



Planning Commission 101

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Role of Planning Commission

- The Planning Commission (PC) has the following powers and duties:
 - General Zoning Regulations: prior to final consideration and action by city council the PC shall
 - Review all amendments to the text of the code relating to zoning, rezoning, and subdivision of land;
 - Review all applications for original zoning, rezoning, and planned development plans; and
 - Forward its recommendations to city council
 - Other Zoning Decisions: the PC has final jurisdiction over
 - Conditional use applications
 - Commercial mobile radio service facility site development plan referrals
 - Floodplain management regulations
 - Planned development overlay applications
 - Comprehensive Plans: the PC shall recommend to city council comprehensive plans to guide future growth and development within the city, subject to
 - Approval by city council with changes, if any
 - Denial by the city council, or
 - Remand by the council to PC with recommendations
 - Development Guidelines: the PC may make and adopt such design guidelines it deems necessary to guide development that occurs within the city

Characteristics of an Effective Planning Commissioner

- Each commissioner brings their own unique background to the commission and sometimes will see issues differently than others
- Respect for each other and Respect for Staff
- Open to different points of view, the commission acts as an advisory body and the more points of view, the better the advice.
- Open to asking questions to applicants and staff.
- Open to asking for more information.

Role of City Council

- City Council has local legislative authority
 - Council ultimately sets policies and laws related to planning in the city
 - Adopt a comprehensive plan
 - Adopt zoning and subdivision regulations
 - Amend or make changes to plans or regulations
 - Approve development applications for rezoning, subdivisions, etc.
 - Appoint members to the Planning Commission
 - Delegate some of their authority to the PC on zoning and planning decisions
- The Planning Commission's relationship with City Council is advisory in most situations

Role of Staff

- Community development staff is there to support the PC as part of their duties
 - Responsible for the processing and technical review of development applications
 - Scheduling of public hearings
 - Noticing for public hearings
 - Preparing staff reports
 - Meeting minutes and records
 - Other assistance as needed

Role of the City Attorney

- The City Attorney's Office is here to advise the PC on procedural or substantive legal issues, for example:
 - Meeting procedure
 - Interpretation of city code/ordinances/state and federal law
 - Helping the PC craft language for a recommendation or a motion
- Our primary job is to ensure that the PC is acting in accordance with the law

Role of City Code

- Like most states, Colorado has enacted the Uniform Zoning Enabling Act which authorizes local governments to enact ordinances to provide for zoning and land use.
- The City Charter is Littleton's local version of the Colorado Constitution, it establishes the framework for government of the City
- The City Code is Littleton's "statutes" which establish the law and policy on how areas like zoning will be addressed. As a "Home Rule" City, Littleton can enact laws different than the State, unless the State has pre-empted the City from doing so

Role of the Comprehensive Plan

- There are two approaches to Comprehensive or “General” plans taken across the United States:
 - Regulatory Plans, these have the force of law and zoning and land use must be consistent with and conform to the plan.
 - Conceptual Plans, these set aspirational principles for land use that should be considered in the land use process but are not mandatory.
- Colorado is a mixed state, local governments can adopt Regulatory General Plans but are not required to do so.
 - Littleton’s General Plan is a conceptual plan.

Role of Guidelines

- Guidelines are administrative rules on how policies recommended by the commission and adopted by the council will be implemented and applied.
- Guidelines are more technical than subjective in nature and are designed to provide applicants and staff with direction on how to comply with adopted City policy.
- Guidelines are public records and subject to copying and inspection.
- In some areas such as design review and historic preservation, Guidelines will provide the specific information on how to comply with the adopted city policy by providing diagrams, specifications and tables for technical professions such as architects, engineers and planners to apply.
- Guidelines can not overrule state law, city charter or city code.

Effective Meetings

- All Authorities, Boards, and Commissions in the city are governed by the City Council Legislative Rules
 - As a member of the PC you are responsible for reviewing and understanding this document—if you have questions, ask staff or the CAO's
- The legislative rules include the order for meetings and parliamentary rules

City Council Legislative Rules

- <https://www.littletongov.org/connect-with-us/city-leadership/city-council-members>

The Stages of a Meeting

- As a general rule there are two stages to a meeting:
 - Fact finding
 - This is the stage where staff, the applicant, and other interested parties (i.e. the public) present
 - PC members should keep a neutral fact-finding mindset and ask only clarifying questions (avoid taking any positions during this stage)
 - Deliberation
 - This is the decision-making stage

Quasi-Judicial Role



So You're Wearing Your Quasi-Judicial Hat...

- When do you wear this hat (wig)?
 - Rezoning
 - PD
 - PD Amendments
 - PDO



Quasi-Judicial Guidelines

- Who are the parties in a quasi-judicial proceeding?
 - The City (aka City Council and/or the appropriate Authorities, Boards and Commissions)
 - The Applicant (i.e. the person/entity who's property or interests are directly involved in the matter)
 - The Intervener (a person that by law is given the legal right to participate in the proceeding)
- Pre-hearing
 - Notice: Staff will notify the commission after they become aware of a pending quasi-judicial matter
 - Ex-Parte communications: Once notice has been received members shall not engage in any ex-parte communications with
 - City staff
 - Parties or other interested persons
 - Or undertake individual site visits, investigations, or solicit expert opinions
 - These shall be arranged only through the appropriate city department
 - All members shall be provided the same opportunity for such visits/information



Quasi-Judicial Guidelines

- Public Hearing Considerations
 - Members must be **fair** and **impartial** decision-makers
 - Disclosures



Littleton
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Quasi-Judicial Guidelines

- Order of proceedings
 - Record
 - Staff presentation
 - Members are encouraged to ask questions or raise issues during staff's presentation
 - Applicant presentation
 - Members are encouraged to ask questions or raise issues during the applicant's presentation
 - Intervener presentation (if any)
 - Members are encouraged to ask questions or raise issues during the intervener's presentation
 - Presiding officer opens the Public Hearing
 - At this time members of the public may address the Commission
 - Final presentations by the Parties
 - Each party has a final opportunity to present rebuttal evidence in the following order
 - Staff
 - Interveners (if any)
 - The Applicant
 - Final arguments (these are a statement of position, not an opportunity to present further evidence)
 - Staff
 - Interveners (if any)
 - The Applicant
 - The presiding officer closes the Public Hearing
 - A decision is made by the Commission



Legislative Role



Legislative Role

- When do you wear this hat?
 - Land development codes
 - Adoption of design guidelines



Regulatory Role



Regulatory Role

- When do you wear this hat?
 - Floodplain
 - Subdivision
 - Preliminary plats
 - Conditional use permits

