



**TOWN OF NEDERLAND
BOARD OF ZONING ADJUSTMENT
REGULAR BUSINESS MEETING**

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

October 9, 2014 7:00 P.M.

MINUTES

A. CALL TO ORDER

Chairman Stringfellow called the meeting to order at 7:08 pm.

B. ROLL CALL

Present: Chairman Mark Stringfellow. **Board Members:** Debbie Davenport, Leonard Kottenstette, Trustee Liaison Kris Larsen. **Absent:** Vice Chairman Ken MacFerrin and Member Mark Moll.

Also present: Town Administrator Alisha Reis and Deputy Town Clerk Cynthia Bakke.

C. APPROVAL OF MINUTES FROM August 14, 2014

Motion to approve minutes made by Trustee Larsen, seconded by Member Davenport, with 4 in favor, and abstention by Alternate Member Cornell who was not present at the August meeting.

D. PUBLIC COMMENT

There was no public in attendance.

E. DISCUSSION ITEMS

There were no discussion items.

F. ACTION ITEMS

1. Approval of Findings of Fact related to Variance Application for setbacks for 60 E. 5th Street

Reis said that the Findings of Fact have gone through legal review.

Motion to approve Findings of Fact by Trustee Larsen, seconded by Member Kottenstette, with 4 in favor, with abstention from Alternate Member Cornell.

2. Nederland Planning Process Review for the Mayor's Task Force on Building Code Updates (MTF BCU)

Reis introduced the item. Both Chairman Stringfellow and Member Davenport are familiar with the process and review items as they were both task force members, she said.

General Issues – General Code Discussion – Off-Street Parking. Board Member Cornell discussed use of the parking fund, as an alternative to the parking requirements. The Board would encourage review of the off-street parking codes to be funded from the parking fund.

Board discussion re: mixed-use projects parking considerations, with agreement about the general lack of parking, and lack of historical planning for parking.

Chairman Cornell suggested alteration of the phrase 'barrier to parking', with 'flexibility with/for parking'.

General Code Discussion – Frost Depth. Reis explained SAFEbuilt's recommendation for retaining the present frost depth level at 48", as opposed to the task force recommendation for reduction to 30". She noted that SAFEbuilt would approve a different depth with an engineer's evaluation indicating why full depth is not reasonable or possible.

Reis commented re: engineering support for request contrary to building code, to handle this exception administratively, rather than requiring a full variance.

National Electric Code (NEC) update -- Reis said that SAFEbuilt recommends update to the 2014 National Electric Code, rather than the task force recommendation to update to 2008 NEC. She said all building inspectors are up to date, and the lag between code updates will keep the town at a more current level.

Energy Efficiency Code Integration – Mindfulness with adoption of newer energy efficiency codes (2012), as it can become a trade-off between relying on natural and mechanical ventilation. Board member Davenport said that these are not life-safety considerations, and can be cost-prohibitive. She added that the task force conclusion was to make the adoption a recommendation vs. a requirement.

Incentives for Exceeding Energy Code Efficiency – Reis mentioned Trustee Donahue's "carbon-footprint fee" brought up during the Planning Commission NPP review as a possible disincentive fee idea.

Reis referenced Steve Karowe's fee waiver request for a commercial development, but as the project's scope eclipses standard waiver requests, the BOT sought to grant an appropriate fee reduction.

Member Kottenstette emphasized the need to promote fairness for those whom can't afford to include efficiency considerations. Member Davenport discussed green-points being set on a sliding scale based on square footage of remodel or new construction, thus the larger developments can likely afford more energy efficiency components than a modest remodel. Chairman Cornell suggested ongoing discussion in this area.

Requirements for water service line materials to utilize plastic instead of copper – Chairman Stringfellow said he is in favor of this change, with Reis pointing out freezing issues related to metallic lines.

Lighting requirements – The task force recommendation is for 75 percent of all lighting must not be incandescent on new builds or any alterations of 20 percent or larger.

Chairman Stringfellow agreed with allowing soffit vents with proper screening to reduce possibility of fire.

Member Kottenstette wanted to discuss requirements for duplexes/multi-family housing units more in depth. Chairman Stringfellow clarified that these are board review recommendations, not a policy change. Member Cornell noted a multi-family SRU for a duplex that complied in all aspects with zoning, which may be better as an administrative review.

Reis said that there will be a potential update to 2012 ICC codes, based upon advice by SAFEbuilt, as opposed to 2009 codes. She clarified that sprinklers are not mandated, except in commercial building and ERVs.

Recommendation for Building and Trades professionals to be required to keep a current Town Business license -- Reis said some local trade professionals expressed an unfair disadvantage due to other professionals whom work mainly outside of the town not having a town business license. Reis explained that the consensus among local trade professionals is that this should be required of any/all subcontractors.

2012 Code Requirement -- Floor joists and crawl spaces – Member Davenport explained that 2x2's can be used as they are less incendiary than glue laminate floor joists. She said that testing has concluded that there is a higher incidence of floor failure in a fire with I-joists. She said I-joists can be used in combination with drywall to decrease fire risk.

Specific issues – Affordable Housing Considerations. Review code to promote affordable housing eg. minimum size for units to be reduced from 750-square feet to 500 minimum square feet and maximum at 1,000-square feet, with limiting size for Accessory Dwelling Unit (ADU). Member Cornell requested further discussion due to zoning considerations involved to ensure proper compliance.

Zoning Code Review for allowance of energy-efficient building materials -- Reis said that the code is being reviewed regarding this allowance as a way of repurposing materials. Reis said there is an element of code which states that manufactured housing may not be brought in from the outside, which has prevented efficiency options.

Town should clarify goals for mixed use developments re: sustainability and walkability and adjust code to reflect goals: parking and drainage – Per Chairman Cornell this is already in the works within the Comprehensive Plan goals implementation.

Driveway Specifications – Reis said that these will be adopted into code, which met with board agreement.

Policy question – Reis said this should be detailed within the driveway specifications. Member Cornell brought up private driveway standards regarding culverts. Reis mentioned that the town doesn't work on private property, thus this section will be amended, however it doesn't change existing standard as town does not maintain private culverts.

Hillside Development Requirements – Chairman Stringfellow referenced builder and task force member Rich Tillotson's comments defining a hillside.

Ignition Resistant (IR) Building Materials – Chairman Stringfellow noted that this is a very important consideration to be encouraged due to high fire-risk.

Marijuana cultivation – Reis explained that the task force was mindful to ensure that property will be well maintained. She said that SAFEbuilt supports the current municipal code to address these concerns, although permitting will require a thorough review for safety issues. Reis said that there is consideration of a tiered water use rate within the water rate study, to be discussed at the BOT work session on October 14.

Permitting issues -- Chairman Stringfellow said this is being adequately addressed, however more clarification would be helpful in these areas.

Requirement of sprinklers within new development – Chairman Stringfellow asked Reis to clarify SAFEbuilt recommendations. Reis explained that SAFEbuilt will support exclusion for single-family residences, but not for multi-family units or commercial developments. She added that Fire Department Chief Rick Dirr continues to advocate for installation of sprinklers for all new developments due to time and access considerations for the volunteer fire department.

Wildfire regulations – Reis explained the intention is to allow stronger Fire Department authority to prohibit prescribed burns during unsafe conditions.

Influence of Comprehensive Plan to promote a range of desirable and afford-able housing options -- Alternate Member Cornell stated that there is no maximum limit on dwelling units for mixed-use developments within the General Commercial (GC) zoning district. He noted the infill opportunities within town with a mixed-use option.

The Board discussed comments submitted from Rich Tillotson and Trustee Kevin Mueller. Chairman Stringfellow noted that Trustee Mueller's comments referenced the need to dovetail all development with the Comprehensive Plan. Reis mentioned the recommendation to align with Boulder County Build Smart, which can be phased-in, although town staff will need to have capacity for enforcement, Reis said.

Cost Considerations – Cost of ownership – Reis explained that this is the consideration for the initial cost or over time. Reis said that there are amendments based on proven technologies. Chairman Stringfellow said he felt this was adequately addressed within the overall discussion.

Affordable housing – There are to be considerations included within the (re)introduction of rental licensing requirements in 2015, per Reis.

Marijuana Cultivation – Reis referenced the need to create a more technical document which lists out sections pertaining to installation of cultivation facilities. Chairman Stringfellow requested that any such checklist be put into layman's terms for broader understanding of these requirements. Reis said there is a Marijuana Frequently Asked Questions (FAQ) already on the website which serves this purpose.

Motion to approve the recommendations of Mayor's Task Force on Building Code Updates with substitution of the words 'flexibility

with' instead of 'barrier to' parking was made by Trustee Larsen, seconded by Member Davenport, with all in favor.

G. OTHER BUSINESS

Reis said there will be a budget hearing at the October 21 Board of Trustees meeting. The annual Volunteer Appreciation Party will be held on December 11 from 5-7pm at the Community Center.

H. ADJOURNMENT

Board Member Cornell made a motion to adjourn, seconded by Member Kottenstette, with all in favor. Chairman Stringfellow adjourned the meeting at 8:32 pm.

Approved by the Town of Nederland Board of Zoning Adjustment,



Mark Stringfellow, Chairman

ATTEST:



Cynthia Bakke, Deputy Clerk