

**Town of Bayfield
Planning Commission Meeting Minutes
January 9th, 2007**

Planning Commissioners Present: Bill Miller, Pamela Smith, Russ Jones, Joan Hanna, Bob McGraw

Planning Commissioners Not Present: Robert Piccoli, Mayor James Harrmann

Staff Present: Justin Clifton, Joe Crain, Marianne Hicks

Media Present: Carole McWilliams – Pine River Times

The meeting was called to order @ 7:01 p.m.

Minutes: Pamela requested that 1 change be made to the minutes. Pamela then made a motion to approve the minutes from the December 12th, 2006 meeting as amended. Joan seconded the motion. All were in favor, motion passed unanimously.

Public Input: Public input was opened @ 7:03 p.m. Pamela asked if public input would be allowed on Action Agenda Item #2. Joe answered that it would be permitted. Public Input was closed @ 7:04 p.m.

Pamela made a motion to move Action Agenda Item # 7 (New/Unfinished Business) to the beginning of the meeting in order to receive a Sanitation District update from Justin. Joan seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #7 - New/Unfinished Business

Justin gave his update. He stated that the Sanitation District is planning to build a mechanical plant in 2008. They applied for and were awarded a million dollars from in a DOLA (Department Of Local Affairs) grant. It is estimated that the new plant will cost approximately 6 million dollars. The District currently has 1 million dollars in their capital fund plus the million dollars from the DOLA grant. Therefore, there is 4 million dollars that still needs financing. They have been attempting to identify the high loading commercial users. They are also doing random sampling in areas around Town. This type of sampling is allowed in the by-laws because there is a limit on effluent coming out of local businesses and they are attempting to resolve the high usages. The lagoons are also in the process of turning-over which is skewing some of the sampling numbers. It is possible that they might have a violation during the month of December & possibly January due to the turn-over of the pond. They are not sure what is going to come of this violation at this point but they are all planning to discuss the problem and come up with a plan to handle these issues.

Pamela asked if there are any positions open on the Board.

Justin answered that no positions are available at this time.

Bob McGraw asked if construction of the new plant is supposed to begin in March of 2008.

Justin answered that construction is supposed to be completed in 2008. However, it is an ambitious schedule so it's very possible that it could end up being delayed if things don't proceed right on schedule.

Action Agenda Item #1: S&S Chemical Update - Bruce Stevens

The floor was given to Bruce Stevens to give an update on S&S Chemical. He stated that a lot of things have changed since they came to the Planning Commission in December. He stated that he was originally looking at moving his business into the Vendola building located on Clover Drive; however, they are now looking at another potential site also located in Bayfield. He said that they have met with CDOT (Colorado Department of Transportation) regarding several different sites & CDOT was in favor of the site in Bayfield. They are

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continuing to look at a number of different sites but their first choice would be the site in Bayfield so they are working through the process of addressing all the concerns & potential problems. He said that they will come back to the Planning Commission several times to keep them updated as the process continues. They are working on making a deal with the land owner and will come back when they have firmer details. They are meeting later in the week to get a list of all existing issues. They are also having a meeting with the Chamber of Commerce and the Rotary Club. There is an open house scheduled for Friday January 19th, 2007 from 3:30 p.m. to 5:00 p.m. They are also planning on hosting the Chamber of Commerce after-hours get-together.

The Planning Commission asked Karola with the Upper Pine Fire District if she had any input on the project.

Karola stated that she didn't have anything to say at this point because she is waiting for them to decide on a site.

**Action Agenda Item #2: "Use Permitted By Review"
440 South Church Street
Accountants Office - Bill Morlong**

Pamela recused herself from this portion of the meeting.

Joe gave his staff report. He stated that he received an application for a "Use Permitted On Review" for the property located @ 440 South Church Street. The property is zoned Town Center which is primarily residential but does allow for commercial if the adverse effects on the local area can be mitigated. The house was relocated to this location & does not have a Certificate of Occupancy yet. Bill Morlong, a Bayfield Accountant, is looking to buy this property for the relocation of his practice. Low impact business is permitted by review in this area. Currently Bill has 5 employees: himself, his wife & 3 others. The proposed plat shows 5 parking places & the house will be remodeled to comply with IBC regulations for commercial use if this application is approved. They will also have to meet with ADA requirements both internally & externally. The 5 parking spaces do meet the Bayfield Land Use Code requirements for parking. Notices have been sent out to the residents with 200 feet of the property & the request was published in the newspaper. The request was only sent out to 3 agencies for comments. These comments are included in the packet.

Staff recommends that the Planning Commission approved this request with the following conditions:

1. That all deficiencies noted by the Town Building Official be corrected prior to occupancy.
2. That all necessary work be accomplished to meet IBC, IFC & ADA requirements as approved by the Town Building Official.
3. That a CO (Certificate of Occupancy) be obtained before habitation.
4. That the sewer line which currently runs under the structure be relocated as per the requirements of the Bayfield Sanitation District Engineer.
5. That the current number of employees remain at not more than 5 employees
6. That one of the 6 parking spaces be modified to an "Accessible Parking Space" as defined in the ADA (American Disability Act)
7. That parking spaces contained in the project each contain a suitable barrier (concrete or timber) not less than six inches in height and not less than two feet from the property boundaries on the north & south.
8. That solid walls (fencing) or hedges not more than six feet in height be installed on the north and south of the parking area as the area abuts residential uses.

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Russ asked what the Bayfield code is for parking.

Joe answered that the code requires 1 parking space per 300 square feet. The house is 1054 square feet. They are planning to put on an addition and once the addition is added the requirement for parking will be 4 spaces.

Joan asked how many staff members drive to work.

Joe answered that there are 5 employees but only 3 of them drive to work. However, the code says 1 parking space per 300 square feet. It doesn't distinguish about whether or not the parking is for staff or clients.

The floor was then given to Jim Flint (agent for Bill Morlong).

Jim said that he feels that this proposal fits nicely into the categorized uses for this area. He feels that they meet the parking requirements and that the use flows into the other commercial uses on the street. He also said that Church Street is a very wide street so he doesn't think that this proposal will cause a traffic problem. He said that they don't have any objections to the conditions made by staff; however, they would like to request changing condition #6 from 5 parking spaces to 4 spaces. He feels that this would be appropriate since the code only requires 4 spaces.

Bill Miller asked what the ADA requirements are for handicapped spaces.

Joe answered that it is 1 space per 5 parking spaces.

Jim said that they would like to develop 3 parking spaces plus 1 ADA space if the staff would consider changing that condition.

Joe said that staff still recommends 5 parking spaces and would not support 4.

Bob asked how many clients are coming in and out of the office.

Bill Morlong answered that the number of clients varies depending on the day. There are normally between 4 – 6 clients per day but there are never more than 2 at a time.

The item was then opened up to Public Input.

Pamela Smith asked how wide the property is ingress/egress.

Jim answered that it is 18 feet.

Pamela responded that the Land Use Code states that it has to be 26 feet.

Jim Flint said that he used some personal judgment to interpret the parking code on page 127 of the Land Use Code. He doesn't think that this situation would require 26 feet.

Pamela asked about the width of the center isle.

Jim answered that it's 18 feet.

Pamela answered that the code requires 24 feet and Section E of the code does not apply to street lots. She also asked how they were planning on meeting the ADA requirement of 12 feet for the handicapped parking space.

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Jim answered that it would definitely be better if they could reduce the number of parking places to 3 plus a handicapped, it would be much easier to meet the ADA requirement of 12 feet.

Pamela also noted that this building was built to residential electrical code. It will need to be converted to commercial electrical code. She also questioned about snow removal and where the snow is going to be placed. She felt that the Town was setting a precedent in this instance since there are not enough parking spaces for staff let alone clients coming in and out. She said that Town Center is supposed to be a low-impact area. She also questions the 6 foot barrier and stated that it does conform to surrounding area. She also felt that the fully paved parking lot would not conform to the surrounding area.

Kelly Miller (420 South Church Street) stated that she agrees with Pamela. She is an environmentalist and is concerned about the paving. She is also worried that the water is going to drain into their yard. She thinks that the house looks nice right now and that the paving is going to change the look of the area.

Tonia Ludwig (93 East North Street) stated that she feels this business will have a big parking impact on the street. She feels that since the business already has 5 employees and there are only 5 parking spaces that the clients coming in are going to have to park on the street. She feels that there is a parking problem already and she doesn't want to see them backing out onto the street. She stated that she feels that the drainage & snow removal issues are a big concern. She also feels that the property value Kelly's property is going to be decreased if a large fence is put on that property and a high impact business is located in that structure. She feels that a 1 person office would be a low-impact use but this proposed use has a much higher impact on the area.

Jim answered that the drainage issue can be resolved easily and he reiterated that they are meeting the Bayfield code for parking spaces.

Public input was then closed.

Bob asked if the lot would be considered an interior or exterior lot.

Joe answered that he feels that it's an interior lot.

Joan noted that this property is more valuable as commercial than residential property.

Bob stated that he agreed with Joan that a business use is most likely going to end up on this property. However, he feels that the 5 parking spaces don't fit very well onsite so he asked if they could possibly look into diagonal parking on the street instead of putting them on the lot.

Joe answered that the Land Use Code only specifies diagonal parking on Mill Street. If the Planning Commission did opt to allow a diagonal parking scheme on Church Street they would have to be very specific so that it doesn't set a precedent for other area in Town Center. The current code specifies that parking has to be off-street.

Joan said that it's inevitable that commercial uses are going to move onto Church Street. She would rather see some pro-activity and maintain the historical look without changing to angle parking all the way up the street.

Joan made a motion to approve the Use By Review application of Bill Morlong contingent upon staff recommendations 1-8.

Russ seconded the motion.

3 were in favor. Bob McGraw was opposed. Motion carried.

A short break was called @ 8:15 p.m.

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The meeting was called back to order @ 8:23 p.m.

**Action Agenda Item #3: Elston Subdivison
588 County Road 501 SW ¼ SE ¼ Sec 2 T 34 N R 7 W, NMPM
Parcel # 5677-024-00-011**

Joe gave his staff report. The applicants are requesting subdivision of a piece of property located on County Road 501. The original submittal showed the 4 acre lot being split up into 3 single lots with a single-family residential home on one of the lots, a two building retail use structure on the second lot & storage units on the third lot. This project has been in front of the Board for several months. The delay in the project is due to a traffic study issue and a question about whether or not County Road 501 is going to have to be developed.

The applicants are proposing changing their original submittal. The new submittal changes the two building retail use structure into 3 buildings. They have also revised the parking lot so that it has 81 spaces and meets the land use code requirements for parking. They are also planning a landscaping buffer in the front. The decision to be made by the Planning Commission is whether or not the specialty retail use on Lot 2 requires the development of County Road 501. There has been lots of communication back and forth between all of the parties involved in this project regarding the traffic issue but the Town had not received a response from the County until this afternoon. The County's response is that they are going to require a turning lane into the development. This requirement from the County is going to have to be bonded separately from the bond that the Town will require for the infrastructure of the project.

The following are the final recommendations from staff:

1. That all requirements of the Bayfield Public Works Director and the Town Engineer be met and reflected on the final plat.
2. That all conditions and improvements required by La Plata County regarding County Road 501 be met. (At the current time the County is requesting a left turn lane for traffic turns from the north. Any road improvements should be reflected in the Subdivision Improvement Agreement and sufficient bonded or surety will need to be in place.
3. That all requirements of the Upper Pine Fire Protection District be met
4. That the Annexation Agreement carry a provision that if needed, up to a twenty foot (20') easement running along County Road 501 be provided in order to facilitate a pedestrian/bicycle trail.
5. That an 8" water line be constructed to County Road 501 as specified by the Fire District.
6. That a fire hydrant be located along County Road 501 as specified by the Fire District
7. That prior to any Final Plat recordation, a Subdivision Improvement Agreement prepared by the Town Attorney and improvement costs reviewed by the Town Engineer shall be accomplished and surety posted to guarantee those improvements.
8. Prior to Final Plat recordation, an Annexation Plat and an Annexation Agreement approved by the Town shall be recorded.

Pamela asked about the 8" water line instead of a 10" line.

She was answered that the engineer required an 8" water line.

The floor was then given to Jim Flint, agent for the project.

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He stated that he was going to address the issue of the turn lane improvements to County Road 501. He did a comparison between this project and a subdivision being developed near Elmores Corner. He used this comparison to show that there are ways of engineering a project to decrease the responsibility for highway improvements.

He then explained that the new design for the Elston project should be well under the required criteria for needing to make improvements to County Road 501.

He then talked about the traffic study. He explained that specified uses generate specific numbers for traffic in these types of studies. He stated that there is a formula used by engineers that is tied to uses and helps figure out the thresholds of what would be permitted to stay under threshold of development. He then stated that the applicant is proposing a project that would not exceed the allowable threshold. He also said that if the applicants have to make the improvements to CR 501 they won't be able to do this project.

The letter from the County reads that the mitigations of turn movement are not exceeded but are clearly approached. He feels that this could be interpreted in many different ways. He feels that the engineers have shown in the traffic study that the project is under the threshold. He said that having to do the improvements when the traffic study shows that they are under the threshold seems to be a bit unfair.

Justin responded that the Town does not know what types of uses are going to be put into the specialty retail buildings. There are different types of retail businesses that would generate different types of traffic flow. He explained that the Board has to decide if they want to accept the data used by the engineers to create the traffic study. Since it is only 1 car under the threshold, the Town feels that they have to take the position of assuming the worst scenario and err on the side of caution. There is the possibility of limiting the uses that are permitted in the retail building. This has been discussed with the applicants but there hasn't been any proposal that have come in that meet staffs approval. This type of limitation is also going to be a drain on Town resources because the Town doesn't have the staff to enforce and handle the type of policing that would be required for making sure that non-permitted uses do not go into this retail space. The traffic study is based on assumptions of traffic patterns and it could easily be over the threshold based on different assumptions. The Town Engineer and the County engineer agree that it's too close for comfort not to require development of CR 501.

Doug Leming (the applicant of the project) asked if Staff Recommendation # 4 would apply to lot #1 of the project where Mrs. Elston currently lives. (This recommendation refers to the 20' easement for the pedestrian/bicycle path)

Joe responded that the easement could be taken off the Elston residential property and only require the easement donation for the two commercial lots.

Doug Leming stated that the traffic analysis came in under the threshold. He also stated that the 20 year evaluation that was submitted also came in under the threshold. He feels that he should not have to do improvements to CR 501 and cannot proceed with the project if he's required to put in the left turn lanes. He would really like to work towards putting together a list of proposed uses that the Town staff would be willing to accept.

Justin stated that staff is willing to entertain the notion of limiting uses. But they still have not received enough detailed information to determine a specific use development. He explained that the Town is looking at uses and the traffic patterns associated with these uses.

Bill stated that he didn't think that the Town staff should have to micro-manage the new developments and monitor what uses are being put in to the facilities.

Doug explained that anyone wanting to put a business in the facility that is not permitted would have to come to the Planning Commission for a variance.

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Russ stated that the big issue on this subject is safety. The Town is growing to the north and he wants that road to be a safe street for the community. He doesn't think that it's a good idea to overlook safety just to bring in commercial growth. It's also very possible that if this development brings in more traffic than anticipated that the Town will end up having to create this turning lane. He thinks it's a good idea to require these developments up front.

The item was then opened up for Public Input. None was offered so it was immediately closed.

Pamela made a motion to recommend approval of the Elston Commercial Preliminary Plat located @ 588 County Road 501 SW ¼ SE ¼ Sec 2 T 34 N R 7 W, NMPM, Parcel # 5677-024-00-011 with the staff recommendations 1, 2 (including the development of a left turn lane), 3, 4 (the Elston residential lot would be excluded from this condition), 5, 6, 7, & 8 which are documented in Joe Crain's staff report dated January 5, 2007.

Bob seconded the motion.

All were in favor except Joan who was opposed.

A short break was called @ 9:25 p.m.

The meeting was called back to order @ 9:30.

Action Agenda Item #4: Dove Ranch Amended Sketch Plan

N ½ NW ¼ Sec 1 T 34 N R 7 W, NMPM

Parcel # 5677-021-00-078 – 11 Acres

Parcel # 5677-012-00-0025 – 63.1 Acres

Russ disclosed that he is an officer in a small business that is building houses in Dove Ranch Subdivision. The company has lots reserved in future phases that have not yet been approved. He asked the Planning Commission if they would like him to recuse himself or abstain from the vote on this project.

Pamela asked if the reserved lots are located in this proposed plan.

Russ answered that they are not in this phase.

Pamela stated that she doesn't have an objection to him participating in the discussion or being involved in the vote.

None of the other Planning Commission members had any objections either.

Joe gave his staff report. He stated that he wanted to address both Action Agenda Item #4 & #5 at the same time. These two items involve an amended sketch plan and a rezoning classification in the Dove Ranch Subdivision.

Joe explained that Brad Elder (the developer of Dove Ranch) came to the Board and the Planning Commission with a submittal for the eastern portion of his property (Unit 1 Phase 3). This submittal was approved on October 17th 2006. The original concept Master Plan that was approved in 2004 does not reflect the revised Phase 3. Brad wishes to update the master plan to show this revision and he is also hoping to rezone another portion of the Master Plan from R-10 residential to High Density Residential (HDR). When the original plan was adopted the HDR zoning was not available. However, the Board & Planning Commission revised the Land Use Code and created 3 new zoning categories. Once these new zones were created, Brad had a work session with

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the Board & the Planning Commission to get their feedback on what changes he could make to his overall Master Plan for his subdivision. The submittal tonight is his proposed Master Plan. The original plan has 231 lots. He is asking for a lot count change from 231 to 281 lots. This would be an increase of 50 lots. Joe stated that the staff does not have a problem with this request. Brad has developed a great deal of infrastructure that many of the other subdivisions in Town do not have. He also is trying to give a variety of lot sizes for people looking to move to the Bayfield area. This change in zoning will supply a good variety for the supply and demand of potential Bayfield residents.

The floor was then given to Brad Elder.

Brad Elder (100 Jenkins Ranch Road) explained that in his initial Master Plan he created the 10,000 square foot lots in the middle area of the subdivision because there weren't any other zoning options available. The new zones have now been adopted into the Land Use Code so he is returning to the Boards to request the change. The HDR zoning will give the subdivision a variety of lot sizes. There is a need for population diversity and he hopes to be able to accommodate the need of potential residents. There are a lot of 10,000 square foot lots already available in Town and he is hoping that this will give residents more variety. He stated that the Town staff recognized that the R-10 zoning was just a temporary plan until additional zones were available.

Joan asked about the comments of the Public Works Director (these are included in the packet).

Joe explained that the Public Works comments are not pertinent at this time because this is just a change of the master plan. Those comments will be addressed at final plat.

Bob asked for clarification about how many new lots will be created.

The original master plan had 231 lots and the proposed plan has 281.

It was mentioned that park impact fees will need to be looked at since the increase in lots could increase the dollar amount/park land required. It was also noted that the dollar amount may need to be increased for water storage. These things will need to be checked into and will be reflected when these phases are officially submitted for plat.

There was a long discussion about park impact fees and whether or not more money will need to be collected since there are 50 additional lots being created.

Pamela pointed out that there are certain requirements for a sketch plan. These requirements do not include the examination of park fees, water storage fees, etc. These items will be looked at closely during the preliminary plat stage. She stated that she appreciated that way he has stuck by his guns on this project and that he has fought for this for a long time and has really put a good effort towards making a good project.

The item was then opened up for Public Input. None was offered so it was immediately closed.

Pamela made a motion to recommend approval of the Dove Ranch Amended Sketch dated 11/28/06 to the Town Board.

Joan seconded the motion.

Pam amended her motion to include the parcel numbers: Parcel # 5677-021-00-078 & Parcel # 5677-012-00-0025.

Joan seconded the amendment.

All were in favor, motion passed unanimously.

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**Action Agenda Item #5: Dove Ranch Rezoning Request
N ½ NW ¼ Sec 1 T 34 N R 7 W, NMPM
Parcel # 5677-021-00-078 – 11 Acres
Parcel # 5677-012-00-0025 – 63.1 Acres**

Joe explained that this request is for a rezone from R-10 residential to HDR.

Pamela asked why the rezone request was not sent to the Sanitation District.

Joe answered that he does not send out rezoning requests to the Sanitation District. It won't be sent out to them until Preliminary Plat.

Pamela made a motion to recommend approval of the Dove Ranch Rezoning Request of Parcel # 5677-021-00-078 & Parcel # 5677-012-00-0025 from R-10 residential to High Density Residential.

Russ seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #6: Election of Officers for 2007

Joe stated that the Planning Commission needs to elect a Chairman & Vice-Chairman for 2007.

Joan nominated Robert Piccoli for Chairman.

Bob McGraw nominated Pamela Smith as Chairwoman.

3 of the Planning Commission members voted in favor of Robert Piccoli as Chairman.

2 of the Planning Commission members voted in favor of Pamela Smith as Chairwoman.

It was passed that Robert Piccoli would be the new chairman.

Joan nominated Pamela as Vice-Chair.

Bill nominated Bob McGraw

Bob declined the nomination of vice-chair.

All voted in favor of Pamela Smith as the new Vice-Chair.

The meeting was adjourned at 10:23 p.m.

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APPROVED:

Bill Miller
Planning Commission Chair

Marianne Hicks
Planning Commission Secretary