

Town of Bayfield
Planning Commission Minutes
September 10, 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 July 9, 2013 regular Planning Commission as submitted. Marvin Seale seconded the motion. All were in favor and the motion passed unanimously.

Public Input: None

Action Agenda Item 1. – Discussion and Possible Action: Temporary Use Ordinance:

Chris presented a memo stating that the Planning Commission previously discussed requirements for temporary structures and uses. Staff prepared a draft ordinance for the Planning Commission's review, and after consultation with the Town Attorney, there were significant changes made to the document. Those changes included the presentation and the removal of special events. After consideration, Staff believes it would be more appropriate to deal with special events through a separate ordinance and process.

Chris also presented an updated Table with footnotes to accompany the proposed Temporary Use Ordinance.

The remaining challenge is dealing with Zircons, temporary storage containers. There are a significant number of Zircons in town, including the School Administration Site, Amerigas, Bayfield High School, Joe Stephenson Park, Parelli Saddles, Pawn Shop, True Value, a couple on South Street, a couple on residential properties in the Sossaman Ranch and Cedar Hills Subdivision.

Chris asked the Planning Commissioners if we want to draw a hard line on the permissions for Zircons, and should we limit their use to 30 days, perhaps longer in different zone classifications.

Chairman Sanders asked if we could grandfather in existing Zircons.

Chris said it would be possible, but documentation would be challenging.

Mayor Smith suggested we look at Zircons based on zone classifications, and from a "nuisance" perspective. Can people "hide" or camouflage them a bit?

Vice-Chairman Mozgai noted that some people might be upset about new rules, and asked who would enforce the new rules?

Chris replied the Town Administration would be the enforcer.

There was considerable discussion amongst all present regarding placing limits on how long the Zircons could be in place without a permit, and that the permit conditions would include camouflaging the Zircons so they are not unsightly or distracting.

It was stressed that definitions would be very important to our final decision. We need to cover all the bases, determine what is acceptable “camouflage,” whether it would have to be camouflaged if it’s in place less than 30 days, how long people would have to comply with the new rules, and whether square footage requirements for “accessory” use would still apply.

Mayor Smith suggested we revisit the discussion on the Temporary Use Ordinance at our next meeting. All agreed, and Chairman Sanders moved on to the next item.

Action Agenda Item 2. – Discussion and Possible Action: Land Use Code Update, Articles III & IV:

Chris presented a memo regarding Articles III and IV of the Land Use Code, which included a publication from the Department of Local Affairs. The publication goes through a list of statutes related to land use planning in Colorado.

Chris remarked that he believes Articles III and IV of our current Land Use Code would be better served if they are combined. There seems to be a lot of overlap in these articles, and Staff believes if all the information was presented in the same section, it would be less confusing and more efficient in explaining our processes. Chris’s presentation of proposed changes and consolidation of Articles III and IV aims to be more descriptive and more consistent. The proposal includes the subdivision process and minor development process. We want to try to make the process less cumbersome for someone who only has a small project.

Mayor Smith noted that some developers have complained about having to go so many different places in the code to get their information. He likes Chris’s idea of consolidation and making it easier.

In closing, Chris said he would like to meet with the development community for their input and concerns. We want to make the process easy and swift, while also covering all our bases. Chris also noted that the 3-prong process in this proposal is fairly standard.

Action Agenda Item 3. – Discussion and Possible Action – Land Use Code Update Other Matters:

Chris noted that in a review of the Land Use Code, there are three issues which we have not completely addressed. The items are (1) Oil and Gas regulations, (2) Commercial mobile radio service facilities – CMRS, and (3) sexually-oriented businesses.

Regarding oil and gas regulations, Chris is unsure if there will be any additional gas wells in Bayfield. As far as CMRS, Chris notes there may in the future be a 150-foot cell tower in the downtown area, which we would want to control. This item might not be a huge concern for us, but we still may need a mechanism in place. Regarding the third item, communities have to observe 1st Amendment rights, but zoning decisions can limit where certain types of businesses can be located.

Chris asked if we want to look at these items separately, or include them in our Land Use Code discussion.

Mayor Smith noted that the oil and gas industry heavily regulates what the Town can do, and they are pretty tightly controlled by the State. People may not seek out new wells, but we may end up annexing land with oil and gas. The other two items are more concerning.

Mayor Smith believes we will see an increase in wireless communications in this area.

Mayor Smith suggested we tackle the adult businesses within our Land Use Code discussion.

Commissioner Marvin Seale raised concerns that some smaller oil and gas companies are not following regulations.

Chris suggested we recognize the significance of the industry, and perhaps sit down with industry representatives for discussion. We should also look at what other communities in Southwestern Colorado have done.

Vice-Chairman Mozgai wanted to confirm that we are interested in dealing with all three of these items.

Chairman Sanders asked if these items would go to the Town Board.

Chris said they ultimately would, but we would still have a public hearing and new ordinances. Chris suggested that the radio towers issue would be a separate ordinance. The adult businesses will require more definition and zoning discussion. The oil and gas issue will require more time and meeting with the industry representatives, such as BP.

Mayor Smith agreed that discussion with the oil and gas folks would be wise. He also suggested we proceed carefully with the other two items as we further discuss the Land Use Code.

Regarding the adult businesses, Chairman Sanders asked if we would need to negotiate with each individual business.

Chris suggested that we put requirements in place, and applicants would do business based on those.

Vice-Chairman Mozgai said we should be prepared for all scenarios, and asked if someone would research what other communities have done.

Chairman Sanders asked if this would come before the Planning Commission again.

Chris said we would have to draft an ordinance, have a public hearing, and then go to the Board of Trustees.

New/Unfinished Business:

Vice-Chairman Mozgai asked about Jeff Grigsby, who was before the Planning Commission a few months ago regarding a variance request.

Chris replied that Mr. Grigsby wants a little more time to consider his proposal, as there have been some changes to his business.

Vice-Chairman Mozgai asked about the status of the fiber-optic project.

Chris replied that conduits are in place from Town Hall to the Fire Station. Installation is complete from Town Hall to the LPEA substation, from the Bayfield Schools Administration building to the Public Works Shop, across Joe Stephenson Park, and from Bayfield Center to the Water Treatment Plant.

Vice-Chairman Mozgai asked if any residents have asked for access.

Chris replied that no individuals have asked, but some local businesses may want to lease some fiber.

Chairman Sanders asked if there was any other business.

Vice-Chairman Mozgai made a motion to adjourn. Commissioner Kalon Porter seconded the motion. All were in favor, and the meeting was adjourned at 8:00 p.m.

Approved:

James Sanders (Chairman)

Wendi Weinstein (Admin. Assistant)