

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, April 19, 2023

6:30 PM

In Person Meeting

Virtual Link for Viewing & Public Comment Only:

**Council Chambers
bit.ly/19APR23PCMtg**

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chair Zuniga called the April 19, 2023 Planning Commission Meeting to order at 6:30pm.

II. ROLL CALL

Roll Call:

Commissioner Booth - present
Commissioner Swikoski - absent/excused
Commissioner Baham - present
Commissioner Tolson - late arrival - 7:14pm
Commissioner Burns - present
Vice Chair Luthi - present
Chair Zuniga - present

A quorum was present.

III. APPROVAL OF THE AGENDA

Vice Chair Luthi moved to approve the agenda of the April 19, 2023 Planning Commission Meeting. The motion, seconded by Commissioner Booth, carried with the following roll call vote:

Commissioner Booth - yes
Commissioner Baham - yes
Commissioner Burns - yes
Vice Chair Luthi - yes
Chair Zuniga - yes

Motion passes unanimously.

IV. APPROVAL OF MINUTES

Chair Zuniga noted that she had been corresponding with Mayor Brooks and he mentioned something in one of their emails where he thought that she had said something that might be wrong in the last meeting. Chair Zuniga noted that it wasn't clear to her what it was, she requested clarification, and didn't not receive it. He did mention that it was something that would need to be forwarded to Town Attorney Kendra Carberry. Therefore, Chair Zuniga guesses it has something to do with whether or not the Commission could vote on the inclusion of DEI on the PAC.

In reflecting on the meeting, Chair Zuniga stated if there was something incorrect or an in-factual comment or something presumptuous, there is an opportunity to address that in the minutes if anyone would like to bring something up. Chair Zuniga is happy to issue a retraction.

Melinda Helmer, Secretary noted that the meeting minutes for the April 5, 2023 Planning Commission meeting are not part of this agenda packet as there was no time to prepare them.

The April 5, 2023 Meeting Minutes will be approved at the next Planning Commission Meeting.

V. PUBLIC COMMENTS

No public comments were taken.

VI. GENERAL BUSINESS**23-235****Comprehensive Plan and Planning Commission Procedures**

Chair Zuniga announced Agenda Item 22-235: A Discussion regarding the Comprehensive Plan and Planning Commission Procedures.

Chair Zuniga noted that she called this agenda item and wanted to discuss public engagement and outreach.

Chair Zuniga led the discussion about her agenda item.

Discussion/Comments included the following:

- Commission could restate items in a positive way
- Seeking answers in a transparent way
- Public outreach best if asking right questions
- Has seen conversations online with the Mayor
- We could get a lot from the public
- Recording resident responses in useful/transparent ways
- Pop up events
- Opportunity to guide this starting now and learn from what's been done so far
- Some members of the Commission attended the pop up events
- Surprised pop-ups were well attended
- Staff and Board of Trustees in attendance
- Lots of conversations held
- Still learning the process
- Need to figure out a better way of engagement
- What questions should be asked?
- Attended PAC Meeting - not sure when to ask questions
- Erie Social Club pop up not well attended
- Constant flow of people at Fox Dog
- Heard people were in attendance because they aware of the pop up event
- Concern with touch points with resident engagement
- Not useful or transparent of this contribution
- There are ways of doing this to capture comments
- What was the event structure?
- Statistical information was available on the boards
- It was more of a handout/survey invitation
- Maybe there wasn't information being polled because that wasn't the intent of the event
- Different structure
- Heard some discussion that these touch points are guiding where the vision is going
- Are these the presentations that the planning Consultant is guiding?
- Is the Consultant leading the conversation?
- Interpretation that Commission members and the PAC be involved at the pop up events
- The PAC is intentional in their questions
- Now that we're in it, going back and understanding what the role of the

Commission is

- The Commission should think about what questions they should be asking
- Finding out challenges Erie is facing
- When you're not hearing anything new, you've saturated your data
- What solutions would you propose?
- Engaging residents in a meaningful way
- Ask the PAC for clarification and overall purpose
- In the scope of services, does it define how many meetings are going to occur?
- PC's role is more supportive, correct?
- This leans more on Planning's role to get this going
- What are the questions staff are asking at these pop ups?
- The way you described with staff taking lead and guiding consultants, with PC support on outskirts, who does that? It doesn't jive with statutory language.
- That's where the challenge is - we have staff putting in all these hours, it makes it hard to see where the Commission is taking the lead
- It doesn't negate the Commission's role in giving guidance to the process
- The Commission is supposed to be taking leadership in the process
- Statute doesn't describe it this way
- Staff will present findings - how do you get to the presentation part of the Comp Plan?
- Staff will report findings and bring it to the Commission
- There are several steps, control valves, and the Commission will help structure
- The Commission will have a lot of work in this as well
- Proactive to help guide the outreach process
- Chair Zuniga sent out an article on Ladder of Citizen Participation
- It notes "an illusory" form of participation
- This needs to be a transparent process
- Getting early feedback, setting the agenda
- The agenda has been set - that's the true concern
- Something that is going to be pushed forward no matter what is not the concern of the people that this Comp Plan is supposed to represent
- Not sure what can be said
- The whole point is to be reflecting the vision of the people that live here
- Can be a great opportunity for the people doing the work and leading the town to hear what the public is wanting to see happen
- The people leading the town should be listening to those residents
- Sitting with the previous people who helped write the previous Comp Plan was beneficial
- It's discouraging - people can say what they want/don't want but agenda has been set
- Understands staff's conflict with where they take their direction
- Our interpretation is that the Commission takes their direction from the people of the town
- How do you balance the direction that's been given?
- Maybe the plan plays itself out
- If the agenda is set, they know what they want in the plan, and it's a done deal, do we rubber stamp it at the end?
- Purpose is to take what the residents want and not this pre-determined agenda - that's the concern
- Melissa Wiley brought to the Commission something very personal, and her aspect is appreciated, but we have to take that out of account and need to understand what the residents want
- Mrs. Wiley making it personal rubbed (him) the wrong way with her being so personal about it

- Thinks Mrs. Wiley was helping the Commission understand the importance of listening the diverse points of view
- Mrs. Wiley's statement about "believing them" resonated
- Mrs. Wiley was making a case to not remove DEI from this
- No one is trying to remove that DEI aspect
- Can you help quantify what "agenda" is?
- The agenda (he) sees is about affordable housing as it's been on the forefront everytime - that is the agenda
- The things that are pushing forward are part of the Board of Trustees agenda
- The housing needs assessment says that affordable housing is to be involved in the Comp Plan
- That's one component of the overall plan
- Do you feel that there's other things guided toward us that we don't have much input or direction to give?
- Do we continue down this list of different influences that help inform what the plan does?
- Some is business opportunities, DEI, infrastructure
- The Commission will be able to have future discussions and have it broken down
- People moved here for a reason - do you go against why people moved here to offset why they moved here?
- The Comp Plan should be updated every 5 years with the last time it was updated being in 2015
- The Comp Plan is way beyond the schedule of update - We're past due on updating it
- Erie can't be the only place where the Board and staff have a direction that they're headed and there's a trajectory that gets influenced by residential input
- There was a real scenario in the BOT Team Meeting regarding a 30 minute discussion on Planning Commission: What is your perspective on how we can resolve the current conflict?
- There's no conflict with the Planning Commission. The only conflict is the potential that we would get resident input that didn't align with the agenda that they already have
- Agenda makes it sound negative - trajectory - the resident input
- An ideal scenario, the policy gets stronger by opening up to the residents - bring them on board
- We're not cramming it down their throats
- There should not be a conflict between the Board of Trustees and the Planning Commission or between staff and the Planning Commission
- We should have conversation that makes policy stronger
- We have to receive resident input, that's the Commission's job
- Doesn't believe the current process is ignoring resident input
- Comp Plan should guide development for next ten years
- This is not just the current 30,000 people or 2,000 people that respond to surveys that should be influencing this document
- People here should have their voice heard but doesn't think their voice is being denied
- Not a high percentage of residents are participating
- Doesn't know that it's being ignored
- It's more than just the people that are here now
- If it has to reflect potential people that we don't know who they are, it does diminish the people who live here
- If we're saying their voice has to be counted against imaginary people, it's hard not to diminish their voice

- It's not the only factor
- The needs of what that could look like need to be accounted for
- It's ok to have that voice, but it shouldn't be the only voice
- We're looking at the overall picture
- Would like to think the way the information being sought isn't geared toward a pre-determined Comp Plan
- Need to have input of current residents but shouldn't be the overriding factor
- It's not surprising that affordable housing is lower on the list because those people are already here
- Affordable housing is the lowest on the survey but it seems to be taking the lead of every conversation
- Mayor Brooks posted on Facebook about the lot the town purchased on Cheesman and it brought more comments than the pop up events - (it brought a lot of negative comments)
- The Mayor is putting it out there that this is what we're already doing and people have concerns
- This is the concern and we're pushing it down their throats
- We have to be the voice of all the people when we look at issues
- Affordable housing conversation needs be had or we won't see any advancement in this community in diversity
- The Mayor is probably going in that direction to have these conversations and have a forward moving progress
- There has to be other towns that have had this kind of issue
- You bring in low income housing and it could be the detriment of the society
- Let the democracy move toward where they want to move
- Have to take exception when affordable housing becomes low income housing
- There's a stigma attached to "affordable housing" when people consider it to be low income housing
- Affordable housing is a \$600,000 house
- Has a visceral reaction when you say "agenda"
- Wants to make sure for all our sakes that this is a very effective process that advances what we're receiving
- Would love for us to not feel like we're being manipulated and would rather a partnership
- Is there opportunity for the Project Management Team to discuss the overall goals?
- Trying to minimize the time of the Consultants but the Commission needs to have direct conversation with them soon
- Concerns among some of the Commission will not be resolved until the conversation with the Consultants is had to some degree
- If the Commission isn't talking to them, nothing will change
- Question: Where does this land come from? Are we supposed to lower our property values? Is it land owned by the City to get this going?
- You can read the Housing Needs Assessment and the Commission will have a presentation on affordable housing
- If there were a power struggle, if someone was feeling unscrupulous, they might find a way to remove power from the Commission
- Have Mayor Brooks send an email of the Commission's job description
- Discomfort with responsibility and no traction
- The Trustees were talking more than most people in the PAC Meeting and it became their show - that's a challenge, they could pass a resolution to remove us
- Should bring up statutory responsibility and review it
- Commission needs to talk with Planning Dept to figure out way to express concerns and receive answers from team

- Asking questions might help get over the concern that the Commission has
- Challenge is having the responsibility and authority, the Commission has no power
- Commission is in a weird position of having authority but very little power
- Only power the Commission has is to vote on it (Comp Plan) at the end

A request was made to see if the Consultant would meet with the Commission regarding the process.

These are the main points of discussion for the Consultant:

- Explanation of the entire process with timelines
- Concerns about the trajectory of goals and being on the same page
- How much resident input is being considered?
- What are the specific questions the Commissioners should be asking residents in order to steer residents to providing the information needed?
- How do they get more people involved?
- How can they reconcile that trajectory and the voice of the public?
- How can transparency of public input be heightened?
- What is really the Planning Commission's role relative to project management team?

Staff will check the availability of the Consultant and discussion was held regarding potential times for the Commission. The meeting would consist of 30 minutes of staff time and 30 minutes of time with the Consultant.

Mrs. Bachelder would let the Commission know once she has additional information. Mrs. Bachelder noted that the Project Management Team/Staff meets with the Consultant weekly. Either group can answer questions for the Commission.

Chair Zuniga thinks the Consultants have worked with other municipalities that are in a similar situation as the Town is currently. There is hope that they can shed some light on this.

From the Commission's perspective it feels like a conflict. Like what the Board was saying, how do we resolve this conflict with the Planning Commission. It's how do we resolve this conflict between trajectory and citizen voice. If it can be reframed instead of being a conflict between the Planning Commission and Board of Trustees it will go further.

VII. STAFF REPORTS

Deborah Bachelder, Deputy Director of Planning & Development recommended the Commission cancel the May 3rd Planning Commission Meeting if staff is unable to coordinate a meeting with the Consultant as there are no agenda items scheduled.

Chair Zuniga asked that the May 3rd meeting be kept on the schedule.

Mrs. Bachelder discussed with the Commission the issue of the last minute changes/additions of Planning Commission meetings/agendas. Staff follows a calendar with due dates for these meetings. Staff reports for the May 3rd meeting were due last Friday. For the Commission to ask staff to put together an

agenda is very difficult for staff to do given the review schedule and time frames staff has to work within. In addition, there are the behind the scenes staff and Town Attorney's that need to coordinate their schedules for the meetings. Preference is to not wait until the last minute and to make determination at the meetings before.

Commissioner Tolson stated he appreciated the effort in putting this meeting together in short notice. Thank you.

On May 16, 2023, there will be a Board of Trustees Joint Study Session with the Planning Commission to join remotely on Innovation, Vision, and Future Community Direction presented by the Elevate Erie Team.

There is an agenda on the May 17, 2023 Planning Commission Meeting. This would be the continuance of the Parkdale Masters Planned Development Zoning and a presentation from Don Elliott on Equity in Zoning and Affordable Housing. Affordable Housing Manager, MJ Adams will provide code update information/changes to the UDC, specifically on 765 Cheesman Street.

Mrs. Bachelder added that at the last Board of Trustees meeting, there was an Executive Session which included discussion regarding legal advice concerning the role and authority of the Planning Commission.

The April 25, 2023 Board of Trustees meeting will include an agenda item for an considering an Ordinance for the Board authority on the Comprehensive Plan. The Commission will be allowed to attend and speak. Emailed comments are also accepted.

Chair Zuniga asked if this was an Ordinance to change the authority of the Planning Commission.

Mrs. Bachelder noted that the Ordinance is not drafted through Planning and has not seen it as the agenda packet gets posted the Friday before the meeting to include the Ordinance and staff report.

Chair Zuniga noted this is the unscrupulous approach she previously mentioned and requested the Commission attend and speak but the Board of Trustees will do what they want to do and that's been the MO.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS

Vice Chair Luthi wanted to say "Thank you" to Deborah, Melinda, and Doug in case no one has said that through this. You are wonderful and have done a great job in helping and assisting the Commission. Many, many thanks.

Commissioner Tolson seconds the sentiment.

IX. ADJOURNMENT

Chair Zuniga adjourned the April 19, 2023 Planning Commission Meeting at 8:18pm.