

# **Joint Meeting of the Planning Commission and Board of County Commissioners**

February 5, 2008  
Custer County Courthouse  
Westcliffe, Colorado

## **Present:**

Planning Commission: Lynn Attebery, Pat Bailey, Rod Coker, Keith Hood  
Sherry Rorick, Vic Barnes and Bill Donley

Associate Members: Kenneth Paterson, Dee Hoag, Paul Buckles,  
Dan Fox and Roger Camper

County Commissioners: Kit Shy, Dick Downey and Carole Custer

County Attorney: John Naylor

Staff: Jackie Hobby

The meeting was called to order at 2:38 P.M. by Jackie Hobby Custer County  
Planning and Zoning office Director/Code Enforcement

Pledge;

HOBBY: Introduced the new associate board members. Each board member  
was given a nomination slip at the beginning of the meeting to mark their choice  
for Chairperson and Vice-Chairperson. HOBBY asked CAROLE CUSTER  
County Commissioner and JOHN NAYLOR County Attorney to verify that there  
are seven (7) slips of paper in the ballot box

CUSTER and NAYLOR: Verified that there are seven (7) slips of paper in the  
ballot box.

CUSTER, NAYLOR and HOBBY verified the nomination for Board Planning  
Commission Chairperson as PAT BAILEY and Vice-Chairperson KEITH HOOD.

Hobby: Asked if they would accept the position and PAT BAILEY and KEITH  
HOOD accepted.

BAILEY: Moved to the Chairpersons seat to continue the meeting. We need to  
elect a secretary, official newspaper and posting place. Usually the secretary is  
employed at the Custer County Planning and Zoning office but everyone is  
welcome to the position. The motion passed unanimously, Jackie Hobby  
secretary to the Planning Commission, Wet Mountain Tribune the official  
newspaper, The Custer County Courthouse bulletin board as the official posting  
place.

BAILEY: Asked for an approval of the November 7, 2007 minutes.

BILL DONLEY: Made a motion to approve the November 7, 2007 minutes.

LYNN ATTEBERY: Seconded the motion.

The motion passed unanimously by voice vote.

### **JONI SMITH/Lot Line Adjustment**

Property Address: Tract 17 Town of Rosita, aka 493 County Road 323

Schedule number: 100-31-464

Legal Description: Lot 243A

BAILEY: Are the applicants present?

DARYL THOMPSON: Yes, I am the builder and I will represent JONI SMITH the applicant.

HOBBY: The office has authorization of DARYL THOMPSON having representative authorization.

BAILEY: Is there anything that you would like to add to this statement?

THOMPSON: Joni Smith has purchased this property to come into compliance with her garage. I have narrowed the easement by 2' so that the east side will be in compliance.

BAILEY: Were the adjoining land owners notified?

HOBBY: Yes, Three with one response from MR. David Clemens. Which everyone has received a copy of and will be entered into public record.

PAUL BUCKLES: Is this located on lots 243 and 244?

THOMPSON: JONI SMITH has vacated the interior lot line so that it is one lot now known as lot 243A.

BAILEY: Is there anyone in the audience that objects? No one objected.

VIC BARNES: Made a motion to recommend the Board of County Commissioners APPROVE the applicants request for a lot line adjustment.

LYNN ATTEBERY: Seconded the motion.

BAILEY: May I have a show of hands; seven were in favor none against.

REASONS:

ATTEBERY: Yes, cleaning up a situation and bringing it into compliance and does not change the density.

ROD COKER: Yes, same reasons and no impact on density.

SHERRY RORICK: Yes, everything is up to par and it does not change the density.

BARNES: yes, it solves the problem and brings this property into compliance.

BILL DONLEY: Yes, it seems like the reasonable thing to do.

KEITH HOOD: Yes, it corrects an ongoing problem that needs to be solved.

BAILEY: Yes, it brings this property into compliance.

DICK DOWNEY: Moved to APPROVE the recommendation of the Planning Commission.

CAROLE CUSTER: Seconded the motion.

KIT SHY: The motion to APPROVE the applicants request for a lot line adjustment has been moved and seconded and **Passes** unanimously by voice vote.

## **Robert Olsafsky/Boundary Line Adjustment**

Property Address: 51 Hopi Road Westcliffe CO

Schedule Number: 100-41-655

Legal Description: Lots 3A and 4A,Block 20,Cuerno Verde Pines

BAILEY: Is the representative present?

ROBERT OLSAFSKY: Yes

BAILEY: Would you like to explain why you need this?

OLSAFSKY: I have been using the neighbor's property to access mine. My other driveway is impassable during the winter months. My neighbors, the LEES'S, have been kind enough to let me use their property. They suggested that we change our Boundary line so that in the future this would be a legal access into my property. There is no exchange of funds for this property.

BAILEY: Were the adjoining property owners notified?

HOBBY: yes, 5 adjoining property owners were notified with no replies.

BUCKLES: Will you abandon the other driveway?

OLSAFSKY: No, we will use it in the summer months.

BARNES: Did you send a letter to the LEE'S?

HOBBY: Yes, they received a copy of OLSAFSKY application.

DONLEY: Will this make an undersize lot?

HOBBY: No, LEES'S will have 6.49 acres and OLSAFKY will have 5.33 acres if this is approved.

BARNES: Made a motion to recommend the Board of County Commissioners APPROVE the applicants request for a Boundary line adjustment between the LEE'S and the OLSAFSKY.

HOOD: Seconded the motion as stated.

BAILEY: May I have a show of hands in favor. Seven were in favor none against.

REASONS:

DONLEY: Yes, it is a better approach to the house.

BARNES: Yes, it did not change the density or create an undersized lot. It's good to see neighbor's helping neighbors.

HOOD: Yes, it's a win, win situation.

RORICK: Yes, for all the same reasons stated before. We are not here to create a problem and the neighbors are helping each other.

ATTEBERY: Yes, This isn't creating an undersized lot and the neighbors are helping each other.

BAILEY: Yes, all the same reasons that were stated before.

SHY: Recuse himself from the decision. His company did the survey on this property.

DOWNEY: Moved that they approve the recommendation of the Planning Commission.

CUSTER: Seconded the motion.

The motion to **APPROVE** the applicants request for a Boundary line adjustment has been moved and seconded and **Passes** unanimously by voice vote.

**George James Lewis, Charles Raymond Lewis, Margaret E.  
Wills/Subdivision Waiver**

Property Address: See Attachment  
Schedule Number: 100-18-100

BAILEY: Are the representatives present?

CHARLES LEWIS: yes.

BAILEY: Read applicants statement, *Land only has 9.23 acres we have no way to buy any land next to it. Land adjoining is in a conservation easement.* Would you like to add to this statement?

LEWIS: The land was purchased in 1976 by my mother, this was only 9.23 acres. The land was cut off in 1953 by the State Highway. My mother traded the CAMPERS for a piece that she owned on the other side of the State Highway.

BAILEY: Were the adjoining property owners notified?

HOBBY: Yes, 2 adjoining property owners were notified with no replies.

DONLEY: Did the PRILLS purchase your other property around it?

LEWIS: yes, most of it. The PRILLS would like to purchase this only if we can get a well on the property.

BARNES: What are the PRILLS intentions with the property?

LEWIS: I don't know.

BARNES: Is there a catch pond on the property?

LEWIS: I don't know if it's a catch pond.

DOWNEY: If it's pre-zoning what do we need to do?

NAYLOR: If a road created a separate parcel and if it was pre 1972 then the BOCC can approve a waiver or you can send a letter to the State and say that the County considers this pre-1972 and request them to grant this.

SHY: This was isolated by the annex of Silver Cliff Ranch they purchased the property on the south side and did not purchase the property on the north side of the highway which was isolated by the state highway 96.

BARNES: There seems to be no advantage between the paperwork and time.

BARNES: Made a motion to recommend the Board of County Commissioners APPROVE the applicants request for a Subdivision Waiver.

DONLEY: Seconded the motion as stated.

BAILEY: May I have a show of hands in favor. Seven were in favor none against.

REASONS:

COKER: Yes, seems like an easy way to correct the situation and solves a problem.

RORICK: yes, the right thing to do.

ATTEBERY: Yes, they did not create this problem.

BARNES: Yes, this happened and regardless it's the best way to take care of the situation.

HOOD: Yes, it's an isolated piece of property and we did the same thing down the road for a lot about 1/2 mile away.

DONLEY: yes, since this parcel was created in 1953.

BAILEY: Yes, it corrects the situation that the Highway Dept. created.

DICK DOWNEY: Moved to APPROVE the recommendation of the Planning Commission.

CAROLE CUSTER: Seconded the motion.

KIT SHY: The motion to APPROVE the applicants request for a subdivision waiver has been moved and seconded and **Passes** unanimously by voice vote.

BAILEY: I would like to remind everyone that the Subdivision workshop will be February 7, 2008 from 2:00 P.M. to 4:00 P.M.

DONLEY: Moved to adjourn.

HOOD: Seconded the motion.

BAILEY: The February 5, 2008 joint meeting of the Planning Commission and the Board of County Commissioners is adjourned at 2:20 P.M.