



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

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

February 22, 2017 - 7:00 P.M.

MINUTES

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, Greg Guevara, Stephanie Herring.

Absent: Commissioner Jesse Seavers.

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

Wendy Williams submitted her resignation from the Planning Commission in the week prior to the meeting. Chairman Cornell praised her for her time on the Commission.

C. APPROVAL OF MINUTES FROM January 25, 2017

Motion to approve the minutes as written was made by Chairman Cornell, seconded by Vice Chairman Williams, with 5 in favor, and abstention by Commissioner Herring who was absent from the meeting.

D. PUBLIC COMMENT

There was no public comment on non-Agenda items.

Motion was made by Chairman Cornell to change the action item "Marijuana Transporters" to a discussion item, and shift the order of discussion items, seconded by Trustee Miller, with all in favor.

E. INFORMATION ITEMS

There were no information items.

F. DISCUSSION ITEMS

1. Consideration of zoning change to Sec. 16-32 Use Group Charts to add

“marijuana transporter” as a use

Reis introduced the item noting the use was established by State of Colorado allowing for the legal movement of marijuana in conjunction with cannabis-based businesses, which previously had no protections in place regarding transportation and storage. She said the Commission would need to determine how the use fits from a zoning and licensing perspective and referenced the memorandum by the Town Attorney which outlined the zoning choices and license options for Commission consideration.

Reis said an application for the use could be processed administratively by the Town Clerk or deferred to the state. Chairman Cornell asked the Commission to consider the appropriate section of the use group chart, as a warehouse or storage facility, or added to the Marijuana uses section.

Trustee Miller said she sees transport and storage as two very different uses. Speaking from her perspective as a Transportation Planner, she noted Nederland is not a major transport area with easy access to larger markets, although the town is beset with existing weekend and seasonal traffic challenges on a limited budget. She said this would also require additional Public Works and Police Department support. Commissioner Herring said prominent retail space could be taken up with this use.

After further deliberation, the Commission was in consensus to prohibit the use. **Motion was made by Chairman Cornell for consideration of HB16-1211 to recommend to the Board of Trustees to prohibit the marijuana transporters use in the entirety of the town limits, seconded by Commissioner Duggan, with all in favor.**

2. Continued discussion of a draft ordinance regarding Short-Term Rental (STR) Licensing Program and associated regulations

Reis introduced the item which had been previously discussed on January 25. As discussed, the Commission supported onsite property owner or manager to be available within 1-hour response time and the requirement for a life safety inspection prior to operations. The Commission did not reach consensus upon the number of properties allowed for the use with consideration of either one house or allowance for up to two for local property owners residing onsite in one primary home.

Reis said there are 3 main questions in the proposed ordinance remaining to be determined to include appropriate response time; an individual STR cap to ensure limited housing is not heavily impacted by the use, and the appropriate zoning districts for the use. The Commission discussed whether the proposed response time would require property presence or simply phone/email contact by the owner/manager.

Chairman Cornell opened up the Public Comment portion of the meeting.

Wendy Williams of Nederland said the 1-hour response time may be unreasonable considering certain events such as movies require devices to be turned off, thus she'd suggest a 3-hour response time.

Chairman Cornell closed the Public Comment portion of the meeting.

Commissioner Herring asked for further discussion regarding the 1-hour response time noting City of Boulder's reliance upon an affidavit of residence. She said the property owner is ultimately responsible for educating guests on house details and program requirements. Trustee Miller noted the abundance of out-of-state property owners. Reis asked if the Commission would support the use for out-of-area property owners.

Bakke said property owners could provide an educational pamphlet about the house, and reach out to a guest in advance if unable to meet the response time to assist in the interim of presence upon the site.

Chairman Cornell said the Commission formerly discussed the ability to allow an onsite property owner to rent rooms in a primary residence plus one additional property, whereas out of state residents could be limited to one property.

Commissioner Herring said she supports modeling the Nederland program after City of Boulder requirements which allow for "snowbirds" to claim their primary residence for at least 6 months of the year. She said she could support one residence for STR only due to the housing crisis. Trustee Miller and Commissioner Duggan agreed with Commissioner Herring about only allowing only the primary residence if the goal is to open up long term rental stock.

Vice Chairman S. Williams said he could support a total of 2 properties for in-town residents with only one property allowed for use by those residing out of state.

Commissioner Guevara noted consideration of the tourist-based economy in addition to housing concerns. Trustee Miller expressed concern about how the proposed legislation will affect those currently operating STR's. Commissioner Herring said requiring only one residence for STR's wouldn't negate the potential to provide long term rental units.

As the Commissioner deliberated an individual cap for use, the definition of "area resident" was considered. Reis said both options have received Commission support and could be presented to the Board of Trustees: one residence plus one additional property for area residents or a limit of one property only. Commissioner Guevara suggested the regulations be revisited to address concerns that arise after the use is established.

The Commission considered the placement within zoning districts in Sec. 16-32 Use groups tables and whether the use is appropriate for the commercial districts. Trustee Miller noted the Board of Trustee's desire to expand housing via mixed use, such as the Kathmandu Plaza. Reis said the number of units for STR could be regulated with the other units able to provide long term rental units.

Trustee Miller inquired if a married couple could jointly own a home, with each purchasing an additional home in their name. Reis indicated language in the ordinance includes any legal partnership such as marriage which would prohibit the ability to

utilize more homes for STR use.

The Commission was in agreement that all residential and commercial zones are appropriate for the use, with prohibition in the Forestry zone, and Special Review Use requirement in the Public zone, as shown in the ordinance within the packet.

Trustee Miller said it would be beneficial to have Commission representation at the meeting with adequate public notice and clarification of the policy which has changed since the initial discussion. Chairman Cornell said the Planning Commission can further discuss the draft ordinance prior to Board of Trustees review. Reis said this item will legally require a 2nd Public Hearing.

3. Discussion of allowance for Accessory Dwelling Units (ADU's) / Tiny Homes and associated regulations

Bakke introduced the item. She presented slides from the Town of Golden illustrating general demographic trends such the increase of home size despite the decrease of family size, in addition to later marriage/childbirth by young adults, coupled with an aging population that doesn't require larger homes. She indicated the trend toward ADU's began with homeowners adding "mother-in-law" units prior to WWII to accommodate additional family and/or provide extra income. Bakke showed various styles of accessory dwelling units including attached and detached units.

Bakke said tiny homes are similar to ADU's, although are often under 500 square feet, and include homes on wheels as well as a permanent foundation. She noted there are building code restrictions regarding minimum room sizes, although no zoning restrictions for unit size.

Reis said other municipalities with the allowance can provide guidance as the use becomes a more common. She said the associated Public Hearing to approve a draft ordinance will be very important and indicated particular attention will be paid to adequate utility accommodation.

Chairman Cornell noted the plethora of resources regarding ADU's and tiny homes with need for the Commission to determine how the use would fit in Nederland. Chairman Cornell directed the Commission to focus upon ADU's and consider the pros and cons with associated guidelines.

Trustee Miller noted the commonality of onsite owner occupancy and matching architectural features of the primary structure. She said she didn't support a limitation of unit size as long as it contains a bathroom and kitchen, although the latter doesn't need to be a full kitchen. She said onsite parking should be required along with a permanent foundation with utility hookup. Miller said she'd also an amendment to the building code to allow a ladder to a lofted bedroom.

Reis said the distinction between an ADU and a duplex will need to be determined.

Commissioner Guevara said other cities utilize a scale based on size of the primary structure to determine the size of additions or accessory structures. Commissioner Duggan noted walk-out basements have the same footprint as upper floors. He asked if this means 4 unrelated people could reside in the upper and lower parts of the house. Duggan said City of Boulder allows only 2 unrelated in an ADU according to zoning.

Chairman Cornell encouraged the Commission to review applicable district setbacks. He said ADUs should maintain the same setbacks as a principle dwelling unit, and meet other yard and bulk requirements such as accessory structure height maximum, match/blend with the primary home's architectural features, provide adequate utility connection and/or properly maintained septic systems. He noted Boulder will only allow rental of one structure whether primary or ADU, not both. He asked how they should establish inspection for in-home allowance for a separated lower level apartment.

Vice Chairman Williams noted the ADU size could be dictated by lot coverage whereas attached ADU (in-home) needs further consideration. He said he could support one ADU per lot to avoid proliferation on a permanent foundation. He said ADU's should not be taller than the primary home, except carriage houses (above garage).

Commissioner Herring said she doesn't support limiting ADU's on property if able to meet zoning requirements, with other code providing regulation regarding impacts. She said the use should be allowed in all residential districts, with some homes in smaller districts containing in-home apartments. She noted potential parking issues in Old Town, but also proximity to public transportation. Chairman Cornell suggested clause that parking isn't required if the tenant doesn't own a vehicle. He noted building permits after 1982 required onsite parking.

The Commission discussed the need to clarify the rules for attached vs. detached structures. Reis said many ADU codes will include this language.

The sole member of the Public present at the meeting, Wendy Williams asked if a Special Review Use (SRU) approval should be required, which she'd encourage.

The Commission then discussed tiny homes. Chairman Cornell said land costs would likely limit the use which he said he doesn't support as a principle structure. He said tiny homes should be on a permanent foundation. Vice Chairman Williams and Commissioners Herring and Duggan said they had no issues with a tiny home as a primary home.

In the Commission's discussion about whether to require a permanent foundation or allow tiny homes on wheels (THOW's), Duggan asked how Commissioners' feel about people parking one on a friend's property. This would need to be addressed within the RV code, per Reis, and the structure would need to be registered as a trailer or an RV. Commissioner Guevara said the extreme weather is not very conducive to living in a tiny home, thus he doesn't think there will be very many who will.

H. OTHER BUSINESS

1. Land Use Advice

Reis said in the interim of determination of the next Town/Zoning Administrator, any complex issues will be forwarded to the Town Attorney Carmen Beery. Reis said Beery's law firm has hired a land use attorney who may be available to assist during the process. She said the position is anticipated to be filled in May or June.

Reis indicated that the Rental License ordinance was directed back for further review by Town staff and the Town Attorney. She said the ordinance could be sent back to the Commission for further review if the Board of Trustees deems necessary.

Reis reminded the Commission of upcoming Public Works Facility Grand Opening on February 24, as well as Reis's Celebration/Farewell Party on March 3 at the James Peak Brewery.

I. ADJOURNMENT

Motion to adjourn by Chairman Cornell, seconded by Commissioner Herring, with all in favor. Meeting adjourned at 9:09 pm.

Approved by the Planning Commission,


Roger Cornell, Chairman, Planning Commission

ATTEST:


Cynthia Bakke, Planning and Building Technician