

BY-LAWS

FOR THE PLATTE COUNTY PLANNING COMMISSION

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CHAPTER 1

GENERAL PROVISIONS

Section 1. Purpose The Platte County Planning 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 Commission shall prepare recommendations to effectuate the planning and land use control purposes set forth in the state statutes.

- a. The Commission shall review all requests that require special use permits, modifying zoning classifications as defined in the planning and zoning regulations.

Section 2. Authority The authority pertaining to the Planning and Zoning Commission is contained in Wyoming Statutes §§ 18-5-201, et seq. (Lexis 2008) and as amended.

Section 3. Definitions As used in the rules:

- a. "Board" means the Platte County Board of Commissioners.
- b. "Chairman" means the Chairman of the Commission or, in his absence, the Vice-Chairman or other members as designated by the Commission to preside at the meeting.
- c. "Commission" means the Platte County Planning 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 consideration of conservation, recreation, public services and facilities, public building, community design, housing and such additional elements dealing with other subjects which, in the judgment of the Commission, relate to the physical development of the County.
- e. "Land Use" is the development that has occurred or may occur on land.
- f. "Planning Office" means the Platte County Joint Planning Office.
- g. "Platte County Planning and Zoning Regulations" means the regulations authorized by the Board in accordance with W. S. 16-3-101, et. Seq. (Lexis 2008) or as amended.
- h. "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 regulations.
- i. "Secretary" means the Platte County Clerk or designee.
- j. "Zoning certificate" – (often referred as a building permit).

Section 4. Promulgation, Amendment or Repeal of Rules Any amendments to planning and zoning regulations shall become effective as provided by Wyoming Statutes §§ 16-3-101, et. seq. (Lexis 2008) or as amended.

Section 5. Applicability of By-laws

- a. These by-laws apply to the Commission with respect to planning 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 and 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 10). 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 vacates his 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 in an appropriate minute book and a copy of the pertinent section filed with each hearing item addressed at that meeting.

Section 5. Quorum

- a. Three (3) members of the Commission shall constitute a quorum for the transaction of business.
- b. Each member of the Planning Commission who has knowledge of the fact that he will not be able to attend a scheduled meeting of the Planning 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 Responsibilities 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 meetings of the Commission.
 - (2) Be custodian of Commission records
 - (3) Inform the Commission of correspondence relating to business of the Commission and attend to such correspondence.
 - (4) Handle funds allocated to the Commission in accordance with its directives, law, and County regulations.
 - (5) Review and provide recommendations to the Commission for all petitions.
 - (6) 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 Wednesday before the third Tuesday and at such other times as necessary to conduct its business. Special meetings may be called by the Chairman, Vice-Chairman of the Commission or by a majority of the Commission, by giving notice thereof to the Secretary, who shall immediately notify each member in person of the time and place of the Special meetings, at least 24 hours in advance.

Section 9. Conflict of Interest Any member of the Planning Commission who has a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself, vacate his seat, and refrain from discussing and voting on said item as a Planning Commissioner.

Section 10. 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 absence 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 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.
- 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. Approval of the minutes.
- b. Scheduled matters.
- c. Personal Appearances: To encourage citizen participation any citizen desiring to speak on a matter that is not scheduled on this agenda may do so under personal appearance. As a matter of policy, the Commission does not take immediate action on items under personal appearances.
- d. Unscheduled discussion items.
- e. Adjournment
- f. 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 Planning Commission 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 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 Hearing: 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.