

**Town of Bayfield**  
**Special Planning Commission Meeting**  
**March 23, 2010**  
**1199 US Highway 160B Bayfield, CO 81122**

**Planning Commissioners Present:** Michelle Nelson (Chairman), Bob McGraw (Vice-Chairman), Rick Smith (Mayor), Gabe Candelaria (Town Board Member), Ed Morlan

**Planning Commissioners Absent:** Pat Heyman

**Staff Present:** Justin Clifton (Town Manager), Ron Saba (Director of Public Works), Marianne Jones (Town Clerk), Elizabeth Jackson (Intern)

**Media Present:** None

The meeting was called to order @ 7:00 p.m.

**General Public Input:** None was offered so it was immediately closed.

**Action Agenda Item #1: Westside Comprehensive Plan Extension**

Justin gave his staff report. Justin stated that there are numerous landowners west of Bayfield that would like to be included in the Town's Comprehensive Plan. The applicants have prepared materials setting forth desired land use, traffic circulation and proposed trails. The traffic circulation component of the Comp Plan Extension is critical for numerous reasons. 1) Homestead Trails subdivision and other landowners in the area are limited in their ability to grow due to the limited access to Highway 160. 2) CDOT (Colorado Department of Transportation) has adopted an EIS (Environmental Impact Statement) for the 160 corridor between Bayfield and Durango that contemplates realignment of the Highway 160/160B intersection. 3) The developers are not interested to move ahead with intersection improvements to create access to these properties if CDOT is going to come in and change the plan any time in the future.

Justin explained that the land use component of the plan is equally important. However, it may be difficult to assign land uses in certain areas without settling on a traffic circulation plan. The Planning Commission and Town Board will have to decide whether or not to move forward adopting a circulation plan and subsequent land uses before knowing if CDOT will go along. The applicant would likely prefer to adopt the plan regardless so it can use the adopted plan as leverage. However, the risk of doing so is that if CDOT does not move on its position the Town may need to amend our Comp Plan before the Town has significant development requests.

Justin stated that notices have been sent out to all relevant agencies and adjacent landowners. He has fielded questions from a couple landowners who were mostly curious about what the process entailed and what it meant to their property. Justin has not received any agency comments to date, which is not surprising given the very broad and general scope of the project. He anticipates some additional follow up with agencies to further solicit their input and hopes to have more to produce at the next meeting.

Justin explained that this meeting is to address land use and traffic circulation with the applicants and to receive public input. Justin has provided that Planning Commission with information regarding his communication with CDOT. He has reached out to the County without success but intends to continue an effort to integrate the Town's Comprehensive Plan process with theirs. He also attended a Chamber of Commerce luncheon where he described the process and disruption of the project. The Chamber is excited to see new commercial opportunities and understands the importance of considering the traffic circulation component.

Ed asked what CDOT's position is regarding the re-alignment of the 160/160B intersection.

Justin explained that he scheduled a meeting with CDOT to discuss the possibilities of amending the Highway 160 Corridor EIS or in some way changing the plans CDOT has for the realignment of Highway 160/160B.

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He stated that his overall impression from CDOT is that they are very reluctant to accept major changes to the proposed improvements in the EIS. However, the reluctance comes from a general sense that CDOT conducted adequate due diligence in determining preferred alternatives for improvements throughout the corridor, including the proposed realignment of the HWY 160/ 160B intersection. Justin pointed out several times that this realigned intersection is one of the only improvements in the entire EIS that only has one preferred alternative. It appears as though CDOT did not even look at leaving the intersection in the same place. CDOT representatives committed to provide any additional information not included in the EIS that might illuminate why there was only one alternative.

Justin feels that it is clear that no other alternatives were ever identified. CDOT reps reminded Justin about the broad scope of the EIS, which looks at everything from traffic efficiency, safety and environmental impacts. However, it is clear from looking at the figures included in the EIS that at minimum the preferred alternative encroaches on vastly more wetlands than virtually any other alignment in the area including the existing alignment.

Justin showed a map to the Planning Commission showing the current alignment and the proposed re-alignment. CDOT wishes to re-route the area because it is a problematic area for the following reasons: 1) the limited sight distance as 160B intersects with 160, 2) the proximity of the Homestead Trails access road to 160, and 3) the limited distance between the current intersection and the proposed realigned intersection at the east end of Gem Village (about ½ mile where CDOT prefers 1 mile).

Justin explained that it is not clear yet if these challenges are insurmountable as the advantages and disadvantages of any identified alternatives would have to be compared in total.

Justin made the point that the Town could essentially alleviate huge improvement costs from CDOT by building the intersection at its current location. He also made a strong argument that a poor land use strategy is the best way to exacerbate impacts to the highway. CDOT recognizes that creating a self sustaining economy and reducing the number of vehicles traveling between Bayfield and Durango is important.

Justin stated that he feels that the door seems to be cracked open to questioning the rationale behind the preferred alternative and perhaps looking at another plan. CDOT is insistent that they will not financially sponsor any of the work that needs to be done but is willing to listen to a plausible argument. The process outlined for taking a step by step approach to this issue includes:

1. Review any background information concerning the established preferred alternative
2. Examine a new proposed alignment to ensure that it:
  - a) Meets the purpose and need for the highway
  - b) Addresses environmental impacts
3. Go back to CDOT and ask them to consider new information

If any suggested alternative does not meet the purpose and need of the highway or creates greater environmental impacts CDOT will not entertain reconsidering its preferred alternative.

Rick asked if the new intersection (at the new proposed location) is going to be signalized.

Justin answered that CDOT does not know yet if it's going to be signalized. Signalization is always done by warrant and it hasn't been determined yet that a signalized intersection is warranted.

Bob asked about the CDOT required distance between intersections.

Justin answered that CDOT desires a half mile between the intersections in most locations. However, in the 160 corridor, they prefer a mile. Between the new intersection on the east side of Gem Village and the new proposed 160/160B intersection, there is almost exactly a mile of distance between them. Therefore, if CDOT

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does adopt the amended plan to keep the intersection where it is currently located the distance between the two intersections will be less than a mile. However, it will still exceed the half mile requirement that is used in most other locations.

Bob asked if the eastside intersection in Gem Village has a relationship with Homestead Trails.

Justin answered that it is currently designated as an emergency only access. CDOT does not contemplate allowing another access in that location except for in the event of an emergency. Although, Justin thinks that issue might come up and CDOT might need to look at that access further and decide if it's a viable option for the Homestead subdivision.

Ed asked if the Town taking over Highway 160B will help with the effort to keep the intersection where it is currently located.

Justin answered that CDOT will still control access to Hwy 160.

Ed asked if the Town would have some legal exposure if they adopt a plan that is inconsistent with CDOT's highway planning.

Justin answered that CDOT is more willing to listen to the interests of the Town as an entity opposed to one or two specific landowners. They are willing to engage and haven't given any indication that the only way to get to a decision would be through litigations of some sort.

Ed asked if the Town would have some legal liability if it adopts a plan that has a faulty premise since it's not in accordance with the EIS.

Justin answered that the Town will probably have to consult an attorney at some point regarding this issue if CDOT is not willing to reopen the EIS.

Gabe asked Justin's direction on whether or not the Town should move forward with the comprehensive plan or not.

Justin answered that he thinks it's a long shot that CDOT will do anything different than what they currently have planned. He feels that in order for a change to happen, the Town would have to present to CDOT that another alternative is the Town's official plan for that area. Justin feels that the Town should vet all of the issues and come up with the best plan possible for the future growth of Bayfield. This will be the key component to engaging both the County & CDOT to look at their plans and see if they are willing to change them to accommodate the Town. Justin feels that without a concrete plan, this area will not get changed. He feels that it is the best plan to consider this comprehensive plan without much regard to CDOT's plan and decide what's best for Bayfield.

Gabe asked if the Town needs to finish up the negotiations for taking over Highway 160B before moving forward with this item.

Justin answered that the Town will be in a better position once they own the road but he feels that this item should go ahead and continue on a parallel tract. He suggested moving forward with answering all of the pertinent questions on this item and getting everything in place to present to CDOT for consideration.

Justin also mentioned that other information that the Planning Commission might want to see is: names of the property owners, total requested units, total acreage, total estimated commercial square footage, etc. He feels that this information would help to put things into context about what is proposed for this area.

The floor was given to the applicant, Nancy Lauro.

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Nancy introduced herself and stated that she represents Homestead Trails, Bob Martin, & Paul Peeples. These three land owners are funding this request to amend the plan. She explained that there are many properties that are included in the west side comprehensive plan that have not submitted any information for inclusion. She stated that in order to give a complete picture of the area she has used their current County land use designation and found the closest category in the Bayfield Land Use Code to categorize these properties. However, she did want it noted that Bayfield's designations allow for more density.

The property owners funding this request would like to amend the comprehensive plan to document their potential land uses. She explained that in order for Homestead Trails to proceed with their subdivision, major improvements must be made to the Highway 160/160B intersection. This is an expensive endeavor for one subdivision to do on their own, but Martin & Peeples are interested in developing their properties as well and are willing to put in their fair share into the development of the intersection. However, the issue with CDOT's plan to move the intersection makes this a problematic situation. If the property owners go ahead and put in the new intersection, it is possible that CDOT will make them vacate it once they are ready to move forward with their plan to move the intersection to the new location. The land owners do not want to put in the substantial investment without a guarantee that the intersection is going to stay in its current location. They feel that the best way to convince CDOT to change their EIS is to have the Town adopt a comprehensive plan that shows the intersection where it is currently and have the Town formally state that leaving the intersection is the best option for potential growth for Bayfield.

Bob asked if there are adjacent & non-adjacent landowners that are interested in being included in this comprehensive plan.

Grant Richards (Developer of Homestead Trails) answered that the developers developing the intersection plan to create a reimbursement agreement. Any landowners that wish to increase the use of their land would be required to contribute their proportionate share of the intersection.

Rick stated that he feels that the Town should come up with an agreement and a plan to present to CDOT keeping the Highway 160/160B intersection in its current location. CDOT does not have funding to do anything currently and he feels that if the Town comes up with a formalized plan and can present a funding option from the landowners that are willing to contribute to the intersection then CDOT might be more willing to support the change to the EIS.

The item was opened for public comment.

Michelle Thereot (5259 County Road 509) asked for clarification that the proposal from the Town would be to keep the intersection where it is currently instead of moving it.

Rick answered that he feels that the Town should propose keeping the intersection where it is and signalize it.

John Mankins stressed that he would like for the Town to make sure that the residents of Gem Village are not going to be affected by the half mile spacing requirement. He said that he has a problem with the Town supporting an intersection if it's going to cause a new decision to be made in Gem Village. The Gem Village residents want to see the preferred alternative used in their area and John stressed that he hopes that this decision of the Town does not affect that preferred alternative in Gem Village. He also asked why the comprehensive plan does not go further into Gem Village. He feels that Gem Village should also be included.

Justin answered that the Town decided to go with this area of planning because it is the most manageable for the time being. However, he does feel that it would most likely extend out to include Gem Village in the future and the planning being done in this area would be cognizant of providing services and infrastructure to Gem Village eventually as well.

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Gabe asked what the criteria were for the 2<sup>nd</sup> intersection.

Justin answered that it appears that the 2<sup>nd</sup> intersection was established at the 1 mile marker and that was the only real criteria that was used to determine the location.

No additional public input was offered.

Michelle asked Justin for clarification on what direction he needs from the Planning Commission on this item.

Justin answered that he needs input from the Commissioners on items that they would like more information on. He stated that he has already made notes to include the following information at the next meeting: clarification on the CDOT Homestead access and how it is integrated into the EIS for the new intersection, addressing any legal issues that might arise with adopting a comprehensive plan that is not in conformance with the CDOT plan, distance between the west Gem Village intersection & the new intersection to verify, & the proximity of the new 160B intersection to County Road 509.

Ed stated that he has some concerns about the Town relying on the applicant's engineers to say where the best location is for the intersection. He's worried that their engineers might not be looking at what is the best for Bayfield but looking at what is best for the developers. He asked if the Town's engineer could look at this item and make a determination on the intersection location.

Justin answered that he would have to get the Town Board's approval to spend those funds but he stated that he could make a request of the Town Board to have the engineer look at the plans and give their opinion on where the best location for the intersection would be.

Gabe expressed that he would really like to see Gem Village more involved in the process since it does impact them.

Bob requested information from La Plata County. He stated that he likes the idea of expanding the intersection at its current location and does not think that the other location is a good idea. He supports moving forward with getting the EIS re-opened and requesting to keep the intersection in its current location.

Michelle asked how hard it would be to change Bayfield's comprehensive plan if it is adopted with the intersection in its current location and CDOT refuses to change their plan to follow Bayfield's.

Justin answered that he feels that the Town will have an answer on the matter before it's actually adopted. He hopes to be able to present more information on the criteria used by CDOT at the next meeting. However, If CDOT is unwilling to compromise; the Town will have to decide how to move forward on the matter.

Ed asked if water service to Gem Village could be included in the comp plan.

Justin answered that the Town doesn't have any plans to extend the water service currently. The water line expansion that is proposed is being driven by the Homestead development.

Ed stated that he supports moving forward with this plan to try and change the EIS to the current location for the intersection.

Rick stated that he feels that the Town & the developers stand a better chance if they stand together against CDOT to get this changed.

Michelle asked for current uses for anything that is not standard single-family residential.

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Bob asked for a more specific map that only shows the properties being addressed. He does not want to see all of the outlying properties that are not included in the comprehensive plan.

Michelle asked when the next meeting will be addressing this matter.

Justin answered that it will be at the regular Planning Commission meeting on April 13<sup>th</sup>, 2010 @ 7:00 p.m.

The meeting was adjourned @ 9:04 p.m.

**Approved:**

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Michelle Nelson  
Chairman

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Marianne Jones  
Town Clerk