

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

August 12, 2003
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery Mr. Pat Bailey Mr. John Campbell Mr. Keith Hood
Ms. Sherry Rorick

Board of Zoning Adjustment:

Mr. Bill Donley Mr. Rob Canterbury Ms. Dorothy Nepa Mr. Skip Northcross

Associate Members:

Mr. David Bartholomew Ms. Renee Bolkema Mr. Gerard Dearborn

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. Vic Barnes Mr. David Harmon Mr. Pete LoPresti

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

BARTHOLOMEW filled the Planning Commission seat left vacant by the absence of BARNES. BOLKEMA filled the Board of Zoning Adjustment seat left vacant by the absence of LoPRESTI.

LIPPINCOTT called for approval of the July 2003 minutes. ATTEBERY MOVED to approve the minutes. BAILEY SECONDED and the motion passed unanimously.

ZONING OFFICE REPORT

- 3-I.S.D.S. Variances for Chemical/Portable Toilets were granted to Zdenek, Koons, and Shelton.

Office Summary

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July 2003

- 12 Septic inspections, Site reviews, or Violation reviews
- 3 Violation reviews
- 0 Homeowner Septic installation test
- 0 Septic Contractor test
- 15 Special conferences
- 10 Compliance Inspections

Permits issued:	<u>2002</u>	<u>2003</u>
Septic	25	9
Zoning	40	29

LIPPINCOTT explained that the Subdivision Regulation review and re-write is nearing completion and that the next workshop will be on September 9th at 10:00. The latest revision will be presented to the Board of County Commissioners.

LIPPINCOTT turned the meeting over to the Planning Commission and Board of Zoning Adjustment.

SKY PEAK PARTNERS, INC. / ROGER CAMPER / SUBDIVISION SKETCH PLAN

Property description: TWO PARCELS OF LAND IN SECTION 20, TOWNSHIP 22 SOUTH, RANGE 72 WEST FORMERLY KNOWN AS the GEROUX PARCEL NORTH and the GEROUX PARCEL SOUTH.

Schedule number:101-73-800, 101-73-850

Kit Shy and Camper were present to present the request and answer questions. They explained that the request is to subdivide the 74.02 acres into 14 lots, each about 5 acres in size. The property is just south of Westcliffe and west of Hwy 69.

The houses allowed would be single story or single story over a walk-out basement. All houses would be site built and manufactured homes would not be permitted. Camper said that he would build all the houses in the subdivision. The maximum building envelope allowed would be 10,000 feet.

Soil observation holes were dug 11 feet deep in order to calculate the percolation rate and to determine the suitability of the soil for septic systems. The letter from the engineer stated that the individual septic systems would not contaminate Round Mountain's well.

Bob Senderhauf spoke as a board member for Upper Ark Water Conservancy District. UAWCD has been pursuing an augmentation plan in conjunction with the County and RMWSD. The augmentation plan and storage plans still need to go through water court. UAWCD intends to supply the water for this proposed subdivision after the water rights have been obtained and decreed.

Roads in the subdivision would be built to County specifications: 24 foot surface, gravel, 60 foot easement. Roads accessing the property would be built to the Town specifications.

BAILEY MOVED to recommend that the Board of County Commissioners APPROVE the Sketch Plan as presented and hoped that the stated concerns - water, sanitation, and dust mitigation on the roads would be addressed in the Preliminary Plan. RORICK SECONDED and the motion passed unanimously by role call vote. The Board members explained why they voted as they did. Rorick stated that she appreciated the lower density aspect of the proposed subdivision. Campbell concurred but expressed concern over the water and sanitation issues. Hood stated that he felt that this was a workable plan and would like to see the

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problems already discussed dealt with at the next phase. Bartholomew agreed and liked the 60 foot easements. Attebery stated the location was good for this type of development and saw that they were working towards a solution to the potential problems.

HANDY MOVED to ACCEPT the recommendation of the Planning Commission to APPROVE the Sketch plan for Shining Mountain Estates. DOWNEY SECONDED and the motion passed unanimously.

DAVIN HAMMOND / PUD WAIVER / SETBACK WAIVER / SUBDIVISION REGULATION WAIVER /
VACATION AND PLAT AMENDMENT

Property description: A PARCEL OF LAND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 33 AND IN THE N 1/2 OF THE SE 1/4 AND THE NE 1/4 OF THE SW 1/4 OF SECTION 32. ALL IN T 21S, R 69 W. LYING SOUTH OF THE SOUTH ROW LINE OF STATE HIGHWAY 96 AND COMPRISING PORTIONS OF THE WE SMITH SUBDIVISION NUMBER 1 (RECEPTION NUMBER 94184) AND SECOND PART OF W.E. SMITH SUBDIVISION (RECEPTION NUMBER 95386).

Schedule number: 101-59-152

Members in the audience expressed their opposition to the proposal. County Attorney John Naylor explained to the audience that all the letters were a part of the official record. Kit Shy and Hammond were present to address the opposition and explain the application.

Shy explained that the goal was to create larger lots than currently exist by consolidating and reconfiguring the existing numbered lots, an unnumbered 7 acre tract and an additional 28 acres that is outside W.E. Smith Subdivision. The resulting number of lots would be less than the current number and the average lot size would go from .5 acre to 2.5 acres. A new access off of the highway would be constructed, manufactured homes would not be allowed, underground power and phone, dark skies friendly lighting would be required, centralized trash area, outdoor fires (except cooking) would not be allowed and the covenants would place restrictions on animals.

The initial decision by the Board of Zoning Adjustment is on the request to waive the PUD requirements on the 28 acre tract not contained in the platted subdivision. BOLKEMA MOVED to DENY the request for the PUD waiver, the setback and the Creation of Undersize Lots for 3 main reasons: 1. Water needs to be augmented, 2. This proposal does not significantly reduce density, 3. Unplatted area needs to be under the PUD requirements. NEPA SECONDED and the motion passed unanimously by roll call vote. Each Board member gave their rationale for their vote. Nepa stated her reasons were based on what she saw on the ground and felt that the Board should not start waiving the PUD requirements so soon after adoption. Canterbury voted to deny based on the concerns of the Water Engineer. Donley's reason was to uphold the Zoning Resolution and he was opposed to including unplatted ground in the re-plat. Northcross didn't see any benefit to the county in regards to density and any subdivision should be 10 acres.

The Planning Commission did not take any action since the proposal was predicated on incorporating the unplatted ground into this proposal.

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BILL and LINDA CHESSER / SUBDIVISION REGULATION WAIVER /MULTI-DWELLING
VARIANCE

Property description: ALL THAT PT NE4NW4 NW4NE4 SEC 4-23-71 LYING EAST OF CO RD 323

Schedule number: 100-57-951

Linda Chesser was present and had her daughter Sharla Schrick explain the request. Shrick stated that they would like to split the 55 acre lot into a 15 acre parcel that would contain the current dwelling and a 40 acre parcel that Shrick could build a house on. The Boards questioned whether Chesser and Schrick could accomplish their objective by having 2 dwellings on the property and thus keeping it intact. Both agreed that this would be acceptable.

John Naylor was asked if the Board of Zoning Adjustment could grant a multi-dwelling variance at this meeting and he informed the Boards that the request was similar enough that public notice requirements were satisfied.

BAILEY MOVED to recommend that the Board of County Commissioners DENY the request for the Subdivision Regulation Waiver and instead turn it over to the Board of Zoning Adjustment to hear as a Multi-dwelling Variance. HOOD SECONDED and the motion to DENY passed unanimously by roll call vote. The reasons that the Planning Commission voted to deny the request was because the members felt that a multi-dwelling variance would serve the goals of the county better, would be easier on the applicants and would eliminate concerns about water.

HANDY MOVED to ACCEPT the recommendation of the Planning Commission to DENY the Subdivision Regulation Waiver. DOWNEY SECONDED and the motion passed unanimously.

NEPA MOVED to grant the Multi-dwelling variance on the 55 acres which will be divided only for purposes of liens and dependent on bringing the required paperwork to the Planning and Zoning Office. NORTHCROSS SECONDED and the motion passed unanimously by role call vote. Northcross voted in favor because this would keep another well from being dug, Donley felt that the request allowed the family to help each other and it was the right thing to do. Canterbury felt that it was better than creating 2 parcels and Bolkema concurred.

SUSAN LYNN RAYMER and JOHN CHARLES NAFF / SETBACK VARIANCE

Property description: 6149 CR 328. PORTION OF LOTS 175, 176, 209, 210 & 211 & PART OF VACATED EUCLID AVE, 12TH AVE & 11TH AVE, ROSITA DESCRIBED in BOOK 281 PG 127-128

Schedule number: 100-31-400

Raymer and Naff were present explain their request and answer questions from the Boards. Naff explained that they would like to add on to the dwelling and that the addition would not encroach on the property line more than the current structure does. The current structure received a setback variance in 1994.

NORTHCROSS MOVED to approve the setback variance request and BOLKEMA SECONDED. The motion passed unanimously by role call vote. The Board of Zoning Adjustment members voted in favor because the variance did not cause any injury or adverse impacts and the encroachment would not be any greater than that already allowed.

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The next workshop on the Subdivision Regulations is September 9, 10 a.m. to noon with the Board of County Commissioners.

The next Site Tour is August 28, 2003.

The next meeting will be in September 3, 2003.

The meeting adjourned at 4:02 P.M.

Submitted by,

Daniel S. Bubis
Secretary