

TOWN OF SUPERIOR
RESOLUTION NO. R-4
SERIES 2017

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR ADOPTING A POLICY FOR ACCEPTANCE OF PUBLIC COMMENTS ON LAND USE APPLICATIONS BY EMAIL

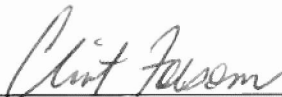
WHEREAS, Chapter 16 of the Superior Municipal Code (the "Code") requires notice of public hearings and public hearings as part of the land use approval process; and

WHEREAS, the Board desires to adopt by resolution as set forth herein a policy allowing email comments to be considered as part of public hearings on land use applications under Chapter 16 of the Code.


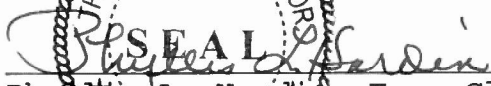
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The policy attached hereto is hereby approved and adopted.

ADOPTED this 9th day of January, 2017.



Clint Folsom, Mayor

ATTEST:



Phyllis L. Hardie, Town Clerk/Treasurer

TOWN OF SUPERIOR
PUBLIC COMMENT BY EMAIL ON LAND USE APPLICATIONS

I. INTRODUCTION AND PURPOSE

The most reliable form of participation in a public hearing is to be physically present to speak at the public hearing, and as such, the Town encourages interested persons to appear in person at public hearings to ensure that their comments are heard by the Board of Trustees (the "Board") or the Planning Commission (the "PC"), the land use applicant and the public.

This policy outlines the procedures by which public comment may be submitted by email and considered by the Board or the PC in the limited context of land use applications set to heard by the Board or the PC at a public hearing. The dual goals of this policy are to provide the public with another convenient and accessible method for participating in public hearings and providing comments about land use decisions, while also preserving the integrity of the quasi-judicial land use application process.

II. PROCEDURE

The following procedures shall govern acceptance of public comments submitted by email regarding land use applications:

- The land use application must be set for consideration at a public hearing on a Board or PC meeting agenda. Email comments will only be accepted once the matter is scheduled for a public hearing. Email comments submitted prior to that time will not be considered.
- For an email comment related to a public hearing before the Board, the email comment must be received at townboard@superiorcolorado.gov by 12:00 noon on the calendar day before the public hearing (by way of example, if the public hearing is on a Monday, the email comment must be received by 12:00 noon on Sunday).
- For an email comment related to a public hearing before the PC, the email comment must be received at planningcommission@superiorcolorado.gov by 12:00 noon on the calendar day before the public hearing.
- All email comments must be signed with a name and a place of residence. Anonymous comments will not be considered.
- The Town Clerk or designee will forward the email comment to the land use applicant as quickly as practicable.
- The email comment will not be read aloud at the hearing, but will be considered by the Board or PC and will be included in the record of the public hearing.
- If a person has submitted one or more email comments, the person may still testify at the public hearing, but such testimony shall not be repetitive of the email comment(s) already submitted.

- At the public hearing, the land use applicant shall have the opportunity to respond to all email comments.

III. DISCLAIMER

Because email comments are being accepted as an alternative and additional means of public participation, it is the sender's responsibility to ensure timely receipt of an email comment. The Town is not responsible for emails sent but not received.

By the adoption of this policy, the Town does not guarantee that any comment submitted by email will be included in the public hearing record, and the failure of the Town or its employees or officials to include the email in the public hearing record shall not affect the validity of any decision made by the Board or the PC.