

Meeting of the Planning Commission

August 1, 2017
Custer County Courthouse
Westcliffe, Colorado

Present:

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

Absent: Pat Bailey

Associate Members: Skip Northcross and Mike Carter.

Absent: Lance Ingram, Mike Shields and Steve Henning

Staff: Jackie Hobby

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

Pledge

BARNES: We have six people on the Planning Commission and normally we have seven. We have one alternate available. SKIP NORTHCROSS will replace PAT BAILEY

BARNES: JACKIE will give us the zoning report.

HOBBY: In the month of July we had seventeen septic inspections, six special conferences, eight compliance inspections and one violations review. Permits issued during this month are twelve septic permits compared to ten last year and forty-six zoning permits compared to thirty-four last year. Permits issued year to date for 2017 are sixty-four septics compared to forty six last year at this time and one hundred and eighty four zoning permits this year compared to one hundred thirty one last year.

BARNES: Thank you JACKIE.

MIKE CARTER arrives.

BARNES: We have one item of business today. The hearing phase for a Special Use Permit. GLEN CHOATE for Bumble Bee Storage. We asked GLEN to come up with a new applicant statement. I will read the new applicant statement.

"The purpose of this special use permit is to be able to use approximately 1.5 acres of my 10 acres of property as a storage facility using shipping containers. The additional land will remain open space. The storage container will sit on concrete blocks to keep them off the ground and level with the next container. The project will be expanded slowly adding container as need for a total of 80 containers, 40 in each row. There will be fencing on both ends of the container rows, 8ft tall with lacing approximately the same color as the storage units. The units will be painted a light adobe color. The units will be painted in a timely manner, weather permitting I.E. the temperature has to be above 45 degrees. The property will have 24/7/365 access. The property will be lite with dark sky friendly solar lights, and will have security cameras".

BARNES: GLEN if you would come up to the podium and go over your new plans so that everyone understands.

CHOATE: I basically changed it so that there is only going to be two rows. There will only be fencing between those two rows. There will not be any fencing around them on the outside of the units. I will paint these in a timely manner. Those are really the only changes that I have made.

BARNES: Does the Planning Commission have any questions?

NORTHCROSS: What are those dotted lines on the map?

CHOATE: That is the fifty-foot setback.

NORTHCROSS: You were thinking of a fence twenty foot away?

CHOATE: Yes, but that is not true anymore.

HOBBY: Now you are only going to do two rows, how many in each row?

CHOATE: Start with four units then add two every month or more.

HOBBY: You will do four units in the first row?

CHOATE: No, two in the first row and two in the second row.

HOBBY: If you keep adding there will always be a container on the end that won't be painted?

CHOATE: No, they will get painted.

HOBBY: So, even if you plan to add units to the end in a couple of months you will always see the exposed end painted? They will be painted as they arrive.

CHOATE: Yes

BARNES: You will start at the south end. You will have a fence across the front and you will have two in one row and two in the other row. There will be no need on the east or west side for a fence. There will be a fence on the north end. You will paint what is exposed.

CHOATE: Yes, that is correct.

NORTHCROSS: Did we get an answer from the town of Westcliffe if that letter was from the mayor or the whole committee.

BARNES: I am going to ask MIKE CARTER. Last time the Town of Westcliffe mayor wrote a letter and then you had made the statement that the Town of Westcliffe was opposed to it and it was going to be on your meeting agenda in august.

CARTER: They have not voted on it yet.

NORTHCROSS: At the last meeting MIKE said that we have decided to close the road. Who made that decision?

CARTER: The town is considering doing that. They haven't voted.

BARNES: We do not have a formal decision from the Westcliffe trustees.

Any other questions from the Planning Commission?

Hearing none

Any questions from the audience?

KEN PATTERSON, JOAN BROADSTON, BARRON BROADSTON, RON FROBEL and MARK SMOUSE spoke about leveling off the site, lighting, access, No time limit on the project, benefit to Custer County and increased traffic.

BARNES: Thank you, now I will ask the Planning Commission for any other questions.

CARTER: I would like to make a comment. Shadow Ridge has three or four lots within the subdivision that are zoned for commercial. If someone wanted to put a storage unit they could do that.

BARNES: Thank you MIKE. Any other questions?

MULLEN: I move that we accept the application as it has been submitted with conditions.

HOOD: I will second the motion.

BARNES: The Planning Commission has received a list of the conditions for this application. Instead of starting from scratch we put a list together of fifteen conditions.

BARNES: Read the list of conditions.

HOOD: I would like condition #9 to state that all exposed areas need to be painted.

DONLEY: I would like condition #7 to say that "the Special Use Permit is non-transferable."

BARNES: Does everyone agree with these additions to the conditions?

Hearing none

BARNES: Is there any other suggestions on the conditions?

Hearing none

BARNES: Are there any more discussion?

Hearing none

BARNES: All in favor say I, all opposed same sign.

BARNES: We have six in favor and one against.

REASONS:

NORDYKE: I voted yes, I do not see any problems.

MULLEN: I voted yes, it's a legal business, a quiet relatively no impact business. I felt the owner was amenable to the conditions. I did take the effort to interview two of our existing storage areas and contrary to what I believed. I did find out that they are operating at almost full capacity.

HOOD: I voted yes, to recommend to the commissioners to approve the application, with the conditions that were placed on it. The number one complaint was the increased traffic through Shadow Ridge, which we do not have any control over.

DONLEY: I voted yes, I am comfortable with the conditions

LYNCH: I voted yes, I believe the reasons supporting it have been previously stated.

BARNES: I voted yes, I agree with DALE it's a low impact business. I think the other thing that I liked about it is if you look at our Master Plan, we're looking at economic impact. This conforms to the Master Plan.

NORTHCROSS: I voted no, because of the opposite reasons that VIC voted for. The Master Plan suggest that future industrial plans should be encouraged in industrial areas The County will direct commercial and industrial development into appropriate areas, with consideration for the type, need, and impact of specific uses. I just believe this needs to be in more of a commercial area.

BARNES: The motion passes. This is a recommendation to the Board of County Commissioners. JACKIE will make arrangements with the Board of County Commissioners to schedule a date.

BARNES; I thank all of you for attending. We have one more item to deal with and you are welcome to stay.

NOTE: # 16 of the Bumble Bee storage Special Use Permit Conditions was added by the Board of County Commissioners on August 31, 2017 meeting. BARNES: The other item that we have on the agenda is the BOCC resolution amendment. At the San Isabel meeting of the BOCC the commissioners requested that the Planning Commission to address a resolution amendment specifically on light pollution and storage containers. An individual would like storage containers banned from the county. We are also going to revise the section in the resolution that deals with the appointment with the Planning Commission, Board of Zoning Adjustment and the Associates. JACKIE came up with a resolution that conflicted with the county resolution, so we will be working on that. We also will address the site tour and how we have to ask JACKIE to ask the applicant a question. We will start with workshops and I would like to start this sometime in October. The reason is I will be gone the month of September. The Board of County Commissioners has scheduled a meeting on August 10, 2017 to have further discussion on the 2006 building code and 2006 building fire code. The invitation was extended for the Planning Commission to attend from CLINT to BRENDA to JACKIE. If you attend you would sit out in the audience because it is the Board of County Commissioners meeting. The Board of County Commissioners discussed this in their public meeting and had thought that the Planning Commission did not do enough research to conclude voting no. History shows that this has been done before and I believe they want to do this public meeting.

MULLEN: If we are asked to show up as a citizen, we are free to say anything we want to say. If we are asked to show up as a member of this commission then we take on a different role.

CARTER: How do you figure?

MULLEN: You need to not have an opinion one way or another in case it comes before us again.

BARNES: We know from experience that when we had the public meeting on the 26th, two commissioners attended and the Planning Commission just listened.

MULLEN: Which I thought was appropriate.

BARNES: I will attend. If asked to speak I will ,but if not, I will only listen.

HOOD: We will be there as a member of the public since it is a Board of County Commissioner meeting.

MULLEN: If they ask for historical response I would defer to the Chairman of the Planning Commission. We already decided and you should represent that decision. The e-mail I read was asking the Planning Commission to be there.

BARNES: I will ask for clarification. Quite some time ago they did not want joint meetings and we use to have them.

HOBBY: When we had our meeting the Commissioners role was an audience member.

BARNES: We got criticized in the Tribune by JORDON for not doing any research on this. I spoke with JIM and JORDON this morning, and explained the reason why we made this decision. It was clear what the view of the people in the audience was. There are some of us that have been on the Planning

Commission a long time and this is just a repeat of what we have heard before and it does not sound like anything has changed.

HOBBY: I believe that some people believe that we took a handful of people and made that decision and that is what MIKE believes from his perspective.

CARTER: I don't believe a handful of people can represent the county.

DONLEY: That is what we got with Commissioners.

CARTER: Those people were elected to represent the County. Those people that we had in the audience were not elected to represent the County.

BARNES: I do understand where you are coming from. It would be nice if more people would attend. That is one of the better attended meetings we have had in a long time, seventy-four people and twenty testified. We went through the proper procedure. It was published two weeks in advance and one article in the newspaper. Anyone that wanted to express an opinion had the opportunity. It has been suggested that the attendance was biased and I do not see any evidence to support that. I do not see how that could be when we followed the proper procedure.

CARTER: My opinion, you need to be careful weighting people that show up. For instance, DALLAS ANDERSON had a pile of information. There are people sitting on the Planning Commission that had to deal with counties that have code and that don't have code. Some of those folks have a lot of emotion without a lot of knowledge. You can take a representation of the whole county and ask them to jump off a bridge and it still is not the best choice. The best information was what DALLAS presented from the research that has been done.

DONLEY: How do you remodel a one hundred and twenty-year-old house.

NORDYKE: If you do not disturb structural walls you can. If you are disturbing structural walls it will have to be engineered. Obviously, it's a one-hundred-and-twenty-year home and will have to be electrical and plumbing. Which we already have in the County. The misunderstanding of everyone being afraid of it is that it protects everybody.

CARTER: Most permits that I have in town are remodel of old homes. We are not building that many new homes in town. They are all being done and nothing is preventing that from happening. I have not ever told anyone that they can't do that. There are ways to do it right and it does not cost anymore to do it right.

NORDYKE: You are not going to remodel that old home and when you strip the walls there is no insulation. If you remodel, you must have an electrical permit and plumbing. So, if you put your sheetrock back you must have your inspection on the insulation and another inspection is your nailing pattern on your sheetrock. They do not inspect your painting, flooring and cabinets.

HOBBY: What about the 2006 code versus the new one that is coming out? Does it allow for alternative building?

CARTER: Sure, it does. They tend to become more restrictive as they go on and modernize. The 2018 code is probably something that honestly no one would want.

NORDYKE: The 2016 code is where things started changing with the energy code. They also found that the energy code has some stuff in it that does help with energy conservation. That is why most stop at 2006 because the energy code gets tough. If you build a home in Pueblo County, when its finished you must pay \$500.00 to \$1000.00 to pressurize the house and see how long it takes for the pressure to drop.

HOBBY: Most of the comments that we are receiving in the office is why are we passing the 2006 code and not the 2018. Cost and we have been in an economic slump. Now we are getting out of it and a few people want to see us go back down.

NORDYKE: Times change. A couple of days ago a house that was built here in the 80's that been trying to get sold. They had a home inspection and structurally it will not pass building codes the bank will not lend on it. That is one of the biggest problems that we are facing in all counties. The bank inspectors are picking things apart with a fine-tooth comb. Resale value and banks loaning on stuff if it's not built to proper code.

CARTER: It probably effects two sales a week in town.

HOBBY: What would that do to this valley, San Isabel and Wetmore. That would make it so hundreds of homes would not sell.

CARTER: That does not change that at all. What that does is to prevent that from happening in the further so that twenty years from now a home that is built now will be able to sell.

BARNES: The County Commissioners will be able to decide based on the information that they gather.

MULLEN: We did what we did and we had input. If we agree with it or not, we had a concession here and a motion was made. It was voted upon and a recommendation was passed on to the BOCC. That's historical. What I hear you say today is that the BOCC weren't impressed with the trepidation of what we did. It does not change the historical perspective. I have not heard you say that they have directed us to do anything going forward that we have not already done. We have completed everything that we were asked to do. I thought the conversation we just had here was far more input then we have had. That is why I made the comments at the meeting. The meeting was way to brief and then we had a recommendation. The bottom line is, I am a practicing person of democracy and when seven people vote and five votes in favor and two votes against, the aye have it. You pass the information on and you live with the result. But what I am anticipating is that the Planning Commission may get further direction on this subject.

BARNES: The only thing we have now is what you just read. I will get clarification from BOB since he is the Chairman of the BOCC.

NORDYKE: Is there a possibility that we could start the meetings later in the day around 5:00 P.M.

BARNES: We will all consider this and talk about it at future date.

HOOD: Made a motion to adjourn

DONLEY: Seconded the motion
Meeting adjourned at 4:00 P.M.