

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

April 5, 2005  
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	Mr. Bruce McDonnall	Ms. Dorothy Nepa
Mr. Skip Northcross			

Associate Members:

Mr. Rod Coker

County Commissioners and Attorney:

Mr. Dick Downey	Mr. Dale Hoag	Mr. Kit Shy	Mr. John Naylor
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Staff:

Mr. Linc Lippincott	Mr. Dan Bubis	Ms. Christy Kesselring
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Absent:

Mr. Joe Arbuckle	Ms. Renee Bolkema	Mr. Mike Hess	Mr. Don Kaufman
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The meeting was called to order at 12:59 P.M. by LINC LIPPINCOTT, Moderator. He introduced the new Associate Members and Commissioner.

RORICK nominated ATTEBERY to be Chairman of the Planning Commission, CAMPBELL SECONDED and the motion passed unanimously by voice vote. ATTEBERY nominated HOOD to be Vice-Chairman of the Planning Commission and RORICK SECONDED. The motion passed unanimously by voice vote. ATTEBERY nominated HOOD to be the Regional Planning Commission Representative. CAMPBELL SECONDED and the motion passed unanimously by voice vote.

NORTHCROSS nominated DONLEY as Chairman of the Board of Zoning Adjustment and NEPA SECONDED. The motion passed unanimously by voice vote. DONLEY nominated NEPA as Vice-Chairman. NORTHCROSS SECONDED and the motion passed unanimously by voice vote.

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BARNES nominated BUBIS to be Secretary for both the Board of Zoning Adjustment and Planning Commission and the motion passed unanimously by voice vote.

DONLEY nominated the Wet Mountain Tribune as the official publication for public notices and BAILEY SECONDED. The motion passed unanimously by voice vote. DONLEY nominated the bulletin board in the Courthouse for the Official Posting Place. CAMPBELL SECONDED and the motion passed unanimously by voice vote.

The Planning Commission discussed whether to plan workshops to review and amend the Zoning Resolution and the Master Plan. The office recommended: 1)defining the boundaries with physical attributes for each zone, 2)defining and establishing impact fees, 3)zoning incentives for clustering, wetlands, etc., 4)issues with undersized lots in Zone I, when a fence is agreed upon as a boundary, 5)review definitions (Section 3); 6)non-conforming discontinuance (Section 9.6); 7)Home Occupation (Section 10.9), 8)rewrite wildlife review procedures (Appendix F), 9)Site Disturbance Permit, 10)Change of Use Permit (For example for Accessory Structures to Dwellings, etc.), 11)Wildfire Safety and fire wise incentives, 12)adding Directional Signs to Sign section and sign permit procedures, 13)add Address assignment procedure. The decision was that no new issues should be addressed at this time but rather that work on the Subdivision Regulations should continue.

LIPPINCOTT called for approval of the November 2004 minutes. BARNES MOVED and DONLEY SECONDED. The motion passed unanimously by voice vote.

ZONING OFFICE REPORT

- 6 I.S.D.S. variances were issued during the months of November 2004 through March 2005. Those variances were for: Sullivan, Seifert's Boyer pit, Waggoner, Wet Mountain Fire Protection District, Howard and Janssen.

**Office Summary**

**End of Year Financial Summary**

Revenue:	<u>2003</u>	<u>2004</u>
Septic Permits	\$ 19,850.00	\$ 23,500.00
Zoning Permits	\$ 149,604.73	\$ 149,127.14
Use Tax	\$ 39,123.44	\$ 33,790.43
Total Income	\$ 222,484.56	\$ 221,555.36

  

Permits issued:	<u>2003</u>	<u>2004</u>
Septic	124	136
Zoning     291		265

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**End of Quarter (January - March) Financial Summary**

Revenue:	<u>2004</u>	<u>2005</u>
Septic Permits	\$ 3,950.00	\$ 4,500.00
Zoning Permits	\$ 22,216.80	\$ 47,425.60
Use Tax	\$ 22,031.88	\$ 12,719.89
Total Income	\$ 49,909.54	\$ 68,642.20

Permits issued:	<u>2004</u>	<u>2005</u>
Septic	20	23
Zoning 40		49

March 2005

- 11 Septic inspections, Site reviews
- 1 Violation reviews
- 0 Homeowner Septic installation test
- 1 Septic Contractor test
- 12 Special conferences
- 4 Compliance Inspections

Permits issued:	<u>2004</u>	<u>2005</u>
Septic	7	6
Zoning 24		11

Several Special Use Permit were reviewed:

Wither's general store (Wet Mountain Goods, LLC) in Wetmore is in compliance with all conditions and staff recommends that reviews be performed on a complaint basis. ATTEBERY MOVED to recommend that the County Commissioners review this Special Use Permit on a complaint basis. BARNES SECONDED and the motion passed unanimously by roll call vote.

DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission and require a review of the Special Use Permit for Withers only on a complaint basis. SHY SECONDED and the motion passed unanimously.

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Seiferts gravel pit located on the Boyer property. Everything is in compliance and the staff recommends a three year review cycle. BAILEY MOVED to recommend that the Commissioners require an annual review of this Special Use Permit. ATTEBERY SECONDED and the motion passed unanimously by roll call vote.

DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission and require a review of the Special Use Permit for Seifert's gravel pit on an annual basis. SHY SECONDED and the motion passed unanimously.

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Slifco (Carefree Valley Landscaping) is in compliance with all conditions. The Special Use Permit expires in 2011 and the staff recommends that reviews be conducted on a complaint basis. BARNES MOVED to recommend that the Commissioners require a review of Slifco's Special Use Permit only on a complaint basis. HOOD SECONDED and the motion passed unanimously by roll call vote.

SHY MOVED to ACCEPT the recommendation of the Planning Commission to require a review of the Slifco Special Use Permit only on a complaint basis. DOWNEY SECONDED and the motion passed unanimously.

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McIlwraith ( Letter Drop Inn) is in compliance and the staff recommends that reviews continue to be on a five year basis. ATTEBERY MOVED to recommend that the Commissioners continue to require review on a five year cycle. BAILEY SECONDED and the motion passed unanimously by roll call vote.

DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission and require a review of the Special Use Permit for McIlwraith on a five year cycle. SHY SECONDED and the motion passed unanimously.

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- LIPPINCOTT informed the Boards that Holy Cross Abbey had requested that their Special Use Permit be terminated and the Commissioners have accepted their request.
- The office has received engineering documents from Young Engineering regarding the modification of Round Mountain's leach field on Lake DeWeese Road. Since the enhancements will be significant, the office is investigating the impact on surrounding property.

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

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JUDITH L BULLEN / GLENN CHOATE / LOT LINE RE-ARRANGEMENT

Property description: SUCCESS LODGE MS 170A AND PERSEVERANCE LODGE MS 148A.

Schedule number: 101-97-500/100-67-656

This request was originally heard at the September 8, 2004 meeting and was tabled "until such time as Choate can satisfy the access requirements from Road and Bridge and he can provide a plat that specifies the easements, restrictions and exact property boundary lines, or until such time as Choate withdraws the application." Because the Planning Commission was comprised of different members for the original hearing, those members were re-seated. COKER and McDONNALL replaced BARNES and HOOD for this agenda item.

SHY explained that he had some on-going projects and obligations before he was elected as a Commissioner and three of the items that will be heard today will have maps that were prepared by his company. Shy discussed the matter with Naylor and it was determined that there weren't any conflicts.

Bailey questioned the existing utility easement. Bubis informed the Boards that since this was added to the agenda so late in the month, there wasn't time to research very much, but there are power poles along the existing common property line. Bubis also informed the Boards that Road and Bridge had agreed to the access plan but that a "Hidden Drive" sign would be required. The cost of the sign would be \$100.00 and should be borne by the applicant.

BAILEY MOVED to recommend that the Commissioners approve the lot line rearrangement and that

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the applicant shall pay the cost of the hidden drive sign. The designation of the lots shall be as specified on the plat. RORICK SECONDED and the motion passed unanimously by roll call vote.

DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission to APPROVE the requested lot line re-arrangement with the conditions that the applicant pay for the required hidden drive sign and that the new lots be known as they are designated on the plat. SHY SECONDED and the motion passed unanimously.

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HARALD & LISA FRANK / SETBACK VARIANCE

Property description: CENTENNIAL RANCH, LOT 49

Schedule number: 102-36-006

The Franks were present to represent themselves and to explain their request. They explained that the property is divided by a creek on the south side of the existing dwelling and the septic system is on the west side of the house so the location of their proposed barn is restricted. They wish to build one building that is 48' X 48' to replace several small unusable buildings that they have removed. They would like this proposed barn to be as close to the dwelling as possible.

Nepa explained, that while on the site tour, it appeared that by moving the proposed site slightly closer to the house, the barn could remain 20 feet from the north property line. She also discussed the possibility of redesigning the structure to allow at least 20 feet from the property line.

NEPA MOVED to TABLE the request for a month to allow the Franks time to redesign the structure so that it could be at least 20 feet from the north property line. The motion died for a lack of second.

There was discussion that if a variance was granted with specific requirements or allowances, the Franks could choose how to meet those. NEPA MOVED to grant a setback variance to build no closer than 20 feet to the north property line and the construction is to meet the exterior appearance as stated in the last condition of the request. That sentence is "We will build an attractive, complimentary to the existing home, structure log and wood siding. Not metal or un-appealing structure." NORTH CROSS SECONDED and the motion passed unanimously by roll call vote.

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TIMOTHY J AND MARIA E. THRUN /PAUL AND MICHELLE KELLING /VACATE AND REPLAT /  
CREATION OF UNDERSIZED LOT(S)

Property description: LOT 227A ROSITA TRACT (VACATION OF LOT LINES)-@ 1.26 Acres, LOTS 195, 196, 229 & 230 & PORTIONS OF EUCLID AVE & 5TH AVE & 4TH AVE NOW VACATED & PORTION OF EAST-WEST ALLEY ROSITA @ 2.61 Acres, LOT 197 & PART OF EUCLID AVE & PART OF 5TH AVE & ALL THE EAST-WEST ALLEY SOUTH OF LOT 197 NOW VACATED AKA PART OF ROSITA TRACT #8 DESC BK 241 PG 86 -Approximately .7 Acres

Schedule number: 100-38-104/101-55-001/100-38-101

Thrun was present to explain the request. The desire was to change a common boundary line between Thrun and Kelling and to create two parcels out of Thrun's six parcels and vacated alleys and streets. Kelling's parcel would remain close to the same size that it is now.

BARNES MOVED to recommend that the Commissioners approve the requested vacation and replat and the parcels are to be known as designated on the plat. CAMPBELL SECONDED and the motion passed unanimously by roll call vote.

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DOWNEY MOVED to ACCEPT the recommendation of the Planning Commission and APPROVE the vacation and replat as presented. SHY SECONDED and the motion passed unanimously.

NORTHCROSS MOVED to grant the variance to create three undersized lots. DEARBORN SECONDED and the motion passed unanimously by roll call vote.

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THOMAS B. & LINDA C. URWILLER /VACATE AND REPLAT/CREATION OF UNDERSIZED LOT

Property description: PART OF LOTS 12 & 13 ALL OF LOTS 15, 16 & 18 & ALL THAT PART OF VACATED HOMER STREET LYING BETWEEN LOTS 16 & 18 & PART VACATED PROCTOR STREET, ROSITA

Schedule number: 100-31-441

Urwillers were present to explain their request. They have lots and vacated streets that they would like to make into two lots. A well has already been drilled and was permitted as a commercial well because Urwiller originally intended to request a Special Use Permit for a business. If the vacation and replat request is approved, they will request to change the well designation through the State because they no longer intend to use the property for any type of business.

BAILEY MOVED to recommend that the Commissioners approve the requested vacate and replat and that the new lots be known as designated on the plat. RORICK SECONDED and the motion passed unanimously by roll call vote.

HOAG MOVED to ACCEPT the recommendation of the Planning Commission and APPROVE the requested vacate and replat. DOWNEY SECONDED and the motion passed unanimously.

NEPA MOVED that the Board of Zoning Adjustment approve the creation of one undersized lot out of the newly replatted A and B and allow only one dwelling on it. DONLEY SECONDED and the motion passed with DONLEY, NEPA, NORTHCROSS and McDONNALL voting in favor and DEARBORN voting opposed.

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County Attorney, John Naylor gave a presentation to the Boards explaining their responsibilities.

Subdivision workshops were scheduled for March 14, and 28 and April 12. Workshops will be in the basement of the Courthouse from 10 am. to 12 pm.

The next Site Tour is April 28, 2004.

The next meeting will be in May 2, 2004.

The meeting adjourned at 3:42 P.M.

Submitted by,

Dan Bubis  
Secretary