

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

July 2, 2004
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

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

Board of Zoning Adjustment:

Mr. Gerard Dearborn	Mr. Bill Donley	Ms. Dorothy Nepa	Mr. Skip Northcross
---------------------	-----------------	------------------	---------------------

Associate Members:

Mr. Rod Coker

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. Pete LoPresti	Mr. Bruce McDonnall	Ms. Georgiana Scott
-------------------	-------------------	---------------------	---------------------

The meeting was called to order at 1:02 P.M. by LINC LIPPINCOTT, Moderator. LIPPINCOTT called for approval of the June 2004 minutes. BARNES MOVED and CAMPBELL SECONDED. The motion passed unanimously.

ZONING OFFICE REPORT

The Special Use Permit Modification for the gravel pit expansion requested by Rusher and Mullet was postponed by the applicant.

3 I.S.D.S. variances were issued for a Portable/Chemical Toilet to: Moses, Wigglesworth, and Wagner

- The initial Subdivision Regulations review is completed and the office will compile all of the suggested changes and attempt to reproduce it for the Boards by August. The Planning Commission will then verify that all of the suggestions have been incorporated and may schedule additional workshops.

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

- Rod Coker has invited all the Board members to a Western Night at Horn Creek on the 15th of July. RSVPs are due as soon as possible.

ROD COKER filled the Board of Zoning Adjustment seat left vacant by the absence of LOPRESTI. LIPPINCOTT turned the meeting over to the Planning Commission and Board of Zoning Adjustment.

BJP REAL ESTATE PARTNERSHIP LTD / FRIENDS OF BECKWITH RANCH, INC / CREATION OF AN UNDERSIZED LOT /WAIVER OF SUBDIVISION REGULATIONS

Property description: A PARCEL OF LAND BEING IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 73 WEST OF THE 6TH P.M., CUSTER COUNTY COLORADO.

Schedule number: 100-32-870

Mike Hess was present to represent the Friends Of Beckwith Ranch, Inc. (Friends) and Randy Rusk represented BJP Real Estate Partnership, Ltd.(BJP). Rusk read a letter from Bill Jack expressing his willingness to join the application and authorizing Rusk and Paul Snyder to speak on his behalf.

The request is to create a 3.9 acre parcel to be used by the Friends of Beckwith Ranch, Inc. as an historical site. The site would be under a conservation easement as required by the Colorado Historical Society. The Friends currently have a 99 year lease on the property but cannot place an easement on the ground since they do not own it.

Hess stated that the Friends and BJP had agreed to a 20 year extension on the usage of the corrals. He also explained that the Friends have received a grant from the State Historical Fund and before remitting any of the grant to the Friends, the Colorado Historical Society requires an easement to ensure the investments to date are protected. The Colorado Historical Foundation is not willing to accept an easement on the buildings themselves and the current owner would be the only entity empowered to enact the easement. Snyder pointed out that the cost of the easement would be borne by BJP without any benefit from the easement.

This will create a historical site which can be used to educate people on the ranching heritage and will serve as a tourist attraction. The renovation is being done in such a way that the structure will not be used as a dwelling for anyone.

Findings by NEPA: literal enforcement of the Zoning Resolution would result in an impossible situation which cannot be resolved without a variance, variance is necessary for the preservation of the enjoyment of the historical property right, granting the variance will not have any adverse effects on any of the properties adjacent to it, will not be materially detrimental to the public welfare or other happenings in that vicinity, granting of variance is consistent with the County's Master Plan.

NEPA MOVED to APPROVE the requested variance for the Creation of the Undersized Lot with the following conditions because this is an exceptional case which serves an historic purpose and based on the hardship imposed by the Historical Society's funding requirements. The conditions are: 1) ownership of the ground goes specifically to Friends of Beckwith Ranch, Inc., 2) No residential occupancy at all, 3) Potential owner to be another historical entity if Friends of Beckwith Ranch, Inc. should be dissolved, 4) A conservation easement shall be placed on the property and the Board of Zoning Adjustment shall review the conservation easement prior to it being signed by either party, and 5) The buildings cannot be separated from the land. NORTH CROSS SECONDED and the motion passed unanimously by roll call vote.

BAILEY MOVED to recommend that the Board of County Commissioners APPROVE the request for a Subdivision Regulation Waiver for the Friends of Beckwith Ranch, Inc. ATTEBERY SECONDED and the motion PASSED with CAMPBELL voting OPPOSED, because he felt that some variables hadn't been adequately addressed, and all other members of the Planning Commission voting IN FAVOR. BARNES stated that we need

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

to recognize that this is a unique situation and doesn't compromise the 80 acre zone. In fact it promotes ranching and it doesn't increase density.

DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission in approving the Subdivision Regulation Waiver for the Friends of Beckwith Ranch, Inc. HANDY SECONDED and the motion passed unanimously by voice vote.

The next Site Tour is July 29, 2004.

The next meeting will be in August 3, 2004.

The meeting adjourned at 2:05 P.M.

Submitted by,

Dan Bubis
Secretary