

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

May 2, 2006

Custer County Courthouse

Westcliffe, Colorado

Present:

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

Absent:

Planning Commission: John Campbell
Associate: Greg Tabuteau, Pete Lo Presti

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

CHRISTY VELTRIE was seated on the Planning Commission in Campbell's absence.

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

ZONING OFFICE REPORT

- On March 9, 2006, there will be a meeting on the Building Code in the Basement at 6:00 P.M.
- There is only one issue on the June Joint Meeting Agenda. The deadline is Friday, May 5, 2006.
- The building season is starting in full swing again and the office has been pretty busy.

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

Legal 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 AKA 8994 Highway 165, Wetmore, CO 81253

Schedule Number: 100-37-601

ATTEBERY reported the applicant has until the July meeting to report in for further discussion concerning the Special Use Permit. They have hired a consultant help with the proposal-his name is Brian Dani.

ALLEN BUTLER/AIRPORT PROTECTION OVERLAY DISTRICT PUBLIC HEARING

ALLEN BUTLER, represented the Airport Authority, explained that the Airport Authority Board was seeking final approval of the "Airport Protection Overlay District" to the Planning Commission.

NORTHCROSS Requested an interpretation of the last paragraph on page one of the proposal, specifically a definition of "political subdivision" and if the district "may raise and extend public funds" meaning a tax district that could raise taxes to acquire land or remove obstacles in the district. BUTLER deferred to Naylor. NAYLOR explained that a political subdivision was what the county was in relation to the state and the Airport Authority does not have the power to authorize taxes to pay for improvements.

BARNES asked if there was going to be confusion with the Board of Adjustment mentioned in the proposal being the County Commissioners and not the Board of Zoning Adjustment and if it indeed needed to be the Board of Zoning

Adjustment and not the Board of County Commissioners. HOAG said it should be left with the County Commissioners and not the Board of Zoning Adjustment. DONLEY suggested that the name of the board be changed to Board of Appeals to decrease confusion. HOAG stated that it was spelled out in the document who the Board of Adjustment was and changing the name was not necessary.

BAILEY made a motion to recommend the Board of County Commissioners to approve the "Airport Protection Overlay District for the Silver-West Airport" as presented. HOOD SECONDED. The motion passed unanimously by roll call vote.

HOAG MOVED to accept the recommendation of the Planning Commission, SHY SECONDED. The motion passed unanimously by voice vote.

LEONARD D & BRENDA E BOSSE/SPECIAL USE PERMIT PUBLIC HEARING

Legal Description: S2SE4 SEC 25 22 73, CUSTER COUNTY, COLORADO
Schedule Number: 101-18-350

ATTEBERY read the applicant's statement, which states *"Bosse Ranch and Repair was approved on March 6, 2001, for a Special Use Permit. Our permit is now up for renewal and we are hereby requesting a renewal for our permit. We plan to continue our present use as a home based business, used primarily for a repair shop for auto, tractors and other equipment repairs. We service many area ranchers in the Valley to help them maintain their ranching and haying equipment in this highly agricultural area we live in. We plan no changes to our current use that we have actively been engaged in for 5 years. We request that the 5 year renewal period be deleted and the permit be valid during our ownership of the property. The applicant is also requesting the fee of \$500.00 be refunded."*

There were 10 letters mailed to adjoining property owners and interested parties. There were 4 responses received from Gerald and Sandra Brown, Wet Mountain Valley Fire Inspector-Jesse Souza; Division 2 Water Resources-Janet Kuzmiak; and Pete Michaelson. The Fire Inspector had inspected the structure and it had passed inspection. The Water Division has no objections as long as the water inside the shop is used for sanitary purposes only. John Campbell had left a message with Kesselring, that he suggested the Special Use Permit be made permanent to the Bosse family and that if it was made permanent that the fee be collected.

BARNES, representing Regional Planning Commission, did not recall any issues that this board had concerning the request.

BRENDA BOSSE, representing herself and Leonard, stated that they have met all the fire department requests and that there have not been any complaints for five years.

DALLAS ANDERSON had concerns about the proper disposal of the fuels, oils and contaminants. BOSSE stated that the pollutants are captured and taken to a place in Florence or Penrose that recycles them. BOSSE also said that oil is burned on-site in an oil burner.

DEARBORN questioned where the pollutants went after it flowed into the floor drain. BOSSE replied that the pollutants are captured in a holding tank and once the tank is full, it will be pumped out and the pollutants will be disposed of properly.

The Board Members had concerns about the use of the well, the floor drain and the holding tank, the proper disposal of the automotive wastes and if Lo Presti (as an adjoining property owner) had any concerns. The Board Members discussed the deletion of the five (5) years renewal period and if the permit should run with the land or not.

BAILEY made a motion to recommend the Board of County Commissioners to approve the Special Use Permit as long as Bosses own the business and the property. If the property is sold, the new owners will need to obtain their own Special Use Permit. The County should refund their fee less than the County Expenses. The existing conditions

from the first permit should still be intact. RORICK SECONDED. The motion passed unanimously by role call vote.

SHY MOVED to APPROVE the Bosse Special Use Permit at the S2SE4 SEC 25 22 73, CUSTER COUNTY, COLORADO location only as long as Brenda and Leonard Bosse own the business; that the permit be reviewed on a written complaint basis only; Bosses are to be operating the business for this permit to apply; and that the fee be refunded less the county expenses not to exceed \$500.00, HOAG SECONDED. The motion passed unanimously by voice vote.

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 fo 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.

RALPH AND DONNA HOOD, representing themselves, presented the plot plan showing the location of the improvements and the parking situation.

DONLEY asked if a fire sprinkler system was required in the arena. SHY said that it would be up to the Wet Mountain Fire District and that there was no state law in effect.

DONLEY asked what was being used to mitigate the dust in the arena. HOOD stated that the sand is a special sand combination that is not dusty. The sand that was used to cover the arena is the same as that is used in the State Fair Building. A Drag Master is used for dust control. DEARBORN questioned where the water came from for the tank on the Drag Master. HOOD stated that it comes from one of the two domestic wells that are on the property.

VELTRIE asked if the building was just going to be rented to non-profits or if the intent was to rent to everyone. HOOD said that they would like the option to rent to everyone and not just non-profits.

NEPA asked about seating in the arena. HOOD said that there is a viewing area on the second floor for approximately 50 people.

NORTHCROSS asked about other arenas that either needed a Special Use Permit or tried to obtain a Special Use Permit.

NEPA offered that is seemed that this request was superfluous as the proposed uses all seemed to comply with normal agricultural uses. A discussion followed. ATTEBERY said that this application may be agricultural in nature, and that this was not the first time that this had arisen, but for now a Special Use Permit was necessary.

The Site Tour is scheduled for June 1, 2006, and the Hearing is scheduled for June 6, 2006.

JAMES AND SUSAN NOEL/VACATE AND REPLAT/SUBDIVISION REGULATION WAIVER

Legal Description: PARCEL A-1 THATCHER PARCELS(FORMERLY A TRK IN SE4SE4 SEC 15-23-71) AND PARCEL B-1 THATCHER PARCELS (FKA LOT 72 ANTELOPE VALLEY #3 PLUS TRACT IN SEC 15-23-71), CUSTER COUNTY, COLORADO

Schedule Number: 100-21-851/100-21-801

ATTEBERY read the applicants statement "*Vacate interior lot line forming a narrow 60' strip of land in Thatcher Parcel A-1 and include this 60' strip plus a small piece of land in Thatcher parcel A-1 that forms a horse corral in the sale of Thatcher Parcel B-1. This will increase the size of B-1 and decrease size of A-1 but will still leave over 35 acres in A-1. Will sell parcel B-1 and build new house on parcel A-1.*"

There were 11 letters mailed to adjoining property owners and interested parties. There were 2 responses received from the Eastcliffe Home Owner's Association and the Division 2 Water Resources. Eastcliffe Homeowners Association had no objections. The Division 2 Water Resources clarified that the existing domestic well servicing the home was tied to the larger forty acre parcel and the Noels needed to change the well designation to in-house use only or share the well between the two properties.

Due to the confusion of the request, KESSELRING presented some overheads to better explain the history of the properties. KESSELRING mentioned that Noels' will re-apply for an in-house use well for the small lot and will apply for a domestic well permit for the larger lot.

JAMES AND SUSAN NOEL, represented themselves.

ATTEBERY made a motion to recommend the Board of County Commissioners to approve the vacate and replat and subdivision regulation waiver for the lots, BARNES SECONDED. The motion passed unanimously by roll call vote

HOAG made a motion to accept the recommendation of the Planning Commission and he would approve a Senate Bill 35 exemption in case it was not on the plat, SHY SECONDED. SHY Amended the motion to reinstate all conditions of the 1997 plat take effect, HOAG agreed with the amendment. The motion passed unanimously with a voice vote.

ATTEBERY reminded the boards that the next Site Tour will be on June 1, 2006 and the meeting would be on June 6, 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 2:23 P.M.

Submitted by _____

Christy Kesselring
Secretary