

Town of Bayfield
Regular Planning Commission Meeting
July 13, 2010
1199 US Highway 160B Bayfield, CO 81122

Planning Commissioners Present: Michelle Nelson (Chairman), Joe Mozgai, Gabe Candelaria (Town Board Member), Chris Rhodes, Bob McGraw (Vice Chairman)

Staff Present: Justin Clifton (Town Manager), Elizabeth Jackson (Intern)

Media Present: None

Meeting was called to order at 7:02 p.m.

Minutes: Gabe made a motion to approve the minutes from May 11th, 2010. Bob seconded. All were in favor, motion passed unanimously. Bob made a motion to approve the minutes from June 8th 2010. Gabe seconded. All were in favor, motion passed unanimously.

General Public Input: No public comment was offered.

Justin requested a minor change to having Elizabeth do the planning commission minutes.

All were in favor, motion passed unanimously.

Action Agenda Item #1: Public Hearing: Ordinance #359 (Flood Plain Regulations)

Justin gave his staff report. He explained that the floodplain ordinance is dealt with at the federal level and that it is important for the Town to make sure they are insured so that when disasters occur, the Town will be able to get help from the state and federal government. He also explained that updating the floodplain ordinance ensures that all the compliant rules and regulations are set in place in order for the Federal government to keep track of what is going on in case of a disaster.

The original document that establishes floodplain rules was written in 1978. This predates the land use code so it was placed in the municipal code, which isn't a very ideal place. This ordinance contemplates moving any of the provisions listed in the municipal code and adding it to the land use code.

Justin mentioned that he was contacted by the state about what information needed to be included, such as floodplain zones. He also stated that Elizabeth put a lot of the information together and that staff got a check off from the attorney once everything was completed.

In the original code, inspection authority was given to the building inspector. Staff changed this so that when a development issue arises, it goes to the land use administrator. In cases of anchoring a foundation authority goes to the building inspector. The attorney also pointed out that if an engineer provided oversight, it would still be allowed.

Justin said that maps go into affect August 19th, 2010.

Joe wanted to know if there has ever been an issue of flooding.

Justin said there has. There have been 100 year flood events where Town Hall would have been flooded. This building, along with the senior center and sewer plant, was thus built one foot above the flood plain level in order to ensure safety.

Justin wasn't sure if there has been any use of the regulation since 1978, but said that the Town needs to make sure that where developing property occurs, information is solicited from a building permit applicant about whether they are in a flood plain or not. The Town will be able to confirm that people aren't in one of those areas by referring to the maps.

Joe wanted to know where the maps were located.

Justin said that the Town has a set and that they are available for anyone to review.

Gabe mentioned that La Plata County's GIS allows people to check flood labels by simply clicking on "label" and then on the "flood label."

Justin wasn't sure if GIS provided the updated version from the County or if it was from 1978. He believed that after August 19th, 2010, there would be an updated version nonetheless.

Gabe wanted to know if the Town had the ability to change some of the document at any time as long as it stayed within state boundaries.

Justin said that the Town could change the document, but that the Town would want to check in with the state in order to avoid any such conflict.

The item was opened for public comment. None was offered. It was immediately closed.

Michelle asked for clarification as to whether or not the Planning Commission was making a motion to recommend this?

Justin said he was seeking a recommendation. He said that any time there is a change to the land use code, it is brought to the Planning Commission first and then to the Town Board.

Gabe made a motion to recommend Ordinance #359 to the Town Board for approval. Bob seconded. All were in favor. The vote was unanimous.

Action Agenda Item #2: West Side Comprehensive Plan Extension

Justin gave his staff report. He believed that this would be the last meeting to vet the plan before moving to the Town Board for approval. Justin mentioned how the Planning Commission has worked through issues of land use, traffic circulation and adjusting parks and trails. The delay for this meeting was so that staff could incorporate a plan narrative that would provide some context for all the decisions made and to highlight the importance of addressing CDOT's EIS. This also helps to address items that are hard to capture on the map like the parks discussed on North side on Highway 160. A better idea would be to incorporate an area that captures the idea of using wetlands as passive and active park spaces, but also defining that space to include things like park benches and greenbelts and less like sports fields.

Justin said that he included a section of drainage in the narrative in order to capture what the Planning Commission considered an important issue. He also mentioned that the narrative will provide enough information so that anyone will be able to look at the document years from now and still understand what the concerns were.

Justin said that the narrative did not include a total revised change of maps, but only two minor changes. This takes requested commercial zone properties, such as the Phelps and Grush properties, and makes them transitional. It limits commercial activity and adds an element of public participation so that most commercial and transitional zone uses would require a public hearing.

Justin put one packet together for the Planning Commission, showing what would be captured. This explains the Eastside and Westside Comprehensive Plans and will be put in a folder, accompanied by all of the staff reports, minutes, and all of the correspondence. This will ensure a concise narrative so that anyone will be able to pull the file and see everything.

Justin sought a motion to recommend the approval of the Westside Comprehensive Plan Extension so that it could go to the Town Board.

Joe commented on the precision of the narrative and how it covered all the areas needed.

The matter was opened up for public comment.

Grant Richards said that the narrative covered most of everything. He wanted to know how staff planned to address the issue regarding CDOT's EIS or if staff would be seeking the County's approval and participation in joining the Town with proposing changes to CDOT's EIS.

Bob wanted to know if the applicant had any meaningful conversations with County about joining.

Justin said that they have had different levels of conversation. One was at the staff level where the County indicated that they wanted to play a role in traffic circulation beyond what CDOT dictated. He mentioned that as much as the County would like to address these issues, they have been wrapped up in their own Comprehensive Plan and don't feel that they can dedicate enough staff time to look at the proposal and still offer meaningful input. The other conversation was with the County Commissioners which discussed their letter of dissatisfaction with the EIS.

Justin said that the Town had a meeting with CDOT and the County. He said he expressed the Town's dissatisfaction with the EIS and suggested that CODT had an obligation to help the Town along the way due to CDOT's incomplete process and the fact that they were unable to recognize the planning capacity that Bayfield has. Justin said that CDOT never tied the relocation of the proposed intersection to the preferred alternative at Gem Village when they were in fact tied together. Justin also mentioned that the Town should show the County the plan and ask whether they would consider taking formal action to support our efforts.

Bob asked if the applicant would need a joint Town and County effort in order to get to CDOT.

Justin said that it depends. It is easy for the County to support our request to open the EIS, but that it isn't as easy to figure out the scope of a review or to what extent an analysis of relocating county roads would need to be included. He said that this will be answered by a timeline—if the County is eight months out, but is still in support to opening up the EIS, they might just say that the Town needs to move forward with plans to work with CDOT, but that they will address County roads later. The ultimate decision will be made at the lowest level—the regional director for CDOT.

Joe asked what kind of timeframe the Town would be looking at for this to occur or if such a question is too nebulous.

Justin said it may be too nebulous. He said that if the Town started today, he couldn't see a resolution—meaning that an amendment of the record of decision that establishes the preferred alternative within any less than 24 months. He mentioned that the EIS will be extensive work and will probably take some time.

Gabe agreed that a 2-year track plan would be moving right along and that CDOT probably wouldn't move any faster than that.

Gabe made a motion to recommend approval of the Westside Comprehensive Plan Extension. Bob seconded. The vote was unanimous.

Action Agenda Item #3: New/Unfinished Business

Justin wanted to recognize Elizabeth's work on the Comprehensive Plan narrative. He said that she has delved into the planning side.

Justin said that the last meeting brought up the issue of contractor licensing. He wanted to know if the Planning Commission could discuss this.

Gabe said he talked to a few different people to see how it would affect the Town as well as what directions the Town could consider.

Joe wanted to know what brought up the issue.

Gabe said it brings up a standard issue and that the Town see's different levels of quality being performed. He said many of the problems that arise from this could be alleviated if the Town had better standards that required contractors to have licenses. The plumbing business is regulated, but this isn't the same for construction. Different entities use larger licensing abilities. Gabe said that the Town needs some system to ensure that contractors have training. He mentioned that the state won't support this until the Town gets a larger group of educated people to take the required tests and pass them.

Michelle asked for staff to bring the Planning Commission some background information including why it would be good to have contracting licensing or not, what other places in similar size to Bayfield are doing, what time and effort it would take for staff to deal with this, etc.

Gabe said it might be good to have a list of contractors. This would let people know that they are working with an AIG certified contractor.

Joe asked who would be looking at the licensing and how someone would know whether or not that person is certified.

Justin said staff could present the whole spectrum. He mentioned that there are adopted codes and then there are additional standards, such as the requirement of four inches of asphalt. Then there are standards that say contractors have to be licensed to do work for the town instead of in town. He said the Town needs know that contractors need a license to do business in Town because residents need that protection. Justin said staff could bring this information back to the Planning Commission to see what options are available to pursue.

Gabe commented that this would be beneficial to the Town. He liked the proposal to have licenses to do Town work and said that it would be an investment to the community.

Justin said staff will get the basics for the next meeting.

Bob wanted to know about the updates on the lift station.

Justin said that he drafted a letter for the attorney to review. This outlined certain requests such as bringing out a real technical expert to see what has been done so far, what hasn't been fixed and what tests can be done to verify the workmanship of the station.

Secondly, this asked to extend the warranty for two years, not beginning at the original start-up, but from the date of the last repair, which gives the Town more like two and a half years.

Thirdly, the letter addressed cost sharing. This included reimbursements for all the towns costs associated with dealing with repairs. Justin said he wanted to see the cost sharing split in half due to the fact that the Town had to pay for hauling sludge. He pointed out that there is some shared accountability. The technician pulled the motor from the lift station and didn't plug the pipe, which caused it to overflow.

Justin said that operators also need to discover system problems. The Town didn't have a SCADA system installed, which is an alarm system that alerts when problems occur, and that it was about sixty days after startup. Justin said the vendor was mainly to blame since staff couldn't schedule the insulation in advance because there wasn't a commitment to a delivery date of equipment.

Bob asked if Justin felt like he had chances of getting the requests.

Justin said he believed he did because of the accountability issue. He said that he asked for the motor to be replaced with a new one and requested that it be fixed. This was agreed to so Justin felt that progress has been made.

Joe made a motion to adjourn. Gabe seconded. All were in favor.

Meeting was adjourned at 7:37 p.m.