

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

May 3, 2005  
Custer County Courthouse  
Westcliffe, Colorado

Present:

Planning Commission:

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

Board of Zoning Adjustment:

Mr. Bill Donley	Ms. Dorothy Nepa	Mr. Skip Northcross
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Associate Members:

None present

County Commissioners and Attorney:

Mr. Dick Downey	Mr. Dale Hoag	Mr. Kit Shy	Mr. John Naylor
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Staff:

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

Mr. Joe Arbuckle	Mr. Rod Coker	Mr. Gerard Dearborn	Mr. Mike Hess
Mr. Bruce McDonnell			

The meeting was called to order at 1:05 P.M. by LINC LIPPINCOTT, Moderator.

BAILEY and HOOD were seated on the Board of Zoning Adjustment to constitute a quorum.

LIPPINCOTT called for approval of the April 2005 minutes. BARNES MOVED to accept the minutes with the change to the Thrun/Kelling request which put an s at the end of parcel to reflect 2 parcels. The sentence will read "to create two parcels out of Thrun's six" and DONLEY SECONDED. The motion passed unanimously by voice vote.

LIPPINCOTT announced that BUBIS has resigned his position and a new secretary needed to be chosen for the June 2005 meeting. ATTEBERY nominated CHRISTY KESSELRING to be Secretary for the Planning Commission and HOOD SECONDED. KESSELRING was accepted as the Secretary for the Planning Commission by a 4-2 voice vote. DONLEY nominated LIPPINCOTT to be Secretary for the Board of

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Zoning Adjustment and RORICK SECONDED. LIPPINCOTT was accepted as the Secretary for the Board of Zoning Adjustment by a 4-1 voice vote.

ZONING OFFICE REPORT

- 2 I.S.D.S. variances were issued for the month of April. Those variances were for: Shepherd and Lewinski.
- Renee Bolkema and Don Kaufman have resigned as alternates.
- The USGS will meet with the Commissioners on May 16, 2005, from 10:00-12:00 to explain the results of the County-wide water survey.

Office Summary

April 2005

9	Septic inspections, Site reviews
0	Violation reviews
0	Homeowner Septic installation test
0	Septic Contractor test
10	Special conferences
1	Compliance Inspections

Permits issued:	<u>2004</u>	<u>2005</u>
Septic	13	9
Zoning	27	13

LIPPINCOTT explained the rules of meeting etiquette to the audience and the boards.

LIPPINCOTT turned the meeting over to the Planning Commission and Board of Zoning Adjustment.

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SKY PEAK PARTNERS, INC. / ROGER CAMPER / SUBDIVISION FINAL PLAN

Property description: TWO PARCELS OF LAND IN SECTION 20, TOWNSHIP 22 SOUTH, RANGE 72 WEST FORMERLY KNOWN AS the GEROUX PARCEL NORTH and the GEROUX PARCEL SOUTH.

Schedule number:101-73-800, 101-73-850

ATTEBERY and SHY recused themselves from voting on this matter. Staff read the response from Delwin Benson.

JOE BARKO represented Sky Peak Partners, Inc. BARKO introduced the contingent-Jack Osbourne, Roger Camper and Bruce Danforth, attorney. BARKO explained that Sky Peaks Partners were requesting the final approval for the Shining Mountain Subdivision and stated that the subdivision is designed to be low density. On water, BARKO stated that Round Mountain Water and Sanitation were unwilling to work with the proposal to provide water, the Upper Arkansas Water Augmentation Plan has been delayed, the Partnership was in negotiation for their own water rights for the project and that in the interim, cisterns would be used to provide water.

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Diana Hall, as an adjoining property owner to the South, believes that this subdivision will be tasteful and has no objection.

BRUCE DANFORD, attorney for Sky Peak Partnership, Inc, refuted the objections from Delwin Benson's letter. Danford concluded that the covenants required ranch styled homes, the cisterns were acceptable for the interim and that this project was not a good candidate for cluster development.

BARNES questioned if thirty feet (30 ft) was wide enough for a buffer between Westcliffe and the proposed subdivision. The slope and the drainage ditch on Lot 2 was discussed. It was determined that only the Southern portion of Lot 2, would probably be built on.

The issue of water for the subdivision was reviewed. The longevity of the cistern usage, available water to fill the cisterns, protection of future property owners, leaving cisterns in place for fire protection and a future augmentation plan were discussed at length.

BARNES MOVED to recommend that the Board of County Commissioners APPROVE the final plan for the Shining Mountain Subdivision with the following conditions; 1. The covenants be revised to incorporate the new wording on the water; 2. The developer will acquire a contract guaranteeing water delivery for five years. 3. The Board accept the proposal for the county to collect 5% of the selling price per lot at the time of sale as outlined in the March 21, 2005, letter by Danford; 4. There will be a deed restriction on Lot 2 allowing building only on the South side of the drainage. BAILEY SECONDED.

In further discussion, the covenants should be re-worded to reflect the usage of cisterns as a stop gap measure, cisterns will stay in place for fire protection after the well is drilled and wells will have to be drilled within 6 months after the water augmentation plan is approved.

The motion passed unanimously with a role call vote.

DOWNEY MOVED to CONTINUE the public meeting to work out the details and review the actual final documents after the County Attorney has reviewed that documentation and then to accept the Planning Commission's specific requirements. HOAG SECONDED and the motion passed unanimously by voice vote.

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MICHAEL AND BECKY POISSON / MULTI-DWELLING VARIANCE

Property description: THAT PART OF SW4SW4SE4 LYING NE'LY OF CO RD 358 E2SW4SE4 SEC 23-22-71 & ALL THAT PT OF NW4NE4 LYING N & E OF CO RD 358 SEC 26-22-71 AS DESC IN SURVEY 522 RECORDED 10-29- 2001 CONT 35.11 ACRES.

Schedule number: 101-80-255

Staff read the response from Michael Robinson.

MICHAEL POISSON represented himself. The apartment will be approximately 800 square feet and located in the top of the existing accessory structure. The house will be approximately 6000 square feet and will be located 2000 feet up the driveway on top of the hill. There will be one well, two cisterns and two septic

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systems located on the property. The homeowner's sons are planning to come and work on the property and reside in the apartment. The homeowner will remove the kitchen from the apartment once he is done using it as an apartment or before he sells the property.

ROBERT POWERS, who owns property in the area, had no objections to this proposal.

BAILEY (acting as a Board of Zoning Adjustment member) MOVED to APPROVE the Multi-dwelling Variance with the following conditions; 1. The kitchen is removed once the current property owner is either finished using the apartment or once the property changes ownership. 2. The apartment will not be used for income production. NORTHCROSS SECONDED and the motion passed unanimously with a role call vote.

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NAYLOR suggested that the Boards officially adopt a policy not to take any additional documentation after the application deadline or the application will be continued until the next meeting. For the Board of Zoning Adjustment, DONLEY moved to accept the policy. NEPA seconded and the motion passed unanimously with a voice vote. For the Planning Commission, HOOD moved to accept the policy. CAMPBELL seconded and the motion passed unanimously with a voice vote.

LIPPINCOTT announced that Naylor had written a legal opinion about the need to create an undersized lot when existing lots are reconfigured as in the Urwiller request last month. Naylor concluded that a creation of the undersize lot variance was not required.

The next Site Tour is June 2, 2005

The next meeting will be in June 7, 2005

The meeting adjourned at 3:18 P.M.

Submitted by,

Dan Bubis  
Secretary