

**Town of Bayfield  
Planning Commission Meeting  
September 8, 2009  
1199 US Highway 160B Bayfield, CO 81122**

**Planning Commissioners Present:** Bob McGraw (Chairman), Ed Morlan (Vice-Chairman), Dr. Rick K. Smith (Mayor), Dan Ford (Town Board Member), Gabe Candelaria, Michelle Nelson

**Planning Commissioners Absent:** Pat Heyman

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

**Media Present:** None

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

**Minutes:** Rick made a motion to approve the minutes from the June 9<sup>th</sup>, 2009 Planning Commission Meeting as written. Michelle seconded the motion. All were in favor except Dan, who abstained from the voting.

**Public Input:** Ed acknowledged the letter from Joe Crain regarding his resignation from the Town Planner position due to health issues. Ed asked if there is going to be a retirement party or something in his honor. Justin said that he would look into doing something for him.

**Action Agenda Item #1: Clover Meadows, Daylily Extension Subdivision**

Justin gave his staff report. He stated that Chris Zoll, the developer of the Clover Meadows Subdivision, is requesting the Daylily Extension of the subdivision. This phase is comprised of four lots that back up to the Schroeder Ditch on the eastern boundary. Chris Zoll has indicated that the water service to each of the four proposed lots is already in place. The Schroeder Ditch is immediately adjacent to the east of these four proposed lots and the ditch company has requested that the ditch be piped. The developer does not feel that piping the ditch in this small section should be required and is proposing to build a fence instead. Also, just south of the proposed four lots the pavement is failing on Daylily Drive. Staff has spoken to the developer about bonding this repair during this phase of development.

**Staff Recommendations**

The staff recommends approval with the following conditions:

- 1) That the Subdivision Improvements Agreement reflects correction of any outstanding drainage problems.
- 2) That the Subdivision Improvements Agreement require bonding for the Daylily road reconstruction
- 3) That the recommendations & requirements of the Town Engineer be followed
- 4) That the Schroeder Ditch be piped behind the four lots
- 5) That prior to Town Board consideration, the developers work with Town Management to create a Development Agreement that addresses the detention pond, the park site development or a fee in lieu of parks, and any remaining drainage problems.

Justin also mentioned that there is a piece of sidewalk that remains unfinished between Daylily and the entrance to Mesa Meadows. He thinks that it might be a good idea to identify exactly what is expected for this area and put a timeframe in place. For example, it might be good to state that the sidewalk will need to be finished during the next major phase of development. Also, there's no documentation that specifies when the pond is going to be built and when the outstanding items are going to be addressed so these are all things that the staff recommends deliberating before approval is granted for this phase.

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Gabe asked if the current on-site drainage will be adequate for the full build-out of the subdivision.

Justin answered that from what he has been told the drainage improvements are for the entire subdivision at build out. However, the Town Engineer still feels that there are still some outstanding items that need to be addressed concerning drainage. But in the long run, as long as everything is conveyed into the retention pond, the drainage improvements should be adequate.

It was also mentioned that the Town is missing some of the as-builts for this subdivision.

Gabe asked where else it has been required to pipe residential ditches.

Justin answered that none of the Town Code's required that every ditch shall be piped. The Town sends agency comments out to all agencies that are affected by a new development and the Town strives to address those comments. However, the Town is still trying to work out all the details for piping ditches such as when it is necessary, when it will be enforced, etc. However, it has been the precedent in the past to pipe the ditch when it is in a residential area.

Gabe asked about the transition between an open ditch versus a piped ditch.

Justin answered that the policy hasn't been thoroughly hashed out yet because mixing a piped ditch and an open ditch poses some specific challenges. There will be a piped area behind the four new lots but there will be open ditch on either side of the pipe. This could potentially cause maintenance and other unforeseen problems. Therefore, the staff needs guidance on whether or not it should be required to pipe the ditch.

Michelle stated that there is a lot of ground water underneath the houses in Clover Meadows. She wanted to know if this could be contributed to the ditch and if piping would help remedy some of it.

Justin answered that this is one of the pros of piping the ditch but the ditch would have to be piped all the way throughout the subdivision in order to alleviate the water seeping. The Town knows that there is an additional 100,000 gallons of infiltrated water per day running through the sewer pipes when the ditch is turned on.

Michelle asked about notifications to the adjacent land-owners.

Marianne answered that the list of names was taken straight off the County GIS program. Only land owners within 200 square feet of the property were notified.

It was asked if there is any potential gain for the ditch company and the developer by piping the ditch.

Justin answered that the agency comments ask for a 20' easement on either side of the center line of the ditch. Piping the ditch might make the property a little more usable but there's nothing real substantial that would be gained from piping the ditch on just these 4 lots.

It was explained that as the Town has grown, the ditches receive more run-off water. Run-off water is not what people want for irrigating because it's more polluted and the quality is not as good as piped ditch water. If the ditch is piped, better water will be transferred to the end-user.

Gabe asked about the subdivision as-builts.

Justin responded that the older Subdivision Improvement Agreements (SIA) do not make it clear that developers must submit their as-builts before they can move forward. However, the Town is now requiring as-builts for all new developments and the surety that is put up for each phase is not released until the as-builts are received.

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Ed asked about the pavement on Daylily.

Justin explained that this failure is actually associated with the last phase (Phase 6). There is some asphalt failing on the southwest corner of Daylily and Orchard Drive. The Town didn't feel that it was appropriate to make the developer fix it at that time because this area has very little traffic. The Town will release the surety associated with Phase 6 contingent upon the developer agreeing to fix this item during the development of these 4 lots. The developer has already agreed to fix this during the Daylily Extension phase.

Dan asked about the location of the lot lines.

It was explained that the property goes past the ditch. However, the developer doesn't want the lot-lines to extend past the ditch so the lines currently stop at the edge.

Justin also mentioned that the Town owns property that abuts to this phase. It is currently landlocked so it may need to be addressed at some point.

It was mentioned that there is no specific reference in the SIA regarding drainage & park dedication.

Justin answered that the Town needs to clear up the SIA governing the Daylily Extension and create a master agreement that would add more specific language and address drainage, dates of completion, ownership and maintenance, sidewalks, parks, etc. This master agreement would have very specific details regarding the remaining completion of the subdivision.

It was asked if the Town will require bonding for these items.

Justin answered that bonding normally happens at the time of the phase. If these improvements were going to happen right away then the Town would have require bonding for it. However, if it's something that will take place down the line then the Town will require bonding at the time of improvement.

Chris Zoll stated that the missing sidewalk between Daylily and Mesa Meadows has not been done because there is going to be an intersection in that location in next phase.

Justin reiterated that the master agreement would need to provide clarity of when things are going to be completed. The Town has to make sure that people can safely get from point A to point B. There is a safety hazard on this section of the street because of the missing sidewalk. So if this isn't going to be developed for several years than it needs to be addressed immediately so that safety is addressed during the interim.

The floor was given to the applicant, Chris Zoll.

Chris explained that these four lots were not included in Phase 6 of Clover Meadows. The reason that they weren't included is because the irrigation wasn't in the ground yet. However, all of the other improvements are already in place. Chris wants to finish out this side of the road and loop together Lupine and Daylily Drive.

Chris stated that his biggest concern is piping the ditch. He feels that it's extremely cost ineffective to do what is being asked of him. He is also concerned about the liability issue associated with the improvement.

Gabe asked if it would it be burdensome to get as-builts to the Town staff.

Chris answered that he does have asbuilts and will get them to the Town.

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Bob asked if the irrigation has been ran to those lots

Chris answered that it has been.

The item was then opened for general public input.

Rick Phelps (720 Westview Drive) stated that he is opposed to the piping of the ditch. He explained that he has the same canal running by his house and he considers it an asset to his property. He feels that if there is a liability issue, the property line could be moved away from the ditch to make it safer or that fencing could be added. He thinks that this would make more sense than piping the ditch in just this one small area.

Rick also commented that he understands the ditch companies concerns regarding piping the ditch. But he feels that there concerns have more to do with the quality of the water versus the safety issues or the seepage of the ditch. There is a ditch problem throughout the Town because irrigation has been around longer than Bayfield has been in existence. The Town has infringed on the ditch water but Rick doesn't think that piping this small section is going to address any of the ditch companies concerns because the problems will still remain above and below this area. He thinks that this will just cause more of a safety issue and it doesn't really seem logical to pipe just this 4 lot area. He feels that the Planning Commission needs to address ditches in general and decide what to do rather than add burden when the benefit is minuscule.

Michelle stated that she is extremely concerned about the safety of just piping this one small area and leaving the ditch open on either side. She feels that it could be very dangerous for the children who live in this subdivision.

No more public input was offered so it was closed.

Justin stated that the agreements need to be hashed out before this is item is taken to the Town Board. The Town Board has a policy that everything must be completed before it is voted on. He thinks that this item should be continued so that the agreements can be drafted and a few items can be corrected on the plat.

Rick stated that he agrees with Justin that this item is not completed yet. The Board passed a policy that states that all items must be complete before they are presented for approval and the Board is adamant that this policy be adhered to for all new developments.

Chris said that he is okay with continuing the matter until the agreements are in place. He feels that these agreements will help with any questions that happen later on in the project.

Gabe made a motion to table this item to a date uncertain so that the developer can work with staff regarding major concerns including the subdivision as-builts, excluding the piping of the ditch from the staff requirements, the safety issue, the possibility of fencing the ditch, the access to the other land-locked property, park dedication, the 2 Subdivision Improvement/Development Agreements, to come up with a set of expectations for when outstanding items need to be completed and for the developer to make the revisions to the plat map as noted by the Town Engineer.

Ed Morlan seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #2: New/Unfinished Business.**

Rick mentioned that there is an open place on the Town Board.

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Ed asked if the Town plans to replace Joe Crain.

Justin answered that he doesn't plan to fill it under the current job description. He going to look at the position and figure out what the best option will be and will move forward from there. He doesn't plan to do anything with the position until after the first of the year.

The meeting was adjourned at 8:15 p.m.

**Approved:**

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Bob McGraw  
Chairman

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Marianne Jones  
Deputy Town Clerk