

C4-Concerned Citizens for Custer County
“Keeping Custer County Special”
PO Box 862
Westcliffe, Colorado 81252

Custer County Commissioners
PO Box 150
Westcliffe, Co 81252

9 November 2007

Subject: Combine Planning Commission and Board of Zoning Adjustment Meetings

From both an effectiveness and efficiency standpoint, C4 is recommending that you re-combine the Planning Commission (PC) and Board of Zoning Adjustment (BZA) meetings. The main reason stated for separating the meetings this year as well as separating the associates into two distinct groups was that sometimes the roles and responsibilities between the PC and BZA could be confusing to citizens who appeared before them to present their cases. It is true that the roles and responsibilities can be confusing and they do sometimes overlap. This problem can be easily solved with a five minute briefing on the topic given to the citizens by the Planning and Zoning Office (P&Z) and also be reinforced at the opening of any session by the chair of the PC or BZA.

Pro: Below are reasons to recombine the PC and BZA meetings as they were prior to this year:

- Saves staff time—instead of having meetings all day, the P&Z office can concentrate on one afternoon meeting. This should reduce paperwork, reduce man hours, save on taping recording efforts, etc.
- Takes advantage of the natural overlap and synergy between the PC and BZA—in some cases, citizen’s requests have applicability to both the PC and BZA. Having both groups together allows the total issues to be considered and decided in one hearing versus passing it to one another and causing delays for the citizens and County.
- Saves citizen’s time—in cases where citizens want or need to attend both meetings they must now spend most of the day in the courtroom. Combined meetings would require less time.
- Joint sessions allow an exchange of ideas and information which helps make each member of the PC and BZA better informed on all issues facing the county instead of working in isolation of each other.
- Associates would be shared by both groups allowing greater flexibility, greater depth on the bench, and more comprehensive training and knowledge base for the associates.
- Would allow the BOCC and County Attorney to hear issues at both the PC and BZA joint sessions—currently the BOCC and County Attorney do not attend the BZA meetings.
- Would lead toward a more holistic and integrated approach within the County.
- Where there is an overlap of issues between the PC and BZA, it would allow joint site visits.

Con: A potential reason not to recombine the meetings deals with legal interpretations of responsibilities among the PC, BZA and BOCC. The BZA is a quasi-legal decision making body and it should not be subject to inappropriate influence by other groups. The PC does not have the quasi-legal standing and it is a body that makes recommendations to the BOCC.

Discussion and Recommendation: There are many reasons in support of recombining the meetings and the legal concern of keeping the decision processes free of inappropriate influences is important to consider. The efficiency issue is equally important. In a small county where resources are limited, doing

things in the most efficient manner is a major factor in such decisions. It appears all these factors can be addressed procedurally in combined meetings by requiring the PC to sit in the audience section while the BZA is in session and vice versa. While in the audience they would have the same standing as any private citizen but still benefit by hearing the discussions and participating as a private citizen in an unofficial capacity. Having the BOCC present during the Planning Commission hearings could be of concern since the Planning Commission makes recommendations to the BOCC and the BOCC should make an independent judgment on each case. However, this concern is obviously not too great since having the BOCC present during the Planning Commission meetings has been the County practice.

As we approach year end, it is a good time to consider re-combining the PC and BZA into a unified effort prior to beginning the New Year on 1 Jan 08. C4 recommends they be re-combined.

A handwritten signature in black ink that reads "Joe Arbuckle". The signature is written in a cursive, flowing style with a large initial "J" and "A".

Joe Arbuckle
C4 Chairman

For the Board and Membership: