GUNNISON COUNTY PLANNING COMMISSION

ORGANIZATION and PROCEDURAL *GUIDELINES*

GUNNISON COUNTY, COLORADO

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Originally adopted February 26, 1988
Amended March 20, 1988
Amended February 10, 1989
Amended March 4, 1994
Amended February 16, 1996
Amended March 20, 1998
Amended June 4, 2002
Amended May 5, 2009

GUNNISON COUNTY, COLORADO PLANNING COMMISSION

ORGANIZATION AND PROCEDURAL GUIDELINES

SECTION 1: PURPOSE

These *Guidelines* are advisory only, and are not intended to impose, nor shall they carry the weight or authority of, statute, regulation or resolution. In no circumstance do these Guidelines control the Gunnison County Land Use Resolution or any other County regulation.

When there is a conflict between language in these Guidelines and the Gunnison County Land Use Resolution, the Gunnison County Land Use Resolution shall prevail.

SECTION 2: ORGANIZATION

A. ORGANIZATION AUTHORITY. This organization is the Planning Commission of the County of Gunnison, Colorado, which is governed by and has those duties and responsibilities authorized by the applicable provisions of Colorado Revised Statutes 1973 30-28-103 and 104 *et. seq.*, as amended, and pursuant to the *Gunnison County Land Use Resolution*, Section 1-115: *Establishment of Gunnison County Planning Commission.*

B. ORGANIZATION TITLE. This organization is referred to herein as "the Commission."

C. BOARD REFERENCE. The Gunnison Board of County Commissioners is referred to herein as "the Board."

D. COMMISSION REFERENCE. The Gunnison County Planning Commission is referred to herein as the "Commission."

SECTION 3: MEMBERSHIP AND RESPONSIBILITIES

A. MEMBERSHIP. The Commission is comprised of five regular and two alternate members, who are residents of Gunnison County, and are appointed by the Board.

B. RESIDENCY. Each regular and alternate member shall be a resident and shall have been a resident of Gunnison County for at least two years immediately before the appointment.

C. LENGTH OF TERMS. Regular commission members are appointed to staggered three-year terms by the Board. Alternate members are appointed for one-year terms, or for terms as otherwise determined by the Board.

D. APPOINTMENT TO FILL VACANCY. A vacancy created by the resignation or termination of a member's term is filled by appointment by the Board for the length of time remaining in the vacated term.

E. ALTERNATE MEMBERS. Alternate members are expected to attend all regularly scheduled meetings, and, with the exception of not having regular voting privileges, fully participate in the business of the Commission.

F. COMMISSION MEMBER'S RESPONSIBILITIES. A Planning Commission member is responsible to do the following:

1. **REVIEW MATERIAL BEFORE MEETINGS**. Review all material received before meetings.
2. **BECOME FAMILIAR WITH APPLICABLE REGULATIONS.** Familiarize him/herself with the Gunnison County Land Use Resolution, and other regulations that the Commission may be expected to administer from time to time.
3. **ATTEND COMMISSION MEETINGS INCLUDING SITE VISITS**. Attend all Planning Commission meetings, including site visits and work sessions. If a Commission member is unable to attend a meeting,

they shall notify the Commission Chairperson or Planning Director if possible, at least one week before the scheduled meeting.

4. **ENCOURAGE DETAILED DISCUSSION IN INITIAL REVIEW DISCUSSIONS.** Endeavor to raise questions and concerns about a proposal as soon in the process as they become apparent.

5. **EVALUATE PERMIT APPLICATION FOR COMPLIANCE WITH REGULATIONS**. Evaluate each proposed Land Use Change Permit application for its compliance with the Gunnison County Land Use Resolution, and other applicable regulations, by reviewing the documentation submitted and included in the application's file in the Planning Office.

6. **REVIEW DRAFT ACTION DOCUMENTS PREPARED BY DEPARTMENT STAFF.** Review the draft Recommendation or Decision prepared by the Planning Department staff for a specific Land Use Change Permit application, so as to reasonably ensure that all elements of a proposed land use change have been explained, that compliance of the Land Use Change Permit application with the Gunnison County Land Use Resolution, and other applicable regulations has been sufficiently evaluated, that Findings have been included that reflect conclusions reached by the Commission based on its evaluation of submitted documents, public testimony and any observations onsite, and that conditions of the proposed action are based on evidence included in the record, and backed by the Findings.

7. **SERVE AS PROJECT COORDINATOR.** Serve as a Project Coordinator as appointed by the Commission Chairperson.

8. **HELP NEW COMMISSION MEMBERS.** Assist new Commission appointees as needed.

9. **ATTEND OTHER COUNTY MEETINGS.** Insofar as possible, attend other County meetings of interest to the Planning Commission.

10. **REFER PUBLIC TO THE STAFF.** Refer inquiries from the public on planning matters to the Planning Department staff.

11. **PERFORM IN A QUASI-JUDICIAL MANNER.** Conduct him/herself in actions, words and manner, in public and in private, as befitting and as required of a quasi-judicial role, relating to matters before the Commission.

12. **ATTEND PROFESSIONAL CONFERENCES TO ENHANCE UNDERSTANDING OF PLANNING FIELD.** Is expected by the Board to participate in and attend educational and professional conferences, workshops and field trips as may be offered by professional organizations related to the planning field.

13. BE **ACTIVELY INVOLVED IN COMMISSION RECOMMENDATION TO BOARD IN DEVELOPING LAND USE POLICIES.** Is actively involved as a Commission member in making recommendations to the Board concerning broader land use issues and concerns, establishing Special Areas, and amending the Gunnison County Land Use Resolution.

G. **PROJECT COORDINATOR.** The Chairperson may appoint a Project Coordinator to each Land Use Change Permit application. The Chairperson may also appoint Project Coordinators to direct other, issue-oriented projects. The term "Project Coordinator" may include more than one individual, so that a project is assigned Co-Coordinators. The Chairperson may serve as Co-Coordinator as necessary, to provide guidance and support. A Project Coordinator's responsibilities include these:

1. **EVALUATE APPLICATION FOR COMPLIANCE WITH REGULATIONS.** To evaluate each Land Use Change Permit application for which he/she is the Project Coordinator for its compliance with the Gunnison County Land Use Resolution and/or any other applicable regulations.

2. **OVERSEE AND PROVIDE INFORMATION TO OTHER COMMISSION MEMBERS.** To provide comments and project analysis to the other Commission members at scheduled meetings. The staff will provide timely notice to a Project Coordinator when the proposed Land Use Change Permit application review he/she is overseeing is to be a scheduled agenda item.

3. **IDENTIFY COMMISSION CONCERNS FOR PROPONENT.** To determine the sense of the Commission relative to potentially sensitive or controversial issues for guidance in consulting with the proponent (s).

4. **WORK WITH STAFF. T**o work with the Planning Department staff, County Attorney and/or other staff, to find answers to questions raised about the proposed land use change.

a. **CONSULT WITH PROPONENT.** To consult with the proponent as required. Other Commission members and/or staff may also be included as deemed appropriate by the Project Coordinator. The Project Coordinator shall report to the Planning Commission, at the next regular meeting of the Commission and on the record, if such consultations occur, and shall report the date, time, place, participants and subject matter of each such consultation. Such consultations, if reported as required, shall not be considered to be in violation of Section VIII, *Ex Parte Communications*, of these *Guidelines*.

b. **REVIEW STAFF RECOMMENDATIONS**. To review draft staff recommendations before a meeting on which such recommendations are scheduled.

c. **TO BE PRESENT WHEN LAND USE CHANGE PERMIT RECOMMENDATIONS ARE SCHEDULED ON THE TO BOARD AGENDA.** To be present when a Planning Commission Recommendation to the Board of County Commissioners a Land Use Change Permit application is being considered in a public hearing, or for action by the Board, as appropriate. The Project Coordinator may request that other Commission members also be present to assist in answering questions the Board may have about the Commission's recommendation.

H. COMPENSATION. Commission members receive a nominal fee for each regular or special meeting as determined periodically by the Board, and are compensated for necessary traveling and subsistence expenses related to occasional out-of-county workshops and meetings.

I. ABSENCES. The Planning Commission will notify the Board if a Commission member has missed four consecutive regular Commission meetings. The Board will schedule a meeting with the Commission member, and may remove the member from the Commission.

J. RESIGNATION. Any member may resign from the Commission by giving written notice to the Commission Chairperson and/or the Board.

K. R**EMOVAL OF COMMISSION MEMBER FOR NON-PERFORMANCE OR MISCONDUCT.** The Board of Commissioners shall fill vacancies and may remove a member for non-performance of duty or misconduct, as it deems appropriate in the exercise of its discretion.

L. ROLE OF ALTERNATE DURING TEMPORARY VACANCY. In the event that any member is temporarily unable to act owing to absence, illness, conflict of interest, or any other cause, such position shall be filled during the temporary disability by an alternate member by order of the chairperson of the Commission.

SECTION 4: OFFICERS AND DUTIES

A. OFFICERS OF COMMISSION. Officers of the Commission are a Chairperson and Vice-Chairperson, and any others as the Commission deems may be needed.

B. ANNUAL ELECTION. Officers are elected annually by members at the Commission's first meeting in February, or as soon as practicable after the Board has made its annual appointments to the Commission, whichever occurs later.

C. TERMS OF OFFICE. Each office holder holds office for one calendar year after his/her election, and may succeed him/herself.

D. ROLES OF CHAIRPERSON AND VICE-CHAIRPERSON. The Chairperson presides at all meetings of the Commission, and is the chief executive officer of the Commission, performing duties that may reasonably be associated with that position. The Vice-Chairperson serves in the absence or incapacity of the Chairperson, including in any event in which a conflict of interest prevents participation and vote by the Chairperson; and completes all such duties as are defined herein which are normally performed by the Chairperson. In the event both the Chairperson and Vice Chairperson may have a conflict of interest, or are absent or incapacitated, the remaining members shall elect a Chairperson who shall preside over the business of the applicable meeting.

1. **QUALIFICATION OF ACTING CHAIR REGARDING AGENDA ITEMS REQUIRING ACTION.** When an item is scheduled on the agenda for action and neither the Chairperson or Vice Chairperson is present, or is without a conflict of interest, the Commission shall choose its Acting Chair only from those members who were present when the public hearing for any such item was conducted.

SECTION 5: MEETINGS

A. ANNUAL SCHEDULE OF MEETINGS. A schedule of regular meeting dates for the upcoming year will be prepared by the Planning Department staff for review and approval by the Commission at its first December meeting.

B. OPEN MEETINGS AND EXECUTIVE SESSIONS. All Commission meetings shall be preceded by notice as required by Colorado State statute, and held regularly and at specific times and open to the public at all times. No executive session shall be conducted except in strict compliance with state statute. No executive session shall be convened or conducted until the Commission has first convened in an open session for which notice has been posted, a maj***ority of the members have voted to go into executive session, and that action entered into the minutes, the Chairperson has cited the purpose for an executive session, and has stated to the public that the meeting will reconvene after the executive session.***

C. SPECIAL MEETINGS. Special meetings may be conducted at any time when called by the Chairperson or at the written request of three or more Commission members. All members must be notified at least 48 hours in advance of a special meeting. Special meetings shall be noticed at least 24 hours in advance of the meeting, in compliance with Colorado statutory requirements and as otherwise required by the Gunnison County Land Use Resolution. Only items on the posted agenda shall be considered at a special meeting. Special meetings may be called in order to expedite action on a Land Use Change Permit application or any other subject that requires review and recommendation or o***ther considerations or actio***n by the Commission.

D. WORK SESSIONS. Work/study sessions may be conducted as needed by the Commission, or as required by the Gunnison County Land Use Resolution. No official action takes place at these sessions.

E. MEETING LOCATIONS. Regular meetings of the Commission are conducted in the Planning Commission meeting room of the Blackstock Government Center in Gunnison, or at any other place agreed upon by the members or that the Planning Department staff determines to be a site which can reasonably and most conveniently accommodate the public. The Commission will, as necessary and as it determines it can best serve the interests of the public, conduct its meetings in municipalities or other locations in the County when there are Land Use Change Permit, Special Area designation, or other applications proposed on lands located in or adjacent to those areas.

F. QUORUM. A quorum of the Commission consists of three members. No action shall be taken by the Commission without three members voting affirmatively.

G. ORDER OF BUSINESS. The order of business for each regular meeting of the Commission may include the following, so far as is applicable, and not necessarily in the order listed:

1. **DETERMINATION OF QUORUM.** Call to order and determination of quorum.
2. **UNSCHEDULED CITIZENS.** Meeting with unscheduled citizens about items that are not agenda items for that meeting.
3. **MINUTES APPROVAL.** Correction and approval of minutes of previous meeting(s).
4. **CONSIDERATION OF PERMIT APPLICATIONS.** Individually scheduled Land Use Change Permit application work sessions, public hearings or actions. A public hearing may be continued to a time and date certain for a specific Land Use Change Permit application.
5. **CONSIDERATION OF GENERAL PLANNING ISSUES.** Work sessions on planning items that are
6. **TRAINING.** Educational and training sessions by staff, and/or representatives of other local, state and federal agencies, video and audio conferences, videotape presentations.
7. **STAFF AND COMMISSION REPORTS**. Reports by staff/Commission members.
8. **DEBRIEFING OF DAY'S MEETING**. Discussion about processes and other general planning issues raised during the day's meeting. No action is to be taken during this debriefing, and items on which action is to be taken will be scheduled as agenda items at upcoming Commission meetings. No discussion of specific Land Use Change Permit applications shall occur during this time.

9. **ADJOURN**. Adjournment.

H. MAINTAINING DECORUM IN MEETINGS. Commission members, led by the Chair, will maintain decorum and a businesslike atmosphere in meetings. Generally, clapping, shouting, disrespectful language and/or other outbursts are inappropriate. As necessary, the Chair shall establish what types of language and comments will not be considered acceptable. The Chair is responsible for enforcing the rules with both the public and Commission members and may interrupt a speaker, and remind the speaker of the rules. If the speaker refuses to cooperate and persists in inappropriate behavior, the Chair may call a recess.

I. RECORD OF COMMISSION PROCEEDINGS. The Commission shall keep a record of its proceedings, which shall be available to the public at the Planning Department during regular business hours.

J. PROCEDURE WHEN ALTERNATE MEMBER IS PROJECT COORDINATOR. In the event that an alternate member is the Project Coordinator for a Land Use Change Permit application or a special project scheduled on the agenda for action, the Chairperson will direct a regular member to step down so that the Project Coordinator may vote on that item. Once the vote has been taken, the regular member resumes his seated status.

K. DISTRIBUTION OF MEETING INFORMATION TO COMMISSION MEMBERS. The Planning Department staff shall make its best effort to deliver, to each Commission member copies of applications, reports, draft recommendations and/or other materials related to agenda items at least five business days prior to a regular meeting; members may also elect to pick up materials at the Planning Department, or to receive the materials by fax or electronic mail.

L. SUBSTANTIVE MATERIAL SUBMITTAL. The Commission shall not consider new substantive material that is submitted after 12 Noon on Thursday of the week before the scheduled meeting unless the Commission has otherwise specifically, and by majority vote, waived this requirement, or such submittal is otherwise allowed by the Gunnison County Land Use Resolution.

SECTION 6: CONFLICTS OF INTEREST

A. CRITERIA FOR CONFLICT. In addition to any requirement of Colorado law, a member of the Commission is considered in a position of conflict of interest if any of the following situations is in evidence relative to the specific Land Use Change Permit application or special project scheduled for discussion:

1. **COMMISSION MEMBER CONNECTED TO SUBJECT PROPERTY.** The member is:

   a. **AN IDENTIFIED BUYER.** An identified buyer of the subject property.

   b. **THE SELLER.** The seller of the subject property

   c. **THE REALTOR.** The broker or Realtor for the property

   d. **THE APPLICANT.** The applicant, or applicant's employee, spouse, parent, child, sibling or a member of the applicant's household

   e. **ADJACENT LAND OWNER.** The owner, lessor or lessee, adjacent to the subject property; or,

2. **COMMISSION MEMBER WILL BE FINANCIALLY AFFECTED.** The member stands to be beneficially or detrimentally affected in a financial way by action taken on the property.

3. **REMOVAL FROM MEETING WHEN IN CONFLICT.** Any member who considers him/herself to be in a position of conflict of interest as defined above must declare such conflict, surrender the privilege of voting, and remove him/herself from the meeting.

4. **DETERMINATION BY COUNTY ATTORNEY OF CONFLICT.** Questions of conflict of interest which fall outside the above-cited categories or about which the Planning Commission, or the individual member in question wish to have County counsel, shall be referred to the County Attorney for evaluation; no action shall be taken on the subject item until the County Attorney has issued a written opinion.

SECTION 7: RECUSAL OF MEMBERS

A. MEMBERS MAY RECUSE THEMSELVES. An individual may recuse him/herself for an inability to make an impartial decision because of conflicts of interest, an ex parte communication or otherwise.

B. RECUSED MEMBER SHALL NOT PARTICIPATE ON PENDING MATTER. ***When a Commission***

member is recused, voluntarily or otherwise, from participation regarding a pending matter, that Commission member shall not thereafter discuss the matter with other Commission members or participate as a Commission member in such matter, and shall leave the area of the meeting when such matter is being discussed.

C. **ACTIONS ON PENDING MATTERS WHEN QUORUM UNAVAILABLE DUE TO RECUSALS.** ***If, because of recusal of one or more Commission members on a pending matter, a quorum is not available to take action on the pending matter for two consecutive scheduled meetings of the Commission, such matter shall be referred to the Board of County Commissioners for Board review and decision in lieu of any required Commission action, even if the Planning Commission is cited as the decision-making body by the Gunnison County Land Use Resolution for that type of matter.***

SECTION 8: EX PARTE COMMUNICATIONS

A. **COMMISSION MEMBERS SHALL MEET EX PARTE STANDARD.** To ensure that the decision-making process is fair and impartial, Commission member***s, members of the Board, Land*** Use Change Permit applicants and interested public involved in proceedings before the Commission are held to certain standards regarding "ex parte" communication about applications under review. Ex parte communication is defined as "oral or written, off-the-record communication made to or by Commissioner members without notice to all parties involved, that discusses the merits, or could affect the outcome of a decision or recommendation to be made by the Commission."

B. **INFORMAL COMMUNICATION ABOUT APPLICATIONS PROHIBITED.** Generally, this ex parte rule prohibits Commissioners from engaging in informal communications wit***h members of the Board, Land Use Change Permit applicants and interested public involved in proceedings before the Commission) tha***t could influence a decision or recommendation document concerning any current or potential Land Use Change Permit application. Parties may not, for example, present information to Commissioners about the facts or merits of an application, except during a regularly scheduled meeting of the Commission, and Commission members should not initiate those conversations. Conversations outside of meetings or public hearings should be limited to policy, rather than facts about a current or potential application; i.e. a Commission member should not speculate about what a decision or recommendation might be, or what his/her position might be about any such application.

C. ***EX PARTE*** **COMMUNICATION SHALL BE REPORTED AS PART OF RECORD**. If an ex parte communication is attempted by telephone, in person, by fax, email or other means outside of a regularly scheduled meeting, the Commissioner involved shall first attempt to stop the party from the prohibited behavior, ***then absent themselves from the attempted communication. The Commissioner is encouraged to document the communication and notify the Planning Department by telephone or in written form (including by fax and/or email). The Planning Department staff will then enter a statement into the public file. The involved Commissioner will, at the next meeting of the Commission, report the communication to the other members of the Commission, and it shall*** be so noted as part of the record of the meeting.

SECTION 9: OCCASIONAL PROCEDURES

A. **RECOMMENDATIONS TO AMEND REGULATIONS.** The Commission periodically may recommend amendments to the *Gunnison County Land Use Resolution*, the *Gunnison County Special Development Project Regulations* ***and any other County document for which it is a recommending or***

decision-making body, as it may deem advisable; develop sector and/or other land use plans specific to areas within the unincorporated portion of the County; and make recommendations relative to attendant sewage disposal, building and plumbing codes, all of which are subject to approval by the Board in order to take effect.

B. MEETINGS WITH OTHER ENTITIES. The Commission periodically may host or jointly conduct meetings with other planning commissions or councils representing other municipal or County entities, and with the Board for the purposes of reviewing planning procedures and documents, initiating or conducting cooperative planning efforts, and to build and maintain cooperative working relationships.

SECTION 10: AMENDMENTS

An amendment to these *Guidelines* and Procedures may be initiated by the Board, by the Planning Commission or by the Planning Department; such amendment is subject to a recommendation of approval by the Planning Commission and a decision of approval by both the Planning Commission and the Board, in separate actions. The potential amendment action shall be noticed as a regular agenda item, and no public hearing is required before action by either the Commission or the Board.

Approved as amended this 5th day of May, 2009.

/s/ Paula Swenson, Chairperson /s/ Hap Channell, Commissioner *(Absent:* Jim Starr, Commissioner)