

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

August 3, 2004  
Custer County Courthouse  
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery                      Mr. Pat Bailey                      Mr. Vic Barnes                      Mr. Keith Hood

Board of Zoning Adjustment:

Mr. Gerard Dearborn                      Mr. Bill Donley                      Mr. Pete LoPresti  
Mr. Skip Northcross

Associate Members:

Mr. Rod Coker                      Mr. Bruce McDonnell

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. Renee Bolkema                      Mr. John Campbell                      Ms. Dorothy Nepa                      Ms. Sherry Rorick  
Ms. Georgiana Scott

The meeting was called to order at 1:04 P.M. by LINC LIPPINCOTT, Moderator. COKER and MCDONNALL filled the Planning Commission seats left vacant by the absence of CAMPBELL and RORICK. The Board of Zoning Adjustment seat was left vacant as there were no agenda items for the Board of Zoning Adjustment. LIPPINCOTT called for approval of the June 2004 minutes. BARNES MOVED to approve the minutes with an amendment to page 2, 3<sup>rd</sup> paragraph of text, fifth line. The emendation is to change the word empower to empowered. NORTHCROSS SECONDED. The motion passed unanimously.

ZONING OFFICE REPORT

3 I.S.D.S. variances were issued for a Portable/Chemical Toilet to: Walker, Bucholz, and Herrmann.

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June 2004

23 Septic inspections, Site reviews  
 0 Violation reviews  
 0 Homeowner Septic installation test  
 0 Septic Contractor test  
 13 Special conferences  
 9 Compliance Inspections

Permits issued:	<u>2003</u>	<u>2004</u>
Septic	11	18
Zoning	11	12

July 2004

24 Septic inspections, Site reviews  
 3 Violation reviews  
 0 Homeowner Septic installation test  
 0 Septic Contractor test  
 21 Special conferences  
 25 Compliance Inspections

Permits issued:	<u>2003</u>	<u>2004</u>
Septic	9	17
Zoning	29	28

**End of Quarter Summary**

Revenue:	<u>2003</u>	<u>2004</u>
Septic Permits	\$ 8,650.00	\$ 11,825.00
Zoning Permits	\$ 82,053.73	\$ 53,904.30
Use Tax	\$ 24,740.31	\$ 27,117.90
Total Income	\$118,526.29	\$117,176.32

Permits issued:	<u>2003</u>	<u>2004</u>	<u>2002</u> (high year)
Septic	56	66	75
Zoning	138	131	164

- CDOT building - The Department of Transportation has agreed to comply with the county's 25 foot height restriction on the new salt/sand storage building.
- Anaya - The office was pressured to have Anaya clean up his property and after working with him, has achieved success. LIPPINCOTT presented a slide show to the Commissioners which depicted the improvements and showed that the fence that Anaya had committed to construct has been completed.
- The office has provided CML Emergency Services with our current GIS data for the upgrade to the Enhanced 911 system used by the Sheriff's Office.
- The Kaminski case has been dismissed.

The agenda item to review the Conservation Easement that the Friends of Beckwith Ranch, Inc. was cancelled. Chairman of the Board of Zoning Adjustment, Donley explained that the document they received is just boilerplate and that the exhibits weren't included and all the blanks haven't been filled in.

LIPPINCOTT turned the meeting over to the Planning Commission.

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MULLETT'S EXCAVATION / MUSIC MEADOWS RANCH / SPECIAL USE PERMIT MODIFICATION.  
(MODIFYING THE ORIGINAL CONDITIONAL USE PERMIT)

Property description: Property description: 40 ACRE AREA IN SECTION 10, 15, AND 16. T24S, R72W OF  
THE 6TH P.M. CUSTER COUNTY, CO.

Schedule number: 101-58-001

Myron Mullett and Elin Rusher were present to explain the request and answer any questions from the Boards. Mullett said that they would like to expand the gravel pit operation from the current 10 acres to 40 acres. The existing 10 acres would be used for a staging area and the rest of the 40 acres would be mined and then reclaimed. The gravel in the original site was not as deep as anticipated but test hole in the additional land show gravel depths from six to nine feet.

There was a lengthy discussion on reducing the speeds of the trucks on County Road 119, ensuring that all trucks are properly tarped, the potential need for additional Magnesium Chloride, signs on County Road 119, and the need for better communication between the Commissioner's and the Road and Bridge Department.

**Findings** by BARNES: not much difference between this request and the initial request as far as day to day operations. The biggest difference is more acreage and if the reclamation is done right, we will end up with better range for both livestock and wildlife. The concerns expressed are law enforcement concerns and we are going to have to have better communication on that.

BARNES MOVED to recommend that the Board of County Commissioners APPROVE the requested Modification of Special Use Permit as requested based on the above findings, the original conditions and the modifications to those conditions made today. BAILEY SECONDED and the motion passed unanimously by role call vote. The Planning Commission members stated their reasons as they voted. Bailey said that where the pit is located doesn't impact anyone. Coker stated that everyone is doing whatever they can to make the situation the best possible. Both the Commissioners and Mullett have committed to taking the steps necessary. Hood voted to approve but with reservations on the performance of the County enforcing the conditions. Attebery said that informational signs as the trucks are coming out of the yard would be very helpful and the County needs to monitor the problems better. McDonnall said that it would be good for the economy.

HANDY MOVED to ACCEPT the recommendation of the Planning Commission in approving the Special Use Permit Modification for the gravel pit. DOWNEY SECONDED and the motion passed unanimously by voice vote.

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The next Site Tour is September 2, 2004.

The next meeting will be in September 8, 2004.

The meeting adjourned at 2:43 P.M.

Submitted by,

Dan Bubis  
Secretary

## **Final Conditions Music Meadows Ranch Gravel Pit**

1. Special 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 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." Expansion beyond this 40 acre area will require a Special Use Permit Modification.
7. All parking will be contained within Music Meadow Ranch's fenced property area.
8. The pit will be open only during daylight hours. No operation will be conducted on 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 property 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 staging 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 with assistance from the applicant 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.