

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

October 4, 2005
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery Mr. Pat Bailey Mr. Vic Barnes Ms. Sherry Rorick

Board of Zoning Adjustment:

Mr. Gerry Dearborn Mr. Bill Donley Ms. Dorothy Nepa Mr. Skip Northcross

Associate Members:

Mr. Joe Arbuckle Mr. Rod Coker Mr. James Jones

County Commissioners and Attorney:

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

Staff:

Ms. Christy Kesselring

Absent:

Mr. John Campbell Mr. Keith Hood Mr. Bruce McDonnall

The meeting was called to order at 1:00 P.M. by LYNN ATTEBERY, Planning Commission Chair.

ATTEBERY called for approval of the September 2005 minutes. BARNES MOVED to accept the minutes NORTHCROSS SECONDED. The motion passed unanimously by voice vote.

ARBUCKLE and JONES were seated on the Planning Commission as a result of the absences by CAMPBELL and HOOD. COKER replaced the absent McDONNALL on the Board of Zoning Adjustment.

ZONING OFFICE REPORT

- There will be a Subdivision Regulation Workshop on October 6, 2005 from 10-12 in the Courthouse basement.

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- Currently there are four Special Use Permits in progress. Office staff is trying to get smarter on some of these issues so the right questions can be asked. Special Use Permits are especially time consuming.

Office Summary

September 2005

18 Septic inspections, Site reviews
0 Violation reviews
0 Homeowner Septic installation test
0 Septic Contractor test
16 Special conferences
16 Compliance Inspections

Permits issued:		<u>2004</u>		<u>2005</u>
Septic		9		12
Zoning	24		32	

TERRY W. COOK AND ELINOR BROWN /SPECIAL USE PERMIT HEARING

Property description: THAT PT NE4NE4 SEC 32-22-69 LYING N HWY 165, & ALL OF NW4NW4 SEC 33-22-69 EXCEPT FOR HWY 165 ROW & ALL THAT PT SW4SW4NW4 SEC 33-22-69

Schedule number: 100-37-601

ATTEBERY explained the Special Use Permit process to the members and audience and read the applicants statement. There were 13 letters sent out and 10 responses were received from Colorado Department of Transportation; Jim Jones; Jesse Souza; San Isabel Electric; Rye Fire Department; County Road and Bridge; Colorado Water Division 2; District Health Department; Division of Wildlife; and Custer County Regional Planning Commission.

COOK represented himself and explained that he has been planning this for a couple years and it is his dream to put in a ski area.

JESSE SOUZA, representing the Custer County Ambulance Corps explained that the ambulance corps would be more than willing to respond, but there is a long response time due to the location of the proposal. SOUZA, also suggested that COOK have a medical person on staff.

BOB SENDERHAUF, representing the Regional Planning Commission, explained the concerns of that group. These concerns include the proposed area is not included in the County's Special Districts and could be a possible financial burden for these entities; water and water usage; time-frame and complying with all county and state regulations; funding of the project; affect on the wildlife and environment and the opinion of the adjoining property owners. Regional is in support of this project as long as the applicant can satisfy the County's requirements.

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COOK addressed the issues from the letters received concerning the lack of electrical power and explained that they have obtained a system that can run off single phase. The project will have a diesel generator to run the chairlift in case of a power failure. COOK is planning to haul water for one year and obtain an exempt commercial well next summer. Currently the property has two houses and one well. COOK will re-seed the slopes to help control weeds and erosion.

CARL BAUER, representing the USFS, stated that the USFS has three issues with this proposal. The proper authorization to utilize CR 383 has not been obtained, the use and occupancy of federal lands needs to be determined and permitted and the applicant needs to insure that all access and facilities are on private land. COOK stated that all the facilities are on private land and that a survey had been done and the fences were put up on top of the property lines.

The boards discussed the following issues with COOK electricity, easements, the number of cabins, setback issues, County liability, the Colorado Tramway Board, water usage, septic system, height, concrete cure time, the lack of emergency service coverage, road maintenance, surveys, The boards suggested the applicant get a professional site plan denoting the proposal.

DAVID MATA, the builder for the applicant, stated that engineering was in process and presented the boards with a copy of the Engineer Designed Septic System. The surveying for the chair lift is being done by Kim Kock from Northstar Engineering out of Pueblo. The Civil Engineering will be contracted out.

NAYLOR said that this is kind of a chicken and an egg thing. The applicant has to get this permit before he can proceed and he probably doesn't want to spend a lot of money before he is assured of receiving a permit.

DALLAS ANDERSON, who mans Engine 4 at the Boneyard Park Substation is approximately 15 miles from this site and would probably be the first on scene. ANDERSON would like to see a site plan with the following labeled-ingress, egress, water taps and water source locations.

JONES MOVED to recommend that the Commissioners approve the concept and the applicant will have to address the concerns of the USFS, water issues, Office questions and Engineering Issues. The applicant will also have a site plan prepared professionally. The details will be worked on at the workshop on Thursday, October 6, 2005 from 10-noon. RORICK SECONDED and the motion passed unanimously by roll call vote.

DOWNEY MOVED to accept the recommendation of the Planning Commission until with the clear understanding that this is not an overall approval until all the issues are addressed and that issues which come up in the workshop will be reviewed. SHY SECONDED and the motion passed unanimously by a voice vote.

After a discussion with NAYLOR concerning when the application would be approved, DOWNEY MOVED to CONTINUE the hearing until the November Meeting. SHY SECONDED and the motion passed unanimously by a voice vote.

MARK J AND MARIA E. MICHAELS/SETBACK VARIANCE HEARING

Property description: ROSITA HILLS SUBDIVISION, FILING 2, LOT 101

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Schedule number: 100-32-907

Atteberry read the applicants statement. 6 letters were sent out and 2 responses were received from Barb Campbell and Willis Simmons.

Mark Michaels, represented himself.

BARB CAMPBELL, adjoining property owner, stated that she has no objections to this proposal

GEORGE COLGATE said that he had not been to the site, but on paper it appeared if the garage could be turned ninety degrees and it would take very little to bring it into compliance.

NEPA commended the applicant for providing an honest statement and she stated that there are really no other options on this site due to the pre-existing platform, rock wall and the lot size. NORTHCROSS said he hoped the applicant had a smaller car. DEARBORN requested to know what the building materials would be. MICHAELS said that he would be using pre-formed log siding.

NORTHCROSS MOVED to grant the setback variance for the garage and it cannot be built any closer than 35 feet to the Northern property line. DEARBORN SECONDED and the motion passed unanimously by roll call vote. DONLEY stated that this site is the only place he has to build because of the steepness of the lot.

GUY P. AND KAREN M. MADDEN/SPECIAL USE PERMIT PRESENTATION

Property Description: ROSITA HILLS, FILING 2, LOT 85

Schedule number: 100-30-210

GUY MADDEN represented himself. MADDEN is requesting a Special Use Permit for a "Destination Spa". The concept is to offer overnight lodging and massage therapy for no more than two people at a time. Meals are not provided. Water for the project and guest suite will come from a legal source, brought in by truck and stored in a cistern. There will be no expansion of the project.

JANET FLICK /SPECIAL USE PERMIT PRESENTATION

Property Description: NE4SE4 SEC 2 21 71

Schedule number: 102-24-150

JANET FLICK represented herself along with her consultant MARCY ALBIN. FLICK is requesting a Special Use Permit to operate a doggie daycare, summer camp for dogs and owners, dog boarding, grooming and other dog related activities. A separate structure will be constructed on the property to house this project. This structure will be serviced by a cistern and the water for the project will be hauled from Canon City. An Engineer-designed septic system will be installed for the new structure. Sanitation is a high priority. Waste is picked up rapidly and disposed of properly. The easement is a public access, which will be widened to two lanes and graveled to decrease the amount of dust, at the applicant's own expense. There will be approximately 15-20 staff members. There are no outside kennels or runs and there will be twenty-four hour

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supervision, so noise is not an issue. A bus will be sent around to pick up dogs so traffic will be minimized to the site .

The next Site Tour is October 27, 2005

The next meeting will be in November 2, 2005.

ATTEBERY requested to adjourn the meeting. BAILEY MOVED to adjourn the meeting BARNES SECONDED. The motion passed unanimously by voice vote. The meeting adjourned at 4:46 P.M.

Submitted by,

Christy Kesselring
Secretary