

**Town of Bayfield
Planning Commission Meeting
May 12, 2009**

Planning Commissioners Present: Bob McGraw (Chairman), Ed Morlan (Vice-Chairman), Rick Smith (Mayor), Robert Piccoli (Town Board Member), Pat Heyman, Michelle Nelson

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

The meeting was called to order @ 7:10 p.m.

Minutes: Rick made a motion to approve the minutes from the April 14th, 2009 Planning Commission meeting as submitted. Pat seconded the motion. All were in favor except Robert & Ed, who abstained.

Public Comment: No public comment was offered so it was immediately closed.

**Action Agenda Item #1: La Plata County Planning Department
Presentation Of The Upcoming Comprehensive Planning Process
Presented by: Jason Meininger – Senior Long Range Planner**

Justin introduced Jason Meininger with La Plata County. Justin explained that the Town is attempting to create a joint IGA (Intergovernmental Agreement) with La Plata County and the Town staff would like to be actively involved in the County's Comprehensive Planning Process. This joint effort will help ensure compatibility between what the Town wants and what the County is planning. The Town hopes to be a key role-player in determining how the comprehensive plan will look in the Bayfield Area.

The floor was given to Jason Meininger.

Jason gave a power point presentation showing the County's plan for creating the new comprehensive plan. *(A copy of this presentation is included in the official packet book and the official minute book.)*

Jason also mentioned that the original comprehensive plan was adopted in 2001. This plan was supposed to be updated in 5 years but it hasn't been revamped since 2001 (8 years). The County would like to get input from both the Bayfield Planning Commission & Town Board so that the comprehensive plan developed for the Bayfield area will follow the Town's plans for future growth. Jason explained that the County hopes to have a draft of the plan within a year's time. This new plan will look approximately 20 – 30 years in the future.

Bob asked what the districts are in the Bayfield vicinity.

Jason answered the Bayfield District, the Southwest District, the Florida District, & the Vallecito District. He said that the County also has a sub-plan for the Gem Village area.

Rick mentioned that La Plata County is really missing a mass transit solution for people that live & work in this community. He requested that this be kept in mind during this planning process because it is something that is going to be needed at some point in the future.

Jason answered that there aren't a lot of transit options currently. He also expressed that the County also lacks in providing housing/development options. The County hopes to address both of these items with the new comprehensive plan and provide some options for residents.

Ed asked if the districts that currently exist are going to continue.

Jason responded that there will be districts in the new plan; however, they will probably be redrawn so that they make more sense for planning purposes. The current plans will be used to determine what the original plans were for the area and what has actually been done following that plan. The new plan will decide what the best

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plan will be for any future growth that may occur. The County hopes to use this planning process to figure out what makes the most sense and what will work the best for all of the parties involved.

It was asked what the status is of the IGA between the Town and the County.

Jason answered that the IGA was put on the back-burner. But now that this comprehensive plan is being developed, the IGA will become a priority again.

Joe informed the Planning Commission that they will get the chance to approve the IGA before it is sent to the Town Board.

Brad Elder asked if there will be Euclidean zoning in the new plan.

Jason answered that there is a lot of talk about doing Euclidean property zoning in the County (color-coding). The County's current system is very confusing because it doesn't outline in detail the uses & development that can occur on any given piece of property. Therefore, property owners are unsure of what type of development can occur on their property. The County hopes to give more concrete direction on what type of development is allowed in each zoning district but they haven't determined if they are going to have specific parcel zoning.

Jason expressed that they he will be coming back often to update the Planning Commission and Town Board on the update of the plan.

Action Agenda Item #2: Public Hearing: Use by Review Permit
42811 Highway 160 East - Sunflower Estates
Request For Group Housing For Construction Workers
Applicant: First National Bank – Owner Carbon Lake Partners, LLC - Agent

Joe gave his staff presentation. He explained that Carbon Lake Partners, a development company has purchased thirty-four lots in the lower section of the Dove Ranch Subdivision (also know as "The Glen"). The company's construction arm, Artistic Homes, plans to build several homes this summer. The company uses special construction procedures and techniques that require trained contractors. The company would like to use the former Sunflower Estates as a group living facility to house work-force personnel.

Under the Business (B) Land Use District requirement this use requires a Special Use Permit in order to be used for this purpose. Water is provided by a well that is permitted through the Division of Water Resources. Access to this site is controlled by CDOT and sanitation service is controlled by the San Juan Basin Health Department (SJBHD) because it is currently using a lagoon system. These two agencies will be the determining factor as to how many workers can be accommodated at this facility.

Joe also noted that the neighbors within 200 square feet were notified via certified mailing and none of the residents have responded.

Joe went through all of the referral comments that were received for the project. (Full detail on this information is documented in the staff report from Joe Crain dated May 9th, 2009).

Staff Recommendation:

The Staff would recommend that the Planning Commission approve this Special Use Permit for one year subject to the following conditions:

1. That the facility accommodates no more than 24 persons.

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2. That the requirements of the San Juan Basin Health Department be met.
3. That the requirements of CDOT be met.
4. That the requirements of the Fire District be met.

Michelle asked about the expiration of the SJBHD permit for the sewer lagoon. She asked if the Use by Review permit would expire one year from the Planning Commission approval date or if it would expire at the same time as the SJBHD permit.

Joe answered that it is very possible that SJBHD will be willing to extend the sewer permit if the applicants request an extension and abide by all of their requirements. If approved, the Use By Review permit will be valid for one year from the approval date but if SJBHD doesn't agree to extend the permit then the applicant will have to vacate the premises regardless of the expiration of the Use by Review.

The floor was given to Mark Iuppenlatz with Carbon Lake Partners, LLC.

Mark gave a background of what his company has developed recently in New Mexico. He stated that they hope to venture into the Colorado area, beginning with this project in Dove Ranch. He explained that Artistic Homes (the builder who will be building the homes) is a "green" builder and will be producing homes with a very high HURS rating. He stated that the quality of these homes will be superior to anything that is currently on the market in this area. But their builders don't spend a lot of money on this type of construction. They achieve efficiency by using very detailed building science technology based on a high quality construction methodology and by using a very structured & meticulous system. This company has built approximately 13,000 homes in New Mexico during the last 10 years and has achieved an excellent reputation. They plan to do a few solar homes and some zero-energy homes in the Bayfield area. However, the construction of these types of homes requires very particular knowledge so they use specifically trained sub-contractors. Whenever these builders come to a new market, they bring their own trained personnel. Once they are established in the area, they hope to train local tradesman to do the same type of work.

Mark explained that these homes will be built within 6 weeks from start to finish. The crews will be working from dawn till dusk every day so they feel that the Sunflower Estates location would work very well for housing these construction crews while they are in Bayfield. This will give the crews a place to bed down every evening without having to find a temporary rental location. The building already meets all of the specific building & fire codes because it was used as an elderly care facility. However; the building has been unoccupied for awhile so there are a few things that will need to be done in order to meet code requirements and the requirements of the governing agencies. The applicants plan to comply with all of the conditions that have been requested of them. Mark asked the Planning Commission for their support on this request and stated that they hope to be a good part of the Bayfield community.

Robert asked what the price range of these homes will be.

Mark responded that the first three homes that are being built are being sold for \$199,000.00. The rest of the homes will vary between \$219,000.00 and \$249,000.00 depending on the size of the home. These homes will be work-force housing and will be priced so that the average working family can afford them. Seven are already under contract, and three are currently in negotiations.

Robert asked if they will have to do any type of specialized treatment to the sewer lagoons before occupying the building.

Mark answered that they will have to provide an aerator for the lagoon. The lagoon is dry at the moment so they plan to have the aerator installed once the lagoon fills up again. They are also required to take pictures of the lagoon on a monthly basis so that SJBHD is also apprised of the lagoon status (this was a requirement that was in place for the nursing home also).

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Robert asked if they are going to be able to meet the requirements of CDOT (Colorado Department of Transportation). He wanted to know if there were going to be more than 10 trips coming or going to this location. He also wanted to know if CDOT is going to require a traffic study on this location to determine the trips.

Note: CDOT stated in their Agency Comment that no more than 10 vehicles per day can make a left turn into this facility without the construction of a left turn deceleration lane. No more than 10 vehicles per hour can make a right turn into this facility without the construction of a right turn deceleration lane. A right turn acceleration lane is required unless no more than 10 vehicles per hour make a right turn into this facility.

Mark answered that the crews generally car-pool to the job site so there are 4-5 workers per vehicle. He doesn't feel that they will have any problems abiding by the trip minimum that has been set forth by CDOT. There will not be a lot of vehicles in and out of this location during the day because the crews work all day long. CDOT is not requiring a traffic study at this time; the number of trips in and out of this location will be based on an honor system. But Mark expressed that he does not feel that they will exceed the trip minimum.

Joe commented that Jim Horn with CDOT will be checking this location throughout the building season to make sure that the trip minimums are not being exceeded. However; Joe doesn't feel that this project will cause more trips than what is being allowed by CDOT.

Mark stated that they will abide by the rules that are set forth and will do whatever is required by the governing agencies.

It was asked how long they plan to continue this endeavor in Bayfield.

Mark answered that they are looking into future developments in this area if things go well in Dove Ranch.

Rick asked if there is a plan to train local construction workers on this type of building techniques.

Mark answered that they will be developing a plan called "pathway to partnership" which will help Artistic Builders use local talent. He explained that it's less than ideal to continue bringing sub-contractors from Albuquerque. They really hope to incorporate local people into their building crews to help alleviate this problem. Mark also stated that Artistic pays their sub-contractors a good wage and since there is a lot of volume it is a comparable wage to those currently offered in Bayfield currently.

Bob asked if the present cooking arrangements in the facility will meet their needs.

Mark answered that there are two full kitchens in the building. They are more than adequate for the crews to make what they need for meals.

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

Rick commented that the building industry is a very large part of the revenue in this area. He feels that this is a positive sign of growth for Bayfield. He also expressed that he had construction workers living in apartment complexes that he used to own and it was a very positive experience. He feels that this is a good solution for everyone that is involved.

Michelle made a motion to approve the Use By Review Permit for Carbon Lake Partners, LLC for one year subject to staff recommendations 1 through 4. Rick seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #3: Public Hearing: Amendment to the Bayfield Land Use Code

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**Amendment of Article 4 by adding Sec. 4-10 Finding Completeness & Setting 15 Working Days
To Make That Determination**

Joe gave his staff report. He stated that there have been problems in the recent past with developers turning in inadequate information (especially plats), in both preliminary and final stages of the projects. Currently, the Bayfield Land Use Code adequately lays out all requirements for development processes. However; it does not mention when a project can enter the review process. Staff feels it is important that good complete information is submitted and then reviewed by staff to make sure all items that are required by the code have been submitted. Once this review has been completed, the project will be allowed to enter the review and approval/non-approval process.

In order to facilitate this review process, the staff is suggesting that the land use code be amended by adding Article 4 Sec. 4-10 that would add the determination of Finding an Application Complete, and setting fifteen (15) working days for this finding.

Staff Recommendation:

Staff would encourage the Planning Commission to recommend that the proposed Sec 4-10 be added to Article 4 of the Bayfield Land Use Code setting a 15 working day review period in which to make a finding of completeness.

Robert stated that this is something that the Town Board feels very strongly about. The Board is tired of being presented items that are not complete or having applicants bring in items to the meeting that haven't been reviewed by the staff. He expressed that he is in favor of this addition to the Land Use Code.

Bob asked if this is going to cause difficulties for the developers who do have all of their items together and in order when they submit them to the Town.

Joe answered that it is going to add some time to the process but it will help streamline the whole procedure. The Town staff will not set dates for public hearing until an application is found complete.

Rick explained that the Town Board has requested a change from the current procedure of taking planning items directly to the next Town Board Meeting following the Planning Commission meeting. These items are now taken to the first Town Board meeting of the next month. This gives the applicants enough time to make the changes requested by the Planning Commission and gives the staff time to review those changes before they are submitted to the Town Board for approval.

Michelle commented that she would feel more comfortable if she received project information (that has already been reviewed by staff and the commenting agencies) prior to the Planning Commission meeting rather than receiving a revised submittal from the applicants during the meeting that hasn't been reviewed. She feels that this is a good addition to the Land Use Code.

Bob stated that he feels that staff needs time to review documents and make sure that they are correct and complete before they are submitted to the Planning Commission or the Town Board. He also feels that this is a good addition to the Land Use Code.

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

Ed made a motion to recommend to the Town Board that Sec 4-10 be added to Article 4 of the Bayfield Land Use code setting a 15 working day review period in which to make a finding of completeness. Rick seconded the motion.

All were in favor, motion passed unanimously.

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**Action Agenda Item #4: Public Hearing: Amendment To The Bayfield Land Use Code
Table A.a.xxiii Non-Residential Lot & Dimensional Standards
Lot Area Minimum per unit from 6,000 square feet per unit to 2,000 square feet per unit
For Second Floor Residential Units In The Business (B) Land Use District**

Joe gave his staff report. He stated that the Bayfield Land Use Code currently requires a minimum lot area size of 6000 square feet per unit for residential uses on upper floors of proposed commercial/residential structures in the Business Land Use District (B). The staff feels that this minimum lot area size is too restrictive. The land use patterns of the future will favor a more mixed use concept whereby business and residential use will play a combined role in urban development. In the past the Town has been approached by developers who wanted to have just such a mix make a decision not to build. The mixed use concept is also a major land use in the east side area plan. (See attached memo for background information)

These changes were presented to the Bayfield Economic Development Group this past summer and Fall ('08) and the group agreed that the proposed changes were needed to enhance the vitality of future mixed use development as the Town continues to grow.

Staff Recommendation:

The Staff would encourage the Planning Commission to recommend that the Town Board amend Table A. axxiii of the Bayfield Land Use Code by reducing the minimum requirement of 6000 square feet of land area to 2000 feet of land area per residential unit allowed in the Business Zoning District.

Joe explained that the staff is requesting this change to help encourage residential above commercial structures. Staff is requesting this change in both the Business & Mill Street zones. Joe said that there have been several requests to build residential above commercial structures but they haven't occurred because when the applicants find out about the stringent restrictions on the amount of units that can be constructed, they realize that it's not financially feasible for them to proceed. Joe has met with some design people (Jay Lynch and R. Michael Bell) and they both feel that 2000 square feet is a reasonable requirement.

Justin clarified that the staff has determined that 2,000 square feet is a reasonable number to maximize the investment of constructing residential unit over commercial structures.

Bob asked what the maximum height is for a structure in the Business zone.

Joe answered that it is 35 feet.

Justin expressed that he has been approached by several people who are interested in developing on Mill Street. However, they haven't been able to make the numbers works with the current restrictions.

Bob asked about parking, especially in the Mill Street zone.

Joe responded that this change will have an impact for the parking on Mill Street. However; the Town Board has taken the position not to require a buy-out on Mill Street parking. He feels that people will not go to the expense of creating this type of building without providing enough parking spaces for the tenants.

Bob asked if it is required to have commercial on the bottom and residential on the top.

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Joe answered that is what is currently required by the Land Use Code.

Ed asked if it would be possible to put a small commercial area in the front and residential on top with garages in the back.

Justin answered that he feels that sort of compromise would be allowed on Mill Street. The limiting factor on Mill Street will always be parking so any attempt to provide parking will be looked upon favorably.

Ed commented that he thinks it is more suitable to park cars in the back since the lots on Mill Street are narrow but extremely deep.

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

Rick made a motion to recommend that the Town Board amend Table A. axxiii of the Bayfield Land Use Code by reducing the minimum requirement of 6000 square feet of land area to 2000 feet of land area per residential unit allowed in the Business Zoning District. Ed seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #5: Public Hearing: Amendment To The Bayfield Land Use Code
Table A.a. xxiii Non-Residential Lot & Dimensional Standards
Lot Area Minimum per unit from 3,500 square feet per unit to 2,000 square feet per unit
For Second Floor Residential Units In The Mill Street (MS) Land Use District

Joe gave his staff report. He explained that there has been a great deal of discussion that has taken place regarding the standards and requirements of the Mill Street zoning district. One of the deterrents to Mill Street revitalization is the restriction that an applicant can only have one unit per 3500 square feet. of land area. This restriction prevents developers from building mixed use structures that contain commercial uses on the first floor and office and residential on the second story of the building.

This item was discussed in depth when creating the Bayfield Economic Strategy over the last year. In discussing this with design specialists and architects, the figure of 2000 square feet of land area per unit would permit an acceptable number of units to encourage revitalization of the Mill Street area. Staff also feels that it will encourage redevelopment along the Mill Street corridor.

Joe expressed that in the five years that he has worked for the Town, there have been several occasions where a proposed project was not pursued due to the restriction on how many units could be achieved. The original requirement was put in the code to help eliminate a potential parking problem that could happen in the downtown area. However; the Town does not currently have a problem with parking on Mill Street and the staff would like to encourage growth in this area.

Staff Recommendation:

Staff would recommend that the Planning Commission recommend that the Town Board amend Table A. axxiii of the Bayfield Land Use Code by reducing the minimum requirement of 3500 square feet of land area to 2000 feet of land area per residential unit allowed in the Mill Street Zoning District.

Bob asked if 2000 square feet is a large enough reduction for Mill Street.

Joe said that he spoke to Jay Lynch and R. Michael Bell. They both feel that 2,000 is a sufficient number.

Justin commented that parking will always be the main restriction on Mill Street. Justin doesn't think that anyone is going to be able to utilize less than 2000 square feet due to parking requirements.

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

Rick made a motion to recommend that the Town Board amend Table A. axxiii of the Bayfield Land Use Code by reducing the minimum requirement of 3500 square feet of land area to 2000 feet of land area per residential unit allowed in the Mill Street Zoning District. Pat seconded the motion. All were in favor so the motion passed unanimously.

Action Agenda Item #6: New/Unfinished Business

Joe mentioned that the Planning Commission is going to receive the 125 page construction standards for review at the next meeting. The Town has never had these sorts of standards in place before and plans to adopt these standards once they are approved by the Planning Commission and the Town board. These standards will not be included in the Land Use Code but they will be referenced. The Town is also planning to adopt a construction code. These codes & standards will make things very specific for developers who decide to build within the Town limits.

Rick informed the Commissioners that the Town has received an application from Gabe Candelaria for the vacant position on the Planning Commission Board. He is going to ask the Town Board to approve the appointment at the June 2nd Board meeting.

The meeting was adjourned @ 8:48 p.m.

Approved:

Bob McGraw
Chairman

Marianne Jones
Deputy Town Clerk