



**CITY OF WOODLAND PARK  
BOARD OF ADJUSTMENT  
WORK SESSION AGENDA  
6:30 PM, Monday October 19, 2020  
Virtual ZOOM Meeting**

**WORK SESSION**

- A. Draft Guidelines
- B. Draft Rules

*Due to the COVID-19 emergency, this meeting will be held electronically via the ZOOM platform. For more information or to join the Zoom meeting, click on the BOA link for this meeting on the front page of the City website ([city-woodlandpark.org](http://city-woodlandpark.org)). Public input is very important to the City. We strongly encourage anyone with questions or comments to provide such in writing in advance of the meeting. Comments may be submitted by mail to City Hall (220 W. South Avenue, PO Box 9007, Woodland Park, CO, 80866), email ([lpellegrino@city-woodlandpark.org](mailto:lpellegrino@city-woodlandpark.org)), or phone (719-687-5209).*

## BoA Team Operational Guidelines

### TEAM OPERATIONAL GUIDELINES

#### INTRODUCTION

1. These operational guidelines document the informal approach to operating as a Board that Lou Ramon is implementing as the Board Chairman for 2020. They are non-binding and are published on the Board of Adjustment website for informational purposes only.
2. They will be agreed to by each member of the current Board members as well as newly appointed permanent and/or alternate and members. Applicants will agree to these guidelines in order to be considered for approval by the City Council.
3. They will be reviewed and accepted by each of the permanent and alternate Board members at least yearly (preferably at the first meeting of the calendar year).
4. They may be amended whenever any Board member proposes a change, addition or deletion by having each of the current Board members agreeing to the amendments
5. They will be reviewed and approved by the City legal department to assure they do not conflict with or duplicate all applicable requirements
6. They do not supersede the provisions of the Home Rule Charter of the City of Woodland Park, Colorado, ("Charter") but are only intended to supplement the provisions of the Charter, the Woodland Park Municipal Code ("Code") and the Rules of Procedure.

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## BoA Team Operational Guidelines

### **OPERATIONS**

#### **1. TIME**

##### 1.1. START THE MEETING ON TIME

- 1.1.1. Board members should strive to arrive with enough time allowed to start the meeting at the published time

##### 1.2. LIMIT MEETING TIME

- 1.2.1. If possible, the Board will recess any meeting that goes beyond 9:30 pm or goes on for 4 hours or more and reconvene at the earliest opportunity to assure the Board is not fatigued and is able to listen to, comprehend and assess the information presented to it
- 1.2.2. The implementation of this constraint will be at the discretion of the Chair unless the Board approves a motion to adjourn or to overrule the Chair's decision to exceed this guideline.

#### **2. FACILITATOR**

- 2.1. A facilitator may be appointed by the Chairman to allow the Chairman and Board members to focus on the requests for variances or appeals.
- 2.2. The facilitator must not have any direct or indirect associated with the variance or appeal being considered.

#### **3. PRESENTER DISCUSSION**

- 3.1. Limit scheduled time allocated for Variance requestors, Appellate, and/or City presentations to 20 minutes each. Rebuttal time limited to 10 minutes.

#### **4. PUBLIC COMMENT**

- 4.1. Public Persons addressing the Board will direct their remarks to the entire Board and shall exercise proper respect and decorum. Any person (or persons) disrupting a Board meeting will be given one warning and then will be asked by the Chairman or Facilitator to cease the disruptive behavior. In the event of any disturbance or disorderly conduct the Chairman or Facilitator will have the power to order any individual or group of individuals to be cleared or removed from the meeting and will have authority to appoint a member of the Police Department as a temporary sergeant at arms for the purpose of preserving order.
- 4.2. The Board will only allow public comment related to areas

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over which the Board has jurisdiction and will politely halt any public discussion related to subjects over which the Board has no authority.

4.3. Each person speaking during Public Comment will be allocated 5 minutes to speak

4.3.1.1. Allow time and order to be yielded to other speakers BUT limit any one speaker to 20 minutes of total time.

4.3.1.2. Limit public comment to a total of 60 minutes.

### **5. TYPICAL BOARD OF ADJUSTMENT MEETING AGENDA (Provided for information only)**

- Call to order (normally at 6:30 pm) - Chairman
- Roll Call - Board Secretary
- Pledge of Allegiance - All
- Opening Comments (optional) - Chairman
- Reading and approval of Minutes Variance Request #1
  - If applicable, and at the request of the Chairman, a Facilitator takes over the conduct of the variance hearing
  - Reading of request
  - Applicant presentation - 20 minutes
  - Staff presentation - 20 minutes
  - Public Comment - 60 minutes (total)
    - Individual comments - 5 minutes ea
  - Board questions
  - Board deliberation
  - Board Decision Motion
- Variance Request #2
  - Same as Variance Request #1
- Reports - Board Secretary and/or Board members - 10 minutes
- Adjourn

### **6. COMMUNICATIONS (WITHIN PUBLIC MEETINGS)**

- 6.1. Board members shall not make or receive personal, private phone calls or emails while at the in a meeting, except in an emergency.
- 6.2. Board members shall not communicate using text messaging or social media during a meeting. Board members shall not communicate in any electronic format with another Board member during a meeting.

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- 6.3. When discussing information, limit verbal, text, email etc. communications to one on one communications outside of a meeting with more than one other Board member shall be directed to the City Planning Department to allow for distribution to all Board members and will, otherwise adhere to the requirement and constraints of the State of Colorado Open Meetings laws. (For further detail Board members should contact the City Attorney)

### 7. **EXECUTIVE SESSION**

- 7.1. With proper justification (per the laws of the State of Colorado), any Board member may make a motion to recess the meeting and go into an executive session. The Board members are encouraged vote in favor of the motion. Following the passing of the motion, the Chairman shall recess the meeting and relocate for the Executive Session. Board members shall keep confidential all written material and verbal information provided to them during executive session.

### 8. **CONFIDENTIALITY**

- 8.1. Board members will keep confidential all information and written material provided to Board members outside of executive sessions when such information is exempt from disclosure under law.
- 8.2. The intentional dissemination of confidential information received in executive session, whether written or oral, will constitute misconduct of office.

### 9. **SPECIAL CONSIDERATIONS FOR APPEALS**

#### 9.1. **General**

- 9.1.1. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such decision, or determination as ought to be made, and to that end, shall have all of the powers of the administrative officer from whom the appeal is taken. (Rules of Procedure 18.51.130)
- 9.1.2. The Board will consider an appeal based on errors that may have been made in the development of the appealed order, requirement, decision or determination.

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- 9.1.3. The Board will consider modifying an appealed order, requirement, decision or determination, only after the the Board has first reversed the order, requirement, decision or determination as a whole or the specific part(s) being considered for modification.
  - 9.1.4. Because the current Code allows any applicant aggrieved by the decision resulting from administrative review of a permitted use site plan may appeal said decision to either the city council or to the Board of Adjustment (Ref Code chapters and 18.34.090 and 18.54.010), the Board of Adjustment will refer the appeal to the City Council unless there is already an appeal filed concerning the same property with the Board of Adjustment.
  - 9.1.5. If appeals are filed concerning the same property with both the Board of Adjustment under Code chapter 18.54.010 and the City Council under 18.34.090 and before the City Council has heard an applicant's appeal filed under Chapter 18.34.090, the Board of Adjustment will request the appeal to City Council be withdrawn and resubmitted to the Board of Adjustment under 18.54.010
- 9.2. Quorum
- 9.2.1. When the schedule permits, and with the agreement of the Board, and the Appellate(s). the Board meeting may be adjourned and convened at another time with the desired goal to have a full seated board of 5 members. If, however, schedule constraints or objections from the Board or the Appellate(s) do not permit the convening to a later date, per Code, a quorum of 4 seated Board members is enough.
- 9.3. Secretary to the Board
- 9.3.1. As the official designee of the City Clerk, the Secretary will be the City Planner or the City Planner's representative for all Board activities except appeals of any order, requirement, decision or determination made by an administrative officer. In the specific case of an appeal, in order to minimize possible perception of conflicts of interest, the official designee of the City Clerk will not be from the City Planner's Office. The Secretary shall conduct all official correspondence subject to these rules at the direction of the Board, shall send out all notices required, keep the minutes of the Board's proceedings, assist in keeping time limits on presentations and speakers, and keep a file on each case which comes before the Board.

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### 10. SPECIAL CONSIDERATION FOR REHEARING

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- 10.1. Rehearing of Application. A rehearing of any decision of the Board may be made if all of the following occur within twenty (20) working days of the Notification of Application being provided to the Applicant in 5.9: The motion to reconsider is made by a member of the Board and carried by not less than four affirmative votes, new evidence is submitted which could not reasonably have been presented at the original meeting, and the case is put on the agenda for rehearing at the next Board meeting.
- 10.2. New Evidence which could not reasonably been presented at the original Board Meeting will, generally, be considered if it submitted to the Secretary of the Board of Adjustment within 10 working days of the original Board meeting. Only in special cases will the evidence be considered if it submitted after 10 working days of the original Board meeting.

### 11. Definitions

- 11.1. Error (rationale for an appeal) - will deal with process, procedure and technical errors primarily addressing if the Planning Department decision was based on facts, not opinion. Was the decision arbitrary or capricious? Did the Department abuse its discretion or exceed its jurisdiction? It does not include differences of opinion, likes and dislikes, or items of personal preference.
- 11.2. Working Day - means days exclusive of Saturday, Sunday and legal holidays during which City Administrative Offices are open for business for at least four (4) hours.

### 12. 2020 Priorities

- 12.1. Improve BOA specific processes
  - 12.1.1. Focus Areas:
    - 12.1.1.1. BOA Rules of Procedure, BOA Guidelines
- 12.2. Regulation & Code Review/Updates
  - 12.2.1. Focus Areas: Appropriate sections of Municipal Code
- 12.3. Training/Improvement
  - 12.3.1. Focus Areas: Citizens Academy, Facilitator Training, Team Effectiveness