

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

September 4, 2002
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

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 Mr. Art Solomon

Associate Members:

Mr. Jim Austin Mr. John Campbell Mr. Skip Northcross 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:

Mr. Lynn Attebery Ms. Robyn Canda Ms. Dorothy Nepa Mr. Pete LoPresti
Mr. Gary Roberts

The meeting was called to order at 1:03 P.M. by LINC LIPPINCOTT, Moderator.

NORTHCROSS filled the seat on the Planning Commission that was left vacant by the absence of ATTEBERY and CAMPBELL and YOUNG filled the Board of Zoning Adjustment seats left vacant by the absences of NEPA and LOPRESTI.

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

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ZONING OFFICE REPORT

- 3 I.S.D.S. Variances were issued in June: Rossman, Shepard, Garcia.
- 3 I.S.D.S. Variances were issued in July: Hanson, Seifert for Camp, Kerstiens.
- 2 I.S.D.S. Variances were issued in June: Honomichl, Crepeau.

Office Summary

June

23 Septic inspections, Site reviews, or Violation reviews
4 Violation reviews
1 Homeowner Septic installation test
0 Septic Contractor test
22 Special conferences

| | | |
|-----------------|-------------|-------------|
| Permits issued: | <u>2001</u> | <u>2002</u> |
| Septic | 19 | 35 |
| Zoning | 9 | 27 |

July

26 Septic inspections, Site reviews, or Violation reviews
1 Violation reviews
0 Homeowner Septic installation test
2 Septic Contractor test
16 Special conferences

| | | |
|-----------------|-------------|-------------|
| Permits issued: | <u>2001</u> | <u>2002</u> |
| Septic | 21 | 25 |
| Zoning | 35 | 40 |

Aug

23 Septic inspections, Site reviews, or Violation reviews
18 Violation reviews
1 Homeowner Septic installation test
0 Septic Contractor test
41 Special conferences

| | | |
|-----------------|-------------|-------------|
| Permits issued: | <u>2001</u> | <u>2002</u> |
| Septic | 10 | 12 |
| Zoning | 22 | 32 |

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Summary to Date

| Revenue: | <u>2001</u> | <u>2002</u> |
|----------------|--------------|--------------|
| Septic Permits | \$ 14,100.00 | \$ 17,975.00 |
| Zoning Permits | \$ 59,268.95 | \$ 98,136.18 |
| Use Tax | \$ 18,426.00 | \$ 25,090.11 |
| Total Income | \$103,320.99 | \$148,958.41 |

- The office inspected a septic system designed by an engineer and later found that the engineer's license was not current.
- Financially, as of the end of May, we have generated a little over \$89,000.00 vs about \$60,000.00 the last three years.
- Jim Carthel, who built a garage in San Isabel too close to the property line, has dropped his appeal to court. He has been told to reapply with the Board of Zoning Adjustment.
- On next month's agenda is the proposed Zoning Resolution change which alters the allowed density in a PUD. A Copy of the Planning Commission's recommendation is available in the office or on the web site.
- Wildfires Mitigation Conference - Lippincott will attend the annual wildfire mitigation conference as the representative of the County.
- Colorado Geological Survey has completed a study of the county and submitted the results to the office on CD-rom. The CD contains maps depicting oil, gas, coal, metal and mineral deposits. All maps are in Adobe Acrobat format and therefore don't integrate into the GIS.
- At the request of the commissioners, the office will compose a letter to the Colorado Department of Public Health and Environment (CDPHE) regarding the possibility of obtaining financial assistance for feasibility studies for a wastewater treatment plant. CDPHE has been resistant to help fund another project because the San Isabel project has not been completed.

LIPPINCOTT turned the meeting over to the Planning Commission.

MUSIC MEADOW RANCH, LLC. / MULLETT'S EXCAVATING, LLC. / CONDITIONAL USE PERMIT

Property description: 10 acres of 3,800 acres located in Section 16, T 24 S, R 72 W

Schedule number: 101-58-001

This item was heard at the April, May and June meetings as a Special Use Permit. On advice of counsel, this item will be re-heard under the Zoning Resolution in place at the time of the filing of the application. The Zoning Resolution stated that gravel pits were a conditional use.

After much discussion, including input from the public who were present, BARNES MOVED to recommend that the Board of County Commissioners approve the request with the conditions as amended. Those conditions are listed below. GRAY SECONDED the motion and the motion passed unanimously by role call vote. HANDY MOVED to ACCEPT the recommendation of the Planning Commission to approve the Conditional Use permit for a gravel pit. DOWNEY SECONDED and the motion passed unanimously.

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Gravel Pit Conditions of Approval:

1. Conditional Use Permit will not be issued until proof that all applicable State and Federal permits have been obtained and County conditions 1 through 4 have been met. A copy of these permits will be kept on file in the Planning and Zoning Office.
2. A written and signed agreement, with the Forest Service and/or Custer County on standards of maintenance and use of County Road 119, will be kept on file in the Planning and Zoning Office.
3. The County will accept the State approved reclamation plan.
4. Provide evidence that the State has approved the site specific performance bond, and the County will waive its bond requirement.
5. Dust Mitigation:
 - a. Minimize dust on public dirt roads by working with Road and Bridge Department to apply Magnesium Chloride.
 - b. Dust suppressants will be used during crushing and excavation at the gravel pit, if dust becomes a public nuisance.
6. The project area will be “developed in stages”. The pit should last approximately 3 to 5 years. Expanding the original rock area will require a Conditional Use Permit Modification.
7. All parking will be contained within Music Meadows Ranch’s fenced property area.
8. The pit will be open only during daylight hours. No operation will be conducted Sundays. No hauling on weekends from Memorial Day to Labor Day.
9. The crushing time will last no more than thirty (30) days each calendar year.
10. Water issues:
 - a. Water rights usage will be properly obtained from the State of Colorado Water Commission, and adhered to for any applications involving water usage. The State approved plan will be 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. Review in two (2) years or upon receipt of a written complaint.
13. The pit area will be fenced with, at a minimum, a “lawful fence” as defined by C.R.S. 35-46-101, dated 2001. This is considered a well-constructed, three barbed wire fence with substantial posts set approximately twenty (20) feet apart.
14. Road Maintenance:
 - a. The permittee agrees to pay the cost for the chemical Magnesium Chloride to be annually applied near the residences as outlined in 14.c below. The permittee will pay the cost for the Magnesium Chloride application for the first three years that the pit is in operation. At the end of three years, provided the pit is an on-going operation, the Custer County Road and Bridge Department will take over this maintenance.
 - b. Custer County will be responsible for appropriate roadway signage.
 - c. Magnesium Chloride will be applied to the following areas:
 - On CR 119 from the end of the chip seal heading south for 8/10 of a mile.
 - On CR 130 for 1500 feet on either side of the residences.
 - Additional areas and distances may be added at the discretion of the Road and Bridge Department Head.
 - d. 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.
15. Music Meadows Ranch, LLC will notify the Planning and Zoning Office within thirty (30) days, if the lessee changes, if operations are abandoned, or if there is a change in operations.

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

Property description: Approximately 140 acres located in the West ½ of Section 5 the East ½ of Section 6,
T 24S, R 71W.

Property address:

Schedule Number: 100-16-702

This was the initial presentation, by the applicant, concerning their request for a gravel pit which
will be a 112 type permit. The public hearing is scheduled for October 2, 2002. Jerry Seifert was present
and was assisted by Kit Shy and Joe Gagliano.

The Planning Commission informed Seifert that he needed to be prepared to address certain issues
during the hearing, but that the Planning Commission understood the Wildlife Review will be part of the
State requirements. No action was taken.

The next Site Tour is September 26, 2002

The next meeting is October 2, 2002

The meeting adjourned at 3:40 P.M.

Submitted by,

Daniel S. Bubis
Secretary