

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

**Planning Commissioners Present:** James Sanders (Chairman), Dr. Rick Smith (Mayor), Joe Mozgai (Vice-Chairman), Matt Nyberg, and Marvin Seale.

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

**Media Present:** none

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

**Roll Call:** 5 present, 2 absent (Commissioner Marvin Seale arrived after roll call, at 7:03 p.m.)

**Pledge of Allegiance**

**Approval of Minutes:** Vice-Chairman Joe Mozgai asked that the minutes be amended to reflect that he was indeed present at the December 10, 2013 meeting. With that amendment, Commissioner/Trustee Matt Nyberg made a motion to approve the minutes dated December 10, 2013 as presented. Vice-Chairman Joe Mozgai seconded the motion. All were in favor; the motion passed unanimously

**Public Input:** None

**Public Hearing/Action Agenda Item #1: Ordinance No. 385, An Ordinance Amending Sections of the Land Use Code of the Town of Bayfield to Allow for Temporary Uses in Certain Zoning Districts**

Chairman James Sanders opened the public hearing.

Town Manager Chris La May noted that this is an item the Planning Commission has been discussing for quite some time now, and the public hearing was noticed in the Pine River Times providing opportunity for public input. Since there are no members of the public present tonight, Mr. La May gave a brief staff report and then ask for a recommendation from the Planning Commission to the Board of Trustees.

This ordinance will establish requirements and procedures for temporary use permits and establish criteria for which temporary uses and structures require permits, as well as the methods of approval for each. It will also identify in which zoning districts the use is allowed.

Mr. La May also noted that the item that required the most discussion was portable on-demand storage structures (Zircons). The final language includes allowance for one portable on-demand storage structure on a property for a period of no more than 30 days; however, if a structure is placed on properties zoned other than residential, they may with a temporary use permit, exceed 30 days as long as the structure is made to be architecturally compatible with the principal building on the site. The ordinance also provides opportunity for existing portable on-demand storage structures as of January 1, 2014 to have 12 months to bring their property into conformance with the new requirements.

Mr. La May reminded the Planning Commission that they must make a recommendation to the Board of Trustees, and the Board will have the final word on approval.

Commissioner/Trustee Matt Nyberg asked how many times a temporary use permit for a Zircon can be renewed.

Chris replied that after the 30-day period, the Zircon would have to be removed. The ordinance does not allow the temporary use permit to be renewed.

Vice-Chairman Joe Mozgai asked if mobile offices, such as real estate offices, would be able to submit a request for renewal after the six-month period allowed.

Mr. La May referred to sub-section 2 of the ordinance, which clarifies that mobile offices can be used for a period not to exceed six consecutive months. A renewal is not possible with the current language, but the ordinance does state that if a sales office moves into a spec home, for instance, that structure can remain as a temporary use until 75% or more of the total lots are sold, or for 24 consecutive months, whichever comes first.

Mr. La May asked Commissioner/Trustee Nyberg if he wanted to include language that provides for renewal of these permits.

Commissioner/Trustee Nyberg replied he would not. All other members of the Planning Commission agreed on not allowing renewals.

Mr. La May noted that if a structure is in a non-residential zone, the temporary use period could be extended as long as the structure was made architecturally compatible with the principal building.

Chairman J. J. Sanders asked when the 12-month period to comply with making a temporary structure compatible would begin.

Mr. La May replied that the date should probably be the date that the ordinance is formally adopted.

Vice-Chairman Joe Mozgai asked how people would be notified that they have 12 months in which to comply.

Mayor Rick Smith replied the Marshal's office would notify them, and Mr. La May said there would need to be some form of written notification so there would be a good record.

Commissioner Marvin Seale asked how architectural compatibility would be determined.

Mr. La May replied it is very subjective, but that Staff would make the determination, and if the resident felt the decision was unfair, they would have an opportunity to appeal the decision.

Mayor Smith remarked that we must always give folks a chance to remedy a complaint or disagreement.

Chairman Sanders opened the Public Hearing. There were no members of the public in attendance, so the Public Hearing was closed.

Mayor Rick Smith made a motion to send to the Town Board of Trustees a recommendation for approval of Ordinance No. 385, an Ordinance Amending Sections of the Land Use Code of the Town of Bayfield to Allow for Temporary Uses in Certain Zoning districts.

Commissioner/Trustee Matt Nyberg seconded the motion. All were in favor; the motion passed unanimously.

### **Action Agenda Item #2: Street Fund Sales Tax Measure Discussion**

Town Manager La May noted that he wanted to share with the Planning Commission the same information as the Town Board received regarding our upcoming election on April 1st. We are asking the voters to consider a 1% increase in our City Sales Tax, in order to provide funds for road maintenance.

Chris prepared a Power Point presentation, but in the interest of time, suggested going through the "slides" provided in the meeting packets as he explained why the decision was made to seek a sales tax increase.

In 2013, the Town of Bayfield completed a Street Inventory and Maintenance Plan, which identified a \$2.3 million backlog in major repair, rehabilitation, reconstruction, and regular maintenance (sealing cracks and pavement, resurfacing, reconstructing subgrade and drainage). The material presented detailed some recent expenditure for maintenance as well as the upcoming project for replacing the Twin Bridges and another street maintenance project, both scheduled for completion in 2014-2015. In 2021, the Town will likely need to conduct another mill and overlay of Bayfield Parkway, Mill Street and other collector roads, the project cost expected to exceed \$1.8 million dollars. Also, in 2021, the money from the transfer of Bayfield Parkway will be depleted and the Town will need an additional \$700,000 in revenue to sustain the roads and meet the 2021 obligation.

The unfortunate consequence of deferred preservation and repair is that roads will eventually deteriorate to the point that they need to be majorly rehabilitated or reconstructed. The Town will begin transferring \$200,000 from the Capital Improvement Fund beginning in 2021, but the Transportation Fund will continue to be underfunded by \$190,000 to \$2 million dollars on an annual basis.

Mr. La May reported that we are trying to stay on top of maintenance and deterioration issues, and the Town Board feels the best way to pay for these repairs is through a sales tax increase. This way, not only town residents, but non-residents who use our roads can help pay for the road maintenance. Mr. La May reported that a 1% Sales Tax would generate \$260,000 annually, and that the tax increase coupled with the transfer of money from the Capital Improvement Fund would generate sufficient resources to fund the street and road maintenance projects until 2033.

The Sales Tax income shall be distributed to a Street Fund for street, traffic and transportation purposes, which shall include, but not be limited to, planning, designing, engineering, improving, paving, maintaining, and constructing streets, roads, alleys, pedestrian and bicycle paths, parking areas or other similar street, traffic or transportation-related projects.

Mr. La May ended his presentation by noting that the alternative to getting funding from a tax increase would be to reduce the services that are currently provided. Mr. La May asked if anyone had questions.

Vice-Chairman Joe Mozgai asked what the general feeling from the public has been so far. He reported that some of the senior citizens in Bayfield were not supportive of a sales tax increase, especially since the Town recently increased the water and sewer rates. Vice-Chairman Mozgai thinks the sales tax increase will be difficult to pass.

Mr. La May replied that the Town had not done any formal polling at this point.

Chairman James Sanders asked if the information is out in the public as to what benefits this tax would have, and if not, how we can get the information to a wider audience.

Commissioner/Trustee Nyberg asked if a link to the Power Point presentation could be placed on the Town's website or at least some of the graphs.

Mr. La May replied that we cannot, as government officials, show any partisanship or expend any funds to promote the tax increase.

Vice-Chairman Mozgai reported that most people he talks to say that the roads around town are not that bad.

Commissioner/Trustee Nyberg disagreed. He cited Mesa Avenue and some other streets in town that have been neglected over the years and are now in need of serious repair. He also noted that we have to think about how to fix some streets that will impact local businesses, such as Commerce Drive, while the work is being done. Commissioner/Trustee Nyberg believes we can't put off some of these repairs much longer.

Vice-Chairman Mozgai conceded that the need for repairs exists, but reiterated his question regarding how to get the information to the public.

Mr. La May admitted it is a real challenge, and said that even though there have been two articles on this issue in the local papers, people still don't know about it.

Mayor Smith noted again that the Town Board is prevented by law from actively promoting this increase, so that adds to the difficulty of getting the word out to the public.

Commissioner Marvin Seale noted that deteriorating roads and bridges is really a nation-wide problem, and he asked if there were any Federal programs available to help fund these projects.

Mr. La May reported that the Town is getting some money from the Off-System Bridge program through CDOT and money for smaller projects, like CR 501 Bike Path. He also said the Town had been successful in obtaining grants from the Department of Local Affairs for improvements to our water treatment plants and such, but neither of those entities provides funds for road maintenance.

Mayor Smith noted that a report from the Federal Government suggests that in order for the government to fund highway system improvements or give money to local jurisdictions, they would have to raise the gas tax by 18 cents a gallon. The bottom line is, the Federal Government is low on money, also. Mayor Smith also remarked that when State and Federal money get cut, county and city funds get cut also.

Mr. La May noted that La Plata County is getting hit pretty hard, too and are very concerned about their finances this year. Their assessed values are down dramatically because of the decrease in oil and gas activity. Mr. La May said with this attempt to collect funds through a sales tax increase, we are trying to save ourselves, because the other entities are not in a position to help us.

**Action Agenda Item #3: Consideration of Rescheduling the April 8, 2014 Planning Commission Meeting to April 15, 2014**

The Town election is April 1, 2014. The Board of Trustees meets the first Tuesday of the month and was scheduled for a meeting on April 1, 2014. The Board of Trustees moved their April meetings to April 8<sup>th</sup> and April 22<sup>nd</sup>, which requires the Planning Commission to move their regularly scheduled meeting on April 8<sup>th</sup>.

Tuesday, April 15<sup>th</sup> is the next available Tuesday and seems logical, but the Planning commission has the ability to reschedule at any time.

Commissioner/Trustee Matt Nyberg made a motion to reschedule the April Planning Commission meeting for April 15, 2014 at 7:00 p.m. Mayor Rick Smith seconded the motion. All were in favor; motion passed unanimously.

**New/Unfinished Business**

Mr. La May reported that Mercy Medical is moving forward to bring a medical clinic to the Bayfield Center, next to Baked Restaurant.

Mr. La May also reported that there have been several inquiries about the Steamworks building. We already have a church that has signed a 5-year lease for the back of the building. There is also someone interested in opening a natural grocer that could potentially be operated from the Steamworks building. There is a Commercial Laundry service anxious to open, but they are still looking for space. Water and sewer impacts from a commercial laundry need to be evaluated as well.

**Adjournment:**

Vice-Chairman Mozgai made a motion to adjourn the meeting. Mayor Smith seconded the motion. All were in favor; meeting was adjourned at 7:53 p.m.