

**Town of Bayfield  
Planning Commission Meeting  
December 13<sup>th</sup>, 2011  
1199 Bayfield Parkway Bayfield, CO 81122**

**Planning Commissioners Present:** Dr. Rick K. Smith (Mayor), Joe Mozgai (Vice-Chairman), James Sanders, Gabe Candelaria (Town Board Member)

**Planning Commissioners Absent:** Michelle Nelson (Chairman), Chris Rhodes, Pat Heyman

**Staff Present:** Chris La May (Town Manager)

**Media Present:**

The meeting was called to order by Joe Mozgai, the Vice-Chairman.

**Minutes:** Gabe requested since there are two Chris's that the minutes distinguish between them using their last name or initial. Rick made a motion to approve the minutes from the November 8<sup>th</sup>, 2011 Regular Planning Commission Meeting as amended. James seconded the motion. All were in favor, motion passed unanimously.

**Public Input:** No public comment was offered so it was immediately closed.

**Action Agenda Item #1: Public Hearing & Consideration:  
Eating Establishment Use By Review for 25 W. Mill Street**

Joe opened the item for public hearing.

Chris La May gave his staff report. He stated that Jim Sawyer desires to refurbish a portion of the building at 25 W. Mill Street into the Tuning Fork Café, The café intends to provide food, specialty coffee and espresso drinks. 25 W. Mill Street is located in the Mill Street (MS) Zoning District. Eating establishment businesses in the MS zoning district may be allowed, as a Use by Review.

The application for Use by Review was filed and fees paid on December 1, 2011. Plans were sent to the following referral agencies: La Plata Electric Association, Upper Pine Fire Protection District, Source Gas, Town Engineer (Souder, Miller & Associates), San Juan Basin Health, Bayfield Public Works, and Bayfield Building Inspector.

Responses received are as follows:

- 1) **La Plata Electric Association:** LPEA has no objections.
- 2) **Upper Pine Fire Protection District:** No comments received.
- 3) **Source Gas:** No comments received.
- 4) **Town Engineer (Souder, Miller & Associates):** Increase size of the grease trap.
- 5) **San Juan Basin Health Department:** No comments received.
- 6) **Bayfield Public Works:** Town engineer needs more information for the grease trap and they need a description of how the grease will be removed. Public Works also requested an agreement that they will follow Town recommendations after they begin operations.

Chris La May stated that the application appears to be in conformance with the applicable sections of the Town's Master Plan and outlined the following areas to be considered:

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**Zoning:**

The property is zoned Mill Street (MS). The MS District is intended to provide an area which maintains the unique characteristics of Mill Street and permits a mix of retail, service and residential and other uses, subject to review as set forth in the Land Use Code – Use Table. The use, a food and beverage services business, may be allowed only if approved by a review permit by the Planning Commission. Review permit uses are subject to all other applicable regulations of the Land Use Code.

**Parking**

The Land Use Code requires one (1) parking space for each 100 square feet of gross floor area for establishments for the sale and consumption on the premises of food and beverages having less than 4,000 sq. ft. of floor area. The commercial component of the property is 1,800 sq. ft, which equates to 18 parking spaces. Section 7-9 (6) (c) of the Land Use Code requires in instances of mixed occupancies, the sum of the requirements for the various uses computed separately. The property also has two residential units, which requires two parking spaces per unit for a total of four (4) spaces.

In total the parking requirements call for 22 parking spaces. Parking spaces shall be not less than 9' x 20' and located entirely on the lot for which the space is required. The site has two useable spaces, four if parking is stacked.

Additionally, there are two parking requirements that the application has difficulty meeting:

- 1) Ingress to and from required off-street parking areas will be so designed as to eliminate any necessity of backing from said parking area into any public right-of-way.
- 2) Off street parking areas will be paved. However, alternative surface treatments may be considered by the Town, but only if unusual circumstances dictate the use of a surface other than asphalt or concrete.

Finally, in the Mill Street District in lieu of providing all or any part of the permanently maintained parking space, as provided in the Land Use Code, a sum of money may be contributed to the “public parking solutions fund.” The amount of the contribution will be calculated by multiplying the required number of spaces, as hereafter provided, times a unit of cost of each parking space. Said unit cost per space will be established by resolution of the Town Board of the Town of Bayfield. All funds so contributed to the “public parking solutions fund” will be used for the purpose of providing public parking facilities. Fractions will be disregarded.

The Board of Trustees has not adopted a cost per space by resolution and at the December 6, 2011 regularly scheduled board meeting provided direction to staff that they do not desire to prohibit economic activity on Mill Street, and do not feel that a fee in-lieu of parking should be paid.

**Water Service**

All applications shall be reviewed by the public works manager, and a determination shall be made by the public works manager whether any proposed enlargement, addition or expansion of water using facilities can adequately be served by the existing water connection. Such determination shall be made by application of the standards of the American Water Works Association. If the public works manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed at his sole expense. Any extension of service, whether or not a larger service is required, shall include the installation of an additional meter on such enlarged use. Any new meter installation shall be done in accordance with section 15-56, and any expanded tap connection shall be done in accordance with section 15-53, provided that the person making an expanded tap connection shall pay the then established cost for the

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required tap size less credit for the then established cost for the existing tap connection. Any determination made by the public works manager hereunder shall be subject to review by the board of trustees upon written request by the person seeking review of the decision.

Chris stated that the current service is sized adequately.

**Sanitary Sewer Services**

For the purposes of determining the proportion of total flow any user contributes to the system an Equivalent Residential Tap (ERT) unit is established. An ERT shall be the average sewage flow in terms of both quantity and strength originating from any single family home, mobile home, condominiums, townhouse or dwelling unit. From that ERT definition, the schedule for calculating the ERTs for various uses is adopted and labeled as Exhibit "A". This schedule is based upon Colorado Department of Health Guidelines for per capita flow and the Town engineer's recommendation concerning loading for the types of uses shown, derived generally, but not exclusively, from a 250 gallons per ERT sewage flow, a five (5) day average BOD<sub>5</sub> of 250 ppm and 250 ppm total suspended solids. If any owner at any time expands the ERT use on his property beyond that state in the Sewer Tap Application for which the owner paid the Town, such owner shall apply and pay an additional PIF for such additional ERTs. Such further PIF payment shall be at the rate in effect as of the date of application or date of actual use, whichever is higher, shall be due as of the date of first use and shall bear interest from date of first use until paid at the rate of 12% annum.

Chris stated that it is assumed, that the property paid an initial tap when originally tied into the sanitary sewer system. The property was used as a coffee house in the past. While under that use, the property averaged 11,021 gallons per month. 11,021 divided by 31 days equates to 355.50 per day. 355.50 gallons per ERT divided by 250 gallons per ERT equals 1.42 ERT. The property should be credited for one Plant Investment Fee (PIF). The remaining 0.42 ERT is valued at \$2,520 (\$6,000\* 0.42).

Chris advised that the Planning Commission should consider the application, the staff report and any materials and public testimony provided at the public hearing and consider the following criteria in their decision:

- 1) Are the offsite impacts of the use either consistent with the character of the land use district or adequately mitigated?
- 2) Will the use as proposed comply with the requirements, intents and purposes of Bayfield's Codes, policies and comprehensive plan?
- 3) Is the proposed use consistent with the scope and intent of the property's land use district category as described in Section 5-3 of this Code?

Chris La May recommended approval of the Use by Review for the Tuning Forks Café at 25 W. Mill Street in the Mill Street Zoning District subject to the following conditions:

- 1) Property owner or property owner representative shall arrange for pre-opening fire inspection by the Upper Pine Fire District and shall comply with the Fire Code requirements.
- 2) Food and Beverage use shall have approval from San Juan Basin Health before Certificate of Occupancy is granted.
- 3) Property owner shall install appropriately sized grease trap as determined by Town Engineer and in accordance with Town specifications.
- 4) Property owner shall install necessary water backflow prevention device(s), as approved by the Public Works Director.

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- 5) Signage for the business shall be in accordance with the Town of Bayfield Sign Code.
- 6) Property owner shall pay applicable Plant Investment Fee (PIF) for expanded use.

The floor was given to Tim & Kellie Lillyquist (the owners of the Tuning Fork Café).

Tim stated that they have met with the Fire Department & San Juan Basin Health. He said that they will make sure that their grease trap & back-flow preventer meet the Town's specifications. He mentioned that there was a coffee shop in this location previously and while they do plan on making some improvements to the building, it will be very similar to what it was before.

Kellie stated that they will be using the existing signage on the building but they will be changing it to their new logo.

Joe asked how compliance with the Town's specifications will be addressed prior to the café opening for business.

Chris La May answered that it will be done through the building inspection process. The business will have to meet all of the Town's requirements prior to receiving a Certificate of Occupancy.

Joe asked if the applicants have an issue with paying the additional sewer tap amount.

Tim answered that he believes that the owner of the building will be paying that fee but they don't see it as an issue.

Joe asked when the applicants hope to open.

Tim answered that they hope to open around February 1<sup>st</sup> if possible. He then asked about the parking fee requirement and if that would be accessed for the location.

Rick answered that the Town Board gave instruction to waive the parking fee at this time. A fee ordinance for parking on Mill Street has not been formally adopted and the Board feels that they do not want to pass that type of fee in these economic times.

Joe asked if a parking fee has ever been levied on a Mill Street applicant.

Rick answered that it has not.

Gabe mentioned that he thinks that this business is going to probably do better than the previous coffee shops due to the menu that they will be offering. He suggested that the Town will need to watch the water usage and make sure that the ERT's accessed continue to be sufficient in the future. Gabe also asked about live music and whether or not that will affect the residents that live in the adjacent buildings.

Tim stated that there was live music in the building in the past and there weren't any complaints from the neighbors. However, they are going to make sure that there aren't any amplified or electrified music so it shouldn't be real loud.

Gabe suggested that it might be a good idea to note that if the noise becomes a problem what the protocol will be to address it.

Tim also mentioned that the residents within the building have been notified so they are aware of what will be going on within the café.

Gabe asked if the Town should pass a noise ordinance to protect the residents.

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Chris asked the hours of operation.

Tim answered that they will be open 7-2:30 Monday – Saturday. They will have extended night-time hours on Friday and Saturday but the music will be over by 9:00 p.m. (They don't know exactly what the night-time hours will be yet).

Chris said that the nuisance ordinance could be used to address noise matters if they come up.

Gabe stated that he still thinks that the Town needs to specifically address noise. He also said that he thinks another requirement should be that the applicants obtain their business license.

Tim stated that they have the paperwork and they were waiting for the outcome of this meeting to submit it to the Town.

Gabe asked if they have been in contact with San Juan Basin Heath regarding buying their food items locally

Tim answered that he is addressing those issues and San Juan will do their regular inspections to make sure they are abiding by the requirements.

No additional comments were added so the public hearing was closed.

Rick asked if Gabe wants to add another requirement regarding noise.

Gabe answered that he would rather that it be done at the Board level through an actual noise ordinance so that it can be enforced through the Marshals office and it applies to everyone equally throughout Town. However, he would like to see the sanitary service left open to negotiation in the future in case the business's water usage is way higher than the previous tenants. He wants to make sure that the Town has the ability to come back and charge additional ERT's if needed based on water usage.

Chris explained that the Town Code reads that if water usage increases that the numbers of taps accessed will be revisited and adjusted accordingly.

Gabe made a motion to approve the Use By Review for Tuning Fork Café located at 25 W. Mill Street in the Mill Street Zoning District subject to staff recommendations 1-6 with an additional condition that the applicant apply for and receive a valid Bayfield Business License. Rick seconded the motion.

All were in favor, motion passed unanimously.

**Action Agenda Item #2: Discussion & Possible Action:**  
**Accessory Dwelling Units**

Chris gave his staff report. He stated that at the November 8<sup>th</sup>, 2011 Planning Commission meeting, the Commission was presented with information regarding Accessory Dwelling Units. The Planning Commission decided that they would be interested in further exploring the allowance of Accessory Dwelling Units within the Town of Bayfield.

Chris explained that he has drafted an Ordinance that would amend the Bayfield Land Use Code to allow for Accessory Dwelling Units, primarily in the lower density residential zoning districts & Town Center. He explained that he would like to get the Planning Commissions input on appropriate requirements.

He explained that he has gathered information from the Washington State Municipal Research Service and requested that the Commission review each item individually and decide on the language for the Ordinance.

**1) Owner Occupancy Requirements**

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*A common apprehension of opponents is that ADU's may harm neighborhood character if they are not properly maintained by owners and/or renters. Opponents also express concern that too many ADU's may be created if individual speculators can purchase or develop multiple homes with ADU's. In response, many communities require that the homeowner must occupy either the principal or the accessory unit. The expectation is that homeowners will be more likely to maintain the property if they also live there.*

*Owner-occupancy requirements are also thought to have the added benefit of ensuring better tenant management, since resident owners will be more likely to enforce appropriate behavior standards. Where the community does not intend to require that homeowners must occupy the principal unit, it may be useful to clarify in the ordinance that they can live in either unit. Many homeowners, particular the elderly, who no longer need the space or who wish to avoid the burden of caring for the larger unit, may want the option of living in the smaller unit.*

*Some ordinances require that the owner occupancy requirement be recorded as a deed restriction to put prospective buyers on notice of the prohibition against renting out both units. Whenever there is a transfer of ownership of the property, the title search turns up the document noting the regulation.*

Chris stated that he does not have any proposed language for this item but asked the Commission if they would like to include any of this information in Bayfield's Ordinance.

Gabe suggested that he thinks it would be a good idea to put language into the ordinance that states that the owner needs to be an occupant of the building. However, he doesn't feel that it should be necessary that it be a year-round requirement.

Rick agreed.

Chris stated that he will add detail that the owner has to be an occupant of the unit.

**2) Size**

*ADU ordinances often contain provisions regulating the size of ADU's and/or the principal unit. Size limits for ADU's are expressed either in absolute terms or some percentage of the principal unit (usually in the range of 20% to 40%). Size regulations may specify minimum and/or maximum sizes for the ADU or the primary residence. Some ordinances also regulate size by specifying a maximum number of bedrooms (e.g., two bedrooms) allowed in an ADU.*

*Size limitations serve several purposes. Most often they are designed to ensure that ADU's remain subordinate in size to the primary residence (percentage based limits, in particular, are designed to ensure that an ADU remains subordinate regardless of home size). They are also intended to control neighborhood density, the assumption being that controls on the size of ADU's will also tend to limit the number of tenants who can live in an ADU. Size limits are also aimed at minimizing visual impacts of additions or alterations to the residence.*

*ADU proponents caution that a size limit based on a ratio between the primary unit and the ADU should be small enough to keep ADU's subordinate to the primary unit, but not so small as to require a large house to establish a viable ADU. Since house size and income are often related, a minimum home size requirement that is too restrictive could eliminate some homeowners who might benefit most from the opportunity to install an ADU.*

*If minimum/maximum size requirements are adopted, it may be helpful to give some discretion to the reviewing agency to modify requirements in cases where strict adherence would be impractical or uneconomical. For example, many two-story homes may be most economically converted by installing an ADU on the bottom floor which may take up half or nearly half of the entire space available. Or an ordinance may provide exemptions for the use of basement or attic space that are more than the specified maximums.*

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*Some ordinances do not contain specific size requirements but rely instead on applicable zoning, health, housing and building codes that regulate general height, set-back and lot coverage, and establish minimum space requirements for habitation.*

Chris La May proposed the following language regarding size:

- 1) In a residential zoning district the detached unit shall not be less than three hundred (300) square feet and not more than the lesser of seven hundred (700) square feet or fifty percent (50%) of the floor area of the primary residence.
- 2) In a business land use district the accessory dwelling unit shall not be more than fifty-percent (50%) of the total square footage of the building.

Gabe expressed that he is not convinced that the square footage should be limited so much, especially for the larger lots that could house additional buildings.

Joe suggested that having anything larger than 1000 square feet is a good sized house and could no longer be considered an accessory dwelling unit. He thinks that it would turn a single family lot into multi-family if the units are that large.

Gabe mentioned that there are a lot of 3 car garages within the Town and he thinks that people requesting an accessory dwelling unit will probably do a garage with living quarters on the upper level. He thinks those types of unit will exceed the 700 square foot limitation outlined.

Joe asked how high a building unit can be according to the code.

Chris answered that height is different in each zoning district. 35' is the maximum height in residential districts and there is a stipulation that the lot coverage maximum cannot exceed 25%.

Rick stated that he would like for the language to read "700 square feet or no more than 50% of the floor area of the primary residence". He thinks 700 is plenty of room for a mother-in-law unit and would give the space needed.

Gabe argued that he doesn't think the Town should tell residents what they are allowed to do with their property.

Rick countered that it is the Town's responsibility to preserve the Single-Family status of the zoning district while still recognizing that there are extenuating circumstances where adding an accessory dwelling unit is necessary.

James asked if each of these items would be reviewed and a decision on the size of the unit could be determined on a case-by-case basis.

Chris answered that each one of these requests for an accessory dwelling unit would have to go through the "Use By Review" process in order to receive approval.

Gabe said that he doesn't think it's necessary for every single one of these to come before the Planning Commission for approval. He thinks if they meet the criteria laid out in the Land Use Code they should be granted the approval administratively.

Chris responded that if the approval is done administratively it does not give the adjacent landowners the opportunity to be apprised of the request and voice their opinions on the matter.

Gabe countered that he feels that the code should be clear enough for an administrative decision to be made and as long as the application is within the guidelines it is the property owner's right to build the unit. He thinks it should only come to the Planning Commission if the applicant has a request that is outside of the parameters.

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Rick stated that he thinks it is the Town's job to preserve the single-family designations and that these types of approvals should only be given in extenuating circumstances. He thinks it should be a "Use By Review" and shouldn't be allowed by right.

Joe agreed. He thinks that it should be heard as a "Use By Review" and he doesn't think that there will be enough of them that it's going to put a burden on the Planning Commission to review them.

Gabe argued that in tough economic times the Town should not be making it harder for people to build and grow the Town. He thinks making an applicant go through the "Use By Review" process when they meet the requirements outlined in the code is causing undue hardship on the resident. He wants the ordinance to be clearly and well-written and allow them to be granted administratively.

Rick suggested coming back to this discussion after reviewing each of these items.

Gabe said he thinks the Town might also want to solicit comment from the public and other Town Board Members on whether or not it should be administrative or not.

Chris asked if the Planning Commission feels that these accessory dwelling units should be located in the "business" zoning district.

Rick suggested that he thinks this should be limited to residential zoning districts only and it should not be allowed in business.

Gabe mentioned having some language requiring the applicant to rezone the property accordingly if they want to have residential on their property.

Joe commented that he thinks it would be better to just leave it out completely.

Chris agreed that allowing residential dwelling units in the business zone was probably not a very good idea.

The consensus of the Commission was to eliminate it from the ordinance.

**3) Attached or Detached Units**

*One question that the community must answer is whether to allow detached ADU's. Some cities have limited ADU's to attached units to reduce the visual impact and to preserve the single-family character of neighborhoods. When made a part of the main house an attached unit is kept as a subordinate use and does not give the impression of two separate houses on a single-family lot. Where average lot sizes are very small throughout the community, this may be an appropriate restriction.*

*Detached units are less frequently allowed in zoning codes and are generally more expensive to build than an attached unit. While they are more visible as detached units, where they are permitted, they are usually required to be located in the rear yard area to minimize the visual impact of two separate residences.*

*In many cases, a detached residence may provide a better living arrangement for those who want an ADU but who do not wish to have someone else living in the same physical structure. Even on relatively small lots, a unit may be successfully installed in a previously existing detached garage or similar structure.*

*Some communities allow detached ADU's only on larger lots.*

Chris La May proposed the following language regarding attached/detached units:

- 1) The design and location of the unit shall be clearly subordinate to the principal structure.

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- 2) Accessory dwelling units that are freestanding shall in no case be located in front of the principal structure.
- 3) The accessory unit shall be located on the rear half of the parcel or; in or above the garage.

The Commission agreed that the language is good as presented.

**4) Occupant Restrictions**

*Some ordinances contain restrictions on who may live in an ADU. These ordinances typically provide that tenants must be a certain minimum age, usually 60 or 65, and/or that tenants be related to the owner. Ordinances may also specify that tenants be limited to employees of the homeowner or have some other special relationship (e.g., providing in-home care or assistance) to the homeowner. Typically, these types of restrictions are intended to allow residents to install an ADU for the limited purpose of providing in-home care to aging parents while maintaining separate living areas. Ordinance restrictions that limit the age of tenants or that require that the tenant be related to the homeowner are intended to preserve the "family character" of neighborhoods and to keep the number of conversions low, while still allowing them for the purpose of dealing with special family needs.*

*ADU proponents argue that restrictions based on the age or familial status of tenants may discourage some homeowners from installing an ADU because of the risk of losing their investment in the event that their tenant moves away or dies. Because of the tenant restrictions, homeowners may have difficulty finding another renter who meets the ordinance's requirements.*

*Restrictions on the age of tenants and their relationship to homeowners may also be difficult to enforce. When relatives die or move away, homeowners will be left with an empty and unusable apartment and may be tempted to fill the vacancy in violation of the ordinance. Without adopting a cumbersome enforcement procedure and in the absence of neighbor complaints, it may be difficult for communities to keep tabs on the status of ADU tenants.*

*As more communities have come to view ADU's as an important means of providing affordable housing alternatives, these types of restrictions, which limit opportunities to install ADU's to relatively few homeowners, have become less common.*

Chris stated that he does not have any proposed language for this item but asked the Commission if they would like to include any of this information in the ordinance.

The Commission agreed not to add any detail regarding this item.

**5) Number of Occupants**

*Limits on the numbers of occupants in homes with ADU's are designed to control overcrowding in homes with ADU's and increased neighborhood density, as well as related parking and traffic impacts. Some communities limit the aggregate number of persons that may occupy both the ADU and primary unit to the number allowed in the house without the rental unit.*

*In theory, under this restriction, the density, parking, and traffic impacts resulting from ADU conversions should be no greater than those from a single-family structure without an ADU. Ordinances may also refer to provisions in the zoning code defining "family" that generally contain limitations on the numbers of related and/or unrelated persons who can live in a single residence.*

*Some ordinances place specific limitations on the occupancy of ADU's based on the size of the unit. This type of occupancy limitation is more sensitive to individual variations in the size of ADU's.*

Chris La May proposed the following language regarding the number of units:

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- 1) Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit provided that if unrelated persons occupy either unit the total number of persons occupying both units together may not exceed eight (8).

Rick stated that he doesn't think the Town should put a cap on the number of occupants in the unit.

Gabe agreed.

The Commission determined to do away with any comments regarding this item.

**6) Parking**

*The potential for parking problems generated by the installation of ADU's is one of the most common concerns expressed by residents. Neighborhood groups are generally opposed to any increases in on-street parking, particularly in areas where competition for existing parking is already a problem, or in neighborhoods where prevailing aesthetic standards make on street parking less acceptable. Many communities have addressed this issue by requiring a certain number of off-street parking spaces for homes with ADU's. Off-street parking requirements typically range from one to one and one-half off-street spaces per ADU.*

*Whether parking will become a problem depends to a great extent on current neighborhood standards and the perceptions of residents about existing parking problems. In some neighborhoods, on-street parking is a common practice and may therefore be more acceptable, while in others, off-street parking in garages is the more common rule. Varying neighborhood standards may suggest the need for a response that is more tailored (e.g., based on performance standards rather than specific parking requirements) to the particular needs of each neighborhood.*

*Once the community decides to require off-street parking for ADU's, the next question is where such spaces will be allowed. One concern expressed by neighborhood groups is that additional off-street parking be provided in a way that will not detract from the neighborhood's low-density, single-family character. Solutions might include restrictions on parking in front yard areas or landscaping requirements to limit visual impacts.*

*Some communities allow homeowners to use tandem parking (one car behind the other) as a less costly alternative for satisfying requirements for off street parking.*

*Proponents point out that in many instances single-family homes without ADU's could generate just as much traffic and demand for parking as a home with an ADU, particularly in homes with teenage children. They point out that ADU's are often in the homes of "empty nesters," single parents, and single residents, who tend to have fewer cars. Meeting requirements for additional parking spaces could be an expensive proposition for some homeowners and may discourage them from installing an ADU.*

Chris La May proposed the following language regarding parking:

- 1) One (1) off-street parking space per unit is recommended, in addition to the spaces otherwise required; however, parking shall be addressed on a case by case basis.

Gabe stated that he thinks there needs to be one additional on-site parking space for the additional dwelling unit. He wants to make sure that they are not relying on street parking for the unit.

The Commission decided that the language should read "One Additional On-Site Parking Space Must Be Provided For Each Accessory Dwelling Unit".

**7) Design Appearance Standards.**

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*Provisions that govern the design and appearance of homes with ADU's are intended primarily to preserve the visual and single-family character of neighborhoods. Many ordinances contain conditions limiting certain exterior modifications of homes with ADU's. These may include limitations on additions that increase the size of the home, restrictions on the location of entrances and exterior stairs, and other design guidelines.*

*While some ordinances contain specific square foot limits on expansions, others simply rely on existing setback and lot coverage requirements to control the size of additions.*

*Some communities prohibit any increase in home size to accommodate an ADU. Restrictions of this type are intended to minimize any changes to the exterior appearance of homes with ADU's.*

*Proponents point out that restrictions on the size of additions may not be either necessary or effective. The high cost of remodeling may be just as effective at limiting large new additions to accommodate ADU's. Additionally, it may be easy for homeowners to avoid this type of restriction simply by adding space at one time to be later converted into an ADU.*

*In an attempt to discourage homeowners from circumventing size limitations, some communities prohibit the installation of ADU's in homes that have recently added on space. This type of restriction also seeks to encourage the use of existing surplus space, rather than new additions that increase density, to accommodate ADU's.*

*Many of the appearance and design standards applied to homes with ADU's are concerned with those portions of the home that can be seen from the street. One of the most common provisions prohibits the creation of additional front entrances. Communities typically require that entrances to ADU's be located on either the rear or side of the home.*

*The installation and/or location of exterior stairs is also likely to be restricted to rear or side yard locations or prohibited altogether.*

*Many communities also include a stipulation in their ordinance that any modifications to the exterior of the home should conform to the original design characteristics and style of the home.*

*Some ordinances simply say that any changes to the exterior of the home should not alter the "single-family character" of the neighborhood.*

*This type of provision allows the reviewing agency some discretion and flexibility in applying design guidelines. However, unless "single-family appearance" or "character" are defined in some way, it may be difficult for a community to deny a permit application.*

Chris La May proposed the following language regarding design appearance standards:

- 1) The design and location of the unit shall be clearly subordinate to the principal structure.
- 2) The unit shall be integrated into the site by appropriate site grading, earthwork and landscaping and harmonious with the character of the building.
- 3) The outside appearance of the principal structure shall not be changed from that of its primary use.
- 4) Private entrances to attached accessory dwellings shall be located on the side or rear of the residence.
- 5) Accessory dwelling units that are freestanding shall in no case be located in front of the principal structure. The accessory unit shall be located on the rear half of the parcel or; in or above the garage.
- 6) Accessory structure setbacks can be used for detached accessory dwelling units if single story. Multiple story structures used as accessory dwelling unit shall be architecturally compatible to the principal structure.

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The Commission decided to keep #1 & 2, delete #3, revise #4 to read "Private entrances to attached dwelling units shall be clearly subordinate to the principal entrance of the residence, preferably located in side or rear of the dwelling", revise #5 to read "Accessory dwelling units that are freestanding shall in no case be located in front of the principal structure. The accessory unit shall be located on the rear half of the parcel or; in or above an accessory building (i.e. garage, shop), revise #6 to read "Lot line setbacks will be used for detached accessory dwelling units if single story. Multiple story structures used as accessory dwelling units shall be compatible with the surrounding neighborhood."

**8) Minimum Lot Size**

*Some communities restrict ADU's to lots that are over a certain minimum size. The purpose of this type of restriction is to control density and, indirectly, to limit the number of conversions.*

*Proponents point out that minimum and maximum ADU size requirements along with existing lot coverage, setbacks, and other regulations are sufficient to control density. They argue that minimum lot size requirements may prevent many older homeowners and others with homes on small lots from securing the benefits of an ADU.*

*Some communities have adopted a minimum lot size requirement for detached ADU's.*

Chris La May proposed the following language regarding minimum lot size:

- 1) The unit can only be located on a lot or parcel of 5,000 square feet or more.

Gabe stated that he doesn't think there should be a restriction on the size of parcel. He feels that if the property meets all the other requirements of the code they should be allowed to build the ADU regardless of the property size.

Rick stated that he thinks that 5,000 is a safe number and people interested in building an ADU would have to have a lot at least that size in order to qualify.

The Commission determined to do away with any comments regarding this item.

Rick Smith made a motion to table the remainder of this conversation until the next Planning Commission Meeting. James seconded. All were in favor, motion passed unanimously.

**Action Agenda Item #3: Discussion & Possible Action  
Temporary Use of Recreational Vehicles as Dwelling/Lodging Units**

Rick made a motion to table this item to the January 10<sup>th</sup>, 2012 Planning Commission Meeting. James seconded. All were in favor, motion passed unanimously.

**Action Agenda Item #4: New/Unfinished Business**

There was no new or unfinished business.

The meeting was adjourned.

**Town of Bayfield  
Planning Commission Meeting  
December 13<sup>th</sup>, 2011  
1199 Bayfield Parkway Bayfield, CO 81122**

*Minutes were approved as submitted on January 10<sup>th</sup>, 2012.*

**Approved:**

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Michelle Nelson  
Chairman

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Elizabeth Jackson  
Management Intern