



Nathan Ruybal

**CONEJOS COUNTY CLERK & RECORDER**

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Minutes of the Board of County Commissioners Regular Meeting held on April 6th, 2023, at 8:45 am in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129

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Comm. Jarvies called the meeting to order at 9:00 am

Mitchell Jarvies – Chairperson – Present

Carlos Garcia - Vice Chair – Present

Joseph Baroz – Vice Chair – Present

Present: Nick Sarmiento – County Attorney, Tressesa Martinez-County Administrator – Connie Ricci – HR Manager -- Nathan Ruybal-Clerk and Recorder – **PRESENT**

**Pledge of Allegiance:** Comm. Jarvies led everyone on the Pledge of Allegiance.

**Opening Prayer:** Comm. Jarvies gave the opening prayer.

**Approval of Agenda:**

- Remove March 16 Minutes approval from Agenda.
- Add Executive Session
- Add Mark Wright discussion about easements and utility right of way.
- Add Martinez/Vigil Division of Land – *motion made during land use report*

Motion to approve agenda as amended.

Comm. Baroz First Motion

Comm. Garcia Second Motion

Motion Carries 3-0

**Approval of Minutes:**

- No Minutes to Approve.

**Public Comment:**

- No Public Comment.

**Public Recognition – Sheriff Crowther:**

- Sheriff Garth Crowther took time to publicly acknowledge Alamosa Deputy Tristen Crowther and Undersheriff Blake Crowther for a successful search and rescue in Conejos County.
- Sheriff Crowther presents both Tristen and Blake a Life Saving Award.
- BOCC then takes time to recognize Sheriff Crowther for his great leadership as County Sheriff.

**Administrative Correspondence – Tressesa Martinez:**

- Schedule A Contract with Forest Service discussion.
- ATV or Side by Side discussion to allow on County Roads.
- Attorney Sarmiento will continue working on a resolution and ordinance for ATV use on County Roads.
- Model traffic code still applies.
- No decisions were made.

**County Attorney – Nick Sarmiento:**

- Moratorium on minor subdivision applications discussion.
- Discussion on what grounds exempt the county from subdivision regulations.
- Division of water resources and Attorney Sarmiento have been discussing in detail the counties land use codes and division of water resources codes.
- Conejos code exempts any subdivision that is larger than 35 acres from any county process.
- County land use office is many times unaware of any subdivision above 35 acres.
- Attorney discusses minor subdivisions and the county regulations pertaining to water wells.
- Supply water plans only applies to major subdivisions and not minor subdivisions.
- Attorney Sarmiento claims that the county can approve minor subdivisions and be exempt to providing supply water plans.
- Division of water resources looks at Rito Hondo and claims they should provide a supply water plan and Attorney Sarmiento disagrees that land use code is correct, and no plan is required.
- Attorney Sarmiento advises that BOCC go into Executive Session to discuss in greater detail.
- Linda DeHerrera agrees to the moratorium to review our county code.
- No decisions were made.

**Sheriff's Report – Garth Crowther:**

- Elevated risk this spring for high level run off water.
- Fire ban discussion.
- School and student safety, possibility of having one SRO officer share time at all the schools County wide.
- Air conditioners at the Sheriff's office on top of roof will need replacing.
- Two patrol trucks stuck at dealership waiting for parts.
- Antonito law enforcement MOU to be renewed.
- Town of Antonito patrol unit that was totaled discussion.
- Sheriff able to send escort with land use inspector whenever is needed by Linda.
- 616 program presentation at the Guadalupe Parish Hall to be held on May 3<sup>rd</sup> at 5pm.
- Sheriff Crowther discusses the need for a security fence around the perimeter of the jail.
- Connie mentions that the Church will not charge the County for the use of the Parish Hall for this presentation.

**Easement and Public Right of Way – Mark Right – Richfield Resident:**

- Mark Wright lives at 19250 County 17.2 in La Jara, Colorado.
- Requests time to discuss incident in front of his house.
- Jade is laying Fiber Optic line to the residents in and around La Jara, Mr. Wright believes that Jade is trespassing on private property and insists that the County discuss this issue with Jade and other contractors.
- Attorney Sarmiento reads an email that he just recently to Jade regarding utility easements and county and private property.
- BOCC recognizes the concern of Mr. Wright and will help in anyway possible to make sure Jade and other contractors know to follow County land use code.

**Child Abuse and Sexual Assault Proclamations – Nadia Flores:**

- Nadia presents alongside members of Tu Casa a proclamation for Conejos County to make April Child Abuse and Sexual Assault Awareness Month.
  - Comm. Baroz makes motion to make April Child Abuse and Sexual Assault month.
  - Comm. Garcia seconds that motion.
  - Motion carries 3-0

**PT Quarterly Report – Mack Crowther:**

- Mack presents the BOCC his PT Quarterly report.
  - Comm. Garcia makes motion to approve the quarterly public trustee report as presented.
  - Comm. Baroz seconds that motion.
  - Motion carries 3-0.

**Abatements – Sandra Cordova:**

**Section IV:**

**Decision of the County Commissioners**  
*(Must be completed if Section III does not apply)*

WHEREAS the County Commissioners of Conchos County, State of Colorado, at a duly and lawfully called regular meeting held on 1 1 at which meeting there were present the following members:  
 Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Morrill Martinez-Kays *(being present-not present)* and

Petitioner: Richard & Lois Miller Justin & April Dunn *(being present-not present)*, and WHEREAS, the said

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board *(agrees--does not agree)* with the recommendation of the Assessor and the petition be *(approved--approved in part--denied)* with an abatement/fund as follows:

2021	10,694	926.72	2022	10,694	926.41
Year	Assessed Value	Taxes Abated/Refund	Year	Assessed Value	Taxes Abated/Refund

Nathan Ruybal *(Signature)*  
 Chairman of the Board of County Commissioners' Signature

Nathan Ruybal County Clerk and Ex-officio Clerk of the Board of County Commissioners  
 In and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County  
 this 6<sup>th</sup> day of April, 2023  
 Month Year *(Signature)*  
 County Clerk or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year must be submitted in duplicate to the Property Tax Administrator for review.

- Comm. Baroz makes motion to approve Abatement as presented.
- Comm. Garcia seconds that motion.
- Motion carries 3-0

CONEJOS COUNTY LAND USE  
CASE SUMMARY- REPORT

**CASE NO:** CCLU-2022-0277

**REQUEST:** Division of Land

**APPLICANT:** Alex Gallegos

**ZONING:** Rural

**SURVEY BY:** Reynolds Engineering

**BACKGROUND:** An application was filed with the Land Use office on October 24, 2022, for a Division of Land (DOL.) The owner is Alex Gallegos. The property is approximately 12.77 acres + situated in the West Half of the Southeast Quarter of Section 29, Township 33 North, Range 9 East, New Mexico Principal Meridian, Conejos County Colorado. The physical address is 5350 County Road 14, Antonito CO (Commonly known as the Gallegos Property east of the Railroad Tracks.)

The proposed survey reflects a division of 12.788 acres ± to create the following:

Tract 1 containing 11.788 acres ±  
Tract 2 containing 1.000 acres ±  
County Road 14 ROW Dedication is 3.359 Acres ±

**Applicable Land Use Codes:** Article 10 - Subdivision, Division 10.7 Subdivision Exemptions, Section 10.7 (1.) Division of Land

**Purpose of Division:** The applicant is requesting a division of land to separate an acre to sell to the neighbors (Barela Family.) The exception tract is the property owned by Public Service of Colorado, the Antonito Substation.

**LU Administrator approval:** 04/06/2023

**County Surveyor review/approval:** n/a

**Board of County Commissioners review/approval:** 04/06/2023

- Comm. Garcia makes motion to approve Gallegos division of land as presented.
- Comm. Baroz seconds that motion.
- Motion carries 3-0
- Resolution # C-10-23

CONEJOS COUNTY LAND USE  
CASE SUMMARY- REPORT

**CASE NO:** CCLU-2021-361

**REQUEST:** Division of Land

**APPLICANT:** Lester Yoder

**ZONING:** Rural

**SURVEY BY:** Reynolds Engineering

**BACKGROUND:** An application was filed with the Land Use office on 11/29/21, for a Division of Land (DOL.) The owners are Lester & Naomi Yoder. The property is approximately 57.43 acres + situated in a fraction of the North Half of Section 19, and a fraction of the Southwest Quarter of Section 18, Township 32 North, Range 9 East, New Mexico Principal Meridian, Part of Tract 2 of the Partition of Property Survey case #2018CV3022 recorded on 01/20/21, reception #0583 in Conejos County Colorado.

The proposed survey reflects a division of 57.43 acres + to create the following:

Tract B1 containing 19.996 acres +  
Tract B2 containing 35.103 acres +  
Area of Dispute containing 2.332 acres +  
No County Road ROW Dedication

**Applicable Land Use Codes:** Article 10 - Subdivision, Division 10.7 Subdivision Exemptions, Section 10.7 (1.) Division of Land

**Purpose of Division:** The applicants have requested a division of land on this property to convey 35.103 to Aaron Hochstetter. The 19.996 parcel will remain with Lester & Naomi. The area of dispute is 2.332 acres that is currently being resolved with the Duran Family. A Boundary Line Adjustment will be submitted to finalize the area of dispute. The access to these lots is from County Rd B across private roads. Tract B1 will access from the north side of Toby Detweiler, Tract B2 access will use the southern boundary of Toby Detweiler. There are two homes on Tract B2. All permits were obtained by Lester.

This application was initially a minor subdivision but was postponed as there was a property dispute. The parties have agreed to the area of dispute but are delayed per the settlement of the Jim Duran probate case.

**LU Administrator approval:** 04/06/2023

**County Surveyor review/approval:** n/a

- Comm. Baroz makes motion to table the Yoder DOL for 30 days so that the Courts can deliberate on the Probate case for the Duran's, if the need to extend the table motion, we will need to ask Yoder to approve longer time if needed due to courts probate case.
- Comm. Garcia seconds that motion.
- Motion Carries 3-0

CONEJOS COUNTY LAND USE  
CASE SUMMARY - REPORT

CASE NO: CCLU-2023-

REQUEST: Lot Consolidation

APPLICANT: Joseph & Cassandra Montoya Trustees of the First Light Revocable Living Trust

ZONING: Rural

SURVEY BY: Russell Surveyors & Associates- Tony/Joe

BACKGROUND: An application was filed with the land use office on 03/14/2023 for Lot Consolidation. The property is legally described as Tracts 1, 2, and 3 Mogote Island Minor Subdivision, located in the East Half of Section 33, Township 33 North, Range 8 East, NMPM, Conejos County Colorado. Physical Address 8805 County Road D.5, Antonito CO 81120.

The Consolidation will create the following:

Tract 1C – Containing 15.31 acres ±

Access is existing from County Rd D.5, the consolidation will not change the access. There is residential development on Tract 1. The applicants propose to consolidate the three lots to make one larger lot. There is only one well and there will only be one well after the consolidation is approved. Tract 1 also has short term lodging permit in good standing.

Land Use Administrator review/approval: 04/06/23

Surveyor Review: 03/20/23

Board of County Commissioners review/approval: 04/06/2023

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- Comm. Garcia makes motion to approve Montoya/Mogote Island Minor Subdivision as presented.
  - Comm. Baroz seconds that motion.
  - Motion carries 3-0
  - Resolution C-12-23

**Motion made to amend the minutes to include the Martinez/Vigil DOL  
Comm. Garcia 1<sup>st</sup> motion  
Comm. Baroz 2<sup>nd</sup> motion.  
Motion carries 3-0**

CONEJOS COUNTY LAND USE  
CASE SUMMARY- REPORT

**CASE NO:** CCLU-2022-0264

**REQUEST:** Division of Land

**APPLICANT:** Michael Martinez authorized by Pete Vigil and Gilbert Vigil

**ZONING:** Rural

**SURVEY BY:** HCL Engineering & Surveying from Centennial CO.

**BACKGROUND:** An application was filed with the Land Use office on 10/12/22, for a Division of Land (DOL.) The owners are Pete Vigil and Gilbert Vigil. The property is approximately 80.89 acres ± situated in the South Half of the Northeast Quarter of Section 36, Township 36 North, Range 8 East, New Mexico Principal Meridian, Conejos County Colorado. The physical address is 22401 State Hwy 371, La Jara CO 81140.

The proposed survey reflects a division of 80.89 acres ± to create the following:

Tract 1 containing 79.29 acres ±

Tract 2 containing 1.60 acres ±

State Hwy 371 was previously dedicated.

**Applicable Land Use Codes:** Article 10 - Subdivision, Division 10.7 Subdivision Exemptions, Section 10.7 (1.) Division of Land

**Purpose of Division:** The applicants, Pete, and Gilbert Vigil, would like to separate the ag property from their home and sell the ag land to Michael Martinez. Access is from County Rd AA along the west boundary. There is access to the Ag sprinkler from Hwy 371. The exception tract is the property owned by Michael Martinez.

**LU Administrator approval:** 04/06/2023 **County Surveyor review/approval:** 03/11/2023.

**Board of County Commissioners review/approval:** 04/06/2023

- Comm. Baroz makes motion to approve the Martinez and Vigil DOL as presented.
- Comm. Garcia seconds that motion.
- Motion carries 3-0
- *Res - 11*

Linda announces that she has hired Pres Romeo as Land Use Inspector.



Motion to enter Executive Session 24-6-402 Sub Section B Conference with an Attorney to Discuss Legal Counsel regarding moratorium on Minor Subdivisions and discussions with Division of Water Resources.

Comm. Baroz first motion

Comm. Garcia second motion

Motion Carries 3-0

Comm. Jarvies - Let the record reflect that we are coming out of Executive Session conference with an Attorney, no decisions were made, and it is 11:30pm.

Attorney Sarmiento – It is the opinion of the County Attorney that the discussion had an Executive Session constitute Attorney and Client privilege and therefore no record was kept.

Attorney Sarmiento will issue legal opinion regarding Subdivision and Division of Water Resources.

Meeting Adjourned at 11:35 am

ATTEST:

  
Nathan Rynbal  
Clerk of the Board

  
Mitchell Jarvies  
Chair of BOCC