

**Town of Bayfield
Planning Commission Minutes
August 9, 2016
1199 Bayfield Parkway, Bayfield, CO 81122**

Planning Commissioners Present: Joe Mozgai, Isaac Fleener, Matt Salka (Mayor), Tish Nelson, Brenna Morlan 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 6:59 p.m.

Roll Call: Six members were present. Commissioner Nelson arrived at 7:01pm and Commissioner Nyberg arrived at 7:04pm

Pledge of Allegiance

Approval of Minutes: Mayor Salka made a motion to approve the minutes of the July 12, 2016 meeting as presented. Commissioner Fleener seconded the motion. All were in favor; motion passed unanimously.

Public Input: none

1. Public Hearing- Use by Review Vacation Rental Unit - 158 W. North Street

Chairman Mozgai opened the public hearing. Town Manager Chris La May gave a brief overview of the property owned by Brenda Kedrowski, located at 158 West North Street, legally described as Block 4, E ½ Lots 6, 7, 8, 9 and 10 of Bays Addition. The property is currently zoned Town Center (TC), which allows for vacation rental units through a use by review process.

The application was submitted and fees paid on June 23, 2016 and notice of the public hearing was published in the Pine River Times July 22, July 29 and August 5, 2016. The property owner provided receipts verifying property owners within 200 feet were notified of the Use by Review request and date and time of public hearing.

The application is in conformance with the Towns Master Plan, specifically that the Town will encourage the development of local lodging facilities. The zoning district allows for vacation rentals through a Use by Review process.

Town Manager Chris La May stated that since the recent adoption of the vacation rental standards, this is the first request and provides a chance to make sure the process is appropriate and works as it was intended. A list of the vacation rental standards were supplied in the packet. Town Manager Chris La May commented that the only issue with this property was with the

dimensional and density standards regarding the setbacks as the property was built before the setbacks were required. Staff recommends approval of the initial use of Block 4, E. ½ lots 6, 7, 8, 9, and 10, Bay's Addition (AKA 158 W. North Street) for vacation rental unit with the following conditions:

1. Other than subsection L, the Vacation Rental Unit shall be is managed and operated in accordance with the vacation rental requirements in Section 5-11 of the Town of Bayfield Land Use Code.
2. Vacation Rental Unit shall not be required to comply with Section 5-11 (L) Dimensional and Density Standards and may continue as a legal non-conforming as long as nonconforming uses are not expanded.

Town Manager Chris La May then turned it over to the applicant.

Applicant Brenda Lee formerly Kedrowski (as the property is titled) spoke about how this (Vacation Rental) started a year ago when she applied for a business license for a vacation rental. This prompted the use of the property to be looked at more closely, as there were no vacation rentals in Bayfield, and with the growing need for vacation rentals, surrounding communities have adopted standards. Ms. Lee described that the vacation rental is intended for transient rentals which are for renters that stay 30 days or less. The footprint of the home hasn't changed other than a staircase that was added to the exterior for a separate entrance to the unit. Ms. Lee proceeded to state that she ran a successful vacation rental in Arboles, in which the Town didn't have any requirements like she is going through here in Bayfield.

Chairman Mozgai asked for public comment, none was presented.

Town Manager Chris La May asked the applicant if she wanted to address the signage requirements. Brenda Lee then said that she has onsite parking in the rear of her home that she had hoped to address with a small sign in front of the home sometime in the future. Town Manager Chris La May then stated that the vacation rental standards didn't allow for signs and with this being the first application for a vacation rental, if the Planning Commission wanted to allow signage, the Town would likely have to grant a variance or the code would need to be amended.

Chairman Mozgai asked for comments from the board.

Commissioner Nelson asked how long of a stay is expected?

Brenda Lee commented that it would depend on the tenant, and her experience in Arboles was 5-7 days or one night.

Chairman Mozgai asked for comments, hearing none, he closed the public hearing.

Action Agenda:

1. Consideration of Approval of Use by Review for Vacation Rental Unit at 158 W. North Street (AKA Block 4, E. ½ lots 6, 7, 8, 9, and 10, Bay's Addition)

Chairman Mozgai commented regarding the sign issue, with a sign on the physical therapy business and the animal hospital, is a sign out of place for the vacation rental?

The commission discussed the sign requirement, deciding to revisit the sign requirement standard at a future meeting.

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

Commissioner Nyberg questioned if the sewer requirements were adequate. Town Manager Chris La May stated that yes they were adequate.

Commissioner Nelson made a motion to approve of the Use by Review for Vacation Rental Unit at 158 W. North Street (AKA Block 4, E. ½ lots 6, 7, 8, 9, and 10, Bay's Addition) with the following conditions:

1. Other than subsection L, the Vacation Rental Unit shall be is managed and operated in accordance with the vacation rental requirements in Section 5-11 of the Town of Bayfield Land Use Code.
2. Vacation Rental Unit shall not be required to comply with Section 5-11 (L) Dimensional and Density Standards and may continue as a legal non-conforming as long as nonconforming uses are not expanded.

Mayor Salka seconded the motion.

Chairman Mozgai asked for a roll call, all were in favor, motion passed unanimously.

New/Unfinished Business

Chairman Mozgai asked for any new or unfinished business. Town Manager Chris La May stated that on the August 2nd meeting the Board of Trustees discussed placing land use requirements in place for oil and gas facilities, due to the recent annexation of property with existing oil and gas facilities. Chairman Mozgai asked if sites would be grandfathered. Town Manager Chris La May stated that they would likely be grandfathered, unless the site was going to have some significant changes that required new land use approvals.

Commissioner Nelson asked about the new school property that has an existing well site. Town Manager Chris La May stated that the State regulates the Oil and Gas Permits and limits local land use authority; however, there are some land use requirements that a local jurisdiction may impose. The Town Attorney has some expertise in this area as he was appointed to the Oil and Gas Task Force by the Governor and he has helped other local governments adopt requirements.

Commissioner Fleener asked if the State had a distance requirement for properties like the new proposed school. Town Manager Chris La May said that the State has distance requirements for new facilities, but that a property with an existing facility relinquishes setback authority to the

local government. La May continued to state that the Town attorney will likely draft some language for the Planning Commission to review.

Chairman Mozgai asked staff to prepare a draft for the sign ordinance for the vacation rentals. Commissioner Fleener commented that he is aware that no marijuana is allowed in the Town limits, is there something keeping them a distance from Town. Commissioner Nyberg commented that there is a three mile rule. Commissioner Fleener then asked if it was in writing or a handshake deal with the County and is that in the process of changing. Town Manager Chris La May stated that the Town made a decision to prohibit recreational and medical marijuana in all forms, facilities, etc... The Town requested that La Plata County honor the Towns prohibition in the three mile area. The County agreed and the County regulations prohibit marijuana facilities in the three mile area outside of the Towns of Ignacio and Bayfield. La May stated that he has been dealing with a gentleman, who requested a variance to allow for a cultivation site within the three mile area. The Town cannot grant a variance and the County opines that this is a legislative matter and not afforded a variance. The Board of Trustees would have to decide to lift the prohibition and then ask La Plata County to change their land use code lifting the prohibition.

Chairman Mozgai asked for any other comments. Commissioner Nyberg commented that Mesa Meadows is constructing a path on an easement as an improvement to the area.

Commissioner Nelson asked about the bike path by Wolverine Drive and the High School, when is that going to be fixed and when is the School going to finish their side of it. Town Manager Chris La May stated that part of the street sales tax was marked for pedestrian paths and this could be looked into.

Chairman Mozgai asked about the construction on the bridges. Town Manager Chris La May said that the documents need to be sent to the Federal Highway Administration to be approved, and timing is unknown for the start of the project, but the idea is to get the piers done when the water is down in the river.

Adjournment

Commissioner Nyberg motioned to adjourn the meeting, Mayor Salka seconded the motion, and all were in favor. Meeting was adjourned at 7:40 p.m.

Approved:

Joe Mozgai, Chairman

Amy Witte, Administrative Assistant