

TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516



Meeting Minutes

Wednesday, October 3, 2018

6:30 PM

Council Chambers

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chairman Bottenhorn called the October 3, 2018 Planning Commission Meeting to order at 6:32pm.

II. ROLL CALL**Roll Call:**

Commissioner Witt - absent
Commissioner Fraser - absent/excused
Commissioner Ames - present
Commissioner Harrison - absent
Commissioner Hedahl - present
Commissioner Zuniga - present
Chairman Bottenhorn - present

III. APPROVAL OF THE AGENDA

Commissioner Hedahl moved to adopt the agenda of the October 3, 2018 Planning Commission Meeting. The motion, seconded by Commissioner Ames, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

Commissioner moved to approve the meeting agenda of the October 3, 2018 Planning Commission Meeting

18-354 Approval of the September 5, 2018 Planning Commission Meeting Minutes

Attachments: [9-5-2018 PC Meeting Minutes](#)

Commissioner Zuniga moved to approve the meeting minutes of the September 5, 2018 Planning Commission Meeting. The motion, seconded by Commissioner Ames, carried with all voting in favor thereof.

V. PUBLIC COMMENTS

There were no Public Comments.

VI. RESOLUTIONS

18-355 A Resolution Of The Planning Commission Of The Town Of Erie, Recommending That The Board Of Trustees Adopt An Ordinance Repealing Sections 10.7.3 And 10.7.17 Of The Erie Municipal Code, Relating To Annexations

Municipal Code sections 10.7.3 and 10.7.17 currently conflict with state law. This resolution recommends repeal of the sections to remove the conflict.

Attachments: [18-355 Attorney Memo](#)

[18-355 Draft Resolution](#)

Todd Bjerkaas, Director of Planning & Development presented Agenda Item 18-355: Resolution P18-16; A Resolution recommending that the Board of Trustees adopt an Ordinance repealing Sections 10.7.3 and 10.7.17 of the Erie Municipal Code, Relating to Annexations.

Mr. Bjerkaas stated that tonight's Resolution is not a Public Hearing but require recommendations from the Planning Commission. The required Public Hearing would be before the Board of Trustees.

The Resolution before the Commission is for the repeal of Sections 10.7.3 and 10.7.17 of the Unified Development Code. These sections primarily deal with annexations as well as annexation agreements.

Our new Town Attorney read through the code and found several conflicts with State Statute. With the Town being a Statutory Town, the Town follows State law. Recommendations by our Attorney and Town Staff, is to repeal these two sections and rely on Statute for annexation process and annexation agreements. In addition to procedure having conflict with 10.7.3, the section dealing with annexation agreements which is 10.7.17, one of the conflicts in our code and actually conflicts with itself is that it contemplates the idea that no vested rights are included in an annexation agreement. Annexation is legislative by the Town and there's no requirement that the Town annex a piece of property if petitioned by a landowner. The point of an annexation agreement is not only to guarantee the landowner some level of rights and abilities but it's also for the Town to be able to dictate in some ways how the land is developed. Vested Rights is a natural part of an annexation agreement and our code currently doesn't allow for it. In both cases, the Town is sticking to State Statute.

Again, Town Staff and the Town Attorney recommend the repeal of the sections to remove the conflict.

Chairman Bottenhorn allowed for comments and questions of Mr. Bjerkaas.

Comment/Questions included the following:

- Impact on previous annexation agreements
- Development/update of the Unified Development Code
- Explanation of vested rights

After clarification and explanation by Town Staff and discussion among the Commissioners, Chairman Bottenhorn asked if there was a motion regarding Resolution P18-16.

Commissioner Zuniga moved to approve Resolution P18-16: A Resolution recommending that the Board of Trustees adopt an Ordinance repealing Sections 10.7.3 and 10.7.17 of the Erie Municipal Code, Relating to Annexations. The motion, seconded by Commissioner Hedahl, carried with all voting in favor thereof.

VII. STAFF REPORTS

There were no Staff Reports.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Commissioner Zuniga asked if the event for National Planning Month was still taking place.

Mr. Bjerkaas stated that Planning Manager, Deborah Bachelder and Senior Planner, Hannah Hippely are in the final stages of planning the event. There will be a Proclamation, which will be supported by Trustee Gippe, at Tuesday night's Board of Trustee Meeting declaring October as National Planning Month. Planning & Development will be hosting an open house and details regarding this event will be coming the days to follow.

IX. ADJOURNMENT

Chariman Bottenhorn adjourned the October 3, 2018 Planning Commission Meeting at 6:44pm.