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Minutes of the Board of County Commissioners Regular Meeting held on August 4, 2022, at 9:00 am in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129

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

Mitchell Jarvies – Chairperson – Present

Carlos Garcia - Vice Chair – Absent

Joseph Baroz – Vice Chair – Present

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

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

Prayer: Comm. Jarvies gave the opening prayer.

Approval of Agenda:

- Remove Naomi from Agenda – NO ABATEMENTS
- Add Railroad and Clerk and Recorder litigation under Executive Session.
- Add Road and Bridge Policy Change after Land Use.

Motion to approve agenda as amended

Comm. Baroz First Motion

Comm. Jarvies Second Motion

Motion Carries 2-0

Approval of Minutes:

- Motion to approve Minutes from the July 7th Special Meeting
 - Comm. Baroz makes first motion
 - Comm. Jarvies seconds that motion
 - Motion Carries 2-0
- Motion to approve minutes from the June 16th Regular Meeting
 - Comm. Baroz makes first motion.
 - Comm. Jarvies seconds that motion.
 - Motion Carries 2-0

Public Comment:

- Colorado House of Representative District 62 Donald Valdez made public comment topics.
 - Rotary Club.
 - Menkhaven Fire.
 - SLV Water Protection.
 - Thanks, the Clerk and Recorder for his efforts in Elections.
 - Backpack Drive.
 - County Roads – Repair and Maintenance.

Administrative Correspondence – Tressesa Martinez:

- Financials
 - Office Budgets are looking good.
 - Sales Tax is doing well.
- Roof needed at County Jail.
 - RFP published to repair roof.
 - Insurance Notified.

County Attorney – Nick Sarmiento:

Motion to enter Executive Session 24-6-402 Sub Section B Conference with an Attorney to Discuss Legal Counsel regarding Railroad litigation, Clerk and Recorder litigation and Coroner price negotiations for transports.

Comm. Baroz first motion
Comm. Jarvies second motion
Motion Carries 2-0

Comm. Jarvies - Let the record reflect that we are coming out of Executive Session conference with an Attorney, no decisions were made, and it is 9:52am.

Attorney Sarmiento – It is the opinion of the County Attorney that the discussion had an Executive Session constitute Attorney and Client privilege and therefore no record was kept.

Sheriff's Report – Garth Crowther

- Call Numbers
 - Antonito approx. 65 calls per month.
- Appliances have been breaking down, Sheriff to order new appliances.
- Ice Maker is broken, donated ice maker from North Conejos Schools does not work.
 - Sheriff to order new Ice Maker.
- Extended Warranty for Server – will work with WSB to figure out issues.
- Town and County dealership quoting New Vehicles.
- Sheriff no longer working with Enterprise to supply vehicles.

Jerry Murphy - FDR 250:

- Citizen not on Agenda and late for Public Comment.
- Asks questions regarding repair and maintenance of FDR 250.
- Comm. Jarvies asks Mr. Murphy to contact Jeremiah from Forest Service.
- Forest Service responsible for FDR 250.

Land Use – Linda DeHerrera:

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

CASE NO: CCLU-2022-0121

REQUEST: Division of Land

APPLICANT: Thomas Kit & Melissa Caldon

ZONING: Rural

SURVEY BY: Reynolds Engineering

BACKGROUND: An application was filed with the Land Use office on 05/30/2022, for a Division of Land (DOL.) The owners are Thomas Kit Caldon & Melissa Caldon. The property is approximately 14.174 acres[±] situated in a fraction of the Southwest Quarter of the Southeast Quarter of Section 21, Township 35 North, Range 10 East, New Mexico Principal Meridian, Conejos County Colorado. Physical address 20701 County Rd V, Sanford.

The proposed survey reflects a division of 14.174 ac[±] to create the following:

Tract 2A containing 11.000 acres [±]

Tract 2B containing 3.174 acres [±]

No dedication of ROW County Road V as it was an old Highway. The property does not go all the way to the section line; thus, they can't dedicate it.

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

Purpose of Division: The applicant is requesting a division of land to separate the parcel to sell to a family member.

LU Administrator approval: 08/04/2022

County Surveyor review/approval: n/a

Board of County Commissioners review/approval: 08/04/2022

CONEJOS COUNTY RESOLUTION NUMBER C-____-2022

**A RESOLUTION PERMITTING AN EXEMPT SUBDIVISION OF LAND
CALDON DIVISION OF LAND
SW ¼ SE ¼ 21-35-10**

WHEREAS C.R.S. Section 30-28-101 and C.R.S. § 30-28-110 prohibits the transfer or sale of subdivided lands prior to the approval of a plat thereof by the County Commissioners, and

WHEREAS C.R.S. Section 30-28-133 *inter alia* establishes substantial requirements which must be considered by the County and met by the Sub divider prior to permitting the subdivision of land, pursuant to which Conejos County has adopted comprehensive subdivision regulations, and

WHEREAS C.R.S. § 30-28-101 (10)(d) recognizes that certain divisions of land may be permitted where application of the strict requirements of Article 28 of Title 30 would not serve the county planning purposes of the statutorily required subdivision regulations, and

WHEREAS pursuant to C.R.S. 30-28-110(10)(d) Conejos County has adopted rules and regulations to permit the exempt subdivision of land and has codified the same at Article 10.7 et seq of the Conejos County Subdivision Regulations, and

WHEREAS pursuant to Article 10.7 of the Conejos County Subdivision Regulations, owners, THOMAS KIT CALDON & MELISSA CALDON, prepared and applied for a division of a tract of land described as follows:

14.174 acres [±] Situated in a Fraction of the Southwest Quarter of the Southeast Quarter of Section 21, Township 35 North, Range 10 East, New Mexico Principal Meridian, Conejos County Colorado.

The Division of 14.174 acres [±] will create the following:

Tract 2A containing 11.000 acres [±]

Tract 2B containing 3.174 acres [±]

Such tract and proposed division is further described in the property survey thereof entitled as CALDON DIVISION OF LAND incorporated herein by reference, and

WHEREAS the Conejos County Land Use Administrator conducted a review of the application in accordance with Section 3.220 of the Conejos County Land Use Code and found that the proposed Division of Land does meet the threshold criteria of Article 10.7.

WHEREAS the Conejos County Land Use Administrator and County Surveyor conducted a final review of the application and surveyed plat and considered the evidence submitted by the applicant and all interested parties, and weighed the evidence against the criteria of Article 10.7 as follows:

Section 10.7 (D) 1 This Division of Land is consistent with the intent of the zone district the exemption is located within.

Section 10.7 (D) 2 The Division of Land is consistent with the policies and goals of the Comprehensive Plan.

Section 10.7 (D) 3 The Division of Land will not create a lot less than the minimum lot size allowable in the zone district.

Section 10.7 (D) 4 The Division of Land is not part of a parcel which has been divided through an exemption process in the previous ten years beginning with the adoption date (06/02/05) of this code and is not part of a Commercial or Industrial Zone District.

Section 10.7 (D) 5 The lots created through this Division of Land shall be served by water and wastewater systems that have the legal and physical capacity to serve them in compliance with this code and state and federal laws.

Section 10.7 (D) 6 The parcel boundaries and development are suitably located and sized with respect to the physical characteristics of the land the character of the neighborhood.

Section 10.7 (D) 7 The location and size of the lots minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, vegetative cover, climatologic, and other environmental features.

Section 10.7 (D) 8 The lots created have an access or can make an access available that provides safe ingress and egress to a public road.

Section 10.7 (D) 9 The lots created will require that the landowner apply for a County issued address for any new residential or commercial lot.

WHEREAS The Board of Conejos County Commissioners find that this Division of Land is not a "subdivision," or "subdivided land" as defined in Section 30-28-101(10)(a), C.R.S..

THEREFORE, BE IT RESOLVED by the Conejos County Board of County Commissioners that the findings and recommendations of the Conejos County Land Use Administrator are hereby adopted. The subdivision exemption application for the CALDON DIVISION OF LAND is subject to the following conditions:

1) The subject parcels will not be eligible for re-subdivision through a Division of Land/Subdivision Exemption process for a ten (10) year period from the date this process was approved (08/04/2022).

2) Any further attempt at division or re-subdivision of the property subject of this resolution may be subject to a complete review under the Conejos County Subdivision Regulations as they now exist or may be amended.

3) Construction on any parcel created by this division is subject to all requirements now in effect or which county, state or federal law may establish. Approval of this division is based on the information provided to the county at the time of the division. It is the responsibility of the landowner to obtain all permits, which are or may be required, for any activity conducted on the parcels created by this division. Any such permit request may be subject to a site-specific review, conditional approval, or denial pursuant to the applicable law, regulation, or statute in effect at the time of the application.

BE IT FURTHER RESOLVED that pursuant to § 30-28-110(10) (d) the subdivision plat is hereby approved and may be filed for record.

Motion to approve Caldon Division of land as presented.

Comm. Baroz makes first motion.

Comm. Jarvies seconds that motion.

Motion Carries 2-0

Resolution Number C-32-22

CONEJOS COUNTY LAND USE
CASE SUMMARY- REPORT

CASE NO: CCLU-2022-0154

REQUEST: Division of Land

APPLICANT: Han Erik Christensen

ZONING: Rural

SURVEY BY: Reynolds Engineering

BACKGROUND: An application was filed with the Land Use office on 06/27/2022, for a Division of Land (DOL.) The owners are Hans Erik Christensen & Rebecca Rodriguez Christensen. The property is approximately 30.925 acres± located in the South Half South Half of the Northwest Quarter of Section 32, Township 34 North, Range 9 East, New Mexico Principal Meridian, Conejos County Colorado. Physical address 10566 County Rd 13, Antonito.

The proposed survey reflects a division of 30.925 ac± to create the following:

Tract 2A containing 10.000 acres ± rural land with home
Tract 2B containing 20.925 acres ± rural land vacant
ROW County Road 13 was previously dedicated

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

Purpose of Division: The applicant is requesting a division of land to separate the 10 acres & home from the remaining land to be sold.

LU Administrator approval: 08/04/2022

County Surveyor review/approval: n/a

Board of County Commissioners review/approval: 08/04/2022

CONEJOS COUNTY RESOLUTION NUMBER C-____-2022

A RESOLUTION PERMITTING AN EXEMPT SUBDIVISION OF LAND
HANS CHRISTENSEN DIVISION OF LAND
S ½ S ½ NW ¼ 32-34-9

WHEREAS C.R.S. Section 30-28-101 and C.R.S. § 30-28-110 prohibits the transfer or sale of subdivided lands prior to the approval of a plat thereof by the County Commissioners, and

WHEREAS C.R.S. Section 30-28-133 *inter alia* establishes substantial requirements which must be considered by the County and met by the Sub divider prior to permitting the subdivision of land, pursuant to which Conejos County has adopted comprehensive subdivision regulations, and

WHEREAS C.R.S. § 30-28-101 (10)(d) recognizes that certain divisions of land may be permitted where application of the strict requirements of Article 28 of Title 30 would not serve the county planning purposes of the statutorily required subdivision regulations, and

WHEREAS pursuant to C.R.S. 30-28-110(10)(d) Conejos County has adopted rules and regulations to permit the exempt subdivision of land and has codified the same at Article 10.7 et seq of the Conejos County Subdivision Regulations, and

WHEREAS pursuant to Article 10.7 of the Conejos County Subdivision Regulations, owners, **HANS ERIK CHRISTENSEN & REBECCA RODRIGUEZ CHRISTENSEN**, prepared and applied for a division of a tract of land described as follows:

30.925 acres ± Being a Division of Tract 2 of the Laura Martinez Division of Land Situated in a Fraction of the South Half South Half of the Northwest Quarter of Section 32, Township 34 North, Range 9 East, New Mexico Principal Meridian, Conejos County Colorado.

The Division of 30.925 acres ± will create the following:

Tract 2A containing 10.000 acres ±
Tract 2B containing 20.925 acres ±

Such tract and proposed division is further described in the property survey thereof entitled as **HANS CHRISTENSEN DIVISION OF LAND** incorporated herein by reference, and

WHEREAS the Conejos County Land Use Administrator conducted a review of the application in accordance with Section 3.220 of the Conejos County Land Use Code and found that, the proposed Division of Land does meet the threshold criteria of Article 10.7.

WHEREAS the Conejos County Land Use Administrator and County Surveyor conducted a final review of the application and surveyed plat and considered the evidence submitted by the applicant and all interested parties, and weighed the evidence against the criteria of Article 10.7 as follows:

Section 10.7 (D) 1 This Division of Land is consistent with the intent of the zone district the exemption is located within.

Section 10.7 (D) 2 The Division of Land is consistent with the policies and goals of the Comprehensive Plan.

Section 10.7 (D) 3 The Division of Land will not create a lot less than the minimum lot size allowable in the zone district.

Section 10.7 (D) 4 The Division of Land is not part of a parcel which has been divided through an exemption process in the previous ten years beginning with the adoption date (06/02/05) of this code and is not part of a Commercial or Industrial Zone District.

Section 10.7 (D) 5 The lots created through this Division of Land shall be served by water and wastewater systems that have the legal and physical capacity to serve them in compliance with this code and state and federal laws.

Section 10.7 (D) 6 The parcel boundaries and development are suitably located and sized with respect to the physical characteristics of the land the character of the neighborhood.

Section 10.7 (D) 7 The location and size of the lots minimize adverse impacts on streams, areas subject to flooding, drainage, geologic hazards, lakes, high ground water areas, topography, vegetative cover, climatologic, and other environmental features.

Section 10.7 (D) 8 The lots created have an access or can make an access available that provides safe ingress and egress to a public road.

Section 10.7 (D) 9 The lots created will require that the landowner apply for a County issued address for any new residential or commercial lot.

WHEREAS The Board of Conejos County Commissioners find that this Division of Land is not a "subdivision," or "subdivided land" as defined in Section 30-28-101(10)(a), C.R.S..

THEREFORE, BE IT RESOLVED by the Conejos County Board of County Commissioners that the findings and recommendations of the Conejos County Land Use Administrator are hereby adopted. The subdivision exemption application for the HANS CHRISTENSEN DIVISION OF LAND is subject to the following conditions:

- 1) The subject parcels will not be eligible for re-subdivision through a Division of Land/Subdivision Exemption process for a ten (10) year period from the date this process was approved (08/04/2022).
- 2) Any further attempt at division or re-subdivision of the property subject of this resolution may be subject to a complete review under the Conejos County Subdivision Regulations as they now exist or may be amended.
- 3) Construction on any parcel created by this division is subject to all requirements now in effect or which county, state or federal law may establish. Approval of this division is based on the information provided to the county at the time of the division. It is the responsibility of the landowner to obtain all permits, which are or may be required, for any activity conducted on the parcels created by this division. Any such permit request may be subject to a site-specific review, conditional approval, or denial pursuant to the applicable law, regulation, or statute in effect at the time of the application.

BE IT FURTHER RESOLVED that pursuant to § 30-28-110(10) (d) the subdivision plat is hereby approved and may be filed for record.

Motion to approve Hans Christensen Division of Land as presented.

Comm. Baroz makes first motion.

Comm. Jarvies seconds that motion.

Motion Carries 2-0

Linda and Land Use are working on a Address Situation on the Shawcroft properties on Highway 285, Road is private and discussions regarding the road are underway.

Road and Bridge CDOT Physical Policy Change.

- Policy would require for all Road and Bridge employees that need a CDOT physical to first go to the ROMP Clinic in Alamosa.
- If the employee would like a second opinion from the ROMP clinic, then they can visit the Doctor that they choose.
- Both the ROMP and Second Visit will be covered by the County.

Motion made to adopt the new CDOT physical or fitness for duty procedure as presented.


Comm. Baroz makes first motion.

Comm. Jarvies seconds that motion.

Motion Carries 2-0

Meeting Adjourned

ATTEST:


Nathan Ruybal
Clerk of the Board


Mitchell Jarvies
Chair of BOCC