

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

July 3, 2003
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission:

Mr. Lynn Attebery Mr. Pat Bailey Mr. Vic Barnes Mr. John Campbell
Mr. Keith Hood

Board of Zoning Adjustment:

Mr. Bill Donley Mr. Pete LoPresti Ms. Dorothy Nepa Mr. Skip Northcross

Associate Members:

Mr. David Bartholomew Ms. Renee Bolkema Mr. Gerard Dearborn

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. Rob Canterbury Mr. David Harmon Ms. Sherry Rorick

The meeting was called to order at 1:00 P.M. by LINC LIPPINCOTT, Moderator.

BARTHOLOMEW filled the Planning Commission seat left vacant by the absence of RORICK. BOLKEMA filled the Board of Zoning Adjustment seats left vacant by the absence of CANTERBURY. DEARBORN filled BAILEY'S Planning Commission seat during the hearing on the PUD request made by Pedro. BAILEY recused himself for this request.

LIPPINCOTT called for approval of the July 2003 minutes. BARNES MOVED to approve the minutes. BAILEY SECONDED and the motion passed unanimously.

LIPPINCOTT informed the Boards that the draft of the Regional Pre Disaster Mitigation Plan is to be presented to the emergency services council. The region consists of Chaffee, Fremont and Lake counties in addition to Custer. A questionnaire has been compiled and the Boards and audience are requested to fill it out and submit it to the Planning and Zoning Office.

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A subdivision request has been submitted and, according to the current Subdivision Regulations, has been presented to the Board of County Commissioners prior to presentation to the Planning Commission. The request is for 14 lots, each at least 5 acres in size. The location is south of Westcliffe and west of Ace. Some aspects that the Planning Commission needs to prepare for are: drainage, Round Mountain well head protection influence zone, Road and Bridge specifications, water lines, and requiring random percolation tests to determine suitability for septic systems.

LIPPINCOTT explained that the Bown re-plat was completed and that once the Chairmen have signed it, it will be filed with the Clerk and Recorder.

LIPPINCOTT turned the meeting over to the Planning Commission.

DAVIN HAMMOND / VACATION AND PLAT AMENDMENT

Property description: A PARCEL OF LAND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 33 AND IN THE N 1/2 OF THE SE 1/4 AND THE NE 1/4 OF THE SW 1/4 OF SECTION 32. ALL IN T 21S, R 69 W. LYING SOUTH OF THE SOUTH ROW LINE OF STATE HIGHWAY 96 AND COMPRISING PORTIONS OF THE WE SMITH SUBDIVISION NUMBER 1 (RECEPTION NUMBER 94184) AND SECOND PART OF W.E. SMITH SUBDIVISION (RECEPTION NUMBER 95386).

Schedule number: 101-59-152

Kit Shy was present to represent the applicant. Shy requested a continuance until the next meeting in order to better respond to some questions that had just arisen. The continuance was granted.

CUERNO VERDE AIRPORT ASSOCIATES, INC. / WRAY PEDRO / PLANNED UNIT DEVELOPMENT

Property description: A PARCEL OF LAND IN SECTION 25, T 23S R 72W and in SECTION 30, T 23S, R 71W.

Schedule number: 102-35-995/996

Pedro was present to explain his request and answer questions from the Boards. BAILEY recused himself for this matter. The initial presentation for the Sketch Plan phase of this request was June 3rd.

Pedro explained that he would like to put in a commercial PUD consisting of 6 lots, each 5 acres in size. This is the fourth phase of the development. He also explained that, upon further consideration of the height of the tails of the planes, an allowance of 35 foot tall hangars would be appropriate. Each lot would only be allowed 2 structures, with the hangar being 1 of them. The requested change to the setback requirement is on the south property line only and the request is to reduce the setback to 25 feet.

134 letters were received by the office and those letters are part of the public record. There were 5 areas of concern: water, availability as well as impact; infrastructure, the effects of increased traffic; wildlife; the impact on the residential nature of neighboring areas; and possible spot zoning.

Many of the audience members voiced their concerns. Steve Trexel, Deputy Water Commissioner spoke about the Department's concern over the augmentation plan and the availability of the water supply. Trexel talked about previous years diversions, that there is over 12 acre-feet decreed ahead of the 1881 decree, the lack of measurement data from the users and that this proposal may use the water differently than decreed.

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Pedro stated that he understood the importance of water and to that end has hired a water engineer and a water attorney. The Preliminary Plan phase requires substantial detail on this issue and he intends on being able to have the experts address these issues. Pedro also explained that the water attorney would ensure that the PUD proposal would be consistent with the court decree. He said that all residential uses were removed from the list of requested uses because of water usage.

LoPresti questioned whether this request would impact the Air installation Compatibility Use Zone (ACUZ) and whether this use was considered when the ACUZ was undertaken.

BARNES MOVED to recommend that the Board of County Commissioners APPROVE the Sketch Plan phase with the following special concerns: 1) water, 2) setback- explain the need, 3) types of uses allowed - limited to light manufacturing, assembly, services, and distribution, 4) address the issue of height of the hangars, and if possible reduce that height from the 35 feet and 5) as far as corporate vs. commercial aircraft, orient it more for corporate aircraft. The Planning Commission recognized that the areas of special concern did not relieve the applicant of fulfilling the remainder of the Preliminary Plan requirements. HOOD SECONDED and the motion passed unanimously by roll call vote. ATTEBERY explained that since the process is now a 3 step process, he would vote in favor. DOWNEY MOVED to allow the application to proceed with the understanding that in the 4 basic categories of uses (light manufacturing, assembly, services, and distribution), there is no mention of airplane storage or airplane operations. If the airplanes stay on the airport, and the airplane hangars remain on the airport, there's no reason to boost the height. The airport is designed in such a way as to handle airport operations. The applicant should consider this as the process moves forward. HANDY SECONDED. HOAG stated that he felt that the applicant should look at storing the aircraft on the airport. The motion passed unanimously. Pedro requested a waiver of the wildlife review and a waiver of the geological hazard report. The waiver of the need to prepare geologic hazard report is requested because there are no negative aspects such as: fault lines; excessive slopes or gradients; wetlands or ravines, streams, creeks, water channels, or watershed locations. The Wildlife review was not waived, the Planning and Zoning Office will submit the proposal to the DOW. The requirement to prepare a geologic hazard report was waived.

ROBERT E. and SHARON M. E. McCARTHY / ZONE CHANGE

Property description: N2, SE4, NE4SW4 SEC 16-21- 72 & 2.55 AC DESC IN BK 291 PG 105

Schedule number: 100-00-452

Norman Lemons represented the McCarthys for this request. The McCarthys are requesting a change in the Zoning District designation of their property from Zone IV Foothills District to Zone II Sangre de Cristo District. This would change the minimum lot size from 5 acres to 35 acres, thus reducing the potential density. The property is surrounded by Zone II so it satisfies the requirement of the Zoning Resolution section 8.8.1 that "The area in question abuts an existing District having the zoning classification desired;"

BAILEY MOVED to recommend that the Board of County Commissioners APPROVE the request. HOOD SECONDED and the motion passed unanimously by roll call vote.

HANDY MOVED to ACCEPT the recommendation of the Planning Commission to approve the change in Zoning District from Zone IV to Zone II. DOWNEY SECONDED and the motion passed unanimously.

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CAROLYN R. CHAMBERS TRUST / MULTI-DWELLING VARIANCE

Property description: TRACT IN NE4 SE4 SW4, N2 SE4 SE4 SW4 CONT. 15 ACRES "TIMBER LODGE"

Schedule number: 102-27-550

Chambers was present and represented herself. She explained that she would like to put a second dwelling on the family property that she could use on an occasional basis. The total size of the ranch exceeds 10,000 acres. NEPA MOVED that the Board of Zoning Adjustment APPROVE this on the basis of efficiently placing density in one spot versus spreading them all over and also considering the fact that there is far more acreage that surrounds this which is under their control. Approve this request as a family compound. BOLKEMA SECONDED and the motion passed unanimously.

ZONING OFFICE REPORT

- 3-I.S.D.S. Variances for Chemical/Portable Toilets were granted to Reedy, Pryor and Meschke.

Office Summary

June 2003

29	Septic inspections, Site reviews, or Violation reviews
1	Violation reviews
0	Homeowner Septic installation test
0	Septic Contractor test
24	Special conferences
6	Compliance Inspections

Permits issued:	<u>2002</u>	<u>2003</u>
Septic	10	11
Zoning	29	29

Year to Date Summary

Revenue:	<u>2002</u>	<u>2003</u>
Septic Permits	\$ 12,325.00	\$ 8,650.00
Zoning Permits	\$ 68,257.17	\$ 82,053.73
Use Tax	\$ 20,363.66	\$ 24,740.31
Total Income	\$106,614.07	\$118,526.29

Permits issued:	<u>2002</u>	<u>2003</u>
Septic	75	56
Zoning	160	132

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The next workshop on the Subdivision Regulations is July 17, 10 a.m. to noon.

The next Site Tour is August 7, 2003.

The next meeting will be in August 12, 2003.

The meeting adjourned at 3:52 P.M.

Submitted by,

Daniel S. Bubis
Secretary