

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday April 13, 2023

Commissioners Present:

Jay Engstrom
Jarrett Mork
Kade Gianinetti (1st Alternate)
Jess Robison (2nd Alternate)

Staff Present:

Jared Barnes, Planning Director
Kelley Amdur, Planner
Kae McDonald, Planning Technician

Commissioners Absent:

Nick Miscione
Jeff Davlyn
Nicholas DiFrank
Kim Magee

March 9, 2023 Minutes:

Motion Passed: Jarrett ***moved*** to approve the March 9, 2023, meeting minutes. Jess ***seconded the motion***, and it was ***unanimously approved***.

Yes: Jay, Jarrett, Kade, Jess

No: none

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

Upcoming Boards and Commissions Structural Changes

Jared provided some background on this topic, noting that at the behest of the Board of Trustees the Town Manager researched the structure of all the Town's advisory boards and commissions with the goal of bringing uniformity to certain aspects of these groups. He referred to the matrix included in the meeting packet, pointing out there are a lot of differences in board makeup, number of members and alternates, appointment dates, interview and appointment process and length of terms. Jared commented that one of the reasons that prompted this review was confusion arising over the process of appointing commission members. Staff recommend a few topics for the BOT to discuss and they would like feedback from each Board/Commission to take back to the BOT for a discussion about those items that could be changed. Jared asked commission members to consider what, if anything, is pertinent to the Commission to maintain or to change and to determine as a group if the Commission would like to submit a written comment most specifically if they feel strongly that the interview/appointment process should be different than currently outlined in the Ordinance.

Appointment Date

Jay asked if appointments would only take place once per year.

Jared replied that, in theory, that should be the process, but in practice applications for the open position are advertised at the time of vacancy. Jared explained that by selecting a uniform appointment date there could be concerted public outreach to right-size interested community members with the appropriate board or commission, whereas in the current situation interested community members might only incidentally learn of a vacancy.

Jerrett asked if the BOT wants the Commission to change or can they give input of preference.

Jared explained that the spring appointment date was proposed by the Parks and Recreation Commission to facilitate the transition of youth members during the school year, attract applicants before the busy months of summer and allow new members to become familiar with projects well before budget season.

Jay commented that he didn't see the effectiveness of all the groups having the same appointment date, pointing out that it might increase competition for members. He added that he was uncomfortable with the possibility that members might only be appointed once per year because if the Commission has occasion to lose two or three members in a short period of time it would add to the burden carried by remaining members.

Jerrett agreed that once per year wasn't ideal, especially considering the Commission's workload. He suggested that appointments take place on a quarterly basis.

Kade agreed that quarterly appointments would be a fair compromise.

Terms

Jared pointed out that the Planning & Zoning Commission was one of the few commissions with a four-year term. He asked if commission members would rather have a two- or three-year term, noting that four years does allow for a learning curve.

Kade agreed that four years was appropriate for this Commission, noting that two years might be too short.

Jerrett suggested extending the term to five years to provide congruence with the comprehensive plan updates. He commented that with a four-year term it was possible to see some larger projects through from beginning to end.

Jay noted that currently members need to re-apply and re-interview to be reappointed for another term and asked if that process would continue.

Jared answered in the affirmative and explained that that process was typical for all the boards and commissions.

Both Jess and Jay agreed that a four-year term is appropriate for this Commission.

Number of Members

Jared noted that the Planning & Zoning Commission currently consisted of seven regular members and two alternates. He asked the commission members if they were comfortable with that configuration and if having two alternates was helpful. Jared explained that other communities he is familiar with allow members to live outside the municipal limits and have professional preferences – for example, no less than three industry professionals – and asked if the commission members thought this was a beneficial criterion.

Jess replied in the affirmative regarding the number of members.

Jerrett wondered if applicants must meet specific criteria if that would limit the number that apply.

Jared commented that the professional criterion is usually a preference, not a requirement.

Jay thought that it was more important to limit the number of industry professionals and encourage applicants from outside that realm.

Jerrett agreed, adding that it is good to have a variety of professionals because they look at plans in different ways and then lay people often have good ideas.

Both Jay and Jess agreed that Carbondale is too small to limit applicants in that way and they want to encourage diversity in a variety of ways.

Kade thought the topic regarding out of town applicants was interesting because there are a lot of people that live outside the municipal boundaries that consider Carbondale their town.

Jared pointed out that most of the boards and commissions allow some out-of-town members.

Jay commented that oftentimes members move outside the municipal boundaries after they have been appointed.

Jared noted that the Historic Preservation Commission suggested allowing individuals who own businesses or work in Carbondale to qualify, or to live in Carbondale's "sphere of influence."

Jay suggested removing the wording and leaving it up to the Board of Trustees to decide.

Kade and Jess both suggested leaving the topic alone unless it becomes problematic.

Interview

Jared commented that the majority of Boards/Commissions interview potential members and then make a recommendation to the BOT for approval. He noted that the interview process for the Planning & Zoning Commission includes the BOT, the Planning & Zoning Commission Chair and one other P & Z member of the Chair's choosing; the code currently doesn't allow for the P & Z Commission, as a whole, to interview applicants. He pointed out, however, that historically the Commission has interviewed and made recommendations to the BOT and the BOT can choose to agree with the recommendation or appoint someone else. Jared offered that if the Commission would like to see the written process changed to be congruent with what has happened historically it might be more impactful to submit a written comment to the BOT. He added that in his experience because the P & Z is a quasi-judicial commission, the interview process is usually undertaken by the BOT.

Jerrett preferred the hybrid scenario in which P & Z interviews applicants, pointing out that he wasn't sure how closely the BOT follows the Commissions actions.

Jay noted that the P & Z Commission used to be a stepping stone to the BOT, and stated that while he understood the Commissions perspective because of its quasi-judicial nature, the BOT should remain involved.

Jess commented that, in her experience, by choosing its own members P & Z Commissions can limit minority opinions and different voices, thereby sowing contention if the group veers into an unhealthy political situation. She thought it important to honor democracy and retain the BOT's involvement and oversight.

Kade understood Jess's perspective but thought there was potential for conflict if the BOT selects an applicant that the P & Z didn't support. He was in favor of the current practice for interviews and appointments. Kade asked why there wasn't a BOT liaison to the P & Z Commission.

Jared replied that there isn't a BOT liaison because of potential conflicts that might arise if a Trustee participates in a P & Z Public Hearing and then must make a decision at the BOT level.

Kade thought it would create better dialogue and context if there were a BOT presence, suggesting their attendance could be limited to non-hearing meetings.

Jared replied that they would need to seek legal guidance because the Trustee might not be able to participate in the same way as they do on other boards and commissions.

Jerrett suggested hosting joint meetings with the Tree Board and Environmental Board, as well.

P & Z/BOT Check-in Discussion

Jay reminded the commission members they have their check-in with the BOT on the upcoming Tuesday, April 18th.

Jared explained that the packet contains his revised draft memo and covers the Commission's service tenure, 2022 accomplishments and approvals, a summary of the Comprehensive Plan Update and 2023 priorities.

Jay thought the format looked good and commented that it was nice to see their accomplishments in addition to all the work on the Comprehensive Plan Update.

Kade asked if the 2023 priorities were listed in order of importance.

Jared replied that the EV parking requirements and solar ready roofs will be part of an upcoming work session and that is why they are listed first.

Kade noted that the other three – Accessory Dwelling Unit regulations, HCC and/or Downtown North zoning and the Multi-Modal Mobility and Access Plan – are the more challenging and higher priorities.

Jared pointed out that the M3AP will be a consultant led process, so the workload on that topic shouldn't be too arduous.

Kade asked if it was possible to get an update on the Town Center project, adding that he still wasn't sure how appropriate it was that the BOT not only chose the consultant, but will be leading the project as well.

Staff Update

Jared stated that he is developing a work session for the EV parking requirements mentioned earlier with the goal being a model for standards dedicating a percentage of parking to EV capable, EV ready and EV installed parking spaces; this will help the Town achieve their "Path to Net Zero." He noted that by establishing those requirements, electrical conduit can be installed while a project is under construction.

Kelley explained that ANB Bank submitted a revised application a few weeks ago and she is working through the completeness review. She noted that the Public Hearing for 55 N. 7th Street/Little Blue Preschool Expansion will take place at the April 27th meeting.

Kelley also informed the commission members that staff will be updating the Historic Preservation web page to highlight recent efforts by that Commission. She asked if commission members have other suggestions, to please contact staff.

Commissioner Comments

Jess suggested that commission members pay attention to the current affordable housing legislation currently being promoted by Governor Polis and if individuals have strong feelings one way or the other to be sure to contact their local representatives.

Jared explained the tenets of the legislation (if approved):

- All the communities across Colorado have been placed into various tiers and each tier has specific requirements to achieve affordable housing; Carbondale is in the least restrictive tier.
- As drafted, ADUs will be a use by right in all zone districts and municipal governments would have limited oversight.
- Municipal governments couldn't limit short-term rentals or require deed restricted units and a variety of requirements would need to be updated to conform with the legislation.
- Carbondale's BOT reviewed the proposed legislation at Tuesday's meeting based on three code analyses from Southwest Energy Efficiency Project (SWEEP), Colorado Municipal League (CML) and Colorado Association of Ski Towns (CAST). SWEEP supported the initiative, while CML opposed the legislation because it removes local control to solve local problems along with the speed at which it is being pushed through at the expense of public outreach. CAST supported some of the initiatives such as reducing the power of HOAs but pointed to the effects the bill would have on the character of municipalities. While the BOT did support some aspects of the bill, Trustees were concerned over the loss of local control and what the legislation might mean for Home Rule municipalities; a letter will be sent to the Representatives Perry and Velasco outlining the BOT's position.
- Trustee Laird pointed out that a more successful approach might be a large sum of money to buy down the cost of housing. He also noted that more housing doesn't always equate to less cost.
- Jared acknowledged that the legislation would have impacts and thought it worthwhile to follow developments. He suggested that if commission members were concerned, they can communicate their thoughts as private citizens or the Commission can draft a letter as a group.

Jay noted that the bill is being pushed hard, but there is a lot of opposition. He thought the impacts might be felt more acutely on the western slope than the Front Range.

Jared pointed out that there might be other solutions such as adopting a real estate transfer tax (which the State of Colorado previously prohibited) or floating a bond to provide a large block of money for affordable housing.

Motion to Adjourn

A motion was made by Jarrett to adjourn, Jess seconded the motion, and the meeting was adjourned at 8:18 p.m.