

**Town of Bayfield**

**Regular Planning Commission Meeting**

**April 12, 2011**

**1199 US Highway 160B Bayfield, CO 81122**

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

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

**Staff Present:** Bob Ledger (Interim Town Manager), Elizabeth Jackson (Town Intern)

**Media Present:** None

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

**Minutes:** Joe corrected the spelling of his last name (with an z instead of an s). Rick moved to approve the minutes from the March 11<sup>th</sup>, 2011 Regular Planning Commission meeting as corrected. Joe seconded the motion. All were in favor. Motion passed unanimously. Pat abstained 3-0.

**General public input:** No public comment was offered.

**Action Agenda Item #1: Public Hearing: Use By Review - Family Home Care**

Bob gave his staff report. He stated that applicant, Jaimie McCallum, representing Bayfield Baby Wranglers and Rocky Mountain Preschool, is seeking approval and authorization to operate a daycare facility at 22 South Los Pinos Drive. The proposed business will be operated as an adjunct to the primary residential use of the stated address. Despite the legal name of her business, suggesting the operation of a preschool, applicant states that she does not propose to provide preschool services at this location.

Bob said the applicant indicates she has significant experience in operating similar facilities during her ten years of residence in La Plata County. She proposes to provide what is known as "Alternate Care" which she defines as "providing service to families whose hours of employment are outside that of the usual Monday – Friday; 9 – 5" environment. She further indicates that daycare service at this location could be provided as early as 5:30am and as late as 2:30am and also anticipates providing service on Saturdays and Sundays. Bob stated that Ms. McCallum posits that the provision of additional daycare services in the community are in need, and cites as evidence the fact that she has a list of eleven children waiting for care.

The applicant has notified all property owners within 200 feet of the proposed use. One response was received from applicant's neighbor, Denise Galley. Notice of the public hearing appeared in the April 1<sup>st</sup> and April 8<sup>th</sup> editions of the Pine River Times and the applicable Use by Review Fee has been paid.

A review of the Town's Land Use Code reveals that a licensed home day care operation as proposed by Ms. McCallum is permitted in the R-10 Zone in which the proposed facility is located. However, in order to proceed, the applicant must obtain approval and a "Special Use Permit" from the Bayfield Planning Commission. The Land Use Code requires the Commission to examine the potential impacts of the proposed "special use" that is being requested. Ms. McCallum has applied to the State of Colorado for a license to accommodate twelve (12) children at the site. Bob said that it appears that any impacts to the surrounding neighborhood would be relatively modest although some issues could arise from traffic noises associated with the pick up or dropping off of children from the facility in the early morning hours.

Town oversight of the proposed operation is generally limited to the issuance of a special use permit. The operators of the facility must comply with all other standard laws, ordinances, rules and regulations of the Town as well however. The State and the San Juan Basin Health Department will require that the use comply with state standards, and Upper Pine River Fire Department will require all fire safety code regulations be met. Bob stated that applicant has agreed to comply with these requirements as well as to install any recommendations made, as set forth by Upper Pine River Fire Department, in a manner satisfactory to the district.

Bob stated that staff recommends that the Bayfield Planning Commission approve the applicant's request for a Special Use Permit to operate a licensed home daycare at 22 South Los Pinos Drive subject to the following conditions:

1. The operator of the center shall present to the Town a copy of the license issued by the State of Colorado which authorizes the operation of a home day care center at the above location and further stipulating that not more than twelve (12) children be accommodated at any one time.
2. The operator will not initiate operation of the facility until such time as a license has been issued by the State.
3. The center will adhere to all permitting procedures and regulations of the State of Colorado and the San Juan Basin Health Department.

Pat said she drove by the business and noticed that the sign indicated a preschool operation. She sought clarification from the applicant.

Applicant, Jaimie McCallum (22 South Los Pinos Drive), said she did curriculum with the children and that the name of the business gave parents more piece of mind to know that she was licensed for a family home day care.

Pat asked if she had a license.

Jaimie responded that she did not yet have a license but that she had a former one.

Pat commented that a family home day care would be great for the Town. She wanted to know if the neighbors were aware of the extended hours.

Jaimie said they were.

Pat asked if applicant was intending to service a total of 12 children and if she had any children whose parents needed services for hours that fell outside the usual workday.

Jaimie said she did have 12 children, which is the most she could have at one time. She explained that state legislation regulates the number of children allowed for some day care services. The maximum can range from anywhere between 8 – 12 children. This has to do with the number of caregivers a facility can provide. If a care center has only one provider on site, the maximum children allowed are 8. If there are 2, a facility can apply for 12, which is what she is requesting. Jaimie confirmed that she has one other licensed caregiver engaged in business with her. She also stated that she has one parent who works for the Southern Ute Indian Tribe and who is her only client after midnight.

Pat asked where her license process stood.

Jaimie said she sent in for one with a new address.

Pat asked if she owned the current property.

Jaimie said she did not but that her landlord approved of her operations.

Rick asked applicant to provide staff with an approval letter from the landowner. He asked if she had a contract with different agencies to provide care.

Jaimie said she did. She explained that she had a standing contract that got renewed on an annual basis. She also has one for the Southern Ute Tribe. If the Tribe needed services, she could accept payment from their government.

Pat asked what the process would be if she received a phone call requesting services now.

Jaimie said that person would go on waiting list. She also explained that the most common request was for weekday hours. She has only one family that needs services provided on the weekend.

Pat wanted to know if her facility provided enough room.

Jaimie replied that it did. She said that square footage was how the state determines how many children are allowed.

Pat asked if she owned any dogs (this was in reference to the memo received from the applicant's neighbor, Denise Galley, who was concerned with the number of dogs).

Jaimie said she had two.

Pat asked if that met state regulations.

Jaimie confirmed that the state allowed up to two dogs.

Joe asked if she received the letter from the Fire Chief.

Jaimie said she didn't.

Joe asked if she knew of what their requirements entailed. He wanted to know if they would be an issue for her and whether or not the proper exits were installed.

Jaimie said she was somewhat familiar with the Fire Department's requirements. She said they came out and inspected her extinguishers and said her detectors and alarms met their conditions.

Joe wanted to know when she thought she would get her license.

Jaimie said she didn't know but that she would call in order to get a temporary license.

Joe indicated to the neighbor's letter. He wanted to know if any of the parents let their dogs out of the car when they came to pick their children up and if that created any problems with the adjacent neighbors.

Jaimie said she was unaware of that taking place. She stated that when she first moved in, she got a permit to build a fence and was able to put a wire around it in order to mitigate any problems.

Joe asked if any of the parents brought their dogs with them.

Jaimie said they didn't but she believed her neighbor was referring to her own dogs.

Joe asked if her business hours created a long day for her.

Jaimie said it did. There were a couple of times where she has had to work 2-3 nights a week but she says it helps to take nap breaks in between and that fact that the children go to bed at 8 pm.

Bob asked if her business sign was expensive.

Jaimie said it was.

Bob explained that a preschool is not designated for an R-10 Zone and that neighbors who saw the sign would most likely question its true intentions. He thought it would be best if the applicant took the signage out.

Jaimie said she could add 'Family Home Day Care' after the words 'Rocky Mountain Preschool.'

Joe explained that it was the word 'preschool' that made the sign disconcerting. He said that people would take issue with the wording and that she would need special authorization to include those words.

Bob suggested she have the sign corrected within a reasonable time frame.

Jaimie said she could consider that. Her only problem with changing the signage however was that she has had that particular name for a long period of time and that it would confuse her clients as they might not know where she was located when they tried to look her up. She explained that it helped with regards to direction.

Joe asked where she was previously located.

Jaimie replied that it was in Gem Village.

Joe agreed with the applicant's service. He thought it would be a good addition to the town.

Jaimie said she could change the wording, but wanted to keep the words 'Rocky Mountain' as this has helped define her reputation. She said she could add 'Family Home Day Care' to the end. Jaimie also mentioned that she was not running a preschool but that her services were equal to that.

Joe explained that the term 'preschool' couldn't be referenced within her services.

Bob wanted to know what kind of an arrangement she had with the owner. He asked if it was a lease.

Jaimie said it was.

Rick asked if she was currently providing services.

Jaimie said she was providing service for two families. Due to state regulation, she said she was allowed to have two children at her address. She doesn't charge these families however, because the state wouldn't allow it without a proper license.

Rick said he would defer applicant's request to staff but that the sign was an issue. He explained that if she kept the word 'preschool,' it would imply that she was operating that type of business. He also mentioned that the Fire Chief might have different regulations for a licensed preschool and daycare.

Jaimie said she was familiar with both regulations and that the two were fairly similar. She confirmed that her license was for a family home day care and that she was not licensed for a preschool.

Rick agreed with Bob's comment. He said the Board would have to defer to the Chief and to the staff.

Joe asked if this was her physical address.

Jaimie said it was. She agreed it was why she couldn't apply for a preschool license.

The matter was opened for public comment.

Fire Chief Rich Graeber said that the Home Day Care was a gray area in terms of regulations.

Pat was concerned about the sign, with 'preschool' being the predominant term.

Joe concurred.

Jaimie admitted to receiving phone calls requesting preschool services. She said that she has had to make corrections, informing callers that she is not licensed to run a preschool.

Michelle said that the caller's inquiries confirmed there was a problem with the signage. She stated that the applicant's services were a great thing, but agreed the issue revolved primarily around the sign.

Rick said staff would need to see a copy of applicant's license, a sign off from the Fire Chief and a letter from the landlord approving her request as well as a copy of the lease.

Bob asked if applicant could change the sign within a reasonable timeframe.

Joe wanted to know if that would depend on her licensure.

Michelle asked if 30 days would be reasonable.

Jaimie said it would be.

Michelle asked if that would give ample time to take the sign down.

Jaimie said it would.

Rick made a motion to approve applicant's request for a special use permit to operate a 24 hour Family Home Day Care Center subject to following conditions:

1. Applicant must present to the Town a copy of the license issued by the State of Colorado which authorizes the operation of a home day care center at 22 South Los Pinos Drive and agrees that not more than twelve (12) children be accommodated for at any one time.
2. Applicant will not initiate operation of the facility until such time as a license has been issued by the State.
3. Applicant will provide staff with a letter from the landlord approving the request.

4. Applicant will provide a sign-off from the Fire Chief, approving she has met fire safety regulations.
5. Applicant will change the signage to remove the word 'preschool' to staff's satisfaction within a 30-day timeframe
6. The center will adhere to all permitting procedures and regulations of the State of Colorado and the San Juan Basin Health Department.

Pat seconded the motion.

Joe asked if there were other day care centers in town.

Michelle said there were some with waiting lists but not many.

The motion was moved and seconded to approve applicant's request for a special use permit. The motion carried 4-0.

Joe asked if the Fire Department had been out to applicant's address.

Jaimie said they had.

Joe asked what their response was and whether or not she would be able to fulfill their requirements.

Jaimie replied that the Fire Chief said her fire extinguisher needed to be updated and that she needed to have the carbon monoxide installed properly. She said she had completed those requirements.

Joe asked if there were any other safety issues.

Jaimie said there weren't.

### **Action Agenda Item #2: New/Unfinished Business**

Joe asked if there was an issue with having Michelle acting as Chair still.

Michelle said there wasn't.

Michelle welcomed Bob to the Interim Town Manager position.

Rick reminded the Board that they needed to find a replacement for Bob McGraw (previous Town Board member).

Rick made a motion to adjourn. Joe seconded. All were in favor.

Meeting was adjourned at 7:39 p.m.

**Approved:**

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Michelle Nelson  
Chairman

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Elizabeth Jackson  
Management Intern