

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

October 2, 2003  
Custer County Courthouse  
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery    Mr. Vic Barnes    Mr. John Campbell    Ms. Sherry Rorick

Board of Zoning Adjustment:

Mr. Bill Donley    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    Ms. Christy Kesselring

Absent:

Mr. Pat Bailey    Mr. Dan Bubis    Mr. David Harmon    Mr. Keith Hood    Mr. Pete LoPresti

The meeting was called to order at 1:08 P.M. by LINC LIPPINCOTT, Moderator.

DEARBORN filled the Planning Commission seat left vacant by the absence of HOOD. BARTHOLOMEW and BOLKEMA filled the Board of Zoning Adjustment seats left vacant by the absences of LO PRESTI and empty chair.

LIPPINCOTT explained that there would be five (5) members on the Planning Commission instead of the normal six (6). LIPPINCOTT asked the audience if there were any objection to this. MARGARITE KAMINSKI objected and requested a full complement for the Jagow request. The Planning Commission decided to wait and see if anyone showed up.

LIPPINCOTT called for approval of the September 2003 minutes. BARNES MOVED to approve the minutes. BOLKEMA SECONDED and the motion passed unanimously.

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ZONING OFFICE REPORT

- Josh Marks, attorney who reviewed the 2002 Zoning Regulations, will be hired to review the Subdivision Regulation Draft.
- The latest Subdivision Regulation Draft has been handed out to the Board Members.
- Roger Camper presented his Preliminary Plan application to the Board of County Commissioners at the morning meeting.
- Eric Belcher submitted a letter to the office stating that the Bishops would be responsible for the Special Use Permit at Bishops Castle.
- The Board of County Commissioners adopted by resolution the Regional Planning Commission by-laws.
- 1-I.S.D.S. Variance for Chemical/Portable Toilets was granted: Otero.

**Office Summary**

September 2003

18	Septic inspections, Site reviews, or Violation reviews
1	Violation reviews
0	Homeowner Septic installation test
2	Septic Contractor test
25	Special conferences
13	Compliance Inspections

Permits issued:	<u>2002</u>	<u>2003</u>
Septic	13	27
Zoning	25	59

LIPPINCOTT turned the meeting over to the Planning Commission.

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CUERNO VERDE AIRPORT ASSOCIATES, INC. / WRAY PEDRO / PLANNED UNIT DEVELOPMENT - PRELIMINARY PLAN PHASE

Property description: A PARCEL OF LAND IN SECTION 25, T 23S R 72W and in SECTION 30, T 23S, R 71W.

Schedule number: 102-35-995/102-35-996

Pedro represented himself. Pedro explained that he had made changes to the covenants based on the feedback he had received from the Division of Wildlife and the Planning Commission workshop. Changes to the covenants included: no perimeter fencing; structures will be constructed from non-reflective material; a commercial sanitation service will be hired to dispose of the refuse; Silver West Homeowner's Association will manage and own in perpetuity the open space; and all utilities will be underground.

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Pedro explained that a Custer County School District letter and the drainage report had been submitted to the Planning and Zoning Office. These letters are a part of the minutes as requested by the chair. Pedro, also, stated he has been in contact with Mick Kastendieck, the Fire Chief, about the Planning Commission's concerns and an official letter will be submitted to the office from the fire chief.

Pedro presented evidence ("Future Filing") that this phase was always in mind of the Cuerno Verde Airport Associates and had been presented to the Board of County Commissioners as such in the past. On the original Silver West Estates Plat, there are several areas that are marked as future filing. The original water augmentation plan was written mentioning commercial, and the Silver West Estates covenants elude to commercial membership.

Pedro explained that his group is requesting a twenty-five (25) feet setback from the Southern property line. If given this variance, Pedro theorized that the appearance of the height of the structure and the potential to block someone's view would be minimize. Pedro also stated that there were some safety issues with planes having to taxi further. After a brief discussion, the Cuerno Verde Airport Associates took the issue off of the table and decided to go with the County's fifty (50) feet setback restriction.

Cuerno Verde Airport Associates decided to remove the issue of an over height variance also and after a brief discussion, it was decided that the permitted uses should be discussed in a workshop.

Members of the audience were given the opportunity to comment. John Potts, representing the Centennial Ranch and Aspen Mountain Ranch Association (CRAMRA) spoke and would like to have the word "Homeowners" stricken from the covenants and wanted a definition of animated, non-flashing, lighted signs. After a brief discussion Pedro stated that there would be no signs allowed with lights shining upward. Bill Tschumper from the Cuerno Verde Owners Association, stated he believes the uses allowed need to be refined and that the word "Homeowners" be struck from the covenants. Angus Thompson wanted the water issue to be explained to him.

Board members were allowed to comment. Campbell wanted to know if the water issue had been dealt with. Pedro explained that he is waiting for the comment period to end on his amended water application. Nepa wondered how the covenants were going to be enforced. Northcross questioned the antenna in the covenants. Dearborn questioned the enforcement of the water usage.

BARNES MOVED to continue this hearing until the next meeting and in the interim have one or more workshops in between. Campbell SECONDED.

Discussion followed. Pedro requested that the preliminary and the final plan hearing be in one meeting. Naylor concurred that this could be accomplished, but only at the approval of the Planning Commission.

A role call vote was requested by the chair. The motion passed unanimously.

Workshops were scheduled for October 7, October 14 and October 21, 2003, from 10:00 A.M. to noon in the Custer County basement. The public is invited to attend. Naylor advised the boards that alternates can sit in if there is not a Planning Commission quorum.

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GEORGE G., HANNAH AND L.B. WITHERS/SPECIAL USE PERMIT PRESENTATION

Property description: A TRACT OF LAND LOCATED IN THE SW4 OF SE4 OF SEC 15-21-69

Schedule number: 102-22-905

George Withers represented his application for a Special Use Permit to operate a convenience store at the old Tough Teat Dairy location. Withers explained that one of the driveways is in and he has contacted the Colorado Department of Transportation (CDOT) about changing the access designation from agricultural to commercial. Withers added there is a lot of room for parking on the property. Withers has discussed this proposal with his neighbors and has not heard any objections. The structure is multi-level and was built about 1959-1960. The electric and sewer are already there. Withers has discussed commercial water with the water commissioner, and he may have to drill a commercial well on the property. Withers requested that a larger than 20 ft2 sign be

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allowed on this project. The applicants are proposing to paint the word store on the roof of the structure. The public hearing for this request will be heard at the November 5, 2003, meeting.

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JAGOW/VACATION OF INTERIOR LOT LINES/CREATION OF THE UNDERSIZED LOT

Property description: TRACT IN N2S2 SECTION3 6 46 12 DESCRIBED IN BOOK 194 PAGE 719  
CONTAINING .88 ACRES MORE/LESS ALSO KNOWN AS TRACT C AS NOTED  
IN THE SURVEY DATED 9/25/84 AND TR IN S2 SEC 36 46 12 DESC BK 165 P 781

Schedule number: 100-93-454/102-05-450

This issue was postponed to the November 5, 2003, joint meeting because there was not a full contingency of the Planning Commission and Margarite Kaminski, objector, desired a full complement to the board.

The next Site Tour is October 30, 2003

The next meeting will be in November 5, 2003.

The meeting adjourned at 2:37 P.M.

Submitted by,

Christy Kesselring  
Acting Secretary