Minutes of the Board of County Commissioners Meeting, held on August 24, 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
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

Remove Resolution regarding list of Arbitrators and the addition of the Temporary Use Permit for Valley Motocross.

M/S Yohn/Wilkinson motion to approve the agenda of 2011 with addition/deletion. Motion was passed unanimously with Allen absent.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:

August 2, 2011 Regular Minutes - BOE Meeting
  BOE Leon Moyer
  BOE OK Corral
  BOE Duff & Phelps
  BOE Frederick Family Trust
  BOE Shirley Mitchell
  BOE A & A Enterprises
  BOE Luxury Inn
  BOE Skyline Hospitality Inc
  BOE Katherine Murphy

August 10, 2011 Public Hearing - Brian & Alicia Cook
August 10, 2011 Public Hearing - Gallegos Construction
August 10, 2011 Regular Meeting

M/S Yohn/Wilkinson motion to approve the Minutes of August 2nd and August 10th, 2011.
Motion was passed unanimously with Allen absent.

Approval of Bills/Obligations

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

Public Comment

Approval of Consent Agenda
Trinidad State Jr College –Student Clinical Agreement
Proherant
12th Judicial District Senate Bill 94 Lease
WSB Computer Service
CCI Legislative Committee Member Appointment
Audit Award –WSB
Fund Report for July

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

Public Hearings
Amendment to Zoning Map in Zapata

Commissioner Yohn stated he wasn’t present then but he remembers the dome being built as a sales office for the land development there. The water issue isn’t their position to take a stand and there will never be water enough for commercial. The best thing is that ZHA could structure it and bring it back to the BOCC. He thinks the BOCC wanted to do what the Zapata property owners wanted.

Commissioner Wilkinson referred back to their last meeting that Land Use recommends approval of rezoning commercial to residential however they recommend ZHA to clear up all land and water issues but the problems still remain. He can’t see anything wrong with two of the areas being commercial and the other residential. They will look into the taxes being paid or not being paid.

Mr. Zeman stated the reason they brought this to the BOCC is to resolve this. Don’t put this off. The whole thing is commercial and right now the property owners cannot develop the property.

Mr. VanIwarden stated it is staff recommendation to keep the top part commercial, the middle residential and below the green belt mixed use. Right now they cannot issue a building permit for the middle area because it is commercial right now. The way it stands now it will never be developed. The Homeowners Association also have due issues.

Commissioner Wilkinson asked how come below the green belt they want to have mixed use.
Mr. Zeman stated because the owners reside there as well. Mr. Vanlwarden stated they allow this so you could live in the residence and have your business at the same place.

Commissioner Yohn asked if all of the property owners are in favor of this or is the ZHA making this decision. In 2008 they issued a survey regarding commercial use in the subdivision where the results were only 7% were in favor, 43% desired limited use and 35% stated no.

Mr. Kelly stated that is not an accurate response because only 36% responded. They sent out three notices to 100% of the membership and the Land Use Office sent out a notice in 2009 to all property owners within 1500 feet. The two property owners would agree to mixed use which they are both present.

Commissioner Yohn believes it would cause more problems within the ones in the residential area. He believes they are going to come back in and want to be grandfathered in because it was commercial.

In 1999 BOCC changed this without the approval of the ZHA or the property owners stated Mr. Zeman. They believe the County has created this problem and they have to resolve it.

Mr. Jim Jones who has been involved in this for several years spoke. He urges the Commissioners to get this resolved. There are land owners who cannot do anything with their property. ZHA Board members are bound to the covenants. There are more involved than just the ones that are objecting. This will solve a lot of issues in the Land Use Office as well.

Commissioner Wilkinson stated there is still opportunity for them to come back in and make any changes.

Addition to the List of exhibits
16. August 22, 2011 letter from the Division of Water Resources

Mr. Kelly stated we are not making any representation of whether they do or don’t have adequate water for whatever purposes.

M/S Yohn/Wilkinson motion to accept the Land Use Recommendation that the northern part be commercial, residential down to the green belt and below being mixed use.
Motion was approved unanimously with Allen absent.

Temporary Use Permit
Valley Motocross

Commissioner Yohn stated he likes the idea but how many neighbors did they go to. Mr. Gillespie stated the block area the square area. Commissioner Yohn stated he lived out there and he didn’t get the notice. He believes that is why they are not getting any opposition today because there was no notice.

Mr. Gillespie stated it is just going to be once a month.
Is there a need for it in residential area with another track already? This is open to the public unlike the others where it is for members.

Commissioner Wilkinson asked why they didn’t go before the Land Use Office before building it. Mr. Gillespie stated they would have built it anyway for their private use. The amount of calls they got regarding this was a concern.

Mr. Kelly stated this application is for only these two days not for every month. They are at a Public Hearing and no public notice was given. It is not in the code for a Temporary Use Permit but this is a concern that there was no public notice. You need to contact the Land Use Office 60 days before hand because you need 30 days for notice.

**M/S Yohn/Wilkinson motion to deny application for Valley Motocross**

Motion was passed unanimously with Allen absent.

Generally you need 1500 feet boundary to provide a notification. This would need to go through the Land Use Office. This would allow them operate on a yearly review.

**Commissioner District Resolution**

This is 30-10-306 Colorado Revised Statute that requires after each Federal Census of the United States each Commissioner’s District shall be as nearly equal in population as possible. The Board felt like there was no need to change any of the current districts. This is to establish keeping the same.

**M/S Yohn/Wilkinson motion to approve Resolution establish District pursuant to the statutes.**

Motion was passed unanimously with Allen absent

**E-911 Telephone Authority**

Pam Stewart was present. She is requesting permission for additional room to install radio consoles. This was set up for Regional Use and they put a secondary for back up for E911. They currently do not have a backup center. In the event of evacuation they have to evacuate they would be able to accommodate three dispatch consoles. They would like to request 10 more feet. Commissioner Wilkinson stated if they could be stacked up and expands or slide out only when needed otherwise this takes up 10 feet of space that they may never use. This would work stated Ms. Stewart only the screens need to be up and running. In the Retac room there is enough room which was looked over by WSB. Commissioner Yohn stated he wanted them to work with the EOC Committee. Commissioner Wilkinson asked if they could get measurements and look for the equipment that could stack and expand; they can accommodate.
Melanie Woodward was present. The Port of Entry stopped in her office and they will be issuing fines for SMM (Special Mobile Machinery). They will be pulling over people. It is up to the Clerk’s office to collect the fees either $500 or twice of what they owe on ownership if less than $500. They will also have to register them at that time.

County Clerk and Recorder’s Report

**M/S Yohn/Wilkinson motion to accept Clerk and Recorder’s Report**
**Motion was approved unanimously with Allen absent.**

**Break**

**Alamosa County Sheriff**

Dave Stong was present.

**Rescind Fire Ban**

**M/S Yohn/Wilkinson motion to ratify rescinding of Fire Ban**
**Motion was approved unanimously with Allen absent.**

They have applied for a grant that will have a full time Counselor with SLV Mental Health in regards to their mental health needs and to provide regular training.

**M/S Yohn/Wilkinson motion to ratify grant proposal for full time Counselor**
**Motion was approved unanimously with Allen absent.**

Monthly Detention Report and Patrol report were presented. They had an inmate in Chaffee that had an emergency appendectomy. The medical bill is an issue right now. He believes he pays them to house them so they should be responsible for the bill.

They are moving forward with the Pre-trial attendees. They are sending out the rfp for a vendor. They took out the section referring to providing cell phone, IT person, and etc. from the agreement because the vendor should meet those themselves stated Commissioner Wilkinson.

**Alamosa County Department of Human Services**

LaGente is offering a space in their office for a Food Stamp person. Their plan is to provide this service and have applied for a grant for this. Commissioner Wilkinson asked about any irate people they would have to deal with. They will send someone trained and experienced stated Mr. Henderson. They will have the new employee being trained. Commissioner Yohn stated what happens when they hire someone else and then the grant goes away what happens to that person they hire. This is a temporary position and the person they hire will be aware this is a
temporary position no longer than June. It also helps that they could train someone and maybe there would be a vacancy that they could fill.

The Ongoing Workload Summary was provided as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Cases</th>
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<tbody>
<tr>
<td>Adult Financial</td>
<td>333</td>
</tr>
<tr>
<td>Adult Medical</td>
<td>595</td>
</tr>
<tr>
<td>Colorado Works</td>
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<td>Family Medical</td>
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<td>Food Stamps</td>
<td>1795</td>
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<td>Long Term Care</td>
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<tr>
<td>Medicare Saving Program</td>
<td>260</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4592</strong></td>
</tr>
</tbody>
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The Food Stamp Issuance Report was presented. Alamosa County issued $482,032 with 1747 cases. Statewide issued $61,812,527.64 with 198,062 cases.

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

The Statement of Expenditures was presented. They showed 46.51% has been spent and the ending Fund Balance is $824,615. The Statement of Revenues was presented. Total of all Revenues are at 48.76%.

**Board/Staff Updates**

**Lunch/Adjourn**

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

**ATTEST:**

[Signatures]

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 Zapata Homeowners Association was held on August 24, 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  
Jason Kelly, County Attorney  
Carol Osborn, Administrative Assistant  
Belina Ramirez, Administrative Secretary

Ken VanIwarden and Pat Lucero were present.

**Request:** This petition and application was filed by the Zapata Homeowners Association for an amendment to the zoning map of Alamosa County requesting that the zoning designation of the following described property be amended.

**Legal Description:** The Zapata Unit three located in the East Half of Section 31 Township 27 Range 73 West of the Sixth Principal Meridian Alamosa County Colorado.

**Parcel Description:** Requesting re-zoning to Residential: Unit III Block I, Lots 1-8; 14-25; Block 2, Lots 1-4 Block 3, Lots 1-7; Block 4, Lots 1-3; Block 5, Lot 1; and Unit III the Eastern 3.85 acres of Tract B. Requesting rezoning to Commercial: Unit III Block 1; Lots 9-13; Block 3: lots 4, 5, 8, 9,10; excluding Tracks H, J, K, L, M. All green belts to remain as common property along with all roads and right of ways.

**Background:** On August 12, 2009, the Planning Commission held a Public Hearing to consider an amendment to the zoning map. A motion was made and seconded to recommend to the Board of County Commissioners to deny the application. The Board of County Commissioners denied the application and asked the ZHA to provide clarification of the commercial water available and to provide documentation as to a notification to ALL ZHA members.

The intent of the association in making this request is to align the association covenants and water decree (w-3345 and 80 CW 132) with Alamosa County zoning. The plans for the subdivision from the beginning were to create a distinct commercial area located to the north of the residential development. Over time the scope of the subdivision has changed but remains primarily a residential community.

Currently all of unit III is zoned commercial. The plat shows a total of 224.96 acres. The ZHA has water rights to 28.80 acre feet of water of which 2.88 acre feet is for consumptive use of commercial water rights. Presently the property owners in unit III are unable to acquire well permits in unit III for either residential or commercial designations for lack of clarity as to the purpose of the property.

In the interest of the ZHA, unit III property owners and the county proposed to designate an area for commercial use at the northern portion of unit III, which historically was intended for
commercial water use. This area includes land that was originally proposed for a church and a school in addition to the original commercial development. The area to remain commercial is slightly less than 60 acres and is buffered from the rest of unit III by ZHA green belts. It abuts Hwy 150 from the south with egress by way of a designated airstrip (Airstrip Lane) which has never been developed.

There are currently three (3) commercial wells in unit III, none of which are in the proposed commercial zone. One is permitted (59075-F) to the ZHA and allocated to the common lands, green belts, roads and airstrip. The other wells are permitted to residential properties.

However, it is the opinion of the staff that additional consideration should be given to Block 5, lot 1 because of the information given to use about the commercial zoning status of the parcel. We have not been convinced that it should be re-zoned to residential but maybe a mixed use zoning should be considered.

Staff Observations/Potential Findings of Fact:
1. The proposed change is consistent with the Master Plan
2. The proposed change is compatible with existing and allowed uses on properties in the neighborhood and is the appropriate zoning for the property.
3. Conditions in the neighborhood have changed to the extent that the proposed change is necessary.
4. The proposed change does not result in significant adverse impacts on the environment.
5. The proposed change addresses a community need.
6. The proposed change results in a logical and orderly development pattern in the neighborhood.
7. The proposed land use type density and intensity are consistent with the all supplementary regulations.
8. The applicants have complied with the notification and water issues as requested by the BOCC.

Jack Zeman residing at 337 Cedar Ridge Road Chairman of ZHA was present and spoke. Their application to change the zoning in the lower portion of Unit III is correct an issue that was created in 1999 when the BOCC zoned all of Unit III Commercial. At that time they created a conflict between the zoning and their covenants. Both zoning and protective covenants has Land Use mechanisms are subject to legal limitations. The county has no power to undermine or erode the benefits of protective covenants by imposing lesser restrictions to zoning. Neither does the developer have the ability to erode the restrictions or benefits of zoning by posing lesser through protective covenants. Either regulator can impose greater restrictions than exist by virtue of others. As an example when a protective covenants prohibits commercial use of a parcel zoning cannot overpower that use. If zoning prohibits commercial use of a parcel a protective covenant cannot empower that use. At the Last Board of Directors they passed a resolution in support of their application. There are seven board members and all six casted a vote in favor of the resolution and one abstention by Erin Smith. She had a conflict of interest as she owned property in Unit III.
In 2009 when they first brought this issue to the BOCC they submitted evidence which they believe indicates the original intent of the covenants as designated by plats filed with the County designate the Commercial Area to be the area north of the green belt. He has gone through all the minutes of the Planning Commissioner and the BOCC through 1974. Everything in Unit 3 residential except in 1977 the BOCC designated three plats commercial. Mr. John Howell came before the BOCC requesting an amendment to the plat of Unit II which became Unit III. The BOCC passed the resolution 1981-Z-17 granting the change of designation from rural/residential/commercial to residential/commercial districts dropping the rural designation. In 81-Z-17 nowhere in there does it designate a change in zoning of any parcel in the replated Unit III. It is their position that Unit III original intention and covenants designates that a commercial area be in the far northern tip of Unit III and anything below that green belt be designated as residential.

Land Use recommends a lot in the lower part of Unit III be changed to a mixed use. That parcel is Unit II Block 5 Lot 1 owned by Mr. Schultz. The exhibit from Mr. Schultz claims historically his property was commercial property having various businesses continuously for 35 years. In 1977 Resolution of Adoption of the Final Amended Plat at that time of Unit II of that parcel which became Block 5 Lot 1 Unit III designated residential not commercial. This property has continued been designated or zoned Commercial is not accurate. In 1999 when the BOCC amended the zoning of Unit III and made it all commercial Mr. Schultz was present at that meeting. From the minutes of 11/17/99 planning commission minutes Bob Schultz presented a map purchasing Zapata Unit II and stated Unit III was carved out of Unit II and then presented a second map showing the current layout of Unit II. At the end of his presentation Mr. Schultz recommended the entire Unit III be zoned commercial. At the time Mr. Schultz was a member of the Board of ZHA. Prior to the Planning Commission meeting on this matter a motion was made to adopt a resolution in support of the application. They believe this was done illegally because it was not brought forward by a property owner of Zapata Division, not by the ZHA, nor by the Board of Directors. This was not signed by a member or the governing body of ZHA. A Notarized letter of approval of this change from the ZHA sought but was never received. This was illegal and should have never occurred. None of the owners were asked if they wanted to be zoned commercial in 1999. Mr. Schultz also applied for a decening of his water well. In the application he claimed ownership of property which was not owned by him at the time Unit III Block 1 Lot 25. He was taking water which he did not own and he was granted a Commercial well.

Mr. Vanlwarden stated based on recommendation they made on Block 5 Lot 1 he submitted some information that says findings of fact that Zapata Land Company has applied for a Zoning Amendment from Rural District to Residential for certain properties described as follows. All of Units 1 and Units II Zapata not to be zoned Commercial or left as open space more specifically to be described as follows: Block 1 Lots 1-16, Block 2 Lots 1-30, Block 3 Lots 1-40, Block 4 Lots 1-6, Block 5 Lot 1-10 is he confusing that with Block 5 Lot 1 Unit III. He doesn’t see where that was changed.

Mr. Zeman stated this was Unit II before it was replated as Unit III in 1997 when the resolution was adopted. Finding of Facts where Zapata Land Co has applied for a zoning amendment from rural to residential described as follows all Units 1 and Units 2 Zapata not be zoned Commercial
or to be left as open space. The remainder of that paragraph designates all property in Unit 1 and at the end of that paragraph it says all of the above be in the Unit 1 of Zapata section of 31-32-33 Township 27 S. The second paragraph designates properties in Unit 2 which was the precursor to Unit 3. At the end of that paragraph it indicates Block 53 Lot 1 which that lot eventually became Unit 3 Block 5 Lot 1. This lot is designated in 1997 as being residential. Mr. Vanlwarden stated he shows Exhibit 11 to be 81-Z-17. Mr. Zeman stated that occurred 7/5/77 prior to John Howell owned the property.

Commissioner Wilkinson asked was there any Commercial property in this area before this was started. It was primarily residential stated Mr. Zeman the only area was Unit III when they originally plated. The final amended plat was filed in 1977. There are two parcels EE and FF and on page 12 of exhibit EE and FF are described as being Commercial. The final amended plat were to be Commercial then when John Howell took ownership of the property and started redeveloping the subdivision he made the change to Unit III and added the Air Strip. Because he added the Air Strip in there he had to reconfigure to lots in that area where he created Unit III. From the minutes of the Planning Commission on December 16 1981 John Howell presented a colored map of the entire subdivision per review of the Commission.

Mr. Vanlwarden read a portion from a letter submitted from the Division of Water Resources dated August 22, 2011 as follows:

Zapata Subdivision is currently allocated fewer than three water well permits located on land within the area proposed to be re-zoned as residential. Therefore, if the rezoning is approved, we may have a situation where there will be commercial wells that are legally permitted by my office for commercial use located on residential lots where the county may prohibit those commercial uses. It should be noted that the Water Augmentation Plan could be modified to provide water for the entire commercial zone, resolve the “horse watering” disconnect between the Covenants and the Augmentation Plan, as well as addressing several other related issues. However, any change to the Water Augmentation Plan must be approved by the Water Court.

Mr. Zeeman stated after Commissioners tabled their request in 2009 they were asked to supply a letter from Division of Water Resources of confirmation of water being available. The March 19, 2010 letter from their attorney Eric Schwiesow who did an analysis of all the engineering studies ever done on the Zapata water situation. They indicate they have water available and own a commercial water well that allocates under 3/4 commercial water. They got a permit to save that water so it would be applied for those not asking for Commercial development. It is curious that the Division of Water Resources would say it would be a problem for them granting Commercial Well Permits in residential areas when in 1976 they granted a commercial well permit to the original developers on a plot which was not zoned commercial. On the letter the Division of Water Resources provided on August 11, 2009 it stated they would grant Commercial well permits to applicants in that triangle area. On Mr. Schultz’s application he included property Unit III Block 1 Lot 25 which is across the road from his property which was zoned residential. Thus the Division of Water Resources included a parcel which was residential but Mr. Schultz claimed his property to be commercial.
Mr. Vanlwarden read a portion from the letter of August 11, 2009 addressed to Erich Schwiesow as follows:

The Division of Water Resources is not required to issue well permits based on solely the zoning of the lot in which the well will be used. Similarly, we do not revoke commercial permits simply because they are on lots not zoned commercial.

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

Robert Schultz lives on Block 5 Lot 1 spoke. He is disappointed that Mr. Zeeman has his facts wrong. The property that was also included in permit lot 24 which he owned at that time. When he purchased the property with the dome house on it in 1985 there was a question as to the zoning. He went to the Clerk’s Office he was shown 81-Z-17 and was assured by Paul Motz who the County Attorney at that time was assured him that the property was zoned commercial. At the time the well permit was issued to Malcom Stewart in 1975 the only plated portion of the subdivision was Unit 1. Unit 2 was not accepted by the Commissioner until 1976. The reason that the permit was issued as a commercial permit was because the intent was to build the dome home and use it as an office. The Zoning in 1981 by Mr. Howell was because this was designated residential and he had the intention of rezoning what became Unit 3. So the plats and zoning don’t match up. The interpretation of Mr. Motz was when you have a listing of parcels these were intended to be zoned commercial and the ones not listed were to be zoned residential.

Commercial Wilkinson asked how this would affect him if he runs a business. They do have a business currently a computer consulting and his wife has a craft business. They intend now that his wife is retired to run a retail component of business. They believe they have been operating legally and openly. This would be taking of their property right.

Barbara Parker who owns Block 25 Unit 3 spoke. She doesn’t know anything about the water or the covenant but she would like it to remain commercial because that is how she purchased it and that is how she would like it to stay.

Erin Smith member of ZHA and own property in Unit 3 spoke. The Commissioners made it commercial and that is how she purchased it. She can’t sell it as residential or commercial. She has come to the conclusion it is like a family that you make individual sacrifices for the good of the whole family so the only solution is to become residential. She recommends the Commissioners to return Unit III to residential so other people can sell their property. She feels sorry for Mr. Schultz and she feels he is rather grandfathered in at this point.

Mr. Zeeman presented on page 2 of permit Mr. Schultz described the legal description as Lot 1 Block 5 Unit III and Lot 25 Block 1 Unit 3 Zapata.

Joe Funk lives on the Zapata Subdivision spoke. In 1999 he was present at the meeting where they said they were going to stop spot zoning. Now this is going back to spot zoning. The taxes have never been paid commercial taxes. Residential is 7% and Commercial is 29%. There is no business license for Schultz that he has ever found. He has a business and he gets one every year.
Robert Schultz spoke again. Mr. Vanlwarden read from the well permit the legal description was Lot 1 Block 5 Unit 3 and Lot 25 Block 1 Unit 3 Zapata. The household use and domestic wells must indicate type of disposal system to be used and that is domestic and commercial septic tank and leach field. This is Well permit 036007-F issued 12/18/99. Their businesses have been open, inspected by the County Assessor, and had tax licenses at that time. Commissioner Wilkinson asked if he has tax licenses now. Mr. Schultz stated she closed her craft business. Commissioner Wilkinson asked if he still did his. Mr. Schultz stated yes but the retail component was small enough that the state considered it kind of a nuisance because of it would cost more for them to do it. The most was $10 in a quarter. If and when it takes on a different role he would re-file for the tax permits. He can supply photo copies of the tax licenses from the past.

Mr. Vanlwarden clarified Block 5 Lot 1 of what harm is going to be if it is rezoned from residential to commercial since he has the water and the Division of Water Resources is not going to revoke the commercial well permit. Commissioner Wilkinson stated they had asked ZHA to come up with a solution and there is still not a solution. As far as spot zoning it already has been spot zoning years ago.

Mr. Kelly stated there were two issues that he sent a letter to the ZHA. One was a notice issue were the board felt like they needed to make sure all the property owners were notified. This was corrected by having a proper ZHA Board meeting and making a decision. Their decision was to move forward with the application. The other issue was the water issue. We still have that issue. The problem is the County is not going to resolve this issue. The Division of Water Resources letter and the attorney Eric Schwiesow letter are conflicting. It did state that the water could be resolved but would have to go through water court. If county leaves as commercial and ZHA can say they won’t allow commercial. Also we could zone residential but the ZHA could change that as well. They could make it residential and Mr. Schultz would obtain a Special Permit but the ZHA has to approve that. They could also change but below the greenbelt you could have mixed use.

There being no further business, the Public Hearing for Zapata Homeowners Association was adjourned.

ATTEST:

Belinda Ramirez, Administrative Secretary

Carol Osborn, Administrative Assistant

Absent
Darius Allen, Chair

George Wilkinson, Vice-Chairman

Mike Yohn, County Commissioner
Minutes of the Public Hearing for Valley Motocross Temporary Use Permit was held on August 24, 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
Jason Kelly, County Attorney
Carol Osborn, Administrative Assistant
Belina Ramirez, Administrative Secretary

The applicants are applying to have a special event for August 27th and September 3rd. If this would be approved it would be limited to those two events. According to the LDC it allows the Land Use Administrator to approve or deny permit. There are a lot of things involved here so he would like the County Commissioners to make the decision. During the preconference they outlined what the process was. It was not to put a motocross track there but told them they could apply for a special use permit on an annual review. This would allow them to hold special events anytime they wanted during that tenure of that permit. They could also apply for a Temporary Use Permit and this is what they have chosen to do. It is not in a permitted use area. He has supplied maps to the commissioners to show the density there. There are neighbors within the area. It is off the highway 160 however they did speak with the Colorado State Patrol and they had no problems with this. Fire Department letter showed an address a motocross track located at 12721 E Hwy 160. This is not a permitted motocross track it is for private use only. He does have a concern with this because it is being referred to as a permitted Motocross Track and a name associated as that.

Saul Gillespie and Matt Wolfe were present. He stated this is an organization not a track. They have a track in Mosca Thundervalley and they have a circuit BMX that goes there. They just wanted to move their circuit back and forth. Art Danforth is the property owner. Saul Gillespie is the applicant. They both agreed to confrom to the regulations by signing this application.

Mr. Gillespie stated they did close off the access off Highway 160 and the only access is through Accera Lane. On application Item 14F stated they did contact Insurance Company and this would cost $3500-4000 per year for General Liability.

The BOCC could ask for the following:
  a. An environment impact study/statement
  b. A roadway impact analysis study
  c. A drainage study
  d. A socioeconomic impact study/statement
  e. Studies, comments, referrals to agencies or professionals whose area of jurisdiction of expertise is applicable to the use being proposed

Mr. Gillespie stated they spoke with all the neighbors. Most were okay with this but some were concerned with the dust. They did purchase a water truck.
Commissioner Wilkinson asked if anyone is in favor or opposition to this application.

Monica Wolf spoke. She is in favor of this because it gives the kids something to do and takes them off the street. They should be given the opportunity to try it and see how it works. Anytime you have anything new you will have neighbors questionable about it. As a parent of one that rides you have a lot of concerns but she knows that they are being safe.

Matthew Wolf spoke. He stated they wanted to do this for the community more than anybody. There is nowhere to ride they all take their kids to Denver to ride.

Saul Gillespie stated the whole point is not to make a profit the point is to put the money back into the motocross. It is just for the kids. They have 30 kids under 12 that ride and an additional 50 gentleman.

**There being no further business, the Public Hearing for Valley Motocross was adjourned.**

**ATTEST:**

Belina Ramirez, Administrative Secretary

Carol Osborn, Administrative Assistant

Absent

Darius Allen, Chair

George Wilkinson, Vice-Chairman

Mike Yohn, County Commissioner