

**Town of Bayfield
Planning Commission Meeting
September 9, 2008
11 West Mill Street Bayfield, CO 81122**

Planning Commissioners Present: Joan Hanna (Chairperson), Mayor Rick Smith, Tom Au (Town Board Member), Patricia Heyman, Ed Morlan, Bob McGraw, Carolyn Hull

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

Media Present: Carole McWilliams – Pine River Times

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

Minutes: Ed asked that page 3, paragraph 12, sentence 1 be changed to “Ed noted that the Land Use Code does not specifically mention gas service *and that there are several areas in Town that do not have natural gas service* so he doesn’t feel that it should be required by the Town.” Bob mentioned that the break times listed on page 10 needed to be changed from 7:35 – 7:45 to 9:35 – 9:45. It was also requested that page 7, paragraph 4, sentence 1 that the “un” be changed to “in”. Rick moved to approve the minutes of the August 12th, 2008 Planning Commission meetings as amended. Ed seconded the motion. All in were in favor except Tom, who abstained.

Public Input: There was no public input offered so it was immediately closed.

Action Agenda Item #1: A.J. Liddell
Easement Vacation
609 Magnolia Court – Mesa Meadows Subdivision – Lot #53

Joe gave his staff report. He explained that the structure at 609 Magnolia Court was constructed by the applicant AJ Liddell. After completion it was discovered that it encroaches into the 15 foot platted easement on the east side of the property by approximately 2 ½ feet. The applicant is requesting to vacate 3 feet on the western side of the easement to accommodate the encroachment. The staff has researched it and has been told that there are no utilities located in the easement. Staff required the applicant to get signatures from all the utility companies prior to the meeting. All of the utility companies have signed the plat approving the request.

Staff Recommendation:

The Staff would recommend that the Planning Commission recommend to the Town Board that the easement be vacated with the following condition:

- 1: That all utility providers agree that the western most three feet of the 15 foot easement is not needed now or in the future.

Tom said that he had looked into this request and was told that there is a water line located in this easement.

Joe stated that the house encroachment is 2 ½ feet so there is going to be that limitation regardless.

Tom said that if the Town needs 15 feet for any water line repairs, the Town may want to require that the 2 ½ feet be granted from the other side.

Justin commented that he talked to Ron and Ron informed him that there is not a water line located in this easement.

The floor was given to AJ Liddell, the applicant.

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AJ Liddell (7037 County Road 228) stated that he has met with Ted Cafarrel and Chuck Heidelberg (the developers of the Mesa Meadows subdivision) and they informed him that the water line was never placed in this easement. The proposed line was put in a different location due to cost.

The item was opened up for public comment.

No public comment was offered so it was immediately closed.

Bob asked who the Town needs to talk to in order to find out if there is a water line located in this easement or not.

Justin answered that he will speak to all the correct parties before this item appears in front of the Board. He explained that a recommendation could be made to the Board contingent upon getting the proper information from all the parties.

AJ commented that he requested that all the utility companies stake their easements and this one did not show up during that process. He stated that he takes full responsibility for building into the easement; however, this side easement did not show up on his original title paperwork and the plat that he received upon purchase of the property only showed the BP easement.

Tom asked how this can be resolved in the future so that this doesn't continue happening.

Joe responded that it would probably be a good idea to require a survey and property pins on all new building structures to ensure that they are meeting set backs & are not encroaching into any easements.

Rick made a motion to recommend approval to the Town Board that the easement on Lot #53 of the Mesa Meadows Subdivision, commonly known as 609 Magnolia Court, be vacated by three feet on the west side of the easement contingent upon satisfaction/signature of the Public Works Director.

Carolyn seconded the motion.

Ed asked what happens if the Public Works Director is not okay with this request.

Justin answered that it's possible that the Town may ask for dedication of 3 feet on the other side of the easement in order to maintain the full 15 foot easement.

All were in favor, motion passed unanimously.

**Action Agenda Item #2: Scott Trinklein/Lynn Matievich
T&M Minor Subdivision
Request For Waiver (Continued From August 12th, 2008)
Requirement For Natural Gas Connection**

Joe gave his staff report. He explained that the Planning Commission requested the answer to 2 questions regarding this project before rendering a decision on the matter. The first question was whether or not the gas & water line could be placed in the same trench. The staff has been informed that there must be a 3 foot separation between the water & sewer lines. Therefore, there would have to be a separate trench for each of these utilities.

The other question was whether or not the franchise agreement between the Town & Source Gas contains language that requires properties to connect to the gas system. The staff has researched this question and

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determined that the franchise agreement does not state that every new structure must be connected to the natural gas system.

The floor was given to the applicant, Scott Trinklein.

Scott stated that due to the changes in energy and the cost of it, he feels that it's time to go with solar power. He asked for approval of the request and stated that putting in the gas line would be a waste if it's not going to be used.

Joan commented that she feels that this is a precedent that does need to be set.

Ed made a motion to recommend to the Town Board that the natural gas waiver request be granted based on the following findings of fact (with an additional comment added to #2):

1. Due to the size of the subdivision only being two lots
2. Due to the fact that to install a gas line, it would require tearing up a paved surface and that natural gas service is not available on all lots in Town.
3. That the applicant is willing to record a document indicating that there is no natural gas line to the lot & holding the Town harmless
4. That the Planning Commission believes that this waiver is justified base on the above, the Planning Commission recommends that the Town Board allow this waiver request with the following condition:
 - a. That the applicant will create at their expense, a document to be filed with the County Clerk that holds the Town harmless and informs any future buyer that no natural gas service is provided to the property

Carolyn seconded the motion.

Rick said that he understands the desire not to use gas and to go with solar power. However, he feels that this service is considered a utility and the service needs to be constructed to the property line per the Subdivision Improvement Agreement that was signed by the applicant upon subdivision of the property.

All were in favor except Rick, who was opposed.

Joan requested that the agenda be amended. She explained that the Annexation of the Byrd property has already been completed at the Planning Commission level. She requested that the annexation be stricken from the agenda. She also requested that the public hearing of the Byrd Property be moved up into the #3 slot on the agenda and that the Southviews Property be moved into the #4 slot.

Action Agenda Item #4: Public Hearing: Byrd Sketch Plan
Applicant: Fred Copenhaver as agent for Oscar & Nancy Byrd
Sec 1 & 12, T 34 N, R 7 W
Parcel # 567701400017 43.44 Acres

Joe gave his staff report. He explained that the Byrd property fronts Highway 160 just to the east of the Bynum property (Sunflower Estates). The property consists of about 43+ acres and the proposed use for the property is commercial with some light industrial. Park fees would only apply to residential zoning in this area (at this time there is no residential proposed on the property).

The layout and uses proposed on this property are consistent with the recently adopted Northeast Area Plan. The Byrd commercial/light industrial area is divided into larger lots to facilitate the development of retail uses by different developers. The original developer will be required to install the basic infrastructure of water,

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sewer, & road systems. It is expected that the future users of these lots will install the private infrastructure needed for uses that will occur.

Ed asked about the comments that were received from the Division of Wildlife (included in the packet). He wanted to know when these comments would be applied.

Joe answered that it would be applied during the subdivision process. He also noted that the comments received from CDOT (Colorado Department of Transportation) would be applied at subdivision time.

It was asked where the 150 – 200 foot wildlife movement corridor would be placed on the Northeast Plan.

Joe answered that he is going to ask the Division of Wildlife where they would like it to be located. He hopes that they will be able to map the best location for it.

Rick asked about the drainage plan and the other requirements that were requested at the last meeting.

Joe answered that he has informed Brad Elder (the developer of the Southviews property) that this item and the Southviews item will need to be continued this evening because the information requested has not been received. However, Brad wanted to come in and speak with the Planning Commission so that he can get some direction on the revised plans & the density.

Tom asked about the map naming of the Byrd Property & the Southviews Property. He wanted to know why Southviews is listed as the name on both maps.

Brad answered that the Byrd property is being referred to as Southviews Commercial and the Southviews property is being referred to as Southviews Residential.

Joe said that the staff recommends that this item be continued to a date uncertain.

The item was opened for public comment.

Carole McWilliams with the Pine River Times noted that the comments received from Jim Horn with CDOT make her nervous.

Brad expressed that an access control plan is quite a ways out; however, there are a lot of other things that need to be done in the meantime. He has been discussing the access issue & the intersection requirements with Jim Horn. It also has to be determined what is going to be done with the corridor plan.

It was asked how far east & west the corridor goes.

Brad answered that it hasn't been defined yet. The outside limit would be from the Gem Village to the curve on Highway 160. The small limit would be from Eight Corners to the Goff property. The corridor limit just hasn't been determined yet.

Brad explained that he is trying to get a more definitive sketch plan to present to CDOT. A more definite plan will help with the traffic impact study because it will be able to give actual numbers instead of basing the study on a comprehensive plan design. Once the sketch plan is defined it will show actual densities and design. He will be able to show exactly where there is going to be collector & arterial road. Since CDOT wants to know exactly where things are going to be located and what is going to be developed he has to be able to give them a very well defined plan.

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Brad stated that this process has to be done step-by-step. CDOT cannot tell exactly what is going to be needed until they look at all the specific detail and the traffic study. Every step will help gather the needed details to help make this decision more clear and the requirements more clearly defined.

Joe mentioned that the Byrd property will not be able to develop until the intersection is built unless whatever goes in there can meet the current access threshold (the amount of trips allowed using the current access).

Justin commented that the Town is still working to annex the Homestead Subdivision. It might still be possible to do a corridor study of this entire area beginning at Homestead and ending on the east side.

Carole McWilliams asked about comment #8 on the CDOT letter that refers to A-line openings being closed. She wanted to know if this refers to Commerce Drive.

Rick responded that he thinks that it's referring to the current access to the Bynum property and is not referring to Commerce Drive.

Justin stated that the Town is very sensitive to the access at Commerce. He feels that the Town could easily argue that the new intersection will actually help alleviate some of the pressure on Commerce Drive. The Town is relying on the record of decision that is on file which states that that intersection will not be closed unless it meets all of the criteria that was outlined in that decision. The Town plans to be cognizant and work towards making sure that they stick to that agreement.

Ed moved to continue the Byrd Sketch Plan to a date uncertain. Rick seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #3: Public Hearing: Southviews Sketch Plan
Applicant: Real Estate Ventures II, LLC
East ½, Sec 1, T 34 N, R 7 W
Parcel # 567701100026 & 567701400027 75.029 Acres

Joe gave his staff report. He stated that the applicant has submitted a new sketch plan addressing the "super-lots" that were on the original plan. Brad has split the middle lots up into smaller lots. Joe explained that Brad is requesting that the Planning Commission give him some direction on the land use density. Once Brad has this information he will bring back all the previously requested information along with making any changes to the density that the Planning Commission requires.

Justin clarified that the staff & the applicant would like to receive very detailed direction. Brad would like to get a feeling of consensus from the Commission so that he can project what his prospects are for the area.

Brad clarified that the drainage and utilities are all based on the actual layout of the lots so he wants to get that all hammered out first before trying to come up with those plans.

Carolyn asked where the wildlife corridor will be placed.

Joe answered that he will ask the Division of Wildlife to document on a map of the comprehensive plan where the best location would be for that corridor.

The floor was given to Brad Elder.

Brad expressed that he is seeking direction on the Southviews sketch plan. He changed the lower lots that abut to R-20 from HDR to MDR. He explained that he thinks this is appropriate because there are a lot of grade changes between this area and Oak Street. The lots are also quite a bit larger. He broke the large lots in the middle into smaller pieces. However, he prefaced that he cannot promise that this is the way that

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it's going to be built out. He explained that a lot of this will be determined by the economy, Town growth, etc and most likely there will be changes made to meet future needs.

Brad stated that there will be an assignment on each property that limits how many multi-family units can be built on each parcel. He doesn't know yet how each parcel will ultimately build out so there will be a maximum density per lot.

Brad explained that he is hoping to get the Mesquite phase approved since it has the required access and not have it bogged down by the rest of the development. It will consist of some single-family & multi-family lots.

Bob McGraw noted that there are 8 lots in the area below the Mesquite phase. He feels that there are too many lots crammed into that small space and feels that it would be better if it was only 6 lots instead of 8.

Brad responded that there are a lot of large lots available in Town; however, they're not selling. The market seems to be geared towards the smaller lots.

Bob reiterated that he still feels that it needs to be 6 lots instead of 8.

Ed disclosed that he lives adjacent to this area. However, he too feels that there are too many lots crammed into this space.

Bob said that the Planning Commission has been very consistent about protecting the transition between R10 & R20. He feels that there needs to be larger lots adjacent to the R-20 zoning that already exists on Oak Street.

Joan asked about lots 93, 94, & 95.

Brad answered that he will go ahead and re-work that entire area to meet the concerns.

The item was opened for public input.

Myron Lizer (1206 Mesquite Street) expressed that he is not against any of the improvement or change to this area. However, he is concerned about the large ponderosa pine that is located on that piece of property. He explained that he has lived there for 6 years and really enjoys seeing the eagles & hawks that inhabit that tree. He would hate to see it cut down.

Brad answered that he is planning that area of the subdivision design around that tree. It is not going to be cut down.

Myron said that he thinks that it is a very good design. He asked about the grade of the streets.

Brad answered that it will be about a 5% grade.

Myron commented that he is a little concerned about the speed that could happen with that grade. He asked if speed bumps or buffers would be put in to decrease the speed.

Brad answered that there are no plans for that at this point but that he is going to try & come up with way to keep the speed down in that area.

Brad commented that there are some drainage issues that will have to be addressed in the Mesquite area. These items will be addressed in the drainage plan and report.

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Bob asked if the next map will have maximum number of units per lot.

Brad answered that the entire area will have a maximum density and maximum allowable units. This number will not exceed more than 16 units per acre.

Joan said that she feels that there are 6 items that the Planning Commission needs to address and give direction on. They are:

- Overall density
- Density allocation
- Cramming of lots
- The designer angle
- Wildlife migration
- Drainage and/or topography on the 6 lots below the neighborhood storage

- Overall density - 3 of the Planning Commissioners are okay with the density. The others feel that the density is too high.

Joan expressed that she has a lot of concerns regarding the density and the stress that it could put on the Town infrastructure when the Town grows this much and has this much denseness.

Justin asked what the Planning Commission considers too high and what area of the sketch plan needs to be changed so that the density works for the area. He expressed that the Town isn't going to approve a plat if they can't handle the infrastructure. Plus, density is actually helpful when it comes to infrastructure because if there are 60 houses on a street rather than 3 or 4, it's much more cost efficient for street repair, snow plowing, etc. Also, more rooftops mean more revenue coming in.

Ed stated that he doesn't like the density but that he'll vote for it.

Justin responded that sort of information is exactly what Brad is looking for during this meeting.

Brad said that he this to be done in the most economical way possible. He feels that having all the density in one place is a good way to do this. He is planning to target the working class with these homes.

Carolyn stated that she doesn't like it either but she won't vote against it. She said that she would like to see the density move to the center and have some larger lots on the perimeter.

Pat Heyman expressed that she doesn't like it but she wouldn't vote against it.

- Density Allocation

Joan asked if the Planning Commission wants to entertain allocating units from one lot to another.

The Bayfield Land Use Code (LUC) states that each unit in Multi-Family zoning must have 2000 square feet of land acreage.

Brad expressed that he is putting a restriction that there cannot be more than 16 units per acre. This is less than what the LUC currently allows.

Rick stated that he would entertain it ONLY if there are caps on the number of units.

All the Planning Commissioners were in agreement that they would support the allocation if there was a cap in place on the number of units.

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- The cramming of the lots underneath the Mesquite Phase

Brad responded that he will rework that entire area.

All of the Planning Commissioners were in agreement that area needs to be reworked so that there are not so many lots "crammed" into such a small area.

- The designer angle located in the corner of the Mesquite Phase.

Brad responded that will be reworked during the re-design of that entire area.

All of the Planning Commissioners were in agreement that it needed to be re-done so that it was not such an abrupt angle.

- Topography & Drainage

All of the Planning Commissioners were in agreement that Brad needs to bring in a report and a plan addressing both of these items.

- Wildlife Mitigation

Joe responded that he will go to Division of Wildlife and have them mark where they would like the wildlife corridor to be located and that will determine if it affects this property. He said that he will try to get this done before it this item comes back to the Planning Commission.

The Planning Commissioners were in agreement that this needs to be addressed before moving forward with the sketch plan.

Bob asked if there is a back-up plan if there is not interest in developing the Senior Campus.

Brad answered that it will be zoned with HDR with MF overlay. However, any change to that area would have to come back to the Planning Commission for approval.

Ed asked about trails.

Justin answered that he feels that trails should be included at this point because the Town needs to know that all of the proposed improvements work for the entire subdivision.

Brad said that he will show the proposed trail system on the next map.

Rick moved to continue the Southviews Sketch Plan to a date uncertain. Ed seconded the motion. All were in favor, motion passed unanimously.

Action Agenda Item #5: New/Unfinished Business

Justin informed the Planning Commission that this would be the last meeting held in the old Town Hall. The Town Hall is moving into its new located on Monday September 15th. He also told them that there would be an open house held on Tuesday night from 5:30 – 7:00 p.m. He asked the Commission to come and celebrate the new location. He also reminded them that the next meeting will be held in the new building.

Ed asked if the Town has received the information from Cyndi Smart that she said she was going to be bringing in.

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Justin answered that nothing has been received yet.

Tom asked who is enforcing the weed violations. He is concerned about the weeds in Fox Farm, Mesa Meadows and the vacant lots throughout Town.

Justin responded that the Town Board has passed a nuisance ordinance. The Town staff is trying to phase this in over time. At this point, weed enforcement is complaint driven. Whenever there is a complaint, the Marshals take it to the next step. The Town Board has not given the go ahead to just write tickets for violators but that may be a step that has to be taken later on.

Rick stated that he will bring this up to the Town Board.

The meeting was adjourned at 9:00 p.m.