



**REGULAR MEETING OF THE  
 ARAPAHOE COUNTY PLANNING COMMISSION  
 TUESDAY, MARCH 8, 2016 @ 07:00 P.M.**

**STUDY SESSION AGENDA ITEMS**

<b>ITEM 1</b>	<b>PLANNING COMMISSION BYLAWS DISCUSSION</b>	<b>DIRECTION/ACTION</b>
<b>CASE MANAGER:</b>	Jan Yeckes, Planning Division Manager	INFORMATIONAL
<b>REQUEST:</b>	Discussions concerning: <ul style="list-style-type: none"> <li>• Possible revisions to PC Bylaws</li> </ul>	

**ANNOUNCEMENTS:**

- The next regular Planning Commission meeting is scheduled for March 15, 2016.
- Planning Commission agendas, Board of County Commissioner agendas, and other important Arapahoe County information may be viewed online at [www.arapahoegov.com](http://www.arapahoegov.com) or you may contact the Planning Division at 720-874-6650.

**PLANNING COMMISSION MEMBERS:**

<b>Mark Brummel - Present</b>	<b>Richard Rader - Present</b>	<b>Paul Rosenberg, Chair Pro-Tem - Present</b>
<b>Diane Chaffin - Present</b>	<b>Jane Rieck - Present</b>	<b>Richard Sall - Present</b>
<b>Brian Weiss, Chair - Present</b>		

*Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Please contact the Planning Division at 720-874-6650 or 720-874-6574 TDD, at least three (3) days prior to a meeting, should you require special accommodations.*

**ARAPAHOE COUNTY  
PLANNING COMMISSION  
BY-LAWS**

**I. DEFINITIONS**

As used in these Rules, the following terms shall have the following meanings, unless the context otherwise requires:

- A. Applicant: That person or firm who proposes action to be taken by the Arapahoe County Planning Commission.
- B. Business Items: Items for action before the Planning Commission not requiring a public hearing, such as adoption of minutes of previous meetings, election of officers, and amending the Planning Commission by-laws.
- C. Commission: See Planning Commission.
- D. Commission Member: A County resident appointed by the Board of County Commissioners to serve on the Planning Commission.
- E. Continued: To halt consideration of a case and set aside temporarily until a later certain date and time. The case would remain active and additional testimony would be taken. (Planning Commission may specify that only additional written testimony will be taken by a date certain, or may limit the areas in which testimony may be taken.)
- F. County: Arapahoe County, State of Colorado.
- G. Motion: A statement of proposed action to be taken by the Commission by a Commission member.
- H. Motion, Amendment to: A change to the proposed motion by any member of the Commission.
- I. Planning Commission: The Arapahoe County Planning Commission, a body advisory to the Board of County Commissioners on certain actions, such as rezoning of property and approval of a Final Development Plan for property, and the final decision body on other actions, such as Comprehensive Plan documents.
- J. Planning Commission Meetings: Scheduled public meetings of the Arapahoe County Planning Commission during which land use applications, planning documents, and amendments to the Land Development Code are received and considered as public hearing items, business items or study items.

- K. Postponed: The Planning Commission takes no formal action, and the item is held to a future time, but not to a date certain (requires new notice).
- L. Public Hearing: A scheduled meeting item with prior notification to the general public concerning the item and outcome requested, with public testimony requested and received before the Planning Commission makes a recommendation/ decision.
- M. Public Testimony: That portion of the Planning Commission Hearing during which public input is solicited.
- N. Quorum: A quorum shall consist of at least four (4) Commission members. In the event that one or more vacancies exist on the board, the quorum shall consist of a simple majority of the filled seats.
- O. Second: An acknowledgment by one other member of Commission that a motion should be considered.
- P. Staff: Employees of Arapahoe County, typically those of the Planning and Engineering Services Divisions and the County Attorney's office, assigned by those agencies to assist the Commission with professional expertise.
- Q. Take Under Advisement: Hearing is closed and decision is set aside until a date certain or some future date. No new evidence or testimony will be taken when the item is brought back for Commission action.
- R. Work/ Study Sessions: Work/ Study Sessions held to study various planning matters in depth, conduct internal business, and provide training for Commission members will be scheduled as required. Such sessions will be posted on a public meeting agenda and open to the general public; however, the public will not have the right to participate.

## II. *ADMINISTRATION*

- A. Election of Officers
  1. The Arapahoe County Planning Commission is a body composed of a maximum of seven (7) members, which is appointed by the Board of County Commissioners. The Planning Commission elects a Chairman and a Chairman Pro-Tem from among its members. A permanent member of the Planning Division, elected by the Planning Commission, fills the position of Executive Secretary.
  2. Between February 1 and April 30, each year, the Commission shall elect, from its membership, a Chairman and Chairman Pro-Tem. A majority vote of those present is required to elect a Chairman. After the Chairman is elected, the same procedure shall be followed in the election of a Chairman Pro-Tem.

B. Duties of Officers

1. Chairman. It is the responsibility of the Chairman to conduct Planning Commission hearings in accordance with the rules of order adopted herein. Upon motion made and passed, in accordance with these Rules, the Commission may suspend compliance with these Rules if it determines that no person's substantial rights would be prejudiced. The Chairman shall be a voting member of the Commission, and is accorded the same rights and privileges accorded other members of the Commission. The Chairman is authorized to sign documents, minutes, and schedule work sessions.
2. Chairman Pro-Tem. In the event that the chairman is temporarily unable to act due to absence, illness, personal interest in any matter coming before the Commission, or any other cause, the Chairman Pro-Tem shall be accorded the same privileges and responsibilities as the Chairman. In the event neither Chairman nor Chairman Pro-Tem is present, those present shall elect a temporary Chairman.
3. Executive Secretary. Schedules, in coordination with the Chairman and the Planning Staff, hearings before the Commission, the Executive Secretary or a designee appointed by the Executive Secretary prepares and distributes the Commission agenda's, and provides a written summary of decisions made by the Commission. The Arapahoe County Planning Division Manager shall be the custodian of all Commission files.
4. Recording Secretary. Shall keep the minutes of all Commission meetings and prepare and attest to decisions made by the Commission. The Arapahoe County Clerk and Records Office shall act as the Recording Secretary for the Planning Commission. The Arapahoe County Clerk and Records Office shall be the custodian of all Commission records pertaining to actions of the Planning Commission.

C. Conflict of Interest

1. No member of the Commission shall participate, in any way, in any matter pending before the Commission in which the member has a conflict of interest.
2. Each member must personally decide whether or not conflict of interest exists. However, conflict of interest must be disclosed, even after commencement of a hearing. Conflict of interest issues may be raised at the hearing by a member of the Commission, persons present at the hearing, or through a written statement presented to the Commission members or the Chairman. In case of doubt, the member should consult the County Attorney.

D. Attendance

1. Each Commissioner shall be responsible for his/her attendance. After three (3) consecutive absences, the Chairman shall contact the member. If attendance continues to falter, the Chairman will contact the Board of County Commissioners to determine if further action is needed.
2. It is expected that each member will be in attendance at least 75% of the time.
3. All Commissioners are expected to attend scheduled work/study sessions; e.g., Comprehensive Plan, Zoning and Subdivision Regulations, training sessions, and sessions of similar nature.

E. Amendment of the By-Laws

These By-Laws may be amended, upon proper motion and second, only upon meeting the following criteria:

1. All members present may vote on items pertaining to elections or procedures. A simple majority carries the motion.
2. Consideration of the proposed amendment occurs at least two (2) weeks after the issue being raised for discussion.

**III. GENERAL RULES OF ORDER**

The following are general rules of order, and apply to the conduct of business at all Planning Commission hearings, unless the applications of the rules of order are suspended.

- A. A quorum of the Planning Commission shall be present in order to open the public hearing/ public meeting and conduct business.
- B. A motion before the Commission may be made by any voting Commission member participating in the hearing. Another member of the Commission must second any motion for the Planning Commission to be able to vote on the motion.
  1. After the motion and second, the Chairman shall ask for discussion from members of the Commission.
  2. After all interested Commission members have had an opportunity to speak, the Chairman may ask the Secretary to restate the motion. The Chairman shall then call for a vote in favor or in opposition to the motion and the recording secretary shall record the vote.
  3. If a vote of the Planning Commission on an application pending before the Commission results in a tie vote, a new motion may be made and voted

upon. If the Commission is unable to vote in favor of a new motion, a tie vote shall result in a recommendation to the Board of County Commissioners to deny the application.

- C. A motion may include provisions by reference.
- D. Upon proper motion, second and majority affirmative vote, any item of business may be postponed, continued or taken under advisement.
- E. The Planning Commission shall establish its own rules of order and may consider Robert's Rules of Order as a guide.

**IV. CONDUCT OF PLANNING COMMISSION HEARINGS, MEETINGS, WORK/STUDY SESSIONS**

A. Hearings

- 1. Regular Commission hearings shall be scheduled by the Executive Secretary and an agenda prepared for each meeting. The agenda shall be prepared at least five (5) days in advance of the meeting date and shall be made available to every member of the Commission, the Board of County Commissioners, and to any person or group requesting a copy of the agenda. The Chairman, with the assistance of the Planning Staff, shall have the power to limit the number of items on the agenda to assure adequate review.
- 2. Regular hearings shall begin (on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month) at the date and time designated in the agenda, or as soon thereafter as possible, and shall be at the place designated in the agenda.
- 3. Special hearings of the commission may be held at any time and place, provided that a quorum is present and that the agenda has been made with at least five (5) days notice.
- 4. All discussion and formal action of the Planning Commission shall be conducted in the public hearing/ public meeting. Executive sessions may be appropriate if done for the purpose of receiving legal advice on a specific legal question. Discussions outside the public hearing/ public meeting are not considered appropriate for conduct of Planning Commission meetings.

B. Work/ Study Sessions

- 1. Work/ Study Sessions requested by the Planning Commission shall be scheduled by the Executive Secretary with the consent of a simple majority of the Planning Commission and an agenda prepared for each such session; study sessions not requested by the Planning Commission may be scheduled by the

Executive Secretary. The agenda shall be prepared at least five (5) days in advance of the meeting date and shall be made available to every member of the Commission.

2. Whenever possible, the work/ study session will be on regular Planning Commission meeting dates and shall be posted as a public meeting and open to the public.
3. Work/ Study Session items may include Land Development Code Amendments, Comprehensive Plan Updates and/ or Amendments, statute and legal issues of interest to the Planning Commission, and other items not considered to be regular agenda and public hearing items.

C. Order of Business for Hearings/ Meetings

1. The Chairman calls the hearing/ meeting to order and the quorum is announced indicating the presence of Commission.
2. If minutes of the previous meeting(s) are to be considered, the Chairman shall ask if there are any changes or additions. Whether or not changes are needed, the chairman shall ask for a motion to approve the minutes and the Commission members shall vote on the proposed motion.
3. The Chairman shall conduct the hearing/ meeting in accord with the agenda unless a specific adjustment is made.
4. The Planning Commission public hearing/ meeting agenda—can include "consent" item(s), and such item(s) shall be placed on the agenda by the Commission's Executive Secretary. All consent items will occur as the first agenda item.
5. After calling the hearing/ meeting to order, and dealing with any administrative business, the chairman will read the case number and title of all cases on the consent agenda. The chairman will determine whether any Commissioner or member of the public would like to address the Commission on any consent agenda items. If any such indication is given, the case will be removed from the consent agenda. If items are removed from the consent agenda, the chairman will determine the nature of the concerns, and upon recommendation of the Planning Department, either place the case as the last item of the regular agenda or reschedule the case to the next available Planning Commission public hearing date.
6. Following the above steps, the chairman will seek a motion recommending approval of all remaining consent items to the Board of County Commissioners. Upon second, the motion will be called for a vote of the Commission.

D. Consideration of Land Use and/or Subdivision Cases

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

1. The Chairman shall open the public hearing. The Chairman has the discretion of limiting the time allotted for input from Staff, the applicant and the public. Generally, staff is limited to 5 minutes, the applicant to 15 minutes, and the public to 3 minutes each.
2. The Chairman may inquire at the beginning of each matter on the agenda whether there are any procedural matters to be addressed by the Commission prior to addressing the merits of the application.
3. The Chairman 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, land use, staff analysis, findings, and recommendations which may be presented verbally or by reference to the written staff report.
  - g) The Staff report shall be part of the record.
4. The Chairman may request that the applicant, as well as his or her representative, approach the Commission and identify themselves and give complete addresses.
5. The Chairman may ask the applicant to provide a brief description of his or her request, if the applicant desires.
6. The Chairman shall ask if any Commission member has questions relative to the request. These questions may be directed to the applicant or the Staff.
7. The Chairman shall then open the hearing for public testimony. All speakers will give their names and address prior to giving testimony. The Chairman shall have discretion to limit the number of speakers, as well as the arguments presented, to avoid undue repetition and consumption of time.

8. The applicant shall have an opportunity to answer questions and respond to conflicting testimony after all opposition has been heard. The applicant is limited to rebuttal of the conflicting testimony, and may not introduce new topics of testimony at this time. The opposition and the applicant may be allowed time for clarification of previous testimony at the discretion of the Chairman. Dialogue between the applicant and those members of the public addressing the Commission shall not be permitted except upon approval of the Chairman.
9. The Chairman shall ask if any Commission member has any comments and final questions relative to the testimony taken. Questions may be addressed to the applicant, other Commission members, the public, or the Staff.
10. The Chairman shall close the public testimony portion of the hearing.
11. The Chairman shall ask for discussion or a motion from the Commission. Upon proper motion and second, the Chairman shall ask for further discussion on the motion. Any Commission or Staff member may be recognized for comments on the motion. After all discussion has taken place, the Chairman shall conduct a vote as provided in Section III of these Rules.
12. Voting on Land Use and/or Subdivision Cases shall be done at a public hearing of the Planning Commission. Any Planning Commissioner present may vote if he or she was present at, or reviewed the tapes of, the prior hearing or hearings regarding the case. A quorum shall be necessary, and a simple majority thereon shall be required. The Commission's recommendation or decision shall contain reasonable findings of fact to support its recommendations or decisions.
13. The record of the Planning Commission transmitted to the Board of County Commissioners shall be sufficiently detailed to inform the Board of County Commissioners what transpired at the Planning Commission hearing.
14. No person participating in Planning Commission hearings may give testimony until recognized by the Chairman. The Chairman shall request any person or persons who are speaking out of order to wait until they are recognized by the Chairman. In the event that individuals or groups fail to comply with the Chair's request, the Chair shall take such action as is necessary to maintain order, including, but not limited to, temporary suspension, tabling or adjournment.

E. Consideration of Comprehensive Plan Amendments

1. Amendment Procedure:

As referenced in State Statutes and any other applicable the Arapahoe County Regulations.

2. Voting by Planning Commission to adopt Amendments:  
Voting on an amendment shall be done at a public hearing of the Planning Commission, which has sole authority to approve such amendments. Any Planning Commissioner present may vote if he or she was present at, or reviewed the tapes of, the prior hearing or hearings regarding the amendment. A quorum shall be necessary, and a simple majority thereon shall be required to pass an amendment.

F. Consideration of Location and Extent Cases:

1. Procedure shall be as for consideration of Land Use and/or Subdivision cases.
2. Planning Commission takes final action on Location and Extent applications. The Board of County Commissioners may also consider Location and Extent plans according to County Regulations.

**V. SEVERABILITY**

If any section, sub-section, sentence, clause or phrase of these By-Laws is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these By-Laws. The Planning Commissioners of Arapahoe County hereby declare that they would pass this Resolution and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be invalid.

*ADOPTED FEBRUARY 7, 1984*

*AMENDED NOVEMBER 1, 1985*

*AMENDED NOVEMBER 6, 1986*

*AMENDED FEBRUARY 4, 1992*

*AMENDED JULY 25, 1995 (Meeting Times)*

*AMENDED OCTOBER 1, 1996 (Consent Agenda Items)*

*AMENDED JULY 10, 2001 (Members, Voting, Recording Secretary)*

*AMENDED JUNE 16, 2009 (Definitions, procedures, clarifications, attendance)*