

**Town of Bayfield
Planning Commission Meeting
October 13th, 2009
1199 US Highway 160B Bayfield, CO 81122**

Planning Commissioners Present: Bob McGraw (Chairman), Rick Smith (Mayor), Tom Au (Town Board Member), Gabe Candelaria, Pat Heyman

Planning Commissioners Absent: Ed Morlan, Michelle Nelson

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

Media Present: None

The meeting was called to order @ 7:02 p.m.

Minutes: Bob requested one change be made to the minutes. Rick made a motion to approve the minutes from the September 8th, 2009 Planning Commission Meeting as amended. Gabe seconded the motion. All were in favor except Pat & Tom, who abstained from the voting.

Public Comment: None was offered so it was immediately closed.

Action Agenda Item #1: Discussion & Possible Action: Construction Trailers

Justin gave his staff report. He explained that the Town Board has had discussions over the last couple of months about the presence of construction trailers within the Town limits. The Board directed staff to take this issue to the Planning Commission for consideration of possibly establishing a policy. Justin stated that after reviewing the Bayfield Land Use Code he found that the use of temporary construction trailers is not specifically addressed. The Land Use Code does allow for a temporary use permit that is limited to uses that will, "take place for less than six months." Temporary uses are not otherwise defined by the type or nature of the use.

In the past, construction trailers have been taken for granted as being part of the project. However, there are some unique circumstances concerning construction trailers. For example, the trailer in the Dove Ranch Subdivision has really begun to "annoy" the residents who live in that subdivision. The residents have expressed their complaints & concerns regarding this issue and want to know some specific details about how long it can remain, what the conditions are, etc. The staff began to research this matter further and found that the Land Use Code does not give good direction and basically states that it is an illegal use. The Town can use the temporary use policy for this type of matter but really needs to create a more concrete policy. The staff doesn't feel that every construction trailer should have to go through the permitting process to receive a temporary use because generally trailers are not a real controversial item. Staff just wants to have a policy in place that will address this matter, identify the problems that could potentially arise and come up with the best solution.

Considerations:

The Planning Commission ought to consider a few key questions before making a decision on this issue:

1. In what situations are construction trailers needed?
 - Policies regarding trailers in subdivisions may be different from simple construction projects.
2. Should different situations where a trailer is needed be dealt with differently?
 - This would include the situations outlined above and possible other criteria such as whether the construction is residential or commercial, the level of build-out or the nature of the trailer.
3. What things should be considered with the location of a construction trailer?

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- On the one hand you have the issue of the trailer itself including needs for power, phone, access and reasonable proximity to the work being performed. On the other hand you have the issue of the negative impact to surrounding residents. These impacts may have more to do with factors other than location (aesthetics, noise, traffic etc.).
- 4. How do you define "construction trailer"?
 - Is there a difference between a mobile trailer that remains on a building site during certain construction activities and the trailer in Dove Ranch that is intended to stay for much longer periods of time?
- 5. How are those who rely on the use of these trailers protected?
 - It seems that the use of construction trailers needs to be allowed within reasonable parameters regardless of other interests.
- 6. How should residents who are affected by construction trailers be protected?
 - This could be accomplished by conditions for use of construction trailers of by creating some kind of process that involves seeking input from affected parties.
- 7. Is there a need to also address changes to the temporary real estate offices code?

Justin encouraged the Planning Commission to address this item by breaking it down into a few different parts:

1. Consider what situations (if any) construction trailers ought to be allowed by right without any special permitting process. If there are such situations, the Planning Commission should also consider what conditions must be met in order to exercise that right (such as keeping the site clean, hours of operations, etc.)
2. Consider a process for addressing all of the situations that might require a review process. A review could be triggered by the sensitive nature of the construction trailer, extended timeframes, excessive impact or other considerations.
3. Consider hypothetical application of proposed policies in light of possible unintended consequences. For instance, requiring public notice and a public hearing for all construction trailer permits would give ample protection to residents but may be overly burdensome to owners/contractors in situations where the trailer is non-controversial.

Justin explained that he hopes to receive direction for recommended contents of a new Land Use Code policy. He will then work on incorporating the recommended contents into draft Code language for consideration at the next meeting.

Possible outcomes of a new policy could range from the following:

- Allowing construction trailers in any situation wherever construction activity is occurring without limitations or conditions
- Making a Temporary Use Permit required only if residents complain about an existing trailer.
- Allowing trailers by right only in certain situations and requiring an administrative Temporary Use Permit thereafter.
- Requiring Temporary Use permits above and beyond uses by right to have Planning Commission approval.
- Requiring all construction trailers to apply for a Temporary Use Permit reviewed only by the Planning Commission.

Bob stated that he thinks that this item is directly related to entities that are affected by outside entities. Specifically, the residents in Dove Ranch are affected by the trailer located in their subdivision. Bob feels that this matter is more of an internal item and it should be handled by the Homeowners Association in Dove

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Ranch. He said that he is more concerned about protecting the property rights of individual home owners who need protection versus a subdivision that already has protection in place through their Homeowners Association. He commented that he does not think the Planning Commission should get real specific because there will always be something that slips through the cracks.

Justin explained that the Town really needs to have more definition in the Land Use Code regarding this item. Anyone could come to the Town right now and bring up the fact that this trailer is not permitted by the Land Use Code. In most other cases, construction related items are permitted in some way. It's either allowed by right, allowed by a Use By Review permit, or by some other permitting process that is outlined for each specific case. Since there is nothing in the code to address this item, the Town needs to come up with a policy.

Rick stated that once property is annexed and a subdivision is completed it becomes the Town's responsibility. The Town has to make sure that no one is infringing on anyone else's rights as property owners. He feels that a construction trailer on a commercial site that is fenced and that is removed when the project is completed is acceptable. When a subdivision is built a construction trailer is needed during the actual development but he has a problem with the trailer remaining in place after the work has been completed. He feels that if it is a phased subdivision the trailer should be moved to the next phase instead of remaining in place in a residential area. He feels that the finished area should be left alone so that the builders can build their homes. Rick also commented that a pull-behind construction/tool trailer that is used during the construction of a residential home is different than a construction/subdivision trailer (such as the one in Dove Ranch). The tool trailers are not hooked up to power or utilities; they are just onsite to hold tools so that they can be locked up. He feels that there needs to be a designation in the Land Use Code specifying the difference.

Bob agreed with Rick's comment

Tom added that the subdivision trailers are also in place to help the builders who are building in the new subdivisions. The person located in the trailer can give direction for locates and information regarding the subdivision. They are providing a service to the builders so it's beneficial to have the trailer there from the construction of the first house to the very last house.

Bob asked how to make the determination of who should be considered more in this instance. He asked if the home owners living in the subdivision or the builders building in the subdivision should be considered more.

Rick responded that it's the Town responsibility to make that determination. He agreed that it's a nice service for the builders but it would be better for the residents if the trailer was moved to the next section or phase of the subdivision so that it is not an eyesore.

Tom said that the problem with moving the trailer is that utility services may not be available in the next section or phase.

Gabe mentioned that the Town is involved when the homes begin being built. The developer has to move out of the subdivision at some point. They either have to move to the next phase, to the next job or something. He doesn't feel that the trailer is not doing the builders any favors. It is the responsibility of the builder to find utility lines using as-builts or calling for locates through UNCC. They can get the information they need on utility lines through the proper channels like everyone else does. He doesn't feel that the residents should have to live next to these sorts of things for a long period of time, whether it's a Port-A-Potty, a trash dumpster, or a construction trailer. He mentioned that the Town might want to put a time-restriction on these items such as 6 months or 12 months. And if the process is going to take longer than the agreed upon time frame then the developers might want to look at using a spec home as the meeting area in

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the new subdivision. This type of solution would not devalue the other adjacent properties and would be much more beneficial to the area than a construction trailer.

Rick suggested talking about the concept of why a trailer is needed and then set up a trigger that states when the trailer needs to be moved. He stated that developments can take forever and can be dragged out for very long periods of time. He feels that once homes are being built in the subdivision and residents are moving into these homes; the subdivision is completed and it's time for the trailer to be moved off the grounds or onto the next phase.

Tom mentioned that the Town issues building permits when the streets are still just graveled.

Justin responded that building permits can be issued when an all-weather surface road is in place. He suggested that it might be a good idea to use the SIA's (Subdivision Improvement Agreement) language as the trigger; which would be when the infrastructure is completed and the subdivision is ready to enter into the warranty period. The Board could also put in a specific timeframe that triggers a review process. This review process would have some specific guidelines that would consider all of the impacting factors so that the developers can plead their case, the residents can voice their concerns, and then the Planning Commission can make a decision based on the guidelines. He commented that he does see the benefit of the trailer as a convenience to the builders. However, the Town does not have an influx of people coming in asking question from other subdivisions that don't have a trailer onsite.

Rick asked if the Town issues a Certificate Of Occupancy (CO) if the infrastructure is not complete.

Justin answered that the SIA's do have some language regarding building permits and CO's. There are some triggers in the SIA that offer the Town some leverage. However; this language has not been consistent with all of the past developments. Justin also mentioned that most of the subdivisions that have been built recently in the Town are filled with custom-built homes. A track-built home subdivision would have a bigger need for a construction trailer onsite. The Town is starting to see this type of building in Dove Ranch but it is a different situation because there is a different developer and builder.

Gabe stated that he feels the developers need to be responsible for the trailers and the long-term job site facilities needed for the projects. It is their project and they should be responsible for it.

Bob asked if Gabe feels that the code should include language regarding construction trailers and job site facilities.

It was determined to that including both concepts might be a good idea.

Pat stated that the temporary real estate office is a separate issue. The real estate office is one of the homes or will be one of the homes. She also feels that the issue of the construction trailer issue is just getting more complicated instead of simplified. She doesn't feel there is a reason for a trailer to be onsite once homes are being built because the benefit is not substantial enough to warrant leaving it onsite.

Gabe commented that part of a builder's job is to invest their time to find out where stub outs are, where locates are, etc.

Pat asked Debbi Renfro, the project engineer for the Dove Ranch Subdivision, what the trailer is being used for in the subdivision.

Debbi answered that it is being used for the construction of infrastructure. She stated that construction has been halted due to the economy but Dove Ranch does anticipate starting another phase in the near future. They have had a lull in development so the trailer is just onsite waiting for the next phase of development.

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Justin commented that there is a way to keep it simple. The more restrictive that this process is, the more complicated it becomes. Justin suggested that language could be developed to basically state that during normal building, construction/tool trailers are allowed on the building site during the construction time period. For subdivisions, construction/subdivision trailers are allowed while infrastructure is being built, while the subdivisions are under warranty, and set some other ceilings such as timeframes. Then the Town would need to come up with a process to deal with the exceptions to the rule.

Bob asked if Justin has enough direction to move forward.

Justin answered that he will bring back some language that states when a construction permit is pulled, activity associated with that permit allows for a temporary job-site facility. He will also add in some detail about what is allowed by right, what is allowed by review which will include triggers for when an approval has to be received, time-restrictions, etc. He will also build in some language regarding appeals. This information will be a new section in the Land Use Code that will specifically relate to temporary uses.

The Planning Commission gave Justin approval to move forward with this change to the Land Use Code and requested that the code change language be brought back at the next regular meeting.

Action Agenda Item #2: Discussion & Possible Action: Design Standard For Pavement Width

Justin gave his staff report. He stated that the Town has been in the process of creating new construction and design standards for more than a year. The construction standards have already been created and approved by the Planning Commission and Town Board. The design standards are still being drafted by a committee assigned by the Town Board. The standard for asphalt depth was changed in the new construction standards from a required depth of 3 inches to 4 inches. There has been some discussion about whether or not the design standards for the asphalt width ought to change from a required 36 feet to something less.

Debbie Renfro recently approached staff and the rest of the Town Board to see if the design standard for road width could be considered separate from the rest of the draft design standard. The reason for this request is that new subdivisions will already be affected by the change to the standard for asphalt depth. This change is a substantial cost increase to the developer. However; it is possible to off-set some of those costs by adjusting the requirements for asphalt width.

There are many reasons for the consideration of narrower roadways. Primarily, there is substantial evidence that narrower streets are safer. Having less room to maneuver a vehicle requires drivers to slow down, thus reducing the incidence of accidents. Secondly, the narrower streets would augment the 33% increase in asphalt depth and corresponding cost. Narrower roadways would also have the benefit of reducing the Town's maintenance costs.

Justin mentioned that the Emergency Medical Services & snow-plowing services also need to be considered when deciding on narrower streets. While there is a lot of evidence that narrower streets are safer, the Town still has to make sure that EMS personnel have adequate space and the roads can still be plowed.

Justin gave the Planning Commission some ideas for consideration on this matter:

- Getting clarity on what other Design Standard Committee members think of narrowing the roadways.
- Defining different road widths for collector, arterial and residential streets.
- Asking emergency responders to comment.
- Difficulties for Public Works road maintenance including snow plowing
- Other sources of traffic safety information.
- Other policies that might be required with narrower streets such as no parking rules.

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Bob asked what the asphalt width is currently.

Justin answered that 36 foot pavement width is the standard right now.

Bob asked the width of Highway 160B.

Justin answered that it is only 26 feet wide but it does not have any shoulders, bike lanes, or parking on the street.

The item was opened to the public.

Debbi Renfro stated that she has done a lot of research on this item and has found a lot of information supporting narrower streets. This idea originally came from the Design Standards committee. The width that the committee came up with was 28 feet. This would be for a residential road, not a collector street. There would be no more than 150 homes served by this residential road from any direction.

The developer of the Dove Ranch subdivision is holding off on the next phase until this item is addressed and requested that Debbi bring this item in front of the Town Board and Planning Commission. Debbi expressed that she is looking at future maintenance costs for the wide streets in Bayfield and feels that the costs will be substantial to the taxpayer if the standard 36' remains in place. She also feels that the smaller roads give a more homey feeling within a neighborhood.

The reports on street widths generally state that 24 feet is considered the safest. However; it's been determined that 28 feet is a good standard. She feels that 28 feet feels very homey and very safe.

Debbi also stated that another item to consider is the cost of maintenance. Snow-plowing is a big issue within the Town. Debbi has met with Ron Saba, the Director of Public Works and he has expressed that he does not have a problem with 28 feet. His biggest difficulty with snow plowing is cars parked on the road. Overlays are another big cost issue and they would be substantially less if the width was 28 feet instead of 36 feet.

She also mentioned that streets are made of asphalt which is not a renewable source. She expressed that the Town needs to decide if the wider streets are really necessary and if the convenience is worth the impact to the environment.

Finally, she commented that smaller road widths will cost less to develop which will lead to a lower home cost in the end.

Gabe asked if the 28 foot road would allow for parking on both sides.

Debbi answered that there is space for parking on both sides of the street. It is maneuverable but drivers have to slow way down to pass. However; this makes the streets safer because the drivers have to slow down substantially. In the event of an emergency, there are still two traffic lanes that EMS vehicles can use.

Rich Graeber (Fire Chief for Upper Pine Fire Protection District) stated that he has read through the report regarding narrower streets. He expressed that the Fire Department would not be in support of a street width less than 28 feet and that there are other issues that need to be resolved regarding parking. He also commented that obstructed streets are an issue and the Fire Department needs to be able to get their ladder truck down the streets and turned around. There are also some snow issues that need to be resolved because all Town roads need to be passable throughout all weather conditions. Rich stated that from a Fire Department stand-point he would not have a problem with 28 feet streets but the parking on either side would have to be addressed so that there is adequate space for EMS services. He is opposed to having

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parking on both sides of the street because it could be a very dangerous situation and could cause problems for EMS services & affect their response times. Rich commented that he feels that collector streets should remain at the 36 foot width. He also mentioned that the Town would need to look at enforcement issues for patrolling the “no-parking” areas on these streets and that could potentially tax the Marshals Office.

Rick asked the size of the smallest vehicle in the Fire Department fleet.

Rich answered that the smallest rescue vehicle is an F550 with a box on the back and it is approximately 8 foot wide. The smallest vehicle in the entire fleet is his Ford Expedition; however, 65% of the time calls require the rescue unit.

Rick expressed that the Town would be taking a big risk changing the street width and safety is the biggest consideration that has to be reviewed. The Town already has difficulty keeping cars off the streets when they need to snow plow. It would be an even harder task to police these narrow streets to make sure that no one is parking on them on a daily basis. Rick said that he realizes that there is an impact to the budget by having these larger streets but the biggest consideration needs to be safety for the residents.

Gabe mentioned that shorter streets can also help slow cars down. However, he feels that 28 feet is just too narrow.

Rich commented that Wolverine Drive is only 25 feet pavement to pavement and Bayfield Center Drive only has 15 foot driving lanes. Both of those streets are very hard to navigate especially during adverse weather. He also said that snow is a big consideration for the Town and while smaller streets does mean less area to plow it also means having less area to put the snow. Not having the extra space could lean to an extra cost of having to haul the snow somewhere else.

Rick said that the snow-plowing policy that is in place for the Town states that the drivers are not to place the snow-plow blade over the edge of the street. This works well for the first couple of snows but once there is a lot of snow build up the snow plows can no longer push the snow. This means that the snow is going to start building up in the street-way. If the street is only 28 feet there is going to be a real problem when the snow begins to build up. It's very possible that there will be one-lane roads simply because the snow plows could not move the snow any further back.

Gabe divulged that he has plowed the streets in Bayfield for the Public Works Department and it is very difficult to plow the narrow streets. The residents want the streets to be clear both ways so that they can easily maneuver the street. However, it's not an easy task to accomplish. The snow-plow drivers can't just go to the edge of the pavement. They have to move the snow past the edge in anticipation of the next storm. If they don't and another storm happens, the Town vehicle can't move the snow and then the Town has to pay to have it removed.

Bob asked Rich what the Fire Department's preference is for the street width.

Rich answered that the Fire Department can manage 28 feet if the entire street is unobstructed under any condition. He reiterated that 28 feet is only acceptable if there is no parking or snow taking up part of the width. However, he reiterated that he would like collector streets to remain at 36 feet.

Gabe said that he thinks that 36 feet is necessary.

Bob mentioned that 30 feet might be a number to consider since it has a pretty high safety rating also.

Pat commented that she knows how difficult it is to navigate the streets in Bayfield in the wintertime. She doesn't like the idea of narrower streets and she thinks that they will actually be less safe because of the snow-related issues.

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Tom said that he is also in favor of the wider roads. He thinks that 28 feet is just too narrow. There is going to be parking on the streets regardless. He thinks that the Town is going to have to allow for some parking on the streets and still make sure that cars can safely maneuver the streets.

Justin remarked that snow plowing is a problem regardless of the street width. This problem is exacerbated on the narrower streets. The Town has a lot of difficulty getting the residents to move their vehicles off the streets. However, he knows that the narrower streets do work and has seen it work in other communities. The Town has to decide if these inconveniences outweigh the benefits. The Town really struggles with snow-plowing and it's going to continue to be a problem. The new snow-plowing policy states that the blades will not leave the pavement. Therefore; the roads are going to get narrow.

Matt Koker (Owner of Riverside RV Park) stated that he is glad to see the Planning Commission looking at this issue from all of the angles and not just looking at ways to bring in more economic development. He agrees that the narrower roads are difficult to maneuver and he would rather see the Town stick with the current standard.

Debbi expressed that the snow plowing issue needs to be reviewed separately. She thinks that there needs to be a policy that states that collector streets cannot have any parking on them when it snows. Residential streets would have a policy that states that there is no-parking when it snows or the Town could create an odd/even policy. This policy would allow the odd numbered homes to park on the streets on particular days and the even numbered homes to park on the streets on the other days. The parked cars on the street are the biggest issue when it comes to snow-plowing, not the width of the street. So she feels that the parking dilemma is the real problem that needs to be addressed and the street width would no longer be an issue.

Gabe commented that he feels that the Town should simplify this issue. No-parking restrictions are going to be difficult for the Marshals Department to patrol. He thinks the Town should leave the standard at 36 feet wide and keep the whole matter simple.

Justin stated that he is looking for direction from the Planning Commission. The Town staff is coming up with a road inventory list that will give a well-managed program for up-keep of the streets & roads. He thinks it would be interesting to see what the difference in cost would be for the wider streets versus the narrower streets and the impact of these costs for future growth. The cost issue is not getting enough attention right now, but it will definitely get a lot of attention when a rate increase comes in front of the Board. At that time, the Board will look back and wonder why something was done previously to keep down the costs. When this analysis is complete he thinks it should be brought back in front of the Planning Commission for them to review.

Bob asked if the road inventory will give a full perspective of street inventory & a cost analysis over time.

Justin answered that there will be a complete road inventory that includes a maintenance schedule for each street. It will look at current road conditions, determine when improvements will be needed, and how much those improvements will cost. It will also look at future growth. If the Town adds new streets at 28 feet, 36 feet, 32 feet etc it will model what those fees & costs will look like. The Town will then have to figure out where the revenues are going to materialize to meet those needs.

Bob asked when that report will be available.

Justin answered that he hopes to have it available in the next three months. The inventory list has already been put together so the only thing left to do is put together the cost figures. The goal for 2010 is to put together a Road Fund that will present a sustainable road maintenance program that outlines options for revenue, options for expenses, level of service, etc.

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Gabe commented that as the Town grows the sales tax base will grow as well. He feels that this growth should help balance out the costs.

Justin reiterated that there will be new revenues but the cost issue could still be a potential item that needs to be considered.

Rick stated that he doesn't think that the Planning Commission is prepared to reduce the road width at this time. He doesn't feel that any action should be taken on this matter right now. But, he requested that the staff bring back the report when it is completed and the Planning Commission will revisit this item.

All of the Planning Commissioners were in agreement with this decision. No action was taken on this matter.

Action Agenda Item #3: New/Unfinished Business

Gabe asked about the as-builts for the Clover Meadows Subdivision. He expressed concern that Chris Zoll is taking his time with this matter and nothing has progressed since the last meeting.

Justin responded that he has had one meeting with Chris but the outstanding items have not been resolved yet. However; Chris definitely wants the next phase of his subdivision so the Town will use that as leverage to get all of the information & outstanding issues resolved.

The meeting was adjourned at 8:36 p.m.

Approved:

Bob McGraw
Chairman

Marianne Jones
Deputy Town Clerk