

**Town of Bayfield
Planning Commission Meeting
November 10, 2009
1199 US Highway 160B Bayfield, CO 81122**

Planning Commissioners Present: Bob McGraw (Chairman), Ed Morlan (Vice-Chairman), Rick Smith (Mayor), Gabe Candelaria (Town Board Member), Pat Heyman, Michelle Nelson

Staff Present: Justin Clifton (Town Manager), Marianne Jones (Deputy Town Clerk)

Media Present: None

The meeting was called to order at 7:01 p.m.

Minutes: Rick made a motion to approve the minutes from the October 13th, 2009 Planning Commission Meeting as submitted. Pat seconded the motion. All were in favor except Michelle & Ed, who abstained.

Public Comment: Bob congratulated Gabe Candelaria. Gabe was appointed to the vacant position on the Town Board Member. Gabe also agreed to serve on the Planning Commission each month as the Town Board Member. No other public comment was offered so it was closed.

Action Agenda Item #1: Public Hearing: Amendment To The Bayfield Land Use Code: Amendment Of Article 8 By Adding Section 8-22.5 – Temporary Construction Facilities

Justin gave his staff report. He explained that the Planning Commission gave direction to Town Staff to draft language for a Land Use Code amendment that would address the use of construction trailers or other temporary construction facilities. The direction given was to make the code language broad enough to allow these facilities to be used without too much administrative oversight while also adding a measure of protection to residents or businesses that may be adversely affected by the presence of these facilities.

He explained that the draft language contemplates that all facilities would require a permit. This way there is an opportunity to discuss the type, location, proximity and nature of the facility without just granting permission by right. The Land Use Administrator can then ask questions, suggest changes or otherwise address potential red flags before the facility is placed and operated. Issuing a permit also allows the Land Use Administrator to create an expiration date that is project specific. Small construction projects may be granted 3 months, whereas long development projects may be granted 12 months. The Land Use Administrator can extend permits when needed as long as there are no issues with the facilities.

The administrative approval would take care of the vast majority of temporary facilities. However, if the Land Use Administrator believes that a facility is going to have significant impacts he or she can decline to approve a permit administratively and require the applicant to make the request to the Planning Commission. The Land Use Administrator can also cancel existing permits provided adequate notice is given so the applicant can make a request to the Planning Commission before the facility is required to be moved. The language referring to notification of adjacent land owners was left somewhat ambiguous so the Land Use Administrator can use judgment about who needs to be notified. Facilities at the back of a subdivision may only require notification of neighbors nearby. Facilities located at the entrance of a subdivision may require notification to all residents with the subdivision.

Justin explained that he feels that this language strikes a good balance between ease for the applicant, ease for administrative staff and protection of those who may be negatively impacted by the presence of these facilities. He asked for final input from the Planning Commission before including this language in an ordinance for the Town Board's consideration.

Recommended Code Language:

**Town of Bayfield
Planning Commission Meeting
November 10, 2009
1199 US Highway 160B Bayfield, CO 81122**

8-22.5 Temporary Construction Facilities

A temporary structure may be used to facilitate construction services while construction is occurring. Permits are required for facilities that provide direct construction services such as contractor oversight, materials storage, engineering etc. Permits are not required for facilities that provide indirect services such as restrooms and refuse collection. The temporary structure must be located within the property where the construction activity is taking place unless permission is obtained from another property owner. These uses require a Temporary Construction Facility Permit, which may be granted administratively. Terms for the permit shall include, at minimum, the type of structure, location, access, days and hours of operation and date of expiration. These terms shall be established after consideration of the needs of the structure including access to utilities and proximity to the construction activity as well as potential negative impacts to surrounding residents or businesses including appearance, proximity to occupied structures, phase of construction, noise, odors, other nuisances or any other criteria deemed to impact quality of life.

The Land Use Administrator, at his or her sole discretion may decline to grant an administrative Temporary Construction Facility Permit. In the event that an Administrative Permit is declined, the applicant shall have the right to request a Temporary Construction Facility Permit from the Planning Commission. Permit requests from the Planning Commission may require notification of adjacent land owners and a public hearing. The Land Use Administrator may revoke Permits provided notice is given to allow the applicant time to request a new permit through the Planning Commission.

Bob asked if this new process will put an undue burden on the Land Use Administer.

Justin explained that there will be a standard "boiler plate" permit application that will be used for the permitting process. This application will include site location, access, description of the trailer, etc. If Justin doesn't see any red flags with the project, he will grant the permit administratively. He hopes that the entire process will be relatively easy to administer. However, if there is some controversy regarding the facilities there is a course of action outlined in the code language that will be used to govern the matter.

Bob asked if there is a specific definition of a temporary structure. For example, would a large u-haul type vehicle be considered a temporary structure and be required to be permitted?

Justin answered that each item will be determined on a case-by-case basis. The language is a little ambiguous on purpose so that there can be some interpretation of the code. The definition of a temporary facility is only that it is not a permanent structure on the jobsite. A lot of things that are excessively temporary (such as the u-haul trailer) Justin feels that it would not be necessary to push those issues unless they become a controversial item with the surrounding residents.

Bob asked if this new process would only apply to new temporary structures or would any existing structures need to come in for a permit.

Justin answered that it would only apply to new temporary structures. The new process will have to be publicly noticed letting the residents know that this new rule has gone into affect. Once notice has been given, the Town will have the authority to request a permit if needed. However, Justin doesn't feel that it will be necessary to go out and require anyone with a temporary structure to come in and fill out a permit application. The process will go into effect once it is noticed and apply to any "new" temporary structures.

Gabe asked about the language that states "one and only one structure" on the premises. He feels language will limit a jobsite from having an office and a toilet facility. He feels that most construction sites will need both of these facilities.

**Town of Bayfield
Planning Commission Meeting
November 10, 2009
1199 US Highway 160B Bayfield, CO 81122**

Justin stated that he doesn't interpret port-a-potties as one of these temporary facilities. The intent of the code language is to specifically address structures for the facilitation of direct construction services. He feels that toilet facilities & garbage receptacles would be a more "indirect" construction service.

Gabe commented that he still thinks that the "one and only one structure" is really restrictive. When the Town and the County built the Joint Maintenance Facility, there were two trailers onsite for that project.

Justin states that the code language refers to any temporary structure that is directly related to construction services. He mentioned that it's going to be really difficult to be all inclusive with this language without letting it become too cumbersome. The Town has to draw a line with what is directly related to construction and what is indirectly related.

Gabe asked if there is a fee associated with this permit.

Justin answered that there is not a fee associated at this point. The Town's leverage for compliance on this matter will be issuing a stop work order issued if the developer/builder does not comply with the code.

Ed asked what the issue is with the construction trailer in the Dove Ranch Subdivision.

Justin answered that the developer moved this trailer in at the onset of construction in this subdivision and the residents were under the assumption that it would be removed once construction was completed. Construction has been completed in the approved phases for a long period of time and the residents feel that it's time for the trailer to be moved out since it is no longer providing a service and it is an eyesore at the entrance to their subdivision.

Rick responded that this trailer was for the developer, not the builders in this subdivision. They feel that since the development is completed, the trailer should be removed.

Justin mentioned that the developer of Dove Ranch has been talking about moving the trailer for a period of months and even gave the Town a date of when it would be moved. However, it still has not been moved off the premises as promised.

Justin also commented that before the code did not allow or disallow this sort of activity at all. Once this code language is adopted, the Town will be able to be a little more heavy-handed in handling this sort of issue if it should ever happen again in the future.

Gabe asked what the code states about living on-site in these sorts of facilities.

Justin answered that it is addressed in the land use code of uses. On-site living quarters would have to conform to the land use zoning requirements for residential use and he doesn't feel that a construction site would ever meet those requirements.

The item was opened for public comment. None was offered, so it was immediately closed.

Rick made a motion to change the sentence that says "One and only one structure" to "A temporary structure".

Gabe seconded the motion.

All were in favor, motion passed unanimously.

Justin said that temporary construction facilities provide services such as construction over-site, engineering, etc and do not include other temporary indirect facilities such as garbage receptacles or restroom facilities.

**Town of Bayfield
Planning Commission Meeting
November 10, 2009
1199 US Highway 160B Bayfield, CO 81122**

Ed so moved.

Bob seconded the motion.

All were in favor, motion passed unanimously.

Rick made a motion to recommend approval to the Town Board of the amendment to the Bayfield Land Use Code 8-22.5 regarding Temporary Construction Facilities with the addition of the 2 comments that was voted on by the Planning Commission.

Ed seconded the motion.

All were in favor, motion passed unanimously.

Action Agenda Item #2: Paperless Packets

Justin gave his staff report. He stated that the staff and the Town Board have been considering electronic packets. This protocol has been used for a few special meetings over the last couple of months and the Board recently decided to receive all of their regular business meeting materials electronically via email.

Justin asked the Planning Commission to consider accepting email packets. He will convert all documentation into a PDF format, which will allow the Commissioners to view and even zoom in on plat maps and other development documentation. However, he explained that if the Commissioners would like to receive some documents in hard copy, the Town could certainly provide those documents for the Commissioners.

Bob expressed that he would like to still receive all maps in hard copy.

Pat commented that she would also like to receive the maps in hard copy.

Rick said that he wants his entire packet electronically.

Michelle stated that she would also like to receive her packet electronically. However she thinks that the Planning Commissioners may just want to look at the packet when it is received and if they need a hard copy of a document, they can request it at that time. This would help keep this process simple.

Justin clarified that the staff will send out all documents via email and the Planning Commissioners will let staff know if they would like a hard copy of any of documents included in the packet.

The Commissioners were all in agreement with this solution.

Action Agenda Item #3: New/Unfinished Business

Ed asked about the Town's GIS capabilities.

Justin answered that the Town is involved in a regional GIS program. It is being headed up by the office of Community Services and the Town is the financial sponsor for a DOLA grant that provided some funds for doing some base mapping throughout Region 9. Eventually, the Town hopes to bring in a circuit rider that will help build some in house GIS capacity. The Town's GIS service would be accessed through a County server and

**Town of Bayfield
Planning Commission Meeting
November 10, 2009
1199 US Highway 160B Bayfield, CO 81122**

will be somewhat similar to the browser based website that the County is using currently. So far, they have met with most of the communities involved and are laboring away on the technical side of the base maps.

Bob asked about the new sewer plant.

Justin answered that it is performed very well; however, the Town still has some work that needs to be done to solve some ongoing issues. Infiltration is a big thing that still needs to be resolved and high loading also needs to be addressed so that the Town can protect its investment and keep the plant running at the best possible level and put off any expansion for as long as possible. The plant is running great though and the Town is very happy with its performance.

Ed asked if the Town is going to be purchasing a camera to help with the infiltration issue.

Justin answered that purchasing the camera was postponed during the construction of the new plant and the lift station. However, the camera has been budgeted in the 2010 budget so that the Town can begin resolving the infiltration issues. The Town is increasing sewer rates by \$10.00 per month to help offset some of these additional sewer costs.

Gabe asked for an update on the development checklist.

Justin answered that the Town has been doing some research on this item. The problem with the checklist is that is not something that is generally done by municipalities. The reason for this is that governments do not get involved with covenants. The Town is now trying to revamp the checklist into a summary page that would be given to the Board so that they can easily see what is included in the subdivision covenants. However, the leverage to change those covenants or enforce those items will not be within the authority of the Town. The laws regarding covenants are set up to protect the developer until there is enough resident population to take over the Homeowner's Association. There will be something included in the next Board packet regarding this item.

It was mentioned that the Planning Commission still needs on more Commissioner. Also, there is a vacant seat on the Town Board that also needs to be filled. The term on the Town Board is for 4 months, until April of 2010.

The meeting was adjourned at 7:51 p.m.

Approved as written on: February 9th, 2010

Approved:

Bob McGraw
Chairman

Marianne Jones
Town Clerk