

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
July 11, 2018 @ 6:00 pm
AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Approval of Warrants - Amanda Kneer/Treasurer
2. Approval of the June 11, 2018 Meeting Minutes - Cindy Downing/Secretary

E. INFORMATIONAL ITEMS

1. CO Main Street Program Overview - Gayle Langley/CO Main Street Coordinator/DOLA
2. Boulder County PACE Program Overview – Matt Hannon/Business Sustainability Advisor
3. Treasurers Report - Amanda Kneer/Treasurer
4. Town of Nederland Administrator Report - Karen Gerrity/Town Administrator
5. Chair Report – Susan Schneider/Chair
6. Executive Director Report - Josiah Masingale/Executive Director

F. ACTION ITEMS

1. Chair and Vice-Chair Elections
2. Public Art Project Scope and Budget

G. DISCUSSION ITEMS

1. Short-Term Rental Ordinance
2. DDA Attorney Services

H. OTHER BUSINESS

I. ADJOURNMENT

NEXT REGULAR MEETING: August 8, 2018 6:00 pm at the Nederland Community Center Multi Purpose Room

The NDDA Board encourages citizen participation. Public hearings and the "unscheduled citizens" agenda item allow an opportunity to address the Board. Discussion is limited to 3 minutes and please address your comments to the Board. Thank you for your cooperation.

The NDDA Board may take action on any item included on this agenda, regardless of the heading under which such item appears. Discussion items may become action items if the Board determines that deferring final action on an item to a subsequent meeting is unnecessary or unwarranted and that taking immediate action does not compromise any third-party's rights.

Copies of the agendas and meeting packet are available at no cost via email from josiah@nederlanddowntown.org. The information is reviewed and studied by the Board members, eliminating lengthy discussions to gain basic understanding. Short discussion on agenda items does not reflect lack of thought or analysis.

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
June 11, 2018 @ 6:00 pm
BOARD MEETING MINUTES

A. CALL TO ORDER

Vice-Chair Brent Tregaskis called the meeting to order at 6:07 pm

B. ROLL CALL

Board Present: Brent Tregaskis, Amanda Kneer, Claudia Schauffler, Mark Stringfellow

Staff Present: Josiah Masingale (Executive Director)

Guests Present: Karen Gerrity, Town of Nederland Administrator; Chris Pelletier, Town of Nederland Public Works

Absent: Susan Schneider, Peter Marshall, and Dallas Masters had excused absences

C. PUBLIC COMMENT

Kenny Slovaski, a local food truck vendor, provided a public comment on the planning and zoning requirements, fee and provisional license for food trucks within town limits. He has requested a permit for the whole season thru May 2019.

It was decided by the Board to work with the Town and business owners on recommendations for Town Ordinance.

D. CONSENT AGENDA

1. Approval of Warrants-Amanda Kneer/Treasurer

- a. Discussed the Visitor Center upgrades. Chris Pelletier thanked the NDDA for it's support.

Motion to approve April – May 2018 Warrants; 2nd. Motion was approved unanimously.

2. Approval of the May 9, 2018 Meeting Minutes – Josiah Masingale/Executive Director

Motion to approve the May 9, 2018 meeting minuted; 2nd. Motion was approved with 2 yes and 2 abstaining (Brent Tregaskis and Mandy Kneer).

3. Approval of Amanda Kneer Re-Appointment to Board for Additional Term – Josiah Masingale/Executive Director

Motion to approve Amanda Kneer Re-Appointment to Board for Additional Term; 2nd. Motion was approved with 3 yes and 1 abstaining (Amanda Kneer).

E. INFORMATIONAL ITEMS

1. Treasurers Report – Amanda Kneer /Treasurer

Working on 2018 debt, will pay of the \$40,000 remaining soon.

2. Tow of Nederland Administrator Report – Karen Gerrity/Town Administrator

A report was included in the packet. Karen Gerrity provided a brief report on the highlights:

Chris Pelletier/Public Works provided an update on the Traffic Circle re-pavement in partnership with CDOT that concluded recently; CDOT also paved the highway through the bridge. CDOT is planning on re-paving Highway 72 South on Coal Creek Canyon. Chris Pelletier also provided an update on the Visitor Center upgrades which will be finished by August. Finally, Mr. Pelletier updated the board on the Chipeta Park improvement, including finalizing the trails, which will be completed by the end of July.

Firewise Cleanup went well; less people this year (filled 4 bins – last year 6).

Nederland Interagency Homeless Outreach position has been staffed. NDDA Board Member Claudia Schauffler has accepted the part-time position.

Safe Routes to School is working on sidewalk to school.

Loan was approved for the State Revolving Bio Solids project. Applied for funding from DOLA.

ADU Ordinance was passed by the Board of Trustees.

June 14th is Art @ the Center at the Community Center.

3. Chair Report – Susan Schneider/Chair

No Chair Report this meeting.

4. Executive Director Report – Josiah Masingale/Chair

A report was included in the packet. Karen Gerrity provided a brief report on the highlights:

Working on a possible public art mural project. Look at process of selecting property, artist, artwork design and terms by Town. There is a permitting process required for anything with text.

Hanging Flower Baskets of 40 have been delivered to downtown area businesses. Extra 15 have been ordered and will be delivered in June. The NDDA will need to place next year's order in September.

Beautification Plan is being implemented this week by Coloring Colorado. Elizabeth Allen provided a brief update to the Board including the installation of Farm Tub Watering Tubs.

Round-About is scheduled to be completed by the end of June.

F. ACTION ITEMS

1. NDDA Board of Directors Letter to Colorado Department of Transportation

Discussed the DRAFT letter to CDOT, including grammatical changes (Peak to Peak capitalized), changes to verbiage (Brent as Vice-Chair); and changes to language (CDOT collaborating on the Traffic Circle and paving through the bridge; delete "in Nederland" after 3rd bullet point).

Motion to approve Board of Directors Letter to CDOT with agreed upon changes incorporated; 2nd. Motion approved unanimously.

2. NDDA Board Bylaws Amendments to Section 5.401 Competitive Bid Requirements and Section 2.110 Board Membership

After a discussion, the board determined to table changes to Section 2.110. Discussion on circumstances that allow Sole Source process.

Motion to approve proposed Bylaws changes to Section 5.401 Competitive Bid Requirements; 2nd. Unanimously approved.

3. RiverWalk Preliminary Planning and Design Project Scope and Budget

After a discussion, the board determined to table this item. The board requested the Executive Director to communicate with DDA district property owners adjacent to the corridor from above the bridge to the weir. Request commitment to be involved in the process (and/or support) and then move forward with Action Item at future meeting.

4. Noxious Weed Removal Project Scope and Budget

Discussed notification of the project (especially spray dates) on the town and DDA website.

Motion to approve the Noxious Weed Removal Project Scope and Budget; 2nd. Unanimously approved.

5. Lakeview and Big Springs Parking Project Engineering and Planning Scope and Budget

After a discussion, the board determined to table this item. The board requested the project be broken up into two separate project encompassing Big Springs Drive and Lakeview Drive separately. The board requested additional quotes on the Big Springs Drive project, and additional input from the Sustainability Advisory Board and additional input from stakeholders on the Lakeview Drive project. Chris Pelletier discussed storm water integration into both projects, with a possible retention pond in the Lakeview Drive Project that would help with storm water management near Chipeta Park and Middle Boulder Creek.

6. Board Member Applications Review and Appointment

Discussed the two NDDA Board Applicants, with both applications (Steve Karowe and Rea Orthner) providing an overview of their application and answering questions from board members, including their top priorities as potential board members. Both members are property owners in the DDA district. There was a discussion regarding the possibility of accepting both applicants as board members.

Motion to appoint Steve Karowe and Rea Orthner to four-year terms on the NDDA Board of Directors; 2nd. Unanimously approved.

G. DISCUSSION ITEMS

1. Food Truck Use – Karen Gerrity/Town Administrator

The Town is seeking guidance from the NDDA Board on Food Truck use. It was noted that a similar discussion took place in 2014. The board discussed food truck use in the downtown area, asking the Executive Director to work with the Town to survey district business owners on the issue and for potential recommendations on long-term solutions. Additionally, research on impact of communities and businesses should be provided to the board at a future meeting.

2. Discover Nederland Guide Marketing

There was a discussion on possibly advertising in the Discover Nederland Guide for placement in key areas outside Nederland. The board requested the Executive Director to obtain details on costs.

3. Visitor Signage Project

There was a discussion on possibly creating Visitor Signage areas in key entry points to Town with would include a brochure with information on services, parking, businesses, etc. The board requested the Executive Director to continue working on this potential project.

4. DDA Attorney Services

The board was briefed on potential attorney's for the DDA to contract with on an hourly basis. It was noted that the DDA could potentially get a reduced rate from the Town's Attorney, but that it may also be best to have a dedicated attorney outside of Town counsel. The board requested further information on possible attorneys, including hourly rates, at the July board meeting.

H. OTHER BUSINESS

N/A

I. ADJOURNMENT

Meeting adjourned at 8:49pm.

NEXT REGULAR MEETING:

July 11, 2018 @ 6:00 pm at the Nederland Community Center Multi Purpose Room

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understanding. Short discussion on agenda items does not reflect lack of thought or analysis.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 11, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION: X ACTION: OR DISCUSSION:
=====

AGENDA ITEM:

CO Main Street Program Overview - Gayle Langley/CO Main Street Coordinator/DOLA

SUMMARY:

Gayle Langley, Main Street Coordinator for the Colorado Main Street Program under the Department of Local Affairs, will provide an overview of the CO Main Street Program, it's resources and technical assistance areas.

RECOMMENDATIONS:

N/A

FINANCIAL CONSIDERATIONS: N/A

ATTACHMENT(S): CO Main Street Program Presentation Supplemental Materials



COLORADO MAIN STREET

July 11, 2018 | Nederland



Services & Requirements

Services Available to MS:

- Trainings
- Work planning facilitation
- Consulting Services
- Annual mini-grants
- Annual Scholarships
- Technical assistance
- Preservation architectural assistance
- Resources

Requirements for MS:

- Apply and get accepted
- Sign an annual MOU
- Implement the Main Street approach
- Work to preserve historic resources
- Attend trainings
- Submit quarterly reports
 - (see reinvestment statistics-slide 6-8)
- Submit an annual work plan

COLORADO MAIN STREET PROGRAM SERVICES & BENEFITS

SERVICES	BENEFIT/VALUE
Mini-grants	\$2,500-\$10,000-/year
Scholarships	Per community: \$2,500/year
Consultant services	Range: \$5,000 - \$25,000/community
Technical assistance	Education
Trainings/Webinars	Education
Resources	Education
National Network	Over 2500 communities



RESOURCES

- **Understanding Certified Local Governments Guide**

Toolkits:

- **Volunteer Engagement**
- **Community Building and Partnerships**
- **Key Messages and Communications**
- **Board of Directors**



Board of Directors

Informed, engaged and empowered leadership at the local level is key to downtown revitalization success. This snapshot document and complementary training presentation and videos answer the most pressing questions about board of directors function and boil down the critical management strategies so you can quickly absorb the most relevant points and get back to making great communities.



HOW TO TELL YOUR STORY

DEFINE IT
Craft your story using the indicators you already track:

- New businesses and local jobs created
- Community events and attendees
- Public and private financial investment
- Number of volunteers and their time contribution

CREATE IT

- Create infographics to make your data more engaging and interesting
- Develop an Annual Report to show comprehensive impact
- Take photos of events, improvements, and people enjoying your downtown
- Collect testimonials from stakeholders, businesses, and residents about their experiences

SHARE IT

- Present your story at City Council meetings, to service organizations, and other community groups
- Connect with your local media to pitch a story about the benefits of downtown revitalization
- Host luncheon events with local businesses and stakeholders
- Use social media to share progress and updates





RESOURCES

Colorado Main Street: www.colorado.gov/dola/main-street-story

National Main Street Center:
<http://www.preservationnation.org/main-street/>

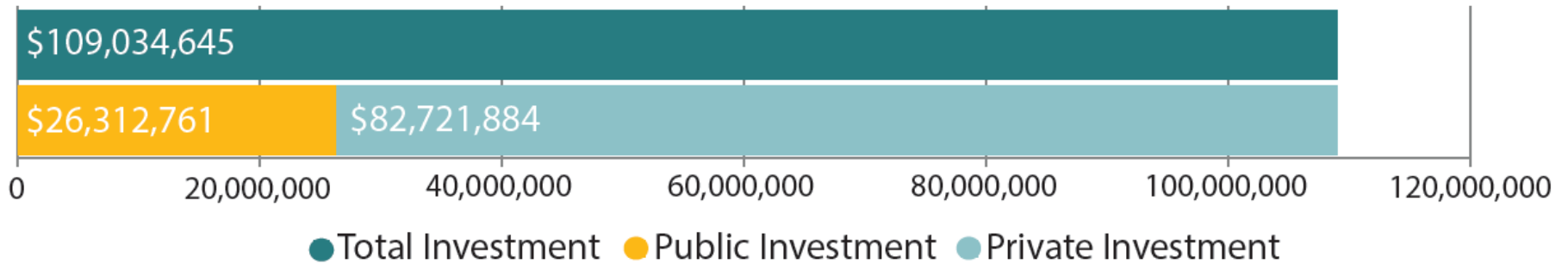
Like Colorado main Street and DOLA on Facebook

Follow DOLA on Twitter

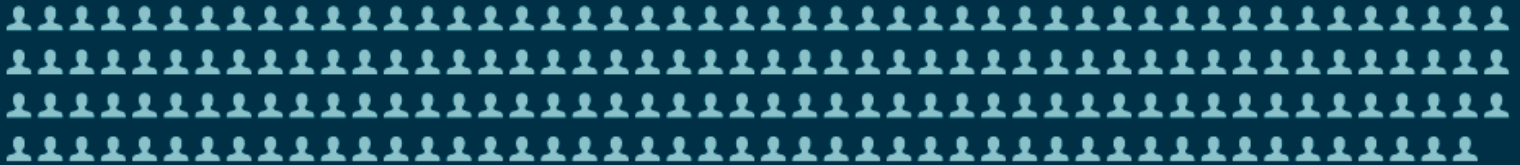
Sign up for our quarterly Main Street newsletter



2017 COLORADO REINVESTMENT STATISTICS



206
FULL TIME JOBS



270
PART TIME JOBS



2017 COLORADO REINVESTMENT STATISTICS



IMPROVEMENTS
& REHABILITATION
FACADE IMPROVEMENTS &
BUILDING REHABILITATIONS

163

2017 COLORADO REINVESTMENT STATISTICS



259

MAIN STREET
SPONSORED
EVENTS



209K

SPONSORED
EVENT
ATTENDANCE



19K

INDIVIDUAL
VOLUNTEER
HOURS



\$468K

VALUE OF ALL
VOLUNTEER
HOURS

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MEETING DATE: July 11, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION: X ACTION: OR DISCUSSION:
=====

AGENDA ITEM:

Boulder County PACE Program Overview – Matt Hannon/Business Sustainability Advisor

SUMMARY:

Matt Hannon, Business Sustainability Advisory with Boulder County Public Health, will provide a presentation on the Boulder County Partners for a Clean Environment Program.

RECOMMENDATIONS:

N/A

FINANCIAL CONSIDERATIONS: N/A

ATTACHMENT(S): Boulder County PACE Program Presentation Supplemental Materials



Partners
for a Clean
Environment

PARTNERS FOR A CLEAN ENVIRONMENT

Nederland DDA Presentation

July 11, 2018

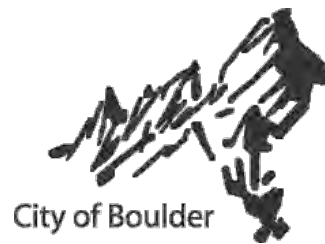
Matt Hannon

What is PACE?



For over 20 years, Partners for a Clean Environment (PACE) has been your one-stop-shop for business sustainability in Boulder County.

Voluntary program funded by City of Boulder and Boulder County

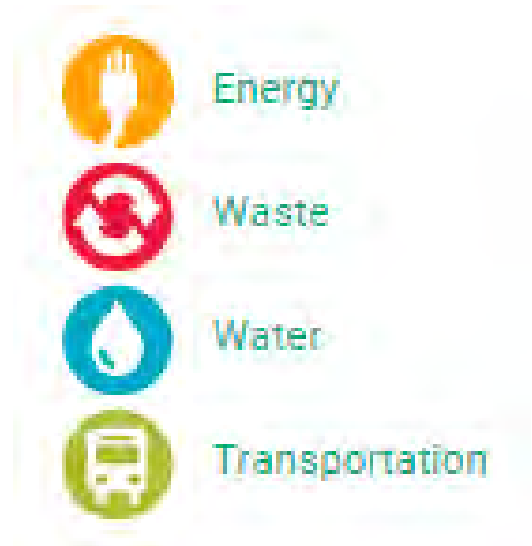


What is PACE?



Expert advisors:

- Energy Efficiency
- Waste Reduction
- Water Quality and Efficiency
- Transportation



PACE's Impact



Partners
for a Clean
Environment

PACE advisors have helped

2,300

businesses make upgrades

Upgrades have led to

130

businesses earning PACE certification

GHG reductions equivalent to taking

4,700

cars of the road

Boulder County businesses are saving

\$2,000,000

on their utility bills every year

Meet the Advisors



City of Boulder

Ambra Sutherlin
Elizabeth Montalbano
Kaela Martins
Denise Grimm
Toby Russell



Other Areas of the County

Zac Swank
Matt Hannon



Energy Advising



PACE assists businesses:

- Energy efficiency assessments
- Obtain cost saving rebates
- Identify contractors
- Evaluate proposals



Rebates



Boulder County offers rebates that can be combined with Xcel and Efficiency Works rebates!

- Lighting
- HVAC
- Refrigeration
- Kitchen Equipment
- Motors
- Compressors
- Renewables



Efficiency Works™



Zero Waste Advising

PACE assists businesses:

- Assess and support waste reduction
- Facilitate waste hauler bids
- Custom waste diversion signage
- \$300 incentive for indoor bins
- Employee training
- Hard to recycle materials assistance



Zero Waste Advising



Partners
for a Clean
Environment

COMPOST This

It will turn into soil.

- Food & Plants**
Food leftovers, peels
- Coffee & Tea**
Coffee grounds and filters, tea bags
- Food Service Items**
Compostable cups, plates, utensils
- Paper Products**
Napkins, paper towels, tissues, sticky notes, Kraft envelopes, and cardboards

Please, NO Styrofoam, plastic or foil

RECYCLE This

It will become new material.

- Plastic #s 1-7**
Plastic bottles, jugs, jugs, containers, jugs
- Cans**
Aluminum cans and foil, metal lids, tin pans
- Glass**
Glass bottles and jars
- Paper & Cardboard**
Printer paper, file folders, boxes

Please, NO Styrofoam or plastic bags

TRASH This

It will go to a landfill.

- Wrappers**
Plastic wrap, cellophane
- Some Cups**
Non-compostable beverage cups
- Styrofoam**
Styrofoam containers and cups
- Plastic and Chip Bags**
Including sandwich bags

Please, NO compostables or recyclables



Water Efficiency

PACE assists businesses:

- Water efficiency assessments
- Pre-rinse spray valve installs
- High efficiency aerator installs
- Outdoor irrigation assessments (CRC)



Transportation



PACE assists businesses with:

- EV charging station grants (RAQC)
- Bike racks
- Partnerships with TMOs



PACE Certification



- PACE certification in
 - Energy efficiency
 - Water efficiency
 - Waste diversion
 - Transportation
- Businesses receive
 - Certificates
 - Posters
 - Decals
 - Self-marketing toolkit
 - Website listing
 - Potential articles and ads



Recognition Partnerships



- City branded tiered recognition
 - Bronze, Silver, or Gold
 - Recognizes businesses where they are at
- Businesses receive
 - Recognition event
 - Decals
 - Newspaper article
 - Potential ads
 - Ongoing support



Thank you!



To learn more:

- www.pacepartners.com
- info@pacepartners.com
- **303-786-7223**



AGENDA INFORMATION MEMORANDUM NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

Meeting Date: July 11, 2018

Prepared By: Karen Gerrity, Town Administrator

Dept: Admin

Consent Information Action Discussion

STAFF REPORT FROM TOWN ADMINISTRATOR

JULY 4 PARADE



Town staff partnered with volunteers and area businesses to host a fun and festive July 4th parade. It was a great way to celebrate the holiday.

COLORADO MUNICIPAL LEAGUE CONFERENCE

Colorado Municipal League (CML) Conference Highlights

<http://www.cml.org/annual-conference/>

Legislative Updates

New legislation was presented and the four page summation is attached. Examples include SB 18-007 which extends the Colorado Low-Income Housing Tax for an additional 5 years, SB 18-243 which clarifies local control over public consumption of alcohol beverages in public places, HB 18-1003 which establishes the 10-member Opioid and Other Substance Use Disorders Study Committee and SB 18-001 the Fix Colorado Roads Act which provides local governments with additional funds through the Highway Users Tax Fund. Nederland will receive an additional \$14,968 on July 1, 2018 and \$4,536 on July 1, 2019.

Attached to this report is a complete list of legislative updates presented at CML>

Making Affordable Housing a Reality in Small Communities

The Division of Housing within the Department of Local Affairs hosted the first session in this presentation. They act as the Statewide Housing Authority and Building Department. Their main goal is for housing construction and preservation for persons with the lowest income. What they fund includes down-payment assistance and owner rehabilitation and they also provide technical assistance to communities. For more information, visit www.colorado.gov/pacific/dola/division-housing.

The second session was presented by the Colorado Housing and Finance Authority (CHFA) and they also provide programs with a workforce attraction and retention strategy which include down payment assistance options, conventional and government financing and homebuyer education. CHFA can provide up to 5% down payment and closing cost assistance in the form of a grant or 0% deferred and can also be paired with DOH funding programs (in some cases) to provide deeper assistance. For more information, visit <https://www.chfainfo.com>.

These presentations illustrate the plethora of affordable housing programs available to the Nederland residents and workforce. In a follow up meeting with representatives from the Boulder County Regional Partnerships, they pointed out that they can send the town a comprehensive list of similar programs including the Personal Investment Enterprise program (www.BoulderCountyPie.org) through Boulder County Community Action Programs and United Way.

Wildfire Mitigation-We Are all This Together

This was a session presented by the Colorado Department of Public Safety-Division of Fire Prevention and Control. Topics discussed included the seasonal outlook and the changing nature of the fire problem, the role of the Colorado State Forest Service, and the challenges and barriers to wildfire

mitigation. The 2018 Fire Season Forecast calls for an above average season similar to 2013. Fire activity and the subsequent costs continue to increase in Colorado.

The Colorado State Forest Service is the lead state agency providing forest stewardship and wildfire mitigation assistance to private landowners. They are an agency of the Warner College of Natural Resources at CSU. They also administer state and federal grants for treatments and planning efforts. State Forester and Director, Mike Lester is going to get back to me regarding if and how they might be able to contribute to the *Big Spring Egress* project.

Amendment 64 Turns Five: What will the Next Five Years Bring?

The first major bi-partisan federal cannabis bill, The Strengthening the Teeth Amendment Through Entrusting States Act, amends the Controlled Substances Act to permit regulated cannabis activity that is legal under state or tribal law. Amends the definition of marijuana to exclude industrial hems and eases banking and tax issues by clarifying state-legal activity is “not deemed to be the proceeds of an unlawful transaction”.

The next frontier for the marijuana business includes social consumption, scientific testing for impairment, clear findings to inform doctors’ decisions, pesticide use/enforcement, cannabis events, and social clubs.

SHORT TERM RENTALS

On June 27 the Planning Commission considered a DRAFT Ordinance regarding Short-Term Rental Licensing and associated regulations during a public hearing. Citizen input focused on the “primary residence” requirement proposed in the ordinance. The planning commission voted to change the language from “primary residence” to “one property allowed for STR by entity”. For comparison purposes, staff has provided the DDA with copies of the ordinance presented at the June 27 Planning Commission meeting, the revised ordinance based on the public hearing and the minutes from the meeting. These are all attached to the STR agenda item memo. The Planning Commission is sending the ordinance to the Board of Trustees who will consider it during a discussion item on July 17.

SB 18-007 **AFFORDABLE HOUSING**
Low Income Housing Tax Credit

The act continues the Colorado Low-Income Housing Tax Credit, which is scheduled to expire after 2019, for an additional years. Effective: May 22, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 18-1096 **BEER & LIQUOR**
Special Event Permits

The act existing liquor rules. It adds to the list of organizations authorized to obtain a special event permit any organization that is incorporated under Colorado law for educational purposes. It removes the requirement that a special event permit be issued to a municipality only if the municipality owns an art facility and instead allows a special event permit to be issued to any municipality, county, or special district. Effective: Aug. 8, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 18-173 **BEER & LIQUOR**
Removal of Partially Consumed Vinous Liquor

The act adds certain liquor licensees that may allow a customer to reseal and remove from the licensed premises one opened container of partially consumed vinous liquor if the licensee has meals or sandwiches and light snacks available for consumption on the licensed premises. Effective: Aug. 8, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 18-243 **BEER & LIQUOR**
Retail Alcohol Beverage Sales

SB 18-243 makes substantive changes to laws governing the sale of fermented malt beverages, which become identical in law to malt liquor beginning on Jan. 1, 2019. Upon enactment, new or relocating fermented malt beverage licensees will be subject to distance restrictions from educational institutions and other establishments licensed for off-premise consumption, with certain exceptions. With certain exceptions, fermented malt beverage retail stores will be subject to food sale requirements. The act requirements pertaining to delivery of alcohol beverages by certain licensees, and updates provisions related to alcohol beverage tastings in retail liquor stores and liquor licensed drug stores. The act local control over public consumption of alcohol beverages in public places, with certain restrictions and also changes the maximum number of licenses a retail liquor store and liquor licensed drugstore licensee may have. Contains numerous other provisions. Effective: Most sections effective June 4, 2018; other sections effective July 1, 2018, or Jan. 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 18-1314 **CRIMINAL JUSTICE**
Drone Interference with Public Safety

Under this act, it is a class 2 misdemeanor offense to obstruct a peace , emergency medical service provider, rescue specialist, or volunteer with an unmanned aircraft system, commonly referred to as a drone. The act further obstructs as acting in a manner that

obstructs, impairs, or hinders emergency public safety operations. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 18-1418 **EMPLOYMENT**
Use of Criminal Convictions in Employment

This act amends existing law directing a state or local agency, when deciding whether to issue a license or permit, to consider an individual's criminal record in determining whether the individual is of good moral character. It changes the determination to consider whether only the individual is and allows additional considerations. The act prohibits a state or local agency from taking adverse action concerning a license or permit or not extending an offer of employment if an individual has been arrested but not charged, or has been convicted but pardoned, had the conviction record sealed, or had a collateral order entered concerning the conviction. Contains additional provisions related to state licensure. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 18-1234 **LIMITED GAMING**
Clarification of Gambling

HB 18-1234 amends the of key terms used in the criminal statutes governing simulated gambling devices, including the of "simulated gambling device" to include devices that combine the elements of chance and skill, in accordance with the state constitution. The bill also provides a safe harbor to businesses that ceased activities before July 1, 2018. Effective: June 6, 2018. Lobbyists: Meghan Dollar, mdollar@cml.org; Dianne Criswell, dcriswell@cml.org.

SB 18-191 **LIMITED GAMING**
Local Government Limited Gaming Impact Fund

This bill the distribution of the state share of the gaming tax by changing the distribution from \$5 million annually to the Local Government Limited Gaming Impact Fund to \$5 million plus an annual increase equal to the growth of the state share of gaming tax revenue. Requires the Department of Local Affairs to study the fund to identify if grants are going to strictly gaming impacted entities. Directs the Department of Human Services to improve the current gambling addiction treatment program. Effective: May 29, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 18-066 **LOTTERY**
Division of Lottery

SB 18-066 reauthorizes the Division of Lottery until July 1, 2049. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 18-1381 **MARIJUANA**
Permissive Medical Marijuana Vertical Integration

The act eliminates the requirement that a medical marijuana center source 70 percent of the medical marijuana it sells from its associated optional premises cultivation facility and that requires an optional premises cultivation facility to have

70 percent of the medical marijuana it cultivates sold through its associated medical marijuana center. The act allows medical marijuana centers to source medical marijuana from any optional premises cultivation facility. HB 18-1381 contains numerous provisions related to transitioning from the limited sourcing model, as well as other provisions. Effective: Some sections effective July 1, 2018. Remaining sections effective July 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 18-1389 **MARIJUANA**

Centralized Marijuana Distribution Permit

HB 18-1389 creates a centralized distribution permit to an optional premises cultivation facility or retail marijuana cultivation facility authorizing temporary storage on its licensed premises of marijuana concentrate or marijuana products for the sole purpose of transfer to the permit holder's respective commonly owned medical marijuana centers or retail marijuana stores. The act requires an applicant send a copy of its application to the local jurisdiction and for the state licensing authority to notify the local jurisdiction of its determination. Effective: May 24, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 18-259 **MARIJUANA**

Local Government Marijuana Taxes

SB 18-259 requires a county or municipality that levies excise tax on the sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility (retail marijuana excise tax) to levy the tax at a rate of up to 5 percent of the average market rate (the only basis for calculation allowed under current law) of the unprocessed retail marijuana if the transaction is between retail marijuana business licensees and at a rate of up to 5 percent of the contract price of the unprocessed retail marijuana if the transaction is between retail marijuana business licensees. The act creates a temporary exception to allow the continued collection of excise tax through the end of 2020 for counties or municipalities that received prior voter approval to levy only an excise tax calculated based on the average market rate of the unprocessed retail marijuana. Contains other provisions. Effective: Jan. 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 18-271 **MARIJUANA**

Colocation of Research Licensees with Other Licensees

Subject to rules of the Marijuana Enforcement Division and if permitted by the local licensing authority, SB 18-271 authorizes marijuana research and development licensees and marijuana research and development cultivation licensees to transfer unused marijuana within the regulated marijuana industry, as well as for research licensees to be co-located at the premises of a medical marijuana-infused products manufacturer or a retail marijuana products manufacturer. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 18-1353 **MUNICIPAL COURTS**

Defense Counsel in Municipal Court Grant Program

The act creates a grant program in the Department of Local Affairs to provide funds to municipalities to cover the costs of defense counsel required by HB 16-1309. It appropriates \$1.85 million for the year. Effective: May 30, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 18-203 **MUNICIPAL COURTS**

Conflict-free Representation in Municipal Courts

The act requires municipalities to provide independent indigent defense for each indigent defendant charged with a crime that has a possible sentence of incarceration. Independent defense is to be overseen by the municipality, but must be provided by a nonpartisan entity that is independent of the municipal court by Jan. 1, 2020. Authorized entities that may provide or evaluate independent defense include the of the Alternate Defense Counsel (OADC) or any Colorado law school legal aid clinic, or an attorney or group of attorneys as long as they are not with the municipality receiving the services. Municipalities contracting for the provision of independent indigent defense must ensure that the independent defense selection process is transparent and merit based, each contracted indigent defense attorney is evaluated by an independent entity no later than one year after being hired and at least every three years thereafter, and evaluation results must be provided in writing to the municipality along with any corrective action recommendations. The act provides that municipalities may also establish a local independent defense commission or coordinate with one or more other municipalities to create a regional independent defense commission. Any such commission must include at least three commissioners. Any commission created has the responsibility and exclusive authority to appoint independent defense counsel for a term of at least one year, has the sole authority to supervise appointed independent defense counsel and may discharge him or her for cause. Finally, the commission must ensure that indigent defendants receive legal services equal to those available for non-indigent defendants and in accordance with Colorado rules of professional conduct and American Bar Association standards. Municipalities that wish to use the OADC for independent defense or evaluation services must request such services on or before Sept. 1, 2018, and on or before each year thereafter. The OADC is required to notify municipalities requesting independent defense or evaluation services of its ability to provide such services on May 1, 2019 and on or before each year thereafter. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 18-230 **OIL AND GAS**

Forced Pooling Requirements

This act how oil and gas forced pooling orders are conducted in Colorado, the legislation expands the period to mineral owners from 30 days to 60 days; Reforms the process in a manner that informs all mineral owners of their rights and responsibilities under the law; and removes nonconsenting owners of liability for any unforeseen accidents or spills. Effective: July 1, 2017. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 18-1003**PUBLIC SAFETY****Opioid Misuse Prevention**

The act establishes the 10-member Opioid and Other Substance Use Disorders Study Committee as an interim study committee through July 1, 2020. It that school-based health centers that apply for grants from the grant program from the Department of Public Health and Environment can use this funding for education, intervention, and prevention for opioid, alcohol, marijuana, and other substance use disorders. The legislation also requires the Department of Health Care Policy and Financing to make grants to organizations to operate screening, brief intervention, and referral to treatment programs and requiring that a total of \$1.5 million in grants be awarded. It directs the Center for Research into Substance Use Disorder Prevention, Treatment, and Recovery Support Strategies at the University of Colorado Health Sciences Center to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and prescribe opioids when appropriate, requiring the center to develop education and training for law enforcement and responders, and appropriates funding for that program. Finally, the act requires the governor to direct the Colorado Consortium for Prescription Drug Abuse Prevention to develop a strategic plan concerning substance use recovery services and issue recommendations to the General Assembly by Jan. 1, 2020. Effective: May 21, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 18-1020**PUBLIC SAFETY****Civil Forfeiture Reforms**

The act a reporting agency for the purpose of making it clear which agencies are required to submit seizure reports to the Department of Local Affairs as required by HB 17-1313. The legislation also adds seizures related to local public nuisance laws or ordinances to the list of seizures to be reported and creates two law enforcement grants. The two grant programs are law enforcement assistance grant program and the law enforcement community services grant program. The act changes the distribution formula to give 25 percent to behavioral service providers and 25 percent to the newly created Law Enforcement Community Services Grant Fund, with the remaining 50 percent still going to the governing body of the seizing agency. Effective: Sept. 1, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 18-1325**PUBLIC SAFETY****Digital Trunked Radio**

The act expands the allowable use of the Public Safety Communications Trust Fund. It appropriates \$2 million from the General Fund to the trust fund to coverage gaps in the state digital trunked radio system. Effective: April 30, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 18-1394**PUBLIC SAFETY****Colorado Disaster Emergency Act**

The act adds statutory regarding emergency management, mitigation, recovery, resiliency, and response.

Subject to available grant funding, this act continues the Colorado Resiliency (CRO) by codifying it in the Department of Local Affairs (DOLA). The is to create and maintain the resiliency and community recovery program. In developing the resiliency and community recovery program, the CRO must complete a participatory process that includes local governments; state agencies; business, labor industry, agriculture, civic and volunteer organizations; academia; community leaders; and other stakeholder participation. The act relocates existing statute regarding the Expert Emergency Response Committee within Title 24, makes changes to update emergency management terminology, and adds the executive director of DOLA or his or her designee to the committee. Finally, the act that by June 30, 2019, and regularly thereafter, the of Emergency Management in the Department of Public Safety must update the centralized response computer database to include a listing of all-hazards recovery resources located in the state. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

SB 18-024**PUBLIC SAFETY****Access to Behavioral Healthcare Providers**

The act adds behavioral health care providers and candidates for certain types of professional licensure to the list of health care providers eligible for loan repayment. It that candidates for licensure must serve at least two years in a rural or shortage area after obtaining a license, plus the time spent obtaining supervised experience hours. Effective: May 22, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

HB 18-1128**RECORDS****Data Breach Notification**

HB 18-1128 requires private and governmental entities in Colorado that maintain paper or electronic documents containing personal identifying information (PII) to do adopt policies to maintain and destroy PII; implement and maintain reasonable security procedures for PII; and disclose and provide of data breaches. Effective: Sept. 1, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

SB 18-086**RECORDS****Record Cryptology**

This act directs certain state to take actions to protect state records containing trusted sensitive and information from criminal, unauthorized, or inadvertent manipulation or theft. It also prohibits county or municipal governments from imposing taxes, fees, or licensing requirements for distributed ledger technologies. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 18-1022**TAXATION****Sales – Sales Tax Simplification**

HB 18-1022 requires the Department of Revenue to issue a request for information for an electronic sales and use tax system that the state or any local government that levies a sales or use tax, including a home rule municipality and county, could choose to use that

would provide administrative _____ to the state and local sales and use tax system. Effective March 1, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

SB 18-002 TELECOMMUNICATIONS

High Cost Support Mechanism Transfer to Broadband Grants

SB 18-002 amends the _____ of “broadband network” to increase the speed at least 10 Mbps or the FCC minimum, which is currently 25 Mbps. It amends the _____ of “unserved area” to refer to an area that is unincorporated, or within a municipality with fewer than 7,500 inhabitants. The act requires the Public Utilities Commission to allocate _____ amounts of high cost support mechanism (HCSM) money to broadband deployment and makes conforming amendments. The act changes the membership of the Department of Regulatory Agencies Broadband Deployment Board, prohibits funding a proposed project that overlaps or overbuilds another broadband project and requires the grants for a proposed project to match the _____ of “broadband network.” Contains numerous other provisions related to grant criteria and procedures. Effective: Aug. 8, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 18-1103 TRANSPORTATION

Local Government Off-Highway Vehicle Regulation

This act allows local governments to impose additional safety requirements for off-highway vehicles on roads within their jurisdiction. The bill _____ that local governments who impose these ordinances will do so consistent with state rules. Effective Date: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 18-1191 TRANSPORTATION

Local Authority to Alter Speed Limits

This act adds additional criteria (such as road characteristics, crash statistics, and pedestrian and bicycle activity in the vicinity) that can be taken into consideration by local governments when determining whether to raise or lower speed limits. Effective: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

HB 18-1285 TRANSPORTATION

Free Parking for Persons with Disabilities

This act changes statutory guidelines for persons with disabilities qualifying for free parking. The bill allows free parking only for individuals who are physically unable to pay a parking meter and have received written medical _____ Those individuals that qualify will receive a special remuneration-exempt parking placard indicating their status. The act repeals existing authority for a person with a disability to park without paying. Effective: Jan. 1, 2019 Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 18-001 TRANSPORTATION

Infrastructure Funding

The act provides two General Fund contributions with local share backs through the Highway Users Tax Fund

(HUTF) formula. The legislation appropriates \$495 million in FY 2018-19 and \$150 million in FY 2019-20, with 15 percent designated to municipalities and counties, and 15 percent to multimodal in both years. This means Colorado municipalities will receive an aggregate total of \$37.1 million this year and \$11.2 million next year. The bill also stipulates that 85 percent of the multimodal funding go solely to local governments. The bill also refers a \$2.35 billion bonding measure for voter approval in 2019, unless a citizen initiative passes in the November 2018 election, and allows the _____ tranche in lease purchase agreements authorized through SB 17-267 to move forward. Effective: May 31, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 18-144 TRANSPORTATION

Bicycles Approaching Intersections

This act permits a municipality to adopt a local ordinance regulating the operation of bicycles approaching intersections with stop lights or stop signs. The bill authorizes municipalities to allow bikers to pass through an intersection without stopping at a reduced rate of speed if it is safe to proceed. It also adopts a standard set of criteria to ensure the law is applied consistently statewide. Effective: May 3, 2017. Lobbyist: Morgan Cullen, mcullen@cml.org.

SB 18-248 URBAN RENEWAL

Treatment of Voter Approved Revenue Increases

For urban renewal plans adopted or substantially after Jan. 1, 2016, SB 18-248 removes the responsibility of a county treasurer from calculating the increment used to _____ urban renewal projects attributable to taxes approved after the urban renewal plan was adopted or to revenues attributable to a subsequent debrucing. The act permits an urban renewal authority and a municipality or any other taxing entity to negotiate for the purpose of entering into an agreement on the issues of the amount of repayment, the mechanics of how repayment of the additional revenues will be accomplished, a method for resolving disputes regarding the amount of repayment, and whether the municipality or taxing entity will waive the repayment requirement, singularly or in combination, and are further authorized to enter into an intergovernmental agreement regarding any of these issues. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 18-167 UTILITIES

8-1-1 Enforcement Requirements

This act transforms Colorado’s 8-1-1 “call before you dig” program into a true one-call system by requiring tier-1 membership of all facility owners. Currently in Colorado, facility owners can be either tier-1 or tier-2 members, which provide different levels of _____ and costs for locate requests. It also creates a statewide 12-member safety commission with broad oversight and enforcement authority over the organization, its members and excavators. Effective: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 11, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION: X ACTION: OR DISCUSSION:
=====

AGENDA ITEM: Executive Director's Report for July 2018

SUMMARY:

- Staffing Report: Staff costs on budget. Starting to work on TARP 2018 activities.
- Board/Staff Conflict of Interest Annual Statement: Will be emailing out the COI Annual Statement for Board completion in July; please complete, sign and return for NDDA records (see attachment).
- Board Roster: Current Board Roster (see attachment).
- Board Committees: Need to finalize committee's and committee representation for future Board AIM Action Item. Please work with the Executive Director to identify which committee's you are interested in participating on (see attachment). Reminder, only two board members allowed per committee.
- Noxious Weed Workshop July 14th – The DDA is providing a Noxious Weed Workshop the morning of Saturday July 14th at Hub Ned (see attachment). This workshop is part of the TARP 2018 project and the Noxious Weed Control project.
- CDOT Letter Follow-up: Emailed follow-up to the letter to CDOT Commissioner Stuart (represents Boulder County) and CDOT Region 4 Director Johnny Olson.
- TARP 2018 Update: Will begin outreach activities to businesses on training and technical assistance needs in July and August. Will implement trainings, workshops and technical assistance visits in fall.
- 2018 Beautification Plan: 55 Flower Baskets Delivered in total. Will need to order roughly 100 next year and order should be placed in September; 2018 Beautification activities well underway, with billing being processed monthly; Round-About work completed on July 3rd (big thanks to the Nederland Community Presbyterian Church and Pastor Wendlandt for their sponsorship of the Rocky Mountain Mission volunteers supervised by RMM Coordinator Jim Reiss).
- RiverWalk Property Owner Outreach: Letters sent to twelve DDA District Property Owners adjacent to Middle Boulder Creek from above the Bridge to the Weir asking them to respond to the letter with a commitment to be involved in preliminary plan-

ning, or for approval of the preliminary planning if unavailable locally. Received one positive response so far (see attachment for letter example).

- Visitor Signage and Brochure: Working on RFP/DDA AIM for installation of visitor center sign posts in key areas of Town. Need to work on a DDA designed brochure that can be used at these signposts and can be updated internally as needed.
- Parking: Working on obtaining additional quotes for the perspective Big Springs Drive and Lakeview Drive (separate projects) free parking projects; Working on a possible RFP for paid parking solutions in the Visitor Center Parking Lot and 1st Street.
- Discover Nederland Publication: Working on obtaining rates for an advertisement, and for costs of a re-print that the DDA could distribute in key locations across the Front Range.
- Food Truck Usage: Mayor and Town Board of Trustees have requested that the DDA lead the discussion around future potential requirements and recommendations; suggested ad-hoc committee to determine next steps and for input/recommendations.
- 2018 DDA Survey Results: No new responses. Below is a link to the survey...
<https://www.surveymonkey.com/r/LQL6JNL>

RECOMMENDATIONS: N/A

FINANCIAL CONSIDERATIONS: N/A

ATTACHMENTS:

1. Conflict of Interest Annual Statement
2. NDDA Board Roster
3. DRAFT NDDA Board Committee Descriptions and Members
4. Noxious Weed Identification and Control Workshop Advertisement
5. RiverWalk Outreach Letter Sample

**Nederland Downtown Development Authority
Potential Conflict of Interest Disclosure Declaration
July 1, 2018 – June 30, 2019**

Name: _____
Position: _____
Phone (s) (W) _____ (O) _____

PLEASE REFERENCE NDDA BOARD BYLAWS SECTION 2.300 FOR CONFLICT OF INTEREST POLICY.

I declare the following current or prior relationships with individuals or entities currently transacting or soliciting business with Nederland Downtown Development Authority.

Individual or Company Name and Nature of Relationship

1. _____
2. _____
3. _____

I declare the following current or prior relationships with individuals, as Board of Directors currently serving or providing services to Nederland Downtown Development Authority.

Individual or Company Name and Nature of Relationship

1. _____
2. _____
3. _____

I declare the following participation in ongoing political activities on behalf of another person, organization or myself.

Activity or Campaign and Nature of Relationship

1. _____
2. _____
3. _____

I declare that I have read and understand my responsibilities with respect to the Nederland Downtown Development Authority Conflict of Interest Policy. I agree to update this form whenever necessary.

Signature: _____ Date: _____

Nederland Downtown Development Authority Board of Directors Roster

Board Chair:

Susan Schneider (Property Owner Designee)
CityWide Banks, Banking Center Manager/VP
Term Expires June 30, 2022

Vice Chair:

Brent Tregaskis (Property Owner Designee)
Eldora Mountain Resort, General Manager
Term Expires June 30, 2021

Treasurer:

Mandy Kneer (Business Owner)
A.S.K. Accounting, Owner
Term Expires June 30, 2022

Steve Karowe (Property Owner)
LDK Ventures, LLC, Manager
Term Expires June 30, 2022

Dallas Masters (Board of Trustees Liaison)
Town of Nederland Trustee
Term Expires – N/A

Rea Orthner (Property Owner)
Peak Ecological Services, LLC, Owner
Term Expires June 30, 2022

Claudia Schauffler (Business Owner)
The Shop, Owner
Term Expires June 30, 2021

Mark Stringfellow (Property Owner)
Term Expires June 30, 2020

NDDA Executive Director:

Josiah Masingale
josiah@nederlanddowntown.org

NDDA Secretary

Cindy Downing

As of July 11, 2018

Nederland Downtown Development Authority Committee Descriptions and Members

Overview (from NDDA Board of Directors Bylaws Section 3.600 Committees): The Board, by resolution adopted by a majority of the Board, may designate and appoint one or more committees, each of which shall consist of no more than two board members and may contain members of the public. Committees shall have and exercise such authority as shall be granted to them by such resolution; provided, however, such committee shall not have the power or authority to adopt an agreement of merger or consolidation or an agreement for the sale, lease or exchange of all, or substantially all of the Authority's property and assets, dissolve the Authority or amend the rules of the Authority. Any member of a committee may be removed by the board whenever in their judgment the best interests of the Authority shall be served by such removal.

Executive Committee: The Executive Committee shall be composed of the duly elected officers of the Authority and shall be led by the Board Chair. This committee shall be responsible for contract review; shall be involved in necessary legal matters; and shall lead Director annual appraisal.

Executive Committee Members: Susan Schneider (Chair) and Brent Tregaskis (Vice-Chair)

Finance Committee: The Finance Committee shall be led by the Board Treasurer. This committee shall review monthly financials ahead of board meeting; maintain fiscal controls and policies; shall lead the annual budget development; and lead audits/financial reviews.

Finance Committee Members: Mandy Kneer (Treasurer) and

Beautification Committee: The Beautification Committee shall be led by the Director. The committee shall provide input into Authority beautification planning and implementation projects.

Beautification Committee Members:

Constituent Relations Committee: The Constituent Relations Committee shall be led by the Director. The committee shall provide input into Authority constituent relations, including appropriate messaging and events planning for Authority projects.

Constituent Relations Committee Members:

Economic Development and Infrastructure Committee: The Economic Development and Infrastructure Committee shall be led by the Director. The committee shall provide input into Authority economic development and infrastructure projects.

Economic Development and Infrastructure Committee Members:

Arts and Cultural Committee: The Arts and Culture Committee shall be led by the Director. The committee shall provide policy and procedures and recommendations for public/private art projects sponsored by the DDA, and shall provide input into Authority arts and cultural projects.

Arts and Cultural Committee Members:

Food Truck Usage Committee: This ad-hoc committee shall be led by the Director. The ad-hoc committee shall provide input on recommendations to the Town Board of Trustees regarding Food Truck usage in the Downtown Development District.

Food Truck Usage Committee Members:



www.NederlandDowntown.org

**Nederland Downtown Development Authority's
Weed Identification and Control Workshop — FREE
Saturday July 14, 2018 9am — Noon**

Hosted by HUB NED — 80 Big Springs Dr Suite 202, Nederland, CO 80466

Presented by Rea Orthner/Peak Ecological Services LLC
and Steve Ryder/State Weed Coordinator for the CO Department of Agriculture



Come learn about weed control laws, how weeds got here, why they cause huge problems for our environment, and what we can do about them. We will identify weeds, and conduct a walk around town to identify weeds in the field.



Come participate in this impactful, FUN Workshop!

FREE - *RSVP's Appreciated* by emailing

Josiah@NederlandDowntown.org or calling 303-258-3266 x28





Susan Schneider
Banking Center Manager, VP - Citywide Banks
26 Hwy 119/PO Box 69 Nederland, CO 80466

June 30, 2018

RE: Potential Nederland RiverWalk Project

Dear Valued Property/Business Owner,

The Nederland Downtown Development Authority (NDDA) Board of Directors, as envisioned in our 2017 Master Plan, are considering taking preliminary surveying, community engagement, planning and design steps towards the creation of a RiverWalk. A major strategy for economic and infrastructure development, as well as accessibility, walkability and safety of the downtown area, the RiverWalk project is one of the strategies of the 2017 Master Plan that most resonates with NDDA constituents and has broad support from the community at-large.

There are four major issues from the Master Plan that the NDDA could potentially address with the project. (1) Poor Walkability and Connectivity (especially the pedestrian crossing from the Visitor Center to 1st Street). (2) Lack of Access to River to Residents and Visitors. (3) Improvements and Protection of Middle Boulder Creek and the Riparian Wetlands. (4) Economic Development

While the project has broad support, there has been little formal planning, design, or engineering work conducted to begin the process of realizing a RiverWalk. Preliminary design and planning will allow the NDDA to address these issues in an engaged and informed way, ensuring that any RiverWalk project has broad community support and input. Preliminary planning steps are to map the area and property owners, conduct outreach with stakeholders, and to create a preliminary design which then can be critiqued by our District constituents before moving to final design and construction. This preliminary planning process would involve experts in various fields and would involve the public and specifically property owners adjacent to the creek.

Prior to moving forward with the preliminary planning phase, the NDDA Board of Directors is asking for a commitment from local property owners to be involved in the process.

We ask that you take a moment and email (or mail) me at Josiah@NederlandDowntown.org with your property address and your commitment (or non-commitment) to being involved, or if you are unavailable locally, your support of the preliminary planning process.

Please contact me with any questions or other comments. 303-898-5365 (Cell)

Sincerely,

Josiah Masingale

Executive Director, Nederland Downtown Development Authority

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 11, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION: _____ ACTION: X OR DISCUSSION: _____
=====

AGENDA ITEM:

NDDA Board of Directors Chair and Vice-Chair Elections.

SUMMARY:

The NDDA Board of Directors Bylaws requires an annual election of the Chair and Vice-Chair to take place at the first regularly scheduled meeting every July. Currently Susan Schneider serves as Chair and Brent Tregaskis serves as Vice-Chair.

RECOMMENDATIONS:

Motion and Approve a Chair and Vice-Chair to serve through July 2019.

FINANCIAL CONSIDERATIONS: N/A

ATTACHMENT(S): N/A

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 11, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION:____ ACTION:_X_ OR DISCUSSION:____
=====

AGENDA ITEM:

Public Art Project Scope and Budget.

SUMMARY:

The DDA, in line with it's 2017 Master Plan, seeks to provide a public art project in the Downtown Development District. This project is intended to be a public-private partnership with local property and business owners, the DDA, and local artists.

This project will seek to establish a budget to support local public art and art placed in/on private property which will enhance to overall look and feel of downtown spaces. While no specific projects are offered in the scope and budget, the DDA would like to provide an overall process for how such projects would be identified, selected and approved.

The scope and budget requests authorization of \$20,000 to be used to fund permanent and/or semi-permanent art displays that would be selected through an RFP process and reviewed by a Committee of the DDA Board. Upon selection, a formal presentation on the location, proposed art and artist will be provided to the Town of Nederland Town Administrator for final approval.

If approved, the budget will be an action item at the July 17th Board of Trustees Meeting.

RECOMMENDATIONS:

Approve \$20,000 for a Public Art Project.

FINANCIAL CONSIDERATIONS:

\$20,000 project budget to be used from voter approved 2017 Debt Authorization.

ATTACHMENT(S):

DRAFT NDDA Action Item for July 17th Board of Trustees Meeting.

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2018 – X

A RESOLUTION OF THE NEDERLAND BOARD OF TRUSTEES AUTHORIZING A LOAN FROM FUND BALANCE IN THE TOWN’S WATER FUND TO THE TOWN DEVELOPMENT AUTHORITY (DDA) FUND, AND PROVIDING FOR THE REPAYMENT OF THE LOAN FROM THE DDA’S TAX INCREMENT FINANCING RECEIPTS

WHEREAS, the Board of the Nederland Downtown Development Authority (“DDA”) has determined that the DDA should finance a Public Art Project.

WHEREAS, pursuant to C.R.S. § 31-25-808(1)(g), the DDA is authorized to receive contributions, loans and other rights and privileges from the municipality or county in which it is located; and

WHEREAS, the net cost of the loan payable from the Water Fund of the Town of Nederland (“Town”) for the payment of principal and interest on such advances or loans is expected to be approximately \$20,000.00; and

WHEREAS, the DDA Fund must receive an advance or loan of money to accomplish the refinancing, and

WHEREAS, at an election held on November 7, 2017 the voters authorized the Town to borrow up to \$2,300,000, repayable only from tax increment revenues collected within the DDA and revenues derived by the Town pursuant to the DDA plan of development; and

WHEREAS, of that authorized amount, \$45,455.65 has been issued, leaving remaining authorization of \$2,254,544.35; and

WHEREAS, a loan from the Town Water Fund could be accomplished at less administrative and financing cost to the DDA than a publicly financed debt; and

WHEREAS, the Town Water Fund balance can provide the necessary funding without hampering the operations or replacement schedules of the Water Fund; and

WHEREAS, the Town Board of Trustees has therefore determined that it is in the best interest of the Town to loan a portion of the fund balance in the Town’s Water Fund to the DDA Fund, the loans bearing interest at the Wall Street Journal’s published prime rate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE

TOWN OF NEDERLAND, COLORADO:

Section 1. The Board of Trustees of the Town of Nederland hereby authorizes a loan from the fund balance in the Town's Water Fund in the amount of \$20,000.00 to the DDA Fund, which loan shall bear interest at the WSJ's current prime rate not to exceed 7% and not fall below 2.5%, for the purposes of financing the Public Art Project, for the period of August 1, 2018 – December 31, 2019.

Section 2. The Town Treasurer shall repay this loan in monthly installments over a 12-month period, with accrued interest, from the DDA Tax Increment Financing receipts to the Water Fund by November 2019. There shall be no penalties imposed for early prepayment.

RESOLVED, APPROVED and ADOPTED this 17th day of July, 2018.

TOWN OF NEDERLAND

By: _____
Mayor Kristopher Larsen

ATTEST:

Nicole Cavalino, Town Clerk

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 11, 2018

INITIATED BY: Rea Orthner, Board Member

INFORMATION:___ ACTION:___ OR DISCUSSION: X
=====

AGENDA ITEM: Proposed Short Term Rental Ordinance review and discussion.

SUMMARY:

The Planning Commission recently passed a Short-Term Rental (STR) Licensing Ordinance on June 27, 2018. The Ordinance includes some limitations for Commercial Business Owners.

Does the DDA want to discuss the proposed Ordinance and provide the Board of Trustees (BOT) with specific recommendations to the language of the STR Ordinance to help preserve and protect the rights of Commercial Business owners?

RECOMMENDATIONS.

None.

FINANCIAL CONSIDERATIONS:

Limitations on the number of type of businesses that a Commercial property owner can have weakens the financial base that a Commercial property owner can depend upon for income.

ATTACHMENTS:

- 1) Short-Term Rental Ordinance after June 18, 2018 Planning Commission Meeting.
- 2) Short-Term Rental Ordinance Comparison
- 3) DRAFT Planning Commission Meeting Minutes for June 29, 2018
- 4) Nederland Ordinance 785 for Accessory Dwelling Units

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 7XX

AN ORDINANCE AMENDING CHAPTERS 6 AND 16 OF THE NEDERLAND MUNICIPAL CODE, CONCERNING BUSINESS LICENSING AND ZONING, RESPECTIVELY, TO ESTABLISH A SHORT-TERM RENTAL LICENSING PROGRAM

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the Town possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, the Board of the Town finds that there exists within the Town from time to time, residential dwelling units that are offered for rent for the purpose of vacation or other short-term stays of less than 30 days; and

WHEREAS, in discussion with the Planning Commission at a joint work session on August 24, 2016, the Board determined it prudent to establish regulations governing such uses, so as to protect the health, safety and welfare of residents of the Town, and so directed the Planning Commission to draft related policy for the Board’s consideration; and

WHEREAS, the Planning Commission has made certain recommendations to the Board of Trustees regarding amendments to Chapters 6, Licensing, and 16, Zoning, of the Town of Nederland Municipal Code (“Code”), related to short-term rental of housing units and related licensing; and

WHEREAS, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305, the Planning Commission held a continuing public hearing at many meetings, including on June 27, 2018; and

WHEREAS, in order to protect residential integrity within the Town, the Board finds and determines it is necessary to adopt licensing regulations and restrictions on the renting or leasing of real property for residential occupancy of less than 30 days; and

WHEREAS, the Board finds that the establishment of a licensing program will accomplish this goal, protect the health, safety, and welfare of the public, and prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. The following Article is hereby added to Chapter 6 of the Nederland Municipal Code.

ARTICLE XII

Short-term Rental Business Licensing

Sec. 6-291. Definitions.

Advertise means any act, method or means of drawing attention to a short term rental for purposes of promoting the same for rent or occupancy.

Imminent danger shall mean a condition that could cause serious or life-threatening injury or death at any time.

Licensed premises means the premises specified in an approved application for a license under this Article which are owned or in the possession of the licensee and within which such licensee is authorized to provide short term rental accommodations in accordance with this Article.

Short term rental means a residence or portion thereof used for lodging accommodations for transients for a period of less than thirty (30) consecutive days per transient renter.

Sec. 6-292. Application for license; term; renewal; non-transferable.

(a) License application. Applications for a short term rental license shall be submitted to the Town Clerk on a form provided by the Town, and the Town Clerk shall accept no incomplete applications. Applications shall provide the following information:

(1) The full name, residential address and telephone number for the applicant.

(2) The full name, address and telephone number of an authorized agent with either a residential or business address within fifty (50) miles of the Town, along with a copy of the writing designating the agent to act, in the applicant's absence, as the representative of the applicant on issues related to the short term rental.

(3) A sworn affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit the use of the licensed premises as a short term rental, and that the application is complete and contains no false, misleading or fraudulent statements.

(4) The address of the proposed licensed premises and a description or illustration of the area(s) that will be used for short term rental purposes.

(5) Proof of the lawful possession of the licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written authorization, signed and notarized, from the owner of the licensed premises for the use of the same for short term rentals.

(6) An application fee in an amount set forth in the Town Fee Schedule.

(7) A delineated off-street parking plan for guests' cars, which provides for parking for all users of the rental space.

(8) Information as to how the rental unit is served by utilities. If the unit is served by a septic system, a copy of the latest inspection must be included with the application. All utility payments owed to the Town, related to the rental unit, must be kept current.

(9) A certification by the applicant that the dwelling unit is equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment as required by the locally adopted International Residential Code (IRC) Building Code and Fire Code.

(10) A completed short-term rentals self-inspection form, which form shall be provided by the Town Clerk, signed by the applicant under penalty of perjury.

(11) An acknowledgement that the licensed premises of the dwelling unit may be subject to a request for a pre-arranged inspection by appropriate building, fire, and zoning officials, and that a failure to allow such pre-arranged inspection shall, in the discretion of the Town Administrator, result in a suspension of the short-term rental license pursuant to Section 6-10 of this Code.

(12) Such other information determined necessary by the Town Clerk to evaluate the compliance of the applicant, licensed premises or proposed short term rental activity with the requirements of this Code.

(b) It is the duty of each short term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the Town within ten (10) days after the date upon which any information provided is no longer accurate.

(c) Each license issued under this Article shall be issued on a calendar year basis and shall expire with the calendar year for which issued.

(d) The renewal of a license under this Article shall follow the annual renewal process and requirements set forth under Section 6-9 of this Code.

(e) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.

(f) Upon the issuance or renewal of a license, the Town Clerk shall send written notice of such issuance to each distinct mailing address within two hundred (200) feet of the licensed premises. The Town Clerk shall notify the Town Administrator of any objective, Code-based concerns or alleged violations identified by such property owners responding to said written notice, and the Town Administrator, or his or her designee, may refer to these concerns at the applicable time.

(g) The Town Administrator is hereby authorized to promulgate any necessary rules or regulations associated with the license application.

(h) Upon receipt by the Town Clerk of an alleged violation of this Article or a discrepancy in the rental license application and the use of the building, the information provided on the application shall be updated by the landlord.

Sec. 6-293. Minimum health and safety standards; inspections.

(a) Each licensed premises licensed under this Article shall comply with all building, housing and health codes which, if violated, would constitute an imminent danger.

(b) No license under this Article shall be issued until the applicant submits a completed short-term rentals self-inspection form, which form shall be provided by the Town Clerk, signed by the applicant under penalty of perjury, as well as an acknowledgement that the licensed premises of the dwelling unit may be subject to a request for a pre-arranged inspection by appropriate building, fire, and zoning officials, and that a failure to allow such pre-arranged inspection shall, in the discretion of the Town Administrator, result in a suspension of the short-term rental license pursuant to Section 6-10 of this Code.

(c) A short-term rentals self-inspection form of the license premises shall be completed and signed by the applicant before the initial issuance of any license under this Article, and shall be submitted every year thereafter.

Sec. 6-294. Limitations; Requirements.

(a) Each licensee shall submit to the Town, on a yearly basis, an affidavit, signed by the licensee and notarized, confirming payment of all applicable sales and lodging taxes.

(b) Each licensee shall post at a prominent place inside the premises a notice containing the following:

- (1) Licensee's contact information;
- (2) Emergency contact information if the licensee cannot be reached;
- (3) Local trash and recycling schedule;
- (4) Parking restrictions, if applicable;
- (5) Water restrictions, if applicable;
- (6) Evacuation directions in the event of fire or emergency;
- (7) Location of the fire extinguisher;
- (8) Contact information of the owner or agent authorized to respond to emergencies or inquiries; and
- (9) Town contact information for purposes of complaints concerning the licensed premises.

(c) There shall be an owner or representative who is on call full time to manage the property during any period which the property is occupied as a short term rental. The owner or representative shall be required to respond to an active guest within three (3) hours by phone or in person.

(d) The license number shall be prominently displayed on all hosting sites and advertising listings of the licensed premises.

(e) Sales tax must be collected and remitted on each short-term rental stay in accordance with State and Local requirements.

(f) Recreational Vehicles (RVs), which includes all vehicles that bear a Vehicle Identification Number (VIN), tents, campers or other temporary structures are not eligible for a short term rental license, and such use is prohibited for short term rentals.

(g) Accessory Dwelling Units (ADUs) or other detached accessory structures are not eligible for a short-term rental license, and such use is prohibited for short term rentals.

(h) Each licensee/applicant may only obtain one license within the Town limits. No individual/family/legal entity shall obtain more than one short term rental license by the Town, nor may any individual/family/legal entity rent out more than one residence or property within the Town under this Article.

Sec. 6-295. Suspension and revocation; appeal.

Each license issued under this Article is subject to suspension and revocation proceedings, including the availability to appeal the outcome thereof, as set forth under this Code.

Sec. 6-296. Unlawful acts.

It is unlawful for any person to:

(a) Operate a short term rental without a smoke detector, carbon monoxide detector and fire extinguisher on the licensed premises during each short term rental occupancy period.

(b) Operate a short term rental that does not comply with all applicable State and Town laws and codes.

(c) Advertise any short term rental without including in such advertisement the short term rental license number issued by the Town under this Article.

(d) Fail to collect or remit sales tax due on the sale of short term rentals as required by law.

(e) Operate a short term rental or permit the use or occupancy of the same in violation of any the requirements of this Code, concerning zoning, including but not limited to occupancy limitations.

(f) Construct or modify a licensed premises for short term rental purposes in violation of this Code, concerning building regulations, including any code adopted by reference therein.

Secs. 6-297—6-310. Reserved.

Section 2. Section 16-32, entitled “Use Groups,” is hereby amended as follows:

Sec. 16-32. Use groups.

<i>USE GROUPS</i>	<i>DISTRICTS</i>						
	<i>F</i>	<i>MR LDR MDR HDR</i>	<i>NC</i>	<i>CBD</i>	<i>GC</i>	<i>I</i>	<i>P⁷</i>
<i>Commercial Use Groups</i>							
Hotels and motels	N	N	R	R	R	N	N
Campgrounds and resort cabins	R	N	N	N	N	N	R
<u>Short-term Rental Units</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>

"N" = use groups prohibited

"R" = use groups permitted by special review

"Y" = use groups permitted outright

Section 3. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such

judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 5. Effective Date. This ordinance shall take effect six months days after adoption by the Board of Trustees.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2018.

TOWN OF NEDERLAND, COLORADO

Kristopher Larsen, Mayor

ATTEST:

Nicole Cavalino, Town Clerk

APPROVED AS TO FORM:

Nina Petraro, Town Attorney

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 7XX

AN ORDINANCE AMENDING CHAPTERS 6 AND 16 OF THE NEDERLAND MUNICIPAL CODE, CONCERNING BUSINESS LICENSING AND ZONING, RESPECTIVELY, TO ESTABLISH A SHORT-TERM RENTAL LICENSING PROGRAM

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the Town possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, the Board of the Town finds that there exists within the Town from time to time, residential dwelling units that are offered for rent for the purpose of vacation or other short-term stays of less than 30 days; and

WHEREAS, in discussion with the Planning Commission at a joint work session on August 24, 2016, the Board determined it prudent to establish regulations governing such uses, so as to protect the health, safety and welfare of residents of the Town, and so directed the Planning Commission to draft related policy for the Board’s consideration; and

WHEREAS, the Planning Commission has made certain recommendations to the Board of Trustees regarding amendments to Chapters 6, Licensing, and 16, Zoning, of the Town of Nederland Municipal Code (“Code”), related to short-term rental of housing units and related licensing; and

WHEREAS, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305, the Planning Commission held a continuing public hearing at many meetings, including on June 27, 2018; and

WHEREAS, in order to protect residential integrity within the Town, the Board finds and determines it is necessary to adopt licensing regulations and restrictions on the renting or leasing of real property for residential occupancy of less than 30 days; and

WHEREAS, the Board finds that the establishment of a licensing program will accomplish this goal, protect the health, safety, and welfare of the public, and prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. The following Article is hereby added to Chapter 6 of the Nederland Municipal Code.

ARTICLE XII

Short-term Rental Business Licensing

Sec. 6-291. Definitions.

Advertise means any act, method or means of drawing attention to a short term rental for purposes of promoting the same for rent or occupancy.

Imminent danger shall mean a condition that could cause serious or life-threatening injury or death at any time.

Licensed premises means the premises specified in an approved application for a license under this Article which are owned or in the possession of the licensee and within which such licensee is authorized to provide short term rental accommodations in accordance with this Article.

~~*Primary residence* means a residence which is the usual place of return for housing as documented by the occupant's: (1) driver's license OR Colorado state identification card; AND (2) voter registration; motor vehicle registration; OR designated residence for tax purposes. An applicant for a license under this Article may have only one (1) primary residence for purposes of this Article.~~

Short term rental means a ~~primary~~ residence or portion thereof used for lodging accommodations for transients for a period of less than thirty (30) consecutive days per transient renter.

Sec. 6-292. Application for license; term; renewal; non-transferable.

(a) License application. Applications for a short term rental license shall be submitted to the Town Clerk on a form provided by the Town, and the Town Clerk shall accept no incomplete applications. Applications shall provide the following information:

(1) The full name, residential address and telephone number for the applicant.

(2) The full name, address and telephone number of an authorized agent with either a residential or business address within fifty (50) miles of the Town, along with a copy of the writing designating the agent to act, in the applicant's absence, as the representative of the applicant on issues related to the short term rental.

(3) A sworn affidavit that the applicant has followed all license requirements, that there are no private rules or covenants that prohibit

the use of the licensed premises as a short term rental, and that the application is complete and contains no false, misleading or fraudulent statements.

(4) The address of the proposed licensed premises and a description or illustration of the area(s) that will be used for short term rental purposes.

(5) Proof of the lawful possession of the licensed premises by the applicant, either by deed or lease. If the applicant is not the owner, the application shall include written authorization, signed and notarized, from the owner of the licensed premises for the use of the same for short term rentals.

~~(6) Proof of applicant's primary residence at the licensed premises, by providing: (1) the applicant's driver's license OR Colorado state identification card; AND (2) the applicant's voter registration; motor vehicle registration; OR document(s) designating a residence for tax purposes.~~

~~(7) (6) An application fee in an amount set forth in the Town Fee Schedule.~~

~~(8) A delineated off-street parking plan for guests' cars, which provides for parking for all users of the rental space.~~

~~(9) A sales tax license issued by the State of Colorado.~~

~~(10) (8) Information as to how the rental unit is served by utilities. If the unit is served by a septic system, a copy of the latest inspection must be included with the application. All utility payments owed to the Town, related to the rental unit, must be kept current.~~

~~(11) A certification by the applicant that the dwelling unit is equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment as required by the locally adopted International Residential Code (IRC) Building Code and Fire Code.~~

~~(12) (10) A completed short-term rentals self-inspection form, which form shall be provided by the Town Clerk, signed by the applicant under penalty of perjury.~~

~~(13) (11) An acknowledgement that the licensed premises of the dwelling unit may be subject to a request for a pre-arranged inspection by appropriate building, fire, and zoning officials, and that a failure to allow such pre-arranged inspection shall, in the discretion of the Town Administrator, result in a suspension of the short-term rental license pursuant to Section 6-10 of this Code.~~

(4412) Such other information determined necessary by the Town Clerk to evaluate the compliance of the applicant, licensed premises or proposed short term rental activity with the requirements of this Code.

(b) It is the duty of each short term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the Town within ten (10) days after the date upon which any information provided is no longer accurate.

(c) Each license issued under this Article shall be issued on a calendar year basis and shall expire with the calendar year for which issued.

(d) The renewal of a license under this Article shall follow the annual renewal process and requirements set forth under Section 6-9 of this Code.

(e) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.

(f) Upon the issuance or renewal of a license, the Town Clerk shall send written notice of such issuance to each distinct mailing address within two hundred (200) feet of the licensed premises. The Town Clerk shall notify the Town Administrator of any objective, Code-based concerns or alleged violations identified by such property owners responding to said written notice, and the Town Administrator, or his or her designee, may refer to these concerns at the applicable time.

(g) The Town Administrator is hereby authorized to promulgate any necessary rules or regulations associated with the license application.

(h) Upon receipt by the Town Clerk of an alleged violation of this Article or a discrepancy in the rental license application and the use of the building, the information provided on the application shall be updated by the landlord.

Sec. 6-293. Minimum health and safety standards; inspections.

(a) Each licensed premises licensed under this Article shall comply with all building, housing and health codes which, if violated, would constitute an imminent danger.

(b) No license under this Article shall be issued until the applicant submits a completed short-term rentals self-inspection form, which form shall be provided by the Town Clerk, signed by the applicant under penalty of perjury, as well as an acknowledgement that the licensed premises of the dwelling unit may be subject to a request for a pre-arranged inspection by appropriate building, fire, and zoning officials, and that a failure to allow such pre-arranged inspection shall, in the

discretion of the Town Administrator, result in a suspension of the short-term rental license pursuant to Section 6-10 of this Code.

(c) A short-term rentals self-inspection form of the license premises shall be completed and signed by the applicant before the initial issuance of any license under this Article, and shall be submitted every year thereafter.

Sec. 6-294. Limitations; Requirements.

(a) Each licensee shall submit to the Town, on a yearly basis, an affidavit, signed by the licensee and notarized, ~~attesting to the duration and frequency of the prior year's short term rental history, as well as confirmation of confirming~~ payment of all applicable sales and lodging taxes.

(b) Each licensee shall post at a prominent place inside the premises a notice containing the following:

- (1) Licensee's contact information;
- (2) Emergency contact information if the licensee cannot be reached;
- (3) Local trash and recycling schedule;
- (4) Parking restrictions, if applicable;
- (5) Water restrictions, if applicable;
- (6) Evacuation directions in the event of fire or emergency;
- (7) Location of the fire extinguisher;
- (8) Contact information of the owner or agent authorized to respond to emergencies or inquiries; and
- (9) Town contact information for purposes of complaints concerning the licensed premises.

(c) There shall be an owner or representative who is on call full time to manage the property during any period which the property is occupied as a short term rental. The owner or representative shall be required to respond to an active guest within three (3) hours by phone or in person.

(d) The license number shall be prominently displayed on all hosting sites and advertising listings of the licensed premises.

(e) Sales tax must be collected and remitted on each short-term rental stay in accordance with State and Local requirements.

(f) Recreational Vehicles (RVs), which includes all vehicles that bear a Vehicle Identification Number (VIN), tents, campers or other temporary structures are not eligible for a short term rental license, and such use is prohibited for short term rentals.

(g) Accessory Dwelling Units (ADUs) or other detached accessory structures are not eligible for a short-term rental license, and such use is prohibited for short term rentals.

(h) Each licensee/applicant may only obtain one license within the Town limits. No individual/family/legal entity shall obtain more than one short term rental license by the Town, nor may any individual/family/legal entity rent out more than one residence or property within the Town under this Article.

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Sec. 6-295. Suspension and revocation; appeal.

Each license issued under this Article is subject to suspension and revocation proceedings, including the availability to appeal the outcome thereof, as set forth under this Code.

Sec. 6-296. Unlawful acts.

It is unlawful for any person to:

(a) Operate a short term rental without a smoke detector, carbon monoxide detector and fire extinguisher on the licensed premises during each short term rental occupancy period.

(b) Operate a short term rental ~~in any location other than the person's primary residence.~~

~~(c) Operate a short term rental~~ that does not comply with all applicable State and Town laws and codes.

~~(d)~~ Advertise any short term rental without including in such advertisement the short term rental license number issued by the Town under this Article.

~~(e)~~ Fail to collect or remit sales tax due on the sale of short term rentals as required by law.

~~(f)~~ Operate a short term rental or permit the use or occupancy of the same in violation of any the requirements of this Code, concerning zoning, including but not limited to occupancy limitations.

~~(g)~~ Construct or modify a licensed premises for short term rental purposes in violation of this Code, concerning building regulations, including any code adopted by reference therein.

Secs. 6-297—6-310. Reserved.

Section 2. Section 16-32, entitled "Use Groups," is hereby amended as follows:

Sec. 16-32. Use groups.

USE GROUPS	DISTRICTS						
	F	MR LDR MDR HDR	NC	CBD	GC	I	P ⁷
<i>Commercial Use Groups</i>							
Hotels and motels	N	N	R	R	R	N	N
Campgrounds and resort cabins	R	N	N	N	N	N	R
<u>Short-term Rental Units</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>

"N" = use groups prohibited

"R" = use groups permitted by special review

"Y" = use groups permitted outright

Section 3. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 5. Effective Date. This ordinance shall take effect six months days after adoption by the Board of Trustees.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2018.

TOWN OF NEDERLAND, COLORADO

Kristopher Larsen, Mayor

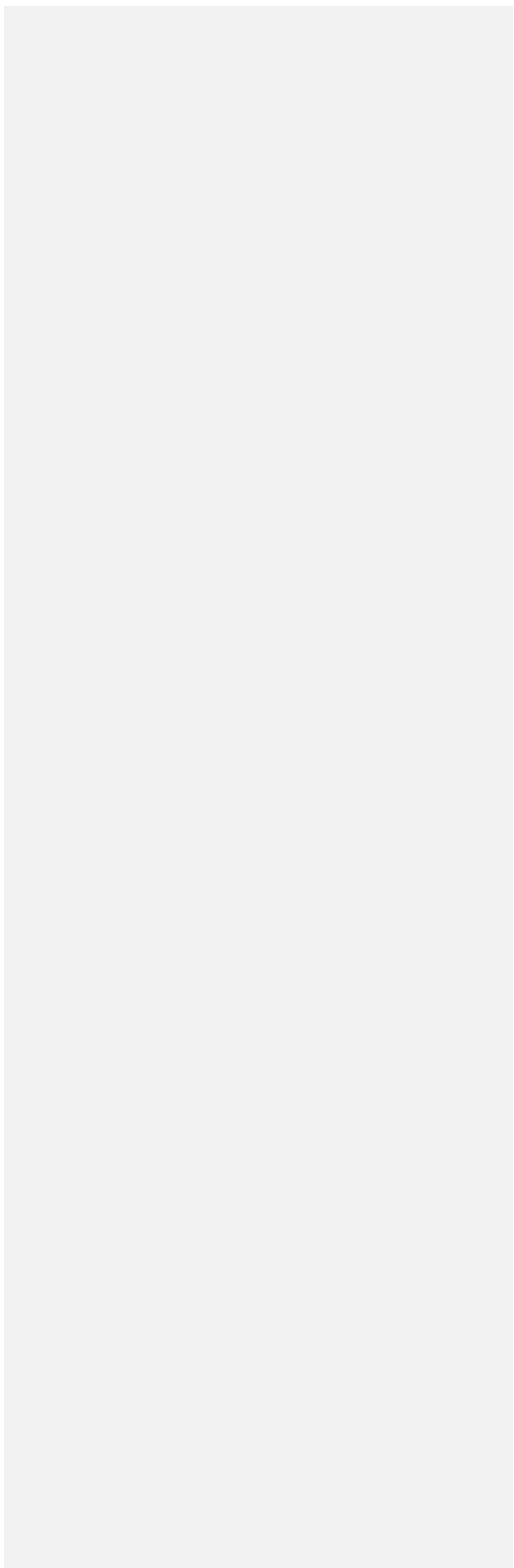
ATTEST:

Nicole Cavalino, Town Clerk

APPROVED AS TO FORM:

Nina Petraro, Town Attorney

DRAFT





TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

June 27, 2018 - 7:00 P.M.

MINUTES

A. CALL TO ORDER

Chair Cornell called the meeting to order at 7:02 pm.

B. ROLL CALL

Present: Chair Roger Cornell, Vice Chair Steven Williams, Commissioners: Lindsey Danforth, Linda Glasser, and Ralph Hunt. Commissioner Duggan arrived after Roll Call and Approval of Minutes.

Absent: Commissioner Stephanie Herring. Trustee James Rawsthorne.

Also in attendance: Town Administrator Karen Gerrity. Town Attorney Nina Petraro. Planning and Building Technician and Planning Commission Clerk Cynthia Bakke.

C. APPROVAL OF MINUTES FROM May 23, 2018

Commissioner Glasser motioned to approve, seconded by Commissioner Danforth with (4) in favor, and abstention by Chair Cornell whom did not attend the last meeting.

D. PUBLIC COMMENT

There was no public comment on non-agenda items.

E. INFORMATION ITEMS

1. Community Development-Planning and Zoning Department Staff report

Gerrity explained Town staff accidentally overlooked the public posting of the Commission's vacancy as done for other boards. This was pointed out prior to Board of Trustees (BOT) review of the Commission's recommendations from the May 23rd meeting. Gerrity said applicant Pamela Miley graciously postponed her application as she thought there was another vacancy to be filled.

Gerrity said her report in the packet included a running list of Zoning code changes. She asked the Commission to consider and email her with any other items to be added to the list.

Gerrity spoke further about food truck vendors whom desire to operate, which is not a specific use included in Sec. 16-32 Use group tables, but is closest to "outdoor sales, eating and drinking or other outdoor commercial activities or establishments" allowed in certain districts via Special Review Use. She said the DDA and the BOT support allowing food truck operations until the further code review. Food trucks must also comply with State and County regulations. Gerrity said the BOT would like review by the DDA and Commission after the summer's trial operations, with the DDA considering

sensible locations for operations. She responded to Chair Cornell's question about owner permission. Bakke went over her staff report portion which is included in the packet.

F. ACTION ITEMS

1. Consideration of Planning Commission new member application for Pamela Miley

Gerrity noted the applicant's confusion about the vacancy to be filled as mentioned earlier. Miley temporarily withdrew her application. She would like to be considered for the next vacancy.

Jim Reis, of Nederland, said he applied previously. [Reis temporarily withdrew his application before the May meeting.] He said he asked Bakke one day after the closing of the posted vacancy. Reis said he desired to serve upon the Commission and waited until after his wife was no longer the Town Administrator. Reis spoke to his previous military experience with 26 years as a Combat Engineer in charge of projects, to include movement of a 490-ton generator from the border of Syria to Iraq. Currently, Reis is in charge of the Rocky Mountain Mission project working with youth to install trails and provide community assistance. He asked to be considered for the current vacancy.

Chair Cornell said Reis can be considered for the next vacancy along with Pamela Miley in order to avoid special favor as Reis' request exceeded the posted deadline. He said the Commission can decide to reaffirm the applicant recommendations made at the May meeting, or they can choose to discuss further. Gerrity provided clarification to Commissioner Duggan who was not present for the earlier explanation about Miley. The Commission did not choose to change their recommendation to the Board.

Pamela Miley, of Nederland, said she spoke with Gerrity who informed her that Chris Perret was recommended at the previous meeting, and thus she was willing to await another opening.

2. Consideration and Continuation of the Public Hearing of Ordinance XXX for Zoning Amendment (Rezoning) of Town parcel at 750 W 5th Street (former Town Shop) from Public (P) zone to Neighborhood Commercial (NC) per Sec. 16-255(1)

Gerrity said the Commission considered the rezoning application for the property on April 25, with a robust discussion and significant public comment. The Public Hearing was continued for Town staff to do further research and consider brownfields mitigation. Gerrity said the 2015 rezoning to Public zone was intentional, with proposed discussion about affordable housing in the zone that didn't occur. She said the necessary brownfields testing entails a lengthy process that could take until Spring. The application was withdrawn until the process is completed.

Chair Cornell opened the Public Comment portion.

Public Comment:

Mary Jarril, of Nederland, she said she lives nearby and spoke about area wildlife to include two deer bucks in the area that day, along with a moose cow and great heron observed in Spring. She said the area is beautiful and one of the few unobstructed views of the valley. Jarril said they are missing an opportunity to get more public comment on the item. Gerrity said the application for rezoning is withdrawn at this time. Jarril said she saw a 'critical wildlife habitat' posting while working in Riverside near the St. Vrain. The designation has 4 criteria and she is willing to do further research. She said the Dyer's neighborhood also serves as a crossing point for elk from

Magnolia and Brainard, along with wildlife drinking from the creek there.

Chris Grauch, of Nederland, said site testing will include questioning of neighbors about dumping, which neighbors can attest has occurred. He asked if the property will be posted when the application is reconsidered. Gerrity affirmed.

Chair Cornell closed the Public Comment portion.

Petraro clarified the item won't be tabled as there is no knowledge of when rezoning will be reconsidered. Gerrity said the application will be withdrawn until the testing is completed.

3. Consideration and Continuation of the Public Hearing of Ordinance XXX regarding Short-Term Rental (STR) Licensing Program and associated regulations.

(This item was continued from the April 25, 2018 and May 23, 2018 meetings)

Gerrity said this has been an ongoing conversation for a few years. She said the topic came up at the Joint BOT-PC-BZA Meeting on October 25, 2017. The Commission further discussed the item starting in January 2018, with recommendations included within the revised draft ordinance. She said this includes definitions, an off-street parking plan, provision for a sales tax license, code compliance for utilities, owner self-inspection, and Good Neighbor practices. Gerrity said this excludes STR in RV's. She said ADU's were previously recommended as ineligible for STR.

Chair Cornell opened up the Public Hearing portion.

Public Comment:

Karina Luscher, of the greater Nederland area, urged the Commission to reconsider the language in the proposed ordinance, which she said wasn't thoroughly vetted. She noted Teresa Crush Warren's letter included in the packet which sums up many important points. She spoke about previous issues with long term rental (LTR) tenants, noting many of the applicants weren't solidly employed, so she offered STR. She said she invested in the home and takes the risks, not the Town, thus it is her right to do what she wants in order to keep her home. She noted 6-292(6) affects those with family cabins and those who've made investments. Luscher said guidelines and licensure is reasonable to ensure the health, safety, and welfare of residents, but didn't feel this provision offered the same to those who've invested in their properties.

Teresa Crush Warren, of Nederland, said her letter is in the packet and mentioned comments she hadn't included. She said all STR from Airbnb pay a Colorado lodging tax, not sales tax. She said her 2 employees are paid a fair wage for cleaning services, and 90% of her [organic] supplies are bought in town, as well as teaching sustainable practices like recycling and composting. She said there is a housing shortage all over Colorado and provided population data. Crush Warren said Airbnb provides many best practices, and she serves as an ambassador for Nederland, telling guests where to hike. She said STR fills a gap that would otherwise require another hotel.

Tom Lawson, of Nederland, said he thinks the proposed ordinance is restrictive to those who may want to do this for financial reasons. He said he didn't think they needed more restrictions and the guest rating system should be sufficient. Lawson asked the Commission to oppose the ordinance.

Chris Perret, of Nederland, signed up to speak, but recused as his application to join the Commission will be before the Board of Trustees for review. He offered his time to the Goho's.

Angela Seavers, of Nederland, said her letter is in the packet. She said she's been an Airbnb host for over 4 years and has hosted many family members of residents. She said regulation is needed to support the economic wellbeing. She said the draft ordinance language would affect property owners who like to spend time in the area by providing STR, as well as residents of the area who donate time and money in the community. Seavers asked them to reconsider the language.

Jesse Seavers, of Nederland, said he'd like them to reconsider the language which is a damper on the community. He said the use provides enriching opportunities for his family and the community. He said his parents bought a property next door and originally stayed in an STR owned by Karina Luscher. He spoke about his experience in the community for his first 12 years being challenged to afford rent. He said he and his wife now have thriving businesses, a daughter and another child on the way. Seavers said his parents would be prevented from STR due to the residency requirements. He added his appreciation of the Commission's work and the intention of the ordinance to stimulate affordable housing, although there are other mechanisms to achieve this goal.

Ray Seavers, of NM, and a Nederland property owner. He said the house in Town will never be his primary residence, but he will reside for about 4 months of the year to be close to family. He said he'd like to be able to provide the STR at his house when not in the Town.

Max Woodfin, of Nederland, said he owns 2 properties, one for his mother's part-time residency. He said the Seavers hosted his whole family, whom he originally met when they all lived in Old Town. He said he's lived in the community for 10 years, works as a psychotherapist and teaches at Naropa, and was in the National Guard unit that fought the Cold Springs Fire. He said he was able to utilize STR, which allowed him to purchase another home to assist his mom. Woodfin asked for the primary residency requirement provision to be stricken.

Travis Brock, of Longmont, he said he's been a Nederland resident for 14 years, but had to relocate, although they have kept the property. He said he's a FT employee at Eldora Ski Resort and he participates in community outreach and supports local businesses. He said he has an issue with the primary residence stipulation. Brock said his home is in the Industrial zone, one of 5 properties in this district. He mentioned Chair Cornell's previous stance about prohibition in the Industrial zone, and noted allowance in this district for marijuana uses, a sexually oriented business, a church, hash oil production, but he cannot offer STR. He noted his home is within 300 feet of Aspen Grove daycare center. He said he appreciates the attention given to the issue as housing is a pivotal challenge for employee recruitment, but STR regulations won't increase long term rentals. Brock said it will likely increase rents to supplement the lost revenue from STR use done currently. Staff confirmed that the revised use table in the DRAFT ordinance allowed STRs in the Industrial Zone.

Lise Anne Libnar, of 78 Navajo Trail, spoke against the provision for primary occupancy. She said she purchased the home in 2017 and stated she was told by Town staff there were no regulations. If required to be the primary residence, she would have to sell the home otherwise. She said STR offers a fantastic local experience, and her home is booked solid with her guests enjoying the recreational opportunities and shopping at the stores. She said an occupancy tax could be established and would support direct reporting from Airbnb which utilized for another Town employee. She said would like to partner with the Town to assist the process.

Mary Jarril, of Nederland, said she agrees with the preceding speakers. She said she'd previously asked whether the Town can legally take away a 'use by right'. She encouraged a catalogue of STR

providers who should be informed about the intended regulations. Re: Sec. 6-294, the notarized affidavit of a year-end summary can be provided by Airbnb. If the Town desires to tell property owners what to include for their STR guests, it should be more positive and include emergency contact information. Jarril objected to the 3-hour response time requirement and having to update STR listings with the license number. Additionally, she felt the section concerning unlawful acts should be deleted, and only address sales tax if using sites that do not automatically offer this service. Lastly, Jarril said Sec. 16-32 notes STR is prohibited in RVs and trailers but should be allowed as LTR housing options i.e. transitional housing.

Ron Mitchell, of Boulder and Nederland property owner, said one LTR tenant blew up a house via hash butane explosion which cost him a lot to repair. He has since provided STR in the renovated home and wouldn't buy another home for LTR. He said LTR tenants must be supervised. He complained about use of the internet to spread misinformation about him. He clarified his misquoted comment concerned his suggestion to provide a cost-analysis prior to establishing regulations, but he wouldn't mind paying associated taxes.

Brian Kaufman, of Nederland, said he feels the intent of the ordinance is that 'whole house rental is bad' in order to favor LTR. He said he's provided LTR for the last 3 years at the home he purchased 20 years ago. He'd now like to spend more time in town, which STR would enable. He said he has had a positive experience with his guests and Airbnb has a robust renter screening. Kaufman said he has been involved in community improvement programs like Saws and Slaws and desires to be a good neighbor and have good neighbors. He said he has had issues with LTR tenants and FT residents though and bad behavior should be targeted specifically.

Suzanne Kaufman, of Nederland, said she appreciates the work on the ordinance and suggested laws that are practical to administer. She said the annual renewal would be cumbersome, which may be easier if renewed every 5 years. She also suggested relaxing the primary residency requirements. Kaufman noted their involvement in the community, and upkeep of the property that she didn't feel was appropriate to ask of their renters. Petraro responded that a yearly renewal offers a way to address any STR's that create enforcement issues.

Wendy Bryan, of Nederland, said there are 660 homes in Town with up to 300 STR sites which is too much to manage, inspect, and enforce. Her concerns relate to different standards for STR than other home-based businesses, i.e. unrelated persons, avg. daily trips, noise, quiet time from 10pm-7am, off-street parking. She said Boulder has residents who claim to be related to bypass residency requirements. She said there should be a maximum of 3 cars for up to 6 guests for STR. Bryan mentioned her responsible use of vacation rentals for her wedding in HI. She said STR should not allow 16 guests in one home and underage people drinking and driving on Town roads. She said STR issues are hard to enforce as they may be gone the next day. Issues she's witnessed: flames shooting out of outdoor firepit, a child crying for 2 hours, street parking limiting plowing operations, slammed car doors, 5 cars with 50+ trips/day, noise. Bryan suggested a lottery system of 75 homes (10% of total homes), licensure and inspection, with remaining STR users able to apply for one of the 25 remaining licenses available every 2, 3 and 4 years.

Darryl Purpose, of Nederland, said he's been a traveler his entire life, and though he was financially able to purchase a home anywhere in the world, he chose Nederland 14 years ago. He mentioned his contribution to the Carousel of Happiness and his song verse posted upon the wall. He still sings this song when he performs. He noted the Town's 3 or 4 world class coffee houses and other positive businesses. Purpose said he's given over \$10k to the Carousel and other non-profits. He said he's had

hundreds of STR groups stay at his house without any issues, although he knows of issues by LTR tenants. Purpose said he's spent over \$100k related to his STR on contractors and those who support his business in the last 2 years.

Bakke made a statement about how she's addressed inquiries to the Town about STR use as a prohibited use, as per Sec. 16-32(b). These calls would have been directed to her and she has clearly indicated as such to questions in the last 1 ½ years or more in addition to explaining the Town does intend to enact regulations. She said she wanted to ensure the Town staff was not maligned as having provided misinformation re: investments made on homes in order to provide STR. Petraro affirmed that STR is not a use by right as was mentioned in several public comments seeing as it is an unlicensed business use in the residential zones and not allowed by zoning at this time. She suggested the Commission forward the draft ordinance for Board review as Town staff is challenged to enforce issues that are associated with homes used for STR.

Commission discussion:

Chair Cornell noted the residency requirement re: summer cabins. Commissioner Glasser said responsible property management is imperative with respect for FT residents as well as STR providers and guests. Vice Chair Williams said the former suggestion to allow up to 2 properties--eliminated to support housing goals--could be reconsidered. Commissioner Danforth said she could support that if so desired and noted people could lie on the affidavit which would be hard to enforce. Vice Chair Williams said Airbnb provides a service to collect and remit sales taxes, but not VRBO and some others. Danforth said those that collect the taxes can also provide data to help with enforcement. She said the lottery concept mentioned in public comment is interesting but could affect investments. Commissioner Duggan said primary residence restriction in Boulder absolutely established more LTR units. He wasn't sure the draft ordinance was ready yet, as community members with multiple homes need to be addressed, which is different than those using their primary residence only. He spoke about City of Boulder's limitations allowed for rental, which is also the case for STR in ADUs. He noted property owners are still able to rent month-to-month is unable to provide STR and noted his positive experiences and demand for LTR. Duggan said STR should be allowed in ADUs. Commissioner Hunt said the 6-month residency requirement feels heavy-handed. He said he wasn't sure corporations purchasing multiple homes for STR are an issue. Hunt said property owners should have more say, and the Town should act responsibly and fairly.

Gerrity said currently there is no allowance for the use with comments from some residents about not enforcing the code, which challenges Town staff. Gerrity said there is a lot of opposition to unregulated STRs.

Darryl Purpose offered advice from the audience that the Airbnb rating system may help curb issues.

Chair Cornell spoke about the notarized affidavit requirement. Petraro said STR providers may be less inclined to lie about sales tax reporting if notarized.

The Commission discussed the primary residency requirement mentioned as an obstacle in the public comments. After much discussion about changing the time required for residency and limiting the # of days a rental can be used, the Commission agreed it could limit STR to one house per entity (i.e. family or business partnership) within the Town of Nederland.

Chair Cornell called for a short break. The meeting was called back to order at 9:12pm.
Chair Cornell said he forgot to allow one minute for those who hadn't signed up to speak.

Public Comment:

Laura King, of Nederland, said she researched the allowance of STR in ADUs in many municipalities and only the Town of Lyons prevents STR in ADUs which did so by establishment of an incentive program after the 2013 Flood by giving a free tap fee. She said it stipulates ADUs must be used for LTR to maintain the free tap fee, but it doesn't prevent the ability for STR in ADUs. Nederland is the only municipality in the state to do so which would be unprecedented and heavy-handed.

Jackie Jones, of Nederland, said she came to Nederland in 2009 and stayed via STR. As a real estate agent, she said a \$400k home would require \$1985/mo. housing payment in order to break even. She said residents may say that fulltime residents will patronize restaurants more often, although this isn't true in her personal experience even with the 2013 rebate program to support local business. She said the residency requirement would not have allowed her to live, work, and volunteer in Town.

Kim Goho, of Nederland, said if the 'ban' is put in place they wouldn't provide STR. She spoke of the flexibility that STR provides homeowners such as herself with an 8-year old child and large dog. She said it won't provide additional LTR rentals and mentioned the kitchen restriction for STRs.

Pam Miley, of Nederland, said they offer STR at the house they reside in. She said they promote local business to their guests. She said guests are usually gone for the day and due to the established house rules return quietly at night. Miley said they don't need the Town to tell them how to govern the use of their home. She said their onsite management allows them to maintain the space and ensure there are no damages which could be reported to Airbnb. She mentioned the existing code can be enforced to deal with nuisances. She said she has experience drafting legislation and feels the best way is to make less restrictive laws first then make more restrictive if necessary.

Lise Anne Libnar, of Nederland, [spoke earlier and granted 30 seconds for additional comment] said the Town could circulate a voluntary survey to indicate income levels to establish an appropriate occupancy tax.

Jeff Wrobel, of Gilpin County and Nederland commercial property owner, said they invested in a property to run a business and would like to offer rental units, which currently offers both LTR and STR. He said the Town is on the right track to limit outside investment properties, but regulations won't limit housing issues. He said STR for commercial property language should be changed. Petraro clarified the current version of the ordinance requires primary residency, although this wasn't intended for commercial property.

Chair Cornell closed the Public Hearing portion.

Gerrity said public comments were centered upon issues with primary residency requirement. Petraro said the language could alternately stipulate one rental residence per entity, which met with Commission support. Petraro noted Boulder's definition of primary residence. She said the Commission could also strike the language in 6-294 pertaining to "duration and frequency" if the Commission isn't going to limit the # of days or months for rentals.

Delete provisions that reference primary residence as it will be addressed via language changes.

Motion to recommend approval of the draft STR ordinance with associated changes to include change of language from 'primary residency requirement' to 'one property

allowed for STR by entity’ was made by Chair Cornell, seconded by Commissioner Glasser, with all (6) in favor.

Gerrity said the Board of Trustees review will be held on July 17. Petraro said the official Public Hearing was at the Planning Commission as required per State Statutes.

G. DISCUSSION ITEMS

There were no discussion items.

H. OTHER BUSINESS

Bakke said this is Commissioner Duggan’s last meeting. Chair Cornell said Duggan has provided a lot of great feedback and helped to draft regulations. He commended and thanked Duggan.

The Commission further discussed density of STR’s that wasn’t included in the recommendation for the draft ordinance. Bakke suggested Commissioners could offer comment upon the policy at the July 17 Board review. She said there needs to be public input on this. Gerrity said that previously received letters of opposition will be brought forth in the BOT packet. Williams said the underlying theme was to limit the number.

Cornell said there are concerns about the total number, but a letter could be drafted to the Trustees. Petraro said she wouldn’t recommend the Commission draft a letter, as she can bring these concerns forward.

Williams asked for clarification about signing the minutes from the May meeting.

Cornell said he will absent for the July meeting. Bakke said she will also be absent due to family obligations out of state.

I. ADJOURNMENT

Motion to adjourn was made by Commissioner Glasser, seconded by Commissioner Danforth, with all in favor (6). The meeting was adjourned at 9:45 pm.

Approved by the Planning Commission,

Roger Cornell, Chairman, Planning Commission

ATTEST:

Cynthia Bakke, Planning and Building Technician/Clerk
to Planning Commission

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 785

AN ORDINANCE AMENDING CHAPTER 16 OF THE NEDERLAND MUNICIPAL CODE TO PERMIT AND REGULATE ACCESSORY DWELLING UNITS

WHEREAS, pursuant to C.R.S. § 31-23-301, the Board of Trustees (“Board”) of the Town of Nederland, Colorado (“Town”) possesses the authority to create regulations and restrictions concerning planning and zoning within the Town; and

WHEREAS, the Planning Commission has made certain recommendations to the Board of Trustees regarding amendments to Chapter 16, Zoning, of the Town of Nederland Municipal Code (“Code”), related to regulating accessory dwelling units; and

WHEREAS, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305, the Planning Commission held a public hearing on April 25, 2018; and

WHEREAS, the Planning Commission has found that it is advantageous to the Town’s goal of increasing diverse and affordable housing stock to permit and regulate accessory dwelling units; and

WHEREAS, the Board of Trustees has conducted its own review of the issues, including the Planning Commission’s recommendations, and finds that it would further the health and welfare of the citizens of Nederland to permit and regulate accessory dwelling units.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. The Nederland Municipal Code is hereby amended by the addition of a new section 16-98, set forth as follows:

Sec. 16-98. Accessory Dwelling Units.

(a) Definitions. As used in this section, the following words shall be interpreted and defined as set forth below:

(1) *Accessory dwelling units* means a second dwelling unit created on a lot with an existing residential structure such as a house, attached house or manufactured home, or within said existing principal residential structure, which shall be a distinct and separate housekeeping unit.

(2) *Primary residence* means a residence which is the usual place of return for housing for more than six months out of the calendar year as documented by the occupant’s: (1) driver’s license OR Colorado state identification card; AND (2) voter registration; motor vehicle registration; OR designated

residence for tax purposes. An applicant for an accessory dwelling unit may have only one (1) primary residence for purposes of this section.

- (b) An owner(s) of a single family dwelling in the residential zone districts may construct and/or permit the occupancy of an accessory dwelling unit in such principal residential structure, attached to a principal residential structure, or in an accessory building on the same lot, provided the following conditions are met:
- (1) The residence in which the accessory unit is constructed or permitted shall be the primary residence of the owner(s).
 - (2) Both dwelling units shall be on the same Town utility service.
 - (3) The accessory dwelling unit shall meet the setbacks of a principal use and all other yard and bulk requirements set forth in Section 16-33 of this Code. Maximum lot coverage and maximum floor area ratios may not be exceeded.
 - (4) The applicant shall provide a parking plan for off street parking for renters of the accessory dwelling unit.
 - (5) Separate outside access shall be created for the accessory dwelling unit, provided, however, that one airlock type entry may be used if separate access to the accessory dwelling exists following the initial outside entry of the principal residential structure.
 - (6) There shall be no more than one (1) accessory dwelling unit per property.
 - (7) The accessory dwelling unit shall not exceed 800 gross square feet, unless said accessory dwelling unit is located within the principal residential structure, in which case there shall be no limitation to gross square footage.
 - (8) The accessory dwelling unit shall be more than 200 gross square feet.
 - (9) There shall be a maximum of two bedrooms within an accessory dwelling unit, unless said accessory dwelling unit is located within the principal residential structure, in which case there shall be no limitation on number of bedrooms.
 - (10) The applicant shall comply with the provisions of Chapter 13 of this Code as it relates to sewer and water utilities and fees.

- (11) The accessory dwelling unit shall meet the standards of the International Building Code applicable at the time.
- (12) The applicant shall demonstrate approved, inspected septic for all bedrooms, if applicable.
- (13) The applicant for accessory dwelling units shall apply on forms provided by the town administrator, showing how and in what manner the criteria of this subsection are met, provide a statement of current ownership and a legal description of the property, and pay the appropriate application fee(s).
- (14) The accessory dwelling unit shall be used exclusively for long term rental(s).
- (15) If ownership is transferred, the new owner shall apply with the Town within ten (10) days after the transfer.
- (16) The accessory dwelling unit must otherwise follow all applicable provisions within Chapter 16 of this Code.

Section 2. Section 16-32 of the Nederland Municipal Code, concerning Residential Use Groups, is hereby amended as follows:

Sec. 16-32. Use Groups.

(a) This Section provides for grouping of similar uses into use groups. In each zoning district, use groups permitted outright are designated "Y," use groups permitted by special review are designated "R" and use groups prohibited are designated "N."

(b) Any use that is not specifically permitted in this Section shall be deemed to be a prohibited use. If a question arises as to whether a specific use does or does not fall within the expressed use categories, application may be made to the Planning Commission for a determination as to whether a specific use is permitted. Any decision by the Planning Commission may be reviewed by the Board of Trustees within thirty (30) days of the decision of the Planning Commission.

(c) Use group table...

USE GROUPS	DISTRICTS						
	F	MR LDR MDR HDR	NC	CBD	GC	I	P ⁷
Residential Use Groups							
...							

<u>Accessory Dwelling Units</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
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"N" = use groups prohibited
 "R" = use groups permitted by special review
 "Y" = use groups permitted outright

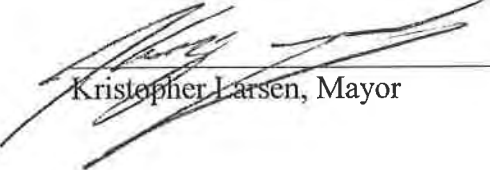
Section 3. This ordinance shall go into effect six months after final date of adoption.

Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 17th DAY OF MAY, 2018.

TOWN OF NEDERLAND, COLORADO



 Kristopher Larsen, Mayor

ATTEST:



Nicole Cavalino, Town Clerk

APPROVED AS TO FORM:


 For Carmen Beery, Town Attorney

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 11, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION:___ ACTION:___ OR DISCUSSION: X
=====

AGENDA ITEM:

Nederland Downtown Development Authority Attorney Services.

SUMMARY:

The DDA, as allowed in State Statute, is considering procuring the services of an attorney to provide legal counsel on general Downtown Development Authority affairs, and to potentially advise on Nederland DDA project matters.

Attached is a spreadsheet of three potential attorneys that provide services to Downtown Development Authorities, their cost per hour, and other miscellaneous information on their background and practice.

It is anticipated that the DDA will have funds available in this budget year from areas that will be under-spent to allocate to this activity.

RECOMMENDATIONS:

Discuss available attorney's and/or provide guidance to Executive Director on next steps.

FINANCIAL CONSIDERATIONS:

Unknown amount of funds from Fund 70 (Mill Levy Operating Funds) at an hourly rate.

ATTACHMENT(S):

Attorney Spreadsheet

Nederland Downtown Development Authority 2018 Attorney Services Spreadsheet

Attorney	Rate/Hour Quoted	Office Location	Background/Misc.	Website
Kim Crawford with Butler Snow LLP	\$530/hour but can be discounted to \$435/hour for Mill Levy work	1801 California Street, Suite 5100, Denver, CO 80202	In the last NDDA election assisted (Collins Cockrel and Cole) on an hourly basis with the preparation of the actual ballot question and the TABOR Notice. Don't believe they charged the DDA for that.	https://www.butlersnow.com/
Paul C. Benedetti (private practice)	\$250/hour	Boulder, CO	Currently represents the Woodland Park DDA. Has also represented the Longmont, Colorado Springs, and Glenwood Springs DDAs on specific matters. Has written a chapter on DDA's for Colorado Land Planning and Development Law and have just agreed with CML to update its urban renewal manual and will add a chapter on DDAs to that document.	N/A
Kathryn Winn with Collins Cockrel & Cole P.C.	Sliding Scale (\$320-\$415/hour for counsel)	390 Union Blvd Ste 400 Denver, CO 80228	Provided attorney services for the NDDA in the last election. Extensive proposal provided (contact Josiah Masingale for proposal)	www.cccfirm.com