

**Town of Bayfield  
Planning Commission Meeting  
December 11, 2007**

**Planning Commissioners Present:** Robert Piccoli (Chairman), Pamela Smith (Vice Chair), James Harrmann (Mayor), Bob McGraw, Joan Hanna, Tom Au (Town Board Member),

**Planning Commissioners Absent:** Bill Miller

**Staff Present:** Justin Clifton (Town Manager), Joe Crain (Town Planner), & Marianne Jones (Deputy Town Clerk)

**Media Present:** Carole McWilliams – Pine River Times

The meeting was called to order @ 7:02 p.m.

**Minutes:** Pamela requested one correction to the minutes. Pamela made a motion to approve the minutes of the November 13<sup>th</sup>, 2007 Planning Commission meeting as amended. The Mayor seconded the motion. All were in favor except Tom & Robert who abstained from the voting.

**Public Input:** No public input was offered.

**Action Agenda Item #1: Public Hearing: T&M Minor Subdivision**  
**Scott Trinklein & Lynne Matievich**  
**1844 Highway 160B**  
**Parcel # 567712200061**

Joe gave his staff report. He explained that this request is for a minor subdivision. The applicants are requesting to split their 32,728 square foot lot into two separate R-10 residential lots. One lot would be 22,551 square feet & the other would be 10,177 square feet. The parcel currently has 1 single-family structure. The Town has received verbal confirmation from Bud Smith with Bayfield Sanitation District that there is sewer service to both of the proposed lots. Bud will be sending a formal letter before the Town Board meeting on December 18th.

C-DOT responded that a new access permit will have to be achieved and the two lots will have to share one access. Access to both parcels will be from Highway 160 B.

Public Works responded that a water & sewer tap will have to be purchased for the newly created lot.

The Town Engineer responded that the easement across Lot 1 will need to be dedicated to the owner of Lot 2 in addition to utility providers.

La Plata Electric requested utility easements properly dedicated along all lot lines.

**Staff Recommendations:**

The staff would recommend approval of this proposed two lot subdivision with the following conditions:

1. That prior to plat recordation, the applicant must require an access permit from CDOT
2. That prior to plat recordation, a park impact fee of \$776.00 must be paid to the Town of Bayfield.
3. That the Bayfield Sanitation District issues a will-serve letter prior to Town Board Approval.

The Mayor asked if the current access is grandfathered in.

Joe answered that he thinks that the access for Lot 1 is grandfathered in but that the additional lot would not be included.

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Tom asked about the comments from La Plata Electric.

Joe answered that he feels they are asking too much to request an easement on all the lot lines. He did not include that request on the staff recommendation.

The floor was the given to the applicant, Scott Trinklein.

Scott asked when he would need to purchase the water & sewer tap. He also asked about the park impact fee.

Joe answered that the water & sewer tap fee does not need to be paid until a building permit is issued for that piece of property. Joe stated that the park impact fee applies to any new lots that are created within the Town limits.

Robert asked where the potential home site would be.

Scott answered that they are hoping to build a home just south of the La Plata Electric utility easement.

The item was opened for public comment. None was given, it was immediately closed.

The Mayor made a motion to approve the T&M Subdivision subject to staff recommendations 1-3 with an addition of a recommendation to include the comments made by Souder Miller. Tom Au seconded the motion. All were in favor, motion passed unanimously.

**Action Agenda Item #2: Public Hearing: Use Permitted On Review - AJ's Pizza**  
**Shane & Christine Mottin**  
**126 Mill Street**  
**Parcel # 567711400012**

Joe gave his staff report. The owners of AJ's Pizza have a contract on the property located @ 126 Mill Street. They are hoping to purchase the building & relocate their restaurant from its current location on Highway 160B to this new location on Mill Street. They are proposing to use the first floor plus an addition for the restaurant and turn the upper story into a residential unit. The Mill Street Land Use District lists restaurants as a "Use Permitted on Review" which is why this request is being presented to the Planning Commission. The residential use on the second story is an approved use in this Land Use District.

The owners are planning to build an addition to the current structure but the amount of indoor seating will remain what it is in the current location. A patio area adjacent to the park will also be added & the parking area will be paved.

The Town Engineer has commented that the applicant may want to redesign the parking lot with fewer parking spaces in order to have better flow onto Mill Street. He also commented that no on-site detention should be required since the lot is so small and on-site drainage could be used to water landscaping on site.

The Building Official responded that when the building is remodeled, it will have to meet building & fire code regulations.

San Juan Basin Health Department responded that all remodeling plans pertaining to food service have to be approved by the Department.

Schroeder Ditch has not responded to the request for agency comments. However, Joe talked to Phyllis Ludwig, the secretary for the ditch company, and she indicated that the ditch will be relocated to the rear property line & buried.

Bayfield Sanitation District has not responded. However, Joe did receive a verbal confirmation from Bud Smith with the District that there is service available. The Town will need to get that letter from the District.

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**Staff Recommendations:**

1) This use is a compatible use in the Mill Street District and will enhance redevelopment efforts along West Mill Street. The staff recommends that the Planning Commission approve the "Use Permitted On Review" for the re-location of AJ's Pizza.

Joe stated that the policy of the Town Board for parking on Mill Street is to attempt to get as much off-street parking as possible. The current plan shows 9 parking spaces but it's possible that they will lose some of these spaces if they reconfigure the parking area.

Mayor asked if the fence line follows the property lines.

The fence does not follow the property lines.

Pamela mentioned that the Land Use Code requires 1 parking space per 100 square feet of building space. Therefore, since this building is 1600 square feet, 16 parking space should be required.

The Mayor also mentioned that a dumpster is going to be needed somewhere on the lot and the trash truck is going to have to be able to get in and out of the parking lot.

The floor was given to the applicant, Shane Mottin. He explained that he is the owner of AJ's Pizza. He would like to move the restaurant from its current location to this new building on Mill Street. He stated that he did not think about needing a dumpster on the lot and that he will look into that detail. He feels that this use will help with the revitalization of Mill Street. He feels that his plans for the building will be a nice addition to Mill Street. It will be a stucco building with paved curb, gutter, & parking lot.

Joe stated that the Downtown Business Association did review this proposal and they do support the request for the change in use.

The Planning Commission asked about the addition.

Shane answered that the addition will be 900 square feet and will be used for restaurant seating. He is hoping to possibly make the addition two stories and possible finish out the top story at a later date.

Pamela explained that only 1 residential unit is permitted under the Bayfield Land Use Code.

Shane explained how the ditch is going to be reconfigured. He is working directly with Gerald Ludwig, the ditch president, to make sure that it is done correctly. The Ludwig's & Shane are hoping to work together and do both this project & the piping of the ditch at the same time.

It was mentioned that parking lots are supposed to be paved & striped per the Land Use Code.

Shane stated that he plans on paving & striping the paving lot. He wants make sure that the area looks nice and is not a muddy mess.

It was asked where the entrance to the building will be located.

Shane answered that the front of the restaurant will face Highway 160B & Joe Stephenson Park.

There was extension conversation regarding the configuration of the building on the lot. The Planning Commission had concerns regarding a location for the dumpster, how the ditch will be transitioned to the rear property line, a parking plan that will have as many parking spaces as possible but still allow good ingress/egress, and a defined plan for accessing the parking lot from Mill Street.

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Joe stated that the Planning Commission may want to make an additional condition that this plan would need to be engineered properly by a surveyor or an architect.

Robert said that he would need additional information before he could grant an approval.

Pamela concurred that she would like to see this additional data come back to the Planning Commission to address these issues.

Shane asked what he needs to do to get approval for the project.

Joan reiterated that the downtown area does not have a lot of on-site parking. The Town of Bayfield is attempting to revitalize the downtown area and this would be a great addition towards this attempt. She feels that the Planning Commission should come up with an agreement so that Shane can go ahead with the project.

Pamela stated that there are too many things that need to be addressed to grant an approval.

Shane stated that he is willing to get the information requested and bring it back to the Planning Commission.

The item was then opened for public comment.

John Zwisler (31861 Highway 160) asked if Mr. Mottin engaged an engineer to provide an optimized parking plan and the Town engineer approved the plan, could the Planning Commission approve the project during this meeting.

Pamela explained that the Town engineer is not a Planning Commissioner and, therefore, is not responsible for enforcing the Land Use Code.

Stu Cohen (Owner of the Property) requested that the Planning Commission consider the proposal with a contingency that an engineer revamp the plan. He also asked if the best that Shane can do will be enough to get the approval for the project.

Robert stated that he does feel that the project could be approved once a more detailed plan is received.

Carol McWilliams (Pine River Times) stated that she would rather see less parking spaces that work well then to fit more spaces that are hard to maneuver.

No more public input was offered, public input was closed.

Pamela made a motion that the Use By Review application for AJ's Pizza come back to the Planning Commission on January 8th, 2008 with the following information: detail on dumpster location, specifications on access, maximization of the available parking including handicapped, detail on the ditch transition, & clarification on the fence line. Pamela added that it should be noted that the Planning Commission would like to see this project move forward but until the detailed information is received, the Commission does not feel comfortable granting approval of the request.

Bob McGraw seconded the motion.

All were in favor except Tom who was opposed.

A short recess was called @ 8:30 p.m.

The meeting was called back to order @ 8:40 p.m.

**Action Agenda Item #3: Public Hearing: Valcor Annexation**

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**Applicant: CMR Properties, LLC  
Owner: Valcor Properties, LLC  
2282 US Highway 160B  
Parcel # 56771220012**

Joe gave his staff report. He explained that this property is currently known as the Valiant Chair Factory. The property is located @ 2282 US Highway 160B. The parcel is approximately 5 acres in size. CMR Properties, LLC currently has a contract to purchase the property & is requesting annexation & industrial zoning. The applicants are not proposing any changes to the current structure. They plan to use the location as a shop for their equipment.

The Public Works Director commented that the owners of the property will need to purchase a one inch water tap/meter & sewer ERT's as determined by the Town Engineer.

The Town Engineer commented that to hook into the sewer system may take detailed engineering and will need to run approximately 600 feet.

San Juan Basin Health commented that the issuance of a sewer tap will need to be documented prior to the abandonment of the current septic system. In order for this to occur, the owner will need to submit the ISDS permit number to the Health Department.

Rocky Mountain Cable commented that service is not currently available to this site but it can be provided.

Upper Pine Fire Protection District commented that they have no problem with the annexation.

The parcel is surrounded on three sides by the Town limits therefore, it meet the contiguity requirements for annexation. The zoning proposed for the parcel is Industrial and is consistent with the surrounding area.

**Staff Recommendations:**

The staff would recommend that the Planning Commission consider a positive recommendation for annexation to the Town of Bayfield with the following conditions:

1. That an adequate amount of water rights or monetary payment in lieu of as determined by the Town be given or paid prior to the recordation of the annexation plat.
2. That the land owner conforms to the requirements of the San Juan Basin Health Department in the abandonment of the ISDS.

The floor was the given to the applicant, Michael Snooks with CMR Properties, LLC. He explained that he and his partner, Cory Gosney have purchased the property to use as their shop. Mike asked if he had to immediately hook up to water & sewer services. He commented that he would rather not add to the current sewer issue.

Joe answered that it is a requirement that new annexations must hook up to services upon recordation.

Mike commented that they are willing to do whatever they need to do.

The item was opened for public comment. None was given, it was immediately closed.

Joan made a motion to recommend approval of the Valcor Annexation to the Town Board with staff recommendations 1 & 2.

Tom seconded the motion.

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All were in favor, motion passed unanimously.

**Action Agenda Item #4: Homestead Trails Subdivision PUD**

Joe gave his staff report. He explained that the Town of Bayfield has indicated to the developer of Homestead Trails that they would like to be involved in the planning process as this subdivision goes through the County's Planned Unit Development (PUD) review. Therefore, the Planning Commission is hearing this request just as if it was actually being processed through the Town.

The PUD is located on 240.5 acres of land and is being designed for a total of 396 dwelling units. The development will be built on 119 acres, with 97.79 acres of open space. This large amount of open space is to assist with the migration of wildlife through that area. There is currently about 40 houses in the subdivision. The developers came to the staff a year ago and the staff made some suggestions to move the multi-family units onto the area that is not as widely seen from the highway. The developers are now requiring only stick-built homes and will no longer be allowing modular homes in the subdivision.

Joe noted that there is one area requiring attention; open space vs. active parkland. The Town's PUD ordinances require a minimum of 30% of open Space. The Homestead Trails PUD indicates a 40% land area dedicated to open space. However, this 40% includes active parkland. Staff recommends separating open space & active parklands. There are 240 acres in the entire development and the Town's policy is to require a minimum of 5% or 12 acres of park land dedication. The current proposal shows 2 locations of active parks totaling 6 acres. The staff would recommend that the park in the southernmost area be eliminated & the park site to the north be modified to reflect a 12 acre active park site for the development. If annexation does occur in the future, the parkland will need to be dedicated to the Town and the open space areas will need to be owned & maintained by the subdivisions Home Owner's Association (HOA).

The developer has committed that all the improvements will meet or exceed Town of Bayfield infrastructure standards for all future phases of the development.

CDOT is requiring that the developer design & construct a signalized intersection near Highway 160 & Highway 160B before any additional phase are platted. It is expected that the developer will request the Town & County to institute a pay-back agreement. This agreement would stipulate that any new development using this intersection would pay back the original developer a proportionate share based upon the number of units approved.

The Town requires 2 accesses for any subdivision with more than 20 lots. The County only requires 2 accesses after 99 lots.

The developers are probably going to approach the Town in the future for water service to this subdivision.

**Staff Recommendations:**

Staff would recommend a positive recommendation to the Town Board regarding the Homestead Trails PUD Sketch/Conceptual Plan with the following comments:

- 1) That as this plan is refined, the developer & staff will work to make sure that the plan meets Town of Bayfield standards
- 2) That a larger active park area of approximately 10-12 acres is incorporated into the Sketch/Conceptual PUD plan.

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- 3) That if the project is annexed into the Town of Bayfield, that as development phases occur active parkland be dedicated to the Town of Bayfield.
- 4) That the open space and trail system within the project be owned & maintained by the development's HOA.
- 5) That the developer work with the Town of Bayfield regarding his desire to have Town water service with the realization of the necessity to reimburse the Town with water rights or a payment in lieu of if it is decided to allow the development to extend Town water facilities.
- 6) That the developer work with and involve the Town of Bayfield in the design of the required signalized intersection on Highway 160 East.

The floor was given to the applicant's engineer, Mike Russell with Russell Engineering. Mike stated that there are currently 48 lots in Phase 1 & 23 lots in Phase 2 that are already platted through the County. Unfortunately, CDOT will not allow a direct access off the frontage road in Gem Village. The main access is on Highway 160B and circles the entire length of the subdivision.

Mike explained that they moved the Multi-Family zoning towards the back of the development so that it would not be seen from the highway and moved the park closer to the highway. They are planning to keep the wetlands protected and are trying to keep the high density development to the backside of the ridgeline.

They are proposing a neighborhood commercial area near the proposed intersection on Highway 160.

The new covenants require stick built homes with no modular homes allowed. This will give a nicer quality subdivision with better appeal throughout. Mike stated that they agree with all the staff recommendations and are looking forward to moving along with the project.

The Mayor left the meeting at this time.

Pam asked what is being done to protect the wildlife corridor throughout the subdivision.

Mike answered that there will be a 200 foot corridor for wildlife corridor protection. There will also be a wildlife protection fencing setback.

It was asked what the plans are for the King Ditch.

Mike answered that the ditch company will give them their direction on what needs to be done with the ditch.

Robert asked if it is still looking for a way that this subdivision could be annexed into the Town.

Joe answered that the Town is working towards annexation of this property.

Robert asked how long the water line will have to be to get service to this project.

Mike answered that they're initial concept was to go up Highway 160 to County Road 501 and tie into the high pressure area near Bayfield Center.

It was asked what needs to be done to get sewer service to the area.

The subdivision is currently already being serviced by the Gem Village Sewer Plant. However, since the Gem Village plant is near capacity the Town is looking into options for the most cost effective sewer treatment for Gem Village residents. The options are putting in a lift station that would pump the sewage to the new mechanical plant in Bayfield or upgrading the current lagoon system. The Town is still looking into which option would be more cost effective. If

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the sewage does need to be pumped to the Bayfield plant, a lift station would need to be put in to get the sewer over the hill to the new plant.

Tom asked if the Town should require the dedication of an easement for the lift station & lines to the new plant.

Mike said that they are willing to work with the Town on the dedication of those types of easements.

The item was opened for public comment.

Carole McWilliams asked where the access is to County Road 509.

Mike pointed out an easement across adjacent land that would tie into County Road 509.

Pam asked if any additional BP drilling is planned for the future.

Mike answered that BP does have a tentative plan to widen their current pad but they are not planning to create any new drill sites within the subdivision.

No additional public comment was offered, that portion of the meeting was closed.

Pam made a motion to recommend approval of the Homestead Trails PUD sketch plan subject to staff recommendations 1 - 6. She also noted an addition to recommendation #2: That a larger active park area of approximately 10-12 acres is incorporated into the Sketch/Conceptual PUD plan *or negotiations are done for a turn-key park*. And the addition of recommendation #7: the dedication of any easements needed for a sewer lift station (if required by the Town).

Tom Au seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #5: Weed Proposal**

Joe gave his staff report. He explained that this item was continued from last month. The weed board wanted to ask Michael Freeman some questions regarding the proposal he presented to the Planning Commission and they also requested comments from Public Works and Parks & Recreation. These comments were included in the packet. Joe stated that due to the tight budget, he felt the weed board had two options. One would be to continue doing with the current method of weed control. Two would be to adopt a modified approach using more natural means of weed control, while still using chemicals in certain instances for weed control.

Levi Mead (602 Magnolia Court) asked to address the weed board regarding this issue. He explained that his family writes & implements integrated weed management plans. He asked if the weed board would be willing to look at one of the plans that they have developed. He indicated that they have implemented plans throughout the region and have won awards in New Mexico. He emphasized that a good management plan could incorporate spraying as well as natural control methods. He requested to show the weed board a weed management plan they developed for the Bureau of Reclamation.

Joan mentioned that because of the current weed control budget it would be very difficult to implement any new plans.

Justin responded that there is a possibility of shuffling some funds for a weed a management program, depending on how extensive of a plan the weed board wanted to implement.

Joan said that she would definitely like to see another weed proposal.

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Pam & Robert agreed that they would also like to see the proposal.

Pamela asked if vinegar or 2,4-D herbicide is more expensive.

Michael Freeman answered that he thinks that vinegar is more expensive. However, there are other herbicides that are priced similar to 2,4-D but are less volatile.

Michael said that City of Durango held a meeting regarding a public concern for weed control. The meeting included all the applicators that do the spraying for the City and was held to provide land owners the resources & knowledge to control their own weeds. Michael explained that the County Weed Manager, Rod Cook is in favor of herbicides and is very confident in their safeness. However, he is open to working with alternatives in conjunction with herbicides.

Joan is concerned that Michael is providing all of this information but hasn't charged a fee. She feels that the Town should look into possible grants for weed control.

Justin suggested that it might be a good idea to establish a basic level of consulting to help the Town with alternative weed control. He explained that there are many questions that need to be answered about how to implement new processes and he needs someone that can answer these questions.

Pam said that she would like to see the community informed that there are alternatives to herbicides. She thinks that a more informed public might present more funding options. She thinks that ignorance stops a lot of new things from happening.

Justin requested a proposal that gives the expertise that the Town currently does not have. He requested any information about implementation & cost figures of such a plan. He requested a very detailed cost breakdown and what the return would be for the money spent.

Pam said that she would like to see a Request For Proposal (RFP) sent out with a goal of providing the Town of Bayfield with an integrated weed management plan outlining different levels of weed control. She feels that the Town is lagging behind in the opportunity to take a new approach.

Robert stated that he would also like to receive more information.

Tom stated that he doesn't think that anything is going to happen until the 2008 budget.

Justin responded that he would like to get a proposal on the cost of moving to a low-spray policy. He thinks that this could be done during 2008 if the cost is not that expensive. He also thinks that it would be a good idea to come up with a solution to eliminate the use of 2,4-D.

Pam made a motion to recommend to the Town Board that the staff pursue avenues for a low-spray program & an integrated weed management program. The Planning Commission would especially like to see alternatives to 2,4-D being used for weed control throughout the Town of Bayfield.

Joan seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #6: New/Unfinished Business**

The staff reminded the Planning Commission about the Christmas party on Friday December 14th, @ 6:30 p.m.

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Tom mentioned that the walking path in the Mesa Meadows Subdivision @ Clover & Louisiana Drive has been fenced off.

Justin said that he will check into that and make sure that it is opened back up.

The meeting was adjourned @ 10:15 p.m.

**APPROVED:**

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Robert Piccoli  
Planning Commission Chair

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Marianne Jones  
Planning Commission Secretary