

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

October 2, 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. Pete LoPresti        Mr. Art Solomon

Associate Members:

Mr. Jim Austin            Mr. John Campbell        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            Ms. Christy Kesselring

Absent:

Ms. Robyn Canda

The meeting was called to order at 1:00 P.M. by LINC LIPPINCOTT, Moderator.

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

ZONING OFFICE REPORT

**Office Summary**

September

24	Septic inspections, Site reviews, or Violation reviews
8	Violation reviews
1	Homeowner Septic installation test
1	Septic Contractor test
31	Special conferences

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Permits issued:	<u>2001</u>	<u>2002</u>
Septic	17	13
Zoning	30	25

Summary to Date

Revenue:	<u>2001</u>	<u>2002</u>
Septic Permits	\$ 16,925.00	\$ 20,200.00
Zoning Permits	\$ 67,223.28	\$106,487.58
Use Tax	\$ 21,398.48	\$ 26,404.93
Total Income	\$116,820.60	\$161,553.78

- Issued letter on behalf of the Commissioners supporting the grant request from the Community Trail Committee. They are planning a trail system that will connect the parks and the school.
- Lippincott attended the Colorado Mitigation and Wildfire Conference.

LIPPINCOTT turned the meeting over to the Planning Commission.

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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. Jerry Seifert was present and appointed Kit Shy and Joe Gagliano to speak on his behalf. Gagliano explained that the Army Corps of Engineers had inspected the property and had determined that there were no wetlands present. The Division of Wildlife had performed a wildlife review. Gagliano submitted documentation from both entities.

There was input from many members of the audience including: Jim Gerler who represented Wolf Springs Ranch, John Dunn, Charles Tomsick, John Potts, Leslie Banks, Ron Fultz, Jayln Fultz, Marion Taylor, Sue Allegreza, Jane Houseman, Ronald Bradhoff, Lisa Frank, Jim Canyon, William Brown and Paul Snyder. Issues that were brought up included: a bond, traffic, contamination of water and air, noise, scope of project and need. BAILEY MOVED to TABLE the decision until the November meeting and hold a workshop before then. The hearing is continued. BARNES SECONDED and the motion failed with Barnes and Bailey voting in FAVOR and Attebery, Gray, Hood, and Rorick voting OPPOSED. Then BAILEY MOVED to TABLE the decision until the November meeting and hold a workshop before then. The hearing is closed. BARNES SECONDED and the motion passed unanimously by roll call vote. The public testimony on this issue is closed even though the decision by the Planning Commission is pending. The Board of County Commissioners will act on the Planning Commission's recommendation at another public meeting.

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H. RUHL, JR. / MULTI-DWELLING VARIANCE

Property description: Fox Parcels, Lot 4. A.k.a. 245 Fox Trail

Schedule number: 101-87-166

Ruhl was present to explain his request. He stated that his parcel is allowed by the covenants to have a secondary dwelling and after purchase he discovered that the Zoning Resolution was more restrictive. He explained that he would like to build a small house for his own use and a second dwelling for use as a guest house. It was explained to Ruhl that if the second house did not contain a kitchen, it would not be classified as a dwelling, or if the structures were connected, thus making them 1 structure, he wouldn't need the variance.

Ruhl agreed to connect the planned structures and after a discussion on whether any action was necessary by the Board, SOLOMON MOVED to DENY the request based on the Zoning Resolution. NEPA SECONDED and the motion passed unanimously by roll call vote.

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NEAL MARRS / LESTER C. MARRS / VARIANCE FOR A PRE-HUD MOBILE HOME

Property description: W2SE4SE4 & ALL THAT PART OF SE4SW4 LYING N & E OF CO RD 319 SEC 6-23-71 & SW4SE4 LESS TR CONT 8.43 AC DESCRIBED IN BOOK 181 P 37; TR IN NE4NE4 SEC 7-23-71 DESCRIBED IN BOOK 179 P 489 CONT 497 ACRES M/L

Schedule number: 101-34-050

Neal MARRS was present to explain his request. He wanted to place a mobile home that he owns on his uncle's property. The mobile home was manufactured prior to 1977 and the Zoning Resolution disallows these structures. The Boards discussed whether this would improve the living conditions for Lester and issues of water, sanitation, and safety with Neal. NEPA MOVED to DENY the request because of fire and safety concerns and because granting this request would aggravate an already bad situation. SOLOMON SECONDED. After some discussion, NEPA and SOLOMON agreed to withdraw the motion and second. NEPA MOVED to TABLE the request in order to meet with the social worker and come up with another solution. SOLOMON SECONDED and after some further discussion NEPA and SOLOMON agreed to withdraw the motion and second. LOPRESTI MOVED to APPROVE the request in order to improve Lester's living conditions with the following conditions: 1) when Lester no longer occupies the trailer, it shall be removed within 120 days of that occurrence. 2) it shall be inspected by the fire marshal for fire safety. 3) when water or electricity are installed, they need to be inspected by the state inspector. CANTERBURY SECONDED and the motion FAILED with Canterbury, Donley and LoPresti voting in FAVOR and Nepa and Solomon voting OPPOSED.

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CHARLES S. and DOROTHY R. BOGLE / LOT LINE ADJUSTMENT

Property description: Eastcliffe 4, Lots 124 and 125

Schedule number: 100-85-600

Bogle was present to present to explain his request and to answer questions from the Board. Bogle explained that a previous owner had installed a septic system and drilled a well on either side of the common property line. He also explained that the Planning and Zoning Office would not issue a zoning permit to build because setbacks could not be met if the common lot line remained. The option of vacating the line lot was discussed and Bogle stated that he might want to build a guest house and if he vacated the lot line that would not be allowed and he would lose the ability to drill a well for the guest house. BARNES MOVED to recommend APPROVAL to the Board of County Commissioners with the following conditions: 1) the new lot is surveyed. 2) the new lots are known as 124A and 125A. 3) A plat be created and filed. HOOD SECONDED and the motion passed unanimously. DOWNEY MOVED to reject the Planning Commission's recommendation to approve the lot line adjustment. HANDY SECONDED and the motion to reject the Planning Commission's recommendation passed with Handy and Downey voting in FAVOR and Hoag voting OPPOSED.

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ZONING RESOLUTION REVISION / PUD DENSITY CHANGE

After public input and discussion the Planning Commission changed item 4 of Recommendation for Amendment to the 2002 Zoning Resolution. Item four was changed from: "4) Mixed Use will be negotiated with the Planning Commission, and each acre in the PUD will be used to calculate a specific use. For example, in an 80 acre PUD after subtracting the land devoted to open space, roads and easements, there might be 37 developable acres. If any of those acres were used to calculate single family residential, they would be subtracted from commercial/retail or light industrial use calculations." and will now read "4) Mixed Use will be negotiated with the Planning Commission, and each acre in the PUD will be used to calculate a specific use. If any acre of land is used to calculate a given use, it would be subtracted from other use calculations."

HOOD MOVED to recommend that the Board of County Commissioners adopt the amendment to the zoning resolution. BAILEY SECONDED and the motion passed unanimously. HANDY MOVED to accept the recommendation of the Planning Commission and to adopt a Resolution that adopts these changes and moves item 5 to item 1 and renumbers the subsequent lines. DOWNEY SECONDED and the motion passed unanimously. Section 11.3 C will now read as follows:

C. Density: The purpose is to retain a minimum of 50% of the parcel in agricultural production or Open Space, while allowing for small lot home site development or mixed use development.

1) The Planning Commission recognizes that density standards apply, but may be exceeded or reduced based on an approved PUD Plan, which mitigates significant adverse impacts.

2) The number of Single-family residential structures allowed will be based on the percentage of land perpetually dedicated to Open Space and to provide an incentive for clustering and other creative designs. The guidelines are established in the following table:

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	Percentage of Open Space	Density Standard (Dwelling Unit/Acre)
Zone I	50%	4/80
	60%	6/80
	70%	8/80
	75%+	10/80
Zone II	50%	5/35
	60%	7/35
	70%+	10/35
Zone III	50%	2/10
	60%+	4/10
Zone IV	50%+	2/5

3) Light Industrial structures shall be no more than a 20,000 square foot per acre footprint per remaining developable acreage.

4) Commercial/Retail structures shall be no more than a 10,000 square foot per acre footprint per remaining developable acreage.

5) Mixed Use will be negotiated with the Planning Commission, and each acre in the PUD will be used to calculate a specific use. If any acre of land is used to calculate a given use, it would be subtracted from other use calculations.

The next Site Tour is October 31, 2002

The next meeting is November 7, 2002

The Board of Zoning Adjustment adjourned at 5:02 P.M.

The Planning Commission and Board of County Commissioners meeting adjourned at 6:20 P.M.

Submitted by,

Daniel S. Bubis  
Secretary