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Minutes of the Board of County Commissioners Regular Meeting held on July 6th, 2023, at 9:00 am in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129

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. Baroz gave the opening prayer.

Approval of Agenda:

Motion to approve agenda as presented.
Comm. Garcia First Motion
Comm. Baroz Second Motion
Motion Carries 2-0

Approval of Minutes:

No Minutes to Approve

Public Comment:

Theresa Malouff has brought a youth group from Antonito to watch the BOCC Meeting.

Administrative Correspondence – Tressesa Martinez:

- BLM grant opportunity discussion regarding transfer station open in Conejos County.
 - Tressesa has been talking with Rebecca from BLM regarding the grant details.
 - BLM has asked Tressa to have Conejos County become the applicant for the grant, application needs to be submitted by July 10, 2023.
- Lobatos Bridge Project
 - \$600,000 grant would be reimbursed to County after project is complete.
 - County may lose money in interest from not having these \$600K in the bank.
 - Audit cost would increase from WSB due to large grant.
 - Comm. Garcia comments turnaround time for reimbursement from GoCO is uncertain.
 - Tress to continue researching and report cost and liability increase to the County.

- Sales Tax Discussion to Fund DA's Office.
 - Comm. Garcia refers to discussions held at the COG meetings regarding funding the DA's more money moving forward.
 - BOCC is interested in looking into adding a Sales Tax initiative in a General Election.
 - BOCC will discuss creating a Task Force to dive into Sales Tax initiative.

County Attorney – Nick Sarmiento:

- Elk Ridge Estates.
 - Sarmiento is asking for permission to enter negotiations with landowners to consolidate parcels.
 - Sarmiento Elk Ridge Estates does have legal access through Forest Service, landowner would need to apply with the Forest Service for a access permit.
 - Attorney Sarmiento discusses that Conejos County owns roughly 75% of the parcels in the subdivision.
 - Attorney and BOCC would like to consolidate smaller 5-acre parcels into larger 35-40 acres parcels.
 - Attorney adds to discussion there is a brother of an Elk Ridge owner that has donated his parcel to the County.
 - Sarmiento briefly discusses Ancillary Probate regarding the donated parcel.
- Engagement Letter for Legal Services.
 - Letter is to consult with Brownstein Attorney regarding the spurious lien on Conejos County Elected Official.
 - Motion to enter into agreement with Attorney Brownstein regarding lien on Conejos County Elected Official as presented.
 - Comm. Baroz makes first motion.
 - Comm. Garcia seconds that motion.
 - Motion carries 3-0
- Solar Garden Contract
 - Long term contract is not approved by Attorney Sarmiento.
 - County cannot enter 20-year contract as requested.
 - Comm. Garcia asks about DSS and County contracts.
 - County entered into contract with Excel for long period before in the past, county will not move on contract again for that long of a period.

Sheriff's Report – Garth Crowther:

- MAP Program discussion
 - Legislative bill that County jails must comply with and give inmates Client Choice Treatment Provider Program with addiction treatment.
 - Costs of new bill are too muck for smaller counties.
- Jail Issues and problems with building.
 - Water heater in Kitchen is out of service.
 - \$18,000 for new water heater.
 - A/C unit needs replacement.
 - Cell doors are giving the jailers issues, not closing, or opening properly.
 - Sheriff and BOCC to have jail walk through.
- Deputies and Workload.
 - Salaries are still too low; County is losing deputies to other counties.
 - County and Antonito calls are very high and keep everyone busy.
 - Search and Rescue was busy over Holiday weekend.
 - Bear attack on a hiker in County.
 - Engine problems with two Ford Pickup Patrol Vehicles.

CONEJOS COUNTY LAND USE STAFF REPORT
SPECIAL USE REVIEW

Case No. CCLU 2023-0092

APPLICANT: Samuel Hochstetler

BACKGROUND: An application for a Special Use Permit was filed with the Land Use Office on May 26, 2023. The property is owned by Samuel and Loretta Hochstetler. It is zoned Rural and is legally described as: 4.908 ± Acres located in a fraction of the Northeast Quarter of the Northeast Quarter of Section 18, Township 32 North, Range 9 East, NMPM, Conejos County Colorado. The common description of the property is 12789 County Road 13.5, Antonito CO (Community of San Antonio – Commonly known as the Richard & Lori Garcia property.) Parcel/Schedule #613318400030.

REQUEST: The applicant is requesting a Special Use Permit for a Metal/Steel Workshop.

ADJACENT ZONING: North, South, East and West are all Rural.

APPLICABLE ZONING ORDINANCE: - Article 4 Zoning, Division 4.2 Zone District Regulations AND Article 5 Permits, Division 5.4 Special Use Review.

PUBLIC NOTICE REQUIREMENTS: Notice requirements were met by sending notice to the surrounding landowners within 500' on 06/05/2023; notices to referral agencies on 06/05/2023; notice was published in VALLEY COURIER on 06/07/23 & 06/21/2023; and Onsite posting was posted by Inspector, Pres Romero on 06/05/2023.

PUBLIC HEARINGS:

PLANNING COMMISSION – The public hearing is scheduled for Wednesday, June 20, 2023, at 6:45 PM. The Planning Commission made a recommendation for approval of this SUP as it was presented.

BOARD OF CONEJOS COUNTY COMMISSIONERS – The application will be presented to the Board of County Commissioners on Thursday, June 21, 2023, at 9:45 AM.

- Comm. Garcia asks information regarding business accesses, explanation from land use is that access to business will be from County Road 13.5.
- Letters received supporting the welding shop from landowners near the applicant's residence and business.
- Comm. Jarvies opens public comment portion of the hearing.
- No public comment either for or against were heard.
- Public comment portion closed by Comm. Jarvies.
 - Comm. Garcia makes motion to approve Special Use Permit as presented.
 - Comm. Baroz seconds that motion.
 - Motion Carries 3-0
 - Resolution # 23

CONEJOS COUNTY LAND USE
CASE SUMMARY- REPORT

CASE NO: CCLU-2023

REQUEST: Division of Land

APPLICANT: Brant Anderson

ZONING: Rural

SURVEY BY: Reynolds Engineering

BACKGROUND: An application was filed with the Land Use office on 01/10/2023, for a Division of Land (DOL.) The owners are Brant L. Anderson, Joel M. Anderson, Heather Huffaker and Tyler Huffaker. The property is approximately 41.154 acres \pm situated in the Southeast Quarter of the Northeast Quarter of Section 31, Township 34 North, Range 10 East, New Mexico Principal Meridian, Conejos County Colorado. The physical address is 10751 County Road 19, East Manassa (Community of Los Cerritos.)

The proposed survey reflects a division of 41.154 acres \pm to create the following:

Tract 1 containing 1.743 acres \pm
Tract 2 containing 38.411 acres \pm
No County Road Dedication.

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 for the Brant Anderson residence.

LU Administrator approval: 07/06/2023

County Surveyor review/approval: n/a

Board of County Commissioners review/approval: 07/06/2023

- Land Use presents the Division of Land (DOL) case to the BOCC.
- No discussion after presentation.
 - Comm. Baroz makes motion to approve the Brandt Anderson DOL as presented.
 - Comm. Garcia seconds that motion.
 - Motion Carries 3-0
 - Resolution # 24

**CONEJOS COUNTY LAND USE STAFF REPORT
SPECIAL USE REVIEW**

Case No. CCLU 2023-0093

APPLICANT: Joshua Glass

BACKGROUND: An application for a Special Use Permit was filed with the Land Use Office on May 31, 2023. The property is owned by Dennis & Kassie Mortensen. It is zoned Rural and is legally described as: 40 ± Acres located in the Northeast Quarter of the Southeast Quarter of Section 31, Township 35 North, Range 9 East, NMPM, Conejos County Colorado. The common description of the property is 16181 County Road 13, La Jara, CO 81120. Parcel/Schedule #572131400220

REQUEST: The applicant is requesting a Special Use Permit for a Shooting Range.

ADJACENT ZONING: North, South, East and West are all Rural.

APPLICABLE ZONING ORDINANCE: - Article 4 Zoning, Division 4.2 Zone District Regulations AND Article 5 Permits, Division 5.4 Special Use Review.

PUBLIC NOTICE REQUIREMENTS: Notice requirements were met by sending notice to the surrounding landowners within 500' on 06/05/2023; notices to referral agencies on 06/05/2023; notice was published in VALLEY COURIER on 06/07/23 & 06/21/2023; and Onsite posting was posted by Inspector, Pres Romero on 06/05/2023.

PUBLIC HEARINGS:

PLANNING COMMISSION – The public hearing is scheduled for Wednesday, June 20, 2023, at 7:15 PM. The Planning Commission made a recommendation for approval of the SUP as it was presented.

BOARD OF CONEJOS COUNTY COMMISSIONERS – The application will be presented to the Board of County Commissioners on Thursday, June 21, 2023, at 10:15 AM.

- Mr. Glass presents detailed PowerPoint Presentation to the BOCC.
- Mr. Glass specifies business operations, safety, and protocol for his business.
- Comm. Jarvies opens public comment portion of the meeting.
 - Several individuals spoke in favor of Mr. Glasses business, including his parents.
 - Carolton owner of Valley Gun Service spoke in favor of the applicant's business.
- Comm. Jarvies closes the Public Comment portion of the hearing.
- Comm. Garcia makes motion to approve Special Use Permit as presented.
- Comm. Baroz seconds that motion.
- Motion Carries 3-0
- Resolution # 25

CONEJOS COUNTY LAND USE
CASE SUMMARY- REPORT

CASE NO: CCLU-2023-0090 REQUEST: Lot Consolidation

APPLICANT: Steve Sumner & Georgia VanIwaarden

ZONING: Rural

SURVEY BY: Russell Surveyors & Associates- Tony Joe

BACKGROUND: An application was filed with the land use office on 05/01/2023 for Lot Consolidation. The property is legally described as Aspen Springs Subdivision Lots 9 and 10, Conejos County, Colorado. Physical Address 1571 Clarke Mountain Lane, Antonito CO 81120.

The Consolidation will create the following:

Tract 9C – Containing 2.67 acres ±

The applicants propose to consolidate the two lots to make one larger lot.

Access exists from the existing Aspen Springs Subdivision platted road: Clarke Mountain Lane, the consolidation will not change the access.

New residential development will take place on the consolidated lot.

There is one well for the new residence. A new OWTS (Septic System) is proposed for the new development.

Land Use Administrator review/approval: 06/22/2023

Surveyor Review: 06/23/23

Board of County Commissioners review/approval: 07/06/2023

- Linda presents the case to the BOCC and asks for approval.
- Comm. Baroz makes motion to approve Lot Consolidation as presented.
- Comm. Garcia seconds that motion.
- Motion Carries 3-0
- Resolution # 26

Forest Service Update – Andrea Jones:

- RAC funding update and discussion.
- 500 to 600k funding in 2023 for projects inside Conejos County.
- Andrea updated BOCC for 2023 and 2024 projects.
- BOCC thanks Andrea for all her work.

Election Equipment Discussion – Nathan Ruybal:

- Clerk Ruybal presents to the BOCC the need to upgrade from current Dominion Election equipment to current up to date printer, computers, and scanners.
- Colorado legislature and SOS have made changes which Conejos needs to abide.
- Clerk Ruybal will present to BOCC and County Administrator during budget discussions for implementation in 2024.

Land Use Report – Linda DeHerrera:

CONEJOS COUNTY LAND USE
CASE SUMMARY- REPORT

CASE NO: CCLU-2023-0140

REQUEST: Division of Land

APPLICANT: Adelaido "Steve" Dominguez

ZONING: Rural

SURVEY BY: Summit Engineering

BACKGROUND: An application was filed with the Land Use office on 06/29/2023, for a Division of Land (DOL.) The owner is "Adelaido "Steve" Dominguez. The property is approximately 13.74 acres ± situated in Tract 2 of the Broyles Division of Land in the Northeast Quarter of the Northwest Quarter of Section 34, Township 33 North, Range 7 East, New Mexico Principal Meridian, Conejos County Colorado. The physical address is 3124 County Road F, Antonito CO (Community known as Fox Creek.)

The proposed survey reflects a division of 13.74 acres ± to create the following:

Parcel 1 containing 8.51 acres ±

Parcel 2 containing 5.23 acres ±

No County Road Dedication - roads were 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 applicant is requesting a division of land to separate a parcel for a home site. Parcel 2 is the parcel with the approved Storage Facility.

LU Administrator approval: 07/06/2023


County Surveyor review/approval:

Board of County Commissioners review/approval: 07/06/2023

- Linda explains that it is typical process to have County Surveyor approve all Divisions of Land.
- Comm. Jarvies explains that since the passing of Martin Reynolds we need to have another Surveyor like Summit to approve the survey.
 - Comm. Garcia makes motion to table the approval of this DOL until Linda can get approval of survey from another Surveyor.
 - Comm. Baroz seconds that motion.
 - Motion Carries 3-0

Meeting Adjourned at 11:45 am

ATTEST:


Nathan Ruybal
Clerk of the Board


Mitchell Jarvies
Chair of BOCC