

**PARK COUNTY  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
July 10, 2018 at 9:00 AM  
501 Main St., Fairplay**

Board Members Present: Cyndi Demers, Susan Jones, Bobbi Gore, Charlie Schultz.

Staff Present: Sheila Cross, Jennie Gannon.

Attorney Lee Phillips arrived late.

APPROVAL OF AGENDA: Cyndi made the motion to approve the agenda as presented, Susan seconded and motion passed unanimously.

APPROVAL OF MINUTES from June 12, 2018: Susan made the motion to approve the minutes as presented, Bobbi seconded, and motion passed unanimously.

LAND USE PUBLIC HEARINGS:

**VARIANCE CASE #18SET-03**

Properties are Lots 234, 235, and 236 Western Union Ranch RV Park, Silverton Northern Campground, addressed as 323, 331, and 339 Lantern Loop, Hartsel. Applicant is requesting a 29-foot variance from the exterior perimeter setback requirement.

**APPLICANT:** Park County

- Sheila Cross made the Power Point presentation.
- Charlie called for public to speak.
- James D. Young, owner of Lot 236, came forward and talked about the trail and gate to USFS property.
- Rick Anders, owner of Lots 234 and 235, came forward and asked why there is going to be a 5 foot setback on his property. He sees it as an encroachment, wonders about effect on property value and new owners. He did not understand the original change to the setbacks for the campground.
- John Ludwig, facilities director for CORA, said that 50 feet in from boundary line is a lot of land and wondered if CORA could use it in any way or build on it. Also thought a 5 foot setback is too much for these small lots. Wants to go back to the old setback requirements of 1 foot.
- Marlene Jones, owner of the property located across the road from subject properties, wanted to know why the 50 foot change was made in 2017.
- John Ludwig came forward again to clarify where the trail to USFS land is.
- Charlie asked Sheila for some clarification and answers to these questions. Answers: Previous setback change was done in 2017 to clarify setbacks within CORA. The 5 ft. setback makes everything consistent. There was a lot of confusion in CORA about setbacks before the LURs were revised last year. Common ground is identified for certain uses on the plat.

- Susie remembered that these 3 lots were discussed when 2017 change was made and they knew this variance needed to be done. She mentioned importance of setbacks for fire safety.
- Charlie made an exception for this meeting and said public could come up again with comments.
- Rick Anders came forward and restated his concerns.
- John Ludwig said everyone in CORA now is setup for a 1 foot setback and asked how the 2017 change affects them.
- Charlie asked Sheila about the 1 ft. setback requirements. Answer: If encroaching structures were there prior to LUR change they are considered legal-nonconforming.
- Charlie asked Lee the same questions. Lee stated that legal nonconforming structures can't be replaced but they can stay where they are and that this shouldn't affect salability of the properties.
- Charlie closed the public portion of the meeting and asked for discussion.
- Susan made the motion to approve this case as presented and Cyndi seconded.
- Vote was taken and motion passed unanimously.

Meeting was adjourned at 9:50.

**PARK COUNTY  
PLANNING COMMISSION  
MEETING MINUTES  
July 10, 2018 at 9:00 AM  
501 Main St., Fairplay**

Planning Commission Members Present: Charlie Schultz, Jim Sapp, Susan Jones, Geri Salsig, Bob Banks, Pat White

Staff Present: Sheila Cross, Jennie Gannon, John Deagan

Also Present: Lee Phillips, County Attorney

APPROVAL OF AGENDA: Jim moved to approve the agenda as presented, Susan seconded, and motion passed unanimously.

APPROVAL OF MINUTES from June 12, 2018: Bob motioned to approve the Minutes as presented, Geri seconded and motion passed unanimously.

Charlie explained meeting process. Pat is alternate and will participate but not vote unless another member does not vote.

**COMMON PLAT AMENDMENT CASE #18AMN-05**

Property consists of Lots 29 and 30 Cover Mountain Ranch Subdivision 1. The applicant is requesting a plat amendment moving the boundary line between the two lots to change the acreages of Lot 29 to 16.07-acres and of Lot 30 to 35.18-acres.

**APPLICANT:** Kevin Lloyd, dba Rampart Surveys, LLC

And

**REZONING CASE #18ZON-10**

Property will be New Lot 30 Cover Mountain Ranch Subdivision 1, addressed as 868 Julia Road, Guffey. The applicant is asking to rezone this lot from the Residential (R) zone district to the Residential Ranch (R-35) zone district.

**APPLICANT:** Kevin Lloyd, dba Rampart Surveys, LLC

- Jennie made the Power Point presentation for both cases.
- Kevin Lloyd, surveyor and applicant, came forward. He did the surveying and made the plat and site plan for these cases. He said he had nothing to add to the presentation but would be available for questions.
- The question was asked if the owners had considered consolidating Lots 29 and 30 into one lot. Mr. Lloyd said that the owners would like to keep Lot 29 in the family for possible future house for kids.
- Rachel Wickersham, owner of the property, came forward. She said they currently own four horses and that they haul water for them from another property they own. She wants to keep two lots because she hopes that at least one of her kids might want to have a place next to them.
- No public comment. No closing comments from the applicant.

- Charlie closed the public portion of the hearing.
- Lee stated there should be votes taken for each case.
- Geri motioned to approve the plat amendment Case #18AMN-05 and Bob seconded. Vote was taken and motion was passed unanimously.
- Charlie asked for discussion and motion regarding the rezoning Case #18ZON-10.
- Geri made the motion to approve with the staff recommended conditions and Jim seconded.
- Vote was taken and motion passed unanimously.

### **REZONING CASE #18ZON-09**

Property is 2 acres in the SW ¼ NE ¼ S23 T15 R73 addressed as 43 C.R. 102, Guffey. The applicant is requesting to rezone the lot from the Planned Unit Development zone district to the Commercial zone district.

**APPLICANT:** Bruce Robinson

Geri recused herself because she is an owner of the property. Pat White will vote on this case.

- Sheila gave the Power Point presentation.
- The applicant, Bruce Robinson, came forward. He bought this property for investment purposes and wants to put a grocery store there. For this the property needs to be rezoned to the Commercial zone district. This is just in the idea stage right now, there is no business plan yet, but he does feel that there is a need for a grocery store in the Guffey area.
- Pat asked about their use of a cistern vs. a well. Applicant said that there is a well on the property but it did not have good water, so they do use a cistern.
- Charlie called for public comment.
- Geri Salsig came forward, as a member of the public. She used to own this property and gave a little of the zoning history.
- Rachel Wickersham, Guffey resident came forward and expressed strong support for this case. She knows the applicants and thinks this might bring more commerce to Guffey as a whole and a grocery store would be very nice to have close by for locals and visitors as well.
- Charlie closed public portion.
- Susie made the motion to approve as presented and Bob seconded.
- Vote was taken and motion passed unanimously.

### **RIGHT-OF-WAY VACATION CASE #18VAC-01**

Property is the platted rights-of-way in the Tarryall River Estates subdivision, with the exception of County Road 77 and two previous vacated areas containing individual wells. The applicant is requesting to vacate the rights-of-way, with title vesting in the Tarryall River Club.

**APPLICANT:** Jack Kirby, on behalf of Tarryall River Club

Commission members took some time to read two handouts that John brought. These were letters of opposition that he got after the Planning Commission packets had been sent out.

- John made the Power Point presentation.
- Charlie asked John to clarify the area of Sleepy Joe Drive that will be burdened by two easements.
- Applicant, Jack Kirby, came forward representing the Tarryall River Club. He said Tarryall River Estates has been a gated community for 50 years. The subdivision roads were dedicated to the public on the plat but were never built to County standards, so the County has never maintained any of the roads. This request for road vacation has been going on for 8 years. The controversy is because of access issues for the two owners, Tarryall River Ranch and the Gordon Family, to the north of Sleepy Joe Drive.
- Jim asked what the reasons were for why the roads should be vacated, how many miles would be vacated, and if Public Works had approved the request. Questions were answered by the applicant and by John Deagan with use of maps in Power Point.
- Charlie called for public comment.
- Tom Tausch of TRC came forward and explained the history of the existing access easement for Tarryall River Ranch and the Gordon properties.
- Bob asked if there a maintenance fee charged to TRE owners for roads? Answer: Yes.
- Charlie asked if the easement with the Gordons is in effect? Answer: It will be when/if the ROW vacation gets approved.
- There were several questions asked about access for the Gordons, the Tarryall River Ranch, and for Tarryall River Estates owners.
- Jim asked what if TRR and the Gordons sold to a developer and there were more people using the road? Answer: The agreement with TRR leaves room for negotiation if things change. If Gordon property uses changes they would have to work with TRR for their access through that property.
- Nick Semoff, President of Tarryall River Club, came forward. He said that TRE has been talking to both TRR and Gordons during the process of putting together this application. Applicants feel that they should own the roads since they are maintaining them and so that they can maintain locked gates.
- Gia Carminoni came forward representing the Gordons. She gave some history of the bridge and the use of Sleepy Joe Drive by all adjacent landowners, and stated concerns about TRE owning all of Sleepy Joe Drive.
- Lee asked Jack if it would be a big issue to remove the part of Sleepy Joe Dr. that is in contention from the ROW Vacation request. Jack said they could remove that part of the road all the way to the TRC gate.

- John suggested that easements could be extended to gate, if the Vacation is approved.
- There was much discussion between board, representatives of TRE, and the Gordon family representative regarding past and future use and maintenance of Sleepy Joe Drive, and the proposed access easements.
- Jack came forward for final comments.
- John asked PC to consider whether conflicting information regarding original access has any bearing on this case.
- Charlie closed public portion.
- Lee stated that the Land Use Regulations have specific criteria to consider for a ROW Vacation. No property can be denied access. The Applicant has provided access easements.
- The Planning Commission discussed the access issues and possibility of approving vacating Sleepy Joe Drive only from TRE gate to gate, and not all the way from County Road 77. Maintenance of the un-vacated portion of the road was also discussed at length.
- Bob made the motion to approve the application with the added condition:
  1. That a legal description for the portion of Sleepy Joe Drive listed as the fourth exception in Exhibit A be prepared and added to the plat before signature by the Board of County Commissioners.Jim seconded.
- Vote was taken and motion passed unanimously.

Lee informed the Planning Commission that he will be retiring.

The meeting was adjourned at 12:30 p.m.