
Minutes of the Board of County Commissioners Meeting, held on October 25, 2023, at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Lori Laske, Chair
Vern Heersink, Vice-Chair
Arlan Van Ry, Commissioner
Jason Kelly, County Attorney
Roni Wisdom, County Administrator
Jamie Greeman, Deputy Clerk

Invocation

Pledge of Allegiance

Approval of Agenda

Changes to the agenda were, removal of the Employment Agreement for Computer Services from the agenda, add presentation from the Sheriff's Office to the work session, and move the Employee of the Quarter Appointment to the top of the agenda so that the employees may return to work.

m/s Heersink/Van Ry motion to approve the October 25, 2023 agenda as amended

Motion was passed unanimously

Approval of Minutes

m/s Van Ry/Heersink motion to approve the October 11 Regular Meeting Minutes

Motion was passed unanimously

Approval of Bills/Obligations

General Account Check # 157955 - 158125

PH Check # 35637 - 35657

Request to remove check payable to Arlan's Pro Services for separate approval.

m/s Heersink/Van Ry motion to approve the Remaining Bills/Obligations of Alamosa County

Motion was passed unanimously

m/s Heersink/Laske motion to approve Arlan's Pro Services

Motion was approved with Van Ry abstaining

Public Comment

There was no Public Comment.

Employee of the Quarter – Sonia Salinas presented the Employees of the Quarter.

Linda Mitchell - Linda always goes above and beyond not only for the office but for everyone in the building. She is a team player and is never afraid to learn something new while still willing to lend a helping hand. She's the face of the Land Use Department and is always helpful and friendly to all members of the County.

Fred Salazar - Fred has maintained several positions with the Department of Human Services and he has been witnessed being a great team player by his willingness to return to previous positions to help the lead due to being understaffed. He is loyal, honest, works hard and has a unique sense of humor that helps ease stressful and conflicting situations that the Department faces.

Malachi Sandoval – Malachi is amazing with his work ethic. He goes above and beyond even coming into work on his scheduled days off when needed. He is a protector and puts the safety of others above his own. He's incredibly knowledgeable, motivated, dependable and committed and the Sheriff's Department is lucky to have him.

Profirio Garcia - Porfirio siempre es amable y agradable. El siempre está listo para ayudarlo a todos y toma mucho orgullo en su trabajo y en nuestros edificios. He is always pleasant and kind, he is always willing to help others, and he takes pride in his work and in the buildings.

Catarino Villarreal - Catarino está en el trabajo todos los días y siempre está listo para trabajar. El siempre está dispuesto a ayudarle a todos y hace lo que se le pide. Catalina is at work every day and is always ready to go. He is always willing to help out and does whatever is asked of him.

Commissioner Laske said the employees are incredibly important to the County's operations and the Commissioners are so grateful for the wonderful employees and this is a great opportunity to celebrate their accomplishments.

Consent Agenda

Alamosa County Weed Control Report
Alamosa County Semi-Annual Fund Report
Public Trustee Quarterly Report
Lease Policy
Land Use & Building Department Fee Increase
Application for Secure Transportation

The Land Use & Building Fee Increase was pulled from the Consent Agenda.

m/s Heersink/Van Ry motion to approve remaining Consent Agenda items
Motion was approved unanimously

Land Use & Building Fee Increase Discussion – Richard Hubler said that the fees were last adjusted in 2019. Rio Grande County and the City of Alamosa have recently adjusted their rates. The Land Use Office reviewed existing fees for land use and related actions. Permits or applications typically follow two review pathways. One is the full path that goes through both the Planning Commission and the County

Commissioners and one is more administrative in nature. Fees are then standardized based on those two approaches.

There are application types like subdivision, zoning amendments, site plans, and special uses that come through the full process and all have a similar proposed fee. Those that don't require that full process have a lesser and also similar fee. Those fees are being proposed at \$500 and \$300. On the building side, fees were added to the schedule like major site plan reviews, and minor site plan reviews.

Other fees and ordinances were organized so that it could all be on one consistent fee schedule for publication. On the building side, they have always used Appendix L from the International Residential Code. The calculation uses a basis of valuation dating back to about 2015. Those fees aren't consistent with the industry, they're well under the actual valuations and buildings, and also don't cover administrative accounting expenses, which has gone up over the past decade.

Fees increase over time as buildings have gotten more expensive, but it varies depending upon what the buildings are, and what is being built across the country in a variety of jurisdictions. The Land Use Office is proposing to use the building valuation data table published by the International Code Council from the prior year. For example, the fees now would be based on the IRC from February of 2022. When it gets to January of 2024, then they would use the February of 2023 version. That would make it automatically adjust based on the market and the industry.

Other existing fees on the building side have either been consolidated or simplified. The Land Use Office removed a couple that they don't do any more. For instance, they've permitted campgrounds and mobile home parks since the early 2000s. The State now has a mobile home park oversight program that does a registration and the Land Use Office is hands off with that. They are proposing adjusting some of their other fees to match such as CORA request fees for copies.

Commissioner Van Ry said that it is good that Alamosa County is within the same limits as everyone else so that everyone kind of knows what's going to cost no matter which county they are in.

Commissioner Laske wanted to note for the public that it is rare to see government fees actually decrease. She thinks it is a good plan moving forward and likes having the ability to go back to the IRC Appendix, something that is standardized.

m/s Heersink/Van Ry motion to the Land Use & Building Department Fee Increase
Motion was approved unanimously

Public Hearing

Special Use Permit 2022 SUP-1 for Daniel & Perfilia Vigil 6951 Gaumer Ln – See Public Hearing Minutes

The Regular County Commissioner Meeting resumed.

The Commissioners agreed that the conditions for the Special Use Permit had been met.

Perfilia Vigil wanted to make sure that her neighbors were recognized for helping her with the fence.

Special Use Permit - Robert & Wendy Willett, 9760 Stanley Rd. Applicant is proposing to use the property for a hotel – See Public Hearing Minutes

m/s Heersink/Van Ry motion to approve Special Use Permit 23-008 with the condition that the letter of authorization from the lender be provided prior to the issuance of any permit.

Motion was approved unanimously

Special Use Permit - Denslow Cattle Company, applicant is proposing to develop aerospace engineering research & development and general manufacturing facility – See Public Hearing Minutes

m/s Van Ry/Heersink motion to approve Special Use Permit 23-007 with conditions

Motion was approved unanimously

Appointments

Operation Greenlight Resolution – Commissioner Van Ry read the Operation Greenlight Resolution.

WHEREAS, the residents of Alamosa County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of those who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Alamosa County seeks to honor individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, active military service members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, Alamosa County appreciates the sacrifices of our United States military personnel and believes specific recognition should be granted; therefore, be it

RESOLVED, with designation as a Green Light for Veterans County, Alamosa County hereby declares from October through Veterans Day, November 11th 2023 a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, Alamosa County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying green lights in a window of their place of business or residence from November 6th through the 12th, 2023.

Budget Hearing Dates - MariCruz Mora attended the Commissioner meeting to provide the hearing dates for the 2024 Alamosa County Budget. The first hearing will be on November 8th and the final hearing will be on December 6th.

Levee Discussion – Erin Minks, Senator Bennet’s office, and Richard Hubler provided updated information on the levee. Richard Hubler said that the City and County have contracts with AECOM. They’re currently undergoing their first phase, which is an analysis of everything about the levy and filling in the information gaps they have. They have done some environmental assessments. They’re out today with their engineers walking around on the County side of the levee, they did the City side yesterday. AECOM was needed to address the FEMA decertification, after which would be the re-construction, which is likely to be in the neighborhood of \$25 million.

Erin Minks stated that the last time she came to the Commissioners she thought there would be money available from FEMA, but she has found out that it is a lot more complicated. In the last month, Congress has been asking offices to reinitiate conversations with communities about projects that would be authorized through the Water Resources Development Act. Through that act would be how to access Army Corps money. In the past, the levy certification was an Army Corps exercise. But the FEMA route that was chosen with the AECOM study was in the hopes that it would get the level of funding through the study to potentially pay for construction. Last winter, they submitted a congressionally directed spending request for the Army Corps to fund this project. But the Army Corps came back and said that it wasn’t authorized. The Army Corps needs to have their own study to authorize the work.

It was then decided to go through the Water Resources Development Act Route to authorize a study. Erin Minks’ office met with Richard Hubler and the City of Alamosa to pull together all the details. After a lot of back and forth, the Army Corps said that the City and County didn’t need WRDA but just needed to ask for a study. The City and County discovered the need to ask specifically for a Section 216 Authority Study that would allow the Corps to pursue a funding request for construction.

The City and County planning group is trying to untangle the issues around funding another study, as it looks like duplication. To get the level of funding required for federal aid to help pay for this project, it will have to come through the Army Corps. The Albuquerque office of the Corps did some research and discovered that in looking at the demographics of East Alamosa, there is some urgency around this for the study that they do, and will go in favor of recommending that this project be eligible for construction dollars. The AECOM study is critically important.

There's a parallel duplicative floodplain mapping effort, but the Army Corps needs to have their own floodplain mapping. The Army Corps said that they are paying for the floodplain mapping, which they said that they would do five years ago. And the CWCB and FEMA are already mapping the floodplains like we asked five years ago. The CWCB/FEMA is closer to wrapping up, and it is going to feed into the flood insurance map. The biggest issue is to figure out what is needed to do to the levees to make FEMA happy. FEMA will not pay for the \$25 million to fix the levees, they'll just change the floodplain map. The Army Corps is interested in building stuff, and if the Army Corps does their own study, that's where the

East Alamosa piece fits in. The cost benefit for that is huge and may put the community in a pathway so that ultimately the Army Corps does the construction piece on the levee with their money.

Roni Wisdom asked if part of the reasoning to go with FEMA, as opposed to the Army Corps, was because FEMA was not as stringent with some of their requirements. She asked if it is necessary to work with the Army Corps, and would there be additional match money above and beyond what was originally thought.

Richard Hubler said the best-case scenario is to be able to get in the right lane with the Army Corps on the construction piece, and then they just fit it into their schedule to get it done and pay for it. Related to the other question, the County and City built the levees decades back. Those levees were part of an Army Corps program, which was kind of like a warranty. But in the mid-2000s, that warranty broke down and fell apart because of actions with the Army Corps and the City mostly. The levee itself fell out of the Army Corps warranty and maintenance program. Then FEMA said that they could no longer map the floodplain while crediting the levees. They can't utilize them on their flood insurance mapping, because they don't have any guarantee that they're going to work. So, approaching it through the FEMA side was a goal to basically have a FEMA certification because there's a lot of levees that the Army Corps never had any engagement with. The AECOM approach was getting a certified FEMA engineer to give information on what was needed to do to fix the levees. The levees could be fixed and then hopefully FEMA could agree that it meets their criteria, whether the Army Corps is involved or not, it will keep the levees as valid levees. That is the gap between the million-dollar study and the \$25 million construction that they are trying to fix.

Richard Hubler stated he believes that there was probably inaccurate information about the community's capacity to sidestep getting the Army Corps involved again. That was at best, wishful thinking, and probably at worst, not useful thinking, because having the Army Corps come back and help fix the levees, and allowing them to pay for that work, is probably the best approach in the long run.

Commissioner Laske said that the main goal is to get the levees fixed, but asked if the problem was just getting the \$25 million.

Richard Hubler said there are two components to the levee situation. One of them is a paperwork issue like flood maps and flood insurance. The other piece is physically related to flood events within the river. The levees are designed to protect, and one of the things that they're not designed to protect on the County side is East Alamosa. When the levees were originally installed, there was a design parameter that caused spilling first into the Alamosa Ranch and then into East Alamosa so that if it overtopped the levees, the vast majority of the City would be protected. On the physical side, that's one of the other things that are being looked at. Engaging the Army Corps helps to address that physical side. Both paths are needed but looking at slightly different things. The FEMA path is more about avoiding costs for insurance. And the Army Corps path is about making sure that the structural capacity of the levees is there and being paid for.

Alamosa County Health

- August 2023 Financials (attached)

- Home Health (SLV Home Health)
 - Census is 77
 - Staff needs: CNA, RN
 - Continuing to utilize a medical staffing agency RN until December 9.
- Regional Environmental Health Program
 - Program manager and one of the EH Specialists attended CEHA conference October 10-13 in Estes Park.
 - Applied for National Environmental Health Association (NEHA) FDA Voluntary National Retail Food Regulatory Program Standards grant for \$19,000.
 - Program manager presented program goals to the SLVPHP at their last meeting:
 - David to complete food standardization by January 1, then assume more retail food responsibilities from Gary.
 - With expected receipt of NEHA/FDA grant, complete a Self-Assessment of all Nine Standards and complete a Comprehensive Strategic Improvement Plan by January 1, 2025.
 - Establish a pool inspection program.
 - Formalize School inspections, focusing on safe chemical storage and disposal aspects.
 - Create a Food Borne Illness Outbreak Response Plan in coordination with CDPHE Field Epidemiologists.
- Regional Emergency Preparedness and Response
 - Assisting all counties with the current PHEP SOW.
 - Promoted and participated in Surviving in Place training September 21-23.
 - Assisting Mineral County with exercise planning.
- Public Health Partnership
 - Finalizing our Regional Community Health Assessment
 - Alamosa Community Health Assessment meeting on September 28 had good participation.
 - Community surveys are open until October 27.
- Public Health
 - Staff needs: RN
 - Immunization program
 - Flu – Department, County employees, CDOT Health Fair complete. Senior Center Health Fair on October 24 in partnership with AHEC. Working with Alamosa County jail to provide inmate flu vaccines. Open to the public as of October 24.
 - COVID – bumpy roll-out of COVID vaccine, now in stock and available to the public.
 - RSV- also a bumpy roll-out, now in stock and available to the public.
 - Participate in Vaccine Equity group.
 - Communicable Disease Prevention and Control
 - West Nile Virus – WNV season ends the end of September. We have met with Alamosa Mosquito Control District to review the season and plan for next year's prevention measures.

- COVID – Community level jumped up to Medium as of October 13. Updated mitigation recommendations were distributed to high-risk settings, schools and child cares, health care facilities and others, including Alamosa County employees.
 - STI's – Syphilis, gonorrhea, chlamydia rates have been high locally, statewide and nationwide. We have been attempting to establish testing and treatment, but have been limited by staffing. We have the opportunity to partner with Pueblo Health Department to help address the high rates.
- Temple Hoyne Buell Healthy Teen Sexuality
 - Buell Foundation Meet and Greet on October 13; met new CEO.
 - Comprehensive Sex Education at Alamosa High School October 30-November 5.
- Other
 - Host site/agency for EPA Lead Awareness training November 8
 - Public Health Department retreat is Friday, October 27.
 - Continue to host ASU Nursing students a couple days a week.
 - Have identified some department policy gaps, so are drafting policies.
 - Updating our Public Health Emergency Operations Plan (PHEOP).

Business & Personal Property Concerns – Jared Smith read the following letter which he wrote to the County Commissioners.

Hello, my name is Jared Smith. I represent no fewer than five businesses in this State. For the past thirteen years, Alamosa County has engaged in a practice of discrimination and harassment against them (me). Also, being a disabled veteran, I wish to state that I have EARNED my right to be here. I have purchased the land and water rights in question and I pay my taxes.

As I have previously stated, I have attempted to get in contact with you, the Commissioners, regarding these matters since July. For three months I received no reply. It seems clear the Land Use has a habit of not doing what they say they do, which should be addressed. Deceit is unacceptable, even or especially for the sake of CYA. It first began around 2013 with the County refusing to issue an address so I could apply for legal access from CDOT in order to farm my property.

After eight years, culminating in a very negative public conflict, the County capitulated and finally issued the address. Also as a result of that conflict, a development plan was ironed out with Land Use that required no permits. Farming requires no permits. This included the ability to place necessary solar required to power irrigation pumps. Isn't it amazing the progress that can be made when people sit down to resolve issues?

Anything in addition to this, such as occupied structures or buildings over 200 sq ft required permits, as the code requires. I have not deviated from that approved development plan. Sadly, on or about June 30th, a letter was sent to the listed address stating that I was in violation of the code and I was to cease development immediately. Naturally, my next stop was the Land Use office to express my frustration at the continued harassment.

Once it was established that Land Use was in error, Richard Hubler seemingly began looking for anything and everything to gig me on. Ultimately, only the solar power used for the agriculture system was truly in question. But to be sure, he thumbed through any and every possible item in an attempt to be right rather than to understand and address the situation.

Despite being part of the previously approved development plan, I decided to just put everything in a trailer and use extension cords as Land Use has no authority over trailers. Because we all know how safe those are. NEC updated the electrical code a few revisions back mandating the placement of electrical outlets every 6' along walls to eliminate the use of extension cords due to the fact they are a leading cause of fire and death. So once again, I state that Land Use is not concerned with safety or things being done properly. But I digress. This has only added to my costs and further delays.

However in the back and forth, Mr. Hubler also tried to take issue with my well. Never mind that all wells are under the authority of the State Engineer, not Land Use. Well ID 3505729 with a first recorded beneficial use of December 31, 1934. This well is recorded and on file with the State Engineer since at least 1979. This well was approved and in compliance. This well accesses confined aquifer(s) located on my property which my water rights give me access to. It is groundwater (not fed by a ditch). I own my water. I have every legal right to use it in any manner I deem beneficial, so long as I do not exceed my 'limit. As the well is restricted by pipe size, my understanding is it is never possible to exceed my limit.

The County Attorney, Mr. Kelly likely remembers this fact as the well is a permitted 'structure', which is why the County ultimately had to issue the address. I believe it is in the papers that I own all the unnamed aquifers on my property, not the County or the water district. Farming is most certainly a beneficial use of the water. The reason I selected this area, and this property was the Right to Farm ordinances and the right to private property. I am within the law and have every right to make use of my water and private property to farm it.

This well is on file with the State Engineer as Mr. Hubler pulled up this information himself without my input. So if he could access this information in effort to harass me, then the County had the same ability to access that information to regulate the Utility workers who later destroyed my private well. Nothing changed with the well until utility workers ran a trencher through the easement, severing the lateral pipe connecting to my well head. I still have the damaged pipe for proof if anyone doubts what I am saying. This occurred as Land Use did not provide sufficient oversight of the permitted work being performed. This is in direct conflict with statements made by Mr. Hubler that this is their function and responsibility, hence the requirements for permits and inspections. However, apparently that only applies to when Land Use wishes to harass land owners acting in accordance with the law and following an approved development plan.

As Land Use is the regulatory agency who has claimed authority in such matters while attempting to harass me, it is their responsibility to repair the well they allowed to be damaged. It is core to my claims you have damaged my businesses and their earnings. Also, Mr. Hubler took issue to the fact I have a number of businesses registered to this address. A fact that I do not deny as they are all publicly recorded with the State Secretary. They all exist to support the project I have been developing.

I came here to help the extreme economic depravity in the valley. Sadly, I came to quickly realize the issues are caused more by the apathy of Local Government and failed, or unequal enforcement of policies. In the four years since our first conflict over the use of private land to farm, the \$1.5m project has grown exponentially. Yet Alamosa County continues to demonstrate such indifference, I don't feel that the increased economic opportunities and subsequent tax revenues will honestly make a difference. The complete lack of accountability is just one of the many issues, and since there is no will to address and correct these core issues, the County will perpetually operate like an elementary level school store.

So long as you remain apathetic to the discrimination, and unequal enforcement of the laws and policies, you will also cheat your citizens, let alone the community of the opportunities they need.

Perhaps in this case, once again, you have harassed the wrong person. But if you stopped selectively harassing people and enforcing the policies in an unequal (and inequitable) manner, you are part of the problem. This is the reason you have no serious development here, although from the data and numerous government handouts monopolized by ineffective agencies here, you need these types of responsible development.

Just like in correcting negative behavior in animals, you do not reward the bad. The County has cost me over \$53k over the past 13 years, and that doesn't take into account business losses. I will no longer subsidize your activities at my expense. As such, I will openly state, for the record that if you refuse to correct these deficiencies in the County, you are undeserving of the benefits these developments will bring. I expect the County to repair my well as it was ultimately the County's responsibility to provide oversight as the issuing authority of the work permits. A fact Mr. Hubler reasserted in his attempts to harass me. At this point, I assure you I can get more for my water by selling it to developers outside of the valley, and since the County has attempted to interfere or prevent me from accessing and using my water, I am happy to cut my losses. But I assure you will it be at the valley's expense.

Once I prove my agriculture system and collect the data, I will happily depart, taking the soon to-be \$20m project with me. Never mind the food that was to go to benefit the community in the process, the technical job training and opportunities etc. There are clearly several issues here that need to be addressed. Land Use needs to be made clear where their authority begins and ends. Is it any surprise there hasn't really been meaningful development in the County for over a decade? They are not concerned with responsible or safe development. Just in shaking down citizens for unnecessary permit fees, as established with the previous fight with the County. How can you have meaningful let alone properly implemented development when Land Use doesn't know their job? If they refuse to provide the oversight in some cases. All agriculture is inherently a business enterprise.

Registering (or running) a business on rural-zoned property is not forbidden in the ordinances. Access to my property in question is not overseen by the County, but CDOT. I have obtained the proper access permit from CDOT. For that matter, my businesses are private and do not serve the public, meaning they have ZERO impact on the access of the property. My well is not under the authority of the County, but the State Engineer. However since the County has expressed interest in continuing to interfere with my access and use of my private water, then I demand you repair the well that you allowed to be damaged due to failing to provide sufficient oversight. You can't have it both ways. It is really a shame that nothing has changed in the County over the past thirteen years, but given the lack of results, clearly you need to address this in a serious manner.

The choice is yours, but I encourage you to not simply dismiss this as a number of your predecessors have. That did not end well, but if you wish to follow a similar path, I am prepared and better funded this time around. To avoid public confrontations in the future, please feel free to reach or respond to me via email.

Thank You for your time attention to this matter.

Board/Staff Updates

Worksession – La Puente Food Bank Discussion, Sheriff's Office Mobile Technology

Executive Session

m/s Heersink/Van Ry motion to go to Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e)

Motion was approved unanimously

The tape recorder was turned off at 3:00 pm

Commissioner Laske said the tape recorder on the time is now 3:19. The executive session has been concluded and the participants in the executive session were Commissioner Heersink, Commissioner Laske, Commissioner Van Ry, Roni Wisdom County Administrator, Jamie Greeman deputy clerk, and County Attorney Jason Kelly joined the meeting halfway through the session. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any inappropriate action occurred during the executive session in violation of the Open Meeting Law, concerns should be stated for the record.

m/s Heersink/Van Ry motion to have Roni Wisdom move forward with discussions concerning the acquisition of the old Alamosa State Bank Building

Motion was approved unanimously

m/s Heersink/Van Ry motion to adjourn

Motion was approved unanimously

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

ATTEST:


Jamie Greeman, Deputy Clerk


Lori Laske, Chair


Vern Heersink, Vice-Chair


Arlan Van Ry, Commissioner

Note:

These minutes summarize the final decision made by the Board at the referenced meeting. This meeting was also audio recorded and that recording is available for review. In the event there is confusion as to what the final decision of the Board is, the Board will rely on the audio tape to interpret the Board's intent. The audio tape shall act as an official record of these proceedings for any necessary purpose when, in the opinion of the Board, the minutes are in any way insufficient. An audio copy of the Board of County Commissioners' proceedings is available by contacting the Deputy Clerk to the Board located at the Alamosa County Service Center, (719) 589-4848, or email to jgreeman@alamosacounty.org.

Minutes of the Public Hearing for was held on, October 25, 2023 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Lori Laske, Chair
Vern Heersink, Vice-Chair
Arlan Van Ry, Commissioner
Roni Wisdom, County Administrator
Jason Kelly, County Attorney
Jamie Greeman, Deputy Clerk

Special Use Permit Robert & Wendy Willett, 9760 Stanley Rd – Applicant is proposing to use property for a hotel. The Land Use office published a notice in the Valley Courier on September 2, and the neighbor notification letters for 22 property owners were mailed on September 8.

The applicants have been using the subject property for overnight guests through AirBnB for a number of years. The Land Use Office contacted the owners about compliance of regulations for guest houses and accessory living areas. The County doesn't currently have any specific regulations for short term rentals. But there are regulations for several things that impact the way that people might operate short term or long-term rentals. The use of an accessory structure like a guest house, is prevented from rentals. Accessory living spaces, which was newer language added a few years back, was specified that it could not be rented separate from the main house.

As people contact the Land Use Office related to AirBnB opportunities, they are informed that they will need to rent the entire property. The Willett's have a large six-bedroom house. There's a small cabin next to that. They've been renting out two rooms in the house, and the cabin as well. It's operating more like a hotel per code language. Typically, they do have on-site management. The Willett's proposal was to continue utilizing the AirBnB platform for making reservations.

Everything is connected to an existing septic that's in the process of being repaired. The property is located at the intersection of Stanley Road and Highway 17. The general area is mostly open vacant land. There are scattered residences, generally on large lots. Directly adjacent to the north of the subject property is a single-family home on 40 acres.

The proposal to use both the home and cabin is consistent with code language for hotels and motels and that meet the expectations of temporary use under the building code. The facilities are adequate for the number of guests proposed as indicated. There's six bedrooms in the house, they have three of which they rent two at a time, so they can alternate and have one on standby. And there is one for the caretaker. They do have sanitary services, water supply, and parking for both the main house and the little cabin.

Regarding the special use approval criteria, the Land Use Office proposes the following findings. Number one, that it won't materially endanger public health or safety. The Land Use Office believes the proposed use does not pose any threat to the public health or safety as developed. The neighboring development and development potential are not burdened by the use of this property in a commercial manner.

Number two, it meets the specifications and conforms to standards and practices of sound land use planning and other regulations. It is on a county-maintained road and has adequate access. The access to this

property is from Stanley Road. The applicant is working to correct the well permit consistent with the augmentation certificate they have.

Number three, the applicant will not substantially injure the value of adjoining properties and won't be detrimental to the use or development of adjacent properties or other neighborhood uses. This proposal does not create a measurable burden on the intersection of Highway 17 and the Stanley Road. The driveway is located at the far west of the subject property about 300 feet from the highway. In this rural zoning district, the development pattern is residential, including the residentially zoned property to the north. Staff does not believe that this hotel use would impede future residential development or even if somebody wanted to do agriculture on the neighboring property.

Number four, it will not adversely affect adopted plans or policies of the County. The residential nature of the building is in keeping with the surrounding development patterns, and is much more appropriate than if this was going to be proposed as large commercial type development.

Number five, subject property is not located within any of the identified environmental concern areas, wildlife habitats, ground surface water, air quality, wetlands, etc.

Review agency letters were sent to the Sheriff, Road & Bridge, Mosca/Hooper Fire, the Chamber of Commerce, Visitor Bureau, Regional Health, Development Resource Group, Water Conservancy District, Division of Water Resources, CDPHE, and the Department of Transportation. Public Health stressed the need for adequate refuse disposal and suggested water chlorination. However, according to CDPHE, this does not meet the criteria for a public water system.

The Division of Water Resources initially noted that the existing well permit did not provide adequate water, but that's been addressed and corrected. The Land Use Office did not receive any other comments, including CDOT. The Planning Commission heard this case on October 11, there was discussion about the history and details of the property use and augmented water supply. There was concern expressed that the augmentation certificate would probably be adequate for the two or three rooms, but not if all seven or eight rooms available were turned into a hotel.

The Planning Commission voted unanimously to recommend approval with the following conditions. First, the applicant must maintain necessary augmentation and the failure to maintain adequate legal water supply would result in revocation of the permit. Number two, that exterior lighting complies with the dark sky guidelines. Number three, signage complies with the land use development code. Number four, the special use permit remains in force unless the activity ceases for a period of 12 months. If this property was to be sold and the future owner wanted to continue to operate it in the same manner, they would have to meet the same conditions of this permit. Number five, 24-hour onsite staff or caretaker is required. Number six, the applicant is restricted to guest lodging of two bedrooms plus the cabin at any given time. Number seven, that the applicant posts quiet hours of 10pm to 7am.

Wendy Willet said she knew that there was a concern from a neighbor that the Willetts knew they were doing something wrong. But they did not know they were doing anything wrong. When they found out that there were land use regulations that they needed to come in compliance with to obtain a special use permit, they removed their listing from AirBnB. Prior to that, they never had a complaint from a neighbor or had any law enforcement calls. Out of about 1,000 guests, they've only had three that they wouldn't welcome back.

Joseph R Binick spoke in favor of the Special Use Permit. He said that he has never seen any problems at that property. He has no objections to the property use.

Kerry Hart had submitted a letter to the Commissioners that was included in the Land Use packet. He reiterated some of the points that he wanted to make. In the application, it states that any misleading information or any violations of rules and regulations of the County, may result in a denial of application. The owners are not going to be residents of the valley, they're having a caretaker. The previous property owners had a log house building business and because of the increased traffic, it resulted in the death of a child. He thinks the increased traffic is a problem. He asked the Commissioners to consider denial of application.

Commissioner Heersink asked to clarify that Kerry Hart's property is not directly adjacent to the subject property.

Richard Hubler said that Kerry Hart's property is south of the subject property.

Commissioner Laske asked that although CDPHE is not requiring anything, but Public Health is recommending the chlorination, is that because it is well water.

Richard Hubler said it's based on the fact that public water systems, whether they be a city, or qualify under the state as a public water system, are subject to an inspection and testing regime. If an entity is providing water to the public, there's a concern that it may be unsafe. The Regional Public Health dealt with an issue in a different county over the last week that had this exact problem. It's a recommendation that the Commissioners could choose to adopt, but there's no other regulatory framework that would require it.

Jason Kelly read the list of exhibits.

STAFF REPORT

2. APPLICATION
3. RECEIPT OF PAYMENT
4. NARRATIVE
5. SITE PLAN
6. PHOTOS
7. WARRANTY DEED
8. DEED OF TRUST
9. OWNERSHIP & ENCUMBRANCE REPORT
10. CERTIFICATE OF TAXES DUE
11. WELL PERMITS
12. AUGMENTATION CERTIFICATE
13. PRE-APPLICATION CONFERENCE
14. CODE OF THE WEST ACKNOWLEDGEMENT
15. RIGHT TO FARM AND RANCH ACKNOWLEDGEMENT
16. ASSESSOR RECORD
17. GIS NOTIFICATION AERIAL MAP
18. LIST OF ADJOINING PROPERTY OWNERS
19. EXAMPLE LETTER TO NEIGHBORS
20. EXAMPLE LETTER TO REVIEW AGENCIES
21. PUBLIC HEALTH COMMENTS

- 22. DWR COMMENTS
- 23. SLVWCD COMMENTS
- 24. PUBLIC NOTICE
- 25. NOTICE TO APPLICANT
- 26. LETTER FROM KERRY & JACQUE HART
- 27. LETTER FROM APPLICANT DATED OCTOBER 11, 2023
- 28. 28. EMAIL SENT FROM TAMBI KATEIB IN FAVOR OF APPLICATION

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

ATTEST:



Jamie Greeman, Deputy Clerk



Lori Laske, Chair



Vern Heersink, Vice-Chairman



Arlan Van Ry, County Commissioner

Minutes of the Public Hearing for was held on, October 25, 2023 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Lori Laske, Chair
Vern Heersink, Vice-Chair
Arlan Van Ry, Commissioner
Roni Wisdom, County Administrator
Jason Kelly, County Attorney
Jamie Greeman, Deputy Clerk

Special Use Permit 2022 SUP-1 for Daniel & Perfilia Vigil 6951 Gaumer Ln - Richard Hubler provided a recap on the Special Use Permit for Daniel and Perfilia Vigil. The permit was issued about a year and a half ago to operate a vehicle repair shop at their residential property. The permit did have a number of conditions and the property owners had not met all the conditions. The Land Use Office sent a letter stating that the permit was going to expire. The Vigils asked for an extension in February and were granted a six-month extension. In August 2023 the Board of County Commissioners set a 60-day window to come into compliance and review the permit and then make a decision at that point of time.

At this point, the Commissioners could agree that the conditions of the permit have been met, modify any of the conditions of the permit, or void the permit. It has been expressed numerous times in meetings that there was some concern about the failure of the applicants to build the structure to enclose the vehicle parking area. In August, engineering plans had just been received for the fence and a building permit was issued. That project is just about complete. The building inspector was in the middle of the inspection so the report is not available yet. Richard Hubler presented photos that were taken that morning of the fence. The property owners put shade cloth over the gates, but it is not quite as opaque as it needs to be. It may need to be doubled up.

Daniel Vigil said that he met with the building inspector that morning and he said that he was amazed at how much work had been done. They still have a few odds and ends to tie up, but it is complete for the most part.

Commissioner Heersink asked if the issue of the dropped-off vehicles was being addressed.

Daniel Vigil said that his customers are parking their vehicles inside the fence and he will not allow any vehicles to be parked outside the fence.

Richard Hubler addressed the other items that needed to be completed. Number one, the applicant must identify an outdoor storage area but leave three spaces of sufficient size for the customer vehicles for repair and it must be located in the south yard setback at least 15 feet from the south and west property line. That condition has been met, or is in the process of being met. Number two, to enclose a fully screened area from view of the highway, Gaumer Lane, and adjacent residential properties with fully opaque materials twelve feet in height. That's the condition that's just about complete. Number three, applicants shall prevent all fuels, lubricants, solvents, petroleum hazardous products or hazardous materials from spilling onto or being absorbed by the ground either in the storage area or in the shop itself. Number four, applicants shall not allow subject property to become a nuisance or blight and will store no inoperable vehicles for more than 14 days. All vehicles should be stored in a storage area or inside the shop building. No vehicles for

repairs will be parked in front of the house. That one can be met now that the fence is just about done, and they'll have to move vehicles in there.

The Commissioners should consider the operational concerns around the permit and to potentially make changes or void the permit. If the Commissioners feel that the permit is operating as it was intended by the County, no action needs to be taken. The Commissioners could make changes to the conditions or add conditions. Or, if the Commissioners felt that the Vigil's had failed to meet the permit conditions and wanted to void the permit, they could take that action as well.

Jason Kelly read the List of Exhibits.

1. SITE PHOTOS TAKEN OCTOBER 20, 2023
2. BUILDING PERMIT & APPROVED PLANS ISSUED SEPTEMBER 11, 2023
3. EXCERPT FROM MINUTES OF THE BOCC AUGUST 23, 2023
4. SITE PHOTOS FROM MAY TO AUGUST, 2023
5. PERMIT EXPIRATION LETTER DATED AUGUST 16, 2023
6. BUILDING PERMIT APPLICATION DATED MAY 19, 2023
7. EXCERPT FROM MINUTES OF THE BOCC FEBRUARY 22, 2023
8. PERMIT EXPIRATION LETTER DATED FEBRUARY 1, 2023
9. RECORDED RESOLUTION 2022-SUP-1
10. PHOTOS SUBMITTED 10-25 CONSISTING OF SIX PHOTOS OF THE PROPERTY AND TWO PHOTOS OF THE FENCE AT STAR STEEL.

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

ATTEST:



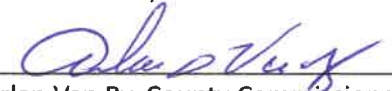
Jamie Greeman, Deputy Clerk



Lori Laske, Chair



Vern Heersink, Vice-Chairman



Arlan Van Ry, County Commissioner

Minutes of the Public Hearing for was held on, October 25, 2023 at 9:00 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:

Lori Laske, Chair
Vern Heersink, Vice-Chair
Arlan Van Ry, Commissioner
Roni Wisdom, County Administrator
Jason Kelly, County Attorney
Jamie Greeman, Deputy Clerk

Special Use Permit Denslow Cattle Company, 18501 Rd 6 S – Applicant is proposing to develop aerospace engineering research & development and general manufacturing facility.

The application is for use of the property for aerospace research and development and general manufacturing facility. Notice was published in the Valley Courier on August 26. 90 notification letters were sent on September 8.

Carl Denslow has a history with aerospace engineering. He has built a shop and has a building permit for the existing shop structure. He would like to use the shop for research and development offices and do some extremely limited manufacturing of prototype designs for aerospace engineering work, including some drone development. This would include office work and light manufacturing in the 5,000 square foot building. There could possibly be testing of engines, firearms, communications and software. He proposes a limited production capacity. But he's focusing on the research, development and testing.

There is currently language in the Land Use code for an R&D facility. There is also language in the code for limited and general manufacturing. All the airborne and aviation related activities would have to comply with FAA guidelines, which are fairly robust. He does have a private 3,500-foot-long airstrip on the subject property. He currently has a couple of employees and plans to develop a small staff over time. Long term plans for the property include agriculture and ranching activities, greenhouse, and other things.

This property is located about eight miles east of the City and it's almost exactly one mile north of Highway 160, in the Deer Valley Meadows area. The closed Basin Project is about a mile to the west. Directly to the east is a large tract of BLM land. Directly north are a couple of large privately-owned tracts of land. To the south across Road Six, there are a number of undeveloped 10 to 40-acre tracts. The applicant's proposal for making UAS components does exceed the allowance for accessory home use occupations. It's not something that can be just as a home-based business. There is no home there, which is the first requirement of a home-based business that has to be accessory to a home use. The location far from the railroad permits classification of limited manufacturing.

This is a property where it fits into limited manufacturing, but there's no railroad components, so it's being considered under general manufacturing. Both the general manufacturing and the R&D are industrial use groups that are permitted in the rural district with a special use permit. The Land Use office proposes the following findings. Number one, that it won't endanger public health or safety. They don't believe this use poses any threat to public health or safety if developed per the plan. Number two, the application meets all required specifications and conforms to the standards and practices with sound land use planning and other regulations. It is located on a County maintained road that does have adequate access. The proposed R&D and general manufacturing uses are allowed. DWR did note that the commercial well, a permit attached to

this proposal, is limited to the office shop development. The applicant would need to manage existing stock wells, and future domestic wells for the proposed future development.

Number three, the applicant won't substantially injure the value of adjoining or abutting property. The immediate property is vacant land. This proposal is designed to limit impacts to the neighborhood and the Land Use office believes that it doesn't prevent development of private land for ranching, agricultural, and residential use. Number four, will not adversely affect the adopted plans and policies in the County. The Land Use office believes it's generally consistent with the expectation for agriculture and ranching activities. Colorado Parks & Wildlife commented that it should not negatively impact wildlife or habitat, but did recommend some elk friendly fencing. The Land Use office believes that this type of cottage industry is beneficial to the economic diversification of the County.

Number five, this is not located within any identified environmental concern areas and the comments from CPW supported that. Review agency letters were sent to the Sheriff, Road & Bridge, fire protection, Chamber of Commerce, environmental health, Development Resources Group, Water Conservancy District, Division of Water Resources, the state land board, the Parks and Wildlife, Bureau of Land Management and Fish and Wildlife Services.

The Division of Water Resources initially noted the property was not compliant with the groundwater rules and could not serve some of the proposed uses. Follow up conversations indicated that the applicant is going to deactivate well number one to come into compliance and apply for future domestic wells.

The Planning Commission heard this case on October 11. There was discussion about the status of the existing development plans for the future water use, business operations, lots of discussions about FAA regulations and firearm use. One neighbor across the property asked for details of the airstrip and expressed concerns about a shooting range. The Planning Commission did add a condition regarding firearms and ultimately voted unanimously to recommend approval with the following conditions.

Number one, the applicant provides documentation from DWR for adequate legal water supply for the current uses and compliance with groundwater rules. Applicants shall obtain necessary well permits for future developments. Failure to maintain an adequate legal water supply will result in revocation of the special use permit. Number two, applicants shall obtain all necessary permits from Alamosa County or the state including electric, plumbing, land use building permits, telecommunication towers, greenhouses, shipping containers, etc.

Number three, applicants shall comply with FAA regulations, including the local code that relates to the use specifically of UAS in the San Luis Valley. Number four, exterior lighting on the property complies with the land use code for dark sky guidelines. Number five, signage complies with the land use development code. Number six, a special use permit shall expire 12 months from the date of issue unless use is commenced. The building permit is underway. Number seven, special use permit remains in force unless the activity ceases.

Number eight, the condition added by the Planning Commission was the applicant shall submit a safety operation plan to the department prior to testing and discharging firearms. The applicant does have an FFL manufacturer's license. There's a potential to utilize that as part of the prototyping, testing and development of the drones. They have talked about reviewing that with the Sheriff's office, making sure that some basic safety protocols are being met.

Commissioner Van Ry asked if the application was just for the R&D Building and not the greenhouse and other buildings.

Richard Hubler said the greenhouse or residence would require a building permit separate from the special use permit. But the special use permit also includes the proposed airstrip.

Commissioner Laske asked Jason Kelly if this business meets the conditions of the COA for unmanned aircraft.

Jason Kelly said it's private property. It's more the FAA regulations. He has had conversations with the applicant, and this is a little different. The applicant could contact him for more information. But, it doesn't interfere with anything.

Commissioner Laske asked the applicant to further describe what their business does.

Carl Denslow said that he and his wife are both experienced engineers in both aviation and in automation. They have worked on manned aircraft and both work for Lockheed Martin. They both have worked on unmanned aircraft in different capacities. The development and research that they do is around aviation and automation. They do some software development and some design activities. They both have testing backgrounds as well. Sometimes they run small engines to collect test data. They modify some components and build wiring harnesses.

Commissioner Laske asked if there were any hazardous materials in the manufacturing portion.

Carl Denslow said that there are, but nothing unusual. There might be metal shavings that they would sweep up and dispose of in a normal manner. Or there might be running engines which might have some waste oil, but they would take that to an automotive shop.

Commissioner Laske asked about the firearms and FFL and if that was more on the manufacturing or research side.

Carl Denslow said they have a type seven manufacturing FFL. That's required to design a silencer for instance. There are requirements to be able to do the design, the manufacturing, of firearms, and for silencers. They have a lot of defense customers. They have an FFL to be able to do design work, engineering work, and prototyping work.

Commissioner Heersink asked if the airstrip was already in place.

Carl Denslow said it's already in place. But, there's nothing special that makes it an airstrip. It's just a cleared piece of driveway that has been there that's suitable for landing a small airplane. There's no additional regulations in place. It's just due diligence on the operators of the aircraft to take a look and make sure it's suitable and land in a safe manner.

Jason Kelly read the list of exhibits.

1. STAFF REPORT
2. APPLICATION
3. RECEIPT OF PAYMENT

4. LETTER OF AUTHORITY
5. NARRATIVE
6. SITE PLAN
7. WARRANTY DEED
8. DEED OF TRUST
9. BANK AUTHORIZATION LETTER
10. OWNERSHIP & ENCUMBRANCE REPORT
11. CERTIFICATE OF TAXES DUE
12. WELL PERMITS
13. PRE-APPLICATION CONFERENCE
14. RIGHT TO FARM AND RANCH ACKNOWLEDGEMENT
15. CODE OF THE WEST ACKNOWLEDGEMENT
16. ASSESSOR RECORD
17. GIS NOTIFICATION AERIAL MAP
18. LIST OF ADJOINING PROPERTY OWNERS
19. EXAMPLE LETTER TO NEIGHBORS
20. EXAMPLE LETTER TO REVIEW AGENCIES
21. PUBLIC HEALTH COMMENTS
22. DWR COMMENTS
23. ALAMOSA CHAMBER COMMENTS
24. SLVWCD COMMENTS
25. CPW COMMENTS
26. PUBLIC NOTICE
27. NOTICE TO APPLICANT
28. EMAIL FROM DWR RECEIVED BY RICHARD HUBLER ON OCTOBER 28

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

ATTEST:



Jamie Greeman, Deputy Clerk



Lori Laske, Chair



Vern Heersink, Vice-Chairman



Arlan Van Ry, County Commissioner