

**Town of Bayfield  
Planning Commission Minutes  
April 15, 2014  
1199 Bayfield Parkway, Bayfield, CO 81122**

**Planning Commissioners Present:** Joe Mozgai (Vice-Chairman), Dr. Rick Smith (Mayor), 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 Vice-Chairman Joe Mozgai at 7:00 p.m.

**Roll Call:** 4 present, 1 absent, 2 vacancies

**Pledge of Allegiance**

**Approval of Minutes:** Mayor Rick Smith made a motion to approve the minutes of March 11, 2014 as presented. Matt Nyberg seconded the motion. Roll Call 4-0; the motion passed unanimously.

**Public Input:** None

**Public Hearing: Preliminary Plan, Amended Plat Lots 45 & 63, Cedar Hills Subdivision**

Town Manager Chris La May began by giving a staff report and comments regarding the proposed plat amendment. We are using a "short procedure," which provides for a preliminary plan in front of the Planning Commission, and if approved by the Planning Commission, a Final Plat before the Board of Trustees.

The applicants, Ed and Jackie Morlan, are requesting the Town relocate the Town-owned Greenbelt located between Lots 45 and 63 of Cedar Hills Subdivision.

Application for short procedure was filed February 12, 2014 and fees paid March 7, 2014. Preliminary Plat was received March 11, 2014. Narrative and Plat were sent to referral agencies on March 17, 2014.

Manager La May listed the responses from the referral agencies in his report, and emphasized the responses from La Plata Electric and Souder, Miller & Associates. LPEA would like the Greenbelt dedicated for utilities and with additional review prior to Plat approval.

The Town Engineer (Souder, Miller & Associates) notes that the boundary adjustment corrects encroachment of existing residence on existing utility easement and Greenbelt. They recommend that the Town request that the Greenbelt be dedicated to allow buried utilities to provide greater flexibility for possible future extensions and connections.

Notice of Public Hearing was published in the Pine River Times on March 28, April 4, and April 11, 2014. The Town received a photocopy of certified mail receipts from the applicant for notification to property owners within 200 feet of the property.

The Application appears to be in conformance with applicable sections of the Town's Master Plan, primarily with those involving trails and pedestrian access.

Different zoning districts exist within the subdivision. Lot 63A, Cedar Hills Subdivision is zoned (R-10) Single Family Residential, and Lot 45A, Cedar Hills Subdivision is zoned Manufactured Zoned Subdivision (MHS).

The location meets the dimensional requirements of the Town Land Use Code, with the exception that the front-yard setback for Lot 45A is only ten feet. The requirement in the MHS zoning district is twenty feet, however, in accordance with Section 8-15 of the Land Use Code, any requirement will be deemed to be met when the depth of the front yard provided at least equals the average of that established by existing buildings which occupy 50 percent or more of the lots within the same block.

There are a number of items that will need to be included on the Final Plat in accordance with the submittal requirements in the Land Use Code. They include:

- *Consent of mortgagees for Lots 45 and 63*
- *Signature block for the Town of Bayfield as owner of the Greenbelt. This is in addition to the approval signature block.*
- *Title Commitment of Title Policy no more than thirty (30) days old providing documented evidence of ownership.*

The ten foot wide utility easements located along the south boundary of Lot 63A and the north boundary of Lot 45A, as shown are dedicated to the Town of Bayfield and all public utility companies for the purpose of ingress and egress for the installation, construction, maintenance and repair of their utility lines, together with related equipment.

The Greenbelt, as shown, is dedicated to the Town of Bayfield for the purpose of pedestrian walkways.

Staff believes it would be beneficial to the Town to combine the two 10-foot utility easements and 10-foot Greenbelt into one 30-foot easement. The 30-foot would be standard from the Town's perspective for water and sewer, and if public access was provided and limited to pedestrians, bike and horse, and there were access to utilities, it would provide some flexibility for layout of a future trail to connect future development to the Cedar Hills Subdivision Greenbelt and Gosney Park.

Manager La May added that the Planning Commission is being asked to consider the physical arrangement of the project, compliance with the Town's Comprehensive Plan and Town policies and any public testimony at the hearing. The Planning Commission shall then, by motion, recommend approval, conditional approval or denial.

Manager La May concluded by stating that Staff recommends approval with the following conditions:

1. Plat name shall be changed to Cedar Hills Subdivision, Amended Plat of Lot 63 & 45
2. Plat shall include Signature Block or Reference to Consent of Mortgagees for lots 63 & 45
3. Plat shall include signature block for the Town of Bayfield as owner of the Greenbelt.
4. Plat shall include a 30-foot public access and utility easement between Lots 45A & Lots 63A, in lieu of two 10-foot utility easements.
5. General Dedication statements Numbers 1 and 2, as shown on Plat dated February 21, 2014, shall be removed and replaced with one statement to read: The 30-foot public and private utility easement along the southerly boundary of Lot 63A and the northerly boundary of Lot 45A, as shown hereon, are hereby dedicated to the Town of Bayfield and all public and private utility companies a perpetual, public easement for public access, ingress, and egress with the right to install, maintain, operate, reconstruct, repair, replace, remove and otherwise improve all public or private improvements and utilities including, but not limited to, bike and recreational paths, water lines, sewer lines, gas lines, electric lines, fiber optic, telecommunications and all other public and private utilities and the right to grant such rights to other public or private utility providers.
6. Applicant shall provide Title Commitment of Title Policy no more than 30 days old providing documented evidence of ownership.

Manager La May then turned the Public Hearing over to Ed Morlan, of 1168 N. Oak Drive, Bayfield, CO, who is the applicant.

Mr. Morlan referred to the poster-sized plats before the Board, and briefly showed the proposed area involved in the relocation of the Greenbelt. He noted they would like to put it in line with the existing game trail.

Vice-Chairman Joe Mozgai asked if there were any comments or questions.

Manager La May asked Mr. Morlan if he was comfortable with the conditions set forth. Mr. Morlan replied he agreed to all conditions proposed.

Vice-Chairman Mozgai then closed the Public Hearing.

**Action Agenda Item #1: Consideration of Approval of Preliminary Plan, Amended Plat Lots 45 & 63, Cedar Hills Subdivision**

Mayor Rick Smith made a motion to approve the Amended Plat of Lots 45 & 63, with the conditions that Staff has recommended, to then be passed to the Town Board of Trustees. Matt Nyberg seconded the motion. All present were in favor; motion passed unanimously 4-0.

**Action Agenda Item # 2: Appointment of Planning Commission Chair and Vice-Chair**

Town Manager Chris La May reported that the Planning Commission now has two vacancies. Former Chairman, James Sanders, was elected to the Board of Trustees, and Commissioner Pat Heyman

resigned her position. Chris noted that we have placed an ad in the Pine River Times asking for participation, but have had no response. As former Chairman Sanders is no longer eligible for an at-large position, Staff recommends the Planning Commission take nominations to appoint a Chair and Vice-Chair.

Mayor Rick Smith made a recommendation that Joe Mozgai move from Chairman to Vice-Chairman. Matt Nyberg seconded, all were in favor, and recommendation passed 4-0.

Mayor Rick Smith made a recommendation that Marvin Seale be appointed Vice-Chairman. Matt Nyberg seconded, all were in favor, and recommendation passed 4-0.

**New/Unfinished Business:**

Town Manager Chris La May reported that the effort to increase the sales tax in Bayfield was defeated in the April 1<sup>st</sup> election. The Board of Trustees will discuss the effort further.

Chairman Mozgai asked if the Sales Tax issue will be back on the ballot in November.

Chris replied that would be up to the Board of Trustees.

Chris also reported that he had a meeting with a person who is interested in developing the remaining phases of Clover Meadows and Mesa Meadows.

Chairman Joe Mozgai asked if someone was developing more of Dove Ranch.

Chris replied that he was contacted by a realtor, and the Tierra Group may be moving forward, but nothing is definite.

Chairman Mozgai noted there has been a lot of publicity surrounding the opening of the new Mercy Clinic. He asked if there are any more businesses looking at Bayfield.

Chris replied that the Bayfield Chamber of Commerce met on April 10<sup>th</sup>, and they are still trying to attract a hotel/motel to Bayfield. Chris noted that it would be challenging to bring in a hotel, but people are definitely interested.

**Adjournment:**

Commissioner/Trustee Matt Nyberg made a motion to adjourn the meeting. Mayor Rick Smith seconded the motion, and it passed unanimously.

Meeting was adjourned at approximately 7:26 p.m.