

**ADAMS COUNTY PLANNING COMMISSION
BY-LAWS**

1.000 Definitions

- 1.100 Applicant: That person or firm who proposes action to be taken by the Adams County Planning Commission.
- 1.200 Commission: Adams County Planning Commission.
- 1.300 Commission Member: A person appointed by the Board of County Commissioners to serve on the Planning Commission. Members consist of regular and alternate members.
- 1.400 County: Adams County.
- 1.500 Motion: A statement of proposed action to be taken by the Commission by a Commission member.
- 1.600 Motion, Amendment to: A proposal by a Commission member, other than the maker of a motion to amend the maker's motion. A "friendly" amendment may be offered, to which the maker and person seconding a motion may respond by voluntarily including the suggested amendment in the motion. A "formal" amendment requires a second apart from the second, to the original motion, and must be voted upon prior to a vote on the original motion.
- 1.700 Planning Commission Hearing: A public hearing at which the Planning Commission makes formal decisions on matters subject to the jurisdiction of the Commission.

- 1.750 Planning Commission Meeting: The regularly scheduled assembly of the Planning Commission consisting of both (1) a Study Session; and (2) a Planning Commission Hearing.
- 1.800 Public Testimony: That portion of a Planning Commission Hearing during which public input is solicited.
- 1.900 Second: An acknowledgment by one other member of the Commission that a motion should be considered.
- 1.1000(a) Staff: Employees of the Adams County Planning and Engineering Departments and the Adams County Attorney's Office assigned by those agencies to assist the Commission with professional expertise.
- 1.1000(b) Staff Secretary: The position of Staff Secretary is filled by a permanent member of the Planning and Development Department, and is assigned to record public transactions of the Commission, transcribe the minutes of each public hearing, prepare for signature by the Commission's Secretary or Chairperson any paperwork necessary to the efficient and lawful transaction of business by the Commission and perform such other duties as may be found in these By-Laws or which may be assigned by the Commission.
- 1.1000(c) Study Session: Meeting of the Planning Commission held prior to the Planning Commission Hearing at which staff presents factual information to Commission Members or other information is reviewed. No formal action is taken by the Commission during Study Session.
- 1.1100 Objector: That person or entity requesting that the Commission deny or place conditions upon the request of an applicant.

2.000 Administration

2.100 Jurisdiction

The Planning Commission shall have jurisdiction to hear all matters authorized by C.R.S. §30-28-103, et seq., as amended and by the Adams County Development Standards and Regulations.

2.200 Composition

The Adams County Planning Commission is a seven member body which is appointed by the Board of County Commissioners. The Planning Commission in turn elects a Chairperson, Vice-Chairperson, and Secretary. In addition to the seven regular members of Planning Commission, the Board of County Commissioners shall also appoint two (2) alternate Planning Commissioners who shall attend the Planning Commission hearing whenever any regular member is unable to attend or has not arrived at any Planning Commission Meeting by the designated meeting time. Such alternates shall replace absent regular members as provided in Section 4.150 of these by-laws.

2.300 Election of Officers

2.301 The regular members of the Commission shall annually elect from their membership a Chairperson, Vice-Chairperson, and Secretary.

2.302 The annual election shall occur as the first item of business during the afternoon public hearing of the first commission hearing following the annual Board of Commissioners' hearing at which appointment(s) to the Adams County Planning Commission are made.

2.303 Upon proper nomination and a second by regular Commission members, a nominee for Chairperson shall

be considered. A majority vote of regular members present shall be required to elect a Chairperson. If the prevailing candidate is present and does not decline, the new Chairperson will assume office immediately and conduct the election of the Vice-Chairperson. The same procedure will be utilized in the election of the Vice-Chairperson and Secretary.

2.304 In the election of Officers, each Commission member shall be entitled to only one vote. There shall be no proxy voting.

2.305 In the event that the duly-elected Chairperson becomes unable to complete the term of office, the Vice-Chairperson shall automatically assume the position of Chairperson until the completion of the term, and a new Vice-Chairperson shall be elected at the next regular meeting in accordance with the provisions of these By-Laws. In the event that the Vice-Chairperson or Secretary is unable to complete the term, an election shall be held at the next regular meeting to fill the vacancy. Said election shall be in accordance with the provisions of these By-Laws.

2.306 If neither the Chairperson, Vice-Chairperson, or Secretary is present, any member in attendance shall call the meeting to order, and the Commission shall immediately elect by majority vote a Chairperson Pro Tem to preside at that meeting. Such office is terminated by the entrance of the Chairperson, Vice-Chairperson, or Secretary.

2.400 Duties of Officers

2.401 Chairperson: It is the responsibility of the Chairperson to conduct formal Planning Commission Hearings in accordance with accepted principles of decorum and the rules of order adopted in these By-Laws. The Chairperson shall be a voting member of the Commission and is accorded the same rights and privileges accorded other members of the Commission. The Chairperson shall

sign correspondence transmitted by the Commission and any other papers requiring an official signature

2.402 Vice-Chairperson: In the event that the Chairperson is temporarily unable to act due to absence from the County, illness, personal interest in any matter coming before the Commission, or any other cause, the Vice-Chairperson shall act in his or her place. In this instance, the Vice-Chairperson shall be accorded the same privileges and responsibilities as the Chairperson.

2.403 Secretary:
The Secretary shall work with the Staff Secretary to ensure proper records are kept for the Commission's proceedings, and perform other duties as may be found in these By-Laws.

2.500 Amendment of the By-Laws:

2.501 These By-Laws may be amended, by the following procedures:

1. Any proposed amendment shall be submitted for review no later than the Commission hearing prior to the Commission hearing at which the amendment will be voted upon.
2. The motion carries by an affirmative vote of five members.

3.000 General Rules of Order

3.100 The following are general rules of order and apply to the conduct of business at all Planning Commission Hearings.

3.101 A motion before the Commission may be made only by members of the Commission. No motions may be made from the floor by any member of the general public or by any applicant. Any motion made must be seconded by another member of the Commission prior to the vote.

After the motion and second, the Chairperson shall restate the motion and ask for discussion from members of the Commission and Staff. After all interested Commission and Staff members have had an opportunity to speak, the Chairperson shall ask for a voice vote of all Commissioners in favor of the motion. Commissioners in favor shall indicate their vote by saying “aye.” The Chairperson shall then ask for a voice vote of Commissioners opposed to the motion. Commissioners opposed shall indicate their vote by saying “nay.” The Chairperson shall then ask for a voice vote of Commissioners abstaining from voting. Commissioners abstaining shall so indicate by saying “aye.” If any member questions the outcome of the vote, he or she may request a roll call vote. The Chairperson shall then instruct the Secretary to call the roll, at which time each member shall individually indicate his or her vote. Each Commission member shall be entitled to only one vote. There shall be no proxy voting.

3.102 A quorum shall consist of a majority of Commission members.

3.103 No person participating in Planning Commission hearings may give testimony until recognized by the Chairperson.

3.104 A motion, to be valid, must be stated by the Chairperson.

3.105(a) Upon proper motion, second and majority affirmative vote, any item of business may be continued to a subsequent date certain. The Commission must act on each matter before it by either granting, denying or deferring that matter by a majority affirmative vote. No application may be continued for a period of more than thirty days without the written consent of the applicant. If a matter is continued for a period of six (6) months or more renotification will be required.

3.105(b) Public testimony may be taken by the Commission on any item of business which is being continued at the request of

an applicant who is unable to attend due to extreme hardship as may be determined by the Commission only if the public so present would be unable to attend the hearing as continued due to hardship conditions. Such public testimony taken in an applicant's absence shall be transcribed with a copy of such transcript made available to applicant on or before the continued hearing date with the costs of such transcript being assessed to the applicant (costs to be determined by the Board of County Commissioners or the Director of Planning and Development Services).

- 3.106 When the voting on a motion consists of an equal number of affirmative and negative votes, the motion shall be defeated.
- 3.107 Absences of members from the Planning Commission Meetings are allowed given the member's illness or occupational conflicts; however, after three consecutive absences, the Planning Commission Chairperson (or in his or her absence, the Vice-Chairperson) may request the Commission's deliberation relative to expulsion of the habitually absent member. Upon a unanimous vote, members who are absent without justifiable cause for any portion of three consecutive meetings, may be expelled by the Planning Commission.
- 3.108.1 Any Commission member who actually or potentially has a conflict of interest with regard to any business before the Commission or whose participation would otherwise violate the appearance of fairness, shall disqualify himself or herself from voting or participating in the discussion and deliberations in any motion concerning such business. When a Commission member has so disqualified him or herself, the member shall neither sit on nor preside over the Commission during discussion and voting on the matter. If an alternate is available, the alternate may be seated for the purpose of hearing that matter only.

A potential conflict of interest or violation of the appearance of fairness exists when a Commission member has a direct, personal interest in the outcome of the proceeding beyond that of the general public. A potential conflict may arise due to a financial interest, a business or employment relationship, a family relationship, or prior statements or actions, and other actions or relationships.

No Commission member shall discuss Commission business of a quasi-judicial nature with any interested party outside of Commission hearings prior to final decision on the matter. Any Commission member who does discuss Commission business with an interested party will abstain from voting on the relevant matter. The Commission shall recommend removal and replacement of any Commission member who is found to have voted in a matter after ex parte communication with an interested party. "An interested party" includes the applicant and objectors to and proponents of the application.

3.108.2 No Commission member shall discuss Commission business of a quasi-judicial nature with any member of the Board of County Commissioners outside of a public hearing, prior to a final decision on the matter, and for at least thirty (30) days after such final decision.

3.109.1 Any Commission member wishing to abstain from any vote by the Planning Commission shall state his/her reason during the public hearing.

¹3.110 The affirmative vote of five members of the Commission shall be necessary to amend the Adams County Comprehensive Plan. A seven member Commission must be present and eligible to vote on the matter at the Commission hearing on the amendment. If a seven member Commission is not available, the matter shall be

¹ September 2003; June 2005.

continued until the next regularly scheduled Commission meeting. If, after the matter has been continued once due to lack of a full Commission, a full Commission is still unable to be seated, the Chairperson may call for a vote of the Commission to proceed to hear the matter. This vote may be decided by a simple majority of the quorum. The affirmative vote of five members of the Commission is still required to amend the Comprehensive Plan.

3.200 Any question or issue as to the proper procedure for conducting business at any Planning Commission hearing which is not resolved by the above rules of order shall be resolved by reference to the relevant portions of Robert's Rules of Order.

3.300 The Commission and its counsel may meet in executive session as authorized by C.R.S. §24-6-402(4), as amended, upon the affirmative vote of two-thirds of the quorum present. Prior to holding any executive session, the Commission shall announce to the public the specific statutory provision authorizing the executive session and identify the particular matter to be discussed. Minutes of the executive session shall be recorded in the same manner as the open meeting unless, in the opinion of the Commission's counsel in attendance at the session, the session constitutes a privileged attorney-client communication. The Chair or acting Chair of the Commission present at the executive session shall sign any written minutes of the executive session attesting that the minutes substantially reflect the substance of the discussion; or, in the event the executive session was a privileged attorney-client communication, general counsel shall sign any written minutes of the executive session attesting that the session was not recorded because the discussion constituted an attorney-client privileged communication. Alternatively, the Commission may satisfy the executive session recording requirement by making an electronic recording of the executive session discussion. Any written minutes or electronic recording of the executive session shall be kept separate from

written minutes or electronic recordings of public hearings, and shall be retained for ninety (90) days following the executive session. All written minutes and electronic recordings of executive sessions shall be confidential and may not be disclosed for any purpose other than by order of court or majority vote of the Planning Commission members.

4.000 Conduct of Planning Commission Hearings

4.100 Schedule of Hearings

4.101 Commission hearing shall be scheduled on the second and fourth Thursdays of each month with the exception of the months of November and December. During these months, hearings shall be held only on the second Thursday of each month. The Commission may cancel certain hearings by majority vote at least 28 days in advance of said meeting.

4.102 Public Hearings shall begin as designated on the official public notice on the assigned day of the hearing and shall be held in the Adams County Administration Building Hearing Room unless otherwise posted.

4.150 Seating of Commission Members

4.151 In the event any regular Commission member is unable to attend a Planning Commission Meeting or has not arrived at the regular meeting place by the designated meeting time or has not called the Staff Secretary as to contemplated arrival time on the day of a hearing, the Staff Secretary shall contact as many alternates as are necessary in an effort to seat a full Commission of seven members. However, the Staff Secretary will make every effort to contact alternates in order to provide a quorum of five members. The Staff Secretary shall contact the alternate Commissioners on a rotating basis.

In the event any alternate is contacted by the Staff Secretary and attends a Commission hearing, the alternate shall be seated as a Commission member for that entire day, except in those cases where the alternate is substituting on a single case because of disqualification due to potential conflict of interest of a Commissioner.

4.200 Order of Business

4.201 The following is the recommended order of business conducted by the Commission at its hearings:

1. The Chairperson calls the hearing to order and a roll call is conducted by the Secretary indicating the presence of Commission and Staff members.
2. The Chairperson calls for consideration of the minutes of the previous meeting. The minutes may be adopted as written, or corrected, by a majority vote of the Commission.
3. The Chairperson shall call for the County Attorney's verification of jurisdiction of those cases listed on the agenda, and only those matters so verified shall be considered by the Commission that day.
4. The Chairperson shall conduct the business as presented on the agenda.
5. Consideration of Final Plats for Minor Subdivisions of Land.
6. Consideration of cases continued to the present meeting.
7. Consideration of new cases coming before the Commission.

8. Consideration of reports to the Commission from Staff.
9. Consideration of general issues of Planning Commission interest.
10. Adjournment.

4.202 The Staff Secretary shall prepare a written agenda, which shall be mailed to Commission and Staff members at least six days in advance of the scheduled hearing.

4.300 Consideration of Final Plats for Minor Subdivisions of Land.

4.301 The following procedures apply to consideration of final plats for minor subdivisions of land:

1. The Chairperson shall ask the applicable Staff member to introduce the plat. Such introduction shall include the case number, case name, and status of the plat relative to procedural accuracy.
2. The Chairperson shall ask for a motion and the procedures of Section 3.101 of these By-Laws shall apply.
3. If the plat is approved, the Chairperson shall sign it as of the date of the applicable hearing. A final plat hearing shall then be scheduled before the Board of County Commissioners after all zoning conditions of approval have been met.

4.400 Consideration of Land Use and/or Subdivision Cases

4.401 The following procedures apply to the consideration of land use and/or subdivision cases:

1. The Chairperson shall open the public hearing. The Chairperson has the discretion of limiting the time allotted for input from Staff, applicant and public.
2. The Chairperson shall request that the applicant as well as his or her representative approach the Commission.
3. The Chairperson shall ask the applicable Staff member to introduce the case. Such introduction shall include:
 - a. Case number.
 - b. Case name.
 - c. Name of applicant.
 - d. Description of request.
 - e. Location of the request.
 - f. Description of surrounding zoning and land use.
 - g. Staff comments describing the facets and ramifications of the request.
 - h. The Staff recommendation and any justification therefore.
4. The Chairperson shall ask the applicant or the applicant's representative(s) to identify themselves, and provide their address. The Chairperson shall then ask the applicant, or the applicant's representative, to provide a brief description of the request, and for their response to the Staff recommendation.

5. The Chairperson shall ask each Commission member for questions relative to the request. These questions may be directed to the applicant or the Staff.
6. The Chairperson shall then open the meeting for public testimony. He or she will ask for those speaking in favor of the request, for information relative to the request, or in opposition to the request. Those persons desiring to address the Planning Commission must first fill in the form at the entrance to the Hearing Room, giving their name, address, and issue to which they are speaking. Those speaking in favor shall be heard first, then those for information, and finally those in opposition. All speakers will give their name and address prior to giving testimony.

After each speaker presents his or her testimony, the Chairperson shall ask either the applicant or Staff to respond, as applicable. In no case shall an applicant be prevented from the opportunity to rebut unfavorable testimony. Dialogue between the applicant and those members of the public addressing the Commission shall not be permitted except upon approval of the Chairperson.

7. The Chairperson shall ask each Commission member for his or her comments and final questions relative to the testimony taken. Questions may be addressed to the applicant, other Commission members, or the Staff.
8. The Chairperson shall ask for a motion from the Commission or may make a motion

himself or herself. Upon proper motion and second, the Chairperson shall re-state the motion and ask for discussion on the motion. Any Commission or Staff member may be recognized for comments on the motion.

After all discussion has taken place, the Chairperson shall conduct a vote as in 3.101 of these By-Laws.

9. After the vote is taken, the Chairperson shall notify the applicant of the vote and inform him or her of the date, time, and place of the Board of County Commissioners' consideration of the case and that the Planning Commission's decision is their recommendation to the Board of County Commissioners relative to the particular land use case.