

**Town of Bayfield  
Planning Commission Meeting  
1199 US Highway 160B  
November 12, 2008**

**Planning Commissioners Present:** Joan Hanna (Chairman), Bob McGraw (Vice-Chairman), Rick Smith (Mayor), Dan Ford (Town Board Member), Carolyn Hull, Pat Heyman

**Planning Commissioners Absent:** Ed Morlan

**Staff Present:** Joe Crain (Town Planner), Marianne Jones (Deputy Town Clerk)

**Media:** None Present

The meeting was called to order @ 7:03 p.m.

**Minutes:** Bob McGraw requested a change on page 3, 2<sup>nd</sup> paragraph from the bottom of the page. He asked that "west" be changed to "east". He also asked that page 7, paragraph #5; the word "area" be changed to "are". Carolyn requested that her name be added to the names of Planning Commissioners present at the meeting.

Rick made a motion to approve the minutes from September 9<sup>th</sup>, 2008 as amended. Carolyn seconded the motion. All were in favor except Dan who abstained.

**Public Input:** None Offered.

**Action Agenda Item #1: Clover Building Business Town Homes Plat**  
**Applicant: Garth Schultheis**  
**175 Clover Drive – Lot 4, Bayfield Industrial Park, Phase 1**  
**Parcel # 567712209004 Sec 12, T34N, R12W**

Joe gave his staff report. He explained that the applicant, Garth Schultheis is requesting a revision to the Clover Building Town Home Plat that was approved in July of 2008. The original plat was approved for 5 separate Town Home business lots. Garth is requesting to reduce the number of lots from 5 to 4. The reason for this request is that the applicant has negotiated a sale with one of the tenants. She wishes to buy two of the units. In order to meet the commercial needs of the purchaser, a new plat with only 4 lots needs to be approved.

Staff Recommendation:

*Staff recommends that the Planning Commission approve the Clover Building Business Town Home Plat.*

Joe also requested that an additional condition be added to the staff recommendation that states that a separate water meter will be purchased & installed for the irrigation system.

Dan Ford asked if the unit being purchased is 1 unit or 2.

Joe answered that there is a door between the two units. According to the International Building Code there can not be any openings between the units if they are to be considered two separate lots. The purchaser does not wish to close off the opening between the two units which is why this request is being presented.

Joe also mentioned that Mike Shave, the Town Building Official submitted a letter stating that the building is in compliance with the building & fire codes.

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The floor was given to the applicant, Garth Schultheis.

Garth explained that one of his tenants, who currently occupies two of the spaces in the building wishes to purchase both units. The units currently have a door in between them and the purchaser does not want to close off the flow in between the two sections. Therefore, he is requesting this change to the plat.

Garth also stated that the water meter for the irrigation system was installed this afternoon. The other individual water meters which were required as a condition of the original approval have also been installed.

The item was then opened for public comment. None was offered so it was immediately closed.

Dan made a motion to recommend approval of the revision to the Clover Building Business Town Home Plat from 5 units to 4 units. Rick seconded the motion. All were in favor, motion passed unanimously.

Joe requested that Action Agenda Item # 2 & 3 be heard together. However, he explained that the Planning Commission will need to do separate motions for each item.

**Action Agenda Item #2: Public Hearing: Byrd Sketch Plan**  
**Applicant: Gwen Perkins as agent for Oscar & Nancy Byrd**  
**Sec 1 & 12, T 34 N, R 7 W**  
**Parcel # 567701400017 43.44 Acres**

**Action Agenda Item #3: Public Hearing: Southviews Sketch Plan**  
**Applicant: Real Estate Ventures II, LLC**  
**East ½, Sec 1, T 34 N, R 7 W**  
**Parcel # 567701100026 & 567701400027 75.029 Acres**

Joe gave his staff report. He explained that the sketch plans for the Byrd Property & the Southviews property were brought in front of the Planning Commission in August. The Planning Commission did not have any significant issues with the Byrd Sketch Plan. They supported the lot layout and the business & light industrial uses proposed. However, the applicant was given direction to bring back a utility master plan, a drainage plan, & a water and sewer service plan.

The Planning Commission did have some concern about some of the lots in the Southviews Sketch Plan. They were especially concerned about the properties that back up to the R-20 lots on the east side. The Southviews Sketch Plan has been changed to reflect these concerns. The applicant was also instructed to bring back a utility master plan, a drainage plan & a water and sewer service plan. The applicant has provided these items for both the Byrd & Southviews properties in a manner that is consistent for sketch plan review.

Joe introduced Gwen Perkins as the new agent for Oscar & Nancy Byrd. She is taking the place of Fred Copenhaver.

Staff Recommendation:

*The Staff recommends that the Planning Commission, in separate motions, recommend that the Byrd Sketch Plan be approved for commercial & light industrial land use as present and that the Southviews Sketch Plan be approved as presented.*

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Carolyn asked if the drainage plan has been reviewed by a drainage engineer.

Brad Elder answered that the drainage has not been fully engineered yet but it will be once he receives sketch plan approval.

Dan asked if the neighbors across the highway will be affected by the drainage.

Brad answered that he is hoping to come up with a solution that will take the drainage all the way to Beaver Creek. This solution would be the most cost effective. He is also working on agreements with the property owners across the highway. There is also an option for a regional drainage pond on the Goff property. All of these items are still being negotiated.

Rick asked about the drainage in the Mesquite phase of the subdivision.

Brad answered that there will be a separate drainage area for this portion of the property. All the Mesquite drainage will be detained in a drainage area. It won't be included in drainage plan for the remainder of the subdivision.

Dan asked if there will be a requirement for engineered stamped plans once this moves onto the next phase of the development.

Joe answered that the Town will require a very stringent set of plans at preliminary plat time.

It was asked about the wildlife corridor.

Joe answered that he has met with the Division of Wildlife. In the discussion with them it was determined that the wildlife corridor will probably fall further east than the Southviews property. It will most likely need to be placed on the Goff property. The Division of Wildlife will map the corridor. Once this has been completed, the staff will return to the Planning Commission and the Town Board with an amendment to the comprehensive plan documenting the placement of this corridor. However, staff feels that the property owner who is most affected by this corridor placement should receive some sort of incentive to compensate for the property loss.

The floor was given to the applicant, Brad Elder.

Brad Elder reiterated that Gwen Perkins is now the agent for the Byrd Property representing Oscar & Nancy Byrd.

Brad noted that the density allocation list has been updated. It depicts how the allocation will apply for each parcel. In the Bayfield Land Use Code, Multi-Family zoning allows for 22 units per acre. The allocation list for the Southviews property states a maximum for each parcel at 16 units per acre (which is less than what is allowable by the Land Use Code). Depending on how the property is developed, the densities could be swapped between different parcels. However, the maximum allowable would be 16 units per acre. The entire project is at of an overall density of most single family subdivisions.

Brad stated that a trail is documented on the plat map. However, it may need to be adjusted so that it coincides with the current greenbelt.

Brad mentioned that the lots adjoining the larger R-20 properties were altered from High Density Residential (HDR) to Medium Density Residential (MDR). Brad explained how these lots are configured and the sizes of each lot. There is a substantial topographical vale that goes through this area that is well below the properties to the west. The set-up on the latest map sets a

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transition from the R-20 lots on Oak Street to lots that are approximately 10,000 square feet in the Southviews Subdivision. He feels that this is a good transition between the two areas.

Joan stated that the Planning Commission had requested lots closer to 20,000 square feet rather than 10,000 square feet.

Brad responded that this is not his recollection of the meeting. He felt that the consensus was to reduce the HDR in this area and increase the lot size to approximately 10,000 square feet.

Bob said that his recollection was that the Planning Commission wanted the number of lots in this area to be reduced from 8 lots to 6 lots.

Joan referenced the minutes from the September Planning Commission meeting specifically relating to the request for the 8 lots to be reduced to 6.

Brad responded that changing the lots to R-20 is going to cause an odd variation in this area of the subdivision. This would cause very low density on one side and very high density on the other side. There won't be any sort of buffer in between the two densities. He feels that it would be better to have 10,000 square foot lots in between the high density & the low density.

Bob feels that that the 8 lots still need to be reduced to 6. He doesn't think they have to be 20,000 square feet but that they should be rounded up to approximately 12,000 square feet each. This would give a nice buffer in between the high & low densities but will still maintain the transitions between R-10 and R20 zones mandated by the Land Use Code.

Brad commented that the water system has been already been laid out and will tie in nicely with the existing facilities. There is a water main that was installed a few years ago which will provide service to the Byrd property. There is also a water main on the Dove property which will serve the Southviews property. These two main water lines will create a loop system which will provide good water pressure and service for this entire area of Town.

Brad said that the sewer service has also been laid out. It will be mostly gravity flow for the majority of the property. However, the lower portion of Southviews Boulevard will flow to a lift station. The sewer service is all being laid out per the Master Plan that was done by the Bayfield Sanitation District.

Dan asked about the road plan for the Byrd Property.

Brad answered that he is still working on some circulation patterns in this area to make sure that the traffic pattern is going to work.

The item was opened for Public Comment.

Gwen Perkins stated that her dad (Oscar Byrd) does not want to develop the property. He wants the property to be annexed into the Town of Bayfield so that he can sell it. She also asked if the property mineral rights would have to be dedicated upon annexation.

Joe answered that mineral rights are not something that the Town requires upon annexation.

No other public comment was offered.

Bob asked if Mesquite is the breaking point of whether the drainage goes either east or west.

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Brad answered that this is correct.

Carolyn asked if the drainage will be piped or open.

Brad answered that the drainage system will be open. Piped drainage is no longer the preferred method. He plans to use a bio-swale method which is a very good filtering system and allows the water to be re-deposited into the river. This drainage system reduces the amount of rushing water because the step pools slow the water down. It also gives a much more aesthetic look.

Bob asked if Brad has researched the storage areas any further.

Brad answered that he has plans in place for the storage area in Dove Ranch but hasn't gotten anything confirmed for the Southviews Subdivision yet.

Rick asked if there is an irrigation ditch though this property.

Brad answered that the Los Pinos ditch runs through both properties. The ditch is open in part of the Byrd property and the rest of it is piped. When this property is developed the ditch company will probably require that the entire ditch be piped.

Rick made a motion to recommend approval of the Byrd Sketch Plan (also known as the Southviews Commercial Sketch Plan) with the industrial & commercial land use as presented.

Bob McGraw seconded the motion. All were in favor, motion passed unanimously.

Bob made a motion to recommend approval of the Southviews Residential Sketch Plan with the condition that an amendment be made to Tract C that there be a minimum of 12,000 square feet per lot and that the number of lots in that area be decreased by 2.

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

Brad mentioned that he has met with CDOT regarding the corridor study of that section of Highway 160. CDOT already has a draft access control plan however, Brad is trying to get a copy of the all the information available regarding the Commerce Drive intersection.

Dan stated that the CDOT meetings regarding Commerce Drive were recorded in order to make sure that CDOT followed through on what was decided.

Brad is going to get in touch with Carole McWilliams with the Pine River Times to see if she has these recordings.

**Action Agenda Item #4: Public Hearing: Amendment to Section 3-4 (2)E & 6-8(5) the Bayfield Land Use Code Open Space Requirement For Planned Unit Developments**

Joe gave his staff report. He explained that the Bayfield Economic Development Planning Council has requested several changes to the Bayfield Land Use Code. One of these requests involves the PUD (Planned Unit Development) process. There is a desire to make the PUD process a meaningful tool for commercial development. However, with a commercial property, the existing requirement of 30% land dedication for open space is not a feasible option due to the high cost of land. Even in residential development, only publicly subsidized projects can even consider using this development process because of land prices. Staff and members of the Economic Development Planning Council have determined that it would be best to remove the required 30 % open space dedication and replace it with "a negotiated amount where

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appropriate". This would allow plazas in commercial development to be considered open space. It would also give developers the ability to cooperate in regional endeavors for parks & open space. This change would not mean that there will not be green spaces or parks within residential PUD's but the change will allow for more alternative applications for the achievement of open space. This could include active play parks, passive parks, and environmental park areas. This change will not affect the Planning Commission's review or recommendation process, nor will it affect the Town Board's ability to approve or deny developments. Staff believes that this will give more flexibility to negotiate better projects for commercial and residential developments for the Town of Bayfield. The manner in which the codes exist today, requiring 30% open space discourages any knowledgeable developer from using the PUD process for any residential or commercial development due to the financial implications of the project.

The PUD process is by design a negotiated process that allows certain densities and uses but allows for a more flexible design pattern in residential, commercial and industrial projects. It is an overlay zone whereby underlying uses and densities can be shifted. This is unlike the conventional land use districts. This type of tool will most likely be used in the redevelopment of the Forest Service block north of the old Town Hall.

**Staff Recommendation:**

*The staff fully supports the change in open space requirements from 30% to a negotiated amount. This change will allow the Planned Unit Development to be used in commercial, industrial, & residential developments and still provide tools to require open space when appropriate. Staff recommends that the Planning Commission recommend approval of this change and forward the recommendation to the Town Board.*

Dan asked if language should be included that states that the open space requirement will not exceed more than 30% of the total land area.

Joe answered that he doesn't have a problem with including that type of language but doesn't think it is necessary.

The item was opened for public comment.

Brad Elder stated that he supports this change to the land use code. However, he feels that open space should not even be referenced in the Land Use Code open space.

No other public comment was offered.

Joe mentioned that the Economic Planning Council supports this change to the Land Use Code.

Rick made a motion to recommend approval of the change to the Bayfield Land Use Code regarding open space requirements within a Planned Unit Development stating that common open space will be determined through negotiations when it is deemed appropriate.

Dan seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #5: New/Unfinished Business**

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Joe stated that Ed Morlan has come to the Town regarding a green belt that runs in between two lots in the Cedar Hills Subdivision that he currently owns. Ed would like to adjust the location of the green belt and dedicate another area of open space that is more appropriate and well placed. This type of request will require Planning Commission & Town Board approval. Joe explained that he wants to get a consensus from the Planning Commission on the matter before he takes the matter to the Town Board. The Town Board will have to authorize the presentation of this type of plat. The staff doesn't want Ed to spend a lot of money on these plats without knowing that the Planning Commission and the Town Board have no objection to the change.

The Planning Commission gave their approval for this item to be submitted and reviewed.

The meeting was adjourned at 8:29 p.m.