

Town of Bayfield
Planning Commission Minutes
May 14, 2013
1199 Bayfield Parkway, Bayfield, CO 81122

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

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.

Minutes: Kalon Porter made a motion to approve the minutes from the April 9, 2013 regular Planning Commission as submitted. Vice-Chairman Joe Mozgai seconded the motion. Marvin Seale abstained since he was absent from the April meeting. All others were in favor and the motion passed unanimously.

Public Input: None

Commissioner Matt Nyberg joined the meeting at approximately 7:10 p.m.

Discussion – Land Use Code Update:

Town Manager La May presented a Memorandum summarizing the discussion of Articles 1 & 2 of our Land Use Code, conducted at our April meeting. His memorandum included a publication from the Department of Local Affairs (DOLA) listing statutes related to land use planning in Colorado, and Chris highlighted the four statutes that are most pertinent to Article 3 of the Town of Bayfield Land Use Code, titled *Review Procedures for Processing of Applications and Any Other Matters*.

Chris stated that he would like to review Article 3 of our Land Use Code and our process as it relates to subdivisions, annexations and administrative permits.

Regarding the Public Notification Process, Chris would like to include more specific language that spells out our complete process for public notification, including proof of that notification.

Chris called special attention to Article 3-3, Item 7 which deals with special considerations if a large portion of residents oppose or approve of a particular proposal. There was extensive discussion among all commissioners debating how or if we would determine what percentage would constitute a large enough group to justify making or not making a decision. Chris noted that he has never seen language that places limits on the Planning Commission's decision-making ability, such as the reference in our current Land Use Code that cites 40 percent as being enough public representation to halt a decision. Mayor Smith remarked that even though it's hard to weigh out, this Board doesn't want to lose its power, especially if there is a need for an appeal. Mayor Smith suggested that the appeal process would be hindered if we place limits on how many people have to oppose or approve of an application before a decision is made. Chairman Sanders voiced his agreement, as did all other Commissioners present.

In discussion of Article 3-4 regarding large subdivisions, Chris reported that the approval process is fairly standard around the state. Chris's main question of the Planning Commission concerned the ability to waive requirements for a sketch plan. Consideration should involve whether it slows down our process too much, and who should make the decision to waive or not waive the sketch plan. Chris asked if the Planning Commission would be comfortable with Staff making that decision, or would they prefer to make the determination. Chris noted that certain projects that are of significant benefit to the community might require a more expedient process than that for residential projects, and that we should allow ourselves the flexibility of waiving a sketch plan. Mayor Smith proposed that Chris bring any recommendation for waiving a sketch plan to the Planning Commission and they will make the final decision. It was agreed that the ability to waive a sketch plan will remain with the Planning Commission.

In discussion of Article 3-4, Item 2, Chris noted that late referrals can be problematic, and recommends that if the entity does not respond within the regular deadline, then they have missed their opportunity to comment. On the topic of Vesting, Chris remarked that though we talked of a 3-year period at our last meeting, the language in our Land Use Code is more supportive of a 1-year period. Commissioner Marvin Seale commented that one year may not be enough time for some developers to submit their final plat due to the uncertain economic times. Mayor Smith asked about extensions. After more consideration, Chris recommended we allow a 1-year vesting period with the possibility of one, possibly two extensions. All Commissioners agreed that one year with the ability to extend is best. In a final comment on this section, Chris recommended that Staff, not the developer, should be responsible for recording plats with the County. All Commissioners agreed.

There was a brief discussion regarding Article 3-4, Item 3 which talks about Small Subdivisions and a condensed process whereby the preliminary plan is approved by the Planning Commission, then moves to the Final Plat, which includes hearings before the Planning Commission and Town Board. By this process, the Town Board never sees the preliminary plan. Chris asked if everyone was comfortable with that. All Commissioners expressed approval.

Returning to a discussion from last month's meeting, Chris reiterated that we need to decide who will be our Board of Adjustments. Mayor Smith stated that we should always leave room for remedy if a decision is unpopular. Chris believes that with two Town Board members serving on our Planning Commission, we are probably OK with the Planning Commission also being the Board of Adjustments. All Commissioners agreed.

In a final note on Article 3, Chris stated he was uncomfortable with the language regarding Site-Specific Development Plan-Contents, and that he believes this item actually belongs in Article 4 of our Land Use Code. Chris noted that we will be discussing Article 4 at our June meeting.

Chris asked the Commissioners if anyone had any other questions or concerns. All Commissioners agreed they were comfortable with the discussions and proposals presented tonight.

New/Unfinished Business:

Commissioner Kalon Porter asked if it would be possible to get hard copies of the Planning Commission packets on the Friday before our meetings. Chris replied it is possible, and we can work out on a case-by-case basis who would like for Staff to print out a packet for them.

There was continuation of an earlier discussion about providing iPads or notebooks for Planning Commission members. Mayor Smith and Commissioner/Trustee Matt Nyberg will raise the topic at the

upcoming budget discussions by the Town Board. All Planning Commissioners stressed that the notebooks would be used exclusively for regular meetings of the Planning Commission.

Commissioner/Trustee Nyberg asked Chris about the long PVC pipe sticking up at the turn on Mars Avenue. Commissioner Kalon Porter noted it is Lateral B irrigation water coming down to the storm drain. Chris noted the ditch company, which does have some pre-existing rights, did this without Town oversight and it comes under the right-of-way. We are working with the ditch company to remedy the situation.

Vice-Chairman Mozgai presented a complaint from a resident that the fence panels at Dove Ranch Road and CR 501 "blinded" a driver coming south on CR 501. Chris noted the fence in question does meet height requirements and the material used is supposedly designed to fade. Chris also commented that we usually do not get involved in the type of fencing materials used unless there is a safety issue.

Commissioner Mozgai also expressed that he is happy with the progress on the new Amerigas building.

Adjournment:

With no further business, Vice-Chairman Mozgai made a motion to adjourn tonight's meeting. Commissioner Porter seconded the motion. All were in favor, the motion passed unanimously, and the meeting was adjourned at 7:50 p.m.

Approved:

James Sanders (Chairman)

Wendi Weinstein (Admin. Assistant)