

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

November 10, 2015  
Custer County Courthouse  
Westcliffe, Colorado

## **Present:**

Planning Commission: Vic Barnes, Bill Donley, Cindy Howard and Keith Hood

Absent: Pat Bailey, Patrick Lynch & Chris Nordyke

Associate Members: Dale Mullen & Lance Ingram

Absent: Mike Shields

County Commissioners: Kit Shy, Lynn Attebery, and Bob Kattnig

County Attorney: Clint Smith

Staff: Jackie Hobby and Chuck Ippolito

The meeting was called to order at 2:38 P.M. by VIC BARNES Custer County Planning Commission Chairman.

County Commissioner Chairman Shy: Reconvened the Custer County Commissioner's meeting.

BARNES: We need to have our two Associate Members DALE MULLEN and LANCE INGRAM to join us to replace PAT BAILEY and PATRICK LYNCH.

BARNES: JACKIE has already given the Zoning report during the Board of Zoning Adjustment meeting. We do not have any minutes to approve; they are still need to be completed.

BARNES: We have one agenda item today for LUDVIK PROPANE. Mr. TOM LAMBERT, normally we have seven members for the Planning Commission and at this time we only have six. You have the option of waiting until we have the seven members next month. We can make a decision with six members.

LAMBERT: I am comfortable to go ahead with the six members.

BARNES: We have one agenda item, a Special Use Permit and it has to do with LUDVIK. It is for permanent bulk propane and we had the presentation last month. TOM LAMBERT will represent the application. When you come up to the podium to speak please identify yourself and who you are associated with.

LAMBERT: I am associated with LUDVIK propane.

BARNES: Is there anything that you would like to add to your application that is different from last month?

LAMBERT: Yes, we have got the State approval. I gave JACKIE copies of the documents.

BARNES: Does the Planning Commission have any questions?

DONLEY: Who will the permit be in?

LAMBERT: It will be in LUDVIK propane which is also Paladin Energy Group.

MULLEN: Are there any consequences to the fact that he agreed to a six member board rather than a seven member commission?

BARNES: No, it was his decision.

MULLEN: It's still a majority decision?

BARNES: Yes, any further questions from Planning Commission?

Hearing none

BARNES: Any questions from the Board of County Commissioners?

SHY: Nothing has changed?

LAMBERT: No, its still good.

BARNES: Any questions from the audience?

Hearing none

DONLEY: I move that the Planning Commission recommend to the County Commissioners to approve the application with the following conditions.

1. Applicant will be required to fulfill all 1992 recommendations from the Wet Mountain Fire Protection District.
2. Vegetation will be killed around Propane Bulk Storage.
3. A six foot (6') perimeter chain link fence must be installed around all Bulk Propane.
4. Bulk Propane tanks will be placed a minimum of fifty feet (50') away from all property lines.
5. Project will comply with all State, Local and Federal Regulations.
6. All conditions must be met prior to operation of sales.
7. The Fire Inspector will inspect and pass the site before the Special Use Permit is granted.
8. A copy of the Fire Inspectors report, provided by the applicant, will be kept on file in the Planning and Zoning Office.
9. Planning and Zoning Office will be contacted when all the conditions are met and final approval will be granted to operate the business.
10. The Special Use Permit will be with Ludvik Gas
11. The owner and/or applicant will notify the Planning and Zoning Office within thirty (30) days if operations are abandoned or if there is a change of ownership.
12. Special Use Permit will become invalid if the property is sold to another party.
13. Liability insurance of a minimum annual certificate of one million dollars must be in place during all operations.
14. Bulk Propane tanks must be oriented to the east and west.
15. Security Lighting which complies with Dark Skies guidelines.
16. The owner shall post a reflective address marker approved sign provided by the EMS.

BARNES: Are you ok with those conditions?

LAMBERT: Yes, I have one question, number twelve, the change in ownership.

DONLEY: Yes, when you sell it they have to re-apply it goes with you. It is a permit for approval to operate a bulk propane company. You are the one that stated you would do all the conditions and we do not know what the new people will do.

LAMBERT: So if ten years from now we go and sell the company they will need to re-apply?

DONLEY: Yes

BARNES: These are the same conditions that we had on the other propane company approval. We added the last two after the fact.

BARNES: We have a motion.

HOWARD: I will second the motion.

MULLEN: I have a question for BILL. When you say security lighting will that be Dark Skies compliant?

DONLEY: Yes, it should be.

BARNES: All in favor? All opposed?

Motion passed unanimously

REASONS:

BARNES: I voted for it. Basically it's the same conditions that we have had in the past. They did a good job of making the presentation.

MULLEN: I voted in favor for the same reasons that VIC said.

INGRAM: I voted in favor and see no reason not to be in favor.

HOWARD: I voted in favor for the same reasons. I believe that it will be an asset for the community. I still have the same concerns about the Fire Dept. 1992 document and believe that a million dollar liability is too small.

HOOD: I voted in favor of it. It was a straight forward permit. It was just like the permit that we granted last month.

DONLEY: I moved for approval because they had agreed to meet all of our sixteen conditions.

BARNES: The Planning Commission recommends approval for the Bulk propane tanks with the conditions.

SHY: Do you want to act on this today? Do I hear a motion?

ATTEBERY: I make a motion that we accept the recommendation from the Planning Commission;

KATTNIG: I will second the motion so that we can have some discussion. My concern is when you start a permit process under a set of standards. After the meeting last month you decided that lighting would be a good idea. I understand the importance of lighting and the necessity. One company was approved without lighting and now we have added that to this application.

SHY: JACKIE did you speak with the other applicant?

HOBBY: Yes, I wrote to MR. DELUCA, that they were staff recommendations that you have security lighting and a reflective address marker.

KATTNIG: When did you send the letter?

HOBBY: I don't know the exact date but a couple of weeks ago.

KATTNIG: My concern is that we added security lighting to firms with the same condition. One is required lighting and the other is a recommendation.

HOWARD: Does the applicant have a problem with it? Otherwise if he does not it's a non- issue.

LAMBERT: I do not have any problem with it.

SHY: Do we have a motion?

ATTEBERY: We have a motion and seconded.

SHY: Any more discussion? All in favor?

Motion passed unanimously.

REASONS:

SHY: All those stated by the Planning Commission. Also with what BOB said we are striving for consistency and we need to meet that in every aspect. We have two good applicants and we have both of them willing to comply.

KATTNIG: I voted for it because of the recommendation from the Planning Commission and listening to the discussion. I think the primary points from a safety stand point for the community were met. If they are willing to accept the security lighting I am very comfortable with it.

ATTEBERY: I voted to accept the recommendation from the Planning Commission because of the sixteen restrictions that were put in place.

BARNES: We have no more business. I do have an informational item. JACKIE and I will be in the near future going through the Master Plan. Then we will be having a workshop.

DONLEY: I make a motion to adjourn.

HOWARD: I second the motion.

Meeting adjourned at 3:34 P.M.