Call the meeting to order:

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

Roll Call: Mitchell Jarvies- Chair: Present
Steve McCarroll-Vice-Chair: Present
Carlos Garcia-Vice-Chair: Present
Tressesa Martinez-County Admn.-Present

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.

Prayer: Comm. Garcia gave the opening prayer.

Approval of Agenda

Motion to approve the agenda as presented: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

Administrator’s Correspondence- None

County Attorney- Discussion and Decision on RFP for courthouse master plan

Nick Sarmiento County Attorney stated that the selection committee met yesterday and it was unanimous that they go with SCH firm using the criteria in the RFP, they do have all those forms filled out, at this time he is asking for the Board’s authorization to enter into negotiations and enter into a contract that the board will have to approve and formally award them the bid.

Motion to allow Nick Sarmiento to enter into negotiations with SEH for their RFP for the courthouse master plan: Comm. McCarroll/Second Comm. Garcia, all in favor.
3-0 Motion carried.

Executive Session

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

3-0 Motion carried.

The board came out of executive session conference with the attorney at 9:27 AM and no decisions were made.

Nick Sarmiento: It is the opinion of the County Attorney that the discussion held had an executive attorney/client privilege therefore no record was kept.

The board recessed until 9:30 AM.

Linda Land Use- Ortiz Road-Portion of County Rd 12.5 Road Vacation

Chrmn. Jarvies opened up the public hearing at 9:30 AM and turned the time over to Linda Land Use Admn.

Linda presented the following:

CASE No. CCLU-2019-117

APPLICANT: Conejos County

REQUEST: Public Way Vacation- South portion of County Rd 12.5 that was replaced with the new road.

ZONING: Rural- the surrounding areas of the proposed vacation are all rural zone district with rural agricultural uses.

BACKGROUND: An application was filed with the Land Use Office on May 2, 2019 for a vacation of Public Way being a strip of land from the Community of San Antonio to Ortiz on County Rd 12.5 that was replaced with the new paved road. That section of the road must be legally vacated and returned to the owner, Dorothy Salazar.

OWNERSHIP/LEGAL & SITE DESCRIPTION: The property is owned by Dorothy Salazar. The roads are located in a portion of the NW ¼ of Section 18, Twp 32 N, Range 9 East, NMPM, Conejos County Colorado.

PUBLIC NOTICE REQUIREMENTS: Notices were mailed to the surrounding landowners 500' from all boundaries on May 17, 2019. Notice was published in the Valley Courier 5/14/2019, and a notice was posted on-site by inspector Chris, hard copy verification is in the file and available for inspection.

REFERRAL AGENCIES AND COMMENTS: No reference agency referrals as Conejos County is the only interested party.
Motion/Second: Josh/Tom-unanimous vote.

Chris presented photos of the area to show the old and new road.

Chrmn. Jarvies asked if there was adequate notice.

Linda said yes.

Chrmn. Jarvies opened it up for public comment; asked Linda if she had anything written or phone calls.

Linda said no.

Chrmn. Jarvies asked if anyone would like to speak for or against, for or against, for or against; closed the public comment portion of the hearing.

Comm. Garcia stated that he has not been there in a while but a citizen told him about a month ago that the old road was real dangerous thought they just had barriers.

Linda stated that the only thing that is there is the post that shows the notice.

Chrmn. Jarvies stated that part of the agreement is that they will fence it.

Nick Sarmiento stated that part of the agreement was allowing them to take over that piece of property and building a road that once the new road was constructed then they would build a fence around the old portion of the road, we still have to go through that; they were allowed two gates which they will have to work with the landowners on that; the owners want to be able to use the road so they probably want an access.

Chrmn. Jarvies asked if there were any other questions.

Comm. García was concerned about the safety of everyone.

Linda stated that the property is owned by Dorothy Maria Clara Salazar.

Chrmn. Jarvies stated that just so they are clear on any road vacation the property splits between two property owners but she owns both
properties that is why it all goes back to her in case anybody ever questions it.

Linda stated that she explained to the owners, it was kind of confusing why they were noticed, it was because they were within the 500 feet of their property, asked Thomas to prepare that boundary based on the measurements and then zoom out, it didn’t really affect them, they were okay with it.

Comm. Garcia asked if the resolution include that it goes back to the Salazar’s.

Nick stated that by law it goes back.

Linda stated that the resolution will show only one owner.

Nick asked if they have dedicated the road yet.

Linda said no she needs to write a resolution, it will be just a road dedication.

Motion to approve Resolution C-2019-20 vacation of portion of Road 12.5 as presented: Comm. Garcia/Second: Comm. McC Carroll, all in favor.

3-0 Motion carried.

**Alex and John Mestas-Special Use Permit**

Chrmn. Jarvies opened up the hearing for a short-term Overnight Lodging for Alex and John Mestas, turned the time over to Linda-Land Use Admn.

Linda presented the following:

**CASE NO.** CCLU 2091-0003  
**APPLICANT:** Alex Mestas & John Mestas  
(Alex is present with his mom Vicki.)  
**BACKGROUND:** An application for a Special Use Review was filed with the Land Use Office on January 04, 2019 (delay in processing as Impact Statement was not received.) The property is zone rural and is legally described as: 320 Acres located in the SW ¼ of Section 11, TWP 35, Range 11 East, NMPM, Conejos County, Colorado. A common description is 19940 County Rd 28, La Sauces, Sanford, CO. 81151  
**REQUEST:** The applicant is requesting a Special Use Permit for short-term overnight lodging.
Linda stated that she never had any complaints she happened to be on VRBO or AirBnB and noticed it, she sent a violation notice, John and Alex did contact her and got the application going; paid the double post fee.

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

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

**PUBLIC NOTICE REQUIREMENTS**: Notice requirements were met by sending notice to the surrounding landowners within 500’ (5/2/2019); notices to referral agencies (5/2/2019); notice was published in the Valley Courier (5/17/19) onsite posting was posted on the property on 5/22/2019.

**PLANNING COMMISSION**: Public Hearing was held before the PC on 6-05-2019, Tom/Felipe-recommendation for approval, unanimous vote.

Chris presented the photos of the property, mentioned that it is very nice and well kept.

Linda stated that all permits were acquired for the house, also the applicants presented proof that they have been paying their Lodging Tax; appreciate the information.

Chrmn. Jarvies asked if there was adequate notice.

Linda said yes.

Chrmn. Jarvies asked the board if they had any questions, asked Alex and Vicki if they had anything to present.

Alex said they didn’t have anything.

Chrmn. Jarvies opened up the public comment portion of the hearing, asked Linda if she had anything to present.

Linda said she didn’t have anything, didn’t get any returned mail or anything.

Chrmn. Jarvies asked if there is anyone to speak for or against, for or against, for or against.

Chrmn. Jarvies closed that portion of the hearing and asked for a motion.
Motion to approve Resolution C-2019-21 Special Use Permit-Short-term Overnight Lodging for Alex and John Mestas as presented: Comm. McC Carroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

Linda stated that Mr. Hostetter forgot that he had a public hearing with the Planning Commission concerning a road in Richfield and asked if he would be rescheduled- he is out of town.

Hobbes Re-plat-Boundary Line Adjustment

Linda stated that the vacation of road way in Platoro that Mr. Hobbes owns which is Tract 1 of the G.F. Seale Division of Land and Lots 17-21 Block 24 that was finally signed, approved, and recorded he followed through with an application to consolidate everything that he owns into one lot so now it is 1.74 acres, the survey plat has been prepared.

CASE NO: 2019-116
APPLICANT: Robert T Hobbes/
Robert T Hobbes Declaration

ZONING: Community Town Site
SURVEY BY: Tony Martin-Russell
Surveyors

BACKGROUND: An application was filed with the Land Use Office on March 07, 2019 for a Replat/Boundary Line Adjustment. The real property is legally described as:

1.74 Acres replat of Tract 1 of the GF Seale Division of Land and Lots 17-21 Block 24 and Portions of the First Avenue North and Second Street West Town of Platoro, located in section 22, Twp 36, N Range 4 E NMPM, Conejos, County.

The property is zoned Community Town Site- the use is residential.

Linda stated that they took an onsite tour of that property.

The proposed replat of the property will create the following:

Hobbes Replat-containing 1.74 acres +.

Notes: Robert Hobbes and Janet Counts were approved the Vacation of Public Way. The survey plat has been recorded. Ms. Counts will convey her portion of First Ave North to Mr. Hobbes. Mr. Hobbes is consolidating all of the property into one lot to create a larger conforming lot.
Land Use Admn. Review/Approval: June 19, 2019


3-0 Motion carried.

Sowards Division of Land-Discussion

Linda stated that they approved the James and Mary Sowards Division on April 16, 2019 she got a copy of the deed to see who owns it sent it to Reynolds Engineering they recorded the survey plat and some way in between Mr. and Mrs. Sowards had conveyed the property to Clint and Perry Sowards on October 26, 2018 and the deed never got recorded until February 06, 2019, she didn’t do any research after she submitted the application so she didn’t know about this, in May they contacted her and said they had a problem because the property now belongs to Clint and Perry they wanted Marty Reynolds to prepare an affidavit making reference on the survey plat and he said no, they discussed it they could revoke that because it wasn’t the right information it was a sincere misunderstanding. Mrs. Sowards didn’t realize that the deed didn’t get recorded and she was trying to get the land divided. They didn’t feel that having another plat floating around would be beneficial to the public; they discussed it and came up with the option of bringing it back to the board as a resolution. Bar: suggested that Perry and Clint actually sign it.

Nick stated that they would sign an affidavit that they consent to the plat because they are the owners.

Linda prepared a resolution explaining all that, made reference to the attachment “A” which is the affidavit that they sign explaining their position, they will sign in front of a notary and officially record it; that will make reference to the plat. The resolution and all the new information will comply to the terms and conditions of the division of land.

Nick stated that they need their consent to what occurred at the County Commissioner’s Meeting.

Linda mentioned that they are ready to convey, they are selling the property.

Nick stated that the way he wants the affidavit to read are the same declarations that the applicant would sign off on the plat itself, it will be adding their signature to the plat as well; if they don’t agree they will revoke the plat.
Linda gave an update-stated that they are really busy with construction.

Chris stated that at Horca they are doing septic systems without permits, they are getting more people building.

Linda stated that they are seeing more cesspools and out houses, they are not out looking for them, it is a real hardship due to the cost but they are not allowed by the State of Colorado.

Chris stated that there are about 100 most are on older homes, they are worried about contamination, etc.

Linda stated that some homes were built without permits, from 1985 forward there should be permits but those were just on a piece of paper that shows the name, blank address and a receipt showing it was paid for and signed by the inspector, and it was installed.

Chrmn. Jarvies stated that if there is a complaint then they should follow up on it.

Linda felt that 6 months would be reasonable but then there is the financial side of it.

Linda asked how they felt about any kind of Land Use Permit whether it is to subdivide or to obtain any kind of permit we have to do an inspection they need to have a legal system.

Linda said another issue that she has is that some homes were built without a septic permit; some have a construction permit but no septic permit.

Nick stated that under the presumption should be the opposite that it wasn’t done correctly.

Linda stated that since 1985 until 2005 they had a piece of paper that said the name, blank address, here’s your septic system, it was installed but nothing else. They don’t know where it’s at or what it is; now you need to have a very detailed map of what you have done and then you follow up with pictures.

There was a short discussion on the fees for installing a new septic system; Linda stated that there are households with hardships such as one income households, etc. they are referring those to USDA/Rural Development for loans and grants available depending on age; San Luis Valley Coalition has also helped some people.

Board recessed until 10:45 AM.
William and Shirley Knox-Special Use Permit-Short-Term Overnight Lodging

Chrmn. Jarvies called the hearing to order at 10:45 and turned the time over to Linda-Land Use Administrator.

Linda presented her staff report as follows:

CASE NO: CCLU 2019-0028  APPLICANT: William & Shirley Knox(Present)

BACKGROUND: An application for a Special Use Review was filed with the Land Use Office on March 06, 2019. The property is zoned Residential and is legally described as: Rocky Mountain Estates Lots 45 & 46, Conejos County, Colorado. A common description is 108 Pine Lane, Rocky Mountain Estates, Antonito, CO. 81120

REQUEST: The applicant is requesting a Special Use Permit for short-term overnight lodging.

ADJACENT ZONING: North, South, East, and West are residential.

APPLICABLE ZONING ORDINANCE: Article 4 Zoning, Division 4.2 Zone District Regulations and Article 5 permits, Division 5.4 Special Use Review.

PUBLIC NOTICE REQUIREMENTS: Notice requirements will be met by sending notice to the surrounding landowners within 500'; notices to referral agencies; notice was published in the Valley Courier; onsite posting was posted on the property.

(Linda stated that it was brought to her attention yesterday that on her letter she put Thursday June 19th it should have been Wednesday, a landowner brought it to her attention; there is a problem with that.)

PUBLIC HEARINGS: Planning Commission- The public hearing before the PC was held on 5/01/2019 at 6:30 PM. PC recommended for approval as presented. Motion carried by majority vote, one member voted against it.

Linda turned it over to the board to be reviewed, will turn to Nick-Attorney and ask if they can continue it doesn't see why they have to start over because "Thursday" is incorrect.

Nick-County Attorney stated that they will go ahead and continue, feels the best way is to allow comments to be submitted until tomorrow, those comments will be transmitted to the board as well as to the applicants that way and prejudice that may have been caused by
essentially having two dates on there is covered, they will have two
dates for everyone to submit their opposition if any.

Chrmn. Jarvies stated that just for clarification they will not make a
ruling today, as soon as they close the public comment portion of the
hearing they can probably make a decision on Monday.

Mrs. Knox asked if they had to be back on Monday.

Chrmn. Jarvies stated no they don’t have to be here Monday.

Chrmn. Jarvies mentioned that they will leave the public comment open
until the end of business tomorrow; they will open up a meeting at
9:30 AM and make a decision at that time.

Nick-County Attorney asked Linda to record any comments and post
something on the door.

Chrmn. Jarvies asked Linda if she had adequate public notice.

Linda said yes other than she put Thursday.

Linda mentioned that they did go through a site presentation last
time, asked if the board would want her to present again.

Chrmn. Jarvies stated that they do have the pictures in their packets.

Nick asked if it is the same information as presented the last
hearing.

Linda said the only thing that is different is that they have the
pictures of the posting of the notice and the general area which gives
you an idea of what the property looks like.

Chris presented the pictures of the home, pointed out the area that
they are renting, pointed out the entrance, cabin, etc.

Chrmn. Jarvies asked William and Shirley Knox if they would like to
add anything at this time to what Linda has presented.

Mr. Knox stated that they have spoken to about 6 to 8 of the people
that were in opposition they have all said no problem, out of the 9 or
10 expressed opposition 2 were out of the zone, they have had very
good acceptance they understand that what they are trying to do is
abide by your regulations even when they rent the property in order to
get funds to contribute to the fire fund they were not in compliance
with the regulations.
Mrs. Knox stated that if they have any questions or concern since they might not be here they would appreciate them letting them know.

Chrmn. Jarvies opened it up for public comment.

Linda confirmed that what Mr. and Mrs. Knox said- the Hardings contacted her yesterday and asked to withdraw their written comment that they submitted, she said she would honor that, they are not part of the packet so she will not be reading anything in regards that they did meet with them, she did not hear from anybody else asking to withdraw.

Linda read the following:

**Matt and Donna Adams** they are against the Special Use Permit that they applied who are within the 500’ boundary.

**Gwen and Glen McBride**- are within the 500’ boundary they are opposed to the issuance of the Special Use Permit or any other Rocky Mountain Estate residential property, their letter read as follows: When Mrs. Parke sold the lots for Rocky Mountain Estates it was for residential use only, this excluded the rental of residential cabins. Rocky Mountain Lodge was to be the only commercial business in the area, rental use available at the lodge. We oppose this as we do not want rental permits granted for any properties with our area. The residences are private property as well as the roads to each property. We reiterate that we are opposed the issuance of Special Use Permits for Short Term Overnight Lodging for 108 Pine Lane or any other Rocky Mountain Estate residential properties.

**Ruthie and Johnny Ruth Barnes** (who are within 500’ boundary) We are against the permit for the Knox rental of their cabin to others as many as 8 adults plus children from 2 to 3 weeks each month, what they will be bringing are 4 wheelers etc. and wandering around property that is private we are a quiet neighborhood we did not buy our summer home for a commercial area the deed restriction stated lots were for private family summer homes and no rental as per deed restriction by Mabel Parke. Rocky Mountain Lodge is a quarter mile away this will be competing for his business this will also be opening the door for further permits for disrupting our quiet neighborhood. My wife and I along with the surrounding neighbors are strongly against this permit. Thank you.

**Dudley and Alice Cardwell** who are within the 500’ boundary- We are writing in reference to the request for an overnight lodging permit for William and Shirley Knox. We are against the request this will probably turn into a continual overnight lodging facility even though
this permits states that it’s overnight lodging in essence it’s still a commercial business. In the deed restriction from Mabel Parke the colic status “no commercial use or for the purpose whatever” only for a dwelling or summer home, cabin or suitable camp trailer located on Line 12 of C and H or purchase contract. This circumstance will increase traffic and unknown people milling around properties. Most summer residences are occupied by retirees and want a relaxed atmosphere. If we had wanted more activity, we would have chosen another location.

George and Susan Mostad: In response to the Knox case I have a concern how long will a permit continue, will the permit be continuous once they are deceased if the property is sold is the permit sold and is in effect on the property with the new owner. What is the time limit for rental when considered a short term permit; is this time limit for 3 days, two weeks, one month or what.

I am confident the Knoxes’ will not rent to an undesirable tenant, but what about the next owner that applies for a permit in Rocky Mountain Estates. An example is the property directly across the road from the Knox property is currently for sale. The cabin is an older structure that I was told was originally a travel trailer or trailer house. This structure was enclosed to look like a cabin. If an investor finds that permits are available to allow for rental of the property what type of client will rent the unit? This same property is directly adjacent and joins our property to our northeast. We have small grandchildren, (girls) that like to get out and play in the neighborhood as well as family and friends that come and visit with small children. We have always felt a comfort in the people that are in our neighborhood. Granted, this cabin that is for sale could be purchased by someone that is less than desirable, but with time we would know. With a short term rental that transition period of a new short term residential would be repetitive and one would never know what was coming into the neighborhood. Once a snowball starts rolling, it does not stop till it gets to the bottom of the hill. Many of the owners of property in Rocky Mountain Estates have a sizeable investment and are proud of their properties. Will the change in occupancy affect the value and future of the investment?

I will say I have no problem with the Knox family allowing any friend or acquaintance that may come from another state or country stay in their property. Bill and Shirley Knox are very responsible and nice people. Thank you for your assistance- George and Susan Mostad

Chrmn. Jarvies stated that they have a lot of questions but did they ever say they were opposing or for seems it was more of a concern.
Mr. Knox stated that they are one of the couples that they spoke in the last two weeks and have no other opposition.

Nick Sarmiento-County Attorney stated that they were describing the character of the neighborhood.

Comm. McCarroll felt that they were more concerned about what would happen after.

Comm. Garcia stated that he feels that one thing that really cleans up some of these things if Linda could ask the neighbors that have retracted their comments to send Linda a quick e-mail.

**George Mostad**- Letter was dated 4/7/2019 they submitted based on my second notice Sunday May 26, 2019, we received a new notice that a new hearing has been scheduled with regard to the Knox application. I would appreciate it if you could use my original email in response to the Knox original application as nothing has changed with regards to the situation. I do have one question if in the original sale of the property there was a type of covenant placed in the sales agreement how can a current land owner request that the covenant be changed also do the county commissioners have the authority to grant such a covenant change, will each property owner automatically be granted the allowance to rent or lease their property from this one ruling or will each owner have to make a separate request to the county commissioners. Will the commissioners have the authority to rule in favor of one or more owners but deny a request from others? I am certainly not an attorney but the thought has come up and I would appreciate the legal answer. Again the Knox are good people and will certainly never lease/rent to anyone they feel are undesirable. But if this would set a precedent for others to be allowed to rent/lease their property then I can see some real problems. Thanks for your usual assistance. George Mostad

**Annetta Black**- I am not in favor of William and Shirley Knox securing this permit, this Special Use Permit for Overnight Lodging is not a good plan for our canyon neighborhood. Please see below a few of the many reasons I’m against the issuance of this permit, for the purpose of showing the detrimental effects it would have on our canyon neighborhood.

1. Rocky Mountain Estates was established as a single family residential read and small community/neighborhood several decades ago and has remained so to this day.
2. The cabins in our neighborhood are family owned and occupied.
3. Cabin owners in Rocky Mountain Estates have always shown great respect for the canyon. My neighbors and I are fire danger-aware
and we are vigilant in the way we use fire. (fireplaces and fire
pits.) Overnight lodging in our neighborhood could very likely
lead to a higher risk of fires, being that overnight visitors to
our canyon would be less vigilant regarding fire than the
families who own and occupy their cabins.

4. The character and vacation habits of short-term renters will be
unknown to the cabin owners. As has been shown in other short-
term rental neighborhoods, a lack of respect is displayed by
short-term rents for the neighbors, the homes, the residential
area, and in our case, the national forest, and wildlife.

5. My neighbors and I are also vigilant of the close proximity we
have in the canyon to the bear population. Overnight lodging in
our neighborhood could very likely lead to a higher risk of food
and/or garbage being left outside. We all know, understand and
respect that these things are very attractive to bears; whereas
overnight visitors to our canyon would be less vigilant about
bears that the families who own and occupy their cabins.

6. If this permit is granted, there will be increased traffic on the
private roads that are used to access all cabins in the area and
additional increase in noise created by rents and their 4-
wheeler, ATV’s, etc.

7. If this permit is granted, the possibility of expansion of short-
term rentals of cabins/properties will change the neighborhood
into a place that we will no longer recognize and enjoy.

8. Rocky Mountain Lodge has long been a wonderful holiday getaway.
The lodge has several comfortable, affordable rental cabins
available every season. If this permit is granted, it could
cause a proliferation of short-term rental cabins in our
neighborhood, resulting in a negative impact on their business of
the Rocky Mountain Lodge.

Ms. DeHerrera, I have very grave concerns against this permit. As I
cannot physically be there, I officially submit this letter into the
hearing process and thank you for your letter and for the opportunity
to have a voice at both hearings, May 1 and May 2, 2019. I will
additionally put a paper copy of my letter in the US mail.

Chrmn. Jarvies asked if she is within the 500’ boundary.

Linda stated I think that she is.

Mrs. Knox stated that she is there probably a week.

Maxine Lear and Malinda Rampy- We are against the special use permit
for the Knox application. We feel that if you give a special use
permit for this situation it will be hard for the land commissioner to
deny future special use permits for commercial intent. This would change the dynamic of this area which is a residential quiet family community.

Linda stated that she did include her correspondence; these are the folks that felt that the posting on site was inadequate.

**Dr. Nancy Jo Frazier** - It is my understanding that Mrs. Knox, in the Rocky Mountain Estates has filed an application to use their Rocky Mountain Estates cabin as rental property for commercial use. The Rocky Mountain Estates is a small, primarily retirement community. If this application should be approved, I fear it would set a precedent that would destroy the climate of this community. I respectfully wish to lodge an objection to having this application approved.

Mrs. Knox stated that Frazier is not within the 500’ boundary, neither are the Lear’s.

**Thomas Gay**- As a homeowner located within the 500’ buffer zone, I would like to express my opposition to the William and Shirley Knox application for Special Use Permit for Short-term Overnight Lodging for their property located at 108 Pine Lane, Rocky Mountain Estates.

The Rocky Mountain Estates Community is residential, not commercial zoned and should remain that way. Commercial entities such as a short term overnight lodging business should operate in an appropriate commercial zoned area, not in a quiet residential neighborhood. If the Planning Commission or the County Commission grant this request it will set a negative precedent that other homeowners could follow.

The existing infrastructure of this community is barely adequate for the current residents. The inadequate include narrow unmaintained gravel roads, shallow domestic water wells, inadequate septic fields, and no solid waste disposal. The lack of solid waste disposal is a real problem that has not been addressed by the community or the county. Any additional traffic that will increase these problems should be avoided.

Rationally, nationally, and internationally this short term lodging or “Airbnb” fad has created issues for residents, neighborhoods, and municipalities of all sizes. Just google “problems with the Airbnb next door”, or any other similar search to see first-hand the issues adjacent neighbors are dealing with. Other subdivisions in area such as Bear Creek have property rental policies that prohibit short term lodging. Conejos County should do their best to avoid the neighborhood conflicts that are created by short term lodging in residential communities.
As you probably know, this application has created a significant amount of dissention in our community. Approval will only create more. I encourage the Commissioners to vote against this request.

Peggy Bell- It is my understanding Mr. & Mrs. William Knox have requested they be allowed to use their home in Rocky Mountain Estates for commercial use. Although I do not live in the same area as they do, I must object to the requested reclassification of this property.

The covenant when the property was purchased specifically stated that the property was for residential use and was not to be used for commercial property. We purchased our property, as I believe many other residents did, to use as vacation property until we were able to use it for retirement.

If this property is reclassified it will no longer be the quiet close knit community that it is now. It will open the door to people buying property for the sole purpose of using it for rental property.

If this property is reclassified it will no longer be the quiet close knit community that it is now and in some instances you will never know who your neighbor will be.

Bryan Simpson- (Not within the 500’ boundary) I am a homeowner located adjacent the Rocky Mountain Estates Community in the Conejos Valley. I am formally expressing my opposition to the William and Shirley Knox application for Special Use Permit for Short-term Overnight Lodging for their property located at 108 Pine Lane, Rocky Mountain Estates.

In addition to my previous objection letter date April 30th I request the Colo. Department of Public Health and Environment speak to the expected BOD loading rate capacity of the exiting aged privately residential septic system the applicant currently has. Also address as to how this system would be expected to perform when subject to commercial BOD effluent loads.

The numerous shallow domestic water wells located in the Rocky Mountain Estates Development will have a higher probability of being contaminated (E.Coli) by overuse of aged residential septic systems trying to process commercial BOD effluent loads. This may result in future lawsuit(s) directed at the applicant and also the County/State.

Mac and Robin Sherman- (Not within the 500’ boundary) We are writing this email to express opposition to the special use permit application for short term overnight lodging for the property of William and Shirley Knox, located at 108 Pine lane, Rocky Mountain Estates.
We are home owners in the Rocky Mountain Estates Community. Our quiet community was not designed for this type of commercial use. This area was designed for use by private home owners. There is Rocky Mountain Lodge located close by that offers this type of commercial use for the public.

We see no need for bringing rental opportunities into Rocky Mountain Estates. This would cause extra pressure and stress on water systems, septic systems, trash collections, and roads. Approving this permit would open the door for others to pursue the same. As already stated above, this tight knit community was not designed for public rental usage.

**Bob Turner**- At the pleasure of the Conejos County Commissioners I have asked that my friend Linda make a presentation on behalf as the representative of 141 tax paying owner members of Bear Creek Landowners Association and Sheep Creek peninsula residents.

As part of our governing documents we have instated a policy that prohibits short term rentals of owner’s cabins. Presently we cannot enforce that policy if the owner obtains a permit from the county but at the same time our covenants do not allow any commercial business to be conducted in the development. An illustration is that a number of lady members manufacture jewelry and other gift items but they are not allowed to have sales from their homes.

My request is that no extension of Conejos County Government accept for review or override any or our governing documents as your decision on request for a permit to conduct short term rentals from a Rocky Mountain Estates resident could establish a troubling precedent.

**Bob Turner**- President Board of Directors Bear Creek Landowners Association.

Chrmn. Jarvies asked if there was anyone for or against, for or against, for or against.

William Knox stated that Jerry Brumwell- Rocky Mtn Lodge is in favor (verbal).

Mr. Knox stated that he doesn’t understand a rental is in any way a commercial use in a private setting Rocky Mountain Lodge is. We have a lot of people come through that canyon and lots ride up and down the streets just to look they don’t cause any problems, occasionally there is a 4-wheeler that does. We maintain our roads and certainly don’t want to do any harm to our neighbors. We are trying to accommodate and adhere to the regulations of the county.
Shirley Knox- When you start counting there are about 140 cabins in the whole area about 14% of those cabins are within 500 feet, it’s not a huge percentage. We are there all summer; there are 3 families that are there all summer. As far as the covenants in the decision in 2015 we are not in violation of our covenants because unless a covenant states that short term rental is not allowed then the Colorado Court of Appeals has stated that they are allowed, I don’t see that we are in violation, we don’t have a homeowners association. No one is enforcing the covenants on anyone, there are numerous of violations from cesspools on. As far as roads like Bill stated we get hundreds of visitors, hunters, fisherman, etc. that keep going up FDR 250 and to the National Park, we have always maintained the road from Willow Creek to our cabin and is one of the roads that is without pot holes at our expense one of the neighbors helped them at one time. I worked with Adam Moore to facilitate tons of mitigation plans, I chair the fire fund and Bill and I have been on the board 13-15 years; the majority of those that complain don’t even contribute to the fire fund I personally facilitated three presentations last year from the game warden such as taking down your humming bird feeders we are active and to have people say that we are going to have fires we are the ones contributing to the requirements to the firehouse, we have had guests, have raised over $10,000 for churches, the firehouse and scholarships and they say we can’t use this gift that we have. I have read all the articles in Colorado and other states and at some point you might want to limit the percentage in a residential district I am not saying that is a bad thing some cities have done that, we will continue to be good neighbors, we have a new septic and a fairly new well.

Linda stated that the state did contact them that they got the phone call and wanted them to look into that so her and Chris did the research I believe their septic system was installed in 2001 there is a permit that shows but unfortunately we talked about documentation in prior years and it is limited information that is there and an inspector did sign off on it.

Mr. Knox said that their well has been tested and have pushed back on our fire mitigation.

Comm. Garcia asked if they could clarify his earliest comment where he did understand where they had maybe six of the opponents that said that now they are not- I trust you there is no doubt in my mind that is correct but me personally if I had written a letter of opposition and I wanted to re-tract it I would write Linda in this case “I am officially withdrawing my letter” and then Linda could come to us and the Planning Commission and read those letters.
Shirley Knox stated that they still have a concern on the number of short term rentals there could be, we have that concern too but that’s your policy not mine.

Mr. Knox stated that Shirley met with those that are there and explained it.

Chrmn. Jarvies stated that to be considered part of the record that it would have to be either a phone call other than that it is considered here say, another thing is residential versus commercial they took that a long ways as far as assessed value we were assessing some of those as commercial and they are residential and we lost we went clear to the Supreme Court; Nick could go into that.

Chrmn. Jarvies stated that if people ask every case is a case by case basis this does not set a precedence everybody would have to go through the same process, comments would have to be allowed, I don’t think our Land Use Codes limits a percentage.

Shirley Knox asked if they have issued permits for short term rentals.

Chrmn. Jarvies asked for overnight lodging; yes we have.

Linda stated that most of those are rural areas.

Chrmn. Jarvies commented that unfortunately because of the date we will leave the public comment open through the close of business date tomorrow and instruct Linda to forward any comments that she gets to us through email, Monday morning they will reconvene that will be when we can close the public comment period and render a decision.

Nick-County Attorney mentioned that you submitted Houston vs. Wilson Mesa Ranch Homeowners Association which is a court appeals case which I don’t think it has been taken up to the Supreme Court, in that case commercial use and residential use were ambiguous terms and they found that a short term rental wasn’t necessarily a commercial this situation I believe the covenant restriction will be used for residential purposes- it could be a challenge.

Chrmn. Jarvies asked as a Board of County Commissioners we don’t enforce covenants within those areas, all we can look at if they are meeting our standards of approval through our process.

Mr. Knox stated that they don’t have a homeowners association; we don’t have an organization that would create covenants, it is a hot stop for folks up there, I am not saying that they don’t understand what a covenant is but we don’t have an organization to enforce.
Nick-County Attorney stated that they always look at their Special Use Permit and our standards of approval and one of the big standards is whether you have the right to do is what you are asking to do, you are the owner you did provide us with this decision and it does support your position which is commercial use, short term rental isn’t necessarily commercial use depending on how it’s being structured so in terms of our special use permit and standards of approval I think that they have the right to do that whether your neighbors and other easement owners believe so but they can easily challenge that in court law.

Comm. Garcia stated that as they close this hearing and they end their meeting today he understands that Linda is supposed to post for any open comments by tomorrow.

Linda said yes she will post it on the door in case anyone shows up and she is not available, she will post it at the front and at the Land Use door.

Nick asked Mr. and Mrs. Knox if there is something that they would like to address if you want to put a restriction on this Special Use Permit feel free that always helps the commissioners.

Mrs. Knox stated that they don’t own 4-wheelers they make their grandchildren walk and they walk. They did note if there is a concern by the neighbors about 4 wheelers if they bring 4-wheelers they can rent spaces at the lodge to store it, they have always had policies that they leave the area quietly even with the Church Scholarships they have always given people guidelines.

Chrmn. Jarvies asked if they have a copy of what they give to people who want to rent; something that you could e-mail Linda.

Mrs. Knox said she can give that to Linda they can talk about no fires unattended, oust the fires when they leave. They have a significant investment in there, she will try to get it to Linda over the weekend.

Linda mentioned that they have had other cases where they provided the guest instruction sheets as verification as to what they expect from their guests which was helpful.

Chrmn. Jarvies talked about the situation where they felt that they better explain that there could be a tractor out in the middle of the field working at 2 in the morning baling hay because it was on a corner of a circle.
Chrmn. Jarvies stated that they will continue the public comment portion of the hearing through tomorrow at 4:30 PM and reconvene on Monday at 9:30 AM and render their decision then.

Chrmn. Jarvies asked Mr. and Mrs. Knox for a telephone number in case they have any questions for them on Monday.

There being no further business to come before the board Chrmn. Jarvies adjourned the meeting.

ATTEST:  
NATHAN RUDBAL  
CLERK OF THE BOARD

MITCHELL JARVIES  
CHRMN. BD. OF COUNTY COMM.
Minutes of the Board of County Commissioners Special Meeting held on June 24, 2019 at 9:30 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 9:30 AM.

Roll Call: Mitchell Jarvies- Chrmn.-Present
Steve McCarroll-Vice Chair-Present
Carlos Garcia-Vice Chair-Present
Tressesa Martinez-County Admn.

All present were: Nick Sarmiento County Attorney, Connie Ricci-HR, and AnnaBelle Gomez Deputy Clerk & 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 as presented: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

Public Comment: None

County Administrator Correspondence: None

County Attorney - None

William and Shirley Knox-Special Use Permit-Short-Term Overnight Lodging-Decision

Chrmn. Jarvies stated that they will reconvene the Public Hearing which had been recessed because of a date that was confusing so they left the public comment portion of the public hearing open, we will let the record reflect that Mr. Knox is present today; thanked him for being here and turned the time over to Linda-Land Use Administrator.
Linda stated that she didn't have any calls, e-mails or any further public comment in regards to this, asked if she should re-read her Land Use Report.

Chrmn. Jarvies stated that Linda read her report at the last meeting so it is not necessary to read the Land Use Report at this time.

Chrmn. Jarvies stated that since Linda did not receive anything else he will close the public comment portion of the hearing. He went ahead asked Mr. Knox if he had anything else to add or discuss at this time.

Mr. Knox stated that his wife forwarded the guest rules or requirements he just wanted to appear in case there were any other questions from them or verifications that they would have to express.

Chrmn. Jarvies asked the board members if they had any questions for Mr. Knox.

Comm. Garcia and Comm. McCarroll did not have any questions at this time.

Linda mentioned that as Mr. Knox just stated Mrs. Knox sent her the whole guidelines and rules which she forwarded to them; she did make just one comment to Mrs. Knox because she thought there could be a little bit more information in regards to emergency just letting guests know that if they call for emergency they are registered with the reverse 911 system but let their guests know if they call it will take a little while to get there—just kind of know what to expect, the community tends to take care of each other but felt that would be the only thing that could be added to their guests information sheet.

Linda stated that she did go through her standards of approval, prepared a summary of all the standards of approval starting with the conditions, didn't know if she should go over them one by one they do meet the standards of approval, water and waste water— they talked about that last week. Found the permit where they applied for the septic system and unfortunately documentation on the land use side is very minimal they don't know what kind of system, what kind of tank, what kind of drainage, she will notify Mr. Simpson that the Knox's keep their system properly functioning and keep their pumping records doesn't feel that it would cause any problems to any of the surrounding landowners and the surrounding landowners have systems that would be causing problems for them either; understands Mr. Simpson’s concern but not for this particular use.
Mr. Knox stated that when they had it installed they understood it was a licensed person all the measurements to adjoining property owners everything was put in place at that point, they understand that it’s a typical system with lateral lines which operates fine, they treat it at least once a month, even before it was a little lax they are encouraging everyone to upgrade for everyone’s benefits.

Chrmn. Jarvies asked Linda to remind them of the Planning Commission’s recommendation.

Linda stated that the Planning Commission recommended approval.

Motion to approve Resolution C-2019-23 A Special Use Permit-Short Term Overnight Lodging for William and Shirley Knox: Comm. Garcia/Second Comm. McCarroll

Comm. McCarroll asked about the conditions presented.

Linda-Land Use Admn. stated that those were things they could have talked about.

Chrmn. Jarvies stated that they could still have discussion.

Linda stated that under discussion Terms of Permit the valid of the use while owned by the applicant Mr. and Mrs. Knox the board can determine the time of the permit it can be issued for a certain time period or short-term and request that they reapply after that term; they can mitigate some of the concerns addressed in the comment, they can extend the permit if you establish a certain term of conditions of a permit.

Linda talked about the violation of conditions. She felt that applicants should be notified immediately of any reported issues that require documentation on how the issue is addressed and how to be prevented. She likes to ask the applicants to address complaints.

Transfer of Ownership- They can allow transfer of ownership if the new purchaser will sign and agree to the permit, come in and meet with them or the owners can revoke it and say they are not selling with the permit, they can issue the permit only to William and Shirley Knox and it will not be transferred to subsequent owners.
Change in Conditions: That requires a new review process with public hearings, annual review and compliance with state, local, federal and Lodging Tax.

Comm. McCarroll asked if we really don’t have to set up a time limit because you are going to have an annual review.

Linda said they are going to review anyway; her review is just to see how everything is going.

Chrmn. Jarvies asked the board how they felt as far as transferring of the permit.

Comm. Garcia stated that he would like to leave it the way they normally do it; the Knox’s have the right to revoke it in case they sell the land.

Chrmn. Jarvies stated that the approval is with: as a normal overnight lodging permit.

Comm. Garcia stated that based on his motion, no amendments or anything just as stated.

Nick Sarmiento stated that under the current motion that would be a change in the condition of the motion but just be aware if the Knox’s were to sell the property then at that point the permit would still be valid and they would just be subject to annual review if you wanted to make the permit lapse at the time the Knox’s sold the property then the new owners would have to come in and do the same thing— that is a policy decision.

Comm. McCarroll stated that he would like to suggest that they look at once they sell the new owners would have to come in and go through the process, feels it would be an advantage to us to make sure that they are doing the same things that the Knox’s are doing.

Chrmn. Jarvies asked if Comm. Garcia would have to amend his motion since there is already a second to that motion.

There was a short discussion as to whether to withdraw the motion or amend it.

Chrmn. Jarvies asked if they are amending the original motion to say that the permit will not be transferred; it will only be good until
Mr. Knox owns the property then the owners will have to come in and apply.

Nick Sarmiento asked Comm. Garcia if he was withdrawing his motion.

Comm. Garcia stated that he is not withdrawing his motion, the way he understands parliamentary procedure Comm. McCarroll could amend his motion.

Comm. McCarroll said he could do that.

Nick Sarmiento County Attorney asked if there were any other amendments.

The board had no other amendments other than the transfer of permit.

With that amendment Chrmn. Jarvies asked for all in favor of approval say I.

All were in favor, Motion carried.

3-0

**William Knox-Discussion**

Mr. Knox stated that this is not in the board’s realm but they have been without phone service since Friday he was told the phone company has been contacted and it will be until around July 8th, they have a very aging population in that area, they are concerned on emergencies or so forth anything they can help them will be greatly appreciated.

Chrmn. Jarvies stated that they will work with their emergency manager maybe they can get radios up there or something.

Rodney King-EMS stated that he can make a call and also call Donald Valdez.

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.