

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

June 6, 2006

Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Lynn Attebery; Pat Bailey; Vic Barnes; John Campbell; Keith Hood; Sherry Rorick
Board of Zoning Adjustment: Gerry Dearborn; Bill Donley; Bruce McDonnall; Dorothy Nepa; Skip Northcross
Associate Members: Rod Coker; Pete Lo Presti
Commissioners: Dick Downey; Dale Hoag; Kit Shy
Staff: Christy Kesselring; John Naylor (County Attorney)

Absent:

Associate: Greg Tabuteau; Christy Veltrie

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

ROD COKER was seated on the Board of Zoning Adjustment in Nepa's absence. Once Nepa arrived, Coker stepped down.

Attebery called for an approval of the May 2006, minutes. VIC BARNES MOVED to accept the minutes, PAT BAILEY SECONDED. The motion passed unanimously by voice vote.

ZONING OFFICE REPORT

- It is business as usual in the Office. Permits are up slightly with the start of the building season.
- The number of phone calls and number of walk-in traffic to the office has increased.
- Welch, who has a setback variance on this agenda, has requested a thirty (30) day continuation to resolve some issues.

BOB SENDERHAUF, representing Regional Planning Commission, explained the process of how the Regional Planning Commission was being disbanded and why. SENDERHAUF stated the reason's for disbanding included the lack of participation from certain groups and the unanimous agreement of the group that it was no longer needed. SENDERHAUF said he thought that Regional was a good place to exchange information and the group was a relaxed atmosphere where issues could be discussed. SENDERHAUF reminded the boards that the decision making process can be intimidating to applicants. SENDERHAUF concluded by thanking the boards for the good work they have done.

TERRY COOK AND ELINOR BROWN/SPECIAL USE PERMIT PUBLIC HEARING CONTINUATION

Legal Description: THAT PT NE4NE4 SEC 32-22-69LYING N HWY 165, & ALL OF NW4NW4 SEC 33-22-69 EXCEPT FOR HWY 165 ROW & ALL THAT PT SW4SW4NW4 SEC 33-22-69 AKA 8994 Highway 165, Wetmore, CO 81253
Schedule Number: 100-37-601

ATTEBERY reported that the hearing will continue on July 5, 2006.

RDH HOLDINGS, LLC/RALPH AND DONNA HOOD/SPECIAL USE PERMIT PRESENTATION

Legal Description: THAT PT OF W2 SEC 14-22-73 DESC IN BK 264 PG 228 & BK 271 PG 90-91 CONT
159.80 AC CUSTER COUNTY, COLORADO

Schedule Number: 101-02-519

ATTEBERY read the applicant's statement, which states *"A Painted View Ranch is a private recreational facility owned by Ralph and Donna Hood. The ranch was purchased primarily to serve as a second residence and for personal entertainment. In support of these activities we board horses, train horses, breed horses, provide foaling services and offer riding lessons. We also anticipate using the indoor facility for various purposes, primarily but not exclusively, equestrian events. A complete list of the potential activities is attached. Retail activities would include the sale of items related to the current event being hosted and limited in scope. Food and beverage service would be provided by outside vendors for events over 200 people. Water issues are being addressed with Ms. Janet Kuzmiak of the Colorado Division of Water Resources, Pueblo, CO (719-542-3368 X 2101). Septic issues are being discussed with Mr. Jeff Bailey of Abel Engineering, Pueblo, CO (719-546-2238)."* The events listed are 1. Horse Shows, 4-H Classes (other than the County Fair), Cowboy mounted shooting, Open class; 2. 4-H Shows; 3. Roping; 4. Clinics; 5. Riding Lessons; 6. Jackpots; 7. Rental of arena to non-profits organizations; 8. Alternate venue (bad weather) for community events; 9. Livestock shows; and 10. Livestock Sales.

The were 13 letters sent out by the office and three responses received. The applicant submitted six responses. The responses to the office included the Custer County Regional Planning Commission; Water Division 2-Office of the State Engineer; and the Wet Mountain Fire Protection District. The letters of support submitted by the applicant were from Lynetta Gilmore; Susan Higgins; Tom Flower; Joe Cascarelli; Jeff and Marilee Smith; and Shere Tracy.

Ralph and Donna Hood, representing themselves, introduced Pete Michaelson, their attorney. MICHAELSON explained the Hoods' activities on the property did not require a Special Use Permit. He believes that the Zoning Resolution does not really prohibit anything including leasing your property for events. MICHAELSON asked at what point does an endeavor cross the line and need a Special Use Permit.

MICHAELSON stated the Hoods are working with the Division 2 Water Resources Office to resolve the water issue. NAYLOR interjected that most of the stables in the Pueblo area belong to a commercial well association.

JOHN CAMPBELL said that he felt this enterprise was definitely a commercial venture.

MICHAELSON said that here were several arenas in the area and most of these arenas have had clinics.

PETE LO PRESTI congratulated the Hoods and Michaelson for bringing this issue forward and attempting to get a more black and white answer defining what constitutes Agricultural in the Zoning Resolution. LO PRESTI explained that he believes that pure agriculture is producing crops and livestock for consumption and that this use is an off-shoot of Agriculture, but it is primarily recreation. LO PRESTI believes that Recreational Agriculture is the future of this area and that the county needs to plan smart for the future of this industry in the area.

MICHAELSON explained that the Hoods have applied for a Special Use Permit and have submitted to County approval of the use. HOOD said that certainly there is a point where their uses cross a line, but the regulations do not spell out that line. MICHAELSON suggested a temporary use permit might be a solution.

Board members discussed the lack of space for spectators in the arena, the need for a Special Use Permit, the location of the drain-field/leach field, the well permit designations, limiting the number of people and events,

and limiting the use to forty (40) acres of the total land.

BARNES made a motion to recommend the Board of County Commissioners to APPROVE the Special Use Permit Application with the following conditions:

1. The Special Use Permit will be in effect as long as the property is owned by RDH Holdings, LLC.
2. The permit will be reviewed on a written complaint basis.
3. The project will comply with all local, state and federal regulation. This implicates the water issue.
4. The facility will meet the conditions of the district fire department and will be inspected annually for compliance.

KEITH HOOD SECONDED. The motion passed unanimously by role call vote with the following reasons stated. CAMPBELL said that he voted yes because this falls with-in the perimeter of Agriculture and it is needed in the community. BAILEY voted yes because he did not believe that a Special Use Permit was needed in the first place and if he did not agree with the project he would have voted no. ATTEBERY voted yes because he feels that a Special Use Permit is needed. RORICK voted yes and concurs with the rest of the board. RORICK thanked the Hoods for building the facility saying it was needed for the community. HOOD voted yes, he says it needs a Special Use Permit because he views it as a health and safety issue and it covers the county and themselves. BARNES voted yes because a Special Use Permit accomplishes the goals and he made the motion.

KIT SHY moved to accept the recommendation of the Planning Commission adding that the applicants need to find out what the Engineer's design capacity is for the septic system and anything over the capacity requires portable toilets. HOAG SECONDED. The motion passed unanimously by voice vote.

DONLEY asked about the Beckwith Ranch Special Use Permit and it's permitted uses. The County Commissioners directed the office to review the Special Use Permit and notify Beckwith Ranch of the outcome. The Commissioners would like to have all of the Special Use Permits reviewed.

DONLEY asked Naylor if he could represent the Board of Zoning Adjustment at the site meeting between the Office and the applicant Welch The entire Board of Zoning Adjustment was present at the first site tour. NAYLOR said Donley could go as long as he was there to verify the boundaries and not ask a lot of other questions.

ATTEBERY reminded the boards that the next Site Tour will be on June 29, 2006 and the meeting would be on July 5, 2006.

ATTEBERY Requested to adjourn the meeting. BARNES MOVED to adjourn the Meeting, BAILEY SECONDED. The motion passed unanimously by voice vote. The meeting adjourned at 2:30 P.M.

Submitted by,

Christy Kesselring
Secretary