

5A. PLANNING COMMISSION(S) AND BOARD(S) OF ADJUSTMENT – TRANSITIONS

[DRAFT: 2019-09-13]

[NOTE: this is a first draft and intended to represent a policy option, rather than a defined direction]

5A.1. Transitional Estes Valley Planning Commission. The parties hereby continue, for a time-limited transitional period, the Estes Valley Planning Commission (“Transitional EVPC”), with duties, responsibilities, authority, obligations, and operational parameters pursuant to the terms and conditions of this Agreement as follows:

5A.1.1. Authority. The Transitional EVPC shall have authority limited to the following:

5A.1.1.1. The Transitional EVPC shall have all of the duties, responsibilities, and obligations of a Joint Planning Commission pursuant to the provisions of the Estes Valley Development Code or its successor Code(s), as those duties, responsibilities, and obligations apply to land-use applications that are properly filed prior to the effective date of this Intergovernmental Agreement, but that have not reached final disposition by the appropriate final decision-making entity by that date. It is anticipated that all such “pipeline” applications will be considered and decided upon in a deliberatively expeditious fashion.

5A.1.1.2. Members of the Transitional EVPC may, upon passage of appropriate Resolution(s) of the Town of Estes Park Board of Trustees and the Board of County Commissioners of Larimer County, appointed as members of an official Comprehensive Plan Advisory Body for preparation and deliberation toward adoption by appropriate authority(s) of new Comprehensive Plan(s) for the Town of Estes Park, the unincorporated Estes Valley, or both together.

5A.1.1.3. Upon final disposition of all “pipeline” land-use applications pursuant to Section 5.1.1.1, the Transitional EVPC shall sunset and cease existence as a Joint Planning Commission. In accordance with Section 5A.1.1.2, members of the Transitional EVPC are eligible to continue in a Comprehensive Plan Advisory Body capacity.

5A.1.2. Membership. The Transitional EVPC shall be composed of seven (7) members. Three (3) members shall be appointed by the Town and four (4) members shall be appointed by the County. Each member shall serve for a four (4) year term, or until the EVPC’s sunset date, whichever may occur first. It is anticipated the currently serving members of the EVPC will continue as members of the Transitional EVPC, as they are able and willing, and that the appointment process herein will need to be invoked only in the event of a vacancy.

5A.1.3. Residency. All appointees of the Town shall be residents of the Town for at least one (1) year prior to their appointment. All appointees of the County shall be residents of the unincorporated portion of the Estes Valley Planning Area for at least one (1) year prior to their appointment. All members shall continue to be residents of their respective areas during

their entire terms. A County appointee on the Transitional EVPC residing in an area annexed by the Town may continue to serve the remainder of that member's term.

5A.2. Estes Valley Transitional Board of Adjustment. The parties hereby continue, for a time-limited transitional period, the Estes Valley Board of Adjustment ("Transitional EVBoA"), with duties, responsibilities, authority, obligations, and operational parameters, pursuant to the terms and conditions of this Agreement as follows:

5A.2.1. Authority. The Transitional EVBoA shall have authority limited to the following:

5A.2.1.1. The Transitional EVBoA shall have all of the duties, responsibilities, and obligations of a Joint Board of Adjustment pursuant to the provisions of the Estes Valley Development Code or its successor Code(s) as those duties, responsibilities, and obligations apply to land-use applications that are properly filed prior to the effective date of this Intergovernmental Agreement, but that have not reached final disposition by the appropriate final decision-making entity by that date. It is anticipated that all such applications will be considered and decided upon in a deliberatively expeditious fashion.

5A.2.1.2. Upon final disposition of all land-use applications pursuant to Section 5A.2.1.1, the Transitional EVBoA shall sunset and cease existence as a Joint Board of Adjustment.

5A.2.2. Membership. The Transitional EVBoA shall be composed of five (5) members. Three (3) members shall be appointed by the Town and two (2) members shall be appointed by the County. Each member shall serve for a three (3) year term, or until the EVBoA's sunset date, whichever may occur first. It is anticipated the currently serving members of the EVBoA will continue as members of the Transitional EVBoA, as they are able and willing, and that the appointment process herein will need to be invoked only in the event of a vacancy.

5A.2.3. Residency. All appointees of the Town shall be residents of the Town for at least one (1) year prior to their appointment. All appointees of the County shall be residents of the unincorporated portion of the Estes Valley Planning Area for at least one (1) year prior to their appointment. All members shall continue to be residents of their respective areas during their entire terms. A County appointee on the Transitional EVBoA residing in an area annexed by the Town may continue to serve the remainder of that member's term.

5A.2. Town of Estes Park Planning Commission. The Town shall appoint a Planning Commission in accordance with Title 31 Article 23 Part 2 of the Colorado Revised Statutes and the Town of Estes Park Development Code, with duties, responsibilities, and obligations as specified therein. The Town of Estes Park Planning Commission shall have authority in all applications that are designated in Statute and Code for Planning Commission review within the Town of Estes Park, for all applications filed on or after January 1, 2020. Membership and residency shall be as specified in Title 31 Article 23 Part 2 of the Colorado Revised Statutes and the Town of Estes Park Development Code. It is anticipated that membership will consist of five (5) members appointed by the Town Board for staggered terms.

5A.3. Larimer County Planning Commission. The Larimer County Planning Commission shall ...
[County may specify additional language here as appropriate.]

5A.4. Town of Estes Park Board of Adjustment. The Town shall appoint a Board of Adjustment in accordance with Title 31 Article 23 Part 3 of the Colorado Revised Statutes and the Town of Estes Park Development Code, with duties, responsibilities, and obligations as specified therein.

The Town of Estes Park Board of Adjustment shall have authority in all applications that are designated in Statute and Code for Board of Adjustment review within the Town of Estes Park, for all applications filed on or after January 1, 2020. Membership and residency shall be as specified in Title 31 Article 23 Part 3 of the Colorado Revised Statutes and the Town of Estes Park Development Code. It is anticipated that membership will consist of three (3) members appointed by the Town Board for staggered terms.

5A.3. Larimer County Board of Adjustment. The Larimer County Board of Adjustment shall ...
[County may specify additional language here as appropriate.]

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