

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

June 4, 2002
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery Mr. Pat Bailey Mr. Victor Barnes Mr. Alden Gray
Mr. Keith Hood Ms. Sherry Rorick

Board of Zoning Adjustment:

Mr. Bill Donley Mr. Pete LoPresti Ms. Dorothy Nepa Mr. Art Solomon

Associate Members:

Mr. Jim Austin Mr. Skip Northcross Mr. Gary Roberts Mr. Selby Young
Ms. Robyn Canda

County Commissioners and Attorney:

Mr. Dick Downey Mr. Larry Handy Mr. Dale Hoag Mr. John Naylor

Staff:

Mr. Linc Lippincott Mr. Dan Bubis Ms. Christy Kesselring

Absent:

Mr. John Campbell Mr. Rob Canterbury

The meeting was called to order at 1:01 P.M. by LINC LIPPINCOTT, Moderator.

YOUNG filled the Board of Zoning Adjustment seat left vacant by the absence of CANTERBURY.

LIPPINCOTT called for approval of the May 2002 minutes. BAILEY MOVED and BARNES SECONDED. The motion passed unanimously.

ZONING OFFICE REPORT

- 10 I.S.D.S. Variances were issued in May: Carthel, Cannon, Vigil, Sears, Knafo, Raether, Gomez, Campbell, Wilkins, Norris.

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

Office Summary

May

26	Septic inspections, Site reviews, or Violation reviews
10	Violation reviews
0	Homeowner Septic installation test
2	Septic Contractor test
23	Special conferences

Permits issued:	<u>2001</u>	<u>2002</u>
Septic	9	20
Zoning	22	42

- 194 permits have been issued year to date versus 150 for the same period last year. 67 Dwelling permits and 63 septic permits have been issued this year and generally septic permits precede dwelling permit applications. It does not appear that this year's permits will be less than the last few years.
- Financially, as of the end of May, we have generated a little over \$89,000.00 vs about \$60,000.00 the last three years.
- Vic Barnes has been appointed as a representative to the Great Sand Dunes Advisory Council.
- The Department of Wildlife met with the commissioners and Lippincott to discuss the potential bear problems this year. The DOW expects the number of encounters to be higher due to climatic conditions and would like the Planning and Zoning Office to continue their educational efforts regarding bear proof containers. The DOW has an ordinance that holds people responsible for having a lid on their trash containers. The DOW will be enforcing this and fines could be levied.
- Wildfires- Two web sites for information on the fires and suppression efforts:
<http://geomac.usgs.gov> and <http://www.fs.fed.us/r2/psicc/fire/>

LIPPINCOTT turned the meeting over to the Planning Commission.

**MUSIC MEADOW RANCH, LLC. / MULLETT'S EXCAVATING, LLC. / SPECIAL/CONDITIONAL
USE PERMIT**

Property description: 10 acres of 3,800 acres located in Section 16, T 24 S, R 72 W

Schedule number: 101-58-001

This item was continued at the April and May meetings. Workshops were held April 30 and May 21. Elin Rusher was present, Mullett had a prior commitment out of state. Hood summarized the May 21st workshop saying that the bulk of the discussion had to do with the proposed haul route. The route preferred by Road and Bridge for egress was CR 119 to CR 114, East to CR 115, North to CR 130. Neither the County nor the applicant came up with a viable alternative for a haul route.

BAILEY MOVED to DENY the request. HOOD SECONDED and the motion passed with ATTEBERY, BAILEY, BARNES, HOOD and RORICK voting in favor of the denial and GRAY voting opposed. Attebery explained that the Planning Commission's recommendations are based on 3 basic

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

things: Land Use; Health; and Safety. As far as Land Use and Health stand points he does not have any problems, but as far as the Safety issue, he has a big problem. If it was just Custer County trucks or just Mullett's trucks the issue might be different.

HOAG MOVED to ACCEPT the recommendation of the Planning Commission to DENY the Special Use Permit. DOWNEY SECONDED and the motion passed with HOAG and DOWNEY voting in favor and HANDY voting opposed.

At the end of the meeting Attebery explained to Naylor that the applicant had asked for a public statement of finding if the request was denied and asked if that would be appropriate. Naylor explained that the Planning Commission should adopt a "set of facts" explaining why they voted the way they did. The Board decided to just state their reasons and have them be reflected in these minutes.

Hood: My reason for voting against granting the Special Use Permit dealt strictly with the haul route. In that specific subject, with the enforcement of that haul route. All through our presentation, the County showed an extreme interest in using material from that pit which would mean that the County would be hauling. If you're going to enforce the haul route, you've got an enforcing body that is also a customer of the pit, so you've got a conflict of interest in whether they've got an interest in maintaining the road or hauling. So I could see no way that the haul route could be adequately enforced.

Gray: I voted in favor because I feel that those ranchers up there have every right to make as much money as they can on their ranch. And ranching entails livestock, and hay, and if they want to, they can harvest timber. They can also harvest aggregate or sand, gravel, rock from their property. The County roads are made for everybody. They're not made just for a certain group, and they are maintained by the County. Now if this is voted in, the County is going to come out like a big fat rat here because they're the ones maintaining so many miles of road and rebuild so many roads. Now, in the past there has been any number of truck loads of hay going out of the valley on the County roads, also there has been any number of cattle in and out of the valley. They're using the roads and they're not maintaining them. Also, the timbers being hauled out of here, hundreds and hundreds of loads. Now they come along and say they don't want a truck load of gravel, and then they mention road damage. Well road damage occurs with a four wheeler, with a car, with a pick-up, with a horse trailer, with a bob tail truck or a tandem bob tail, or 18 wheeler. The County still maintains the roads, they're for everybody. So if they're talking about property rights being taken, Mountain Meadows had property rights taken from them as much as you can say the 80 acres can only have 1 house.

Rorick: I voted to deny this, but of course I had made this recommendation at the first meeting simply to make a recommendation, and my reason at that point was because of the public input that they did not want it on their... not in my back yard. And that is why I said it at that point, and I guess I still agree with that. I also still agree that they did have the right to do that on the County roads, but I had to stay with what I had gone with before.

Bailey: My whole denial is based on access only. I think that the proposed route was a poor route just because of maintenance and safety. I think going back, maybe it wasn't the original route, but the only good route out of that gravel pit was not viable because of the owner of that land. I think at that time it was finished.

Barnes: I was supportive of this project, and that was why I made the motion at the last meeting to continue it. My concern was not the water, I had no concern about the water. My concern was the

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

road access, and at the workshop I didn't believe we had any viable alternatives put on the table as far as alternative routes, but the one that required a quarter of a million dollars, which I just didn't think was appropriate. We had no assurances that we could maintain the preferred haul route, and so I really saw no alternative but to deny it from the standpoint of safety. We got conflicting reports on the impact of various size vehicles on the road condition, and I just didn't think we had enough facts to get assurance on this road haul out from a maintenance standpoint and also from a safety standpoint. So that's why I voted against it.

STEVE WOLFE / SETBACK VARIANCE

Property description: A tract in SW4SW4 Sec 35-46-12 in the Montgomery Tracts

Property address: 252 Road 182W

Schedule Number: 100-93-457

This item was continued at the May meeting. Wolfe stated that he would like to build a garage closer than the 50 foot setback requirement will allow him. Wolfe was informed that the distances which were measured on the site tour indicate that there is enough room without a variance.

SOLOMON MOVED to DENY the setback request. YOUNG SECONDED and the motion passed unanimously.

The Planning Commission discussed the density issue and heard testimony from the public. Workshops are scheduled for 1:00 on June 25, July 16, possibly on July 30 and then results may be presented to the Board of County Commissioners at the public hearing on August 6.

The Planning Commission and Board of County Commissioners discussed the Inter-Governmental Agreement between the County and the Towns of Westcliffe and Silver Cliff. The Planning Commission will provide feedback to the Board of County Commissioners on the wording in the I.G.A.

The next Site Tour is August 1, 2002

The next meeting is August 6, 2002

The meeting adjourned at 4:38 P.M.

Submitted by,

Daniel S. Bubis
Secretary