

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

August 2, 2006

Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Lynn Attebery; Pat Bailey; Vic Barnes;
Board of Zoning Adjustment: Gerry Dearborn (tardy); Bill Donley; Bruce McDonnall;
Dorothy Nepa; Skip Northcross
Associate Members: Rod Coker
Commissioners: Dick Downey; Dale Hoag; Kit Shy
Staff: Christy Kesselring; John Naylor (County Attorney)

Absent:

Planning Commission: John Campbell; Keith Hood; Sherry Rorick
Associate: Pete Lo Presti; Greg Tabuteau; Christy Veltrie

The meeting was called to order at 1:03 P.M. by LYNN ATTEBERY, Planning Commission Chair.

Attebery called for an approval of the July, 2006, minutes. VIC BARNES asked office staff why the Friends of Beckwith Ranch were granted four months instead of 90 days. KESSELRING answered she had the same question and listened to the tape and the motion was for four months. BARNES MOVED to accept the minutes, PAT BAILEY SECONDED. The motion passed unanimously by voice vote.

ZONING OFFICE REPORT

- The Painted View Ranch has completed and passed the Fire Inspection, which was a part of their Special Use Permit Conditions.
- The Board of County Commissioners will interview for the open position in the office next week.
- The Office mailed out the Septic Contractor renewals yesterday.

Rod Coker was seated on the Board of Zoning Adjustment in Dearborn's absence, Dearborn came in late and Coker stepped down. BILL DONLEY recused himself from the Wetmore Fire Department's request. Dearborn, McDonnall and Nepa were seated on the Planning Commission in Hood's, Rorick's and Campbell's absence.

WETMORE VOLUNTEER FIRE DEPARTMENT/SPECIAL USE PERMIT PUBLIC HEARING

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."*

5 Letters were sent, there was no response.

CHARLIE JUDGE, Wetmore Fire Chief, represented the Wetmore Volunteer Fire Department. JUDGE updated the boards about having the Engineer Design for the Septic System.

The Boards discussed the repercussions of allowing alcohol at events. JUDGE said that it was not the intent of the Wetmore Fire Department to allow alcohol due to insurance issues.

ATTEBERY RECOMMENDED to the Board of County Commissioners to APPROVE the Special Use Permit for the Wetmore Fire Department to have social events and fund-raisers with the following conditions:

1. The Special Use Permit will be reviewed on a written complaint basis;
2. The project will comply with all local, state and federal regulations;
3. Porta-potties will be required for events other than day-to-day fire related activities;
4. No alcohol will be sold or served;
5. The Special Use Permit is in effect as long as the Wetmore Fire Department owns the parcel;
6. No events will be held until all the conditions of the Special Use Permit are met,

BARNES SECONDED. The motion passed unanimously by roll call vote with Dearborn, McDonnall and Nepa serving on the Planning Commission.

HOAG MOVED to accept the recommendation from the Planning Commission to APPROVE THE Special Use Permit with the stated conditions, SHY SECONDED. The motion passed unanimously by voice vote.

BILLY E & LINDA C CHESSER/MULTI-DWELLING VARIANCE PUBLIC HEARING

Legal Description: ALL THAT PT NE4NW4 NW4NE4 SEC 4-23-71 LYING EAST OF CO RD 323, CUSTER COUNTY, COLORADO

Schedule Number: 100-57-323

DONLEY read the statement: *"We are requesting a multi-dwelling variance on our 55 acre tract of land in order to place a second dwelling that will be occupied full time. Our son Mike whose wife recently died, will be living in the second dwelling."*

The variance would allow two single family dwellings on the 55 acre parcel. Both dwellings will utilize the same well thereby eliminating the need for two wells. The second dwelling will implement its own septic and utilities."

11 letters were sent out and one response was received from James Lembeck, who is not in favor.

LINDA CHESSER, property owner, was present and had her son, Mike Chesser, explain the request. M. CHESSER said that there is one dwelling on the property and a trailer that is being used as storage. NEPA asked for confirmation that there was no water or kitchen in the storage trailer and CHESSER confirmed that it had been removed. The family is storing a double-wide modular on the property until they see what the outcome of this meeting is. CHESSER stated his family is requesting a second dwelling, not a third dwelling. The structure is positioned closer than the original request so that the existing well can be utilized easier.

CHESSER read a letter from the western adjoining property owner. Michelle and Mark Pedigo supporting the variance request. The letter was made a part of the record.

NEPA MOVED to grant the Multi-dwelling Variance on the 55 acres which will be divided only for the purposes of liens and dependent on bringing the required paperwork to the Planning and Zoning Office. Only family can occupy these multi-unit dwellings. All Setbacks must be met. Any changes in circumstances would have to be brought before the Board of Zoning Adjustment, MCDONNALL SECONDED. The motion passed unanimously by roll call vote. BAILEY asked, in discussion, if selling is a circumstance requiring the issue to be brought before the Board of Zoning Adjustment and NEPA confirmed that is was.

FRIENDS OF BECKWITH RANCH/SPECIAL USE PERMIT MODIFICATION
PRESENTATION

Legal Description: A PARCEL OF LAND BEING IN A PORTION OF THE SOUTHEAST
1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANCH 73 WEST OF
THE 6TH P.M., CUSTER COUNTY, COLORADO

Schedule number: 100-32-870

ATTEBERY read the statement *"The Board of the Friends of Beckwith Ranch wish to restore the ranch to its original condition on the late 1800s. Subsequently, this will become a historical restoration project, providing and educational experience to interested groups about the Old West's Ranching and Cattle Operations. Funds are provided through grants from the Colorado Historical Society and the State Historical Funds as well as private donations.*

Local organizations, such as the American Legion, Churches, Custer County Library, Silvercliffe (sic) Museum and San Isabel Land Protection Trust will have the opportunity to use this venue for their various events. It may also be used for private parties such as weddings, gradations and anniversaries, etc

Fundraising will be conducted as needed to maintain the Beckwith property and its buildings."

ATTEBERY reminded the boards and the audience that this was the presentation and not the public hearing.

Mike Whalen and Tim Kelling represented the Friends of the Beckwith Ranch Board. ATTEBERY asked if Whalen wished to ass anything to the statement WHALEN replied that the statement speaks for itself.

DEARBORN asked what assurance does the County have that the Friends will follow up and do what they have promised. DEARBORN explained that two years ago, the Friends' President made promises to the County that were not kept. WHALEN assured the he and KELLING were not aware of what went on before, but they were prepared to follow through.

DONLEY asked if the Friends have applied for a commercial exempt well using one of the exiting two wells or a new well permit. KELLING answered that they were going to change one of the existing wells.

Kelling explained that alcohol will be served at functions, but the laws will be complied with. BARNES asked about the Conservation Easement and Kelling responded that August 31, 2006 is the target date for the grants. WHALEN explained that the restoration of the exterior of the structures will be completed in the next 3.5 weeks. WHALEN said fundraising is important to further the work that is being done out at the site.

SHY asked about the CDOT access permit and Kelling said everything was okay with that. The permit allows for an average of 16 cars a day. The boards discussed traffic issues as a safety hazard. COKER suggested the Friends might explore placing a Scenic Pull-out sign directing autos off the road. NEPA asked if the barns were going to be used and WHALEN said they will be open for people to go through, but no animals will be kept in them.

WHALEN asked if it would be okay for the Rotary to hold their picnic on the grounds prior to the approval of this Special Use Permit Modification. NAYLOR responded that it would be okay as long as there was not a charge.

The Public Hearing will be scheduled for September 6, 2006 at 1:00 P.M.

ATTEBERY reminded the boards that the next Site Tour will be on August 31, 2006 and the meeting would be on September 6, 2006.

ATTEBERY Requested to adjourn the meeting. BARNES MOVED to adjourn the Meeting, BAILEY SECONDED. The motion passed unanimously by voice vote. The meeting adjourned at 2:15 P.M.

Submitted by,

Christy Kesselring
Secretary