

**Town of Bayfield  
Planning Commission Meeting Minutes  
August 10, 2021  
1199 Bayfield Parkway, Bayfield, Colorado**

**I. Opening Ceremony**

The August 10, 2021, Bayfield Planning Commission meeting was called to order by Chairperson Tish Nelson at 6:30 p.m.

**Planning Commissioners Present:** Brooke Briel, Bryan Gadd, Tish Nelson, Matthew Nyberg, Chris O’Shea Heydinger (remote), Ashleigh Tarkington, Kelly Polites. All present.

**Staff Present:** Kathleen Sickles, Town Manager; Nancy Dossdall, SEH, Inc., Town Planner; Rachel Davenport, Deputy Town Clerk/Treasurer

**Media Present:** None

**Pledge of Allegiance**

**General Public Input:** None

**Disclosure of Conflicts of Interest:** Chairperson Nelson disclosed a conflict of interest with the discussion and action of 2021-03 Variance to Platted Setbacks Hamer and Sons’ Construction (Lot 29, Clover Meadows Parcel #5677-114-00-108).

**Approval of Agenda:** Chairperson Nelson asked for a motion to approve the agenda for the August 10, 2021, meeting. Commissioner Gadd moved to approve as presented. Mayor Tarkington seconded. All in favor.

**II. Public Hearings**

Chairperson Nelson opened the public hearing for August 10, 2021.

**a. 2021-02 Use by Review Discount Storage (Lot 19 Bayfield Center Subdivision Parcel #5677-024-14-003)**

Ms. Dossdall reported the purpose of the project is to add units to the current storage facilities at 416 County Road 501. She stated that the project meets all requirements of the Comprehensive Plan. Town received responses to the request for comment from referral agencies. No comments were received from the public.

Staff recommended approval of the use by review with the conditions that storage activities shall be conducted inside the buildings only, the developer shall coordinate with Upper Pine River Fire Protection District for a pre-opening inspection and comply with fire department requirements, and the developer shall comply with Town engineer site and building improvements prior to opening.

Chairperson Nelson invited the applicant to provide comments to the Commission.

Kira Gosney, 2096 Hwy 151, Ignacio, stated that she and her husband and brother purchased the current storage unit business from her parents and felt a need from surrounding community for expansion of the facility. In response to a question from the Commission, Ms. Gosney stated that the units are generally used for household items, though some units will be large enough for vehicles. There will be no RV storage or other outside storage on the new lot.

No other comments were offered and Chairperson Nelson closed the first public hearing and recused herself. Vice Chairperson O'Shea Heydinger opened the second public hearing.

**b. 2021-03 Variance to Platted Setbacks Hamer and Sons' Construction (Lot 29, Clover Meadows Parcel #5677-114-00-108)**

Vice Chairperson O'Shea Heydinger opened the floor for the staff presentation.

Ms. Dosdall stated that this request is a variance to the plat for the Clover Meadows subdivision, Phase IV, and is somewhat complicated because the setbacks on the plat are more restrictive than in the HDR zoning in Town's Land Use Code. In addition, a conflict in the plat drawing and the references on the plat for several lots along Mustang Drive was identified when the property went under contract for purchase and the residence was already constructed.

The variance request meets the conditions in the Comprehensive Plan, and staff recommended that the Commission approve the variance based on the circumstances. Ms. Dosdall suggested that the Planning Commission also request the Board of Trustees pass an ordinance on recommendation of the Town attorney to be recorded with La Plata County to show clear the title.

Additional lots on the street that have the same setback issues, though no variance requests had been submitted for lots at the time of the August 10, 2021, Commission meeting.

The construction of the home on the lot in question was completed before the conflict with the plat was discovered, and given that construction met all other approvals and inspections, staff recommended granting the variance for this lot.

Commissioner Nyberg asked if the plat had been corrected. He noted that there have been quite a few variances granted in Town for a variety of issues over the years. He stated that the problem should be corrected on the plat or with the building plans before permits are granted. He also stated that issues need to be identified and corrected rather than continuing to issue variances.

Ms. Dosdall agreed that going forward the corrections need to be made prior to building. In this instance, the builder did everything correctly, and the discrepancy on the plat that has created the issue was not identified early enough in the process. She recommended that it a plat revision would be the way to correct the issue in Clover Meadows Phase IV.

Manger Sickles stated the Town attorney recommended that the discrepancy be corrected by amending the plat for all lots in the subdivision or requesting a variance for each affected lot. Staff passed that information on to the developer.

Vice Chairperson O'Shea Heydinger invited the applicant to offer comments.

Shawn Davlin, attorney for Hamer and Sons Construction and Scott Hamer, agreed with the staff recommendation to approve and restated that the construction was completed under the conditions of the building permits that had been issued. He stated that if the setback conflict had been known prior to construction, the building plan could have been amended to meet the parameters of the plat. Mr. Davlin stated that the homeowners' association of the subdivision did not contest the variance and stated that a variance was not needed as the access to the property is on Birch Street which would make the setbacks correct.

Mr. Davlin stated that the variance will preserve the property rights and no other documentation is needed from the Board of Trustees for sale of the property to move forward. Mr. Davlin stated that the property was under contract to close August 11, 2021, which was postponed to August 12, 2021, because of the Planning Commission hearing date. He did not believe the decision of the Planning Commission needs to be forwarded to the Board of

Trustees for recording of an ordinance to clear the title, but the Planning Commission could provide a memorandum of approval so closing may carry forward on August 12, 2021.

Ms. Dossall stated that the Commission's decision at the August 10, 2021, meeting would be considered the final decision. The ordinance going to the board would be a ratification of the approval as legal documentation to record with La Plata County to prove clear title in the future.

Manager Sickles stated that the Planning Commission does not issue a memorandum for approvals. She noted that the next owners of the property may want to have the recorded document to prove clear title in the future.

Commissioner Nyberg stated that the variance is the best solution for this request. However, a solution to the problem needed to be addressed rather than patching issues with variances.

Manager Sickles responded that there are quite a few updates that need to be done to the Land Use Code so similar situations do not arise. She stated that as similar situations come up, staff and developers need to make sure the plats either match Town codes or zoning should be changed.

Mr. Davlin stated that he is requesting the variance be approved tonight so the sale can move forward on Thursday and any plat changes or ordinances to address specific issues be done at a later time.

Vice Chairperson O'Shea Heydinger asked for other comments. Hearing none, she closed the public hearing.

### III. Action Agenda

Chairperson Nelson returned to the meeting and opened the action agenda.

#### a. Approve Minutes from July 13, 2021

Chairperson Nelson noted a correction to the minutes from July 13, 2021. Mayor Tarkington moved to approve the minutes with the corrections noted. Trustee Polites seconded. All in favor.

#### b. 2021-02 Use by Review Discount Storage (Lot 19 Bayfield Center Subdivision Parcel #5677-024-14-003)

Mayor Tarkington moved to approve with conditions presented by staff. Trustee Polites seconded. All in favor.

Chairperson Nelson recused herself for the next agenda item.

#### c. 2021-03 Variance to Platted Setbacks Hamer and Sons' Construction (Lot 29, Clover Meadows Parcel #5677-114-00-108)

Vice Chairperson O'Shea Heydinger entertained motion on the variance presented in public hearing.

Commissioner Nyberg moved to approve the variance with the conditions recommended by staff. Mayor Tarkington seconded. All in favor.

### IV. Master Plan Work Session Regarding Bayfield Attractions

Following on the discussion from the previous Commission meeting regarding ideas to encourage interest and development in Town, Manager Sickles provided Comprehensive Plan sections 4.3 Economic Development and 4.6 Environment and Recreation to the Commissioners for review. She reminded the commissioners that at the last meeting, river access was mentioned as an opportunity for development.

Chairperson Nelson brought up the lot west of the twin bridges along the river that was purchased by Town as a possible place to start recreational development.

Trustee Polites stated she did not believe that property was owned by Town when the Parks Master Plan was developed.

Manager Sickles noted that the Comprehensive Plan is the purview of the Planning Commission. It would be within the Commission's authority to make recommendations to update the Parks Master Plan to include goals such as dog parks, development requirements for green space for any development along the river, definitions for river access, or similar ideas. She asked the Commission to give staff direction on the changes to the plan and reconfirmed some of the ideas presented by Commissioners: be respectful of the endangered wildlife and other wildlife that access river, develop the property owned by Town for public parks use, develop river access, create connectivity of all areas of Town by a non-motorized path network.

Manager Sickles reiterated that the Commission should focus on big-picture planning that will allow Town to take advantage of opportunities as they arise.

Chairperson Nelson asked for some guidance to develop and organize ideas and set the goals.

Manager Sickles asked what the long term goals may be for the ideas and what the benefit will be for the citizens of Bayfield.

Chairperson Nelson noted that there should be a trail and access between the high school and downtown with care for endangered species, science and nature studies along the path, dog park, etc.

Trustee Polites noted that the current parks plan was a huge undertaking and any changes should make use of and build on that plan. She recommended going back to the plan that was originally developed with the input of the community and trying to work through those goals.

Ms. Dosdall noted that the parks plan does a nice job of showing connectivity and identifying river access. She asked whether the Commission wanted develop a focused plan for the river parcel or a reconsideration of the whole plan. She recommended that it might be appropriate to start with amending the current plan to bring the new parcel into the plan, which is a key parcel in the river corridor, and then consider a more focused plan for that area.

Commissioner Gadd noted that the property in question is already referred to in the parks plan with the path connections in Recommendation 6.6.

Chairperson Nelson stated that she would like to work on implementing the plan that is in place.

Commissioner Gadd reiterated that the Planning Commission does not take the next step beyond the development of the plan and that the Commission has done all it can.

Manager Sickles noted that the purview of the Commission is different than Board. Figure out what the goals are in land use and try to hit the metrics. She noted that the river access that was brainstormed last meeting was not defined in the plan. She stated that it could be added as another recommendation to the Plan, i.e., access to river for recreation, for safe access and enjoyment for youth, for pedestrian access. Then, specific goals may be developed to add to the recommendation without identifying specific parcels.

Manager Sickles noted that one of the issues in the budget process is that town is not able to fund the stages of the parks plan.

Chairperson Nelson asked if the plan is too grand to ever be able to fund any of the projects.

Mayor Tarkington stated that there are great projects in the parks plan, but at present it is difficult to fund many because the Town's budget is limited.

Manager Sickles asked for direction from the Commission for long term planning. She stated that setting goals in the Comprehensive Plan will give a framework for building out as development happens. She gave an example

that if development happened along the river, the plan should allow Town to ask for access as part of the development.

Trustee Polites suggested that there may be a separate organization from the Town that can look for grants and coordinate with landowners to make some of the plans come to fruition.

Manager Sickles appreciated the enthusiasm for the ideas, but agreed that private groups are better suited to work on implementing projects.

## V. Resume Action Agenda

### a. Master Plan Updates

Manager Sickles said the Commission can give direction to staff for amending the Plan.

Chairperson Nelson asked for direction for staff. No motions were made.

### b. Adjournment

Commissioner Nyberg moved to adjourn the meeting. Commissioner Gadd seconded. Chairperson Nelson adjourned the meeting at 7:43 p.m.

### Approved:

  
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Tish Nelson, Chairperson

### Attest:

  
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Rachel Davenport, Deputy Town Clerk/Treasurer