

CARBON COUNTY PLANNING & ZONING COMMISSION

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RESOLUTION NO. 2016 – 01

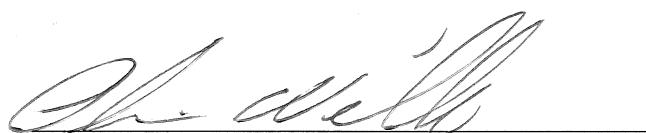
Carbon County Planning and Zoning Commission Rules of Practice and Procedure Carbon County, Wyoming

I certify that the attached is a true and correct copy of the rules of the Carbon County Planning and Zoning Commission which include amendments adopted in accordance with WYO. STAT. ANN. §18-5-202(a) and WYO. STAT. ANN. §16-3-103. Amendments were made to the following chapter(s) and section(s): Chapter 1: Sections 1, 2, & 4; Chapter 2: Sections 3, 4, 5, 6, & 7; Chapter 3: Sections 2, 5, 6, & 8; and Chapter 4: Sections 1 & 3.

Prior to adoption these rules were made available for public inspection on, June 17, 2016, notice of the proposed changes was published in a newspaper with general circulation in Carbon County, Wyoming, on the date of June 17, 2016, and notices of intended adoption were mailed to all persons requesting notice of proposed rules.

The attached rules are effective immediately upon filing with the County Clerk.

Signed this 1st day of August, 2016.



O.R. WILLE, ACTING CHAIRMAN

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**Rules of
Practice and Procedure**

Readopted Date: August 1, 2016

TABLE OF CONTENTS

CHAPTER I GENERAL PROVISIONS

<u>Section No.</u>	<u>Subject</u>	<u>Page No.</u>
1	Authority	1
2	Definitions	1
3	Promulgation, Amendment or Repeal of Rules	2
4	Applicability of Rules	2

CHAPTER II ORGANIZATION AND ADMINISTRATION

<u>Section No.</u>	<u>Subject</u>	<u>Page No.</u>
1	Organization	2
2	Officers	2
3	Secretary	2
4	Meetings	2
5	Records and Reports	2
6	Agenda – Subjects	3
7	Notice of Recommended Action	3
8	Publicity	3

CHAPTER III CONDUCT OF MEETINGS

<u>Section No.</u>	<u>Subject</u>	<u>Page No.</u>
1	Conduct of Business	4
2	Order of Business: Regular & Adjourned Regular Meetings	4
3	Order of Business: Special Meetings	4
4	Change in Order of Business	4
5	Quorum	4
6	Special Meetings	5
7	Setting Hearings	5
8	Hearings	6

CHAPTER IV APPLICATION AND CASE TYPE

<u>Section No.</u>	<u>Subject</u>	<u>Page No.</u>
1	Signed Applications	9
2	Necessary Information	9
3	Case Types	9

CHAPTER I **GENERAL PROVISIONS**

Section 1. Authority. These rules of practice and procedure for the Carbon County Planning and Zoning Commission are promulgated under the Wyoming Administrative Procedures Act, Wyo. Stat. Ann. §16-4-401 through §16-4-407.

The Carbon County Planning and Zoning Commission is organized under the authority of the Wyo. Stat. Ann. §18-5-201, et seq., as amended.

Section 2. Definitions. As used in these rules.

- A. "Advisement" means the removal of a proposal from immediate consideration to provide the Commission additional time for further consideration, deliberation or consultation of the proposal prior to taking action.
- B. "Board" means the Carbon County Board of County Commissioners.
- C. "Chairman" means the Chairman of the Carbon County Planning and Zoning Commission, or, in his/her absence, the Vice-Chairman or the senior member of the Commission designated by the Commission to preside at the meeting.
- D. "Commission" means the Carbon County Planning and Zoning Commission.
- E. "Carbon County Comprehensive Land Use Plan" (CCLUP/Plan) means a plan for the long-range physical growth and development of Carbon County, Wyoming, adopted by the Carbon County Commissioners.
- F. "Certification of Recommended Action" means a notice, signed by the Chairman or the Vice Chairman, to certify the recommended action from the Carbon County Planning and Zoning Commission to the Board of County Commissioners pursuant to the Carbon County Zoning Resolution and W.S. 18-5-202(c).
- G. "Petition" means items placed on the Commission's agenda for action at a meeting.
- H. "Resolution" means a formal expression of the opinions and recommendations of the Commission.
- I. "Subdivision Control" means the lawful method by which subdivisions are approved and includes plat approval in accordance with applicable Carbon County Resolutions regarding subdivisions, as may be amended from time to time.
- J. "Zoning Resolution" means the Carbon County Zoning Resolution of 2015, as amended or repealed and replaced, intended to regulate and to restrict the

location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, public use and other purposes.

Section 3. Promulgation, Amendment or Repeal of Rules. Any amendments to or repeal of these rules shall become effective as provided in the Wyoming Administrative Procedures Act.

Section 4. Applicability of Rules.

- A. These rules apply to all public meetings of the Commission, including public hearings, including those initiated by the Commission and those initiated by private parties pursuant to the procedures set forth in these rules.
- B. Informational meetings may be attended by the Commission without compliance with these rules.

CHAPTER II **ORGANIZATION AND ADMINISTRATION**

Section 1. Organization. The Commission is organized pursuant to Wyo. Stat. §18-5-201, et seq., as amended.

Section 2. Officers. The Officers of the Commission shall be a Chairman and Vice-Chairman elected from members of the Commission at its first meeting in February every year. The officers shall serve until their successors are duly elected and qualified.

Section 3. Secretary. The Board shall designate the County Clerk, another county employee or a member of the Commission to serve as secretary to the Commission. The secretary shall keep the record of Commission's actions in accordance with statute. The secretary or the Planning Director or his/her designee shall attend all meetings of the Commission.

Section 4. Meetings. The Commission shall hold regular meetings monthly on the Monday prior to the Carbon County Board of County Commissioners meeting that is scheduled for the first Tuesday of each month. If the Commission meeting date falls on a holiday, the Commission meeting will be held the following Monday unless otherwise determined by the Commission.

Section 5. Records and Reports.

- A. Minutes. The Secretary to the Commission shall record in the minutes, the time, and place of each meeting of the Commission, the names of members present and all official acts of the Commission, and shall cause the minutes to be typed forthwith for approval or amendment at the next regular meeting. Sufficient copies of such minutes shall be made available to each member of the Commission and upon request to the Carbon County Board of County Commissioners. An original copy of such minutes, attested to by the

Commission's Chairman, shall be chronologically filed in the official records of the Commission, and shall be a public record.

- B. The Secretary or the Planning Director shall prepare and present a written monthly activity report documenting all action and issues of permits and certificates to the Commission.
- C. The Secretary or the Planning Director shall prepare and present a written annual report of the calendar year activities to the Commission at its regular February meeting for the preceding calendar year. The Commission shall review and publish notice of said annual report, including descriptions of other Commission activities, by the end of the month of April following the report year.

Section 6. Agenda – Subjects.

- A. Upon application by an interested party for a place upon the agenda of the Commission meeting, the secretary or staff of the Planning and Zoning Department to the Commission may require that all data pertaining to such subject shall be presented in writing at least ten (10) days prior to the date of the Commission's meeting. (See Chapter IV for additional requirements.)
- B. The Chairman of the Commission may postpone discussion of any matter before the Commission whenever in the Chairman's determination, the volume of matters before the Commission do not allow sufficient time for full consideration of that matter. In such event, appropriate arrangements will be made to have the matter heard as soon as practicable, provided however, that any matter that is postponed must be considered and decided upon by the Commission within the time required by law for the consideration of such matter.
- C. Agendas and the Commission Packets shall ordinarily be mailed or electronically transferred to members of the Commission at least five (5) days prior to the meeting at which such subjects are to be considered.
- D. Subjects which are not listed on the official Commission's agenda, may be considered at a meeting only with the consent of the Commission and after amendment of the agenda.

Section 7. Notice of Recommended Action. Upon adoption of a decision including a Certification of Recommended Action to the Board, or otherwise deciding any petition, application, or appeal, the Commission's Secretary or designee shall send a notice/letter thereof to the petitioner, applicant or appellant and give such other notice as directed by the Chairman.

Section 8. Publicity. The Commission shall encourage the public to attend its meetings and shall take positive action to keep activities before the public by supplying newspaper ads and by having members and staff appear before civic groups to discuss the purpose of planning and work of the Commission.

CHAPTER III **CONDUCT OF MEETINGS**

Section 1. Conduct of Business. Roberts Rules of Order shall govern the conduct of meetings of the Commission, unless procedural and parliamentary rules adopted by the Commission are in conflict, in which case these rules shall govern.

Section 2. Order of Business – Regular and Adjourned Regular Meetings. The order of business at all regular and adjourned meetings shall be as follows:

- Call meeting to order.
- Roll Call.
- Approval of Agenda.
- Approval of Minutes.
- Activity Report.
- Budget Report.
- Public Comment.
- Public Hearings.
- Discussion Items.
- Executive Session.
- Adjournment.

Section 3. Order of Business – Special Meeting. The order of business at all special meetings shall be as follows:

- Call meeting to order.
- Roll Call.
- Reading of any communications relative to special business or hearing.
- Oral communication.
- Hearings, if any.
- Discussion and decision.
- Adjournment.

Section 4. Change in Order of Business. The order of the business may be changed on regular motion carried by a majority of the quorum.

Section 5. Quorum.

- A. Three (3) members of the Commission shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting where a quorum is present shall determine the action or decision of the Commission, except when a different vote is required by State law.
- B. In the event of adverse weather conditions or otherwise if it is not possible for a quorum of the Commission to be physically present at the location of the meeting, one of the Commission members may participate in the meeting by telephone or other electronic means such as video conferencing, and such participation shall be included in determining whether a quorum exists.

- C. When a member is participating by telephone or other electronic means such as video conferencing, the applicant shall have the right, upon request made at the meeting prior to the final vote by the Commission, to request a tabling to a specific meeting date, not to exceed sixty (60) days, so that a personal presentation may be made to the Commission with a quorum of members physically present.
- D. If, for any reason, the business to be considered at a regular meeting cannot then be completed, the Commission may, at such meeting, designate the time for an adjourned meeting to consider any matter that can properly be considered at such adjourned meeting, and such designation, along with a copy of the determination and order of the recess, posted in accordance with the statutes governing open meetings, shall serve as adequate notice to all members and the public whether present at such meeting or not of the adjourned meeting and the remaining matters to be considered. With respect to members not present, it shall be the standing order that the secretary shall endeavor to advise absentee members of the determination to hold such adjourned meetings.

Section 6. Special Meetings.

- A. Special meetings may be called at any time by the presiding officer. For any special meeting, each member and the press shall be given notice thereof at least three (3) days before such special meeting, personally, by electronic means such as e-mail or facsimile, or by mail. If e-mailed, such notice shall be deemed to be delivered when it is sent to the e-mail address of the commission member, person or entity that notice is to be sent to. If sent via facsimile, such notice shall be deemed to be delivered when it is sent to the facsimile number of the commission member, person or entity that notice is to be sent to. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the commission member, person or entity at their mailing address, with postage prepaid. Commission members may waive any notice that is required to be given to them in writing prior to or at such meeting. Special meetings shall be held at such place as may be designated by the Chairman of the Commission.
- B. If a special meeting involves a public hearing, notice shall be given in conformance with law.
- C. Action on matters at special meetings shall be limited to subject(s) announced in the call for such special meeting. An executive session may be held during special meetings in accordance with the applicable sections of the open meeting laws.

Section 7. Setting Hearings. In order to expedite the hearings on any petition, application, or appeal, the time for such hearings may be set at the time of the filing of the petition, application, or appeal, and notice thereof to be given as required by law.

Section 8. Hearings.

- A. Public hearings conducted by the Commission shall conform to the provisions of law in the matter of public notice, time, case number, and reporting. A formal hearing before the Commission, which for any reason cannot be completed at the time and place originally advertised, may be adjourned to a later date and the announcement of such adjournment and the time and place of such adjourned meeting, along with a copy of the determination and order of the recess, posted in accordance with the statutes governing open meetings shall constitute sufficient notice of the adjourned meeting.
- B. Any member, or members, designated by the Commission for that purpose shall be authorized and qualified to preside over and conduct any formal hearing, provided that the purpose of such hearing shall be confined to the taking and recording of all pertinent testimony, and the member or members conducting such hearing shall summarize the testimony introduced and render their opinions thereon to the full Commission. Decisions on all matters held at such hearings before a member, or members, shall however, be made only at, and by, a regular or adjourned or special meeting of the Commission.
- C. During the Public Hearing, the Planning Director, hearing officer or planning staff shall present the primary and basic facts and staff reports.
- D. The procedure for public hearings shall be as follows :

OPENING OF A PUBLIC HEARING:

1. The presiding board member will open the case file and identify the case file to be opened by name and/or number _____."
2. The presiding board member will then request the Planning Director/Staff to summarize and present the formal written application, petition, or appeal.
3. The Planning Director/Staff will then proceed to present the application, petition, or appeal, and read the recommended conditions.
4. The presiding board member shall then receive any written comments that have been submitted to the Commission on the matter then pending.
5. The presiding board member will then allow the applicant or his/her representative to provide testimony to supplement the information given on the application pertaining to the matter pending before the Commission. This will be followed by the presentation testimony and/or exhibits of others who may desire to support the application. Upon the completion of testimony by proponents, an opportunity will be given to those who may oppose the application to present testimony and/or exhibits. Upon the completion of the presentation of the opponents' case, an opportunity will be given to the applicant to rebut any

testimony and/or exhibits that may have been introduced. At the conclusion of such rebuttal, the hearing will be closed.

6. The presiding board member will then give the applicant or his/her representative if present the opportunity to be heard. Thereafter, the applicant, and in order, others who desire to present testimony and/or exhibits on behalf of the application will be heard.

PUBLIC COMMENT:

7. The presiding board member will then give the opportunity to persons present who desire to be heard in opposition to the application. Thereafter, those who may be present who do so desire to present testimony and/or exhibits in opposition will be heard in order.

8. Upon the completion of the opposing testimony, the presiding board member will give the applicant or his/her representative an opportunity to present rebuttal testimony that he/she desires to introduce. It will then be received.

9. If, during the course of a hearing, it is the desire of any party to the hearing to ask questions of a person presenting testimony and/or exhibits, such questions shall be deferred until the conclusion of the testimony by the person and the questions shall be directed to the person through the presiding board member, not from the floor. In this connection, testimony shall be kept to factual matters and personal references shall not be permitted.

10. The presiding board member will then provide an opportunity to any member of the Commission who would like to direct a question to any witness, before the hearing is closed. Such questions may be asked upon recognition by the presiding board member.

CLOSING OF A PUBLIC HEARING AND DISCUSSION AMONG COMMISSION MEMBERS:

11. The presiding board member will then provide notice that the testimony has been complete. If there are no objections, the presiding board member will declare the hearing closed. Upon objection, either the hearing continues, or the presiding board member shall entertain a motion to close the public testimony.

12. The presiding board member will request comments and opinions from members of the Commission.

13. The presiding board member and members of the Commission shall not participate during the portion of the hearing when testimony and/or exhibits are being presented other than propounding pertinent questions to the witness for

the purpose of clarifying testimony or to obtain information pertinent to the subject matter of the hearing. The members of the Commission shall not indulge in any argument with the witness during the course of the hearing.

14. No member of the Commission shall, at any time, discuss with any party having an interest in any matter pending before the Commission on which a public hearing is conducted other than during the course of the hearing being conducted.

15. If necessary because of time, quorum, or insufficient information, the public hearing may be continued to a later date.

16. Upon the discretion of the Chairman or majority vote of the Commission, any case may be taken under advisement, and the next case heard.

17. Under the circumstances permitted by Wyoming law, and upon motion made, the Commission may declare and adjourn into executive session. The Commission shall then return to a regular session to make any decisions or take any action.

RECOMMENDED ACTION/DECISION:

18. Upon completion of the proceedings for which a public hearing is conducted, the Chairman shall call for a vote in open session and a vote shall be taken and recorded.

19. After all cases have been decided by the Commission or taken under advisement, the meeting shall proceed in accordance with the agenda.

20. For all proposals taken under advisement, the Commission may recall all interested parties for further information as it may deem necessary to render their recommendations or decision.

21. The decision of the Commission and any recommendations shall be dictated into the record. The final decision and any recommendations shall include findings of fact and conclusions of law separately stated if the petition is recommended for denial or denied and such findings or conclusions are requested by the petitioner at the hearing.

22. The procedure outlined in these rules is directory only and is not mandatory or jurisdictional.

CHAPTER IV

APPLICATION AND CASE TYPE

Section 1. Signed Application. Before any petition will be accepted and processed, the applicant shall submit a signed and dated application on a form provided by the Planning Department and along with any applicable fee(s).

Section 2. Necessary Information. A Petitioner shall furnish all required and any necessary information so that the planning staff and the Commission may make a well-reasoned decision on the petition and to enable it to arrive at a decision/recommendation of approval/disapproval of the application. Information that is deemed to be necessary shall be determined first by the Zoning Officer or Planning Staff and may also be determined by the Commission. Any information which is requested shall be reasonably related to the application.

Section 3. Case Types. Case types to be formally presented to the Commission include petitions for:

- A. Appeal from administrative decisions
- B. Major Subdivisions and related variances
- C. Minor Subdivisions and related variances
- D. Conditional Use Permits
- E. Zone Changes
- F. Zoning Resolution Amendments – Text Amendments
- G. Floodplain Development Permits and Appeals
- H. Planned Unit Developments
- I. Variances