



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

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

**March 25, 2015, 6:00 P.M.**

**Minutes**

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**A. CALL TO ORDER**

**Chairman Cornell called the meeting to order at 6:10 pm.**

**B. ROLL CALL**

**Present: Chairman Roger Cornell, Vice Chairman Steven Williams, and Commissioners Timmy Duggan, Stephanie Herring, and Betty Porter.**

**Absent: Commissioners Greg Guevara and Jesse Seavers, and Trustee Topher Donahue.**

**Also Present: Town Administrator Alisha Reis, Deputy Clerk Cynthia Bakke.**

**C. APPROVAL OF MINUTES FROM January 28, 2015**

**Motion to approve the minutes was made by Commissioner Herring, seconded by Vice Chairman Williams, with 3 in favor, and abstentions by Commissioners Duggan and Herring due to absence from previous meeting.**

**D. PUBLIC COMMENT**

**There was no public comment.**

**E. INFORMATION ITEMS**

**There were no information items.**

**F. ACTION ITEMS**

**G. DISCUSSION ITEM**

**1. Consideration of a Conceptual Review Application for a Planned Unit Development at 100 E. First Street, (Tract 845 Less A-B-C NED 13-1S-73 Book 624 Page 561 BCR Total 1.2 Acres M/L)**

**Alexandra Armitage of the greater Nederland area presented her concept plan for the Miners' Camp LLC Planned Unit Development (PUD) of 8 clustered cabins with**

a community lodge, showing a slide presentation, which included a survey of the parcel at 100 E 1<sup>st</sup> Street. The 1.2-acre parcel is in the high density residential (HDR) zoning district, with a significant portion bordering the creek. The presentation included images of “like communities” of small, clustered homes in keeping with design standards of the surrounding area.

Armitage introduced Curt LeRossignol, also an area resident involved in the project; however, he did not comment on the presentation.

Armitage noted that the project’s proximity to the town core allows for decreased auto dependence, with thoughtful consideration of the environment. She acknowledged that multi-family units (MFR) could be approved via Special Review (SRU), but she’d like the development to be in character with surrounding properties. A higher density would favor the ANSI code (for RV’s), but Armitage said she’d prefer the cabins to have a permanent foundation, to enable better financing options to maintain affordability.

Armitage said that the proposal aims to concentrate development further north on the parcel, to preserve the large spruce trees and reserve the portion bordering the creek for open space as a trade for utility fees, with more discussion to follow.

Armitage said that cabins would have a fee simple ownership, with 1/8 common ownership of the lodge split between cabin owners. She said she is researching 650 s.f. modular units, as well as frame construction. She indicated that each cabin would have enough square footage to accommodate a bathtub and a sizeable sleeping loft. The common lodge would consist of a large room for entertaining, with the remainder divided into a 5’x10’ storage space for each cabin. The common lodge would have sinks, but no shower, to avoid use by non-Miners’ Camp residents.

Armitage said that she has been in discussion about onsite drainage elements, to be determined through proper engineering. She said that the proposal meets all PUD requirements, and aligns with housing elements outlined in the Comprehensive Plan, noting similar small homes near to the reservoir upon 1<sup>st</sup> Street.

She stated she’d like to create the development within 2015 building season.

Armitage said that structures are to be outside the riparian area. She requested consideration of a trade of ½ acre of open space bordering the creek in exchange for a common water/sewer utility, instead of individual water/sewer plant investment fees (PIF) and tap fees. She said the common utility would help to keep homes affordable, with an estimated price point of \$219,000 per unit.

Town Administrator Reis provided input regarding the conceptual plan. She said that town staff and engineering consultants will determine feasibility of a common water and sewer tap, and the demand upon the town’s utility system. Reis indicated that engineering review will include load calculation. A cursory engineering review

has noted that there is proper fall for waste removal. She indicated that the forthcoming engineering review will provide valuable data regarding the viability of a common system to guide consideration of a potential trade. Reis noted that a riparian corridor donation aligns with the Comp Plan goal for preservation in the riparian zone and could provide a potential location for a secondary bridge crossing.

Reis referenced the Housing Needs study, which determined an affordable housing range of \$750-\$1500, of which the proposed Miners' Camp mortgage calculation fits.

She indicated that the applicant intends to pursue a preliminary PUD in April, wherein technical aspects will be reviewed. If engineering proves viable for a common utility system, although Reis noted that this would necessitate larger tap sizes, with corresponding higher fees.

Chairman Cornell solicited Commission comments. He said that the parcel is a key property in the transition zone between the Central Business District (CBD) and HDR. He suggested maximizing density, asking the applicant to consider 12 two-bedroom units for a total of 24 bedrooms to increase housing availability.

Commissioner Porter said that a co-housing environment may attract seniors able to age in place. She asked if Armitage foresees a risk of the cabins being purchased as second homes, effectively limiting needed housing, addressed by some municipalities through controlling the percentage of vacation homes allowed. Porter agreed with Chairman Cornell that multi-family units could provide more housing, for which there is certainly a market. She said she is not opposed to the reduction in PIF/tap fees in trade for the riparian area, if proving equitable for the town.

Commissioner Herring asked for clarification about the proposed trade, which Armitage said would comprise approximately a ½ acre at the southern end, bordering the creek. Armitage noted that there is a trade-off between preserving open space and increasing housing density. She indicated that the parcel slopes down gradually to the creek, with the intention to retain all development closer to 1<sup>st</sup> Street for access, ease of development, and preservation of the riparian corridor.

Commissioner Herring asked if the proposed open space would be accessible to town residents. Armitage responded that a logical trail behind the 1<sup>st</sup> Street businesses could continue onto the adjacent commercial lot next to the town-owned lot and connect by a nub of the parcel in question. The design could also allow a connection via a secondary bridge to Chipeta Park. Reis indicated that the NDDA is considering a secondary crossing within their current master planning.

Commissioner Herring asked if the HOA would address homeowners renting out properties, such that the PUD could become a rental area. Armitage responded that she'd prefer to establish rules via owner consensus, though she expressed strong opposition regarding individual, exterior storage sheds.

Commissioner Herring noted limitations of parking on 1<sup>st</sup> Street, with need for a solid parking plan. Armitage stated that each home would provide 2 spaces, plus overflow guest parking by the lodge.

Chairman Cornell summed up considerations presented thus far. Parking is mandated by NMC 16-202, requiring 1 space per bedroom, plus guest parking. Cornell indicated that the applicant would need to determine construction materials in the Preliminary PUD, to which Armitage indicated is forthcoming. Cornell wasn't certain if ladders are an allowable access to a loft, which Reis clarified is considered unoccupied space per building code, thus allowing ladder access.

Chairman Cornell warranted that homeowners may desire exterior storage, to which Armitage indicated would be located inside the common lodge. Cornell referenced Commissioner Porter's comment about occupancy to ensure the cabins are not second homes, per HOA covenant. Cornell said he was unsure that the town needs an open space parcel of the proposed size, but can envision a trail easement across the parcel. Engineering review will determine viability of proposed trade, though Cornell said that it is important to further discussion on creation of affordable housing.

Armitage said that land development is expensive, so she has considered the best way to ensure affordable housing. Chairman Cornell noted that there may be consideration for an easement or road from Snyder Street to cross the creek and connect to Conger Street. He requested Commissioners familiarize themselves with the property to suggest options, as well as requiring PROSAB assistance on determining the best location.

Vice Chairman Williams said he likes the concept, as it aligns with Comp Plan elements, with HOA covenants to address the vacation home issue. He stressed the need for due diligence regarding open space trade for utility PIFs and taps, noting that if the common lodge was sited closer to the creek, higher density could be provided.

Armitage stated that the open space trade for utility fees is critical to the development and housing affordability, as well as her pursuit of the project. Williams expressed concern about practicality of common lodge storage, which could instead be added to each housing unit. He indicated that Armitage's anticipated timeline to proceed through regulatory review and building permitting may not be feasible. Lastly, Williams said that the discussion regarding a secondary crossing has been ongoing, thus he appreciates the mention within the scope of the project.

Commissioner Duggan said he supports the development proposal, as it can help meet expressed Comp Plan goals and vision. He said he foresees the cabins being very attractive as vacation homes, whether considered positive or negative. Armitage noted that even part-time residents will bring in revenue to the town.

Duggan echoed Chairman Cornell's suggestion of a thorough review of the trade proposal, as the town may only need a trail easement. He acknowledged the trade consideration to provide affordable housing and asked if there is another suitable option the town could offer in lieu of a trade.

Commissioner Duggan asked if there will be variability of cabin design. Armitage said that manufactured units will look the same, but the exterior can be altered with decks and rockwork. She noted that the common lodge could be reduced in size, although increasing the square footage of each cabin will reduce the overall size of each lot. Duggan added that these elements can be regulated by the HOA.

Chairman Cornell addressed email comments submitted by Commissioner Seavers, noting that bike storage is important, but that passive solar is encouraged, not mandated. Armitage said that an active solar array is proposed for the common lodge only, due to cost, although smaller homes naturally encourage a more minimalist lifestyle. Chairman Cornell said he supports Seaver's comment regarding permaculture landscape design. Bakke noted that permaculture principles are intended to be applied preemptively prior to building as the best option for an undeveloped site, but can be applied within development of the site.

Chairman Cornell solicited feedback from Commissioners regarding the project and whether they'd prefer to see higher density. Armitage stated that she has no interest in developing duplex/triplexes upon the site. As a long-time resident, she expressed the importance of maintaining the town's character. Armitage said she feels that engineering calculations can be ready in time for the April 22 meeting, and would like a vote of confidence regarding the concept plan. Reis said that public comment can be provided to the Town Hall prior to the meeting to direct the applicant as they are received.

### **Chairman Cornell opened the public comment portion of the meeting.**

Teresa Robinson, of Nederland, requested more information regarding the trail connection. Robinson said she appreciated the desire to preserve the large spruce trees. Noting the residential nature of East 1<sup>st</sup> Street, she inquired if the project would change the district's established zoning. Reis noted that PUD's create overlay zoning, and there would not be an overall change.

Chairman Cornell closed the public hearing portion of the meeting and called for a brief recess.

Chairman Cornell opened the work session portion of the meeting following recess.

Reis indicated that the packet includes a Planning Commission Work Plan timeline, noting that GIS data is now available to begin discussion on an amendment to the Zoning Map for the Public (P) zones in April. She explained the need to establish the performance space as a public zone in order to subdivide from the Wastewater

Treatment plant, which is currently under Forestry zoning and cannot be subdivided under 5 acres. The Public Zone will also include the new Public Works shop on Ridge Road, as well as other open space and publicly owned areas throughout town, such as RTD sites and the schools.

Reis indicated that forthcoming data analysis regarding drainage will help to finalize repairs on flood-impacted roads and address town-wide drainage issues, with recommendations regarding overall system improvements.

Reis introduced the draft update to the rental housing code, explaining the history of rental licensing in Nederland, mainly that the code was established in 1996 and never implemented. She asked for the Commission to consider the proposed edits to the rental licensing policy included in the packet and to offer comments by April 8. The intention is for a 'soft roll-out' of rental license implementation in summer 2015.

Chairman Cornell asked if passive solar is included, which should be part of the site design considerations.

Reis explained that the Commission-prioritized list within the SAP matrix was used to create the Commission Work Plan. The schedule for the Work Plan was included, noting that less discussion is scheduled from June to September due to high season for building permitting and land use applications.

Commission discussion ensued regarding barriers to development within the town core and other areas bordering commercial zones, with Reis noting that parking requirements are a commonly reported barrier, especially along 1<sup>st</sup> Street. Commissioner Porter noted that if the vacant lots along the highway across from the RTD station were zoned Neighborhood Commercial (NC), a higher density would be allowed. Chairman Cornell mentioned review of duplexes and triplexes, with an intention to streamline the process, which could be a use by right with staff review. He did note that smaller lots on East 1<sup>st</sup> Street and in Old Town may necessitate neighbor input prior to density increases. Reis said that the Commission may want to reconsider transitional zoning districts, as well as sub-area plans for the neighborhood to protect various neighborhoods' character in land use processes.

Chairman Cornell and Vice Chairman Williams suggested a 'housing summit' to advertise the housing need for viable developments. Reis added that real estate agents' input can be valuable to understand if there are common barriers presented by clients. Commissioner Duggan said he has attempted in his real estate work to address public misconceptions about the viability of living in Nederland.

Commissioner Herring acknowledged that the creation of affordable housing is a regional challenge. Commissioner Porter asked if it's possible without subsidy. Reis said that establishing deeply "affordable" housing is harder without subsidy,

thus the town has forged a partnership with Boulder County Housing Authority for assistance.

Vice Chairman Williams inquired what can be done regarding rising home prices, as generally established by the market. Reis said that product availability is a challenge and over time, an area can expect to lose the diversity of population if it is unable to provide a diversity of home prices. Reis referenced the successful sales tax sharing agreement in Minneapolis (referencing an article she sent to the Commission recently) providing for infrastructure upgrades as one example of how this challenge is being addressed around the country.

Commissioner Herring noted compliance issues for existing multi-family units on lots below the minimum parcel size, to which Chairman Cornell added that these could be addressed by reducing required square footage for code density requirements. Reis said that this could be included in items slated within the forthcoming EPA technical assistance process. Chairman Cornell added that a comprehensive review of lot sizes town-wide would be beneficial, with Reis adding that transitional overlay zoning can be created to consider areas able to accommodate higher density.

Reis said that presently the zoning code lacks the allowance for accessory dwelling units (ADU's) that could be contained upon larger lots. She added that as many in the Big Springs subdivision are on septic systems and determination needs to be made if infrastructure can sustain increased density of this type. Deputy Clerk Bakke noted the need for creative site design to meet district zoning requirements for driveway grade or setbacks on smaller lots.

Commissioner Herring inquired about parameters of rental licensing such as the landlord's responsibility for associated fees, to which Reis indicated it will be similar to business licensing, with the inclusion of an inspection fee. Reis noted that many property owners will likely need to upgrade properties due to building safety issues. She also acknowledged that as some property owners possess many housing units throughout town, there will be a 2-year pilot period to provide time to address pertinent issues.

Chairman Cornell suggested making an inventory of bedrooms available per house, as well as how many adults are occupying rooms. Reis noted that some rentals in the affordable range are such due to flagrant building code violations being endured by renters, thus the necessity to establish priorities to be addressed such as mold, structural and electrical safety. Commissioner Herring suggested that guidance is given for an inspection checklist, to not seek out violations outside of relevant concerns. Reis said that zoning violations are to be expected within the process.

Commissioner Duggan suggested establishing a reasonable timeline for compliance, to not create a financial burden for remedying issues. Duggan mentioned Boulder's

SmartRegs program to allow residents a smooth transition to more environmentally friendly systems. Reis acknowledged that efficiency elements such as winterizing homes will be encouraged, with more immediate action regarding safety hazards. She said the goal is to ensure the habitable quality of units and to create a database of rental unit supply town-wide.

Vice Chairman Williams pointed out that despite inspection fees, this will increase the workload upon staff. Reis said that the inspection load will be carried by a contracted rental inspector, with work expected to phase out over time, being that after initial licensing, renewal will likely be established upon a 3-year basis.

In answer to a question about short-term/vacation rentals, Reis noted that vacation homes are treated differently by the code. She said the Colorado Association of Ski Towns (CAST) is compiling data of existing regulations throughout Colorado's mountain towns to contribute to what may result in a model code that could be adopted, with the potential consideration of a lodging tax that could help to offset licensing costs and increased public facility impacts from visitors.

Commissioner Herring inquired how enforcement will be conducted regarding non-compliance for rental licensing issues. Reis said that a violation could ultimately result in a court summons, however most will comply voluntarily, and if administrative operations are overburdened, associated costs will be passed on to contract services. Chairman Cornell noted that the licensing process could provide opportunity for a simultaneous zoning review.

Reis requested any comments to be sent to her by April 8 to be included in the packet for the Joint Session on April 14.

### **3. Agenda for April 14 Joint Session with Board of Trustees**

Reis indicated that the Joint Session will not include zoning as it pertains to marijuana, as the BOT gave direction to table further discussion on residentially based retail marijuana operations until October. She noted that town staff has met with one potential applicant thus far regarding marijuana cultivation as a Home Occupation SRU in the residential district. Staff will compile any pertinent data for consideration, to be reviewed by the Planning Commission prior to the BOT, she said.

Chairman Cornell mentioned the Housing Summit and rezoning considerations as part of the Joint Session agenda. Overall, the Commission affirmed the draft agenda suggestions in the packet.

## **H. OTHER BUSINESS**

### **1. Land Use Case Updates**

Reis indicated that town staff has met with David Nassar and his development team in discussion of finalization of requirements of the Planned Unit Development (PUD)



Agreement in the Caribou Ridge Subdivision. She said that Nassar said he will begin construction of at least 3 new single-family (SFR) homes within the subdivision this year.

Reis said that construction will begin on one new home in McMillen Meadows by Rich Tillotson. Tillotson's son-in-law, Commissioner Duggan, clarified that there will likely be two new SFR's for McMillen Meadows within the 2015 building season.

Regarding the Aspen Trails Annexation process, Reis indicated that town Land Use staff will meet with Boulder County Land Use staff to discuss status and take the opportunity to visit the site. She said that applicant, Kayla Evans, will provide additional information requested by the Boulder Office of County Commissioners' (BOCC) to solidify affordable housing pricing within the proposed development.

Reis noted that the US Forest Service appears to favor the proposal for Eldora Ski Area expansion, thus it may be possible to leverage a traffic study for both proposals, as traffic congestion was a concern mentioned by Eldora residents, heard by the BOCC at the March 5 Public Hearing in Boulder. The proposed annexation could be denied approval by the BOCC. If the process is allowed to continue, the proposal for annexation will return before Nederland's Planning Commission and Board of Trustees, and ultimately, a vote of the Nederland residents.

Chairman Cornell explained that the Commission grappled with the question of annexation, although due to the Boulder County Intergovernmental Agreement (IGA) process, there was little discussion of the actual development details. Reis said that IGA requirements for annexation dictate the focus of consideration, although if the County Commissioners' vote to approve the IGA amendment request, there will be further consideration of the annexation proposal on Nederland's behalf. Chairman Cornell indicated the need for firm commitments within development agreements, such as the proposed swimming pool and affordable housing element.

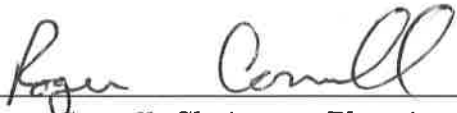
Commissioner Duggan referenced a Mountain-Ear article on the annexation stating that the Commission was asked to reconsider the project and that the Commissioners' took a vote, despite the request not being on the agenda. Reis explained that applicant Evans requested to speak on non-agenda items to make some clarifications, and that the Commission agreed to send a letter to clarify its points to the County Commissioners but that no formal vote was taken on anything related to the application. Commissioner Duggan said that the item not being on the agenda didn't allow for public comment.

Commission Porter said that she excused herself when applicant Evans discussed the proposal at a Nederland Area Seniors (NAS) luncheon. She said that NAS is obliged to give opportunity to anyone wishing to provide counterpoint. Reis asked that opposition not be presented by a Commission member. Chairman Cornell said that he would clarify as needed any questions for Boulder County Land Use staff as to the Commission's consideration of the item.

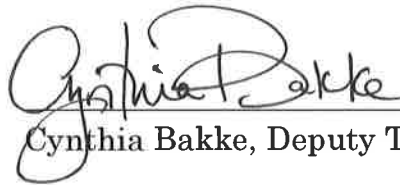
**I. ADJOURNMENT**

**Motion to adjourn was made by Commissioner Porter, seconded by Chairman Cornell, with all in favor. Meeting adjourned at 9:34 pm.**

Approved by the Planning Commission,

  
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Roger Cornell, Chairman, Planning Commission

ATTEST:

  
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Cynthia Bakke, Deputy Town Clerk