

Joint meeting of the Planning Commission, Board of County Commissioners and Board of
Zoning Adjustment

November 7, 2002
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery Mr. Pat Bailey Mr. Victor Barnes Mr. Alden Gray Mr. Keith Hood
Ms. Sherry Rorick

Board of Zoning Adjustment:

Mr. Rob Canterbury Mr. Bill Donley Ms. Dorothy Nepa Mr. Art Solomon

Associate Members:

Mr. Jim Austin Ms. Robyn Canda Mr. Skip Northcross Mr. Gary Roberts Mr. Selby Young

County Commissioners and Attorney:

Mr. Dick Downey Mr. Larry Handy Mr. Dale Hoag Mr. John Naylor

Staff:

Mr. Linc Lippincott Mr. Dan Bubis

Absent:

Mr. John Campbell Mr. Pete LoPresti Ms. Christy Kesselring

The meeting was called to order at 1:01 P.M. by LINC LIPPINCOTT, Moderator.

LIPPINCOTT called for approval of the October 2002 minutes. BARNES MOVED and BAILEY SECONDED. The motion passed unanimously.

ZONING OFFICE REPORT

- PUD Density resolution still needs to be created and adopted by the Board of County Commissioners. County Attorney John Naylor has received a copy of how the new section will read and is writing the resolution.
- The terms of Board of Zoning Adjustment member Art Solomon and Planning Commission member Keith Hood expire in January. All Associate member's term will also expire in January. Any members seeking re-appointment must submit a letter of intent. Appointments will be made by the Commissioners in the middle of January.
- 1 ISDS was issued during October for Watson.

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Office Summary

October

25 Septic inspections, Site reviews, or Violation reviews
2 Violation reviews
0 Homeowner Septic installation test
0 Septic Contractor test
22 Special conferences

Permits issued:	<u>2001</u>	<u>2002</u>
Septic	12	6
Zoning	23	21

LIPPINCOTT turned the meeting over to the Planning Commission.

DAVID BOYER and DAVID & MARY BOYER CHARITABLE REMAINDER TRUST / SEIFERT
CONSTRUCTION / SPECIAL USE PERMIT for a GRAVEL PIT

Property description: 160 acres of 3,800 acres located in portions of the West ½ of Section 5 and the East ½ of Section 6, T 24 S, R 71 W

Schedule number: 100-16-702

This item was initially presented at the September meeting and the Hearing was in October. All public comment was presented at the October Hearing and then the hearing was then closed. Seifert and his representative, Joe Gagliano, were present. The Planning Commission met to discuss conditions, terms, and restrictions on October 14th. The conditions that the Planning Commission arrived at were:

1. Special Use Permit will be issued when proof that all applicable State and Federal permits have been obtained. A current copy of these permits will be kept on file in the Planning and Zoning Office.
2. A written and signed agreement with the Custer County Road and Bridge Department detailing obligations and responsibilities will be kept on file in the Planning and Zoning Office.
3. The County will accept the State approved reclamation plan.
4. If evidence is provided that the State has approved the site specific performance bond, the County will waive its bond requirement.
5. Dust Mitigation:
 - a. Dust on public dirt roads shall be minimize utilizing methods approved by the Road and Bridge Supervisor.
 - b. Dust suppressants will be used during crushing and excavation at the gravel pit, if dust becomes a public nuisance.
6. Parking will be contained within the active work area and not on the County Road rights-of-way.
7. The pit will be open only from sunrise to sunset, Monday through Saturday, unless written prior approval from the Board of County Commissioners is granted. A copy of this written approval will be kept on file in the Planning and Zoning Office.
8. The owner and/or applicant will notify the Planning and Zoning Office within thirty (30) days, if the

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lessee changes, if operations are abandoned, or if there is a change in operations. A Modification of the Special Use Permit will not be required for minor changes such as a Technical Revision.

9. The crushing time will last no more than ninety (90) days each calendar year.
10. Water issues:
 - a. Water usage shall be in accordance with the rules promulgated by the State of Colorado Water Engineer, and adhered to for any applications involving water usage. The State approved plan will be kept on file with the Planning and Zoning Office.
 - b. If water is used for dust mitigation/suppression, the water shall come from a "legal" source.
11. The applicant and lessee will comply with all applicable Federal, State, and County Regulations.
12. The permit will be reviewed in two (2) years or upon receipt of a written complaint.
13. Suspension of gravel pit traffic may occur due to road conditions. This suspension may be voluntary from the permittee/lessee, or mandated by the County with twenty-four (24) hour notification.
14. The 10 acre section that is active shall not have more than 5 acres being excavated at one time and the remainder shall be in the process of being reclaimed as requested by the Division of Wildlife.
15. Structures
 - a. There shall be no permanent structures.
 - b. One portable structure will be allowed with a maximum size of 144 square feet and a maximum height of 10 feet. One temporary structure, which shall not exceed the dimensions of 24 feet by 48 feet, and shall comply with the County height requirements shall be allowed.
 - c. A licensed van trailer shall be allowed for storage of items such as lubricants, oils and other hazardous material.
 - d. Adequate sanitation facilities shall be on-site.
 - e. The maximum height of temporary structures such as batch plants shall be less than 30 feet.
16. No excavating shall be done within 100 feet of the highway right of way.
17. The cost of any highway access improvements required by the State shall be borne by the permittee/lessee.

HOOD MOVED to recommend that the Board of County Commissioners APPROVE the Special Use Permit with the specified conditions including the corrections made today. GRAY SECONDED and the motion passed unanimously. HANDY MOVED to accept the recommendation of the Planning Commission to APPROVE the Special Use Permit for a gravel pit on the Boyer property. DOWNEY SECONDED and the motion passed unanimously.

**DOUGLAS L. CAIN and THERESA A. CAIN / REQUEST FOR A SUBDIVISION REGULATION
WAIVER**

Property description: A TRACT IN THE MONTGOMERY/JAGOW TRACTS DESCRIBED AS TRACT IN W2 SEC 36 46 12 DESCRIBED IN BOOK 206 PAGE 231-232 LESS TR DESCRIBE IN BOOK 196 PAGE 331 LESS TRACT DESCRIBED IN BOOK 206 PAGE 362-363

Schedule number: 101-34-050

Cain was present to explain his request and to explain the history of the parcel including all the correction deeds issued. Cain explained that one piece of the original parcel was sold off in 1970 and the resultant lot has a dwelling and well on it. A small piece was sold in 1984 and incorporated into another lot. Thus the piece that he was asking for a subdivision regulation waiver for, was still the lot created in 1964.

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BAILEY MOVED to recommend to the Board of County Commissioners, that upon review of the deed sequence, the lot be recognized as having been created prior to Senate Bill 35 and therefore a waiver is unnecessary. BARNES SECONDED and the motion passed with HOOD abstaining. HOOD abstained because he did not believe that the lot clearly qualified as pre-zoning. DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission and thereby recognize the lot as having been created prior to the adoption of the Subdivision Regulations. HANDY SECONDED and the motion passed unanimously.

The next Site Tour is December 5, 2002

The next meeting is December 10, 2002

The meeting adjourned at 2:13 P.M.

Submitted by,

Daniel S. Bubis
Secretary