



## Nederland Planning Commission

### MINUTES

Wednesday, September 24, 2014 ~ 7:00 pm

Nederland Community Center

750 Highway 72 North

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#### 1. CALL TO ORDER

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

#### 2. ROLL CALL

**Present:** (Acting Chair) Vice Chairman Williams, Commissioners Timmy Duggan, Stephanie Herring, Mikki Osterloo, Betty Porter and Trustee Liaison Topher Donahue

**Absent:** Chairman Cornell

**Also Present:** Town Administrator Alisha Reis, Deputy Clerk Cynthia Bakke, Town Intern Alex Armani-Munn

Vice Chairman Williams welcomed new Planning Commission member Timmy Duggan. Duggan thanked the Commission for their support.

Commissioner Osterloo said she is moving just outside of town limits and thus, will be submitting her resignation, with this to be her last meeting. Commissioner Osterloo assisted with the updated Comprehensive Plan, adopted as of 2013. Vice Chairman Williams thanked Commissioner Osterloo for her effort upon the Commission.

The Commission has 2 vacancies to fill.

#### 3. APPROVAL OF MINUTES from August 27, 2014

**Motion to approve August minutes as written was made by Commissioner Porter, seconded by Commissioner Osterloo, with all in favor.**

#### 4. PUBLIC COMMENT

There was no public comment.

Town Intern Alex Armani-Munn greeted the Commission. Administrator Reis said Munn will be assisting the DDA in their own forthcoming Master Plan update.

## **5. INFORMATION ITEMS**

Reis conveyed congratulations to the Commission as Nederland's Comprehensive Plan won the Honor Category for Sustainability and Environmental Planning by the American Planning Association's Colorado Chapter. Reis read from the award letter: "The project was chosen for the award because the committee felt the plan uniquely addresses sustainability with innovation, not typically found within Comprehensive Plans. Your engagement process focuses on what sustainability means to residents. The actionable elements of the plan are clear, and enhances the likelihood that implementation will occur."

Reis announced that Mayor Joe Gierlach will be accepting the award on the Town's behalf.

## **6. ACTION ITEMS**

### **Nederland Planning Process (NPP) review for the Mayor's Task Force on Building Code Updates (MTF BCU)**

Reis introduced the item. The Board of Trustees requested the NPP review after receiving recommendations from the MTF BCU, seated in February 2014 with representation from building industry professionals. Reis said that several recommendations have been forwarded for NPP review from the Planning Commission, Board of Zoning Adjustment, and the Sustainability Advisory Board; along with further staff review. Any updates to the building codes will revisit the Planning Commission.

Reis mentioned the unique process conducted to include building industry professionals from within the community. Should these codes be adopted, there will be a training conducted to familiarize the community with any changes, she said.

Reis explained that each task force meeting was devoted to specific code review. When the document was released for public view, both Trustee Kevin Mueller and builder Rich Tillotson (also on the Mayor's Task Force) submitted comments, included within the packet.

The Commission categorically reviewed the task force recommendations.

Commissioner Porter noted the absence of recommendation regarding off-street parking codes. Reis asked the Commission to consider if mandatory parking requirements are gratuitous, and thus, an encouragement of automobile usage.

Commissioner Herring questioned multi-family/duplex SRU considerations. Reis said the task force supported reviewing elimination of special review for duplex/triplex units, while retaining the case-by-case review on four-plex or larger multi-family units. The task force didn't include many specific code recommendations, thus, they will defer to the Planning Commission, Reis said.

Vice Chairman Williams asked about incentives for enhancing energy efficiency codes. Reis specifically addressed mechanical venting percentage relevance, however noted

that the task force more broadly favored encouragement and incentives vs. mandates for energy efficiency.

The Commission discussed pros and cons of incentive-based motivators, determining that incentives will be treated separately from recommendations forwarded at this time. Trustee Liaison Donahue conveyed the BOT's thought process regarding incentives, which favored disincentive fees for not including energy efficiency standards. The Board recognizes this is as a controversial issue, though the intent is to encourage better building efficiency, without diminishing staff review budget or causing undue financial burden upon residents, Donahue said.

Commissioner Porter noted that recommendations must factor in staff review time. Reis added that case-by-case board review of fee reductions is not efficient, though categories of efficiency can be documented and to accompany a building permit for administrative review, regardless of the incentive conclusion.

Commissioner Herring said she supports adopting the 2012 codes in total. Reis said that Town building inspectors SAFEbuilt supports adoption of the 2012 building codes and 2014 National Energy Code. Reis said that state inspectors are at 2014, thus, SAFEbuilt supports adoption of the 2014 electrical codes. Overall Commission discussion supported adopting the most current building codes.

Reis noted that there is a conflict between the task force recommendation to reduce frost depth to 30" vs. SAFEbuilt's recommendation to retain the 48" frost depth or require submittal from a structural engineer in support of lesser depth for foundation. Reis noted that the Town now has a third-party engineering company to review plans. The Commission agreed that 30" depth is not acceptable, supporting the preservation of the current frost depth, as well as the allowance within building engineer review to cite topographical or other unique concerns of a lot.

Reis said there was controversy about the sprinkler requirement for residential development, with the task force promoting an encouragement for new build and renovations of 20 percent or greater, and the fire department supporting required sprinklering in such homes. SAFEbuilt indicated support for waiving the sprinkler requirement for single-family residences only, with sprinklers required for multi-family units and commercial development.

Reis said that the MTF BCU preferred to encourage rather than mandate, although conversely, the Fire Department recommendation is to require sprinklers due to access and time considerations for the volunteer fire department. Commission consideration also included considerations of water pressure/utility demand and conflict with fire suppression systems.

The Commission discussed affordable housing recommendations. She acknowledged the necessity for more in-depth discussion, to include dwelling size and manufactured building materials, as well as alternative options like storage container dwellings.

Commissioner Herring noted that multi-family housing is not explicitly mentioned, as SRU was mentioned. In addition to size, questions about how much square footage per lot are required, and this needs to be considered comprehensively. Reis said it will be added to the overall recommendations.

Reis said that driveway specifications are 12%, maximum grade, with an allowance for up to 13% for 100 feet, though there were other tweaks recommended by the task force. She explained that review of infrastructure specifications never considered private property, though driveway grades clearly have impact upon town infrastructure. She mentioned discussion about bringing nonconforming driveways into conformance, noting that known drainage issues resulting from driveway grade get addressed prior to significant renovation or new build. Though not currently addressed within the code, Reis would recommend inclusion.

Reis acknowledged that residents have challenged the requirement of Grading and Drainage plans due to additional cost. She noted that the definition of "hillside area" is forthcoming, and that engineering review is necessary to determine when additional requirements of hillside development commence. Vice Chairman Williams suggested the discussion include outlots, as these were often areas with topographical peculiarities platted within subdivisions.

The Commission discussed ignition-resistant building materials at length. Boulder County has a detailed list of encouraged materials, which she will forward for review. She said that despite prohibiting shake shingles and encouragement to reduce burnable materials where possible, the town hasn't significantly addressed this topic.

Commissioner Osterloo advocated for stricter requirements due to wildfire risk. Trustee Donahue noted that within the urban setting, it may be ignition of an adjacent home, thus he supports ignition-resistant materials for all new developments. Reis said per Fire Chief Rick Dirr, the most common cause (up to 60%) is from improper disposal of fire ashes and outdated wiring in older homes. She suggested a simple magnetic checklist on proper ash disposal, as well as other educational outreach to be provided by the fire department.

Reis said retail marijuana licensing starts October 1, and the State of Colorado has chosen to let each municipality determine allowances in residential zoning areas. She said staff has met to determine how enforcement will be conducted, regardless of location, and that building codes are incorporating numerous requirements regarding review of cultivation facilities, particularly within residential areas.

The town policy related to asbestos abatement is governed by the State in conjunction with demolition, requiring testing and report, and documentation about mitigation, said Reis. There have been some best practices about sealing off leaving in place, so as not to disturb, but this must be demonstrated during building permitting. Vice Chairman Williams asked about a policy on transportation as an open truck can allow

materials to be friable. Williams suggested changing the wording in the section to reflect a review, not establish a policy; and include transportation of asbestos-laden materials.

Regarding permitting turnaround time, Reis stated that two-week turnaround is a departmental goal for new construction, with the intention to be as efficient as possible. She said there is no way to anticipate building season workload and noted that a same day policy is a challenge with rising volume and an inability to increase staff. She clarified that any building beyond a one-stop process requires pre-permit meetings conducted by town staff, and will request SAFEbuilt clarification re: code compliance pre-meetings. The Commission's suggestion was to remove this item from overall recommendations.

Reis recommended a code change re: (nonexistent) Design Review Board, as this is staff review. She said that the landscape plan is focused on anti-erosion elements and post construction re-vegetation.

She clarified the section regarding allowance for local fire department authority during town prescribed burns, to redirect if necessary based on weather etc.

Regarding the influence of the Comprehensive Plan, Reis said that the work plan for 2015 is to address "low-hanging fruit" such as zoning of public lands, the forthcoming housing issues, and discussion of regulation of vacation rental by owner (VRBO) and Bed and Breakfasts. The latter may be regulated and licensed through town to include a potential lodging tax, which can offset infrastructure strain from additional visitors, she said.

Reis asked the Commissioners to forward any questions, and said the Commission's recommendations will be forwarded for review before passing on to the BOT.

**Porter motioned to approve recommendations with brief change to the item on parking/mixed-use, seconded by Osterloo, with all in favor.**

## **G. DISCUSSION ITEM**

There were no discussion items.

## **H. OTHER BUSINESS**

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

Reis gave the update on recent Land Use cases that have come before the Commission.

She said that the Special Review Use (SRU) for a multi-family residence at 439 W. 3<sup>rd</sup> Street proposed by Wendy Williams was approved by the Board of Trustees (BOT).

She said that the Special Review Use (SRU) for a multi-family residence at 259 W. 3<sup>rd</sup> Street proposed by Arthur Marcher was not approved by the BOT. The Trustees' recommendation was that the home be returned to single-family residence. Reis reported that a fire wall separation was made, and Amacher was issued a letter from SAFEbuilt asking for voluntary compliance with a forthcoming building inspection.

She said that despite the Commission's recommendation for conditional approval of the SRU with the removal of the studio/shed, there was evidence the shed was in use. She noted that this will be an ongoing code enforcement investigation.

Commissioner Porter noted that 4<sup>th</sup> Street is still being used as a parking lot. Reis said that prescriptively engineered streets, i.e. narrowing, have proven more effective at speed reduction than speed bumps. The Police Department and Public Works are reviewing 3<sup>rd</sup> and 4<sup>th</sup> Street, though public parking is allowed on all public streets, she said.

The Commission will need to address unpermitted multi-family uses, as there are a significant number of nonconforming considerations, Reis said. Rental licensing will begin in January 2015, which will take time due to the high number of these situations in existence town-wide. Reis suggested that the Commission consider a work session to discuss the issue more in-depth. Commissioner Herring noted BOT's guidance as has been enacted with this case, though Vice Chairman Williams acknowledged that the volume compels a broader policy than individual review.

Reis noted that ClubNed Cannabis Café's Special Review Use Agreement stipulates a 6-month review. She said there have been no complaints associated with odor or sound; however, there have been parking complaints and other considerations.

The Commission's recommendations for changes to the Home Occupation code have been forwarded to the BOT. She said that Chairman Cornell will attend the BOT meeting to convey the Commission's consideration.

#### I. ADJOURNMENT

Motion to adjourn was made by Commissioner Osterloo, seconded by Commissioner Duggan, with all in favor. Meeting adjourned at 8:48 pm.

Approved by the Planning Commission,



Steve Williams, Vice Chairman, Planning Commission

ATTEST:



Cynthia Bakke, Deputy Town Clerk