Minutes of the Board of County Commissioners Meeting, held on July 25, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: 
George Wilkinson, Chair
Mike Yohn, Vice-Chair
Darius Allen, Commissioner - Absent
Jason Kelly, County Attorney
Mark Garcia, Interim Administrator
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Addition of 2012-F-001 Resolution authorizing additional sums of money and a Correction on the agenda for White Mountain Farm for a proposed rezoning from “residential to manufactured home to rural” instead it should be from “residential manufactured home to rural”.

M/S Yohn/Wilkinson motion to approve the agenda of July 25, 2012 with addition/correction.
Motion was passed with Allen being absent.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
Regular Minutes-July 11, 2012
Public Hearing-John & Cindy Olsen

M/S Yohn/Wilkinson motion to approve the Minutes of July 11, 2012.
Motion was passed with Allen being absent.

Approval of Bills/Obligations

M/S Yohn/Wilkinson motion to approve the Bills/Obligations
Motion was passed with Allen being absent.

Public Comment
Approval of Consent Agenda
Ratify CDPHE –Colorado Immunization Program
June County Clerk & Recorder’s Report
Commuting Authorization Form

M/S Yohn/Wilkinson motion to approve Consent Agenda
Motion was approved with Allen being absent.

Public Hearings

Amendment to Medical Marijuana Ordinance

M/S Yohn/Wilkinson to amend the Medical Marijuana Ordinance to include the Industrial Zoned Areas to Letter F -2a.
Motion was approved with Allen being absent.

Amendment to Zoning-White Mountain Farms Inc

Commissioner Yohn asked if he was aware of the dust control. Mr. New stated they talked about it but it will be basically a little when the trucks come in. The traffic will go down. They probably will load 4-5 trucks everyday and 5-6 trucks will come in but basically on black top.

Commissioner Yohn asked if they had adequate water that they could augment. Mr. New has talked to Pat McDermott. There is commercial well on the property but there is a problem because the school didn’t get the judgment correct but they can correct this if not they can purchase water from the Conservancy District. He doesn’t believe they will have to do that because there is sufficient water for what they need. The equipment they are bringing in is very efficient. The washer polisher has a recycling piece in it which reduces the water usage.

Commissioner Yohn asked about the waste water for washing potatoes, packaging, restroom facilities and wash out trucks can they adequately address that waste water. Mr. New stated the recycling piece of the polisher the dirt will come off a separate area basically grey water and fairly small amount in comparison. Mr. Altamirano stated the old high school was not tied into any existing system within the Mosca infrastructure it was a standalone so they will affect no one else.

Commissioner Wilkinson asked if they received any public comment. They did not stated Mr. Altamirano no calls, letters or comments for or against. He did talk to one community member of Mosca and asked if he and the community were aware of what is going on. He felt they did and has no issues of what they are proposing. Mr. New spent quite a little time explaining to the community what they are doing. They are also working with keeping the park equipment open and clean. Commissioner Wilkinson stated the county had a GOCO grant to build that park so they were concerned with that. Mr. New stated that it is their agreement to keep it accessible to the community.

Mr. Garcia stated he voiced a number of concerns about the proposed zoning change he feels there are numerous issues that they should consider with this proposed zoning change.
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List of Exhibits
1. Zoning Application Checklist
2. Staff Report
3. Application
4. Receipt for Fees Paid
5. Deed
6. Assessor Record
7. Water Information
8. Survey
9. GIS Aerial View
10. List of Adjoining Property Owners
11. Letter to Neighbors
12. Public Notice for Planning Commission Meeting
13. Public Notice for BOCC
14. Notice to Applicant
15. Authorization Letter from Brendon Rockey for Paul New to speak on their behalf
16. Email from Patt McDermott sent to Paul with attached letter from Division of Water Resources

M/S Yohn/Wilkinson motion to approve White Mountain Farms Inc Application with conditions.
Motion to approve with Allen being absent.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2012 – Z - 001

RE: APPLICATION FOR ZONING AMENDMENT FILED BY PAUL NEW, OWENR AND MANAGER OF WHITE MOUNTAIN FARMS, INC. & ROCKEY FAMILY FARMS, LLC. COVERING PROPERTY LOCATED IN LOT 2 OF THE MOSCA SCHOOL REPLAT AND STREET VACATION IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS: Paul New has submitted an application for a Zoning Amendment covering the following described property:

LOT 2 OF THE MOSCA SCHOOL REPLAT AND STREET VACATION, IN ALAMOSA COUNTY, COLORADO UNDER RECEPTION NO. 349061.

said property being zoned Residential Manufactured; and
WHEREAS, Said applicant seeks to Amend the Zoning of the above described property from Residential Manufactured to Rural to facilitate the operation of a potato packaging and processing plant.

WHEREAS, The Alamosa County Planning Commission reviewed the application for a minor subdivision on July 11, 2012, following proper notice to the public and recommended approval of the application.

WHEREAS, A public hearing was held on the proposed minor subdivision on July 25, 2012, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

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; and

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

IT IS THEREFORE RESOLVED AND ORDERED that the Zoning Amendment is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code, Article 7 Section 1.3 & 1.4, as adopted on July 15, 2009. Said property shall now be zoned Rural.

Roll call vote resulting in approval: Commissioner Wilkinson and Commissioner Yohn in favor. Commissioner Allen was absent.


BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By

George Wilkinson, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Minor Subdivision—James & Donna Cooley

Mr. Kelly asked on the O&E Report it stated there was a lien on the property but he didn’t see a letter from the bank. There were a number of emails regarding this but the bank made a mistake and issued an email releasing them from that credit stated Mr. Altamirano. In 2009 SLV Federal Bank wrote an irrevocable credit and once that letter was returned the leins were released and
documents recorded stated Ms. Cooley. When the title company did a title search for this Minor Subdivision it showed SLV Federal Bank still showed a lien. The Bank stated their lien was released and documents were recorded. Some where there is a problem so the title company is working on this but there is not a lien.

List of Exhibits
1. Minor Subdivision Application Check List
2. Staff Report
3. Application
4. Receipt of Payment
5. Ownership & Encumbrance Report
6. Deed
7. Assessor Record
8. Receipt of Taxes Paid
9. Water Documents
10. Survey
11. GIS Aerial View
12. List of Adjoining Property Owners
13. Letter to Neighbors
14. Public Notice for Planning Commission
15. Public Notice for BOCC
16. Notice to Applicant
17. Email from Janelle Hooper from SLV Federal regarding release on property

Mr. Kelly stated they will need a new O&E to reflect there is no lien on the property.

M/S Yohn/Wilkinson motion to approve Application with the stipulations that have been addressed.

Motion was approved with Allen being absent.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2012 – S - 006

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY JAMES COOLEY AND DONNA COOLEY, COVERING PROPERTY LOCATED IN THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 9 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS: James and Donna Cooley have submitted an application for a minor subdivision covering the following described property:
TRACT OF LAND LOCATED IN THE SOUTHWEST ¼ OF 
SECTION 25, TOWNSHIP 39 NORTH, RANGE 9 EAST, OF THE 
N.M.P.M., IN ALAMOSA COUNTY, COLORADO. IDENTIFIED 
UNDER RECEPTION NO.'S 333399 & 344739.

said property being zoned Rural; and

WHEREAS, Said applicant seeks to subdivide the above described property into 
two (2) tracts as follows:

Tract 1= 159.00 acres more or less       Tract 2 = 1.00 acres more or less

WHEREAS, The Alamosa County Planning Commission reviewed the application 
for a minor subdivision on July 11, 2012, following proper notice to the public and 
recommended approval of the application.

WHEREAS, A public hearing was held on the proposed minor subdivision on July 
25, 2012, before the Board of County Commissioners of Alamosa County, following 
proper notice to the public, and no adverse testimony was given or received.

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 and that the minor subdivision is appropriate; 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 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 subject to the 
following conditions.

1. The Final Plat map shall be in substantial compliance with Alamosa 
County Subdivision Regulations, including, but not limited to: Lot Size and 
Road Frontage etc.

2. This action does not relieve the applicant of the obligation to comply with 
all ordinances, statutes, regulations and procedures. Any required 
subsequent procedural actions shall take place prior to any physical 
disturbance on the subject property associated with the proposed 
subdivision;

3. Prior to the issuance of a building permit, an individual sewage disposal 
system permit shall be required, if an individual sewage disposal system is 
not currently present; and

4. The final plat shall identify all existing easements and proposed 
easements and right of way, including, but not limited to electric 
transmission lines, county, state, public and private easements.
Additionally, the final plat shall also identify all existing and/or proposed onsite wells, individual septic disposal systems, etc., in order to determine that there is an adequate area for the septic tank systems;

5. Prior to the certification of the final plat map, the applicant shall pay the necessary fees associated with mapping and recording fees to the Alamosa County Land Use Department;

6. Prior to the Certification of the final plat map, the applicant shall pay the Alamosa County Treasurer necessary property taxes due;

7. Any existing and/or proposed parcel(s) shall have permanent road access to a legally dedicated public/private road or highway. Access shall be built to county road standards;

8. The applicant shall record the approved final plat in the office of the County Clerk and Recorder for recording within 60 days after the date of approval. The administrator, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC;

9. The approval of the final plat shall not be deemed to constitute or affect the acceptance by the County of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board of County Commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the land or facilities are located within the county; and

10. Approval of this permit is contingent upon compliance with the above conditions. In the event that the conditions set forth here are not met, the land use office reserves the right to revoke the approved permit until the applicant becomes compliant with said conditions.

11. The applicant shall have water available for all parcels, including but not limited to Tract 2, of the proposed subdivision.

Roll call vote resulting in approval: Commissioner Wilkinson and Commissioner Yohn in favor. Commissioner Allen was absent. None opposed.


BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(Seal)

By, George Wilkinson, Chairman
ATTEST:

Melanie Woodward, Clerk of the Board

Alamosa County Assessor
Petition for Abatement—Ron Loser

Sandra Hostetter was present. She has a petition for Abatement of taxes for 4 separate parcels. She recommends their petition be denied. One parcel has a house on it and the others are listed vacant land and this is how they have them assessed. Lots 13 and 14 are where the house actually sits. She did an inspection and the property is all being used as residential and they have changed their classification during their appeal period so they do currently have it as one parcel containing 8 lots all being assessed residential rate. In terms of Abatement prior to March of this year the properties had different ownership names on them. They were all acquired at different times. Their conservations began in April but had been in previously in March and got information from her staff that they needed to file a deed to change the ownership names on the properties to read identical. They did this March 15th. Once this was done the process to combine them was done but prior to this they read differently. This is why she recommends the petition to be denied.

Ron Loser and Marilyn Loser were present. They reside in lots 7-14 Block 205 in the Washington addition. The reason he applied for an abatement and for equalization changes is because the property was misclassified and every time he attempted to find out why they could not combine those he got wrong answers, misdirection, incorrect information from both the Assessor’s Office and the Treasurer’s Office. He stated that one time he was talking to Ms. Hostetter over the phone and she said it wasn’t so much logic but she had to follow statute. He has done some research from Colorado Revised Statutes and emailed those to be shared with the Commissioners. CRS 39-5-104 Valuation of Property stated each tract or parcel of land and each town or city lot shall be separately appraised and valued, except when two or more adjoining tracts, parcels, or lots are owned by the same person, and when a single structure, used for a single purpose, is located on more than one town or city lot, the entire land area shall be appraised and valued as a single property. This does not specify that all the names have to be identical in fact all of their deeds have been in joint tendency with rights of survivorship since 2003. Also since 1998 all of the tax bills have gone to exactly the same mailing address. There is only one Loser in the telephone book in Alamosa County and only two in the State of Colorado with his first name Ron so he thinks it is unconscionable to say they were different people during all this period of time.

CRS 39-1-113 there is an annotation that comes from a court case of Coquina Oil Co vs. Board of Equalization where error is due at least in part to the taxing authority, a taxpayer can recover a refund under the clerical error provision of this section, after the time to protest under § 39-5-122 has passed. Both the Treasurer’s Office and the Assessor’s Office were denying their request to put those pieces of property together. He doesn’t know if they didn’t know what the law was, uninterested in what the law was, or indifferent about their concerns but any case there were errors.
CRS 39-10-114 states if taxes have been levied erroneously or illegally, whether due to erroneous valuation for assessment, clerical error, or overvaluation, the Treasurer shall report the amount thereof to the Board of County Commissioners, which shall proceed to abate such taxes in the manner provided by law. So the statute is clear if there has been an error on their part they are obligated to report that to you and you are obligated to make according to the requirements of law that abatement took occur.

This you could read it any way stated Commissioner Wilkinson. Commissioner Wilkinson stated he has dealt with this before with his parents passing away where they had property in different names even in death certificates you have to get this right. This happened in other counties as well.

Mr. Loser asked if he could provide statute where it stated it had to have identical names. Mr. Kelly stated this is more of a policy stand point from the Assessor Office to make sure you have the right name. In a small town it may not be that case but in terms of a big city there could be more than one Ron Loser. You need to do a one and the same affidavit and record that basically when you do this it tells the Clerk or Assessor that Jason Todd Kelly is the same as Jason T Kelly that they are one in the same person and this clarifies that issue to makes sure yes these two people are one in the same. The Assessor has different names. This happens on death certificates such as the Chairman stated to be sure they have the same person. Mr. Loser asked why this information isn’t available to people that come into their office and not on the website. The Assessor’s Office cannot give legal advice. Mr. Loser stated that is not giving legal advice it is just telling them what they need to do. Mr. Kelly stated they cannot go and say you need to do this because it is a legal document and they are prohibited by law giving legal advice. Mr. Loser disagreed that they were giving legal advice. Mr. Kelly stated that is a matter of opinion so they can disagree on that issue. He would advise them not to say they need to file this deed or you need this. You talk to your attorney if there are ways you can remedy this problem. It is appropriate to say they need to be the same name. Mr. Loser stated he thinks they should list this information on the website so people are aware.

Mr. Loser stated they did this in March but it was still not completed in the Assessor’s Office when the end of May came the deadline was there for them to apply for re-evaluation or abatement. They had over sixty days to work on this. That is not correct stated Ms. Hostetter. She spoke with him on the phone in April and told him she was going to handle this in the appeals process so they could make all the corrections there. At that point of time Mr. Loser told her that he had been requested this for years and she apologized to him and commented that she wished he would have contacted her. Ms. Hostetter stated Mr. Loser informed her that his contact at the Assessor’s Office was prior to her being there. She has been here twenty years and has been Assessor for ten years. There is a process of killing old numbers, assigning new numbers, re-drawing maps, and it was handled in a timely manner. Commissioner Wilkinson stated we cannot say they told me this and they told me that, it is easy to blame each other. Mr. Loser stated what he would like happen is that this information is available for anyone else that comes in. It could be on the website to seek an attorney. He thinks it unconscionable for the County to deny information that makes it possible for people to pay their taxes. Commissioner Wilkinson stated no one told him either if anyone should have told him it should have been his
attorney. This change will address the problem. It can cause a problem when you go to a name such as Martinez that could have hundreds of listings.

Commissioner Yohn stated when they have different names on titles it can have an advantage to that. So as far as the Assessor’s Office they don’t know that you want those combined because some don’t want them combined. Mr. Loser stated when they asked how to combine them they should have got an answer. Commissioner Yohn stated prior to this there was no reason to combine them. Another thing stated Mr. Loser was they couldn’t combine them prior because of the alley that in between but the city vacated it in 1998. This information was sent to the Clerk’s Office and the person they spoke to in the Assessor’s Office said they never got the word on that. This shows you the kind of error that runs through this whole process. This whole collection of error makes you feel the office doesn’t operate as efficient as it should be.

The abatement form was left blank as far as when they wanted this abated. Mr. Kelly stated the Petition indicates 2010-2011. Ms. Hostetter stated the Petition Form on the top indicates 2010-2011 but the amounts on the bottom are blank. Mr. Loser stated he didn’t know what the amounts would be. The combination they did during the May Appeal period will reflect for the entire year of 2012 which the tax notice will go out in 2013. Mr. Kelly asked if she looked at if the properties were combined the difference of the Assessed Value of what it would vs. what it was and the difference. Ms. Hostetter stated no she looked at the difference of adding the alley but not the entire property. There has not been a tax bill generated yet for this year so this would come out next year. Commissioner Wilkinson stated so they are not abating anything for 2010-2011. Commissioner Wilkinson stated they are not allowed to give legal advice to people because they could come back on us. Mr. Loser stated it would be nice for them to have more of an educational mission as part of operating the County, share information rather than obscuring information.

M/S Yohn/Wilkinson motion to deny abatement
Motion was approved with Allen being absent.

Alamosa County Treasurer
June Fund Report
Public Trustee Quarterly Report
Semi Annual Report

Lois Widhalm was present.

Quarterly report for Period April – June, 2012
0720 Public Trustee Account $38,711.28
Foreclosure Processing 2,476.14
And Misc Fee Collected
PT Fees 645.00

4,181.14 Total Receipts
Foreclosure Disbursement 2,464.76
Release Disbursement 493.00
Disbursement for PT 1,000.00
Fund Balance                  3,957.76                  Total Disbursements
Encumbered Expenses          38,934.66                  Fund balance as of 6/30/12
Actual PT Fund Balance       29,200.00                  Total Encumbrances
                                     9,734.66                  Actual Balance as of 6/30/12

34 Current Active Foreclosures +7 Bankruptcies
10 New Foreclosures (April-1, May-5, June-4)
10 Completed Foreclosures (April-June 2012)
   7 Conf Deeds; 3 Withdrawal; 0 Redemption/Lienor; 0 Redemption/Owner
148 Releases (April-June 2012)

M/S Yohn/Wilkinson motion to approve Quarterly Report
      Motion was approved with Allen being absent

M/S Yohn/Wilkinson motion to approve Monthly Fund report and Semi-Annual Report
      Motion was approved with Allen being absent.

Ms. Widhalm stated the issue before with Mr. Loser where he indicated misinformation and errors from the Treasurer’s Office she had one conversation with him to encourage him to deal with the issue of the deeds not being all in the same name. As the result of that she had to submit tax notices as they appear on ownership there were no errors but she believes the action they took was appropriate. Everything he did to get those deeds in the right and correct name will be reflected in one tax notice come January. She stated there was no conversation between him or his wife related to any errors in her office.

Break

**Alamosa County Department of Human Services**  
*Core Services Plan*  
*Mental Health Contract*  
*Signal Contract*  
*La Gente Contract*

Joe Carrica was present. He presented the Investigation Report, Child Support Collection Comparison Report, Recovery Collection Comparison Report, and Child Support Monthly Case Count. He also presented charts comparing 2012 to 2011 of the different programs. The first chart was for Adult Financial (State AND, OAP) which showed they are staying below the caseload. The next chart was Adult Medical showing caseloads are going up. Part of the reason for this is because the state changing Medicaid requirements and doing resources differently, also the new program for Adult without children. Colorado Works chart showed a possible leveling off of cases. Family Medicaid chart showed a drop of cases. Food Stamp chart showed a decrease than an increase than a decrease. Long Term Care chart showed case decrease and flatter than before. The last chart showed Medicare Savings Program with fluctuation. The last report was Medicaid Dollars spent for May 2012. It tells what people are using Medicaid for, for what purposes.
La Gente Contract provides services to our clients such as interview skills apply for a job, math skills, and English as a second language. The information and services are the same but the amount is different. They are trying curtailing some of their costs on TANF because they haven’t built up their reserves in the last 3-4 years. This is a six county contract but we are the fiscal agent.

Core Services Plan which is home based skills where workers or therapists going into home to keep children out of placement. They have their own intensive family therapist that works in this program. They contract for Intensive Sexual Abuse Treatment for victims. They also have a discovery Group that works with 6-7th graders to get them to build confidence, relate to people, and anger management. It is more than last year but the real changes are making sure the staff that does these are funded by this program. They also had several subcontracts that they didn’t use over the last year so they replaced them with others. Mr. Kelly asked in the Core Services Plan there is a request for state approval of the plan but it indicates it is the first year of the three year plan and the dates don’t match up. Mr. Carrica stated they have corrected that to read this is the third year of the three year plan.

The Signal Contract does services for TANF clients and the youth. This is a subset of the Core Plan which pays for detox, hospitalization treatment, and drug testing orders. We don’t control how much the dollar is and they get the total amount regardless of how much services they do. They do use this a lot though. Commissioner Yohn asked if this is through Crossroads. Yes stated Mr. Carrica.

Mental Health Contract is for non-Medicaid services to the children and families. They give reports of how much service and what was done. They don’t have control over these dollars either.

M/S Yohn/Wilkinson motion to approve the Core Services Plan, La Gente, Signal, and the Mental Health Contract

Motion was approved with Allen being absent.

He wants to convert the storage room in the Conference Room for the LEAP program. He is asking for a wall to put in the large conference room and run electric and computer lines for the LEAP person instead of moving people around just for the LEAP season. Commissioner Wilkinson stated they were thinking of dividers. Mr. Carrica stated he wanted it attached to the ceiling but flush for the sound. Commissioner Wilkinson stated if they are just using it to get into the room they would cut the sound once in the room. They will look at it and see what they could do.

Alamosa County Administration

M/S Yohn/Wilkinson authorize funds to be transferred from General Fund to Mosca General Improvement District

Motion was approved with Allen being absent.

This is his last meeting as Interim Administrator.
SLV Hazmat

Captain George Dingfelder and Major Lawrence Martin were present. They have trained two new additional technicians for the SLV Hazmat Team. One is out of the LaJara Fire Department and the other is out of the Monte Vista Fire Department. Cody Sullivan and Pat Montoya are the new individuals. This was out of a federal plan so this didn’t cost them anything. They paid for everything. They have moved the truck to Monte Vista to be more centralized. They have sold one truck and a trailer. They are going to put those funds in a reserve fund and possible purchase a container for storage. They have freed up room in Station House #2 by doing this. They continue to make sure their gear is integrated with the state’s teams so they all have the same equipment. They have worked on Meth clean ups and gas spills. They have had seven calls to date. They have to do a Hydro test on the tanks which is their highest cost for them. If they have a major spill do they have storage tanks for major spills asked Commissioner Yohn. No they do not store anything but they would use 55 gallon barrels or work with their state team.

Blue Peaks Development Services

John Kreiner was present. They are dealing with the hard economic times both state and federally. They are in the process of being redesigned by the state. They are going to be part of Long Term Services. They have had decrease revenues so they had to reduce services, cut programs, cut positions, no pay raises for three years, and downsizing. Normally they had their own waiting list and did not have to wait long but now they have gone to a statewide list. When they had an opening they could go to their waiting list and fill it now with this statewide waiting list the names get in with everyone else’s. Since locally they haven’t been waiting very long now they can be on the bottom of the list. The last four years they have been downsized with their resources. They have had to sell properties. If they get more resources then they will have to increase their space. Then this will cost them more money. They are in good financial straits right now but with the redesign they don’t what it will be like. The Division that oversees them is also in turmoil they have lost their director and four to five people. They have been hesitant to replace them. Commissioner Wilkinson asked if a client could classify where they want to be. If it is an emergency situation and request this they can move up the list. The CSBG monies have become less and less attractive because of the change of rules and requirements.

Alamosa County Events & Local Marketing District

Jaime Greeman and Jeff Woodward were present. The Marketing Board appreciates Jaime Greeman’s work that she puts into marketing Alamosa. She does a great job. Reports were provided on website traffic by Traffic Hunters. The reports showed Alamosa and South Central are all ahead of the list for page views and time on website. They also keep track with mobile such as iphones and ipads where Alamosa and South Central are on top of the list. Their marketing budget for Tourism is $150,000 comparable to other similar markets but also bigger markets. Commissioner Yohn asked why it is broken down to Alamosa and South Central. They broke it into regions and by parks were South Central falls into.

They introduced Sara Edgar their new staff member. She has taken on the Social Media part. They have 50000 email addresses that receive the E-newsletter every month. The Convention
and Visitors Bureau decided to print two different guides this year a large one and a small one. The large one is a community guide and the small one is a travel planner. Valley courier sold the ads for the community guides. They saved money and increased the distribution amounts. They had a video done by Crosswinds Adventures which is a 30 minute program airing on Altitude Channel. They also partnership with the city for a 5 minute feature on CNN and FOX Business. They still believe in print media they have ads in the State Vacation Guide. They had the Colorado Wildfire Academy here which they sponsored. They also had the All State Games here. They had the Alamosa Round Up Rodeo and a street dance. They have the Colorado Kiwanis and the Southern Colorado Model T & A Club coming to Alamosa. They have invested a little into the Chamber of Commerce. The Chamber has the Alamosa Art Walk. They have funded the Alamosa Art Walk, the Street Dance, Alamosa Round Up Rodeo, Almas Music at 6, ASC Bankers Classic Basketball, Cats Classic, Crestone Music Festival, Dwarf Car Class (not a for profit organization they just lease track), Local Roots Guide (local Farms for produce), Rolling Deep Car Show, SLV Early Iron, SLV Habitat for Humanity Bike Ride, Summerfest on the Rio, and the Valley Farmers Market. They have added a receptionist at their building. This money comes from the money collected from the Referendum Marketing District Tax.

Commissioner Yohn asked about the event Root Festival grant if it was the same time as the rolling deep car show. Commissioner Yohn stated he has seen the Pueblo Chieftain stated the average temperature for us is.

Alamosa County Public Health Regional Planner

David Osborn, Ola Bovin, Linda Smith, Jon Montano, and Jeff Babcock were present.

Mr. Osborn spoke with sincere appreciation for the Facilities Department Head Mr. Andrew Atencio and his staff. Too often the good deeds of others, hard work and commitment to the well-being of us all goes unnoticed. Mr. Atencio and his staff daily care for and maintain the fine buildings and offices they enjoy as Alamosa County employees. Mr. Atencio is a fine example of a great leader. He provides guidance and supervision by doing, being involved and working side by side with his staff. Mr. Atencio’s department enjoys minimal employee turnover and daily demonstrates a genuine team effort. Mr. Atencio and his staff also have been instrumental volunteering to help during emergency response exercises and real-life events that include the annual 9 Health Fair, 2008 Salmonella Water Disaster, and the 2009-2010 H1N1 Pandemic. Mr. Atencio is a member of the SLV Regional Strategic National Stockpile Team maintaining a vital position assisting our division during the distribution of emergency inventories. Please accept this thank you to the Alamosa County Facilities Department, Mr. Atencio and his staff.

Board/Staff Updates

Adjourn

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

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chairman

Mike Yohn, Vice-Chair

Absent

Darius Allen, County Commissioner
Minutes of the Public Hearing for White Mountain Farms Inc & Rocky Family Farms LLC was held on July 25, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: George Wilkinson, Chair  
Mike Yohn, Vice-Chair  
Darius Allen, Commissioner -Absent  
Jason Kelly, County Attorney  
Mark Garcia, Interim Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Administrative Secretary

Paul New was present.

Request: Zone Change of approximately 21 acres from Residential Manufactured Home to Rural; the intent of the proposed rezoning is to operate a potato packaging and processing plant.

Property Address: 5401 Terry St Mosca CO 81146 (Old Sangre De Cristo High School)  
Lot 2 of the Mosca School Replat and Street Vacation

Project Synopsis: The applicant is seeking to change the zoning of the subject property for the development and operation of a potato packaging and processing plant. The subject property is approximately 21 acres and has an existing vacant building on the property. Said vacant building will be used as the proposed potato plant.

Staff Recommendation: Approval of Proposed Zone Change from Residential Manufactured Home to Rural

Under the zoning districts the district intent although in a rural area this specific operation is not allowed per se but it is allowed within the grouping of areas specifically Agricultural Limited. The permitted use for this specific type would be permitted by right under Section Article 3 Specific Use Standard Section 3.1 Usage Interpretation or Section 3.1.1 Grouping of Uses reads as set forth in the permitted use table see Section 2.3 Certain Uses are grouped together based on common functionality product or physical characteristics. Characteristics include the type and amount of activity, type of customers, how goods are serviced, sold, and delivered likely impact surrounding properties and site condition. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any used not specifically set forth in this LDC is expressively prohibited unless determined otherwise as set forth by Section 3.1.6. Under Section 3.1.4 Commercial Use Groups under Agricultural Limited which is a permitted activity by right in a rural zoned area it states that agricultural uses and activities limited to agricultural shall include orchard, vineyards, roads, and fuel crops, packing house for fruits and vegetables, produce stands, processing of fruits or vegetables winery and milk process plant. Based upon that definition of agricultural limited they feel like the potato and packaging facility would be adequate under a rural area.
The subject property consists of approximately 21 acres. The site was home to the former Sangre De Cristo High School. The surrounding land uses consist of a mixture of agricultural and residential uses. The subject property has enough commercial water available via private wells. If augmentation is necessary, staff recommends that the applicant speak with the San Luis Valley Water Conservancy District to develop an augmentation plan.

Access to the property will be off of an existing driveway. Any new driveway access shall need to comply with the Alamosa County driveway access guidelines.

Staff believes that the proposed zone change is appropriate for the area and it in conformance with the County’s Master Plan and Land Use Code. The proposed zone change continues the County’s support for the preservation and enhancement of the agricultural economy while also encouraging quality development and area revitalization. Moreover, the proposed zone change also supports the County’s Right-to-Farm and Ranch Policy.

Conclusions: Upon review of the application, staff finds sufficient justification to recommend approval. The subject property and proposal meets the minimum standards of the proposed zoning district.

The Zone Change does not alleviate them from acquiring other necessary permits from the county such as driveway access, building inspections, building permits, and things of that nature.

Mr. New stated they are currently running a packing facility across the highway. It is a specialty potato facility. It is smaller than other facilities. They are just getting into food safety guidelines and room.

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

Shelton Rockey representing Rocky Family Farms stated he is in favor of this.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2012 – Z - 001

RE: APPLICATION FOR ZONING AMENDMENT FILED BY PAUL NEW, OWENR AND MANAGER OF WHITE MOUNTAIN FARMS, INC. & ROCKEY FAMILY FARMS, LLC. COVERING PROPERTY LOCATED IN LOT 2 OF THE MOSCA SCHOOL REPLAT AND STREET VACATION IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS: Paul New has submitted an application for a Zoning Amendment covering the following described property:
LOT 2 OF THE MOSCA SCHOOL REPLAT AND STREET VACATION, IN ALAMOSA COUNTY, COLORADO UNDER RECEPTION NO. 349061.

said property being zoned Residential Manufactured; and

WHEREAS, Said applicant seeks to Amend the Zoning of the above described property from Residential Manufactured to Rural to facilitate the operation of a potato packaging and processing plant.

WHEREAS, The Alamosa County Planning Commission reviewed the application for a minor subdivision on July 11, 2012, following proper notice to the public and recommended approval of the application.

WHEREAS, A public hearing was held on the proposed minor subdivision on July 25, 2012, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.

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; and

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

IT IS THEREFORE RESOLVED AND ORDERED that the Zoning Amendment is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code, Article 7 Section 1.3 & 1.4, as adopted on July 15, 2009. Said property shall now be zoned Rural.

Roll call vote resulting in approval: Commissioner Wilkinson and Commissioner Yohn in favor. Commissioner Allen was absent.


BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

By

George Wilkinson, Chairman

(S E A L)

ATTEST:

Melanie Woodward, Clerk of the Board
There being no further business, the Public Hearing for White Mountain Farms Inc was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chair

Mike Yohn, Vice-Chairman

Absent

Darius Allen, County Commissioner
Minutes of the Public Hearing for Amendment to Medical Marijuana Ordinance was held on July 25, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: George Wilkinson, Chair  
Mike Yohn, Vice-Chair  
Darius Allen, Commissioner -Absent  
Jason Kelly, County Attorney  
Mark Garcia, Interim Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Administrative Secretary

Juan Altamirano was present.

This Ordinance was adopted late June but it was brought to their attention that the Industrial Zoned Area which was talked about in drafts was not included in the adopted draft. He would like to amend the Ordinance to include Industrial to the areas that are allowed under a Special Use Permit to have Medical Marijuana Facilities Dispensaries. If adopted the Ordinance shall take effect after you take the amendment. Commissioner Wilkinson stated this was just over looked it was their intention to include that.

There being no further business, the Public Hearing for Amendment to Medical Marijuana Ordinance was adjourned.

ATTEST:  

Belina Ramirez, Administrative Secretary  
Carol Osborn, Assistant Administrator  

George Wilkinson, Chair  
Mike Yohn, Vice-Chairman  

Absent  
Darius Allen, County Commissioner
Minutes of the Board of Equalization for Gary D & Barbara Griego Jones was held on July 25, 2012 at 2:00 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: George Wilkinson, Chair
Mike Yohn, Vice-Chair
Darius Allen, Commissioner -Absent
Jason Kelly, County Attorney
Mark Garcia, Interim Administrator
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

Schedule #541302314008

Sandra Hostetter and Ron Green were present. Also present was Gary D Jones.

Legal: Replat of Lots 7 thru 15 Blocks -Lot 13 East Alamosa Price Block 5

<table>
<thead>
<tr>
<th>Assessor 2012 Value After Protest Review</th>
<th>Assessor’s 2012 Value Before Protest Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land $6,960</td>
<td>Land $6,960</td>
</tr>
<tr>
<td>Residence 86,537</td>
<td>Residence 86,537</td>
</tr>
<tr>
<td>Extra Buildings(Shed) 392</td>
<td>Shed 392</td>
</tr>
<tr>
<td>Extra Buildings(Shed) 200</td>
<td>Terrace 257</td>
</tr>
<tr>
<td>Total $94,089</td>
<td>Total $94,146</td>
</tr>
</tbody>
</table>

The difference above was because they added a shed that they didn’t know was there and deleting a terrace.

Market value approach is the only approach they can use for residential purposes. Page 3 is Data that the property by virtue of Joint Warranty Deed as recorded on Reception #347845 on January 20, 2012 in the office of the Alamosa County Clerk and Recorder. A physical inspection was done on May 18, 2012 the subject is a 1973 one story, frame construction home, with three bedrooms, one bathroom, five rooms total located at 205 Bonney Drive, Alamosa CO 81101. Base living area is 1008 square feet. The residence is average quality and condition. A 14’ x 14” storage shed was added in addition to an existing 8’ x 12’ storage shed. A 50 square foot terrace was removed from inventory.

The improvement value is based on heated area of the home and does not include garages, landscaping, storage buildings or fencing. Garages and storage sheds are valued separately. Landscaping and fencing are not included in the value of the home. A garage is not included on this parcel. Land size: 6960 square feet.

For 2001 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 $85.00. The base rate is then affected by such factors as quality, condition, size, and architectural style.
The actual value of the subject property represents the market value of the property as of June 30, 2010.
Page 5 is a map of the location of the subject property.
Page 6 is the exterior dimensions of the residence and the storage sheds located on the property.
Page 7 is a picture of the storage sheds that are located
Page 8 is a list of the comparable sales.
Page 9 is their recommendation that the value of the property stay at $94,089.
The data collection period is January 1, 2009 to June 30, 2010.

Mr. Jones stated the biggest problem for him is the definition of the Assessor’s Office statement of Market Value using 2009 and 2010 comparables because that is not the market right now. The comparables the Assessor used was 2009. He showed more recent sales. He found between the comparables that his appraiser did plus the new sales the assessment rates are 24% higher than the market rate right now.

Commissioner Wilkinson stated they have to take their data from 2009-2010. What is selling now will catch up when they do the next re-assessment.

Ms. Hostetter stated the data collection period is defined by state law not by county. They can go further back but they cannot go forward.

Commissioner Wilkinson asked when this would adjust. Every odd year is a re-evaluation appraisal year stated Ms. Hostetter. Several sales Mr. Jones showed were of foreclosure homes. They are not allowed to use foreclosure values.

Exhibits
1. Appraisal report
2. Market values and comparables given by Mr. Jones

Adjourned at 2:13 pm.

There being no further business, the Board of Equalization for Gary D & Barbara Jones was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chair

Mike Yohn, Vice-Chairman

Darius Allen, County Commissioner
Minutes of the Board of Equalization for Ronald E & Marilyn M Loser was held on July 25, 2012 at 2:30 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:
- George Wilkinson, Chair
- Mike Yohn, Vice-Chair
- Darius Allen, Commissioner -Absent
- Jason Kelly, County Attorney
- Mark Garcia, Interim Administrator
- Carol Osborn, Assistant Administrator
- Belina Ramirez, Administrative Secretary

Schedule #541309020009

Legal Description: Washinton Block 205, Lots 7-14 –PO Box 1075 Alamosa CO 81101.

No one was present representing the Loser’s.

Exhibits
- Appraisal-outlines residence and lots that have be re-classified to residential.

Previously at an earlier meeting Mr. Loser indicated he would not be attending this BOE.

Adjourned at 2:35 pm.

**There being no further business, the Board of Equalization for Ronald E & Marilyn M Loser was adjourned.**

**ATTEST:**

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chair

Mike Yohn, Vice-Chairman

Darius Allen, County Commissioner

Absent
Minutes of the Board of Equalization for Leon Moyer was held on July 25, 2012 at 1:30 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

- George Wilkinson, Chair
- Mike Yohn, Vice-Chair
- Darius Allen, Commissioner - Absent
- Jason Kelly, County Attorney
- Mark Garcia, Interim Administrator
- Carol Osborn, Assistant Administrator
- Belina Ramirez, Administrative Secretary

Schedule #541708011031

Sandra Hostetter and Ron Green were present as well as Leon Moyer.

**Exhibit 1**

1. Introduction letter signed by Leon Moyer

Legal Description: Deer Valley Meadows

Lot 31, Block M, Unit 2 1.26 acres

Assessed Valuation of $5500.

On June 11, 2012 she went out to the property with another employee. A 1982 XTASCA motor home is located on the property. According to Mr. Moyer, the motor home is operational and is being used as his residence. A wooden structure is built over the top of the motor home. The purpose of the structure is to provide shade over the area where the refrigerator is located within the motor home. There is no septic system on the property. Mr. Moyer indicated he disposes of his waste at various legal dump sites such as the KOA Campground, Monte Vista Coop, Go Kart Track, and waste drop off in Del Norte.

There is a water well located on the property. The well permit was issued on July 22, 2008. She does not know the completion date. Mr. Moyer drilled the well himself with equipment that was purchased from Hussmann Plumbing. Mr. Moyer indicated the well is 70’ deep. It has a steel casing and submersible pump. There is a large plastic/vinyl storage tank that is being used for water storage. There are also several other storage tanks and barrels on the property. There are garden hoses running from the well to various sites on the property.

There is some fencing on the property as well as various storage shelters. There is cinder block storage approximately 5’ x 5’ with plywood roof covering and an earth floor, a straw bale storage approximately 2 bales high with scrap tin roof covering and earth floor. There is an approximate 3’ x 5’ frame storage shed and also vinyl storage shed approximately 4’ x 5’ in size. Mr. Moyer had begun construction of an approximate 200 square foot square house. At present time the perimeter is 2 bales high. There is no foundation. Construction appears to have ceased.
There are various types of plants and bushes growing on the property. Most were planted by Mr. Moyer and a few are native to the area. Mr. Moyer waters the plant life with gray water expelled from his motor home as well as water from the well.

Two ringer washing machines are located outside. One is operational and Mr. Moyer indicated he does his laundry there. There is a working horno made from adobe blocks salvaged from a demolition at La Puente. Mr. Moyer has a compost site and garden on the property. There is a bird bath made from a barrel and tire. There are lumber piles with lumber salvaged from the demolition of K-Bob’s Steak House. A burn barrel and beehives/frames are also located on the property.

Electricity is within ¼ mile of the property. Mr. Moyer indicated he thought it would cost between $8,000 and $10,000 to bring power to his parcel. Ridge Drive is the main road fronting the property.

After doing an inspection it does appear Mr. Moyer is living on the property however the structures that are there are not structures that are compliant with the Land Use Department and that are allowed in the county. The structures that are there she does not feel add value to the property so she recommends the value and the classification remain the same as last year as determined by the Board of Equalization. They are waiting on dates from District Court from last year’s valuation. At that time Mr. Moyer wanted the values to be $850 with residential classification. This year he recommends it to be at $12500. She doesn’t believe it has changed since last year. Comparables are the same as last year. There is a map of the location of the property. They are scattered between units 1 and 2. She doesn’t see that there is an advantage or disadvantage being located in either one. The prices do not reflect a difference in either one.

Mr. Moyer stated this appraisal report prepared by the Assessor be admitted into evidence. Also we should have his initial notice of determination and objection where he has requested $12500 be the assessed value. He believes his property has been incorrectly assessed from the very beginning in 2004. He has no problem of it being assessed by what he paid for it in 2004 which was $850. It did not have any of these improvements on it before. He cleared it off and established a driveway.

He referred to pictures on Page 5 showing roof was established to keep from overheating in the summer particular the refrigerator which runs on propane. It isn’t a real efficient refrigerator so it needs to be kept cool. The picture of left shows a water well casing sticking out with garden hoses running out because there is no pressurized water system on property or inside the motor home. He carries a 5 gallon bucket to wash dishes and he uses a solar shower which is a 5 gallon bag of water that is heated by the sun. There is no need for a septic tank because there is no water running out except what he collects from a bucket that he uses on his trees and bushes. On page 6 a garden, trees, and shrubs which is evidence of increased value to this property. It is also evidence of a residential unit because people do not grow gardens for agricultural. He has a horno where he cooks and bakes. He established the storage sheds many years ago and they have never been considered in the past years. He salvaged the materials from a landfill dump obviously not a lot of monetary value. He has had this for the past years but never considered.
As to the $12500 he is requesting there was a lot on Sunrise Boulevard about two or three years ago with a well and it being a corner lot that sold for $15000. His having a well on it should be valued more than the Assessor has valued it. He does want a decrease in taxes even though the value could go up because he would like the residential tax rate of 7.9%. Currently she is using 29.9% for vacant land rate. They have the description CR 39-8-102 where it states the Board of Equalization shall correct any errors made by the assessor and whenever in its judgment justice and right so require, it shall raise, lower, or adjust any valuation for assessment. They do have the authority under state statute to raise the valuation which he could get a lower rate.

*Moyer:* The comparables do any of these have water wells on them?
*Hostetter:* At the time of sale she believed they did not; she doesn’t know what they have now.
*Moyer:* His questions are for the period of January 1, 2007 – June 30, 2010. On page 4 it shows this collection of analysis period. What other distinguishing features did you consider between his property and the comparable properties you used?
*Hostetter:* They look at things such as highway frontage which they are all dirt roads, they look at where the tower is located, structures, td1000’s going back to find comparable sales
*Moyer:* He is not allowed to view the td1000’s?
*Hostetter:* No
*Moyer:* To the best of your knowledge do all of these properties have electricity running to the frontage of the property?
*Hostetter:* No
*Moyer:* Which ones do not? On the map is the electricity delineated by a line with circles on it?
*Hostetter:* Yes, it appears they all have electricity to a corner at least. This map was done last year but she doesn’t know if there was electricity at the time of sales.
*Moyer:* In Unit 2 you have two units and they both have electricity there so how much value did you take away from his property because it did not have access to electricity?
*Hostetter:* None
*Moyer:* How much value did you give because it has a water well?
*Hostetter:* None

*Commissioner Yohn:* You stated there was no power on well how do you pump it?
*Moyer:* He has a generator to pump it.
*Commissioner Yohn:* You stated you do not want electricity
*Moyer:* He uses Propane, wood stove, and the horn to cook. It is a very environmental way to live. He would encourage other people to live that way also rather than getting hooked to the grid.
*Commissioner Yohn:* What value would you put on your well?
*Moyer:* $3500 is the cost he got from Pithion Well Co to drill a well up to a 120 feet deep and case it. This doesn’t include putting the pump down or any wiring. It would have cost him that to drill the well. He feels $4500 because if he had to hire someone to drill and installation it would have cost him that.

*Commissioner Wilkinson:* Did you get documentation of how deep it is?
*Moyer:* He filed with the Water Division but she didn’t have this at the time Ms. Hostetter interviewed him.
*Commissioner Wilkinson:* Who drilled it?
Moyer: The gentleman who is the well inspector was there for several days while he was drilling it. He verified he did it in accordance with state statutes using a solid steel casing 20 feet and PVC pipe. It functions very well.

Commissioner Yohn: How long has it been on the property?
Moyer: He started it in 2008 and completed in 2009.

Mr. Kelly stated Mr. Moyer’s appeal back from 2008. Mr. Moyer stated he will appeal to the Board of Assessment if he doesn’t get what he wants here and not the District Court because they might combine these two cases. Each time Mr. Moyer has appealed the terms of the classification of the property and that has always been upheld by the board through the Court of Assessment Appeals and the Court of Appeals.

Adjourned at 2pm.

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

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chair

Mike Yohn, Vice-Chairman

Absent

Darius Allen, County Commissioner
Minutes of the Public Hearing for James & Donna Cooley was held on July 25, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:
George Wilkinson, Chair
Mike Yohn, Vice-Chair
Darius Allen, Commissioner - Absent
Jason Kelly, County Attorney
Mark Garcia, Interim Administrator
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

Juan Altamirano and applicant Donna Cooley were present.

**Request:** Subdivide an approximate +/- 160 acres to form two tracts of land; Tract 1 and Tract 2. Tract 1 +/- 159 acres, Tract 2 1.00 acres.

**Staff Recommendation:** Approval
The subject property consists of mainly undeveloped land. The surrounding property is zoned “R” Rural. The surrounding land uses consist of mainly farmed agricultural land. The applicant is requesting to be able to subdivide their current 160 acres into two tracts of land; Tract 1 and Tract 2. The applicants would like to subdivide the property to place a residence on the property and have more surveillance over the rest of the property. Water will be supplied via a private well. Additionally, the San Luis Valley Water Conservancy District will also be augmenting the existing well. During the Planning Commission this was an issue that adequate water would be secured before signed off on. Access to the property will be off of an existing 30” Private easement. Although the private easement may be satisfactory for farming practices, future property owners to Tract 2 will need to have permanent access in perpetuity. This permanent access will need to be addressed in the final plat. It may be possible that the Alamosa County Road & Bridge Department need a new driveway access per the County’s access guidelines.

Staff recommends approval subject to conditions as listed in staff report.

Ms. Cooley stated their property sits at the east of the Solar Facility. Since that facility went in they had some issues with theft and travel on their property. They have put in some gates and no trespassing signs. People would travel the ditch road and would come own the pivot road to access their property to get a look at the solar facility. They have talked about moving a house there and get someone living there to reduce the traffic. They also had some issues with their property being stolen. They met with Mike Gibson prior to the Planning Commission meeting about a well that was there. This was used primarily commercially for potato storage on site. Mr. Gibson told them it was possible to amend that certificate to read commercial and residential then they could take to Pat McDermott to change well permit. After Planning Commission meeting they spoke with Mr. Gibson again. When they obtained the cost of purchasing additional water for augmentation for that existing well for the new residence and a small yard the cost was equal to drilling a new domestic well. She spoke with Pat McDermott and Mike Gibson yesterday they were going to obtain a permit to drill a new domestic well for the
residence. Mr. Altamirano stated this is a condition that they need to have this documentation prior to completion. The deadline would be what asked Ms. Cooley. Mr. Cooley stated they have 60 days. Upon written request from the applicant they could grant an additional 30 days.

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

Jed Larson stated he is in favor of it.

Paul New stated he was in favor of simply because for the community it was the right thing to do.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2012 – S - 006

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY JAMES COOLEY AND DONNA COOLEY, COVERING PROPERTY LOCATED IN THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 9 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO.

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

WHEREAS: James and Donna Cooley have submitted an application for a minor subdivision covering the following described property:

TRACT OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 9 EAST, OF THE N.M.P.M., IN ALAMOSA COUNTY, COLORADO. IDENTIFIED UNDER RECEPTION NO.'S 333399 & 344739.

said property being zoned Rural; and

WHEREAS, Said applicant seeks to subdivide the above described property into two (2) tracts as follows:

Tract 1 = 159.00 acres more or less  Tract 2 = 1.00 acres more or less

WHEREAS, The Alamosa County Planning Commission reviewed the application for a minor subdivision on July 11, 2012, following proper notice to the public and recommended approval of the application.

WHEREAS, A public hearing was held on the proposed minor subdivision on July 25, 2012, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and no adverse testimony was given or received.
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 and that the minor subdivision is appropriate; 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 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 subject to the following conditions.

1. The Final Plat map shall be in substantial compliance with Alamosa County Subdivision Regulations, including, but not limited to: Lot Size and Road Frontage etc.

2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place prior to any physical disturbance on the subject property associated with the proposed subdivision;

3. Prior to the issuance of a building permit, an individual sewage disposal system permit shall be required, if an individual sewage disposal system is not currently present; and

4. The final plat shall identify all existing easements and proposed easements and right of way, including, but not limited to electric transmission lines, county, state, public and private easements. Additionally, the final plat shall also identify all existing and/or proposed onsite wells, individual septic disposal systems, etc., in order to determine that there is an adequate area for the septic tank systems;

5. Prior to the certification of the final plat map, the applicant shall pay the necessary fees associated mapping and recording fee to the Alamosa County Land Use Department;

6. Prior to the Certification of the final plat map, the applicant shall pay the Alamosa County Treasurer necessary property taxes due;

7. Any existing and/or proposed parcel(s) shall have permanent road access to a legally dedicated public/private road or highway. Access shall be built to county road standards;

8. The applicant shall record the approved final plat in the office of the County Clerk and Recorder for recording within 60 days after the date of approval. The administrator, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC;
9. The approval of the final plat shall not be deemed to constitute or affect the acceptance by the County of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Board of County Commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the land or facilities are located within the county; and

10. Approval of this permit is contingent upon compliance with the above conditions. In the event that the conditions set forth here are not met, the land use office reserves the right to revoke the approved permit until the applicant becomes compliant with said conditions.

11. The applicant shall have water available for all parcels, including but not limited to Tract 2, of the proposed subdivision.

Roll call vote resulting in approval: Commissioner Wilkinson and Commissioner Yohn in favor. Commissioner Allen was absent. None opposed.


BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(SEAL)

By

George Wilkinson, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for James & Donna Cooley was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chair

Mike Yohn, Vice-Chairman

Absent

Darius Allen, County Commissioner
Minutes of the Board of Equalization Meeting, held on July 25, 2012 at 2:40 p.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:
George Wilkinson, Chair
Mike Yohn, Vice-Chair
Darius Allen, Commissioner -Absent
Jason Kelly, County Attorney
Mark Garcia, Interim Administrator
Carol Osborn, Assistant Administrator
Belina Ramirez, Administrative Secretary

Leon Moyer

M/S Yohn/Wilkinson Motion to keep current classification as Assessors Determined Motion was approved with Allen being absent.

Gary D & Barbara Jones

Commissioner Yohn doesn’t feel like comparables are not comparable so he feels it might be overvalued. He does realize they are going back to 2009. Mr. Kelly stated they have to use the comparables with that period of 2009-2010. It is up to Mr. Jones to give comparables in that time period. Commissioner Wilkinson suggests keeping it the same because everyone’s property has declined and at the next re-evaluation it would be relooked with those comparables.

M/S Yohn/Wilkinson motion to uphold Assessors Determination Motion was approved with Allen being absent.

Ronald E & Marilyn M Loser

M/S Yohn/Wilkinson motion to uphold the Assessor Determination Motion was approved with Allen being absent.

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

ATTEST:

[Signatures]
Belina Ramirez, Administrative Secretary
Carol Osborn, Assistant Administrator
Mike Yohn, Vice-Chair
Darius Allen, County Commissioner