



TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

June 29, 2016 - 7:00 P.M.

MINUTES

A. CALL TO ORDER

Chairman Cornell called the meeting to order at 7:03 pm.

B. ROLL CALL

Present: Chairman Roger Cornell, Vice Chairman Steven Williams. Commissioners Timmy Duggan, Stephanie Herring, Jesse Seavers, Wendy Williams.

Absent: Trustee Stephanie Miller and Commissioner Greg Guevara.

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

C. APPROVAL OF MINUTES FROM April 27, 2016

Motion to approve was made by Commissioner Herring, seconded by Vice Chairman Williams, with 5 in favor and abstention by Commissioner Seavers.

D. PUBLIC COMMENT

There was no public comment.

E. INFORMATION ITEMS

There were no information items.

F. ACTION ITEMS

1. Consideration of Commission reappointment for Jesse Seavers

Chairman Cornell said the Nederland Municipal Code Section 2-73(c) indicates a conflict of interest with Seavers appointment to more than one municipal office, aside from the one appointment to the Board of Zoning Adjustment. Town staff is awaiting legal review to determine Seaver's eligibility.

Chairman Cornell made a motion to recommend approval for Seavers contingent upon legal determination, seconded by Commissioner Williams, with all in favor.

2. Consideration of a second amendment to the Annexation Agreement for inclusion of additional 1.04 acres to the Public Works Facility property

Reis introduced the item. She said that the acre parcel will augment the other 6 acres which comprises the new Public Works Facility site. Reis explained that annexation on publicly-owned land is considered by the Planning Commission and the Board of Trustees without the same requirements of the Intergovernmental Agreement (IGA) with Boulder County. Reis said neighbor notifications were sent, with no concerns registered.

Vice Chairman Williams asked about field changes through the process. Chairman Cornell said the project has shifted further to the east. Reis said site development indicated that site flow was better toward the west, which also allowed some older trees to be saved.

Reis said the geothermal tubing was installed, with foundation earthwork preparation being undertaken in July. She said the pre-manufactured building will be delivered and assembled onsite, with final completion targeted for mid-December.

Motion to approve the second amendment to the Annexation Agreement for additional 1.04 acres to the Public Works Facility property was made by Trustee Herring, seconded by Trustee Williams, with all in favor.

G. DISCUSSION ITEMS

1. Commission conduct regarding quasi-judicial hearings

Reis introduced the item. She explained that questions arose from Commissioners regarding professional representation of properties and/or business relations that may be a conflict of interest. She said Commissioner Williams had informed staff that she might represent clients adjacent to a property that came before the Commission for review. Reis said her (Williams) full disclosure is appropriate to avoid possible conflicts of interest with respect to quasi-judicial applications reviewed by the Commission.

Reis summarized that if a Commissioner or elected official will receive direct economic benefit then disclosure to Town staff or the Commission Chairman is necessary. She said the Commissioner would then recuse from voting upon the application, or avoid the business interaction altogether to retain their ability to vote.

Reis said the Commission can direct Town staff to provide more specific background information about applicants in the packet analysis rather than researching upon their own. She said it is essential for proper land use due process for all information to be heard by the Commission as a whole. If there is substantial information absent from the packet, the Commission can request further research, and choose to postpone the review to a date certain when the information can be provided, explained Reis.

Commissioner Herring asked if Commissioners are able to visit sites to understand the location context, considering that certain areas may be hard to avoid in a small town.

Reis said Commissioners can review a site alone or as a Commission together with property owner authorization and notice at the Town Hall about site visit. Vice Chairman Williams mentioned the need to avoid trespassing upon private property.

Reis recommended waiting until Board of Trustees make a decision upon the application prior to speaking about quasi-judicial applications to ensure it won't return to the Commission. Bakke said Commissioners can send residents to the Town Hall if for more information regarding an application. She said that it would be good to establish annual Commission training, and she will forward any pertinent training opportunities.

Commissioner Herring asked how Commissioners should handle advanced information imparted to them. Reis said the person who provided the information can forward to Town staff to be dispersed to the Commission with disclosure of when or how the information was brought forward.

H. OTHER BUSINESS

Reis said that the Commission forwarded the proposal to the Board of Trustees for increased density in the High Density Residential (HDR) zoning district, as is currently allowed via NMC Sec. 16-88 for the Neighborhood Commercial (NC) district. She said the Public Hearing for this item will be at the Board of Trustees meeting on July 19.

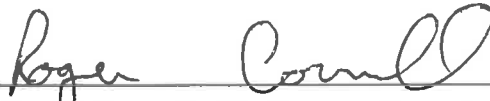
Reis said public notices were sent to properties owner within the HDR district to make them aware of the proposed change. She said there are illegal nonconforming uses in Old Town that may be interested in pursuing this option, although all requests for density increase will be reviewed upon a case-by-case basis.

Reis reminded the Commission of the Joint Work Session with the Board of Trustees to discuss various aspects of housing, which is a prioritized Board goal for 2016-2018. The work session will occur on August 24 starting at 7pm, with the regular Planning Commission meeting to start earlier at 6pm.

I. ADJOURNMENT

Motion to adjourn was made by Commissioner Williams, seconded by Vice Chairman Williams, with all in favor. Meeting adjourned at 7:46 pm.

Approved by the Planning Commission,



Roger Cornell, Chairman, Planning Commission

ATTEST:



Cynthia Bakke, Planning and Building Technician