



TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

January 27, 2016 - 7:00 P.M.

MINUTES

A. CALL TO ORDER

Chairman Cornell called the meeting to order at 7:01 pm.

B. ROLL CALL

Present: Chairman Roger Cornell, Vice Chairman Steven Williams, and Commissioners Timmy Duggan, Greg Guevara, and Jesse Seavers.
Commissioner Herring arrived at 7:15pm after Roll Call.

Absent: Trustee Topher Donahue, Commissioner Wendy Williams.

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

C. APPROVAL OF MINUTES FROM December 16, 2015

Motion to approve the minutes was made by Commissioner Duggan, seconded by Commissioner Guevara, with 4 in favor, and abstention by Commissioner Seavers due to absence from the December meeting.

D. PUBLIC COMMENT

Ron Mitchell invited the Commission to attend the DDA meeting on February, at which he will present a conceptual plan that he intends to formally submit to the town. The initial presentation to the DDA will be followed by two additional open house events on Sunday, February 21, and February 28, both from 4:30-7:30 pm, in the Community Center multi-purpose room.

E. INFORMATION ITEMS

There were no information items.

F. ACTION ITEMS

There were no Action Items.

G. DISCUSSION ITEMS

1. Planning Commission 2016 Work Plan Goal refinement

Reis introduced the item, noting the Commission's familiarity with outlined goals from the December meeting, coupled with the #NedZero goals. She referenced the list compiled by Bakke that delineates goals, targets and strategies. She asked if the 2016 Work Plan seems feasible, and solicited suggestions for prioritization.

Chairman Cornell suggested focus upon workforce housing as with the Commission's limited resources, they must focus upon goals and tools within the zoning code to increase buildable lots and density.

Reis noted a need to narrow focus upon workforce housing to determine a level between 30-80% of area median income (AMI). She referenced the Nederland area AMI breakdown, specifying housing payment-only limits for a family and singles. Reis directed the Commission to determine a goal between the 30-60% and/or 60-80% range, as the 0-30% involves social programs, and 80-100% is attainable for higher income earners.

Lex Ivey presented GIS analysis, re: infill on the residential end, which Reis will send to the Commission via email. Reis noted that GIS analysis can assist the process of identifying underdeveloped areas with the highest potential prior to reviewing the code, and this targeted approach can expedite the policy process. Ivey said that other tools can be reviewed for feasibility after the build-out analysis.

Commission discussion underscored established zoning rules, although Reis highlighted the opportunity to create overlay districts. Would the Commission like to consider the GIS analysis values to focus upon in a study session, she asked. Reis said the initial density-to-zoning analysis can be available for the February 24 meeting, followed by suitability analysis. Ivey indicated each tool takes about a week to build. Ivey noted the ability to utilize similar analysis on commercial areas, which can be assisted by partnering with the Downtown Development Authority (DDA).

Overall, Ivey said GIS analysis can help to address issues regarding housing, historic preservation, commercial floor space, build out analysis of existing zoning dwelling unit capacity, and allowable units by zoning. He explained the suitability analysis can comprise mapped criteria of priorities, i.e. existing infrastructure, or solar gain for encouragement of residential solar or a commercial solar farm. Lastly, Ivey said the analysis can assist efficiency of future planning efforts and fulfill items in #NedZero.

Reis noted that the Commission decided in 2015 to begin with support of residential infill and areas of opportunity. Commission discussion presented a desire to promote economic diversity, with consideration of marijuana business cap. Reis added that this could be a discussion item at the annual joint session with the Board of Trustees, assisted by town staff, and GIS analysis of commercial properties as well.

2. Introduction of discussion on Short Term Rentals (VRBO, airbnb, HomeAway etc.)

Reis introduced the item, noting it is a broader discussion to address the commercial

use of homes for short term vacation stays, which is already happening in the town. She said that the current lack of code doesn't address this residential use, although does have commercial hotel lodging.

Reis referenced research items sent to the Commission, to include the Colorado Association of Ski Towns (CAST) study, the Estes Park white paper, and regulation undertaken by the City of Boulder and Boulder County. She noted that Town staff has no recommendations at this point, but in an attempt at fact finding, invited several attendees to speak further on this item.

Chairman Cornell asked for Commission discussion, although directed the focus toward short term vacation rental. Reis explained that the regulatory tool of rental licensing had mixed community response, but can be revisited.

Commissioner Guevara asked if the Commission should try to reduce VRBO's to revive the rental inventory or determine regulatory policy. Reis said that this use is less common in Nederland than for other mountain communities, but it is important to be proactive to recognize use and adjust the zoning code if so desired. She noted the benefits of lessened development for this market-drive use, whereas complaints usually fall in the realm of the nuisance code: trash, noise, parking, etc.

Ed Burne of Boulder, noted the recent surge in short-term rentals which can provide an income opportunity for homeowners, with justification for inspections if there are public safety issues. He highlighted the increased revenue with establishment of a lodging tax and increased visitor spending. He expressed concern about the City of Boulder's overly rule-bound approach, as owner-occupation can prevent a limited liability entity from being on a deed. Burne noted the self regulating aspect of social media as opposed to inspections, and said he supports town buy-in versus a regulatory approach.

Zachary Nassar provided information regarding Nassar Development construction in Copper Mountain and their experience with VRBO rentals which provided a tool to continue building and investing in the community during the economic recession. He said that despite a lack of established rules, they didn't encounter resistance to the 4% taxation rate, without mandated home inspection or monitored leases. He added that homeowners or HOA's can include nuisance issues within the lease.

Reis noted that a ballot issue could be presented to voters to retain the tax revenue from a special assessment tax. Chairman Cornell said that short-term rentals can deplete workforce housing, so it's essential to review all pros and cons.

Reis encouraged the Commission to familiarize themselves with the CAST study and the Estes Park white page.

Commission discussion referenced differences between Nederland and other resort communities, especially regarding the impact upon schools. Commissioners also noted the difference between short-term room rental and rental of entire home, the latter being more in line with a business. Reis said that commercial short term rental should

have fair business practice as for hotels. Reis said town staff can be directed to collect info, regarding limitations and regulation. Ivey reiterated previous Commission consideration that taxation can offset impacts upon infrastructure or creation of affordable housing.

Commission Herring mentioned the Estes Park VRBO process in which the application fee includes a certified letter of intent to neighbors, with any opposition requiring presentation before the Planning Commission. Reis noted the similarity with already established for liquor licensing. Herring asked if neighbors should have input about permanent or full-time VRBO's, as it can alter the nature of the neighborhood. Vice Chairman Williams questioned whether fees should include utility impact(s).

Commissioner Duggan inquired about GIS analysis assistance. Ivey said that he can establish a floor-to-area ratio (FAR) floor to area ratio element for zoning. Reis said that for commercial properties, it would be helpful to seek DDA support.

H. OTHER BUSINESS

Reis noted that the Board of Trustees voted to remove the allowance for marijuana cultivation and testing facilities in the residential zone districts at the January 5 meeting, and contained within Ordinance 739.

She said the upcoming election may include ballot questions, such as whether voters desire to "debruce" i.e. to remove adherence to revenue limits on TABOR; and a DDA tax debt request, if moved to ballot by the Board of Trustees. The latter ballot question would improve multimodal transit and parking in the downtown core.

Reis said the Election Candidate's forum will be held on March 8 at 6pm at the Theater, moderated by Janette Keene Taylor and Hansen Wendlandt.

I. ADJOURNMENT

Motion to adjourn was made by Commissioner Herring, seconded by Commissioner Seavers, with all in favor. Meeting adjourned at 8:36 pm.

Approved by the Planning Commission,



Roger Cornell, Chairman, Planning Commission

ATTEST:



Cynthia Bakke, Planning and Building Technician