better that we can't help kids there is something wrong with us. I have time for one, so does everyone else, we should give it a chance. It will be a good thing and I am not above all of it.

BARRY MCBRIDE: My wife and I own lots in Pine Village. Westcliffe is a special place not for what it has but for what it does not have. This community had the foresight and wisdom to enact conservation easements that preserves a lot of values. There is no documented need that this will benefit the community. There are hundreds of empty beds in nonprofit organizations. Colorado Boys Ranch offer all the same therapy options for children. We are not against helping children. Make donations to these nonprofit organizations that are in financial straits. If there was an unmet need and children needed help because of this particular ranch I would be supportive. Thank you for your time.

JOHN JOHNSON: I am a real estate agent so I will speak about property values here in Westcliffe. The Master Plan is an advisory document that respects the individual property rights and balance with the best interest of the entire community. When these conflicts occur, the decision makers must find a balance that never loses sight of the County's vision, "...respecting its rural, agricultural, mining and western traditions." You mentioned in your application that there would be no new signs, but the first one that I think about would be "Don't pick up hitch hikers".

In the application procedure on the SUP it must be adequately landscaped and buffered. I have heard no mention of this. In the Zoning Resolution 8.6 "Appropriateness of the development for the project site and its surroundings" How do you identify surroundings? In Custer County I sell real estate. One of the things I do is bring people to the twelve mile marker and show them the Sangre De Cristo Mountains. That is my surroundings, if this goes through it may not have any impact on my sales. What happens if other facilities join this? The equine therapy is a program, the detention center is a business. The Sangre De Cristo planning area land use will be primarily ranching, farming, commercial or industrial which support ranching and forestry will be considered through the Special Use Permit process. They have not asked for a commercial process.

LANCE VILLARS: I am the Superintendent of Custer County School District. A lot of concerns have been raised on how this would impact the District. After lots of phone calls and discussion along the route that they are going, if Colorado Schools approve this there would absolutely be no impact on the local School District. I want the Planning Commission to know this. The one thing we talked about, if you approve this Special Use Permit, is that there would be some stipulations that they would have to adhere to. That in two or three years they could not stop providing an education at the facility.

BELLISTON: I want to thank the Planning Commission and Commissioners. You have been superb and on task and kept the personal issues out of it. I have heard a lot about the quality of life in Custer County. This is exactly what the kids that will come here need. To assume that thirty-two kids from this facility can change the quality of life is inaccurate. We made it abundantly clear that we will not have kids with violent behavior or sexual abusers in our facility. We do not want kids in our facility that are a danger to themselves, staff or us. Our interests are aligned with that. The quality of life is what these kids need. They have never had quality of life. Success rate can be determined on a lot of different things, if it's fifty percent or sixty percent it is how you determine success. We will make a difference in the life of these young people who in general will come from rural counties. We had two Department of Human Service Directors at the facility yesterday. Kathy from Alamosa County said this is by far the best facility she had seen for kids because of the quality of life and the atmosphere. The reason that beds are empty at the other facilities is because those are sterile facilities. They

are hospitalization facilities. These kids do not need incarceration. They need quality of life that is what the facilities in Nevada do and that is what this facility will do. Only the Planning Commission and the Director of Special Education can make the determination that this reaches the values of the County. Myself, Kenny and Christy are outsiders. The Rusks are not, they have the same value system as us. Number one is they want to work with kids. If we make a profit, that's no one's business. There is a contradiction here. Everyone keeps talking about all these facilities closing. All we can do is operate a quality operation here that makes a difference in the lives of these kids. If we do that we will make a profit, we can make a difference in the lives of these kids. Placement agencies will send their kids here and we will make a profit. If we do not, then we will be done in two years. The DHS Directors that have been up here like this and they see a quality that will change these kids for the rest of their lives. It will not change the quality of life for the residents in this huge county. These kids are twelve to eighteen, they have not had premeditated violence. There will be some additional traffic, the residents do not go directly through the Pines. Our experience is that it is easy to find staff that is willing to work. Regarding the quality of education we have been working with LANCE VILLARS and RANDY WOODS. There will be no impact to the local School system. The Department of Education will monitor us. We do not plan to use the old CUSACK building to house any youth. As far as property values what drives property values is income. If we operate a great facility with little impact I believe property values will not change and could possibly go up. I appreciate your time.

BARNES: Any other comments from the applicants?

KANE: I think there needs to be noted that there have been no crimes committed by the youth at White Pines Boys Ranch. As we listen today of the fear that what these kids could do, you may call Roxanne. There has been one event in our history where a youth left and stole a car. With all this fear of what a youth could do, there is no documentation for this even on the state level. This is not a correctional facility, this is a working equestrian ranch for youth. We react in fear, look at the statistics. There are no records that youth leave the facility and commit crimes. It does not happen. Youth that have the potential to do that do not get to go to our type of facility. The typical youth will have a diagnosis of depression and/or anti-social behavior. They will have a rap sheet of petty theft, playing with firecrackers etc. They are not coming into this facility with accusations of attempted murder or rape. Residents are painting the wrong profile. Ninety percent of the female youth have been sexual molested or used as prostitutes. They are not violent. They have not committed terrible crimes. We take youths from dysfunctional families, they did not commit a crime, they are removed from the family. We will help kids that have failed other programs, that come from residential facilities. Institutionalized treatment for youth is proving it does not work. This is an equestrian therapeutic intervention ranch. There are a lot of institutions that are empty in Nevada. Mine are full because there is a difference when you put a kid on the back of a horse or you set a kid in a twelve by twelve cell. There is a difference in treatment. I respect the neighbors. They have never been around this. We hope for the best, we prepare for the worst and we take what comes. I encourage you to call the State, talk to them, find out how often they escape, how often they cause damage or commit crimes.

ANDERSON: I would like to say how appreciative I am for the opportunity to meet everyone. I am impressed with the talents and the generosity of the citizens. This would be the place I would want to raise my own kids. You hope that your own children will not make poor choices but there is no guarantee. A lot of these kids that come to this facility have been caught doing some bad things. How many of us have made some bad choices or our children have and never been caught. They could have benefited from a program like this. There are some really

bad facilities out there. With the talent and gifts of this community and the really great people there is an opportunity to embrace these kids and make a difference in their lives. BRETT and I do not have the clinical background that CHRISTY has. We have an incredible will to help these kids.

If all the facilities that are out there now were to have the attitude of, "I don't want this in my back yard", where would these kids go? This facility will teach a good work ethic, respect accountability and education. This is the kind of program I would hope you would want that all of these kids could come to. Heaven forbid if they make some bad choices. Kids do make bad choices. You have the opportunity with a facility like this to embrace these kids and make a difference and change their lives with a fantastic facility like this. I hope you find the opportunity in your heart to allow this to happen. Thank you.

BARNES: Thank you KENNY. BUTCH you would like to say something?

GEMIN: I don't think anyone in this room does not want to help kids. I am a closet liberal in a conservative county. I have had sleepless nights over this. It's gone from conflicted to opposition with a lot of thought. I do want to bring up a couple of things. I agree with DAVE BUTLER, El Pueblo is a good facility, they have empty beds. CBR Youth Connect has been around since 1959, they have done a three year study on animals and horses equine therapy with Purdue University School of Human Services and have empty beds. These are not lock down sterile facilities and they are trying to help kids too. I want to make sure we are characterizing CBR Youth Connect. At the workshop it was characterized as just a working ranch. I don't think a working ranch does three year research studies. I want to clarify some of the other facilities that do have open beds for kids in this state.

BARNES: Commissioners, would you like to comment?

AUSTIN: No. I want to wait to hear what the Planning Commission has to say.

BARNES: You are going to defer again until the Planning Commission comments?

AUSTIN: Yes.

CUSTER: I have a couple of comments to make. Thank you BUTCH GEMIN for coming up. I know a lot about the ranch down in La Junta that helps youth. I give a lot of my dollars to them. I also want to thank CHRISTY KANE. She came to our Custer County Collaborative Management Oversight group that includes our Eleventh Judicial District, Mental Health and Behavioral Health and other providers that support our youth in this county. I believe you got some good feedback from the members of our group. Whatever the outcome, I appreciate that. Also, thank you for picking up the banner and wanting to do something for our youth. It's important that our children have a good start in life. Thank you very much. This has not been easy on you.

ATTERBERY: I do have a couple of comments. The transportation issues, the work issues, the fact that the youth will be working on the ranch. That's fine and that's great, until it's thirteen below zero and you are sitting there with thirty-two youth and two staff members. I do not see what they will do with their free time. There will be six or seven licensed staff members at the ranch. Where do those folks come from? We have employment problems throughout the county on a number of different levels. This concerns me, and the health, safety and welfare of these youth. Those three items will come forward when we hear a recommendation from the Planning Commission.

BARNES: We have two options. If we feel we need to get more information or we need more time we could table it. Or, if that is not the case, I would like to entertain a motion.

NEPA: We were given a report of inspection and a good number of the buildings need work on them to operate this facility. I understood BRETT to say that you were not going to use the 1892 house. It has been used in this report as a count for the numbers of youth.



BELLISTON: That is correct, they examined all the buildings. The state said that with the current building we could fit fifty youth. We are only asking for thirty-two youth so we have no need to use that building.

NEPA: As a personal issue it is very hard to go through everything. I would move that we table this, but it is very hard for people to keep coming back. We have been given a lot of information and I still have questions. JACKIE went through the licensing requirements and I believe that there was something said that you were required to always have someone with an educational degree.

HOBBY: The Administrator shall have received a bachelor's degree from a regionally accredited college or university and have three years of verified experience in the human services field, one of which was in a supervisory or administrative position. Or, the administrator shall have received a master's degree from a regionally accredited college or university and have two years of verified experience in the human services field, one of which was in a supervisory or administrative position. Also, if the administrator is regularly absent from the facility more than fifty percent of the time an assistant administrator shall be appointed.

KANE: The way we are required to submit the application, the Director does not have to be clinical and that person has to be approved by the state. There is not a decrease in the qualifications. Our clinical staff will all have Master degrees.

NEPA: We have to depend on the state to enforce that?

HOBBY: Yes. We are a land use board. We only deal with the land use issues. The state deals with the licensing and that goes back to the HIPA law.

MULLEN: We now find ourselves as Planning Commission members and Alternates sitting here having to decide what we will do. The reality is we should not defer this.

NAYLOR: I think if we are not going to have any more hearings. Let them make a decision, if it is approved you have a lot of conditions that need to be discussed. Or, we can continue to another date without the public. That would be a recommendation.

BARNES: We've had two months to gather information and we should make a decision. I will make a motion. First, I want to thank everyone. It has been very helpful. Initially when this started out we heard a bunch of information from the applicants and none of that could be backed up. I was leaning towards allowing this for a period of time but I don't think we can really do that. It's a difficult decision. I had some concerns where we lose control of the process with the various departments. I also had some concerns about when we checked into the background of some of the people with the issue of the Utah license that was not brought to us up front. FRED JOBE'S letter was very influential. I have been associated with the Pines Ranch and I am really concerned that if they are out of the picture who we will have running the business. Initially the information we were getting was from the Pines Village and Spread Eagle who were directly affected. Subsequently we have received a number of comments from people throughout the county, business leaders and community members. We have about eighty percent of the people that are opposed to this. This is a very compelling argument. That is not saying that I am unsympathetic with helping youth. A number of you have referenced 8.6 of the Zoning Regulations. We are supposed to pay attention to the people and I think they have spoken. I motion that we deny the Special Use Permit.

STAM: Seconded the motion.

BARNES: Any discussion

No comment

BARNES: All in favor, BILL did you vote to deny the motion or not?

DONLEY: The motion is to deny the Special Use Permit?

BARNES: Yes

DONLEY: I am not voting for that.

BARNES: So you are opposed to the motion?

DONLEY: Yes, that would be a logical assumption.

BARNES: ROD?

COKER: I am opposed.

HOBBY: We have five in favor and two against the motion.

REASONS:

STAM: YES, I believe that the proposed change would work a fundamental change on the area. Taking it from a rural residential ranching area to where it's best known to its occupants as a detention center. There is wide spread opposition from people that will feel less secure in their homes and concerned about roads and property values. We need to go very slow in approving a Special Use Permit. In the absence of a compelling need for a great benefit, I don't believe we should approve this Special Use Permit. I have not heard anything that suggests there is a compelling need. We have heard about other facilities that have vacant beds. We have not heard from anyone from the Department of Youth Corrections or Department of Human Services that they need this facility. Nor has it been demonstrated that there will be a great economic benefit. Under those circumstances I don't believe that there is anything that would overwhelm the negative affect that this would have on the people that live nearby.

NEPA: YES, Who was it that said don't wish for something because you may regret it. I have been involved in this from the beginning, reading all the letters and memos listening to and taking notes. I sympathize with the Rusks and their issues. As we read the Master Plan and Zoning Resolution the community as a whole has made its case against approving this permit. There is a lot of evidence to the fact concerning safety and I do not believe it is appropriate to the surroundings. The physical structures are there but the surroundings are not amendable to this type of use. The financial advantage to the county could be negative and I feel comfortable to say NO to this.

HOOD: YES. I voted to deny this Special use Permit. I guess I was mostly concerned about what our Zoning Resolution states that it must be compatible with the surrounding uses of the land and would enhance the surroundings. We have granted Special Use Permits in the valley and they were for uses that support existing uses. I would have concerns about security and line of sight. They better not be more than two to three feet away as they could run behind a building or tree.

BAILEY: YES. One thing, as a member of the Planning Commission that was appointed to this position, a majority of the residents have spoken today. That is one of the main reasons that I voted this way.

BARNES: YES, I gave my reasons when I made the motion. To add onto what KEITH said, we need to pay attention to what the neighbors say and the compatible uses. The county has spoken and the majority is against this.

DONLEY: I am not going to comment because I did not vote.

BARNES: Did you abstain?

DONLEY: NO, you did not ask for a specific vote. You asked if I voted yes.

BARNES: Are you abstaining or voting no?

DONLEY: The vote has been taken.

NAYLOR: Record the votes that voted for it.

HOBBY: Five to deny.

BARNES: The motion has passed and the Planning Commission recommendation is to deny the Special Use Permit.

CUSTER: I make a motion that we take the recommendation of the Planning Commission.

AUSTIN: Seconded the motion.

ATTEBERY: All in favor.

Motion passed, unanimously.

REASONS:

CUSTER: YES. All three of us were elected by the people to serve their interests, whether or not those are our personal or professional interests. I strongly support quality education and as we go forward as a community we must find ways to serve our youth.

AUSTIN: YES. When these guys first got here I told them if there would have been a facility like this when I was a kid I probably would have been a brain surgeon. I have been sober for thirty years. I know what they can do. In the very beginning we were given information and it changed. That is a credibility issue. Was it a mistake or what? You start with a four to one ratio and just boys, then coed. The story changes and that is part of the fear. I have answered e-mails for thirty minutes every morning and they are against it. This facility is sitting in the middle of a sub-division and it does not fit in. You have put a lot of time and emotion into this as has everyone in this room. We are elected to represent the people and they have spoken.

ATTEBERY: Yes, pretty much what my predecessors have said. I feel the same way. We are charged with land use and health and safety issues. The land use, I believe this is the wrong place and the wrong time. The health issues would sure be healthy for the kids. Safety is a concern for the neighbors and surrounding people which I think it is a very big problem. I agree with DOROTHY. We do not know enough, but that does not matter. The responses are at least fifty to one against and that is why I denied this application.

BARNES: Thank you. I know that you have done a lot of work. It has been a tough decision.

JACKIE do you have any announcements?

HOBBY: December 7 at 1:P.M. the BZA will have a hearing and then the PC will have the hearing for the substation.

ATTEBERY: I make a motion that we adjourn

All in favor. Motion passed

BAILEY: Make a motion to adjourn.

COKER: Seconded the Motion

Meeting adjourned at 4:16P.M.