



PLATTE COUNTY WYOMING
PLANNING AND ZONING COMMISSION
BY-LAWS

Approved by Planning and Zoning Commission on July 15, 2020

Approved by Platte County Commissioners on July 21, 2020

TABLE OF CONTENTS

CHAPTER I GENERAL PROVISIONS

- Section 1. Purpose
- Section 2. Authority
- Section 3. Definitions
- Section 4. Promulgation, Amendment, or Repeal of Rules
- Section 5. Applicability of Rules

CHAPTER II ADMINISTRATION

- Section 1. Membership
- Section 2. Tenure of Office
- Section 3. Organization
- Section 4. Duties of Officers
- Section 5. Quorum
- Section 6. Planning Office Responsibilities
- Section 7. Expenditure of Funds
- Section 8. Meetings
- Section 9. Notification and Publication
- Section 10. Minutes and Records
- Section 11. Conflict of Interest
- Section 12. Removal of Members

CHAPTER III COMMISSION AGENDA

- Section 1. Deadline for Agenda
- Section 2. General Order of Business
- Section 3. Order of Consideration of Agenda Items

CHAPTER 1 GENERAL PROVISIONS

Section 1. Purpose

The Platte County Planning and Zoning Commission shall maintain a comprehensive land use plan including amendments, thereto; for the purpose of promoting the public health, safety, morals and general welfare of the unincorporated areas of the county, and certify the plan, by majority vote of the Commission to the Board of County Commissioners. The Platte County Planning and Zoning Commission shall prepare recommendations to effectuate the planning and land use control purposes set forth in state statutes.

- a. The Commission shall review special use permits, zoning classification change, and division of land requests as defined in the planning and zoning rules and regulations.

Section 2. Authority

The authority pertaining to the Planning and Zoning Commission is contained in Wyoming Statutes §§ 18-5-201, July 2019 as amended.

Section 3. Definitions

As used in these by-laws:

- a. "Board" means the Platte County Board of County Commissioners.
- b. "Chairman" means the Chairman of the Commission or, in his/her absence, the Vice-Chairman or other members as designated by the Commission to preside at the meeting.
- c. "Commission" means the Platte County Planning and Zoning Commission.
- d. "Comprehensive Land Use Plan" means a document which may include maps, charts, diagrams and narrative materials for the long range physical growth and development of Platte County based on studies of the physical, social, economic and governmental factors, conditions and trends. It shall include considerations of conservation, recreation, public services and facilities, public building, community design, housing and such additional elements dealing with other subjects which, in the judgement of the Commission, relate to the physical development of the County.
- e. "Fiscal Year" means July 1st to June 30th
- f. "Land Use" means the development that has occurred or may occur on land.
- g. "Planning Office" means the Platte County Planning Office.
- h. "Platte County Planning and Zoning Regulations" means the regulations authorized by the Board in accordance with W.S. 16-3-101, through 16-3-115 July 2019 as amended.
- i. "Recording Secretary" means a member of the Planning Office staff.
- j. "Resolution" means a formal expression of the opinions or will of the Commission
 1. Resolutions may be issued to provide policy for the management and implementation of planning and zoning rules and regulations.
- k. "Zoning Certificate" also referred to as a building certificate or permit.

Section 4. Promulgation, Amendment or Repeal of Rules

Any amendments to these rules shall become effective as provided by Wyoming Administrative Procedure Act W.S. §16-3-101 through 16-3-115 July 2019 as amended.

Section 5. Applicability of By-laws

- a. These by-laws apply to the Commission with respect to planning and zoning development.
- b. Robert's Rules of Order are hereby adopted for the governing of the Commission in all cases not otherwise provided for in these rules.
- c. Informal or investigative hearings or site visits may be held by the Commission, Planning Office, or the Board. No decisions on hearing items may be made except in a public meeting duly publicized.

CHAPTER II ADMINISTRATION

Section 1. Membership

The Commission shall consist of five (5) members who shall reside in Platte County to be appointed by the Board.

Section 2. Tenure of Office

The five (5) above members shall be on three (3) year staggered terms as recorded in the County Clerk's office.

- a. Upon expiration of the terms of the members of the Commission, the Board shall appoint members to the Commission who shall serve three (3) year terms. The Board shall have the power to remove any member for cause (see Section 12). A vacancy on the Commission shall be filled for the unexpired term by the Board.

Section 3. Organization

At the first meeting held after the beginning of each fiscal year, the Commission shall elect a Chairman and Vice-Chairman from among its members.

Section 4. Duties of Officers

The duties and powers of the officers of the Commission shall be as follows:

- a. Chairman:
 1. Preside at all meetings of the Commission.
 2. Call special meetings of the Commission in accordance with the by-laws.
 3. Sign documents of the Commission, including revisions to this document.
 4. See that all actions of the Commission are properly taken.
 5. The Chairman shall be an ex-officio member of all committees.
- b. Vice-Chairman
 1. During the absence, disability, or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.
 2. The Vice-Chairman shall succeed the Chairman if he/she vacates his/her office before his term is completed and serve the unexpired term of the vacated office. A new Vice-Chairman shall be elected at the next regular meeting.

c. Recording Secretary

1. Keep the minutes of all meetings of the Commission.
2. Give or serve all notices required by law, by county rules and regulations, or by the by-laws.
3. Be custodian of Commission records.
4. Inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.

Section 5. Quorum

- a. Three (3) members of the Commission shall constitute a quorum for the transaction of business.
- b. Each member of the Commission who has knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Commission shall notify the Planning Office at the earliest possible opportunity and, in any event, prior to 5:00 p.m. on the date of the meeting. The Planning Director shall notify the Chairman of the Commission in the event that the projected absences will produce a lack of quorum.

Section 6. Planning Office Requirements

The Board of Commissioners may appoint staff necessary for its work, and may contract with other consultants, including any appropriate agencies or departments of the State of Wyoming, for such service as it requires.

- a. Planning Office staff responsibilities shall include the following:
 1. Prepare the agenda for all meeting of the Commission
 2. Handle funds allocated to the Commission in accordance with its directives, law, and County regulations.
 3. Review and provide recommendations to the Commission for all petitions.
 4. Communicate to the Commission significant land use issues and concerns.

Section 7. Expenditure of Funds

The Commission may expend such funds as made available to it by the Board for the purpose intended by the Board in their appropriation.

Section 8. Meetings

The Commission shall meet monthly on the second Tuesday of each month and at such other times as necessary to conduct its business. Special meetings may be called by the Chairman or Vice-Chairman of the Commission by giving verbal, electronic or written notice of the meeting to each member of the Commission and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the date, time and place of the special meeting and the business to be transacted and shall be issued at least eight (8) hours prior to the commencement of the meeting. No other business shall be considered at the special meeting. Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk or other employee or officer of the agency charged or responsible for distribution of the notice of the meeting. Wyoming Public Meetings Act, W.S. §16-4-404(b)

Section 9. Notification and Publication

The notice for regularly scheduled meetings shall be published in a newspaper of general circulation at least thirty (30) days prior to the scheduled meeting. The notice shall contain the date, time and place of the meeting as specified in W.S. § 18-5-202(b)

Section 10. Minutes and Records

The minutes shall be recorded by the Recording Secretary. All minutes are public record and shall be maintained in the Planning Office. The minutes of the proceedings shall show the vote of each member upon each question or if the member was absent or failed to vote. The Commission shall also keep records of its examination and other official actions; as specified in W.S. § 18-5-202(a)

Section 11. Conflicts of interest

Any member of the Commission who has a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself/herself, vacate his/her seat, and refrain from discussing and voting on said item as a Commissioner.

Section 12. Removal of Members

The Commission shall notify the Board when any member misses three consecutive regular meetings and said member shall have to justify his/her absences to the Board. Any member may be removed by the Board for inefficiency, neglect of duty, malfeasance, or conflict of interest. The removed member shall have the right of appeal to the District Court.

CHAPTER III COMMISSION AGENDA

Section 1. Deadline for Agenda

Deadline for filing for placement on the agenda for applications for items which require public notice shall be at least forty-two (42) days prior to consideration date by the Commission.

- a. Requests for continuance of matters scheduled for a particular agenda shall be filed with the Planning Office at least eight (8) days prior to the scheduled meeting and any additional applicable fees paid.
- b. Matters referred to the Commission by the Board shall be placed on the agenda for consideration and action at the first meeting of the Commission after such reference.

Section 2. General Order of Business

- a. Call to Order – Roll Call
- b. Citizen Comments. To provide for information to and encourage the participations of the citizens, anyone desiring to speak on any matter not on the agenda may do so. Questions to the Planning Commission will be answered but as a matter of policy, the Commission does not take immediate action on items under Citizen Comments.
- c. Declaration of Conflicts of Interest
- d. New Business
- e. Approval of the Minutes.

- f. Commission Discussion
- g. Adjournment

Items that generate a large amount of citizen interest may be taken out of their regular position on the agenda at the discretion of the Chairman as an accommodation to the public.

Section 3. Order of Consideration of Agenda Items

The following procedure will normally be observed; however, it may be rearranged by the Chairman for individual items if necessary, for the expeditious conduct of business. Failure of the applicant or their representative to attend the hearing will be grounds for rejection of the petition.

- a. Staff presents report and makes recommendations.
- b. The Commission may ask questions regarding the staff presentation and report.
- c. Appearance at Public Hearings: Any interested individual or group or their representative will be provided an opportunity to participate in a public hearing. Appearance will be granted in the following order:
 - 1. Those individuals or groups who wish to speak for the proposal set for public hearing.
 - 2. Those individuals or groups who wish to speak against the proposal set for public hearing.
 - 3. Those individuals or groups who wish only to comment.
 - 4. Applicant(s) make rebuttal of any points not previously covered.
- d. Written Comments for Public Hearing: Any Individual or group will be provided an opportunity to submit written comments to be addressed to the Planning and Zoning Commission within the thirty (30) day public notice period prior to the public hearing. Written comments shall automatically be incorporated into the public hearing record.
- e. The Commission may ask any questions it may have of the applicants, proponent(s), or staff, and then proceeds to vote. Unless postponed at the request of the petitioner, the Commission shall vote for or against the filing and transmit both its vote and findings to the applicant. The Commission may postpone the decision, for reasonable cause, for a maximum of thirty-five (35) days.
- f. The Commission action shall be based upon the purpose and intent of the Platte County Zoning Rules and Regulations and input received at the public hearing.