Minutes of the Board of County Commissioners Meeting, held on February 25, 2015 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair -Absent
Marianne Dunne, Vice-Chair
Mike Yohn, Commissioner
Jason Kelly, County Attorney
Peter Kampfer, County Administrator-Absent
Brittney DeHerrera, Chief Financial Officer
Belina Ramirez, Office Manager

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Addition of Board of Adjustment appointments for Eric VanGeisen and Pete McGee to Consent Agenda, addition of Facilities Management Andrew Atencio, and addition of Support letter for Healthy Forest Management act.

M/S Yohn/Dunne motion to approve the agenda of February 25, 2015 with additions. Motion was passed unanimously with Allen absent.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
Regular Minutes-February 11, 2015
Public Hearing—Board of Health Resolution 2015F3

Commissioner Yohn asked for correction on page 11 had 250,000 million should strike out million.

M/S Yohn/Dunne motion to approve the Minutes of February 11, 2015 with changes. Motion was passed unanimously with Allen absent.

Approval of Bills/Obligations

M/S Yohn/Dunne motion to approve the Bills/Obligations Motion was passed unanimously with Allen absent.
Public Comment

Christina Gallegos Court Administrator and member of 12th Judicial Task Force spoke. You will be reviewing applications for underfunded facilities grants that they are requesting today. It is due March 2nd. DOLA requirement for matching grant is April 1st so County would need to work in line with this.

Approval of Consent Agenda

NACCHIO Subaward Agreement
SLV Crisis Response Network Mutual Aid Agreement
Support letter for Healthy Forest
BOA appointment for Eric VanGeisen and Pete Magee
Colorado Judicial Department Underfunded Facilities Commission-Master Plan
Colorado Judicial Department Underfunded Facilities Commission-Matching Funds

Pull Colorado Judicial Department Underfunded Facilities-Matching funds for more discussion.

M/S Yohn/Dunne motion to approve Consent Agenda without Colorado Judicial Department Underfunded Facilities-Matching Funds
Motion was approved unanimously with Allen absent.

Colorado Judicial Department

Commissioner Yohn stated this Colorado Judicial Department Underfunded Facilities Matching Funds is to match funds for DOLA grant. Mr. Kelly stated in the grant application it states the county plans to have a 1% sales tax on ballot and we haven’t decided yet. It is up to a 1% sales tax.

m/s Yohn/Dunne motion to approve Colorado Judicial Department Underfunded Facilities Matching Funds
Motion was approved unanimously with Allen absent.

Public Hearings

Tu Casa Children’s Advocacy Center

Commissioner Yohn asked how many clients. Since November they have seen 27 children but since the program began they have seen over 250 children. They don’t believe there is more child abuse just more are aware of their services. Not only from Alamosa but all the counties through the San Luis Valley. They order through SLV health to make sure they have the appropriate equipment but one was ordered incorrectly and they are waiting on that for the pediatric exams.
What does the audit consists of asked Commissioner Yohn. It is their regular fiscal audit. They have already been audited by HUD.

Commissioner Dunne enjoyed the tour and think the children would enjoy their visit.

Ms. Riley-Lopes stated they have had children feel more comfortable. One literally said they could actually feel like a kid again.

Commissioner Dunne stated they are very fortunate and proud to have a facility like this.

Brittney DeHerrera stated anytime we take on monitoring for a grant they have to put a lot of trust in what they are saying they are doing. She has done a really great job. It is great to rely on her professionalism.

**m/s Yohn/Dunne motion to approve Post Award CDBG for Tu Casa Children’s Advocacy Center**

Motion was approved unanimously with Allen absent.

**Board of Adjustment**

List of Exhibits

1. Variance Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Site Plan
6. Ownership and Encumbrance Report
7. Personal Representatives Deed
8. Assessor Record
9. Receipt of Taxes Paid
10. Well Information
11. GIS 1500 Foot Boundary Map
12. List of Adjoining Property Owners
13. Letter to Neighbors
14. Public Notice for the Board of Adjustments
15. Notice to Applicant

**m/s McGee/VanGeison motion to approve Variance request for Board of Adjustment 15-001**

Motion was approved unanimously with Allen absent.

**BEFORE THE BOARD OF ADJUSTMENTS OF ALAMOSA COUNTY**

**RESOLUTION NO: 2015 – Z – 1**
Board Member McGee moved for the adoption of the following resolution. Board Member Van Gieson seconded the motion.

WHEREAS:

1. Donald and Linda Hostetter have submitted an application for a variance to the following described property:

   TRACT 1 OF THE HOSTETTER DIVISION OF LAND, THE PLAT BEING RECORDED ON JANUARY 29, 1997, UNDER RECEPTION NUMBER 281242 COUNTY OF ALAMOSA, STATE OF COLORADO.

said property being zoned Rural (RU) District.

2. Said applicant seeks a variance in order to demolish and rebuild a storage outbuilding on the property.

3. A public hearing was held on the proposed variance on February 25, 2015, before the Board of Adjustments and testimony in favor of the proposed variance was given or received. No one spoke in opposition to said request.

4. The Board of Adjustments has determined that this application is pursuant to 8.13 of the Alamosa County Land Development Code, as amended.

NOW, THEREFORE, BE IT RESOLVED that the variance of the above described property as submitted by Donald and Linda Hostetter be approved.

Roll call vote resulting in approval: Four in favor, none against. Allen Absent


BOARD OF ADJUSTMENTS, ALAMOSA COUNTY

(S E A L)

ATTEST: By

Marianne Dunne, Vice - Chairman

Melanie Woodward, Clerk of the Board
Adjustment to Zoning

Commissioner Yohn stated he wished we could have separated from east to west. Can this be changed now? It is not going to change the tax. It is pretty straightforward.

He understands the East side and it does not affect anyone’s property. On the West side they have commercial property affecting other properties as far as the value. Most of the uses are non-compliant but with Rustic Log Furniture Special Use Permit it nullifies their permit. Randy Jackson came to the Planning Commission meeting and they strongly requested they approve it because they are very restrictive with their Special Use. They would like their Special Use Permit to go away. They see businesses going west and prefer commercial property.

Ms. Baird stated from a Land Use perspective and a planning perspective industrial developments are usually put on the fringes of the community not within the areas that were developed for residential purposes. Our commercial use as defined in our code is geared towards consumers such as shopping, restaurants, and retail. Those establishments need to be close to the city centers where the people are. They don’t want to people to pull off the highway to get into a commercial shopping center. This is an issue Rustic Log Furniture has. They don’t get very many walk in visitors because they are isolated. It is placed in such a way they are Industrial. It probably should have never been a commercial development. Realistically that area is so far out of town it shouldn’t been a commercial area it should be industrial. Commissioner Yohn stated they approved commercial such as car sales, Medical Marijuana, Z-Brick, SLV Building Components has a showroom, and Rustic Log. It is wholesale storage and sales which is commercial. She would have to have them each come in and request a Special Use if it was commercial according to our code. Permitted Use table on page 174 of packet was referenced.

Commissioner Yohn asked if by rezoning it will allow medical marijuana in that area. The whole block is ineligible because it is too close to another facility being Casa Canibas. They don’t allow another within 1000 feet.

Commissioner Dunne stated she knows people are contacting the City and the County for industrial areas and we don’t have very many. She appreciates all their work.

Ms. Baird stated they have had people come in and ask for building a garage but they have had to deny them without a Special Use Permit.

List of Exhibits
1. Amendment to Zoning Check List
2. Staff Report
3. Notice to Property Owners
4. Aerial View of Rezone
5. Deeds
6. Assessor Records
7. List of Adjoining Property Owners
8. Letter to Neighbors
9. Public Notice for the Planning Commission
10. Public Notice for the BOCC
12. Letter from Arthur Griego
13. Referral Agency Letters

m/s Yohn/Dunne motion to approve Amendment to Zoning
Motion was approved unanimously with Allen absent.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2015 – Z - 2

RE: APPLICATION FOR AMENDMENT TO ZONING FILED BY ALAMOSA COUNTY, MULTIPLE COVERING TRACTS OF LAND IN THE BARRIER DIVISION OF LAND AND THE MR. PEAT DIVISION OF LAND; AND BLOCK 5 OF THE GODFREY AND BOYD SUBDIVISION OF LAND LOCATED IN THE COUNTY OF ALAMOSA, STATE OF COLORADO.

Commissioner Yohn moved for the adoption of the following resolution. Commissioner Dunne seconded the motion.

WHEREAS:

1. Alamosa County, through the Alamosa County Land Use Office has submitted an application for an amendment to zoning covering the following described properties:

   The following described property presently zoned Rural (RU) District to Industrial (I) District, to-wit: Fr of SE4 36-38-9 The E 9.1 Ac Desc As Comm at SE 1319.5' Th N 89Deg 55' W 896' To POB on S R-O-W Line of D&RGW RR Th N 61Deg 59' W along S Bdry D&RGW RR 1995' Th S 0 deg 48' W 938.5' Th S 89Deg 55' E 1775' To POB 9.1 Ac M/L and; Tract 2, Mr. Peat Division of Land, located in the SW1/4 SE1/4 Section 36, Township 38 North, Range 9 East, Alamosa County, Colorado 81101.

   The following described property presently zoned Commercial (C) District to Industrial (I) District, to-wit: Tract 2 of the Barrier Division of Land, as per Plat recorded May 6, 1999, under Reception No. 292842, County of Alamosa, State of Colorado. as known by street and number as: Vacant Land. Alamosa, CO 81101 and; Tracts 3 and 4 of the Barrier Division of Land, the Plat of which was filed May 6, 1999, under Reception No. 292842 in the office of the Clerk and Recorder of Alamosa County, Colorado and; Tract 5 of the Barrier Division of Land, per Plat recorded May 6, 1999, under Reception No. 292842 of the Alamosa County, Colorado records as known by street and number as: Vacant Land. Alamosa, CO 81101

   The following described property presently zoned Commercial (C) District to Residential Medium(RM) District, to-wit: The East 55 Feet of the N. 1/2 of Block 5,
Godfrey and Boyd's First Addition to the Town of Alamosa, Alamosa County, Colorado. **and**; The West 45 feet of the East 100 feet of the North Half of Block 5, Godfrey and Boyd's First Addition to the City of Alamosa. **and**; The West 50 feet of the East 150 feet of the N 1/2 of Block 5, Godfrey and Boyd's First Addition to the Town (now City) of Alamosa, Alamosa County, Colorado **and**; A tract of land in the N1/2 of Block 5 of Godfrey & Boyd's First Addition to the City of Alamosa, to-wit: Beginning at a point 150 feet West of the Northeast corner of said Block 5; thence running West on the North line of said block 100 feet; thence South parallel to the East line of said block 95 feet; thence East parallel to the North line of said block 100 feet; thence North parallel to the East boundary line said block a distance of 95 feet to the place of beginning. **and**; Beginning at a point which is 250 feet West of the Northeast corner of Block 5, Godfrey & Boyd's First Addition to the City of Alamosa; thence West 65 feet along the North line of said Block 5 to the Northwest corner of said Block 5; thence Southwesterly along the Westerly line of said Block 5 to a point on the North line of the alley; thence East along the North line of said alley to a point which is 250 feet West of the East line of said Block 5; thence North 95 feet to the point of beginning, **and**; Lots One (1) and Two (2) in Block Five (5), Godfrey and Boyd's First Addition to the Town, now the City of Alamosa **and**; Lot 3, Block 5, Godfrey & Boyd's First Addition to the City of Alamosa, County of Alamosa, State of Colorado **and**; Lots 4 And 5, Block 5, Godfrey And Boyd's First Addition to the City Of Alamosa, Alamosa County, Colorado **and**; Lots 6 And 7, Block 5, Godfrey And Boyd's First Addition to the City Of Alamosa, Alamosa County, Colorado **and**; Lots 8 And 9, in Block 5, Godfrey And Boyd's First Addition to the City of Alamosa, in Alamosa County, Colorado 81101

2. Said applicant seeks to amend the zoning of said property from Rural (RU) and Commercial (C) to Residential Medium (RM) and Industrial (I) as set forth in the legal description above; and

3. The Alamosa County Planning Commission reviewed the application for an amendment to zoning on January 14, 2015, following proper notice to the public and recommended approval of the application; and

4. A public hearing was held on the proposed amendment to zoning on February 25, 2015, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received. There was one written objection which was read onto the record; and

5. The Board of County Commissioners has determined that this application is pursuant to Article 8, Section 8.4 of the Alamosa County Land use Development Code and that Rezoning Regulations, as amended; and

6. The Board of County Commissioners has determined that the approval criteria pursuant to Article 8, Section 8.4.9 has been satisfied and adopts the findings as set forth in the Alamosa County Land Use Report as if stated fully herein.
NOW, THEREFORE, BE IT RESOLVED that the amendment to zoning application of the above described property as submitted by Alamosa County, be APPROVED.

Roll call vote resulting in approval: Commissioner Dunne, Commissioner Yohn in favor; Commissioner Allen absent.


BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(S E A L)

By Marianne Dunne, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Alamosa County Clerk & Recorder

Great Sand Dunes Oasis Liquor License Renewal

Melanie Woodward was present. They submitted all their requirements. She did a background check and there were no violations.

Commissioner Yohn asked why it has on/off premises and has city listed on application. This comes from the State and she doesn’t know why Ms. Woodward stated. Commissioner Yohn asked about the types of licenses. Ms. Woodward will find out.

m/s Yohn/Dunne motion to approve Great Sand Dune Oasis Liquor License Renewal Motion was approved unanimously with Allen absent.

Alamosa County Land Use

Rachel Baird was present.

They have an upcoming 1041 transfer. Open houses for Solar Facility and Top of the World Series on March 10th. They had a successful workshop for wastewater regulations mandated by the State. A lot of adjustment for them. They require a licensed soil technician for soil analysis. They had over 30 people attend the workshop. They were requested to Email presentation so other counties are using their forms and templates.
Activities for January were presented.

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Alamosa County Facilities Management

Andrew Atencio was present. He is requesting to fill the vacant position for Maintenance Tech. They will be down 2 employees next week so he would like this filled. Lourdes Trujillo has been with him for 25 years.

Commissioner Dunne asked what kind of experience or trainings he requires.

Mechanical, plumbing, electrical, construction, landscaping, and etc. Mr. Atencio stated.

Commissioner Yohn asked if he can use the same pool as the custodian. They will have to start the process all over again stated Mr. Atencio.

Commissioner Yohn asked how much of a role does he play in the Airport. Anything he does is volunteer they don’t have a role. There is a custodian that cleans the building. Is there any of his employees that would want this position asked Commissioner Yohn. Mr. Atencio stated they have been given the option. Each employee handles 2 ½ buildings each night. When one is missing they bring a Tech down to assist.

m/s Yohn/Dunne motion to approve Maintenance Tech position request

Motion was approved unanimously with Allen absent.
Alamosa County Department of Human Services

Catherine Salazar was present. Preliminary December Report was presented.

Ongoing Workload Summary Report was provided. Monthly Food Assistance Issuance Report was provided. It showed $6,123,124 for 2014. For January this year issued $549,711.

Commissioner Dunne asked if it showed seniors or families are receiving Food Stamps. The bulk is for families because seniors only get an average of $40 a month.

Recovery Collection Comparison Report was provided. Showed Food Stamps collected $3,914 and for public assistance collected $2,522.25. Child Support Collection Comparison Report was presented. It is tax season so they will see some increases in collections.

Commissioner Yohn asked how this is collected. Ms. Salazar stated administratively internally through Case Managers. If that is not successful they utilize County Attorney to take to court for capture of garnishments, wage assignments, and capture state and federal tax refunds.

Commissioner Yohn what do you do with collections. Ms. Salazar stated if they are on Colorado Works or TANF those dollars go back to that program. If not then goes to custodial parent.

Child Support Monthly Case Count report showed 1166 cases for the month of January.

Employee Vacancy Request

She has received notice from Olivia Garcia. She is going to move and attend graduate school. She is a Case Manager with Colorado Works/TANF unit. She is requesting to fill this position.

m/s Yohn/Dunne motion to approve Employee Vacancy Request

Motion was approved unanimously with Allen absent.

Today she has 3 Memorandums of Understanding with Blue Peaks Development, Tu Casa, and Tu Casa Children’s Advocacy Center. None of them have a fiscal note attached with them they are just agreements. She is requesting authorization to sign these MOU’s. If she clears them with Jason Kelly and no fiscal note is attached can she just sign these?

m/s Yohn/Dunne motion to authorize Catherine Salazar to sign MOU’s under $5000

Motion was approved unanimously with Allen absent.

Alamosa County Public Health

Della Cox-Vieira was present.

1. Core Service Updates
   a. Assessment, Planning & Communication
      i. Contracts
b. Vital Statistics
   c. Communicable Disease Prevention, Investigation and Control
      i. Public Health nurses and Director participated in the health fair at Sacred Heart 1/30/2015; we administered 11 flu and 10 Tdap vaccines.
      ii. Trainings for medical providers, public health and animal control on vector-borne diseases scheduled for March 16 & 17.
   d. Prevention and Population Health Promotion
      i. We have a nursing student from ASU working with us on our tobacco prevention activities:
      ii. Area Health Education Center is conducting free wellness screenings for ACPHD employees 2/11 and 2/25.
   e. Emergency Preparedness and Response
      i. Mutual Aid Agreement – SLV Crisis Response Network
      ii. Regional EPR hosted a tabletop exercise for Health Care Coalitions, turnout was best she’s ever seen.
      iii. Regional Team has inventoried emergency supply trailers and per agreement distributing supplies across 6 counties.
      iv. EPR Checked tags, registration, and insurance on our tow trailers & RETAC trailer and all are up to date. They are on a regular schedule for moving the trailers routinely so they are able to travel in an emergency.
   f. Environmental Health
      i. EH Specialist and Director worked with HR to build a job description & ad for EHS. We will start running the ad next week in at least 6 venues, including the Courier and several PH-EH networks.
      ii. Inspections 62% at end of January

2. Home Health Program
   a. HH Clinicians served a total of 186 patients in January, including 12 admissions and 28 discharges and 1 death.
   b. Still have not identified a PT Contractor, and so we would like BOH to consider reopening the FTE for PT that was offered in 2013/2014.
   c. Agency expecting state survey either next week or the week after.

3. Options for Long-Term Care Program
   a. Program served a total of 448 clients in January
   b. OLTC has offered the Case Manager position, new CM, Camille Quintana started Tuesday, February 17th.

4. PCP Program
   a. PCP’s serving approx. 90 clients
   b. Brandon Cantu, PT Aide for HH Program gave a safety training to PCP’s and Case Managers 2/2/15: proper body mechanics for lifts, transfers
   c. Agency Mangers will likely receive state survey in month of March.

5. Department Finances

Board/Staff Updates

Adjourn
There being no further business, the Regular Meeting of the Board of Alamosa County Commissioners was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Darius Allen, Chairman

Marianne Dunne, Vice-Chair

Mike Yohn, County Commissioner
Minutes of the Public Hearing for Alamosa County Amendment to Zoning was held on February 25, 2015 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
Darius Allen, Chair - Absent  
Marianne Dunne, Vice-Chair  
Mike Yohn, Commissioner  
Peter Kampfer, County Administrator - Absent  
Jason Kelly, County Attorney  
Brittney DeHerrera, Chief Financial Officer  
Belina Ramirez, Office Manager

Rachel Baird was present.

Proposal: Alamosa County is proposing an amendment to zoning in Block 5 of the First Addition of the Godfrey and Boyd Subdivision and a portion of the land in the Southeast corner of Section 36, Township 38 North, Range 9 East. These zone changes are intended to rectify the zoning map to better reflect the existing and historical use of these parcels.

Project History and Background: The Land Use Administrator is seeking to update the zoning map in two areas of the county so that the zoning is more in character with each neighborhood and is a better reflection of the existing use of these parcels.

The first area is located west of the City of Alamosa near Rustic Log Furniture. These lots are part of the Barrier Division of Land and the Mr. Peat Division of Land. These parcels are currently used as a self-storage facility. SLV Building Components, Rustic Log Furniture and outdoor storage. These parcels are currently zoned Rural (RU) and Commercial (C) and the purpose of this change is to create and Industrial (I) zoned district. Manufacturing, warehouse storage, self-storage, lumberyards, and wholesale storage/sales are all uses that require a Special Use Permit on either Rural (RU) or Commercial (C) zoned lots.

Each of these businesses should require a Special Use Permit but only Rustic Log Furniture has obtained one. Furthermore, the Special Use Permit issued by Resolution No. 2000-Z-017 on August 16, 2000 (Exhibit 11) does not cover the lot where Rustic Log Furniture stores lumber outdoors. This inaccurate zoning restricts these business owners from altering buildings or modifying their businesses. With their current Special Use Permit, Rustic Log Furniture must repeat the public hearing process each time their business expands. They have already gone through the process and had a new resolution issued in order to add an addition to their building in June of 2004.

The second area is located in Block 5 of the Godfrey and Boyd Subdivision in East Alamosa. The parcels are all improved with residential houses, the oldest having been built in 1901 and the newest having been built in 1977. We are proposing to change the zoning of Block 5 from Commercial (C) to Residential Medium (RM). In a Commercial (C) zoned district, most types of housing require a Special Use Permit. Although all of these residences were built long before the current LUDC was adopted in 2009 and all but one residence was built before any zoning
standards were adopted by Alamosa County, each of these homes is classified as a non-conforming structure. This current zoning restricts homeowner’s ability to modify or expand their homes and can be grounds for denial of building permits for additions and accessory buildings.

Public Notice: Adjacent land owners within 1,500 feet of the subject have been notified by mail and notice was published in the Valley Courier.

A number of phone calls were received in response to the proposed change in East Alamosa. Most adjacent homeowners requested clarification of the location and to verify they were not included in the change. Additional concerns included changes in use and whether the zone change would affect property values. Only one complaint was received regarding the zone change in Section 36, Township 38 North, Range 9 East. Arthur Griego called and sent a letter protesting the zone change. The letter has been included as Exhibit 12 and will be read aloud at the conclusion of this report.

Referral Agency courtesy letters were sent to the East Alamosa Water and Sanitation District, the Alamosa County Public Health Department, the Colorado Department of Transportation, and the Alamosa County Road & Bridge Department.

Compatibility: The parcels in Section 36, Township 38 North, Range 9 East have an Industrial (I) zoned district to the East but are surrounded on the other three sides by Rural (R) zoned lots. The Godfrey and Body parcels are bound by Commercial (C) lots to the North and West, Residential Manufactured Home (RMH) lots to the East, and Residential Medium (RM) lots to the South.

Findings:
1. The Amendment to zoning is found to be consistent with the adopted plans and policies of the county according to the purposes of the LUDC Article 1, Section 1.3:
   - C) Prevent or minimize land use incompatibilities and conflicts among land uses;
   - K) Establish a process that effectively and fairly applies the regulations and standards of this LUDC and respects the rights of property owners and the interests of citizens;
2. The suitable uses permitted by current zoning versus the proposed zoning are found to have significant differences but the proposed zoning change does not change the use of these parcels. Figures 1 and 2 from the LUDC Permitted Use table illustrate where the proposed zoning is less restrictive than the current zoning.
3. The proposed change tends to improve the balance of uses or meets a specific demand in the county in that the proposed change is more in congruence with surrounding parcels and stays within the character of each respective neighborhood.
4. The change should not be detrimental to the capacity of adequate public facilities and services for the proposed use because the use of the parcels is not changing.
5. The legal purposes for which zoning exists are not contravened because Alamosa County has filed an application in compliance with the County’s zoning regulations and the Land Use Administrator is given the authority to initiate a zoning change as set forth in Section 8.4.2 of the LUDC.
6. There is no expected adverse effect upon adjoining property owners that would need to be justified by the overwhelming public good or welfare because the use of the parcels will remain the same. Furthermore, a zoning change has no bearing on the property value or taxation rate of surrounding properties. For assessment purposes, the Alamosa County Assessor appraises property based on use and does not utilize County zoning to make any property tax determinations.

7. No one property owner or small group of property owners are expected to benefit materially from the change to the detriment of the general public because the lots are already improved as industrial development or residences and there are no new proposed developments for any of these parcels.

Department Recommendation: Alamosa County has met all submittal requirements for an Amendment to Zoning and there are no foreseen major impacts to the land. The Land Use Staff has reviewed the proposed application and hereby recommends approval of the Amendment to Zoning application.

Planning Commission Recommendation: The Planning Commission met on January 14, 2015 to discuss this application. There were questions regarding whether the proposed zoning changes would shift any surrounding properties, other than Rustic Log Furniture, are already non-compliant and the zone change brings them into compliance. Regarding the Rustic Log Furniture Special Use Permit, they questioned whether this zone change nullifies their permit to which staff responded that it does. The Planning Commission found it important to clarify to the public that county zoning changes do not change the taxation rate of properties. Regarding Godfrey & Boyd Block 5, the Planning Commission commented on the irregular lot lines and asked if this would affect structures built on lot lines or whether setback requirements would be enforced retroactively. Staff clarified that the setback requirements would only apply to new structures. Ultimately, the Planning Commission voted unanimously to support the approval of the Amendment to Zoning application.

Exhibit 12 Letter from Arthur Griego was read as follows:

To Whom it May Concern:
I am requesting this letter be read aloud at this hearing and also at the Board of County Commissioner meeting on February 25, 2015, and that a copy of minutes of both meetings be sent to me at the above address.

After considerable consideration, I have decided to object to the zone change from commercial to industrial for the following reasons:
1. The value of the surrounding property will be adversely affected.
2. This will affect the water quality of the wells in the surrounding areas.
3. Griego Road will sustain more damage with the added business traffic. At the present time I do not live on my property, but I do visit two to three times a year and have seen the deterioration of the road.
4. There will be more air pollution.
5. At the present time we do not know how they dispose of their hazardous waste or how they plan to dispose of any future waste to insure that it does not harm the water or environment.

Has the County done its due diligence and requested an environmental impact study to present to those that have been and will be affected if the zone is changed?

Any changes will have an affect on my decision as to whether or not to invest in the area.

Commissioner Dunne asked if anyone is in favor of or opposition to this application.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2015 – Z - 2

RE: APPLICATION FOR AMENDMENT TO ZONING FILED BY ALAMOSA COUNTY, MULTIPLE COVERING TRACTS OF LAND IN THE BARRIER DIVISION OF LAND AND THE MR. PEAT DIVISION OF LAND; AND BLOCK 5 OF THE GODFREY AND BOYD SUBDIVISION OF LAND LOCATED IN THE COUNTY OF ALAMOSA, STATE OF COLORADO.

Commissioner Yohn moved for the adoption of the following resolution. Commissioner Dunne seconded the motion.

WHEREAS:

1. Alamosa County, through the Alamosa County Land Use Office has submitted an application for an amendment to zoning covering the following described properties:

   The following described property presently zoned Rural (RU) District to Industrial (I) District, to-wit: Fr of SE4 36-38-9 The E 9.1 Ac Desc As Comm at SE 1319.5' Th N 89Deg 55' W 896' To POB on S R-O-W Line of D&RGW RR Th N 61Deg 59' W along S Bdry D&RGW RR 1995' Th S 0 deg 48' W 938.5' Th S 89Deg 55' E 1775' To POB 9 .1 Ac M/L and; Tract 2, Mr. Peat Division of Land, located in the SW1/4 SE1/4 Section 36, Township 38 North, Range 9 East, Alamosa County, Colorado 81101.

   The following described property presently zoned Commercial (C) District to Industrial (I) District, to-wit: Tract 2 of the Barrier Division of Land, as per Plat recorded May 6, 1999, under Reception No. 292842, County of Alamosa, State of Colorado. as known by street and number as: Vacant Land. Alamosa, CO 81101 and; Tracts 3 and 4 of the Barrier Division of Land, the Plat of which was filed May 6, 1999, under Reception No. 292842 in the office of the Clerk and Recorder of Alamosa County, Colorado and; Tract 5 of the Barrier Division of Land, per Plat recorded May 6. 1999, under Reception No. 292842 of the Alamosa County, Colorado records as known by street and number as: Vacant Land. Alamosa, CO 81101.
The following described property presently zoned Commercial (C) District to Residential Medium (RM) District, to-wit: The East 55 Feet of the N. 1/2 of Block 5, Godfrey and Boyd's First Addition to the Town of Alamosa, Alamosa County, Colorado. and; The West 45 feet of the East 100 feet of the North Half of Block 5, Godfrey and Boyd's First Addition to the City of Alamosa. and; The West 50 feet of the East 150 feet of the N 1/2 of Block 5, Godfrey and Boyd's First Addition to the Town (now City) of Alamosa, Alamosa County, Colorado and; A tract of land in the N1/2 of Block 5 of Godfrey & Boyd's First Addition to the City of Alamosa, to-wit: Beginning at a point 150 feet West of the Northeast corner of said Block 5; thence running West on the North line of said block 100 feet; thence South parallel to the East line of said block 95 feet; thence East parallel to the North line of said block 100 feet; thence North parallel to the East boundary line said block a distance of 95 feet to the place of beginning. and; Beginning at a point which is 250 feet West of the Northeast corner of Block 5, Godfrey & Boyd's First Addition to the City of Alamosa; thence West 65 feet along the North line of said Block 5 to the Northwest corner of said Block 5; thence Southwesterly along the Westerly line of said Block 5 to a point on the North line of the alley; thence East along the North line of said alley to a point which is 250 feet West of the East line of said Block 5; thence North 95 feet to the point of beginning, and; Lots One (1) and Two (2) in Block Five (5), Godfrey and Boyd's First Addition to the Town, now the City of Alamosa and; Lot 3, Block 5, Godfrey & Boyd's First Addition to the City of Alamosa, County of Alamosa, State of Colorado and; Lots 4 And 5, Block 5, Godfrey And Boyd's First Addition to the City Of Alamosa, Alamosa County, Colorado and; Lots 6 And 7, Block 5, Godfrey And Boyd's First Addition to the City Of Alamosa, Alamosa County, Colorado and; Lots 8 And 9, in Block 5, Godfrey And Boyd's First Addition to the City of Alamosa, in Alamosa County, Colorado 81101

2. Said applicant seeks to amend the zoning of said property from Rural (RU) and Commercial (C) to Residential Medium (RM) and Industrial (I) as set forth in the legal description above; and

3. The Alamosa County Planning Commission reviewed the application for an amendment to zoning on January 14, 2015, following proper notice to the public and recommended approval of the application; and

4. A public hearing was held on the proposed amendment to zoning on February 25, 2015, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received. There was one written objection which was read onto the record; and

5. The Board of County Commissioners has determined that this application is pursuant to Article 8, Section 8.4 of the Alamosa County Land use Development Code and that Rezoning Regulations, as amended; and

6. The Board of County Commissioners has determined that the approval criteria pursuant to Article 8, Section 8.4.9 has been satisfied and adopts the findings as set forth in the Alamosa County Land Use Report as if stated fully herein.
NOW, THEREFORE, BE IT RESOLVED that the amendment to zoning application of the above described property as submitted by Alamosa County, be APPROVED.

Roll call vote resulting in approval: Commissioner Dunne, Commissioner Yohn in favor; Commissioner Allen absent.


BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(Seal)

By

Marianne Dunne, Vice-Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Alamosa County Amendment to Zoning was adjourned.

ATTEST:

Belinda Ramirez, Office Manager

Absent

Darius Allen, Chair

Marianne Dunne, Vice-Chairman

Mike Yohn, County Commissioner
Minutes of the Board of Adjustment Meeting, held on February 25, 2015 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair - Absent
Marianne Dunne, Vice-Chair
Mike Yohn, Commissioner
Pete McGee, BOA
Eric VanGeisen, BOA
Jason Kelly, County Attorney
Peter Kampfer, County Administrator - Absent
Brittney DeHerrera, Chief Financial Officer
Belina Ramirez, Office Manager

Rachel Baird and applicants Donald Hostetter, Linda Hostetter, and Jared Hostetter were present.

Proposal: Donald and Linda Hostetter are requesting a variance to demolish and rebuild a sod outbuilding on their property that does not meet the minimum setback requirements for a Rural (RU) zoned district.

Project History and Background: The applicants first approached the Land Use Office in November of 2014 regarding demolishing a dilapidated, sod shed near their northwest property line and building a new storage building on the existing foundation. The Land Use office conducted a site visit and replied to their request with a letter dated November 24, 2014. It stated that the structure appeared to be less than 25 feet from the property line and according to Section 3.1 of the Alamosa County Land Use and Development Code (LUDC); no structure in a Rural (RU) zoned district may be closer than a 25 feet from a side property line.

It is the intent of the LUDC to permit existing nonconformities to persist as long as they are not removed but not to encourage their survival. Enlarging, expanding, or extending a nonconforming structure is permitted given that it does not increase the degree of nonconformity. Generally, when a nonconforming structure is demolished, it must be rebuilt to comply with the standards of the LUDC.

Public Notice: Adjacent land owners within 1,500 feet of the subject property have been notified by mail and notice was published in the Valley Courier.

Variance Approval Criteria: No variance shall be approved by the Board of Adjustment unless all of the following findings are made Consistency with the adopted plans and of policies of the county:

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LUDC unrealistic.
2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

3. A literal interpretation of the provisions of the LUDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located, and result in practical difficulty or unnecessary hardship.

4. Relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this LUDC.

5. The requested variance will be harmony with the purpose and intent of this LUDC and will not be injurious to the neighborhood or to the general welfare.

6. The special circumstances are not the result of the actions of the applicant.

7. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

8. The variance is not a request to permit a use which is not permitted or special use in the district involved.

Findings:

1. It has been determined that there are exceptional conditions pertaining to the particular piece of property in question that are not applicable to other lands or structures in the same district because of the proximity of the Westside Ditch. The canal that is adjacent to property line in question is a permanent buffer unto itself and satisfies the intent of the LUDC setback requirements. No structures can be built on lot lines because of this barrier.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located because storage buildings are allowed by right in Rural (RU) zoned districts.

3. A literal interpretation of the provisions of this LUDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located, and result in practical difficulty or unnecessary hardship because they would be unable to improve their property.

4. Relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this LUDC because Section 9.3.4 states that nonconforming structures may be enlarged or expanded provided that the expansion does not increase the degree of nonconformity.

5. The requested variance will be in harmony with the purpose and intent of this LUDC and will not be injurious to the neighborhood or to the general welfare because the removal of a dilapidated building that is both defunct and blighted is a benefit to neighbors and is in accordance with goals as stated in the LUDC Article 1, Section 1.3:B to “Maintain property values by stabilizing expectations”.

6. The special circumstances are not the result of the actions of the applicant in that this structure predates the current setback requirements and that the canal has been in place since before any zoning regulations were adopted by Alamosa County.

7. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure because there is no intention to increase the footprint of the building. The new structure will be the exact same size.

8. The variance is not a request to permit a use which is not a permitted or special use in the district involved because storage buildings are allowed by right on Rural (RU) zoned lots.
Department Recommendation: Don and Linda Hostetter have met all submittal requirements for a Variance and there are no foreseen major impacts to the land. The Land Use Staff has reviewed the proposed application and hereby recommends approval of the Variance.

Pete McGee asked if there was any response from the public.

Donald Hostetter stated they tore down the building and they have been there about 40 years. The City owns property across canal. They have the right-a-way and it never has been a problem. They would like to put a smaller building.

Commissioner Dunne asked if anyone is favor of or opposition to this application.

Linda Hostetter stated they talked about taking this building down. They need the storage. They do need to utilize the area. She sees this as a benefit to them and the community.

Eric VanGiesen asked if there is enough room by the ditch for maintenance. Jared Hostetter stated they don’t come on their side they have always maintained it on the other side.

Linda Hostetter stated the building is going to be moved back so many feet so it is going to create some distance.

Donald Hostetter stated they are going to move back 35 feet so it will give more distance.

BEFORE THE BOARD OF ADJUSTMENTS OF ALAMOSA COUNTY

RESOLUTION NO: 2015 – Z – 1

RE: APPLICATION FOR VARIANCE FILED BY DONALD AND LINDA HOSTETTER COVERING TRACT 1 OF THE HOSTETTER DIVISION OF LAND COUNTY OF ALAMOSA, STATE OF COLORADO.

Board Member McGee moved for the adoption of the following resolution. Board Member Van Giesen seconded the motion.

WHEREAS:

1. Donald and Linda Hostetter have submitted an application for a variance to the following described property:

TRACT 1 OF THE HOSTETTER DIVISION OF LAND, THE PLAT BEINGRecorded on January 29, 1997, Under Reception Number 281242 COUNTY OF ALAMOSA, STATE OF COLORADO.

said property being zoned Rural (RU) District.
2. Said applicant seeks a variance in order to demolish and rebuild a storage outbuilding on the property.

3. A public hearing was held on the proposed variance on February 25, 2015, before the Board of Adjustments and testimony in favor of the proposed variance was given or received. No one spoke in opposition to said request.

4. The Board of Adjustments has determined that this application is pursuant to 8.13 of the Alamosa County Land Development Code, as amended.

NOW, THEREFORE, BE IT RESOLVED that the variance of the above described property as submitted by Donald and Linda Hostetter be approved.

Roll call vote resulting in approval: Four in favor, none against. Allen Absent


BOARD OF ADJUSTMENTS, ALAMOSA COUNTY

(SEAL)

ATTEST: By ____________________________
Marianne Dunne, Vice-Chairman

Melanie Woodward, Clerk of the Board

There being no further business, the Board of Adjustment Meeting was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Absent

Darius Allen, Chairman

Marianne Dunne, Vice-Chair

Mike Yohn, County Commissioner
Minutes of the Public Hearing for Tu Casa Children’s Advocacy Center was held on February 25, 2015 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:
Darius Allen, Chair - Absent
Marianne Dunne, Vice-Chair
Mike Yohn, Commissioner
Peter Kampfer, County Administrator - Absent
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Belina Ramirez, Office Manager

Ashley Riley-Lopes Executive Director was present.

Brittney DeHerrera stated this is an opportunity for the public as part of the grant requirements for the CDBG grant that Tu Casa has received that the County monitors.

Ms. Riley-Lopes stated the building has been renovated and the grant funds has been spent except for $20,000 retainage until audit. Since they have remodeled in November 2014 they have seen over 27 children through the center. They have all the equipment for the center except they are waiting for camera equipment and as soon as they receive that they will be complete.

Commissioner Dunne asked if anyone is in favor of or opposition to Tu Casa Children’s Advocacy CDBG Post Hearing.

There being no further business, the Public Hearing for Tu Casa Children’s Advocacy Center was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Absent
Darius Allen, Chair

Marianne Dunne, Vice-Chairman

Mike Yohn, County Commissioner