Minutes of the Board of County Commissioners Meeting, held on July 24, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair  
Mike Yohn, Vice-Chair  
Marianne Dunne, Commissioner  
Jason Kelly, County Attorney  
Brittney DeHerrera, Chief Financial Officer  
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 New Home Health Facility Agreement to the consent agenda and Clerk & Recorder has requested to be moved before CSU Extension.

M/S Dunne/Yohn motion to approve the agenda of July 24, 2013 with amendments.  
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:  
Regular Minutes-June 26, 2013  
Regular Minutes –July 10, 2013

Commissioner Yohn stated page 4 should read “prison population going down and jail population going up”. Also on page 5 it should read “’hole” not “whole”.

M/S Yohn/Dunne motion to approve the Minutes of June 26 & July 10, 2013 with corrections.  
Motion was passed unanimously.

Approval of Bills/Obligations

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

Ron Brink spoke. The 100th year Celebration was great. It was well attended. It Disappointed him there was not a suggestion box for next 100th. He wanted to thank all the employees for all their hard work. He didn’t hear any complaints.

Approval of Consent Agenda

Curley Signs Bill Board Lease
Emergency Facilities & Land Use Agreement
MOA Luthern Hospital of the San Luis Valley
New Home Health Facility Agreement for Anthem Blue Cross & Blue Shield

Take off Curley Signs to be discussed with Jason Kelly. Also take off MOA Luthern Hospital of the San Luis Valley and New Home Health Facility Agreement for Anthem Blue Cross to be discussed with Julie Geiser.

M/S Yohn/Dunne motion to approve Consent Agenda with amendments leaving Emergency Facilities & Land Use Agreement.
Motion was approved unanimously.

Public Hearings

Special Use Permit –Medical Marijuana Center –Diane Dunlap

Juan Altamirano Land Use Manager and Diane Dunlap Applicant were present.

Commissioner Dunne thanked everyone for their opinions and thoughts. Mr. Altamirano’s report was complete. She is delighted to know Ms. Dunlap has met with the Sheriff regarding security. Their alarms go directly to the State Patrol and the Sheriff’s Department stated Ms. Dunlap. Commissioner Dunne asked if she will have more than one individual working there. At least stated Ms. Dunlap there will be three commercial suites where one is a garden supply, a hydro, and a smart energy solutions offering wind and solar systems that you can assemble yourself. There should be 24 hour security on premises. Commissioner Dunne stated she is delighted to see that premise being used as it has been vacant for a long time. Commissioner Dunne commented that Ms. Dunlap will be selling other herbal medicines not just for Marijuana. She has seen the report that she has had no trouble in Saguache. How often does the state inspect it. Every year stated Ms. Dunlap. So is it kind of redundant for the Land Use Office to inspect asked Commissioner Dunne. The State makes sure there is no growing, their concerns are quite different than Land Use stated Ms. Dunlap.

Commissioner Yohn stated they know this is a very controversial issue. There are as many for this as against it. They did pass Amendment 64. It is like Mr. Pacheco stated if you don’t buy it you can grow it. He does have some concerns that is a Medical Marijuana retail facility. It is not retail stated Ms. Dunlap you must have a Doctors recommendation, be certified with the Department of Health, and carry a specific “Red Card”. There is huge problem with black
market stated Ms. Dunlap. The SLV is very known nationwide as the very best place to buy illegal marijuana. There is not going to be a grow operation on the facility. All the growing is going to be in Saguache County stated Ms. Dunlap. Mr. Altamirano stated it is a separate Special Use Permit. It is only zoned for agricultural. The hours of operations he would like to see the same as the other facility that was approved previously. It was 10am-7pm, closed on Sundays and legal holidays stated Mr. Kelly. They have been diligent on where you can put these. They don’t want these put just anywhere and everywhere.

Commissioner Allen stated when they started this process they went through with the Planning Commissioner and discussed where they are going to put these, how they are going to, and even the size of advertisement signs. They came up with the rules and regulations. They worked with other counties and attorneys that are going through the same process. They had a vote that passed and they had to put rules and regulations. The Special Use Permit states if there is a violation they could lose their operation license. He spoke with Sheriff Stong about the facility. There was a concern with safety. With the four lane and talking with CDOT, the type of regress and ingress that is going to be put in there will enhance the safety. In the code it doesn’t address how many you can put in but where they could put them.

Mr. Kelly stated make sure the terms are clear. In the event a motion was made to allow the permit it would be subject to the following conditions:

1. Prior to establishing the Medical Marijuana Center on the property, the applicant shall submit written documentation to the Land Use Office that proper approvals (i.e., licenses, permits) have been obtained from, a minimum, the following entities:
   - Colorado Department of Revenue, Medical Marijuana Enforcement Division
   - Alamosa County Building Division
   - Colorado Department of Transportation regarding access to property

2. The approval of Special Use Permit No 2013-005 shall be limited to a Medical Marijuana Center as defined in the Ordinance No 2012-01 regarding Medical Marijuana Centers in Alamosa Colorado.

3. No Marijuana shall be grown, smoked, eaten, or otherwise consumed or ingested on the licensed premises

4. No person under eighteen years of age shall be permitted on the licensed premises, unless the person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent or legal guardian.

5. The Medical Marijuana Center shall have a sign located at the main entrance of the premises measuring not less than 36”x 36” that states as follows:
   “WARNING: Marijuana is classified under Schedule I of the Controlled Substance Act, the use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution.”

The text of said sign shall cover at least 75% of the sign.

6. In addition to any labeling required set forth by the State Licensing Authority, all marijuana sold or otherwise distributed by the local licensee shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the
marijuana to any third person to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation.

7. License (including Special Use Permit) shall be issued to the applicant for the purposes of owning, operating, or managing a Medical Marijuana Center and shall not be transferable.

8. If all requirements are met and the license is granted, said license shall be provisional subject to the issuance of a State License within one-hundred and eighty (180) days.

9. The facility will be inspected by the Alamosa County Land Use Department on an annual and compliant basis to determine the facility’s compliance with general local and state compliance.

10. Limited access area: subject to the provision of section 12-43-3-701 a limited access area shall be a building, room, other contiguous area upon the licensed premises where medical marijuana is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the State Licensing Authority. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the State of Licensing Authority.

11. Medical Marijuana Center, Medical Marijuana, and the premises shall be defined as set forth in the Colorado Department of Revenue, Medical Marijuana Enforcement Division.

12. Medical Marijuana Center shall operate only in the hours of 10am-7pm Monday through Saturday, the Medical Marijuana Center shall be closed on Sundays and all legal holidays. These conditions shall become part of the permit. Any violation thereof, shall be grounds to immediately revoke such said permit.

Commissioner Yohn stated on #9 the annual inspection could they have it at any time. It can be shall inspect on a random basis no less than annually stated Mr. Kelly.

List of Exhibits
1. Special Use Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Colorado Business Medical Marijuana License Application
6. Title Commitment
7. Assessor Record
8. Letter of Acknowledgement from McCarty’s
9. Receipt of Taxes Pd
10. Articles of Organization
11. Operating Agreement
12. State of Colorado License for Medical Marijuana
13. Bonding Application
14. Water Documents
15. Aerial View & Zoning
16. 1500 Foot Boundary Map
17. List of Adjoining Property Owners
18. Letter to Neighbors
19. Public Notice for the Planning Commission
20. Public Notice for the BOCC
21. Notice to Applicant
22. Label provided by Ms. Dunlap

m/s Dunne/Yohn motion to approve SPU-Dunlap with conditions set forth by the Land
Use Office read by Jason Kelly
   Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 – SUP - 003

RE: APPLICATION OF DIANE DUNLAP AND ON BEHALF OF ACADEMY
OF THE HEALING ARTS, LLC d/b/a HIGH VALLEY HEALING
ALAMOSA, FOR A SPECIAL USE PERMIT TO ALLOW THE
OPERATION OF A MEDICAL MARIJUANA DISPENSARY IN
ALAMOSA COUNTY, COLORADO.

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

WHEREAS, Diane Dunlap, on behalf of Academy of the Healing Arts, LLC d/b/a
High Valley Healing Alamosa has submitted an application for a special use permit to
allow the operation of a Medical Marijuana Dispensary in Alamosa County on the
following property:

711 West Highway 160, Alamosa, CO 81101, the legal description being as
follows:

Commencing at the Southeast corner of section 18, Township 38 North, Range 9
East, N.M.P.M.; thence South 89°56' West a Distance of 1159.2 feet; thence North
00°04' West 28.0 feet to the True Point of Beginning; thence North 00°04' West 400
feet; thence South 89°56' West 113.1 feet; thence North 61°56' West 113.1 feet; thence
South 28°06' West 400 feet; thence South 61°6' East 213.4 feet; thence North 89°56'
East 213.4 feet to the True Point of Beginning.

said property being zoned Commercial (C) District; and

WHEREAS, a public hearing was held before the Board of County
Commissioners on July 24, 2013, to consider said application;

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

WHEREAS, at the hearing the following individuals expressed support for the
application:
1. Diane Dunlap – Applicant  
2. Shane Stowell  
3. Benito Pacheco

WHEREAS, at the hearing the following individuals expressed an objection to the application:
1. Lorena Sowards  
2. Brad Heredia  
3. Lois Heredia

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 operation of the above mentioned business upon the above-described property is hereby granted as a special use pursuant to the Alamosa County Land Development Code under Article 7, Section 7.9 subject to the following conditions:

1. Prior to establishing the Marijuana Medical Center on the property, the applicant shall submit written documentation to the Land Use Office that proper approvals (i.e., licenses, permits) have been obtained from a minimum, the following entities:
   - The Colorado Department of Revenue, Medical Marijuana Enforcement Division
   - Alamosa County Building Department;
   - Colorado Department of Transportation regarding access to said property.

2. The approval of Special Use permit No. 2013- shall be limited to a Medical Marijuana Center as defined in the Ordinance No. 2012-001 regarding Medical marijuana Centers in Alamosa, Colorado;

3. No Marijuana shall be grown, smoked, eaten, or otherwise consumed or ingested on the licensed premises;

4. No person under eighteen years of age shall be permitted on the licensed premises, unless that person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent;

5. The Medical Marijuana Center shall have a sign located at the main
entrance of the premises measuring not less than 36"x36" that states as follows:

- "Warning: Marijuana is classified under Schedule 1 of the Controlled Substances Act. The use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution."

The text of said sign shall cover at least 75% of the sign.

6. In addition to any labeling set forth by the State Licensing Authority, all marijuana sold or otherwise distributed by the local licensing shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation;

7. License (including Special Use Permit) shall be issued to the applicant for the purposes of owning, operating, or managing a Medical Marijuana Center (MMC) and shall not be transferable;

8. If all requirements are met and the license is granted, said license shall be provisional subject to the issuance of a State license within one-hundred and eighty (180) days;

9. The Facility shall be inspected by the Alamosa County Land Use Department on a random basis no less than annually to determine the facility’s compliance with general local and state rules and regulations;

10. Limited Access Area: subject to the provisions of C.R.S. 12-43-701, a limited access area shall be a building, room, or other contiguous area upon the licensed premises where medical marijuana is stored, weighed, displayed, packaged, sold or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the State Licensing Authority. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the State Licensing Authority;

11. "Medical Marijuana", "Medical Marijuana Centers", and "Premises" shall be defined as set forth by the Colorado Department of Revenue, Medical Marijuana Enforcement Division;

12. The MMC shall operate only between the hours of 10:00 a.m. and 7:00 p.m., Monday through Saturday. The MMC shall be closed on Sunday’s and on all legal holidays

13. These conditions shall become a part of the permit and any violation
thereof shall be grounds to revoke said permit.

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

DATED this 24th day of July, 2013

BOARD OF COUNTY COMMISSIONERS OF
ALAMOSA COUNTY
By

(Seal)

ATTEST:
Melanie Woodward, Clerk of the Board

Special Use Permit – Special Group Home – Della Prince, Andres Montoya

Mr. Montoya spoke regarding these issues. He is wondering if we would have this discussion if it was a family of 5-8 children. We wouldn’t be thinking of water, sewer, or safety issues if was a family. Safety it is their responsibility to take responsibility of them whether they are ours or not. Ms. Prince has had other group homes. She is a Caseworker with Costilla County DHS. There are no plans to expand more than 8 children. Mr. Genesio property is 2000 feet from their property. The Department of Water Resources has gone out there. The issues he had are with the big well users. Ms. Hensley mentioned she had a foster home or daycare. They have gone through all the regulations themselves. Also mentioned was a fire, it was on his property. He was burning weeds and it got out of hand but was taken care of and his home was saved. They will have adequate staff.

Ms. Prince spoke. In Los Angeles she had her own private school, before that a day care, and a residential care home which they call here a group home. They have to have adequate education and staff has to be educated as well as a criminal background check, governed with DHS, facilities are monitored that are followed by regulations. They have to report to the state. She has been a caseworker for two years. She is the one that goes to court with the families and with the children to get then back on track. She is appalled that only one person had the children needs in mind. When their children are need of placement they have to place them in other counties because they do not have the facilities here to accommodate those children. These children are their future. They have psychology evaluations and counselors in place. They are educated and experienced in dealing with people of all backgrounds. This property is on 8 acres so neighbors are in distance and before this is licensed the state will go out and make sure all regulations are met and all children are safe.

Commissioner Yohn stated this application is for a group home. All persons living in a group home are developmentally disabled, ill, or most elderly people. She is applying for a residential care facility and it at their discretion as to what population they would serve. Once they decide what population DHS licenses them accordingly and makes sure they have the necessary
education and experience necessary to care for that population. His concern is it is a state application and they are giving a Special Permit for the use of this building. He knows the unit has been remodeled but the location and hours of operation are concerning to him. The permit is use of the facility not the users stated Mr. Altamirano.

Commissioner Dunne stated her concern is she is not sure what they are going to use the group home for disabled or juvenile delinquents. It is a big difference in the type of facility. She is concerned with the children but this is a big difference. The application she is applying for is not for a secure facility which is for juvenile delinquents. It is for children for minor cognitive needs. Commissioner Dunne did check with Youthtrack and at the present time they have a 20% vacancy. Their facility will be providing a more home like environment stated Ms. Prince. Commissioner Dunne asked how many children they will have. They applied for a capacity of 8. They cannot go over that. They have an option of choosing kids from 3-18 and if mandated by the court can be 21. At this particular time her application is for 10-18 years of age.

Commissioner Allen stated his question would be the total taking in which would be 8. They have to get the Special Use Permit first then they will apply to the state. The state will have to come in and approve the area. Does anyone have an opportunity to comment to the state during the application process. No but they will have a comment box where they could address issues.

Water is a concern. Mr. Altamirano stated he has a representative of Division of Water present. Matt Hardesty Assistant Engineer for Water District 3. Commissioner Dunne asked if there is a way to control a well for use of three families. The well is an exempt which means it is exempt from priority administration. The large irrigation wells surrounding them are considered nonexempt well those are the types they are moving regulations from. The nonexempt wells are typically domestic for house type use and livestock allowed by another statute. A policy issued by state engineer about commercial use of exempt wells. It is a grey area. They don’t give any type of limits on volumes of water to leave the ground. Those permits can allow up to three units. This well was allowed decreed for use, they won’t make them go back and make them replace the water like they do for the large capacity irrigation wells. An exempt well can be used by multiple buildings. It becomes a civil matter between the property owners. It was approved by the subdivision. Two of them have their own well but that doesn’t mean they don’t have some type of ownership to this well though.

Commissioner Allen stated he has seen these shared wells where he felt if they had a float meter they would pay accordingly for the water they use. This is if they meet the land use codes. The water is regulated by the State of Colorado. It is not there decision what they are applying for it is between the State of Colorado and DHS. The neighbors can give their thoughts to the state about this application. Water is always a concern. It is like Mr. Montoya stated this wouldn’t be an issue if it was for a family of 8 moving in. They have rules and regulations for septic systems in place.

The building itself was stated it only has one bedroom downstairs stated yohn which is a concern to have handicapped children. Another concern is the dead end road for a fire. Ms. Prince stated they will not have any ambulatory children that is a different facility.
Commissioner Dunne stated clinical services are administered based on individual need of the children. It may be psychiatric individual group recreation therapy and educational needs will be evaluated do you have education to do this. If they do not have the education they need then it will be outsourced. These children will they be from SLV or from other parts of the state because if children are brought from other parts of the state then it is added financial burden to the county. Ms. Prince stated they have the type of population of children just like normal children that have doctors and dentists appointments that they have to make sure they keep. Mr. Montoya stated he worked 4 years as a counselor. Anytime a child is referred to them that county is responsible for costs so there wont be any additional costs for Alamosa County.

Commissioner Allen stated we are getting off course. We are here today to see if this application meets their Land Use Codes. We are not here where discuss where the kids are coming from, where the money is coming from or who is going to handle the nursing.

The issue is like Mr. Montoya stated there is a fine line where you are looking at groups you there cannot be any discriminatory intent or effect. If a family came in and bought this home we wouldn’t be having this conservation. You have to be careful if the board is going to make a decision to deny this permit the board has to find specific things of negative impact to the community and the different between this facility and a genetic family coming in. The types of children in the home or the amount will be given by the state. The State determines that if this building is adequate, if it meets their needs, type of children cared for, and amount of space. This is beyond the scope of what the board is deciding today.

m/s Yohn motioned to deny application because the Land Use Code says a group home is not allowed in rural area.

Motion died due to lack of second.

A group home is not allowed in a Rural Area but it is allowed under a Special Use Permit which this is an application for a Special Use Permit.

List of Exhibits
1. Special Use Application Check List
2. Staff Report
3. Application
4. Scope of Project
5. Receipt of Payment
6. Ownership and Encumbrance Report
7. Deed
8. Assessor Record
9. Receipt of Taxes Pd
10. Well Permit
11. Letter of Representation
12. Aerial View & Zoning
13. 1500 Foot Boundary Map
14. List of Adjoining Property Owners
15. Letter to Neighbors
16. Public Notice for the Planning Commission
17. Public Notice for the BOCC
18. Notice to Applicant
19. Toni Reed letter

Mr. Kelly stated a Group Home by state statute basically is that it is defined as a residential facility that is the whole intent they didn’t want the discriminate intent of groups homes because they felt it was necessary and appropriate for those particular children either elderly, mentally disabled, or handicapped could be in an environment conducive of any other environment and not treat them any different. The definition of family is very broad. The State Statutue makes it very specific that a Group Home for the exclusive use of the medically disabled is a residential purpose for zoning purposes. We don’t have something in their code that fits this bill but in a rural area a resident is allowed in a Special Use Permit. That is why we are allowed to have this hearing and therefore you can allow this resident in there. His advise to the board is based on the law the only condition you can put is if they comply with state and federal guidelines of what their application is and what they applied to. If they are approved by the state and they get their certification to operate a Residential Child Care Facility and they don’t do that two things will happen. Their Special Use Permit will be revoked and their license would be revoked at the same time.

Commissioner Yohn stated the Board of County Commissioners can either approve the request, deny the request, or send the request back to the Planning Commission for additional consideration. The Planning Commission vote was an unanimous vote for the approval stated Mr. Altamirano. If you send back to the Planning Commission you would have to give a very narrow focus to what they need to focus on to review. Commissioner Allen stated his focus would be emphasis on federal regulations through the US Housing Act or Group Homes. Everything he has read is they cannot discriminate against a Group Home in a rural area or a residential area. Commissioner Dunne read this also that is why she didn’t second it. Can Land Use talk about if in the future if they wanted to build a home for delinquent children where they could be. We need to look at the childrens needs. She did talk to Joe Carrica about the needs of a special needs facility and he said in Alamosa there isn’t one. In the valley there might be one. This is not before them at this time though. Mr. Altamirano stated they could differentiate of different type of group homes but they run the risk of federal government regulatory agencies under the fair housing act still trump what we have. It is so broad. The Federal and State statutes are in conflict with each other so even if they are find with the state guidelines they will not be with the federal guidelines. This is something the Board needs to take into consideration.

Commissioner Allen suggested they can table to research more legal advise.

Mr. Montoya stated they are talking about a facility and then went off to other things. They okd a Marijuana Facility and nobody wanted that but because this is a group home they are discriminating.

They would like to have a group session with the Board of Commissioners and the Planning Commission. A Planning Commission is set for the 14th of August. Mr. Kelly advised to have a decision by the next Board Meeting which is August 14th. Mr. Montoya asked if they he can
attend this meeting and also bring his attorney. Commissioner Allen stated he can attend and bring whoever he would like to. They would notify him 24 hours prior to meeting.

**m/s Dunne/Yohn motion to table to seek clarification on federal, state, and local law as a group session with the Planning Commission to determine a final decision before the Board on the 14th of August**

Motion was approved unanimously.

**Alamosa County Treasurer**

_Semi Annual Treasurers Report_  
_Treasurer's June Fund Report_  

Lois Widhalm was present. Fund Report is in balance with assets and liabilities.

**m/s Dunne/Yohn motion to approve Treasurers Fund Report**  
Motion was approved unanimously.

**Public Trustee Quarterly Report**

Quarterly Report  
2012 Public Trustee Account 30,238.32  
Beginning Balance  
2012 Transfer to County -0-  
1st Quarter of Year only  
Foreclosure Processing 7,448.99  
And Misc Fees Collected  
PT Fees –Foreclosures/Releases 4,237.98  
11,686.97  
Total Receipts  
Foreclosure Disbursement 3,815.53  
Release Disbursement 1,584.00  
Disbursement for PT 3,000.00  
8,399.53  
Total Disbursements  
Fund Balance 33,525.76  
Fund Balance as of 6/30/13  
Encumbered Expenses 23,200.00  
Total Encumbrances  
Actual PT Fund Balance 10,325.76  
Actual Balance as of 6/30/13

23 Current Active Foreclosures (16) + Bankruptcies (7)  
6 New Foreclosures (April-2, May-1, June-3)  
8 Completed Foreclosures (April – June, 2013)  
3 Conf Deeds; 5 Withdrawal; 0 Redemption/Lienor; 0 Redemption/Owner  
180 Releases (April-June, 2013)

**m/s Yohn/Dunne motion to approve Public Trustee Quarterly Report**  
Motion was approved unanimously.
Alamosa County Clerk & Recorder

Melanie Woodward was present.

True Grits Liquor License Renewal
Background Check was done and there were no violations.

m/s Dunne/Yohn motion to approve liquor license Renewal for True Grits
Motion was approved unanimously.

June County Clerk & Recorder’s Report

m/s Dunne/Yohn motion to approve June’s Clerk & Recorder’s Report
Motion was approved unanimously.

Commissioner Dunne asked about an email of changes in the election. It was approved for an all Mail-in Ballot Statewide from now on. This means there will be no polling places at all stated Ms. Woodward. Commissioner Dunne asked when is the last day to apply for Mayor. It is done through the city as far as the petitions, who can file, and the deadlines. Once it is certified then they turn it into her office for the election stated Ms. Woodward.

CSU Extension

Marvin Reynolds and MaryEllen Fleming with CSU Extension were present. They had three 4H guests Debon Meyer, Melissa Hannah, and Maggie Shawcroft who were present. A powerpoint presentation was given.

SLV TV

Jim Horton was present. They had to cut the trees around the perimeters of the tower for fire prevention. Prior to cutting the trees they were restricted some so after the frequency went up 3 notches. They have gone down to 1 call a day for someone to convert. He carries some of the equipment but he doesn’t want to get into that business. There is only one representative called Gunbarrel TV that carries the equipment needed to convert. They got a new Chevy pick up. You can contact him at 588-6310 or 843-5883. There is a cost is for the convertor box of $40, the antennae around and a cable. There is no charge for the television service. How many are on this service asked Commissioner Dunne. Around 22,000 stated Mr. Horton. They are getting more that want to change.

Commissioner Yohn asked how many channels. There are 14 channels available; 2.1 & 2.2 Fox KASA, 4.1 & 4.2 KOB, 5.1 & 5.2 KMNE, 7.1 & 7.2 KOAT, 8.1, 8.2, & 8.3 KTSC PBS, 11.1 & 11.2 Colorado Springs, and a Spanish Channel. There is an Audio Channel for the blind, it tell stories just like the radio which is Channel 59. Also 13.1 KRQE is CBS Alburquerque. The Government made them turn to digital but now it is very good television.
Billboard Lease

There is five signs on the lease. Commissioner Yohn believes it should be renewed annually in case the signs need to be replaced or relocated.

m/s Yohn/Dunne motion to approve billboard lease to renew annually
Motion was approved unanimously.

Mr. Kelly would like the following changes to be made: The MOU Luthern Hospital under section regarding ideminification to add “to the extent permitted by Colorado Law” and “nothing in this agreement shall be construed as a waiver of immunity pursuant to the Colorado Governmental Immunity Act”.

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

Mr. Kelly would like the following changes to be made: Paragraph ideminification 8.1 add “To the extent permitted by Colorado Law” and 8.2 the termination clause is 180 days he would like less.

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

m/s Yohn/Dunne motion to sign letter to de-obligate funds for SLV Housing Coalition
Motion was approved unanimously.

Citizen Review Board Appointment

Dunne would like to nominate Joseph Tomas Medina, Vincent Rogers, Amalia Baltazar.

m/s Dunne/Yohn motion to appoint Joseph Medina for two years and Vincent Rogers & Amalia Baltazar for three years.
Motion was approved unanimously.

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
Carol Osborn, Assistant Administrator

Mike Yohn, Vice Chair

Marianne Dunne, County Commissioner
Minutes of the Board of Equalization was held on July 24, 2013 at 1:30 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Darius Allen, Chair
Mike Yohn, Vice-Chair
Marianne Dunne, Commissioner
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Jeffrey & Darrell R Otey Parcel #541718107045

SEE OTHEY BOE MINUTES FOR FURTHER INFORMATION

Jim McCullough Parcel #513502200099, 513510100029, 400929300073, 500935300133, 513510200140, 500935200132

SEE MCCCULLOUGH BOE MINUTES FOR FURTHER INFORMATION

American Heritage Preservation Fund LLC Parcel # 500713501001

SEE AMERICAN HERITAGE PRESERVATION MINUTES FOR FURTHER INFORMATION

A & A Enterprises of Alamosa Parcel #541305003005

Has withdrawn their petition appeal

SRI Real Estate Parcel #541309018011

Has withdrawn their petition appeal

Prince Hotels Parcel #541305003003

Has withdrawn their petition appeal

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

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice-Chairman

Marianne Dunne, County Commissioner
Minutes of the Board of Equalization for American Heritage Preservation Fund - Paul Rausch was held on July 24, 2013 at 2:50 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

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

American Heritage Preservation Fund LLC Parcel # 500713501001

Sandra Hostetter Assessor, Ron Green, and Paul Rausch petitioner were present.

Appraiser Report
Page 1 Description of the property
Lot 1 Block 1 Unit 21 5.05 acres
Page 2 Approaches to value
Page 3 Data
Currently valued at $10,000. Sangre de Cristo Estates Unit 21 is a platted subdivision located approximately ½ mile east of Highway 17 and just north of the Nine Mile in Alamosa County. The subdivision consists of lots approximately 5 acres in size. Electricity is available to the subject. The roads within the subdivision are county maintained and mostly gravel.

They ran a sales report to come up with comparable sales but there were no other sales in Unit 21 of Sangre de Cristo Estates. Historically the Sangre de Cristo Estates subdivisions there are several units that maintained the same value. Therefore they used sales from the other units to come up with the value. You can use an 18 month period from 1/11/12 to 6/30/12 to establish your values and if there is not a sufficient number of sales during that time you can go back to 6 months for a period of 5 years. She went back to a period 30 months and came up with 9 sales. The median sales for that period were $9900 and the mean sale was $2222. It was between that so they didn’t change the values. There was one sale Mr. Rausch’s sale but that doesn’t constitute a market. Her recommendation is the property remains the same at $10,000.

Mr. Rausch stated the date he bought his property was when. Ms. Hostetter stated October 18, 2011. Mr. Rausch stated this is a two month difference where he paid $6900 per lot. None of the comparable sales comes from that Unit. Where is Unit 15 located asked Mr. Rausch. It is located north of Stanley Road. Stanley is between 1N and 1S which is 6 miles from Alamosa. The property he purchased is almost 20 miles out. This property used for comparable sales are all closer to town. Are they improved or unimproved lots asked Mr. Rausch. They are all different. They are semi full. What kind of dollar amount are we looking at asked Mr. Rausch? Ms. Hostetter doesn’t know that but that is not relevant to this. Mr. Rausch stated it is relevant because you are not going to pay $50000 for a lot in a subdivision of a $75000 home. They are comparing apples to oranges. They are different locations. He is far out that it is a limited demand. He paid an extra $900 dollars because it adjoins him. $6900 is fair market price because he has been trying to sell it for several years. If he bought it at $6900 and two months later it is worth $10000. That is insane. He is saying it should have been changed the day he purchased it. It was not assessed $10000 at that time; it was going to be assessed in 2012. Since you do not complain you increase it every year. You gain so much a year typically. The economy in SLV does not grow 10% a year. His house grew 30% in two months this is ridiculous. The lots closer to town are going to be worth more because of the convenience of commuting. The lot is not worth that money.

Clarification by Ms. Hostetter when he purchased the lot it was $10,000. The prior owner told him it was assessed at $7000 that is what they based the sale on. It has been valued in 2011 for $10000. There was nothing to compare in that
unit in the last 30 months which shows it is not a popular area stated Mr. Rausch. There were 9 sales in that subdivision and none were in his area.

Commissioner Yohn asked this parcel adjoins his so you could reclassify it as residential. The other parcel is a sprinkler parcel and adjoins it to the east of his property. He has a residence and a shop. He has no reason to combine the two stated Mr. Rausch. There are not water rights attached to the other plot. You kind of bought it to control your neighbor stated Commissioner Allen. Yes stated Mr. Rausch.

Commissioner Dunne thought she read every lot had water rights. You have to put in your own well but you do have that right stated Mr. Rausch.

List of Exhibits
1. Certified Notice to American Heritage
2. Letter from BOE notifying American Heritage regarding Hearing
3. Notice of Determination 500715301001
4. Appeal Procedures signed by Paul Rausch for American Heritage
5. Alamosa BOE Rights of Further Appeal
6. Assessor Report

Commissioner Allen advised Mr. Rausch Petitioner that the Board must render a written finding of value within three working days of reaching of decision with a deadline of 8/5/13, that if he is dissatisfied with the BOE’s decision, he may continue to appeal through District Court, State Board of Assessment Appeals, or through an Arbitrator, and also they reserve the right to request additional information from either party.

Adjourned at 3:08 pm.

There being no further business, the Board of Equalization for American Heritage Preservation Fund - Paul Rausch was adjourned.

ATTEST:

Belina Ramirez, Office Manager
Carol Osborn, Assistant Administrator

Darius Allen, Chair
Mike Yohn, Vice-Chairman

Marianne Dunne, County Commissioner
Minutes of the Board of Equalization for James McCullough was held on July 24, 2013 at 2:07 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

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

Jim McCullough Parcel #513502200099, 513510100029, 400929300073, 500935300133, 513510200140, 500935200132

Sandra Hostetter Assessor, Ron Green, and Jim McCullough Petitioner were present.

Commissioner Allen advised Mr. McCullough Petitioner that the Board must render a written finding of value within three working days of reaching of decision with a deadline of 8/5/13, that if he is dissatisfied with the BOE’s decision, he may continue to appeal through District Court, State Board of Assessment Appeals, or through an Arbitrator, and also they reserve the right to request additional information from either party.

Appraisal Report
Page 1 Outline of the properties that are being appealed
Data Page lists the properties and land classifications for each parcel. The land classifications shows the number of acres irrigated, number on the corners and the abstract codes they used in their office. The abstract codes will corresponde with Page 5.
Page 3 Shows a map of the locations of each parcel. The parcels outlined in green are crops growing and the ones outlined in yellow are those that are in the fallow program.
Page 5 Summary of Alamosa County Irrigated Land Values
Page 6 Review and Recommendation

Ms. Hostetter stated Mr. McCulloughs request is to take to values of what they were last year. Ag Land Value using a ten year average that they have a formula they use required by the state to use provides them with Commodity prices that they have to use. Across the state they use the same one. Local Expenses are researched as far as chemicals, water irrigation, and electric. This is thrown into an average. Every re-appraisal year they knock off two years and add two. They try to figure in the subdistrict. The only expense of the subdistrict that is constant is the $7 admin fee where everything else is variable. Last May they adjusted the acreage on his parcels that being under sprinkler. He has three parcels that have been in the fallow program.

Mr. McCullough stated the Valuation of Agricultural land states agricultural land determined solely by the earning or productive capacity of such lands, capitalized at a rate set by the land. He doesn’t have any water there therefore he is not raising any crops. If you are going to rate on productivity then it should rate at zero being they have no water so they cannot raise any crops.
Ms. Hostetter stated she drove by there and took a look at it. Ms. Hostetter stated the capacity is there but is that by choice or is that a management decision. They are working with subdistrict but he farmed two years more than he should of. It was a waste of time and water to try to do this. Are you part of the Fallow Program asked Ms. Hostetter. The subdistrict is working on their farm plan on giving credit for not pumping on this. Ms. Hostetter asked what kind of credit are they giving. Mr. McCullough asked if she seen the property if it looked productive. Ms. Hostetter stated it didn’t look productive but it is in the Fallow Program and if you are being paid to be Fallow it. It is not by choice because the layers are so tight you cannot get water on it. You cannot even give 300 gallons a minute to it. Do you water rights on the land asked Ms. Hostetter. No stated Mr. McCullough. In order to reclassify to nonirrigated land look at page 3 which is a list of questions she needs to be asked before she can illuminate the irrigation status on the land.

1. Was water applied to the land within the last year
   No stated Mr. McCullough
2. Was this a management decision.
   You could say it was a management decision because if they chose to do it they would need their head examined stated Mr. McCullough.
3. Was the land included in a Government program. If it is through the Subdistrict is that through the Government asked Mr. McCullough. Yes it is stated Ms. Hostetter.
4. Is there water rights attached to the land. No answered Mr. McCullough.
5. Is there an augmentation plan. No answered Mr. McCullough.
If any of above is answered yes it has to remain as irrigated stated Ms. Hostetter. He is looking at it a common sense point of view. It is frustrating to him to have land that he cannot farm because he is a farmer and no to pay taxes on it.

The other three parcels ending in 133,0140, and 132. This first year they have cut back the acreage and they are really hurting for water for parcel 073. He took the corner system off of it. It went down to 500 gallons a minute. Next year they will have to look at not farming on it. He doesn’t feel it should go up with those things going on. Part of that 10 year average is based on commodity prices which they were up from last year stated Ms. Hostetter. This is not what he observed stated Mr. McCullough. This year was a break even or less for them. She got her information from the Colorado Ag Statistics Survey. When he first started farming 36 years ago at first he would give the numbers to Ms. Bowers when she would call. Every year the Ag Stats would come out with more potatoes than they ever had. After that he never gave her any information and encouraged everyone not to either. Potatoes are a big thing but statewide they are not considered into it at all. Addendum 5a shows the crops that are used. Basically you are going with something statewide that doesn’t even have anything to do with what we are doing here. It is there favor not to consider potatoes to keep the values down which was done years ago. He would like them to take a common sense approach. He would like to see those in the state come and see their land and have them come and make their property productive.

Commissioner Dunne stated it is a problem. Water is what makes their land valuable.

Commissioner Yohn stated the three parcels that he is producing on they already changed but he is indicating he is going to change them next year. They did adjust them but they are struggling
with getting water. The Fallow Program is a value because it is bringing in income with the credit. It is on a sliding scale because last year they paid on so much dollars on an acre. This year they have a formula that he doesn’t understand. Next year there is a CRP program is he going to be able to go into that asked Commissioner Yohn. There is no way he is going to go into the CRP program where no there will be no production for 15 years.

Commissioner Allen stated he has had a discussion with the Assessor about farm land. This is just part of where we are at with the drought they are in. The reassessment year is 1/11/12 and will look at it again in 2014. Mr. McCullough has aerial pictures of when it was in production. How deep are the wells asked Commissioner Allen. They are down to around 80 feet down to clay.

Commissioner Yohn stated reclassifying wouldn’t benefit for a year if you are going to go back into production. He cannot see going back into production for several years. If they reclassified as nonirrigated he has to permanently retire any water.

Commissioner Dunne asked about the Fallow Program if they get water if they could go back into production. Mr. McCullough stated once they retire the land they are done with any production.

List of exhibits
1. Letter to petitioner from BOE regarding hearing
2. Notice of Determination 5135022000099
3. Appeals Procedure Sheet signed by Mr. McCullough
4. Notice of Determination 5135101000029
5. Appeals Procedure Sheet signed by Mr. McCullough
6. Notice of Determination 5009293000073
7. Appeals Procedure Sheet signed by Mr. McCullough
8. Notice of Determination 500935300133
9. Appeals Procedure Sheet signed by Mr. McCullough
10. Notice of Determination 5135102000140
11. Appeals Procedure Sheet signed by Mr. McCullough
12. Notice of Determination 500935200132
13. Appeals Procedure Sheet signed by Mr. McCullough
14. Alamosa BOE Rights of Appeal
15. Chapter 5 Definition of Agriculture Land
17; Irrigated Land Acreage Adjustment for NW4 2-39-9
18. Irrigated Land Acreage Adjustment for SW 29-40-9
19. Irrigated Land Acreage Adjustment for NW4 35-40-9
21. Irrigated Land Acreage Adjustment for SW4 35-40-9
22. Appraisal Report
23. Certified Mail Receipt

Adjourned 2:44 pm
There being no further business, the Board of Equalization for James McCullough was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice-Chairman

Marianne Dunne, County Commissioner
Minutes of the Board of Equalization for Jeffrey & Darrell R. Otey was held on July 24, 2013 at 1:30 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Darius Allen, Chair
Mike Yohn, Vice-Chair
Marianne Dunne, Commissioner
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Jeffrey & Darrell R. Otey Parcel #541718107045

Sandra Hostetter Assessor, Ron Green, and Petitioner Jeffrey Otey were present.

Commissioner Allen advised Mr. Otey Petitioner that the Board must render a written finding of value within three working days of reaching of decision with a deadline of 8/5/13, that if he is dissatisfied with the BOE’s decision, he may continue to appeal through District Court, State Board of Assessment Appeals, or through an Arbitrator, and also they reserve the right to request additional information from either party.

Mr. Green spoke. He is a licensed appraiser. When Mr. Otey protested his value he indicated that the two lots that he owned were too high so he asked to combine to get the residential rate for both lots. They did combine 39 & 40 because lot 40 was vacant. They dropped the rate to 7.96%. The residence was adjusted from above quality to average quality.

Appraiser Report: Page 1 shows what appraised value was prior

<table>
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<th>2013 value</th>
<th>2013 value</th>
<th>after protest</th>
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<tr>
<td>Total</td>
<td>158,235</td>
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</tr>
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</table>

Page 2 Approaches to value
Market value is only value they can use on residential which is by state statute

Page 3 Data – Reception Number for Deed which gives legal description

Page 4 Property Analysis
A physical inspection was done May 8, 2013 at 1:30 PM
The subject is a 2005 modular manufactured home consisting of 4 bedrooms, 2 bathrooms, located at 7758 Deer Run Place, Alamosa CO 81101
The base living area is 2280 square feet
The residence is average quality and condition
A 30” x 30” utility building is located on the property used for animal shelter
The improvement value is based on heated area of the home and does not include garages, landscaping, storage buildings or fencing. The utility building (animal shelter) is valued separately at $7371. Land Size: 4.19 acres
For the 2013 re-evaluation period, sales of similar style homes were analyzed. The sale price per square foot (base rate) established by the Assessor’s Office for this type of property is $68. The base rate is then affected by such factors as quality, condition, size and architectural style. After considering such factors, the effective rate per square foot for the subject is $60.97. The actual value of the subject property represents the market value of the property as of June 30, 2012.

Page 5 Utility bldg picture
Page 6 Location of map at Deer Valley Meadows of where his plot is
Page 7 Plan of residence
Page 8 & 9 Comparable Sales used for property
They use price per square foot where most are higher than what they used

Ms. Hostetter stated they did a market analysis of all the modular homes where they came up with a base rate of $60.97.
Page 10 Assessors Recommendation
Page 11 Appraiser’s Credentials

Mr. Otey spoke.

Petitioners Report
Section 1 Warranty Deed
Was a HUD repo where he paid cash of $70,000 so that is why it wasn’t recorded.
Section 2 Summary of features of the home
There used to be homeowners association but is no longer one. The properties are bad so they call it Deer Valley Ghetto. The roads are terrible so people won’t move out there. They only have had the roads grated 3 times since he lived there. There is no way he could sell it for even $125,000. His homeowners insurance is valued at $120,000. This is a bad area.
Section 3 shows what he paid for the barn to house his sheep in. He is in negotiations with the property owners that own Lot 41 where they paid only $1300 in 1998 where he is not going to pay more than $1600. The property Lot 40 he paid only $1600. You cannot grow anything out there except Chico and sagebrush. In that section he owns 5 acres in Costilla County. He paid $5000 for that 5 acres total. They dropped his land value to $1065. It is not worth $4900.
Section 4 Appraisal when he purchased the property from HUD.

Ms. Hostetter stated this is the first time she seen this information but the appraisal was done in December of 2012 so this was done after the data period she is required to be used. By statute she cannot use foreclosures as market value. Section 3 is also out of the data collection period. Costilla County Notices she cannot speak about what comparables they used. His property is not arms length transaction as is a foreclosure. Mr. Otey has indicated it is worth $80,000 which was never given prior to them.

Mr. Green stated in 2005 when the original owner bought the lot the permit was for $92,850 just to place the mobile home. Mr. Otey built the animal shelter which on the permit was for $6900
and after you add the land it brings it to $109,000 which was in 2005. Mr. Otey stated he showed Mr. Green the HUD contract what he paid for it. Mr. Green asked for a copy but it was never supplied to him. They cannot sell the property the banks are taking them back. No one wants to move out there. Two properties have blight investigations going on. They have cars and junk there. He has to pay someone for the mice problem there. He took the Chisel plow to knock down some of washboards down on the road. He doesn’t know why they don’t knock them down.

Commissioner Allen asked Ms. Hostetter to recap how she has to assess. Ms. Hostetter stated every odd year is a reappraisal year during that time you have an 18 month data collection period you have to use. For this reappraisal it was 1/1/11 to 6/30/12. Residential property is valued strictly by the market approach. They tried to lump properties together and run analysis on them and come up with a fair value per square foot. They did modular manufactured homes. In doing this they come up with a lower average value per square foot. All lots at $5500 and they have all dropped to $4900 this year. They have sales to indicate that.

Commissioner Dunne asked all the comparable sales of Redwing Subdivision and Wild Acres are different. They tried to pull from the outline areas stated Ms. Hostetter. According to law they cannot use foreclosures asked Commissioner Dunne is that why they couldn’t use any of the sales from Deer Valley. They can look at them but if they are not indicative of the market they cannot use them. If they owed $10,000 then the banks are going to sell it for that so it doesn’t give an indicative range to look at that value. Most of the homes in Deer Valley happen to be foreclosures asked Commissioner Dunne. Ms. Hostetter stated she doesn’t know she would have to research that more.

On modular home it doesn’t depreciation like a mobile home asked Commissioner Yohn. Modular Homes are considered to be real property so they have the same depreciation as a real property would have stated Ms. Hostetter. They don’t depreciate quickly as mobile homes do.

List of Exhibits

**Petitioner**
- Section 1
- Section 2
- Section 3
- Section 4

**Respondent**
- Letter to Jeffrey & Darryl R Otey from the BOE regarding this hearing
- Notice of Determination
- Appeal Procedures that is signed by Mr. Otey requesting an estimate of $80,000
- Alamosa County BOE Rights of Further Appeal
- Appraisal Report

2:05 pm adjourned

There being no further business, the Board of Equalization for Jeffrey & Darrel R Otey was adjourned.
ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice Chairman

Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Special Use Permit Diane Dunlap was held on July 24, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Darius Allen, Chair
Mike Yohn, Vice-Chair
Marianne Dunne, Commissioner
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Juan Altamirano Land Use Manager and Diane Dunlap applicant were present.

Property Address: 711 W Hwy 160 Alamosa CO 81101

Legal Description: Commencing at the Southeast corner of Section 18, Township 38 North, Range, 9 East, NMPM; thence South 89°56’ West a Distance of 1159.2 feet; thence North 00°04’ West 400 feet; thence South 89°56” West 113.1 feet; Thence North 89°56’ East 213.4 feet to the True Point of Beginning;

SAVING AND EXCEPTING THEREFROM that portion described in Warranty Deed to the Department of Transportation, State of Colorado, dated July 29, 1998, and recorded July 31, 1998, under Reception No. 288943 of the Alamosa County, Colorado, records,

SAVING AND EXCEPTING THEREFROM that portion described in Warranty Deed to the Department of Transportation, State of Colorado, dated September 13, 2011, and recorded September 14, 2011, under Reception No. 346676 of the Alamosa County, Colorado, records, in Alamosa County, Colorado together with all water and water rights, ditches, and ditch rights, wells and well rights, appurtenant to and used in connection with the above described real property, including, but not limited to; a) Well evidence by Permit No. 281519, issued by the Division of Water Resources, State of Colorado.

Purpose: The applicant is requesting a special use permit to allow the operation of a Medical Marijuana Center in a Commercial Zone District.

Location: The property has a physical location of 711 Hwy 160 Alamosa CO 81101

Recommendation:

Before the proposed use can be established, the applicant will need to apply for and obtain all of the necessary licensing and/or permits which govern Special Use Permits and the Medical Marijuana from, at a minimum, the following agencies:

Colorado Department of Revenue, Medical Marijuana Enforcement Division
Alamosa County Building Department
Should the approvals be granted, staff believes the use of the property for a Medical Marijuana Center can be considered consistent with Alamosa County Code and Medical Marijuana Ordinance. The imposition of additional conditions of approval will insure the use is operated within the parameters of the original application.

Therefore staff recommends that should the Alamosa County Board of Commissioners choose to recommend the Special Use Permit No 2013-005 the following **conditions** should be imposed:

1. Prior to establishing the Medical Marijuana Center on the property, the applicant shall submit written documentation to the Land Use Office that proper approvals (i.e., licenses, permits) have been obtained from, a minimum, the following entities:
   - Colorado Department of Revenue, Medical Marijuana Enforcement Division
   - Alamosa County Building Division

2. The approval of Special Use Permit No 2013-005 shall be limited to a Medical Marijuana Center as defined in the Ordinance No 2012-01 regarding Medical Marijuana Centers in Alamosa Colorado.

3. No Marijuana shall be smoked, eaten, or otherwise consumed or ingested on the licensed premises

4. No person under eighteen years of age shall be permitted on the licensed premises, unless the person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent.

5. The Medical Marijuana Center shall have a sign located at the main entrance of the premises measuring not less than 36”x 36” that states as follows:
   
   "**WARNING:** Marijuana is classified under Schedule I of the Controlled Substance Act, the use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution."

   The text of said sign shall cover at least 75% of the sign.

6. In addition to any labeling required set forth by the State Licensing Authority, all marijuana sold or otherwise distributed by the local licensee shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation.

7. License (including Special Use Permit) shall be issued to the applicant for the purposes of owning, operating, or managing a Medical Marijuana Center and shall not be transferable.

8. If all requirements are met and the license is granted, said license shall be provisional subject to the issuance of a State License within one-hundred and eighty (180) days.

**Directive to Staff under Ordinance**

The Land Use Office is directed to conduct an annual review of Special Use Permit No. 2013-005 to ensure compliance with all local and state laws, including but not limited to any
applicable rules regulations promulgated by the State Licensing Authority. Such review will be presented to Alamosa County Board of County Commissioners at its next regularly scheduled Board Meeting. If the use is not established and/or the property is not in full compliance with the Alamosa Code and/or all of the conditions of the approval, the Board of County Commissioners may, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing, if necessary. **THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.**

**OTHER REQUIREMENTS**

9. The facility will be inspected by the Alamosa County Land Use Department on an annual and compliant basis to determine the facility’s compliance with general local and state compliance.

10. Limited access area: subject to the provision of section 12-43-3-701 a limited access area shall be a building, room, other contiguous area upon the licensed premises where medical marijuana is grown, cultivated, stored, weighed, displayed, packaged, sold, or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the State Licensing Authority. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the State of Licensing Authority.

**ADDITIONAL CONDITIONS**

- In granting approval of the Special Use Permit, the Board of County Commissioners may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way, or easement dedications; recreation; open space or buffer provisions; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- Any additional condition approved by the Board of County Commissioners shall become a part of the permit and be part of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

**BACKGROUND**

The State of Colorado, Department of Revenue, Medical Marijuana Enforcement Division defines Medical Marijuana, Medical Marijuana Center, and Premises as follows:

“Medical Marijuana” means marijuana that is grown and sold pursuant to the provisions of this article and for a purpose authorized by section 14 of Article XVIII of the State Constitution but shall not be considered a nonprescription drug for purposes of section 12-22-102(20) or section 29-26-717, C.R.S., or an over-the-counter medication for purposes of section 25.5-5-322, C.R.S. Medical Marijuana Center means a person licensed pursuant to this article to operate a business as described in section 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of article XVIII of the State Constitution, but is not a primary caregiver.
“Premises” means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area. The applicant is not currently licensed through the State of Colorado to operate a Medical Marijuana Center in Alamosa, but is in the process of obtaining the necessary approvals to obtain the required license.

The applicant has requested that Special Use Permit No. 2013-05 be issued to High Valley Healing of Alamosa

**ZONING AND LAND USE**

The property is located in a Commercial Zoned District; adjacent parcels within the same vicinity are located within general area.

The property is currently vacant. Several of the lots in the area have been improved with other commercial like development, while other scattered lots remain vacant.

**ACCESS**

The property will be accessed from Highway 160. Staff will contact the Alamosa County Road Supervisor to review and comment on the proposed access.

**WATER AND WASTEWATER**

The property currently has a building with individual water and sewer service. The property has an approved commercial well on the property.

**FIRE PROTECTION:** The property is within the service area of the Alamosa County Fire Protection District.

**FINDINGS OF FACT**

- a. The application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
- b. The application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.
- c. The application will not substantially injure the value of the adjoining or abutting property, and will not detrimental to the use or development of adjacent properties or other neighborhood uses.
- d. The application will not adversely affect the adopted plans and policies of the county, or violate the character of existing standards for development of the adjacent properties.
- e. Environmental protections, wildlife habitats, ground and surface water, air quality, jurisdictional wetlands
- f. The granting of the Special Use Permit will not substantially modify the Land Use Comprehensive Plan or the intent, purpose and spirit of the Land Use and Development Code.
The Medical Marijuana Center will be established within a Commercial Zoned District. The applicant is planning to construct and design a commercial building in accordance to the Alamosa County Building and regulations imposed by the State of Colorado, Department of Revenue, Medical Marijuana Enforcement Division. In addition to a local review process the Medical Marijuana Enforcement Division sets the guidelines, rules, regulations, and issues the required license.

The stated purpose and standards of the Commercial Zoned District are designed to retain and provide areas for the development and maintenance of a restricted range of retail sales and services intended to serve local residents.

The applicant must also obtain documentation from the Alamosa County Building Division in order to build the commercial building. Documentation verifying the building has been built to County Building Code standards. Further a Certificate of Occupancy will need to be obtained by the applicant prior to being able to operate.

Provided that the applicant maintains the facility as required by adhering to all regulatory agency rules, regulations, and licensing guidelines and standards, all building code requirements and the imposed conditions of approval, staff believes the special use permit will not adversely affect the public health, safety, or welfare.

Any person aggrieved by the decision of the Board of County Commissioners on this Special Use Permit may, upon the specific terms and conditions set forth in the Alamosa County Code, Article 7, Section 7.8 Special Use Review, appeal the decision to the courts of competent jurisdiction.

Ms. Dunlop owner of High Healing of Alamosa spoke. This is the fourth site she has tried to obtain. This is the old SpectraCom building. There are no residents near. She has worked with the Sheriff in regards to adequate security. She has submitted her application to the Department of Revenue Medical Marijuana Enforcement Division. She will be going to Denver tomorrow to complete process. She has added warning labels. She has used that at the Creston location. She has a growing operating in Saguache County. She has no incident there. She has received her occupational cultivation license last year in preparing for this. Hopefully the commissioners have received the letters in support of this. Most of her clients that utilize the Crestone facility are from Alamosa and Monte Vista area.

Commissioner Allen asked if anyone is in favor of or opposition to this Special Use Permit.

Lorna Sowards spoke. Her current residence is 5664 County Rd 6 South, Alamosa. It is ½ s of the new Marijuana business going up west of Alamosa. She does not think Alamosa needs another medical marijuana facility. Alamosa has set a precedence of allowing. She believes there is another facility going up on Highway 17. The commissioners are not aware of any going up on Highway 17. There are residence around and hotels. She worries about what people are going to think of Alamosa when there is someone enters east or west of Alamosa. She would
prefer inspection biannually, that there will be no marijuana being packaged or grown on site, that there would be only one access in and out of property, and that the hours of operation would be different from summer than the winter. She would prefer they operate during full sunlight hours. She wonders if other businesses near the range area were contacted. She disagrees that it would violate the character of the area. She disagrees that is would adversely affect the citizens of Alamosa as in the report given. She doesn’t understand if there is already one in the valley why we would need another. She would like to see proof that 80% come from Alamosa and surrounding areas other than Crestone.

Commissioner Allen stated what facts do you have to support that we don’t need another facility. There is no grown on site which is on the conditions. The hours Mr. Altamirano stated that would be a condition that the commissioners could set. Ms. Dunlap stated the Medical Marijuana Enforcement Division has set the hours from 8am-7pm set by the Department of Revenue. They always close earlier in the winter. The previous facility approved the operation hours and closed days of holidays were set by the commissioners. Commissioner Allen stated there were no hotels or residence near Spectracom. Ms. Sowards believed the location was near the Inn of the Rio Grande. No it is on the west side of town almost on the county line near the old truck stop. Ms. Sowards stated she had googled the location and it must have been wrong. Letters were sent out to residents a radius of 1500 ft of this location stated Mr. Altamirano.

Shane Stough spoke. He runs Cannabis in Costilla County. He wants to know if they are planning on any type of Moratorium or limit of businesses because he is looking at opening up in Alamosa County. Commissioner Allen stated to speak with the Land Use Office.

Brad Heredia spoke. Based on your last statistics they throughout that kids do not get involved in Marijuana. He has done some research. The statistics according to students 76% don’t smoke it but he knows they do. Highway 160 is prone to accidents that is why they are getting four lanes. Do we really want traffic? Ms. Dunlap mentioned her clients are handicapped and are unable to get to facility. If you cannot see or are unable to get there you are asking someone else to be at risk. Now he is going to be in the middle of two facilities. It is like his dad said if you let one cockroach in many are to follow. He is not saying they are cockroaches just using as an example. The reason the first facility was approved was because there were not any in Alamosa. Now we have one in Alamosa. What is your excuse for the next one? There is one in Fort Garland also. That is enough because that is the excuse for the last one. At the last meeting Alamosa wanted one and we got one. He is concerned of traffic and that it is not healthy. A drunk says it is not bad for you. It is not bad when you can control it so what does one puff do. People are different. He does believe they need more businesses but not that kind of business. He doesn’t know who is behind the wheel of those going there. Friends of his have died on that road.

Luz Heredia spoke. When someone has medical marijuana they say they are going to have labels. Her concern is the kids and people who get affected. If violate do they remove the license. Mr. Altamirano stated that would be a state issue. They are dealing today with Land Use whether this is an adequate area and meets the ordinance. More than likely the State Public Health or State Medical Marijuana would handle that issue. How do they handle the size? This is a state issue that monitors this stated Mr. Altamirano. Ms. Dunlap stated the Department of
Revenue has a Seed to Sale tracking system. Every gram of Marijuana is tracked from the time the seed goes into the soil all the way to the grow process to the facility. All is kept on the computer. It is going to affect her. She disagrees with this application.

Benito Pacheco. He is in favor. So what if there is more than one Medical Marijuana facility. Free Enterprise, America was made by Free Enterprise. It helps the sick people. You only get it because you are very very sick to live a half way decent life. It is not like she is handing it out for anyone just to get stoned. If people want Marijuana they can get it.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 – SUP - 003

RE: APPLICATION OF DIANE DUNLAP AND ON BEHALF OF ACADEMY OF THE HEALING ARTS, LLC d/b/a HIGH VALLEY HEALING ALAMOSA, FOR A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A MEDICAL MARIJUANA DISPENSARY IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS, Diane Dunlap, on behalf of Academy of the Healing Arts, LLC d/b/a High Valley Healing Alamosa has submitted an application for a special use permit to allow the operation of a Medical Marijuana Dispensary in Alamosa County on the following property:

711 West Highway 160, Alamosa, CO 81101, the legal description being as follows:

Commencing at the Southeast corner of section 18, Township 38 North, Range 9 East, N.M.P.M.; thence South 89°56' West a Distance of 1159.2 feet; thence North 00°04' West 28.0 feet to the True Point of Beginning; thence North 00°04' West 400 feet; thence South 89°56' West 113.1 feet; thence North 61°56' West 113.1 feet; thence South 28°06' West 400 feet; thence South 61°6' East 213.4 feet; thence North 89°56' East 213.4 feet to the True Point of Beginning.

said property being zoned Commercial (C) District; and

WHEREAS, a public hearing was held before the Board of County Commissioners on July 24, 2013, to consider said application;

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

WHEREAS, at the hearing the following individuals expressed support for the application:
1. Diane Dunlap – Applicant
2. Shane Stowell
3. Benito Pacheco

WHEREAS, at the hearing the following individuals expressed an objection to the application:
1. Lorena Sowards
2. Brad Heredia
3. Lois Heredia

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 operation of the above mentioned business upon the above-described property is hereby granted as a special use pursuant to the Alamosa County Land Development Code under Article 7, Section 7.9 subject to the following conditions:

1. Prior to establishing the Marijuana Medical Center on the property, the applicant shall submit written documentation to the Land Use Office that proper approvals (i.e., licenses, permits) have been obtained from a minimum, the following entities:
   - The Colorado Department of Revenue, Medical Marijuana Enforcement Division
   - Alamosa County Building Department;
   - Colorado Department of Transportation regarding access to said property.

2. The approval of Special Use permit No. 2013- shall be limited to a Medical Marijuana Center as defined in the Ordinance No. 2012-001 regarding Medical marijuana Centers in Alamosa, Colorado;

3. No Marijuana shall be grown, smoked, eaten, or otherwise consumed or ingested on the licensed premises;

4. No person under eighteen years of age shall be permitted on the licensed premises, unless that person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent;

5. The Medical Marijuana Center shall have a sign located at the main entrance
of the premises measuring not less than 36"x36" that states as follows:

- "Warning: Marijuana is classified under Schedule 1 of the Controlled Substances Act. The use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution."

The text of said sign shall cover at least 75% of the sign.

6. In addition to any labeling set forth by the State Licensing Authority, all marijuana sold or otherwise distributed by the local licensing shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation;

7. License (including Special Use Permit) shall be issued to the applicant for the purposes of owning, operating, or managing a Medical Marijuana Center (MMC) and shall not be transferable;

8. If all requirements are met and the license is granted, said license shall be provisional subject to the issuance of a State license within one-hundred and eighty (180) days;

9. The Facility shall be inspected by the Alamosa County Land Use Department on an random basis no less than annually to determine the facility's compliance with general local and state rules and regulations;

10. Limited Access Area: subject to the provisions of C.R.S. 12-43-701, a limited access area shall be a building, room, or other contiguous area upon the licensed premises where medical marijuana is stored, weighed, displayed, packaged, sold or possessed for sale, under control of the licensee, with limited access to only those persons licensed by the State Licensing Authority. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the State Licensing Authority;

11. "Medical Marijuana", "Medical Marijuana Centers", and "Premises" shall be defined as set forth by the Colorado Department of Revenue, Medical Marijuana Enforcement Division;

12. The MMC shall operate only between the hours of 10:00 a.m. and 7:00 p.m., Monday through Saturday. The MMC shall be closed on Sunday's and on all legal holidays

13. These conditions shall become a part of the permit and any violation thereof shall be grounds to revoke said permit.
Passed by roll call vote: Allen, Dunne and Yohn all in favor.

DATED this 24th day of July, 2013

(SEAL)

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

By

Darius Allen, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Diane Dunlap was adjourned.

ATTEST:

Betha Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice Chairman

Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Special Use Permit -Prince/Montoya was held on July 24, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

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

Juan Altamirano Land Use Manager, Della Prince and Andres Montoya applicants were present.

Purpose: The applicant is proposing to operate a 24 hour specialized group home center. The “center” will provide/offer services for youth that may be victims of poverty, abuse, neglect, exposure to violence and/or suffer from chronic mental health problems and/or learning disabilities.

Location: The property has a physical location of 7880 Timothy Lane, Alamosa CO 81101

Recommendation:
After extensive review of the subject proposal, staff recommends that the application for a 24-hour group home center be approved with conditions.

Although limitations exist on group homes, there is a point at which a group home is of sufficient size to present a significant impact on the neighborhood. Based on state law to date, group homes with greater than 8 persons are not common place. When a single family home is occupied by 8 or more persons, there is a reasonable argument that the home requires a special use review and mitigation measures to protect the character of the neighborhood. The local mitigation measures to protect the character of the neighborhood. The Board and the public should, however, understand the purpose for the review is not to exclude any group home, but to determine the need to make and to permit our office to make, reasonable accommodations for these types of homes.

Before the proposed use can be established, the applicant will need to supply the land use office with any and all necessary licensing permits required from any local, state and/or federal agency concerning the operation of a childcare and/or group home facility.

Should the approval of the application be granted, staff believes the use of the property as a group home is consistent with the County’s Land Use and Development Code and other applicable policies/guidelines.

Staff has reservations concerning the availability of water and water usage on the subject property. The subject property, along the three other adjacent properties, shares a single domestic well. Neighbors, along with the Alamosa County Planning Commission have
expressed concerns related to the shared well. However, the Division of Water Resources, in a letter dated June 27, 2013 and addressed to the Land Use Office, opined that the position of the State Engineer’s Office regarding the water supply for the subject application is not of concern and effectively, do not object to the use of the well for purpose as stated in the Special Use Permit Application.

Therefore, staff recommends that should the Alamosa County Board of Commissioners choose to recommend approval of Special Use Permit No. 2013-003, the following condition should be considered and adopted:

1. Prior to commencing the operation, the applicant shall submit any and all documentation to the Land Use Office that proper approvals (i.e. Licenses, permits) have been obtained from any local, state, and/or federal agency concerning the operation of the group home
2. The Special Use Permit shall be issued to the applicant for the purpose of owning, operating, or managing a group home center and shall not be transferable
3. If all requirements are met and the special use permit is granted, said special use permit shall be provisional subject to the issuance of a State License within one-hundred and eighty (180) days
4. The group home shall comply with maximum requested child care capacity of 12 total numbers of children.

Conditions Criteria
In granting approval of the Special Use Permit, the Board of County Commissioners may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to buffer provisions; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.

Any additional condition approved by the Board of County Commissioners shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

Zoning and Land Use
The property is located in a Rural Zoned District; adjacent parcels within the same vicinity are located within general area.

The property is located in an area that is primarily vacant, with some limited residential development.

Access
The property will be accessed from Timothy Lane. Staff will contact the Alamosa County Road Supervisor to review and comment on the proposed access.

Water and Wastewater
The property has a residential building and shares water well with three other adjacent properties. The subject property has an individual sewer system.
Fire Protection
The property is within the service area of the Alamosa County Fire Protection District

Findings of Fact
a. The applicant will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
b. The application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations
c. The application will be not substantially injure the value of adjoining or abutting property and will not detrimental to the use or development of adjacent properties or other neighborhood uses.
d. The application will not adversely affect the adopted plans and policies of the county, or violate the character of existing standards for development of the adjacent properties.
e. Environmental protections, wildlife habitats, ground and surface water, air quality, jurisdictional wetlands.
f. The granting of the Special Use Permit will not substantially modify the Land Use Comprehensive Plan or the intent, purpose and spirit of the Land Use and Development Code.

The group home center is located in a rural zoned area. In addition to a local review process, the group home center shall comply with all state and federal guidelines, rules, regulations and issues as required by law.

Provided that the applicant maintains the facility as required by adhering to all regulatory agency rules, regulations and the conditions of approval, staff believes the special use permit will not adversely affect the public health, safety, or welfare.

Any person aggrieved by the decision of the Board of County Commissioners on this Special Use Permit may upon the specific terms and conditions set forth in the Alamosa County Code, Article 7, Section 7.8 Special Use Review, appeal the decision to the courts of competent jurisdiction.

When looking at application they looked at the Land Use issues and no the users. The users were not in their purview only looking at Land Use issues in this application.

Mr. Montoya stated there were some issues brought up that he wasn’t aware of that there are law suits against cities, counties, or organizations that were discriminating against people that needed this help. They are just trying to help these children that need the help.

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

Ben Pacheco spoke. One of his neighbors provided a letter because she could not be here today. It was read as followed:

I will not be able to attend the County Commissioner Meeting on July 24th, concerning the application by Della Prince and Andres Montoya, therefore I am expressing my concern in the following letter. I am the closest home to the Montoya property. As stated at the Planning
Commission Meeting, I am concerned for several reasons. The first reason for my concern is there are three single family homes sharing a well (Montoya, Reed, & Hensley). Living outside of Alamosa where water is consistent and hassle-free, our property does not have that luxury. There has been several times in the past several years the pump freezes or burns up. When the pump is not working, there is no water dispersed to our homes for several days. That includes washing dishes, toilets flushing, bathing, etc. The second reason is for my concern is the safety of the neighborhood. The Montoya property has a pond on and near the home plus a drain ditch that has consistent water flow year round. Both the pond and drain ditch have always been a concern. Also I want my home and property safe. I work outside of my home and have always been comfortable leaving and returning with no worry of incident. I am an advocate for kids; however the property on Timothy Lane is not the appropriate location for this particular facility. I respectfully ask for a negative vote by the Alamosa County Commissioners. Please consider all stakeholders. Thank you for your Time. Signed Toni Reed.

Mr. Pacheco spoke on his behalf. He also lives on Timothy Lane. He doesn’t like this at all not one bit. It is a quite place. Everyone is opposed to it. He doesn’t have a concern about the water because he has his own well. The pond and the ditch he has a gut feeling of one caretaker for eight kids. It is a premonition of his that one caretaker cannot take of 8 kids and be safe. One can sneak out while the caretaker is occupied with another kid. Kids like to play with water, and then they will have a dead kid on their hands. It is not a good place for kids. He is upset and the other neighbors don’t want this either.

Brad Heredia spoke. He is for it. The middle school has a fence that the kids can climb shall we take down the fence. They had a meeting earlier about helping people. This is helping people. He drives down Highway 160 and he could get hurt. Safety issues are everywhere. He thinks it is a good thing. Free enterprise so why not.

Giovanni Genesio who is a neighbor across the property spoke. He purchased the property 38 years ago and has been there 31 years. He bought this property because of the water. He was able to irrigate 35 acres. He has an ice skating pond for his children. Overtime he has seen irrigation sprinklers come and now 8-10 of them. What he has seen is that their water supply has been reduced. They see a reduction of water of 30-50%. Another thing that they have seen when others moved in they could tell when they were taking showers or washing their socks. They seen an immediate response to their use. This lowered the table but when they fire up the small wells they can see the difference of how much water they have. They can see how they are connected by these small wells. Depending on size of group home this can affect them. Kids can be up to the age of 21. They don’t know how many kids they are going to be there. 21 years of age is not a kid anymore. They are going to see a negative use of their well. They play a game of when someone can shower and who can wash clothes. It is pretty frustrating when they have sprinklers pumping 1000 gallons of water. It is not fair. Let’s look at what we have and allocate people to the resources. Access they have to look at the people they have disabilities; they may need emergency care on a dead way lane. If they bunch up on Timothy Lane the commuting will cause problems for the access. They had a fire truck dispatched previously and there was only one entrance accessibility. They have looked all over the valley for the group home but there are places better for accessibility and emergency services. Work together with other agencies for another location. They need society socializing. It is only three miles but in
the winter it is not that close. SLV Community Corrections has a new complex why can’t they invest in the youth and join forces to look at alternatives.

Ritchie McDaniel spoke. His concerns are certain times he is traveling and his wife will be alone and their widowed neighbor lives alone also. Some of these kids are violent and that is his concern for his neighborhood. He doesn’t believe they need that in their neighborhood.

Jean Hensley spoke. She is a widow and is a foster parent. She has been for twenty something years. The foster children she gets are not the ones that go to group homes. The children that go to group homes have more problems. Her concern is the safety of her children. If the children are handicapped there is only one bedroom downstairs in that home. She doesn’t believe they are going to carry them upstairs. She believes this will hurt the value of their homes. When you are a foster parent or group home you have to abide the same rules. If you have one juvenile delinquent then they could influence another. She lets her children ride their bike and walk freely to the neighbors but if they put this she will not be free to let them. They can put it somewhere else.

Monica Genesio who lives in that area spoke. The water situation is important to her. The living conditions which we think is the best interest for children and not having adequate water is not best interest. This is going to be a 24-7 facility ages 16-18, even 21 years of age assigned. Group homes have not been proven beneficial but foster homes are better. If this is needed why wasn’t this brought up by the Department of Human Services? Safety is a big issue. Emergency services take a long time to get there because of the traffic. It is rural zoned area and she hopes it would not change. They bought this property to be away from the hustle and bustle of the city with this it will bring this to their area. They all have to have a way to get rid of waste. This subdivision sits on the north end of that subdivision which is at the lowest point so the septic tank will not be able to be leaching out. This will be a major problem. At the last meeting it came across they had no choice because of Federal Law mandate. She feels this is unfortunate for their quality of life meaning water can be maintained. The Exhibit 10 on Water Regulation she would like to see a copy of this.

There being no further business, the Public Hearing for Prince/Montoyna was adjourned.

ATTEST:

[Signatures]

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice-Chairman

Marianne Dunn, County Commissioner