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**Minutes of the Board of Conejos County Commissioners Regular Meeting held on June 3, 2021 at 9:00am in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129**

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**Comm. Jarvies called the meeting to order at 9:11 am**

**Mitchell Jarvies – Chairman – Present**  
**Carlos Garcia - Vice Chair – Present**  
**Joseph Baroz – Vice Chair – Present**  
**Tressesa Martinez – County Admin. – Present via Zoom**

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

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

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

**Approval of Agenda:**

Comm. Jarvies made an addition to the agenda regarding letter received about Redistricting, would ask to place topic under Admin. Correspondence.

Motion to approve the agenda as presented with addition of Redistricting.  
Comm. Garcia 1<sup>st</sup> motion - - Comm. Baroz 2<sup>nd</sup> Motion

3-0 Motion Carried

**Approval of Minutes:**

Comm. Baroz 1<sup>st</sup> Motion - - Comm. Garcia 2<sup>nd</sup> Motion

3-0 Motion Carried

**Public Comment:**

No Public Comment

### **Administrators Correspondence:**

American Rescue Plan has been signed and turned over to the Treasurer, within 5-6 days we will receive half of the amount that the County will be receiving. The amount that we should be receiving is roughly \$700,000, the time table is large for this grant, so there is time to fully discuss best options to utilize this grant.

Comm. Jarvies adds also that it is nice to have plenty of time to fully discuss best ways to use the grant money.

### **Redistricting Letter Discussion:**

Comm. Jarvies brings up discussion regarding the Congressional Redistricting letter sent to the Commissioners in the state.

The concern is that the State placing counties together when they have nothing in common.

Comm. Jarvies would like to draft a letter on the behalf of the BOCC that would state that when redistricting takes place, that we be grouped with another county that share the same demographics.

Comm. Garcia talks about what he got from the letter; he explains that there were two maps included with letter.

One map has is grouped with Vail and Aspen, but the other Map we were grouped with Otero and Huerfano Counties, who are more agricultural like Conejos County

Comm. Jarvies makes a motion to have Tress Martinez draft a letter on behalf of the BOCC and the recommendation that Conejos be grouped with Agricultural Rural Counties depicted in the maps they received.

### **Larry Brown – CSU Extension:**

Mr. Brown wrote a letter of consideration for the SLV Area Extension Director, so that he can help advance of the 4H program in Conejos County.

Mr. Brown is excited and ready to help the youth and their families in the county, with growing the 4H Program.

Mr. Brown would like obtain a needs assessment survey from as many people as possible to best understand what the county will require.

Comm. Garcia wishes him well and thanks Larry for taking this on.

**Motion made to enter Executive Session 9:35am**  
**Comm. Garcia 1<sup>st</sup> Motion – Comm. Baroz 2<sup>nd</sup> Motion**

**Motion carries 3-0**

**Return from Executive Session at 9:46 am**

**Conejos Session of W.O.W:**

Conejos water association owns a specific water well, which was being used to service homes South East of the Courthouse.

Since then, those homes have been switched over to the Town of Antonito water service.

Shirly Duran is the only surviving member of the Conejos Water Assoc. wanted to know of the County wanted to purchase the water well from the Conejos Water Association.

Attorney Sarmiento is asking approval from the BOCC to begin negotiations with the Conejos Water Assoc. to purchase water well for future needs of the county.

**Assessors – Abatements:**

Parcel Number 613307300118  
Ernesto Martinez

Property in question should have been only at 50% completed and not 100% as it was mistakenly had been appraised at. The house is as of yet uncompleted, however once it is completed the property will be assessed at 100% completed.

Motion made to approve abatement for Ernesto Martinez  
Comm, Baroz 1<sup>st</sup> Motion – Comm. Garcia 2<sup>nd</sup> Motion

Motion carries 3-0

Recess until 10:15 for *Public Hearing*

***Public Hearing***

**Cangelosi – Short Term Overnight Lodging  
Resolution No. C-14-21**

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

**Case No. CCLU 2021-0011**

**APPLICANT:** John Cangelosi - Stone Meadow Properties LLC (by Jason Tolliver)

**BACKGROUND:** An application for a Special Use Review was filed with the Land Use Office on January 13, 2021. The property is zoned Residential and is legally described as: Lot 19, Conejos Valley Subdivision, located in the NE ¼ Section 3, Township 32 North Range 7 East and SE ¼ Section 34, Township 33, Range 7 East, NMPM, Conejos County, Colorado. Property is physically addressed as 19 Conejos Canyon Road, Antonito CO.

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

**ADJACENT ZONING:** North -Rural, South - Residential, East - Residential. and West – 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 April 28, 2021; notices to referral agencies on January 27, 2021; notice was published in VALLEY COURIER on 5/1/2021 & 5/18/2021); onsite posting was posted on the property.

**PUBLIC HEARINGS:**

**PLANNING COMMISSION** – The public hearing before the PC was held on 05/19/2021 at 6:15 PM. The PC made a recommendation for approval with the condition to limit renters to one family of 7 or 4 unrelated members with a maximum of 100 nights per year and property boundary markers be placed between lots 18 & 19. (Motion Tom/Emily – majority vote 4 yes and 1 no.)

**BOARD OF CONEJOS COUNTY COMMISSIONERS** – The public hearing before the County Commissioners is scheduled for Thursday, June 3, 2021, at 10:15 AM.

**COMMENTS:**

**Division of Water Resources** – The well water was not registered. The applicants worked with John Skinner in registration of the well. The water supply is allowed for this use provided that the owners do not hire employees, or the applicants will be required to apply for a commercial or exempt-commercial well if they propose to hire employees to conduct this business.

**Colorado State Forest Service** – The State Forester, Adam Moore, conducted a site visit with Mr. Tolliver. His comments are attached. Some wildfire mitigation work is required. Make sure the property entrance is marked with a reflective sign and register with the SLV E911 Authority.

**Colorado Department of Transportation** – Ms. Jo Heinlen the Access Manager submitted a response stating that there is no change to the access from County Rd D.5 to State Hwy 17.

**Colorado Parks & Wildlife** – County Area Manager, Rod Ruybalid submitted a response stating that they have no comments for this application.

**2/16/2021 Received a letter from Mr. Jason Tolliver requested that the hearing be postponed as they felt they needed to legally address the comments received from the neighbors/subdivision owners.**

**04/21/2021 Received a call from Jason Tolliver. They would like to proceed with the application and public hearing process.**

Linda DeHerrera introduces Mr. Jason Toliver who is representing John Cangelosi and Stone Meadow Properties LLC.

Application was filed at the Conejos County Land Use Office on January 13, 2021

- Property is listed as residential
- Lot 19 in Conejos Valley Subdivision
- located in the NE ¼ Section 3, Township 32 North Range 7 East and SE ¼ Section 34, Township 33, Range 7 East, NMPM, Conejos County, Colorado. Property is physically addressed as 19 Conejos Canyon Road, Antonito CO.
- Request is for short term overnight lodging
- Properties adjacent are all declared residential or rural
- APPLICABLE ZONING ORDINANCE: - Article 4 Zoning, Division 4.2 Zone District Regulations AND Article 5 Permits, Division 5.4 Special Use Review.
- Aerial view pictures of Property were shown in meeting on computer and overhead projection.
- Public hearing notices were sent to everyone in the Subdivision, not only those that are within the 500 feet area.

Comm. Jarvies asks if Mr. Toliver has anything additional to add at this time.

Mr. Toliver has nothing to add at the moment.

Comm. Jarvies open up the hearing to Public Comment.

Linda reads from letters sent in either for or against from the residence of the Subdivision

- Steve Blodder – Against
- Paul and Patricia Briggs – Against
- Charles Sandoval – Against
- Don and Jerri Sisneros – Against
- Perry Clark – Against
- William Cox – Against
- Gary Doda – Against
- Daniel and Marie Sandoval – Against
- James A Creece – Against
- Fredricks – Against
- Henry and Debbie Montoya – Against
- Don and Marilyn Silver – Against
- Judith Sullens-Steele – Against

Linda Reads Referral Agency Comments.

- *Division of Water Resources* – Any residential well permit such as this will be a legal source for short term lodging, provided there are no employee water demands
- *CDOT* – Permit will cause no additional traffic other than its existing use.
- *Colorado Parks and Wildlife* – No Significant impacts to Wildlife habitat.
- *Forest Service* – Areas of concern is keeping the grounds free of any wildfire fuel, *i.e.*, fallen leaves, branches, fire wood, grasses and shrubs, Propane Tank moved to 30ft. away from house.

Comm. Jarvies mentions that the record should show that he has been in Don and Marilyn Silver's home before with his Pest Control Business, but has never discussed this matter with them before.

Comm. Jarvies asks at this time for residents against the permit be heard now.

*Paul Briggs*

*199 Los Mogotes*

*Across the street from Cangelosi.*

- Against the Special Use Permit
- Briggs mentions that the Covenant of the Subdivision clearly state that the subdivision be strictly used for residence only.
- No Commercial Use – No Short-Term Rentals
- Believes that Over Night Lodging is a direct violation of the covenants.
- Has not seen the home being used as a single-family residence since Cangelosi has purchased it.
- Highlights that he understands the owner is a Commercial LLC out of Texas.
- Not a residence but a commercial entity.
- Believes that the Planning Commission has tried to rewrite the Subdivisions covenants.
- Feels as if there is a business entity moving in next door, instead of a good neighbor.
- Again, states his stance against issuing the Special Use Permit.

*Gary Doda*

*69 Conejos Canyon Road*

*Two doors down from Cangelosi*

- Doda has been in the subdivision from over 29 years.
- When he purchased the property, he was fully aware of the covenants.
- Thinks of the property to be a retirement residence, with many of the residence being retired.
- They look after each other and respect each other.
- Doda thinks back to one time where there were over 5 vehicles plus a camping trailer.
- They also had large dogs with them and the renters did not respect those that reside in the subdivision.
- Doda is addiment that the covenants clearly specifying there would be no short-term renting.
- Doda does not appreciate the planning commission making decisions for the full-time residence of the Subdivision.

*Don Sisneros*  
*109 Conejos Canyon Road*

- Has been a resident for over 15 years of the Subdivision.
- Feels that the overnight lodging will add a lot more traffic.
- Mr. Sisneros has upset with Mr. Toliver allowing visitors to gain river access through Mr. Sisneros's property without permission.
- Feels frustrated with the actions of Toliver and Cangelosi because of lack of respect for the other residence of the subdivision.
- Mr. Sisneros is against passing the Special Use Permit.

*Judith Sullens-Steele*

- Her father was original developer of the Subdivision.
- Her father also built the home that is in question for hearing.
- Last summer Sullens-Steele had large dogs roaming around the subdivision that belong to renters of the Cangelosi property.
- Discusses that the subdivision is private property and not a free roaming area like a camp ground.
- Feels that Over night lodging will bring strangers into the property, which may lead to burglaries.
- Her house last year was burglarized, cannot prove that break in was because of overnight lodgers.
- Believes that County does not care about the situation with overnight lodging.

*William Cox*  
*Residence is Las Vegas, NM*

- Cox Family was part of original owners of the Subdivision.
- Entire Cox family is Against the Special use Permit.
- Does not like not knowing renters that will be lodging overnight.
- States for the record that there are 14 re4sidence that are against the Special Use Permit and only one person for Special Use Permit.

*Jerry Sisneros*  
*109 Conejos Canyon Road*  
*Wife to Don Sisneros*

- Owns lots 19 and 39 in the subdivision.
- Speaks to the fact that everyone are very good neighbors, however Cangelosi and Toliver did not let anyone of their plans which she believes not to be very neighborly.
- Sisneros speaks to the rough start with Toliver and Cangelosi that things look bad long term.
- States that it is wrong for someone to profit from overnight lodging in a subdivision where renting is against the covenant.
- Asks the BOCC to vote against the Special Use Permit.

Comm. Jarvies asks three times if there is anyone else that would like to speak either FOR or AGAINST the Special Use Permit.

No Public Further Comment at This Time

Comm. Jarvies gives the floor to Mr. Jason Toliver

*Jason Toliver*  
*Representing Stone Meadow Ranch LLC*

- Mentions that Stone Meadow Ranch LLC, is not a commercial operation.
- Stone Meadow Ranch was bought under a LLC, Cangelosi privately bought the property but bought it under a LLC.
- Cangelosi has several properties in the Nation all under the LLC.
- Cangelosi has tried to rent out the cabin from time to time during the summer to try and recoup expenses.
- Cabin used mostly for friends and family, and also supporting charities.
- Addresses the false claim that the LLC is trying to purchase more properties in the subdivision.
- Septic system is the original from the original build of the cabin.
- Septic has been inspected and there are no issues with it.
- Believes that Property in question is constantly cleaned of debris and trash, Toliver considers it to be one of the cleaner properties in the subdivision.
- Weekly or Bi-weekly grounds work is completed.
- Speaks to the rules and regulations that renters must abide by while staying overnight.
- Every guest must read, sign and abide by rules set out by Stone Meadow Ranch LLC.
- Has updated the Rules to Not Allow Dogs!
- Rules also specify ATV or Vehicle usage.
- Toliver would like to clear up that the Property does not belong to him, only representing LLC.
- Toliver does live full time at Stone Meadow Ranch.

*Paul Briggs*  
*199 Los Mogotes*  
*Across the street from Cangelosi.*

- The fact they Toliver is referring to “We” implies that the LLC is a business.
- Who will enforce these rules and regulations that they have renters read and sign?
- Does not trust renters to abide by the rules if there is no one to enforce the rules on them.
- Briggs sees a lot of misrepresenting’s and contradictions with Toliver and Cangelosi.

Comm. Jarvies asks Toliver about a topic that Briggs brought up during his questioning, who will physically enforce the rules and regulations to the renters?

Comm. Jarvies spoke on the rules and regulations, Jarvies did believe that the rules are very comprehensive, but would like to know who is the person that will enforce these rules, if the renters do not abide by them.



Toliver addresses the “We” during the hearing, that reference is Toliver, Cangelosi, Matt and John Stafford. The four owners of Stone Meadow Ranch LLC.

All four bought in equally into Stone Meadow Ranch LLC, but it is not a business.

*“In order to be a business you have to make Money; we do thing for Charity”*

Since Toliver is the only one of the four that lives there, he would be the person of contact for renters and residents alike if there is ever an issue.

Comm. Garcia asks for a clarification from Attorney Sarmiento regarding Limited Liability Corp. Comm. Garcia also asks Toliver to explain role of charity because you can register as a 5013C. Comm. Garcia how is an LLC not a business?

Attorney Sarmiento explains that typically real estate companies buy property as an LLC, however there are single member LLC’s that buy property as well.

Reason is so that they LLC is held under a different entity than to have personal responsibility.

Attorney Sarmiento uses a reference of a family placing homes and property under a trust, it’s a legal mechanism to transfer the property upon their death for Estate Purposes.

Even though property is placed under a trust doesn’t meant its for private use only, there have been trusts that are clearly commercial.

These are just factors are to be considered during this hearing.

Reality is that BOCC consider how the property is being used and not only on the commercial or noncommercial status and determine from there if it is commercial or residential.

Toliver speaks to the charity...Stone Meadow Ranch is not the charity; they only assist the charity with a retreat location for these three charities.

- *Two Mile Sportsman’s Foundation based out of Huntsville Texas.*
- *Henry Ford Foundation out of Idaho*
- *AWOL Anglers out of Chama New Mexico.*

Comm. Jarvies asks a question about the covenants, Comm. Jarvies does not read anything specific regarding NO OVERNIGHT RENTALS.

Comm. Jarvies clearly states that the BOCC does not try to interpret or enforce covenants, but since it was brought up several times in the hearing. It would be best if someone can explain where the covenants specify No Overnight rentals.

Attorney Sarmiento agrees that the covenants are silent to the Over Night Lodging.

Linda DeHerrera states that the recorded covenants are reception number 162555 filed and recorded on September 3<sup>rd</sup> 1969.

*Laura Bonk  
Santa Fe NM  
Not a property owner or residence.*

States then the covenants specify RESIDENTAIL ONLY, this statement means that you are not allowed to rent, it's a residence only.

Outlines that she believes that the covenants do not need to state anything about renting, because they directly specify Residence only.

Linda DeHerrera discusses how Conejos County took on the State regarding overnight lodging, Conejos County took a hard stance that Overnight Lodging constituted as a commercial entity.

The State of Appeals Court handed down a loss regarding commercial status of overnight lodgers and is considered residential.

Comm. Jarvies states they the BOCC thought the lodgers should be taxed as a commercial entity.

Attorney Sarmiento clarifies that ruling was based off those particular facts and they have a different scenario for this hearing.

Sarmiento has several questions for Mr. Toliver.

- Do you (Mr. Toliver) live at the house in question?
  - Does not live in this particular house, but does have his home in the subdivision
- Does Mr. Cangelosi live in this house?
  - No, Mr. Cangelosi lives in Houston Texas.
- Do the other Co-Owners of Stone Meadow Ranch LLC live at this house?
  - No, one lives in Houston Texas and the other in the process of moving to Denver Colorado.
- Mrs. Sisneros mentioned that the LLC had to come back to the County to tell us something...what did she mean by that reference?
  - Mr. Toliver answers that he does not know.
  - Mr. Toliver does mention that once Cangelosi did not know there was a application, but once he knew of the application process they came in right away to take care of the application.
  - Removal of the property on the AirBnB website was removed and they did not rent it out after that.
  - Roughly 6-7 months the cabin was advertised for Overnight lodging.
- When was the property bought under Stone Meadow Ranch LLC?
  - Toliver, SMR LLC was bought in 2016
  - Linda DeHerrera correct Toliver and original purchase date was July 12, 2019

- Attorney Sarmiento would like clarification on Stone Meadow Properties and Stone Meadow Ranch LLC's
- Sarmiento asks Toliver if there are two different entities for this property in question.
  - Stone Meadow Ranch is the 40-acre parcel where Toliver has his home.
  - Stone Meadow Properties is Lot 19 in the subdivision belongs to Cangelosi.
  - Cangelosi is the sole owner of Stone Meadow Properties LLC.
- Sarmiento asks, Stone Meadow Ranch is owned by the 4 co-owners?
  - Toliver – Yes.
- Has Mr. Cangelosi ever lived at this property?
  - Toliver – No
- Was the property in question ever rented?
  - Toliver – Yes
- Who did the cleaning after an overnight stay?
  - Toliver or Marlene Ruybalid
- Did they ever get money for their cleaning services?
  - Toliver never received payment.
  - Ruybalid has received payment for cleaning services.
- Attorney Sarmiento does not have any further questions.

Comm. Garcia has a few comments.

- Road 19 inside subdivision – has anyone thought of placing private road signs?
  - Signs are posted – Private Property but not Private Road.
- Garcia asks if while being rented were renters riding their ATVs on the private road?
  - No Public Comment
  - Toliver comments about there being an easement on Road 19 inside subdivision which allows travel in and out with any vehicle.
- Comm. Garcia mentions that he respects the opinions and issues of the residence of the subdivision, but further comments that he has no jurisdiction over the covenants.
- Comm. Jarvies asks for any further comments or concerns.
- Comm. Jarvies recognizes that these hearings are tough but the BOCC will do their best and deliberate over the facts presented.
- Comm. Jarvies mentions that Overnight Lodging is a hot topic State wide.
- Comm. Jarvies would like to discuss with the BOCC and Attorney Sarmiento to make final decision.

*William Cox*

*Residence is Las Vegas, NM*

Mr. Cox would like to bring up the fact that Stone Meadow Properties has a website, which specifies that they have hundreds of cabins for rent nationwide. Which leads to his argument that they are a commercial entity.

Mr. Toliver adamantly denies that SMR LLC and SMP. LLC has a website what so ever.

PUBLIC COMMENT PORTION HAS BEEN CLOSED FOR THIS HEARING


Comm. Garcia makes a motion that we continue this hearings deliberation for Stone Meadow Properties Special Use Permit for Overnight Lodging until the BOCC meeting on July 1<sup>st</sup> 2021

Comm. Jarvies 2<sup>nd</sup> Motion  
Motion Carries 2-0

Letter of interest was received for Linda Johansson to sit on the planning commission.

- Linda will place an action item on the next agenda.

ATTEST:

  
Nathan Ruybal  
Clerk of the Board

  
Mitchell Jarvies  
Chair of BOCC