Minutes of the Board of County Commissioners Regular Meeting held on May 03, 2018 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO 81129

Call the meeting to Order

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Members present: Mitchell Jarvies- Chairman
Steve McCarroll-Vice-Chair
John Sandoval-Vice-Chair
Tressesa Martinez- Admin.

Also presented were Nick Sarmiento-County Attorney and AnnaBelle Gomez, Deputy Clerk & Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of Allegiance.

Prayer: Comm. Sandoval gave the opening prayer.

Approval of Agenda

Motion to approve the agenda as amended with the deletion of Nathan Coombs (Ortiz Dam Project) at 10:30 AM: Comm. McCarroll/Second Comm. Sandoval

3-0 Motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of the April 16, 2018 Payroll Meeting and the April 20th, 2018 Special Meeting: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously

Public Comment: None

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payables: Comm. Sandoval/Second: Comm. McCarroll
3-0 Motion carried unanimously.

**Correspondence - Tressesa - County Admn.**

Tressesa presented a policy conflict of interest for approval.

Motion to approve the County Workers Compensation Policy Conflict of Interest as presented: Comm. McCarron/Second: Comm. Sandoval

3-0 Motion carried unanimously.

**Marilyn Wagner - CTSI**

Marilyn gave the annual pool update and loss analysis as follows and acknowledged all members for their long standing since 1985; presented the board with a certificate and plaque, thanked them for being a part of this organization.

- Casualty Property Pool- this pool covers liability, county owned vehicles, property, etc., talked about equity, what portion was returned, fee discount, adjustment on loss factors, loss ratio report as of December 31, 2017, frequency of claims within 5 years, the severity were the dollar amounts, that is broken down by departments- most are Sheriff’s Dept and Road and Bridge.
- Severity of Claims-Experiences involving accidents and what can they help with in terms of loss prevention, some involved vehicles some weather, some are striking animals, rear end backings, etc.
- Fleet manual in the packet- They wanted to raise fleet policy contributions because of fleet experience in counties overall, they were able to negotiate that to a modest increase, they are trying to emphasize a fleet program, creating some defense for yourself- had a sample that the county can customize, ask counties is making sure you have # 1 a fleet manager, # 2, are you pulling MVR’s for county drivers asking for current driver’s license each year, #3, Drug testing program-doing a post-accident drug test and # 4, how active are we in our training, they can offer a training program for county drivers and those that use their personal vehicles for county business.
- Discussion to be aware of attitude at work-any classes that they need they can talk about that.
- Workers Compensation Pool- CWCP Loss Ratio- This included department of frequency of claims/Severity of Claims/average cost per claim, loss analysis by county by accident, the trends are
usually slips or falls, body mechanics, lifting, etc.; talked about the number of participants from Conejos County in their trainings.

• In Sept she will be doing a class on work place violence, they have updated their class, it’s a discussion what to be aware, how it starts from a low level, attitude at work, how to bring the escalation down, she did that class for personal care providers, which was an emotional class, what happens at home can be brought to work.

• Comm. Sandoval asked about mental stress, is there a training, most people do have a lot of stress, do they have a stress management class.

• Marilyn stated that they do see those claims come through, people do have a lot of stress at their jobs, how would you prove that it is family, sometimes they have problems at home.

• Marilyn stated that a lot of departments have a lot of stress due to the drug crisis in our communities, they can come from home with maybe their own lives, how do they deal with it at work, you have to have some responsibility for yourself.

• Comm. Sandoval asked if there is a difference between stress and a hostile work environment.

• Marilyn said yes, not everyone that experiences stress is going to turn to violence.

• Comm. Sandoval stated that as far as claiming, is it a separate category.

• Marilyn said there are cases where it could cross over, if law enforcement gets involved it would be separate than saying I am filing for mental stress, she would be glad to give a class; she will contact Tressesa to see what trainings they will want.

**Donnie Martinez- Road and Bridge**

Donnie presented the following updates:

• Water at the Arena-Tallied everything which is about $5400.00- Holman went in there and the water froze- he fixed the pipe, maybe they can divide the cost, will get a report when it’s all done.

• Shooting range- In 2017 they had invested $8,122 which includes equipment, guys, they ordered close to $4000.00 worth of targets, those are all shot up, talked to Rod Ruybalid- seems that everything falls on us, he mentioned if they can get the toilets pumped, we are in partnership with DOW what is their portion.
• Chrnn. Jarvis stated that they want to create a board, but they have been against it.
• Comm. Sandoval stated that he and Donnie talked about free membership they could get a driver's license reader, then they can get some kind of accountability.
• Chrnn. Jarvis stated that if they had a board then they can have activities.
• Tressesa, County Admn. stated maybe selling membership for the use of the shooting range because sometimes they get people from Taos using it and they really like it.
• Chrnn. Jarvis stated that when they got the 2nd grant what helped them was that it was that it is for public use, there are also cameras that take pictures of people coming in and out.
• Donnie suggested steel posts rather than wood posts.
• Comm. McCarroll stated that if they cement and then grader blade and then bolt a 4x4 to it; then those posts won't fall off.
• Comm. Sandoval suggested that the sheriff patrol the shooting range on weekends, also will get a hold of Rod Ruybalid to set up a meeting.
• Donnie felt that Rod could have more pull and possibly give citations.
• Comm. McCarroll stated that they could ask state patrol go to by there once a day.
• Donnie suggested putting a sign that says what it creates when they use the wrong caliber.
• Mosquito Sprayer- Donnie asked if they want to sell the mosquito sprayer, they paid $5000.00 for it; don't know what they can get for it.
• Tire Cutter- They paid $50,000.00 for it; talked to Stacey from Ace in Your Pocket he showed interest, he is looking at giving them $10,000 and $30,000 in trade or hauling some of our tires, or if we did 100% he would give us $40,000 value on trade, if they would buy a baler then they could use those at the shooting range, or use them at the Capulin dump, or they can turn around and sell them, people are using them for fences, etc.
• Comm. McCarroll said for Donnie to take a look at that option.
• Donnie stated that the first person to adopt a road is Jeremiah Martinez he called complaining about the trees, doesn't know what they should do about trees at private property landowners.
• Chrmn. Jarvies stated that anything that hangs over the fence line they can cut.
• Vehicles- Still looking at a truck for Iggy, possibly they can buy 3 trucks, talked about possibly getting another engine, talked about the dump truck the Silver Bullet, Jeff needs a truck.
• Donnie- presented information on the water for the county complex, jail and the courthouse water system.
• Comm. McCarroll told Donnie if he finds that motor for $1800.00 for Iggy’s truck to go ahead and get it and put it in.

Samantha-Public Health Report/Board of Health Report

Samantha presented a OPPI Contract for Core Services in the amount of $33,718.00 and the Immunization Contract in the amount of $18,000.00, mentioned that we have lot of power outages she will have to purchase a generator so the state has offered to donate $4999.99 for the generator, Ben did some research and found one for $4,797.00, that does not include the installation, has called Valley Electric but they cannot give her a quote until they have the generator, they will have to put a fence around it, she tried to keep that local but has been able to get ahold of the Trading Post in La Jara.

Samantha stated that they had their meeting today, Gigi Dennis called the division concerning Rural Exception and she doesn’t think it’s a good thing for our county, the plan is that with the HB not passing they want them to have their continuity plans by July 1st, she will file for an extension, she wants to keep those services, then they have three years to try to figure out how they can keep those programs as a region.

Motion to approve the OPPI Contract in the amount of $33,718.00 and the Immunization Contract in the amount of $18,000: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

SHERIFF GURULE-SHERIFF’S REPORT

Tressesa, County Admin. stated that John from WSB is here to talk about the issue with the cameras.

John stated that they are keeping the old system, those are about 5 or 6 years old, that system maxes out on 32 cameras, they have about 25 cameras, they will split it in sections, first they will replace 16 black and white cameras, those cameras will go into the existing system, the 12 new cameras will have better definition, most are ID
based, basically everything they need to make the system work is to supply the power, they don’t have much room in the control room, the only thing that will be in the control room is the viewing station, they will allow them to view cameras from both systems, next Alison wanted to move the tv from one side to another side, and add a 17” monitor to the north, the only thing not included are the shipping charges.

Comm. McCarrroll asked the sheriff if he felt good about this.

Sheriff Gurule said he feels good about it, had talked about adding more cameras to the outside, a lot of the lights outside were burnt, got those repaired they went from the old bulb to the LEDs, maybe they could add some solar lights on top of the building, and add additional cameras, that would be for safety when the deputies come in the back.

Comm. Sandoval stated that those cameras had a bad resolution you could only see movement.

Motion to give WSB the authority to get the equipment and later approve the amount after getting shipping costs: Comm. McCarrroll/ Second: Sandoval

3-0 Motion carried unanimously.

John from WSB said it will take about 10 days to get the equipment in.

Sheriff Gurule stated that they were asked to do a check on drug related charges going back to 2012 it seems that they have been going up every year, in 2012-26 cases, 2013-29, 2015-61, 2015-62, 2016-60 and 2017-69 which totals to 2,235 days, they charge $45.00 per day.

Sheriff Gurule mentioned that they have been looking at vehicles, they looked at SUV’s and trucks, they can get 3 new trucks for about $100,000.00 they need trucks especially when they go to Platoro.

Chris Crown, Undersheriff talked about the non-fleet package for $109,738.08 and a police package for $116,110.00 which is at Spradley in Pueblo, Town and Country has not responded.

Comm. Sandoval suggested doing the police package.

Sheriff Gurule stated he talked to Art Atencio who does wiring of the radios if Pauli Duran can’t do it.

Chris Crown stated that they have the radios that he got through a grant.
Comm. Sandoval asked the sheriff if he could send the deputies to patrol the shooting range.

County Admin. Tressesa stated that they need more cameras around the building, asked if they are getting the security panel control repaired.

Chris Crown stated that he e-mailed the 63 counties and he did get a response from a company which is MTS, most are using KUBAL out of Ft. Collins which are being rated really high, their quote was quite high because that included the cameras.

Tressesa said they got one quote from Alcon for $48,510.00.

Comm. McCarroll suggested that they find out about KUBAL and have them re-adjust their quote since they won’t need the cameras and go from there.

Sheriff Gurule stated that the kiosk should be in place in about 30 days, this will be better for the staff and inmates, people can go ahead and put in money through the phone, there is also less liability, talked about the training for the staff, has a list of those that took a class, Chris and Alison took a training in Durango.

Tressesa, County Admin. asked how is the new system working for them.

Chris Crown stated that if there is bad weather it is slow to respond, they are having it hosted they don’t have their own server.

Sheriff Gurule stated that they have been doing more patrol, they wrote about 47 summons, having a new vehicle will help a lot, would like to have 2 vehicles for traffic, had one person resign, and Robert Clark will start on the 18th, then mentioned that he ordered new uniforms.

Chris Crown stated that they have 2 more openings; they should be fully staffed by June.

Naomi Keys- Abatements

Naomi presented several abatements for approval.

Motion to approve the following abatements as presented by Naomi

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<th>Year</th>
<th>Amount</th>
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3-0 Motion carried.

Naomi mentioned that she has sent out 850 notices of values, the only protests that they have had are from Mack’s office.

**Linda Land Use Report**

Linda stated that she has a new resolution on the Kershner Public Way Vacation which was approved in 2016 with Resolution # C-2016-35, the plat was delayed because of typographical errors and Mr. Vigil wasn’t able to get that it, they will not be using that resolution number, she would like it to be approved today with a new resolution number.

Nick Sarmiento- County Attorney stated that it will be approved runct pro tunc which means now for then; if they were to issue the 2016 resolution today it would create issues, also there was a new plat issued.

Motion to approve Resolution C-2018-17 Kershner Public Way Vacation in Platoro as presented: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

Linda stated that she will have Nick Sarmiento look at her Alamosa County resolution for a Special Use Permit and will have it mentioned that the Planning Commission; asked if the county would take into consideration people that are not from the county; can you prohibit them from speaking.

Comm. Sandoval stated that you cannot prohibit them from speaking that would be under public comment, but that will probably not have any weight on the deciding body.

Nick Sarmiento stated that it is public comment but his only concern is that the same concern will go too long, the same concerns will be reiterated; they will make sure that all concerns are addressed.

Comm. Sandoval stated that they might just limit them to 15 minutes.

**Christina Gallegos Resolution from Assembly**

Christina Gallegos-11973 County Rd H Antonito, CO. stated that she would like to share some resolutions that the Democratic Assembly passed last month, thought Tony Martinez was going to join her, would probably re-schedule so that he may address his resolution because it pertains to public lands, the first resolution reads as follows:
Resolve to require the Conejos County Commissioners to attend the Council of Government meetings within the San Luis Valley to represent the needs of the constituents of Conejos County Citizens which passed by unanimous vote.

The second resolution was to: Resolve to require Conejos County Commissioners to have regular office hours.

Christina mentioned that some people mentioned that they don’t know when to get ahold of the commissioners other than when they are here for the Commissioners meetings, they do not have regular office hours, some mentioned that it was frustrating that they don’t know when they can get ahold of them, trying to find them in offices is a hit and miss.

Christina mentioned that regarding the council of governments she checked to see how often is someone from Conejos County attending the meetings and she was told that no one has attended in over a year, there is a lot going on in the valley that we are not at the table for, we are not getting our voices heard about how that is going to impact us; Mr. Martinez’s resolution was in regards to attending monthly public land manager meetings with the SLV bill committee, Del Norte has been attending those meetings for the last 6 years, they have reaped the benefits of those meetings by being able to collaborate with other communities around them to secure funding for trails, development and economic development, we should be in that conversation, the new broad band that is going through our community, how is that going to affect us, no one is communicating that with us, we would like to know how that can benefit us economically, how is it going to impact our population, what services can we provide, tourists are coming in now, we would like those two things implemented, also mentioned that Alamosa County has started working on recreational opportunities on the Rio Grande on how to use that river to prosper, we have the best pull in-pull out on the river before you get into New Mexico, they are not even marked, people that want to come here and float on the river- that is a money making opportunity, we are allowing it to just drift by.

Comm. Sandoval asked concerning the regular hours, "are you saying or the group that brought this up that we are not available when they try to locate us?"

Christina responded by saying that they can call them but they would like to have specific set hours so that everybody in the county knows when they can come talk to them; makes it easier for everyone.
Chrmn. Jarvies stated that on the Rio Grande they sat on a meeting a couple of weeks ago, they are working on building a kiosk.

Comm. Sandoval stated that he was attending the meetings concerning the trails, Conejos County contributes to the Off Highway Vehicles, no money comes into Conejos County because we do not have off road trails, he asked why Conejos County wasn’t getting any money and they said Conejos County does not have any designated roads they are working with Forest Service and BLM, they were talking about the goal, they were talking about implementing through Taos they are under a (SWA) Wilderness Site Study, they couldn’t implement roads, travel or any type of thing in that area, they want our money, our demographics when all that money is being allocated, let’s find to get rid of the SWA, they wanted to keep it so what is the use of trying to keep trails and they want to keep it as environmental so he quit going to the meeting, on the Council of Governments he used to attend the meeting quite frequently, he hasn’t attended in the last year, what they suggested was that they wanted all 14 communities to contribute to be a part of that, they had short discussions, he did talk to Mike Roque if he saw something of concern he would attend the meeting, the grants that were going through the DRG and COG were using our demographics, out population and assessed valuation, securing the grants and then taking them to Alamosa, they wanted us just for our demographics- seemed like anyway.

Christina stated that she understands the frustration but also feels that nothing at the table reduces our opportunity to understand what’s going on and how we can advocate to find a way to get travel through the wilderness area, this is the opportunity for us, Taos and Questa do that loop and find places to stay, it’s an opportunity waiting to happen but without our voice at the Public Land’s table.

Comm. Sandoval stated that they meet with BLM and Forest Service regularly but they are not setting a policy that’s conducting a travel management for this area; it’s BLM and Forest Service; wanted to know what Tony is doing at these meetings that we are missing out of.

Christina stated that Mr. Martinez wanted to talk about how it’s affected his range and ranching operation rather than the recreational opportunities, but she wants to look at it on the recreational aspect of it.

Chrmn. Jarvies thanked Christina for coming in and mentioned that his regular hours are from 6:30 to 6:00 PM at Donald’s Service, he gets anywhere from 15 to 20 people a week, they know where to find him; people do know where to find them.
Placido Erwin Romero was also present, thanked them for working on the road.

Comm. Sandoval mentioned that they had worked on his road, it’s a lot better than what is was; they are looking at a different material, which is better than mag chloride.

**Nick Sarmiento-County Attorney**

Motion to go into executive session 4-6-402 (b) conference with the attorney: Comm. McCarrick/Second: Comm. Sandoval

3-0 Motion carried unanimously.

The Board came out of executive session conference with the attorney at 11:36 AM and no decisions were made.

Nick Sarmiento: It is the opinion of the county attorney that the discussion had an executive session which constituted attorney/client privilege therefore no record was kept.

Chrmn. Jarvies mentioned that they had Ms. Gallegos here with some resolutions from the assembly, asked if the board members had any questions.

Comm. Sandoval stated that his thought is that they start on June 1st to start looking at setting up office hours 3 days a week from 8:30 to 10:30 AM, they will send out a letter concerning the Sunshine Law to make sure that they are following that, they will see if there is a need, they can try it on a trial basis, if it proves to be a need then they keep on, they can send a letter to both the Democratic and Republican Party, also say that they have never gotten the bank from the COG for the money that they pay, it’s open for discussion, that they don’t have a problem paying to be a member of that group and returning to the table and representing Conejos County, the $8000 that they are paying into is mostly to pay staff, asked if he be allowed to go to the COG, have them explain to him what the bank of the buck would be to see if it’s a good expenditure and he will bring it back to the board for discussion.

Tressessa, County Admn. stated that when Mike Roque had talked to her he had mentioned that if they are not members then they cannot apply for grants but most of those grants are only $2000.00 grants, they might take Conejos County off their website; our demographics are used for those grants.

Comm. Sandoval will attend several meetings.
Comm. McCarron mentioned that he is here most of the time.

Chrmn. Jarvies stated that he will look into the public lands portion that Christina talked about, mentioned the Museum's grand opening will be on May 11th, also the hospital will have a ribbon cutting ground breaking-barbeque-auction on June 23rd, 2018.

There being no further business to come before the board, Chrmn. Jarvies declared the meeting adjourned at 11:45 AM.

ATTEST:

NATHAN RUYBAL
CLERK OF THE BOARD

MITCHELL JARVIES
CHRMN. BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Payroll Meeting held on May 17, 2018 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the meeting to order

Chairman Jarvies called the meeting to order at 9:00 AM.

Members present: Mitchell Jarvies- Chair
Steve McCarroll-Vice-Chair
John Sandoval-Vice Chair
Tressesa Martinez- County Admin.-Absent

Also present were: Connie Ricci-Human Resource Director, and AnnaBelle Gomez- Deputy Clerk and Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of Allegiance.

Prayer: Chrmn. Jarvies gave the opening prayer.

Approval of Agenda:

Motion to approve the agenda with the addition of the SLV Health agreement for county physicals: Comm. Sandoval/Second: Comm. McCarroll 3-0 Motion carried unanimously.

Approval of Minutes:

Motion to approve the minutes of the May 03, 2018 Regular Meeting: Comm. McCarroll/Second: Comm. Sandoval 3-0 Motion carried unanimously.

Public Comment:

Approval of Payroll and Accounts Payables

Motion to approve Payroll and Accounts Payables: Comm. Sandoval /Second: Comm. McCarroll 3-0 Motion carried unanimously.
Connie- HR -SLV Health Agreement

Connie-HR stated that they thought that it would be best to schedule their DOT physicals and the physicals for the Sheriff’s Office with the SLV Health Office in Antonito because they are certified to do DOT physicals; when they got the first bill it was $180.00, she called the gentleman that is in charge and he stated that due to rural health regulation they charge the same amount for everything, they couldn’t negotiate with us, they would have to go to Alamosa but they are only $95.00, all she needs is the Board’s approval so that she may sign the agreement.

Motion to approve the SLV Health Agreement to do the physicals at the ROM Clinic in Alamosa: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

911 Authority Board

Motion to appoint Pam Stewart to the 911 Authority Board: Comm. Sandoval/Second: Comm. McCarroll

3-0 motion carried unanimously.

Lids For Kids

Comm. Sandoval stated that they had been approached by SLV Regional Medical Center, they have a program called Lids for Kids where they provide helmets, bikes for some kids in the SLV; they have asked for donations, they did a donation for $250.00.

Nick Barela- DSS

Nick presented his report as follows:

- Job Fair went really well, facility was good, they had 29 vendors and 61 participants, SLV Regional Medical Center had 20-25 openings, Blue Peaks had plenty of openings also, good prospects for people job hunting, enjoyed the partnership with the Work Force. (Chrmn. Jarvies asked how many people were hired)
- Nick said they don’t track any of that data.
- Connie-HR stated that they did hire 2 personal care providers, got perspective applicants for eligibility tech for DSS.
• Colo Work Steps— they have placed 3 clients for employment, will place one more.
• He and Jodi have been asked to do a presentation at the CCI Conference for the WAC meeting.
• Conejos County DSS Scholarship—have awarded to six students for a total amount of $1000.00.
• Program and Admin. expenditures for the month of March were $283,690.35 and Accounts Payables for April were $16,317.24

Motion to approve Administrative Expenditures and Accounts Payable as presented: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

• Case Load May Adult Financial 145 Cases
• Colorado Works— 41 Cases
• Food Assistance—742 Cases
• Medical Assistance— 1,704 Cases
• Mentioned there is a change to food stamp assistance, that will increase the poverty level from 135 to 200% of the FPL— the case load will increase to about 35-40 cases, this change will open up the door to the WIC and free and reduced lunch program at the schools.
• Information on a one time contract to provide child welfare coverage for a minimal amount of $1700.00.
• F&S Integrity letter was submitted and attached to this board agenda, wanted to know if the board had any conversations.
• Colo works and CCAP MOU— pointed out the items of conflict, mentioned that it will be going from a 1 year MOU to a 3 year MOU; asked for approval from the board to enter into the MOU with the State of Colorado.

Motion to approve the CCAP MOU: Comm. McCarroll/Second: Comm. Sandoval

3-0 Motion carried unanimously.

• Nick mentioned that he and the accountant will attend the accountant conference, and will be at the CCI Conference the week of June 3rd.
• Staffing— one short TANF case manager, did have interviews will sit on the interviews with the County Clerk to see if there are any potential hires.
Donnie - Road and Bridge Report

Donnie gave his report as follows:

- Update on the Silver Bullet Truck-Manassa showed interest in buying that but they are undecided now.
- Mosquito Sprayer- Manassa was interested in buying that but that’s up in the air, we paid $5500.00.(Connie - HR suggested putting in their auction)
- Comm. Sandoval suggested listing in at $2500.00
- Will probably put it in their auction- there are several people interested in the mosquito sprayer.
- Culverts for District #2- Changing some bridges out, want to go from purchasing culverts in Canon City to Big R Bridges in Greeley- gave the numbers from both companies, talked about culverts for Veterans Boulevard which would cost anywhere from $5500-$5600.00. If they want to do the culverts for Veteran’s Boulevard now then they won’t charge freight, he has an order with Big R Bridges.
- Comm. McCarroll said to have those culverts ordered.
- There was a short discussion on the waste water, if Delfino can build a berm at the edge of the property then it can go back into the ditch.
- Comm. Sandoval asked if there is a way to cut that and put the overflow or waste water to put it in the ditch or is that ditch too high or too full.
- Donnie stated it is too full.
- Donnie will visit with Delfino to see what they can do.
- Fuel processing is really working well, had it set up for ambulance to fill up in District 3 but turned out they were fueling at the different places, talked about card #71 someone pumped 178 gallons and hadn’t written vehicles, mileage, etc. he shut the card off, it was Alison and Meagan that needed fuel, he let them know that when auditors come they have to account for those 178 gallons, they are going to come up with a list of names dates, and vehicle numbers.
- Got approval for the design at the arena, if he expands the building himself then they don’t have to pay someone to do that, they will hire a plumber to plumb the new tank; the state donated the water tank.

Comm. Sandoval asked that the number that he gave him for District 3 concerning FSR 250 was $12,000 per year, wanted to know if they do
that twice a year, wanted to know if it cost 6000 every time, the Forest Service has approached them they want them to do FSR 250, so they have to put some numbers together, they are reimbursed per mile on the condition of the road.

Donnie stated that the way he did that was that he ran a report for 5 years.

Comm. Sandoval asked if he has noticed a difference on usage on 4 (10)'s on District two to three compared to one.

Donnie said he has not figured it out yet he thinks it's a little bit lower on District 2 and 3, he will have something next time.

Comm. Sandoval mentioned that they did a beautiful job on the shooting range; there were no flags though.

Donnie said he can order flags and will start ordering more stuff for the shooting range, would like to meet with Rod to form a group to keep track of that.

Donnie mentioned that the guys are doing positive things to save money.

**SHERIFF GURULE-SHERIFF’S REPORT**

Sheriff Gurule mentioned that they are looking into purchasing vehicles and had Under Sheriff Chris Crown report on that.

Chris Crown stated that they checked with Town and Country in Alamosa, for the 2018 Ford F150 for 3 would be $99,204.00 plus $409.00 for the bigger 36 gallon gas tank, they will probably go ahead with them, will go to the bank to get the paperwork squared away, turnaround time will be around 3 months.

Sheriff Gurule talked about the switch board which Meagan will give a report on that.

Meagan stated that they have looked at 2 separate companies, they have already received a check from the insurance to cover part of the cost, Chris reached out to sheriffs across the state they have all recommended one company which everyone is using, MTS does not replace the wiring they will cover just the replacement of the board itself, they do have payment options.

Chris stated that KUBL did come out to the Sheriff’s Office and did inspection of the jail, the other company we sent photographs.
Meagan stated that they can be here in two hours or they can do the work remotely, this would cost about $107,000.00.

Sheriff Gurule stated that Jose has been talking to some people that feel they can get some emergency money from DOLA.

Jose stated that we can qualify for emergency funding that will go through our local district manager once the county makes the determination as to which group you are going to go to they will send in a request; they will require a letter from the board requesting x amount of funds, it takes about a month from the time they put in the request; it’s a critical piece of infrastructure for the jail.

Chrmn. Jarvies stated that one other thing that was discussed was doing an amendment and re-submitting in to their insurance; they can work with Tressesa and see if that’s a possibility.

Motion to allow the Sheriff Dept. to go into a purchase agreement with Town and Country to purchase 3 vehicles along with the extra expenditures of the $409.00 for the upgraded fuel tanks: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried.

Motion to go with KUBL to purchase the upgraded control panel at the jail and to work with the insurance between the original amount that was given after the insurance payment: Comm. Sandoval/Second Comm. McCarroll

3-0 Motion carried.

Sheriff Gurule mentioned they have been cleaning around the jail, talked about the program that they have now where they let the inmates do trustee time and let them get out sooner, right now they are averaging about 60 inmates, did interviews, hired a couple more people, should be fully staffed by the middle of June, they have been shorthanded so they will have a lot of over time, last year they had about $18,536.00 in revenues this year it is $35,449.00, tickets are around 1375 compared to 0 last year, everything is going well, doing some changes with staff.

Comm. Sandoval asked if they can send some of their folks by the shooting range.

Sheriff Gurule stated that they are going to put some cameras out there.
Chrmn. Jarvies stated that County Attorney Nick Sarmiento let him know that he cannot skype so he wants them to call him, Chrmn. Jarvies proceeded to call Mr. Sarmiento so that he may listen.

Chrmn. Jarvies opened up the Public Hearing continuation at 10:00 AM for the Rueben Mast Special Use Dog Kennel application stated that for the record on April 5, 2018 they had a hearing with Mr. Mast and Mr. Yoder, they did have their public comment there, they opened it and closed it which normally once it’s closed it’s closed; because of a concern brought up by Ms. Ramona Cisneros about maybe the clarity of a dog kennel, the notices went out to the adjoining landowners they decided to continue this hearing, Mr. Mast and Mr. Yoder both were good enough to allow that to happen, they could have forced them to decide that day but they were willing to continue this process, this was to let them notice the surrounding landowners and take any information from them, as we go into this hearing I don’t know that Linda has to go through the whole processing application, we do ask that everybody be polite, be kind, be careful in your wording and we do not want this referred to puppy mills, we do not want our applicants to be referred to as Amish or any other words, they are applicants and they have gone through the process, they have done what the county requires and they appreciate them doing that, asked the board if there is anything else.

Comm. Sandoval stated that he would like two things put on record 1.) In the article in the Conejos County Citizen it did incorrectly state that there are 3 applications for commercial, there are actually two, also in the paper it stated that Conejos County Board had done a disservice to its residence by allowing deliberately a misleading application, that is incorrect also, as Mr. Chair said we are giving everyone the opportunity to speak, he feels it is an incorrect statement.

Linda said thank you that is correct Mr. Coblentz’s application was reviewed and approved last November.

Chrmn. Jarvies asked Linda to give a short report and summarize how they got to this point.

Linda: The applicant is Rueben Mast - Case 2018-0036, legal description of the property is the NE1/4 of the NW1/4 of Section 16, Twp 36 N, Range 8 East Conejos County, physical address is 8284 County Rd DD, La Jara, CO.
Linda: Notice requirements were met initially on the first notice for the April 16, 2018 Bd. Of County Commissioners Hearing, at that time she was requested by the board to submit another notice, do the postings again for May 17th, 2018 at 10:00 AM, Planning Commission did review and make a recommendation for approval provided that they are in compliance with all other agency requirements regarding a kennel operation, we are here to continue the public hearing comments as you allowed at the last hearing and will continue on as the board want to go through that.

Chrmn. Jarvies asked that just for clarification you did re-notice the adjoining landowners and did clarify that this is a breeding kennel?

Linda said yes, she did receive one notice back returned mail, understands that the landowners are deceased and the post office had no forwarding information, that was the Patricia Norton Herbert property which is directly south of the Yoder case.

Comm. Sandoval asked what was the difference on the wording on the notice from the first time to the last one?

Linda: I stated on the first notice that it was a Special Use Permit for a dog kennel, the second notice I stated that it would be a breeding operation dog kennel and reflected our address, I did staple the first notice to it with that information, I didn’t get any questions from any of the surrounding landowners for further clarification.

Chrmn. Jarvies then opened up the floor for public comment, they will allow 10 minutes for those opposed to speak and 10 minutes for those for, don’t know if they want to have one spokesperson for those opposed and one for those in favor, and asked Comm. Sandoval to keep track of the time, asked Linda if she would like to submit what she got in writing.

Linda stated that she has a list which is 2 pages they are as follows:

- Mast Case: Angela Burch and Ramona Cisneros who is present.
- Yoder Case: Ed & Martha Goebel—property next door to the SE
- Both Cases—Tyrone Cunningham and Jack Brooks

Comm. Sandoval stated that he received e-mails that came in as inquiries through the county website he told them that was not the venue to do it and gave them the e-mail address to Land Use.

Comments received via e-mail from people in Colorado
• Lisa Petri- Colorado Animal Welfare
• Deb Jackson, Dawn Shepard- Lucky Day Animal Rescue-Aspen
• Kevin Shipley & Judy Servoss-Gold Retriever Rescue-Arvada
• Mary Shockley Bunnell-Westcliffe
• Francie Rakiec-Lakewood
• Brooke Pope-Loveland
• Valerie Hunter-Gross- Harlies Dream-Ft. Collins
• Rev. Roland Halpern-Dir of Legislative Affairs, Colo Voters for Animals-Denver
• Jennie & Vic Webb-Del Norte
• Cindee Moyer-Denver
• Kathy Pfalzgraﬀ-Parker

Comments received via e-mail from people outside of Colorado

• Susan Chana Lask- New York-Attachement
• Marcia Lederman- New Jersey
• Wendy A Scott-Florida
• Jean Jacob-Norwalk CT
• Christine Lopez- Lessburg, VA
• Linda Stipe- Greenville, NY
• Jeanna Jensen-Humane Society of the US-Attachement
• Crist and Janet Johnson- Fort Townson, OK
• Sandra Duke-E-mail- address unknown
• Lynn Showdy-Florida
• Katie Leto Fightlin-E-mail- address unknown

Chrmn. Jarvies stated that Linda did forward those e-mails to the board in a packet along with any other comment she did receive.

Chrmn. Jarvies then invited anyone that is against the kennel to come up and state your name and address for the record and give their reasoning and report.

Pam Dickens: I am the president of the Colorado Citizens for Canine Welfare, I live at 10001 Oak Creek Ct. Lonetree, CO 80124 first: your notice didn’t say it would be only 10 minutes, request that you re-consider that, we have come 300 miles to speak, your notice said everyone could speak, we have a number of people who need to speak, how about if we settle about 3 minutes per person.

Comm. Sandoval asked where did it say that everybody could get a chance to speak and there will not be a time limit.
Pam Dickens: It did not say that there will not be a time limit, it said everyone will be permitted to speak.

Comm. Sandoval asked if she submitted a letter for the record.

Pam Dickens: No.

Comm. Sandoval asked for a show of hands who would like to speak who have not submitted a letter.

Pam Dickens: It does not say that we have to submit a letter of record.

Chrmn. Jarvies stated that they are holding it to a total of 10 minutes for those for or against.

Pam Dickens: We will let Ramona go first, she is a landowner.

Ramona Cisneros: I am Ramona Cisneros-6649 St Hwy112, Del Norte, CO-Angela and I own the property West of Mr. Mast and a mile and ½ from Mr. Yoder’s property, I am representing two different families, myself and Angela’s, we are against the special use permit to Mr. Mast and Mr. Yoder’s request for dog facilities, the actions of non-compliance by the Land Use Office, Planning Board, and County Commissioners of the Conejos County Land Use Code dated 2005 is willing and wanton disregard of your rules/laws and will have financial adverse effect on us and potentially other land owners in the surrounding area, you commissioners are forcing not one but three dog breeding facilities, you have not implemented any safe guards to preserve our property values, no plan used to provide ordinance and orderly growth, changes to land use allowed before the issuance of a Land Use Permit, no comprehensive plan for the commercial or industrial activities in the Barrel Ranch and surrounding areas, you have the complete letter there for your records, I want you to explain to me what reality does a proposal already had buildings erected and state inspections accomplished, as the elected officials you should know what laws you govern the rest of us on, your planning board as well as your Land Use Office personnel they should know the regulations too, what has taken place here is an attempt to strip us from our rights, our freedoms, our entitlements, the very rights and entitlements in freedoms that you expect for each and every one of yourselves the ones that you take for granted, we should not have to fight for our rights and freedoms for just and fair treatment just because you didn’t follow processes set forth in laws you erected, you have already allowed the industrial companies to take place in the NW Corner and now you are forcing commercial activities on us, did you guys do a comprehensive plan to see what it was going to do to our property values, what kind of plan
do you have to control this growth, did you even negotiate any full
time positions for all of those industrial jobs for your people in
this county, what has happened here in inexcusable and as far as we
are concerned it is unlawful, trusted officials to ignore the law, you
violated our rights and our freedoms by failing to do your job in
accordance to the laws you erected for this county, we demand that you
follow your laws and do your job, if you do it correctly it will
result in these proposals being denied, you have not put one safeguard
in place to protect my rights to enjoy freedom just likes your freedom
to your lands, I have been paying taxes for over 20 years, you didn’t
put yourself next door to that dog breeding facility and say what are
the things to implement it, that is your job, you are supposed to
protect our property values, and you have not done that, you have the
rest of it in there.

Pam Dickenson: Thank you Ramona, since we only have about 3 minutes
left.

Liz Barnett with the Animal Rescue Southern Colorado Society: My
little dog and I were living in a 1994 Ford Taurus because we had no
place, there is a difference between living in a 1994 Ford Taurus and
a 3 bedroom apartment that I have now.

Pam Dickenson: We have some very important speakers here who have
excellent things to say on the economic impact to the community and
the environmental impact which is very important.

Marianna Young-Since we only have about two minutes I will be changing
what I was going to be saying, My name is Marianna Young president of
the Board of Directors of the Valley Humane League in Alamosa, I
reside at 570 Pine St. Monte Vista, CO 81144. I am here to express
concern about the fact that the Valley Humane shelter already accepts
animals from Conejos County that are citizens surrenders and strays
that Conejos County residents bring to us, if you know anything about
our shelter it is extremely over crowded, almost on a daily basis year
round if these dog breeding facilities do come into existence we can
expect an increase in the number of dogs that we accept, not all
puppies go to happy homes and stay there forever so I would like to
express my concern that Alamosa County will undergo an increase in
shelter activity and we will have to find homes for these dogs that
come in. Thank you for your time.

Pam Dickenson: Since we don’t really have time to be heard (Comm.
Sandoval said you have 4 minutes) We really need to look at commercial
dog breeding, we have excellent information from the Humane Society
from the ASPCA all kinds of experts that we can make available to you
to study things in your area to have a good result for you, we don’t have time to cover it here though so what I am going to say is: the laws have not been followed, there are two ways we can proceed, we can do a moratorium while we study these things, bring experts in help you out in the county or we can file an injunction one of those are the two avenues that we see that can result from this and turned the time over to Michael Brodie.

Michael Brodie I live in Monte Vista, CO.: First time I have been here, I have property out there I have 37 acres out there. I have lived close to a dog kennel before in New Mexico, it was a ways away but you could still smell it all the time, that property out there is beautiful you have antelope out there, coyotes, these dogs are going to be barking all the time with all this wildlife that is out there, you are going to disturb the ego system if you put that kennel, it’s beautiful the way it is you don’t have anything like that in it, I ask you please don’t put that out there and take away that wildlife that we have and the beautiful area it is just gorgeous out there, it will drop the property values out there, I don’t have anything against these people out here, it is going to have a stench, there’s going to be dogs barking all the time, it is going to bother people that will be moving out there, they want the quiet. That’s all I have to say. Thank you.

Comm. Sandoval stated that they have a minute and a half.

Eileen Peek: My name is Eileen Peek volunteer director of the San Luis Valley Animal Welfare Society 23700 Rioito Safeco Rd. San Luis, CO 81152. 30,000 dogs were killed in Colorado in the past 3 years, millions are killed every year throughout the country, why is this? There are more dogs born than there are homes for, people don’t spay and neuter, breeders produce dogs, those dogs go out and produce dogs, there is no law against that and breeders are here for one reason only and that’s to make money at the expense of millions of dead dogs, yes it is a free enterprise system to make money but when we do it at the expense of innocent animals and humans who pays the cost, that’s wrong, breeder dogs are viewed as livestock not as living, breathing, feeling souls like us humans, yes dogs have the same feelings as humans, they want to be part of the family, be loved not producing litter after litter until the mammas bodies are done for, nutrients are used up, their teeth are decaying and they are just money making objects, so what happens to them after 5 years or so when they can’t produce healthy puppies anymore they get shot, in a few years Colorado will follow the trend of California and Maryland who have disallowed breeders to sell their puppies to pet stores and if a breeding
facility gets going here they will lose the money they have invested because we are all working on preventing pet stores to selling dogs from breeders, these mammas live in a cell their whole life’s and we don’t advocate this but when their breeding time is over they get shot, we don’t advocate shooting dogs ever but that is not humane, what would be more humane would be to take them to a veterinarian and have them euthanized but on the other hand these dogs have never been out of their cell or a car so that would be more traumatic for them so we ask you to reconsider this for the dogs and us humans who take the brunt of all the strays and surrenders of dogs, we take many dogs from Conejos County. Thank you.

Chrmn. Jarvies stated that at this time they will ask if there anyone for they may speak at this time.

Kraig Fairhurst: My name is Mark Fairhurst I live at 695 S 6th St. Sanford, Co. I work in Alamosa. I am here to speak in favor but I also come on behalf of a large constituency who has been up in arms for the last several days since the notice and the anti-notice went out about this facility, the supposition the information that is out there amongst the general public is that these are drug dealers breeding rottweilers and pit bulls and things like that, obviously these gentlemen are not drug dealers, if I could request in the interest of public disclosure can we forego the pro-comments and give these gentlemen a time say 3-5 minutes to outline their business plan, talk specifically about the breeds that they intend to use whether or not there is going to be an injunction on certain breeds, how many kennel facilities, how many breeding pairs they plan on, whether there are going to be any limits on those and things like that so that we can get through the fog that’s out there right now and the public discourse, thank you.

Chrmn. Jarvies closed the public comment, stated that he will allow Mr. Mast to speak and address any concerns he may have.

Mr. Mast stated that he just wants to say good morning to everybody and doesn’t know that he does not have much comment, let’s not get caught up in the fog, let’s cut through what we are here for. I applied for a Special Use Permit to do this business, I am putting myself in your hands, want to do an honest business, we are getting state certified, we are jumping through the hoops, we are wanting to do this all legal and the best way that we know how, I just appreciate the chance to be here, I don’t know that I have anything else to give.

Comm. Sandoval asked Mr. Mast what kind of breeds are they looking at breeding and how many are they looking at housing or kennel.
Mr. Mast: We are looking at Siberian Huskies, American Eskimo Spitz and they are looking at a possibility of 10.

Comm. Sandoval asked how far they are from the nearest residence.

Mr. Mast said it was about ¾ mile.

Comm. Sandoval asked if Mr. Mast is aware of the certification, do they come and look at the facility and say, make these changed and then you comply or how does that work.

Mr. Mast replied: There is a state inspector that does come out and physically inspects the facility and says you are in compliance or you need to change this, you need to do that to become compliant.

Comm. Sandoval asked at what age do you stop breeding especially a female and what is the process for re-homing.

Mr. Mast stated that 5 is a good number, that gives the dog a healthy life left, still an attractive dog to be re-homed or something in that order, and we see if we can find a place to adopt this dog out to a good home and to see that is taken care of.

Comm. Sandoval asked where are those puppies going to.

Mr. Mast said there are brokers that do that kind of thing.

Comm. McCarroll asked how do the kennels look like and how will they be maintained, we get all these pictures that show little crates, what does your facility look like.

Mr. Mast stated that it is a new building with insulated floors and walls, it has windows, it will have a heating system, there are outdoor runs where they can get outside and exercise, indoor facilities where they can get in their bedding area to their feeding, their water system, will have a large enclosure where they can physically get out and run within this enclosure, they can play and get socialized, that makes a quieter well behaved dog.

Comm. Sandoval stated that he has 5 puppies, he makes sure they have their shots, etc. do you have a contract or do you visit with the veterinarian, do you have one signed up or a contract where you would take them out.

Mr. Mast said there is a veterinarian that we have been talking to in respect to this, we have to in order to sell these we need to have the shots.

Comm. Sandoval asked about the waste, what is your process for that.
Mr. Mast stated that he has received some information that looks really good to him, it is a composting deal, you can compost it and use it as a fertilizer.

Comm. Sandoval asked if he has visited a facility that is similar to pellets, can it be smelled ¼ of mile and a half and if worse comes to worse can you work with waste disposal where you would put it in some kind of bin and take it to the land dump.

Mr. Mast stated it’s been recent enough I have not had the chance to check it out, they could do something in that order to take it to the dump.

Comm. Sandoval asked if any county or state regulation state how they regulate that.

Linda-Land Use mentioned that what was stated on the impact questions is that he was going to broadcast it through the property like horse, cow or dog manure, the state does have for proper waste but I don’t believe that it said specifically exactly what; but it does have to be properly disposed.

Comm. Sandoval used an analogy from sand and gravel, they approve a gravel pit then it goes to Colorado Mine Reclamation and they have a list of things that a person has to do in order to be in compliance, is this something similar to where if we approve, the state says you need to have a plan for water, waste, noise all this other stuff.

Linda said yes that is her understanding; that is part of the inspection that they have to go through.

Mr. Mast thanked the board for their time.

Chrmn. Jarvies closed the public clearing.

Comm. Sandoval stated that Mr. Brodie mentioned the elk and wildlife; did you get a response from Colorado Division of Wildlife.

Linda said she did not she mailed a notice to them both by mail and e-mail, their practice is if they don’t respond then they don’t have any comments.

Comm. McCarroll asked if on her checklist everything was met because we have had accusations that we did not meet everything.

Linda stated that we have met the standards of approval, she feels that nuisance would be the one of our standards of approval that’s a problem, barking is going to be a problem, I don’t know how that can
be mitigated, I know that when you go near shelters dogs get
stimulated and as far as dog manure that will be generated I believe
that the composting that they should be required to implement a
composting system so that it does not smell, they could also seek
services for waste disposal with one of the commercial providers;
geological hazards - one comment that was made was that I bypass the
wild fire assessment, I spent 3 days in wildfire workshop and I met
with the state forester and I took my information to him and asked him
that she didn’t feel it was necessary because of the location do you
agree, and he said definitely, she can send the information to them
again he felt that her judgment was correct.

Chrmn. Jarvies made the following comments: I am glad that Mr.
McCarroll asked if the standards of approval have been met, it was
said that we have not followed laws that we have enacted within the
county; that’s exactly what we have done that’s why we are here, we
have a land use process and we have used that, these gentlemen have
submitted themselves to more scrutiny than a lot of people within the
county, there are people breeding and selling dogs that have not
applied for permits, I am not saying that weighs on anything, I am
saying there is a process in place, they have followed that process
and we have even extended that process, the other thing is Mr. Mast
and Mr. Yoder have been very good and worked with everything that they
have been asked to do by us as the county and have met the
requirements that we have and that is where we have to base our
decision, do we need to look at some different things, maybe, that is
something that we need to look at as a board but right now for the
process we have in place it has been followed, they are applying
through the state and doing other things to make it legal and a viable
operation.

Comm. McCarroll asked if Nick Sarmiento-County Attorney has anything
to say.

Linda commented on the structures that are placed out there that could
possibly be the question, those were applied for, building permits
were obtained, one thing she would like to know on Mr. Mast is still
not at the point where a kennel license is required in Conejos County,
you have to have 4 breeding dogs and to her knowledge he still doesn’t
have that, when somebody applies whether it’s for mining permits, the
history with the county is that they have had 1 kennel operation that
was proposed and the man withdrew, he had an application for hound
dogs, now that this came up people are saying so and so are running
one but they won’t submit names so that she can request and do the
right thing and file for special permit, if this doesn’t go through
those structures can be used for something else, they are not going
away just because the use went away, we not changing the zoning, it is a commercial activity but it is a special use.

Comm. Sandoval stated that it was mentioned 4 times, re-think, change your mind, and re-evaluate, I don’t know what decision they are being referred to, if that’s the case that would mean that we already made a decision that is not the case.

Nick Sarmiento-County Attorney was on the phone, he mentioned that Comm. Sandoval is correct no decision has not been made, his recommendation was that the public was noticed because it was just a kennel and a kennel could be just a boarding kennel as opposed to a breeding kennel, the commissioners made a decision to give more notice, that is why we are here today. Mr. Jarvies it is true that we have to apply Land Use Code and take all the public’s comments including the written ones down, consider them, ultimately we have to apply facts to code and if they meet the standards of approval, you either find that they meet them or they don’t, at that point you exercise your discretion, I know there has been a talk about a moratorium, there’s been a talk about instituting our own regulations, those are for the future we can’t change the rules for people that have applied.

Ramona Cisneros: Suggestions are made for conditions to be addressed, I didn’t get to address everything, there were some very good comments in there but just to protect everyone else’s rights, those should be read and come to a discussion by the commissioners and they could come back in two days and give their decision today without reading the full comments that I didn’t get to put in there is not fair treatment.

Chrmn. Jarvies stated that is for them to decide.

Comm. Sandoval stated that one thing they took into consideration, there is another hearing after this one and I am sure it is going to be the same thing; people are going to say the same thing, at one point it is all going to be part of the record.

Chrmn. Jarvies asked the board members if they have a feeling either way.

Comm. Sandoval made a motion to table this decision until they look accurately at all the information and by law we have 30 days from this hearing to make a decision, I make a motion that we continue this hearing, close the hearing and look at all the information before we make a decision/Second Comm. McCarroll

3-0 Motion carried unanimously.
Nick Sarmiento- County Attorney stated that for the next public hearing there was a lot said by two individuals, those people can ask that the previous comments be incorporated to the next public hearing that way they don’t have to repeat everything that they said.

Linda asked if the letters being presented be part of both cases.

The board said yes.

Comm. Sandoval asked if they could present the location.

Linda said yes Travis can do that.

Chrmn. Jarvies opened up the Lonnie Yoder continuation, same exact thing, Mr. Yoder worked with them as well to allow them to re-notice people and make sure that everybody knew what was going on and allow people to due process and give their comments and asked Linda to give a summary to where we are at.

Linda: This is Land Use Case 2018-0045, applicant is Lonnie Yoder, legal description is: 40 NW1/4 of SW1/4 of Sect. 8, TWP, 36 R 8 E NMPM, physical address: 26370 County Rd 7, La Jara, CO., notice requirements were sent to all the owners, the letters looks like the Mast’s where she indicated the definition and that it was a breeding operation, Planning Commission made a recommendation for approval providing they comply with all other agency regulations, and was re-noticed for today May 17th, all the e-mails and comments that I received are not specifically to one and not the other so I would like to ask that we make all those comments subject to both applications.

Chrmn. Jarvies said all right and asked Linda if she has anything else to present.

Linda said that is it.

Chrmn. Jarvies opened up the public comment portion of the hearing, for or against and will allow 10 minutes, asked for a show of hands anybody that commented in the first hearing would you like your comments entered for the second hearing, the first ones that spoke for the first hearing are opposing for this hearing for the same reasons, then they will open it up for anyone that wants to add in opposition.

Mindy Bue: My name is Mindy Bue I reside at 202 Romeo, Co, I am a foster for Animal Rescue of Southern Colorado which is based here in Conejos County, we take care of your stray dog problem here in the county, we are foster based, we also volunteer for the local spay neuter clinic, we are not based by any citizen’s income, I have been
asked to read a statement by the Animal Rescue of Colorado who provides services.

Dear Conejos County Commissioners: On behalf of the board of Lucky Day Animal Rescue in Colorado we are writing out of concern for three applications for approval for a dog kennel including breeding facilities in your County of Conejos. We are foster based animal rescue on the western slope whose mission is to rescue animals in need, educate the public in animal issues and encourage spay and neuter practices, our research has concluded that spay and neutered services are most needed in areas where veterinarian care is limited or non-existent where income is low or below poverty level, every responsible pet owner in these areas have limited opportunity to provide medical services, in June 2015 LDAR began a spay neuter program in Colorado with the goal of decreasing numbers of unwanted and roaming pets and reducing animal neglect and numbers of animals shelters across the state, there were over 18,000 cats and dogs killed in Colorado shelters in 2016, our primary partner is program is Colorado Animal Welfare League, this collaboration allows us the opportunity to support spay and neuter surgery and vaccinations performed in a mobile unit by the medical and voluntary teams, 11 clinics have been performed in La Jara, Manassa, Antonito since the program began, we do these by means of medical teams, entirely volunteers, pet owners and funds raised by LDAR, by June 2015 thru March 2018 this program has provided 2983 sterilization surgeries, 1009 approximately 1/3 of our Colorado surgeries in your county alone, as of April 1, 2018 we have contributed $48,042 towards these clinics in your county, owner participation needs have continued, we are fully booked at each clinic, we have been forced to turn away some pet owners, we are deeply concerned about a recent breeder expansion approval in Rio Grande County and now it was brought to our attention that 3 applications for kennel breeders are being reviewed by your board for approval in Conejos County, an approval of a license to create more animals in the area creating such a great need for assistance regardless of where these breeders plan to send animals for sale must seriously considered by our organization to approve future funding for the clinics performed in the towns your county, we are open to understanding the situation in more detail during this review and will be paying close attentions to the decisions made there, we ask you to seriously consider the potential impacts of losing this service should your board and funders define an approval of a new or expansion of breeders in your county, as counter-productive to our mission, we are experiencing of unwanted and medically challenged breeder and puppy mill animals, we have supported many puppy and breeder dogs were no longer a service to these operations, our
education program is now focusing on informing the public about these operations in general and encouraging the adoption of animals in need of our shelters and rescues, they will be reporting to our funders and supporters the outcome of your decision, we encourage you to reach out to us for more details of further discussion about our efforts in your county. Sincerely Deb Jackson.

My question to you guys if they pull this what are you going to do for the residents of this county I volunteer at these clinics, we turn hundreds of people away every time we have them, we get yelled at for providing this service free of charge, we don’t care what your income is we just don’t want these animals when I moved here two years ago my yard was so full of stray dogs that I couldn’t even allow my kids and my pets out in my own yard, what are they going to do with these animals. Thank you.

Ramona Cisneros stated: I just want to clarify why you are not in compliance 1.110 preserve property values this is your charge, these are your laws you are supposed to preserve the values of property, etc., you are supposed provide orderly development of the county, how could 3 dog breeding facilities within a 2 mile radius be providing balance growth patterns, the administrator is supposed to be making sure everything is done according to your county law, how could the biggest one 5.1 be overlooked, and that is no change to land use shall take place prior to the issuance, this is just to be just a proposal to be a fair and squaring level ground, to give everybody the opportunity to, no building should be erected, no state inspection should be accomplished, at this point it is a proposal and when we went to the planning board it was supposed to be the application proposal when I sat there and up comes the buildings, it was a done deal, it’s approved this has shown that you have not done anything to protect everyone’s assets, you value their rights, their property value and their proposal over the rest of us, the infrastructure is there you value that without putting any safeguards, you don’t have anything in place, state law is minimum they don’t tell you what to do, they give you the basics, yes they have wonderful facilities but that should be the standard right now, they don’t have to come to you to put an extra all they have to do is add 6 inches and they go to the state for approval, then it goes to 10, 20, and 30, so it can turn into a puppy mill because you haven’t put the safeguards, if I make a building that is 120 sq. feet I don’t have to come to you for permission to increase that, you are not following your land use, I already know what I can do to get to that next level, if you are going to set there and say $72,000.00 the potential for one year is good by
adding an extra one you are going to make 144,000 who isn’t going to do that.

Marie Cruz: My name is Marie Cruz I am a resident of Conejos County, I do volunteer work with the animal rescue of Southern Colorado, I was told that PAPCA they don’t come in to check the facility, have you guys gone to check the facility.

Chrmn. Jarvies stated that no we have not checked it, but we do have pictures of the facility.

Marie Cruz: I just have a strong opposition because we have a really bad problem with stray dogs and cats I know it’s not cats, I have been working with this organization for the last two years and I just don’t think it’s a good idea.

Chrmn. Jarvies asked if there is anyone that would like to speak for, if the same thing applies that spoke for Mr. Mast, you are welcome to submit your comments for this one as well.

Kraig Fairhurst-Sanford Co.- Yes you can attribute my comments before, I would like to add something else, here in the county we lack any commercial for industrial infrastructure whatsoever so it is right to say from a strictly numeric perspective that to have 3 dog breeding facilities overly emphasizes the industrial aspect in the county but when you start from nothing and add something it’s disproportionate, it will always be, I support the animal rescue adoption, spay and neuter facilities, we contribute on an annual bases to some of these clinics, we contribute to the humane society, we have adopted cats and dogs from these facilities, also bought from responsible breeders, if you want a known characteristic you most often have to go to a breeder, have had success in adoption, talked about the their kitten that had to be put down, the vet that did that was humane, when you have non structured animals, rescue dogs there is always an unknown aspect to the temperament, health and physical makeup, the county has a responsibility to seize the economic and Lane Use and land valuation fairness to the county, I respect that job, it’s not easy and someone is always to disagree with somebody else, I come out in general favor, with this proposal because the Husky Siberian which I presume it’s the same for you sir, presumably that it’s not some animal that is associated with unwanted types of activities that we see so prevalent in the county already. I would hope that their facilities aren’t just going to be “oh I can go up 2 more feet and add a whole new level, that they are not going to act that way, no one looking to make money does that, they are going to go through more in vet and food costs than they will ever make trying to sell that many puppies. I
understand mam you are right next door, you don’t know what the economic impact to your land values, it may go up it may go down, we don’t know, right now we are concerned with the status quo, can we afford the status quo in this county, we need to have and be open to economic development, I would speak in favor provided that there are safeguards, certain limitations, and caveats if it works well, great they can come in and apply for additional use and expansion and things like that. Thank you for your time.

Chrmn. Jarvies closed the public comment period and asked if there are any responses to any of the public comment.

Mr. Yoder stated that he would like to provide what his plan is, what he has been doing before, one thing that was brought up was that these dogs will be shot once they are done that is against the law to shoot a dog, I have only had one put down and that was euthanized by a vet, these dogs are not going to be hurt in anyway, these dogs are in 14x14’ runs at night and all the time, other than once a day they are turned out into a 24x24x36 play area and there are several dogs running together, these dogs are not hurt in anyway, the dogs are all AKC registered I have Pem Corgis, French Bull Dogs, and Pugs, I have been inspected by AKC-USDA and as far as the kennels having an extreme odor, I would like to have Travis express on that he was out there two days ago right in the facility I clean my facility every day, I do genetic testing in all my puppies before they leave the property, they have two sets of shots, they are de-wormed five times, have good health records, anytime that the vet thinks that the dog is not breeding sound, we retire it and re-home the dog, the local humane society do not get any of our dogs, they get those dogs that come in from irresponsible pet owners, they breed with the neighbor’s dog, they never get pure breeds, there is a large demand for pure bred dogs, I do support the rescue for re-homing but not trying to run a good breeder down, there’s proof that rescue and the shelters have brought in almost twice as many dogs into the US as what US breeders produce a year, they turn around and say we are over populating and saying how many dogs need to be put down, there is proof that they are bringing in unregulated and bringing diseases in that are not in the US before, that is being worked on with the USDA right now to try to regulate that more as well, I am trying to be a good responsible breeder, I enjoy my dogs, they are taken care of, groomed, nails clipped and everything like that on a regular basis, you commissioners are welcome to stop by and see it, Travis was out there and there will be absolutely no caging, the dogs are on solid flooring, these kennels are not washed down, that creates an ammonia smell, I use shavings which absorbs the smell, they get cleaned out every day, if we don’t
comply to the state’s rules we get shut down by them, we get un-
compliance reports which will really hurt us in placing our puppies,
we do everything we can with the vet’s help to provide the world with
good healthy puppies.

Chrnn. Jarvies asked if the board had any questions for Mr. Yoder.

Comm. Sandoval asked if he has an operating facility right now.

Mr. Yoder replied: I am just starting it, I have had a dog kennel in
the past and I am just moving it into the county.

Comm. Sandoval: You have dogs in this facility.

Mr. Yoder: I just brought them out on the 22nd, the state has not
inspected yet the applications are in, I am in Rio Grande County just
renting for a couple of months until I get this set up and I do have a
small facility there, I am moving that building over; that facility is
PACFA inspected.

Comm. Sandoval: Am I understanding then, that under that certain
amount of breeding dogs that do not need approval by the state.

Linda: Yes a certain number of dogs is what I understand is what the
state requires, our land code requires 4. (4 dogs or cats at least 4
months of age are kept commercially, for board, propagation or sale).

Comm. Sandoval: So if he has three breeding pairs then he doesn’t need
this type of hearing or go to the state.

Linda: Correct.

Mr. Yoder: I am confused does the county require if you have 4 or more
dogs as far as pets, breeding, research, whatever they need to have a
Special Use Permit, that is his understanding.

Linda: In which 4 dogs or cats 4 months of age are kept commercially
for board, propagation or sale, a location for housing, breeding,
exhibiting, researching and rehabilitating any and all domestic
animals as identified by Colorado Division of Wildlife, that’s what
the definition says and yes Mr. Yoder does have dogs at his facility
already, there was something that took place in another place.

Mr. Yoder: Yes a tornado hit the kennel where the dogs were at and
destroyed it so I had to move them.

Chrnn. Jarvies closed the continuance public hearing and asked for a
motion or a decision.
Motion to have time to look at all the information that has come in since the last hearing and make a decision later: Comm. McCarroll/Second by Comm. Sandoval

Comm. Sandoval stated: with the addition that if you have information and you do not submit it as part of the record within the next 5 minutes it will not be part of the record.

3-0 Motion carried unanimously.

Chrmn. Jarvies stated that he appreciates everyone coming in and they have 30 days, they will make a decision by then and let everyone know.

**Nathan Coombs, Travis Smith, and Elliott Salazar-Conejos Water Conservancy**

Nathan Coombs Manager of the Conejos Water Conservancy District, has Elliott Salazar-Bd member and Travis Smith who is one of the associates who works for an engineering firm that we have contracted to help us with this project, he would like to draw their attention to the Conejos Cooperative Project that is one of the biggest focuses they would like everybody to get, we started a couple of years ago looking at ways we could equalize the water users opportunities within the district, we run Plato, and Conejos River, we help administer the San Antonio and Los Pinos River, the water users that are expressly of the San Antonio and the Los Pinos don’t have any opportunities for storage or flood control for any type of mitigation, you are all very aware of last year when they hit 135% of average, the flooding and that’s the area that typically gets hit the worse because there is no control on that system, we started looking at Trujillo Meadows, getting opportunities where we could meet some of those goals to help with the water users, and help with the recreation, they worked with Colorado Parks and Wildlife, the owners Trujillo Meadows, they have opportunities to raise the dam, talked to Forest Service and all the stakeholders, they had a path forward as they went into the modeling of the stream flows, the Federal Reserve Water Right—what that is any of those federal lands have an expectation at certain points within their streams to have a certain amount of flow, those are called quantifying points, during this month they would like to have this portion of the river to have x amount of flow which varies with the dynamics of melt out, talked about their water right which is similar to an instream flow, they ask that the river not be hindered, they could not model a scenario using Trujillo Meadows which is similar to Platoro, the flood mitigation is not ideal, they had a conclusion—there is still an opportunity but is greatly diminished for the cost versus the benefits the recommendation—was to keep looking at other
opportunities, they identified 3 things that they would like to look at as far as the water users they are looking at a conveyance from the Conejos across to the San Antonio, they could deliver water out of Platoro down the Conejos and then drop in into the San Antonio and service those water users, another thing they looked at was could they help the Division of Water Resources, could they model some opportunities for them to administer possibly the compact and the 3rd thing would be a new storage vessel near Ortiz, there is no recreational value, they need to do more than just ag.

Travis Smith stated that this is funded by the Colorado Water Conservation Board through the Colorado Water Plan Grant Program, the recommendations that they are working on come out of the Trujillo Meadows investigation, we are not here asking for any money or any action, they want to update as they are out in the community and you hear about this project we wanted you to know what we know today, the fact sheet it does not tell the whole story but it tells how it got to today, the bottom bullet point on the project objectives: to develop a common vision through community outreach that allows for implementation of projects that provide multiple benefits and has a wide community support, that is the main emphasis of the first part of this study, agriculture is king, but has to have other multiple benefits, they are identifying infrastructure opportunities, represents community values, economic opportunity, sometimes it gets overlooked, presented conceptual footprint of a possible reservoir site in the Ortiz area, they wanted them to know that they have had several meetings, they want to make sure that this commission has the information that they need.

Elliott Salazar added that one of their initial concerns that the village of Ortiz or the mission church that’s there would not be compromised, Nathan did some initial elevation analysis, it does increase significantly if we went with this project, also talked about the cost, and the laws from New Mexico, now we have the flood mitigation, a lot of the junior rights never get a lot of water, with the extra storage we could cover more irrigation and produce a lot more, if you put a reservoir for recreation it would bring in more dollars to the county, from the communications that they have had, there haven’t been any negative concerns, it is something that they will continue to study.

Nathan stated that the cooperative point with the sub-districts coming in water is changing and it always evolves in the administration and the uses but when the ground rules come out that the sub-districts form there is administration where we can go for more solutions rather than a constant rabble to point out more and more problems, in the
cooperative spirit we can look at how we can bring a lot of people together to solve a lot of needs; at the San Antonio there is the possibility of electric generation.

Comm. Sandoval asked about land acquisitions.

Nathan stated that this is all based on willing buyer willing seller, not appraised values probably at a premium there is a different change happening here, there is a transition that seems to be happening, you have these ranches and meadows and as families have kept that in the family as they divide it, it gets smaller and smaller then you have people that have a small track of land that has value but they don’t realize that value because the market would only value it at renting it out for pasture, it’s not big enough to be a standalone operation, talking to people they ask when do you give me a check, we have no intention of any eminent domain.

Elliott stated that it will be individual owners it will not be dealing with any state of federal ownership.

Comm. Sandoval stated that every year they re-build that road, they have paved it twice and the high ground water table causes this and they revamp, they got a grader stuck and a fire truck, that is South East of the Church, if they put a reservoir that water is going to start backing up, they can mitigate that.

Travis stated that the next step would be looking at the material, do some more geo technical work at the reservoir site, designing it for approaches for traffic, there will be a higher water table, access for recreation; they will look for fatal flaws; lakeshore area and how it changes.

Comm. Sandoval asked what is their deepest proposal depth of digging.

Nathan stated that the excavation would be where the proposed dam site is, need to remove luvial that material becomes like a sponge, it holds water but it won’t yield water, the conceptual would be to move that up to make a levy system between the reservoir, they would have to take some of that loose fill out to help mitigate some of those water issues, the key is to bedrock which entail about one 4 foot channel, then you put your layers around it then the rock structure, the maximum foot print would be about 619 acres with about 8000 acre feet.

Comm. Sandoval asked what would be the lifespan of the reservoir.

Nathan stated that they don’t have a specific answer for that; that is part of that study.
Comm. McCarroll asked if they take last year compared to this year would it be able to handle it, would it have to be monitored.

Nathan said that is the function of the discharge gates, that is part of the modeling right now it’s a 300 year flood event, last year 51% of the water had to go to New Mexico, they had water everywhere, on April 08th they sent 2000 acre feet out of the San Antonio to the compact; talked about water law in New Mexico being different, the Llano head gate is in New Mexico.

Connie- HR asked how close is that going to be to the mission church in Ortiz.

Travis mentioned the next step is to do the water right analysis of what the potential yield is, how it fits in with the community, measure the communities’ concerns that are addressed, they want to do the geotechnical work, see what kind of materials are there for the mitigation, match the re-timing of the water rights, we anticipate not filling and draining the reservoir every year it needs to have a recreation component that enhances the area, they’ll do some additional modeling and they will come and share that, it comes down to a cost analysis, how many acre feet to how many million dollars, nobody wants to see a drained reservoir so they are anticipating a recreation pool CPW would be a part of that, they want to make sure the community is involved.

Elliott stated they don’t want to upset anyone and it looks safe.

**Rodney King- Emergency Management Report**

Rodney presented his report as follows:

- Had an overview of the meetings he has attended.
- Did a couple of Active Shooter trainings- 31 people attended.
- Sent the plan for the school and the hospital.
- Went to A.L.I.C.E instructor training- sent them the certificate, this allows them to train courthouse people.
- Went to legal issues workshop we know what to do when there are floods but we need to know how to set up shelters.
- They can send out emergency messages that is a step up being able to reach people.
- Talked about fire restrictions, BLM, Forest are all going to do it all together, fire restrictions will begin May 21st.

**Samantha- Public Health Report/Board of Health**
Samantha presented her report as follows:

- Administration and Governance- Personnel -current- no changes to staff, got the missing screens replaced, and wind damage to the door is still pending insurance.
- Assessment Planning and Communication- Continue to participate in regional Public Health Partnership to share resources and collaborate, community engagement planning.
- Communicable Disease Prevention- Investigation and Control- 5 reportable conditions in April- not required LPHA follow up, Immunizations- signed the IZC contract to CDPHE, approved the generator, will have it delivered before June 30th, updating the building Donnie is looking at that, they think the generator will be able to run the whole building.
- Emergency Preparedness and Response- Almost done with deliverable work up, did the PIO class, and active shooter exercise, has a contract for later approval for Emergency Preparedness, state has additional funding, are looking at buying mosquito repellents to hand out at fairs and parades this summer.
- Environmental Health- Retail Food Inspections- 4 routine, 1 follow up, and 1 pre-operational, 16 total visits, REH visited each facility after power outage to check in and ensure unsafe food disposed of.
- Prevention and Population Health- Tobacco Grant, will be doing drug and alcohol drug outreach at Glory Days- Hud Mini-Grant, residential Engagement Session in Antonito, Office of Behavioral Health Grant-required trainings over a 3 year span, completed required Ethics course in April, Jennifer will be attending the SAPTS training in June, Prevention Coalition went well had the second meeting in March and approved mission and vision statements, next meeting will be in June-they will have a guest speaker from state patrol, and regional coalition summit on June 19th, mock crash cancelled, coloring contest in coordination with the La Jara Rotary, possible Glory Days activities, SHAARP program visit, Baby and Me tobacco free- MOU with RMHF and CDPHe, support smoking cessation for prenatal and postpartum mothers, monthly voucher for diapers and wipes (gift card).
- Vital Records and Statistics- Most small counties use the other entities for this service, with public health to be notified/monitor for any significantly abnormal trends.
- Option for Long Term Care Program-354 clients in April, 191 Conejos County. Conflict Free Case Management- HB18-02388 did not pass, requesting extension to BCP, working with regional partners to ensure the continuity of services in region.
• Personal Care Provider- 110 clients served in April, accepting applicants for personal care providers, Adjustments- Continued quality management efforts surrounding training, staffing, protocols etc, anticipating finalization of new protocol manual by next month.

• Commodity Supplemental Food Program- total of 336 participants and 60 deliveries in April- Annual training/Conference- Ben will be attending annual conference/training in Denver June 7th & 8th.

Motion to enter into contract with Emergency Preparedness and Response in the amount of $19,164.00: Comm. McCarroll/Second Comm. Sandoval

3-0 motion carried unanimously.

Donald Valdez

Mr. Valdez addressed the board and mentioned that it was a great session they got a lot of funding for education and transportation and also a bill for Rural Firefighter’s Funding for equipment and training, they were trying to get $500,000 they were forced to reduce it to $250,000, it funded throughout the whole state, we try to do as much prevention and education, try to prevent the situation before it occurs, the session also focused on the opioid addiction, we have to continue to keep prevention of opioids and also prevention in our communities, with your hard work and continuing to reduce the amount of addiction in our community, invited the board to a kid’s campaign that they are starting for kids first next Thursday May 24th at the Little Treasures, they are looking forward to an open house at 4:30 they are inviting everyone in the county and elected officials.

Donald talked about the memorial wall in Romeo; wanted to know if they would move forward with a plaque, a thanks to the veterans, it is needed, we can never say enough thanks to the veterans.

Donald mentioned the beautiful library in Capulin, he would like to donate a flag from the state capital to be flown there.

Donald stated that he has a tribute to our Conejos County Veterans that he brought forward to the commissioners and to the Veteran’s of Conejos County, then proceeded to read resolution: The State of Colorado the House Representatives combined in the 71st general assembly hereby extends our sincere combinations to Conejos County Veterans in recognition of the bravery and valor shown by their county’s veterans, the Conejos County Veterans famed artist Pete Perea (Steve Perea) for creating the Veteran’s Boulevard of Conejos County Monument, once completed with the flag raising on the mount Hiroshima will rise above the boulevard which will come which will also be lined
with red maple trees extended into the eastern sunrise to remind them of their service and heroism to their flag and country, a Colorado House Representative are proud to recognize the monument in honor of Conejos County Veterans and express gratitude for their sacrifice and devotion to the State of Colorado and to the United States of America- Mr. Valdez proceeded to present the plaque to the Board of County Commissioners along with Orlando Gallardo- Conejos County Veterans Officer.

Donald Valdez invited our Public Health Nurse to the Kid’s First because it all starts at home and with our parents, sometimes it is blamed on our education system but we need to work in partnerships, it starts with education on a yes and a no, we need to start at an early age guiding our youth in the right direction because of the addition side of it, he sent out the invitation for next Thursday at the Little Treasures at 4:30 PM.

ORLANDO GALLARDO- VETERANS REPORT

Mr. Gallardo gave an update on the Veterans Affairs it was as follows:

- Had the conference which was very educational, a few changes in the county’s scenarios, a lot of new CVO’s coming in, a lot a retiring.
- Colorado Dept. of Veterans is thinking about splitting the state into 2 parts, will leave the office in Denver and place another one in Grand Junction, it’s too difficult to be handling the whole state.
- Got a certificate like he does every year.
- A lot of changes in the VA, going to do away with the choice card, doctors are not getting paid on time, we will be back at the same position, no doctor at the VA Clinic, the coalition is working very hard to solve the problem, we need support from a higher level.
- In June the Veterans Coalition is going to have a forum at the National Guard in Alamosa, he will set up a table, he has invited Humana, they can see their regular doctor with Humana.
- Talked about the drip system, will have around 177 trees, nursery offered to plan the remainder of the trees, arranged to get the steel posts, the next phase will be to place an entry wall.
- Wanted to know if the cattlemen can pick another route other than the Veterans Boulevard to move the cows,
they have been doing that for years, they are afraid the cattle will damage the trees.

- Would like to have a stripe the road, they have veterans that will do the mowing on the flat.
- Is impressed with all the help, thanked the board for their help, should thank Steve Perea for the shadows; would like to get more publicity.

Comm. Sandoval stated that they did get approval for the installation of a street light, they have ordered the extensions for the number 2 ditch, and will work with Delfino because of the waste water, also mentioned that they will be using the brush hog tomorrow.

Donald Valdez asked if the board would like to put a letter together to the state concerning the entrance to Little Treasures to widen it and also looking at another analysis for Centauri High School.

Comm. McC Carroll stated that they have tried; asked if Donald can get something from CDOT they would appreciate it.

Chrmn. Jarvies stated that they do have the permits to widen that entrance but it was going to cost about $15,000-$16,000, he thinks they can bring that gate back up.

Comm. Sandoval stated that they have talked about re-striping so you have egress ingress in the middle to turn.

Orlando Gallardo stated that they have talked about informational signs on Hwy 285 are we going to be able to do a double on that.

Chrmn. Jarvies stated that the last time they discussed it would be one double sided sign.

**Connie-HR-TJ AMBULANCE**

Connie mentioned that TJ has decided to work full time as the Director, he will PRN on call with his other job, there will be a shift in his salary and his duties, he will be director and fill in other slots, they will be adjusting his salary starting June 1st.

There being no further business to come before the board, Chrmn. Jarvies adjourned the meeting at 12:30 PM.

**ATTEST:**

NATHAN RUYBAL  
CLERK OF THE BOARD

MITCHELL JARVIES  
CHRMN. BD OF COUNTY
30,000 dogs were killed in Colorado over the past 3 years. Millions of dogs are killed every year throughout this country.

Why does this happen?

Because more dogs are born than there are homes for. Dogs from people who don’t spay/neuter their dogs and from breeders who breed more dogs than there are homes for.

Breeders are here for one reason only and that is to make money at the expense of millions of dead dogs. Yes, it is free enterprise system to make money. But when we do it at the expense of innocent animals and humans who pay the cost, it is wrong.

Breeders’ dogs in their “care,” you might say, are viewed as livestock, not as living, breathing, feeling souls like us humans. Yes, dogs have the same feelings as we humans. They want to be part of a family, be loved, not be producing litter after litter until the mama’s bodies are done for and then the mama dogs are shot. Not cost effective to be humanely euthanized at a veterinarian. Those mamas were never able to be part of a family. They were mere money making objects. You think a breeder would spend $400 on dental for a breeding dog who has decaying
teeth from years of breeding? from nutrients taken out of their bodies?

Breeders sell their pups, who then continue to breed more dogs, because there are not spay/neuter requirements on these sold puppies.

This is all for money and that’s all there is to it.

In a few years, Colorado will follow the trend of California and Maryland, who have disallowed breeders to sell their puppies to pet stores. The breeding facilities here will be all for naught and they will lose the money they invested. Our shelter and many others will work to stop the sale of puppies from breeders to pet stores, but only to sell puppies from humane societies. And we will succeed.
What makes it a PUPPY MILL?

- High-volume commercial breeders are essentially the factory farms of dog breeding.
- Female dogs are often overused and denied any time to rest and recuperate between litters.
- Once female dogs stop reproducing successfully, they are often dumped or killed.
- The combination of low standards and lax enforcement has helped entrench the business of inhumanely manufacturing puppies.
- Profits often take precedence over animal welfare.
- Health problems in puppies born in these overcrowded facilities can include distemper, giardia, parvovirus, respiratory infections, parasites, etc.
- The dogs are not recognized as sentient beings; they are merely production stock.
- There is often no socialization, nurturing or opportunity to play outside the confines of the cages.
- The noise from so many animals crowded together in one location is deafening and creates more stress.
- Generally, there is no concern for genetic issues that the breeding parents can pass on to the puppies, such as heart disease, kidney disease, hip dysplasia, cataracts, deafness, etc.
- Puppies are often taken from their mothers and littermates at the age of 5-6 weeks, despite the fact that this jeopardizes the physical and emotional well-being of the puppies.
- Most puppies from high-volume breeding facilities are not socialized and many are fearful of human interaction.
- Over 2,600 dogs were euthanized in Colorado in 2016, not including owner-requested euthanasia.
- There are already more than 25 known high-volume commercial breeders in Colorado. Including the small commercial breeders, there are 167 known in Colorado.

Please do not contribute to this inhumane industry continuing. Please do not approve the Special Use Permits.
What should you look for in a responsible breeder?

- Does the breeder take lifetime responsibility for his puppies? Does he have a contract with the buyer wherein if the buyer is unable to keep the puppy/dog, he will relinquish it back to only the breeder. Responsible breeders take their puppies/dogs back at any age and in any state of health.
  
  If the seller indicates something like “you got your puppy, I got my money, we’re done”, you know it is a puppy mill or back yard breeder.

- Responsible breeders will be proud to show you where their dogs live – with them in their homes.
- Responsible breeders will be happy for you to meet and assess the temperament of the Mother and the Father if he lives with them.
- Responsible breeders do health checks many times during the life of their puppies. They use the information to improve their breeding choices and to offer support to the owners.
- Responsible breeders keep their dogs in very comfortable conditions in their home, get them regular vet care, keep them properly groomed, etc.
- Females are bred no more than three times in a lifetime.
- The breeders treat their dogs as their companions.
- Most responsible breeders do it for the love of their breed, not to make a profit. Indeed, many say they do not make a profit at all; they happily invest in their dogs.

Unless a breeder meets these standards, they are running a dog manufacturing operation and contributing to the ills of the county.

Please do not contribute to this inhumane industry continuing.

Please honor your landowners who object to approval of these special permits. They are your constituency you are here to support. Please do not approve the Special Use Permits.

5/17/18

Oam Dickenson

10001 Oak Tree Ct.
Lone Tree CO 80124
Pam dicken son@hotmail.co
303-618-0202
Puppy Mill Economics

Good morning,

Unless we want Colorado to become the next puppy mill capitol of the country, taking Missouri’s place, it’s time to seriously look at commercial breeding in this state and time to take a look at the resulting economic costs, both in dollars and in lives. Licensed or unlicensed, large or small operations, whether used to make a living, as a second income or for just a few extra dollars for the kids, results in consequences for the dogs, for the buying or adopting public, for rescues, for shelters and for taxpayers.

Colorado has about 167 small and large-scale breeders, with several having 100-300 breeding dogs. On average one female dog, bred twice a year during her production life can produce 50-100 puppies-or more depending on the breed and size. Multiply that by 1 to 300 dogs per location and the enormity of the market comes to light. And that’s just the ones who have licenses!

Since these Special Permit applications do not indicate the number of dogs planned, or a limit imposed by the commission, the door is open to unchecked growth. Five dogs easily become 50, then 100 or more. Colorado has no limit regarding the number of breeding dogs one can have as long as a large-scale PACFA license is purchased.

Colorado feels the effects of breeders from every state surrounding it as well as its own production, causing millions of dollars in taxpayer and donor money to be spent in caring for unwanted dogs. Add to that the thousands of volunteer hours spent taking care of the unwanted and the cost grows. There will never be enough donors, facilities, time, money, taxpayers and organizations to take care of the mess breeding starts. Colorado has over 250 rescues and shelters.

Colorado tax forms have a line item that allows taxpayers to donate for the care of unwanted animals. One can buy a special Shelter Animal license plate to help care for animals. Larimer Humane just built a $17.6 million-dollar shelter in which $14.8 million was from additional sales tax. Now, think about the magnitude of the cost of operating 250 rescues and shelters-from the smallest ones to the largest one, which spent more than $20 million to operate in 2017.
If these Special Use Permits are granted, it feeds right into the problem of the Citizens of Colorado and Conejos County being saddled with somehow, someway finding money to care for the excess dogs.

We ask the Conejos County commissioners to reconsider and not grant these special permits.

Thank you.
According to PACFA numbers*, 2016 saw about 90,000 adult and juvenile dogs in the shelter and rescue system. This included strays, owner surrenders, requests to euthanize, and transfers in from out of state, etc. **The most important thing to remember is that every puppy produced continues this cycle.** The highest cost is paid by the 30,000 dogs losing their lives by euthanasia over the last three years. **Millions** lose their lives every year in the US-mostly because they are unwanted.

PACFA data indicates it can take from 24 hours to close unlicensed facilities and from 6 months to 3 years to finalize a civil case with costs ranging from $1,000 to $20,000 in attorney’s fees alone depending on the case.

The request for special permitting isn’t just about land use or allowing someone a few breeding dogs. It’s a complex issue that starts with breeding but ends with throw away animals and incredible cost to taxpayers.

A terrible fact is that there is a clear conflict of interest – profit for the breeder/operator versus care for the breeder dogs. It strains credulity to think that if a dog needs a veterinary dental visit that might cost $400 - $800 that a commercial breeder would spend his money on this. So, the dogs suffer without adequate care. In general, they are not treated as valued family members, they are treated as livestock or furniture or a crop to be farmed.

We encourage the commissioners to search *Puppy Mill Auctions* on YouTube as well. An auction will have hundreds of dogs for sale. Breeders come from extended distances to auction off dogs. These videos will give a really good view of how this industry highlights dogs as livestock, not companion animals.

Why do we choose to confront it here? Why does one or two or three more breeding facilities make a difference? It matters because it is a growing problem for Colorado. As long as special permits are granted for breeding dogs, the perpetration of the cycle continues.

Colorado is lucky to have PACFA. We are much better with it than without. However, PACFA care rules are slightly higher than the minimal Animal Welfare Act rules. However, even with PACFA, dogs are not treated as valued family pets.
Puppy Mill Economics

living in homes, receiving timely veterinary care, receiving daily socialization, receiving necessary grooming, etc. Like most other regulatory agencies, it can take years to take a license while dogs are left to live in inhumane conditions.

Please be part of the solution. Please do not dig a hole deeper that this county and state have to crawl out of. Please reconsider and do not grant the special permits for dog breeding kennels.

Thank you.

Reference Information

Since the USDA removed the inspection records in January of 2017, we’ve not been able to update our records. This allows breeders to operate with no public oversight and under a secretary that encourages lower standards.

*PACFA 2017 numbers are not yet out.

Documentation

- PACFA Breeder Data
- PACFA Agency Actions
- Out of State Breeders who supply Colorado Pet Stores
- Certified Veterinary Inspection Summary
- Colorado Sec. of State Charitable Registration Financial Information
- Economic Stats-HSUS
Environmental Issues/Potential Hazards to humans and other animals Part I

The definition of a puppy mill, or puppy farm is as follows: (Avenson v. Zegart, 1984)

"A dog breeding operation in which the health of the dogs is disregarded in order to maintain a low overhead and maximize profits." The mere definition of these facilities should be enough to demand better conditions for these animals, that are not able to speak for themselves. In 2008, there were 4,604 commercial dog breeders and 1,116 brokers in the U.S. licensed by the USDA. (1) Because most puppy mills are secretive, there are no databases on who operates without licenses which is even more alarming.

The individuals that are applying for commercial dog breeding facilities in Conejos County have not had proper inspection for the Land and/or Special Use Permit by the Land Use Office, Planning Board, nor the county Commissioners. The citizens of this county, and more importantly, the land owners that surround the breeding sites, have the right to these properties new facilities to be enacted lawfully, dutifully, and with consideration for neighboring properties. There are many issues for the community, including health issues from soil, air, and water contamination, when puppy mills are opened.

Dog feces cannot be used for fertilizer in the same manner as cow manure. The reason for this is that dog feces contain 2.5 times more nitrogen and only 1/2 as much potash. In addition, the nutrients are not the same as fertilizer produced by manure. There are very specific ways to dispose of dog feces which include; flushing down the toilet, burying in the ground 6" or more below the surface, placing in tight plastic bags for garbage collection, and the most important: composting. If an individual would like to utilize the composting method to dispose of dog feces, they would have to heat and maintain 165 degrees Fahrenheit for 5 days straight. Rarely do backyard composting heaps reach this temperature, and the outer most portion of these heaps will never reach that temperature. The individuals opening these breeding facilities propose they spread the feces on the ground and cover with wood chips. This brings many health issues to the forefront in the form of pathogens. There are 3 types; bacterial, viral, and parasitic. Each of these can cause several health issues:

- Can lead to retinal disease in children
- Visceral larval migrans
- Ocular larval migrans (this affects the human eye) An astounding 37% of retinal diseases in children's eyes tested positive for dog ascarid larvae
- Gastroenteritis, typhoid fever, salmonellosis, cholera, hepatitis, encephalitis, cryptosporidiosis, Giardiasis, and dysentery (2)

There have been many cases in which puppy mills that have been studied and inspected have carried out harmful management practices that are abusive to the dogs in many ways. Overcrowding, accumulated feces, unsanitary food and water receptacles, and poor ventilation are
among the worst issues these dogs must live with on a day to day basis. Typically, to maximize profit, these breeders will stack cages with wire mesh floors on top of each other so feces fall onto dogs caged below.

Additional animal welfare issues including genetic defects in dogs caused by overbreeding and inbreeding, lack of veterinary care, dehydration, and canine diseases which have HUGE environmental impacts.

Sources:

1. USDA, Office of Inspector General, May 2010


Environmental Issues/Potential Hazards to humans and other animals Part II

**Water pollution** is at the forefront of these issues. When a breeder does not properly dispose of the waste, which consequently will include dead animal carcasses, the fecal material and decomposition of the carcass will make their way into the water table, stream, river, or lake. This ultimately ends up in someone's drinking water. We cannot rely entirely on water treatment plants to cleanse and treat our drinking water. The proper way to dispose of material that is hosed down from kennels including feces, urine, and bedding material, is to put in a septic tank and be disposed of by a waste management company that takes the material to a landfill. This however, costs money that kennel owners typically do not want to spend. And this is how the water pollution begins. Water samples pulled from a puppy mill that was shut down in West Virginia in 2008/2009 due to horrible, inhumane conditions, showed a total coliform bacterium in excess of 80,000 per 100 milliliters of water. Also, fecal coliform bacteria numbered about 28,000 per 100 milliliters in that same sample. These numbers are off the charts for the standard of water quality. The county of Conejos does not want to allow this sort of contamination in their drinking water.

**Air Pollution** is very difficult to assess because so many of these facilities are kept in secret and air quality is only prevalent in small, secluded areas. In order to understand the effects of feces and urine pollute the air, one must understand how aerosols react to environmental conditions. Aerosolization of microbial pathogens, endotoxins, odors, and dust particles is an inevitable consequence of the generation and management of animal wastes. (3) In essence, ammonia gas is produced and settles to the ground within a few kilometers of its source. However, once it is aloft in the atmosphere, it will convert from a gas to particulates that can travel long distances. Ultimately these mix with other pollutants, which will contribute to smog and human respiratory problems. Ammonia can also impair or kill aquatic life, and the pollutant does not have to be generated within the water body itself to be a problem. (5) Puppy mills do not affect the air nearly as much as pig and cattle farms, but it would be incorrect to conclude the don't seriously impact the air. A study done by Bowers and colleagues from cities in the Mid-west showed that fecal material, most likely dog feces, was a large source of bacteria in the atmosphere during winter. Their analysis suggested that dog feces are likely the dominant source of aerosolized bacteria in winter in Cleveland, Detroit, and Chicago. (4) As you can clearly see from the issues, air pollution is a very real environmental affect from puppy mills.

**Solid Wastes** include the following about a puppy mill; plastic sheeting, feed-supplement bags, tires, building materials such as boards and concrete chunks, as well as dog carcasses. Illegal solid waste disposal produces pathogens that the feces likely transferred to the soil, allowing them to later infect other animals and humans. Some of the pathogens that are easily transmitted to humans from contaminated soil include:
- Roundworm eggs
- Tapeworms
- Hookworms

The CDC - Center for Disease Control, counsels pet owners to remove dog feces from the ground right away because hookworm eggs can develop into infective stage larvae in the soil in as few as 5 days. The CDC also describes how nematode worms can contaminate the environment. "One infected female puppy can produce more than 100,000 eggs per day, resulting in millions of potentially infective ascarid eggs per day spread throughout the area a puppy is allowed to roam." (6)

As you can clearly see from the multiple items researched and listed above, the environmental impacts of improper breeding of dogs can cause serious health issues to humans, other animals, and even fish. In addition, dogs are not meant to be overbred and live in terrible conditions just because someone is trying to make money off them. It's inhumane and wrong. There are residents of Conejos County that are concerned about the ramifications of their property values if these facilities are approved to open and operate. Please consider the aforementioned issues and problems associated with allowing breeding facilities of this nature in to your community.

Sources:

1. USDA, Office of Inspector General, May 2010


From: Jennifer Thomas
Sent: Thursday, May 17, 2018 8:54 AM
To: Jen Thomas
Subject: 

Hello I am Mindy Bue I reside in Romeo. I am reading part of a statement prepared on behalf of ARSC.

As the only rescue operating in Conejos County, we at Animal Rescue of Southern Colorado are in a unique position to suffer terribly if these dog breeding kennels are approved.

In our country we execute 670,000 dogs annually, according to the latest data. Here in the Valley, we don’t notice the mass murder because we are fortunate enough that all our shelters are considered no-kill. We stay this way not because there are so many great homes waiting for animals here in the Valley. But, because we ship our dogs to the bigger cities to find homes. Keep in mind the domino effect of these breeders selling their dogs in the communities we send our shelter animals to. If it were not for the support of other communities and the organizations from outside the Valley who have funded and performed spay/neuter clinics, completely free of charge to ANYONE, with no proof of income required. Our rescue provides assistance to people who can’t afford vaccinations, food, and other supplies for their dogs, such as crates and fencing. Most of these supplies that we pass along to the residents of our county come from the same organizations who are putting on the spay/neuter clinics (and who may not be back). Without these organizations’ help, we won’t be able to keep helping our citizens at the rate we have been. They will suffer, and so will their pets. Our rescue relies 100% on donations. We don’t have a fund or a grant that we can fall back on when times get tough. We need assistance from others in order to provide assistance to others. Without us and those like us, you will see the the overpopulation problem in the valley explode.

The adoption process, which non-profit rescues employ, where homes are vetted thoroughly, references checked, and long distances driven to make sure the dogs is going not only to a great home, but a home that meshes with each dog’s individual personality and needs. Dogs are spayed or neutered prior to being placed. The contracts also usually state that the dog must be returned to the rescue before it can be rehomed or surrendered to a shelter. This approach is much more expensive and time-consuming, but it is essential to helping place an animal permanently. However When animals are sold in pet stores or online, they are sold to whoever can afford them. They are not spayed or neutered and there is no contract for what will happen to the dog that isn’t wanted anymore. This is a RECIPE for how dogs end up at shelters. About 25% of shelter dogs are expensive purebreds, which means that just because someone spends a lot for a dog doesn’t guarantee they won’t abandon it. Selling in pet stores is what one does when one is motivated by financial reasons. You get your money at lot faster and with a lot less effort when you don’t care where the dogs end up.

These applications have already garnered attention across the state, and on this topic, a lot of people are incredibly passionate and they won’t hesitate to boycott our area which relies heavily on tourism. Turning a blind eye to issues outside our region is a dangerous game. There are operations aside from keeping clean kennels. Can you disallow them from selling in pet stores or online? Can you make them use a spay/neuter contract? How will they dispose of the wastewater that results from caring for the dogs and cleaning the kennels, or of the waste itself? Will the kennels be insulated or otherwise temperature controlled? What access will the dogs have to water or the outside? In what size of kennel
will these dogs be living? Finally, are you going to monitor what happens to the breeding dogs after they have no use for them anymore? Conditions at some licensed breeders' facilities have been found to be just as abhorrent as backyard breeders; a license is no guarantee of aboveboard operations. These breeding facilities are a bad idea. They are bad ethically, bad morally, bad for the Valley, bad for dogs, and bad for society at large.

Mindy Bue  Volunteer of Spay/Neuter Clinic
202 Main St  foster for ARSC
Rome CO 81148
Minutes of the Board of County Commissioners Special Meeting held on June 05, 2018 at 9:00 AM in the Commissioners Board Room, 6683 County RD 13, Conejos, CO 81129

Call the meeting to Order:

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Members Present: Mitchell Jarvies- Chrmn.
Steve McCarroll- Vice-Chair
John Sandoval- Vice Chair
Tressesa Martinez- County Admn.

Also present were Nick Sarmiento County Attorney, and AnnaBelle Gomez, Deputy Clerk and Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of Allegiance


Approval of Agenda

Motion to approve the agenda as presented: Comm. McCarroll/Second: Chrmn. Jarvies

2-0 Motion carried unanimously.

Correspondence: None

Chrmn. Jarvies stated that just for the record this will be a Land Use Report for the Special Use Permit for the dog kennel because of the information that was presented, we really want to make sure we do our due diligence, review it all and make sure we cover all the information and we appreciate the guys patience, they did allow extra comment which we usually don’t do , we felt it was a good thing to do in this case, we are going to go through this with Linda and go through our standards of approval to make sure we are hitting everything is right .

Nick Sarmiento: Ms. Tressesa when did you publish notice of this meeting?

Tressesa- County Admn.: Last Wednesday or Thursday of last week.

Chrmn. Jarvies thanked them for that clarification, also wanted the record to reflect that the applicants are present; thanked them for being here.

EXECUTIVE SESSION

Motion to go into executive session as per 24-6-402 (b) conference with the attorney: Comm. Sandoval/Second: Comm. McCarroll

3-0 Motion carried unanimously.

The board came out of executive session conference with the attorney at 9:23 AM and no decisions were made.
Nick Sarmiento: It is the opinion of the county attorney that the discussion had an executive session constituted county attorney/client privilege therefore no record was needed.

**Linda – Land Use- Review 2 SUP- Dog Kennel Applications**

Chrmn. Jarvies stated that they have already explained why they are here and turned the time over to Linda.

Nick asked what did she hand to the commissioners

Linda stated that she also gave to Mr. Yoder and Mr. Mast a supplemental report in regards to the Special Use Permit which are the standards for approval and she has gone through and everything is underlined in bold upper case in her response to all of the standards to her approval in regards to both of those cases.

Nick: And previously you determined that these applications were complete.

Linda: I feel they are complete, for someone out in the public to review it’s probably not going to make sense to them, I feel that I have had a lot of people comment about that, I feel that it does makes sense to us.


Linda said yes.

Nick Sarmiento asked: How many years have you been at the Land Use Office and how many applications have you processed.

Linda: 14 years, have processed at least 30 Special Use per year.

Nick Sarmiento: How often has that Land Use Code changed, are you familiar with the Land Use Code?

Linda: I am familiar with the Land Use Code and it was adopted in 2005 and has not been amended since.

Comm. Sandoval asked: Was this meeting properly advertised.

Linda: Yes it was.

Nick: When was it advertised Ms. Martinez, just for the record.

Tressesa: I am pretty sure it was Thursday or Friday, more than 24 hours.

Comm. Sandoval: One thing that I would ask is for part of the record that the folks that overlook PACFA, do they do onsite inspections, how often they do them, is it on a pop in basis, do they just show up, do they get a report, how many cycles the female goes through if she misses a cycle do they put them to be available to the next heat cycle and how many cycles they go through, how many breeding females on one particular breed at a time, those are some of the issues that were brought up, need to make sure that we are adequately doing; I read all the
documentation that was submitted, we need to look at all that adequately in the decision that we make and take all that into consideration.

Nick Sarmiento: Mr. Sandoval we could definitely ask those questions right now, we are going to try to follow the standards of approval bullet point by bullet point, so questions might be better addressed at that point as we go through this document.

Linda: Specific questions like the breeding cycles and how long the females are kept, our standards of approval do not address that so I did not address that but Mr. Yoder has been doing this for 10 years, he can definitely answer about inspections, we have Catherine Kirk with the state who is the contact person from PACFA she would give us more information.

Chrmn. Jarvies: Would it be appropriate to have him (Mr. Yoder) explain a little bit.

Nick Sarmiento: With the questions of Mr. Sandoval in mind.

Mr. Yoder: The PACFA they inspect at least every 12 months or if there is a complaint they have to go inspect but they have to have one at least every 12 months, if they feel that there is an issue they can inspect anytime they want, if a facility is not clean or they have a problem they can inspect as often as they want to.

Comm. Sandoval: If you are in violation can they shut you down?

Mr. Yoder: Yes and everytime their inspections are unannounced, the first time you set up an appointment they come and get you in compliance if you don’t fail they tell you what you need to change and once you are in compliance they give you a report that you are in compliant and after that it’s random whenever they want and they file a report every time that they do the inspection and if you fail the inspection you have 30 days to correct it or however many days they give you, then they come back and re-inspect and if you are still not in compliance, if you fail three in a row they can shut you down.

Mr. Yoder: As far as age of breeding, females most of the time they do not come into heat more often that every 6 months a lot of them go 7 to 10 months some of them depends on the breed some on how their body is, I myself I do breed them every 6 months if they are in good condition health wise and everything if not I skip a cycle, there is research that it’s better for a female to be bred every cycle it’s not hard on them, a lot of people think you are breeding them too often, it’s better to breed them while they are young and retire them early, I consult with Revive Animal Health which consists of the top vets in the US, I do talk to them quite a bit on health and anything, I try to do as much health preventage.

Comm. Sandoval: One quick question, You did say that you have a veterinarian under contract or somebody that you are working with right now, would you explain that?

Mr. Yoder: The Monte Vista Animal Clinic.

Comm. Sandoval: Could you provide a letter stating that you are working with them or they have been out there, and that you are working with them.

Mr. Yoder: Yes that is with the PACFA on the USDA they have to be USDA inspected as well, their inspections are the same but they require a program of veterinary care, every year the vet has to come out and inspect all the dogs and sign off on paper.
Chrmn. Jarvies: Thank you, appreciate that, thank you for explaining all that, that helps.

Chrmn. Jarvies: All right, now Linda if you want to take over.

Linda: The first thing that I want to do, and they are pretty much the same except for location and the neighbors, residential structures that are nearby, Travis has a map and wants to make sure that they know the location, pointed out the Mast property, pointed out the South Way property with the mining up above, to Mast the closest location is I would say Matthew Thomas who lives there year round, the agricultural which is Rd DD further East is Reinhardt and Claunch who runs those sprinklers, the lot next door is the Cisneros/Burch lot- no develop, Middle Passage property, unfortunately that is under foreclosure, she pointed out another location but could not tell if there was a residence, pointed out John's Mast's location, the community as a whole, they have had Special User Permits from Lavern Coblenz, metal and dog kennel, Grabers and Beachy's and Levi Yoder, they have all obtained permits, septiccs, etc. although we didn't plan on it on our Land Use and Comprehensive Plan for development on this area, our focus was on the towns and the 3-5 mile areas.

Nick Sarmiento: Legal addresses were provided prior to the public hearing; was that entered into evidence?

Linda: Addresses were provided on all the notices, mailed, posted onsite but posted in the newspaper.

Linda proceeded with the following:

APPLICANTS: REUBEN MAST

LU CASE #2018-0036

SPECIAL USE PERMIT: DOG KENNEL-Breeding Operation

LOCATION: 8284 COUNTY ROAD DD, LA JARA CO 81140

CONEJOS LAND USE CODE - DIVISION 5.5 -STANDARDS FOR APPROVAL

Section 5.500 – Standards for Approval

The approval standards that will be applied by the County in its decisions to approve, approve with conditions or deny requests for a Special Use Permit.

A. General Standards for Approval. The following general approval standards shall apply to all uses that require a Land Use Permit.

1. Property Rights. The applicant can and will obtain all necessary property rights, permits and approvals necessary to conduct the activity. APPLICANTS ARE OWNERS OF THE PROPERTY, THEY HAVE AUTHORITY TO APPLY FOR REQUIRED PERMITS.

(Linda: Did not obtain title policies but I am sure they are available)

Nick Sarmiento: But you do have deeds.

Linda: Yes I do.

Nick Sarmiento: How do you want to proceed Ms. DeHerrera; do you want to take this in tandem or do you want to take this one of one, it is up to you, you are the one that created these documents.
Linda: It is exactly the same until I get to adjacent uses on the 4th page.
Nick: As long as we go down methodically and present your evidence, say this is the same as this or just make sure that we differentiate between the application when needed.
Linda: I think it would be best if I went Mast first and then go to Yoder, and I will say exactly that.
Linda: I have a copy of the property for Mr. Mast in the file and continued on.

2. Comprehensive Plan. The use is consistent with relevant provisions of the Conejos County Comprehensive Plan.

COMPREHENSIVE PLAN DOES NOT DIRECTLY ADDRESS "KENNEL" DOG BREEDED FACILITIES.
Linda: (I reviewed that, there is no possible way that the applicant to review our comprehensive plan and answer any questions, we do not directly address any kennel breeding facility in regards to our population county and land use.)

2.1 POPULATION, ECONOMY AND LAND USE
The growth areas addressed in the Comprehensive Plan were areas more populated and appear to be near towns or settlements/villages with larger population. The Comprehensive Plan did not address that particular area nor did it plan for development of new cultures.

3.6 AIR QUALITY AND 3.6.1 ORDORS – The property is 40 acres surrounded by other 40-acre parcels. Prevailing winds are from the southwest. There are no regulatory mechanisms or standards in Conejos County. Land Use Administrator (LUA) contacted (Christine Hoeffer) CDPHE Air Quality to verify permit requirements for Dog Kennels/Breeding Operations. Per phone conversation, permits are required if the kennel has large equipment i.e., ventilation. Christine shared that CDPHE experiences complaints regarding hog farm odors.
Linda: The only thing Christine could think of was to have big fans for ventilation.
Nick Sarmiento: And this evidence says 3.6 is that include previously did you receive letters.
Linda: No.
Nick Sarmiento: When did you receive these letters or phone calls?
Linda: The majority were received the week before the public hearing, two weeks before that is why I have summarized since May 16th meeting.
Nick Sarmiento: You are summarizing evidence that came in prior to the May 16th hearing?
Linda: I am summarizing my report but adding this supplemental information that came in.
Nick Sarmiento: I will ask the applicants if they agree that any new evidence is coming in right now, I know some came before and it is all intermingled, but you guys agree to have this document entered into evidence and her research.
Mr. Mast and Mr. Yoder: Yes.
Nick Sarmiento: That is both Mr. Mast and Mr. Yoder stating that in the affirmative they do accept this as additional evidence.

3.7 NOISE – Noise, glare and odor conditions are an important component of the health, safety, and quality of life of Conejos County residents. As new development occurs, residents should be protected from unreasonable changes in conditions beyond the boundaries of the development site. Performance standards will define permissible levels of noise, glare and odors which apply to all zoning districts and all use classifications. Noise (barking) must be mitigated.
Linda: That will be mitigated.
Nick Sarmiento: What do you mean by that Ms. DeHerrera?
Linda: I am trying to say it is the one issue of our comprehensive plan - noise and that is the only possible in my opinion noise could be an issue, that would be the barking, we need to work on a mitigation plan to address that, is it fair to say that is speculatively.
Nick Sarmiento: Do you have any evidence to suggest that the noise will be significant?
Linda: Well just that they are dogs; dogs are known to bark.
Nick Sarmiento: What kinds of breeds.
Linda: Mr. Yoder is going to have French Bulldogs, possibly Pugs and Poragies; Mr. Mast has American Spits, Eskimo Spits, and Siberian Huskies.
Nick Sarmiento: Commissioners do you need any more information on that?
Comm. McCarroll: I am trying to picture how you mitigate that.
Nick Sarmiento: Mr. Yoder and Mr. Mast?
Mr. Yoder: Exercise areas and privacy fences will help a lot, dogs see a horse running off a distance they are going to up and start barking at it, I personally like a privacy fence around them, they keep the noise down, my dogs always bark a little bit when you walk in, as fast as they start barking they calm back down and having an exercise yard where they can go out and run and play a lot really burns a lot of their energy, that's my plan to do that.
Linda: Mr. Mast do you want to share your plan?
Mr. Mast: That is very similar to what I have in mind, I don't have yet but I am going to put an exercise yard- basically the same plan.
Comm. McCarroll: The one fellow that was here that was his only complaint.
Nick Sarmiento: The gentleman from New Mexico.
Linda: That was Michael Brodie, he doesn't live there; it is vacant land.
Mr. Yoder: I have his land under contract to buy it from him.
Mr. Yoder: If there is an issue on down the road, you have the power
to tell us we have to do something or something can be worked out.
Comm. Mc Carroll: As long as we see a plan.
Linda: My only thought was if we needed to try to determine this,
maybe her and Travis could go out there and working with Mr. Yoder
and Mr. Mast, get the dogs stimulated and park in different areas to
see what are we hearing in different areas.
Chrmn. Jarvies: Right now we are not trying to solve the problems we
are just going to review and see where we are.

3.10 HAZARD AREAS – Pages 89-92 – The subject property is not
within the hazard areas mapped.
Linda: That was a comment that was made that our Wildfire
Mitigation Plan was not completed, what hazard boundaries, if need
be we could have Adam go out and do a assessment, he and I
reviewed it at that workshop and he said her decision was good.
Nick Sarmiento: Ms. DeHererrera you have been out there right?
Linda: I have not.
Nick Sarmiento: And what is the character of the land?
Linda: It is rural, vacant, chico brush area, there are some grasses but
very low, no concern whatsoever of wildfire, special places as well
mapping on our comprehensive plan does identify the historical site
that we do have so there was 2 that were waived they did not have to
do a historical evaluation with the state.

3.12 SPECIAL PLACES – Page 93 Conejos County Historic &
Cultural Resources Map reflects special areas in the County. The
closest “special place” is the La Jara Depot which is > 7 miles from
the subject property.

3. Water Quality Protection. The use shall not cause significant degradation of
the quality of surface or groundwater resources.

There is no surface water on the property. Air-photos do not
reflect historical signs of irrigation ditches. Using the Colorado
Division of Water Resources permit information, stagnant water
levels are two hundred feet to two hundred and eighty feet in
depth. Soil evaluations for Onsite Wastewater Treatment
Systems reflect that there has been no interception of
groundwater at evaluation points of six to eight feet.
Linda: My response there is no surface water on the property, ground water is
not going to be compromised at all.
Nick Sarmiento: Ground water or surface water.
Linda: Yes.
4. **Water and Wastewater.** The use shall be served by water and wastewater systems that have been deemed adequate to serve the activity. Refer to Article 13.

*A legal water supply must be obtained from the Colorado Division of Water Resources. This could include changing well permit or purchasing and hauling in water. Applicants are required to provide proof of a legal water supply for this use.*

*A wastewater system specific for these kennels may be required. An OWTS permit would be required and inspections completed. The County must determine at what point an OWTS is required.*

Linda: Mr. Yoder your proposal does seem to be a larger quantity of dogs, we really need to look at that and make sure you are in compliance, in PACFA, it does make reference to some situations it may require an onsite waste water treatment, that would be licensed through Conejos County and an inspection.

Nick Sarmiento: In terms of Mr. Mast what are you recommending for a waste water for them to meet that standard of approval?

Linda: It indicates that the water usage will be very minimal and one of the reasons is that the way they have their kennels set up there is a very small area that will have to be washed, it’s not like you will be out there with the hose and have to wash it down. Mr. Mast can definitely explain how he proposes to do that, that water may have to go into a waste water system.

Nick Sarmiento: And PACFA would have to ask them to install the waste water, do we have any regulations ourselves that would require them to have a waste water management system.

Linda: I will ask Travis, we don’t have anything specific for kennels.

Travis: Spoke with Chuck who is in charge of all the regulations for onsite water systems, he sent me information from installers magazine showing what he recommended be used, so the state doesn’t have any regulations towards dog kennels.

Linda: If PACFA requires they will have to do that, then the process will have to be through us, Travis would get a quick course on septic systems for kennels.

Nick Sarmiento: Travis just for the record, can you please state your name.

Travis: Travis Gonzales- Code Enforcement.

Nick Sarmiento: Thank you, any other questions on waste water.

Linda: We are a little redundant as I address geological hazards, I don’t believe that there are any geological hazards, any wildfire; or flooding any of that type— that was item number 5.

5. **Risk from Geologic Hazards.** The use is not subject to significant risk from geologic hazards.

**There are no known Geological Hazards. The Wildfire Assessment was waived by the LUA. The subject property is not within the hazard areas mapped.**

6. **Utilities.** Public utilities, where available shall be used. If not available,
alternative systems may be employed. Refer to Article 13.

There are limited public utilities available on the subject properties. A few parcels have electricity provided by SLV Rural Electric Coop or Xcel Energy. The Amish and Common Cultures in that area use alternative methods for power. Solar, generators, batteries, propane, etc. Those alternatives are acceptable for the proposed use.

7. Access and Roadways. Access to and from the use shall be safe and in conformance with applicable standards. Roads serving the proposed use have the capacity to accept the additional traffic generated by the use safely and efficiently. An access permit is required from the appropriate authority. Refer to Article 14.

The subject properties have County approved accesses to their property from a County Road. The County Roads have the capacity to accept the additional traffic generated. The roads will be used by the applicants when transporting puppies out of the facilities. County and other agency inspection/visits, veterinary visits, and only invited public visits. The applicant does not propose onsite sales of puppies.

Linda: Mr. Mast did apply for and obtained an access permit, however the access permit didn’t address commercial uses it was for residential, rural and agricultural I don’t believe that it would be any different, Mr. Mast would you mind sharing what Road and Bridge had you do, did you have to make any amendments at all.
Mr. Mast: No, there were no culverts, just grading and accessing to the property.
Comm. McCarroll: I believe there is no surface water.
Nick Sarmiento: So is it a simple change to a commercial permit.
Linda: I don’t believe that we have to do anything at all just because there are no culverts; I don’t believe that there are no bar ditches.
Chrmn. Jarvies: For clarification there is no traffic by there.
Linda: It should be very minimal because if somebody does want to go in and see the mom, the dad where they came from, they will allow them to do that, by invitation only.
Mr. Yoder: Yes by invitation only.

8. Visual Impacts. The proposed use shall preserve views and vistas if possible. Screening as defined in this code may be required of uses with negative visual impacts.
The views and vistas are preserved as the use does not contain large buildings or screening that will block views. This is a 40 acre parcel. Screening would not be recommended. Fencing must be suitable to prevent dogs from escaping. The structures on the parcels are new and not negative in appearance.

9. Compatibility. The nature, scale, and intensity of the use are compatible with adjacent land uses and will not result in an adverse impact to adjacent land. The design of the activity shall be compatible with the surrounding natural environment.

Residential development is sparse with the closest developed property (Troup/Gallegos) being approximately 3250 feet (as the crow flies) to the northwest of the subject property.

The area from the Rio Grande County line/CR FF and CR 6 South is a Rural Zone District with Agricultural and Residential uses. This community has grown over the past 10 years. There are approximately 12 Amish Families living in that general area on a year-round basis. There are approximately 7 common families living in that general area. Some year-round residents and some seasonal. There are 8 approved Special Use Permits. David Coblenz – corrugated metal manufacturing. Lavern Coblenz – Wood molding/working and dog kennel. Marvin Troyer – wood working retail store. Tim Graber – Kitchen cabinet shop. Phil Eicher – Ag supplies store. John Beachy – woodworking. Levi Yoder – Wood working and Cabinet Shop. These folks have been very cooperative in obtaining permits prior to any development. Includes, county road accesses, addresses, construction, septic and Special Use Permits.

Adjacent Uses:
North – adjacent neighboring 560-acre parcel owned by Henry Southway – Extraction/Mining Operation. Alamosa County Pit and Absemier Pit being 2 miles north.

West - Direct west – vacant 40-acre parcels. NW 6/10 miles – Troup/Gallegos has a structure permitted as a shed but appears to be a dwelling. NW 9/10 – Thomas – appears to be dwelling.

South – Vacant 40-acre parcels. SW 1 Edgar Sironel mobile home – abandoned and being destroyed by weather. SW 2 miles - Kolson Lucas – residence & hemp operation.
East – 1 vacant 40-acre parcel. Further east agriculture/pivot sprinkler land with closest residence of Claunch is 1.60 miles.

The structure proposed for the dog kennel is a new structure and will have a fenced in exercise area. It sets to the south of the home and not very visible.
Linda: To the direct West to Mr. Mast is the Ramona Cisneros and Angela Burch which is vacant, that does not even have an access permit to it.

10. **Wildlife.** The use shall not be located in significant wildlife habitat area as defined by the Colorado Division of Wildlife unless the applicant demonstrates that there is no viable alternative location. Where the activity must be located in significant wild life habitat areas, the applicant shall implement all mitigation recommended by the Division of Wildlife and the County.

**No impacts to Wildlife. The application and referral notice were sent to the Colorado Parks and Wildlife Department in Monte Vista. No comments received from that agency.**

B. **Additional Standards for Special Use Review.** In addition to the General Approval Standards in Section 5.500A, the following standards shall apply to all uses subject to Special Use Review.

1. **Air Quality.** The use shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.
Linda: I addressed that under the Comprehensive Plan and nuisance is the same thing, possible barking could become a nuisance.

**Per item 3 – Comprehensive Plan.**

2. **Nuisances.** The use shall not cause a nuisance as defined within this Code.
Linda: I addressed that under the

**It is possible that barking could be a nuisance. Research reflects that dogs that are exercised throughout the day will expend their energy and less barking will take place. Also, kennels use acoustical panels.**
Linda: We could probably research into that if we had to work with them.
Nick Sarmiento: Ms. DeHerrera this is based off your own research?
Linda: Yes, the nuisances and the panels.
Nick Sarmiento: Do you mind supplementing this report with the research and Mr. Mast do you have any objections to that?
Mr. Mast: No Objections.
Linda: I will do that.
Nick Sarmiento: Yes, and I will also ask you the same question Mr. Mast, do you have any objections.
Mr. Mast: No objections to adding that into the record.
Mr. Mast: No objections.

**Dog manure could also be a nuisance if not properly disposed. Composting, trash service, incineration would require a permit from CDPHE.**

Linda: Dog manure could also become a nuisance if not properly disposed, again my computer research reflects that composting is a good method, I have attached composting information from NRCS – a publication which I thought would be a good way, there is also a trash service that they could pay for, incineration would require a permit from CDPHE, that is something that we could address; do you think that I could also attach.
Nick Sarmiento: Yes, and I will also ask you the same question Mr. Mast, do you have any objections.
Mr. Mast: No objections to adding that into the record.

3. **Important Areas.** The use shall not significantly degrade areas of palaeontological, historic, or archaeological importance.

**Per item 3 - Comprehensive Plan.**

4. **Traffic.** The use shall not cause significant traffic congestion or unsafe traffic conditions and all impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.

5. **Impact Mitigation.** If the use causes a twenty percent (20%) or more increase in the use of a County Road, the applicant shall be required to bear the cost of all road and bridge improvements, repairs, maintenance and permits necessitated.

**Items 4 and 5. I do not feel that traffic will be increased to warrant a mitigation plan.**

6. **Erosion.** Erosion control measures shall be implemented that ensure that disturbed areas and soil stockpiles are stabilized. Disturbed areas must be revegetated within one growing season.

**Erosion is not an issue with this proposed use.**

**SECTION 5.510 IS NOT APPLICABLE TO THIS PROPOSAL. THE SECTION IS SPECIFIC TO COMMERCIAL AND INDUSTRIAL USES.**

Section 5.510 Additional Standards for Certain Uses
A. **Commercial and Industrial Uses.** In addition to the General Approval Standards set forth in Section 5.500A and relevant Special Use Review Standards set forth in Section 5.500B, the following additional standards shall apply to all uses in Commercial and Industrial Zones.

Linda: These are not commercial or industrial zones, the applications makes reference to hours of operation, lighting, and I believe that they answered those questions.

1. **Outside Storage areas.** Storage areas, including recycling and salvage yards, shall be screened from view by fencing at least eight (8) feet high, landscaping or other screening approved by the decision making body, in order to minimize the visual impact on adjacent properties and public roads.

2. **Industrial Structures.** All industrial operations and activities shall be conducted wholly inside of a building or buildings if the nearest of such operation or activity is less than two hundred (200) feet from the boundary of any other zoning district. If the industrial district adjoins a residential district, screening shall be provided at the lot lines sufficient to protect on a year round basis, the privacy of adjoining residential uses.

3. **Commercial and Industrial Structures.** Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.

4. **Objectionable Emissions.** Dust, odors, gas, fumes, and glare shall not be emitted at levels that constitute a nuisance. A mitigation plan may be required.

5. **Noise.** Noise as measured at the property boundary shall not constitute a nuisance and shall be buffered by landscaping or other screening devices.

6. **Lighting.** Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light on any property located in a residential district, or on any public right-of-way.

7. **Hours of operation.** Days and hours of operation shall be established to minimize impacts to adjacent land uses.

8. **Roadway System.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees, or both.

9. **Residential Structures.** No structure shall be used for residential purposes, except for the use of the owner or operator of the business located on the premises within a Commercial Zone. No residential structures are permitted in Industrial Zones.

Nick Sarmiento: And that form that they filled out; is that a county generated form?
Linda: Yes it is a county generated form.
Nick Sarmiento: How long has the county been using that form?
Linda: That form I have been using for probably 10 years.
Nick Sarmiento: And has it ever been challenged in court?
Linda: No it has not.
Linda: That takes care of the Mast.
Nick Sarmiento: Before we move on do you have any recommendations as to the Mast application; like a summary recommendation?
Linda: My recommendation is that we require that they provide documentation of compliance with all the agencies: PACFA, Division of Water Resources, those are the two applicable ones.
Chrmn. Jarvis: Do we have the letter that Mr. Sandoval requested.
Linda: The letter, okay.
Nick Sarmiento: And all this information will you include it as part of the file or record and have it available for public inspection?
Linda: Yes I will do that.
Comm. McCarroll: Will it be appropriate to have something on the dogs that will no longer be used.
Nick Sarmiento: You may ask that question.
Comm. McCarroll: Mr. Mast is there a way that when those dogs are not being bred anymore and you are going to find a home for them that you spay and neuter and then give them away.
Mr. Mast: You mean as a written record showing what was done is that what you are asking.
Comm. McCarroll: If the dog is no longer used in the breeding part and you are going to find a home for them, once they leave your place will they be spayed and neutered?
Mr. Mast: We can definitely do that; I haven’t really thought of that angle of it.
Chrmn. Jarvis: Can I follow up on that, at the hearing you said that you would re-home the dogs so can you just tell us your process.
Mr. Mast: What I would do in that situation I would try to find somebody that will provide a descent home for the dog, somebody that I would know that would take care of this dog or even through the due process of selling the dog to somebody who would need a companion dog or in such a way; and as far as a record is there a form that the customer could fill out say he did receive the dog, I guess that is something that we need to check out.
Comm. McCarroll: I think that would answer a lot of questions to the people that are questioning what’s going to happen to them; if they are spayed or neutered then there is no question they are going to a home they will not be bred anymore.
Mr. Mast: I see what you are saying, as they are done breeding they will be spayed and neutered and that would be a definite end, I see what you are saying.
Comm. McCarroll: I think it would also save on your breeding; no one would try to breed those animals again and actually go into competition with you.
Mr. Mast: Yes it is a very good idea.
Linda: May I ask a question, maybe if you have a card on a dog and you know how many puppies she had, kind of constant information about that specific dog, I am just trying to visualize how you do the paperwork, that way you know Mamma # 1 is now retiring so you would get her spayed and neutered and find a home and would you just retain the records.
Mr. Mast: USDA actually requires that we keep records of where they went to and you have to keep that in your file for 5 years I believe.
Chrmn. Jarvis: So if that were a condition to have them spayed and neutered, guess we could ask Mr. Mast is that okay.
Mr. Mast: That would be an additional cost but yes I do believe it is fair, I would be willing to do that.
Chrmn. Jarvis: Any other questions for Mr. Mast, okay let’s move on to Mr. Yoder.
Linda: Okay I have set up this supplemental document the same way I did for Mr. Mast it is a special use permit for a dog breeding operation, the same information, her responses are almost exactly the same except for site specific information, number 1 property rights, they are the owners we have documentation.

APPLICANTS: LONNIE YODER
LU CASE #2018-0045
SPECIAL USE PERMIT: DOG KENNEL-Breeding Operation
LOCATION: 26370 COUNTY ROAD 7, LA JARA CO 81140

CONEJOS LAND USE CODE - DIVISION 5.5 -STANDARDS FOR APPROVAL

Section 5.500 – Standards for Approval

The approval standards that will be applied by the County in its decisions to approve, approve with conditions or deny requests for a Special Use Permit.

B. General Standards for Approval. The following general approval standards shall apply to all uses that require a Land Use Permit.

4. Property Rights. The applicant can and will obtain all necessary property rights, permits and approvals necessary to conduct the activity. APPLICANTS ARE OWNERS OF THE PROPERTY. THEY HAVE AUTHORITY TO APPLY FOR REQUIRED PERMITS.

11. Comprehensive Plan. The use is consistent with relevant provisions of the Conejos County Comprehensive Plan.

COMPREHENSIVE PLAN DOES NOT DIRECTLY ADDRESS “KENNEL” DOG BREEDED FACILITIES.
Linda: Comprehensive Plan but not directly addressed to a dog kennel breeding facility.

2.2 POPULATION, ECONOMY AND LAND USE
The growth areas addressed in the Comprehensive Plan were areas more populated and appear to be near towns or settlements/villages with larger population. The Comprehensive Plan did not address that particular area nor did it plan for development of new cultures.
Linda: I believe population economy in Land Use is the same as Mr. Mast.

3.6 AIR QUALITY AND 3.61.1 ORDORS – The property is 40 acres surrounded by other 40-acre parcels. Prevailing winds are from the southwest. There are no regulatory mechanisms or standards in Conejos County. Land Use Administrator (LUA) contacted (Christine Hoefler) CDPHE Air Quality to verify permit
requirements for Dog Kennels/Breeding Operations. Per phone conversation, permits are required if the kennel has large equipment i.e., ventilation. Christine shared that CDPHE experiences complaints regarding hog farm odors.

Linda: Air quality, Odors-Spoke with the state in regards permits whatever is required.

3.7 NOISE – Noise, glare and odor conditions are an important component of the health, safety, and quality of life of Conejos County residents. As new development occurs, residents should be protected from unreasonable changes in conditions beyond the boundaries of the development site. Performance standards will define permissible levels of noise, glare and odors which apply to all zoning districts and all use classifications. Noise (barking) must be mitigated.

Linda- Again possible concern would be for barking.

3.10 HAZARD AREAS – Pages 89-92 – The subject property is not within the hazard areas mapped.

Linda: It is not a hazard area, mapping, special business as well.

3.12 SPECIAL PLACES – Page 93 Conejos County Historic & Cultural Resources Map reflects special areas in the County. The closest “special place” is the La Jara Depot which is > 7 miles from the subject property.

12. Water Quality Protection. The use shall not cause significant degradation of the quality of surface or groundwater resources.

Linda: Water Quality- Again there is no surface water in the property, there are no irrigation ditches stagnant water documents, do you want me to attach that as well.

Nick Sarmiento: Yes Please for both applications.

Linda: I will amend my form to show that I am going to attach the information.

There is no surface water on the property. Air-photos do not reflect historical signs of irrigation ditches. Using the Colorado Division of Water Resources permit information, stagnant water levels are two hundred feet to two hundred and eighty feet in depth. Soil evaluations for Onsite Wastewater Treatment Systems reflect that there has been no interception of groundwater at evaluation points of six to eight feet.

13. Water and Wastewater. The use shall be served by water and wastewater systems that have been deemed adequate to serve the activity. Refer to Article 13.
A legal water supply must be obtained from the Colorado Division of Water Resources. This could include changing well permit or purchasing and hauling in water. Applicants are required to provide proof of a legal water supply for this use.

A wastewater system specific for these kennels may be required. An OWTS permit would be required and inspections completed. The County must determine at what point an OWTS is required.

Linda: Water and Waste Water again the applicant shall provide legal water supply and the waste water system, Mr. Yoder may be required to acquire the waste water system.

14. **Risk from Geologic Hazards.** The use is not subject to significant risk from geologic hazards.

**There are no known Geological Hazards. The Wildfire Assessment was waived by the LUA. The subject property is not within the hazard areas mapped.**

Linda: Risk and geological- no geological.

15. **Utilities.** Public utilities, where available shall be used. If not available, alternative systems may be employed. Refer to Article 13.

**There are limited public utilities available on the subject properties. A few parcels have electricity provided by SLV Rural Electric Coop or Xcel Energy. The Amish and Common Cultures in that area use alternative methods for power. Solar, generators, batteries, propane, etc. Those alternatives are acceptable for the proposed use. The utilities are sufficient for the approved Special Uses and rural, agricultural and residential uses.**

Linda: Public Utilities- they are definitely adequate.

16. **Access and Roadways.** Access to and from the use shall be safe and in conformance with applicable standards. Roads serving the proposed use have the capacity to accept the additional traffic generated by the use safely and efficiently. An access permit is required from the appropriate authority. Refer to Article 14.

**The subject properties have County approved accesses to their property from a County Road. The County Roads have the capacity to accept the additional traffic generated. The roads will be used by the applicants when transporting puppies out of the facilities. County and other agency inspection/visits, veterinary visits, and only invited visits. The applicant does not propose onsite sales of puppies.**
Linda: Access and Road- Have obtained county authority prior to use and he too does not propose onsite sales of puppies.

17. **Visual Impacts.** The proposed use shall preserve views and vistas if possible. Screening as defined in this code may be required of uses with negative visual impacts.

*The views and vistas are preserved as the use does not contain large buildings or screening that will block views. This is a 40-acre parcel. Screening would not be recommended. Fencing must be suitable to prevent dogs from escaping. The structures on the parcels are new and not negative in appearance.*

Linda: Impacts on view, these are not being compromised with the view, Mr. Yoder's structure is a little larger structure, it would appear to be more of a loafing shed - very nice building.

18. **Compatibility.** The nature, scale, and intensity of the use are compatible with adjacent land uses and will not result in an adverse impact to adjacent land. The design of the activity shall be compatible with the surrounding natural environment.

Linda: Compatibility - Residential development is sparse - closest is Middle Passage and that is about 1400 feet south of the proposed, other properties are rural residential, one owner to the direct East, he appears to be a year round resident, the area from Rio Grande County RD FF County Rd 6 all this is rural, residential, agricultural uses, it has grown, we have the 8 Special Use Permits approvals all in that area, adjacent uses to the North is 480 acre parcel owned by the Claunch Family and they did approve by letter in support.

Chrmn. Jervies: Real quick, how far is Mr. Thomas.

Linda: Mr. Thomas direct East, it is one vacant 40 acre parcel and Mattew Thomas is 2550 feet to the East, Troup/ Gallegos is 3800 ft and the South Way property west boundary is 5000 ft to Mr. Yoder and then it's all open area.

*Residential development is sparse with the closest developed property Middle Passage/Patricia Norton property being approximately 1400 feet south of the property. There are other properties that are rural/residential use. One landowner to the direct east (Thomas) that may be a year-round resident.*

*The area from the Rio Grande County line/CR FF and CR 6 South is a Rural Zone District with Agricultural and Residential uses. This community has grown over the past 10 years. There are approximately 12 Amish Families living in that general area on a year-round basis. There are approximately 7 common families living in that general area, some year-round residents and some seasonal. There are 8 approved Special Use Permits.* David
Coblentz – corrugated metal manufacturing. Lavern Coblentz. Wood molding/working and dog kennel. Marvin Troyer – wood working retail store. Tim Graber – Kitchen cabinet shop. Phil Eicher – Ag supplies store. John Beachy – woodworking. Levi Yoder – Wood working and Cabinet Shop. These folks have been very cooperative in obtaining permits prior to any development. Includes, county road accesses, addresses, construction, septic and Special Use Permits.

Adjacent Uses:

NORTH – adjacent neighboring 480-acre parcel owned by the Claunch Family. Rural vacant land. Letter of support given to Mr. Yoder submitted on 05/16/2018.

WEST - Direct west – Teri Nichols (Oklahoma) 40-acre parcel approximately 1800’ west. 3 other vacant properties to the west. Owners from Denver, Indiana and Grand Junction.

South – Direct south 1400’ Middle Passage/Patricia Norton property with rural/residential use (currently under foreclosure.) County Road DD and south is other rural vacant lots.

East – Direct east 1 vacant 40-acre parcel – Ken Casey property. Matthew Thomas 2550’ – residential development. Troup/Gallegos property is 3800’ from Yoder and has a storage shed (investigating) and then the Southway mining property is 5000’ to the west boundary.

The structure proposed for the dog kennel is a new structure and will have a fenced in exercise area. It sets to the east of the home. It is a larger structure, commonly known as a loafing shed.

19. Wildlife. The use shall not be located in significant wildlife habitat area as defined by the Colorado Division of Wildlife unless the applicant demonstrates that there is no viable alternative location. Where the activity must be located in significant wild life habitat areas, the applicant shall implement all mitigation recommended by the Division of Wildlife and the County.

No impacts to Wildlife. The application and referral notice were sent to the Colorado Parks and Wildlife Department in Monte Vista. No comments received from that agency.

Linda: I am not sure that I stated that on Mr. Mast’s but there are no impacts of wildlife, I did actually speak to their administrations secretary and gave me the
direct names and contacts of their Wildlife managers, I sent them directly and again they did not comment, their standard is if they don’t reply then they don’t have a comment.

Nick Sarmiento: The same applies to Mr. Mast’s application?
Linda: Yes, I did not speak to an individual manager, to their support staff that directs that information.
Nick Sarmiento: And all this investigation Ms. DeHerrera is this authorized per the Land Use Code?
Linda: Yes it is.
Nick: Thank you.

B. Additional Standards for Special Use Review. In addition to the General Approval Standards in Section 5.500A, the following standards shall apply to all uses subject to Special Use Review.

Linda: B- Additional Standards for Special Use Review- Air Quality, it was addressed in The comprehensive Plan,

2. Air Quality. The use shall not cause air quality to be reduced below acceptable levels established by the Colorado Air Pollution Control Division.

Per item 3 – Comprehensive Plan.

5. Nuisances. The use shall not cause a nuisance as defined within this Code. Linda: Nuisance was previously addressed, she will attach her research if it becomes an issue, exercising the dogs to have them spend their energy.

It is possible that barking could be a nuisance. Research reflects that dogs that are exercised throughout the day will expend their energy and less barking will take place. Also, some kennels in more populated areas use acoustical panels.

Dog manure could also be a nuisance if not properly disposed. Three options are as follows: composting, trash service, incineration would require a permit from CDPHE.

6. Important Areas. The use shall not significantly degrade areas of paleontological, historic, or archaeological importance. Linda: That was addressed under item # 3.

Per item 3 – Comprehensive Plan.

4. Traffic. The use shall not cause significant traffic congestion or unsafe traffic conditions and all impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.

5. Impact Mitigation. If the use causes a twenty percent (20%) or more increase in the use of a County Road, the applicant shall be required to bear the cost of all road and bridge improvements, repairs, maintenance and permits necessitated.
Items 4 and 5. I do not feel that traffic will be increased to warrant a mitigation plan.
Linda: I believe traffic will not be increase.

6. **Erosion.** Erosion control measures shall be implemented that ensure that disturbed areas and soil stockpiles are stabilized. Disturbed areas must be revegetated within one growing season.

**Erosion is not an issue with this proposed use.**
Linda: I do not believe that this is applicable to proposed use, Section 5.510 is not applicable, that is just code, we have any information they want available before you make your decisions.
Nick Sarmiento: Ms. DeHerrera let’s discuss the comments again at this point, maybe if you have some that you want to highlight because the Commissioners will be reviewing the entire file at some point, or if you would like to highlight some of the ones that are more concerning.
Chrmn. Jarvies: Before you get into that, do you have any questions for Mr. Yoder?
Comm. McCarrroll: I was wondering if some of those conditions we set on Mr. Mast if you will go along with the same conditions.
Chrmn. Jarvies: Yes if they are conditions of approval.
Linda: In reference to comments we sent notices to adjacent landowners within 500 ft., I did sent notices out and they came back because the neighbor felt it was inadequate notice because it didn’t say breeding facility so I sent another notice, we did re-post it, did everything all over again for the May 16th hearing Ms. Ramona Cisneros came in to the courthouse and obtained all the adjacent landowner’s much further where she felt that people needed to be noticed and sent notice to those folks, from that point on about two weeks prior to the hearing I started receiving calls from rescue groups wanting to know if I could receive comments in regards to this, I understood that the information was put out on face book asking people to oppose this, to shut it down and it was stated that it was a puppy mill, is what people were reflecting, I had two, Ms. Ramona was taking copies from the folder under the open records, then I had another lady who asked for the information and apparently she sent that nationwide; so the majority of the comments that we received, I believe I have a summary of who was next door, comments received via e-mail from people from Colorado and comments from out of state, that I sent to you on a PDF document and the documents that I did receive the day of the hearing I scanned and sent those which were from the SLV Animal Welfare Society, Pam Dickens and provided information on puppy mills, responsible breeders, puppy mill economics, she did reach out to me and she said she would be happy to educate us on puppy mills, environmental issues, potential hazards to humans and other animals, Mindy Bue who was here from Romeo who is part of animal rescue, they conduct a lot of spay and neuter linics, those items were sent to commissioners as well, I did want to state that Mr. Yoder
did attach a mountain grow veterinary clinic, Roger Tubner, gave a license number, stated that he is Mr. Yoder’s vet for his animals-dogs in Missouri since 2014, Mr. Yoder’s physicals have been excellent, his animals have been kept very healthy, I consult with Mr. Yoder on a routine basis concerning his dogs, Mr. Claunch: To whom it may concern: Mr. Yoder has applied for a Special User Permit from Conejos County Land Use for a dog breeding facility, as a land adjoining neighbor I have no objection- signed by Bucky Claunch.

Chrmn. Jarvies: And when did you receive those.
Linda: I received those on May 16th, 2018.
Comm. McCarroll: Thank you Linda for the investigation on all that.
Nick Sarmiento: Ms. Deherrera I will ask that you for the interior of the file, make a copy of it and then present it as an entire record to either Tressesa to keep at the office so that way the commissioners can go and review it prior to making their decision and that will be the entire record and nothing else will be considered the outside of whatever is on that file.
Linda: I still have time to finish updating what I am attaching.
Nick Sarmiento: Yes and there’s no objections to that.
Mr. Yoder: No
Mr. Mast: Also said no.
Chrmn. Jarvies: Mr. Yoder and Mr. Mast we appreciate your patience, like we said we just want to make sure this is done properly and that we review all the information that we have, we appreciate you taking out time to be here today and to answer our questions, and co-operate with us as you have and Linda do you have anything else?
Linda: I do not.
Chrmn. Jarvies: Nick do you have anything else, thank you for keeping it open mind, you haven’t made a decision yet and I know that you will make your decision after you dig through all those files and review each document carefully, I trust that’s what you will do.
Comm. McCarroll: I too want to thank Mr. Yoder and Mr. Mast for their patience.

SECTION 5.510 IS NOT APPLICABLE TO THIS PROPOSAL. THE SECTION IS SPECIFIC TO COMMERCIAL AND INDUSTRIAL USES.

There being no further business to come before the Board, Chrmn. Jarvies declared the meeting adjourned.

ATTEST:  
NATHAN RUYBAL  
CLERK OF THE BOARD  
MITCHELL JARVIES  
CHRMN. BD OF COUNTY COMM.