

Town of Bayfield
Planning Commission Minutes
November 12, 2013
1199 Bayfield Parkway, Bayfield, CO 81122

Planning Commissioners Present: James Sanders (Chairman), Dr. Rick Smith (Mayor), Marvin Seale, Pat Heyman, Kalon Porter, and Matt Nyberg

Staff Present: Chris La May (Town Manager), Wendi Weinstein (Administrative Assistant)

Media Present: Carole McWilliams, Pine River Times

The meeting was called to order by Chairman James Sanders at 7:00 p.m.

Minutes: Kalon Porter made a motion to approve the minutes from the September 10, 2013 regular Planning Commission as submitted. Matt Nyberg seconded the motion. Pat Heyman abstained from approval because she was absent from the September meeting. All others were in favor and the motion passed.

Public Input: None

Public Hearing/Action Agenda : Ordinance 382 - Adopting Floodplain Management Regulations

Scot Trinklein and Lynn Matievich, 1848 Bayfield Parkway, and owners of property at 520 West North Street were present to hear general information on the benefits of participating in the new floodplain regulations.

Town Manager Chris La May began the discussion by referencing his memo to the Planning Commission which explains that the Town of Bayfield already has regulations in place that enable residents and business to participate in reduced flood insurance rates through the National Flood Insurance Program (NFIP). In 2011, the State of Colorado, through with the Colorado Water Conservation Board, adopted more stringent regulations than are currently required by FEMA/NFIP. They gave local communities three years to adopt floodplain regulations that would comply with the new minimum standards, so by January 14, 2014, communities must adopt a local ordinance consistent with the Rules. If a community does not update their regulations to the new standards it becomes a non-participant, or a "sanctioned" community. Chris detailed the three consequences that would be most significant to a sanctioned community. (1) If sanctioned, people in the floodplain would not be eligible for reduced flood insurance rates through NFIP, and those with federally-backed mortgages would not be eligible to receive the NFIP reduced rates. These residents could get insurance privately, but it would be difficult and expensive to obtain. (2) If sanctioned, a community would not be eligible for federal assistance or grants for projects in the flood plain. This would apply to current projects in Bayfield such as our proposed bridge replacement, as well as improvements to our wastewater treatment plant. (3) If sanctioned, a community would not be eligible for any federal disaster relief in the event of a natural disaster, unless perhaps a condition of that assistance would be to join the NFIP.

Chris noted that the changes to our requirements are summarized in his report to the Planning Commission. Those changes include the amount of freeboard required for new and substantially changed structures; the new requirement would be one foot of freeboard. Two feet of freeboard will be required for all new and substantially changed critical facilities, such as a water treatment plant.

Communities will be required to regulate construction in areas removed from FEMA's regulatory floodplain through a LOMR Based on Fill by requiring new and substantially improved structures built on these lands to maintain a lowest floor one foot above the base flood elevation, consistent with development in other regulatory floodplains.

Chris then asked for questions or comments. Chairman Sanders invited the members of the public to ask questions.

Scot Trinklein, owner of property at 520 W. North Street, asked for some general information on the new requirements since he missed a previously held public meeting on floodplain regulations.

Mayor Smith responded by reiterating some of Chris's comments, saying if we don't raise our standards to match the state requirements, residents will not be eligible for flood insurance, and that existing policies may not be renewed. If we don't participate in the NFIP, we will not be eligible for federal loans or grants for road improvements and such. If we do not participate and a natural disaster occurs here, we may receive federal assistance, but only if we agree to join the NFIP and adopt the new standards.

Lynn Matievich, 1848 Bayfield Parkway, asked if the new requirements are more stringent.

Mayor Smith replied they are, and explained that if a resident is building a new structure, or renovating an existing home, the new standards must be met.

Town Manager Chris La May compared the current standard for building to the new one, noting that more materials would be needed to get the building higher above the floodplain. He also noted that home mortgages will be more difficult to obtain if the Town does not participate in the new NFIP.

Scot Trinklein asked if there is a downside for the Town in participating in this program.

Mayor Smith replied there was none, other than it amounts to imposing a new regulation on town residents.

Chris noted to everyone that participation in the new program is voluntary, but by being a participant, it is extra insurance that our residents will be eligible for all available federal assistance in the event of major flooding or other disasters.

Scot Trinklein said he sees no downside to the Town's participation in the new regulations, and doesn't understand why more homeowners haven't shown up to support it.

Chris remarked that at earlier public forum on the floodplain issue, there was an opportunity for more discussion, and only a few homeowners did not see the benefits of participation in the NFIP.

Chairman Sanders then closed the public hearing.

Chris noted to the Planning Commissioners that they are being asked to make a recommendation to the Town Board regarding Ordinance 382. It is an amendment to the Land Use Code which requires a public hearing before the Planning Commission, as well as a public hearing before the Board of Trustees, which will be duly noticed and advertised.

Mayor Rick Smith made a motion to recommend approval of Ordinance 382, an ordinance of the Town of Bayfield, adopting Floodplain Management Regulations that adhere to the minimum standards of both the National Flood Insurance Program and the State of Colorado.

Matt Nyberg seconded the motion. All were in favor and the motion passed unanimously.

New/Unfinished Business

Town Manager La May reported he is still working on a Temporary Use Ordinance regarding vendors. He is also still reviewing Chapter 5 of the Land Use Code.

Chairman Sanders asked Matt Nyberg to convey his thanks to the Town Board and the Marshals for clearly marking the restricted parking spaces outside the Town Hall.

Adjournment

Matt Nyberg made a motion to adjourn. Marvin Seale seconded the motion. All were in favor and the meeting was adjourned at 7:27 p.m.

Approved:

James Sanders (Chairman)

Wendi Weinstein (Admin. Assistant)