

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

February 21, 2011  
Custer County Courthouse  
Westcliffe, Colorado

### **Present:**

Board of County Commissioners: Lynn Attebery Chairman, Jim Austin Vice Chairman and Allen Butler Commissioner  
Planning Commission: Vic Barnes, Keith Hood, Pat Bailey, Rod Coker, Sherry Rorick and Bill Donley  
Board of Zoning Adjustment: Gerry Dearborn, Skip Northcross, Dave Tonsing, Dee Hoag, Ken Patterson  
Associate Members: Dale Mullen, Dorothy Nepa and Lockett Pitman  
Absent: Cindy Howard, Brad Stam, Ken Lankford and Paul Buckles  
County Attorney John Naylor  
Staff: Jackie Hobby

The meeting was called to order at 1:06 P.M. by Jackie Hobby Custer County Planning and Zoning Office Director/Code Enforcement

Pledge of allegiance recited;

HOBBY: Introduced the new associate member, Lockett Pitman. As this is the first meeting of the year we must elect a Chairperson and Vice-Chairperson for each board and do other housekeeping duties. Each board member was given a nomination slip at the beginning of the meeting to mark their choice for Chairperson and Vice Chairperson. HOBBY asked ALLEN BUTLER to verify there are five (5) slips of paper in the ballot box for the BZA.

BUTLER confirmed.

HOBBY announced and Butler verified the nomination for Board of Zoning Adjustment Chairperson as SKIP NORTHCROSS and Vice-Chairperson DAVE TONSING.

HOBBY asked if they would accept the position if elected. Both agreed. NORTHCROSS and TONSING were elected.

NORTHCROSS moved to the Chairpersons seat to continue the meeting and explained the purpose of both the BZA and the PC to the applicant and the audience and then pointed out the members of each board and the associates. He went over the procedure for the meeting.

NORTHCROSS: We need to elect a secretary. May I have a nomination for secretary?

HOAG: nominated JACKIE HOBBY for secretary.

TONSING: Seconded.

NORTHCROSS: Any other nominations? None.

HOBBY: elected unanimously.

NORTHCROSS: We need to decide a posting place and an official newspaper for the public notice.

TONSING: I make a motion that the Custer County Courthouse is the posting place and the Wet Mountain Tribune is the newspaper.

HOAG: Seconded.

Motion passed unanimously.

NORTHCROSS: We need to approve or amend the December 7, 2010 minutes.

HOAG: I have a change to the last page. The motion was seconded by me.

NORTHCROSS: Any other changes? Do I have a motion to approve the minutes with the correction?

TONSING: I make a motion that we approve the minutes with the change.

HOAG: Seconded the motion.

Motion passed unanimously.

NORTHCROSS: MS HOBBY, please correct the official copy.

NORTHCROSS: The agenda item is the ESTATE of THOMAS V. HEALY to create an undersized lot. The schedule number is 100-81-131. The applicant's statement reads: *"Create a parcel to accommodate the T.V. Hills Water Associations improvements"*.

The history is that the property is located on County Road 291, AKA as Crestview Drive. MR. HEALY owned the property where T.V. HILLS Subdivision water for the Subdivision is located. MR. HEALY passed away and his estate is trying to give the Water Association the property where their storage tanks are located legally. They plan to sell off the remainder to a private individual. The HEALY estate remaining acreage does not concern us. It is only the four (4) acres. This property is in a ten acre zone. The Zoning Office has spoken with the representative and they will be asking for a variance from the Planning Commission for a Plat and Re-Plat. Also, they would like to vacate a portion of County Road 291 that has not been constructed and at this time has a gate across the road. They are also applying for a Sub-Division Waiver. T. V. Hills Subdivision was approved on November 14, 1977 in the Wetmore area and the records show it has eleven lots. The Planning and Zoning Office feel this is something that should have been done a long time ago and see this as a good thing.

NORTHCROSS: Is the representative present and do we have a letter of representation in the file?

HOBBY: Yes and Yes.

ROCKY MANGINI: I will be representing the Healy Estate. I am with Mangini and Associates, P.O. Box 8505 Pueblo Colorado, engineering and surveying firm.

NORTHCROSS: MS HOBBY, were adjoining property owners notified?

HOBBY: Yes, four with no response.

MANGINI: I will explain a little bit of the history of the property. MR. HEALY actually developed the property in 1977 and did the first filing. T.V. HILLS is located approximately one mile west of Wetmore. MR. HEALY, when he was alive, took care of the water for the Water Association. We would like to create a parcel that contains all the improvements for the water system so that we can convey it to the Homeowners Association. This property is located in Zone IV which is a ten acre zone. We are creating a 4.89 acre parcel with all the improvements that is large enough to have new improvements in the future. Also, with another part of this application we are vacating part of a roadway that was dedicated to T.V. HILLS Filing One. The roadway starts at the west end of Tea Lane and runs southwest to the cul-de-sac. The

road was never completed. The gate at Tea Lane prohibits traffic from going down the road. If approved, that portion of the road will go to the landowner to the South and North. Once this is conveyed, the property owner, MR. SANDERS, will convey to us a thirty foot (30') easement for ingress and egress to the water system and also to adjoining property owner, MR. TABUTEAU. That explains what we are trying to accomplish here today. We are asking for your approval on this application. If you have any questions I would be happy to answer them.

NORTHCROSS: MS HOBBY, would you read the questions from the site tour?

HOBBY: 1st question was, why vacate the roadway? From the locked gate to the water system is the portion that will be vacated so that outside people cannot have access to the water system. Another question was, how will this be recorded? MR. MANGINI will do the recording and I will ask him to explain the steps.

MANGINI: When we record all these documents we have to do it in a certain order. We will record the Subdivision Plat first, road vacation next; prepare the deeds that reflect the road vacation with the easement and the ingress and egress and another deed that includes the cul-de-sac. We will then convey the parcel to T.V.Hills Homeowners/Water Users Association.

HOBBY: Another question. How does the Water Association feel about this? MR. SANDERS has submitted a letter and copies are on the table. I will read the letter:

*“ Dear Sirs: Wetmore Well #1 Water Users Association, in our pursuit to acquire property and water well #C00114550, at our December meeting voted to approve and accept Rocky Mangini survey findings to create a land parcel adequate for operations of a water facility. Rocky’s survey made it clear that the association needs to request the following items.*

- 1. Variance to create an undersized lot for the well, which provides water to the T.V. Hills subdivision.*
- 2. Request a waiver of the Subdivision regulations so that the existing well location is contained within the new boundary limits:*
- 3. Request to vacate recorded Crestview Drive adjacent to well parcel boundary lines and re-plat.*

*The association hopes these requests are granted, and that we may move toward providing water to our community.*

*I thank you for your time to hear our application*

*Respectfully, David Boughton President*

NORTHCROSS: MS HOBBY, does the Zoning Office have any recommendations?

HOBBY: The Zoning Office recommends a condition that all the documents must be recorded before final approval.

MULLEN: We had one more question on the site tour. Was the Homeowners Association contacted also?

HOBBY: The T.V. Hills Water Users Association and Homeowners Association are one and the same.

MULLEN: Another question from the site tour was about renaming the four acre parcel. The existing parcel would be different, correct?

MANGINI: Yes, the four acres will be Parcel A and the remaining acreage will be Parcel B.

NORTHCROSS: Any questions from the audience? No response.

NORTHCROSS: Any questions from the Board or Associate members? No response.

TONSING I move to grant a variance for an undersized parcel of 4.89 acres in a ten acre zone, with a condition of the final recording of all the documents before approval.

PATTERSON: I would like to second the motion with an additional condition that no residence can be built on the property.

NORTHCROSS: Mr. Tonsing, do you agree to Mr. Patterson's amendment ?

TONSING: Yes, I agree to add Mr. Patterson's amendment.

NORTHCROSS: MS HOBBY, please repeat the motion.

HOBBY: The motion is: To approve the variance for an undersized parcel of 4.89 acre with the following conditions, all the documents are recorded before final approval and no residence will be allowed on this parcel.

NORTHCROSS: All in favor, please raise your hands?

Motion passed unanimously.

REASONS:

TONSING: Yes, based on no negative responses and also they did have a letter from the Water Users Association.

HOAG: Yes, the same reasons as stated.

DEARBORN: Yes, the same and also the water users really need to have this happen.

NORTHCROSS: Yes, I agree it's to the advantage of the water users and I also think this would be a hardship if we did not do it.

PATTERSON: Yes, the same reasons.

NORTHCROSS: Your variance request for an undersized parcel has been approved. Ms Hobby, do you have any other business?

HOBBY: Remember everyone that the next meeting has been changed from March 8th to March 1<sup>st</sup> and this will be held at the Cliff Lanes Bowling alley.

NORTHCROSS: Do I have a motion to adjourn?

DEARBORN: Motion to adjourn.

HOAG: Seconded the motion.

Meeting adjourned at 1:44 P.M.

The meeting was called to order at 1:45 P.M. by Jackie Hobby, Custer County Planning and Zoning office, Director/Code Enforcement

HOBBY: Each board member was given a nomination slip at the beginning of the meeting to mark their choice for Chairperson and Vice Chairperson. HOBBY asked ALLEN BUTLER to verify that there are six (6) slips of paper in the ballot box.

BUTLER: Verified that there are six (6) slips of paper in the ballot box.

BUTLER and HOBBY verified the nomination for Planning Commission Chairperson as VIC BARNES and Vice-Chairperson KEITH HOOD.

HOBBY: Asked if they accept the position and VIC BARNES and KEITH HOOD accepted the positions.

BARNES: Moved to the Chairperson's seat to continue the meeting. Thank You. We will designate a secretary, official posting place and newspaper publication for the public notice.

DONLEY: I move that JACKIE HOBBY be secretary, the bulletin board in the hall of the courthouse be the posting place and the Wet Mountain Tribune be the newspaper for publications.

COKER: Seconded the motion.

Motion passed unanimously

BARNES: We need to replace PAUL BUCKLES with an Associate Member.

NEPA: Replaced PAUL BUCKLES.

BARNES: I will not go through what the responsibilities of the Planning Commission are SKIP did a very good job of that. I would like to welcome back SHERRY, we missed you and are glad you are back. SHERRY is the longest serving member on the Planning Commission.

BARNES: The next order of business is the approval of the December 7, 2010 minutes.

BAILEY: I move that we approve the minutes.

DONLEY: Seconded the motion

Motion passed unanimously

COMMISSIONER ATTEBERY: Made a motion that we reconvene the Board of County Commissioners.

AUSTIN: Seconded the motion

Motion passed unanimously

BARNES: We have one agenda item and we have been briefed. We have three things to give a recommendation to the County Commissioners on. One is the Plat and Re-Plat, Subdivision Waiver and Vacate a portion of County Road 291. We will do all of these at the same time in one motion. Do you have anything more that you would like to add MR. MANGINI?

MANGINI: No, I believe I covered everything.

BARNES: Are there any questions?

No response.

NEPA: Where is the well located on the map?

MANGINI: The majority of the property is to the north and the water tanks are to the west of the property.

BARNES: Thank you, I will entertain a motion.

DONLEY: I make a motion that the Planning Commission makes a recommendation to the Board of County Commissioners that the Senate Bill 35 Waiver be granted; also the vacation of the existing plat and the Re-plat of the new lot called Parcel A, and vacate the road from Tea Lane to the cul-de-sac. This will not be approved until all the paper work is recorded and no residence on this parcel.

BAILEY: Seconded the motion

Motion passed unanimously

REASONS:

RORICK: Yes, this has been an ongoing thing for a long time. It is good to have it closed and moved forward.

COKER: Yes, needed to be done.

NEPA: Yes, it solved a problem and also made conditions for access to the property.

BAILEY: Yes, it was the right thing to do for that subdivision.

DONLEY: Yes, it needed to be done for a long time and I am glad they are getting it all finalized.

HOOD: Yes, it's a good thing it puts the water under the control of the Homeowners Association/ Water Association.

BARNES: Yes, I voted for it it's the right thing to do.

COMMISSIONER ATTEBERY: What is the Boards pleasure?

AUSTIN: I make a motion that we approve the recommendation of the Planning Commission.

BUTLER: Seconded the motion

ATTEBERY: All in favor.

Motion passed unanimously.

REASONS:

AUSTIN: I think this is for all the right reasons.

ATTEBERY: I go along with the recommendation of the Planning Commission because it is the best for all the concerns down there cleaning up a bad situation that will be best for the future.

BUTLER: I agree with these two gentlemen, professionally done and unanimously approved by the Board and the best thing to do for the citizens.

BARNES: Thank you and you have approval for the variances.

BARNES: We will be working on finishing and putting the final touches on the Subdivision Regulations. We would like to meet with the commissioners and have them agree with what we have left and then we will incorporate that into the Regulations and what we need to do for a legal review. Based on that decision we will come back to the Planning Commission and we will send them out for your review and then we will go to a public meeting any other comments?

No response

COMMISSIONER ATTEBERY: I make a motion that we adjourn the County Commissioner meeting.

BUTLER: Seconded the motion

All in favor

Motion passed unanimously

With that I will entertain a motion to adjourn.

BAILEY: I make a motion that we adjourn

RORICK: Seconded the motion

BARNES: All in favor

Motion passed unanimously

Meeting adjourned at 2:05 P.M.