

**Town of Bayfield**  
**Planning Commission Minutes**  
**July 9, 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, Pat Heyman 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.

**Approval of Minutes:** Dr. Rick Smith made a motion to approve the minutes from the May 14, 2013 regular Planning Commission as submitted. Vice-Chairman Joe Mozgai seconded the motion. Pat Heyman abstained since she was absent from the May meeting. All others were in favor and the motion passed unanimously.

**Public Input:** None. There were some members of the public present for comment on agenda items, and Town Manager La May and Chairman Sanders explained that we would be having three separate public hearings and comments would be invited as we review each action item.

**Public Hearing – La Plata County Hazard Mitigation Plan**

Town Manager La May gave some background on the La Plata County Hazard Mitigation Plan, stating the purpose of the HMP is to eliminate or reduce long-term risks to people and properties due to natural and human-caused hazards. This plan was developed to reduce future losses caused by natural hazards within unincorporated La Plata County, its fire-fighting jurisdictions/entities, and its municipalities. It was a multi-jurisdiction effort to try to identify risks for natural hazards within the County. The Towns of Bayfield, Durango, and Ignacio, along with the Upper Pine Fire District and other city and county entities all participated in this effort. The HMP provides many benefits to the Town of Bayfield, including enabling us to seek available grants for available funds from organizations such as FEMA. The risk assessment identifies hazards that might be encountered in our area and mitigation strategies for them. Some items specific to Bayfield include:

- Develop sheltering/public services strategies by jurisdiction for populations impacted by natural hazard events.
- Update the Municipal Comprehensive Plans to address natural hazards.
- Update the County and Municipal Land Use Codes and Development Regulations to address natural hazards.
- Secure a backup power supply for Bayfield water and sanitary sewer pumping systems.
- Procure back-up power generators for county, fire districts, and municipal critical facilities/infrastructure
- Continue participation in the National Flood Insurance program by continuing to enforce floodplain management requirements, including regulating new construction in Special Flood Hazard Areas (SFHA's), and by continuing to encourage property owners to purchase flood insurance.

- Continue/begin participation in the Community Rating System (CRS). Work with Flood Plain Manager to identify and pursue actions that improve the CRS rating.
- Expand the storage capacity of the Bayfield water system reservoir.
- Replace twin bridges in Bayfield (bridges over Pine River on Bayfield Parkway).
- Take steps to improve resiliency of water treatment facilities to handle impacts from hazard events (such as wildfire or flooding).

Chris noted that adoption of the HMP would show that we have properly researched and prepared for possible hazards when/if we apply for any available funds. Chris recommends that we adopt the HMP as a component of the Town of Bayfield Comprehensive Plan, and asks the Planning Commission for approval of Resolution Number 300, a Resolution Adopting the La Plata County Hazard Mitigation Plan dated April, 2013.

Chairman Sanders opened the public hearing for this item. There were no public comments. Public hearing was closed.

**Public Hearing – Lot 38, Mountain View Subdivision – Variance Request**

Chris reported that Jeff Grigsby, property owner of Lot 38 Mountain View Subdivision, also known as 721 Mountain View Drive), purchased the property in August, 2012 with the intent of placing an additional garage/shop on the property and a second driveway to access the garage/shop off Schroder Drive. Residential properties currently access off of Mountain View Drive. This property is zoned R-40, which allows minimum 40,000 sq. ft. lots. Lot 38 is 52,272 sq. ft. On November 5, 2012, the Town Board of Trustees adopted new Infrastructure Design Standards, which prohibits a second driveway on a residential lot. The applicant is seeking a variance from this requirement.

Jeff Grigsby, 721 Mountain View Drive, addressed the Planning Commission as the applicant for the variance. Jeff noted that he has been a resident of Bayfield for almost twenty years. He bought Lot 38 a year ago with hopes of building a shop/garage in back. Jeff said he had spoken with Chris La May a while back regarding specifics of his plans for the property, and was made aware of the new code prohibiting the second driveway. Jeff said he is here tonight to see if he can get a variance for a second driveway.

Chairman Sanders opened the Public Hearing on the Lot 38 Variance Request.

Niel Hieb, 368 Schroder Drive, addressed the Commission, stating that he and his wife, Brenda, are neighbors of Mr. Grigsby's. They are concerned because they have not seen a plat or plan for the proposed structure that Jeff wants to build, so they don't know where and to what the second driveway would be going. He wants to know if the neighbors will have a chance to see the building plans.

Chris noted that our Land Use Code allows for accessory structures. Proposals for those structures would go through the building permit process and would not be subject to review or public hearing by the Planning Commission.

Niel Hieb reiterated his concern about the proposed building. He said because he is so close to the Grigsby property, his views may be completely blocked if the structure is too big. He comments that some other neighbors close to him and to Mr. Grigsby built an accessory structure adjacent to their home that was a real "class act," and he hopes that Mr. Grigsby would build something similar that would add to and not detract from the value of surrounding homes. Niel remarked that he and the other neighbors have serious concerns about the size of this building and how it will affect future

owners, commenting that Mr. Grigsby won't always be the owner/resident there. In closing, Niel noted that he has served on our Town Board in the past and knows that mistakes have been made over the years, and he just wants to make sure this gets done right.

Carolyn Brown, 443 Schroder Drive, then spoke and handed some written objections to the Chairman concerning the Lot 38 Variance Request. Carolyn and her husband, Jerry, live directly across the street from Jeff. Carolyn reported that their concerns are not only about the size of the building being proposed, but also whether it will be used for commercial purposes. Carolyn said she also has heard there would be an apartment in the upper part of the building. She notes that their neighborhood is quiet and open, and folks are concerned that an additional driveway will create more congestion and noise. Carolyn notes that the surrounding homeowners have defeated efforts to subdivide this area in the past. She said she just doesn't want the area to become an "industrial park."

Barry Davis, 363 Schroder Drive, addressed the Commission, stating that he lives directly across the street from the proposed new driveway. Barry expressed agreement with the concerns already noted tonight by his neighbors, and reiterates that they just need to know more about the new structure.

In response, Jeff Grigsby again spoke, stating that he appreciated all the concerns presented by his neighbors tonight, and he apologized for not communicating more effectively what his plans were. He assured everyone that there are no plans for an apartment, and that the building will mostly be for storage and for a small workshop. He has no plans for a commercial business and will not put up anything obtrusive. Jeff clarified that the size of the proposed building would be about 35' x 60' and be wood, not metal. He promised that any alterations would enhance the aesthetics of the property. He wants to work with his neighbors and asks that they all get together and discuss the options and concerns.

Niel Hieb again addressed the Commission, stating that from what we've heard tonight, none of the neighbors are against Jeff's project, they just want some clarification about the specifics, such as the actual square footage which was thought to be as large as 3200 square feet. He is glad to hear that Jeff wants more input from the neighbors.

Dr. Jerry Brown, 443 Schroder, spoke to the Commission and thanked the members for their time and consideration. He just wanted to remind everyone of a "business" that was on Mountain View a few years ago that created problems in the neighborhood. Jerry asks that the Planning Commission please keep their neighborhood residential.

Chairman Sanders then asked if there was any more public comment. None was provided, and the public hearing for this item was closed.

### **Public Hearing Case No. 2013-03 Elston Subdivision, Amended Plat of Lot 3**

Town Manager La May reported that the property Lot 3, Elston Subdivision was recently sold to Bayfield Storage and Office Supply, Inc. (BSOS). Gregg Martin, manager of BSOS requests vacation and relocation of easements on Lot 3 of the Elston Subdivision. Chris explained that Bayfield Storage already occupies two lots, and that they would like to relocate onto the recently purchased Lot 3 in a phased manner. As some of our standards have changed, Lot 3 is now being required to meet a higher drainage design standard. This required a reconfiguration to accommodate the detention pond. Because this will be a vacation of easement, it requires a re-plat. The Planning Commission is being asked to consider a preliminary re-plat of Lot 3.

The other issue is the access easement, which actually belongs to the owner of Lot 2. Mr. Martin is asking that the access easement be narrowed, going from 28 feet to 22.5 feet. This would allow for the access from Lot 2 to Lot 3. We did consult with the Upper Pine Fire Department, and they are OK with the access being reduced.

Chris noted that the application for short procedure was filed and fees paid on June 13, 2013. Application and Plat were sent to referral agencies on June 18, 2013. Referral agencies included La Plata Electric, Upper Pine Fire Protection District, Source Gas, Souder Miller & Associates, Town Attorney Dirk Nelson, USA Communications, Century Link, La Plata County Engineers, La Plata County Planning, Bayfield Public Works, Bayfield Building Inspector. Of the agencies who responded, the Town Attorney suggested we state our purpose as amending the plat rather than reducing the access easement. La Plata County Planning requested the power line remain as it is on the original plat. La Plata County Engineers had a response that is included in the meeting materials tonight for consideration. Bayfield Public Works and the Bayfield Building Inspector had no objections. Chris also noted that Mr. Martin also submitted a site plan with documents that are being considered administratively.

The Public Hearing for this item was properly noticed in the Pine River Times on June 21, 2013 and June 28, 2013. Property owner provided certified mailing receipts verifying that property owners within 200 feet were notified of the request and public hearing. The application appears to be in conformance with applicable sections of the Town's Master Plan. The property is zoned Business, and self-storage is a permitted use. Chris added that the storage units would improve the property and provide tax income for the Town

The Planning Commission is being asked to approve the preliminary plan for the amended plat, to be brought before the Town Board of Trustees for the final decision. Staff recommendation is to approve the Preliminary Plan for Amended Plat of Lot 3, Elston Subdivision, with the following conditions being met before Board of Trustee approval of Final Plat:

- (1) The Plat name changed to Elston Subdivision, Amended Plat of Lot 3.*
- (2) The applicant submits a Final Plat in accordance with the submittal requirements of the Town of Bayfield Land Use Code.*
- (3) The applicant complies with the requirements of the Town Engineer.*
- (4) The applicant complies with the requirements of La Plata County Engineers regarding the detention pond.*

Gregg Martin, 416 CR 501, owner of Bayfield Storage, introduced himself and asked if the Commission had any questions of him.

Dr. Rick Smith asked for some clarification of the exact location of the lot in consideration.

Chairman Sanders opened the Public Hearing for this item. No public comment was presented. Chairman Sanders closed the Public Hearing.

**Action Agenda Item #1: Consideration of Approval of Resolution 300, a Resolution Adopting the La Plata County Hazard Mitigation Plan**

Chairman Sanders asked for comments and questions.

Commissioner Joe Mozgai commented that the Hazard Mitigation Plan is well done and very informative as to what kinds of disasters we might witness in our area. Joe also asked what happens after approval by the Planning Commission.

Town Manager La May replied that some of the items in the Plan are already in motion, such as replacing the Twin Bridges. Also, the flood plain management is being mandated as of January 2015. Chris suggests that we simply adopt the Hazard Mitigation Plan as a component of our Master Plan.

Mayor Rick Smith remarked that all we have to do is look to some of the current disasters in our area, such as the fires around South Fork, to compel us to do as much preparation and mitigation as possible. Mayor Smith said he applauds the County for getting us started, and our Staff for being part of the planning.

Joe Mozgai commented that he believes the Plan is very inclusive and we should move ahead.

Mayor Rick Smith made a motion to approve Resolution Number 300, A Resolution Adopting the La Plata County Hazard Mitigation Plan dated April 2013. Matt Nyberg seconded the motion. All were in favor and the motion passed unanimously.

**Action Agenda Item #2: Consideration of Approval of Variance Request for Lot 38, Mountain View Subdivision**

Matt Nyberg asked Carolyn Brown about the Covenants for Mountain View Subdivision.

Carolyn replied that the Covenants have expired, but the neighborhood would like to see them preserved.

Mayor Rick Smith commented that, based on what was presented earlier, the concerns and questions were mostly about the size of the building, the materials, and the use of the building. The driveway did not seem to be an issue. Mayor Smith asked Mr. Grigsby if it was imperative that the Planning Commission adopt something tonight, or would it be possible for him to take 30 days to consult with his neighbors and include them in the details of his plans.

Mr. Grigsby replied that would be OK with him.

Niel Hieb suggested that a simple signoff on the design by the neighbors represented here tonight might be sufficient, and added that nobody opposes the driveway.

Joe Mozgai remarked he is OK with no signoff, so long as Mr. Grigsby presents a concept drawing to the neighbors before the final plan is brought back to the Planning Commission. If the neighbors are not satisfied with what Mr. Grigsby shows them, then they should plan to attend the August meeting with their objections.

Chairman Sanders asked if Staff was comfortable with waiting for a decision on this item. Chris replied he is comfortable with delaying the decision, but asked if Mr. Grigsby would prefer the August or September meeting.

Mr. Grigsby said he would prefer to come back with his Variance Request at the August 13<sup>th</sup> Planning Commission meeting.

Mayor Smith said he would like to applaud Mr. Grigsby for his flexibility and willingness to work with his neighbors.

Mayor Rick Smith then made a motion to table the Consideration for Variance Request for Lot 38 until the August 13<sup>th</sup> Planning Commission meeting, and asks that the applicant work with his neighbors to come up with a design they are comfortable with, and then present a concept drawing on August 13<sup>th</sup> along with his request. Pat Heyman seconded the motion. All were in favor and the motion passed unanimously.

### **Action Item #3: Consideration of Preliminary Plan for Elston Subdivision, Amended Plat of Lot 3**

Joe Mozgai said he had looked at the plans, and it looks like just a continuation of the existing building. He is OK with moving forward.

Matt Nyberg made a motion to approve the Preliminary Plan for Amended Plat of Lot 3, Elston Subdivision as long as all of the conditions referenced in the Staff report, as well as the requests from the La Plata County Engineers are met.

Mayor Rick Smith seconded the motion. All were in favor, and the motion passed unanimously.

### **High School Expansion – Site Development Plan**

Marty Zwisler, project manager for FCI Constructors, joined the meeting to present an overview and drawings of what the Bayfield High School has planned at the campus. There will be a Performing Arts building with an auditorium on the west side, facing County Road 501. There will be an auxiliary gym on the east side and a baseball stadium to the south. The auditorium, separate from the school building, will seat 451 people and be available to rent to various community arts organizations for concerts and performances when school is not in session. The auxiliary gym will have a full-length court for basketball and other sports. There will be an access road from the south parking lot to the baseball stadium that will provide emergency access to the football field. There will also be a field house with restrooms, a concession stand, an umpire room, and storage for field maintenance equipment. This field house can also be used in instances of tournaments and extra events when crowds are larger.

Marty noted that their biggest concern is the safety of the students, staff, and public during the construction phase. They plan to keep designated parking areas in place, though some might be smaller. The construction works will all access the site from Sossaman Road, and there will be a temporary road along the east side of the building. The walking path will be interrupted, but a temporary path will go by the water treatment plant, and be mostly for student traffic. All of this will have a significant impact on big game days, and one thing the School District is considering is a shuttle service from the Middle School.

Marty also noted that Town Manager Chris La May, Public Works Director Ron Saba, and the Upper Pine Fire District have all seen these plans and believe them to be reasonable for all the safety concerns.

Marty reported that the project is out for bid now, and final bids for the baseball field will be in first. They plan to recommend contracts at the July 23<sup>rd</sup> School Board meeting and begin work as early as the

following day, July 24<sup>th</sup>. They will have about three weeks to develop and get all the safety plans in place. The project is scheduled to be complete by the end of August, 2014.

Commissioner Mozgai asked if Amerigas is planning to completely vacate their building next to the high school. Chris commented that Amerigas does not yet have their Certificate of Occupancy on their new building and he is not sure what their plans are for the property. Marty noted that the School District is interested in the Amerigas property, to be used during the new construction phase. He relays that his understanding is that Amerigas does intend to completely vacate the site, but it may take up to a year.

Commissioner Mozgai then asked if the auxiliary gym would be available at night for non-school groups. Marty answered yes.

Commissioner Pat Heyman asked for directions for walking to the football games from her home, and Marty showed her the path that would come from the water treatment plant to the parking lot.

Commissioner Marvin Seale asked if any privileges would be given to local contractors. Marty replied that although they do not have a written policy, they do give consideration to local, reputable contractors and if their bids are close to others, then they recommend selecting the local providers first. Commissioner Mozgai asked for clarification as to how many different contractors would be involved. Marty replied there will be different contractors for the buildings than those for the field and stadium.

Mayor Smith commented to Marty that the Town is very interested in the investment fees for water and sewer, and expressed hopes that Marty would encourage the School District to work with the Town Staff to address the additional demands on our water and sewer systems.

Marty and Chris responded that a meeting is in the works. Chris added that his research indicates that when the new high school was built and the Bayfield Sanitation District was in charge, the school paid for a sewer tap to accommodate 350 students, with increases set in increments of 50 students. Chris believes that a payment due now would most likely be the equivalent of that 50 student increase. Water issues are not as clear, and Chris reported that he has an engineer coming to do some analysis, and more adjustments may be necessary.

Marty noted that even though they are adding facilities, the extra demand won't be that high. For instance, the bathrooms being added will be in use only when the school building is closed. Mayor Smith said that we just want to be pre-emptive as the school grows. Mayor Smith also asked that Marty and his builders work closely with the town engineer and staff on their drainage plan. Marty replied that they are supposed to have a final plan tomorrow and will share it with the Town as soon as he has it.

Marvin Seale asked about the infield of the new baseball area, and Marty replied it will be sod. They have hired a very highly-regarded consultant to help with the design and materials of the new field.

Joe Mozgai asked how many students currently attend Bayfield High School. Marty replied there are between 400 and 450. Matt Nyberg asked if this expansion would preclude any future expansion. Marty said he's been told that the current building at the high school is designed for 600 students, so there will still be some room to grow.

Mayor Smith thanked Marty for his presentation tonight. Marty replied it was his pleasure to share what he believes will be a valuable improvement to the community.

**New/Unfinished Business**

Chris informed the Commission that we have purchased five Nook tablets for Planning Commissioners and Town Board members to use for downloading meeting packets. We'll just have a check-out system, and when the packets are ready, either a staff member can download onto the Nooks or you can check out a Nook and download it yourself from the e-mailed packet.

Matt Nyberg asked when Crossfire will be doing the cross-section repairs. Chris replied that Crossfire's contract with the La Plata Archuleta Water District should be finished by the end of this month, so hopefully not too much longer on the repairs.

Mayor Smith added to the record the letter presented earlier by Carolyn Brown regarding the Lot 38 Variance Request.

Mayor Smith also reminded the Commission that tonight was probably an indication that we will see an increase in the number of public hearings. Along with that, we should be especially conscious of the legalities and protocol for public hearings. Mayor Smith emphasized that we should take care to let the Chairman control the question and answer sessions, and that we properly identify who is asking/answering the questions. This will avoid a lot of confusing, back-and-forth discussions.

**Adjournment**

Kalon Porter made a motion to adjourn. Joe Mozgai seconded. All were in favor, and the meeting was adjourned at 8:30 p.m.

**Approved:**

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James Sanders, Chairman

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Wendi Weinstein (Admin. Assistant)