

1 **TOWN OF BRECKENRIDGE PLANNING COMMISSION**
2 **RULES OF PROCEDURE**
3 **(May 2024 Edition)**

4
5 **Rule 1. Authority For Adoption**

6
7 These Rules of Procedure are adopted pursuant to the authority granted to the Town of
8 Breckenridge Planning Commission by Section 2-2-7 of the Breckenridge Town Code.

9
10 **Rule 2. Applicability**

11
12 These Rules of Procedure shall apply to all meetings of the Town of Breckenridge Planning
13 Commission.

14
15 **Rule 3. Definitions**

16
17 The term “Rules” shall mean these Rules of Procedure, as amended from time to time. The term
18 “Commission” shall mean the Town of Breckenridge Planning Commission. The term “Director”
19 shall mean the Director of the Department of Community Development of the Town of
20 Breckenridge, or such person’s designee. The term “Presiding Officer”, shall mean the Chair, or
21 to the Vice-Chair or Temporary Chair when acting in the absence of the Chair.

22
23 **Rule 4. Other Laws**

24
25 These Rules must be read in conjunction with the Town of Breckenridge Development Code¹,
26 the Town of Breckenridge Subdivision Standards², the Director’s Administrative Rules and
27 Regulations³, as well as all applicable Town, state or federal laws, rules or regulations. In the
28 event of a conflict between these Rules and any ordinance or statute, the ordinance or statute
29 shall control.

30
31 **Rule 5. Regular Meetings**

32
33 **Rule 5.1. Date, Time and Place of Regular Meetings**

34
35 The Commission shall hold regular meetings on the first and third Tuesdays of each
36 month, except that:

37

¹ Chapter 1 of Title 9 of the Breckenridge Town Code

² Chapter 2 of Title 9 of the Breckenridge Town Code

³ Adopted pursuant to the authority granted by Section 9-1-28 of the Breckenridge Town Code (for Development Code matters) and Section 9-2-3-9 (for Subdivision Standards matters)

- 1 a) if a regular meeting day is a legal holiday, the meeting shall be held on the
- 2 next business day;
- 3 b) there shall be no second regular meeting held in the month of December each
- 4 year; and
- 5 c) By majority consent, the Commission may dispense with the holding of any
- 6 other regular meeting, or agree to hold a regular meeting on a different day
- 7 than is normally required by this Rule.
- 8

9 All regular meetings of the Commission shall be held in the Town Council Chambers of
10 the Breckenridge Town Hall, 150 Ski Hill Road, Breckenridge, Colorado, unless the
11 Commission shall otherwise order.

12
13 Each regular meeting of the Commission shall begin at 5:30 P.M., unless otherwise
14 provided in the notice of the meeting.

15
16 In his discretion, the Director may schedule an application out of the normal order of
17 business if it involves a matter of substantial public interest, or if the Director determines
18 that good cause exists to vary the normal order of business. Further, by general consent of
19 the Commission, items may be considered out of order.

20
21 **Rule 5.2. Notice of Regular Meetings.**

22
23 Notice of each regular meeting shall be posted by the Director on Commission's official bulletin
24 board as designated in Rule 9 not less than 24 hours prior to the holding of the meeting. The
25 posting shall include specific agenda information where possible.

26
27 **Rule 6. Special, Emergency, and Adjourned Meetings**

28
29 **Rule 6.1. Special Meetings**

30
31 Special meetings of the Commission shall be called by the Director on the written request of the
32 Chair, the Vice-Chair in the absence of the Chair, or on the written request of any four (4)
33 members of the Commission. At least 24 hours advance notice, written or oral, of a special
34 meeting shall be given to: (i) each member of the Commission, and (ii) each person who has
35 filed a written request for notice with the Director pursuant to Rule 14. Notice of a special
36 meeting shall also be posted in the place designated in Rule 9. Such notice shall be posted at
37 least 24 hours in advance of the special meeting. The advance notice to the Commission
38 members, and to each person who has filed a written request for notice with the Director
39 pursuant to Rule 14, shall set forth the date, hour, place and purpose of such meeting. Any
40 Commission member may waive the requirement of notice of a special meeting, and attendance
41 at a special meeting shall constitute a waiver of the requirement of advance notice of such
42 meeting.

1
2 No business shall be conducted at a special meeting of the Commission unless the same has been
3 stated in the notice of such meeting; except that any business which may lawfully come before a
4 regular meeting of the Commission may be transacted at a special meeting if all members of the
5 Commission are present and consent thereto.

6
7 A special meeting may also be called or scheduled by vote of the Commission in open session
8 during another duly called meeting. No special notice shall be required with respect to a special
9 meeting called in such manner.

10
11 **Rule 6.2. Emergency Meetings**

12
13 The Chair may at any time call an emergency meeting of the Commission by signing a written
14 notice stating the time and place of the meeting and the subject(s) to be considered. Written or
15 oral notice of the meeting shall be given to each Commission member and provided to each
16 person who has filed a written request for notice with the Director pursuant to Rule 14. Action
17 taken at an emergency meeting shall be effective only until the first to occur of: (i) the next
18 regular meeting of the Commission, or (ii) the next special meeting of the Commission at which
19 the emergency issue is on the public notice of the meeting. At such subsequent meeting the
20 Commission may ratify any emergency action taken. If any emergency action taken is not
21 ratified by the conclusion of the next regular meeting, then such action shall be deemed
22 rescinded.

23
24 Emergency meetings may be called only because of generally unexpected circumstances that
25 require immediate consideration by the Commission. Only business connected with the
26 emergency may be considered at an emergency meeting.

27
28 **Rule 6.3. Adjourned Meetings**

29
30 A properly called regular, special, or emergency meeting may be adjourned to a date and time
31 certain by motion made and adopted in open session during the regular, special, or emergency
32 meeting. The motion shall state the date, time and place when the meeting will reconvene. No
33 further notice need be given of such an adjourned session of a properly called regular, special, or
34 emergency meeting.

35
36 **Rule 6.4. Cancellation of Meeting**

37
38 If: (i) no business is scheduled before the Commission, (ii) it is apparent that a quorum will not
39 be available, or (iii) the scheduled date for any Commission member is a legal holiday, any
40 meeting may be cancelled by the Chair or the Director by giving notice to all members prior to
41 the time set for such meeting, and to each person who has filed a written request for notice with
42 the Director pursuant to Rule 14. Notice of the cancellation of a special meeting shall also be

1 posted in the place designated in Rule 9. Notice of cancellation of a meeting may be given by
2 telephone, electronically (e-mail), fax, in person, or by first class mail. If no quorum is present at
3 the meeting, the Director shall cancel the meeting and all items scheduled to be heard shall be
4 rescheduled by the staff.

5
6 **Rule 7. Quorum**

7
8 Four members of the Commission shall constitute a quorum, and the affirmative vote of a
9 majority of the quorum present at a meeting shall be required in order for the Commission to act
10 upon any matter.⁴ A majority is more than half. The Chair shall be considered a member of the
11 Commission in determining the number on which a majority is based, and in counting the
12 number of members actually present.

13
14 **Rule 8. Applicability of Colorado Open Meetings Law**

15
16 All meetings of the Commission shall be subject to the provisions of the Colorado Open
17 Meetings law.⁵

18
19 **Rule 9. Place for Posting Meeting Notices⁶**

20
21 The designated place for the posting of public notice of all regular and special meetings of the
22 Commission shall be the bulletin board located outside the southerly front door of the
23 Breckenridge Town Hall, 150 Ski Hill Road, Breckenridge, Colorado.

24
25 **Rule 10. Electronic Record/Minutes**

26
27 The Commission shall keep an electronic record of its meetings, including any executive
28 sessions. In addition, full and accurate minutes of the Commission proceedings, except executive
29 sessions, shall be kept as required by the Colorado Open Meetings law. Records of executive
30 sessions shall be kept in accordance with the requirements of the Colorado Open Meetings law.
31 These minutes shall be open to inspection of the public as provided in the Colorado Open
32 Meetings law. The exact wording of each motion and the vote of each member of the
33 Commission thereon shall be recorded in the minutes.

34
35 **Rule 11. Election of Chair and Vice-Chair**

36
37 During November of each year the Commission shall elect a Chair and Vice-Chair.

⁴ Pursuant to Section 2-2-7 of the Breckenridge Town Code

⁵ The Colorado Open Meetings law is found at Part 4 of Article 6 of Title 24, C.R.S.

⁶ Required by Section 24-6-402(2)(c), C.R.S.

1 The terms of the office of Chair and Vice-Chair shall be one year, or until their successors are
2 duly elected. The Town Council representative to the Commission may be elected as either Chair
3 or Vice-Chair of the Commission. There is no limit on the number of consecutive terms which a
4 member may serve as either Chair or Vice-Chair of the Commission.⁷
5

6 **Rule 12. Vacancies**
7

8 **Rule 12.1. Vacancies in Commission Offices**
9

10 If there is a vacancy in either the office of Chair or Vice-Chair of the Commission, the remaining
11 members of the Commission shall fill the unexpired term of such vacated position by election.
12

13 **Rule 12.2. Vacancies on the Commission**
14

15 Vacancies on the Commission shall be filed by the Town Council in the manner provide by law.⁸
16

17 **Rule 13. Secretary**
18

19 The Director shall serve as the *ex officio* secretary to the Commission. The Director shall
20 designate a person or persons to provide the necessary secretarial and recording services for the
21 Commission. The Director shall be responsible for the giving of all required notice of
22 Commission public hearings and actions under the Development Code or Subdivision Standards.
23

24 **Rule 14. Agenda**
25

26 **Rule 14.1. Proposed Agenda**
27

28 The Director shall prepare a proposed agenda for each meeting, together with an agenda packet.
29 The agenda packet shall include the agenda and accompanying background information on each
30 agenda item. A copy of each agenda and agenda packet for a regular meeting shall be made
31 available to each Commission member not later than 48 hours prior to the meeting. A copy of
32 each agenda and agenda packet for a special or emergency meeting shall be made available to
33 each Commission member as soon as possible prior to the meeting.
34

35 **Rule 14.2. Adoption of the Agenda**
36

37 Immediately following the call to order, roll call of the members at each meeting and the
38 approval of the minutes, the Chair shall inquire of the Director whether there are any proposed
39 changes to the agenda. If there are no such changes, the agenda shall stand approved as

⁷ Pursuant to Section 2-2-7 of the Breckenridge Town Code

⁸ Pursuant to Section 2-2-6 of the Breckenridge Town Code

1 proposed without the need for formal Commission approval. If there are proposed changes to the
2 agenda, the Commission shall discuss and revise the proposed agenda, and adopt an agenda for
3 the meeting. The Commission may add items to or subtract items from the proposed agenda,
4 except that the Commission may not add items to the agenda of a special meeting except as
5 provided in Rule 6.1. If an item is to be added to the agenda, written copies of the particular
6 documents connected with such item shall be made available at the meeting to all Commission
7 members.

8
9 **Rule 14.3. Consent Calendar**

10
11 The Commission shall consider items placed upon the “Consent Calendar” by the Director. The
12 Consent Calendar shall include all matters which are to be submitted to the Commission on a
13 consent calendar under the applicable provisions of the Development Code or Subdivision
14 Standards. See Rule 26 for the procedures to be followed with respect to the Consent Calendar.
15

16 **Rule 15. Order of Business**

17
18 Items shall be placed on the agenda according to the order of business. The order of business for
19 each regular meeting shall normally be as follows:

- 20
21 Call to Order; roll call
22 Approval of the minutes
23 Discussion and revision of the proposed agenda; adoption of an agenda
24 Consent Calendar
25 Final Hearing(s)
26 Preliminary Hearing(s)
27 Worksession(s)
28 Other Matters
29 Adjournment
30

31 In his discretion, the Director may schedule an application out of the normal order of business if
32 it involves a matter of substantial public interest, or if the Director determines that good cause
33 exists to vary the normal order of business. Further, by general consent of the Commission, items
34 may be considered out of order.
35

36 **Rule 16. Presiding Officer**

37
38 The Chair shall preside at all Commission meetings if he or she is present. The Chair may vote in
39 all cases. In order to address the Commission, a member must be recognized by the Chair.
40

41 If the Chair is absent, the Vice-Chair shall preside. If both the Chair and Vice-Chair are absent,
42 another member designated by vote of the Commission shall preside as Temporary Chair. The

1 Vice-Chair or Temporary Chair retains all of his or her rights as a member, including the right to
2 make motions and the right to vote.

3
4 In accordance with these and other applicable rules, the Presiding Officer shall decide all points
5 of procedure or order, unless otherwise directed by a majority of the members of the
6 Commission in attendance on motion duly made and passed. The Presiding Officer shall
7 maintain order and decorum, and to that end may order removal of disorderly or disruptive
8 persons.

9
10 **Rule 17. Conduct of Commission Members**

11
12 **Rule 17.1. Conformity With Town Code of Ethics**

13
14 Commission members are subject to and must strictly comply with the Town of Breckenridge
15 “Code of Ethics”, as amended from time to time.¹⁰

16
17 **Rule 17.2. Ex Parte Contacts**

18
19 Each member of the Commission must exercise care in responding to and reporting any ex parte
20 contact with respect to any matter which is pending before the Commission.

- 21
22 A. An ex parte contact is any contact (written, oral or electronic) concerning a matter
23 pending before the Commission which is offered to or received by a member of the
24 Commission outside of the actual hearing process.
25
26 B. Whenever a person attempts to make an ex parte contact with a member of the
27 Commission, the member shall, to the extent possible, refuse to accept such ex parte
28 contact. The member shall advise the person who is attempting to make the ex parte
29 contact that all comments and information related to the pending matter should be
30 presented to the entire Commission, as well as all interested parties, at the time of the
31 public hearing.
32
33 C. Any member of the Commission who has received an ex parte contact must report the
34 information and identify the source and date of the contact, to the full Commission and
35 the applicant for inclusion in the formal record of the hearing on the application.
36
37 D. Any written ex parte contact transmitted to or received by a member of the Commission
38 concerning a matter which is pending before the Commission, including printed and e-
39 mailed communications, shall be forwarded directly to the Director for review and

¹⁰ The Code of Ethics is found at Chapter 16 of Title 1 of the Breckenridge Town Code.

1 incorporation into the staff's report. A copy of such written material shall also be
2 provided to the applicant not later than the commencement of the hearing.
3

- 4 E. The rule against ex parte contacts shall not apply to preclude members of the
5 Commission from seeking and receiving information from other members, the Director,
6 the Town Attorney, or staff members of the Department of Community Development, but
7 no member of the Commission shall discuss the matter with the applicant, the applicant's
8 counsel or representatives, or any person reasonably anticipated to be witnesses prior to
9 the public hearing.

10
11
12 **Rule 17.3 Expressions of Bias, Prejudice, or Individual Opinion Prior to Hearing and**
13 **Determination**

14
15 No member of the Commission shall express any bias, prejudice, or individual opinion on the
16 proper outcome of a matter prior to its hearing and determination.
17

18 **Rule 18. Action by the Commission**

19
20 **Rule 18.1. Action By Motion**

21
22 The Commission shall proceed by motion, unless otherwise required by applicable law.
23

24 **Rule 18.2. Who May Make A Motion**

25
26 Any member of the Commission, including the Chair, may make a motion.
27

28 **Rule 18.3. Second Required**

29
30 A motion requires a second. Any member of the Commission, **including** the Chair, may second
31 a motion.
32

33 **Rule 18.4. One Motion at a Time**

34
35 A member may make only one motion at a time.
36

37 **Rule 19. Voting**

38
39 **Rule 19.1. Who May Vote**

40
41 Except as provided in Rule 18.3 with respect to a member who has a conflict of interest, each
42 member of the Commission, including the Chair, may vote on any motion.

1
2 **Rule 19.2. Adoption by Majority Vote**

3
4 A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 7 being
5 present. A majority is more than half.
6

7 **Rule 19.3. Duty to Vote**

8
9 Every member of the Commission must vote unless excused by the remaining members of the
10 Commission. A member who wishes to be excused from voting shall so inform the Chair, who
11 shall take a vote of the remaining members. No member shall be excused from voting except in
12 cases involving conflicts of interest, as defined by the Commission or by law, or the member's
13 official conduct, as defined by the Commission.
14

15 **Rule 20. Debate**

16
17 The Chair shall state the motion and then open the floor to debate. The Chair shall preside over
18 the debate according to the following general principles:
19

- 20 1. The maker of the motion is entitled to speak first;
21 2. A member who has not spoken on the issue shall be recognized before someone who has
22 already spoken.
23

24 **Rule 21. Ratification of Actions**

25
26 To the extent permitted by law, the Commission may ratify actions taken on its behalf but
27 without its prior approval.
28

29 **Rule 22. Executive Sessions**

30
31 Executive sessions shall be conducted in accordance with state law and in consultation with the
32 Town Attorney
33

34 **Rule 23. Site Visits**

35
36 The Commission finds that visiting the site of a proposed development is a helpful way to gather
37 relevant facts concerning the proposed development. A site visit often leads to a better
38 understanding of a proposed development and, therefore, enhances the ability of the Commission
39 to make appropriate decisions concerning the development of the site. However, site visits
40 present unique problems in the context of the formal development permit application process.
41

1 The Commission may schedule and conduct a site visit when requested to do so by the applicant,
2 the staff, the general public, or on its own initiative. In connection with any site visit conducted
3 by the Commission, the applicant shall be notified not less than 48 hours in advance and given an
4 opportunity to attend and participate in the site visit. A site visit shall be noticed by the Director
5 as a public meeting of the Commission. However, a site visit is not a public hearing. Members
6 of the public shall be permitted to attend the site visit to listen to the questions and comments of
7 the staff, the applicant and the Commission. However, the public does not have the right to ask
8 questions of the staff, the applicant or the Commission members. Commission members shall
9 avoid engaging in improper ex parte contacts during a site visit. No minutes of a site visit shall
10 be kept by the Director, although the minutes of the Commission should reflect that a site visit
11 was conducted. Nothing in this Rule shall be construed to prevent a member of the Commission
12 from visiting the site of a proposed development on his or her own time for the purpose of
13 reviewing a site in connection with a development permit application.
14

15 Nothing in this Rule shall prevent an individual member of the Commission from visiting the site
16 of a proposed development outside of a formal site visit. In connection with such visit, the
17 Commission member shall avoid ex parte contacts.
18

19 **Rule 24. General Provisions Governing Public Hearings**

20
21 **Rule 24.1. Part of Meeting**

22
23 A public hearing is considered to be part of a regular or special meeting of the Commission.
24

25 **Rule 24.2. Representation**

26
27 At any hearing, any person may appear or be represented by authorized agents or attorneys at
28 their own expense. An attorney who appears before the Commission at any hearing shall be
29 required to state the name(s) and address(es) of all persons whom he or she has been authorized
30 to represent at the hearing.
31

32 **Rule 24.3. Testimony Under Oath Not Required**

33
34 Testimony offered at a hearing before the Commission shall not be required to be given under
35 oath or affirmation.
36

37 **Rule 24.4. Right To Present Evidence And Cross-Examine Witnesses**

38
39 At a hearing held before the Commission, each party shall have the right to present such
40 evidence as may be relevant, and to cross-examine all witnesses.
41

42 **Rule 24.5. Rules Of Evidence**

1
2 The strict rules of evidence shall not apply to a hearing held before the Commission.
3

4 **Rule 24.6. Objections**

5
6 Objections to proffered evidence shall be stated orally for the record. Any objection not made in
7 a timely and proper fashion shall be waived.
8

9 **Rule 24.7. Burden Of Proof**

10
11 The burden of proof shall be on an applicant to prove compliance with the applicable
12 requirements of the Development Code, Subdivision Standards, or other applicable law by a
13 preponderance of the evidence.” Preponderance of the evidence” means to prove that something
14 is more probably true than not.
15

16 **Rule 24.8. Limitation of Evidence**

17
18 The Presiding Officer shall have the authority to limit the presentation of evidence tending to be
19 repetitious or which is immaterial or irrelevant.
20

21 **Rule 24.9. Order of Debate**

22
23 Orderly procedure requires that each side shall proceed without interruption by the order; that all
24 arguments and pleadings shall be addressed to the Commission; and that there be no questioning
25 or argument between individuals.
26

27 **Rule 24.10. Commission and Staff's Remarks**

28
29 During the hearing, Commission members and members of the staff may ask questions and make
30 appropriate comments pertinent to the application; however, no member should debate or argue
31 an issue with the applicant.
32

33 **Rule 24.11. Applicant (and Others) Questioned**

34
35 The Commission members may direct questions to the applicant or any person speaking in order
36 to bring out all relevant facts, and may call for questions from members of the staff.
37

38 **Rule 24.12 Attendance at Meetings Using Town’s Zoom or Other Virtual Meeting Platform**

39
40 The applicant, or the applicant’s architect, planner, or other consultant may appear at a meeting
41 of the Commission using the Town’s Zoom or other virtual meeting platform. A person who will

1 appear at a Commission meeting using the Town’s Zoom or other virtual meeting platform must
2 notify the Director not less than two (2) days prior to a meeting.

3
4 Each Planning Commissioner may attend a meeting of the Commission using the Town’s Zoom
5 or other virtual meeting platform, up to a maximum of five times within any 12 month period of
6 time and is considered present for the meeting. Such virtual attendance shall be considered
7 actual Commissioner attendance at the meeting and thereby not considered an absence as
8 described under Section 2.2.4. D. of the Breckenridge Town Code. A Commissioner who will
9 appear at a Commission meeting using the Town’s Zoom or other virtual meeting platform must
10 notify the Director not less than two (2) days prior to a meeting.

11
12 The Commission Chair, or the Vice Chair (if the Chair is absent), may not serve in the Chair role
13 at a meeting that they are attending virtually. In such cases, the Chair role shall move to the Vice
14 Chair, or if the Vice Chair is absent or attending virtually, then the Commission shall appoint a
15 Commissioner in live attendance to serve in the Chair role for the meeting. This above provision
16 regarding the Chair role does not apply to Commission meetings that are held entirely virtually
17 with no live attendance.

18
19 Community Development staff, along with other Town staff, may attend any meeting of the
20 Commission using the Town’s Zoom or other virtual meeting platform.

21
22 **Rule 25. Class C Items/Consent Calendar**

23
24 Class C items are presented to the Commission on a Consent Calendar, and no Commission
25 action is required, except that the Commission may call up items for further review when
26 warranted. The following procedures shall be utilized for the review of the Consent Calendar;
27 this review is intended only to ascertain if the items should remain on the Consent Calendar or be
28 pulled off for further review:

29
30 A. The Commission reviews the requests and asks minimal questions of the staff and applicants.
31 These comments may be brief, and shall be limited to: (i) clarification of the Commission’s
32 understanding of the application(s); and (ii) the issue of whether a particular item should be
33 removed from the Consent Calendar and called up by the Commission.

34
35 B. Short comments are allowed by members of the audience concerning whether a particular
36 item should be removed from the Consent Calendar and called up by the Commission. The
37 comments shall be brief, and shall be limited to the issue of whether a particular item should be
38 called up.

39
40 C. The Commission may make motions to pull items off the Consent Calendar for further
41 review.

1 D. Any motions to remove items from the Consent Calendar shall be acted on at the time the
2 motion is made.

3
4 E. If no items are removed from the Consent Calendar, the Chair shall state "the Consent
5 Calendar stands approved as presented". If an item has been removed, the Chair shall state the
6 "all remaining items on the Consent Calendar stand approved as presented," and the Commission
7 shall move on to the review of those items removed.

8
9 F. Items removed from the Consent Calendar shall be reviewed in the following order:

- 10
11 (1) Staff presentation.
12 (2) Applicant presentation.
13 (3) Commission questions to staff and applicant.
14 (4) Audience comments in favor or against.
15 (5) Opportunity for staff to rebut any evidence.
16 (6) Opportunity for applicant to rebut any evidence.
17 (7) Commission discussion and decision.

18
19 **Rule 26. Class A and Class B Preliminary Hearings**

20
21 The following process shall be utilized for all Class A and Class B preliminary hearings. (These
22 hearings are not public hearings).

23
24 A. The Chair opens the hearing.

25
26 B. Staff introduces the application.

27
28 C. The applicant or applicant's representative presents the applicant's evidence in support of the
29 application.

30
31 D. The Commission asks questions of the staff and the applicant (or applicant's representative)
32 concerning the application.

33
34 E. Since preliminary hearings are not public hearings, but rather work sessions, audience
35 participation and comment may only be allowed at the discretion of the Chair, subject to the right
36 of the Commission to overrule the Chair. If comment is allowed, it shall take place prior to
37 Commission comments; shall be allowed equally for all participants; and shall allow for an
38 opportunity for the applicant to respond to any opposition comments.

39
40 F. The staff is given the opportunity to rebut any evidence presented by the applicant or the
41 public, and make its final comments.

1 G. The applicant is given the opportunity to rebut any evidence presented by the staff or the
2 public, and make its final comments.

3
4 H. The Commission members are given a second opportunity to examine any witnesses and the
5 applicant, and to discuss the request.

6
7 I. The Commission then comments on the application. The Commission's comments are not to
8 be responded to at this particular time, but should be addressed by the applicant as part of a
9 future application.

10
11 **Rule 27. Final Hearings For Class A and Class B Applications**

12
13 Final hearings for all Class A and Class B applications are considered public hearings, and, as
14 such, shall be processed in the following manner:

15
16 A. The Chair opens the public hearing.

17
18 B. Staff introduces the application.

19
20 C. The applicant or applicant's representative presents the applicant's evidence in support of the
21 application.

22
23 D. The Commission asks questions of the staff and the applicant (or applicant's representative)
24 concerning the application.

25
26 E. The Commission takes public comment concerning the application.

27
28 F. The staff is given the opportunity to rebut any evidence presented by the applicant or the
29 public, and make its final comments.

30
31 G. The applicant is given the opportunity to rebut any evidence presented by the staff or the
32 public, and make its final comments.

33
34 H. The Commission members are given a second opportunity to examine any witnesses and the
35 applicant, and to discuss the request.

36
37 I. The Chair closes the public hearing, and no further testimony is taken unless the hearing is
38 reopened pursuant to Rule 32.

39
40 J. Members of the Planning Commission make individual comments concerning the application.
41 The point analysis, as presented by the staff, may be discussed by the Commission, and the

1 Commission is given the opportunity to vote to change any point allocations within the
2 document.

3
4 K. The Chair shall ask if any motions to change the point analysis are to be made. If he or she
5 hears none, the point analysis shall be declared to have been approved as submitted by the staff,
6 and it shall become the official findings of the Commission, along with any other finding
7 specifically adopted.

8
9 L. The Commission shall then vote on the application, including any and all additional, specific
10 findings and conditions to be placed upon the application if approved.

11
12 **Rule 28. Continuance of Hearing**

13
14 Continuances of a scheduled hearing of the Commission may be granted for good cause
15 as described in this Rule, or upon the Commission's own initiative.

16
17 A motion for a continuance by an applicant must be timely. For purposes of this Rule,
18 "good cause" may include, but is not limited to: (i) the unavailability of the applicant, the
19 applicant's attorney, the applicant's architect, or other key person necessary for the
20 proper presentation of the applicant's application before the Commission; (ii) a showing
21 that more time is necessary to obtain relevant information related to the applicant's
22 application; (iii) a showing that more time is legitimately necessary to allow adequate
23 preparation for the hearing; or (iv) the complexity of the project requires additional
24 scrutiny and discussion by the Planning Commission. "Good cause" normally shall not
25 include the failure of an attorney or a party to prepare for the hearing.

26
27 Before a hearing is convened, the Chair or the Director may continue a hearing. Once a
28 hearing is convened, only the Commission may continue a hearing.

29
30 The Director shall notify applicant of a continuance granted outside of a meeting of the
31 Commission.

32
33 If a hearing is continued to a date certain, it shall not be necessary to re-notice the hearing; it
34 shall be conclusively presumed that all interested parties are aware of the continuation of the
35 hearing. If any hearing is continued without a date certain being specified, it shall be necessary to
36 re-notice the hearing in the same manner as the original notice of hearing was given.

37
38 **Rule 29. Audio-Tape Of Public Hearing**

39
40 An audio-taped record shall be made of each hearing which is held by the Commission. The
41 Town shall retain the original audio-tape for not less than one year. A copy of an audio-taped
42 record of a hearing shall be made to any party upon written request and payment of a fee

1 determined by the Town Manager to be sufficient to reimburse the Town for the cost of
2 providing such copy. The Town shall not be obligated to provide a transcript of a hearing which
3 is held before the Commission, and any party desiring such transcript shall obtain and pay the
4 cost thereof. A court reporter may be employed by any party, at the expense of such party, to
5 prepare a verbatim written record of administrative hearing.
6

7 **Rule 30. Record of the Public Hearing**
8

9 The record of a public hearing which is held before the Commission shall consist of: (i) all staff
10 reports and similar information which is provided to the Commission in connection with the
11 public hearing, excluding confidential attorney-client communications from the Town Attorney;
12 (ii) all documents admitted into evidence by the Commission; (iii) all documents offered into
13 evidence at the hearing, but not admitted; (iv) the written decision of the Commission; (v) copies
14 of any applicable statutes, ordinances, rules or regulations; (vi) a transcript of the public hearing;
15 and (vii) such other documents as may properly be included in the record.
16

17 **Rule 31. Reopening of a Public Hearing**
18

19 Whenever a public hearing has been opened and continued to another date, or where it has been
20 closed and the Commission wishes to take additional evidence prior to a vote or a
21 reconsideration of a vote, the Chair may reopen the public hearing for purposes of taking such
22 additional evidence. The Chair may limit the scope of such evidence to be taken. Whenever a
23 public hearing is reopened and additional evidence is taken, all such additional evidence shall be
24 deemed to be a part of the original public hearing.
25

26 **Rule 32. Decisions By Commission**
27

28 **Rule 32.1. Time For Decision**
29

30 It is within the discretion of the Commission to make an immediate decision upon the conclusion
31 of a public hearing, or to require the Town Attorney's office to prepare written findings within a
32 reasonable time after the hearing, not to exceed 30 days.
33

34 **Rule 32.2. Written Decision**
35

36 The findings or decision of the Commission shall be in writing. A copy of the written decision of
37 the Commission shall be mailed to the applicant within 30 days after the determination is made.
38

39 **Rule 32.3. Members Not to Vote Unless Present at Hearing**
40

41 No Commission member shall vote to decide any application or appeal requiring a public
42 hearing, unless he or she has attended the final public hearing on the application or appeal, or he

1 or she has: (i) listened to the tape(s) of the final hearing or appeal, (ii) reviewed all relevant
2 application materials; and (iii) has stated his or her compliance with the requirements of (i) and
3 (ii) on the record prior to voting.
4

5 **Rule 33. Execution of Documents**
6

7 Any document which requires the written approval of the Commission may be executed by the
8 Chair, or in absence or incapacity of the Chair, by the Vice-Chair. In the event that both the
9 Chair and the Vice-Chair are absent from the Town or are incapacitated at the same time, any
10 member of the Commission may lawfully sign a document in the capacity of Assistant Vice-
11 Chair.
12

13 **Rule 34. Suspension of the Rules**
14

15 Any provision of these Rules not governed by the Town Charter or the ordinance which created
16 the Commission may be temporarily suspended at any meeting of the Commission by a majority
17 vote of the Commission. Any Rule may be suspended by general consent if the matter is
18 presented by the Chair and there is no objection by any member of the Commission.
19

20 **Rule 35. Amendment of the Rules**
21

22 These Rules may be amended at any regular meeting or at any properly called special meeting
23 that includes amendment of the Rules as one of the stated purposes of the meeting. Adoption of
24 an amendment shall require an affirmative vote of a majority of the quorum present at the
25 meeting.
26

27 **Rule 36. Reference to *Robert's Rules of Order***
28

29 The Commission shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to
30 answer procedural questions not resolved in these Rules, so long as *RONR* does not conflict with
31 Colorado law, or with the spirit of these Rules.
32

33 **Rule 37. Effect of Adoption of Rules**
34

35 These Rules supercede all prior rules and regulations of the Commission.
36

37 **Adopted: April 16, 2024**

38 **Updated: May 21, 2024**
39
40
41
42
43