Minutes of the Board of County Commissioners Meeting, held on May 25, 2011 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

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

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

Addition of ratification of Renewal

M/S Yohn/Wilkinson motion to approve the agenda of May 25, 2011. Motion was approved with Allen absent.

Consent agenda Items:

Approval of General Business/Minutes

*The Following Minutes were presented:*
  
  Regular Minutes, May 11, 2011
  Public Hearing – Martinez Brothers

M/S Yohn/Wilkinson motion to approve the Minutes of May 11, 2011. Motion was approved with Allen absent.

Approval of Bills/Obligations

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

Public Comment
Approval of Consent Agenda
New Vision Software Services &/or License
County Treasurer’s Report
Ability Network—Software & Services Order
MOU Department of Higher Education-ASC Nursing Program
Renewal License Application as Class A License

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

Public Hearing
Board of Adjustment – Joe Funk

Ken Vanlwarden and applicant Joe Funk were present.

Commissioner Yohn stated there isn't any other option because he does not own any property
along that property.

Mr. Crowder asked about the water situation. Mr. Vanlwarden stated they have a blanket so it is
for the entire subdivision.

Commissioner Yohn stated if others wanted this it would be a case by case but they would have
to meet the setbacks which is 100 feet from leach field to the well and 50 feet from septic tank to
the well.

List of Exhibits
  1. Board of Adjustment Checklist
  2. Staff Report
  3. Application
  4. Receipt of payment
  5. Deed
  6. Certificate of Taxes
  7. GPS Aerial View
  8. List of Adjacent Landowners within 1500 feet
  9. Assessor Data & Pictures
10. ZHA Water Augmentation Plan
11. Letter of Notification from ZHA
12. Septic Permit Application
13. Copy of County Land Code for Septic Installation
14. Copy of Minutes from Oct 26, 1982
15. Notice to adjoining Landowners within 1500 feet
16. Notice of Public Hearing before the Board of Alamosa County Commissioners
17. Notice to Applicant
18. Re Application Conference
19. Email from
M/S Crowder/Yohn motion to approve application. Motion was approved with Allen absent.

BEFORE THE BOARD OF ADJUSTMENTS OF ALAMOSA COUNTY

RESOLUTION NO: 2011 – Z - 1

RE:  APPLICATION FOR VARIANCE FILED BY JOE FUNK COVERING A .94 ACRE TRACT OF LAND LOCATED IN THE ZAPATA UNIT 2 LOT 26 BLOCK 48, COUNTY OF ALAMOSA, STATE OF COLORADO.

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

WHEREAS:

1. Joe Funk, has submitted an application for a variance to the following described property:

   A .94 ACRE TRACT OF LAND LOCATED IN THE ZAPATA UNIT 2 LOT 26 BLOCK 48, COUNTY OF ALAMOSA, STATE OF COLORADO.

said property being zoned Residential (R) District.

2. Said applicant seeks a variance in order to place an individual sewage disposal system on the property.

3. A public hearing was held on the proposed variance on May 25, 2011, before the Board of Adjustments and testimony in favor of the proposed variance was given or received.

4. Testimony was received in objection to said variance by Sharon Mercier.

5. The Board of Adjustments has determined that this application is pursuant to 7.14 of the Alamosa County Land Development Code, as amended.

6. The Board of Adjustments specifically finds that all of the requirements for approval of said variance have been met.

NOW, THEREFORE, BE IT RESOLVED that the variance of the above described property as submitted by Joe Funk be approved.

Roll call vote resulting in approval: Wilkinson, Crowther, Yohn in favor, none against, Allen absent
DATED: May 25, 2011.

BOARD OF ADJUSTMENTS,
ALAMOSA COUNTY

(SEAL)

By
George Wilkinson, Vice-Chair

ATTEST:

Melanie Woodward, Clerk of the Board

Minor Subdivision – Mitchell Ag Production

Ken VanIwarden and applicant Darren Mitchell were present.

Commissioner Yohn questioned about the multiple access through the 104 and one through field to sprinkler quarter. He would not have to create any more access stated Mr. VanIwarden. They did address this with the Road & Bridge department and they decided it was okay.

List of Exhibits
1. Minor Subdivision Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Deed
6. Ownership and Encumbrance Report
7. Letter from Lienholder
8. Certificate of Taxes
9. GPS Aerial View
10. List of Adjacent Landowners within 1500 feet
11. Assessor Data & Pictures
12. Water Documents
13. Preliminary Plat
14. Notice to Adjoining Landowners within 1500 feet
15. Notice of Public Hearing before the Alamosa County Planning Commission
16. Notice of Public Hearing before the Board of Alamosa County Commissioners
17. Notice to Applicant
18. Pre-Application Conference

M/S Yohn/Wilkinson motion to approve the Minor Subdivision for Mitchell Ag Production
Motion was passed with Allen absent.
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2011 – S - 4

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY MITCHELL AG PRODUCTION FAMILY, COVERING SE ¼ SECTION 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE N.M.P.M., COUNTY OF ALAMOSA, STATE OF COLORADO.

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

WHEREAS:

1. Mitchell Ag Production Family have submitted an application for a minor subdivision covering the following described property:

SE ¼ SECTION 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE N.M.P.M., COUNTY OF ALAMOSA, STATE OF COLORADO.

said property being zoned Rural.

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

   Tract 1 = 146.86 acres
   Tract 2 = 5.009 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on April 13, 2011, following proper notice to the public and recommended approval of the application.

4. A public hearing was held on the proposed minor subdivision on May 25, 2011, before the Board of County Commissioners of Alamosa County, following proper notice to the public, applicants spoke in favor of the subdivision and no one spoke in opposition.

5. The Board of County Commissioners has determined that this application is pursuant to Article 5, Subdivision Standards of the Alamosa County Land use Development Code and that Subdivision Regulations, as amended, 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.

NOW, THEREFORE, BE IT RESOLVED that the minor subdivision of the above described property as submitted by Mitchell Ag Production Family be APPROVED.

Roll call vote resulting in approval: Commissioner Wilkinson; Commissioner Yohn in favor; Commissioner Allen Absent
DATED: May 25, 2011

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY
By, George Wilkinson, Vice-Chair

ATTEST:

Melanie Woodward, Clerk of the Board

Break

County Clerk & Recorder
County Clerk & Recorder’s Report for April

Melanie Woodward was present. She did get the okay from the state grant to do all the work at the Annex Building for the ADA requirements. This is only for the access. She received an email about the new license plates. They are adding a Taxi Cab License Plate, Denver Nuggets, Colorado Avalanche, and Girl Scout license plate. Commissioner Wilkinson asked why the Clerks don’t run a bill to run one license plate instead of two. They have a Clerks Conference the week of June 6th. Everything they collected was down a little bit from last year when she was looking at the registration fees from last year. Mr. Shioshita asked if they still have to prove their heritage for Pioneer Plates. Ms. Woodward stated they don’t have to prove anything anymore just have to say you want the Pioneer Plates. It used to be you had to bring in all kinds of information to prove your family were pioneers.

M/S Yohn/Wilkinson motion to accept County Clerk & Recorder’s Report for April
Motion was passed with Allen absent.

Alamosa County Sheriff

Sheriff Dave Stong was present. Donald Harrington has resigned effective June 15th so he is requesting to fill this position. Mr. Shioshita asked if they have a hiring list. They have a list that has met the testing criteria which will still have to go before an oral board interviews. Commissioner Wilkinson suggested establishing the list before it gets so low that they get a round of new testers they can pick from rather than picking from the bottom. Mr. Shioshita also stated they need to rebuild their list.

M/S Yohn/Wilkinson to approve hiring a new employee for detention
Motion was passed with Allen absent.
Alamosa County Department of Human Services

Larry Henderson was present.

He presented a form outlining the key components of County Tax Base Relief that the state has put out.

He received an email from Jessie Sweet of the State Colorado Works that Nick Barela was selected to receive an award at their Colorado Works Conference. He was nominated by another County – Costilla.

Food Stamp assistance they have issued $483,994 with a total number of cases of 1747 for Alamosa County. The Statewide Issuance amount is $60,829,426.05 with total number of cases of 193,135.

Ongoing workload summary was presented as follows:
Adult Financial 352
Adult Medical 602
Colorado Works 172
Family Medical 1087
Food Stamps 1848
Long Term Care 457
Medicare Savings Program 273
Total 4791

The last LEAP report was presented. Alamosa had 1737 applications, approved 1488, denied 222, pending 27, and average benefits of $430.17. State Totals had 149079 applications, approved 124327, denied 1080, pending 1080, and average benefits of $373.14.

The Investigation Report, Recovery Collection Comparison, and Child Support Collection Comparison were presented for review. Also presented were the Statement of Expenditures and the Statement of Revenue.

County Administrator Report
Approval of Commuting Authorization Form

This is where we provide county vehicles for Department Heads and employees depending on their job capacity can be taxable or nontaxable. They are adopting a policy because it is income it has to be compliant by the IRS. He recommends tabling it to discuss the mileage factor. The authorization has to come before the board for approval. Commissioner Yohn stated he would like to look at the number of cars, the number of miles they are going, how much miles they are going, and which ones are tax exempt and not. The other piece is also related to insurance.

M/S Yohn/Wilkinson motion to table to discuss this further. Motion was passed with Allen absent.
He is working on HCP Contract with the State. Right now our Regional Office receives more money than any other office. They are cutting potentially $30,000. They are working on coming up with a viable option. Fremont County is intending to partner/transfer with Pueblo County. They have to come up with a budget to the state by Friday.

He is starting to look at Budget Prep.

For the CAO they have 14 applications. They have a committee to look at those.

The object is to have the Audit completed by June.

He is also looking at developing an RFP for the next three year window.

With the Vehicle list he is trying to purge all the vehicles that we don’t use or that don’t run.

Sales Tax they are up 10% from where they were last year. In September those numbers they will essentially see go down.

The NACO Prescription report showed 43 prescriptions were submitted by 15 users. They saved an average of 28%. The overall savings of $4700 since the beginning of this program start.

They are working on the landscape project between our building and Human Services. He had Russell Engineering come in and do some measurements. We do have enough drainage.

**Bylaws of Workforce Board**

We do not have anyone from the private section. DRG recommended Scott VanGeisen. There are two openings. They have received an interest from.

**M/S Yohn/Wilkinson motion to appoint Scott VanGeisen to the Workforce Board.**

**Motion was passed with Allen absent.**

**Tu Casa**

Ashley Lopes was present. Tu Casa is a domestic violence/sexual assault victim’s service center here in the San Luis Valley. All of their services are free, confidential, and viable manned 24 hours a day seven days a week. They have a 24 hour hotline. They collaborate with many agencies such as Sheriff’s Departments, Police Departments, Human Services, Public Health, and Mental Health. In 2010 they were up 22% and this year alone the number of sexual assault victims are up 300%. They do not believe they are having more incidents of violence but they believe the increases are because more people are aware of their services. They see it more positive that people are seeking help. They have increased their prevention staff by 1 additional half time person. They have been partnering in the schools and agencies such as Center for Restorative Programs and Mental Health. They are good with funding but do see decreases with the economy and the federal government changes. Commissioner Wilkinson asked if they partner with La Puente. Ms. Lopes stated they have three shelter residences. In September they were able to open their onsite long term shelter placement which is comprised of two apartments,
emergency shelter at La Puente, and motel stays. They are currently remodeling their office through the Trinidad State Jr College Construction Program.

**County Surveyor**

Dan Russell was present. We are the only county that does not have an official funded office. Before the County requires a survey or survey plat he provides a review of that and a checklist. He checks for math, correctness, completeness, and errors. They do not do a field check on the survey. In the past he has had a deputy County Surveyor. He asked for a Deputy County Surveyor because if he turns in a plat than it is not reviewed. He suggests Pat Steenburg who worked with him for years and now works for the City of Alamosa and is a registered land surveyor. He envisions paying per plat review basis at $75 a plat.

He is very active in the State County Surveyor Organization. The Colorado County Association of State Surveyors has worked to streamline laws, surveyor related issues, and legislations. Professional Land Surveyors of Colorado and the Colorado County Surveyor Association work together on issues. They are currently across the state trying to assess the nature of the benefits that are being provided to the County Surveyors. Some counties provide health insurance and retirement. Per Mr. Shioshita it requires a minimum of 25 hrs a week to not be a temporary employee but a full time employee to receive benefits. Throughout across the state the County Attorneys have looked at this and have determined it not applicable to the County surveyor and elected officials. He carries his own health insurance through his own business but would like any other benefits. How has he been doing plats without a Deputy Surveyor right now asked Commissioner Yohn. Currently Mr. Russell stated his plats are not being reviewed, they are just being accepted. It is a protection for the Surveyor and the County. It is easier to catch an error at the beginning rather than after it has been approved and then the process of being corrected. Budget wise how does this work asked Commissioner Wilkinson. Mr. Shioshita stated there is a line item for other surveying in the budget.

**M/S Yohn/Wilkinson motion to allow County Surveyor to appoint a Deputy Surveyor**

Motion was passed with Allen absent.

**Board/Staff Updates**

A Request from Mr. Kelly for one full time legal secretary/paralegal. Commissioners agreed to proceed with this request.

**M/S Wilkinson/Yohn motion to adjourn the Regular Meeting of the Alamosa County Commissioners**

Motion was passed with Allen absent.

**Lunch/Adjourn**

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

Belen Ramirez, Administrative Secretary

Carol Osborn, Administrative Assistant

Absent

Darius Allen, Chairman

George Wilkinson, Vice-Chair

Mike Yohn, County Commissioner
Minutes of the Public Hearing for Minor Subdivision of Mitchell Ag Production held on May 25, 2011 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

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

Ken Vanlwarden and applicant Darren Mitchell were present.

Proposal: The applicant is seeking to subdivide a 5 acre parcel from the larger parcel of 153.87 acres.

Legal Description: The SE1/2 of Section 15, Township 39 North, Range 9 East of the N.M.P.M., County of Alamosa, State of Colorado.

Project History and Background: The applicant purchased the existing parcel from Edward DeWitte and Anne C. DeWitte in December 2010. The storage shed which was on the property at the time of purchase was not part of the land transaction. The applicant expressed that he had no need for the storage shed at the present time and it was agreed that they would deed the parcel with the storage unit back to Edward DeWitt. The large tract will remain as sprinkler irrigated farm land and will be in the name of the Mitchell Ag Production Family. Access for the farm ground is from Road 104 North and access for the small parcel is from County Road 104 North. The proposed Tracts will be as follows:

Tract 1 = 146.86 acres    Tract 2 = 5.009 acres

Well # 9439-F-R serves the irrigation needs of the proposed larger tract. Well permit #283731, valid through August 9, 2012 is available for the smaller tract and was issued to Edward and Anne DeWitte.

Adjacent land owners within 1500 feet of the subject property have been notified by mail and notice was published in the Valley Courier. To date no comments have been received from either adjacent land owners or other concerned parties via email, letters, telephone or other methods.

Referral Agency Comment:

Division of Water Resources –Mr. John Skinner verified that adequate water was available for both tracts. A copy of the email from Mr. Skinner is part of the application.
The Office of the State Engineer, Division of Water Resources was notified by mail as requested in the memo sent to all Land Use Planning Directors on March 11, 2011.

A copy of the application was forwarded to Alamosa County Road & Bridge Department. The only thing they commented was there was plenty of accesses to the 153 acre parcel.

**Findings:** The owners have met all submittal requirements for a minor subdivision in a rural district and there is no foreseen major impact to the land. No further divisions to the proposed parcels will be allowed in conformity with Alamosa County Development Code as amended June 1, 2010 and is recommended to be noted on the final plat. The Land Use Staff has reviewed the proposed application and hereby recommends approval of the minor subdivision application based on the information provided by the applicant.

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

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY**

**RESOLUTION NO: 2011 – S - 4**

**RE:** APPLICATION FOR MINOR SUBDIVISION FILED BY MITCHELL AG PRODUCTION FAMILY, COVERING SE ½ SECTION 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE N.M.P.M., COUNTY OF ALAMOSA, STATE OF COLORADO.

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

**WHEREAS:**

1. Mitchell Ag Production Family have submitted an application for a minor subdivision covering the following described property:

   **SE ½ SECTION 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE N.M.P.M., COUNTY OF ALAMOSA, STATE OF COLORADO.**

   said property being zoned Rural.

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

   Tract 1 = 146.86 acres         Tract 2 = 5.009 acres

3. The Alamosa County Planning Commission reviewed the application for a minor subdivision on April 13, 2011, following proper notice to the public and recommended approval of the application.
4. A public hearing was held on the proposed minor subdivision on May 25, 2011, before the Board of County Commissioners of Alamosa County, following proper notice to the public, applicants spoke in favor of the subdivision and no one spoke in opposition.

5. The Board of County Commissioners has determined that this application is pursuant to Article 5, Subdivision Standards of the Alamosa County Land use Development Code and that Subdivision Regulations, as amended, and is a division of land not within the purposes of Part 1 of C.R.S., 1973, Section 30-28-10', et seq. and is therefore exempt from the definition of a "subdivision" contained therein.

NOW, THEREFORE, BE IT RESOLVED that the minor subdivision of the above described property as submitted by Mitchell Ag Production Family be APPROVED.

Roll call vote resulting in approval: Commissioner Wilkinson; Commissioner Yohn in favor; Commissioner Allen Absent

DATED: May 25, 2011

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(S E A L)

By

George Wilkinson, Vice-Chair

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Mitchell Ag Production was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Administrative Assistant

Darius Allen, Chair

George Wilkinson, Vice-Chairman

Mike Yohn, County Commissioner
Minutes of the Board of Adjustment for Joe Funk held on May 25, 2011 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
Darius Allen, Chair -Absent  
George Wilkinson, Vice-Chair  
Mike Yohn, Commissioner  
Larry Crowder, BOA  
Barry Shioshita, County Administrator  
Jason Kelly, County Attorney  
Carol Osborn, Administrative Assistant  
Belina Ramirez, Administrative Secretary

Ken Vanlwarden and Joe Funk were present.

Proposal: The applicant has applied for a variance from the minimum lot size requirements for an installation of an individual sewage disposal system as set forth in Section 5.2.11 of said regulations.

Legal Description: Zapata Unit 2 Lot 26 Blk 48 .94AC including an undivided interest in common property JQCD Rec #330660 04-24-07.

Project History: The lot is located in Unit 2 Block 48 of the Zapata Division of Land, off of Mill Run Road and is a total of 45,303 square feet in area. The property measures 1,743 feet less than the 45,560 feet required by the Land Development Code for the installation of an individual sewage disposal system. It is bordered on the north by a green belt and on the southwest side by a large horse shoe shaped entrance. Those factors taken into consideration compensate for the lack of total footage. The proposed layout for this lot has been included in this application and indicates the plan for placement of a structure including the leach field and well and confirms that the required setbacks can be met. The lot has less than a 30% slope to any of the adjoining lots. The applicant has also provided copies of a variance granted in 1982 for a lot in the Zapata Subdivision which was 0.84 acres. The criterion for the 1982 variance was that the lot adjoined a greenbelt which could compensate for the lack of square footage with regard to the septic system.

Compatibility: Adjacent land owners within 1500 feet of the subject property have been notified by mail and notice was published in the Valley Courier. Letters to adjoining landowners that were undeliverable is one (1). A property owner in the Zapata Division, Sharon Mercier, made comment in person, stating that she had been required to consolidate her property to accommodate a septic system and she points out that the rules should apply equitably to all property owners.

In the Land Use Development Code it allows us if the use can put on the lot without compromising anything else they can do this. The Subdivision lots normally encompass a cul de sac. On this one it is more of a horse shoe shape so this takes out more of the acreage of the lot.
If they had made this area like the cul de sac it would allowed that other 1700 square feet to be in that lot. The frontage on that cul de sac is 100 and normally they are 60 feet. That is one reason they thought they could put a septic system on there without compromising anything else. Also the Green Belt to the North was also an advantage to that particular lot. The applicant thought about purchasing some of the adjoining lots so they could combine the two lots together. This did not work out. They also have to consider if the new septic system gives out if there is an alternate place to go. In the future the lot to the west, if the applicant was to put a well on the west border, this would prohibit them from putting a septic system there. They did look at all the possibilities on how it was going to impact their neighbors.

Referral Agency Comment: The Zapata Homeowners Association was sent a letter of notification and they have responded with an email notice of approval. The email has been made a part of the record.

Summary and Conclusions: In residential subdivisions where septic tanks or individual sewage disposal devices or water wells are to be installed shall maintain a minimum lot width of 100 feet measured at the required building line, Section 5.2.7 B 2.d.

The Land Use Staff has reviewed guidelines issued by the Colorado Department of Public Health and Environment as well as the County Land Development Code. The state guidelines are mute on a minimum lot size for the installation of a septic system. The County is specific on the lot size, and also has setback requirements. The staff made an onsite visit to this site and has made the following assessment. The setbacks can be met for this application according to the applicant’s plan for placement of the home, well and septic system. The opinion of this office is that there is no negative impact on the water system for this parcel if the variance is granted, and there is adequate room for a secondary leach field should the need arise. The Land Use Staff hereby recommends for approval the application of Joe Funk for a variance from the County Land Development Code to install an individual sewage disposal unit on a parcel of land which is less than one acre.

Mr. Funk stated he has measured it several times and several different ways. If the leach field ever fills up there are other options for it to be moved.

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

Sharon Mercier a Zapata resident spoke in opposition. In March 2009 she went before the Zapata HOA Board in regards to her lot 30 which is in Block 45 Unit 2 which she had 99/100ths of an acre. She was told it was not buildable because of these septic situations and this does back up into a Green Belt also. Mr. Vanlwarden had told her they no longer do variance. She did own the lot next to it and he said she would have to have it surveyed. She paid the fees, paid almost $1000 to have surveyor come and survey it, paid County fees, plus postage for letters to the adjoining properties. She was told there were no variances allowed. If they approve Mr. Funk they need to approve all 83 sub acre lots in Zapata that adjoin the Green Belt. Mr. Funk owns eight buildable lots right now so it is not like he doesn’t have another one to build on. He could also have someone else of his neighbors sell him some property or get it surveyed to make it smaller so he has enough land. The County told her it had to be one full acre than it should be
one full acre for everybody. Commissioner Wilkinson asked if she owned the adjoining lots when she came in for the variance. She did that is why she had the land surveyed but it had already backed up into a green belt so why did she have to spend that money to have that done. Mr. Crowder stated he agreed and asked if she thought about bringing it to the board. She was just told she couldn’t. Mr. Crowder stated he wasn’t sure why she couldn’t get this done. At this time they were going by the old Land Development Code and there was no variance allowed so they had to adopt one stated Mr. Vanlwarden. Since then they have adopted a new Land Development Code which includes a variance procedure that this application falls under. Their first step is to adjoin adjoining lots. If this cannot be done than there is an appeal process and this is why we are here today. There are several owners who would like to do this stated Ms. Mercier. Mr. Vanlwarden stated that every one of the owners have the same privilege to do this they would have to take the same steps as Mr. Funk. Ms. Mercier asked why couldn’t they redo that cul de sac and make it smaller. Because it is a dead land and all of the HOA own that they would have to get approval from all of the Association. The problem is Mr. Funk is on the Board of the Homeowners Association stated Ms. Mercier.

BEFORE THE BOARD OF ADJUSTMENTS OF ALAMOSA COUNTY

RESOLUTION NO: 2011 – Z - 1

RE: APPLICATION FOR VARIANCE FILED BY JOE FUNK COVERING A .94 ACRE TRACT OF LAND LOCATED IN THE ZAPATA UNIT 2 LOT 26 BLOCK 48, COUNTY OF ALAMOSA, STATE OF COLORADO.

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

WHEREAS:

1. Joe Funk, has submitted an application for a variance to the following described property:

A .94 ACRE TRACT OF LAND LOCATED IN THE ZAPATA UNIT 2 LOT 26 BLOCK 48, COUNTY OF ALAMOSA, STATE OF COLORADO.

said property being zoned Residential (R) District.

2. Said applicant seeks a variance in order to place an individual sewage disposal system on the property.

3. A public hearing was held on the proposed variance on May 25, 2011, before the Board of Adjustments and testimony in favor of the proposed variance was given or received.
4. Testimony was received in objection to said variance by Sharon Mercier.

5. The Board of Adjustments has determined that this application is pursuant to 7.14 of the Alamosa County Land Development Code, as amended.

6. The Board of Adjustments specifically finds that all of the requirements for approval of said variance have been met.

NOW, THEREFORE, BE IT RESOLVED that the variance of the above described property as submitted by Joe Funk be approved.

Roll call vote resulting in approval: Wilkinson, Crowther, Yohn in favor, none against, Allen absent

DATED: May 25, 2011.

BOARD OF ADJUSTMENTS,
ALAMOSA COUNTY

(S E A L)

By
George Wilkinson, Vice-Chair

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Board of Adjustment for Joe Funk was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Administrative Assistant

Absent

Darius Allen, Chair

George Wilkinson, Vice-Chairman

Mike Yohn, County Commissioner

Larry Crowder, BOA