

**Town of Bayfield
Planning Commission Meeting
May 11, 2010
1199 US Highway 160B Bayfield, CO 81122**

Planning Commissioners Present: Michelle Nelson (Chairperson), Bob McGraw (Vice-Chairman), Rick Smith (Mayor), Gabe Candelaria (Town Board Member), Pat Heyman, Joe Mozgai,

Staff Present: Justin Clifton (Town Manager), Marianne Jones (Town Clerk), Elizabeth Jackson (Intern)

Media Present: Carole McWilliams (Pine River Times)

The meeting was called to order @ 7:01 p.m.

Minutes: Rick made a motion to approve the minutes from the March 23rd Special Planning Commission Meeting as submitted. Gabe seconded the motion. All were in favor except for Pat Heyman who abstained from the vote.

Public Input: Debbi Renfro (641 Dove Ranch Road) stated that she had anticipated that the Park Place @ Dove Ranch phase would be reviewed by the Planning Commission at this meeting but there are still some outstanding items that need to be completed. She offered to answer any questions that the Planning Commission might have and let them know that she would be resubmitting the phase on Wednesday, May 12th, 2010.

No additional public input was given, that portion of the meeting was closed.

Action Agenda Item #1: West Side Bayfield Comprehensive Plan Amendment

Justin gave his staff report. He explained that the Planning Commission discussed this item at the last meeting and came up with the general scope of the comprehensive plan focusing primarily on the traffic circulation plan. The Planning Commission gave specific direction to staff and the applicants to come back with the following additional information:

- Revised and expanded maps that would indicate property names, acreage, units, commercial square footage and significant current uses within the comp plan boundaries
- Additional information from CDOT (Colorado Department of Transportation) outlining reasons for the 1 preferred alternative for the relocation of the Highway 160B intersection
- Information from La Plata County concerning a position on relocating the intersection and agency comments on the comp plan extension
- The proximity of the proposed realigned intersection to County Road 509
- Distance between West Gem Village and the proposed realigned intersection
- A discussion of legal issues with adopting a traffic circulation plan contrary to CDOT's EIS

Justin stated that the staff and the applicants tried to provide this information to the Planning Commission. The applicants submitted revised maps of the area which include the requested information and staff collected information from CDOT, La Plata County and the Town Attorney.

Justin clarified that the purpose of this meeting is to further review the proposed traffic circulation and land uses in light of the new information.

Justin said that the letter from CDOT expands on the conclusions of the FEIS (Final Environmental Impact Statement) that identifies the preferred alternative for the relocation of the 160B/160 intersection. The letter does not contain a lot of new information but rather reiterates much of what is already known as the criteria for establishing the preferred alternatives. Justin stated that the criteria are not well

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established for the 160B/160 intersection because there was only one alternative examined. Justin feels confident that CDOT established the new intersection based on the 1 mile spacing after it determined a preferred alternative for the relocation of 160 through Gem Village, including the roundabout at the east side of Gem Village.

Justin explained that while the relocation of the of the 160B/160 intersection does achieve a 1 mile separation from the proposed Gem Village roundabout, Justin doesn't feel that CDOT can substantiate their claim that minimal environmental impacts were considered. By CDOT's own figures in the FEIS the proposed relocation of the 160B/160 intersection encroaches on substantially more wetlands than does an extension of the existing intersection.

Justin reiterated that the letter from CDOT does open the door to reconsideration of the FEIS and further outlines criteria for doing so. Perhaps the biggest challenge at this point is that keeping the intersection where it is and preserving the 1 mile spacing will require reconsideration of the Gem Village intersection. Both relocations would have to be found to be preferable compared to the current arrangement in order for CDOT to accept the results.

Justin also gave information regarding the letter received from the La Plata County Commissioners regarding the EIS. He explained that the Town is not alone in its displeasure with the EIS. La Plata County Commissioners wrote a letter in March 2009 voicing their concerns and asking for reconsideration. Justin spoke with the County Commissioners who have had conversations with CDOT representatives in Denver asking them to allow reconsideration of the EIS. This hopes that Bayfield would likely have a partner in reexamining the EIS. However, the County may not yet be in a position to evaluate a potential new traffic circulation plan adopted by the Town as the La Plata County Comprehensive Plan is not nearly to the point of examining specific road and intersection alignments.

Justin gave some details on some important distances:

- Between proposed new Gem Village roundabout and current 160B/ 160 intersection: approximately 3,300 ft (.625 miles)
- Between proposed new Gem Village roundabout and the proposed new 160B/160 intersection: approximately 5,450 ft. (1.03 miles)
- Between west Gem Village and existing 160B/ 160 intersection: approximately 7,000 ft. (1.3 miles)
- Between existing 160B/160 intersection and CR 509: approximately 2,800 ft. (.53 miles)
- Between proposed relocation of 160B/160 and CR 509: approximately 1,323 (.25 miles)

Justin also stated that Ed Morlan asked about liability arising from the adoption of a traffic circulation plan contrary to CDOT's EIS. After consulting with Dirk, Justin doesn't feel this is a problem. The plans created by the Town do not entail entitlements and the Town does not make any commitments that other encumbrances would not limit development opportunity. The Town may zone a parcel of land high density residential that can allow 100 units. However, if wetlands, lack of access, limited infrastructure or anything else prohibits a land owner from achieving that density it is not the Town's fault. However, the final adoption of the comprehensive plan extension should include disclaimer language to make that point clear.

Justin said that the Town also received a letter from the La Plata County Long Range Planner, Jason Meiniger. Jason expressed concerns about planning a "leapfrog" development. This concern is

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especially acute when considering that the Town has other developable land, including the area east of Town that could satisfy the demands for future growth in virtually all land uses sectors.

Justin commented that this is a difficult issue for the Planning Commission to assess. The issue being expressed by La Plata County presents a philosophical dilemma. On the one hand, there is no doubt that growing from the Town core outward is the most efficient and cost effective model for growth. However, the Town has limited control in preserving this growth model. Although the Town can approve and deny comp plan extensions, annexations and development rights for "leapfrog" developments, it cannot compel landowners on the perimeter of the Town core to develop. The implications of requiring the most efficient model for growth are potentially waiting a long time for perimeter properties to develop.

Justin said that although there may be interest in maximizing development opportunities including leapfrog development, the Planning Commission should consider carefully the notion that this type of development can increase the costs for services. For example, extending water and sewer lines would create a new maintenance burden. Water and sewer lines extended to the east portion of Town would be much shorter for the same number of users. A 500 foot water line might be supported by 50 units paying a monthly bill of \$26. This means the Town collects \$15,600 per year or \$31.20 per foot of water line. The same 50 units built on the west side might require a line that is 10,000 feet long. The same \$15,600 collected from the 50 units only provides \$1.56 per foot of water line.

When considering all other infrastructure into the equation there is no doubt that the results over time can be astounding. The Town would be able to provide substantially more services for the same cost with development closer to its current boundaries. However, if the land owners to the west are more motivated to develop commercial property than other landowners near the Town core, the sales tax collected could more than offset the costs for services. Justin stated that the following questions need to be considered:

1. What is the appropriate balance between the rights of the land owners who want to develop verses the rights of other tax payers who pay for Town services?
2. How does the Planning Commission perceive the current development opportunities in other areas of Town?
3. Would development of the west side of Town encourage in fill development that would help mitigate the higher cost of providing services?

Justin explained that these questions pertain not only to the appropriateness of developing this area but also the balance between land use types and intensities.

Justin stated that the staff and the applicants are looking for direction on the proposed traffic circulation plan and land uses. The Planning Commission can consider all of the information provided and any other criteria for assessing the appropriateness of the requests from the applicants including:

- Overall vision of how the Town should look
- Compatibility with current and future uses
- Transitions between current and proposed land uses
- Geographical considerations (hillsides, ditches, wetlands etc.)
- Ceilings for unit numbers and commercial sq. footage
- Other

Bob asked if any of the preferred alternatives for the west-side of Gem Village included a round-about.

Justin answered that he doesn't know if there was an option for a round-about at the west side. All of the alternatives have different mechanisms to get to the frontage road that would no longer be the highway.

Gabe asked if it's possible to have a copy of all of the plans or options that were considered.

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Justin answered that there is a lot of information in the original EIS; but he stated that he can certainly get all of the information if requested for the Planning Commission to review.

Bob commented that the designation for that area of Highway 160 is that it is an expressway. He asked if CDOT would be willing to allow a half mile rather than the one mile required for expressway areas.

Justin answered that it comes down to the designation of roads. CDOT does allow less than a mile in other places but ideally they would like a mile. Justin read an excerpt from CDOT's EIS. It stated, *"Typical spacing of intersecting streets, roads & highways shall be planned on intervals of one mile and normally based on section lines where appropriate. One half mile spacing of public ways may be permitted to the highway when no reasonable alternative access to the general street system exists."*

Michelle asked if the Planning Commission could see the uses being considered in the County's Comprehensive Plan.

Justin answered that it's too early in the County's process to see that yet. The County does want the same thing that the Town wants because they also do not like the determination in the EIS but they do not have a plan established yet for County Road 502 and 506 because they are not that far into their comprehensive plan yet.

The floor was given to the applicant, Nancy Lauro.

Nancy stated that she is representing the Homestead Trails Subdivision, Paul Peeples & Bob Martin. She explained that she does not represent all of the property owners included in the plan but that Justin asked that all of the properties be given a land use designation. Nancy stated that she tried to designate the properties according to the desires of the homeowners, their current designation through the County or the type of use that is currently on the property. She stated that Homestead has already begun the proceeding for annexing into the Town but there is some concern regarding the intersection at Hwy 160B & Hwy 160. Sewer is already in place and Homestead has already agreed to bring water lines to the subdivision. The concern about the intersection is that CDOT has stated that they want to move the intersection to a different location. If Homestead goes ahead and makes improvement to the current location it is possible that CDOT will move the intersection and the investment will have been a waste. Homestead feels that it is in the best interest of the Town and for Homestead if CDOT reopens the EIS and reconsiders the location of the intersection.

Nancy stated that CDOT did a lot of research on the Gem Village intersection and from what can be determined they just pinpointed the next intersection exactly one mile from that location without any other consideration. The proposed intersection is located in the largest area of wetlands and will detrimentally impact those wetlands. She feels that there is some wiggle room with the one mile spacing based on the language in the EIS and feels that it would be beneficial to request that the EIS be reopened.

Nancy stated that she doesn't disagree with the comments received from Jason Meiniger with La Plata County but she feels that there are some facts that need to be considered. She doesn't feel that "leapfrogging" will be occurring because the east side of Gem Village has already been somewhat developed. The sewer lines are already in place so the costs for extending those sewer lines will not be a substantial amount. Water lines will have to be extended to the Homestead subdivision but the developer has already agreed to install those at their own expense and then be reimbursed as new developments tie into the system.

Nancy said that An Annexation Impact Report was created for the Homestead Subdivision and the determination was that the development will actually be a positive impact rather than a negative one. She also pointed out that the potential for other developments in this area, especially commercial

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developments, will be very beneficial for the Town. Nancy noted that the west side of Bayfield has a huge advantage for retail sales because the traffic counts are significantly higher than the east side. She feels that the west side will probably develop much quicker than the east side because of the traffic counts in the area.

Nancy mentioned that there is the potential for significant development in this area and she feels that the trails plan will connect this area to the current Town limits and that people will be able to maneuver this area without always having to utilize their vehicles. She stated that it's a good location that is already serviced by transit service and the developers are willing to put in trail systems to make it more user-friendly. She also feels that the development of this area could allow Bayfield to become self-sustaining rather than continuing to be a bedroom community for Durango. It will give the opportunity for shopping and retail businesses which will generate more sales tax revenue.

Bob asked if the developers have spoken to any commercial businesses that are interested in moving to Bayfield.

Paul Peeples answered that there are a lot of businesses interested in high traffic count locations

Bob stated that he feels that there will be more impact to wetlands in the proposed intersection location than its current location.

Justin responded that in reviewing CDOT's numbers for the delineation of wetlands show that this how much this proposal encroaches on wetlands and it is substantially more than what will be impacted by the intersection proposed in the current location.

Bob asked about the encroachment on ditches in the area.

Nancy answered that the developers all plan to work with the ditch companies.

Gabe asked if the developments will be required to pipe the ditch.

Justin responded that CDOT lists the ditches as one of the reasons that their alternative is preferred because it will have less impact to the historic ditches. The Town has not researched that specifically yet to work out all of the details of what will be required with the ditches in that area.

Gabe asked if there is a current standard regarding ditches.

Justin answered that the Town Board has not actually adopted a policy stating that all ditches must be piped. There is some precedent for piping the ditches but it's not policy yet.

Gabe asked if the sewer line to Gem Village will handle the growth potential of this development.

Justin answered that the Town can triple in size or possibly even more than that before meeting capacity for the sewer line.

The meeting was opened for public input. None was offered so it was immediately closed.

Rick stated that he feels that the Town should be in control of their own destiny. He thinks that it's a win/win situation for the Town to link arms with these property owners and come up with a good development plan. Gem Village is not that far away from Bayfield and the Town has always contemplated incorporating it into Bayfield. This opportunity brings that contemplation closer to being a reality. He doesn't feel that the County should be dictating to the Town where they should put in commercial growth because it is the Town's prevue to make that determination. Rick stated that he can

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sympathize and understand Jason's Meininger's theories but Rick feels that the Town needs to look at the practicalities of the area and come up with the best solution for the Town. Rick feels that the best way for the Town to maintain its growth and its potential for growth is to move forward with this endeavor because it's better to operate proactively rather than reactively. Always best to be operating from a proactive rather than a reactive position. Currently, CDOT doesn't have any money to do any improvements and they probably won't have the funds for a very long time. The Town has applicants and people interested in moving this project forward and Rick feels that the Town should back those efforts. He doesn't think that CDOT is going to move the intersection once it has already been built out and developed; especially if it's built without any cost to CDOT and it improves the safety and site distance of that area. Rick explained that this project is not going to happen overnight. It will probably take 10-20 years for final build out but he thinks the Town should take the steps now to make sure that it is in control of what will happen. He stated that he is in favor of continuing this process and proceeding to work with CDOT to get the EIS renegotiated.

Pat asked what an Annexation Impact Report is.

Justin answered that when an annexation is being contemplated an annexation impact report is done to determine whether or not the project is going to be economically positive. The report for the Homestead development states that it will be a positive impact for the area.

Gabe commented that the west side comprehensive plan could potentially double the size of Bayfield. He feels that this is a fairly significant scope and it's going to substantially change the semantics of Bayfield and he doesn't feel that it should be taken lightly because it's going to double the size of the Bayfield staff, services, etc.

Justin commented that this growth will also double water fees, sewer fees, etc to help pay for the additional growth. There will also be an increase in the sales tax generated because of the commercial development.

Joe mentioned that the state of the economy is really going to drive this project and determine whether or not it's going to move forward.

Gabe stated that he does feel that the Town should make sure and do all of the examining and research for this area now because it's going to be an extremely slow process to get it completed. However, it is in the Town's best interest to control the destiny of the area and turn it into a win/win situation for all of those involved.

Carole McWilliams asked if it was possible to change CDOT's position on having a roundabout on the main line of Highway 160 because of the problems caused by them.

Joe Mozgai stated that he is also concerned about a round-about being placed on that stretch of highway.

Justin answered that the roundabout on County Road 501 is extremely undersized. He explained that if roundabouts are engineered correctly they can move traffic quickly & safely and they work better in high traffic areas than a signalized intersection.

Michelle asked what will happen to the Town's comprehensive plan if CDOT refuses to change their EIS.

Justin answered that the Planning Commission will have the option to keep the plan but adjust it to account for the change in the intersection location.

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Michelle commented that there were a lot of people involved in the Gem Village preferred option and a lot of work was done in that area to come up with a solution that worked well for the residents in that area. She doesn't think that the Planning Commission should discount the work that has already been done.

Bob agreed with Michelle and stated that he thinks that Planning Commission should work on the Highway 160/160B intersection and attempt to make it the intersection in CDOT's plans rather than trying to make changes made to the Gem Village plans.

Michelle asked what direction the staff needed.

Justin suggested solidifying the comprehensive plan extension and giving feedback to the applicants regarding land uses, the trails plan, parks & open space, etc. He also stated that if the Planning Commission is satisfied with the extension as it is they can vote to recommend approval so that it can be sent to the Town Board.

Rick said that the Gem Village residents would really benefit from water service being taken to that area. He thinks that the Town and the developers should consider making sure the water lines are sufficient enough to extend service to the Gem Village residents. This would also help the developers receive their pay back on the infrastructure.

Gabe asked about water storage in the west side area.

Justin answered that the tanks that are located in Homestead will be dedicated to the Town upon annexation. And the Town can also put in some negotiation language to address the need for additional storage in the future.

Michelle suggested looking at the land uses proposed by the applicants.

Gabe asked about the Gilbraith property and whether or not it is an access to County Road 509 for the Homestead Subdivision.

Grant answered that Homestead has an easement through the Miller property to County Road 509. They do not have an access on the Gilbraith property.

Gabe asked if the Grush's commercial acreage is being requested in that location because of the potential road that might be located on their property.

Grant Richards answered that the Grush's are not in favor of the road going through their property at all. However, they do want some commercial designation on their property.

Justin mentioned that the commercial zoning on that property is problematic because they will not be able to access from Highway 160 and to access from the backside of Highway 160B will make it more user unfriendly.

Bob mentioned the industrial zoning located right next to residential zoning on the Martin property. He commented that there has been a precedent in the past that having industrial next to residential needs to be avoided.

Justin responded that there will be a road in between the industrial and the higher density single family residential. He also stated that the Planning Commission could require additional buffering between the zones.

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Bob said that he would rather see the industrial closer to the highway rather than right next to the residential.

Rick asked if there are any residents that do not want to be included in the comprehensive plan.

Justin answered that the residents that haven't given any feedback on their property were given a designation similar to what they are currently zoned through the County. There are no changes to the zoning unless requested by the land owner.

Michelle asked if the applicants are ready to discuss trails and parks.

Nancy answered that a trails plan has been developed that connects to the current Bayfield trail system. There's a Town park proposed in the Homestead Trails subdivision. The other park land that is designated on the map depicts open space, buffers & wetlands throughout the development.

Bob asked about the trails that are being developed through other people's property and whether or not they are in agreement with those accesses.

Nancy answered that they will be a part of the existing road system.

Gabe suggested that there is a need for open space or dedication of park land on the north side of the highway.

Bob stated that he would like to see a drainage plan, more details about trails & parks on the north side of the highway, and a buffer between the industrial and the residential on the Martin property.

Michelle stated that she thinks the commercial designation should be removed from the Grush property and the entire parcel should be zoned medium density residential. She doesn't feel that commercial makes sense in that area.

Gabe said that he feels that having a drainage plan is a large concern. He thinks a plan needs to be conceived so that it can be determined how the drainage is going to work. He also feels that trails and a park on the north side needs to be taken into consideration. He stated that he is in agreement that the intersection would be best located in its current spot and that he is supportive of going to CDOT to request that change to the EIS.

Justin clarified that the Planning Commission would like to see information on alternatives for Gem Village, delineation of wetlands, drainage concepts, trails & parks on the north side, buffering of the industrial on the Martin property, and have a discussion with the Grush's regarding the commercial on their property.

Rick so moved. Pat seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #2: New/Unfinished Business

Gabe asked Justin to give an overview of the code change regarding real estate offices.

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Justin stated that the Planning Commission will be receiving an Ordinance that addresses temporary real estate offices. This code change is similar to the Ordinance for temporary construction trailers and will narrowly allow some temporary structures to be used as real estate offices on a limited basis.

The meeting was adjourned at 8:55 p.m.

Approved:

Michelle Nelson
Chairman

Marianne Jones
Town Clerk