



**Nathan Ruybal**  
**CONEJOS COUNTY CLERK & RECORDER**  
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CONEJOS, COLORADO 81129  
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**Minutes of the Board of County Commissioners Regular Meeting held on April 07, 2022, at 9:00 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:** Nathan Ruybal-Clerk and Recorder, Nick Sarmiento-County Attorney, Connie Ricci-HR Director, Tressesa Martinez-County Administrator - **ALL PRESENT**

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

**Prayer:** Comm. Garcia gave the opening prayer.

**Approval of Agenda:**

- Move Nathan Coombs from 11:30am to Admin. Correspondence.
- Remove March 17<sup>th</sup> Minutes from approval.
- Add discussion about Audio System under Clerk Ruybal at 12:10pm
- Gravel Pit discussion and add Action Item
- Add Capulin Water District and Morgan Drainage District regarding elections and appointments.to County Attorney.

Motion to approve agenda as amended

Comm. Garcia First Motion

Comm. Baroz Second Motion

Motion Carries 3-0

**Approval of Minutes:**

No Minutes to Approve

**Public Comment:**

- No Public Comment.

### **Administrative Correspondence – Tressesa Martinez:**

- Nathan Coombs is asking for a Letter of Support from the BOCC to seek Federal Funding for the Reservoir project for the San Antonio surface water users.
  - Letter of Approval is only for the Water District to seek funding.
  - Letter is not approval from BOCC regarding the project.
  - Water district is seeking Federal Funds for over three million dollars.
    - Comm. Baroz makes motion to approve the BOCC to issue a letter of approval to seek Congressional Direct Spending Funds from Michael Bennet's Office for Reservoir project.
    - Comm. Garcia seconds that motion.
    - Motion Carries 3-0
- Grant Writer Interview
  - Conejos County did advertise for a Grant Writer/Grant Administrator
  - Comm. Garcia mentions that we had two very good applicants.
    - Glen Miller and Curt Wilson
    - Comm. Garcia believes that Curt Wilson would be the best candidate.
  - Comm. Baroz echoes the same as Comm. Garcia
  - Public Notice that Conejos County will hire Curt Wilson as Grant Writer/Admin.
  - Grant Writer position will be Contract Based.
- Letter of Support for Neighbor to Neighbor's Free Shuttle Project
  - This project is a shuttle for the Citizens of Conejos County that need a ride and do not have transportation.
  - Shuttle will be traveling through all the municipalities to offer rides for all.
    - Comm. Baroz makes motion to approve letter of approval for this program as presented.
    - Comm. Garcia makes second motion
    - Motion Carries 3-0
- Town of La Jara – Lagoon Project.
  - Mr. Zaragoza from the Town of La Jara is asking for a Letter of Support from the BOCC for Congressional Grants.
  - Grants will be used to focus on cleaning up the Lagoons in the city of La Jara.
  - Sludge removal is the main focus for these funds.
  - Working with CDPHE the Town of La Jara is required to build structures that will help deal with lagoons that are under violation.
    - Comm. Garcia makes a motion to issue a Letter of Support to deal with their Lagoons.
    - Comm. Baroz seconds motion
    - Motion Carries 3-0

**Land Use – Linda DeHerrera:  
Kennel – Code Amendment  
Public Hearing**

**Conejos County Land Use Code (CCLUC)  
Amendment to Kennel Regulations**

**ARTICLE 2 - DEFINITIONS** - Amend the definition as follows:

A "Kennel" is a pound, shelter, place, premises, facility, company, or organization, for profit or non-profit whether private or public, that cares for overnight, boards, trains or breeds dogs or other animals for personal, public, private, recreation or business purposes. As used in these Regulations, the term "kennel" incorporates the definitions in C.R.S., and includes breeding facilities, boarding facilities, and/or rescuing or sheltering facilities, rehabilitation facilities, wildlife park or education facilities, whether for domestic or non-domestic animals or both. A Permit is required for any kennel with six or more animals over four months of age. Livestock shall not be subject to this kennel provision. Livestock is defined as all cattle, calves, horses, mules, and burros, alpacas, llamas, sheep, goats, pigs, poultry.

**ARTICLE 3 - ADMINISTRATION AND GENERAL APPLICATION AND REVIEW PROCEDURES.** Division 3.2 General Application and Review Procedures.

**ARTICLE 4 - ZONING**

Special Use Permits Allowed in Agriculture, Rural, Commercial zone districts. Not allowed in Community Town Site, Residential, and Industrial zone districts.

**ARTICLE 5 - PERMITS**

Division 5.4 - Special Use Review  
Section 5.410 Review Procedures  
Section 5.500 Standards for Approval

In addition to the General Approval Standards set forth in Section 5.500 A., the following Kennel regulations shall apply:

1. Exemptions.
  - a. Exempt from the requirement for a Kennel Special Use Permit are facilities of a legally existing animal hospital/veterinary clinic as regulated and holding all permits required by the Conejos County Land Use Code.
  - b. Exempt from the requirement for a Kennel Special Use Permit are cattle or livestock businesses who (1) use dogs primarily as cattle or livestock guardian/working dogs; and (2) use the cats and/or dogs on agricultural/rural land; and (3) use the cats and/or dogs for agricultural purposes. This exemption does not apply to cattle or livestock businesses

who breed cats and dogs for profit or non-profit purposes, including to be sold to cattle or livestock businesses.

2. Specific Application Submittal Requirements per Division 5.4 Application Submittal
  - a. Written Description. A Written Description shall include the following:
    1. Purpose Statement. A statement regarding the specific purpose or purposes of the proposed kennel facility, including the specific category or categories of animal facility designated by the rules and regulations of the Colorado Pet Animal Care Facilities Act (CRS 35-8-101 et seq., the Colorado Division of Wildlife, and/or the U.S. Department of Agriculture.)
    2. Type and Number of Animals. A statement regarding the type(s) and number(s) of animals for which the Kennel Permit is requested.
  - b. Required State and/or Federal and/or Other Licenses. Provide evidence of application for all applicable license(s), if any, required by the Colorado Department of Agriculture, the Colorado Division of Wildlife, and/or the US Department of Agriculture, Colorado Division of Water Resources, Colorado Department of Public Health and Environment Water Quality Regulations and/or others under applicable statutes and rules for the type of kennel proposed.
  - c. Additional Site Plan Requirements. Provide a site plan with the proposed facilities to meet all facility standards of the appropriate State and/or Federal license category/categories, if any.
  - d. Animal Management Plan. The Animal Management Plan shall clearly state how Applicant will address the following:
    1. Animal waste and wastewater disposal.
    2. Potential for groundwater contamination.
    3. Flies and insect control.
    4. Emergency evacuation of animals.
    5. Isolation of sick, injured, or aggressive animals or females in season (estrus.)
    6. Noise mitigation.
    7. Odor mitigation.
    8. Escape prevention.
    9. On-site supervision.
    10. Veterinary services.

11. Record keeping.
12. Disposal of dead animals.

#### DIVISION 5.5 STANDARDS FOR APPROVAL

Section 5.500 - A. General Standards for Approval shall apply.

G. Kennel. In addition to the General Approval Standards set in Section 5.500 the following standards shall apply to Kennels:

1. Animal Management Plan. Kennel operators are required to submit and maintain an Animal Management Plan that will prevent the subject property to become unsightly or create a public nuisance or create health or environmental hazards for surrounding properties.
2. Facilities Design. The facilities have been designed to minimize impacts to adjoining and/or adjacent property owners and uses, including number of animals, noise, and odor, and in compliance with these regulations and state or federal facility requirements, if any:
  - a. Specific to Dogs. Runs must be a minimum size of ~~four feet (4') by twelve feet (12')~~ **PC RECOMMENDS THAT CAGE SIZES BE THE SAME AS REQUIRED BY STATE AND FEDERAL REGULATIONS.**
  - b. Specific to Dogs. Pens must be a minimum size of ~~four feet (4') by foot (4')~~ **PC RECOMMENDS THAT THE PEN SIZE BE THE SAME AS REQUIRED BY STATE AND FEDERAL REGULATIONS.**
  - c. Any noise mitigation shall be completed within 180 days of approval.
  - d. No facility is to be located closer than 50 feet from any domestic well, property line, or residential structure not located on the same lot, parcel, or tract of land as the facility.
3. Environmental Health. Animal waste and wastewater are properly disposed of, potential disease vectors are controlled and must meet the requirements of state or federal ordinances, laws and rules and regulations.
4. Supervision and Record Keeping. The facilities will be adequately supervised, and records kept in accordance with all local, state, and federal ordinances, laws and rules and regulations.
5. Animal Welfare. Proper attention has been paid to animal welfare, including isolation as necessary, veterinary services, escape prevention, emergency evacuation, and state or federal animal protection licensing requirements, if any:
  - a. Maximum number of breeding females shall not exceed 30.

b. Stacking of kennels is not allowed.

6. Licensure. Applicant has properly applied for or received, all required state and federal and/or other required licenses if any.

AMENDMENT PROCESS:

Publication for public review: 02/09/2022 through 04/06/2022

Planning Commission initial review on 04/21/2021 and 01/19/2022 and 2/16/2022

Planning Commission public hearing: 03/16/2022 - RECOMMENDATION FOR APPROVAL WITH THE CHANGE TO FACILITY DESIGNS.

Board of County Commissioners public hearing: 04/07/2022

- Comm. Jarvies opens the Public Hearing to Public Comment either for or against the proposed Amendments.
- No Public Comment.
- Comm. Jarvies closes Hearing to Public Comment.

Exhibits for Kennel Amendment Public Hearing

CODE OF COLORADO REGULATIONS 8 CCR 1202-15 Inspection and Consumer Services Division 13 Part 12.

Enclosures All pet animal enclosures must meet these minimum requirements respective to species:

12.1. Dogs Dogs: Enclosure Sizes (dogs over 22 weeks or over 30 lbs.) Length: tip of nose to base of tail Formula: (length of the dog in inches + 6) x (length of the dog in inches + 6)/144 = required sq. ft. Up to 5 days: formula >5 to 30 days: formula x 1.5 >30 days to 6 months: formula x 2 6+ months: formula x 3

12.1.1. When three or more dogs occupy an enclosure, space is to be calculated for the largest dog with the third, fourth, and fifth dogs each requiring an additional one-half of the space required for the largest dog.

24" dog 5.04

48" dog 18.04

12.1.2. The minimum height of the enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when the dog is in a normal standing position.

12.1.3. Crates may be used in any facility for 14 hours or less within any 24-hour period with dogs housed in appropriately sized enclosure (based on length of stay) for the remaining hours in this period.

12.1.5. Crates of the minimum dimensions set forth in these Rules may be used to house one dog only.

12.1.6. Puppies that are weaned and are under 22 weeks of age and under 30 pounds must be housed according to the puppy chart. 12.1.7. Dogs over 22 weeks or over 30 pounds shall be housed according to the adult dog chart.

Rosanne Sapirie

PACFA Inspector/ Investigator | Mountain South

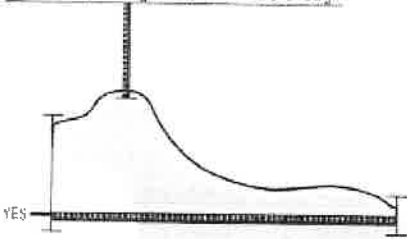
# Minimum Space Requirements for Dogs

The Animal Welfare Act Regulations require that primary enclosures for adult dogs without nursing puppies or weaned puppies must have adequate space to allow the dogs to turn about freely, to stand, sit and lie in a comfortable, normal position and to walk in a normal manner. 9 CFR 3.6(a)(2)(x). Additionally, the interior height of the primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure, measured when the dog is standing in a normal comfortable standing position. 9 CFR 3.6(c)(1)(iii)

## Measuring the Length of a Dog

With the dog in a normal standing position, or with the dog held lying flat on its side, measure the dog along a straight line from the tip of the nose to the base of the tail. Do not follow the contours of the dog's body when measuring the length of the dog.

There must be a minimum space of 6 inches from the top of dog's head to the top of cage.



This table below provides a guide to the minimum space needed for dogs based on body length.

Dog Length (in)	Sq Ft Needed	Dog Length (in)	Sq Ft Needed	Dog Length (in)	Sq Ft Needed
7	1.17	19	4.34	31	9.51
8	1.36	20	4.98	32	10.00
9	1.56	21	5.66	33	10.56
10	1.77	22	6.38	34	11.17
11	2.01	23	7.14	35	11.85
12	2.27	24	7.95	36	12.58
13	2.55	25	8.81	37	13.37
14	2.85	26	9.72	38	14.22
15	3.17	27	10.69	39	15.13
16	3.51	28	11.72	40	16.10
17	3.87	29	12.81	41	17.14
18	4.25	30	13.97	42	18.24

## Calculating Minimum Space Requirements 9 CFR 3.6(c)(1)(i)

The following is an example of how to calculate minimum space requirements. Scout is a female Dalmatian. She is 31 inches long from the tip of her nose to the base of the tail.

**Step 1: Measure the length of the dog from tip of nose to base of tail (inches). Add 6 inches to this number.**

$$31 \text{ inches} + 6 \text{ inches} = 37 \text{ inches}$$

**Step 2: Calculate minimum floor space in square inches.**

$$37 \text{ inches} \times 37 \text{ inches} = 1369 \text{ square inches minimum required amount of floor space in square inches}$$

**Step 3: Calculate minimum floor space in square feet.**

$$\frac{1369 \text{ square inches}}{144} = 9.51 \text{ square feet minimum floor space in square feet}$$

NOTE: The total floor space for dogs in group housing must meet or exceed the sum of each dog's minimum space requirement.

- Comm. Baroz makes motion to approve Amendments to the Conejos County Kennel Code as presented effective April 15, 2022.
- Comm. Garcia seconds motion
- Motion Carries 3-0
- Resolution # - C-15-22

- **Land Use – Linda DeHerrera:**
- **Short Term Rental – Code Amendment**
- **Public Hearing**

Conejos County Land Use Code (CCLUC)  
Amendment to Article 5 - Special Use Permits - Short-term Rental Regulations

ARTICLE 2 - DEFINITIONS - Amend to include the definition as follows:

Short-term Rental (STR) is defined as a privately owned dwelling/residence or facility, or lot offered for rental for a period of less than 30 days. Short-term rentals are usually arranged through private advertisement or an online hosting platform, including but not limited to VRBO and Airbnb. Renting for more than 30 days is not a Short-term Rental.

ARTICLE 3 - ADMINISTRATION AND GENERAL APPLICATION AND REVIEW PROCEDURES. Division 3.2 General Application and Review Procedures. No changes.

ARTICLE 4 - ZONING

Short-term Rental will be allowed in Agriculture and Rural Zone Districts. **Not allowed** in Commercial, Community Town Site, Residential, and Industrial zone districts. (STR in commercial zone would be allowed under a Commercial Overnight Lodging Facility or STR of camper, tent, tipi would be allowed under Camping or RV regulations.)

ARTICLE 5 - PERMITS

Division 5.4 Special Use Review  
 Section 5.410 Review Procedures  
 Section 5.500 Standards for Approval

In addition to the General Approval Standards set forth in Section 5.500 A and B, the following Short-term Rental regulations shall apply:

1. Specific Application Submittal Requirements per Division 5.4 Application Submittal.
  - a. Written Description. A Written Description shall include the following:
    1. Purpose Statement. A statement regarding the specific purpose and the proposed number of overnights to be used by the owners and the number of overnights to be available for rental.
  - b. Required State and/or Federal and/or Other Licenses. Evidence of application and knowledge of all applicable requirements by other applicable agencies, i.e., Colorado Division of Water Resources - well permit and Colorado Department of Revenue - lodging tax requirements.



## Division 5.5 STANDARDS FOR APPROVAL

Section 5.500 - A. General Standards for Approval shall apply.

H. Short Term Rental. In addition to the General Approval Standards set in Section 5.500 the following standards shall apply to Short Term Rentals:

1. Responsible Agent/Owner/Party - a responsible person shall be the manager of the property and available 24 hours per day, 7 days per week and must reside within 1 hour of the property.
2. Occupancy Rate - 1 person for every 200 square feet of the home.
3. Health & Safety -
  - a. Environmental Health.
    1. Water - a water supply that follows CDPHE drinking water standards.
    2. Wastewater system - a County/State approved wastewater treatment is required.
3. Fire - Alarms and extinguishers shall be installed per ICC building regulations and will abide with local fire ban regulations concerning campfires.
4. Trash disposal - commercial trash services shall be used for disposal of household waste and bear proof containers shall be used in locations with wildlife issues. No burning of trash.
5. Lighting - lighting shall not become a nuisance to any neighbor.
6. Pets - pets must be on leash; control barking/noises and clean-up is required.
7. Telephone/landline for E911 communication - must have communication/telephone availability to communicate with E911 services.
4. Nuisances & Violations - reports of nuisances shall be addressed by the Land Use Office with the rental manager.
5. Good Neighbor Notice/House Rules - Good neighbor notice and House Rules shall be posted with the advertising website and physically posted at the home. Proof of Notice and House Rules shall remain current with the Land Use Office.
6. Lodging & Sales Taxes Paid - proof that lodging and sales taxes are current with the Department of Revenue.
7. Property Boundaries & Parking areas - property boundaries and parking area must be clearly identified and must ensure that renters are aware of boundaries to avoid trespassing issues.
8. Advertising and Signage - the home must be posted with a reflective address sign. Compliance with sign regulations of CCLUC Article 11.
9. Record Keeping. Adequate recordkeeping shall be provided to the County Land Use Office at annual review and/or when requested.

### AMENDMENT PROCESS:

Publication for public review: 02/11/2022 through 03/15/2022

Planning Commission initial review on 10/20/2021 and 01/19/2022 and 02/16/2022

Planning Commission public hearing: March 16, 2022

Board of County Commissioners public hearing: April 7, 2022

Letters submitted to Land Use – Short Term Rental

#1

March 2022

To whom it may concern:

We are very grateful for the pride that you show in making sure that our county remains a wonderful, safe and peaceful place to live. We applaud the thoughtfulness given this matter and trust that all constructive input be considered as we move forward to appease the best interests of all involved parties. Thank you for the time you give to listen to all of us in these hearings. We can assure you that we are jointly concerned about making our county a better place.

We would like to understand better the purpose of disallowing future short-term rentals in residential areas of the county. If the concern is that renters might be loud, leave trash, or otherwise disturb the neighborhood's peace - we suggest addressing each point of concern individually. There is no need to prohibit future growth and tax revenue that would benefit our county. Throughout history, public issues of safety and general well-being are solved by addressing the issues directly. Speed laws and stop signs keep us safe on the road without entirely prohibiting driving. If these laws are broken, consequences follow. When someone can no longer prove they are worthy/able to drive, their license is revoked.

Regarding short-term rentals, perhaps we could consider making rules against those things that cause a public disturbance. If noise is a potential problem, then an ordinance prohibiting excess noise may solve it. If that rule is broken, then a penalty should follow. If several rules are broken, then the license for that rental property should be revoked. This approach addresses the issue and is more encompassing. Regardless of who is disturbing the peace, the homeowner, or a short-term rental party, the ordinance should be followed. In this example, prohibiting rentals does not address the actual problem of excess noise.

We believe HOA's should consider the same approach in regulating their community. Although, It is within the rights of an HOA to prohibit whatever they vote to ban. People buying property in those subdivisions should look into those rules before purchasing that property. If someone living in that HOA doesn't follow those guidelines and continually disregards the HOA's demands, then the county is obligated to step in and enforce those rules. HOA's are a great way to localize regulations that may not apply to all in the county.

Last of all, we are sure with all the recent effort to generate more revenue for the necessary county services, we would be open to more county revenue. Improvements on eternally vacant lots with the potential for hospitality tax revenue should be an exciting thought for all concerned with bettering our county.

It is in the best interest of property owners to keep a good relationship with neighbors and law enforcement. Most short-term rentals are closely monitored, and those seeking to rent are filtered to ensure no damage comes to that property or to the relationships that would ensure its ongoing future. Please consider addressing the issues directly or allowing the HOA's involved to do so. Consider the bright future that will be brought to our county by allowing the process of rental applications to continue, case by case.

Respectfully,

Mike Hostetter

Kelsi Hostetter

Will Barton

and

Alpine Lumber Co.

#2

March 23, 2022

Dear Conejos County Commissioners,

I am writing you to voice my opposition/objection to the Planning Commission's Amendment to Article 5 – Special Use Permits – Short-Term Rental Regulations, Article 4-Zoning, where short-term rentals are not allowed in Commercial, Community Town Site, Residential, and Industrial Zone Districts. I was informed that if this is approved the way it is written, the only way that one could possibly be allowed to have a short-term rental would be to change the zoning characteristic of their property. This would then present its own hardship and challenges taking away the rights for most property owners as there are stipulations in the current Land Use Code for approved Agricultural and Rural Zoning which require the property owner to own at least (1) acre.

The way it is written excluding Residential Zone Districts, restricts many of the native landowners from building their wealth, acquiring additional acreage, and investing in their communities. The result allows wealthy non-residents and non-natives to obtain much of the property essentially gentrifying the communities. The non-residents and non-natives end up acquiring much of the land for their seasonal use. They then return to their out-of-state locations, taking with them the revenue for the remainder of the year. Also, these non-residents do not have the generational history connection or vested interest in the stewardship of the wilderness, or care about the struggles that the residents residing in the county or the surrounding communities face. An example of this is found in Costilla County right next door, where the land ownership of Culebra Peak and surrounding Sangre de Cristo Mountains are owned by non-natives rather than those that had generational ties to the land via the historical land grants.

I am originally from La Jara, and to this day, I still try to contribute to the community anytime I visit by bringing clothing donations to La Puente, purchasing groceries and supplies from La Jara, Antonito, and the surrounding town businesses rather than obtaining them from the front range urban areas. I also utilize the wilderness areas as my family had for many generations for hunting, fishing, camping, hauling wood, and hiking.

I currently have a seasonal residential property within the Rocky Mountain Estates between Horca and Platoro. This area is prime for short-term rentals since it is only accessible seasonally and is located within the mountains near outdoor activities. Also, less than 1% of the owners reside in the Rocky Mountain Estates all year long. This area is known for having seasonal residents, hunters, along with many other tourists who visit the wilderness areas of the San Juan Mountains to hunt, fish, or hike. These tourists also venture out to the many other destinations within the San Luis Valley. These tourists add revenue to the county with their visitations to the Cumbres Toltec Railroad, local restaurants, gas stations, grocery stores, and surrounding businesses. By allowing short-term rentals in the Planning Commission's currently excluded Community Town Site and Residential zoning districts you would be allowing the native residents of the county to build their wealth, invest in the wealth of their communities, and have a vested interest in their wilderness areas.

Also, my seasonal property is located next to an out-of-state neighbor who has previously been approved by Conejos County to have short-term rental abilities at their first seasonal property prior to

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the Planning Commission's development of the Short-Term Rental Regulations. This essentially introduces the "grandfather clause" allowing them to be the only individual with short-term rental ability. (As I was informed, it is applicable for the rest of their life.) This out-of-state neighbor has been steadily purchasing and acquiring additional acreages within the Rocky Mountain Estates, allowing them to have their second cabin to be completed this year.

This is unfair/unjust for the rest of the surrounding property owners, because of the following:

- It allows this out-of-state resident to keep improving their properties, building their wealth, and the wealth of their future generations by buying up much of the land. In turn their acquired properties will then be passed down to their out-of-state heirs, essentially gentrifying the area.
- It does not allow other property owners the same ability to provide improvements to their properties, build their wealth, or the wealth of their future generations.
- This area is prime for short-term rentals since it is only accessible seasonally and is located within the mountains near outdoor activities.
  - Tourists utilize the area from late spring into late fall.
  - Hunters utilize the area in the early to late fall, and hunting seasons are broken up into week-long to 2-week chunks.
- If approved the way it is currently written, property owners that own less than an acre, will not meet the requirements of the current land use code to change their zoning.

Gentrification is currently present throughout all of Colorado, forcing native and generational residents to have to leave the state due to rising rent prices, and because they are unable to purchase property due to the rising real estate prices induced by the influx of wealthy out-of-state residents. You can plainly see this in the mountain towns of Summit County, down to the urban cities along the front range. Many of the native and generational residents are being pushed out, making real estate ownership attainable to only the wealthy. Please think long and hard about the verbiage within the short-term rental zoning where these residential zones have been excluded, and keep in mind the everlasting effects that it can have over the native and generational residents of Conejos County. Also, in closing, if short-term rentals are not allowed in the Commercial, Community Town Site, Residential, and Industrial zone district as written, then people who have residence with these zoning classifications and who have received approval prior to these rules should not be allowed to provide short term rentals. However, we all know that "grandfather" clauses do not work that way.

Sincerely,



Greg Mondragon  
105 Pine Ln  
Antonito, CO 81120

#3

Hello Linda,

As we talked on the phone last week, I am grateful that the County has placed a moratorium on short term rentals. I totally support a change in the permitting regulations to prevent short term rentals in residential subdivisions. My subdivision has one short term rental permitted property that is immediately adjacent to our subdivision. That property was operated as a vacation rental for about a year before the owner even sought a permit to operate it as such. Since it has received the permit to operate as a short term rental, it has been a source of continuing issues and problems. Renters speeding through the subdivision, not knowing about burn bans, etc.,etc. I would wholeheartedly support the continuation of the moratorium until the regulations for short term rental properties are modified.

If possible, I would like to read any draft or proposed rules or regulations before they are approved. I would also like to know when there would be a public hearing on these. Is there a link on the County's web site to this information? Thank you for your assistance with this.

Sincerely,  
Norman Segel  
398 Conejos Acers Circle  
Antonito, CO 81120

- Comm. Jarvies opens the Public Hearing to Public Comment.
- Linda reads all three letters from above.

Discussion Topics:

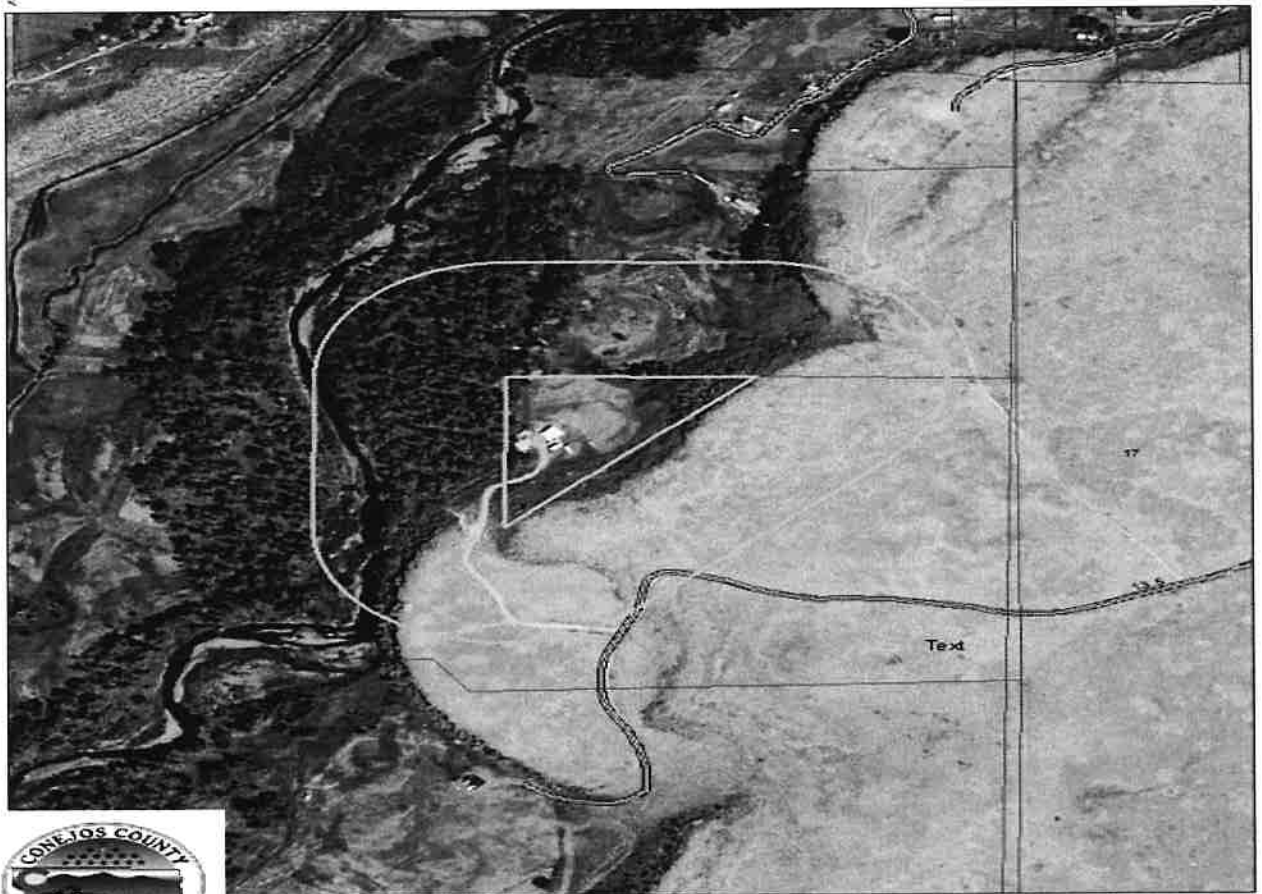
- Effective date April 15<sup>th</sup>
- Adequate Public Notice Was Met.
- Three letters from the public were submitted.
  - Motion to take notice of past records for Short Term Rental public hearings to present as part of today's public hearings discussion.
    - Comm. Garcia makes first motion
    - Comm. Baroz makes second motion
    - Motion Carries 3-0
  - Motion made for continuance of Short-Term Rental (STR)
    - Comm. Baroz makes first motion
    - Comm. Garcia makes second motion
    - Motion Carries 3-0
- Work Session is set for April 21<sup>st</sup> following Regular Scheduled BOCC Meeting.
- Public Comment portion will remain open until the 21<sup>st</sup> of April.

**Land Use – Linda DeHerrera:**

- **Hochstetler Sawmill - SUP**
- **Public Hearing – Supporting Documents**



**Aaron & Christina Hochstetler 500Ft Buffer**



480 240 0 480 Feet

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

Case No. CCLU 2022-0038

APPLICANT: Aaron Hochstetler

**BACKGROUND:** An application for a Special Use Permit was filed with the Land Use Office on 02/22/22. (A violation notice was issued on 2/18/22.) The property is owned by Aaron & Christina Hochstetler. It is zoned Rural and is legally described as: 4.75 ± 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 Sawmill with Retail Sales of the materials produced on site.

**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 03/01/22; notices to referral agencies on 03/01/22; notice was published in VALLEY COURIER on 03/04/22 and 03/15/22; and Onsite posting was posted by Inspector, Chris, on the property on 01/12/22.

**PUBLIC HEARINGS:**

**PLANNING COMMISSION** – The public hearing was held 03/16/22 at 7:00 PM. The PC conducted the public hearing, heard public comments from members of the community. They made a recommendation to the BOCC to deny the application. (Armando/Felipe Motion carried by majority vote/roll call.)

**BOARD OF CONEJOS COUNTY COMMISSIONERS** – The application will be presented to the Board of County Commissioners on 04/07/2022 at 10:0 AM.



Linda DeHerrera <linda@co.conejos.co.us>

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**Hochstetler- Sawmill**

1 message

Boyle - DNR, Kevin <kevin.boyle@state.co.us>  
To: Linda DeHerrera <linda@co.conejos.co.us>

Thu, Feb 24, 2022 at 3:51 PM

Linda,

Aaron Hochstetler called me today about his application with the County to build a sawmill on his property. His properties served by a domestic well, permit no. 102595-A. This well can not be hydraulically connected to this business in any way. According to Mr. Hochstetler, there will not be any water required for the business, no employees beyond his family that live in the house and they will not be open to the public. As long as this remains the case there is no conflict with the well use.

Please let me know if you have any questions.

Thank You,

—  
Kevin Boyle  
Well Permit And Water Right Researcher  
Division 3



PO Box 1137  
Alamosa, CO 81101  
(719) 587-0915

February 25, 2022

Aaron Hochstetler  
12789 County Rd. 13.5  
Antonito, CO 81120

Mr. Aaron Hochstetler,

Thank you for your inquiry with CSFS on whether you need a wildfire mitigation plan for your Conejos County Special Use Permit. As your project is presented, you will **not** need a wildfire mitigation plan. This letter will be sufficient for your records. We based the need for the plan off our publication, *The Home Ignition Zone: A guide to preparing your home for wildfire and creating defensible space* (included).

Overall, your location has a minimal chance of a wildfire. You have a road with good firefighter access from the south. The east is an agriculture field and your planned sawmill operation site is in a field with low grass while also over 100' from other natural vegetation.

Your largest chance of a wildfire is embers coming from a fire in the cottonwoods. To decrease the chances of embers starting your mill on fire consider the following precautions:

Zone 1 – Structure and first 5'

- Remove flammable vegetation including any landscaping shrubs, mulch and woody debris.
- Regularly remove sawdust and woody debris and move it over 100' from the sawmill.

Zone 2 – 5-30'

- Keep grass mowed less than 4"
- Avoid large accumulations of surface fuels such as logs, branches, slash and mulch.
- Plan to store unprocessed logs outside this zone.

Other considerations-

- Ensure the address is labeled with large reflective numbers. This is available at the Conejos Land Use office.
- Make sure the business is registered with the SLV E-911 service. <https://www.slve911.org/emergency-alerts> or (719) 480-3469
- Work with South Conejos Fire Protection District, Antonito station to ensure adequate turnaround is available for fire engines.

Please contact me if you have any further questions.

Sincerely,

Adam Moore  
Supervisory Forester

Public Hearing  
Aaron Hochstetler – SUP – Sawmill  
7:10 P.M.

Aaron Hochstetler was present. Linda DeHerrera presented the application. Public notice requirements were met by advertising in the Valley Courier on March 4 and March 15, notices were sent to surrounding landowners on March 1. Chris DeHerrera gave a site presentation. The access to the property is off a private road.

Felipe Blea asked if the sawmill was already in. Linda said yes and the fees have been paid. Mr. Hochstetler stated that he had plans to move the sawmill to another piece of property, but issues have arisen with that property. Armando Valdez asked what his goals were. Mr. Hochstetler stated that he wanted a small home business. He is cutting wood for pallet stock and does some custom work. He also stated that on average about 2 gooseneck trailers haul out his product each week. Felipe Blea asked about moving out material. Mr. Hochstetler stated was sold is rough cut lumber. Armando Valdez asked about the hours of operation. Mr. Hochstetler stated it is usually 8 A.M. to 4:30 P.M. Linda DeHerrera asked when the sawmill operations were started. Mr. Hochstetler stated about the middle of March 2021. His first load was sent out on 03/31/21. Armando Valdez asked what he is doing with the scrap. Mr. Hochstetler stated that the slabs are left to dry and then they are banded and sold since he cuts green wood. The sawdust will be sold to Edward Stutzman for use in his mulch at his meat processing operation.

The meeting was opened to the public at 7:30 P.M. Dennis Moeller stated that anyone wishing to make a comment would be allowed 5 minutes to speak.

Guillermo DeHerrera stated that nobody asked Mr. Hochstetler if he was collecting sales tax. He also stated that no one in this community wants a sawmill. Please don't reward someone who is in violation of zoning rules. Mr. DeHerrera stated that he has an outdoor toilet and is possibly breeding dogs. The sawmill is an industrial or commercial venture. The heavy truck traffic is damaging the private road and the easement is for private use only. He also believes that there should be more coordination with Rio Arriba County in New Mexico.

Andy Salazar - Mr. Salazar stated that Mr. Hochstetler did not ask for permission to use the private road for his business.

Donald Duran – His family has deep roots in this area. He feels that there is safety issue with the logging trucks. He has a petition which was signed by some of the people in attendance here tonight and some who could not attend. A copy of this petition was given to the board members. Mr. Duran also stated that there was oil and diesel on the ground. There is noise from the saw and generator. He asked if the Hispanic race is being erased from this area.

Nick Sandoval – His property is just outside of the 500' boundary. He has met the Hochstetler's and they are fine people. He has concerns with the air quality and sawdust, the diesel generator. There are already 4 sawmills in the County. How many do we need? He also stated that a containment area needs to be setup incase there is any spills of diesel or other fluids. He is opposed to the sawmill. He also asked who would pay for the traffic study.



Rudy Quintana – He said that he did not move to a rural area for more noise.

LeAnn Nielson – She reported that she did see a truck on County Road 13. She also stated that the culvert on County Road 13 just before County Road C is really bad. She also had someone stop at her house looking for a blue house that was selling puppies.

Mannie Lujan – He has seen logs being brought in on large trucks and these trucks are a safety issue.

Linda DeHerrera read several letters –

David Atencio – He has no objection to the use of the property for the sawmill. He does think that there needs to be mitigation on the sawdust. He also stated that he does allow Mr. Hochstetler to use the road across his property.

Adam Moore – would help develop a fire mitigation plan

Kevin Broyle – they have no objection as long as there is no water use connected with the sawmill

Andy Salazar – Mr. Hochstetler should have to fix any problems to the road.

The meeting was closed to the public at 8:00 P.M.

Mr. Hochstetler stated that if he needs to collect sales tax he will. When Mr. Guillermo DeHerrera stated that the only reason he is here is because of him is not true. He is not in violation of the kennel regulations. The outhouse was on the property when they purchased the property. He did have a hydraulic hose leak and they are a few hundred yards from the river. Felipe Blea asked about a septic system. Mr. Hochstetler said they do have a septic system. Felipe Blea asked about dogs for resale. Mrs. Hochstetler stated that they one female who had puppies and they sold them. Linda Johansen asked about number of trucks. Mr. Hochstetler said on average 1 semi per week to bring in logs.

Armando Valdez stated that we want to encourage economic development, but where do we want to put it. We have to look at where do issues arise – air quality, contamination. Armando stated that he takes a semi down these roads. He stated that we have to work together as a community. Felipe Blea asked if the road on top is the private road. Andy Salazar stated that he has an issue with commercial use on this road. Dennis Moeller asked where they are moving to. Mr. Hochstetler stated that they are trying to buy property in Ortiz.

Armando Valdez made a motion not to approve the Aaron Hochstetler Special Use permit for a sawmill. Felipe Blea seconded the motion. Tom Stewart asked for a voice vote

Tom Stewart – nay

Armando Valdez – yay

Felipe Blea – yay

Linda Johansen – yay

The motion carried on a vote of 3 to 1

Nicolas Sanéoval  
12780 County Rd. C  
Antonito, CO 81120

Conejos County Commissioner Garcia  
Conejos County Commissioner Jarvies  
Conejos County Commissioner Baroz

RE: Hoschtetler Sawmill Permit Application

Dear Commissioners:

I'm writing this letter to document my formal objection to the proposed Hoschtetler Sawmill in the village of San Antonio, CO. I had the opportunity to meet Mr. and Mrs. Hoschtetler in the fall of 2021 and attest that they are fine, family-oriented people. However, I'm deeply concerned that they have been operating an unpermitted and unauthorized sawmill for nearly a year without any regard for their neighbors and the county.

On March 16, 2022, I attended the Conejos County Planning Commission hearing for this permit application and vocalized my concerns. At the hearing, I heard Mr. Hoschtetler explain that he didn't know that he was required to obtain permits prior to engaging in industrial activities within the county limits. We all know that ignorance of the law is not an exemption from the law, and it is my hope the county is not condoning activities inconsistent with the county land use code or activities that may violate state and federal environmental laws or regulations. The zoning and permitting requirements are clearly signed throughout the county and everyone is aware that permits are required.

My objections and the objections of many of my fellow San Antonio community members are based primarily on concerns with impacts to the community's health, physical safety, as well as known and anticipated environmental concerns. I am primarily concerned with sharing the 18 ft to 20 ft wide road(s) with 12 ft wide log trucks that are utilizing Conejos County Roads C., 12.5, and 13. This is very dangerous for all users of these roads including those of us that commute, walk, and especially for our children that ride their bikes and ride their buggies here.

In addition to physical safety concerns, I'm concerned with potential and anticipated environmental concerns associated with industrial activities within the San Antonio River canyon.

Please see the attached list of issues and concerns that require the county's attention and analysis. Traffic and road use proposals of this significance should require studies to determine if these roads are adequate for consistent heavy truck traffic. These roads are narrow and not properly engineered for heavy truck use. Additional studies should be conducted for air, water, noise, and economics to properly analyze this proposal, to adequately assess whether another sawmill in the county will provide a greater public benefit than cost.

In conclusion, I'll add that I have been a Conejos County resident all my life and I strongly support the expansion and development of industry within the county. Industry typically provides good jobs with high paying salaries. This poor county desperately needs the jobs, industry, and some kind of hope for the future. Nonetheless, industrial activities do not fit well within residential areas and sawmills in particular seem to generate more physical and environmental concerns than they might be worth, especially in this area. This proposed sawmill will benefit very few in the county and approval of this permit will negatively impact many. There are often physical, social, and environmental costs to development. Knowing this, consider where industrial activities are appropriate and where they are not.

Respectfully,

Nicolas Sandoval



#### **Land Use – Linda DeHerrera:**

- **Hochstetler Sawmill – SUP - Public Hearing**
- Public Hearing was called to order by Comm. Jarvies
- Chris from Land Use presents on smartboard location of land.
- Linda DeHerrera commented that adequate public notice was met for public hearing.
- Comm. Jarvies opens the Public Hearing to Public Comment.
- Linda presents the written comments that were sent into her for this Public Hearing.
  - All written comments are presented above.
- Petition against sawmill presented by Donald Duran will be attached to the end of these minutes.
- Citizens that spoke up FOR Sawmill
  - Frank Salas
  - Andy Yoder
    - We are here to help build up County, we are not here to choke out anyone.
  - Ivan Miller
    - Not sure why people are scared to have the sawmill.
    - Hochstetler's are clean and environmentally friendly people.
    - Amish folks do not ask for Government aide and are self-sustaining people.

- Richard Garcia
  - Sold property in question to the Hochstetler's
  - Claims that the area is always dusty, sawmill will not generate anymore dust than there already is.
  - Doesn't see anything wrong with having a sawmill at the property location.
- Lester Yoder
  - Trucks will be traveling Hwy 285 and then County Road C and then private driveway.
- James Hochstetler
  - Industrious people that want to help build the county.
- Citizens that spoke up AGAINST of Sawmill
  - Guillermo DeHerrera
    - Claims that a sawmill in operation in San Antonio will have negative impacts on the area as well as the residents.
  - Steven Duran
    - Does not see how the sawmill will generate revenue for the county.
    - Claims that Amish business do not hire non-Amish workers.
  - Donald Duran
    - Circulated petition against sawmill.
    - Concerned about environmental impacts and pollution.
  - Leann Nielson
    - Indicates that her residence and home office is on County Road C and the traffic from the sawmill trucks would be disruptive.
  - Miss Nielson read letter from Nicolas Sandoval.
  - Andy Salazar
    - Claims that Hochstetler never told him about the sawmill.
    - Sold Hochstetler the land
  - Rudy Quintana
    - Concern is with the sawdust waste and the small roads in San Antonio.
  - Larry Salazar
    - Concern is for the noise the sawmill emits; claims he can hear it from his place.
- Comm. Jarvies closes the public comment portion of the Hearing.
- Comm. Jarvies asks for the Hochstetler to make comments for their case for Special Use Permit.
  - Mr. Hochstetler does openly admit that he was operating sawmill.
  - Has paid the double penalty.
  - Discusses the impact on the roads, trucks will only travel Hwy 285 and will only be on County Road C for a short time.
  - Will maintain the road as needed.
  - Doesn't see the need for a catch basin for the diesel and oil since the sawmill is clean running machine and is easy to fill with fuel and oil.
  - Mentions that Mr. Sandoval is concerned with spills and asks for a catch basin but mentions that there are hundreds of farms across the valley that are not required to have a catch basin for their fuel.
  - Andy Salazar concerns about the road and cattle, if there are any damages to the road that Hochstetler will repair whenever needed.
  - Will be willing to put something in writing regarding the repair of the road if that's what Mr. Salazar requires.

- There was the concern with the saw dust waste, Mr. Hochstetler was agreed to give all his saw dust to Edward Stutzman that is opening a butcher shop in Conejos County. Mr. Stutzman's waste from the butcher shop will be composted with the saw dust from the Hochstetler's sawmill.
- Mr. Hochstetler sells wood slabs for firewood, 90% of his customers are elderly and unable to get wood from the mountains at a great low price.
- Only trying to make a living at home, only trying to keep food on the table.
- Sound of the sawmill is very minimal.
- Only trying to be a good neighbor, he realizes that to have good neighbors he needs to be a good neighbor himself.
- Comm. Baroz asks Linda DeHerrera why the Planning Commission ruled not to allow Mr. Hochstetler the Special Use Permit.
- Linda replies that since Mr. Hochstetler did not come in once he started operating his sawmill the planning commission ruled that he should not be awarded his Special Use Permit.
- Comm. Baroz comments that he is always in favor of someone earning a honest living and to also generate more revenue for the County. But there are procedures that one must abide by to start a new company.
- Comm. Baroz comments that he struggles with Mr. Hochstetler not taking the correct steps with the County to get his Special Use Permit before he started operating his sawmill and selling lumber and firewood.
- Comm. Baroz asks Mr. Hochstetler that in his letter to the County that he has another location for the sawmill, asks if he can elaborate on that location and why he is asking for a two-year Permit.
- Mr. Hochstetler explains that he hopes to move the sawmill to the new location in the fall, however the new location may not be ready by then and that's why he is asking for a two-year permit.
- Comm. Baroz explains that for the number of small businesses in their community being open and operated in Conejos, that certainly those that are speaking on their behalf today would have directed the Hochstetler's to obtain their permit before operating and selling wood and lumber for a full year.
- Comm. Garcia echoes the same points as Comm. Baroz, Comm. Garcia explains that he would be against using the small road that passes by David Atencio's place. Comm. Garcia explains that those are tire tracks, very narrow and passes through a narrow passageway through a residential area.
- Comm. Garcia worries that we will be granting a Special Use permit for a industrial business in a small residential area.
- Comm. Garcia would be in favor of the Hochstetler's moving this sawmill to the secondary location that the Hochstetler's have alluded to in their letter to the Commissioners.
- A forty-acre parcel that is not located near a small village such as San Antonio.
- Comm. Jarvies asks the Hochstetler if he is selling wholesale or retail, since the question about sales tax has been brought up.
- Mr. Hochstetler has talked with Jason Medina SLV Small Business, and with the operation as is there is no sales tax. Selling raw material and Blue Spruce Beetle Kill lumber is not applicable to County or State Sales Tax.
- Linda mentions that selling firewood is exempt from State and County Sales Tax as well.
- Comm. Jarvies asks Linda if a Special Use permit has ever been denied because of Post operation application.
- Linda replies – No – We have never disallowed a permit because the applicant did not first apply for a Special Use Permit.

- Linda mentions that there must be an educational aspect that we are missing because there are Conejos County Residents that do not come in to apply for proper permits.
- Linda does say that there are signs throughout the county specifying that Conejos is a zoned area and permits are required.
- Linda has had citizens that do not abide by our Land Use Permits, in which case those situations must be taken in front of the courts.
- Linda mentions that this has only happened a few times in her years spent in the Land Use Office.
- Attorney Sarmiento asks Linda if the Hochstetler's remained operating their sawmill after they had been noticed by Land Use.
- Linda states that they did not order a cease-and-desist order, and they were only issued a violation for operating without a permit.
- Linda states that Land Use had no idea that the sawmill was operating, there were no complaints, there was no reason that Land Use needed to be back there. However once Land Use was notified about the sawmill in operations, Land Use contacted the Hochstetler's, and they came in immediately to pay for the fees and fines.
- Attorney Sarmiento asks Linda is there an application for a permit for the other location?
- Linda replies, yes, they have an application for the other address discussed in hearing. However, that application is from Mr. Yoder and not Mr. Hochstetler.
- Attorney Sarmiento asks Linda, did the planning commission consider the impact on the roads?
- The planning commission was aware of the use on Hwy 285 and County Road C, there was considerable discussion about trucks pulling gooseneck trailers through that area.
- Comm. Jarvies discusses the point that a violation of non-compliance regarding the Special Use Permit should not be grounds to refuse to issue a permit to the applicant moving forward.
- Comm. Jarvies details a time when a citizen called him livid because she did not know that she was required to get a building permit and she lived in Conejos all her life.
- Comm. Garcia addresses that he is not against new businesses in Conejos but is sure that certain type of businesses require a certain location for them. Having an industrious type of business in a small residential location is his main concern.
- Comm. Baroz states that he is in favor of people creating businesses, however, has a concern about issuing a two-year permit.
- Comm. Baroz asks Attorney Sarmiento if we grant a year permit, after the initial year we can revisit the permit.
- Attorney Sarmiento replies, we can set the Land Use Standards of Approval to be specific as we need, if there is impact to the roads, or we can do a truck count. We can set time frames for hours of operation, we can also set a standard for after a certain number of trucks we can have them lay water down to reduce dust. Many of the same standards as our mining operations can be set for this Standards of Approval as well.
- Attorney Sarmiento states that if the Commissioners plan to approve the Special Use Permit there needs to be specific discussion on regulations and standards that must be measured for the sawmill to be in good standing with Land Use.
- Attorney Sarmiento indicates that the Commissioners can either Approve, Deny, Approve with Conditions or Continuance.
- Typically Planning Commission has set forth standards for roads, waste, and other regulations but in this case, they only recommended a denial of the Special Use Permit.
- Now the Commissioners need to set a standard of approval moving forward and that will take more time and discussion.
- Comm. Jarvies cannot remember a time when Planning Commission denies a Special Use Permit.

- Chris from Land Use is asked to testify what he noticed when he visited the property regarding the noise levels.
  - Chris specifies on his visit to the Hochstetler's sawmill the noise next to the machines is significant but of course that's standing directly in front of it.
  - Chris then observed the noise levels at County Road C, which is the entrance to the property and claims he could not hear the sawmill machinery.
  - Chris then went to the intersection of County Road C and the entrance to the old Morada (Religious dwelling for the Penitentes) and the sound there was more noticeable, sounded like if someone was operating a power saw. Chris also observed the noise from Nick Sandoval's and Donald Duran's house and could not hear the sawmill.
  - Roberta Barela's house in Ortiz was observed for noise as well and no sound was detected.
- Comm. Garcia makes a motion to Continue the discussion on approval on the Hochstetler SUP with a cease-and-desist order effective today.
- Comm. Baroz Does Not second that motion, claims that a cease-and-desist order is too much, since this is how they make a living.
- Comm. Garcia's motion failed due to no second.
- Comm. Jarvies asks for a new motion.
- Comm. Baroz makes motion to continue SUP meeting with a decision for the next BOCC Meeting on April 21<sup>st</sup>.
- Comm. Garcia seconds that Motion
- Motion Carries 3-0.

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

- Call numbers and Inmate numbers have gone up in the past month.
- Lease on new vehicles are going slow, ETA will more than likely be several months out.
- Cost of meals for the month were calculated at \$1.
- Sheriff has stepped up some operations in the town of Antonito. Does not want to step on the toes of the Antonito Police force but operations were completed, and arrests were made in burglary ring.
- Would like to hold a Conceal Carry Class before May.
- Body Cam Grant, Under Sheriff has been in contact with Vendor and should be up by June.
- Sheriff has donated \$50 to all the schools for After Prom.
- Sheriff will be issuing a Red Flag Fire Ban.
- Office is thinking of instituting a Neighborhood Watch.
- Comm. Garcia asked if they have hired a nurse for the inmates.
  - Sheriff has not hired a nurse but will continue working in that direction.
- Comm. Garcia asks about the increase of inmates and wanted to clarify if they are County inmates or if we are housing for other counties.
  - Sheriff states that most are being housed for other counties.

**Assessor Abatements – Naomi Keys-Martinez**

<b>Section II:</b>		<b>Assessor's Recommendation</b> (For Assessor's Use Only)		
		Tax Year <u>2021</u>		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	
Original	<u>259,877</u>	<u>46,022</u>	<u>3,020.10</u>	
Corrected	<u>247,191</u>	<u>44,561</u>	<u>2,924.24</u>	
Abate/Refund	<u>12,686</u>	<u>1,461</u>	<u>95.86</u>	

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: 2021 Protest?  No  Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

\_\_\_\_\_  
Assessor's or Deputy Assessor's Signature

Comm. Garcia makes motion to approve Abatement as presented

Comm. Baroz seconds motion

Motion Carries 3-0

**Nathan Good – Land Use Issue**

- Mr. Good and Mr. Martinez have been trying to do a land purchase on County Road 28 in Los Sauses, Mr. Good would like to purchase two acres from Mr. Martinez.
- Linda from Land Use called Mr. Good notifying that they cannot go ahead with the Division of Land, because of a setback issue regarding a building on the property.
- Mr. Good next went to Southwest Title to start the Quit Title to correctly divide the land.
- Southwest Title notified Mr. Good they could not find a reason that warranted a Quit Title for this land.
- Mr. Good has been discussing this issue with Assessors and Land Use offices for the past year, but there is still property that is unknown.
- Mr. Good claims that he has taxes paid on all the deeds for many years now and doesn't know why the County is claiming there is property that is unknown.
- Mr. Good references that his wife is a Goat Farmer and purchased the 40 acres adjacent to property in this issue, through the USDA and they cited no issue, because they were using fence lines and not deeds and legal descriptions.
- Naomi Keys-Martinez states that Mr. Motz from Southwest Title had asked the County Assessor's Office who he needed to name for the Quite Title.
- Naomi indicates that is not part of her job, since that is the job of Mr. Motz and Southwest Title.
- Naomi suggested maybe they could use the same names as her Uncle Tommy had used in his Quite Title since they are just south of that property.
- Naomi claims that nothing can be done until the Quite Title is completed.
- Attorney Sarmiento speaks about that these issues have been happening for a long time now and Los Sauses is a known problem area with fence lines not matching Deeds and Legal Description.



- Attorney Sarmiento states another issue with bits and pieces of land in Los Sauses that are unknown who owns them.
- We as a County have been trying to fix these and deal with the problems that arise from this issue of unknown property.
- Conejos County has a policy which Mr. Motz knows about that we will not transfer unknown land.
- Attorney Sarmiento addresses the BOCC and the citizens in attendance that the only way to fix this issue is to have the property owners complete a Quiet Title and have a Judge declare who the property belongs to, we have identified the best way to complete this property transaction which is as we mentioned to complete a Quiet Title and go in front of a Judge. We as a County understand the Cost involved and in Court you will be listing your neighbors as a defendant and you as a plaintiff but there is no other way around this.
- Naomi states that the last name that she could find as owner is Diego Marquez who got a patent from the US government, even if she was to switch the name to Mr., Marquez they would still need to proceed with a Quiet Title to switch it into Mr. Martinez's name.
- Mr. Wood is very contentious with the BOCC, Attorney Sarmiento and Naomi Keys.
- Comm. Baroz had to raise his voice to stop Mr. Wood's from speaking.

## Land Use – Linda DeHerrera

### Public Hearing – Construction Permits

- Amendment to Article 5 – Land Use Construction Permits
  - Notice was sent to Valley Courier, Website and in Office.
  - Planning Commission did review on March 16<sup>th</sup>
  - Planning Commission did make a recommendation to the BOCC to approve the construction regulations with the change to eliminate the requirement to obtain a permit for roofing or reroofing for every structure except those for commercial and industrial structures.
  - Changes to Article 5 are highlighted in Yellow.

#### ARTICLE 5 PERMITS

##### DIVISION 5.1 GENERAL

###### Section 5.100 Permits Required

A. **Land Use Permit Required.** A Land Use Permit is required for any change in land use, unless expressly exempt from Land Use Permit in the appropriate zone district section. Development or activity associated with the land use change shall not begin prior to issuance of a Land Use Permit pursuant to this code.

B. **Land Use Construction Permit Required.** A Construction Permit is required for all new construction, and for remodel or repair of existing buildings or structures unless expressly exempted from Construction Permit requirements by Section 5.600. Construction, remodel or repair activities shall not begin prior to issuance of a Construction Permit pursuant to this code.

C. **Other Permit Requirements.** In addition to the permit requirements set forth in this Article 5, the owner shall be responsible for satisfying all other state and local permit requirements applicable to the proposed land use or construction, remodel or repair activity.

##### DIVISION 5.6 LAND USE CONSTRUCTION PERMIT

###### Section 5.600 Permit Conditions

A construction permit is required for all new construction including the installation of a mobile or manufactured home unless expressly exempt from that requirement by this code.

A. **Validity of Permit.** A Land Use Construction Permit shall remain valid for one year.

B. **Term of Permit.** The permit shall be deemed to have lapsed if there is no construction for a continuous 12-month period.

C. **Extension of Permit Term.** An extension of the term of the permit may be requested by the applicant and approved by the Land Use Administrator. **AN EXTENSION OF NO MORE THAN 60 DAYS IF THE APPLICANT CAN ATTEST THAT THEY WILL COMPLETE CONSTRUCTION WITHIN 60 DAYS FROM THE EXPIRATION DATE.**

1. An extension of the term of the permit may be requested in writing by the applicant/Landowner and approved by the Land Use Administrator.

2. An extension of up to a maximum of 60 days is allowed. Greater than 60 days requires a permit backdated to the expiration of the permit or whole new permit.

D. **Change in Conditions of Permit.** Any proposal to change to the size, purpose or location of the structure shall require a new Land Use Permit. **CHANGES MUST BE MADE WITHIN 90 DAYS OF THE PERMIT APPLICANT DATE. GREATER THAN 90 DAYS WILL REQUIRE A NEW PERMIT.**

Section 5.610 Violation

Failure to obtain a construction permit as required by these Regulations shall be a violation of the Conejos Land Use Code subject to the enforcement provisions in Article 16. A DOUBLE APPLICATION FEE WILL BE CHARGED FOR ANY PROJECT THAT IS STARTED PRIOR TO OBTAINING A PERMIT, ALSO KNOWN AS A POST-APPLICATION FEE. CONSTRUCTION BEYOND EXCAVATION IS CONSIDERED POST CONSTRUCTION.

Section 5.620 Exemptions from Construction Permit Requirement

The following construction, remodel or repair activities are exempt from the requirement to obtain a Construction Permit. Exemption from the Construction Permit requirements is not an exemption from other state or local permit requirements applicable to the proposed construction activity.

A. **Household Repairs.** Routine household repairs, maintenance, decorating, or landscaping performed by the homeowner or a contractor which:

1. Does not result in significant alterations to the existing structural, electrical or plumbing systems, or significantly increase the enclosed floor area of a structure.
2. Does not result in creating or exacerbating non-conformance of the lot or use with this Land Use Code.

HOUSEHOLD REPAIRS/MAINTENANCE INCLUDE THE FOLLOWING:

Painting exterior and/or interior  
Replacement of exterior siding  
New floor coverings: carpet, tile & linoleum  
New window and door (exterior/interior/storm/garage) replacement that does not change the size of the existing frames  
Minor plumbing & electrical fixtures replacement - see State DOR requirements

B. **Roofing.**

1. Minor roof repairs using less than one hundred (100) square feet of material.
2. ~~Re-roofing greater than one hundred (100) square feet if the existing roof has fewer than three existing layers of roofing material and if the work is substantially performed by the owner.~~ ELIMINATE THIS EXEMPTION

**3/16/22 PC RECOMMENDATION TO EXEMPT FROM PERMITTING RE-ROOFING FOR ALL EXCEPT COMMERCIAL AND INDUSTRIAL USES.**

C. **Accessory Structures.**

1. Open structures such as stock pens or corrals, located on land zoned Agricultural or Rural customarily erected and used for agricultural purposes. This exemption does not include pole barns or hay sheds.
2. Enclosed Accessory Structures which are less than 120 square feet in area.

D. **Fences.** Decorative fences and stock fences constructed pursuant to the provisions of Article 46 Title 35, C.R.S. Do not build fences that obstruct the view of traffic on any public easement/right-of-way.

#### Section 5.630 Temporary Buildings or Structures

The Land Use Administrator may issue a permit for construction or placement of on-site temporary buildings or structures for construction management and material storage, and for other temporary uses approved pursuant to this code. Permits for temporary buildings or structures shall be issued pursuant to the application and review procedure for Construction Permits set forth in Section 5.640 below. A TEMPORARY STRUCTURE DOES NOT APPLY TO STRUCTURES THAT ARE PLACED ON SKIDS.

A. **Term.** Construction Permits for temporary buildings or structures for the purpose of construction management and material storage shall be issued for a maximum period of twelve months and may be renewed a maximum of two additional 12-month periods. RENEWAL IS REQUIRED AT THE END OF EACH 12-MONTH PERIOD.

B. **Removal.** The temporary building or structure must be removed by the date of expiration specified in approval of the Construction Permit.

#### Section 5.640 Application Submittal and Review

A. **Application Submittal.** An application must be submitted in accordance with Section 3.210A as well as the following additional information:

1. **Site Plan.** A site plan acceptable to the Land Use Administrator, which contains the site plan information required in Section 3.210A5 as well as the following elements:
  - a. Drawings showing the height of the proposed structure above existing grade.
  - b. For building lots with 20% or greater slope where construction is proposed, engineering studies that demonstrate feasibility of proposed construction and discuss construction techniques proposed for mitigation of slope development issues and hazards.

B. **Review Procedure.**

1. **Review of Application Materials by Land Use Administrator.** The Land Use Administrator shall review the application in accordance with Section 3.220. (No referral letters are required.)
2. **Land Use Administrator Decision.** Within five (5) working days of the completeness determination, the Land Use Administrator may approve, approve

with conditions, or deny the application for a Construction Permit, based upon compliance of the proposed construction or remodel ~~or repair~~ activity with the Approval Standards set forth in Section 5.660. The Land Use Administrator shall inform the applicant of the approval, conditions of approval or basis for denial in writing within five (5) working days of the decision.

Section 5.650 Review of Administrative Decision

An applicant may request review of the Administrator's decision by the Board of County Commissioners by following the procedure in Section 3.250A.

Section 5.660 Standards for Approval

In addition to the applicable General Standards for Approval in Section 5.500, the following additional standards must be met.

A. **Compliance with Zone District Requirements.** The new construction, remodel or ~~repair~~ meets the applicable zoning district standards for setbacks, building height, lot coverage, and number of residences allowed.

B. **Manufactured Home/Mobile Home.** Construction shall be in compliance with applicable state **MOBILE HOME INSTALLATION PROGRAM (MHIP)** and industry standards, and the structure will be safe and habitable.

1. **Manufactured Homes/Mobile Home must be tied down per MHIP regulations within 60 days of placement on the property and completely installed per MHIP regulations within one year.**
2. **No pre-1976 mobile homes are permitted in Conejos County. (See Section 7.110C for information regarding legally nonconforming pre-1976 mobile homes.)**
3. **No mobile homes are permitted for use as a storage facility. Refer to Article 8.**

C. **Slope Development.** The proposed construction is feasible and appropriate construction techniques will be utilized to mitigate hazards for development on slopes of 20% or greater.

D. **Address of Property.** The structure has received a physical address through the County. **ADDRESS MUST BE POSTED ON THE PROPERTY PRIOR CONSTRUCTION.** Refer to Article 14.

Amendment Process:

Publication for public review: 02/11/2022 through 03/15/2022  
Planning Commission initial review: 01/19/2022 and 02/16/2022

Planning Commission Public Hearing: **03/16/2022 - PC MADE RECOMMENDATION FOR APPROVAL WITH AMENDMENT TO ROOFING/RE-ROOFING Section 5.620 Exemptions from Construction Permit Requirement B. ROOFING**

Board of County Commissioners Public Hearing: 04/07/2022

Motion to approve Construction permit amendments as presented  
Comm. Garcia first motion  
Comm. Baroz second motion  
Motion Carries 3-0

Motion to make effective date of April 15, 2022  
Comm. Garcia first motion  
Comm. Baroz second motion  
Motion Carries 3-0

Public comment was not provided for this hearing.  
Comm. Jarvies opens public comment and asks if there are any that would like to speak for or against three times.  
NO PUBLIC COMMENT  
NO COMMENTS SENT TO LINDA  
Public Comment portion of this hearing is now closed.

Motion to ratify amended Construction Permit requirements as presented with effective date of April 15<sup>th</sup>, 2022.  
Comm. Baroz first motion  
Comm. Garcia second motion  
Motion Carries 3-0

**Land Use – Linda DeHerrera  
Public Hearing – Land Use Fee Schedule**

**Conejos County Land Use - EXHIBIT A  
Land Use Fee Schedule - Effective:**

Type of Permit/Process	Fee		COMMENTS
<b>SUBDIVISION EXEMPTION:</b>			
Division of Land	\$500.00		
Boundary Line Adjustment	\$350.00		
Lot Consolidation - Lot Line Revision	\$350.00		
<b>MINOR SUBDIVISION: 3 to 6 lots</b>			
Base Fee	\$750.00		
Fee for Each Lot Created	\$100.00		
<b>MAJOR SUBDIVISION: 7 or more lots</b>			
Base Fee	\$2,000.00		
Fee for Each Lot Created	\$100.00		
<b>PUD - NEW CREATION:</b>			
Base Fee	\$2,000.00		
Fee for Each Lot Created	\$100.00		
<b>PUD - AMENDMENT:</b>			
Base Fee	\$750.00		
Fee for Each Lot Amended	\$50.00		
<b>SUBDIVISION AMENDEMENT</b>			
Base Fee	\$750.00		
Fee for Each Lot Amended	\$50.00		Added - Previously omitted.
SUBDIVISION VACATION	\$750.00		
<b>CLUSTER SUBDIVISION</b>			
Base Fee	\$1,250.00		
Fee for Each Lot Created	\$100.00		
LARGE LOT LAND DIVISION	\$500.00		
<b>MOBILE HOME PARK - New</b>			
Base Fee	\$2,000.00		
Fee for Each Lot Created	\$100.00		
<b>MOBILE HOME PARK - AMENDMENT</b>			
Base Fee	\$1,000.00		
Fee for Each Lot Amended	\$100.00		Added - Previously omitted.
<b>RV PARK/RESORT/CAMPGROUND- NEW</b>			
Base Fee	\$2,000.00		
Fee for Each Lot Created	\$100.00		
<b>RV PARK/RESORT/CAMPGROUND-AMEND</b>			
Base Fee	\$1,000.00		
Fee for Each Lot Amended	\$25.00		
ZONE CHANGE	\$500.00		
ALL FEES ARE PAYABLE TO THE CONEJOS COUNTY TREASURER - CASH, CHECKS AND DEBIT OR CREDIT CARDS ARE ACCEPTABLE. DEBIT AND CREDIT TRANSACTIONS ARE SUBJECT TO A BANK FEE.			
*CASES REQUIRING PUBLIC HEARINGS WILL PAY POSTAGE, PUBLICATION & PROFESSIONAL FEES IF MORE THAN TWO HEARINGS ARE REQUIRED.			
NOTARY PUBLIC & RECORDING FEES ARE PAID BY THE APPLICANT/OWNER DIRECTLY TO CLERK & RECORDER OR NOTARY.			

**Conejos County Land Use - EXHIBIT A  
Land Use Fee Schedule - EFFECTIVE**

TYPE OF PERMIT/PROCESS	FEE		COMMENTS
PUBLIC WAY VACATION	\$500.00		
VARIANCE	\$500.00		
ADMINSTRATIVE REVIEW (AR):	\$300.00/\$600.00		
SPECIAL USE(SUP)/CONDITIONAL PERMIT			PRE/POST fees apply to AR and SUP Permits. If a use is started prior to getting a permit a double fee will be charged.  Previously Omitted. PC review and recommendation 1/19/22
General Uses	\$500/\$1000		
Mining Operation (110 permit)	\$1,000/\$2,000		
Mining Operation (112 permit)	\$2,500/\$5,000		
Industrial Uses	\$1,000/\$2,000		
Major Electrical & Natural Gas Facilities	\$5,000/\$10,000		
Oil & Gas	\$10,000/\$20,000		
Home Occupations *must meet definition	\$300/\$600		
<b>ONSITE WASTEWATER TREATMENT SYSTEM - OWTS - SEPTIC SYSTEM</b>			
New System Tank & Drain Field	\$325/\$650		Includes the State CDPHE Fee.
Repair - Tank only or drain field only	\$200/\$400		
Reinspection Fee	\$50.00 per hour		Start & End Point is the Land Use Office
Variance to Regulation	\$500/\$1,000		
OWTS - CLEANER & INSTALLER LICENSE	\$50.00		First Time License
Renewal Fee	\$25.00		
<b>PHYSICAL ADDRESS</b>			
Address Change/Verification	No Charge		
New Assignment with Sign	\$50.00		All new addresses.
Physical Address Signs	Market Value		Prices posted in the Land Use Office
Road Name Change	\$50.00		
<b>OTHER SERVICES:</b>			
Land Use Code Book	\$50.00		Free on Website
Comprehensive Plan Book	\$50.00		Free on Website
FAX - outgoing	\$3.00		
FAX - Incoming	\$0.25 Per Page		
Copies	\$0.25 Per Page		Per State Statute
Research Fees	\$50.00		Per Hour
Survey Plat Reproduction Fees:			
11" x 17"	\$0.25		Per Page
18" x 24"	\$1.25		Per Page
24" x 36"	\$5.00		Per Page
Professional Review	Actual Cost*		
Any/All technical or consulting fees required to complete permits or subdivisions.			
<b>ROAD &amp; BRIDGE PERMITS:</b>			
County Road Access Permit	\$100/\$200		Pre/Post fees apply
Utility in Right of Way	\$250		
Damage Deposit - Gravel Road	\$500		Bond in lieu of the deposit is acceptable per R&B approval.
Damage Deposit - Paved Road	\$1,500		
<b>ALL FEES ARE PAYABLE TO THE CONEJOS COUNTY TREASURER - CASH, CHECKS AND DEBIT OR CREDIT CARDS ARE ACCEPTABLE. DEBIT AND CREDIT TRANSACTIONS ARE SUBJECT TO A BANK FEE.</b>			
<b>*CASES REQUIRING PUBLIC HEARINGS WILL PAY POSTAGE, PUBLICATION &amp; PROFESSIONAL FEES IF MORE THAN TWO HEARINGS ARE REQUIRED.</b>			
<b>NOTARY PUBLIC &amp; RECORDING FEES ARE PAID BY THE APPLICANT/OWNER DIRECTLY TO CLERK &amp; RECORDER OR NOTARY.</b>			



**Conejos County Land Use - EXHIBIT A  
Construction Permits Fee Schedule - EFFECTIVE:**

RESIDENTIAL - STRUCTURES FOR HUMAN HABITATION			
<b>NEW RESIDENTIAL DWELLINGS: (Onsite/Stick Build Homes)</b>			
UP TO 2000 SQ FEET	\$400/\$800		
2001 TO 3000 SQ FEET	\$500/\$1,000		
3001 TO 4000 SQ FEET	\$600/\$1,200		
4001 TO 5000 SQ FEET	\$700/\$1,400		
For every 1,000 sq ft additional	\$100		
<b>SINGLE, DOUBLE, TRIPLE WIDE MOBILE HOMES TO INCLUDE TINY HOMES &amp; MODULAR HOMES</b>			
Land Use Construction Permit for MH	\$200/\$400		These homes are subject to the State of Colorado MHIP.
MHIP Certified Inspection Services	\$440.00		MH include a 4'x8' steps and landing at each entry. Anything larger requires a permit for a deck or porch. Previously omitted.
The State Housing requires Certified Installers and Inspectors. When complete a Certification Insignia/Stickers is required.	\$60.00		
<b>ENCLOSED ACCESSORY STRUCTURE</b>			
Enclosed-all sides: Barn, Garage, Greenhouse, Shed, Shop, Shed			
Less than 120 Sq. Feet	No Permit - Use Tax is required		
120 TO 400 SQ FEET	\$100/\$200		
401 to 1,000 sq. ft	\$200/\$400		
1001 to 2,000 sq. ft	\$300/\$600		
2,001 to 3000 sq. ft	\$400/\$800		
For every 1,000 sq. ft additional	\$100.00		
<b>NOT ENCLOSED ACCESSORY STRUCTURE</b>			
Carport, Hay & Loafing Shed, Gazebo, Pergola, 3 Sided Structures			
Less than 120 Sq. Feet	No Permit - Use Tax is required		
120 TO 400 SQ FEET	\$100/\$200		
401 to 1,000 sq. ft	\$150/\$300		
1001 to 2,000 sq. ft	\$200/\$400		
2,001 to 3000 sq. ft	\$250/\$500		
For every 1,000 sq. ft additional	\$50.00		
<b>ADDITIONS/EXPANSIONS TO ANY BUILDING - ENCLOSED - Residential, <del>Commercial</del> - Any Enclosed Addition</b>			
Up to 400 SQ FEET	\$100/\$200		
401 to 1,000 sq. ft	\$150/\$300		
1001 to 2,000 sq. ft	\$200/\$400		
2,001 to 3000 sq. ft	\$250/\$500		
For every 1,000 sq. ft additional	\$50.00		
<b>ADDITIONS/EXPANSIONS TO ANY BUILDING - NOT ENCLOSED - Deck, Lean-to, Patio, Porch</b>			
Up TO 400 SQ FEET	\$50/\$100		
401 to 1,000 sq. ft	\$100/\$200		
1001 to 2,000 sq. ft	\$150/\$300		
2,001 to 3000 sq. ft	\$200/\$400		
For every 1,000 sq. ft additional	\$50.00		
<b>COMMERCIAL/BUSINESS STRUCTURES</b>			
Up TO 400 SQ FEET	\$300/\$600		Any structure that is used as the primary building or as an accessory to any business are classified as commercial.
401 to 1,000 sq. ft	\$400/\$800		
1001 to 2,000 sq. ft	\$500/\$1,000		
2,001 to 3000 sq. ft	\$600/\$1,200		
For every 1,000 sq. ft additional	<del>\$50.00</del> Change to \$100.00		
<b>COMMERCIAL/BUSINESS STRUCTURES - ADDITIONS/EXPANSIONS - ENCLOSED &amp; NOT-ENCLOSED</b>			
Up to 400 SQ FEET	\$75/\$150		We did not have commercial additions or expansions previously included.
401 to 1,000 sq. ft	\$150/\$300		
1001 to 2,000 sq. ft	\$225/\$450		
2,001 to 3000 sq. ft	\$300/\$600		
For every 1,000 sq. ft additional	\$75.00		
<b>COMMERCIAL/BUSINESS - RE-ROOFING</b>			
RE-ROOFING	\$200/\$400		Previously omitted
RV ACCESSORY STRUCTURES	\$100/\$200		<b>THIS MAY BE ELIMINATED.</b>
TEMPORARY BUILDINGS/STRUCTURES	\$250/\$500		
PERMIT RENEWAL	\$150/300		Annual Renewal - Max 3 Years
	\$100		

**COUNTY USE TAX OF 2% SHALL BE COLLECTED ON ALL BUILDING & CONSTRUCTION MATERIALS.**

Per Conejos County Resolution – C-23-2021 – Resolution concerning 2% Sales & Use Tax. General Provisions - Section 1 – A countywide use tax rate of 2% for the privilege of using or consuming in Conejos County any construction or building materials purchased at retail.

Contractors and Landowners have three options of paying the Use Tax.

- Estimate Procedure: Provide Itemized Cost Breakdown from Landowner/Builder/Contractor. \*
- Building Valuation of Use Tax Declaration: Land Use Office has the Data Sheet for this calculation. \*
- Affidavit – Contractor/Landowner must attest to purchasing ALL material in Conejos County. \*\*

\* Pay Use Tax Deposit directly to the County.

\*\* Pay Use Tax directly to the retailer in Conejos where purchases are made.

Permit renewals must identify the % of completion at the time the permit is renewed.

Please contact the Land Use Office to get more information on how the Use Tax Deposit is calculated and what documentation you will be required to provide to the Land Use Office at the time a Building/Construction Permit is obtained.

**AMENDMENT PROCESS:**

Publication for 02/11/2022 through 03/15/2022

Planning Commission Initial Review: 01/19/2022 AND 02/16/2022

Planning Commission Public Hearing: 03/16/2022

Board of County Commissioners Public Hearing: 03/17/2022

Planning made a recommendation to the BOCC for approval of fee schedule

Adequate public notice was met

Open public comment of hearing

Closed public comment portion of hearing

Comm. Baroz makes motion to approve fee schedule as presented effective April 15<sup>th</sup>, 2022

Comm. Garcia seconds that motion

Motion Carries 3-0

**Land Use – Linda DeHerrera**  
**Serpan 1– Boundary Line Adjustment**

CONEJOS COUNTY LAND USE  
CASE SUMMARY- REPORT

CASE NO: CCLU-2021-0319

REQUEST: Re-plat/Lot Consolidation

APPLICANT: Jeff and Malinda Serpan

ZONING: Community Town Site – Platoro

SURVEY BY: Russell Surveyors & Associates – Tony Martin

BACKGROUND: An application was filed with the land use office on 10/25/2021, for a Replat-Lot Consolidation of property legally described as Block 23 Lots 13 through 16 and Lots 23 through 32 to include vacated portion of First Street West.

This process was required per the Vacation of First Street West.

The Consolidation will create Lot 13C Block 23 containing 1.49 acres  $\pm$  as described on the described Serpan Lot Consolidation plat.

APPLICABLE ORDINANCE: Article 10– Subdivisions: Division 10.7 Subdivision Exemptions:  
3. Consolidation

Land Use Administrator review/approval: 04/07/2022

Surveyor Review: 03/16/2022

Board of County Commissioners review/approval: 04/07/2022

Comments:

Approval: Motion/Second: \_\_\_\_\_ Resolution # \_\_\_\_\_

Recorded date: \_\_\_\_\_ Reception # \_\_\_\_\_ -resolution  
Reception # \_\_\_\_\_ -plat

Comm. Garcia makes motion to approve Serpan Boundary Line Adjustment  
Comm. Baroz seconds that motion  
Motion Carries 3-0

**Land Use – Linda DeHerrera**  
**Serpan 2 – Re-plat/Lot Consolidation**

**CONEJOS COUNTY LAND USE**  
**CASE SUMMARY- REPORT**

CASE NO: CCLU-2021-0320

REQUEST: Re-plat/Lot Consolidation

APPLICANT: Jeff and Malinda Serpan

ZONING: Community Town Site – Platoro

SURVEY BY: Russell Surveyors & Associates – Tony Martin

BACKGROUND: Jeff Serpan filed an application on behalf of the Serpan/Sexson Families on 10/25/2021, for a Replat- Lot Consolidation of property legally described as Block 26 Lots 1 through 8 and Lots 19 through 28 in Platoro to include vacated portion of First Street West and Third Avenue North. The Owners of the property are George R. Serpan, Patricia S. Serpan, Charles W. Sexson, Jennifer Grass Sexson, and Fanchon Leahe Serpan.

This process was required per the Vacation of Platoro - First Street West and Third Avenue North approved under County Resolution #C-10-2022.

The Consolidation will create Lot 1C Block 26, Platoro containing 1.95 acres  $\pm$  as described on the described Serpan/Sexson Lot Consolidation plat.

APPLICABLE ORDINANCE: Article 10– Subdivisions; Division 10.7 Subdivision Exemptions;  
3. Consolidation

Land Use Administrator review/approval: 04/07/2022

Surveyor Review: 03/16/2022

Board of County Commissioners review/approval: 04/07/2022

Comm. Baroz makes motion to approve Re-plat and lot consolidation as presented.

Comm. Garcia seconds that motion

Motion Carries 3-0

**Clerk and Recorder – Nathan Ruybal**

**Payroll Date Changes – Audio Recording Equipment**

- Clerk would like to discuss the pros and cons of changing payroll dates from 15<sup>th</sup> and Last Day of the Month to Bi-Weekly.
- Connie had done payroll for over 20 years with Alamosa County and has a list of Pros and Cons.
- Comm. Jarvies comments that he didn't know this was a concern and that discussion should have introduced to BOCC before asking employees in the Courthouse.
- Tressessa agrees that Clerk Ruybal should have followed Chain of Command.
- Will have a work session after the next BOCC meeting on the 21<sup>st</sup>.
- Audio system needs to be updated; equipment is 20 plus years old.
- Consensus is that we put bids out to upgrade audio system.

**PT Quarterly Report – Mack Crowther**

- Treasurer Mack Crowther discusses the revenue generated from the County Sales Tax.
- Mack Crowther highlights the following revenue streams from the County Sales/Use Tax
  - Motor Vehicle Sales and Use Tax - \$58,521.94
  - Sales and Use Tax Revenue - \$125,342.48
  - Land Use Building Material Use Tax - \$5,380.34
- Attorney Sarmiento discusses the possibility of the generation of a surplus of sales tax revenue.
- Discussion about surplus revenue and the process to take a question to the voters in the future to direct those excess funds into another avenue in the county.



*Conejos County Treasurer & Public Trustee*

**MACK M. CROWTHER**

**PUBLIC TRUSTEE QUARTERLY REPORT OF REVENUE  
PER CRS 38-37-104(3) 1ST QUARTER OF 2022**

<u>RELEASES</u>	<u>#</u>	<u>CURRENT QUARTER</u>	<u>YTD</u>
JAN.	36	\$540	
FEB.	22	\$330	
MAR.	28	\$420	
		\$ 1290	\$1290
<u>FORECLOSURES (STARTED &amp; RESTARTED)</u>			
JAN.-MAR.	2	\$300	\$300
<u>CERTIFICATES OF REDEMPTION</u>			
JAN.-MAR.			
<u>CURING FEES</u>			
JAN.-MAR.			
<u>PUBLIC TRUSTEE'S DEEDS</u>			
JAN.-MAR.		\$ 0	\$ 0
SUBTOTAL		\$1,590	\$ 1,590
<b>PUBLIC TRUSTEE NET INCOME</b>		<b>\$1,590</b>	<b>\$ 1,590</b>

I, MACK M. CROWTHER, CONEJOS COUNTY PUBLIC TRUSTEE, DO HEREBY CERTIFY THAT THE FOLLOWING PUBLIC TRUSTEE NET INCOME TO THE BEST OF MY KNOWLEDGE AND ABILITY IS TRUE AND CORRECT AS IT APPEARS FROM THE RECORDS IN MY OFFICE AS OF MARCH 31, 2022. IN WITNESS, I HEREBY PLACE MY HAND & OFFICIAL SEAL THIS 7TH DAY OF APRIL, 2022.

*Mack M. Crowther*  
 \_\_\_\_\_  
**MACK M. CROWTHER**  
**CONEJOS COUNTY PUBLIC TRUSTEE**

RECEIVED AND EXAMINED BY THE BOARD OF COUNTY COMMISSIONERS THIS 7th DAY OF  
 APRIL, 2022  
*Mitchell Garcia*  
 \_\_\_\_\_  
**CHAIRPERSON**

Motion to approve Trustee Report as presented  
 Comm. Baroz makes first motion  
 Comm. Garcia second motion  
 Motion Carries 3-0

- Approval of acceptance of Heritage Railroad Leasing
- Check amount of \$87.20 was sent to Conejos County.
  - Comm. Garcia made motion to allow Treasurer Mack Crowther to accept \$87.20 tax settlement.
  - Comm. Baroz seconds motion
  - Motion Carries 3-0
- Tyler Technology has been approved for the new Treasurer software.
  - Mr. Crowther needed signatures from the BOCC to approve new vendor.

**Road and Bridge – Donnie Martinez**

**Court House Lighting - Asphalt Discussion – Gravel Pit Purchase**

- Discussion Topics - Court House Lighting
  - Donnie presents a quote from November
  - Quote is replacing all lights in the Courthouse with LED lights.
  - Comm. Baroz is speaking with Excel regarding an estimate to replace lights.
  - Tressesa asks do we need to put this job back out for bid?
  - BOCC agrees that we need to get bids for this job.
- Discussion Topics - Asphalt Discussion
  - Asphalt costs are going up.
  - Fair plan needed to resurface all county roads.
  - High traffic roads are more of a priority.
  - Is it better to resurface one mile of three different roads?
  - Is it better to resurface one road for three miles?
- Gravel Pit Purchase

MARCH 24, 2022

SALES PROPOSAL  
ROMEO SAND & GRAVEL

CONEJOS COUNTY COMMISSIONERS

The following proposal lists the said GRAVEL PIT currently operated as Romeo and Gravel (I), and separately lists a price for the related business assets (EQUIPMENT) currently used in the business (II). The final proposal lists one price for the purchase of both, the GRAVEL PIT & EQUIPMENT (III).

I. GRAVEL PIT - \$425,000  
 -65 ACRES  
 -SCALE  
 -MATERIAL (includes chip seal, road base, crusher fines, fill dirt, landscaping sand)

II. EQUIPMENT - \$110,000  
 -2003 Mack CV700 Dump Truck  
 -1995 Peterbilt Day Cab  
 -1998 Clement End Dump  
 -1994 Load King Belly Dump

III. GRAVEL PIT & EQUIPMENT - \$500,000

Sincerely,



Gale Gallegos

Owner/Operator Romeo Sand & Gravel

- Comm. Baroz makes a motion to allow Donnie and Attorney Sarmiento to move on Purchase of Romeo Sand and Gravel.
- Comm. Garcia seconds motion
- Motion Carries 3-0

## PETITION

**Petition:** The below named individuals, registered electors of Conejos County, do hereby state our opposition to the Aaron Hochstetler application for a Special Use Permit for a Sawmill & Retail Sales.

We, the undersigned, object to the application for the reasons listed, including but not limited to the following, which are not the complete list of reasons for the objection and request for denial of the application:

1. The applicant has been operating this illegal non-permitted sawmill for almost a year without ever requesting a permit from Conejos County and has only after objections from the community has an application been forthcoming. Until recently the applicant had an outdoor toilet which was recently removed when Conejos County officials inspected the property. The applicant also has an illegal dog breeding operation, which has also not been permitted nor removed.

The applicant should not now be rewarded with a Special Use Permit after illegally operating the sawmill and having other zoning violations. Ignorance of the law is no excuse for violating and skirting the zoning laws of Conejos County and thereby the applicant should not be rewarded and the application should be denied.

2. This property and the surrounding neighborhood is in a rural residential zoned area and an industrial sawmill and commercial operation is incompatible with this neighborhood. The quality of life has been seriously eroded while this illegal sawmill has been in operation and would be seriously affected should the County allow the operation to continue.

3. Heavy logging trucks and increased commercial traffic through these narrow rural dirt roads has been dangerous to the community and people living in this area and would be seriously affected again should the County grant a Special Use Permit.

4. During the time this illegal and non-permitted sawmill has been in operation, the heavy truck traffic has caused tremendous harm and damage to the rural dirt roads. As we all know the County Roads are NOT in good condition and the County has a difficult time maintaining the roads. No provision in the Application has been presented to provide for the maintenance of these rural roads.

5. The applicant does not have permission from the land owner to use the private road for commercial and industrial traffic to access this illegal non-permitted operation nor will it be granted if the County grants the Special Use Permit for the sawmill, thus heavy trucks will not have access to the property and the illegal non-permitted sawmill should NOT be permitted or allowed to continue operations. The County should ensure the land is cleared of all construction debris and heavy equipment.

**Name, signature, and address of the persons objecting are as follows:**

Larry Salym      0112

Matthew Samora ~~Walt P...~~ 1230 Rd. 13 Antonio,

ALFED MADRILL SAN ANTONIO

J R MADRILL SAN ANTONIO

Andrés Ruybal San Antonio

Phyl & Ruybal San Antonio

LeeAnn Nielsen 1994 CR 13 San Antonio Antonio

Andrew Fuller 20 city Rd Antonio

Patricia Gallego 20 city Rd A.5 Antonio

Harold Martinez 19 county Rd A.5 Antonio

MARVIN MARTINEZ 1660 C. RD 13

Jackie Martinez 1660 C. Rd 13

Joseph Martinez 8992 cr cl. 5 Antonio CO 81120

Maria H Martinez 1880 county Road 12.5 Antonio CO 81120

Elizabeth Samora 1230 city road 13 Antonio CO 81120

Gilbert J Saezel San Antonio

Philly Trujillo SAN ANTONIO



## PETITION

**Petition:** The below named individuals, registered electors of Conejos County, do hereby state our opposition to the Aaron Hochstetler application for a Special Use Permit for a Sawmill & Retail Sales.

We, the undersigned, object to the application for the reasons listed, including but not limited to the following, which are not the complete list of reasons for the objection and request for denial of the application:

1. The applicant has been operating this illegal non-permitted sawmill for almost a year without ever requesting a permit from Conejos County and has only after objections from the community has an application been forthcoming. Until recently the applicant had an outdoor toilet which was recently removed when Conejos County officials inspected the property. The applicant also has an illegal dog breeding operation, which has also not been permitted nor removed.

The applicant should not now be rewarded with a Special Use Permit after illegally operating the sawmill and having other zoning violations. Ignorance of the law is no excuse for violating and skirting the zoning laws of Conejos County and thereby the applicant should not be rewarded and the application should be denied.

2. This property and the surrounding neighborhood is in a rural residential zoned area and an industrial sawmill and commercial operation is incompatible with this neighborhood. The quality of life has been seriously eroded while this illegal sawmill has been in operation and would be seriously affected should the County allow the operation to continue.

3. Heavy logging trucks and increased commercial traffic through these narrow rural dirt roads has been dangerous to the community and people living in this area and would be seriously affected again should the County grant a Special Use Permit.

4. During the time this illegal and non-permitted sawmill has been in operation, the heavy truck traffic has caused tremendous harm and damage to the rural dirt roads. As we all know the County Roads are NOT in good condition and the County has a difficult time maintaining the roads. No provision in the Application has been presented to provide for the maintenance of these rural roads.

5. The applicant does not have permission from the land owner to use the private road for commercial and industrial traffic to access this illegal non-permitted operation nor will it be granted if the County grants the Special Use Permit for the sawmill, thus heavy trucks will not have access to the property and the illegal non-permitted sawmill should NOT be permitted or allowed to continue operations. The County should ensure the land is cleared of all construction debris and heavy equipment.

**Name, signature, and address of the persons objecting are as follows:**

David Martinez      3335 County Road 12.5 Antonito CO, 81120

Alex Hilford Moring 2235 County Rd 13.5

Joey Gallegos 027 Cty RD A.5

Mindy B. Quintana 12560 City Rd C.

DONACIO Duran 1230 RD 13

Nick Lambert 12780 County Rd C. Antonito, CO 81120

Lourdes Lujan 12905 County Antonito, Colo 81120

Marianne Lujan 12905 City Antonito, Colo 81120

Ted & Ruby Sandoval 12759 City Antonito, Colo 81120

Sarah Moring City Colo Antonito Colo 81120

Annette Sandoval Sanantonito Colo 81120

Bobby & Yvonne Lucero La Lira Cdo 81120

Lisha Duran - San Antonio, CO 81120

Steven Duran San Antonio CO 81120 1230 RD 13

Danielle Mondragon 15297 County Rd T. 1.25 La Lira CO 81140

Micci Jim 12780 CR C Antonito, CO 81120

Eula Duran 1230 Rd 13 Antonito, CO 81120

Martin Ugo 13375 CR 13.4 Antonito CO 81120

2 Jennie Sandoval 12780 County Rd C Antonito CO 81120  
Sawmill Petition Conejos County Zoning

Carl R. Smith  
CARL SMITH C.R. C. 75 SAN ANTONIO, COLORADO

Berni Smith C.R. C. 75 SAN ANTONIO, COLO.  
maria Clara Salza CR 12.5 ONLY

Erance AD 12.5 County Rd B Ortiz, Co

Jeanne Duran 12.5 County Rd 12.5 Ortiz. Co

Meeting Adjourn 2:30pm

ATTEST:   
Nathan Ruybal  
Clerk of the Board

  
Mitchell Jarvis  
Chair of BOCC