

**Town of Bayfield  
Planning Commission Meeting  
January 8<sup>th</sup>, 2008**

**Planning Commission Members Present:** Joan Hanna, Robert Piccoli, Pamela Smith, Carol Blatnick, Bill Miller, Bob McGraw

**Planning Commission Members Absent:** Mayor James Harrmann

**Staff Present:** Justin Clifton, Joe Crain, Jack McGroder, & Marianne Jones

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

The meeting was called to order @ 7:04 p.m.

**Minutes:** Pamela made a motion to approve the minutes of the December 11<sup>th</sup>, 2007 Planning Commission meeting. Carol seconded the motion. All were in favor except Bill who abstained.

**Public Input:** Bill Miller asked if the County would take tree branches and debris due to the snowstorm. Justin said that he would check into it.

**Action Agenda Item #1: Los Pinos Subdivision Preliminary Plat - Phase 1**  
**Extension of Validity Of Preliminary Plat**

Joe gave his staff presentation. He explained that the Los Pinos Preliminary Plat expires on January 16th, 2008. The Bayfield Land Use Code allows the Planning Commission to extend an approved Preliminary Plat for a period of twelve months. Mr. Fleming, the developer of Los Pinos Subdivision, is requesting two years but the Code only allows a 1 year extension.

Joe gave the floor to Scott Fleming.

Scott Fleming explained that he is requesting a two year extension due to the sewer plant issues. He stated that they received the approval of the preliminary plat right before the sewer moratorium went into affect. He doesn't want to proceed to the Final Plat until the sewer problem has been resolved.

Justin said that the consent order from the State of Colorado does allow new subdivisions to be platted once the ground has been broken for the new plant. He explained that Scott would not have to wait for the plant to be built to proceed with the subdivision.

Scott stated that he wants to see the sewer plant up and running before he begins construction on the subdivision. He explained that he's been working on this project for 14 years and he's been extremely patient. He requested some patience from the Town so that he can be in the best position to proceed with the subdivision. He said that a two-year extension would be the best way to put him in that position. He's not going to be ready to break ground until 2009 and feels that it would just be a waste to have to come back again next year to request another extension.

Joe stated that he does not have a problem with a 2 year extension if the Planning Commission feels that is appropriate.

Pamela stated that the Land Use Code only allows a 1 year extension to be granted at a time.

Scott asked again to have the plat extended for 2 years because he will not be ready to break ground on the project until 2009.

Joan asked what kind of precedent would be set if the Planning Commission granted a 2 year extension. Joe explained that the Code is very clear that it can only be extended for 1 year.

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Justin said that the Code is the Town's adopted policy and it would be his suggestion not to exceed the time limits set in the policy.

Carol made a motion to follow the staff recommendation and grant an extension of the Los Pinos Preliminary Plat to January 16<sup>th</sup>, 2009. Pamela 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**

**(Continued From December 11th, 2007)**

Joe explained that this item was continued from the December 11th, 2007 meeting. He then gave the floor to the applicant, Shane Mottin.

Shane said that after thinking about the long-term of this property and researching the costs of the project, he is not sure that he is going to be able to do as he proposed at the last meeting. So, he is requesting a Use By Review approval for the building as it is without any changes. He currently has 2 off-street parking spaces and he is afraid that if he designates a big portion of the land to parking spaces, he will not be able to expand if the business grows.

He explained that he plans to do some cosmetic changes to the exterior and keep the business mostly take-out. There are so many things that have to be done to the property and the costs are so substantial that he does not think that it is possible for him to afford what he originally proposed in the December meeting. There is a sewer main for three lots that comes to a point on this property that needs to be fixed & the ditch has to be culverted. He plans to do both of these things before opening the business in this location.

Pam stated that she still needs to know where the access points, what the plans are for the ditch, where the dumpster is going to be located, etc. She asked for answer to all of the questions that the Planning Commission posed at the prior meeting.

Shane answered that he won't know the answers to those questions until he gets details on what will have to be done with the sewer main and the ditch.

Joe explained that if the Planning Commission did approve this request the project would still have to go through another site review when it is submitted for a building permit. This staff review can address that all of these issues are resolved before a building permit is issued.

Shane explained that the building's current use (as a church) does not have any off-street parking so he is requesting for it to remain as it is. There are 2 off-street parking spaces for the residence upstairs and the restaurant would only have on-street parking.

Justin gave some clarification on what needs to be done with the sewer line. He also suggested that the Planning Commission look at the Land Use matter and not focus on items that can be resolved by the building inspector & the staff during the site plan review. There have not been very many development opportunities in the downtown area and this is the desired type of use for Mill Street. They are requesting commercial on the bottom & residential on the top which is what is preferred in the Mill Street Land Use District.

Joe stated that the Downtown Business Association supports this request.

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

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Joan made a motion to approve the applicant's request for a Use By Review permit to establish a restaurant on the property located @ 126 West Mill Street, parcel # 567711400012 as currently configured. Bill seconded the motion.

Pamela asked for confirmation that the site plan will be reviewed by both Mike Shave (building inspector) & Joe.

Joe confirmed that they will both be reviewing it in detail. The site plan will have to document parking, drainage, access, dumpster location, etc.

All were in favor, motion passed unanimously.

**Action Agenda Item #3: Public Hearing: 7260' Elevation No Build/No Service Variance Request**  
**Applicant: Bayview Heights, Inc - Jack Roe**  
**Lot 36 - Highlands Subdivision**

Joe gave his staff report. He explained that the Town passed an amendment to the Bayfield Land Use Code that restricts any new development higher than 7260' elevation. However, a provision was also put into the Land Use Code documenting the criteria needed for a waiver to this restriction. There are 13 criteria that an applicant must meet to receive any such waiver. Bayview Heights, Inc (Jack Roe) is requesting to build a home on Lot 36 of the proposed Highlands Subdivision which is higher than the 7260' elevation limit.

Staff sent out referrals on this project to the Town Engineer, the Public Works Director, the Upper Pine Fire Protection District, The Town Marshal & the La Plata County Sheriff.

Joe gave his detail on each of the 13 criteria.

Criteria #1: Topography

The applicants architect has included the topography of the site on the "Site Plan Map", thus complying with these criteria.

Criteria #2: % Grade to site

Information submitted indicates that the range of road grade to the site will be from 8 % to 15% thus complying with requirements of criteria # 2.

Criteria #3: Emergency Water Supply-Cistern

The Emergency Water Supply for firefighting purposes will be the swimming pool thus meeting these criteria. It is staffs understanding that this has been approved by the Upper Pine River Fire Protection District.

Criteria #4: Sprinkler system

The applicants architect has indicated that a "Wirsbo" Residential sprinkler system will be used within the inhabited portion of the structure. This meets criteria #4.

Criteria #5: Access Road Design

The applicants engineer's memo to Brent Adams with Souder-Miller verbally lays out the width of the road, that it will be paved, and that there will be no cut/fill.

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Joe stated that he is concerned that this item hasn't been totally addressed yet. The road needs to be able to handle the weight of a concrete truck. The Town has not received a fully developed set of road plans for the road yet. Joe feels that the Town needs to receive a set of plans that could be given to a contractor and built as documented.

Criteria #6: Road Cut Plan

According to the applicant's engineer there will be no cut/fill in road improvements. Brent has not signed off on this item yet. There are still some items that need to be resolved to meet the Town Engineer's specifications.

Criteria #7: Water/Sewer

Water service has been requested from the Town of Bayfield and sewer service will be from an ISDS (Independent Sewer Disposal System) regulated by the San Juan Basin Health department. The applicant has indicated that he will be responsible for any pumping and line cost to get municipal water to the site as well as pressure regulation at the home site.

Criteria #8: Building Materials

The applicant's architect has indicated the building materials to be used in construction. They are listed within the applicant's narrative and are the same as were discussed at the work session with the Planning Commission and Town Board in 2007. The applicant has met these criteria.

Criteria #9: Fire Mitigation Plan

The applicant's Architect indicates the fire mitigation plan is to have large vegetation clearance zone 25 feet around the home site with only grasses planted. Periodic thinning will be accomplished down hill from the structure site. The swimming pool would provide emergency water in the event of fire at this location. This criterion has been met.

Criteria #10: Site Plan

The site plan that has been submitted satisfies these criteria.

Criteria #11: Design Plans for Structure

The plans are the same that were considered at the study session. These plans will be brought to the hearing. Given that the plans are generally the same as considered at the study session, then this criteria will have been met.

Criteria #12: Minimal Disturbance Plan (Vegetation)

The applicant's response to these criteria appears to meet the intent of such.

Criteria #13: Any other Submission Item required

No other submission items have been required.

Staff Recommendations:

The staff would recommend that the Planning Commission and Town Board consider granting a waiver to Jack Roe at this location to build one habitable structure above the 7260 elevation line with the following conditions:

1. That the applicant follow all design commitments and other commitments made at the waiver hearing
2. That the applicant posts a bond insuring completion of the driveway.

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3. That asphalt paving of the drive way be completed prior to the issuance of a CO (Certificate of Occupancy).
4. That the applicant purchases a water tap from the Town of Bayfield at time of building permit.
5. That the applicant receives an ISDS permit from the San Juan Basin Health Department prior to issuance of a building permit.

Because there are items that have not been addressed Joe explained that the Planning Commission had three options on this item.

1. Approve the "waiver" with a condition that it not proceed to the Town Board until the Town Engineer has approved the Road Designs, in addition to staff recommendations.
2. Continue the project until February 12th, 2008
3. Grant the waiver with a stipulation that it will not be active until the Town Engineer has approved the road design & signed off on it.

The floor was given to Carolyn Hunter with Context Architecture (100 Jenkins Ranch Road). She explained that she would address the aesthetic portion of the waiver criteria. She said that she is aware that anytime a home is built high on a hillside, it needs to be handled correctly. She showed that the house will not be situated on the top of the hill; it will be located lower on the hillside. This location will keep the house from sky-lining. She also explained that they will be using a sloping roof instead of flat. She showed an example of the roof material which is a darker color that blends into the surroundings better than a lighter color. They are also planning to use a neutral gray for the stucco exterior because it will blend in better. The part of the house facing the Town will only be one story and will have minimal windows.

The floor was then given to Jim Flint with Performance Engineering.

Jim explained that he has been working with Brent Adams and they are close to getting the issues with the road design resolved. He stated that this road will be a private driveway and they are trying to come up with a determination on how thick the road base has to be. He doesn't feel that this road should have to meet Town infrastructure standards since it is a driveway that will be owned and maintained by the property owner. He explained that the storm drainage will be piped through the proposed subdivision piping system. They just need to refine some of the roadside swale items that need to be addressed.

Joe explained that the driveway to this location is extremely steep and very high. This is why the Town Engineer is concerned and has mentioned putting in safety barriers. The Town needs full road plans so that all of these details can be taken into consideration. Joe said that he doesn't have a problem with the Planning Commission recommending approval of the waiver but the approval would need to have a stipulation that the Town Engineer approve the road plan.

It was mentioned that the driveway would be a 12% - 15% grade so it's going to be very steep. It was also asked how wide the road will be and what the Fire Department would need for their vehicles to make it up the hillside.

Jim Flint answered that from the hammer head to the water tank, the road would have 12' of pavement and 2' of shoulder. From the tank site to the house, there is 10' of pavement & 2' of shoulder.

JD Burke (Fire Marshal) explained that the Fire Department prefers 14' of pavement for their vehicles. However, they would be willing to compromise to 12' of pavement & 2' of shoulder. This would give them the 14' needed for the mirrors of their trucks.

Jim stated that if they are required to put in a 12' road, they'll work that out with the Fire Department.

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JD mentioned that another critical issue for the Fire Department would be getting close enough to the swimming pool to pull water out of it. They have a 42,000 lb truck and they don't want to drive on soft materials. He requested a dry hydrant behind the house in the outside parameter of the circle driveway that could be used to get water.

Jim agreed that they would do that.

Bob asked about the logs that have been cleared out & pushed over the side of the mountain.

It was explained that those will have to be cleared out for wildfire mitigation.

The item was opened for public hearing.

Pat Vaughn (44441 Highway 160) explained that he owns property to the east of this location. He feels that this home-site will sky-line to the east. He asked if it was possible to require additional landscaping (such as berming) to help shield the adjoining property owners from the lights that will be generated from this home. Mr. Vaughn showed some pictures of his house in relation to the proposed lot.

Public Comment was then closed.

Jack explained that he is planning to tier the landscaping and put in evergreen trees at different levels to help block his property from the adjoining land owners.

Pam asked if it was always planned to put this home on an individual septic plan.

The answer was that they are not planning to tie into the Town system at this time and the septic system will be governed by San Juan Basin Health.

Robert asked if it is guaranteed that the pool will be built.

It was explained that the pool has to be built in order to be in compliance with Fire Department's requirements. There will also be a "wirsbo" sprinkler system installed so there will be 2 defense mechanisms for fire control.

Joe suggested requiring a landscape plan during building permit submittal as staff recommendation # 6 and additional criteria.

Joan suggested that Jack might want to look into faster growing trees than evergreens.

Robert asked if the Planning Commission should do something to mitigate the light.

Joe answered that the Town lighting code will govern this item once the property is annexed. However, it's up to the Planning Commission if they want to add this as a condition of approval.

Pamela made a motion to recommend approval of the variance request to allow a home to be built higher than the No Build/No Service line of 7260' elevation. This approval would be subject to staff recommendations 1 - 5 with an addition of condition #6 to include a landscape plan for the area to the east & condition #7 to include a lighting plan documenting mitigation for light pollution both to be submitted during the building permit process. This motion is contingent upon road design approval from Upper Pine Fire Protection District & the Town Engineer.

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

A short break was called.

The meeting was called back to order @ 8:55 p.m.

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**Action Agenda Item #4: Public Hearing: Fox Farm Planned Unit Development  
Request To Allow Modular Structures**

Joe gave his staff report. He explained that when the Fox Farm PUD (Planned Unit Development) went through the planning process it was indicated that all 52 affordable units would be "stick-built" and the covenants would prohibit any modular structures. La Plata County Community Development Corporation is convinced that to make this project viable, they must allow modular units on the remaining 18 lots. They have removed the modular clause from their CC&R's (Code, Covenants & Restrictions) and are requesting Town approval to allow modular structures in this subdivision.

Joe said that by state statute, local government cannot prevent modular housing on legal lots of record. However, the statute does not apply to a PUD because it is a contract between the developer and the local government. This is why the Town has to agree to allow modular structures.

The staff would recommend that if the Town Board approves the request to allow modular structures within the Fox Farm PUD that the following conditions apply:

1. That the Developer submit pictures and/or renderings of the proposed modular structures for Town Board approval prior to Building Permit issuance
2. That no mobile homes are allowed in the PUD as per the Bayfield Land Use Code.\*

Joe acknowledged that the applicants have notified all the surrounding neighbors via certified mail regarding this request to amend the PUD to allow modular structures.

Justin informed the Planning Commission that he has met with the developers and he feels that they have really done their due diligence to finish this affordable housing project. They have looked at what it is going to take for completion and have realized that they need to look into alternatives. He explained that he will be involved and paying attention to what is being done with this subdivision to make it work and make sure that the Planning Commission and Town Board's requirements and plans are met.

Kim Welty (295 Girard) was given the floor.

Kim introduced Tim Klein with Innovative Housing Solutions.

Tim said that he is attending the meeting to give clarification on items that aren't clear regarding modular structures.

He gave a slide show regarding modular building systems.

Overview of the slide show:

There are three types of building:

- Conventional site-built which are constructed entirely at the home-site. They conform to all building codes. If they are well built & well cared for, site-built homes generally increase in value.
- Manufactured/Mobile Homes are built in a factory on a non-removable steel chassis. They are built to HUD (Housing & Urban Development) code which is which is different from the building codes for site-built or modular homes. These homes are transported to the build site. They are generally more difficult to finance and the structures do not require building inspector approval. They are less expensive than site-built or modular systems but they decrease in value over time.

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- Modular/System-Built Homes are built in an environmentally controlled factory. The materials used are protected from the elements. Computerized saws cut the supplies at just the right length so there is less wasted material. Their structural strength is generally more than a site built home because they have to withstand transportation to the site & craning on the foundation. FEMA thinks that they stand up to weather conditions better than most stick-built homes. They are constructed to the same building codes as site built homes but they are generally less expensive.

Robert asked how the cost per square foot compares to stick-built.

Tim explained that the cost reduction is due to the efficiency of the building process that makes these homes less expensive.

Kim Welty explained that she can find these systems to meet the footprint of the lots and there is a substantial savings on this type of building versus stick-built homes.

It was asked how this would affect the local aspect of the building process.

Tim explained that the site work & utilities will be done through local labor. The housing crew will do the remaining work such as putting the two halves together, stretching the carpet, sealing the marriage walls, etc.

It was asked how many houses are left to build.

Kim answered that there are 18 lots left. They are requesting to use these systems on the remaining lots.

Habitat For Humanity will not be using system built homes because they use volunteers to build homes. However, they do support the use of these systems.

The item was opened for public hearing

Sydney Zink (Treasurer for La Plata County Community Development Corporation) explained that Community Development (CDC) never intended to build houses. Their plan was to put in the infrastructure and then partner with other entities to actually build the houses. CDC is left with 18 lots that they didn't expect to own and they are asking for this modification because it would be the best way to make sure that project is completed and that it's something that all involved can be proud of. They have invested about \$44,000 dollars per lot and there will be an additional \$52,000 per lot out of pocket from grantors and contributors by the time the project is finished. This doesn't include any of the waivers that were granted. She thinks that this will make it possible for this project to be completed to everyone's satisfaction.

David Black (606 Buck Highway) stated that he is concerned because he has 2 acres that he wants to develop adjacent to this project. He understands why they want to use this type of system but he would really like to see the same quality as the infrastructure that is already put in up in that area. He feels that modular systems such as these do have their place and there are locations that have turned out very nice. But, he does want to see the highest quality and standards put in this location.

Connie Imig (Habitat For Humanity) explained that when they changed the CC&R's it was a unanimous decision of the lot owners. The motion was to only allow modular and they never intended for mobile homes to be included.

Todd Demko (Realty Executives) explained that he doesn't want to take money away from the local builders but unfortunately he hasn't found any builders that are interested in being a part of this project. He said that he would really like to see this item passed.

Public comment was closed.

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Bob McGraw made a motion to recommend approval to the Town Board to allow modular homes within the Fox Farm Planning Unit Development subject to staff recommendations 1 & 2. Carol seconded the motion.

All were in favor except Robert who abstained from the voting due to a conflict.

**Action Agenda Item #5: Fox Farm Discussion**  
**Re: Fox Farm Tower & Potential for New Fair Market Lot**

Joe gave his staff report. He explained the CDC wants to informally discuss the possibility of creating an additional fair market lot in the Fox Farm Subdivision. The lot would encompass the Fox Tower. CDC feels that it is going to be too expensive to redevelop the Tower into public space. They are proposing to sell the lot as an artist studio/residence. The Planned Unit Development Agreement requires that CDC redevelop the Town to be used as public space in lieu of Park Impact Fees of approximately \$39,000.00. The agreement calls for CDC to pay that fee to the Town if the Tower is not redeveloped into public space. This is not a formal request at this time but CDC wishes to discuss this Planning Commission to get their feelings on the idea.

The floor was given to Reid Ross with CDC.

Reid Ross explained that everyone wants the Tower to stay. However, the cost to convert the building for public use is too much for them to manage. The lot is extremely small so there is only 1 parking space. It's in really bad shape that they feel that it just isn't feasible to convert it. Jay Lynch, a Bayfield architect, feels that he can convert it into an artist studio/residence. Reid said that they don't have any other that will keep the tower unless they can get permission to waive the size of the lot and waive the parking requirement. They don't know yet exactly how much it will cost to do the remodel but the exterior of the building would not be altered.

Joe explained that the PUD process could allow waivers for the lot size & the parking requirement. It is within the realm of the process, if the Planning Commission & Town Board decided they want to do that.

Pamela asked if they can afford to pay the park impact fee.

Reid explained that the formal submittal might include a request to waive part of the park impact fees.

Pamela asked if the tower would stay the same except for adding some windows.

Reid answered that theoretically it will remain the same with a few minor changes.

The item was opened for public comment.

Carolyn Hull (701 Fox Farm Circle) said that she is all for preserving it. She thinks that the historical value is worth the effort it will take to preserve.

Stacy Maxwell (705 Fox Farm Circle) said that there are a lot of people interested in it. She suggested that it might be nice to have some of the historical information available to people to read.

Reid explained that when they put in the utilities for the entire subdivision they went ahead and ran the utility lines for the Tower at the same time. If they end up having to tear down the Tower, they will lose a lot of money that they have already invested in it.

Todd Demko stated that he feels that Jay's suggestion is the only way to make it work.

David Black said that he never thought it would be possible to turn the Tower into public space. He feels that this proposal would be the only one that could turn it into viable space.

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Public comment was then closed.

Joe asked if the Planning Commission would be receptive to granting this 4,000 square foot lot a single-family designation.

All the Planning Commissioners agreed that they would be receptive to the idea.

It was suggested that a deed restriction may need to be imposed to enforce that the exterior won't be changed or extended.

Reid asked what the reception would be to waiving the park fees.

It was agreed that the Planning Commission would be willing to work with them on the park fees.

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

Joan asked the status on the weed management program.

Justin answered that he has talked to Michael Freeman and has asked for a proposal but he hasn't heard back yet. He has received a presentation & a schedule of fees from Levi Mead. The proposal has a lot of incredible information and would allow the Town to take small steps towards eliminating the use of toxic herbicides. Justin is still waiting for a fully developed proposal with Town specifics.

Joan mentioned that the Town website really needs some work.

Justin explained that the Town has submitted a Request for Proposal for an Information Technology Specialist. One of the requirements in this proposal would be the development and implementation of a new website.

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