

# Meeting of the Planning Commission

April 5, 2016

Custer County Courthouse  
Westcliffe, Colorado

## **Present:**

Planning Commission: Vic Barnes, Keith Hood, Dale Mullen, Bill Donley and Patrick Lynch

Absent: Chris Nordyke and Pat Bailey

Associate Members: Lance Ingram

Absent: Mike Shields

Staff: Jackie Hobby and Chuck Ippolito

The meeting was called to order at 1:30 P.M. by VIC BARNES, Custer County Planning Commission Chairman.

Pledge

BARNES: We will have LANCE INGRAM move to a seated member position. We have six seated members of the Planning Commission and normally we would have seven. We need to approve our minutes from our March 8, 2016 meeting. Has everyone had a chance to look at them, any comments? Hearing none, they will be approved as presented. JACKIE will give us the zoning report.

HOBBY: In the month of March we had ten septic inspections, eight special conferences, five compliance inspections and one septic contractors test. Permits issued during this month are fourteen septic permits compared to four last year and seventeen zoning permits compared to sixteen last year. Permits issued year to date for 2016 are sixteen septic compared to six last year at this time and twenty nine zoning permits this year compared to twenty three last year.

BARNES: Thank you JACKIE. The Master Plan is signed and it is a done deal. Copies are available for you to pick up. We have one agenda item, it is a Special Use Permit application. The applicant is CHRISTOPHER DONALDSON and it is for a towing and storage yard. I will go over I briefly how this process goes. It is two phase process and the first phase is a presentation which is what we are doing now. There will be no decision today. We are just getting information and allowing everyone to have input. The second phase will be a month from now. We will meet again and based on this meeting here and the next meeting we will make a recommendation to the Board of County Commissioners. They will schedule a meeting for a final approval or disapproval. What we will do today is have the presenter make any additions or comments to the application. The Planning Commission will be asked if they have any questions. Then we will ask the audience if anyone wants to can speak. You will be limited to five minutes on your initial presentation and later you can speak again. Anyone who wants to speak will need to come up to the podium and tell us your name and if you are representing anyone other than yourself. I will read the applicants statement.

**Applicant's statement:** Briefly explain your request and the reasons for it. Include a description of your future plans. (This statement will be used in the newspaper Public Notice, and letters to adjoining property owners and other interested parties.)

My name is Chris Donaldson (C+C Towing), and I am starting a towing and hauling business and wish to open a yard for vehicle storage and shop. Currently there is no yard in town capable of safely holding wrecked vehicles or ones needing towed. My plan is to build a 100' x 195' x 6ft tall chain link privacy fence with a colored privacy wrap (either black or green) on the north side of the lot about 35ft off of the Lone Tree Rd (CR 236). I plan on a 4' x 8' sign on the northeast corner of the lot about 25ft from CR 236 visible to CR 241 made out of wood with hand carved lettering that sits 7ft tall with down facing solar lights. Eventually I plan on building a 30' x 120' shop for an office plus maintain work vehicles. Everything will be properly permitted prior to building. All of this will be on 1/2 acre.

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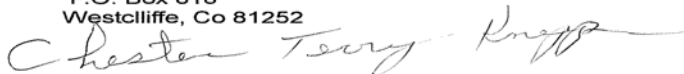
BARNES: JACKIE have the adjoining neighbors been notified?  
HOBBY: Yes, we received three letters.

March 19, 2016

To : Custer County Planning and Zoning Office  
P.O. Box 203 Westcliffe, Co

I received a letter of a request for special use permit for CO RD 241 #1349 for Mr. Christopher Donaldson for towing ,hauling ,storage of vehicles, huge sign, shop, a water tower . I usually let everything go but this I am strongly opposed to it all , this will make value of all the properties including mine go way down , not only the views but the quality of everything , I had just recently bought my properties there on Cty Rd. 243 and have been building what I think would help improve this community in a tasteful fashion so far I think everyone has agreed. This towing and storage for wrecked vehicles would bring many hazards also with shop and wrecked vehicles brings gas, diesel, antifreeze, and oil leakage and etc., it contaminates the grounds of any one close to it. And very possibly contaminate our wells. Please I ask for you to please not let them have the right to do this , it is residential that's what I was told when we started building, we actually wanted to maybe build a duplex but we were told we could not and that's ok , I understand rules..... but I would have never bought and built here if I had known there was a possibility of this ... so I am sorry I have to ask for you to please leave it residential .. for the sake of all of us ..... thank you

Chester Terry Knepper  
P.O. Box 818  
Westcliffe, Co 81252



March 12, 2016

Custer County Colorado Zoning Department  
203 S. 6th  
Westcliffe Colorado 81252

Jackie Hobby & Custer County Colorado,

Please let it be known by all, I am Strongly Opposed to C&C Towing, Chris Donaldson and Charles Johnson, opening, building and maintaining a yard for they're towing business on Lone Tree Circle across from the Tennis Courts next to Neil & Cheryl Martin. All proposed additions and a 15' water tower will directly block of my views of the Southwest I have worked so hard to acquire & maintain by adding windows and closing in my deck's on the South & West side's of my cabin.

The property near my address and across Loan tree Circle is and should remain residential, with the option of having a home owned business operating within the confines of the home. Or tidy outbuildings as the Nell Martin Family property that does not change the aesthetics of this family neighborhood. Not an Industrial business which would bring environmental hazards guaranteed to contaminate water supply & soil, attract vermin, create safety issues, scare away wild life, as well as negatives not addressed at this time.

In Mr. Donaldson and Mr. Johnson's letter to the neighbor's there is no mention of the most important facts below even though the letter states: "...trying to keep up with state guidelines we are taking the extra step in making sure everything is done to have an effective yard while not taking away from any of our neighbor's wonderful valley views:

Not Addressed or Mentioned:

\*Automotive Salvage Yard Waste Management Practices of Colorado  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment  
(as we all know towing also means storing damaged and wrecked vehicles)

\*Towing Carrier Rules and Regulations for the State of Colorado

\*Liability Insurance for the business as well as neighborhood damage.  
(our property values would decline greatly)

The proposed fence would not be visually appealing, drive by the disposal company on County Road 241 and notice the same type of privacy fence did not last. The wind out here would take it down the 1st year as it is a plastic product woven into chain link.

A lit sign for the business will demolish our night skies. And be out of place. Once again a business that belongs in an industrial setting.

Be informed, my cabin sits higher than most of my neighbors and I would be most adversely affected by this unsightly business. My property value and all of my years of hard work would be ruined.  
This proposed business would most certainly cause financial loss of my property improvements and great emotional distress.

3/14/2016

March 12, 2016

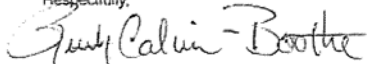
My property is also a Certified Wildlife Habitat, a negative impact on Wildlife is guaranteed.

As the Zoning Officer of Custer County Colorado you have a responsibility and obligation to make certain a negative impact does not occur for myself and my neighbors.

Please inform me in a timely manner of any and all public meetings regarding the aforementioned matter as I am working out of town and need ample notice to be present.

My email address is [rboothe08@mac.com](mailto:rboothe08@mac.com), this would be my best contact information for now. My phone number is 719-783-0494, (second source of contact), you may leave a message.

Respectfully,



Ruth Cavin-Boothe  
1955 County Road 241  
Westcliffe Colorado 81252  
Custer County Colorado  
[rboothe08@mac.com](mailto:rboothe08@mac.com)  
719-783-0494

3/14/2016

Custer County Colorado Zoning  
Attention: Jackie Hobby  
203 S. 6th  
Westcliffe Colorado 81252

March 16, 2016

Custer County Zoning Board,

I am writing to express my opposition to the request by C&C Towing, in the names of Chris Donaldson and Charles Johnson, to build and maintain a yard and towing business on County Road 236, Lone Tree Circle in rural Westcliffe, with the following objections:

- (1) In the fifteen plus years that I have lived in this approximate area, homeowners here have gone to great lengths and taken pride in this area as residential and have maintained their properties and cooperative relationships with nearby families as neighbors.
- (2) The property in question is not suitable for heavy equipment, storing damaged and wrecked vehicles, diesel noise or air pollution operated by an industrial business, running the risk of environmental hazards to our sensitive water supply and fragile landscape. Such a business is liable to attract vermin and create safety hazards for all those residents using County Road 236 on a daily basis.
- (3) The proposed business is to be located on a parcel that is currently connected to one of the last wildlife corridors in the north east part of the Wet Mountain Valley and further development of this land would have a negative impact on wildlife and their movement throughout the seasons.
- (4) Such a business in a residential area is unsightly and not only takes away the views that each resident here has financially invested and worked so hard to create for themselves, but systematically degrades residential property values. An industrial business belongs in an industrial park such as the one located on CO Highway 69N. The proposed lighted sign is both inappropriate and offensive to a residential community.
- (5) And who in our County or State will monitor their compliance with such regulations as:
  - \*Automotive Salvage Yard Waste Management Practices of Colorado
  - \*Hazardous Materials and Waste Management Division
  - \*Colorado Department of Public Health and Environment
  - \*Towing Carrier Rules and Regulations for the State of Colorado

Thank you for hearing my concerns about this proposed business and my reasons for bringing your attention to the negative impacts this would have on our rural residential community. With greatest respect I urge you as a responsible zoning board for the interests of the residents of Custer County to deny their request for a zoning variance.



Christina MacLeod  
335 County Road 238  
Westcliffe, CO 81252  
719-371-1315

BARNES: The normal complement on the Planning Commission board is seven. We have six here today. It is your right to wait until we have a full complement of members. We can legally proceed with six.

CHRIS DONALDSON: Yes, that's fine we will proceed.

BARNES: Please come up to the podium to present your application.

CHARLES JOHNSON: I will be representing CC TOWING. We are very lenient on a lot of the things we are asking for. We don't have to have that large of sign. The water tower, we intended to have a water source that was gravity fed and did not need power to access the water. We do not need a water tower. What we are proposing is an area where we can park the vehicles and work on the vehicles. Also we could store the customer's personal property on site. We are trying to keep business in town. We can easily drive the vehicles to Pueblo or Canon City but we thought we could keep the business here. Our fence, we have done research and spoke with a lot of fence builders. With the wind, we tried to come up with the best solution that would last a long time. The privacy wrap that we are proposing should last for about five years. We are hoping that after that we can do a natural landscape so the yard does not look like a yard. We plan on keeping the noise down. We are going to operate them from our personal house. I plan on living there eventually and want to make it look as nice as possible. We do not want to bring the property values down. We are very open to any ideas about a fence or building. Inside the yard we plan on doing a nice concrete pad for containment of the vehicle that is damaged. We do not want any ground water issues. Our goal is to do everything by the book. We have a lawyer and an accountant to make sure everything is covered. We are just asking for your help to provide a service for the community. Measures will be in place so that nothing from a vehicle will ever get into the ground.

BARNES: Thank you. We will take questions from the Planning Commission.

MULLEN: Will you point out on the map where the ingress and egress will be.

JOHNSON: Pointed the driveway out to the audience and Planning Commission.

MULLEN: How far will the fence penetrate into the lot?

JOHNSON: About forty five feet, and we plan on the whole fence being wrap.

HOOD: The entire parcel is ten acres. We are taking a half acre parcel out of that ten acres. We are issuing a permit for only the half acre parcel.

JOHNSON: Yes, that is what we are asking for.

HOOD: I don't believe we have done that before.

BARNES: I don't think we have KEITH. It is not expressed in the application.

They are just saying this is what they are going to fence.

HOOD: So we will not be issuing a permit for only one half acre. We are issuing a permit for ten acres.

BARNES: That is correct, it will be for the entire ten acres.

DONLEY: Is there a water source on the lot?

JOHNSON: No, not as of right now. That was what the proposed water tower was for, but we can do other things.

DONLEY: If the water tower is going to be fifteen feet tall, that probably will be shorter than your building.

JOHNSON: Yes, but we will not have a water tower.

BARNES: Any other comments from the Planning Commission? Hearing none are there any comments from the audience?

Nine property owners were present, and seven commented on the following: property values would be reduced, increased traffic, junk and abandoned vehicles if business failed, increased traffic on a dirt road, residential area, noise, increased vermin, and vehicle pollutants in the ground will affect the ground water, drainage ditch that is on the property that fills up with the spring runoff. This is a residential area, commercial needs to be in an industrial area. Good idea bad location.

BARNES: Are there any other comments?

DONLEY: I know that there are a cluster of mining claims in that area. The rest is subdivided. Who subdivided it and is there an HOA?

HOBBY: It's Range View Sites and there are no covenants.

HECK: We have been there for thirty five years and there were covenants but the courthouse lost them. It was in the eighties and Doc KETTLE subdivided it.

BARNES: Do you have meetings for the association.

RODRIGUEZ: No, there is no HOA. It is residential and agricultural use. When we purchased it, on the contract there were no covenants.

MULLEN: This is a subdivision and it was legally subdivided at some point and time. You cannot have a subdivision legally without filing covenants, by law. You do not have to have a HOA, but you cannot have a subdivision without filing those things. Somewhere they had to be filed. That does not affect what we are doing here today. Further, it may restrict whether or not business could be in that subdivision. I live in a subdivision that has declarations, covenants and bylaws and has an HOA. Even if the County had a Special Use Permit in that area, the HOA would act to stop that because the covenants, declarations and bylaws prevent businesses from existing within that area.

BARNES: Would you like to respond?

JOHNSON: We hear you. We tried to find a good spot and the industrial area is a lot of money. We were going to live there also and watch over the commercial part. We are trying to get something to work. Maybe down the road we can get a commercial lot. I would also like to have animals on the lot. We are trying to make this work and provide a service for the community. We would keep the area looking nice. Our other property, we keep in nice condition.

BARNES: Does the Planning Commission have any comments? Hearing none, as far as the presentation for this Special Use Permit, we are complete. The next meeting will be May 3, 2016 and you will be advised. Just an informational item concerning the Zoning Resolution JACKIE, SKIP and I have been going through it and we have picked out some areas that we need to cleanup. We are going to send those suggestions out and if everyone agrees we will hold a public hearing to make changes.

DONLEY: Made a motion to adjourn.

INGRAM: Seconded the motion.

Meeting adjourned 2:55 P.M.