

Joint Meeting of the Planning Commission and Board of County Commissioners

February 3, 2015
Custer County Courthouse
Westcliffe, Colorado

Present:

Planning Commission: Vic Barnes, Pat Bailey, Keith Hood, Chris Nordyke and Bill Donley

Absent: Patrick Lynch and Cindy Howard

Associate Members: Lance Ingram and Dale Mullen

Absent: Mike Shields

County Commissioners: Lynn Attebery, Kit Shy and Bob Kattnig

Assistant County Attorney: Clint Smith

Staff: Jackie Hobby and Chuck Ippolito

The meeting was called to order at 1:00 P.M. by Jackie Hobby, Custer County Planning and Zoning office Director/Code Enforcement

Pledge;

HOBBY: Acting as Chairperson to conduct election of officers. We have two people that are interested in the Chairman and Vice Chairman position, VIC BARNES for Chairperson and KEITH HOOD for Vice-Chairperson. Are there any other members interested in these positions?

Hearing none

VIC BARNES was elected Chairperson and KEITH HOOD, Vice-Chairperson.

County Commissioner KIT SHY: Made a motion to reconvene the Custer County Commissioner's.

PLEDGE

DONLEY: I move that VIC BARNES is the Chairperson and KEITH HOOD is the Vice-Chairperson.

BARNES: Seconded the motion.

All in Favor? All opposed?

Motion passed unanimously.

BARNES: Moved to the Chairpersons seat to continue the meeting.

BARNES: Thank you for the support and we will look forward to a good year.

This is the first meeting of the year. We have a couple of housekeeping chores, we need to nominate a secretary and posting place.

DONLEY: I elect JACKIE to be our secretary.

BAILEY: Seconded the motion.

BARNES: All in favor? All opposed

Motion passed unanimously

BARNES: Normally we have the courthouse as our designated posting place and our public notices in a newspaper of general circulation. This year is a little bit different. Mr. Chairman SHY I will ask if the BOCC designated a location for posting.

SHY: Yes, the location for posting is the bulletin board.

BARNES: Even though we routinely do this in our meeting, it is basically the BOCC job. The designation of a newspaper this year, the BOCC selected the Sangre De Cristo Sentinel. I was concerned whether or not we could do this or not and I contacted Mr. CLINT SMITH assistant county attorney and asked him for a ruling, which we received. It was circulated through the Planning Commission. The commissioners control the budget and the handle all the contracts. They have the power of the purse and it is their authority to make that decision on the publication. Does the Planning Commission have any questions about that?

DONLEY: I would like our assistant attorney to read paragraph three page 43 of the Zoning Resolution.

SMITH: That is the one that starts with, "*At the first scheduled meeting of each year members of each board shall select Chairperson, Vice-Chairperson and Secretary.....Board*". That language probably should not be in there, the Board of County Commissioners cannot delegate that authority to the Planning Commission. My recommendation is the Zoning Resolution be amended to delete that. The Board of County Commissioners has the sole authority to choose where all legal notices are published. The only thing the Planning Commission could do is say that we want all notices to be in the newspaper that was chosen by the Board of County Commissioners. It has never been an issue in the past because of having only one newspaper.

HOOD: Is that by state statute?

SMITH: Yes, the County Commissioners have the exclusive authority to make all decisions about spending. They can't delegate that to any other agency. The budget is established for all departments.

BARNES: Do we need to make a motion?

Hearing none

BARNES: I believe we are all clear on that, are there any other comments?

Hearing none

BARNES: We have two new members LANCE INGRAM and MIKE SHIELDS who are Associate Members for the Planning Commission and the Board of Zoning Adjustment. Welcome, MIKE SHIELDS could not attend today do to a prior engagement. We are short two Seated Members and I will ask DALE and LANCE to please fill those positions. We need to have approval of the minutes and we have November 5, 2014 and December 9, 2014. Does anyone have anything on the November 5, 2014 minutes? I have one error at one point MARK was referred to as MIKE. We will make that correction, and will approve those minutes with that correction. December 9, 2014 any corrections or comments. Hearing none the December 9, 2014 minutes are approved. JACKIE will give us a Zoning report.

HOBBY: In the month of December 2014, we had five special conferences and seven compliance inspections. In the month of December we issued four septic permits and five zoning permits. Year to date we have issued sixty two septic and one hundred and eighty eight zoning permits.

BARNES: We have one agenda item, Black Hills Energy for a Special Use Permit. In November we had a presentation and then we postponed it until this point in time. The Planning Commission handles the Special Use Permit and associated with this application is an undersized lot. Black Hills is purchasing a four acre parcel in a minimum five acre zone. The creation of an undersized lot comes under the jurisdiction of the Board of Zoning Adjustment. We will not be able to act on that today if the Special Use is approved.

COCHRAN: My name is CRISTIN COCHRAN. I am the contract agent for Black Hills Energy. I am here today on behalf of Black Hills Energy which is one of the local utility providers. With me today is my boss MARK EVEN who is the Manager of Electrical Engineering, LARRY GRAMMON Electric Operations Manager and GLEN LIVENGOD is the supervisor of Black Hills Energy. Black Hills is the second largest shareholder in public utilities in Colorado. We operate with a certificate of public convenience and necessity issued by the Colorado State Public Utilities. We provide electrical service to about sixteen hundred electrical customers in Custer County mostly in the northern part of the county. We are here to request your approval of a Special Use Permit to build a new distribution sub-station and schedule a hearing with the Board of Zoning Adjustment on our request for an undersized lot. Since the 1960's, Black Hills Energy has brought power up Oak Creek Grade with a 9k line south from Canon City Distribution current comes on this line from the Skinner Sub-station and three pole mounted transformer stations. On November 5, we presented more information on what this new Sub-station would look like and do. We addressed concerns expressed by two citizens STEVE JANDRO and GLEN TIEDE and I think we answered their questions. We appear before you to respectfully ask of approve our request for a Special Use Permit.

BARNES: Planning Commission, do you have any questions?

DONLEY: We were given a possible list of conditions, and one of them is you will need an address.

EVEN: Yes, that is a standard practice for us to receive an address.

BARNES: You will apply for the Road and Bridge access permit?

COCKRAN: Yes, I will apply for a road access permit and also a road cut permit.

BAILEY: At the last meeting in November you were talking about changing the orientation of the Sub-station and how it sits on the lot.

EVEN: That would be a discussion down the road, if we put it perpendicular to the road.

MULLEN: What is the porta potty variance?

HOBBY: That is a variance that is from our office that will be required to be on site when construction is taking place.

COCKRAN: After the completion of the Sub-station we will not have any facilities. It will be a toilet free zone.

BARNES: At the last meeting you stated that you would be using a phone to check in on the Sub-station. Where would you be plugging into that phone or is that a large antenna and, if so, how tall?

EVEN: The location of the site is not good for any type of radio communications. We will be forced to have our communication over the phone system.

BARNES: Any further questions from the Planning Commission?

Hearing none

BARNES: Any questions from the Board of County Commissioners?

SHY: There was some question about height at one point. If part of the conditions were to restrict you to a certain height, unless you come back in and is that a reasonable thing to presume that could be placed as a condition?

EVEN: If height is a concern, what kind of conditions do you want to impose? I have to maintain electrical clearance from the ground. It will not be my intent to make anything taller than I have to. At the same time we have minimal clearances that we have to maintain.

Shy: What do you propose for your maximum height?

EVEN: For Sub-station structures, I will say a maximum of sixty foot on the Sub-station dead end. This is consistent of what was submitted. I am speaking about the Sub-station. We are going to have to install a pole or two to get the existing line into the Sub-station.

SHY: I need to make a disclosure here. Some of these things, you will see my company name on them. I was connected with this project with the HUDSONS originally. It has been ongoing for a long time.

KATTNIG: Would this station be like the one over here, the Kettle Sub-station?

EVEN: Yes, something similar.

BARNES: Any further questions?

GLEN TEIDE and TERRI ROWENHORST: Commented on the size of the Sub-station in the first submittal, size of poles, what changes can they make and not have to come before the BOCC and PC, longevity of Sub-station, fencing type and drainage.

EVEN, COCKRAN, GRAMMON and LIVENGOOD: Answered the questions from the audience.

BARNES: Any further questions?

NORDYKE: I make a motion to recommend to the County Commissioners to approve this Special Use Permit.

MULLEN: I will second the motion so that we can get to discussion.

BARNES: Any discussion?

MULLEN: This would be approved if the BZA approves the creation of an undersized lot. I will amend the motion to include these conditions.

1. Applicant will receive approval from the Board of Zoning Adjustment for an undersized lot.
2. Maximum height will be 60 feet for all the Black Hills Energy Sub-station infrastructure
3. Approval is for a Sub-station site that will be a footprint of 120' by 50'.
4. Applicant will be required to post signage on the perimeter fencing with emergency contact numbers.
5. Applicant will be required to have an address.
6. The project will comply with all local, State, and Federal regulations.
7. Annual Administrative review for the first year in service and on a signed, written complaint basis thereafter.

8. Porta-potty permit will be required during construction.
9. Vehicle parking will be on site only.
10. All conditions that the Custer County Zoning Office acts upon will be at the applicant's expense.

BARNES: We have a motion from CHRIS and a second from DALE, with ten conditions. All in favor of the motion say aye, all opposed?
Motion passed unanimously.

REASONS:

MULLEN: I voted to recommend to the Commissioners that we go forward with the Sub-station. I believe that it is beneficial to the county and that we have conditions in place.

BAILEY: I voted in favor of this SUP and basically for the same reasons as DALE said. The infrastructure in the County needs to be upgraded as far as the electrical and this will take care of it.

DONLEY: I voted to recommend to the Commissioners to approve this Special Use Permit for all the previous reasons.

HOOD: I voted to recommend to the Commissioners to approve the Special Use Permit. I believe that our conditions will adequately administer the site and with progress comes a little pain once in a while.

NORDYKE: I voted to approve it. Same reasons, I think it is a benefit for the County. We covered all the restrictions.

INGRAM: I voted to recommend approval because of progress. Our job as Planning and Zoning is to benefit the County with the least cost. I understand the neighbors, concerns.

BARNES: I voted to recommend approval. I believe that there are benefits to the County. I agree with KEITH that sometimes there is a little bit of pain with progress and I like the conditions.

ATTEBERY: I would like to make a motion that we accept the recommendation of the Planning Commission as presented.

KATTNIG: Second the motion

SHY: Motion made and seconded is there any discussion?

Hearing none

Shy: Called for the vote, all in favor, All opposed

Motion passed unanimously

REASONS:

ATTEBERY: The reasons that I heard from the folks on the Planning Commission. I like PAT'S the best the infrastructure up grade. So this will be positive for the whole county.

KATTNIG: About fifty years ago we were excited because we got electricity in Custer County; this changed the whole way we lived in rural areas. As we move forward it is necessary to update and expand as our population expands. I think that as we go forward it's only prudent to support the upgrade of the infrastructure.

SHY: The applicant demonstrated that the quantity, quality and dependability of the power would improve for the citizens of the county and I believe that's our job.

BARNES: Thank You

DONLEY: Do we have anything going on in March.

HOBBY: No, we need to discuss the Master Plan review. This is only a review that is required after five years. The last time was a total redo. Would you be interested in the Zoning Office doing it and send it out? Forming a small committee?

BAILEY: The Zoning Office knows the things that needs updated then you can send it out to the Planning Commission.

HOBBY: Ok

SHY: We will probably schedule a workshop in April.

BAILEY: I make a motion to adjourn

DONLEY: Second the motion

There being no further business for the Planning Commission or Board of County Commissioners, the meeting was adjourned at 2: 24 P.M.