

Joint Meeting of the Planning Commission, Board of County Commissioner and Board of Zoning Adjustment

March 9, 2010
Custer County Courthouse
Westcliffe, Colorado

Present:

Board of County Commissioners: Lynn Attebery Chairman, Jim Austin Vice Chairman

Absent: Carole Custer Commissioner

Planning Commission: Vic Barnes, Pat Bailey, Sherry Rorick, Rod Coker, Bill Donley and Paul Buckles

Associate Members: Ken Lankford, Dale Mullen and Cindy Howard

County Attorney John Naylor

Staff: Jackie Hobby

Absent: Keith Hood, Roger Camper, Dorothy Nepa and Brad Stam

The meeting was called to order at 1:04 P.M. by VIC BARNES Planning Commission Chairman.

Pledge;

KEN LANKFORD: was seated on the Planning Commission in KEITH HOOD'S absence.

BARNES: JACKIE will give the zoning report.

HOBBY: ELIZABETH FRENCH is going through all the files in the Zoning office to make sure that they are complete and pulling the ones that are missing something. CHUCK IPPOLITO has new programs up and running for processing permits.

DONLEY: Do you have a list on all the new Zoning permits?

HOBBY: We are in the process of redoing the graph with all the Zoning permits on them and will have an update for the April meeting.

BARNES: We have one agenda item today, a vacation of parcel lines and replat. I need to make one change in the packets. It stated this was a presentation and in fact it is a hearing.

BARNES: read the applicants statement "*This area was originally platted into 22 lots, roads and open space. Since 1977 it has been determined that this high of density is impractical this replat reduces density to 6 parcels. It also reconfigures portions of originally platted roads and open space to more practical locations to protect natural assets including forested areas and riparian corridors.*

BARNES: JACKIE have adjoining property owners been identified?

HOBBY: Yes, 6 adjoining property owners were notified with one response from a KENNETH WOOL and stated that he had no objections.

BARNES: KIT SHY will represent the applicants.

SHY: My name for the record is KIT SHY at 590 Hermit Road and I am representing STERMERS and RUSK'S on a vacation and replat on a portion of the Pine Ranch. The history

goes back a long ways, in 1973 a PUD that included Pines Village, Spread Eagle Pines and Spread Eagle Springs. There was a separation made and Pines Village became a separate entity with change of ownership. Pines Village was originally platted into very small lots. The area that we are concentrating on is the Northern section of the Pines Village, which was as mentioned platted into twenty- two lots. There were five lots that were actually sold. One contains the Historical Firmont house. Those lots are not included in this application. Their access and access to the utilities and open space remains intact. The open space has been reconfigured and the roads that have historically been used that did not exactly line up with the original plat. We have honored those roads. Some utilities have been installed this is one of the few PUDS that has a central water system. We have also provided access for the historical CUSACK cemetery. We have Title Commitments on everything. We have established the ownership in an LLC which include the STERMERS and 2 lots that are owned individually by the RUSKS. We received a letter from the COLORADO MOUNTAIN BANK with their permission to go forward as long as the bank maintains its preferred lien status. I will read the letter and submit the letter to the record. *"The reference individual has notified the bank of his intention to replat a portion of the Pines Village. This includes the replatting of the referenced lots and the intent to vacate the lot line subdividing the two parcels. The bank understands this replat will create one new lot to be referenced as Lot 22A. The bank is desirous in working with Mr. Rusk in this contemplation. To that end we are agreeable to provide you with the bank signatures to assist in this matter, as long as Colorado Mountain Bank maintains its preferred lien status"*

Signed by:

ROY GILLMORE President.

We will need to provide an encumbrance to reflect this change in legal description. Approval would be based on this paper work being filed with the Plat. This is not an increase in density, it is a decrease. We have provided roads to all parcels and open space.

BARNES: Thank you KIT, any questions from the Planning Commission?

RORICK: Yes, so these parcels will be for sale?

SHY: Yes.

RORICK: Were going from how many lots down to how many? How many acres?

SHY: The acreage remains the same, but the lot size goes from below two acres to slightly above two to three acres. We have taken some of the original lots and incorporated them into the open space and took one of the original lots and incorporated it into some of the open space.

BARNES: We have a before and after map here on the table and one was included in your packet.

BARNES: Any questions from the audience?

No reply.

BARNES: Any questions from the County Commissioners?

COMMISSIONER AUSTIN: Kit you could probably show me this by stepping over here show me the hard line versus the dashed line on the map.

SHY: Chairman, may I approach?

BARNES: Yes

SHY: Approaches County Commissioner AUSTIN and explains the solid lines and the dashes on the plat map.

DEAN RUSK: I would like to say that this was originally nineteen home sites and now will be six home sites.

SHY; I might not have been real clear on the historical cemetery. The RUSKS have been very gracious to allow people access. Now with language the new plat provides access to the CUSACK cemetery.

DONLEY: Made a motion to recommend the Board of County Commissioners to approve the vacation of parcel lines and replat of the Pine Village with the condition that the proper paper work be submitted for lot 22A and be recorded before the new plat is recorded.

BAILEY: Seconded the motion.

REASONS:

RORICK: Yes, it is a decrease in density for a very confined area.

COKER: Yes, decrease in density, attempt to maintain the scenic beauty of the area.

BAILEY: Yes, reduction of density and the way they have it platted it maintains the environment around Pines Ranch.

DONLEY: Yes, decrease in density.

BUCKLES: Yes, decrease in density and addressing water issues that could become a problem.

LANKFORD: Yes, decrease in density.

BARNES: Yes, for all the reasons that have been stated.

Motion passed unanimously.

BARNES: Motion passed, Commissioners.

COMMISSIONER ATTEBERY: Make a motion that we accept the recommendation of the Planning Commission.

COMMISSIONER AUSTIN: Seconded the motion.

Motion passed unanimously.

REASONS:

COMMISSIONER ATTEBERY: I agree with the Planning Commission it's a decrease in density which played a major role in this. It also addresses the historical issues with this property.

COMMISSIONER AUSTIN: Yes, it's always nice to see a reduction in density county wide. Those are major steps in the right direction and the water issue is addressed also. With the plat redrawn with all the easements and open space it really looks nice. We wish we could address these things more often.

BARNES: In other business I would like to give a quick briefing on where we stand with the Master Plan and Subdivision Regulations. The Master Plan is essentially done. We have a little work left on the Supporting document and then we would like to present it to the County Commissioners for their comments. Then after that we will move forward to having a public hearing on the Master Plan and Supporting Document. Concerning the Subdivision Regulations this has been a long process and we have submitted the document for legal review and have comments from the County Attorney and County Surveyor. We have two

workshops scheduled for review of the comments that we received. March 30, 2010 and April 13, 2010 from 2:00 P.M. to 4:00 P.M.

HOBBY: April 6, 2010 the Planning Commission will meet for a presentation of a Special Use Permit modification and County Surveyor KIT SHY will present a couple scenarios concerning the survey between the boundary lines of the Zones.

SHY: The County Commissioners asked me about a year ago to write a description of the Boundary lines between the Zones. I will present a couple scenarios before you and a hearing will be held in May 11, 2010.

HOBBY: Also please plan on a site tour to Painted View Ranch on April 1, 2010.

DONLEY: Moved to adjourn the meeting.

COKER: Seconded the motion.

Meeting adjourned at 1:46 P.M.