

# Joint Meeting of the Planning Commission, Board of County Commissioner

June 8, 2010  
Custer County Courthouse  
Westcliffe, Colorado

## Present:

Board of County Commissioners: Lynn Attebery Chairman, Jim Austin Vice Chairman  
Carole Custer Commissioner  
Planning Commission: Sherry Rorick, Rod Coker, Bill Donley  
Absent: Vic Barnes, Pat Bailey, Keith Hood, Paul Buckles  
Associate Members: Dale Mullen, Brad Stam  
County Attorney John Naylor  
Staff: Jackie Hobby  
Absent: Roger Camper, Ken Lankford, Cindy Howard, Dorothy Nepa

The meeting was called to order at 1:09 P.M. by JACKIE HOBBY Planning Commission Secretary.

HOBBY: Asked BRAD STAM and DALE MULLEN to move to a seated position.

Pledge:

HOBBY: I will give a Zoning report and we will need to amend the agenda to include an item of discussion. In 2010 we have had 72 Zoning permits and 19 septic permits compared to 58 zoning permits and 19 septic permits in 2009. In July we will be taking a vote on a building code to see if we want to go forward with a building code for the county. We will also discuss Green Burials the state has passed a House Bill. For the amending of the agenda we need to discuss some guidelines on what criteria we allow a Zoning permit to be extended and at what cost if any. With the economy people are asking for extensions on their zoning permit. With a zoning permit you are allowed two (2) years to have the structure dried in. We have in the past given people an extension if they had a sickness we would allow them six (6) months. With the economy people want an extension of another two (2) years so we need to set up some criteria on what will be allowed for an extension. One recommendation would be if you do need an extension that you would get six (6) months for one half price of the original permit.

COKER: Are most of the request for an extension for a short period of time?

HOBBY: No, they request from six (6) months to two (2) years.

DONLEY: Since it's an economic hardship maybe one (1) year for free and then the full amount for another two (2) years.

HOBBY: That would be based on the economy or if you were ill?

DONLEY: I am not going to comment on the illness part, maybe to hard times from now until the end of 2011 they can get an extension for a year.

RORICK: At what cost?

DONLEY: I am not going to comment on that. I would like other comments on my idea.

HOBBY: Commissioners any comments?

CUSTER: Thanks BILL. I appreciate the time frame that you laid out. Because of the economic times that we are facing, it would be helpful to our public if we could extend the time frame.

COKER: Would it matter if they came in before their existing permit expired or after?

DONLEY: No, that would not bother me either way. I guess then what I am saying that a two (2) year permit just went to three (3) years.

ATTEBERY: The policy in the past has been six (6) months for half price. I guess what I am thinking is where is the abuse going to come from. There will certainly be some and I believe they need to apply for an extension before their permit expires. The office goes out of its way to make sure that they are in compliance and I believe that they should come into the office before their permit expires.

CUSTER: We did discuss this and whatever way we do there should be some acknowledgement of the fact they came in before their permit expired. They also need acknowledgment that their permit is going to expire.

ATTEBERY: They need to be pro active on their behalf in order for us to give them relief.

DONLEY: Does the office have an easy way to track when people's permits are going to expire?

HOBBY: Yes, I believe we do. If not I could speak with CHUCK and see if he could make a program. My suggestion is that we send out letters informing you that your permit will expire in 30 days and you may get an extension for half price for six (6) months.

MULLEN: If a permit has expired that they get no special treatment and face the consequences of the current policy and pay the full amount. I think special treatment as one year for free is a bad precedent to set. We would be better off in a case by case basis and individual merits rather than have a blanket policy which will lead to abuse and I don't think anything should be for free.

HOBBY: Any other comments? We will discuss this at our July 6, 2010 meeting.

HOBBY: Our first agenda item is GEORGE and LINDA WITHERS. Six adjoining property owners were notified with zero replies. I will read the applicants statement. "We would like to give our ten acres to each of our daughters" There is a map included in your packet and MR. WITHERS has drawn on the map approximately where the two ten acre pieces would be. I told MR. WITHERS No to get a survey of the property until he was approved for a Subdivision Waiver of Senate Bill 35.

DONLEY: Before we proceed I am an adjoining property owner, does that make a difference?

ATTORNEY NAYLOR: If you do not have a financial interest then you can remain. I do not see a problem with this.

WITHERS: We got two daughters and both have expressed interest in being property owners in the county. We have talked to the accountant and the accountant says they are going to inherit it all anyway. The piece we have marked is what we would like to give our two daughters so that they can have it right now.

RORICK: How many acres do you have total?

WITHERS: We have about a total of about one hundred and thirty acres.

DONLEY: Is the easterly piece just below the hill?

WITHERS: The east boundary is straight north of my well and this would be on top of the hill.

DONLEY: You are asking for two (2) well permits and those would be for in house use only.

WITHERS: Yes

RORICK: How about the building area, is it pretty flat so they would not have to come in and ask for a variance for the property?

WITHERS: No, it's fairly flat.

HOBBY: Any comments from the audience?

No response

HOBBY: Any comments from the commissioners?

NO response

STAM: I make a motion to approve the two (2) Subdivision Waivers.

RORICK: Seconded the motion.

DONLEY: Can I make a recommendation that the deeds and the transaction be done within ninety (90) days?

WITHERS: No

DONLEY: So that this does not drag out, and be dormant for years and years.

WITHERS: I had talked to JACKIE about that and she said I had one (1) year to complete this and then if circumstances prevented me we would talk about an extension

HOBBY: We give the applicant at least one (1) year to complete the process, they need to get a survey, produce a map of the property and do deeds to reflect the new ownership.

HOBBY: I have BRAD with the motion of two (2) subdivision waivers of senate bill 25 and SHERRY with a second.

All in favor

Motion passed, unanimously.

### **REASONS:**

MULLEN: Yes, I voted in favor I believe it is a reasonable request, by a parent to subdivide. I have a concern but it's a non issue since I voted yes.

STAM: Yes, I think it's reasonable and in the absence of a minor subdivision the county needs to be prepared to grant these in reasonable situations.

COKER: Yes, it supports the request of the family.

DONLEY: Yes, for the reasons stated. I also concerned that it is done in a timely manner.

RORICK: Yes, it is a family within a family and not be subdivided for monetary gain.

HOBBY: Commissioners?

ATTEBERY: I make a motion that we take the recommendation of the Planning Commission.

CUSTER: Seconded the motion.

ATTERBERY: Normally when we do a subdivision waiver, how are you going to label them and make sure that is done, we need to identify them.

ATTERBERY: All in favor.

Motion passed, unanimously.

HOBBY: Our next agenda item is a Special Use Permit for Phil and Alene Neas to operate a Bed and Breakfast at 5001 Highway 96. I will read the applicants statement *"Proposal for permit to operate the casita portion of the property at 5001 Highway 96 as a bed and breakfast. This is an 18 foot square room that is connected to the house by a breezeway. It is contemplated that the room would be used no more than 35 nights/year as a bed and breakfast. The remainder of the year it would be vacant or occupied by family or personal friends as it is currently used. The room would accommodate a maximum of 2 (two) people. In addition there will need to be a slightly larger sign on Highway 96. The sign will be a maximum of 32 square feet.* This will only be a presentation and the hearing will be held July 6, 2010.

DONLEY: I need to be excused from the meeting.

HOBBY: I do not see a problem with that this is only a presentation.

NEAS: Hi, my name is PHIL and this is my wife ALLY and we live at mile marker five (5) on highway 96 and one of our thirty five (35) acre properties has a barn on it and the other one is a Spanish type house on the other thirty five (35) acre pieces. As part of the house is a guest

room and we thought it would be a good idea to offer that out to people. The room is connected by a breezeway. A few nights each year to rent it out and that is what we are asking for a Special Use Permit. It is only available for two (2) people.

HOBBY: This dwelling has an existing septic and this is permitted for a bedroom.

RORICK: Are there any cooking facilities?

NEAS: No, it's like a motel room a bed and bathroom and a small kitchen counter that has a coffee maker on it.

STAM: Why do you need a sign that is larger than the regulations?

NEAS: We have a twenty (20) square foot sign now advertising our alpaca business and we would like sometime in the future we would like to replace and not only advertise the alpaca business but also the bed and breakfast.

STAMM: Is the sign close to the Highway or down by the barn?

NEAS: Down by the barn.

RORICK: I can tell you that it is not very readable from the highway.

MULLEN: Is this precedent or is there another like this in the county that is only a single room?

HOBBY: There used to be a bed and breakfast out south of town that is no longer in business. The other bed and breakfast are located in the Town of Westcliffe.

NEAS: We do not envision this as a large scale business. The phone calls that we are receiving only need this during the weekends when all the other rooms in town are booked.

HOBBY: We sent out seven (7) adjoining land owner letters and received two (2) replies in favor from KINTER and DENNING.

ATTERBERY: How does this change their water?

NEAS: We have two (2) wells one on each 35 acre parcel.

HOBBY: I don't believe this would change too much they would need to have a commercial exempt well.

ATTERBERY: The signage in the county one reason the way it is because of the regulations of the scenic byway and what they want to keep for the scenic byway.

HOBBY: I will provide the Planning Commission on some information on the scenic byway signage.

HOBBY: Any other questions.

No response.

HOBBY: Thank you Mr. and Mrs. NEAS

HOBBY: We will discuss what guidelines we would like in place for an extension to an existing zoning permit, also we will need to take a vote if we would like to move forward on adopting a building code at this time and also regulations for Green burials. We will also vote on adopting the Master Plan and the NEAS will have their hearing for the bed and breakfast.

STAM: So with the regulations on a scenic byway we should not allow them to have a thirty five (35) square foot sign?

ATTERBERY: You may certainly do that but mainly on the scenic byway. What the state likes to see is Tourist Oriented Directional Signs. Black and White signs that you see you will not see any bill boards, or large signs between here and Pueblo and along highway 165. The byway sign is not a regulation these are recommendations.

COKER: Did we grant them something special for the sign that is there now?

RORICK: No, it met county regulations.

ATTERBERY: No, it met county regulations we just need to keep in mind the county byways.

AUSTIN: Do they know about the lodging tax.

HOBBY: Yes, and then they were also told that a part of this structure will be taxed commercial property.

RORICK: Made a motion to adjourn  
COKER: Seconded the motion.

Meeting adjourned at 1:48 P.M.