

**Town of Bayfield  
Planning Commission Minutes  
January 12, 2016  
1199 Bayfield Parkway, Bayfield, CO 81122**

**Planning Commissioners Present:** Joe Mozgai (Chairman), Dr. Rick Smith (Mayor), Isaac Fleener, Kalon Porter, Kelly Polites and Matt Nyberg.

**Staff Present:** Chris La May (Town Manager), Amy Witte (Administrative Assistant)

**Media Present:** none

The meeting was called to order by Chairman Joe Mozgai at 6:57 p.m.

**Roll Call:** Six members were present. Commissioner Nelson arrived at 7:00 p.m.

**Pledge of Allegiance**

**Approval of Minutes:** Mayor Smith made a motion to approve the minutes of the October 13, 2015 meeting as presented. Commissioner Matt Nyberg seconded the motion. All were in favor; motion passed unanimously.

**Public Input:** None

**Public Hearing:**

**1. Town of Bayfield Three Mile Plan**

Chairman Mozgai opened the public hearing.

Town Manager Chris La May presented a brief overview of a similar document that was adopted in April of last year for the Three Mile Plan of which is a requirement of the State statute. Town Manager Chris La May continued to say that if annexations come before the planning commission it is a requirement that the Three Mile plan be in place.

Chairman Mozgai asked for comments from the board, none were presented. Chairman Mozgai then asked for comments from the public, hearing none, Chairman Mozgai then closed the public hearing.

**Action Agenda**

**1. Consideration of Approval of Resolution 354, A Resolution Adopting the Three Mile Plan as a component of the Town of Bayfield Comprehensive Plan.**

Chairman Mozgai asked for a motion. Mayor Smith motioned to approve Resolution 354, a Resolution Adopting the Three Mile Plan as a component of the Town of Bayfield Comprehensive Plan. Commissioner Nelson seconded the motion all were in favor, motion passed unanimously.

## **2. Discussion and Possible Action –Vacation Rental Homes and Units**

Chairman Mozgai asked Town Manager Chris La May if he had anymore to present on this item. Town Manager Chris La May stated that the initial Ordinance had been changed per the comments from the planning commission and fire marshal, along with insight from a business owner in Durango who has vacation rentals. Town Manager Chris La May continued to detail the changes to the ordinance that were made.

1. How many to allow, with the recommendation from the planning commission as it wasn't a concern as to where the vacation rentals would be allowed but how many over all to allow. The figure was based on the amount of residential taps billed for utilities, 3% of 1035 accounts equals 31 rental units.
2. The fire department required that smoke detectors be in every bedroom, which is a requirement of the building and fire codes, and would be beneficial to add it in this document.
3. The sections for Vacation Home rentals and Vacation Units have been combined as they both had the same language.
4. Parking, the current land use code requires 2 off street parking spaces, in most recent developments there is a garage, which adds two additional parking spaces. Town Manager Chris La May stated that it would be more beneficial to regulate the number of occupants instead of requiring a new parking space to be constructed, which would detract from the residential feel of the neighborhood. The downtown area may have more of a problem with parking due to the lot size, and wouldn't benefit in having a parking space in the yard where it could be landscaped and made more attractive.
5. Local representative was changed to La Plata county and not be limited to just the Pine River Valley.

Town Manager Chris La May asked if there were any questions or concerns from the Commission. Commissioner Nelson thought it was left to the Pine River Valley so that the representative would be fairly close. Town Manager Chris La May stated that there was a number of owners that live in Durango and that is how it was decided.

Chairman Mozgai asked for any public input. Ron Dunavant, President of First National Bank, Bayfield branch was in attendance merely out of curiosity on the item, but had no comment.

Mayor Smith then spoke in support of the parking as Town Manager Chris La May had prepared it in the draft Ordinance.

Commissioner Nelson asked if the parking addressed recreational vehicles and items, Town Manager Chris La May stated that yes those items need to be stored in the off street parking.

Chairman Mozgai asked if everyone agreed on the table of residential locations for the rentals to be located as noted in the packet. Town Manager Chris La May commented that it may be easier to talk about where they are not allowed Business zone, Industrial zone, Transitional zone and Community services zone with the Business Center and Industrial Park being the two primary areas where the vacation rental would not be allowed through a use by review process. Commissioner Polites questioned the language from home to rental, if it intended to include Bed and Breakfast? Town Manager Chris La May stated that it was intended to include residential bedroom or house for the use of less than 30 days.

Chairman Mozgai asked for any other comment from the board, hearing none he then asked Town Manager Chris La May what the next step would be to proceed with this item. La May stated that the ordinance would be a change to the land use code, requiring a public hearing before the planning commission, then the Planning Commission makes a recommendation to the Board of Trustees who will hold a public hearing as well. La May continued to state that it could be ready at the next meeting and that if adjustments need to be made there would be time to make them.

### **New/Unfinished Business**

Chairman Mozgai asked if there was any new or unfinished business. Town Manager Chris La May stated that there is an annexation application submitted for the McCoy property that is surrounded by Town boundary, La May hopes to have that available at the next meeting. Town Manager Chris La May also commented that the School board should be approving the purchase and sale agreement for the 23 acre parcel South of the Primary school, the property however is in the unincorporated area of Town, so the Town will be the applicant to annex that property.

Commissioner Fleener asked what the Towns plans were for that parcel of land. Town Manager Chris La May stated that the purchase is made possible with the help of GOCO paying for 75% of it and with that the requirement is for it to remain a park in perpetuity. Town Manager Chris La May continued to say that once the 23 acres parcel is annexed, the waste water treatment plant will have contiguity and with it being a municipally owned property the state statute provides for a quick process to annex property, whereas the Board of Trustees would approve an Ordinance to annex the property. The property actually is a total of 24 acres, there is a one acre parcel on the North part of the parcel that will be conveyed back to the school district once it is annexed and subdivided of which will come before the Planning Commission before April 15<sup>th</sup>. Town Manager Chris La May stated that the other Land use item is the school, in which they have plans for a new school for 3<sup>rd</sup>-5th grades on a 40 acre parcel south of the current middle school, which is currently in the unincorporated area of Town. Town Manager Chris La May continued to state that they will need water and sewer services which would require annexation. The traffic impacts are being looked at to see what that development would bring and if any off side improvements need to be made so that the school is aware of the cost. Town Manager Chris La May continued to say that the school is applying for a BEST grant which if awarded would pay for 28% of the cost of the current population of the school, but that it doesn't allow for any growth. The school would then have to match that cost and would most likely ask for a tax increase for the remainder. La May stated with the annexation of the school property would need to come before the planning commission with that application. Commissioner Nelson asked if there needed to be a secondary access point on the South part of the property. Town Manager Chris La May commented that it is in the Towns long term plan to see the North "leg" of the Bayfield Parkway intersection extend across 160 North up into the Cedar area and that those are some of the current discussions between the school and the Town.

Chairman Mozgai asked if there was any new developments on the bridges. Town Manager Chris La May stated that the Town received clearance from the Army Core of Engineers who have issued the nationwide permit for the bridge replacement, however with the replacement of the bridges, some of the wetlands will be destroyed, which requires the Town to go to the Animas Wetland Bank and purchase wetland credits to offset the impacts, this has already been completed. La May continued to say that the challenge with that is along with wetland impacts there is also willow Flycatcher habitat that is critical for the endangered species, but that Animas

wetland Bank doesn't have willow flycatcher habitat credits available to purchase, only wetland credits, so the Town's option then is to create the willow flycatcher habitat. La May stated that the plan is to go into Little Pine Park and create wetlands with Willow Flycatcher habitat. The other requirement of the permit for the bridges is to have a third party hold a conservation easement, La Plata Open space conservancy doesn't have the organizational capacity to take on this project. The Town is now going back to the Army Core of Engineers to ask if they will allow a deed restriction on the property in lieu of the third party conservation easement. Chairman Mozgai asked when to expect the start of the project. Town Manager Chris La May stated that optimistically the project could start in September 2016, due to all the different animal breeding periods that begin around April 15 along with the increased water in the river. Chairman Mozgai then asked if the plan was to maintain some flow of traffic during the construction of the bridges. Chris La May stated that it would most likely be shut down for an estimated 6 month period. Chairman Mozgai then asked if there was any other new or unfinished business, Town Manager Chris La May stated that the water treatment plant was moving along and expected to see walls being formed soon.

### **Adjournment**

Chairman Mozgai asked for a motion to adjourn the meeting. Mayor Smith made a motion to adjourn the meeting, Trustee Nyberg seconded the motion. The motion passed unanimously. Meeting was adjourned at 7:45 p.m.

### **Approved:**

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Joe Mozgai, Chairman

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Amy Witte, Administrative Assistant