

**Town of Bayfield  
Planning Commission Minutes  
June 14, 2016  
1199 Bayfield Parkway, Bayfield, CO 81122**

**Planning Commissioners Present:** Joe Mozgai, Kalon Porter, Isaac Fleener, Matt Salka (Mayor), Tish Nelson and Matt Nyberg.

**Staff Present:** Chris La May (Town Manager), Amy Witte (Administrative Assistant)

**Media Present:** None

The meeting was called to order by Chairman Mozgai at 7:00 p.m.

**Roll Call:** Six members were present.

**Pledge of Allegiance**

**Approval of Minutes:** Vice Chairman Porter made a motion to approve the minutes of the May 10, 2016 meeting as presented. Mayor Salka seconded the motion. All were in favor; motion passed unanimously.

**Public Input:** None

1. **Public Hearing-** Lot 8, Mountain View Subdivision (AKA 675 E. Colorado Dr.) – Request for Change in Land Use to Business (B)

Chairman Mozgai opened the public hearing and asked staff for a report. Commissioner Nelson wanted it noted that she lives in the Mountain View Subdivision. Town Manager Chris La May gave a brief overview of the property which is currently zoned as R40 Single Family Residential. It was purchased by Colorado Trading Company who in turn uses it as a storage area for the business located across Highway 160. They were notified that the use of that property was not consistent with the Single Family zoning classification prompting them to apply to rezone the property to Business zoning for the continued use storing vehicles and equipment. La May continued to state that the property would be consistent with the other neighboring properties along Hwy 160. The business zoning classification would allow for vehicle sales and services, self-service storage use, retail sales and services as permitted uses. The application was submitted and fees paid on May 13, 2016 and studies were sent to referral agencies on May 20, 2016, the comments are as follows:

**Bayfield Public Works**

Water meter needs to be relocated at the owner's expense, as it is not traffic rated and at present location could be damaged from vehicle traffic.

**Colorado Department of Transportation:**

No concerns with the proposed zoning; however if the applicant requests other uses for the property, CDOT may require new access permit application.

Town Manager Chris La May stated that the business use is consistent with the character of the neighborhood. Public notices of the public hearing were published in the Pine River Times May 27<sup>th</sup>, June 3, June 10<sup>th</sup> and June 17<sup>th</sup>. The applicant notified property owners within 200 feet of the property.

Town Manager Chris La May stated the Planning Commission shall consider the following criteria in its action on the Application:

- (1) Was the existing land use district adopted in error?
- (2) Has there been a change of character in the area?
- (3) Is there a need for the proposed uses within the area or community or will there be benefits to the community?
- (4) Are the proposed uses compatible with the surrounding area or uses?
- (5) Will there be adverse impacts from the allowed uses and can these impacts be adequately mitigated?
- (6) Are adequate public facilities and services available to serve development for the type and scope of uses suggested by the land use district category?
- (7) Is the proposal in conformance with the intent, policies and requirements of the Bayfield Comprehensive Plan?
- (8) Is the proposal solely to provide special privileges to a single piece of land that is surrounded by properties with other land use district designations?

Town Manager Chris La May reminded the Planning Commission that following the public hearing they can recommend approval or denial including, if applicable, the reasons for denial or continuation of the matter.

Town Manager Chris La May continued to state that any changes to the zoning on the lot would need to meet the Land Use Code requirements, which require a hard surface such as asphalt or concrete. This requirement could be waived through the adoption of a resolution.

La may continued to state that if the surface changes the storm water requirements also change requiring the storm water to be detained.

Staff recommends approval to the Board of Trustees of Ordinance 399, an Ordinance Rezoning certain Property within the Town of Bayfield to Business (B). However, place property owner on notice that the property will need to comply with Section 7-9 of the Bayfield Land Use Code related to off-street parking and Section 5.1 of the Town Infrastructure Design Standards related to Storm Drainage Systems.

Town Manager Chris La May then said that the applicant was in attendance. Jesse Larson of 44 Red Rooster Road, Durango stated that as the owner he wanted to comply with the Towns requirements and one day be able to build at that location, but with the highway access plans up

in the air it was decided to use it as storage for pawned vehicles and vehicles that are for sale. No sales take place on the property, the vehicles are brought across the highway for that purpose.

Chairman Mozgai asked for comments from the board, Commissioner Nyberg asked who would be responsible for the cost of the water meter? Mr. Larson said he was aware of Ron Saba's concern and had put a temporary sign over it to deter people from driving on it. Commissioner Nyberg asked if Ron had seen the temporary sign? Mr. Larson was not aware if Ron had or not. Commissioner Nyberg wanted to know Ron's position on that as the meter could be costly either way to fix.

Commissioner Fleener asked if there were plans to pave the lot? Mr. Larson stated that yes when they get ready to build.

Chairman Mozgai then asked if there were any storm water issues as the property stands now, or would paving it change things? Town Manager Chris La May stated the imperviousness of the property as it stands right now is not of concern.

Chairman Mozgai then asked if the property is paved or built on it would have a greater impact to the storm water. Town Manager Chris La May stated that yes that was correct.

Chairman Mozgai then asked for public comment.

Joe Whiteman who resides at 517 Dove Ranch Road stated that he believes storing the used vehicles causes environmental issues in regards to leaking fluids.

Chairman Mozgai asked for any other public comment, hearing none he closed the public hearing.

### **Action Agenda**

1. Consideration of Recommendation of Approval of Ordinance 399, an Ordinance Rezoning certain Property within the Town of Bayfield to Business (B).

Chairman Mozgai asked for any comments or questions from the board. Commissioner Fleener asked if they do anything on site to deal with the vehicles that are parked there? Mr. Larson stated that they alternate them as much as possible.

Chairman Mozgai then asked for a motion. Vice Chairman Porter motioned to approve Ordinance 399, An Ordinance Rezoning certain Property within the Town of Bayfield to Business (B) with the following staff recommendations:

1. Section 7-9 of the Bayfield Land Use Code related to off-street parking and
2. Section 5.1 of the Town Infrastructure Design Standards related to Storm Drainage Systems.

Commissioner Nelson seconded the motion. Chairman Mozgai then asked for a vote, all were in favor, motion pass unanimously.

## **Public Hearing:**

### 2. Preliminary Plat – 4BB Subdivision (AKA 512 & 518 Dove Ranch Road)

Chairman Mozgai opened the public hearing, Commissioner Fleener recused himself and Commissioner Nelson recused herself.

Town Manager Chris La May began with the staff report stating that the applicant 4BB Investments filed the application to rezone and subdivide two vacant lots in Dove Ranch subdivision, which are currently zoned R20 Single Family Residential allowing for a minimum 20,000 square foot lot. The applicant requests to rezone the lots to R10 Single Family Residential, which would allow for 10,000 square foot lots; essentially dividing two lots into four lots at that location. The application was filed on May 18, 2016 and the fees paid on June 13, 2016. The application is being processed under a small subdivision, Short Procedure due it being less than one and a half acres with no alteration or change of any street or public right of way. La May continued to comment that the short procedure process has a public hearing for the preliminary plan and if so desired it will move forward to a public hearing before the Board of Trustees for the Final Plat. Comments were sent out to the various agencies on May 18, 2016 with the results as follows:

### **Town Engineer-Souder Miller & Associates**

- Storm water impacts and drainage need to be evaluated based on potential increase in imperviousness and potential impacts to the Schroeder Ditch Company.
- Water and sewer systems can support additional impacts. New tie-ins necessary.

### **Bayfield Public Works**

- Will require two additional water and sewer taps, which will require street cut and excavation. Work shall be in accordance with Town standards and specifications.
- Will need written authorization from Schroder Ditch Company allowing drainage to enter ditch.
- May need updated drainage report with additional homes, with Town engineer approval.

### **Parks and Recreation Department**

- Land dedication or cash in-lieu for new subdivision.

Notice of Public Hearing was published in the Pine River Times in the May 27, June 3, June 10, and June 17, 2016. Certified mail receipts were received for notification to property owners within 200 feet of the property.

Chris La May continued to say the Master Plan states that Bayfield will encourage and manage residential development and that the density standards would apply for setbacks, which would be 20 feet in the front, 10 feet on the side, and 20 feet in the rear of the lot.

Storm water drainage needs to be looked at more closely. Water rights are usually dedicated to the Town at the time of subdivision, there are no shares to dedicate, so the Town could elect to collect a cash in lieu fee estimated to be \$2,270.00 to acquire water rights in the future. Staff recommends a cash payment of \$1,552.00 in-lieu of land dedication for parks.

Town Manager Chris La May then stated that the planning commission consider the physical arrangement of the project, compliance with the Comprehensive plan, Town policies and any public comment during the public hearing. The planning Commission can recommend to the Board of Trustees approval, conditional approval or denial including the conditions of conditional approval or the reasons for denial. La May stated that the Planning Commission review the same criteria as it relates to the rezoning of the lots, as it did for the previous application.

Staff recommends approval in the R10 Single Family Residential zoning of lots 3A, 3B, 4A and 4B of the 4BB Subdivision with the following conditions:

- 1) Property owner pay \$2,270 as cash in-lieu of dedicated water rights.
- 2) Property owner pay \$1,552 as cash in-lieu of parkland dedication.
- 3) Plat shall include note that property owner shall install a separate water and separate sewer service line to each lot at owner's expense in accordance with Town Infrastructure Design Standards and Construction Specification including any necessary street cuts and compaction.
- 4) Applicant shall evaluate impacts to existing storm water facilities with increase in imperviousness site and change in drainage routing patterns. Section 5.0 Storm Drainage System of the Town of Bayfield Infrastructure Design Standards shall be followed for storm water drainage system design and ultimate solution shall be reviewed and approved by Town Engineer. A subdivision improvement agreement (SIA) shall memorialize any necessary storm water facilities.
- 5) Applicant shall provide written authorization from the Schroder Ditch Company to allow drainage from the subdivision to enter the Schroder Ditch or verification of acceptance of drainage solution to mitigate impacts.

Town Manager noted that the comments received this morning from the Schroder Ditch Company was that they are fine with the subdivision, but don't want any construction to take place until there was a solution to the Master Drainage issue.

Chairman Mozgai then opened it up for the applicant to speak on their behalf.

Eric Nelson and Thomas Percell as agents for the subdivision spoke in support of the rezoning and subdivision in that it's positive for the Town when the water and sewer taps are available, fills vacant lots with homes and provides affordable lots to purchase.

Chairman Mozgai then asked if the Homeowners Association was still in existence would this project be allowed? Thomas Percell stated that yes, there is language in the CCR's that prevent the subdivision of lots. Chairman Mozgai then asked Town Manager Chris La May if the Town was ok with it since there is no homeowners association. La May commented that the HOA is dissolved and the Town doesn't step into HOA covenants.

The board then had some discussion regarding the drainage issue.

Eric Nelson stated that they recognize the drainage issue and don't have the ability to solve the entire issue, but at the same time we don't want to make it worse.

Chairman Mozgai then asked for comments from the Board, hearing none he then opened it up for public comment.

Kathy Katsos who resides at 525 Dove Ranch Road asked if the larger lots laid were laid out to benefit the subdivision with the knowledge of the drainage issue?

Chairman Mozgai said that he can't justify why some lots are bigger, owning one of those big lots himself.

Mrs. Katsos commented that she has drainage issues during big storms that create a large amount of water in her backyard. Another concern she had was with the value of homes to be placed in the lots. Would they be like the affordable homes as on Taylor Circle or would they be of the same size and value as we have where we are located?

Eric Nelson said that other neighbors had asked the same question. Mr. Nelson commented that his opinion is the lots are bigger than they should have been, but that the lot size isn't designed for drainage. The square footage issue could be dealt with by putting a deed restriction as to the square footage, so it matches the homes in the area.

Jim Griffin who resides at 915 Wilmer Drive commented that the rear of his lot joins these two lots. Mr. Griffin stated that when Dove Ranch was being subdivided, density was a major issue and that the larger lots were created through an agreement between the Town and the developer as a transition from the one acre lots in Wilmer Farms Subdivision to ½ acre lots in Dove Ranch that adjoin Wilmer Farms. Mr. Griffin commented that he was upset about it and wondered if the agreement was going to be broken for the financial benefit of this small group.

Isaac Fleener who resides at 506 Dove Ranch Road commented that he built a house on a ½ acre lot which is costly to maintain and irrigate. Mr. Fleener mentioned that he is the real estate broker and the partner in the investment of these lots, but that as a homeowner he has the same concerns in regards to the size of home that would be built and that the drainage seems to be contained within the easement on his lot. He further noted there is no enforcement of weed mitigation or prairie dogs that are all over the lots and that this would benefit that purpose.

Chairman Mozgai commented that he expects these homes to be in a higher price range than the homes on the circle with a higher square footage and asked how soon this start if it was

accepted? Mr. Fleener stated that the price range would be in the \$350,000 range and they are the property owners and would not be the ones building on the lots.

Chairman Mozgai then asked for any other public comment.

Matt Katsos who resides at 525 Dove Ranch Road commented that the reason he purchased was due to the quality of homes, the subdivision layout and density. Mr. Katsos's concern was for parking issues when the density is changed due to subdividing lots. As far as the comments made regarding the use of ¼ vs ½ acre lots, it's a choice of the property owner to do so. Examples would be several owners who do that well within the subdivision.

Joe Whiteman who resides at 517 Dove Ranch road is in agreement with Mr. Griffin and asked if the value of the homes to be built would be in writing?

Chairman Mozgai asked for comments from the board, Commissioner Nyberg stated that if the homeowners association was intact it would take care of the rodent and weed issue and that he wasn't convinced due to the comments that this was a good idea.

Chairman Mozgai then closed the public hearing.

**Action Item:**

2. Preliminary Plat – 4BB Subdivision (AKA 512 & 518 Dove Ranch Road)

After some discussion between board members, staff, applicant and the property owners in attendance Mayor Salka made a motion to recommend approval of the 4BB Subdivision and R-10 Single Family Residential Zoning for Lots 3A, 3B, 4A, 4B of the 4BB Subdivision to the Board of Trustees with the following conditions:

- 1) Property owner pay \$2,270 as cash in-lieu of dedicated water rights.
- 2) Property owner pay \$1,552 as cash in-lieu of parkland dedication.
- 3) Plat shall include note that property owner shall install a separate water and separate sewer service line to each lot at owner's expense in accordance with Town Infrastructure Design Standards and Construction Specification including any necessary street cuts and compaction.
- 4) Applicant shall evaluate impacts to existing storm water facilities with increase in imperviousness site and change in drainage routing patterns. Section 5.0 Storm Drainage System of the Town of Bayfield Infrastructure Design Standards shall be followed for storm water drainage system design and ultimate solution shall be reviewed and approved by Town Engineer. A subdivision improvement agreement (SIA) shall memorialize any necessary storm water facilities.

5) Applicant shall provide written authorization from the Schroder Ditch Company to allow drainage from the subdivision to enter the Schroder Ditch or verification of acceptance of drainage solution to mitigate impacts.

Commissioner Nyberg seconded the motion, Chairman Mozgai asked for a roll call  
Roll call: 1 –3 (Commissioner, Nyberg, Vice Chairman Porter and Mayor Salka voted against)

After some discussion between staff and the board, Vice Chairman Porter made a motion to deny approval of the 4BB Subdivision and R-10 Single Family Residential Zoning for Lots 3A, 3B, 4A, 4B of the 4BB Subdivision due to the issues with the Schroder Ditch Company and changes to the original intent of the subdivision plat. Commissioner Nyberg seconded the motion.

Chairman Mozgai then asked for a roll call

Roll Call 2-2 (Commissioner Nyberg and Mayor Salka voted against) Motion dies.

### **New/Unfinished Business**

Chairman Mozgai asked for any new or unfinished business. Town Manager Chris La May stated there may be some Use by Review applications at the next meeting, one in the Business center and one in the Clover Meadows industrial Park for manufacturing businesses. La May also stated that the Land Use map will be amended as an initial step to work with La Plata County to have a coordinated Land use review process, as well as to help when the La Plata Archuleta Water District brings the water line back into our service area for those people want to tie into that system.

### **Adjournment**

Chairman Mozgai motioned to adjourn the meeting, all were in favor. Meeting was adjourned at 8:37 p.m.

### **Approved:**

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Joe Mozgai, Chairman

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Amy Witte, Administrative Assistant