Minutes of the Board of County Commissioners Meeting, held on October 22, 2014 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
Mike Yohn, Chair  
Marianne Dunne, Vice-Chair  
Darius Allen, Commissioner  
Jason Kelly, County Attorney  
Peter Kampfer, County Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Addition of DOLA SLV Housing Coalition for Down Payment Assistance Program under the Consent Agenda

M/S Dunne/Allen motion to approve the agenda of October 22, 2014 with addition.  
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:  
Regular Minutes-October 8, 2014

Commissioner Dunne suggested under Public Health report it states “raise wages & the Affordable Care Act” should be “apply Affordable Care Act”.

M/S Dunne/Allen motion to approve the Minutes of October 8, 2014.  
Motion was passed unanimously.

Approval of Bills/Obligations

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

Elizabeth Cook spoke. She has a real estate investment company called Alco Investments Inc. She grew up here in Colorado and went to New York City for school and came back four years ago. She has a warehouse in Denver for Medical Marijuana. There is a vote for Recreational Marijuana. There is a farm belonging to John & Terry Brownell and she is interested in buying it and would like to put in a recreational medical marijuana center. She has hopes to work with the University and possibility of internship in agriculture/engineering. She would like to work with the community and the County. She brought a brief description of her real estate investment business and a resume. Bret Gilbert was present as well and he has worked with her first facility.

Do you have medical marijuana now asked Ms. Cook. Mr. Kelly stated they have medical marijuana now which is by Special Use Permit only. The recreational marijuana is for vote now in November. There is a moratorium of recreational marijuana until the results from the election. He suggested they speak with the Land Use Department.

Approval of Consent Agenda
SLV Public Health Partnership-Planning & Partnerships Improvement Plan-Implementation Plan Grant
CDPHE-Immunization Core Services Project
Clerk & Recorder’s Report for September
Appoint Board Member to SLV Community Action Agency
DOLA SLV Housing Coalition for Down Payment Assistance Grant

Commissioner Dunne asked to pull off Appoint Board Member to SLV Community Action Agency from consent agenda for further discussion. The Board is to make a recommendation to the SLV Community Action Agency not appoint them.

M/S Dunne/Allen motion to approve Consent Agenda without the recommendation for SLV Community Action Agency.
Motion was approved unanimously.

Commissioner Dunne stated Alamosa County is allowed three representatives. At the present time she is on the board and Carol Riggenbach from The Bridge. They are supposed to have representation from the low income community and presently they don’t. They recommend Calvin Maroau who resides at La Puente. He has attended two meetings to see what is about and see if he is comfortable. She would recommend him to be on the board.

Commissioner Yohn asked what the term is. It is a three year term and he is willing to be on the board.

M/s Dunne/Allen motion to appoint Calvin Maroau to SLV Community Action Agency for three year term
Motion was approved unanimously.
Public Hearings

Special Use Permit-Charles Heald

Rachel Doyle and applicant Charles Heald were present.

Commissioner Dunne thanked him for visiting with his neighbors and understand their issues.

Mr. Heald stated they discussed the lighting previously and he was leaning away from lighting but the neighbors would prefer lighting. As long as they are open to this option.

Ms. Doyle stated as long as they follow the Land Use Code.

Commissioner Allen stated he has been to his place in Del Norte and it is nice. The access off the highway was addressed. His question is if it is required to have restroom facilities. No stated Ms. Doyle. Talk about graveling driveways but he would like to add dust control. It is a concern. If it is a problem he would like Land Use to check into that. He would like that opening. They can put down some dust inhibitor if it is a problem but he doesn’t see this being a problem. How many total units will be there? Mr. Heald stated 192 units but gradual not all at once. Commissioner Allen asked about the drainage. The drainage plan may affect the layout and the quantity stated Mr. Heald. He hasn’t see it.

Commissioner Allen asked if any other neighbors or other comments were received. Ms. Doyle stated at the Planning Commission meeting they had a fair turnout. They did have concerns from the neighbors regarding disturbance, view, and disrupting the wildlife. It is a quiet neighborhood and they didn’t want traffic. The Planning Commission did inform the public it is commercial and he could have put something like a gas station.

Commissioner Yohn stated the access is off Gaumer. It is off Gaumer stated Ms. Doyle but the easement is on south side of the Ozawa property. This is written into the deed. After talking to CDOT they would prefer off Johnson Rd from Harmony but they said either would be acceptable. It is off Gaumer Lane off on a private gravel road which is the southside of Ozawa property asked Commissioner Yohn. It is Exhibit 21. Is the keypad time controlled asked Commissioner Yohn. Yes it is by time clock which will not allow access off of business hours.

Mr, Heald stated he does have the driveway access permits he just needs to send a check.

List of Exhibits
1. Special use Application Checklist
2. Staff Report
3. Pre-Application Conference
4. Application
5. Receipt of Payment
6. Ownership and Encumbrance Report
7. Warranty Deed
8. Assessor Record
m/s Dunne/Allen motion to accept the Storage Facility for Charles Heald with dust control if/and/or when needed to contact Land Use and to include conditions listed in staff report. Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2014 – SUP - 2

RE: APPLICATION OF CHARLES HEALD FOR A SPECIAL USE PERMIT TO INSTALL A MINI SELF-STORAGE FACILITY ON A TRACT OF LAND IN ALAMOSA COUNTY, COLORADO.

Commissioner Dunne moved for the adoption of the following Resolution. Commissioner Allen seconded the motion.

WHEREAS, Charles Heald has submitted an application for a special use permit to install a mini self-storage facility in Alamosa County, CO on the following property:

Tract 38 of the Redwing Subdivision., County of Alamosa, Colorado, under parcel number 541506305020;

said property being zoned Commercial (C); and

WHEREAS, a public hearing was held before the Alamosa County Planning Commission on September 10, 2014, to consider said application; and

WHEREAS, a public hearing was held before the Board of County Commissioners on October 22, 2014, and no one spoke in opposition to said application. One person spoke to request to have a fence constructed between applicant’s property and theirs;
WHEREAS, proper notice was provided as required by law; and

WHEREAS, the Board of County Commissioners has considered the application, and finds the application meets all requirements of the Alamosa County Land Development Code pertaining thereto as presented by the Land Use Administrator; and

WHEREAS, the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code.

IT IS THEREFORE RESOLVED AND ORDERED that the special use permit to allow the installation and operation of a mini self-storage facility on the above mentioned property is hereby granted as a special use pursuant to the Alamosa County Land Development Code under Article 3, Section 3.4.8.

Said Permit is issued subject to the following conditions:

1. Storage containers shall be limited in number to 192 units and must meet all minimum setback requirements.
2. Installation of concrete footers perpendicular to the shipping containers is required. Size and structural integrity of footer will be contingent on the size of the containers. Footer specifications will be required on the building plans submitted to the Alamosa County Building Inspector during construction;
3. A 4-foot high opaque slatted fence shall be established along the north and south side of the access easement (unless prohibited by the coincident utility easement) and where the self-storage facility is visible from a public right-of-way;
4. Color of containers may vary, but color per row shall be uniform;
5. Operation hours are limited to 6:00 a.m. to 7:00 p.m. seven days per week;
6. A grading plan is required prior to construction and must include plans for a gravel road on the access easement;
7. Gravel road on the access easement shall be adequately maintained and the lot must remain free of weeds, trash, and blight;
8. Construction hours and times for hauling and placing containers is limited from 7:00 a.m. to 6:00 p.m.
9. Although it is not anticipated that dust shall become a concern, Applicant agrees to abate dust issues to the satisfaction of Alamosa County

Passed by roll call vote: Dunne, Allen & Yohn all in favor.

DATED this 22nd day of October, 2014

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(S E A L)
ATTEST:

By Michael Yohn, Chairman

Melanie Woodward, Clerk of the Board

Ordinance #13-Alamosa County Dog Ordinance

Commissioner Dunne discussed the section where it states “the need for a tag”. She lives in the City and gets a tag from them. Does she have to get a County tag as well because the way it reads they do? Mr. Kelly stated that is the way it is read but the intent was meant for the unincorporated areas of Alamosa County. It should be read in the unincorporated areas. Also the charges for 1st offense is a verbal warning does the 2nd Offense change. Mr. Kelly stated just the 1st Offense has changed the 2nd Offense will remain the same.

Commissioner Allen stated the licensing states to go to Valley Humane if they go under do they have to change this or can we put in something now. Mr. Kelly stated if they go out of business they can add “or other designated area or location designated by the County”.

Commissioner Yohn asked about the requirement for Alamosa County and if you have a City license then the County should require all dogs to have a current license and vaccination. This way when you have someone from another area visiting. If they have someone else visiting here with a dog they must have a current dog tag and vaccination. There is a difference between a dog license and vaccination. You can say all dogs must be current vaccinated in the unincorporated areas of Alamosa County. They could strike completely and reword a separate heading called “Vaccinations” then state the county requires all dogs in the unincorporated area of Alamosa County to be properly vaccinated or with current vaccinations.

Commissioner Yohn stated he has a hard time distinguishing license and registration. Mr. Kelly stated it reads different to him. Commissioner Dunne stated she has to have the dog licensed but also have the dog registered with the City.

Commissioner Allen stated the main idea is to make sure they are vaccinated.

Commissioner Yohn added and to know who the dog belongs to.

Commissioner Allen stated it would be nice to have the Sheriff here for this.

Commissioner Dunne stated Section 3e addresses the dogs and cats out of the County should have rabies vaccination within 30 days.

Mr. Kelly stated he would redraft if they table this and have the Sheriff here.
Commissioner Allen would like Valley Humane League here also.

**m/s Allen/Dunne motion to table until November 5th and invite designated individuals they spoke of.**

*Motion was approved unanimously.*

**Alamosa County Department of Human Services**
Catherine Salazar was present.

They have had a vacancy in their front desk who left for a case aid position. She will be moving to the Colorado Works/TANF unit. This vacated a position at the front desk. A job description was included for review. The pay is at $11.15/hr. It is important to keep our staffing levels current considering the influx of traffic that comes through there.

Commissioner Dunne asked about training regarding welcoming clients, listening, and attending to them. Standardized training she is not aware of any but they can look into that stated Ms. Salazar. One long time employee gives training to them. If opportunity to move they usually seek that opportunity so there is turnover. Commissioner Dunne feels like there is a need for training.

**m/s Allen/Dunne motion to approve employee vacancy**

*Motion was approved unanimously.*

Statement of Revenues and Statement of Expenditures were presented. LEAP program will begin soon so they will see a large increase.

Investigation Report, Recover Collection Comparison Report and Child Support Collection Comparison report was provided. They didn’t have a report for September so this estimated. Child support case count they didn’t have numbers reported for September so they estimated.

Commissioner Yohn asked about the note on the bottom of the report. CBMS cannot tie this amount to anything so it is floating around basically it is in process stated Ms. Salazar.

Commissioner Dunne stated it was a great honor that two state people came out for Naomi’s retirement. She spoke with them and they said Jeff’s unit was the best in the state. Ongoing Workload Summary Report was provided. It showed Adult Financial is at 299 cases, Colorado Works is at 130 cases, Food Stamps/Food Assistance is at 1972 cases, and Medical Assistance is at 3421 cases.

Monthly Food Assistance Issuance Report was provided. Issued $503,189 in Food Assistance. They are going to be under than the previous year.

**Purchase of Service Contract for Life Skills PALS Children’s Program**

This is a Life Skills program. PALS stands for Positive Activities that lead to Success. This is an after school, vacation days, and summer program for children who are at risk that are in
custody of DHS or are on a waiting list. These children have a lot of issues to work through. They get a lot of one on one time with the team. They provide academic tutoring as well. In spite of no funding from their department the program strived last four years. Contract is for $15,000.

Commissioner Dunne appreciated if some reason they needed to terminate they have a 30 day timeframe.

Ms. Salazar stated they had a philanthropist that donated two vans to the PALS Program. They have 20 slots and 11 of them are filled by DHS.

Commissioner Allen asked if in 6 months she could come back and see let them know how it is doing.

m/s Allen/Dunne motion to approve the Purchase of Service Contract for PALS Program Motion was approved unanimously.

SLV Joint IOG 1451 Family Support Partner Contract

This is for half-time position. It would cost them $4500. It is a family support partner where this individual is an advocate for clients. When they engage clients in services in mental health or schools they support them to meet appointments and navigate through the system. It is shared by three counties.

Commissioner Dunne stated she is delighted to see the three counties work together. It makes it more affordable for them. Is this person bilingual? Yes stated Ms. Salazar.

m/s Dunne/Allen motion to accept SLV IOG 1451 Family Support Partner Contract with SLV Behavior Health for $4500 Motion was approved unanimously.

Contract for Substance Abuse Services 2014-2015

This is between Alamosa, Costilla, Conejos, Rio Grande, Mineral, and Saguache. They pool their money together to provide these services through SLV Behavior Health Center. Opportunity to strengthen substance abuse resources in the San Luis Valley. They used Crossroads for years now they have another provider to refer clients to for where Crossroads were not successful. In the amount of $75,000. It is funded through Core dollars.

Commissioner Dunne does this mean they cut some support from Crossroads. In the past not all of the allocation was used by Crossroads so they wanted to try these new program.

Commissioner Allen have we done this before? This is a new contract stated Ms. Salazar.

Commissioner Allen asked if they are paid administrative fees. Ms. Salazar stated they are 100% State dollars. Anytime through CTSI insurance charges their premium through the dollars
that come through. Ms. Salazar stated she hasn’t seen this in these contracts. It is a 5 county collaboration stated Ms. Salazar. Commissioner Yohn stated we are the larger County and the funds tends to flow through our County.

Commissioner Yohn asked if any are in detention. Ms. Salazar stated none of the ongoing open cases are affiliated with anyone in detention.

Mr. Kelly stated either party can terminate within 30 days.

Ms. Salazar stated many have dual diagnosis of substance abuse and mental health. Commissioner Dunne stated they are concerned with inpatient services. A 30 day for inpatient through Crossroads is $6000. They want to make sure clients are successful because it is very expensive. They try to manage through outpatient.

m/s Dunne/Allen motion to approve contract for Substance Abuse Services 2014-2015 with SLV Behavioral Health
Motion was approved unanimously.

**Alamosa County Road & Bridge**

Phil West was present. They finished 105 west of town which is 1st road west of Jonesville, They need to trim trees there yet. They about used their sand building up that road. They have a snow plow they are working on. Now he doesn’t do the airport so he will have four plows out. They usually had two at the airport. This will be a lot better. They have a dog clinic today, tomorrow, and Friday. They didn’t get any applications for their mechanic position. They will keep looking. They have a couple more culverts to put on. They are waiting for them to shut off the ditch.

Commissioner Yohn asked if they shut it off the 1st of the month. Yes stated Mr. West.

Commissioner Yohn maybe after harvest winding down they could find a mechanic.

Mr. West stated at the old shop they had an overhead crane. J.J. looked at it and they could raise it up 4ft because it is a little low. They can sandblast it and paint it. It would be good outside because it would take room in the bay. He went out and looked at the Pink Elephant property. There are some issues with the traffic and the parking lot has signs belonging to Oscars. They will need to make arrangements for that. Xcel will have to pull meters and turn off the power.

Commissioner Yohn stated it is up to the city but he is glad he looked at it. Mr. Kampfer stated he has a checklist to look for to make sure they have everything covered. When all that was built there was a cesspool.

**Alamosa County Public Health**

Della Cox-Vieira and Whitney Shaw were present.
They presented to PAC that the Home Health program is experiencing an extreme need to expand. They have been in conversation with At Home Health. They were being purchased by a company out of state. They believed since they were out of state they would have to apply for short term and long term care. They thought they would apply for the contract and have a short lapse of no service. At the end of September they came back and said they were not going to apply for long term care. This left 58 clients without service at the end of the year. This is for not just in Alamosa but they serve all six counties with this program. They don’t know how to help appropriately with current staffing. They have been approached by a couple of nurses that were affected by this. They are getting them trained. With 36% increase of caseload they are going to need one more nurse to work on referrals and help with orders. Another team lead for administering. The Job description is included for each one.

Commissioner Allen asked what their obligation to take them is. Ms. Vieira stated they are not obligated to take them, but if this other agency will not contract they will not be able to receive referrals. Either way they gear up to provide these services because the doctors will start sending us the referrals. Ms. Shaw stated the community is concerned they will not receive services which will increase the use of the hospitals and emergency rooms. Ms. Vieira stated perhaps people would not be able to stay home so nursing homes would get inundated.

Commissioner Allen asked if this is for long term period. Ms. Vieira stated they calculated one visit a week under Medicaid. The cost per visit they have about $24,000 revenue that would come in and they would spend $21,000 to get the new staff on board. It will help balance out and allow them to continue receiving referrals.

LHQ purchased them and usually they can transfer licenses but in Colorado they have to apply for a new license and it would take 8 months to get so they decided not to do so.

Commissioner Yohn stated his concern is to hire employees and LHQ decides to get a license and then they take the “cream of the crop”. Ms. Vieira stated that is what they thought at first but it looks like it is a permanent decision.

Commissioner Dunne stated they bought up all the small agencies in the Valley and created a monopoly and decided not to assist. It is just so unjust.
Ms. Shaw stated the nurses are upset with no notice of discharge of the clients so they are thinking of them.

Commissioner Yohn asked they have taken on more already is there a list? Ms. Vieira stated they don’t have a list yet but they are planning ahead. Commissioner Yohn stated you are refusing services already and now you are bringing in more. Ms. Shaw stated they are but not anymore than they already have been.

Commissioner Dunne asked how does it work we pay salaries and Medicaid pays us back? Ms. Vieira stated we bill monthly for therapist and bill for services the prior month.
Commissioner Yohn asked if they have a loss not being reimbursed. Ms. Shaw stated Medicare gives 60% upfront and then gives a final. Ms. Vieira stated their bad debt expense is 1% of total of revenues.

Commissioner Allen asked if they have space for the new employees. Ms. Vieira stated they got desks from old annex and computers from Catherine at DHS.

Mr. Kampfer stated other counties such as Delta are experiencing this as well. These companies are for profit that are taking these agencies over.

**m/s Dunne/Allen motion to give permission to fill two new positions an RN and a team lead Motion was approved unanimously.**

She had a survey at her previous position for Personal Care Providers where they had a resolution they wanted to see as a provider supervisor and administrator. What she is proposing to formally recognize Jill Pascoe as Personal Care Provider Program Supervisor as administrator of this program and Margie Martinez be appointed as deputy administrator and serve as temporary supervisor as deemed appropriate. Mr. Kelly stated we have to list it as a Board of Health approving this on the agenda.

**Ebola Update. As of the 20th of October, 2 Texas Health Care workers are kept under supervision. The family of the Texas case that died were released yesterday. 4500 total deaths but they were not getting good data out of Nigeria. Colorado has a great preparedness response. Colorado Health Department expects all hospitals to identify and treat Ebola. They have identified three hospitals to treat Ebola so any outline hospital would isolate and transfer to these hospitals so they wouldn’t be expected to treat them. This would be University Hospital, Denver Health, and Children’s Hospital are the three facilities. The State has put up posters that have been provided to all health care individuals with things to ask for and numbers to call. Some new recommendations were made yesterday and in the region they are ordering these supplies. Epidemiologist is going to give a refresher training. Our region has three search trailers which were acquired by Retac. They were previously located at three hospitals. Unfortunately the Conejos County trailer was stolen a couple of years ago. The trailer was found but the supplies were taken. Insurance was filed and received funds but they haven’t been used. Rodney King agreed to use some of those funds to purchase these person protective equipment. The EPR team is in Denver at a statewide meeting talking about Ebola. They will have updates and good resources for them. They discussed with Dave Osborn about three points that would be helpful. They are reviewing their emergency policies. This will be clarifying the local board of response, reviewing policies, and support from 1st responders. They issued a press release announcing SLV Emergency Preparedness Program and the local health care workers are working together.**

Commissioner Yohn stated it is important for employees to know about it and get updated. Ms. Vieira stated she plans to put a small notice in the newsletter and the sheriff requested training. They will put together some resources.

Commissioner Dunne stated they may have some students from ASU that travel international but she believes it would be caught at the borders. You just never know. Also we have some
military, missionaries, and doctors. Ms. Vieira stated there is more global traffic than we are aware of. They just need to strengthen their training and preparedness efforts. On her report how far back does the total cases go asked Commissioner Allen. This is from March to October but not everyone seeks medical care so numbers are underreported. They won’t know until the epidemic is over.

Financial report for August was presented. The section for Options for Long Term Care it shows 49% at Revenue and Expenditures shows 62% their revenues they just received their July payment yesterday so they are one month behind in receiving their revenues. This is why it shows relatively low. The New vehicle is accounted for under Public Health so that is why those expenditures look high.

Commissioner Yohn approached Ms. Vieira last week about a part-time nurse under Public Health for the jail. Ms. Vieira stated she would like to do some more research. She has some reservations in terms of what they would need with rules and regulations or policies. They need a Medical Officer. This would need to be in place before moving forward with any structure. The jail environments are different so she would like to look at this. Jail nursing is a specified field and they are not trained in. She doesn’t even know if training is exists. She is not sure if the job description is suitable for an RN. Commissioner Yohn stated really what it is 2 hrs. a day to dispense medications where the officers do not feel comfortable doing. Mr. Kampfer stated the job descriptions he brought back from a conference might be helpful. Commissioner Dunne stated 2 hrs. was the minimum. The jail nurse before was full time. They do need a doctor to refer to. Ms. Osborn stated they met with Dr. Brinton and he commented he might be interested but he wanted to be involved in the application, interview, and hiring process because he has to work with this individual. This is a start they can ask him. The Hospital commented at a minimum to start a nurse would be around a $50,000 range. A lot of discussion needs to happen on malpractice and insurance. For nurses it is not that much as a Doctor. Ms. Vieira stated when Dr. Brinton was here he didn’t have enough coverage for malpractice and it is not cheap. Commissioner Dunne stated McAuliffe was going to look into this. Ms. Osborn commented that it is a possibility the other counties might want to go in for a physician. Conejos is transporting a lot to the hospital. Possibly Conejos, Alamosa, and Rio Grande Counties would be interested. Commissioner Allen asked if we are required to statutory. Commissioner Yohn stated we are required to take urgent care and emergency room. Mr. Kelly stated the goal is to avoid transporting to the emergency room for headaches or such. He cannot find anywhere they are required to have medical personnel. Commissioner Allen asked what about dispensing medicine. They would need qualified administration personnel which is certification required by delegation from a nurse. This would be a minimum to get. Ms. Geiser had suggested various times to Adam Abeyta about this class Public Health offered stated Commissioner Dunne. Mr. Kampfer stated part of the focus is identifying what kind of system they need.

Worksession
Discussion regarding 12th Judicial Building
Board/Staff Updates

m/s Dunne/Allen motion to take proposal for Environmental Assessment Study with Western Tech not to exceed $4000.
    Motion was approved unanimously.

SLV Commissioners Association is Monday, October 20, 2014 at 8:45 am.

Commissioner Allen stated they received a letter of resignation for the Marketing District from Scott Graber.

Adjourn

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

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chairman

Marianne Dunne, Vice-Chair

Darus Allen, County Commissioner
Minutes of the Public Hearing for Charles Heald Special Use Permit was held on October 22, 2014 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Mike Yohn, Chair
Chair Marianne Dunne, Vice-
Darius Allen, Commissioner
Peter Kampfer, County Administrator
Jason Kelly, County Attorney
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Rachel Doyle and applicant Charles Heald were present.

Proposal: The applicant is proposing to operate a self-storage facility.

Legal Description: Tract 38, Red Wing Subdivision, County of Alamosa, State of Colorado

Project History and Background: The applicant, Chuck Heald, is proposing to install a mini self-storage facility on a parcel in the Red Wing Subdivision adjacent to East Highway 160 east of Alamosa. The property is zoned as Commercial (C). The parcel is located south of U.S. Highway 160 and west of Gaumer Lane. It is currently vacant except for two shipping containers and two billboards placed on the site for advertising purposes as allowed on Commercial (C) zoned lots.

According to the Alamosa County Land Use and Development Code (LUDC), self-storage facilities are only permitted on Commercial (C) zoned districts with a Special Use Permit. The self-storage facility will be composed of shipping containers as storage units instead of the typical buildings associated with self-storage facilities. The storage containers will range from the standard 20’ long containers to 40’ long containers and the height will range between 8.5’ – 9.5’. The applicant is also proposing to allow outside storage of RV’s and Boats. The facility will be surrounded with a 6’ commercial-grade chain link fence and access will be off Gaumer Lane on a private gravel drive on an easement south of the parcel to east. The facility will have a keypad for an electronic gate and eight parking spaces adjacent to the entrance.

Public Notice: Adjacent land owners within 1,500 feet of the subject properties have been notified by mail and notice was published in the Valley Courier. To date, no comments have been made from either adjacent land owners or other concerned parties via email, letters, telephone, or other methods that were either for or against the proposed Special Use Permit.
Ms. Doyle would like to amend that because they received a letter yesterday afternoon from an adjacent neighbor.

Courtesy letters were sent to the Colorado Department of Transportation, the Alamosa County Road & Bridge Department and the Alamosa County Building Inspector.

Compatibility: This parcel is surrounded on the East and West by Commercial (C) zoned properties. To the South is a residential Manufactured Home (RMH) zoned district and to the North are Rural (RU) zoned properties.

Findings: 1. The application is not anticipated to endanger the public health or safety if located where proposed. Access is located off a maintained county road, Gaumer Lane, and traffic is not expected to exceed 10-20 vehicles per week. The installation of a new driveway off Gaumer Lane it is not expected to have any major impacts on surrounding neighbors or access but courtesy letters were sent to CDOT and the County Road & Bridge department. James Horn with CDOT responded on October 14, 2014. He stated that ‘the access to this parcel should be off of Johnson Road, either by Gaumer, and or Harmony Road. This secondary access is supported by the State Highway Access Code and Access Law.’ He went on to state that access from U.S. Highway 160 directly on the lot, as proposed by neighbors at the planning commission meeting, would not be possible and that Harmony Road is the preferred access because of the existing right turning lane.

2. The applicant has met all the Special Use Permit application standards. The site conforms to the principles of sound land use planning as it is a commercial business and it is located in a Commercial (C) district with frontage on a major travel corridor.

3. The Special Use Permit is not expected to have any adverse effects upon the adjoining property owners as many are commercial themselves and presumably, the adjacent residential lots were purchased with the knowledge that development could occur on the commercial lots adjacent to the highway. The proposed change is more in congruence with surrounding parcels, stays within the commercial character of the neighborhood, and meets specific demands of the county by encouraging economic development. The facility is north of residential lots and will be visible from some adjacent homes. This facility would be the applicant’s second self-storage installation as he currently operates a facility in Rio Grande County. Mr. Heald describes this new location as an annex of his other facility west of Del Norte. Rose Vanderpool, the Rio Grande County Land Use Administrator, was contacted regarding Mr. Heald’s Del Norte facility and she said that although a public hearing process was not required for its installation as it was already commercially zoned; there have never been any neighbor complaints or any issues with the facility (See Exhibit 11: Del Norte facility photos).
4. It is not believed that the application will adversely affect the adopted plans and policies of the county. The proposal is consistent with the economic development goals as stated in the LUDC Article 1, Section 1.3:
   E. Encourage quality commercial development and revitalizations;
   J. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas;

The application is not anticipated to be detrimental to the use or development of adjacent properties as they are either commercially zoned or existing homes.

5. The proposed application is not anticipated to impact environmental protections, wildlife habitats, ground and surface water, air quality, or jurisdictional wetlands.

Planning Commission Recommendation: The planning commission met on September 10, 2014 to review this application. They asked questions regarding screening, grading, and access of the site. They requested that a non-vegetative screening option be considered as there is no water to irrigate a vegetative hedge. The Department Recommendation has been updated to reflect additional conditions as recommended by the Planning Commission. The hearing was opened to the public and there were four neighbors who spoke in opposition to the application. The neighbor complaints were in regard to the increase in traffic, changes in property values, increased noise, and the disturbance of wildlife and viewshed. Architect Keith Helmstetler spoke in favor of the application and stated that Mr. Heald’s professionalism and consideration of his neighbors is shown by having hired an architect to create the site plan.

The Planning Commission responded to some of the public comments by saying that a commercial business would not affect adjacent property values. They went on to state that the lots have been zoned commercial since 1980 and that the adjacent owners dislike of the development is not grounds for disapproval. They went on to advise the public that commercial lots can be developed into gas stations with convenience stores and vehicle repair shops by right without any public hearing process and that a self-storage facility would have less of an impact on the neighborhood than many other commercial uses. The Planning Commission voted unanimously to approve the application.

Department Recommendation: The applicant has met all submittal requirements for a Special Use Permit according to the Alamosa County LUDC. The Land Use staff has reviewed the proposed application and recommends approval of the Special Use Permit application with the following conditions:
   1. Storage containers limited to 192 units and must meet minimum setbacks on all sides;
   2. Installation of concrete footers perpendicular to the shipping containers is required. Size and structural integrity of footer will be contingent on the size of the containers;
3. A 4-foot high opaque slatted fence shall be established along the south side of the access easement (unless prohibited by the coincident utility easement) and where the self-storage facility is visible from a public right-of-way;
4. Color may vary but color per row must be uniform;
5. Operation hours are limited to 6 am to 7 pm seven days a week;
6. A grading plan is required prior to construction and must include plans for a gravel road on the access easement;
7. Gravel Road on access easement must be adequately maintained and the lot must remain free of weeds, trash, and blight;
8. Construction hours and times for hauling and placing containers is limited to 7 am to 6pm.

Mr. Kelly stated a letter from a property owner was submitted by email to the office from & Linda Demaris. She wrote of Mr. Heald’s (from her perception) inability to take responsibility of what happened on her property (lot 5) adjacent to Mr. Heald’s. Basically her allegation is in the past Mr. Heald hired someone to mow his property and so doing they ran over some Blue Spruce trees on her property. She and her husband want restitution. They paid someone to plant them. They were unable to make it to this meeting because her husband was at a VA Hospital in Tucson Arizona. Mr. Kelly stated this is a private issue between the two parties and is not relevant to this Special Use. It will be added to the List of Exhibits.

Mr. Heald stated he didn’t hire anybody but he believes the prior land owner hired a brush hogger to mow around the entire site which is mostly owned by him now. The prior owner Mike Johnson has not communicated with the brush hogger that he no longer owns those two lots and mowed down the trees by mistake. The weeds were high so they were unable to be seen and were cut down. He was going to contact Mike Johnson to relay the message to him but never got around to it.

Ms. Doyle stated this was not in her staff report because it was received late yesterday afternoon. She did go by the property and seen where the tracks were on their property. The property was maintained and the disturbance by the road seems fairly minimal. They are not pursuing it from the Code Enforcement side.

Commissioner Yohn asked if anyone would like to speak in favor of or opposition to this application.

Kelly Ozawa spoke. They are not against this. They appreciated Mr. Heald did visit with them and they asked if he could put a fence on their side of the easement. They graveled their property and they had a concern that people would drive on their land and use it part of the easement. Mr. Heald did agree he would do this. They looked at his site in Del Norte and it was
nicely kept. So if he could put a fence on their side of the road so people don’t drive on their land so this is their main concern.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2014 – SUP - 2

RE: APPLICATION OF CHARLES HEALD FOR A SPECIAL USE PERMIT TO INSTALL A MINI SELF-STORAGE FACILITY ON A TRACT OF LAND IN ALAMOSA COUNTY, COLORADO.

Commissioner Dunne moved for the adoption of the following Resolution. Commissioner Allen seconded the motion.

WHEREAS, Charles Heald has submitted an application for a special use permit to install a mini self-storage facility in Alamosa County, CO on the following property:

Tract 38 of the Redwing Subdivision., County of Alamosa, Colorado, under parcel number 541506305020;

said property being zoned Commercial (C); and

WHEREAS, a public hearing was held before the Alamosa County Planning Commission on September 10, 2014, to consider said application; and

WHEREAS, a public hearing was held before the Board of County Commissioners on October 22, 2014, and no one spoke in opposition to said application. One person spoke to request to have a fence constructed between applicant’s property and theirs;

WHEREAS, proper notice was provided as required by law; and

WHEREAS, the Board of County Commissioners has considered the application, and finds the application meets all requirements of the Alamosa County Land Development Code pertaining thereto as presented by the Land Use Administrator; and

WHEREAS, the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code.
IT IS THEREFORE RESOLVED AND ORDERED that the special use permit to allow the installation and operation of a mini self-storage facility on the above mentioned property is hereby granted as a special use pursuant to the Alamosa County Land Development Code under Article 3, Section 3.4.8.

Said Permit is issued subject to the following conditions:

1. Storage containers shall be limited in number to 192 units and must meet all minimum setback requirements.
2. Installation of concrete footers perpendicular to the shipping containers is required. Size and structural integrity of footer will be contingent on the size of the containers. Footer specifications will be required on the building plans submitted to the Alamosa County Building Inspector during construction;
3. A 4-foot high opaque slatted fence shall be established along the north and south side of the access easement (unless prohibited by the coincident utility easement) and where the self-storage facility is visible from a public right-of-way;
4. Color of containers may vary, but color per row shall be uniform;
5. Operation hours are limited to 6:00 a.m. to 7:00 p.m. seven days per week;
6. A grading plan is required prior to construction and must include plans for a gravel road on the access easement;
7. Gravel road on the access easement shall be adequately maintained and the lot must remain free of weeds, trash, and blight;
8. Construction hours and times for hauling and placing containers is limited from 7:00 a.m. to 6:00 p.m.
9. Although it is not anticipated that dust shall become a concern, Applicant agrees to abate dust issues to the satisfaction of Alamosa County

Passed by roll call vote: Dunne, Allen & Yohn all in favor.

DATED this 22nd day of October, 2014

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By Michael Yohn, Chairman
There being no further business, the Public Hearing for Charles Heald Special Use Permit was adjourned.

ATTEST:

Melanie Woodward, Clerk of the Board

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chair

Marianne Dunne, Vice-Chairman

Darius Allen, County Commissioner
Minutes of the Public Hearing for Dog Ordinance #13 Amendment was held on October 22, 2014 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
Mike Yohn, Chair  
Marianne Dunne, Vice-Chair  
Darius Allen, Commissioner  
Peter Kampfer, County Administrator  
Jason Kelly, County Attorney  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Jason Kelly spoke.

A Copy of Ordinance 13 outlines changes recommended by Sheriff Stong. October 6th it was published in the Valley Courier.

Under Section 3d the first change would be written in the blank line “a designated shelter”. This is to identify where the at large dogs would be going. Second Amendment would be to Section 6c. This would be completely deleted and would be replaced with the following language: “provocation by person or attack, actual or threatened, by domestic or wild animal shall be in an affirmative defense to such offense if the actions of any person or animal provoke the dog to such an extent that a dog of normal temperament shall react viciously”. The third change would be Section 7a which would be completely deleted and 7b would read named to “Section 7 Dangerous Dog on premises”. Section 8 would be amended for requirement for a county dog license. A provision would be stated as follows:

“A requirement for Alamosa County for all dogs in the County of Alamosa to be licensed with a County dog tag. These licenses may be purchased from the Valley Humane League just located behind Valley Veterinarian Clinic. The address being 7048 US 160 Alamosa CO 81101. The cost for the license would as follows $10 for unneutered or not spayed dogs and $2 for neutered or spayed dogs. Proof of residence as well as vaccination is required to license your dogs. Licenses will be valid for one calendar year from date of purchase.”

Section 11a under Barking Dog 1st Offense would be changed from $35 to a “verbal warning”, under Dog at Large 1st Offense would be changed to a “verbal warning”, under failure to obtain a County Dog License female dogs 1st Offense would be changed to a “verbal warning” female dogs in heat 1st Offense would be changed to a “verbal warning” under Accumulation of Feces 1st Offense would be changed to a “verbal warning”.
Section named “Vicious Dogs at Large” this section would be deleted. The reason is 7a was deleted and this is what they were referred to. They don’t classify them as “vicious dogs” anymore but classified as “dangerous dogs”.

Commissioner Yohn asked if anyone would like to speak in favor of or opposition to

There being no further business, the Public Hearing for Dog Ordinance #13 Amendment was adjourned.

ATTEST:

Belina Ramirez, Office Manager
Carol Osborn, Assistant Administrator

Mike Yohn, Chair
Marianne Dunne, Vice-Chairman
Darius Allen, County Commissioner