

**Town of Bayfield
Planning Commission Minutes
November 11, 2014
1199 Bayfield Parkway, Bayfield, CO 81122**

Planning Commissioners Present: Joe Mozgai (Chairman), Troy McAllister (Vice Chairman), Dr. Rick Smith (Mayor), Kalon Porter, Isaac Fleener and Matt Nyberg

Staff Present: Chris La May (Town Manager)

Media Present: None

The meeting was called to order by Chairman Joe Mozgai at 7:00 p.m.

Roll Call: 6 present, 1 vacancy

Pledge of Allegiance

Approval of Minutes: Vice Chairman McAllister made a motion to approve the minutes of the September 9, 2014 meeting as presented. Commissioner Matt Nyberg seconded the motion. All were in favor; motion passed unanimously.

Public Input: None

Public Hearing - Use by review - Lot 29, Bayfield Center Subdivision (442 Wolverine Drive).

Chairman Mozgai opened the public hearing.

Jeff Verling and Mick Eidland were introduced as applicant representatives. Town Manager Chris La May presented the staff report for a request for a sports drink manufacturing and fulfillment center locating on lot 29 Bayfield Center Subdivision. The property is zoned Business (B) and Light industrial is a use that is allowed through review with the planning commission. The application for use by review was filed and the fees paid on October 14, 2014 and sent to the referral agencies on October 15, 2014. Staff has received comments from Upper Pine Fire District, which expressed no concerns. The Town Engineer Soulder Miller & Associates voiced concerns regarding biological demands on waste water treatment plant, storm water runoff, forklift impacts, traffic control and environmental controls to capture the dust.

La May informed the Board that public notice procedures included a notice of the public hearing published in the Pine River Times on October 21st and 28th. Property owners within 200 feet were given notice informing them of the meeting tonight. The application is in compliance with the master plan and the zoning district allows for light industrial use as a conditional use. The water service has a one inch water tap, no additional impact on water and or sewer systems are anticipated. In accordance with the land use code parking requirements require one space for each 800 sq. ft. of gross floor area for manufacturing use. Currently the building is 10,063 sq. ft. and tail wind intends to occupy 3,630 sq. ft. which would require five parking spaces. The

remainder is occupied occasionally by the church and associated office space, overall the parking spaces needed would equate to 40 parking spaces and the property has 46 which meet the requirements.

La May identified that the information in the engineers report that the storm water detention facility is not maintained and doesn't release water. La May suggested that the property owner should be directly responsible and not hold up the Tailwinds application for that purpose.

La May informed the Board that after the public hearing, the planning commission is asked to consider the application in accordance with the criteria listed in the Code and make a recommendation to either approve, conditionally approval, or deny. La May recommended approval of the Use by Review for Lot 29, Bayfield Center Subdivision for a manufacture and fulfillment center for a sports drink mix with the condition that the project comply with requirements for the Town building and fire codes.

La May informed the planning commission that Tailwinds has already submitted a building permit and its being reviewed and if the planning commission approved, the conditions listed would be met. The packet includes a map, narrative, site plan, agency referral comments. Staff report concluded.

Jeff Verling who is the co-founder of Tailwinds Nutrition was present along with Mick Eidleman of Jita Contracting who will be doing the remodel for the project.

Jeff Verling provided background information regarding the company and the need to expand operations. Tailwinds outgrew their space in Dolores, Colorado and needed a new location that would be appropriate for food production. The Steamworks location had been used for food preparation and provided more space. Tailwinds plans to have larger batches of product made at the new location and hire three people, a production manager, production person and a shipping person. Tailwind's anticipates shipping product out six days a week. Tailwind's has a good relationship with the congregation; who are there on Saturday mornings. Tailwinds will only sip product and not run equipment on Saturdays. Daytime business hours, parking is minimal, postal and UPS shipments will be consolidated with 1-2 trucks a month. Jeff Verling confirmed that the concrete has substantial load capacity and should have no problem handling the fork lift. Water use should be minimal for manufacture of dry powder. Production process is designed to be sealed for dust and all the equipment is food grade; designed to handle powder and keep dust to a minimum for cleanliness and worker safety. All the equipment is electrical and pretty quiet, nothing louder than a shop vacuum.

Chairman Mozgai asked if the equipment is new or used. Jeff Verling responded that all the equipment will be new. Chairman Mozgai asked, if this was approved, when Tailwinds would start. Verling said the construction would start next week if a building permit was issued and would be up and running by January.

Chairman Mozgai asked if there was any public in attendance to comment. Ron Dunavant from First National Bank was present. Mr. Dunavant said that he has had conversations with Jeff Verling regarding concerns that have already been detailed, such as the traffic, dust and shipments. Mr. Dunavant stated that he was in favor of having him as a neighbor.

Commissioner Fleener asked if there would be any foot traffic, Jeff Verling responded that there would not be any on-site retail sales.

Chairman Mozgai closed the public hearing.

Action Agenda item #1:

Mayor Smith motioned to approve the Use by Review for Sports Drink Manufacture and Fulfillment Center for Tailwinds Nutrition, Inc. on Lot 29, Bayfield Center Subdivision. Commissioner Porter seconded the motion.

Chairman Mozgai called for a vote. All members present were in favor; motion passed unanimously.

Action Agenda Item #2- Discussion Land Use Planning:

Town Manager La May stated that Chairman Mozgai had requested a briefing on what the planning commission's role and procedures. La May said he intended to go over the details in a couple of meetings and tonight would go over some of the fundamental/framework for the planning commission.

La May stated that Colorado has a strong local level planning tradition with respect to land use planning, as opposed to other states where the land use requirements may be state mandated. La May referenced a document titled Local Government Land Use authority in Colorado, published by the State of Colorado, Department of Local Affairs (DOLA).

The first page talks about Home Rule and statutory powers. The City of Durango is a Home Rule community, whereas the Town of Bayfield is a statutory town. Home Rule communities have more latitude to develop their own rules and regulations related to local issues; statutory towns are bound by the state statute. The Local Land Use Control enabling Act grants powers to the local government to plan and regulate land use; specific items such as regulating development and activities in hazardous areas, protecting land from activities that would cause immediate or foreseeable danger or endanger wildlife species, preserve areas with historical and archaeological importance, regulate the establishment of road and public lands administered by the federal government, regulate activities that result in changes in population density, provide phased development, regulate land use based on the impact on the community.

The state statute provides that local communities are able to have a planning commission, appointed as a separate body.

The authority lies with the planning commission to adopt a master plan. The planning commission will create and update the planning document and should be in line with the elected body. Usually the planning commission presents the master plan to the Town board so that they

are both in agreement. The Town's master plan was created in 2005 and has been amended a few times, for the east and west sides. It is a 10 year old document that likely needs to be updated. The master plan is generally the visionary document for a Town and designates land use for commercial and residential areas developing a land use map. In addition it covers other topics including transportation, economic development, and parks and recreation.

Based on the vision in the master plan document, the Land Use Code then moves into a regulatory environment, as it has detailed requirements. In the Land Use Code there is a section on zoning which spells out permitted and conditional uses. There is also a section on the subdivision requirements for a major subdivision including the Sketch plan, Preliminary plan, and Final Plat.

Town Manager Chris La May also spoke about Planned Developments (PD) which is identified as an overlay district and provides some flexibility for lot size and such. The planning commission is tasked with ensuring the PD is consistent with the overall vision.

Annexation is a process to bring the unincorporated land into the Town boundary. The process is clearly defined by the State Statutes and for the most part is a voluntary act by the property owner. There is an exception when the town surrounds an unincorporated property. It is then considered an enclave and can be completed without property owner consent. Usually enclave annexations are for properties that are not paying the Town property tax, but using the roads that are maintained by the town, as well as providing the initial law enforcement service.

Once a property is annexed it is bound by the Town of Bayfield land use code.

The Three Mile Plan regulates areas within a three mile radius of the town. This plan is to have a plan for properties that could be annexed in the near future and have an idea for the general character, utility infrastructure and road extensions that are to be envisioned. The Three Mile Plan may be incorporated into the Master Plan.

When the town approves a site specific plan, which both the preliminary and final plat meet that definition, the property owner has some vested property rights. The thought behind "vesting" is that once a subdivision is approved the requirements can't be altered. The property owner has the right to develop based on the plat and the subdivision improvement agreement.

Impact Fees are generally collected with the building permit (along with water and sewer tap fees) for park facilities and schools. It is not uncommon to collect at time of subdivision. The Town does have a park land dedication or a cash in-lieu payment for park purposes if the project does not have enough space. To date the Town has collected approximately \$177,000 for this purpose.

The Town currently operates under the 2003 International Council of Codes (ICC) Building Code, which is dated. Town Manager La May suggested that he would like to move forward and adopt the 2012 version at some point, as time permits.

The Town is responsible for providing water and needs to protect and insure adequate water supply for the town. In most cases there are some water shares that are conveyed to the Town at time of annexation. They are historically agricultural water rights and the Town has to convert those to municipal use through the water courts. If the water supply is not adequate, the developer would likely have to pay a fee in-lieu. State Statute requires that the property owner demonstrate adequate water supply for subdivisions greater than 50 units.

1041 Powers are left at the county level.

The State Statutes allow for some extraterritorial powers outside the Town boundaries including the adoption of a major street plan. The idea for the plan is to make sure that our streets line up with those outside the boundaries and to make sure the roads are continuous. The Statutes also allows for the Town to identify a new land waste site, allows for the construction waterworks or water treatment plant outside of boundaries, and protection of park lands.

The Town is allowed to enter into intergovernmental agreements to establish processes for properties that are being developed within a three mile radius or whatever area the Town and the County define. La May informed the Planning Commission that this is one of the items on the Town's list of things to approach and work with La Plata County on getting, as it relates to coordinated land use planning. The City of Durango and La Plata County have completed that process. As Town Manager Chris La May continued to say he is the land use administrator and it is hard to make time for it all. Both the Land use regulations and comprehensive plan are available on the Towns website. Also something that has been recently adopted 2 or 3 years ago was the infrastructure standards and construction specifications. These allows the Town to hold the subdivisions to a certain standard for the infrastructure, as it relates to the road depth, water line installation, compaction, storm water, and waste water.

Town Manager Chris La May then asked the Board for any questions or comment, Chairman Mozgai thanked him for his time and suggested that all the information has been very informative.

New/Unfinished Business+

Chairman Mozgai asked if there was any new or unfinished business. Town Manager Chris La May said only unfinished business would be getting the Cargo container ordinance and Town Center two family dwelling allowance back to the planning commission.

Chairman Mozgai asked for an outlook as to when we will see the ordinances. Town Manager Chris La May hopes to get least one in to the Board for the December meeting. Chairman Mozgai remembered that there needs to be a two week window and has been watching the paper.

Town Manager Chris La May commented that when an active project comes in, it tends to take priority over other items.

Adjournment

Mayor Smith made a motion to adjourn the meeting. All that were present were in favor. The motion passed unanimously. Meeting was adjourned at 7:50 p.m.

Approved:

Joe Mozgai, Chairman

Amy Witte, Administrative Assistant