

# Joint Meeting of the Planning Commission, Board of County Commissioners and Board of Zoning Adjustment

March 7, 2006

Custer County Courthouse  
Westcliffe, Colorado

## Present:

Planning Commission: Lynn Attebery; Pat Bailey; Vic Barnes; Keith Hood; Sherry Rorick  
Board of Zoning Adjustment: Gerry Dearborn; Bill Donley; Bruce McDonnall; Dorothy Nepa; Skip Northcross  
Associate Members: Rod Coker; Pete Lo Presti; Christy Veltrie  
Commissioners: Dick Downey; Dale Hoag; Kit Shy  
Staff: Christy Kesselring; John Naylor

## Absent:

Planning Commission: John Campbell  
Associate: Greg Tabuteau

The meeting was called to order at 1:02 P.M. by LYNN ATTEBERY, Planning Commission Chair.

PETE LO PRESTI was seated on the Planning Commission in Campbell's absence and CHRISTY VELTRIE was seated on the Board of Zoning Adjustment in McDonnall's absence. McDonnall showed up shortly after the meeting started and Veltrie stepped down.

Attebery called for an approval of the November 2005 minutes. BILL DONLEY MOVED to accept the minutes, VIC BARNES SECONDED. The motion passed unanimously by voice vote.

For the Planning Commission, SHERRY RORICK nominated Attebery as the Chairman, Keith Hood as the Vice-Chairman and Christy Kesselring as the Secretary, BARNES SECONDED. The motion passed unanimously by voice vote. ATTEBERY nominated Vic Barnes to be the Regional Planning Commission Representative, RORICK SECONDED. The motion passed unanimously by voice vote.

For the Board of Zoning Adjustment, SKIP NORTHCROSS nominated Donley as the Chairman, Dorothy Nepa as the Vice-Chairman and Kesselring as the Secretary, BRUCE MCDONNALL SECONDED. The motion passed unanimously by voice vote.

DONLEY nominated the Wet Mountain Tribune as the Official publication, HOOD SECONDED. The motion passed by a majority voice vote, with RORICK opposed. DONLEY nominated the bulletin board in the Courthouse for the Official Posting Place, DEARBORN SECONDED. The motion passed unanimously by voice vote.

The Secretary asked if the office should schedule workshops to review and amend the Zoning Resolution and the Master Plan. After discussion, DONLEY MOVED that due to the office workload, no new issues be address until the Subdivision Regulations be completed, NORTHCROSS SECONDED. The motion passed unanimously by voice vote.

## ZONING OFFICE REPORT

- The Board of County Commissioners are reviewing the legal review of the Subdivision Regulations.
- On February 28, 2006, the Board of County Commissioners held the first meeting on the

- Building Code. The next step will involve a committee made up of community members.  
The office has been steady and is starting to receive the spring phone calls about building.

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**TERRY COOK AND ELINOR BROWN/SPECIAL USE PERMIT PUBLIC HEARING  
CONTINUATION**

Legal Description: THAT PT NE4NE4 SEC 32-22-69 LYING N HWY 165, & ALL OF NW4NW4 SEC 33-22-69 EXCEPT FOR HWY 165 ROW & ALL THAT PT SW4SW4NW4 SEC 33-22-69 AKA 8994 Highway 165, Wetmore, CO 81253

Schedule Number: 100-37-601

NAYLOR explained that the certified letter mailed to the applicant had not been claimed and the applicant may be out of town. In order for due process, the notification needs to be sent certified mail and 1st class. The Office could have the sheriff hand deliver a notice for the applicant to come to the meeting.

CHUCK STEIGERWALT, who lives close to the Ski Area, said the applicant recently purchased a bar in Florence and no longer occupies the house on Hwy 165. This may be the reason why the letter was not claimed.

BARNES recommended to the County Commissioners that the office notify the applicant there will be a continuation of the hearing in 90 days and if there is no action by the applicant his application will be considered withdrawn, BAILEY SECONDED. The motion passed unanimously by roll call vote.

DALE HOAG MOVED to accept the recommendation of the Planning Commission, KIT SHY SECONDED. The motion passed unanimously by voice vote.

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**DOUGLAS AND DEBORAH BAYER/VACATE AND REPLAT AND SUBDIVISION REGULATION  
WAIVER**

Legal Description: TRK IN E2 SEC 6-22-71 DESC BK 176 PG 868 & GOVT LOT 11 LYING N OF KING COPPER #1 LODE & E OF CR 260 AKA 856 CR 260 WESTCLIFFE, COLORADO

Schedule Number: 101-37-400

ATTEBERY read the applicant's statement. There were 9 letters sent out. One response was received from the Division 2 Water Resources-Janet Kuzmiak. The State is concerned that the original well was not abandoned when the replacement well was drilled and with having a barn on the property if the well designation is changed from domestic to in-house.

DOUGLAS BAYER explained that the second well was recently drilled and that he would contact the state and resolve the issue of abandoning the first well. BAYER said the barn can be used as a storage facility to alleviate the concern.

JERRY LACY, adjoining neighbor, stated that he and Janet Chester (adjoining neighbor) believe that this is a good idea. The house is over priced and adding the Government Lot could make the lot more sellable.

The boards discussed the amount of acreage, the potential errors in the surveys, plugging of the original well, the originations of Government Lot 11, merging the remainder of the larger lot with the Bayer's home lot if it is less than 35 acres, the need for a survey, setback issues with the barn, and access to the property.

SHY recused himself from making a decision on this issue due to the fact he had, had conversations with the applicant concerning this issue prior to being elected commissioner.

BARNES made a motion to recommend the Board of County Commissioners APPROVE the request for a vacate and replat and subdivision regulation waiver contingent on the following:

1. The larger lot remains 35 acres,
2. The old well is capped and abandoned,
3. The well designation is changed from domestic to in-house use only,
4. The applicant to submit the appropriate documentation to the office within one year, and
5. The newly created lot will adhere to the fifty (50) foot setback requirement for the garage.

BAILEY SECONDED. The motion passed unanimously by role call vote. HOOD and ATTEBERY stated that they both voted yes with strong reservations due to the lack of a survey. The Planning Commission could have made a better decision if there was a survey.

HOAG MOVED to accept the recommendation of the Planning Commission, DICK DOWNEY SECONDED. The motion passed unanimously by voice vote.

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### **ALLEN BUTLER/AIRPORT PROTECTION OVERLAY DISTRICT PRESENTATION**

ALLEN BUTLER presented and explained the proposed "Airport Protection Overlay District" to the Planning Commission. The boards discussed whether the Board of County Commissioners should be the Board of Adjustment or if the Board of Zoning Adjustment should be the Board of Adjustment for this document. The public hearing will be scheduled for May 2, 2006.

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### **JOHN NAYLOR PRESENTATION**

NAYLOR explained to the boards, the decision making process; the need for a fair and impartial hearing; the need for due process; Riggins Rules; how to conduct themselves during a site tour; the functions of each board and how to recuse oneself.

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ATTEBERY Requested to adjourn the meeting. DONLEY MOVED to adjourn the Meeting, NORTHCROSS SECONDED. The motion passed unanimously by voice vote. The meeting adjourned at 2:40 P.M.

Submitted by,

Christy Kesselring  
Secretary