



**Nathan Ruybal**  
**CONEJOS COUNTY CLERK & RECORDER**  
6683 COUNTY ROAD 13 PO BOX 127  
CONEJOS, COLORADO 81129  
TELEPHONE: 719 376 5422 FAX 719 376 5997  
nruybal@co.conejos.co.us

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Minutes of the Board of County Commissioners Regular Meeting held on December 02, 2021, at 9:00 am in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129

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

**Mitchell Jarvies – Chairperson – Present**

**Carlos Garcia - Vice Chair – Present**

**Joseph Baroz – Vice Chair – Present**

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

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

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

**Approval of Agenda:**

- Add work session after meeting regarding budget and payroll.
- Add CCI convention reports.

Motion to approve agenda as amended

Comm. Garcia 1<sup>st</sup> Motion

Comm. Baroz 2<sup>nd</sup> Motion

Motion Carries 3-0

**Approval of Minutes:**

No Minutes to Approve

**PUBLIC COMMENT:**

- NO PUBLIC COMMENT

**Administrative Correspondence – Tressesa Martinez:**

Holiday approval for 2022

- Mother Cabrini Day vs. Indigenous Peoples Day/Columbus Day
- ½ day for Christmas

Motion to approve 2022 Holiday schedule with amendments.

Comm. Baroz 1<sup>st</sup> Motion

Comm. Garcia 2<sup>nd</sup> Motion

Motion Carries 3-0

Resolution to support Pike National Historic Trail.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF  
CONEJOS COUNTY, COLORADO  
RESOLUTION NO. C-~~44~~21  
A RESOLUTION TO SUPPORT LEGISLATION FOR THE DESIGNATION OF THE PIKE  
NATIONAL HISTORICAL TRAIL AND GAIN NATIONAL DESIGNATION

**WHEREAS**, Pike and his 10 men entered today’s Conejos County on Jan 31, 1807, resided in a stockade from Jan 31 to Feb 26, and encamped near the headwaters of the Conejos River near today’s Conejos, CO on February 26, departing the County on Feb 27; and

**WHEREAS**, Pike constructed a stockade for protection and to survive the winter, near McIntire Spring with its warming waters on the Conejos River after crossing the Rio Grande River, and

**WHEREAS**, a replica of Pike’s Stockade was constructed 1 ½ miles downstream from the actual Stockade site on the Conejos River for the public to recall Pike and their 25 days in Conejos County during February of 1807; and

**WHEREAS**, the stockade location was used to rescue 5 men left behind two with their cache near the Royal Gorge and three with frost bitten feet in the Wet Mountain Valley; and

**WHEREAS**, on Feb 28, 1807 Pike in Conejos County was arrested by the Spanish for being in Spanish territory. The Spanish allowed them to keep guns and ammunition, and to talk with anyone which helped forge relationships that shortly led to the trade between the 2 countries via the Santa Fe Trail; and

**WHEREAS**, the Pike National Historic trail is an exciting opportunity to enhance public recreation and will benefit all American people by honoring a historic expedition, improving public recreation, education, preservation and developing tourism; and

**NOW, THEREFORE, BE IT RESOLVED THAT WE** the Conejos County Board of Commissioners support legislation for the designation of the Pike National Historic Trail; and

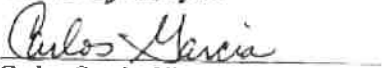
**BE IT FURTHER RESOLVED** to support the efforts of the Pike National Historic Trail Association in its attempts to gain support for the national designation in the seven states which the Pike Expedition explored.


**THIS RESOLUTION WAS CONSIDERED, DISCUSSED AND ADOPTED THE 2<sup>nd</sup> DAY OF DECEMBER 2<sup>ND</sup> OF 2021, AT A REGULAR MEETING OF THE BOARD.**

ATTEST:

  
Nathan Ruybal, Clerk

  
Mitchell Jarvies, Vice Chairman

  
Carlos Garcia, Vice Chairman

  
Joseph Baroz, Vice Chairman

Motion to approve Resolution 44 in support of the Pike National Trail.  
Comm. Garcia 1<sup>st</sup> Motion  
Comm. Baroz 2<sup>nd</sup> Motion  
Motion Carries 3-0

**County Attorney – Nick Sarmiento:**

Brief discussion regarding emails from SLV All Hazards Committee.

**CCI Conference – County Commissioners:**

- Comm. Garcia – Talked to someone from the State after a seminar, the discussion was regarding the ability to build the Ambulance Base with American Rescue Plan Act (ARPA) money.
- Discussion regarding Grant Administrator versus a Grant Writer.
- PILT Money without restrictions.
- Short Term Rentals and taxing commercially.
- Funding for District Attorney.
- Nursing Homes are currently taxed as commercial entities – there is a push to change that tax code.
- Sales and Use Tax
- Comm. Jarvies – Colorado River impact and over payment for years – how can we get credit for over payment?
- Discussion regarding water and water rights for the future on Conejos County.
- Senior water rights that Conejos County may purchase for the growth of the County.
- Opioid funds to use in the County.
- Comm. Baroz discussion regarding the Under Funded Courthouse grant that allows Counties to ask for money to rebuild or remodel their Courthouse.

**Sheriff’s Report – Garth Crowther**

Sheriff announces recognition of Connie and Tres on a National publication – Shining Stars in Law Enforcement.

Snow Cat – Department has raised over \$14,000 of the \$20,000 needed for the Snow Cat, Sheriff Crowther is asking the BOCC for the remainder of the funds.

Safety Grant update – everything has been ordered by department and are awaiting arrival.

Sheriff discusses plan to begin a 14 day pay schedule instead of the 28-day schedule to better track Overtime for the Deputy’s.

Approval needed to present the Sheriff’s Digicom grant application to the E911 Authority Board for twenty-four radio batteries, four surveillance microphones and twelve sets of earpieces for a total of \$4216.37 for which the E911 board will match half.

Comm. Baroz makes motion to approve presentation of grant to E911 Authority Board  
Comm. Garcia 2<sup>nd</sup> Motion  
Motion Carries 3-0

Approval needed to present the Conejos County Ambulance Digicom grant for five pagers to present to the E911 board.

Comm. Garcia makes motion to approve makes motion to approve presentation of grant to E911 Authority Board.

Comm. Baroz 2<sup>nd</sup> Motion

Motion Carries 3-0

## Land Use Report – Linda DeHerrera:

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

Case No. CCLU 2021-0344

APPLICANT: Philip Eicher & Tim Graber

**BACKGROUND:** An application for a Special Use Permit was filed with the Land Use Office on 08/10/2021. The property is owned by Philip & Christina Eicher and Tim & Laura Graber. It is zoned Rural and is legally described as: Tracts 1 & 2 Graber/Eicher Boundary Survey located in the South Half of the Northeast Quarter of Section 12, Township 36 North, Range 7 East, NMPM, Conejos County Colorado. The common description of the property is 26503 County Road 6, La Jara CO 81140. Parcel #556312100117 & 556312100084.

**REQUEST:** The applicants are requesting a Special Use Permit for Special Events to conduct the Annual Consignment Auction and Fundraising Events.

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

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

**PUBLIC NOTICE REQUIREMENTS:** Notice requirements were met by sending notice to the surrounding landowners within 500' on October 28, 2021, notices to referral agencies on 10/28/2021; notice was published in VALLEY COURIER on 10/30/21 & 11/17/2021; and Onsite posting was posted by Inspector, Chris, on the property on 11/02/2021.

#### PUBLIC HEARINGS:

**PLANNING COMMISSION** – The PC public hearing was held on 11/17/2021 at 6:15 PM. They made a recommendation for approval as it was presented. (Tom Stewart/Armando Valdez – unanimous vote.)

**BOARD OF CONEJOS COUNTY COMMISSIONERS** – The Board of County Commissioners public hearing is scheduled for 12/02/2021 at 10:00 AM.

- No Public Comment
- No Issues by Kevin Boyle from Division of Water Resources comments there is no issues.
- Comm. Jarvies closes the Public Comment Portion of the hearing by asking three consecutive times for comment.
- Planning Commission had their public hearing for this application 11/17/2021 and has recommended approval of the Special Use Permit.
- Comm. Garcia discussed details on time, place, and frequency of Auctions
- Comm. Garcia asked to who and where will the proceeds go for the Auction.
- Eicher replied that proceeds are typically not that high, if there are any then the proceeds would stay with him and Graber.
- Adequate public notice had been issued by Land Use.

- Kevin Boyle from the Div. of Water Resources commented that the two domestic wells on the property serve only single family residents. No issues since application states they will use bottled water and portable potties.

Motion made to approve the Special Use Permit to allow no more than 4 Auctions per year as presented.

Comm. Baroz makes 1<sup>st</sup> Motion

Comm. Garcia 2<sup>nd</sup> Motion

Motion Carries 3-0

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

**Case No. CCLU 2021-0273**

**APPLICANT: Mose Mast**

**BACKGROUND:** An application for a Special Use Permit was filed with the Land Use Office on September 8, 2021. The property is owned by Mose D. Mast and Martha R Mast. The property is zoned Rural and is legally described as: Tract LA2 Gingerich Winters Division of Land located in the West Half of Section 33, Township 34 North, Range 9 East, NMPM, Conejos County Colorado. The common description of the property is 14147 County Road L, Antonito CO 81120. Parcel #586733300242.

**REQUEST:** The applicants are requesting a Special Use Permit for a Taxidermy Shop.

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

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

**PUBLIC NOTICE REQUIREMENTS:** Notice requirements were met by sending notice to the surrounding landowners within 500' on October 28, 2021, notices to referral agencies on 10/28/2021; notice was published in VALLEY COURIER on 10/30/21 & 11/17/2021; and Onsite posting was posted by Inspector, Chris, on the property on 11/02/2021.

**PUBLIC HEARINGS:**

**PLANNING COMMISSION –** The PC public hearing was held on 11/17/2021 at 6:45 PM. The PC made a recommendation to the BOCC for approval as it was presented. (Tom Stewart/Linda Johnsen – unanimous vote.)

**BOARD OF CONEJOS COUNTY COMMISSIONERS –** The Board of County Commissioners public hearing is scheduled for 12/02/2021 at 10:15 AM.

NO PUBLIC COMMENT

Kevin Boyle from Div. of Water Resources – No Issue with Permit.

No Comment from CDOT

Comm. Jarvies closes the Public Comment Portion of the hearing by asking three consecutive times for comment.

Motion made to approve Special Use Permit as presented for Taxidermy.

Comm. Garcia 1<sup>st</sup> Motion

Comm. Baroz 2<sup>nd</sup> Motion

Motion Carries 3-0

## Conejos County Land Use-Staff Report

**NAME OF MINOR SUBDIVISION:** RITO HONDO – REPLAT OF TRACT 17, AMENDED RITO HONDO SUBDIVISION.

**OWNERSHIP/SUBDIVIDER:** GILBERT & ALICE DURAN

**CCLU Case #**2021-0326

**SURVEYOR:** Toby Crowther, Davis Engineering

**LOCATION/LEGAL DESCRIPTION:** 35.58 acres + Tract 17 Rito Hondo Subdivision, Located in Section 16, Township 32 North, Range 7 East, NMPM, Conejos County, Colorado.

**EXISTING ZONING:** Rural **ADJACENT ZONING:** North, South, West-RURAL and East is US Forest.

**REQUEST:** The applicants are requesting to create 4 lots from one parcel.

**SITE DESCRIPTION - SEWAGE/WATER/ACCESS/ROADS:**

Lot 17A contains 17.58 acres – Rural land – vacant – no improvements will obtain all permits when needed.

Lot 17B contains 10.11 acres – Rural land – vacant – no improvements will obtain all permits when needed.

Lot 17C contains 3.67 acres – Rural land – vacant – no improvements will obtain all permits when needed.

Lot 17D contains 3.80 acres – Rural land – vacant – no improvements will obtain all permits when needed.

Existing Access to all lots is from Forest Service Road 103. The Rito Hondo Road from the gate through this Tract is fully built and will be maintained by the Developer/HOA. The subdivision road is a 60' Right-of-Way with 30' gravel-built road. See the attached photos. Each Tract being created in the Minor SD will require an access from the subdivision "Rito Hondo Road." The developer and the purchasers will need to determine who is responsible for the

The owners of the lots will be required to apply for physical addresses once they are ready for development.

All lots are eligible to apply for a well permit – household use only.

**NOTICE REQUIREMENTS:** Notice to surrounding landowners was mailed on 10/28/2021. Notice was published in the Valley Courier on 10/30/2021 and 11/17/2021. Onsite posting was completed 11/02/2021.

**PLANNING COMMISSION (PC) REVIEW:** The PC had their public hearing on 11/17/2021 at 7:15 PM. The PC made a recommendation to the BOCC for approval as presented. (Tom Stewart/Armando Valdez – unanimous vote.)

**BOARD OF COUNTY COMMISSIONERS REVIEW:** Public hearing before the BOCC is scheduled for Thursday, December 2, 2021, at 10:30 AM.

Comm. Baroz recuses himself from the approval because he plans to buy property from the Duran's at the Rito Hondo subdivision.

Planning Commission reviewed this case on 11/17/2021 and unanimously voted to approve for this Minor Subdivision as presented.

Comm. Garcia asks if the road is complete through the entire Rito Hondo subdivision?

Mr. Duran confirms that the road is completely built through the entire subdivision by Robin's Construction.

NO PUBLIC COMMENT

*Rito Hondo Minor Subdivision– continued...*

Comm. Jarvies closes the Public Comment Portion of the hearing by asking three consecutive times for comment.

Comm. Garcia makes motion to approve Minor Subdivision as presented.  
Motion Carries 2-0

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

**Case No. CCLU 2021-0311**

**APPLICANT: Edward Stutzman**

**BACKGROUND: An application for a Special Use Permit was filed with the Land Use Office on October 22, 2021. The property is owned by Edward Stutzman and Malinda Stutzman. The property is zoned Rural and is legally described as: 39.78 Acres located in the East Half of the Southeast Quarter of Section 7, Township 33 North, Range 9 East, NMPM, Conejos County Colorado. The common description of the property is 8249 County Road 13, Antonito CO 81120. Parcel #598707400188.**

**REQUEST: The applicants are requesting a Special Use Permit for a Butcher Shop**

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

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

**PUBLIC NOTICE REQUIREMENTS: Notice requirements were met by sending notice to the surrounding landowners within 500' on 10/28/2021; notices to referral agencies on 10/28/2021; notice was published in VALLEY COURIER on 10/30/21 & 11/17/2021; and Onsite posting was posted by Inspector, Chris, on the property on 11/02/2021.**

**PUBLIC HEARINGS:**

**PLANNING COMMISSION – The PC held their public hearing on 11/17/2021 at 7:30 PM. The PC made a recommendation to the BOCC to approve the SUP for the Butcher Shop as presented. (Linda Johansen/MaryAnn Gallegos – majority vote.) Dennis Moeller abstained as he is an adjacent landowner.**

**BOARD OF CONEJOS COUNTY COMMISSIONERS – The Board of County Commissioners public hearing is scheduled for 12/02/2021 at 10:45 AM.**

Special Use Permit for Butcher Shop

NO PUBLIC COMMENT

Stutzman Butcher Shop- continued...

Comm. Jarvies closes the Public Comment Portion of the hearing by asking three consecutive times for comment.

Kevin Boyle from the Division of Water Resources

Mr. Stutzman says that by-products from the animals will go into a compost pile on sight with a large efficient composting process using concrete bunker and saw dust from the sawmill.

Kevin Boyle from Div. of Water Resources well permit will be adequate for no public restrooms. use of water will be used to clean the facility and water will return to a septic system. A limit of forty-eight animals per year will be acceptable without expanding the use of well permit 314696 beyond its current use. Anything beyond that the applicant has other options to expand the well water usage.

Comm. Baroz makes motion to approve Special Use Permit

Comm. Garcia 2<sup>nd</sup> Motion

Motion Carries 3-0

### CONEJOS COUNTY LAND USE CASE SUMMARY- REPORT

**CASE NO:** CCLU-2021-0318

**REQUEST:** Division of Land

**APPLICANT:** Steven & Christi Reynolds

**ZONING:** Rural

**SURVEY BY:** Davis Engineering - Toby Crowther

**BACKGROUND:** An application was filed with the Land Use office on October 25, 2021, for a Division of Land (DOL.) The owners are, Georgina Reynolds, Philip Reynolds Trust B, Ricky P & Mariam Reynolds, and Rodney & Annette Reynolds. The property is 120 acres legally described as the Southwest Quarter and Northwest Quarter of Section 21, Township 35 North, Range 10 East, New Mexico Principal Meridian, Conejos County Colorado.

The proposed survey reflects a division of 120 ac± to create the following:

Tract 1 containing 110.75 acres ± Rural - agricultural land

Tract 2 containing 8.26 acres ± Rural - proposed residential development

County Road dedication - none - West boundary is Sanford Tenth Street.

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

**Purpose of Division:** The applicants requested a division of land to create one parcel for a residential site and the second parcel will remain with the agricultural land. All permits for residential development will be obtained by the applicants.

**LU Administrator approval:** 12/02/2021 **County Surveyor review/approval:** 11/30/2021

**Board of County Commissioners review/approval:** 12/02/2021



Comm. Garcia makes motion to approve Division of Land as presented.  
Comm. Baroz 2<sup>nd</sup> Motion  
Motion Carries 3-0

ATTEST:   
Nathan Ruybal  
Clerk of the Board

  
Mitchell Jarvies  
Chair of BOCC