

**Town of Bayfield  
Planning Commission Minutes  
March 8, 2016  
1199 Bayfield Parkway, Bayfield, CO 81122**

**Planning Commissioners Present:** Joe Mozgai (Chairman), Kalon Porter, Isaac Fleener, Kelly Polites, Rick Smith (Mayor), Tish Nelson and Matt Nyberg.

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

**Media Present:** Carol McWilliams, Pine River Times.

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

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

**Pledge of Allegiance**

**Approval of Minutes:** Commissioner Nelson made a motion to approve the minutes of the February 9, 2016 meeting as presented. Vice Chairman Porter seconded the motion. All were in favor; motion passed unanimously.

**General Public Comment:** None.

**Public Hearing:**

**1. Ordinance 396- Establishing Vacation Rental Requirements**

Chairman Mozgai opened the public hearing. Town Manager Chris La May gave a brief overview as the Downtown Colorado Inc., assessment completed last year that identified the need for lodging accommodations. One recommendation from the report was to provide opportunity for short term vacation rentals in residential and downtown areas. After receiving an application for a vacation rental it became clear that the building and fire codes created some challenges, which led to establishing the proposed ordinance. La May then followed with some highlights of the ordinance:

1. Allowed in all residential zoning districts or mixed use districts (i.e. TC or MS).
2. Initial application would be handled as a Use by Review, with Planning Commission review. Annual renewal permits would be issued administratively.
3. Number of allowable units tied to 3% of total assigned water taps. Town currently has 1,035 (i.e. 3% provides up to 31). With growth, this number always increases.
4. Requires smoke detectors in each bedroom.
5. Uses maximum occupancy to control number of vehicles rather than requiring a certain number of off-street parking spaces.
6. Local owner or representative must live in La Plata County.
7. No outdoor signage associated with vacation rental.

8. If the primary use of the building is commercial, the vacation unit rental shall comply with the international building code. If the primary use of the building is a one or two family residential dwelling, the vacation unit rental shall comply with the international residential code.

Chairman Mozgai asked for comments from the board. No comments were made. Chairman Mozgai asked for comments from the public. No comments were made. Chairman Mozgai closed the public hearing.

## **2. River Bank Subdivision-Preliminary plan:**

Chairman Mozgai opened the public hearing. Town Manager Chris La May stated that the Town purchased a 23 acre parcel with help of a GOCO grant. Part of the purchase and sale agreement, with the school district, provided that the Town would annex the property, then subdivide and deed the residential portion back to the school. La May stated that preliminary plans for subdivision require a public hearing before the Planning Commission and board of trustees.

Chairman Mozgai asked for public comments. Nancy Lowe who resides at 190 East East Drive commented that she doesn't want to see the access off of Schiller Street for lot 2 lost, in turn giving the school district a contiguous parcel.

Chairman Mozgai asked for any other public comments. No additional comments were provided. Chairman Mozgai closed the public hearing.

## **3. Use by Review for In-Home Daycare- Lot 16, Wilmer Farms Subdivision**

Chairman Mozgai opened the public hearing. Town Manager Chris La May stated that the Use by Review is for Jennifer Slebodnik who is in attendance tonight and requesting to start an in-home daycare at her residence located at 710 N. Wilmer Drive. The property is zoned R-40 which allows for in-home daycare through a Use by Review process. The application was filed and fees were paid on February 5, 2016. Notice of the public hearing was published in the Pine River Times on February 19, 2016 and property owners within 200 feet were notified. La May continued, the impacts on the infrastructure are minimal, the parking is adequate, and with the semi-circular drive it minimizes parking on the street.

The applicant Jennifer Slebodnik presented that she and husband Brett recently purchased the house. She has a degree in child development along with 10 years of experience in child care and feels her daycare would be an asset to the community. Mrs. Slebodnik handed out an analysis from the Early Childhood Council of La Plata County detailing the available slots versus the total number of children under the age of 5 in each of the surrounding counties.

Commissioner Nelson asked how many children she would be able to have under the age of two. Jennifer Slebodnik said the rule is two kids under the age of two unless you apply for a license to have three kids under the age of two.

Commissioner Polites asked when the licensing is expected to be complete. Jennifer Slebodnik stated that she expects to be open by the middle of May.

Commissioner Fleener asked how many total kids she was planning on taking care of. Mrs. Slobodnik responded that it would depend on what the state approves her for, which could be up to 12 or it could be 6, but more than 7 she would be required to hire an employee.

Chairman Mozgai asked for public comments. None were presented. Chairman Mozgai closed the public hearing.

### **Action Agenda**

#### **1. Recommendation for Ordinance 396, an Ordinance of the Board of Trustees of the Town of Bayfield, Colorado, Amending the Land Use Code with a New Section Establishing Requirements for Use of Property for Short Term Rental in the Town of Bayfield.**

Chairman Mozgai asked for comments from the board. Mayor Smith commented that he appreciated the staffs work in preparing the Ordinance, as it deals well with the occupants and parking. Mayor Smith motioned to approve Ordinance 396, An Ordinance of the Board of Trustees of the Town of Bayfield, Colorado, Amending the Land Use Code with A New Section Establishing Requirements for Use of Property for Short Term Rental in the Town of Bayfield. Vice Chairman Porter seconded the motion. All were in favor. Motion passed unanimously.

#### **2. Recommendation for River Bank Subdivision- Preliminary Plan**

Chairman Mozgai asked for comments from the board. Mayor Smith questioned Schiller Street and if it was the one the house used for access. La May stated that Schiller Street is a dedicated street, 30 feet in width that continues to Lot 2.

Commissioner Fleener asked if there was access besides Schiller Street. Manager La May stated that there is access on East Street which is used to access the waste water treatment facility. La May continued to comment that he hopes one day to connect with a bike path or some sort of pedestrian access to the river that would tie into Joe Stephenson Park.

Chairman Mozgai asked for any other comments. Hearing none he asked for a motion.

Mayor Smith made a motion to recommend approval of the River Bank Subdivision – Preliminary Plan to the Board of Trustees, R-10 Single Family Residential Zoning for Lots 1; and Community Services (CS) Zoning for Lot 2. Commissioner Nelson seconded the motion. All were in favor. Motion passed unanimously.

#### **3. Recommendation for River Bank Subdivision- Annexation**

Chairman Mozgai asked for comments from the commission. Hearing none he asked for a motion. Mayor Smith made a motion recommending approval of the River Bank Annexation to the Board of Trustees. Commissioner Nyberg seconded the motion. All were in favor. Motion passed unanimously.

#### **4. Consideration of approval of Use by Review for In-Home Daycare- Lot 16, Wilmer Farms Subdivision (AKA 710 N. Wilmer Dr.)**

Chairman Mozgai asked for comments. Town Manager Chris La May stated that there are some staff recommendations including:

1. Property Owner submits a copy of the State of Colorado license to operate a day care facility to the Town of Bayfield within 30 days of receipt and shall operate in accordance with the license.
2. Business Owner pays applicable business license fees to the Town of Bayfield.
3. Use by Review is granted solely to Jennifer Slebodnik and shall expire six (6) months from any termination of the provision of child care services or change in ownership of the property.

Chairman Mozgai asked for a motion. Commissioner Polites made a motion to approve the Use by Review for Jennifer Slebodnik to operate an In-Home Daycare- Lot 16, Wilmer Farms Subdivision (AKA 710 N. Wilmer Dr.) with the conditions recommended in the staff report. Commissioner Nelson seconded the motion. All were in favor. Motion passed unanimously.

##### **5. Recommendation for Bayfield School District 10-Jt-R Annexation**

Chairman Mozgai asked staff for a report. Commissioner Nelson recused herself from Action Agenda items #5 and #6.

Town Manager Chris La May stated that the State Statutes don't require the planning commission hold a public hearing or make any ruling on the annexation; however, the Land Use Code does stipulate that the planning commission review the annexation requests in a public meeting. Bayfield School District 10-Jt-R is the owner of a 40.55 acre parcel that is currently outside of the Town of Bayfield in the unincorporated La Plata County. In order to receive Town services for the proposed school, the property will need to be annexed. The plat and narrative were sent out to referral agencies on February 22, 2016.

- La Plata Electric Association had no objection to the school site although they have facilities in the area of the Oak/Mountain View/East Lakeside drive intersection and would like to be notified if that intersection is changed.
- Upper Pine River Fire Protection District commented that the site doesn't meet fire flow requirements unless the school installs a NFPA 13 sprinkler system tied into the Towns water system, the Fire Marshal would then allow a fire flow requirement of 1200 gpm. They also had concerns regarding the US Highway 160 and CR 501 intersection due to an increase in accidents.
- Town Engineer looked at the impacts the school would have on the sanitary sewer system, and found that the current pipe sizes are adequate for the project. They also looked at the storm water and detention pond standards and had no issue.
- Los Pinos Ditch Company is requesting several things, some of which include a recorded easement for the ditch, piping the ditch the length of the property, and reimbursement of engineering and attorney fees.
- Bayfield Public Work Department requests the infrastructure be constructed in accordance with Town standards.
- Bayfield Marshal's Office had questions about the widening on Oak Drive and whether or not it would remove the bike shoulder, and if so where does that put the pedestrians. They had questions on the traffic assumptions, but commented that the traffic flow for the Middle School appeared better.

- Bayfield Parks and Recreation asked if the playground and athletic fields would be used for non-school activities during non-school hours.
- Colorado Department of Transportation had significant comments including the requirement of a new access permit, concerns with off -site impacts to the intersection at Commerce Drive and US Highway 160, requirement to adhere to Bayfield's Access Control Plan which identified the need for the East side of US Highway 160 to be improved, without it, the intersection at Commerce and US Highway 160 would fail and cause a greater safety issue. CDOT is willing to work with the applicant to break the Access Line at this location.
- Colorado Parks and Wildlife had comments regarding bear proof dumpsters and making sure the landscaping shrubs are not fruit bearing to minimize wildlife near the school.
- U.S. Army Corps of Engineers commented that the nationwide permit 14 for linear transportation may be required.
- Stolfus & Associates, the Towns Traffic Engineer had many comments related to the traffic impact study.
- Colorado State Geologist is requiring a site specific geotechnical investigation.
- FEI Engineers opined that there would be no significant effect on the Town's water system.
- Schroder Ditch Company commented that the papers and maps are in order.

Town Manager Chris La May stated that the planning commission is asked to review the following criteria as a part of their review of the application:

1. The planned use of the area to be annexed is consistent with the adopted Comprehensive Plan, in harmony with the intent of the Town's land use districts and compatible with adjacent neighborhoods.

Town Manager La May commented that it appears to in conformance with the Towns Comprehensive Plan and that the property would be zoned Community Services which provides for educational facilities. The major issue is with the transportation plan that calls for the extension of North Cedar Drive down to US Highway 160, a portion of the route is located on the school property. La May continued to state that the Town would like to protect the future route as the process continues.

2. The open spaces have a workable program established for maintenance and Upkeep.
3. The proposed annexation is necessary or desirable and will contribute to the general wellbeing of the community.

As identified in the Town's Comprehensive Plan, the Town will pursue a growth strategy that manages growth through the use of fees, development requirements, careful review of subdivisions and land uses so that growth pays for itself and that the current levels of services are maintained. Additionally, Bayfield recognizes that high quality school facilities and services are important attractor of families and the Town will encourage the continuation and/or further improvements of school facilities and services balanced with concerns for increase in taxes.

4. The proposed annexation will not be detrimental to health, safety or general welfare of persons residing within the corporate boundaries or injurious to property or improvements in the vicinity.

La May stated that the construction of the school facilities on the property, in itself don't appear to have a direct health, safety or general concern. The Town's water and sewer facilities are adequate and the storm water runoff are being addressed in the design to minimize drainage. However the largest impact from the school development would be the traffic impacts. The traffic study that was provided identifies the need to improve the intersection at Mountain View, East Oak and East Lakeside with the most preferable option being a roundabout. The other intersection with improvements needed would be Sossamon and County Road 501, along with Commerce Drive which creates need for the East Bayfield Parkway and US 160 intersection.

5. The extension of services is feasible and will be financed totally by the applicant; and that the applicant will post performance guarantees to assure the completion of public improvements.

La May stated that this is worked through with an annexation agreement with the Board of Trustees.

6. Any proposed roads in the annexation area are logical extensions of existing or planned roads.

La May stated that the challenge with North Cedar is that it originally was intended to be the extension when the parcel to the south was developed.

7. Sufficient water rights associated with land areas proposed for annexation shall be dedicated to the Town, or acceptable alternative arrangements have been made.

La May stated that the exact quantities will be memorialized in the annexation agreement approved by the Board of Trustees.

8. Either the revenue or the public benefit to be gained from the Town's portion of increased tax base is acceptable given the increased cost of services provided.

La May stated that the school is tax exempt and no increase in tax base is expected.

9. The applicant shall pay all costs incurred by the Town for reviewing annexations proposals, including fees charged by consultants and specialists needed to address important issues.

La May stated that this also would be memorialized in the annexation agreement with the Board of Trustees.

Town manager Chris La May continued with the staff recommendations:

- 1) Design and construct all water, sanitary sewer, and storm water infrastructure in accordance with the Town of Bayfield Infrastructure Standards and Town of Bayfield Construction Specifications, and acquire any necessary easements and rights-of-way.
- 2) Install a NFPA 13 sprinkler system tied to the Town's central water system in accordance with the Town of Bayfield Infrastructure Standards and Town of Bayfield Construction Specifications.
- 3) Satisfy the Los Pinos Ditch Company.
- 4) Convey to the Town of Bayfield shares in the Los Pinos Ditch.
- 5) Update the Traffic Impact Study to include recommendations of the Town's Transportation Engineer, Stolfus & Associates.
- 6) Design, construct, and improve, in accordance with appropriate engineering standards based on jurisdictional responsibility including the Colorado Department of Transportation, La Plata County or Town of Bayfield, all off-site intersections and road improvements and associated storm water facilities related to Oak Street/Mountain View/E. Lakeside Intersection; Sossaman Drive and County Road 501 intersection; and East Oak Drive.
- 7) Design, construct, and improve, in accordance with appropriate engineering standards based on jurisdictional responsibility, the N. Cedar Drive extension to US Highway 160 including necessary intersection improvements to US Highway 160 and Commerce Drive, and acquire and/or convey roadway and utility easement to the Town of Bayfield for the extension of N. Cedar Drive to US Highway 160.
- 8) Design, construct and improve, in accordance with the Town of Bayfield Infrastructure Standards and Town of Bayfield Construction Specifications, pedestrian improvements for E. Oak Street and the intersection of E. Oak Dr./Mountain View Dr./E. Lakeside Dr.
- 9) Design and construct circulation improvements to the proposed new school site and existing Middle School, approved by the Town's Engineer.
- 10) Pay the Town the actual costs incurred by the Town for plan review, engineering review, hydrological and surveying review prior to, during the annexation process, and during construction, and to defray the reasonable administrative, legal, surveying, and engineering expenses of the Town in connection with the review of the annexation.

La May stated that Marty Zwisler is here representing the school as the project manager. Chairman Mozgai asked Marty Zwisler if he had anything to add.

Marty Zwisler, representing the School District, gave a history on why a new school for grades 3-5 is needed. There are approximately 250 students in Kindergarten and 1<sup>st</sup> grade, the highest the district has seen. This would lead the school district to install more modular classrooms for a short time, but the District would rather get the kids out of that building, as it is no longer suited for educational classrooms.

In a meeting with Town officials, Upper Pine Fire and Marshals office it was recommended that the School district have studies done on the impacts to the water system, sewer system, storm water runoff, which all have been deemed adequate, as well as a traffic study. Mr. Zwisler expressed that the district was aware of the challenge with East Oak Drive as well as the other intersections identified in the traffic study and planned to make it function as best as possible for the sake of the community. The component of building a new road at the east intersection of US

highway 160; however, is beyond anything the School District had planned for and would be burden on the tax payers.

Chairman Mozgai asked if the capacity for the current 1<sup>st</sup> grade is going to be available in the Middle School and High school. Mr. Zwisler commented that yes the capacity is currently there.

Chairman Mozgai asked for comments from the Board. Mayor Smith applauded the School District for addressing the overcrowding issues with the schools. Mayor Smith stated that the three things that are addressed with any property that is being developed are water, sewer and access. The properties that surround the parcel being developed need to be looked at so that they are not isolated along with what will happen to those areas as the area grows. Mayor Smith recommended that the School District sit down with the Town staff and work out a solution, as it has to be addressed. CDOT has made it very clear that no development north of US Highway 160 would take place without the improvement to the existing intersections, as well as the intersection at the east end of Town.

Chairman Mozgai asked for any other comments, hearing none he asked for a motion.

Mayor Smith motioned to recommend the approval of the Bayfield School District 10-Jt-R Annexation to the Board of Trustees with the conditions listed in the staff report. Commissioner Polites seconded the motion. All six members were in favor. Motion passed unanimously.

#### **6. Recommendation for CRG/Gosney Sketch Plan**

Chairman Mozgai asked staff for a report. Commissioner Fleener recused himself from this item. Town Manager Chris La May stated that Gosney and CRG construction have submitted an application for annexation which includes the subdivision of two lots divided from the larger parcel. No public improvements are proposed. La May continued to state that the sketch plan is reviewed to make sure it is consistent with the land use code and the comprehensive plan. Both proposed lots would be zoned R-40 Single Family Residential. The larger tract has not immediate plan for development.

Chairman Mozgai asked for any comments. Hearing none he asked for a motion.

Mayor Smith made a motion to recommend approval of the CRG/Gosney Subdivision Sketch Plan with the inclusion of the following items on the plat before it is submitted to the Board of Trustees:

1. 100 Year Flood Plain
2. Certification for Planning Commission Chair.

Vice Chairman Porter seconded the motion. Motion passed unanimously on 5-0 vote.

#### **New/Unfinished Business**

Chairman Mozgai asked if there was any new or unfinished business. None was presented.

**Adjournment**

Mayor Smith made a motion to adjourn the meeting, Vice Chairman Porter seconded the motion. The motion passed unanimously. Meeting was adjourned at 8:30 p.m.

**Approved:**

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Joe Mozgai, Chairman

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Amy Witte, Administrative Assistant