Minutes of the Board of County Commissioners Meeting, held on September 23, 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  
Gigi Dennis, County Administrator  
Chris Friesell, Assistant County Attorney  
Brittney DeHerrera, Chief Financial Officer  
Belina Ramirez, Deputy Clerk

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Add Chaffee Foster Care to DHS Report.

m/s Dunne/Yohn motion to approve agenda with corrections  
Motion was approved unanimously.

Approval of General Business/Minutes

Regular Meeting – September 9, 2015

m/s Yohn/Dunne motion to approve Minutes of September 23, 2015  
Motion was approved unanimously.

Bills/Obligations

m/s Yohn/Dunne motion to approve Bills/Obligations  
Motion was approved unanimously.

Public Comment

Christy Culp DOLA Regional Manager spoke. She presented a Plaque for the completion of the Airport Terminal. They appreciate the partnership with Alamosa County.

Commissioner Allen appreciated her efforts and support of Alamosa County.

Commissioner Yohn thanked her for her assistance.

Commissioner Dunne thanked her. There were glitches with personnel turnover so we appreciate working with us.
Dan McCann 1829 Sunset spoke. Last week you seen on the front page of the newspaper a young man who was on a bicycle and was hit by a car. If I had children today they would not have a bicycle. Everyone is on cell phones or not paying attention. He is tired of going to funerals. When you are driving please put down your cell phone.

Dorothy Brandt was present. She would like to ask permission if we could meet with the Board at the next meeting with their budget and ideas. They want to consider the future so we don’t have wait every year. They want to know where the museum is with the Commissioners. Someone broke into their storage and stole their Barbie’s.

**Consent Agenda**

*County Treasurer’s Fund Report for August*  
*Agreement for Services-WSB Computer Services*  
*List of Arbitrators*  
*Support letter for SLV Housing Coalition*

**m/s Yohn/Dunne motion to approve Consent Agenda without Support Letter for SLV Housing to discuss further**  
Motion was approved unanimously.

Commissioner Yohn stated in the letter it requests us to identify the community’s development and housing needs including low and moderate income persons to meet such needs. He feels it shouldn’t be up to us to do this. They should have the demographics themselves.

**m/s Yohn/Dunne motion to approve Support letter with modifications.**  
Motion was approved unanimously.

**Public Hearing**

**1041 Permit Waiver Request-Great Divide Solar Energy-Invenergy Solar Development**

Rachel Baird, James Williams, and Mike Greczyn were present.

SEE PUBLIC HEARING MINUTES FOR FURTHER INFORMATION.

Commissioner Yohn stated he was interested in the storage capability of the solar project. How was your working relation with Land Use?

Mike Greczyn stated it was outstanding. They were extremely helpful in the requirements for the 1041 Permit.

Commissioner Dunne stated she also appreciated the storage capacity none of our solar farms have progressed that far yet. We are proud of becoming a solar county.

James Williams stated the Colorado office is the only other Regional office they have other than in Chicago. They have 400mgw in Colorado, 200 wind and natural gas. They reserved 5 acres for storage because technology is changing.
Commissioner Yohn stated water consumption is listed as 25 acre annually compared to farming this is big to us. Please look towards our local workforce as we had other solar construction and local people were used.

Mike Greczyn stated the water is temporary mostly for dust suppression. During operations we see a maximum of 5 acre water use.

Commissioner Allen thanked them for having an Open House. They encourage everyone to do this because it gives the public the option to come. It has been a good experience. He would like to discuss the Community Development Fund of where it goes and what it is for.

Exhibit

1. Submission requirements for Permitting Process and Requirements for a Solar PV Project

m/s Dunne/Yohn motion to accept 1041 application for waiver request for Great Divide Solar Energy
Motion was approved unanimously.

Mosca Infrastructure Improvement Project

Jinger Tilden and Rachel Baird were present.

SEE PUBLIC HEARING MINUTES FOR FURTHER INFORMATION.

Since taking over billing and collection of Mosca:

- They have collected $4,738 to date.
- Nineteen of twenty-one landowners have received their certified letters confirming they are indeed receiving their bills.
- We have not received any phone calls or complaints regarding the system or requesting maintenance.
- As of September 18th, we have helped five customers set up payment plans.
- For your convenience we have attached an example of the payment plan contract.
- Between collecting past due fees and eliminating unnecessary maintenance costs in August and September, we have saved the system approximately $14,338.

Commissioner Yohn state the reconnection fee is the same as the connection fee.

Jinger Tilden stated there have been people who were given the option at the time they put the system in to put in a tap for vacant land. They were charged $250. It is set up if now they want to put a new tap it would be $250 fee. Reconnection fee is if someone is not paying their bill they have the option to cut the line and disconnect service. They would have to pay the $250 fee and any delinquent charges to reconnect. Inactive tap and Stand by is for accounts that do not have dwellings on the property and already have taps there.

Gigi Dennis stated they will come back with adjusted fee changes when the loans are approved.

Rachel Baird stated until we establish a new system having a local board would be unnecessary. It is better that it is a County system for the funding perspective.
Commissioner Yohn stated did the Mosca General Improvement District have to be dissolved before you have new bylaws.

Rachel Baird stated it is not a real district it just a name associated with it. It doesn’t exist. With the new system they will have to draft a resolution resolving the district.

Commissioner Allen stated when this was started it was never followed up with setting up a district.

m/s Dunne/Yohn motion to approve the Mosca General Improvement District Bylaws presented
Motion was approved unanimously.

Rachel Baird stated they met with Tineel Baroz regarding the PER but we don’t know the status of it yet. We did get approved 75% for grant funding but the State Historic Preservation (SHPO) interceded and is recommending an archeological study be done on the north side portion where they proposed the seepage treatment plant. Janice Pond the Community Programs Director with USDA is arguing with them about it. It was explained to them that they are trying to fight with SHPO on a handful of projects that will be funded at the end of this fiscal month so they will really start fighting on our project at the end of the fiscal year. The project will not be able to meet the September 30th deadline.

Commissioner Dunne asked what kind of archeology studies are required.

Rachel Baird stated they are just tightening their regulations so they are flagging all of the applications.

Commissioner Allen asked if this is pretty common.

Rachel Baird stated it is now. Not only will we have a time delay but the County is responsible to pay.

Commissioner Dunne stated she doesn’t understand the reason for it.

Rachel Baird stated it is not for a historical reason but to fill in gaps in their database.

Text Amendments

Rachel Baird was present.

SEE PUBLIC HEARING MINUTES FOR FURTHER INFORMATION.

Commissioner Dunne stated on Section 3.4 why are we limiting sales to $5000?

Rachel Baird stated it is a state law. It allows Land Use staff to refer them to get licensing from Public Health, get a sales license, and make sure they have water.

Commissioner Dunne stated she knows people who sell honey and make their income so we are limiting them.

Rachel Baird stated this isn’t covered under cottage sales.

Commissioner Yohn stated we are really getting into water issues. Where do we stand to enforce this? How are you going to determine adequate water supply.

Rachel Baird stated we require this on Land Use applications. They just have to bring in a copy of a Well Certificate or letter from Division of Water Resources. Mike Gibson writes letters that there is
augmentation water. Is required under every permit. This refers to industrial hemp. This addresses the greenhouses that were not built adequate. It is not our job to enforce we just refer to Sheriff.

Commissioner Yohn stated Onsite Wastewater Treatments was already approved.

Rachel Baird stated this appeared in both Land Use Code and Onsite Waster Water Regulations so they wanted both changed.

Commissioner Allen stated things change. Who thought twenty years ago we would be considering industrial hemp or marijuana. You have done a great job. If they don’t work out we could always come back and change. We did publish but were there any public comments.

Rachel Baird stated the full text amendments were published and no phone calls or letters were received.

Commissioner Dunne stated citizens of Colorado need to pay attention to legislation.

Rachel Baird stated this is less restrictive it helps them. They don’t have to have a commercial kitchen. Let’s them not compete with large corporations. If you wanted to produce something at their home they just want them to require to have water, take food safety classes, and have a sales license.

We are not going after people this is for people who come in.

Gigi Dennis stated she doesn’t know how restrictive you have to stick with the language but under 3.4.11 Agritourism on letter B if you can add after “may include” “but not limit to”. Then there are semantics such as on Page 4 the way listed is with indentations “1 & 2” but then on Page 7 you have “a, b, & c” so it is not consistent.

List of Exhibits
1. Text Amendment Checklist
2. Staff Report
3. Notice of Public Hearing before the Alamosa County Planning Commission
4. Notice of Public Hearing before the Board of Alamosa County Commissioners
5. Cottage Foods Fact Sheet
6. Industrial Hemp Regulatory Program Act
7. House Bill 1280 Concerning Agritourism

Commissioner Dunne asked if in the City they are exempt from these rules.

m/s Yohn/Dunne motion to approve Text Amendments with amendments discussed
Motion was approved unanimously.

Alamosa County Events and Facilities Local Marketing District

Jamie Greeman was present.

The 2016 Operating Plan was presented. This is required to be filed by September 30th. We do promote agrotourism. They did a coop campaign with the Colorado State Facebook page. It was called 5 outrageous farm visits in the San Luis Valley. The total reach was 616,000, 19000 likes, 949 comments, 3,000 shares, and 16000 links. It presented 82% new users to our website. The Director of food tourism
is presenting us as doing it right. It was a struggle to find 5 farmers to participate. They don’t have time to do promote this they are busy. Colorado Malt Co they tried to encourage to give tours but they are too busy.

No changes were made on the operating plan from last year.

Commissioner Yohn stated it is pretty straightforward. Did they present the budget to you for the SLV Museum?

Jamie Greeman stated no they haven’t.

Commissioner Dunne asked if we should until after they present.

Jamie Greeman stated it has to be submitted by September 30th.

Commissioner Allen stated no numbers are held concrete. They can be changed. It is a general operating plan.

Jamie Greeman stated it is a guideline on how funds are distributed.

Gigi Dennis stated she met with Jamie a couple of weeks ago. Could you talk to the Commissioners and give insight on the 100th Anniversary of Department of interior and promotion of the Sand Dunes.

Jamie Greeman stated she attended the State Conference and there is a lot of excitement for the anniversary. The Sand dunes is up 20-25 percent this year. A lot has to do with the water and the exposure of sand boarding, adventure travel, and the Quarter issued last year. The National Park Service came up with a campaign “Go your park”. Sand dunes is special to us. In celebration to this she would like to put banners on street lights similar to Monte Vista Stampede. We should incorporate Mosca and Hooper as much as possible. She is working with the city to get specifications of the banners. We would have matching banners but they would need to have a pole.

Commissioner Allen asked how about motels/hotels he would like to include them in having a banner.

Jamie Greeman stated that is a great idea even having something in their lobby or front desk.

Commissioner Allen stated they should have a special luncheon for those managers of the hotels/motels to get to see who they are.

m/s Dunne/Yohn motion to accept the 2016 Operating Plan for Alamosa County Events and Facilities Local Marketing District

Motion was approved unanimously.

DHS

Statement of Expenditures were presented. Statement of Revenues were presented.

Ongoing Workload Summary was presented. It showed 296 cases for Adult Financial, 120 cases for Colorado Works, 1965 cases for Food Stamps/Food Assistance, and 2990 cases for Medical Assistance.

Monthly Food Assistance Issuance Report was presented. It showed $522,256 issued for August. The year to date issuance is $4,332,252.
Gigi Dennis stated on the food assistance when you compare it to 2013 what do you contribute this to. Did you lower the threshold?

Catherine Salazar stated this is when the Affordable Care Act came into place. When approved for Medicaid you are asked if there is any other program you are interested in applying for. Most cases are dual cases. Most if on Medicaid are eligible for Food Stamps.

Commissioner Dunne asked if this is seniors.

Catherine Salazar stated no for families.

Recovery Collection Comparison report was provided. It showed for the month of August they collected $4,420.57. In Food Stamps $3,402.86 was collected and in Public Assistance collected $1,672.65.

Child Support Comparison report was provided. It showed for the month of August $125,606.05 was collected. It also showed 1160 active cases for September.

County C-Stat Dashboard was presented.

Employee Vacancy Request

Sonia Archuleta has resigned. This position is for a Fiscal Technician. The other vacancy is for an Administrative Assistant.

**m/s Yohn/Dunne motion to approve to fill positions**

*Motion was approved unanimously.*

Chaffee Foster Plan

This prepares foster care children to go into adulthood. $28,057 we receive and serve 7 children. 4 are from our county and 3 are from the other counties. They can work with them up to the age of 21.

**m/s Dunne/Yohn motion to approve Chaffee Foster Plan**

*Motion was approved unanimously.*

SLV Regional Airport

Francis Song is unable to attend as he is at a training. Gigi Dennis read his report that he presented.

He has received the 6 proposed platforms for unmanned aircraft systems presented by Constantine Diel of US Colorado. The 6 proposed platforms each represent a new model of unmanned aircraft and would represent new capabilities as well as opportunities made available to Alamosa County and the San Luis Valley. The 6 new platforms cover the following unmanned aircraft models:

Terran Hawk by Iron Rod Engineering
SA200 by Sycon UAS
UX5 by Tremble
Tempist by UAS USA
Phantom by DJI
Inspire by DJI
As you may recall a Certification of Application (COA) is the method currently used by Alamosa County and UAS Colorado to secure permission by the FAA for allowing and permitting specific UAV operations. Four UAS Platforms the Hummingbird, T16, T20, and Talin have all been submitted to the FAA this past year with Alamosa County being the signatory and are pending approval. Two of the aforementioned platforms The Hummingbird and Talin are expected to receive final approval by the FAA within several months’ time. There are no new risks or concerned posed by approving the 6 new UAS Platforms as they follow similar flight handling characteristics, control methods, operating parameters, and reasons for usage already expected from the four previous submitted COA’s. The 6 new UAS Platforms represent unmanned aircraft that are simple, easy to use, and have been proven to be reliable. FAA approval only permit COA operations of those UAS Platforms listed by the signatory. They do not allow for the immediate operations or flight of unmanned aircraft by any parties or with any platforms other than those already approved. For the FAA discusses on their website “for the public aircraft operation the FAA issues a Certificate or waiver of authorization (COA) that permits public agencies and organizations to operate a particular aircraft for a particular purpose in a particular area”. After reviewing the technical specifications of the 6 new UAS platforms I recommend to the Board of County Commissioners that Alamosa County approves the 6 new proposed UAS platforms.

Gigi Dennis stated these platforms were discussed at the last Advisory Board meeting.

Commissioner Dunne stated they have been explained and it would be interesting additions.

Commissioner Yohn stated if they could open it up to more platforms he sees this as a benefit.

Commissioner Allen southwest solid waste they had a presentation from a company of small unmanned aircrafts and one is designed to look for hot spots at landfills. This is just another use for them. This is the wave of the future.

m/s Yohn/Dunne motion to approve UAV COA applications for the 6 platforms. 
Motion was approved unanimously.

Adjourn

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

ATTEST:

Belina Ramirez, Deputy Clerk

Darius Allen, Chairman

Marianne Dunne, Vice-Chair

Mike Yohn, County Commissioner
Minutes of the Public Hearing for HB 1041 Permit Waiver-Great Divide Solar Energy was held on September 23, 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
Marianne Dunne, Vice-Chair
Mike Yohn, Commissioner
Gigi Dennis, County Administrator
Chris Friesell, Assistant County Attorney
Brittney DeHerrera, Chief Financial Officer
Belina Ramirez, Deputy Clerk

Rachel Baird, James Williams, Mike Greiczyn were present.

HB 1041 Permit Waiver for Great Divide Solar Energy-Invenergy Solar Development

For past final applications for PV Solar facilities, the County has routinely waived certain submission requirements which do not relate to this type of energy generating plants. These requirements ask for information on pipelines, tanks, source of the power, noise, geologic and subsurface conditions of the site, weather, air quality, and hydrology.

The applicant has not included these requirements in their final application. For this application, the staff recommends that the Board continue to waiver these requirements.

Mike Greiczyn spoke. It is right across the street from the SLV Solar substation. They would develop up to 76mgw solar PV facility with battery storage on site and it would connect with the SLV Solar substation.

James Williams spoke. One of our key regional offices is located in South Denver in Littleton.

Commissioner Allen asked if anyone would like to speak in favor of or opposition to this permit waiver.

There being no further business, the Public Hearing for HB 1041 Permit Waiver –Great Divide Solar Energy was adjourned.

ATTEST:

Belina Ramirez, Deputy Clerk

Darius Allen, Chair

Marianne Dunne, Vice-Chairman

Mike Yohn, County Commissioner

1 | Page
Minutes of the Public Hearing for Mosca General Improvement District Bylaws was held on September 23, 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
Marianne Dunne, Vice-Chair
Mike Yohn, Commissioner
Gigi Dennis, County Administrator
Chris Friesell, Assistant County Attorney
Brittney DeHerrera, Chief Financial Officer
Belina Ramirez, Deputy Clerk

Rachel Baird and Jinger Tilden were present.

Bylaws for Mosca General Improvement District were presented.

Rachel Baird stated we are basically appealing all of the previous resolutions. These Bylaws represent the consolidation of billing practices, service policies, and legal procedures that have been ever done. There are only two deviations that we have changed the billing from quarterly to monthly effective October 1, 2015. Also a $10 late charge will be applied to all delinquent accounts after 30 days and an additional $10 each month they are overdue.

Commissioner Yohn stated he would like to see an aging report.

Gigi Dennis asked about the $10 late fee if this is not retro and not be assessed for those who made payment arrangements.

Jinger Tilden stated this is not retro. They are basically starting monthly payments and those who set up deferred payment plans will remain not having a delinquent charge. She will be creating a new company for $25 a month and assess $10 for late fee.

Commissioner Allen asked if anyone is in favor of or opposition to these bylaws.

There being no further business, the Public Hearing for Mosca General Improvement District was adjourned.

ATTEST:

Belina Ramirez, Deputy Clerk

Darius Allen, Chair
Marianne Dunne, Vice-Chair
Mike Yohn, County Commissioner
Minutes of the Public Hearing for Text Amendments was held on September 23, 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
- Marianne Dunne, Vice-Chair
- Mike Yohn, Commissioner
- Gigi Dennis, County Administrator
- Chris Friesell, Assistant County Attorney
- Brittney DeHerrera, Chief Financial Officer
- Belina Ramirez, Deputy Clerk

Rachel Baird was present. Text Amendments were presented as followed:

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<td>Wireless telecommunications facility</td>
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<td>S P 3.3.2</td>
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### Commercial Uses

<table>
<thead>
<tr>
<th>Use Description</th>
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<tr>
<td>Adult-oriented business</td>
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<tr>
<td>Agriculture, general</td>
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<td>S</td>
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<td>Agriculture, limited</td>
<td>P</td>
<td>S</td>
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<tr>
<td>Agritourism</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>Banks and financial institutions</td>
<td>P</td>
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<tr>
<td>Business and professional offices</td>
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<td>P</td>
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<td>P</td>
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<tr>
<td>Bed and breakfast</td>
<td>P</td>
<td>S</td>
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<td>S</td>
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<tr>
<td>Contractor's office</td>
<td>P</td>
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<tr>
<td>Cottage Foods</td>
<td>S</td>
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<td>S</td>
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<tr>
<td>Flea market</td>
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<td>Funeral home</td>
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<td>Gas station with convenience retail</td>
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<td>Hotel, motel</td>
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<td>P</td>
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<tr>
<td>Industrial Hemp</td>
<td>P</td>
<td>S</td>
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<td>P</td>
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<tr>
<td>Indoor recreation</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Kennels and animal hospitals</td>
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<td>Lumberyard, wholesale</td>
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<tr>
<td>Medical Marijuana-Infused Product Manufacturer</td>
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<td>Medical Marijuana Dispensary</td>
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<td>Medical Marijuana Optional Premise Cultivation Operation</td>
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<td>Office, general</td>
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<td>Office, medical</td>
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<td>Parking lots and garages</td>
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<tr>
<td>Personal services</td>
<td>S</td>
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**Reason for Change:** The permitted land use table has never been updated to reflect local zoning needs. Many of the revisions rectify disallowing “neighborhood” businesses in residential areas. The medical marijuana uses were updated to reflect the standards set forth in Alamosa County’s Medical Marijuana Ordinance No. 16. Other uses reflect new categories added to commercial use groups.

### Text Amendment 2: Under Section 3.4. Commercial Use Standards:

3.4.7 Kennel and animal hospital

B. Animal hospital or veterinary clinic; provided that any structure used for such purposes have air conditioning and soundproofing so as to eliminate nuisance qualities, shall be at least 100 feet distant from any residential district.

C. Outdoor areas, including pens or exercise runways, associated with animal hospitals and veterinary clinics shall be located a minimum of 660 feet from any residential district.

D. Kennels and boarding facilities animal hospitals shall be located a minimum of 660 feet from any residential district.

**Reason for Change:** According to the American Planning Association (APA) “veterinary offices and small animal hospitals possessed the nuisance characteristics of odor and of noise from barking, whining dogs, and animals resisting confinement” and were therefore subject to very restrictive zoning. New construction methods such as air-conditioning and soundproofing eliminate nuisance qualities allowing most jurisdictions to remove minimum distance requirements.
Text Amendment 3: Under Section 3.4. Commercial Use Standards:

3.4.9 Cottage foods

In 2012, the Colorado Legislature enacted Senate Bill 12-048 allowing individuals to produce, sell and store certain types of "cottage food" products in an unlicensed home kitchen. The Colorado Cottage Foods Act allows individuals to make and sell a limited range of foods that are non-potentially hazardous and that do not require refrigeration.

A. These foods are limited to spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter. Fresh produce including herbs and whole, uncut vegetables and fruit, whole, fresh eggs, and baked goods and candies that do not require refrigeration.

1. All cottage food businesses are required to obtain an Alamosa County Business License and register with the state for sales tax purposes.
2. Labeling - Products must be labeled so that they can be traced to the seller. Labels must include:

B. The name of the product, the producer's name, address, telephone number and email, where the food was prepared or grown, the date the food was produced and a complete list of ingredients.

C. The disclaimer: "This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale."

1. Food Safety Course Requirements - Producers must take a food safety course that includes basic food handling training and is comparable to, or is a course given by, the Colorado State University (CSU) Extension or a state, county, or district public health agency, and must maintain a status of good standing, including attending any additional classes if necessary. A copy of the Food Safety Course Certificate must be displayed at the sales venue.

2. Limit on Sales – Total annual net value of cottage food sales limited by state law, which, as of May 1, 2015, was $5,000 per item (for example, $5,000 for sale of honey, etc.)

D. Limit sales of whole, fresh chicken eggs to less than 250 dozen per month.
E. Cottage foods may not be sold wholesale but only retail, directly to the consumer.
F. Proof of a well or other legal and adequate water source

Reason for Change: Land Use Staff feels that there is not currently a category that adequately defines the cottage food industry in the LUDC. Cottage foods are a common question from the public and the closest interpretation in the LUDC falls under “restaurant” or “bakery” which fails to encompass the intent of the cottage food industry.

Text Amendment 4: Under Section 3.4. Commercial Use Standards:

3.4.10 Industrial Hemp
The Colorado Constitution defines Industrial hemp as ‘a plant of the genus Cannabis and any part of that plant, whether growing or not, containing a Delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3% on a dry weight basis. Under Colorado State law any Cannabis with a percentage of THC above 0.3% is considered marijuana.

A. All Industrial Hemp operations must be registered with the Colorado State Department of Agriculture Hemp Registry Program.
B. Proof of Registration shall be provided to the Land Use Office on an annual basis.
C. Proof of a well or other legal and adequate water source

Reason for Change: Land Use staff feels that because industrial hemp is not a topic covered in Alamosa County’s Medical Marijuana Ordinance, it is necessary to have some regulation of the burgeoning industry. Specifically, formally expressing the State’s registry requirement and requesting that registries be filed with the Land Use office so as to preempt complaints from the community and inquiries from law enforcement.

Text Amendment 5: Under Section 3.4. Commercial Use Standards:

3.4.11 Agritourism

Agritourism may be defined as activities, events and services related to agriculture that take place on or off the farm or ranch, and that connect consumers with the heritage, natural resource or culinary experience they value. There are three general classifications of agritourism activities: on-farm/ranch, food-based, and heritage activities.

A. Agritourism businesses are required to obtain an Alamosa County Business License, register with the state for sales tax purposes, and comply with any other applicable licensing requirements;
B. Agritourism may include, but not limited to, such activities as brewery/winery tours, farm and ranch stays and classes, fruit and vegetable picking, rodeo and livestock activities;
C. All food preparation and/or services shall comply with all applicable food safety training and licensing as required by the Colorado Department of Public Health & Environment and the Alamosa County Health Department.
D. Colorado House Bill 1280 requires all agritourism businesses to post a sign regarding liability that states “WARNING: UNDER COLORADO LAW, THERE IS NO LIABILITY FOR THE DEATH OF OR INJURY TO A PARTICIPANT IN AN AGRICULTURAL RECREATION OR AGRITOURISM ACTIVITY RESULTING FROM THE INHERENT RISKS OF THE AGRICULTURAL RECREATION OR AGRITOURISM ACTIVITY, PURSUANT TO SECTION 13-21-121, COLORADO REVISED STATUTES.”
E. Proof of a well or other legal and adequate water source

Reason for Change: Much like the cottage food category, agritourism encompasses a category in the LUDC that is not currently addressed and would assist with the multitude of questions on the topic. Many agritourism activities could be addressed under Temporary Use Permits and
some activities may still require TUPs for specific events. Nevertheless, the time restrictions on the TUP category make year-round agritourism operations impossible.

**Text Amendment 6: Under Section 3.6 Accessory uses and Structures:**

**Under Section 3.6. 3 Residential accessory uses:**

C. Greenhouses or hothouses

A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises.

1. Greenhouses or hothouses must meet all Minimum Setbacks (All Sides).
2. Greenhouses under 200 square feet are subject to approval by the Alamosa County Building Official.
3. All greenhouses or hothouses, regardless of square footage, are subject to tie-down requirements.
4. Proof of a well or other legal and adequate water source
5. All sales of produce are subject to Section 3.4.9 and Section 3.4.11.

**Reason for Change:** The Land Use staff feels that with the increasing number of inquiries being made about greenhouses that a few key guidelines, without being overly restrictive, would help create a regulatory framework for greenhouse construction.

**Text Amendment 7: Under Section 3.6 Accessory uses and Structures:**

I. Storage buildings and garages
d. In Rural (RU) zoned districts, prior to the construction of a principle structure, each lot may include one (1) a storage building or garage for the purpose of storing personal property, provided that all storage must be inside the storage building or garage.

**Reason for Change:** As a follow up to the accessory storage building amendment last year, the Land Use staff would like to specify that “a” means a single storage building so as to limit potential code enforcement issues on unoccupied lots.

**Text Amendment 8: Under Section 4.1 On-site Wastewater Treatment Systems:**

Appendix A to the On-site Water Treatment System Regulations for Alamosa County

Appendix A to OWTS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>REQUIREMENTS</th>
<th>Citation</th>
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<tr>
<td>Flow Rate-Residential</td>
<td>75-100 Gal./Person/Day</td>
<td>43.6.A.2.b</td>
</tr>
</tbody>
</table>

**Reason for Change:** When the new OWTS Regulations were adopted in 2014, it was believed that 75 gpd would be insufficient to support household appliances that were no longer
calculated into daily wastewater production for residential purposes. It has become apparent in the last year that 100 gpd is an unwarranted extra expense for homeowners.

**Text Amendment 9: Under Section 8.8 Special use review:**

8.8.5 Action by administrator

A. Upon submission of a completed application, the administrator shall review the application for consistency with the requirements of this LUDC.

B. Other referral agencies and officials as the administrator or the planning commission may deem necessary and desirable shall be given an opportunity to review the application.

C. Upon completion of the technical review, the administrator shall prepare a report that reviews the application in light of the adopted plans and policies of the county, and the requirements of this LUDC. The report, site plan and any related application materials shall be forwarded to the planning commission.

D. If deemed necessary by the administrator, the applicant(s) may be required to submit additional materials including, but not limited to:

   a. Maps depicting topography, archaeological, cultural and historical resources, soil identification, vegetative cover, historic land use, or wetland analysis.
   c. Wildfire Mitigation Plans.
   d. Traffic Studies.
   e. Grading Plans.
   f. Viewshed analysis.
   g. Air Quality Studies or Air Pollution Emission Notice (APEN).

**Reason for Change:** The Land Use staff would like the administrator to have the authority to request further impact studies of proposed Special Use Permit applications. Some applications have serious implications for the community and additional information would help both the Planning Commission as well as the Board of County Commissioners make thorough and informed decisions.

**Public Notice:**

Notice for the Planning Commission was published in the Valley Courier on June 6, 2015. Notice for the Board of County Commissioners including the full text of the amendments was published on August 21, 2015.

**Staff Recommendation:**

The Land Use Staff recommends that the Board of County Commissioners approve the proposed amendments to the Land Use and Development Code as presented. If the Board chooses to table certain text amendments for further discussion, staff respectfully requests the Board consider approving the remaining text amendments at this time.
Planning Commission Recommendation:

The Planning Commission met on July 8, 2015 to discuss these text amendments. They reviewed the text amendments and made the following recommendations:

1. Under Section 2.3 Permitted Land Uses
   The main discussion of the proposed changes to the Permitted Land Uses table was in regard to the change to parking lots. They questioned potential blight issues with parking lots in Rural (RU) zoned districts, but resolved that all the proposed changes required Special Use review which would preempt the installation of an inoperable car storage lot. There were questions as to why parking lots weren’t allowed by right in Industrial (I) zoned districts. There was also some discussion regarding industrial hemp, which staff had recommended to be allowed by right in every district. The Planning Commission argued that industrial hemp should be limited to the same permitted uses as “Agriculture, general” and “Agriculture, limited”. Ultimately, they unanimously moved to approve all amendments to the Permitted Uses table with two revisions. That parking lots are allowed by right in Industrial (I) districts and that industrial hemp is relegated to the same permitted uses as both agriculture categories.

2. Section 3.4. Commercial Use Standards: 3.4.7 Kennel and animal hospital
   This topic generated much debate and the Planning Commission added two sections to the amendment suggested by staff. They added a requirement of sufficient air-conditioning and soundproofing as a prerequisite of the reduced distance requirement. They decided to keep all outdoor storage of animals at least 660 feet from any residential district and separated several categories. They moved outdoor storage including kennels and runs to separate section than veterinarians and animal hospitals. Finally, they made a distinction between outdoor storage of animals at veterinary clinics or animal hospitals and outdoor storage at a kennels or boarding facilities although the distance requirement remains the same. They unanimously approved the text amendment with the proposed revisions.

3. Section 3.4. Commercial Use Standards: 3.4.9 Cottage foods
   The Planning Commission questioned why sales were limited to $5,000. Staff informed them it was a determination made by the State. There were also concerns about legal water sources. They stated that water law restricts produce sales. Those with a domestic well can irrigate an acre but commercial sales are prohibited. Ultimately, they unanimously approved the text amendment with a revision stating that applicants must have a legal and adequate water source.

4. Section 3.4. Commercial Use Standards: 3.4.10 Industrial Hemp
   The discussion of industrial hemp was in regard to the Permitted Uses table from Text Amendment 1. They reiterated that industrial hemp must be limited to the same zoned districts as other agricultural uses. After some discussion of water, the Planning
Commission unanimously moved to approve the text amendment with a revision stating that applicants must have a legal and adequate water source.

5. Section 3.4. Commercial Use Standards: 3.4.11 Agritourism
   The Planning Commission discussed how agritourism and cottage foods overlap and that Agritourism businesses must be required to get any other applicable licensing as well as prove a legal water source. The text amendment was approved unanimously with conditions of increased licensing requirements and proof of a legal and adequate water source.

6. Section 3.6 Accessory uses and Structures: 3.6.3 Residential accessory uses: C. Greenhouses or hothouses
   Noting that cottage foods would have implications for greenhouses and hot houses, the Planning Commission recommended the removal of the restriction on sales from the premises. They also felt it was important to cross-reference sections on agritourism and cottage foods. The text amendment was unanimously approved with the proposed revisions and proof of legal and adequate water.

7. Section 3.6 Accessory uses and Structures: I. Storage buildings and garages
   The Planning Commission agreed the distinction should have been made during the original text amendment. The text amendment was unanimously approved.

8. Section 4.1 On-site Wastewater Treatment Systems:
   The Planning Commission had some discussion of consumptive use and whether the figures were accurate. Staff informed them that the two options were the only options offered by the State in Regulation 43 and that deviation was not possible. The text amendment was unanimously approved.

9. Section 8.8 Special use review:
   Some Planning Commission members had some concerns that this amendment was too arbitrary and allowed the Land Use Administrator to act discriminatorily. Others argued that recent applications had warranted studies of water impacts and wildlife impacts but we could not require them. They believe that water is often the most contentious issue on applications and hydrologic studies are very site specific. Some members were concerned about the extra cost to applicants if they are forced to hire consultants. They also wondered if a zoning overlay with determinations regarding which areas of the county would require additional review might be more impartial. Ultimately, they decided that the studies would significantly help with the decision-making process and voted to approve the text amendment with one member voting in opposition.

Commissioner Allen asked if anyone is in favor of or opposition to these Text Amendments.

There being no further business, the Public Hearing for Text Amendments was adjourned.
ATTEST:

Belina Ramirez, Deputy Clerk

Darius Allen, Chair

Marianne Dunne, Vice-Chairman

Mike Yohn, County Commissioner