

Joint Meeting of the Planning Commission and Board of County Commissioners

October 6, 2015
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Vic Barnes, Bill Donley, Keith Hood, Cindy Howard, Pat Bailey and Chris Nordyke

Absent: Patrick Lynch

Associate Members: Dale Mullen and Mike Shields

Absent: Lance Ingram

County Commissioners: Lynn Attebery, Bob Kattnig and Kit Shy

Deputy Clerk to the Board: Kris Lang

Attorney: Clint Smith

Staff: Jackie Hobby and Chuck Ippolito

The meeting was called to order at 1:30 P.M. by VIC BARNES, Custer County Planning Commission Chairman.

County Commissioner KIT SHY: Made a motion to reconvene the Custer County Commissioner's

Motion passed unanimously.

Pledge:

BARNES: We need to have an Associate Member for PATRICK LYNCH seat.

SHIELDS: Replaced LYNCH as a seated member.

BARNES: We do not have any minutes to approve.

BARNES: JACKIE would you please give a Zoning report.

HOBBY: In the month of September we had eleven septic inspections, two special conferences and seven compliance inspections. In the month of September we issued six septic permits and twenty one zoning permits. In 2014 we receipted \$79,542.00 in 2015 \$95,616.87.

BARNES: Thank you JACKIE. We have two items on the agenda today. They are both Special Use applications. One is DELUCA propane and we had the presentation September 29, 2015. This meeting is a hearing for DELUCA propane. The Planning Commission most likely will make a recommendation to the Commissioners. In the past there has been the expectation that the Commissioners will act at the same meeting as the Planning Commission makes a recommendation. We found out recently that sometimes that is not appropriate. That may happen today and the Board of County Commissioners may or not act. If the County Commissioners do not act then I would assume it would be soon at one of their regularly scheduled meetings. The second agenda item is also bulk propane and it is LUDVIK. This will be a presentation and November 10, 2015 will be the hearing. We will now have the Special Use Permit Hearing for DELUCA. JACKIE is there anything that has developed since September 29th?

HOBBY: No

BARNES: Would FRANK DELUCA please come up to the podium. Do you have any additions or comments since our last meeting?

DELUCA: No

BARNES: Does the Planning Commission have any questions?

HOWARD: The house that is located close to the site, if they have a wood burning stove or any fire risk?

DELUCA: The structure located on the same parcel is a metal building and there is no wood stove. It is a shop.

BARNES: Thank you CINDY. Any further questions?

Hearing none

BARNES: County Commissioners any questions?

SHY: I have one about weed control. Will you be doing this?

DELUCA: Yes, we do this at all of our other sites. We have a company out of pueblo that does all of that.

BARNES: Do we have any questions from the audience?

LAMBERT: I am TOM LAMBERT, LUDVIK propane. With the building structure that is already located out there I was wondering what the intentions for the building are?

DELUCA: There is an office already in there and we have talked to JERRY about renting the office. There is a shop already located in the building.

BARNES: Any other questions?

HOBBY: Your liability insurance has NGL Energy Partner LP. Is that what your Special Use Permit name should be in?

DELUCA: We operate under DELUCA gas and NGL Energy group yes.

BARNES: Planning Commission do you have any more questions?

Hearing none, what is your pleasure?

DONLEY: I move that the Planning Commission recommend to the County Commissioners with the following conditions.

1. Applicant will be required to fulfill all 1992 recommendations from the Wet Mountain Fire Dept. (Enclosed)
2. Vegetation will be killed around propane bulk storage.
3. A six foot (6') perimeter chain link fence must be installed around all bulk propane.
4. Bulk propane tanks will be placed a minimum of fifty feet (50') away from all property lines
3. Project will comply with all State, Local and Federal Regulations.
4. All conditions must be met prior to operation of sales.
5. The Fire Inspector will inspect and pass the site before the Special Use Permit is granted.
6. A copy of the Fire Inspector's report, provided by the applicant will be kept on file in the Planning and Zoning Office.

7. Planning and Zoning Office will be contacted when all the conditions are met and final approval will be granted to operate the business.
8. The Special Use Permit will be with Deluca Gas A.K.A. NGL Energy Partners.
9. The owner and/or applicant will notify the Planning and Zoning Office within thirty (30) days, if operations are abandoned, or if there is a change of operations.
10. Special Use Permit will become invalid if the property is sold to another party.
11. Liability insurance of a minimum annual certificate of one million dollars must be in place at all times and on file in the Planning and Zoning Office.
12. Bulk propane tanks must be oriented to the east and west.

HOOD: Seconded the motion

BARNES: All in favor

Motion passed unanimously

REASONS:

BAILEY: I voted to approve this Special Use Permit; it included all the Federal, State and Local guidelines and the fire protection district.

DONLEY: I voted to approve because they have met all are conditions that were requested.

HOOD: I voted to approve. I think with the conditions that were put on were adequate to cover.

NORDYKE: I voted to approve, for all the same reasons.

HOWARD: I voted to approve. It looks like a well thought out plan and also because it is non-transferable if DELUCA ceases operation.

SHIELDS: I voted to approve, with all the conditions that are in place.

BARNES: I voted to approve, it was well presented and all the conditions are satisfactory.

BARNES: County Commissioners the Planning Commission recommends approval for the Bulk propane tanks with the conditions.

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

KATTNIG: I second the motion

SHY: Any discussion? I have one point of clarification. What did you say about the vegetation again?

DONLEY: Vegetation will be killed around propane tanks.

SHY: All in favor?

Motion passed unanimously

REASONS;

ATTEBERY: I voted to accept the recommendation of the Planning Commission due to all the guidelines and conditions that were put into place.

KATTNIG: I voted for it by the conditions that were put in place by the Planning Commission.

SHY: I voted for it by all the conditions and it did not require more work from the Planning and zoning office as far as compliance goes.

BARNES: We are going to move now to our second agenda item, which is a Special Use Permit for a bulk propane plant. This is the presentation phase; I will read the applicants statement.

***Ludvik Propane
218 Main St
Westcliffe, CO 81252
719-783-2062***

Ludvik Propane, a locally owned company, intends to build a retail distribution center for local home heating distribution operation. This project is projected, including land purchased and installation, not to exceed \$175,000. This project will be completed by July 2016:

Key components of compliance

- Propane operating system will be installed per NFPA 58 industry standards
- 1-12,000 & 9000 gallon holding tanks supported by cement industrial piers installed per industry standards
- State jurisdiction approved including state oil inspector
- Local building requirements
- State and Local Fire Marshall and other requirements
- -10,000 gallon water reserve if required by Seifert industrial park
- Operating system completely fenced where propane is transferred per state codes
- All image/equipment newly painted and overall above industry standards
- All necessary emergency operating plans provided to local first response of local authorities.

BARNES: Whoever is representing the application please come up to the podium and introduce yourself.

LAMBERT: My name is TOM LAMBERT of LUDVIK propane and PALADIN propane partners located in Kansas City Missouri. I have done this before our intent is to operate a distribution facility. We are going to do some site improvement (gravel, drainage) we have plenty of space to work with. We are fifty feet away from boundaries; tanks will be east and west.

BARNES: Thank you TOM. Any questions from the Planning Commission?

BAILEY: Where are the two tanks going to be located?

LAMBERT: I sent a new plot plan. basically along the south fence line. We have plenty of room with a circle drive for our trucks to come in. We don't intend on having any structures on the property. We will store ten to twenty individual propane tanks.

HOBBY: The Special Use Permit will be in LUDVIK name?

LAMBERT: Yes

HOBBY: TOM LAMBERT and JEFF LOUDENBACK are partners in LUDVIK will the Special Use Permit will be in both names.

DONLEY: Will you be putting a circular road around it?

LAMBERT: Yes, we will be coming from the back side of the property and probably unload in front of them so a full size transport can come in. They will all have emergency shut offs.

DONLEY: Where will your water cistern be located?

LAMBERT: That still will be determined.

SEIFERT: There will be three cisterns located right together within one hundred feet of each other. I don't believe that is really necessary. There is one across the road and then if FRANK puts one in also TOM all three will be right there.

HOBBY: The spec sheet requires that everyone has a cistern and the Fire Department will probably make the recommendation on where it should be located. That will need to be discussed with them and the Fire Department will sign off, prior to your Special Use Permit final approval. The other applicant has already got stamped approval from the State so you will be required to submit that paper work before your hearing.

BARNES: So you are recommending that TOM do the same thing prior to our next meeting.

LAMBERT: Yes, I can do that.

HOWARD: Are you purchasing this now or is it going to be a lease contract?

LAMBERT: It is under contract if we get approval for the Special Use Permit.

BARNES: Do the County Commissioners have any questions?

SHY: Your application said that it is a retail distribution center for local home heating. Will you only be filling your bulk trucks?

LAMBERT: That is correct.

SHY: So you will not fill anyone's barbecue bottles?

LAMBERT: Strictly only a large service trucks.

BARNES: Does anyone from the audience have any questions?

Hearing none

BARNES: Does the Planning Commission have any other questions?

BAILEY: It states that you will have an office, possibly down the road.

LAMBERT: No, we will be keeping our facilities away from customer traffic.

BARNES: Any more questions?

Hearing none

BARNES: That is the end of our presentation, I would recommend getting together with JACKIE regarding the State sign offs.

BARNES: The date of the hearing will be November 10, 2015

A recommendation from the County Commissioners and audience member was to have sensory lighting and a posted address

BARNES: Suggested that the Zoning office make that conditions and that it be included with the recommendations already stated.

DONLEY: I make a motion to adjourn

HOOD: Seconded the motion

SHY: Mr. Chairman the County Commissioners are adjourned.

Adjourned at 2:07 P.M.