



# TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466

September 23, 2015 - 7:00 P.M.

## MINUTES

---

### A. CALL TO ORDER

Vice Chairman Williams called the meeting to order at 7:06 pm.

### B. ROLL CALL

**Present:** Vice Chairman Steven Williams and Commissioners Stephanie Herring, Jesse Seavers, Greg Guevara and Wendy Williams.

**Absent:** Chairman Roger Cornell, Trustee Topher Donahue, and Commissioner Timmy Duggan.

**Also in attendance:** Town Administrator Alisha Reis, Deputy Clerk Cynthia Bakke, and Administrative Intern Alexander Armani-Munn.

### C. APPROVAL OF MINUTES FROM July 22, 2015

Motion to approve the minutes made by Vice Chairman Williams, seconded by Commissioner Herring, with 3 in favor, and abstention from Vice Chairman Williams and Commissioner Guevara who were absent from this meeting.

### D. PUBLIC COMMENT

There was no public in attendance.

### E. INFORMATION ITEMS

Reis said the Peak to Peak Housing Subcommittee will hold a housing discussion at 6:30 pm on September 29 at the Nederland Presbyterian Church. This will include elements of design and density to understand what is possible to achieve in Nederland, she said. She said that the public panel discussion will include herself, Trustee Charles Wood and representation by Boulder County Housing and Human Services.

Reis provided updates on the following projects which came before Planning Commission review, except for 91 Big Springs, as marijuana cultivation is a use-by-right in the General Commercial (GC) zoning district:

- The multi-use Special Review Use (SRU) on 1<sup>st</sup> Street by Greg and Kate Miller

was approved by the Board of Trustees, with the applicants intending to begin the process for construction of the new building.

- Steven Karowe will begin the pre-manufactured building phase at 80 Big Springs for a multi-use SRU, after completion of excavation and establishment of utilities upon the site.
- The NedPeds multimodal/drainage project is to commence in next 45 days. This project will be put out to bid as of September 25.
- The commercial marijuana cultivation facility at 91 Big Springs has been completed having passed both Police and Fire Department inspections, with impending final building inspection as well as Planning and Zoning inspection.

Reis indicated that permanent 2013 flood repairs will be ongoing at the Nederland Community Center and Jefferson Street, with Navajo Trail to follow, and the final phase for the Big Springs area, including Big Springs Drive, expected to take approximately 60 days. She indicated need for traffic control upon Big Springs Drive, some road closures, although one lane will likely be accessible at all times, as repairs will mainly occur upon the dirt portions to include Doe Trail, Alpine, Peakview and Big Springs Drives, along with cure-in-place repairs throughout town. She said updates will be provided as the project continues, and responded to an inquiry regarding how repairs align with the 30-year Community Center redevelopment plan.

## **F. ACTION ITEMS**

There were no action items.

## **G. DISCUSSION ITEMS**

### **1. EPA Final Next Steps Presentation by Alexander Armani-Munn**

Administrative Intern Alexander Armani-Munn showed a slide presentation summarizing the EPA Final Next Steps memorandum, to be presented to the Board of Trustees on October 6. He highlighted items within the Planning Commission scope, including update of the zoning code to align with the Comprehensive Plan, Vision 2020 and #NedZero, with Commission meetings potentially serving as a great venue for local developers and property owners to broaden the discussion.

Armani-Munn noted demand for small scale residential and retail space development, and allowance for home-based businesses. He said vacant lots in the downtown core provide opportunities to partner with the Downtown Development Authority (DDA) for redevelopment. To this end, he said next steps include zoning code revision, town staff administration of #NedZero to track progress, and preparation of conceptual plans for catalyst sites/facilities with a goal to build more attainable workforce housing. Armani-Munn indicated that zoning code revisions can improve code enforcement, home occupation allowances, and increase housing stock with accessory dwelling units, tiny homes, and multi-family housing units.

In order to facilitate workforce housing, “affordable housing” must be defined, town processes improved, with establishment of incentive policies, and review of the annexation process, he explained. Of the latter, Reis noted that the Intergovernmental Agreement (IGA) will expire in 7 years, and the decision to continue or decline

participation (as seen in many of the county's eastern communities) will come before the Commission.

Commission discussion included determination of median income for local jobs to augment definition of affordable housing, the desire to maintain town character and diversity, as well as the need for work sessions and public forums to further community dialogue. Reis noted a forthcoming phone conference with EPA officials with Commission request of sample policies for smaller communities.

Reis referenced the 2014 housing assessment that identified the greatest demand for rental housing in the range of \$750-\$1500 to align with 30% income benchmark (housing agencies commonly define the housing burdened as those who pay more than 30% of their income in housing costs). Commissioner Herring questioned whether the 30% benchmark spent toward housing is reasonable for the town compared to the national/state averages. Reis said town staff will need to integrate a host of diverse data tools geared toward Nederland-specific concerns.

## **2. 2015 Planning Commission Work Plan Update**

### **a. Short-term rentals – VRBO, Airbnb, Bed and Breakfast (B&B's)**

Reis introduced the item, stating that the current zoning code doesn't anticipate short-term rentals. She said town staff is aware of over 3 dozen short-term rentals in the area. She referenced the Colorado Association of Ski Towns (CAST) study, which analyzed impacts in other mountain communities, as a tool for further discussion on short-term rentals, as well as a link to be sent providing access to the study's base materials. She noted Boulder County has established short-term rental regulations for under and over 46 nights per year. She said there hasn't been community or Board input that such rentals are undesirable, and such rentals can allow increased capacity without additional hotel development, and/or additional income as home occupation businesses.

Reis reported a reduction of odor complaints from marijuana cultivation operations, partly due to a market change on sales of homes that were formerly rental units. She said that Special Review Use applications for residential cultivation are forthcoming.

Reis said that despite the Municipal Code defining B&B's, it is not included within the use group allowances for any zoning district. She indicated that impact fees or lodging taxes can provide revenue for infrastructure improvements or to offset housing assistance, and change of use inspections could assure safety. She said the discussion will incorporate current code analysis and enforcement methods with involvement of existing short-term rental providers' input seen as beneficial to understand impacts. Reis suggested a targeted work session for January 2016, with interim compilation of tools and public input.

### **b. Prioritized housing items for consolidated code update**

Reis introduced the item. She referenced the spreadsheet within the packet pertaining to infill analysis and highest redevelopment potential. She said there are 4 housing policy elements, several code update items, as well as creative housing concepts. Of the

latter, she noted that accessory dwelling units (ADU's) have been discussed with some challenging limitations, as most lots in the Big Springs subdivision have ample lot size, but may require upgraded septic systems to accommodate additional usage.

Reis referenced the existing ability to increase density within the Neighborhood Commercial (NC) zoning district via Planned Unit Development (PUD) to one unit per 2,000 square feet could be recommended for extension to the High Density Residential (HDR) district. Commissioner Williams suggested inviting the Board of Zoning Adjustment (BZA) into further housing discussions. Reis noted that focused effort regarding housing policy could allow beneficial changes within the next year, as the Commission's primary focus.

Reis said that the Dark Sky Initiative is established within development policies, and should be an easy item to attain. It was noted that the Caribou Village shopping center lights are downcast, but not necessarily in keeping with the Dark Sky Initiative. She said the town can retroactively encourage less impactful lighting, or the Commission can recommend a compliance period, with county assistance upon rebates and incentives for lowered energy usage.

Reis said that the Sustainability Advisory Board (SAB) is vital to develop measurable criteria for sustainability in future development. Commissioner Seavers, who also serves on the SAB, referenced the SAB scorecard for use in evaluating new development, although Reis said subjectivity must be reduced as much as possible for land use reviews, to avoid legal appeals.

Commissioner Herring suggested sustainability features be frontloaded for new development and further assisted with adoption of the 2012 Energy Conservation Code (IECC). Reis said the building code update, (along with the Dark Sky Initiative draft) will come before the Commission for recommendation in February, with potential adoption by the Board of Trustees in March, to be in place for the 2016 building season.

Reis said there will be an open house on October 19, held at the Community Center multi-purpose room, to discuss the ballot question to accept DOLA grant funds for the new Town Shop.

**c. GIS suitability analysis for #NedZero items pertaining to housing and commercial redevelopment and preservation potential.**

Reis said funding was included in the 2016 budget request to provide quantifiable analysis to expedite staff and board reviews. If approved, funds would be available as of January 1, with GIS engineer Lex Ivey able to undertake the process quickly, providing a useful tool to further the housing discussion, she said.

**H. OTHER BUSINESS**

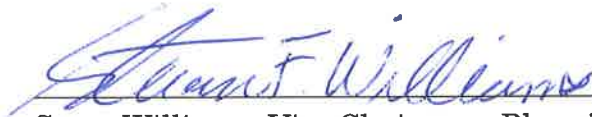
Reis said the prioritized work plan will be updated to stay on track.

Commissioner Herring indicated she will be absent for the October meeting.

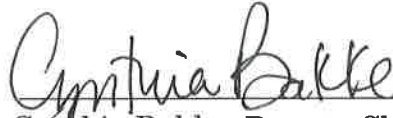
**I. ADJOURNMENT**

**Motion to adjourn was made by Commissioner Herring, seconded by Commissioner Williams, with all in favor (5). Meeting adjourned at 8:58 pm.**

Approved by the Planning Commission,



Steve Williams, Vice Chairman, Planning Commission



Cynthia Bakke, Deputy Clerk

ATTEST: