



# TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466

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

## MINUTES

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### A. CALL TO ORDER

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

### B. ROLL CALL

**Present:** Chairman Roger Cornell, Trustee Stephanie Miller, and Commissioners Timmy Duggan, Jesse Seavers, and Wendy Williams.

**Absent:** Vice Chairman Steven Williams and Commissioners Greg Guevara and Stephanie Herring.

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

### C. APPROVAL OF MINUTES FROM June 29, 2016

**Motion to approve was made by Commissioner Duggan, seconded by Chairman Cornell, with 4 in favor and abstention by Trustee Miller.**

### D. PUBLIC COMMENT

Annette Croughwell, of Nederland, spoke about the density increase proposal for the High Density Residential (HDR) district before the Board of Trustees on July 19. She said she'll serve as a representative regarding neighborhood discussion of issues affecting Old Town. Croughwell asked that other HDR areas other than Old Town should be allowed to?? apply for density increase via individual review instead of a district-wide allowance and said she supports enacting rental licensing for property owner accountability.

Chairman Cornell said he attended the July 19 Board of Trustees meeting, but didn't foresee the neighbor opposition with only two previous uncontroversial requests for density increase requests since 1983, when the law was enacted for the Neighborhood Commercial districts. Cornell said the impressive turnout underscored the importance of holding the Public Hearing at the Planning Commission to provide more public input on important topics.

Chairman Cornell said there will be further discussion on housing topics at the Joint Board of Trustees/Planning Commission Work Session on August 24 starting at 7 pm, after the regular Planning Commission meeting, starting at 6 pm.

Reis said the Board of Trustees formally tabled the density increase proposal for the HDR district. She said more thought will need to go into that policy, although subarea planning has long been considered for Old Town by the Commission, with a more comprehensive look at density increase potential town-wide.

Trustee Miller commented on the great turnout for the Public Hearing as she was previously unaware of the neighborhood's concerns about high rental turnover and absentee landlords. Miller said she reviewed the GIS infill analysis, with a need to consider density increase via multiple methods town-wide.

#### **E. INFORMATION ITEMS**

There were no information items.

#### **F. ACTION ITEMS**

There were no action items.

#### **G. DISCUSSION ITEMS**

##### **1. Housing Goals policy implementation**

Reis introduced the item and referenced the packet which included the 2015-2016 Commission work plan with four specific Commission action items. She said a new fact sheet needs to be made with comprehensive considerations to give context to the items in the previous planning discussions. Reis said the focus of the Commission's discussion is to consider 6 broad, but achievable housing policies that can assist in the larger goal of establishing affordable housing options. The 7<sup>th</sup> item pertains to an affordable housing development at the 5<sup>th</sup> Street Town Shop site, which will require planning and likely a public-private partnership after site remediation, said Reis.

##### **6 Areas of Focus for Housing Policy Development**

##### **1. Density Increase extension to the High Density Residential (HDR) district:**

Per Reis this proposal was tabled indefinitely for Old Town, however the Commission will still consider increased density via other methods already established i.e. multi-family housing development by special review use. The potential for administrative streamline, along with other alternative housing options will be further discussed.

##### **2. Establishment of Incentives:**

Reis said incentives are another way to achieve affordable housing due to the high expense of ground and utility costs. She said energy efficiency standards will be improved by adoption of the 2012 International Building Codes (IBC) and the 2014 International Energy Conservation Code (IECC), and recommended reviewing both concepts together. Reis said along with development cost reductions are form-based zoning changes for reduced setbacks and/or unit/square footage requirements to promote higher density in areas where it makes sense. She said it would be good to

consider form-based requirements for all zones, with previous discussion about allowance for accessory dwelling units (ADU's) and tiny homes for larger lots, which can also provide a good subarea planning exercise.

Commissioner Duggan suggested prioritization of vacant lots over density increase. Reis said the market is likely more influential in whether vacant lots are developed than regulation, though incentives may assist. Trustee Miller said there is a mismatch between vacant lots, demand and the market push. She said that there is demand for 1600-1800sf houses, although there are few in the housing stock. Reis said the ground costs include extreme topography and erosion issues which make land more expensive to develop.

Trustee Miller asked about affordable housing targets based upon meeting area median income (AMI) despite market forces. Reis said conditional reviews can include specific conditions for affordable units, and/or incentives can be regulated via code. Reis said a public-private partnership will likely be undertaken for redevelopment of Town Shop site, although private developers not receiving assistance have expressed financial obstacles to creating affordable housing projects due to development costs.

### **3. Short-term rental aka vacation rental by owner (VRBO):**

Reis said VRBO's are a growing sector for lodging across Colorado with some municipalities already having established regulation, and about three dozen known VRBO's in this area. She referenced analysis compiled by Bakke to compare various regulatory avenues. Reis said establishment of a lodging tax requires a vote; however the Home Occupation license framework could be used to regulate VRBO's, if there is no support to enact a lodging tax.

Trustee Miller said she forwarded information about Durango's regulatory framework which regulates by the block, and noted the abundance of VRBO's in Summit County with many associated issues such as parking, noise, and trash. The Commission considerations included looking at occupancy limits, and homeowner or property representative residing on site or nearby.

### **4. Rental Licensing:**

Reis explained that long-term rental is considered over 30 days. She said that the proposal to enact rental licensing was discussed at the BOT/PC/BZA Work Session in April 2015, but failed to gain traction due to resident and landlord resistance to the proposed regulation. Reis said a prepackaged set of policies and basic implementation plan is already developed, which will include a proposed ordinance.

Reis referenced the City of Boulder's heavily regulated program, but stressed the goal for Nederland is to ensure basic habitability, with Town staff better able to compile data on housing stock, vacancy levels, and demand. She said rental licensing inspections can be added to building inspection and code enforcement by SAFEbuilt, with a proposed licensing fee to cover inspection costs. Reis noted that understaffing is a hurdle that may require addition of a part-time employee.

Reis said that adding units creates impact upon infrastructure unless already accounted for i.e. a 4-bedroom home on septic system in Big Springs which has the ability to provide long-term rental of two rooms.

Reis said illegal nonconforming multifamily structures in Old Town reported recently at the Board of Trustees will be addressed via Code Enforcement.

#### **5. Duplex/Triplex streamline (administrative):**

Reis said that new construction or additions to an existing structure for a duplex/triplex or up to four units could be streamlined via administrative review instead of the required special review use. This can reduce development costs, as potential applicants cite time and cost for land use processes as obstacles to development. Commissioner Williams added that undertaking the risk without a guarantee is definitely a limiting factor. Reis said that streamlining the review process can simultaneously address impacts, with the hope that rent price stabilization equates with less renter turnover.

Reis said that passive solar orientation upon a site can be a requirement, with other improvements from an update to the 2012 IBC and 2014 IECC codes.

#### **6. Accessory Dwelling Units (ADU's) and Tiny Homes:**

Reis said that ADU's are generally restricted by zoning or building codes. The Nederland Municipal Code has allowance for guest houses with specific criteria to ensure it is not to be used as a rental unit. She said ADU's are generally 1,000sf or less, which includes carriage houses and "mother-in-law" units, whereas "tiny homes" are generally 500sf or less, with at least one room at 120sf and other habitable rooms at 70sf, (excepting kitchens) as required by the building code. The current code does not specifically preclude tiny homes, though certain zoning regulations apply. Reis specified that mobile structures (i.e. not on permanent foundation), as some tiny homes and ADUs are presented, are regulated as a mobile home.

Commissioner Williams said that utility fees are a barrier for new development, with utility clustering able to allow considerable savings. Reis said utility demand is analyzed during administrative review, and clustering is typical for mobile home parks. The Commission further discussed mobile homes based on code requirements.

#### **7. Housing project at 5<sup>th</sup> Street Town Shop site**

For the last item beyond housing policy development, Reis said the Board of Trustees wants to advance the remediation and development of the old Town Shop site on 5<sup>th</sup> Street to be vacated in mid-November 2016 upon relocation to the new Public Works Facility site on Ridge Road.

Reis said the half-block parcel owned by the Town could potentially be joined by the remaining half of the block, which is currently a mobile home park. She said that parcel was purchased to create affordable housing for the owner's employees, and redevelopment could displace them. She said HUD funding and/or tax credits require a

specific displacement mitigation plan to be submitted.

Reis provided some background on previous site planning and noted the lack of recent investment for affordable units, with aging housing stock and western Boulder County considered the county's "affordable" area. She said she will invite the new Director of Housing or a staff representative to the Joint Work Session.

Reis said that the housing project for Kayla Evans' 17-acre parcel off Eldora Road has made it to 2<sup>nd</sup> round for application of low income tax credits, and may progress at the County review of the property's proposed annexation.

Trustee Miller said the GIS data provides a good background for infill development, and could be accompanied by a parcel-by-parcel analysis and site visits. Commission discussion considered workforce zoning as a special higher density district,. Reis said the Commission can establish criteria, i.e. proximity to transit, as part of a desired overlay district, with the Commission underscoring the importance to establish equitable criteria. Reis asked if the Commission would like to invite GIS engineer Lex Ivey to the Joint Work Session. They said they thought the data provided by Ivey would suffice.

## **2. Planning Commission 2017 Budget worksheet**

Reis introduced the item. She suggested the Commission request funds for increased legal and GIS support, as was done in 2016, to support their work on housing policy. She referenced the Budget Calendar, which provides the process timeline, and highlighted the Public Budget charrette on August 31 from 6-8 pm with departmental representation present to discuss funds requests.

Trustee Miller asked if the Commission should budget for administration of a long-term rental licensing and inspection program. Reis said it is appropriate to set aside funding toward achievement of the Board of Trustees' 2016-2017 goals for housing.

## **H. OTHER BUSINESS**

Commissioner Williams asked Reis what mechanism Mark Stringfellow could use to pursue higher density upon his Conger Street parcel. Reis said the Commission can anticipate a forthcoming submittal of a Special Review Use (SRU) application for multi-family housing at 179 Conger Street by Stringfellow.

Bakke said the Boulder County Parks, Open Space Advisory Committee (POSAC) will be reviewing the Big Springs Egress application on July 28 at 6:30pm, with the Board of County Commissioners' (BOCC) reviewing the request on August 9 at 11 am.


## **I. ADJOURNMENT**

**Motion to adjourn was made by Commissioner Williams, seconded by Commissioner Duggan, with all in favor. Meeting adjourned at 9:17 pm.**

**Approved by the Planning Commission,**

  
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Roger Cornell, Chairman, Planning Commission

**ATTEST:**

  
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Cynthia Bakke, Planning and Building Technician