

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

July 5, 2006

Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Lynn Attebery; Vic Barnes; John Campbell; Keith Hood; Sherry Rorick
Board of Zoning Adjustment: Gerry Dearborn; Bill Donley; Bruce McDonnall; Dorothy Nepa (tardy);
Skip Northcross
Associate Members: Rod Coker; Pete Lo Presti; Christy Veltrie
Commissioners: Dick Downey; Dale Hoag; Kit Shy
Staff: Christy Kesselring; John Naylor (County Attorney)

Absent:

Planning Commission: Pat Bailey
Associate: Greg Tabuteau

The meeting was called to order at 1:01 P.M. by LYNN ATTEBERY, Planning Commission Chair.

CHRISTY VELTRIE was seated on the Board of Zoning Adjustment in Nepa's absence. Once Nepa arrived, Veltrie stepped down. ROD COKER was seated on the Planning Commission in Bailey's absence.

Attebery called for an approval of the June 2006, minutes. VIC BARNES MOVED to accept the minutes, JOHN CAMPBELL SECONDED. The motion passed unanimously by voice vote.

ZONING OFFICE REPORT

- The office has been busy with a number of difficult issues.
- There are two Special Use Permit applications in progress
- Donley and Kesselring made a return site tour to the Welch property. This time the lot was staked out and the proposed structure and property lines were located. As a matter of interest, the lot drops off 15.8 feet from the front of the home to the rear.

TERRY COOK AND ELINOR BROWN/SPECIAL USE PERMIT PUBLIC HEARING CONTINUATION

Legal Description: THAT PT NE4NE4 SEC 32-22-69 LYING N HWY 165, & ALL OF NW4NW4 SEC 33-22-69 EXCEPT FOR HWY 165 ROW & ALL THAT PT SW4SW4NW4 SEC 33-22-69 AKA 8994 Highway 165, Wetmore, CO 81253

Schedule Number: 100-37-601

ATTEBERY read the applicant's statement, *"We will be putting in a double chair lift and lodge across the road from the old Ski San Isabel, formerly owned by my family. This will update us and put Custer County back on the ski map. This will be done with a Yan Chairlift purchased from Bogus Basin Ski Area in Idaho. In the future we will add snow making, overnight cabins, horseback riding and other outdoor activities."*

BRIAN DANI said that he was there to represent the applicant. DANI said he spoke to Terry Cook on 7/3/06, Cook said he would be at the 7/5/06 meeting. ATTEBERY asked DANI if he had authorization from Cook and/or Brown to speak on their behalf, DANI said that he did not.

ATTEBERY made a motion to recommend the Board of County Commissioners to consider this application withdrawn, BARNES SECONDED. The motion passed unanimously by roll call vote. CAMPBELL's reasoning was the applicant has been lax in his response. HOOD stated the applicant was given a cut off date and that date has passed and it is time to consider the application withdrawn. ATTEBERY stated that there was a lack of cooperation from the applicant. BARNES said that he voted for the same reasons and this had gone on too long.

HOAG MOVED to accept the recommendation from the Planning Commission to consider the application withdrawn for all the stated reasons, SHY SECONDED. The motion passed unanimously by voice vote.

WESLEY H. AND DEBORAH K WELCH/SETBACK VARIANCE PUBLIC HEARING

Legal Description: ASPEN ACRES, #1, LOTS 105 & 106, CUSTER COUNTY, COLORADO
Schedule Number: 100-04-458

DONLEY read the applicant's statement requesting a 25 ft setback.

GUY RICHTER, representing the Mr and Mrs Welch, stated that they would like to amend their application for 20 feet instead of 25 feet. RICHTER stated the applicant is aware of the height restriction and the structure that is proposed will be in compliance with the regulations.

The board members discussed the height of the structure, the layout of the property, the driveway or road access and the property lines.

SKIP NORTHCROSS MOVED to grant the setback variance to build no closer than 20 feet to the property line closest to the road right-of-way, DEARBORN SECONDED. The motion passed unanimously by roll call vote.

WETMORE VOLUNTEER FIRE DEPARTMENT/SPECIAL USE PERMIT PRESENTATION

Legal Description: A PARCEL OF LAND IN SECTION 10, TOWNSHIP 21 SOUTH, RANGE 69 WEST OF THE 6TH P.M., CUSTER COUNTY, COLORADO
Schedule Number: 000-00-000

ATTEBERY read the statement, "*Wetmore Volunteer Fire Department would like to request the permission for fund raising events at the site of our new fire station at 200 CR 290. Types of events would include fund raising meals, breakfasts and dinners, dances, community socials, weddings, emergency preparedness functions, training functions and the stationing of outside emergency service equipment such as ambulances and U.S. Government Fire Equipment. The building is presently served with a municipal water supply from the Wetmore Well, water court case W3987 and 79CW010. It is planned that San-O-Lets will be utilized for all events. An engineered septic system is planned but will only be used by the Fire Department. A&G Engineering will do the design work.*"

CHARLIE JUDGE, Wetmore Fire Chief, represented the Wetmore Volunteer Fire Department. JUDGE stated that the Fire Department would like to have fund raisers and social events to raise funds to keep the volunteer fire department operating. JUDGE explained that the fire station is using water from TV Hills, the adjoining property owner, Greg Tabuteau has offered his pasture for overflow parking and an Engineer Designed Septic will be installed. JUDGE said the adjacent property owner, Draper has granted an easement for power for the structure. The structure should be complete within two or three months. JUDGE explained there should be no noise, dust or neighbor complaints and initially there would only be one to two events per year. JUDGE said the Wetmore Volunteer Fire Department is also requesting that all fees be waived. The Fire Department is going to use short term insurance for events. No alcohol will be allowed.

HOAG MOVED TO waive the fees for the Special Use Permit and for the Septic System applications, SHY SECONDED. The motion passed unanimously by voice vote.

The public hearing for the Special Use Permit Application will be on August 2, 2006 at 1:00 P.M.

DONLEY MOVED to amend the agenda and include the Friends of the Beckwith Ranch and their request for an extension on the Creation of the Undersized Lot Variance, NORTHCROSS SECONDED. The motion passed unanimously by roll call vote.

Tim Kelly and Mike Whalen represented the Friends of the Beckwith Ranch. The Friends of the Beckwith Ranch received a creation of the undersized lot in July, 2004, and the conditions had not been met in the two years since the variance was granted. Variances expires if nothing has been done in two years. The Friends of the Beckwith Ranch asked for an extension of ninety (90) days so that the conditions could be met.

During this discussion Dorothy Nepa showed up and Veltrie stepped down.

The board discussed the conservation easement, the work that has been done on the structures, the owner of the property stipulations and the conditions of the original variance.

NEPA MOVED to give the four month extension with the same conditions of the original variance and to impress upon the Friends that this is important to complete, MCDONNALL SECONDED. The motion passed unanimously with a roll call vote. NORTHCROSS said yes reluctantly because he felt the board was bamboozled the last time. DONLEY stated he did not want the Friends to try this again. DEARBORN wondered how long this would have gone on if the Board did not step in. NEPA hoped Kelly and Whalen would stay involved until the variance was completed.

ATTEBERY reminded the boards that the next Site Tour will be on July 27, 2006 and the meeting would be on August 2, 2006.

ATTEBERY Requested to adjourn the meeting. RORICK MOVED to adjourn the Meeting, NORTHCROSS SECONDED. The motion passed unanimously by voice vote. The meeting adjourned at 2:00 P.M.

Submitted by,

Christy Kesselring
Secretary