Minutes of the Board of County Commissioners Meeting, held on June 15, 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
- 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

The DA will be at next meeting. Land Use will present the issue of special events for Jackrabbit Motocross, add Application to access Humana and MOU for State DHS under the Consent Agenda.

M/S Wilkinson/Yohn motion to approve the agenda of June 15, 2011 with additions/deletions.
   Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
- Regular Minutes, May 25, 2011
- Public Hearing BOA –Joe Funk
- Public Hearing –Mitchell Ag Production

Correct number of parcels to be two parcels detailed on Resolution for Mitchell Ag Productions which is included in the Regular Minutes and Public Hearing minutes where Resolution was inserted.

M/S Wilkinson/Yohn motion to approve the Minutes of May 25, 2011 with corrections.
   Motion was passed unanimously with Allen abstaining due to being absent.
Approval of Bills/Obligations

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

Public Comment

No Public Comment was made.

Approval of Consent Agenda

Ratification of Adams State College Grizzly Club
Department of Transportation FAA Agreement
Region 8 Statement Approval
Application to Access Humana Health Care Plans
MOU State of Colorado Department of Human Services

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

Public Hearing

Special Use Standard – Elizabeth Galles

Ken Vanlwarden and Elizabeth Galles were present.

Commissioner Yohn questioned the ad that it was listed as eco friendly lodging if that is what it was going to be used for. It means everything in there is eco friendly -the floor and the paint. There is a guest room for maybe the teacher and for family but not for lodging.

List of Exhibits
A. Special Use Checklist
B. Staff Report
C. Application
D. Receipt of Payment
E. Deed
F. Ownership and Encumbrance Report
G. Notification by Lienholder
H. Certificate of Taxes
I. GPS Aerial View
J. List of Adjacent Landowners within 1500 Feet
K. Assessor Data
L. Water Documents
M. Preliminary Plat
N. Notice to Adjoining Landowners within 1500 Feet
O. Notice of Public Hearing before the Alamosa County Planning Commission
P. Notice of Public Hearing before the Board of Alamosa County Commissioners
Q. Notice to Applicant
R. Re Application Conference
S. Division of Water Resources
M/S Wilkinson/Yohn motion to approve Special Use Permit for Elizabeth Galles  
Motion was passed unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2011 – Z – 2

RE: APPLICATION OF ELIZABETH GALLES FOR A SPECIAL USE 
PERMIT TO ALLOW THE OPERATION OF A YOGA STUDIO ON 
TRACT 2 BELT DIVISION OF LAND, RECEIPTION NO. 282025, IN 
ALAMOSA COUNTY, COLORADO.

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

WHEREAS, Elizabeth Galles has submitted an application for a special use 
permit to allow the operation of a yoga studio on the following property:

Tract 2 Belt Division of Land, according to the plat filed and recorded March 28, 
1997 under reception no. 282025, in Alamosa County, Colorado.

said property being zoned Rural (RU) District; and

WHEREAS, a public hearing was held before the Alamosa County Planning 
Commission on April 11, 2011, which recommended approval of the application with a 
letter from the Division of Water Resources;

WHEREAS, a public hearing was held before the Board of County 
Commissioners on June 15, 2011, to consider said application;

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

WHEREAS, there was no individual which expressed support for said application 
and no individual who expressed opposition to the application; and

WHEREAS, the Board of County Commissioners has considered the application, 
and finds the application meets all requirements of the Alamosa County Land 
Development Code pertaining thereto and that the a special use permit to allow for the 
operation of a yoga studio; and

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

1. That although the operation of a yoga studio is not allowed on this 
   property under normal circumstances, it is allowed under special use review;
2. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved;

3. That the application meets all the required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations;

4. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;

5. That the application will not adversely affect the adopted plans and policies of the County, or violate the character of existing standards for development of the adjacent properties.

IT IS THEREFORE RESOLVED AND ORDERED that the special use permit to allow the operation of a yoga studio upon the above-described property is hereby granted as a special use pursuant to the Alamosa County Land Development Code under Article 7, Section 7.8.

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

DATED this 15th day of June, 201.1

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

(S E A L)

By

Darius Allen, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board

Minor Subdivision—David Rittenhouse

Ken Vanlwarden and David Rittenhouse were present.

Commissioner Allen stated with the information it is only proper to table this to review the information that was just presented.
Mr. Rittenhouse asked if another meeting is set would they require another Mylar. No stated Mr. Vanlwarden.

Commissioner Wilkinson asked if there is any other problem. Does the easement hamper the building because it does intersect the property? It could that is why they have to review it stated Mr. Vanlwarden.

Commissioner Yohn feels they should table until they have the final plat and have it reviewed.

**M/S Yohn/Wilkinson motion to table until they have reviewed the final plat Mylar**

**Motion was passed unanimously.**

**Alamosa County Land Use**

*Temporary Use Permit – Jack Rabbit Motocross*

Seth Sutak, Mark Sutak, and Dwight Catalano submitted a Temporary Special Use Permit for their event on July 15-17th. They required them to furnish a bond insurance which they have a General Liability Certificate issued by Wells Fargo Special Risks and also completed a waiver of liability.

Their location is Road 11 S approx 1 mile east July 15th – 17th with the hours of 7am -5:30 pm, they will have signs to advertise event, they have been asked to comply with trash removal, they will have ten porta potties, they will be having concessions with Don Howard, emergency services through Colorado Motocross Medics which follow with these kind of events, they have 80 acres of parking space, a fire action plan and they spoke with Colorado State Patrol, Sheriff, County Road Foreman, no environment health issues, and water is being provided by the City of Alamosa.

They do this so the neighbors are aware of event. This is new in the Land Development Code. In the past they have used this for private use. They are contemplating getting a Special Use Permit to do this on an annually basis.

Mr. Catalano stated he wants to be a good neighbor. This process has taken them a long time. This is a SRAC event. They expect 400 families to come in.

Commissioner Wilkinson asked if they have addressed CDOT with access. He normally doesn’t put signage. Friday they bring in everything in, Saturday they have practice and Sunday is the event.

Commissioner Yohn asked if this is the same area he always uses. Mr. Catalano gave a little history of the Sutaks allowing them to use their property. He knows there are kids going there without permission and be destructive. They are going to try to come up with something to care of this problem maybe not allow them to use the grounds on Mondays and Tuesday or after a certain hour. How much water are they going to have questioned Commissioner Yohn. They
have three water tanks which he rents and they just bought one. They also will have concessions. Their racing is all about dust control. They use around 100,000 gallons of water.

Mark Skinner and Luann Cheslock Skinner were present. They have a lot of trash on road but she doesn’t know if this is because of their events. She is concerned about fires. The interest is different for a neighbor and the participants. The event is growing by 20%. They have been supportive on how people want to use their land but it is very loud and they are trying to be an organic farm. They are also concerned about the expansion of this land.

Commissioner Allen stated they could do something such as the trash if they could go down the road and pick up the trash. Also have a time limit of when someone could be out there. He would have some concerns if it was every weekend but it is not.

Mr. Catalano feels like he is going to be awarded State Championship and he would tentatively like to have this event here in the fall.

Dwight Martin has cattle to the east and a farm near there. He is in favor and he has known the Sutaks along time.

**M/S Wilkinson/Yohn motion to approve for this Special Use Permit for July 15-17th, 2011. Motion was approved unanimously.**

There was a meeting regarding Colorado Roadless Rule. A Website (www.regulations.gov) was given for comments to be made.

The Land Development Processing Calendar was presented.

The Land Use Department Code Enforcement Division report was presented. The Code Enforcer checks with them every day. They have a total of 61 cases. They are taking their manual cases and inserting them into their system. Mr. Kelly spoke about the Gilmore property. A Hearing was held regarding the blight issue. For those that are a perpetual problem he thinks he has another remedy to take care of those. Mr. Vanlarden spoke about some of the blight cases they are working on.

Commissioner Allen would like to have a worksession to review the cases and prioritize them.

**Alamosa County Treasurer**

Lois Widhalm was present.

The Fund report for May 2011 was presented for approval.

**M/S Wilkinson/Yohn motion to approve the Fund Report Motion was approved unanimously.**
They are going through the process of the audit. Everything is positive. She commented on how professional they are and she enjoys working with WSB. Today is the second half deadline for property tax payments. After today they start collecting more interest and they begin preparing for tax lien sale. It is her intention to do another internet sale. Each year it has increased. Next week is Treasurer’s Conference and she has been asked to do a presentation regarding smaller counties on collections. The internet sale will be November 15th, 16th, and 17th. Yesterday she received the agreement and it is identical to last years with just the change of dates. Mr. Kelly will review and will bring for approval at next meeting. They will have trainings available in the afternoon and the evening. They also have training in their office for bidding. They will also have training for the businesses.

**Valley Humane League**

Trish Cunningham President of Board and Jenna Quintana Office Manager were present. In terms of expenses their adoption barely covers just their costs. They try to find a good match for the animal. Initially the County contracted for $700 a month and later it was lowered to $400 a month. They try to not euthanize but concentrate on adoption and transferring out. Their staff hasn’t had a raise since 2007. One of their employees has gotten another part time job to support herself. Their vet is Monte Vista Clinic. They cannot take feral animals. They offer a very important service to the county to take care of stray dogs.

Commissioner Allen asked how many animals they take in on an average. Ms. Quintana stated an average of 20-25 dogs. Commissioner Allen asked if they take cats. They are the only shelter in the Valley that takes cats. Do they work with Rio Grande County Shelter? Their efforts have not been successful to work with Rio Grande County Shelter stated Ms. Cunningham.

Commissioner Allen stated it is hard to come in the middle of the budget year. Their funds come out of the Sheriffs fund and their CSBG funds have been cut 50%.

Mr. Kelly stated this was granted under a Conditional Use which they are not to house more than 20 dogs and not to have any more cats. They will need to come before the board and change the use. They did have some opposition when they issued this Conditional Use. It could nullify their Conditional Use.

Officer Soapes spoke. They can have one month that they could pick up a handful of dogs and another month it could be havoc. For the health and public safety if they don’t have this facility would go back to the old days. The Humane League does a good job, their facility is clean, and provides a good service.

They do get some dangerous dogs — dogs that kill.

Commissioner Allen asked if they get donations. Donations are a large part of this but this a poverty area.
USDA Farm Service Agency

Kevin Reeves and Dwight Martin were present. Handouts were provided. They began last year with an outreach effort to Hispanic and/or women farmers or ranchers for compensation for claims of discrimination. He read a notice that was provided and will be advertised in the Valley newspapers. They will also hold meetings around the counties regarding this information beginning on June 22nd at Rio Grande County Service Center, Alamosa June 23rd, Conejos County June 30th and Costilla June 28th.

Among the handouts was information on the USDA Farm Service Agency.

Thunder Valley Speedway

John McCormick and Jeff Holman were present. Jeff Holman is the new owner of Thunder Valley Speedway. He would encourage waiving the fee for the Fireworks Permit. They want to have fireworks July 2nd.

Commissioner Allen recommended them to stop by the Visitors Center and speak with Jamie Greeman.

M/S Wilkinson/Yohn motion to waive fee for Fireworks Permit
Motion was approved unanimously.

Alamosa County Road & Bridge

Phil West was present. They got their Asphalt laying done yesterday. They did seven miles. Six on West County Line and one on the 109. He was hoping to have some on the 11 mile near Rutgers but maybe next year. Commissioner Yohn asked if he rates the roads in any way. Usually in the winter he writes down all the things that he wants to get done for the year. Mr. West stated maybe they could make a list from the calls they get.

Break

Alamosa County Public Health

Ms. Geiser was present.

She introduced Dominic Muriuki Muriki who is a visiting student. He is from Kenya. He wants to get his Masters in Public Health so he is working with Ola Dovin and Dr. Brinton. They also have an Upward Bound student Megan Martinez that is helping out at the front desk.

Ms. Geiser presented the West Nile contract to be approved at the next meeting. It is with Judy Jolly. Mr. Kelly suggested making a contract rather than a MOU.
She is meeting with other Directors around the Valley tomorrow to begin talking about Regionalization. Also would like to speak about sharing one Environmental Specialist between the counties.

The PCP program she has some concerns just from January – May they are already in a negative. Her options are mileage is costing them lots more than anticipated. They have a telepathy upgrade which will do a GPS to calculate the mileage and also they have three full time people with benefits where she is thinking of taking them to a pm position. They have 34 providers right now. July 1st they will have another cut. Other counties have cut this program out totally.

**Alamosa County Home Health**

She is also talking to Brittney DeHerrera in Billing about bad debts.

They are going to be start paying telehealth visits again. They have eleven monitors but now they are going to be working with them again.

**Department of Human Services**

Larry Henderson and Laurie Rivera were present. They have one supervisor and two caseworker positions that need to be filled. One is for an on-going caseworker for Child Protection that carries 12-15 family cases. It involves court cases and referrals. An intake person is another position that intakes all of the referrals by investigating suspected neglect. A Supervisor position is the other position that they hope to promote in house for promotion and then would have to fill that position. Supervisor currently supervises Core Services, staff, two therapeutic positions, case aids, and two on-going child welfare workers, new workers in training, Foster Care, and Adoption.

**M/S Wilkinson/Yohn motion to approve Vacancies at the Department of Human Services**

**Motion was approved unanimously.**

**SLV Fair Board**

Denise Witherspoon was present. The SLV Fair is August 6th through the 13th. Their theme is Let’s Rally at the fair because Rally in the Valley is raising money for the fair to purchase a sound system for the Ski Hi Park and build the “Beef Palace”. They spend $3000 every year to rent a tent from Pueblo to house the steers. This building will also be incorporated for their office. This year Pro Shed said if they have a shed available they will donate it to them for an office. They have two board members one Ben Christensen from Costilla County and Betsy Strong from Mineral County. She would like to thank Alamosa County for printing and copying the fair booklet. They do have a barbeque and a pie auction where they are printing the tickets for. The Inn of the Rio Grande has been gracious and has given them room rate breaks for the judges. They brought back the Pancake Breakfast. They are trying to bring a lot of the family things back. They went back to buckles for awards.
County Administrator Report
Resolution-Medical Marijuana
Approval of Commuter Authorization Form
Recognition of Larry Henderson, Julie Geiser, and Laurie Rivera

With HB1451 we have been involved for three years to provide a Collaborative Management Program. Department of Human Services is the fiscal agent. Public Health provides immunization. They collaborate with other agencies all the time such as Public Health, Mental Health, Schools, and Probation. They have hired a coordinator and a wrap facilitator to provide service to help families get out of the system. This also includes Conejos County; they are also bringing on Rio Grande County. Sometime maybe it will be Valley wide. They have goals to keep kids at home rather than placement. The Commissioners expressed their appreciation for them working together for the kids.

He attended the (CAOA) Colorado Association of Airport Operators Conference. They need to do a Wildlife Assessment. CDOT Aeronautics Division has a contract with USDA aphis program where they will send someone down to do this assessment. Kendra Cross is the person that does this. They are primarily looking at a safety assessment side.

He attended the CCI Conference. Juan Altamirano did a presentation on protocol they use for the 1041. He and Pete McGee did a presentation on redistricting and the use of County Objectives in terms of trying to meet the requirements for compliance under the law.

Sangre de Cristo Heritage Area him and Commissioner Wilkinson attended the meeting last night. They are in the final stages of Management Plan Structure. They are required to have the plan back to the board in the next three months for review. It has to be accepted by the National Park Service and the Department of the Interior by the end of this year. There were six board members present.

He worked on the RFP for the Audit. It is the third year for their agreement so they will have to bid that out. They will have a three year window attached to it so if they want to do a renewal they can the preceding year.

He is working with Andrew Atencio and Russell Surveying to get measurements for design for the landscape project here.

WIB (Workforce Investment Board) meeting they discussed the proposed realignment of the two counties out of the South Central Region. Those Counties would be Huerfano and Las Animas. That is just awaiting signature from the Governor’s Office. The RFP resulted in three respondents and one did not get one of the contracts. John Sandoval our representative submitted his verbal resignation. He will have to submit a written resignation to the SLV Commissioners Association because they are the ones who appoint someone.

The state proposed cutting HCP to a $149,000 where original contract had been for $179,000. Part of the realignment was Fremont County leaving and associating themselves with Fremont County. There were some technical assistance funds tied to that regional office. The other part
is whether they would continue doing services for Río Grande County and Saguache County. Alamosa County is actually subsidizing that particular program not only for Alamosa County but the other two counties. Their decision was not doing a care coordination for that program for those counties. The submitted a budget for $167,000 and the state said they had to cut it to $155,000. He thinks they are down to $1700 to making the appropriate cuts. They will continue working on this.

The Welcome Center is part of an Association of Colorado Welcome Centers. We are one of the few that has to actually pay support or revenue into the state association to help support the system. They do not get direct dollars back to us. There is a Transparency Program where they mount light boxes on walls and they have a transparency of a photo of advertising. In this particular case it is for CSU Pueblo. The State’s position is they want them to rotate these transparencies. There is an issue in terms of are we competing with Adams State College. They are big part of the economy and a big factor in what we are and what we do. Commissioner Wilkinson stated there is a question if this is related to tourism. Also the photo was a concern if it is appropriate.

Resolution Medical Marijuana

The State extended the moratorium until 2012. This resolution addresses the continuation of the moratorium to coincide with the state. Existing businesses would still need to be under full compliance. This is a moratorium for any new applications. One other concern is if there was an existing license in another county and that county took issue to ban it they could apply in another county for a license. They have gotten calls all ready regarding this. The State is not issuing any new applications right now.

M/S Wilkinson/Yohn motion to approve Resolution 2011-G-3 extending the moratorium for Medical Marijuana

Motion was approved unanimously.

Commuter Authorization Form

Currently they have a minimum of 18 that this would affect. IRS requirements are that we provide this level of information. They are looking at the list of vehicles that are out there for the County. It is Taxable based on 20 days round trip and is primarily for use of the county. The employees have to submit this authorization form for approval from the board.

M/S Wilkinson/Yohn motion to approve Commuter Authorization Form

Motion was approved unanimously.

Board/Staff Updates

Rio Grande County approached them that they want to do some work at Homelake Veterans Cemetery. Cos: for each county would be anywhere from $8,000-$9,000. If they do in-kind it would come out to the same cost for the counties.
M/S Wilkinson/Yohn motion to approve compensating Rio Grande for Asphalt on Homelake Veterans Road.

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, Administrative Assistant

Darius Allen, Chairman

George Wilkinson, Vice-Chair

Mike Yohn, County Commissioner
Minutes of the Public Hearing for Minor Subdivision for David Rittenhouse held on June 15, 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
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 David Rittenhouse were present.

Proposal: The applicant is seeking to subdivide a 1.65 acre parcel into three tracts for residential purposes.

Legal Description: Fr NW4 2-37-10 Beginning at a point on the east boundary line Hwy 17 60 feet east and 1128 feet north of the SW corner of the NW4 of Sec 2 thence east 535 feet thence 134.4 feet thence west 535 feet thence east to point of beginning. Aka tract 3.

Project History and Background: The property is approximately 1 1/2 miles north of the City of Alamosa off of Hwy 17 and is in a Residential Zoned District. The surrounding properties are primarily residential homes on large lots. The applicant purchased the property in 1981 and presently it includes a small single family residence. An artesian well is located on this property which is not being used at this time. The proposed subdivision would create three lots:

A. .65 acres                     B. .5 Acres                     C. .5 Acres
The total lot acreage is 1.65.

Access for the proposed lots would be from Northwood Lane and they would be served for sewer and water from East Alamosa Water and Sanitation District.

Compatibility: The proposed subdivision located in a Residential District is consistent with the regulations and the Master Plan of the County.

Adjacent landowners 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.

Staff Recommendations: The owner has not met all submittal requirements for a minor subdivision in a rural district. The applicant has not submitted a final plat Mylar for review by the Land Use Staff and County Surveyor. The staff cannot recommend approval until the final review process is completed. This should have been turned in several weeks ago. He recommends tabling this application.
Mr. Rittenhouse stated he has reviewed the plat only for five minutes also. The dimensions came out slightly different. There are no well issues, it has been compressed considerably, and historical issues have been compressed the property on the east end. This part has not been surveyed. The Easement between House 1 and tract 2 he is not sure because the County has changed its issue of access so they made it 25 feet.

Commissioner Allen asked if anyone is in favor of or opposition to Minor Subdivision for David Rittenhouse.

There being no further business, the Public Hearing for David Rittenhouse was adjourned.

ATTEST:

Bohina Ramirez, Administrative Secretary
Carol Osborn, Administrative Assistant

Darius Allen, Chair
George Wilkinson, Vice-Chairman
Mike Yohn, County Commissioner
Minutes of the Public Hearing for Special Use Standard for Elizabeth Galles held on June 15, 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
                     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 Elizabeth Galles were present.

Proposal: The proposed Special Use Permit will allow the applicant to operate a Yoga Studio where classes will be held and workshops will be conducted for out of town students.

Legal Description: Tract 2 Belt Division of Land, according to the plat filed for record March 28, 1997 at Reception No. 282025, County of Alamosa, State of Colorado.

Project History and Background: The applicant, Elizabeth Galles purchased Tract 2 of the Belt Division of Land in 2010 which was originally subdivided in 1997. Tracts 1 and 2 share a common well and also share the sewage disposal system. The applicant is installing a new sewage disposal system which will serve her home and will no longer be shared with the adjoining property.

The location of the property is approximately 2.5 miles south of the City of Alamosa on South River Road. The area is zoned rural and the use is primarily residential on large parcels of land. The applicant is requesting to establish a yoga school on the property and to potentially expand her classes which would accommodate out of town students. The classes would be held in her home which features a large room on the second floor that has been remodeled with a special bamboo floor and will accommodate approximately 8 to 12 students with a 3 foot personal space. In addition to yoga classes the applicant proposes to partner with a certified Spanish teacher who is also an artist and will be offering adult Spanish education and art classes for children and adults.

The applicant proposes to market her business in conjunction with established events in the community such as the Festival on the Rio Grande, the Early Iron Festival, The Rio Grande Railroad and the Crane Fest.

Compatibility: The proposed special use is located in a Rural District and is consistent with the regulations and the Master Plan of the County.
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 comment have been received from either adjacent land owners or other concerned parties via email, letters, telephone or other methods.

**Department Recommendation:** The applicant has met all submittal requirements for a Special Use in a Rural District and there is no foreseen major impact to the land. The Land Use Staff has reviewed the proposed application and hereby recommends approval based on the conditions as determined by the Planning Commission.

Ms. Galles asked how this worked if this is yearly renewed.

Mr. Vanlwarden read the following:

**Findings of fact required**

1. No Special Use Permit shall be approved unless the following findings are made concerning the application.
2. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
3. That the application meets all require specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.
4. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
5. That the application will not adversely affect the adopted plans and policies of the county or violate the character of existing standards for development of the adjacent properties.
6. Environmental protections, wildlife habitats, ground and surface water, air quality, jurisdictional wetlands.

Commissioner Allen asked if all Special Use Permits are required annually reviews. Mr. Vanlwarden suggested a two year review. Mr. Wilkinson stated this Special Use will not go with the land if she discontinues the business or if she moves away it does not continue.

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

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

**RESOLUTION NO: 2011 – Z – 2**

**RE:** APPLICATION OF ELIZABETH GALLES FOR A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A YOGA STUDIO ON TRACT 2 BELT DIVISION OF LAND, RECEPTION NO. 282025, IN ALAMOSA COUNTY, COLORADO.
Commissioner Wilkinson moved for the adoption of the following Resolution. Commissioner Allen seconded the motion.

WHEREAS, Elizabeth Galles has submitted an application for a special use permit to allow the operation of a yoga studio on the following property:

Tract 2 Belt Division of Land, according to the plat filed and recorded March 28, 1997 under reception no. 282025, in Alamosa County, Colorado.

said property being zoned Rural (RU) District; and

WHEREAS, a public hearing was held before the Alamosa County Planning Commission on April 11, 2011, which recommended approval of the application with a letter from the Division of Water Resources;

WHEREAS, a public hearing was held before the Board of County Commissioners on June 15, 2011, to consider said application;

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

WHEREAS, there was no individual which expressed support for said application and no individual who expressed opposition to the application; and

WHEREAS, the Board of County Commissioners has considered the application, and finds the application meets all requirements of the Alamosa County Land Development Code pertaining thereto and that the a special use permit to allow for the operation of a yoga studio; and

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

1. That although the operation of a yoga studio is not allowed on this property under normal circumstances, it is allowed under special use review;

2. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved;

3. That the application meets all the required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations;

4. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
5. That the application will not adversely affect the adopted plans and policies of the County, or violate the character of existing standards for development of the adjacent properties.

IT IS THEREFORE RESOLVED AND ORDERED that the special use permit to allow the operation of a yoga studio upon the above-described property is hereby granted as a special use pursuant to the Alamosa County Land Development Code under Article 7, Section 7.8.

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

DATED this 15th day of June, 2011

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

By

Darius Allen, Chairman

(Seal)

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Elizabeth Galles 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 Public Hearing for Special Use Standard for Elizabeth Galles held on June 15, 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  
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 Elizabeth Galles were present.

Proposal: The proposed Special Use Permit will allow the applicant to operate a Yoga Studio where classes will be held and workshops will be conducted for out of town students.

Legal Description: Tract 2 Belt Division of Land, according to the plat filed for record March 28, 1997 at Reception No. 282025, County of Alamosa, State of Colorado.

Project History and Background: The applicant, Elizabeth Galles purchased Tract 2 of the Belt Division of Land in 2010 which was originally subdivided in 1997. Tracts 1 and 2 share a common well and also share the sewage disposal system. The applicant is installing a new sewage disposal system which will serve her home and will no longer be shared with the adjoining property.

The location of the property is approximately 2.5 miles south of the City of Alamosa on South River Road. The area is zoned rural and the use is primarily residential on large parcels of land. The applicant is requesting to establish a yoga school on the property and to potentially expand her classes which would accommodate out of town students. The classes would be held in her home which features a large room on the second floor that has been remodeled with a special bamboo floor and will accommodate approximately 8 to 12 students with a 3 foot personal space. In addition to yoga classes the applicant proposes to partner with a certified Spanish teacher who is also an artist and will be offering adult Spanish education and art classes for children and adults.

The applicant proposes to market her business in conjunction with established events in the community such as the Festival on the Rio Grande, the Early Iron Festival, The Rio Grande Railroad and the Crane Fest.

Compatibility: The proposed special use is located in a Rural District and is consistent with the regulations and the Master Plan of the County.
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 comment have been received from either adjacent land owners or other concerned parties via email, letters, telephone or other methods.

**Department Recommendation:** The applicant has met all submittal requirements for a Special Use in a Rural District and there is no foreseen major impact to the land. The Land Use Staff has reviewed the proposed application and hereby recommends approval based on the conditions as determined by the Planning Commission.

Ms. Galles asked how this worked if this is yearly renewed.

Mr. VanLwarden read the following:

**Findings of fact required**
1. No Special Use Permit shall be approved unless the following findings are made concerning the application.
2. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
3. That the application meets all require specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.
4. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
5. That the application will not adversely affect the adopted plans and policies of the county or violate the character of existing standards for development of the adjacent properties.
6. Environmental protections, wildlife habitats, ground and surface water, air quality, jurisdictional wetlands.

Commissioner Allen asked if all Special Use Permits are required annually reviews. Mr. VanLwarden suggested a two year review. Mr. Wilkinson stated this Special Use will not go with the land if she discontinues the business or if she moves away it does not continue.

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

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

**RESOLUTION NO: 2011 – Z – 2**

**RE:** APPLICATION OF ELIZABETH GALLES FOR A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A YOGA STUDIO ON TRACT 2 BELT DIVISION OF LAND, RECEPTION NO. 282025, IN ALAMOSA COUNTY, COLORADO.
Commissioner Wilkinson moved for the adoption of the following Resolution. Commissioner Allen seconded the motion.

WHEREAS, Elizabeth Galles has submitted an application for a special use permit to allow the operation of a yoga studio on the following property:

Tract 2 Belt Division of Land, according to the plat filed and recorded March 28, 1997 under reception no. 282025, in Alamosa County, Colorado.

said property being zoned Rural (RU) District; and

WHEREAS, a public hearing was held before the Alamosa County Planning Commission on April 11, 2011, which recommended approval of the application with a letter from the Division of Water Resources;

WHEREAS, a public hearing was held before the Board of County Commissioners on June 15, 2011, to consider said application;

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

WHEREAS, there was no individual which expressed support for said application and no individual who expressed opposition to the application; and

WHEREAS, the Board of County Commissioners has considered the application, and finds the application meets all requirements of the Alamosa County Land Development Code pertaining thereto and that the a special use permit to allow for the operation of a yoga studio; and

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

1. That although the operation of a yoga studio is not allowed on this property under normal circumstances, it is allowed under special use review;

2. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved;

3. That the application meets all the required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations;

4. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
5. That the application will not adversely affect the adopted plans and policies of the County, or violate the character of existing standards for development of the adjacent properties.

IT IS THEREFORE RESOLVED AND ORDERED that the special use permit to allow the operation of a yoga studio upon the above-described property is hereby granted as a special use pursuant to the Alamosa County Land Development Code under Article 7, Section 7.8.

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

DATED this 15th day of June, 2011

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

By

Darius Allen, Chairman

(SEAL)

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Elizabeth Galles was adjourned.

ATTEST:

Belina Ramirez, Administrative Secretary

Carol Osborn, Administrative Assistant

Darius Allen, Chair

George Wilkinson, Vice-Chairman

Mike Yohn, County Commissioner