

**Town of Bayfield  
Planning Commission Meeting  
July 10<sup>th</sup>, 2007**

**Planning Commissioners Present:** Robert Piccoli (Chairman), Joan Hanna, Carol Blatnick, Bill Miller, Pamela Smith, Bob McGraw

**Planning Commissioners Not Present:** James Harrmann (Mayor)

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

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

**Minutes:** Pamela moved to approve the minutes from the June 12<sup>th</sup>, 2007 regular Planning Commission meeting as submitted. Bill seconded the motion. All were in favor, motion passed unanimously.

**Public Input:** Public comment was opened @ 7:05 p.m. None was offered so it was immediately closed.

**Action Agenda Item #1: Request for Confirmation of Decision - Land Use Administration**  
**"That if land area of an R-10 designated parcel meets the 10,000 square feet per unit, a multiple number of Single Family Units can be placed on that parcel without subdivision."**

Joe gave his staff report. He explained that there have been occasions where property owners with large lots have requested more than one single family unit on a parcel with an R-10 land use designation. The code states that R-10 zoning requires 10,000 square feet of property for each single family unit. Therefore, Joe interprets the code to mean that 1 unit per 10,000 square feet with an R-10 designation is allowable.

The zoning chart in the Bayfield Land Use Code (located on page 62) says that the minimum lot area for R-10 zoning is 10,000 square feet. The minimum lot area/unit minimum per dwelling unit is also 10,000 square feet.

Joe stated that in his investigations of the R-10 zone, he found that if a person has a 20,000 square foot lot in an R-10 zone and did not want to subdivide the property, it would be possible to place two single family structures on the property. However, both dwellings would need to have one owner and the two structures would need to be placed in a location that would meet setbacks if the property was ever subdivided.

Joe explained that the Town has received a request regarding this item. Scott Trinklein owns the property @ 1844 Highway 160B. The property is approximately 30,000 square feet and he is requesting a second unit on the lot without subdividing.

Pamela stated that multi-family dwellings are not permitted in the R-10 zoning district.

Joe responded that this request would not be a multi-family dwelling; it would be a second single-family dwelling.

Robert explained that the reason for allowing this would be to add a rental unit on an existing large piece of property. He said that forcing a property owner to subdivide could cause a hardship that would hinder the project from going forward.

The item was then opened for public comment

Scott Trinklein (1844 Highway 160B) explained that he bought the property with the intent to build a small living unit on the back portion of the property. The living unit will be 1000 square foot living quarters over a 1000 square foot garage. The existing house will be used as a rental.

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Pam asked about access to the 2nd unit.

Scott answered that there will be access through the property from Highway 160B.

Pam stated that she thinks this is an appropriate use for the size of the lot.

Joe clarified that the staff is requesting an interpretation of the code. He explained that once this decision is decided the staff will continue to use the interpretation in future instances.

Bob made a motion that the Planning Commission & the Town staff interpret the code to state that R-10 zoning allows multiple single-family structures as long as there are 10,000 square feet of property per housing unit

Carol seconded the motion.

Joan asked if the motion would apply to other zonings (R-20 & R-40).

Joe answered that the staff will use this decision in all of the similar residential zones.

All were in favor, motion passed unanimously.

**Action Agenda Item #2: Public Hearing: Old Mill Street Bungalows**  
**188 Mill Street - Rezoning From R-10 to Multi-Family**  
**Owner: Eula Rodman**  
**Agent: Ron Broadhead**

Joe informed the Planning Commission that David Black submitted a memo to the Town regarding this action agenda item. In the memo, David expressed concern that the letters to the surrounding neighbors were not sent via certified mail. The Town attorney advised to allow the Planning Commission to decide if this item should be heard or if it should be continued until the mailing has been sent out by certified mail.

Marianne Jones informed the Planning Commission that the applicant brought in certificates of mailing and she accepted them as sufficient proof of mailing. She explained that she did not give the applicant the correct information regarding the certified mail.

Joan stated that it would be a waste of time to continue the project for such a small technicality.

Robert responded that he doesn't think that the project should be held up either.

Pam made a motion that the Old Mill Bungalows agenda item be heard by the Planning Commission. She stated that Mr. Black's letter has been discussed and it is the feeling of the Commission that the item should be heard and procedurally, this will not happen again.

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

Joe gave his staff report. He explained that Ron Broadhead is requesting a zoning change on the property located @ 188 East Mill Street. The property is currently zoned R-10 and Mr. Broadhead is requesting Multi-Family zoning. Mr. Broadhead feels that multi-family zoning will bring more residents to the downtown area. He is proposing to build 5 bungalow style houses on the property which would each be sold individually.

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Staff feels that the change in zoning is appropriate and that it makes sense to increase the intensity of residential use in that location. The project will also protect the setbacks at the intersection of Mill Street & the Buck Highway.

If the rezoning is approved, the developer will return with a plat which defines private ownership, common ownership and covenants. The idea is that the homes will be privately owned and all other space on the parcel will be commonly owned.

Joe explained that the agency comments will need to be addressed when Mr. Broadhead comes back with a site map.

Staff recommends that the Planning Commission approve the zoning change from R-10 to Multi-Family for this parcel with the following conditions:

1. Since all access for this property will be from the alley on the south, at time of development, the builder will be required to pave the alley.

Bill asked if this will be a rental property or commonly owned.

Joe answered that the developer's intent is to sell the footprint of the house and the common areas will be owned by all the residents of the bungalow.

Joe explained that this is just a zoning request at this point. The Planned Unit Development (PUD) will have to come back for approval at a later date.

Pamela asked about parking spaces.

Joe answered that he hasn't researched the parking spaces yet because this request is just for the re-zoning.

The floor was then given to the applicant, Ron Broadhead.

Ron stated that the parking will be straight-in parking and the spaces are 20' deep. They will be filling in the area near Buck Highway to make sure that they can achieve all the parking spaces required. These homes will be small little cottages and will be reasonably priced. They are hoping that 5 new households will bring more traffic to the downtown businesses.

Robert asked if they are planning to sell them.

Ron answered that it will be a town-home set up. The buyers will purchase the footprint of their home and the common areas will be maintained by the Home Owner's Association (HOA). Each home owner will need to be a part of the HOA. It will be a planned community governed by covenants.

Robert asked if this development will come back to the Planning Commission.

Joe answered that the PUD will come back for approval.

Robert stated that he thinks there will be a lot of challenges with the property but that it could be a nice design if it works out as planned.

Pam asked if there has to be 5 units for this deal to go through.

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Ron answered that it's an economic thing. If they are unable to get 5 units on the property, it doesn't make economical sense to go forward. He feels that he's designed the project well enough that he will be able to get all 5 units on the property.

Joe explained that just because Ron has submitted a site plan does not mean that he will get approval for 5 units. This request is just for the zoning change. Approving the zoning does approve the proposed site plan.

Pam said that she thinks it's a good project and it's an appropriate use for the property. She asked about the fruit trees on the property.

Ron answered that the fruit trees are in bad shape due to lack of water. They are hoping to keep the three large trees but they will have to remove some of the other trees.

Carol asked the selling price of the units.

Ron responded that they will be approximately \$200,000.00 per unit.

Carol asked how the project is going to be done.

Ron answered that it will be a planned community. The entire project will be completed and sold. He is going to do all the work and then the owners will purchase the homes and maintain the commons areas. He plans to complete it and then release it to the HOA.

Joan stated that she feels it fits the nature of the comprehensive plan.

The item was then opened for public input.

Ray Stong (486 Church Street) said he feels this type of zoning will set a precedent for other lots in the area. He thinks it is really high density and there are numerous R-10 lots that could do this same thing.

Laurie Owen (191 South Street) stated she has several concerns. Since this development will be accessed from the alley it will cause constant traffic in her backyard. She is also concerned about the trees & wildlife that will be impacted by the development. It's a grazing & nesting area for deer.

Public input was closed.

Pam made a motion to recommend approval to the Town Board that the property located at 188 East Mill Street be rezoned from R-10 to Multi-Family subject to staff recommendations.

Joan seconded the motion.

Bill asked for clarification about the impact of multi-family.

Joe explained that once the zoning is granted all multi-family "use by right" designations will be allowed on this lot.

Robert said he feels this project can be done but it is going to be tight. He thinks that there are communities similar to this that work very well if done correctly. It is going to increase traffic in the neighborhood but it's also going to provide affordable homes in Bayfield. He thinks that there is a lot of work that still needs to be done to address the serious issues but still believes it's a good concept.

Carol stated that she likes the concept but has questions about the ability to make it work.

4 voted in favor. Bob & Bill were opposed. Motion carried.

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Joe informed the public that this item will go to the Town Board on July 17th, 2007.

A break was called @ 8:20 p.m.

The meeting was called back to order @ 8:34 p.m.

**Action Agenda Item #3: Public Hearing: Annexation & Minor Subdivision**  
**Dave & Linda Hardy - 823 County Road 501**  
**NW ¼ of the SW ¼ of Sec. 2, T 34 N, R 7 W, NMPM**  
**Parcel #: 567702400070**

Joe gave his staff report. He stated that Dave & Linda Hardy are requesting annexation into the Town of Bayfield. Their property is located on County Road 501 across from the Bayfield High School. The property currently has one structure containing a real estate & attorney's office. They are also requesting to subdivide the property into 2 lots. They are proposing 1 commercial lot (where the real estate office is currently located) and 1 residential lot.

The Hardy's submitted this application in March but withdrew the submittal when they learned the cost of bringing the water and sewer across the highway. They are now requesting to annex the property with the stipulation that the well & septic remain in place for the time being. Once the water and sewer are brought across County Road 501, the Hardy's will hook up to the Town system.

The Hardy's are requesting R-10 zoning on the residential lot & commercial zoning on the other lot.

Staff recommends that the Planning Commission recommend the annexation & plat be considered for approval by the Town Board subject to the following conditions:

**Annexation:**

1. That water rights in the amount of .39 acre foot per lot per year be transferred to the Town at the time of hook-up to the Town water system.
2. That the Annexation Agreement indicate that lot 1 (the lot with the existing structure) be designated as Business Land Use District, and that lot 2 be designated as R-10 Single Family Land Use for one single family home.
3. That the Annexation Agreement indicates that the extension of all utilities is the responsibility of the property owner.

**Subdivision:**

1. That all the Town Engineer's requirements are met.
2. That all requirements of the Director of Public Works be met.
3. That payment of park dedication fees is paid prior to plat recordation.
4. That plans for the extension of water and sewer be prepared, reviewed, and approved by the Town Engineer and Director of Public Works and adequate surety be posed to guarantee same.

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5. That an Subdivision Improvements Agreement be consummated between the developer and the Town of Bayfield that guarantees all improvements prior to plat recordation.

The floor was then given to the applicant, Dave Hardy (870 Westview Drive).

He told the Planning Commission that the intent of the subdivision is to put the business on its own lot. They are hoping to use the other residential lot for their retirement home.

Pam asked what type of sewer system is currently in use.

Dave answered that it's a tank with a leach field. It was permitted commercially through the County when it was installed.

Robert stated he thinks it might be challenging to build a home on the property.

Dave pointed out the build-able sites on the map.

Carol asked Dave why he is requesting annexation.

Dave answered that the subdivision is the key reason. If he ever decides to sell Bayfield Realty he would have to sell the entire piece of property. He wants to subdivide so that he can keep the residual part of the property.

Pam asked if he has mineral rights.

Dave answered that he does.

The item was opened for public input.

None was offered, so it was immediately closed.

Joe informed the Planning Commission that they need to make two different motions. They need to make one for the annexation & one for the minor subdivision.

Bob asked if the Town will inherit County Road 501 because of this annexation.

Joe answered that 501 is a State Highway. There is a lot of traffic on 501 that is not Bayfield residents. It is the determination of the Town Board that when 50% of the traffic is Bayfield residents, the Town will take over the maintenance of the road. It has not reached these figures yet.

Pam moved to recommend approval of the Dave Hardy annexation located @ 823 County Road 501 (NW ¼ of the SW ¼ of Sec. 2, T 34 N, R 7 W, NMPM; Parcel #: 567702400070) subject to staff recommendations 1 - 3.

Bill seconded the motion.

Pam amended the motion to state R-10 zoning instead of single-family.

Bill seconded the amendment. All were in favor, motion passed unanimously.

Pam made a motion to recommend approval of the Dave Hardy minor subdivision located @ 823 County Road 501 (NW ¼ of the SW ¼ of Sec. 2, T 34 N, R 7 W, NMPM; Parcel #: 567702400070) subject to staff recommendations 1 – 5, excluding recommendation # 4.

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

**Action Agenda Item #4: New/Unfinished Business**

Joe gave the Planning Commission a copy of an email regarding the annexation of Homestead Trails. C-DOT's has informed the Town that they will not allow the Town to use the State ROW to annex Homestead. The Town is concerned that if they are unable to annex Homestead they will lose the commercial revenue it will generate. However, Homestead cannot move forward with the project until they receive the density vesting grant from the County. This item will be in front of the County Commissioners on July 24th, 2007.

Joe also informed the Planning Commission that the Town received a letter from Steve Harris regarding the creation of a special water district. This would be a huge project covering 400 square miles & costing approximately 85 million dollars. The County Planning Commission will hear the proposal at their August meeting. Joe explained that Bayfield will need to make sure that they are protected and make their voices heard on the areas that do not have a land use plan in place. This project could seriously hinder the Town's ability to grow.

Justin gave an update on the sanitation issue. He explained that the Sanitation District is moving forward with the construction of a continuous flow SBR plant. This type of plant is less expensive but is still very good technology. There is a joint meeting between the Town Board & the Sanitation Board on July 12th. They are hoping to come up with a plan for commercial contributors. The Town & the District have to figure out a way to meet the State requirements but keep from imposing hardships on the local commercial businesses.

Justin stated that Riverside RV is already in the process of installing their pretreatment system.

Robert asked if the sanitation revenue is now being separated.

Justin answered that the money is now being separated and sanitation will be its own enterprise fund once the Town takes over the District.

Bill asked how the Gem Village pumping will affect the total dollar amount of the plant.

Justin answered that they are still looking at the Gem Village Plant. The two plants are 2 separate entities but the Town & the District are working towards making sure that things are fair. Gem Village residents will pay for Gem Village improvements and Bayfield residents will pay for Bayfield improvements. However, the Town still has to make sure things stay fair and keep bills reasonable for the residents. This item is still being balanced out.

The meeting was adjourned @ 9:35 p.m.

**APPROVED:**

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Robert Piccoli  
Planning Commission Chair

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Marianne Jones  
Planning Commission Secretary