

**Town of Bayfield**

**Regular Planning Commission Meeting**

**November 8, 2011**

**Bayfield Parkway Bayfield, CO 81122**

**Planning Commissioners Present:** Michelle Nelson (Chair), Dr. Rick K. Smith (Mayor), Joe Mozgai, Pat Heyman, James Sanders, Chris Rhodes,

**Planning Commissioners Absent:** Gabe Candelaria (Town Board Member)

**Staff Present:** Chris La May (Town Manager), Elizabeth Jackson (Town Intern)

**Media Present:** Carole McWilliams (Pine River Times)

Meeting was called to order @ 7:02 p.m.

**Minutes:** Rick made a motion to approve the minutes from the September 13<sup>th</sup>, 2011 Regular Planning Commission meeting. Joe seconded the motion. All were in favor. The motion passed unanimously, 5-0, with Michelle abstaining from the vote.

**General public input:** None.

**Action Agenda Item #1: Discussion & Possible Action: Accessory Dwelling Units**

Chris gave his staff report. He stated that Town staff has been advised of a homeowner who converted the upstairs of their house into a dwelling unit (i.e. kitchen, bath, bed). In review of the Land Use Code, Chris stated that this use is not permitted in a Single Family zoning district. He inquired of the Board of Trustees whether or not this is something the Board is opposed to or if the Board desires to consider Accessory Dwelling Units (ADUs) as a Use by Review.

Chris mentioned that there have been two other examples of this situation in the Town of Bayfield. In 2002, the Town granted a waiver from the requirements, but required the recording of an agreement that stipulated the unit could only be used by a relative of the family in the primary residence. In 2006, the Town revised the Land Use Code and subsequently, a resident constructed a detached accessory unit. The Town in this instance required the property to be rezoned to Multi-Family.

Chris said the argument for ADU's is that, with changing demographics (i.e. caring for elderly parents, more grandparents assisting with children rearing), this might assist in those efforts. The argument against ADU's is that they might infringe on the lifestyle

anticipated when you buy a single family dwelling (i.e. your next door neighbors house may become a bit more active, with more vehicles, visitors, etc.).

Chris stated that the Board of Trustees was asking for the Planning Commission's perspective on the issue, as to whether the Planning Commission believes this is something worthy of consideration. Information on ADU's from the Municipal Research and Services of Washington, which identifies some of the issues associated with ADU's, was included in the Planning Commission's packet.

Chris asked if it came down to how many bathrooms the person had or if it depended on the sewer taps for multi-family uses.

Chris said it was more based on family units. He stated that more than one unit required more than one bath and that the current code would view this as a multi-family zone.

Pat asked what other neighboring towns have done.

Chris said that did not check with Durango but believed the City did allow it. He also mentioned that Durango has a little bit different regulations on this due to the college town atmosphere as those dwelling units served as housing for the students, thereby bringing in a different dynamic.

James asked if this Accessory Dwelling Unit was already built.

Chris said it wasn't. He stated that it was on a nonconforming property. Chris also said that this was more about what the Planning Commission wanted to see happen in the community and that it wasn't about a specific property, rather a global situation.

Michelle asked if the Home Owners Association's covenant overruled their decision.

Chris said the Town could control permissible uses-- if their covenant read that ADU's weren't permissible, then that would be a violation and the Town could prevent it.

Joe asked if this was becoming a bigger issue in the Town; if there were more ADU's that the Planning Commission was not aware of.

Chris said that he suspected this situation was taking place in other parts of the Town, but wouldn't know about it until more people came in to speak to him about it..

Joe wanted to know if they passed this, would there really a way to actually enforce it or if depended on someone informing them.

Rick said that most the time, the issues that arose in the Town had to do with cooking and laundry facilities. In his term, he had only seen it twice. One was the one that Chris referenced in his report.

Joe said the report referred to a shortage of housing and that this might be a way to expand affordable housing in bad times. He asked if housing affordability was an issue here.

Rick said that was part of the issue.

Michelle added that that sometimes changes.

Chris commented that he was also adding to his own kitchen and bathroom.

Rick said that that was the other issue—expansion.

Michelle said they would have to look at the zoning as well, as everything was not multi-zoned.

Chris agreed that there was a shift in the demographics i.e. the parents living with the family.

Joe said they needed to determine if this was feasible as well as how long it can last and how much it can be expanded upon and how narrow the language ought to be until it is clear.

Pat said she didn't think they could narrow the language down too much because it has to be on a case by case basis i.e. parking etc. She said there was just too many issues to consider.

Chris said they could do that by allowing for a use by review.

Pat said she thought they might have to do that.

Michelle said she thought they should allow a use by review and that there should be set of guidelines to go along with it i.e. there should only be one ADU per lot or residence.

James asked if they would have to change the zoning. He asked if that would be under the guidelines as well.

Chris said that in some places, they might want to limit to a certain square footage i.e. a minimum of 300sqft. Things to also consider would be whether it should be attached or detached.

Joe agreed. He said that having something with general guidelines would be a good idea.

Pat wanted to know if they allowed for attached or detached, would they get into an issue of sewer and water taps.

Chris said that that would be something to work through.

Joe commented that this has happened before and that it will happen again, so that they needed to decide on some guidelines.

Chris said staff could put something together. He said there is other things to discuss such as the ADU's in a commercial zone, but that would be something to work out at a later date.

Chris said he had enough direction and that staff could put something together

### **Action Agenda Item #2: Discussion & Possible Action: Recreational Vehicles as Dwelling/Lodging Units**

Chris gave his staff report. He said that this summer, the issue of person(s) residing or lodging in a recreational vehicle in residential zoning districts occurred with some frequency. He stated that this seems to be a common problem in Bayfield, but more typically, in the summer months. Staff has taken the position that the Town of Bayfield Land Use Code specifies types of use in the individual zoning districts and a recreational vehicle is not identified as a permitted use or as a use by review, and therefore, is not an allowed use for a dwelling or lodging unit.

The Land Use Code does include a provision for a recreation facility as an accessory use, and in accordance with the Land Use Code: a *Recreation facility* means a facility providing or accommodating both indoor and outdoor recreational facilities such as tennis, racquetball, swimming and field sports. These facilities may provide food; however, no lodging or other services are provided. Staff has interpreted this to mean that an RV cannot be used for lodging purposes.

After consulting with the Board of Trustees, and with the intent of aiding in administration and enforcement related to this matter, staff has drafted more specific language to further clarify the use of RV's. Chris stated that staff was looking for input from the Planning Commission regarding the following language to be added to the Bayfield Land Use Code:

Section 8-29 (to be added to the Land Use Code)

(A) No recreational vehicle, as defined under Article 9-1, shall be used for a dwelling unit, accessory building, home occupation or other use allowed in any zoning district for a period in excess of seven (7) days, except when located in an approved campground, or when located in a zoning district in which mobile homes are a permitted use.

(B) Recreational vehicles in zoning districts where mobile homes are a permitted use shall comply with the Town Building Code, Section 7-15 of this code and 6-10 (18)(d), if applicable.

Section 9-1 (definition to be added to the Land Use Code)

*Recreational vehicle* means a structure designed for use as a temporary dwelling or sleeping accommodation for travel, recreation and vacation uses, including, but not by way of limitation, travel trailers, self-contained travel trailers, pickup campers, tent trailers and motorized homes.

Chris said that some people try to extend that stay and live there, instead of just visiting. He said their enforcement was vague; that it wasn't spelled out in the code, but that it would be nice to have clear language.

Chris said that they could set a specific timeframe i.e. 7 days might be allowable, but anything over that 7 days, they would need to move on or discontinue the use as a dwelling unit.

Rick said he advocated for the 7 day period. He said he agreed to this because of hunting season; where everyone comes in their RVs and sticks around. He said 7 days is convenient enough for someone who is passing through. If they stay longer, however, they should go to an RV park.

Joe agreed to this.

Pat also agreed on the 7 day timeframe.

Michelle asked for a motion or recommendation.

Chris said that this comes back in the form of an ordinance to amend the land use code and then would go to a public hearing. He said he was thus looking for a discussion only as well as how long the time limit should be. He also added that in the Forest Service, they have a 14 day timeframe. He said what they did not want was for people to stay for the day period (if that is what they decided on) and then leave for another 7 days and come back. Chris said he thought 7 days and then 30 days would be sufficient.

Rick agreed on the 7 days.

Chris asked if this would affect current RVs in town.

Chris said he wasn't aware of any in residential zones.

Snow Melody, deputy for the Marshal's Office replied that there were a couple in town where some RVs were are parked there, living. She said there were 2-3 on private properties in town limits.

Chris asked if they could prohibit those or if they were grandfathered in.

Pat asked if the one in question had been there for a while.

Snow said that one had been there for a while. The other had been there for 5-6 months. She also said that one might be part of a park, but didn't know for sure.

Rick said he was in favor of not grandfathering it in.

James agreed.

Michelle asked if there would be public input on this.

Chris said there would. He said he had enough information to move forward with.

### **Action Agenda Item #3: New/Unfinished Business**

Michelle said they needed to elect a vice chair. She asked for nominations.

Rick nominated Joe as vice chair. Pat seconded the motion.

Joe said he was interested and said he enjoyed public service.

The motion passed unanimously.

Chris said there was some discussion and question of the role of the Planning Commission and why some things go to the Town Board, etc.. He wanted to explain that. He said the Planning Commission was an advisory group and that the Town Board makes the ultimate decision. He said that this would be something that the Board will end up entertaining. He said in most uses, you have a formal land use application and a formal process that states that certain things need to go to Planning Commission before The Town Bard. Chris stated that once a formal application has been submitted, there is formal process.

Rick moved to adjourn. Joe seconded. All approved. Meeting was adjourned at 7:59pm.

*Minutes were approved as submitted on December 13<sup>th</sup>, 2011.*

#### **Approved:**

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Michelle Nelson  
Chairman

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Elizabeth Jackson  
Management Intern