

# **Joint Meeting of the Planning Commission and Board of County Commissioners**

June 3, 2008  
Custer County Courthouse  
Westcliffe, Colorado

## **Present:**

Planning Commission: Lynn Attebery, Pat Bailey, Rod Coker, Keith Hood  
Vic Barnes and Bill Donley

Associate Members: Dee Hoag and Dan Fox

Board of Zoning Adjustment member: Cindy Howard

County Commissioners: Kit Shy, Dick Downey and Carole Custer

County Attorney: John Naylor

Staff: Jackie Hobby

Absent: Rod Coker and Roger Camper, Kenneth Paterson and Paul Buckles

The meeting was called to order at 2:45 P.M. by PAT BAILEY. Planning  
Commission Chair.

Pledge;

Howard and Hoag : replaced Lynn Attebery and Dan Fox

BAILEY called for approval of the April 1, 2008 minutes.

BARNES: Motioned to approve the April minutes.

BILL DONLEY: SECONDED. The motion passed unanimously by voice vote.

## **ZONING OFFICE REPORT**

-The Joint meeting for the SUP for ROBERT HAMILTON will be at 7:00 P.M. at  
the Wetmore fire station, June 18, 2008

-In 2007 30 zoning permits were taken out in the month of May compared to 20  
in May 2008.

-The Custer County Planning and Zoning office had 11 septic inspections, site  
reviews, 3 violation reviews, 1 homeowner septic test, 15 special conferences  
and 4 compliance inspections.

BAILEY announced the first agenda item for WILD WEST COWBOY CHURCH  
final presentation on the PUD.

**DARLA DEE WILHITE/SUP Wild West Cowboy Church**

Legal Description: Rangeview Sites 1, lot 4

Schedule Number: 100-40-350

LYNN ATTEBERY: recused himself AG ENGINEERING is working with the WILHITES on this project and he is part owner of the company.

DAN FOX: recused himself. He is an adjoining land owner.

DEE HOAG and BZA member CINDY HOWARD replaced them.

BAILEY: Read applicants revised statement from the workshop.

*“The Wild West Cowboy Church intends to provide religious and social activities to the residents of the Westcliffe Valley. The primary with other activity will be church services one or more days per week combined with other activities including but not limited to : Counseling, Christian Movie Night, Bible Study, Missionary Training, Evangelism Training, Worship Team practice, Christian Youth Group meetings, Ministry Meetings, General Congregation Meetings, Church Picnics, Onsite Trail Rides, Ministry Equestrian Training, Congregation Equestrian Skill Events, Pot Luck meals and BBQs and Fundraising Events for Charitable Causes.”*

BAILEY: Are the applicants present?

MIKE WILHITE: Yes, and also the pastor LARRY SMITH of the Wild West Cowboy Church in Pueblo West.

BAILEY: Would you like to add to your statement?

WILHITE: Yes, after the workshop we have decided that the Cowboy Dinner Show that we had originally planned to charge for will now be by donation only. There will be no commercial use on the property.

BAILEY: During the workshop we discussed the water.

WILHITE: Yes, will have a 3400 gallon cistern for fire protection that will be kept full at all times. This cistern will be equipped with a 5hp pump and up to fire standards. We will install a 5400 gallon cistern for domestic use. TALLAHASSEE TRUCKING will provide the water and we have a 20 year contract with them. The existing well will be metered.

BAILEY: Is there any comments from the audience?

DOROTHY NEPA: I would like to clarify that at the last meeting I was speaking for myself and not for the SADDLE CLUB. My comments is that I still believe that this is a commercial project with a spin on it.

ATTORNEY JOHN NAYLOR: I understand that there is a loan on this property. Does the loan institute realize you are applying for a Special Use Permit on the property?

WILHITE: The loan is in the Cowboy Church name and LARRY SMITH can sign and myself and my wife DEE are the grantors of the loan.

BAILEY: Are there any questions from the audience?

ANGUS THOMPSON: You need to step up and pay property taxes also; you will be expecting the county services like everyone else but not contributing to the county.

BAILEY: Concerning the Property taxes, the State of Colorado determines how much property tax they will pay. We discussed this last time.

DAVE VOGEL: My property is located north about  $\frac{3}{4}$  of a mile away from this. My objection is that I see it as a commercial project that may not become much of anything. I have to think the worst might happen and I object to commercial projects marching towards me.

KIT SHY: During the workshop did you discuss the quality of the water?

BAILEY: Yes, TALLAHASSEE water insures the quality going into the delivery of their water.

WILHITE: After the workshop it was decided we would have the water tested for monthly for quality purpose and will be installing an infiltration system.

SHY: What will you do for a septic system?

WILHITE: AG ENGINEERING will be designing the system.

CINDY HOWARD: Will you explain the water again.

WILHITE: The existing well will be metered that serves the pastors home. This well is a domestic use and we are allowed to water up to 1 acre.

HOWARD: Do you have any fee producing events?

WILHITE: No, this is not commercial and the money goes back into the church for the food bank etc.

SHERRY RORICK: I have a question about the Special Event permit when does it trigger needing one?

BAILEY: You can have up to 150 people and that can be done administratively after that it requires Board action.

RORICK: I was wondering if they had an event of more than 150 people if they could come in and get a Special Event Permit.

HOWARD: Could we not put a condition on the Special Use Permit stating that they pay taxes?

ATTORNEY NAYLOR: The state makes that determination about what is tax exempt. The County can make a condition on how much property is included in the Special Use Permit.

VIC BARNES: made a motion to recommend the Board of County Commissioners APPROVE the applicants request with the following conditions.

1. Annual administrative review for the first two years and on a signed, written complaint basis thereafter.
2. Comply with all local, state and federal regulations.
3. Comply with County regulations on sanitation.
4. The Fire Inspector will inspect and pass the structures before they can be occupied.
5. Vehicle parking will be on site only.
6. Water must be hauled from a legal water source.
7. Annual record of water usage and proof of where water was purchased on file with applicant and on file in the Custer County Planning and Zoning office.

8. Existing well will be metered.
9. A 3,400 gallon cistern will be installed for fire protection and remain full at all times.
10. A 5,400 cistern will be installed for potable water usage.
11. The Special Use Permit is granted to the owner and does not go with the property.

KEITH HOOD: Seconded the motion.

BARNES: Anything over a 150 people at an event you will need to apply for a Special Event Permit.

BAILEY: May I have a show of hands; six were in favor none against.

REASONS:

BARNES: Yes, because they did all the things that they were asked to do in the workshop.

DONLEY: Yes, they met all our concerns.

HOOD: Yes, the location is suitable for this, they scaled down their activities.

HOAG: Yes, they worked with us on the concerns and I hope with the conditions that were placed on the property that we acknowledged some of the adjoining land owners concerns.

HOWARD: Yes, the number of conditions and addressing the water and also the one year review.

RORICK: Yes, I felt like they went thru the hoops when they were asked to change something.

BAILEY: Yes, I know that a couple of people go to church in Pueblo and they have nothing but good to say about it.

DICK DOWNEY: moved to approve the recommendation of the Planning Commission with one more condition. The Special use permit is for only 5 acres of property instead of the whole 37.15 acres and that they have the water tested monthly for a year.

SHY; Seconded the motion and the applicant will limit construction to the 5 acres.

CUSTER; I vote No, it is a duplication with other services and I am not in favor of the first condition it puts a strain on the personnel in the Zoning office.

SHY: All the conditions that the Zoning office has to act upon will be at the applicant's expense.

**BARRY MCBRIDE/Panorama Investments, LLC**

Variance: Lot Line Adjustment/Lot Line Vacate  
Legal Description: Lot 42, 43 and 44A the Pines Village  
Schedule Number: 102-17-842

BAILEY: Read applicants statement.

*"The intent is to end up with two contiguous lots (43 and 44A) to include a Main House, Guest Cabin and Recreation Barn. Only two of these structures (Main House and Guest Cabin) are considered dwelling units under the Custer County Zoning Resolution. It is important to note that a few months ago lot 44 and 45 vacated interior lot lines to create 44A. We are at three dwellings units permitted. Vacating interior lot lines between lot 42 and Lot 43 would reduce another lot and thus another density right (as requested in this application) This would reduce total lots (and density) from four to two . The purpose of vacating such lot line is to avoid 50' interior lot line setback. As you will notice in the attached site plan current location of main house straddles lot 42-43 lot line. It is our desire to include a Guest Cabin and Recreation Barn on Lot 44 A. However as sit plan indicates Rec. Barn footprint sits within 50' property line setback. It is therefore our request to adjust interior lot lines (as noted under 32) to achieve certain site planning goals and not violate 50' interior lot line setback.*

SHY; recused himself. SHY SURVEYORS has done the survey on the property.

BAILEY: Has the adjoining land owners been contacted?

HOBBY: Yes, 8 adjoining land owners and interested parties were contacted with no responses.

BAILEY: is the applicant present?

BARRY MCBRIDE and JUSTIN TOLLEFSON with the firm of PEARSON DESIGN GROUP will be representing the application.

BAILEY: Do you have anything that you would like to add to your statement?

TOLLEFSON: No, we would like permission to vacate an interior lot line and adjust a lot line.

BAILEY: Is there any questions or comments from the Boards? This could have been done administrative if we approve the list that the Zoning office would be responsible for.

VIC BARNES: made a motion to recommend the Board of County Commissioners APPROVE the applicant's request.

DONLEY: Seconded the motion.

BAILEY: May I have a show of hands; six were in favor none against.

REASONS:

ATTEBERY: Yes, we encourage less density and this is a perfect example of that.

DONLEY: Yes, decrease in density.

RORICK: Yes, works good and I would like to remind them of the height restriction.

HOOD: Yes, good idea and does not effect anyone in a negative way.

BARNES: Yes, this should be done administrative and it resolves the setback issues.

HOAG: Yes, reduce density and should be done administrative.

BAILEY: Yes, I agree with everyone else.

CUSTER: Moved to APPROVE the recommendation of the Planning Commission.

DOWNEY: Seconded the motion to vacate the interior lot line and lot line adjustment has been moved and seconded and **Passes** unanimously by voice vote.

BAILEY: I would like to remind everyone of the Subdivision workshop Thursday June 5 and Thursday June 19 from 2 P.M. to 4 P.M.

RORICK: Moved to adjourn.

BARNES: Seconded the motion.

BAILEY: The June 3, 2008 joint meeting of the Planning Commission and the Board of County Commissioners is adjourned at 4:05 P.M.