



**TOWN OF NEDERLAND  
PLANNING COMMISSION  
REGULAR BUSINESS MEETING**

**NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466**

**December 14, 2016 - 7:00 P.M.**

**MINUTES**

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**A. CALL TO ORDER**

**Chairman Cornell called the meeting to order at 7:02 pm.**

**B. ROLL CALL**

**Present:** Chairman Roger Cornell, Vice Chairman Steve Williams, Trustee Stephanie Miller. Commissioners Timmy Duggan, Jesse Seavers and Wendy Williams.

**Absent:** Greg Guevara (arrived after Roll Call); Stephanie Herring.

**Also in attendance:** Town Administrator Alisha Reis, Planning and Building Technician/Commission Clerk Cynthia Bakke.

**C. APPROVAL OF MINUTES FROM October 17, 2016**

Chairman Cornell noted the thorough discussion within the minutes, and requested the Commissioners include any other elements they would like to add to the ordinance.

**Motion to approve the minutes as written was made by Vice Chairman S. Williams, seconded by Commissioner W. Williams, with 5 in favor and 2 abstentions. (Trustee Miller and Commissioner Seavers)**

**D. PUBLIC COMMENT**

Connie Haynes, of Nederland, expressed concerns related to her housing situation in a local mobile home park. She said she was only recently informed the space has a maximum occupancy of 30-days, and she has been told she must leave. Chairman Cornell said Town Hall is the appropriate place to discuss her issue, as the Commission hasn't changed zoning regarding trailer parks in recent years.

Reis clarified that the property is governed by a Special Review Use (SRU) Agreement and a utility permit that allows a certain number of residences and utility taps. She said the Town is working with the landlord for a transition at the trailer park. Haynes requested a meeting with Reis to further discuss the matter.

Matt Cole, of Nederland, asked if there will be another opportunity to comment on rental licensing. He said he was asked to attend on behalf of his landlord. Chairman Cornell said the Planning Commission will make a recommendation when this item is considered later in the meeting for the Board of Trustees review in February, with an opportunity for public comment at the Board meeting.

#### **E. INFORMATION ITEMS**

Reis said the next housing-related policy item before the Commission for Public Hearing is the consideration of short-term rental ordinance on January 25.

#### **F. ACTION ITEMS**

##### **1. Consideration of a draft ordinance and Public Hearing regarding the administrative streamline for multifamily units of 4 and under instead of by Special Review Use**

Reis provided context on Nederland's housing environment and noted the Commission's focus on affordable housing within the 30-80% Area Median Income (AMI) level, with a monthly housing/rental payment in the range of \$650 - \$1,500. She noted the effects of housing instability upon local businesses and community diversity. Reis said the average house price has increased \$100,000 since the 2014 Housing Needs Assessment, with the assessment having identified the need for approximately 200 units of workforce housing, of which only 3-4 units have since been added.

Reis referenced slides showing the Commission's prioritization of 6 goals for attainment of affordable housing, including multi-family administrative streamline. She said if approved the Town staff would review small multi-family residences (2-4 units) at the submission of building plans phase instead of by Special Review Use (SRU) permit (reviewed by Planning Commission and the Board of Trustees), as is currently required in all residential zones and the Neighborhood Commercial (NC) district. She said Town staff has heard from builders and developers that the 8- 10-week approval process is a barrier to purchasing property to create affordable units.

Reis noted common issues associated with rentals such as parking, traffic, noise, renter turnover and a perceived lack of maintenance.

The Commission discussed retention of noticing requirements for residents within a 300-foot buffer of multi-family units to speak about a project, as is currently required within the SRU process or if required to be processed by Planned Unit Development (PUD) due to size or unit density.

Reis indicated that any applicant for administrative review must comply with all zoning aspects: yard and bulk requirements, allowable density by unit per parcel square footage, parking, and requirements of the building process including drainage and utility services. She asked how many units maximum -- 3 or 4 -- the Commission would support by streamline. She said the Commission can choose to review a project if more clarity is needed.

Reis referenced the code change in NMC Sec. 16-152 Scope, regarding PUD

requirement for multi-family units above either 3 or 4 units, depending upon Commission support and recommendation. If adopted this ordinance will support the forthcoming consideration on rental licensing, if that also finds Commission support, she said.

Chairman Cornell said he likes the neighbor notification requirement. Reis said this can be done in practice, but this can be a challenge for by-right allowances. Commissioner W. Williams opposed, saying it would add another requirement if approved as a use by right. Reis said builders can be *encouraged* to talk to neighbors in the construction phase, as is done with commercial projects. She said the Town utilizes the website and social media with a desire to improve public outreach and engagement.

Trustee Miller asked how multi-family units on septic systems in the Mountain Residential (MR) district would be processed. Reis said adequate septic systems would be required to accommodate the proposed occupancy, unless required by code to tap in within 200 feet of a sewer main. Trustee Miller asked if triplex/fourplex units are out of character for the districts with larger parcel sizes that may potentially accommodate accessory dwelling units (ADU's) when considered by the Commission in 2017. Reis said current planning thinking aims to avoid "silo-ing" of uses and encourages mixing in multi-family units as long as the building form fits in with the surrounding lower density uses in the neighborhood. It was noted that previous Board of Trustees discussion regarding housing density supports density to be shared among districts.

#### **Chairman Cornell opened the Public Hearing.**

Robert Jordan said he is purchasing a two-lot property in the NC district. He asked if a duplex would be allowed to be redeveloped upon the property along with an existing commercial structure due to the NC district allowance for density increase. Reis said a property containing mixed use development of residential and commercial uses would still require an SRU.

#### **Chairman Cornell closed the Public Hearing.**

Chairman Cornell requested Commission comment. Trustee Miller said she would support streamline for triplex units. She said it may be of value to include ADU's in the policies before the Trustees for a comprehensive public rollout.

Commissioner W. Williams said more units should be encouraged and she supports streamline for fourplex units.

Chairman Cornell said he supports continuation of PUD review for any parcel over one acre, with Big Springs or Indian Peaks subdivisions requiring a more in depth review. He said neighbor notification process may present knowledge about historic issues, with support for notification letters sent by Town staff. He spoke about an appeal process, which Reis clarified would go before the Board of Zoning Adjustment to remove political influence upon the decision, if the Zoning Administrator's determination is appealed.

Chairman Cornell underscored past parking issues, but said condensed development may reduce the burden. He said he has no preference between 3-4 units in the higher density zones.

Vice Chair Williams said he supports streamline of 4 units, and asked for more clarification about nonconforming properties. He suggested developers reorient site parking if possible in order to accommodate parking requirements.

Commissioner Guevara said the one-acre PUD requirement may not align with the BOT's direction to see housing equally shared among districts. He asked Commissioner W. Williams why she opposes neighbor notification. Commissioner W. Williams responded that some parcels in the higher density areas would necessarily have more neighbors to notify. The Commission further discussed the logic of including a courtesy notification if no comment is technically allowed for a use-by-right allowance.

Commissioner Duggan said he is in support of the allowance whether 3 or 4 units if the parcel meets all zoning requirements.

**Motion to approve the draft ordinance as written for administrative streamline of up to 4 units by Commissioner W. Williams, seconded by Commissioner Duggan, with all in favor.**

## **2. Consideration of a draft ordinance and Public Hearing regarding Rental Licensing Program and associated regulations**

Reis introduced the item. She said rental licensing was another goal among the six housing topics prioritized by the Board of Trustees and Planning Commission. She said rental licensing has been in the municipal code since 1976, and updated in the 1990's, without a program and enforcement.

Reis said SAFEbuilt (Town building officials) would be contracted to provide the rental licensing inspections intended for basic life safety inspections, not to bring all units up to current code. She said the Town will follow up on reports of dangerous conditions, but otherwise doesn't intervene in civil matters. Landlords will be made aware of minor mold problems, said Reis, although a widespread mold issue would be reported to Boulder County Public Health. She said unmaintained or improperly serviced septic systems would also be reported to the health department.

Reis said the proposed program would require a \$75 licensing fee with a \$50 renewal cost, and \$75 inspection cost, although properties with owner occupancy renting rooms would be exempt (e.g. roommate situations). She said the program would be effective as of March or April 2017, if approved by the Board, and include outreach materials for landlords and tenants.

Trustee Miller asked about provision of a grace period if the application is in the queue.

Commissioner W. Williams asked how illegal duplexes would be handled. Reis said they

will be referred to code enforcement. She said 2 or 3 unpermitted multi-family buildings in Old Town are being investigated due to concerns registered by Old Town residents.

Commissioner Guevara asked about incentives to promote licensed properties. Reis said this is a possibility once the database is created, as the Town Hall gets calls regarding rental availability. Commissioner W. Williams said this is an opportunity to compile a community database, including the number of total units and the going rental rates, to assist review of future housing proposals.

### **Chairman Cornell opened the Public Hearing.**

Robert Jordan said he is overall supportive of these types of programs, including inspections. He said he was surprised by a lack of habitability among some of the properties he looked at for purchase. He said he supports the program inspection process as a way to improve property standards, which could then move to a 5-year renewal process if not changing hands.

Matt Cole, of Nederland, noted his rent increase and said he's concerned the program costs will be borne by renters and thus he supports a 5-year renewal. He said property owners without renters aren't required to be inspected, and those who rent without a license would subsequently jeopardize the tenants. He said the property he rents is well maintained, but he's already been told to expect a rent increase with licensing.

Reis acknowledged that inhabitable places unable to pass inspections may impact renters. She said there is no program offering grants for landlords to bring up places to decent standards, although some property owners own the home outright and may not be reinvesting in the property upkeep, which encumbers renters. Chairman Cornell said the Commission previously reviewed the inspection sheet with removal of anything other than life safety elements.

Trustee Miller noted the opportunity to educate on the associated program costs as well as the ability to create a more level playing field for renters.

Reis said there are relocated structures along with those built as miner cabins before an established building department existed, thus it is expected that some units will be without a foundation. She indicated the inspector would review for structural failures, but a lack of foundation may not be an issue.

### **Chairman Cornell closed the Public Hearing.**

In response to questions, Reis said that short-term rentals will be addressed within a separate policy and program.

Commissioner Duggan said he supports the draft ordinance with outreach to educate

landlords and tenants about requirements, especially if tenants are concerned about rent increases. He supports re-inspection when property is sold, and suggested properties be flagged for sooner inspection if complaints are received. Duggan said a 5-year renewal period would be appropriate for most properties without overburdening Town staff.

Commissioner Guevara proposed a mid-line license and inspection period of 3 years, which will be easier for everyone to manage. Guevara's suggestion met with broad Commission support.

Vice Chair S. Williams said he reviewed the draft ordinance and inspection checklist to ensure all proposed edits were contained.

Chairman Cornell said he'd like the inspection list to include dryer venting and proper taps for laundry rooms. He'd like to see off-street parking be included within the inspection checklist sections, instead of at the bottom of the form. Reis said this may be included upon the inspection checklist as-is due to an inability to provide off-street parking for existing legal nonconforming structures, with only street parking available. She said this may need to be adjusted in the code and will require continued discussion. Commissioner Williams Reis said she will confer with the Town Attorney.

Commissioner W. Williams said she is concerned parking requirements will adversely affect Old Town due to longtime established uses. She said she supports a 3-year renewal for both the licensing and renewal.

Trustee Miller said rental licensing is an important element in the creation of affordable housing with education key for both tenants and landlords, especially regarding associated fees. She said the program can build credibility between the property owner and neighbors while adding appropriate density throughout town.

Commissioner Seavers said he supports the program to improve the rental stock quality for tenants, with a better investment for property owners. He said a 3-year renewal period is appropriate as substandard housing is sometimes the only option, and licensing costs will be borne by renters. He mentioned a concern by a landlord that tenants be current on rent before complaints are investigated. He said life safety is a great starting point for inspections, and he'd encourage more energy efficient housing stock and promotion of alternate forms of transit to reduce auto dependence and parking need. He suggested landlords reduce rent for tenants without a vehicle, although Chairman Cornell clarified that renters who have vehicles must have provided onsite parking. Seavers suggested incentivizing the program with a 10% discount on the initial fee for early adopters and rolling out the program simultaneously with other housing policies.

Chairman Cornell said septic systems will require review and documentation. He requested the updated draft prior to review at the Board of Trustees in February. Commissioner Guevara suggested creation of a fact sheet to assist the transition.

**Motion to approve Rental Licensing Final Draft ordinance with amendments/clarifications from the Planning Commission, including 3-year license renewal and inspection period was made by Chairman Cornell, seconded by Vice Chair S. Williams, with all in favor.**

**G. DISCUSSION ITEMS**

There were no Discussion items.

**H. OTHER BUSINESS**

Commissioner W. Williams asked about Chairman Cornell's attendance at a meeting regarding the Boulder County Housing Authority's Preliminary PUD review on January 25 for a housing project. Reis asked the Commission to request any specific information regarding the project and reminded them not to further discuss the project until it comes before them for review, given that it is now in quasi-judicial review.

Reis reminded the Commission about the adoption of the 2012 Building Codes, which will go into effect January 1.

Reis informed the Commission of her impending departure on March 3. She said she is taking time off to be with family and will remain in the area. The Commission received the bittersweet news with kudos for Reis's planning expertise in the last 6 years.


**I. ADJOURNMENT**

**Motion to adjourn by Vice Chair S. Williams, seconded by Commissioner W. Williams with all in favor at 9:23 pm.**

**Approved by the Planning Commission,**

  
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Roger Cornell, Chairman, Planning Commission

ATTEST:

  
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Cynthia Bakke, Planning and Building Technician

