

Meeting of the Planning Commission

May 2, 2017

Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Vic Barnes, Patrick Lynch, Keith Hood, Pat Bailey, Bill Donley, Chris Nordyke and Dale Mullen

Absent: None

Associate Members: Mike Shields, Steve Henning, Skip Northcross and Mike Carter.

Absent: Lance Ingram

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.

Pledge

BARNES: We need to approve the minutes from our March 7, 2017 meeting.

Has everyone had a chance to look at them, and are there any comments?

These minutes are for both the BZA and the Planning Commission. We can go ahead and approve them and JACKIE can send them to the BZA for approval.

DONLEY: I make a motion to approve the minutes.

LYNCH: I will second the motion.

BARNES: Skip and I will look at them and there are some grammatical corrections that have to be addressed. This will not change the content of the minutes. Would you change your motion to accept with the changes?

DONLEY: I make a motion to approve the minutes with the changes.

LYNCH: I second the motion.

BARNES: All in favor; opposed same sign. They are approved as presented with the changes. JACKIE will give us the zoning report.

HOBBY: In the month of April we had five septic inspections, seven special conferences, three compliance inspections and one septic contractors test. Permits issued during this month were six septic permits compared to five last year and twenty-three zoning permits compared to twenty two last year. Permits issued year to date for 2017 are twenty nine septic compared to fourteen last year at this time and sixty nine zoning permits this year compared to sixty two last year.

BARNES: Thank you JACKIE.

We have one agenda item today and it will be a Presentation for a Special Use Permit for Westcliffe Supply CO., COLE MC COLLUM will make the presentation. First there has been a change in the Special Use application. ED LYONS land owner, will be the applicant and COLE MC COLLUM will conduct his business on LYON'S property.

MCCOLLUM: Yes, that is correct. If I decide to sell or whatever happens down the road, then LYONS would have the Special Use Permit.

BARNES: COLE will be making the presentation for LYONS.

MCCOLLUM: Westcliffe Supply was started with two gentlemen that worked previously at a building supply store that subsequently was sold. We got together and started a lumber supply company. In the beginning, we were taking phone calls for orders. This business evolved and we see potential and a real need to have this lumber company in town. We provide a great service. We offer, instead of just a lumber package, windows, trim and sheetrock etc. We are to the step that this needs to be a full-time business. We met with LYONS and he said that we could use his property. We have added repurposed items and shipping containers as the business has evolved.

BARNES: JACKIE were the adjoining land owners and interested parties notified?

HOBBY: Yes, we did not receive any comments from the adjoining land owners. I have received comments from the Wet Mountain Fire Department, Road and Bridge and Division II Water.

Jackie Hobby

From: "Gary Hyde" <gary@custercountygov.com>
Date: Monday, March 13, 2017 2:42 PM
To: <jackie@custercountygov.com>
Subject: Cole J. McCollum request

Jackie,

In reference to Cole J. McCollum's application for a special use permit I don't feel that the Road & Bridge Department has an opinion in this matter based on Mr. McCollum's property not being on Custer County right of way. If you have any questions please call me at 719-371-2148.

Best regards,

Gary Hyde
Custer County Road Supervisor

3/13/2017



WET MOUNTAIN FIRE PROTECTION DISTRICT

May 8, 2017

RE: (legal): 228 CO RD 251

To Whom It May Concern,

The Wet Mountain Fire Protection District requires a water cistern only for propane storage facilities. Other businesses, private owners and HOAs may install a water cistern if they desire, but it is not required. Therefore, in this matter the Wet Mountain Fire Protection district does NOT require a water cistern.

Sincerely,

Basil Lane
Assistant Chief, WMFPD



COLORADO
Division of Water Resources
Department of Natural Resources

Water Division 2 - Main Office
310 E. Abriendo Ave, Suite B
Pueblo, CO 81004

April 5, 2017

Jackie Hobby
Custer County Planning and Zoning
205 6th Street
P.O. Box 209
Westcliffe, CO 81252

Re: Request for Comment on Special Use, Rezoning or other Land Use Review: Cole J. McCollum, Applicant

Dear Ms. Hobby,

This is provided as a courtesy comment as this proposal does not involve a subdivision requiring comment by the State Engineer's Office pursuant to C.R.S. 30-28-101(10)(a). Therefore, pursuant to the State Engineer's March 4, 2005 memorandum to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The county submittal included a completed DWR Checklist. The request is to allow a retail lumber business on a 37.81 +/- acre property located in Section 9, Township 22S, Range 72W of the 6th P.M. with a physical address of 228 CR 251 in Westcliffe, Custer County. The water needs described on the checklist and narrative state that all of the water used in the business will be hauled to the property and portable toilets will be used for sanitary uses.

According to our records, well permit no. 260347 appears to be located on the subject property. Well permit no. 260347 was issued on 11/15/2004 pursuant to CRS 37-92-602(3)(b)(II)(A), as the only exempt production well on a parcel of 37.81 acres, and allows for ordinary household purposes inside not more than three (3) single family dwelling, the irrigation of not more than one (1) acre of home gardens and lawns, and the watering of domestic animals. According to the Well Construction and Test Report received on 12/14/2004, a well was constructed on 11/20/2004 to a depth of 295 feet. The well is currently used as the water source for a residence located on the property. Pursuant to State Engineer's Policy 2011-3, available online at: http://water.state.co.us/DWRIPub/Documents/Policy_2011-3_Commercial_activities.pdf, this well could not be used to supply water to customers or employees (other than those employees that reside in the residence on the property) of the proposed business as currently permitted.

Should the applicant desire to use the well to supply water to drinking and sanitary facilities for the proposed business, the well would have to be re-permitted for commercial use. It appears the Applicant would be eligible to apply to re-permit existing well permit no. 260347 as a commercial-exempt well. A commercial-exempt well permit would allow for a maximum pumping rate of 15 gallons per minute and 1/3 acre-foot (approximately 108,600 gallons) per year for drinking and sanitary facilities inside a commercial business (in addition to ordinary household purposes inside a single family dwelling). As a commercial-exempt well, ground water could not be used for irrigation or any other uses outside the business structure and/or single family residence. Additionally, a commercial-exempt well permit would require a totalizing flow meter be installed on the well and annual reporting to the Water Commissioner upon request. Lastly, the return flow from the use of ground water under a commercial-exempt well permit would have to be discharged to the same stream system by a method where the consumptive use of ground water does not exceed 10% of the ground water pumped (ie non-evaporative septic/leach system). Application for a commercial-exempt well permit may be made using Form Nos. GWS-45, GWS-57, and a \$100 application fee. Additional information concerning commercial-exempt wells, including links



to the application forms, are available on our website at:
<http://water.state.co.us/groundwater/wellpermit/Pages/CommercialWells.aspx>.

Based on the above, I cannot recommend approval of this application based solely on its ability to operate using a legal source of water due to uncertainty of the proposed water source in the event the county will require the business to have permanent restrooms.

Please feel free to contact me if you have any further questions regarding this information.
You may contact me by phone at (719) 542-3368 ext. 2101 or by email at kathy.trask@state.co.us

Sincerely,



Kathy Trask
Water Information Team Leader

CC: Caleb Foy, P.E., State Engineer's Office
Bill Tyner, P.E., Assistant Division Engineer, Division 2
Jerry Livengood, Water Commissioner WD 13



DONLEY: They would need a commercial exempt well. The same as an in house use only well, they would get 108,000 gallons a year.

HOBBY: LYONS would have to re-permit his well into a commercial exempt well so that it could be used at Westcliffe Supply Co.

MC COLLUM: It is not an environment where customers come and shop for hours at a time. Its five minutes and gone. The water consumption would be me, another employee, and sometimes my wife.

BARNES: Does the Planning Commission have any questions or comments?

MULLEN: Question about a second oversized sign that JACKIE sent out in an e-mail.

HOBBY: When we were at the site visit, I only saw one sign. Now I see two located on the property.

MC COLLUM: The two signs were installed at the same time and were both visible during the site tour.

HOBBY: I did not see both signs at the site tour.

MULLEN: Does this application go with the business owner or the land owner? When we started out I thought this was in MC COLLUMS name.

BARNES: If the Special Use Permit is issued it goes with the applicant and not with the land. If MC COLLUM decides to go somewhere else and LYONS brought in someone else to operate the business, that would be fine. If LYONS sold the property, then the new owners would need to apply for a Special Use permit. Do you agree with that?

BAILEY: I think normally it goes with the applicant. Since LYONS owns the land, then I think if he is going to be the applicant then he would have the SUP. I can see what we are looking at, it would go with the applicant.

DONLEY: The owner and the applicant are not here. MC COLLUM is representing LYONS and owns the business.

BARNES: We have had this before, where the applicant can designate someone to speak for him.

MC COLLUM: LYONS won't be involved in the business at all. LYONS is renting the land to me to run the business and he probably can't answer any questions about the business anyway.

Discussion continued concerning the SUP and potential conditions.

DONLEY: I make a motion to adjourn

BAILEY: I second the motion

Meeting adjourns 2:45 P.M.