Minutes of the Board of County Commissioners Meeting, held on November 20, 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
- Absent
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

M/S Yohn/Dunne motion to approve the agenda of November 20, 2013.
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
   Regular Minutes- November 6, 2013
   Public Hearing Public Trustee 2014 Budget

M/S Dunne/Yohn motion to approve the Minutes of November 6, 2013.
Motion was passed unanimously.

Approval of Bills/Obligations

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

Public Comment

Dan Russell spoke. He would like to ask if he decided to build an RV Park in the County rather than Annex into the City would you support that endeavor. He would like to subdivide it into three parcels. He is looking at his options. He would like to know if the County would consider
that. The developing of Polston Property could house 100 RV sites and he could improve that considerably. An average RV person spends $160 a day in the community. If you have 60% it is an economic development for the community of $9600. This is a potential of $7.2 million if you use a 5x multiplier. It is not competing with other businesses. It has been a difficult trip with a lot of hurdles. He has been working on it. He is thinking of all his possibilities so he doesn’t get high jacked. It is good for the economy. They should wait to see an application if it comes before them. Commissioner Allen. He is not saying that he is for it or against but he believes in private enterprise. They have regulations to follow for the County and if an applicant meets all those guidelines then they will work with them.

Commissioner Dunne agrees with Commissioner Allen, but what are the three parcels. There is 5 acres upfront that he is going to keep as commercial, RV Park, and then the River/Levee quarter which is the third parcel. The River/Levee part is the part you are exchanging with the City asked Commissioner Dunne. That is correct stated Mr. Russell. He is going to submit that application today. Commissioner Allen stated when you submit an application it goes the Planning Commission and then comes to us. Commissioner Yohn appreciates him coming in but it is just Public Comment and until it comes before the board they really cannot discuss or comment.

**Approval of Consent Agenda**

- Immunization Core Services Scope of Work Modification
- 317 Policy Transition Contract for Ann-Marie Peterson RN
- County Clerk & Recorder Report for October
- County Treasurer Fund Report for October
- Department of Local Affairs Grant for the SLV Regional Airport Terminal Building
- Ratify Excel Energy request for new gas & electric distribution at 8999 Independence Way

Commissioner Dunne asked to pull the Approval/Selection of County Administrator to discuss further.

**M/S Dunne/Yohn motion to approve Consent Agenda without Approval/Selection of County Administrator**

Motion was approved unanimously.

**Approval/Selection of County Administrator**

Commissioner Yohn stated it is the feeling of the Board that they need a County Administrator. They went through the process where they came down to three finalists. Peter Kampfer is his selection. Commissioner Dunne stated the County Administrator would deal with the day to day operations of the County. It is something they need. They report to them and assist with all county goals and operations. They would also provide additional information to them such as research or finding grants and writing them. Peter Kampfer has experience with city government not county government but she believes he would be a wonderful County Administrator. This is subject to terms.
Commissioner Allen stated he is going to vote against it. He feels they need someone with experience in County government and background in that area.

m/s Yohn/Dunne motion to approve selection of County Administrator-Peter Kampfer
   Motion passed with a 2-1 vote with Commissioner Allen objecting

Public Hearings

Amendment to Zoning-Rames & Ratna Chattergee

Commissioner Dunne stated she thought the real estate agent should have caught these nine years ago. She wished them the best of success.

Commissioner Yohn thanked them for cleaning it up. Is Oasis separate and is it commercial. No they are not. The rest will remain rural. At some point of time they will work on that. Their attentions are that they do clean that up and make commercial. This is the first step stated Mr. Vanlwarden. Commissioner Allen stated his term of “Cleaning it up” doesn’t mean clean the property physically. It is cleaning up the errors “housekeeping” for their office stated Mr. Vanlwarden. Have they been paying commercial taxes over the years asked Commissioner Allen. Mr. Vanlwarden stated he did not know. They addressed the water. Commissioner Allen asked do they have a commercial septic system. It already was designed for the rooms they had and for any expansion. Commissioner Allen asked if they had any phone calls or comments. None stated Mr. Vanlwarden. Planning Commission approved this. Were there any problems with the Highway entrance. They were not notified he believes they were all good.

Commissioner Yohn stated the Planning Commission information wasn’t in the packet.

Commissioner Dunne asked if it is open during the winter. It is open from middle of March to end of October.

List of Exhibits
   1. Amendment to Zoning Application Checklist
   2. Staff Report
   3. Application
   4. Receipt of Payment
   5. Ownership & Encumbrance Report
   6. Letter of Verification –Alamosa State Bank
   7. Deed
   8. Assessor Record
   9. Receipt of Taxes Paid
   10. Letter of Representation
   11. Water Documents
   12. Site Plan
   13. 1500 Ft Boundary
   14. List of Adjoining Property Owners
   15. Letter to Neighbors
m/s Yohn/Dunne motion to approve Amendment to Zoning for Rames & Ratna Chattergee
Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 – Z - 1
RE: APPLICATION FOR ZONEING MAP AMENDMENT FILED BY RAMES AND RATNA CHATTERGEE, COVERING FR N2 21-27-73 TR 2 LA FONT DIVISION OF LAND, COUNTY OF ALAMOSA, STATE OF COLORADO.

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

WHEREAS:

1. Rames and Ratna Chatterjee have submitted an application for an amendment to the Alamosa County Zoning map covering the following described property:

Tract 2, LaFont Division of Land, the Plat of which was filed August 9, 1995, under Reception No. 274137 in the office of the Clerk and Recorder of Alamosa County, Colorado,

Together with a 30 foot wide easement for ingress and egress to tract 2, La Font Division of Land, said easement lying 15.0 feet on each side of the following described centerline:

Commencing at a point of Intersection of the East right-of-way line of Colorado State Highway 160 and the North line of Section 21, Township 27 South, Range 73 West, 6th Principal Meridian, a pin and aluminum cap, PE-LS 13934; thence South 35°01'45" West along said East right-of-way line a distance of 644.44 feet to the point of beginning of said 30 foot wide easement; thence North 73°14'19" East a distance of 141.72 feet to a point of curve; thence 141.29 feet along the arc of a curve to the right having a central angle of 104°26'35" and a radius of 77.51 feet to a point of tangency; thence South 02°19'06" West a distance of 157.25 feet to a point of curve; thence 352.28 feet along the arc of the curve to the left having a central angle of 67°44'40" and a radius of 297.94 feet to a point of tangency; thence South 70°03'46" East a distance of 142.33 feet; thence North 73°54'42" East a distance of 344.82 feet; thence North 50°46'10" East a distance of 183.08 feet; thence North 51°01'29" East to a point on South line of Tract 2, La Font Division of Land and the Point of Terminus; It being intended that the sides of the easement be extended of shortened, as needed, to close upon the east.
right-of-way line of Colorado State Highway 160 and the South line of Tract 2, La Font Division of Land,

In Alamosa County, Colorado.

Said property being zoned Rural (R).

2. Said applicant originally brought this request before the Alamosa County Planning commission on November 13, 2013 for consideration and the recommendation of the Planning Commission was to approve said Application;

3. A public hearing was held on the proposed amendment to rezone on November 20, 2013, before the Board of County Commissioners of Alamosa County, following proper notice to the public, Applicants appeared and spoke in favor of the application and no one spoke in opposition to said application.

4. The Board of County Commissioners has determined that this application is consistent with County policies and is pursuant to Article 7, Section 7.4 of the Alamosa County Land Use Development Code.

NOW, THEREFORE, BE IT RESOLVED that the zoning map of Alamosa County, 1975, as amended, is AMENDED as follows:

5. That the zoning for the above mentioned property shall be changed from Rural (R) to Commercial (C).

The above resolution was passed by roll call vote on November 20, 2013. Commissioner Dunne, Commissioner Yohn and Commissioner Allen in favor

DATED: November 20, 2013

(S E A L)

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

By

Darius Allen, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Minor Subdivision-Claudia Robinson

Commissioner Yohn stated they have done this before so he doesn’t feel there is a problem with it. It has been owned by the family for years. Mr. Cruz wants to continue farming and Ms. Robinson wants to continue living in the residential home.
Commissioner Allen stated it is easier to mortgage a home being separate from the farm.

List of Exhibits
1. Minor Subdivision Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Kruse Letter of Representation
6. Ownership & Encumbrance Report
7. Deed
8. Assessor Record
9. Receipt of Taxes Paid
10. Water Documents
11. Survey
12. 1500 Ft Boundary
13. List of Adjoining Property Owners
14. Letter to Neighbors
15. Public Notice for the Planning Commission
16. Public Notice for the BOCC
17. Notice to Applicant

m/s Dunne/Yohn motion to accept the Minor Subdivision for Claudia Robinson
Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 – S – 5

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY CLAUDIA ROBINSON AND MIKE AND JIM KRUSE PARTNERSHIP, COVERING PROPERTY IN THE NORTH ¼, SECTION 8, TOWNSHIP 40 NORTH, RANGE 10 EAST, N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS:

1. Claudia Robinson and Mike and Jim Kruse Partnership, have submitted an application for a minor subdivision covering the following described property:

   NW ¼, Section 8, Township 40 North, Range 10 East, N.M.P.M, County of Alamosa, State of Colorado, 81101

said property being zoned Rural (R) and having a street address of 7010 Lane North, Alamosa, CO.
2. Said applicant seeks to divide the above-described property into two parcels as follows:

Tract A = 156.32 acres  
Tract B = 4.93 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on November 13, 2013, following proper notice to the public and recommended approval of the application.

4. A public hearing was held on the proposed minor subdivision on November 20, 2013, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

5. The Board of County Commissioners has determined that this application is pursuant to Article 7 Section 7.6.6 of the Alamosa County Land Use Development Code and is a division of land not within the purposes of Part 1 of C.R.S., 1973, Section 30-28-101, et seq. and is therefore exempt from the definition of a “subdivision” contained therein.

6. That the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code, specifically that:

1. Consistency with the adopted plans and policies of the county exist;

2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this LDC;

3. If located within or adjacent to the Rural Planning Area, the plat includes a plat note reciting the Right to Farm and Ranch Policy; and

4. The plat indicates that all subject lots will have frontage on existing approved streets;

5. New or residual parcels conform to the requirements of this LDC and other applicable regulations;

6. No new streets are required or are likely to be required for access to interior property;

7. No drainage or utility easements will be required to serve interior property;

8. No extension of public sewage or water lines will be required;

9. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and

10. No waivers from Article 5, Subdivision Standards, have been requested.
IT IS THEREFORE RESOLVED AND ORDERED that the minor subdivision is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code, Article 7 Section 7.6.6, as adopted on July 15, 2009.

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

DATED: November 20, 2013.

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

By, Darius Allen, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Minor Subdivision-Adolph Muniz

Commissioner Dunne stated it would behoove him to contact the agency in Pueblo. She is on the board for Habitat for Conservancy which are concerned with the Southwestern Flycatcher and the Yellow Billed Cuckoo which neither of them are in that area so she doesn’t feel like it would be a problem.

Commissioner Yohn asked the house that is located there now, how it is permitted. It is permitted as a residential home which is moved in and needs to meet all the requirements. They have talked about the looks of it. It was permitted as a residential. Commissioner Yohn stated with the water table being so high the septic system takes extra care. He is required to build a mound system. The bottom of the leach field has to build a minimum of 4 feet above the water table. This means he has to build it up 2 foot above the existing which he has begun that. They have given the information to him. Commissioner Yohn stated if anyone buys it they would have to put money into that. Typically when someone comes in for a septic system they tell them that stated Mr. Vanlwarden. The four parcels the first comes in at 35 acres but the acres don’t add up asked Commissioner Yohn. Part is taken out for the road stated Mr. Vanlwarden. Tract 4 is 2 acres. Mr. Muniz stated he is trying to keep the house and the county says he can subdivide it into 4 parcels. He is not developing anything on the creek area. They advise the applicant that they may want to sell it and keep this in mind and beware of all the complications they may have. Commissioner Yohn stated he feels like they are getting ahead of themselves without the approval of the Wildlife. Mr. Vanlwarden stated that is up to you. Commissioner Allen stated their job is following the guidelines and not second guess what the applicant is going to do with the property. They have to follow guidelines and does he meet them. They
have done their part by notifying the wildlife. He spoke to them and they said if he builds something there they can go tell him he is doing something wrong. They can put restrictions. He feels they have done their part. Mr. Kelly stated the issues of what he does on the property are under a building permit. Then they can look at it. Mr. Vanlwarden stated he feels their staff has done a good job researching and are going on the recommendation of the Planning Commission. The request of Planning Commission was the project is applicable with and for these reasons the staff recommends approval of the proposal.

List of Exhibits
1. Minor Subdivision Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Deed
6. Ownership & Encumbrance Report
7. Letter of Approval from Lien Holder
8. Email to Wildlife Division
9. Assessor Record
10. Tax Information
11. Water Documents
12. Survey
13. 1500 Ft Boundary
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

Commissioner Allen mentioned the matter between the applicant & the Division of Fish & Wildlife is between them. Individual property you can do what you want to but Buyer Beware it will cost a lot to build there stated Mr. Yohn.

m/s Yohn/Dunne motion to approve Minor Subdivision for Adolph Muniz
Motion was approved unanimously.

Blight Enforcement

Jinger Tilden was present. She wants to discuss a blight case that was started August 1st. The property is listed as 6711 Rd 106.75. She sent them a letter of 1st violation on August 1st with a deadline. They came into the office and requested an extension. They filed an agreement to clean up the property. They gave them an extended time until October 13th. She did a site visit to see how they were doing. On October 3rd they came in and requested another extension. They have completed all the requirements. She wants to work with anybody. They came in on a monthly basis to update what they were doing on the property. They came in and said it was completed. When she went out it was a completely different property. She is appreciative of all their hard work. They first indicated they are disabled and unable to work. They gave a list of
vehicles they want to keep which included 14 vehicles. Ms. Tilden presented a Certificate of Achievement for outstanding performance.

She has done redone the Code of the West handouts. They have a brochure for a quick review and a bigger version. They didn’t make any changes just some modifications.

Ms. Tilden did go out to the property of Costilla Property. She met with the landowner and with two inspectors. It doesn’t meet the guidelines. A few days later the property owner was admitted into the hospital. The property owner is now in New Mexico living with her mother until she is in better health. They are on the same page that they would like to demolish the home. Ms. Tilden feels the family wants to comply and getting something better for her. She doesn’t want to see anyone not have a home. They will continue on this. They have 78 cases currently and over 65% are completed and closed. It is going extremely well. Mr. VanIwarden thanked them for making her position full time. Commissioner Dunne thanked Ms. Tilden. She appreciated her compassion.

Southwest Conservation Corp

Greg Baxter was present. They run youth groups throughout the San Luis Valley and Southeast Arkansas Valley. They had their first crew in Alamosa this year. They are a small nonprofit. They are based out of Salida. They work with 14-18 year olds. They try to engage them in Conservation. They received a grant from the Fish & Wildlife Division that helped with this program. They receive some funding from the Sangre de Cristo Heritage Area. The youth were from Alamosa. They had six and crew leaders are 21+. One leader lived in Alamosa. In terms of training they receive they go for 2 week training. In terms of projects they did trail work at the BLM at the Zapata Falls, fence work on the McIntyre grass fire, and river restoration on the Rio Grande. They work with different agencies. Monday through Thursday they work out in the field and on Fridays they educate them. Some of the topics discussed are local history, ecology, volunteer opportunities, and crew development. They do a lot of orientation with Adams State. They have a graduation after the program. Their budget is $24000 and 40% is given back to the community. They had 25 applications so it is pretty competitive. Some of the other crews get funds from the Counties. He asked if they would consider some funds to this program or for any ideas of other areas they could receive any funds.

Is there anything not on Federal property asked Commissioner Yohn? Yes they are flexible stated Mr. Baxter. Those that are County funded they do County projects. They try to provide a variety of projects but follow the mission and goals of the program. What about on private property asked Commissioner Yohn. They do not typically do private property maybe conservation easements but it is mostly public property.

Commissioner Dunne stated she appreciated them working with the youth. The McIntyre fire was immense so she was delighted they helped them. The County does support the Sangre de Cristo Heritage Area. This is good that they supported you. They have a board meeting tonight that she is on so she will give a good word for them.
Commissioner Allen stated they have blight issues that the property owners are elderly or health problems that need help. He asked if he would talk to their board and if they would be willing to come in and clean it up maybe they could assist them financially. Commissioner Allen asked if anyone from Alamosa was on the Board and if he could email them the list of the Board members. The Workforce Center has a youth program too maybe there is funding with them stated Commissioner Yohn.

**CSU Extension**

Marvin Reynolds Area Director and Bill Nobles Regional Director were present. The Valley wide Commissioners approved a third position. They turned in a budget. They received $19,000 less than what was asked for. He is here today to ask if they could get some more to meet their budget. Their budget is in three parts. One part is for salaries which cover the Office Manager, part of the three agent’s salaries, and the office, travel, and program expenses. When he puts the budget together and he doesn’t put any cushion in there. It is a minimal budget. He provided a list of activities they have been doing through the year. They rehired a 4H agent. She has been working with the kids. She has becoming familiar with the parents and leaders. She set up a Facebook page.

$26000 is what Alamosa County contributed. Last Friday they met with Conejos County stated Mr. Reynolds. Their original contribution was $10,000 and they changed to $15,000. Mineral County contribution was $6500 which has been like that for a long time. They were favorable to contribute $1000 more but had to have a meeting. Yesterday they met with Saguache County but they were not quite as favorable but were going to see what PILT monies they will receive. They have not met with Costilla County and won’t until after Thanksgiving. They are hoping Saguache County will come through. Rio Grande County also contributed quite a bit more. Commissioner Allen stated they are working with their budget. They are struggling considering giving employees a cost of living raise, Commissioner Dunne requested $5000 for another organization, and then Southwest Conservation just came in and requested funds so everyone is need. Mr. Nobles stated it is not just for them but for the County. They are going to try to figure out 4H’s contributions to the State of Colorado. They need to justify themselves if not they don’t need to be here. They need to make sure they are meeting your needs and if not you need to let them know. It was tough without having that one person.

Commissioner Allen stated he sits on the State Fair Foundation. They just remodeled the female dorm rooms and are working to remodel the male dorm rooms this next year.

**Community Partnership**

Mary Hoffman was present.

She has come here today to tell them about a funding opportunity. It is through Smart Growth America. It is for technical assistance, support for smart growth in municipalities. She presented a handout with the list of areas they assist. She focused on the Sustainable Land Use Code Audit. It is seven questions online with a letter of interest from the County. There might be different departments that this may fall into. She did an informal poll with Mike Wisdom and
Mike Gibson to see if there was an interest and there was. They can expect the people would work on community partnership. There is no guarantee that they would get it but it is an opportunity. The rating for the application is based on the level of interest in the community, the need, the involvement of the community leaders, and the strategy for public involvement. When is the application due asked Commissioner Dunne? December 6th stated Ms. Hoffman. She did not print out the application.

Commissioner Allen asked if this is designed more for cities. This particular one is for counties. Smart Growth is a national nonprofit so they do get funding from federal, state, and private agencies. It is a way to train staff without any cost. She seen a class was being offered in Denver with this focus and the cost was $425 per person. One agency could apply and then other agencies could work with them. They would have a one day workshop then work together on what they decide. It is more of an analysis not an audit. There is typically a match to these grants. This one doesn’t have any matching requirement at all.

Commissioner Dunne asked if she could help write the grant. Yes stated Ms. Hoffman.

Commissioner Yohn asked if she has ever applied for one of these Smart Growth grants before. She hasn’t but she understands Economic Development and GIS/GPS has but it has been awhile.

Alamosa County Department of Human Services

Joe Carrica was present.

Healthcare Reform update the states that got a head of this last year had a head start. As of November 16th Colorado has taken in 59,000 applications. 47,000 are eligible for Medicaid. This is not what they were thinking at the beginning which they thought would be the opposite. The local navigators are referring people to them (DHS) which wasn’t the plan.

Statement of Expenditures was presented. At this time they should be at 75% spent and this Statement shows they are at 71% spent.

The Food Stamp Report was presented. It showed they are at $506,172 for October.

The Ongoing Program Caseload Graphs were presented. The medical portions have been combined so they will not show separate as they did before starting in October.

The Investigation Report, Recovery Collection Comparison Report, and Child Support Collection Comparison Report were presented.

Medicaid Dollars Spent Report was presented. It showed the total for October was $2,763,677. It showed months July – October for comparison.

He gave a Property Tax Relief update. The Governor’s Office request for the budget stated fully fund Property Tax Relief of $1.2 million. That amount is not even enough to fund level 1 not alone all three levels. A letter was sent from State Department of Human Services Bicha’s Office. Apparently that is how much additionally more they want. To cover all three tiers it is $4.7 million. We get around $336,000 with first level, second level they get around $37,000, and
third level we get $19,000. Level one is the poorest counties first then they throw in some more counties for level 2 and then again throw in more for level 3. This is why the amounts for us go down each level.

**Alamosa County Road & Bridge**

Phil West was present. They started pouring cracks with two trustee’s assistance. They got Sunnyside Lane done. They are doing Estrella now. They have some left so they might do Curtis Lane. They are building up the road E of 17. They hauled dirt on the 110 between the 8 and 9. They hauled some on the 111 and 112. They are putting some on the 8 west on the highway. They will build up maybe from the 112 to the 7. What are you rebuilding them with? It is a mixture of sand and clay. They are working on culverts. Robbie Jones had some on 111 and the 109 that was too low. They thought if they set it up & level it that would work. The work at the Food Bank Warehouse was discussed. The 106 12 S of Henry would we want to widen it up asked Mr. West. The owner there said they would allow an easement through there if they build the fence back up.

**Board/Staff Updates**

Commissioner Dunne spoke about the Court Room Security Equipment. The County purchased the old equipment used in the jail so Saguache is in need of this equipment if Alamosa County could donate the old equipment to them. The commissioners discussed and decided if Saguache needs it and they have no use for it then that was fine.

**Adjourn**

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

**ATTEST:**

Belina Ramirez, Office Manager
Carol Osborn, Assistant Administrator
Darius Allen, Chairman
Mike Yohn, Vice-Chair
Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Rames & Ratna Chattergee was held on November 20, 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

Applicants Rames Chattergee and Ratna Chattergee were present.

Ken Vanlwarden and Jinger Tilden were present.

Purpose: The applicant seeks approval of a zone change. The applicant proposes to change the current zoning designation from Rural to Commercial. The zone change would cover approximately 9 acres. The subject property is identified as 7900 Hwy 150 Alamosa Co 81101.

Legal Description: FR N2 21-27-73 TR 2 LA Font Division of Land

Land use and Development Code: The subject property is located within a rural location. The primary purpose of the rural zoned district is primarily intended for agricultural practices.

Appropriateness of the Use: The proposed zone change will change the primary use of the area to become commercial. Currently, there is a hotel that has been in operation for an extensive number of years. The applicant is considering expanding the footprint of the hotel to increase the number of hotel rooms. The zone change will not change the current use of the land as it is currently being operated for commercial purposes. This change will allow the property owner to continue to develop an area that has historically been used for commercial purposes without any significant impact to surrounding landowners.

The project is consistent with the County Master Plan and complies with the County Zoning Ordinance as proposed. For these reasons staff finds that the proposed project is appropriate for the subject property and surrounding neighborhood.

No comments have been challenging the application have been received.

Staff Recommendation: The project is consistent with the applicable zoning district and applicable County Master Plan Designations. For these reasons staff recommends that the Planning Commission approve the proposal. The commissioners may take action by 1) approve the zoning 2) deny the rezoning 3) send rezoning back to the administrator for additional
consideration. Approval criteria that you will use to make determination is 1) does it consist with the adoptive plan and policies of the county 2) is the suitability of the subject property for uses permitted by the current vs. the proposed district 3) whether the proposed change tends to improve the balance of uses or meets a specific demand to the county.

When they researched they found out it never had been zoned Commercial but it had been used this way for this a long time. They felt it was best to change the zoning to commercial. The remaining property adjoining is the Oasis. It was the Planning Commission’s decision that it should be changed to commercial.

Mr. Chattergee explained why they are asking for zone change. They have had this property for nine years. It is 17 years old. When they purchased the property they didn’t think it wasn’t commercial because all the buildings there were commercial use. They were quite surprised that it wasn’t. They thought it was an excellent idea. They accept the idea. The first hurdle they had was a domestic well. They have approached the Colorado Water Board and they changed to a well that they can use for the lodge. It was previously was designated for domestic use. They are going to make it a 9 acre commercial land.

Commissioner Allen asked if anyone is in favor of or opposition to this amendment to the zoning.

No one in audience made comment.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 – Z - 1

RE: APPLICATION FOR ZONEING MAP AMENDMENT FILED BY RAMES AND RATNA CHATTERJEE, COVERING FR N2 21-27-73 TR 2 LA FONT DIVISION OF LAND, COUNTY OF ALAMOSA, STATE OF COLORADO.

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

WHEREAS:

1. Rames and Ratna Chatterjee have submitted an application for an amendment to the Alamosa County Zoning map covering the following described property:

Tract 2, LaFont Division of Land, the Plat of which was filed August 9, 1995, under Reception No. 274137 in the office of the Clerk and Recorder of Alamosa County, Colorado,
Together with a 30 foot wide easement for ingress and egress to tract 2, La Font Division of Land, said easement lying 15.0 feet on each side of the following described centerline:

Commencing at a point of Intersection of the East right-of-way line of Colorado State Highway 160 and the North line of Section 21, Township 27 South, Range 73 West, 6th Principal Meridian, a pin and aluminum cap, PE-LS 13934; thence South 35°01'45" West along said East right-of-way line a distance of 644.44 feet to the point of beginning of said 30 foot wide easement; thence North 73°14'19" East a distance of 141.72 feet to a point of curve; thence 141.29 feet along the arc of a curve to the right having a central angle of 104°26'35" and a radius of 77.51 feet to a point of tangency; thence South 02°19'06" West a distance of 157.25 feet to a point of curve; thence 352.28 feet along the arc of the curve to the left having a central angle of 67°44'40" and a radius of 297.94 feet to a point of tangency; thence South 70°03'46" East a distance of 142.33 feet; thence North 73°54'42" East a distance of 344.82 feet; thence North 50°46'10" East a distance of 183.08 feet; thence North 51°01'29" East to a point on South line of Tract 2, La Font Division of Land and the Point of Terminus; It being intended that the sides of the easement be extended or shortened, as needed, to close upon the east right-of-way line of Colorado State Highway 160 and the South line of Tract 2, La Font Division of Land.

In Alamosa County, Colorado.

Said property being zoned Rural (R).

2. Said applicant originally brought this request before the Alamosa County Planning commission on November 13, 2013 for consideration and the recommendation of the Planning Commission was to approve said Application;

3. A public hearing was held on the proposed amendment to rezone on November 20, 2013, before the Board of County Commissioners of Alamosa County, following proper notice to the public, Applicants appeared and spoke in favor of the application and no one spoke in opposition to said application.

4. The Board of County Commissioners has determined that this application is consistent with County policies and is pursuant to Article 7, Section 7.4 of the Alamosa County Land Use Development Code.
NOW, THEREFORE, BE IT RESOLVED that the zoning map of Alamosa County, 1975, as amended, is AMENDED as follows:

5. That the zoning for the above mentioned property shall be changed from Rural (R) to Commercial (C).

The above resolution was passed by roll call vote on November 20, 2013. Commissioner Dunne, Commissioner Yohn and Commissioner Allen in favor

DATED: November 20, 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 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 Minor Subdivision for Adolph Muniz was held on November 20, 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

Applicant Adolph Muniz was present.

Ken VanIwaarden and Jinger Tilden were present.

Purpose: The applicant seeks approval of a minor subdivision to subdivide approximately 40 acres into three tracts of land; Tract 1: 35.908, Tract 2: 2 ad Tract 3: 2. The subject property is identified as 7726 Rd South Alamosa CO 81101

Legal Description: NW 1/4, SW ¼, Section 7, Township 37 North, Range 10 East

Land Use and Development Code: The subject property is located within a rural location. The primary purpose of the rural zoned district is primarily intended for agricultural practices. The proposed subdivision will continue to maintain the character of an agricultural environment. However, wetlands and wetlands characteristics exist on the subject property. The owner has been made aware that any development impacting the wetlands and not covered under the San Luis Valley Habitat Conservation Plan may need special consideration from the US Fish & Wildlife Service.

Appropriateness of the Use: The primary intent of the proposal is to create separate tracts of land to separate an existing home from the remainder of the properties. The project is consistent with the County Master Plan and complies with the County Zoning Ordinance as proposed, however, the applicant will need to demonstrate that appropriate permits to disturb or develop on wetlands has been obtained from the USFWS. For these reasons, staff finds that the proposed project be approved with conditions.

No comments challenged the application.

Staff Recommendations: The project is consistent with the applicable zoning district and applicable County Master Plan designations. For these reasons, staff recommends that the Planning Commission approve the proposal. Actions that can be taken 1) approve 2) deny or 3) send back to administrator for additional consideration. Approval criteria is 1) consistency with plans and policies of the County 2) plat complies with the subdivision standards and other applicable requirements of this LUDC 3) if located within or adjacent to rural zoning district the applicant shall include a right to farm & ranch policy notice 4) plat should indicate that all
subject lots will have frontage on existing approved streets 5) new or residual parcels conformed to the requirements of LUDC and other applicable regulations 6) parcel proposed to be subdivided is a tract that hasn’t been subdivided since 1996. All sites, tracts, or lots shall have a maintained access to a public road which maintains access built to county standards. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or adjoining property.

During the Planning Commission discussion they discussed and found it to be a jurisdiction of wetlands. It is under the jurisdiction of the Corp of Engineers for permitting certain operations. It is located off of 106 more or less in the Rock Creek drainage. The water table is high. It has cattails on it and alkali on it. The proposed land is on that property. They want to make sure Mr. Muniz notifies the Division of Fish & Wildlife. They contacted them and they were told the applicant must contact the Core of Engineers. Is there anything there that prohibit him from developing those three lots is the Planning Commissions concern. The concern is the owner going to sell those lots and “buyer beware” or should Core of Engineers make a statement. What difference does it make, but Land Development Code encourages those to be buildable lots. Some of the Planning Commission thought even though you own the lots you may not want to build. How is this going to affect the use of the land?

Mr. Muniz stated it would be four parcels because in the report you said three. In report it states three stated Commissioner Dunne. He is correct stated Mr. Vanlwarden Tract 2, 3, 4 and Tract 1. Tract 2, 3, & 4 are in the higher part of the division of land stated Mr. Vanlwarden. He is looking for an easement. This doesn’t affect Tract 1. It adjoins 106 but it is his best interest to put in north part.

Commissioner Allen asked if anyone is in favor of or opposition to the application for Adolph Muniz.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 – S - 6

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY ADOLPH MUNIZ, COVERING PROPERTY IN THE NORTHWEST ¼, SOUTHWEST ¼ SECTION 7, TOWNSHIP 37 NORTH, RANGE 10 EAST, N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS:

1. Adolph Muniz, have submitted an application for a minor subdivision covering the following described property:
said property being zoned Rural (R).

2. Said applicant seeks to divide the above-described property into four parcels as follows:

   Tract 1 = 35.908 acres  Tract 2 = 2.00 acres
   Tract 3 = 2.00 acres     Tract 4 = 2.00 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on November 13, 2013, following proper notice to the public and recommended approval of the application.

4. A public hearing was held on the proposed minor subdivision on November 20, 2013, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

5. The Board of County Commissioners has determined that this application is pursuant to Article 7 Section 7.6.6 of the Alamosa County Land Use Development Code and is a division of land not within the purposes of Part 1 of C.R.S., 1973, Section 30-28-101, et seq. and is therefore exempt from the definition of a “subdivision” contained therein.

6. That the proposed use is consistent with the objectives and purposes of the Alamosa County Land Development Code, specifically that:

   1. Consistency with the adopted plans and policies of the county exist;
   2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this LDC;
   3. If located within or adjacent to the Rural Planning Area, the plat includes a plat note reciting the Right to Farm and Ranch Policy; and
   4. The plat indicates that all subject lots will have frontage on existing approved streets;
   5. New or residual parcels conform to the requirements of this LDC and other applicable regulations;
   6. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and
   7. No waivers from Article 5, Subdivision Standards, have been requested.
IT IS THEREFORE RESOLVED AND ORDERED that the minor subdivision is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code, Article 7 Section 7.6.6, as adopted on July 15, 2009.

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

DATED: November 20, 2013.

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 Minor Subdivision for Adolph Muniz was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice Chairman

Marianne Dunne, County Commissioner