Planning Commission Agenda

Thursday, November 17th, 2022
Regular Meeting – 6:00 P.M.
Frederick Town Hall
401 Locust St.

Built On What Matters

In order to promote social distancing and to protect the health and safety or our Commission members, staff, and community this meeting will be hybrid and conducted via Zoom and in person. Interested parties are encouraged to access the meeting via Zoom or in person at Town Hall.

The meeting information is as follows:

Join Zoom Meeting
https://zoom.us/j/94063773463?pwd=aXg1M1d3V0VTKytRWnpPWHc3S2VDZz09

Meeting ID: 940 6377 3463
Passcode: 24689
One tap mobile
+16699006833,,94063773463# US (San Jose)
+12532158782,,94063773463# US (Tacoma)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
Meeting ID: 940 6377 3463
Find your local number: https://zoom.us/u/atFzjCtMH

Please contact Town Clerk Meghan Martinez for questions regarding the meeting. 720-382-5500 or mmartinez@frederickco.gov

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Call to Order – Roll Call

Additions to the Agenda

Action Agenda

A. Approval of minutes from the October 6th, 2022 meeting

Discussion Agenda

A. Creation of the Planning Commission Bylaws- Town Attorney Meyers

Other Business

Upcoming Meeting – December 15th, 2022

401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435
Phone: (720) 382-5500 • Fax: (720) 382-5520
www.frederickco.gov

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
MEETING CONDUCTED IN PERSON AND VIA ZOOM
OCTOBER 06, 2022
6:00 PM

CALL TO ORDER: At 6:09 p.m., Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:
- Present: Chairperson Moe, Commissioner Mahoney, Commissioner Scott, and Commissioner Stark.
- Not present: Commissioner Conroy
- Staff: Planning Manager Ali van Deutekom, Planner Maureen Welsh, Land Use Attorney Christine Francescani, and Deputy Town Clerk Taylor Kittilson.

APPROVAL OF AGENDA:

There were no changes to the agenda as presented.

APPROVAL OF SEPTEMBER 15, 2022 MINUTES:

Motion by Commissioner Stark and seconded by Commissioner Scott to approve the September 15, 2022 Minutes.

Upon roll call vote, motion passed unanimously, with Commissioner Mahoney abstaining from voting.

JOHNSON FARM/SPINDLE HILL ENERGY COMPREHENSIVE PLAN AMENDMENT, CASE NO.2022-010 & JOHNSON FARM/SPINDLE HILL ENERGY REZONE:

Planner Maureen Welsh presented the proposed comprehensive plan amendment.

Applicant Kirby Smith (6201 S Hudson Court, Littleton CO, 80121) addressed the commission with a short presentation.

Applicant Tyler Bray (1401 Lawrence Street, Suite 1100, Denver CO, 80202) addressed the commission with a short presentation.

At 6:49 Chairperson Moe opened the public hearing.

At 6:50, Chairperson Moe closed the public hearing.

Motion by Commissioner Scott and seconded by Commissioner Mahoney to approve the Johnson Farm/Spindle Hill Energy Comprehensive Plan Amendment, case no. 2022-010 based on the review criteria found in the Town Land Use Code Section 4.7.10, with no conditions; and to direct the Town Attorney to memorialize this approval as a resolution for prompt execution by Chairperson Moe without further action of the Commission.

Upon roll call vote, motion passed 3 – 1, with Commissioner Stark voting against the approval.

Motion by Commissioner Scott and seconded by Commissioner Mahoney to approve PCR-2022-12 A, the Johnson Farm/Spindle Hill Energy Rezone.

Upon roll call vote, motion passed 3 – 1, with Commissioner Stark voting against the approval.

OTHER BUSINESS:

Discussion about applying for vacancies on the commission.

Commissioner Stark clarified that he voted against the proposed comprehensive plan amendment and the rezone in order to be consistent.

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 6:59 p.m.

Approved by the Planning Commission:

____
Tracy Moe, Chairperson

ATTEST:

Taylor Kittilson

____
Taylor Kittilson, Deputy Town Clerk

TOWN OF FREDERICK
Planning Commission

DISSCUSSION OF THE PLANNING COMMISSION BY-LAWS

Agenda Date: November 17th, 2022

Attachments:
A. Ordinance 1376
B. Existing by-laws
C. Example by-laws from Adams County

Submitted by: Ali van Deutekom
Planning Manager

Strategic Plan Alignment:

This discussion aligns with the strategic goal of *Effective, Efficient & Strategic Government Operations.* The creation of more substantial bylaws for the Planning Commission will clarify how the group functions as well as, the roles and responsibilities of each member.

Summary Statement:

This is a preliminary discussion on the creation of by-laws

Detail of Issue/Request:

The Board of Trustees has recently adopted ordinance 1376 which directs each commission and committee within the Town of Frederick to create by-laws. Staff has attached the ordinance containing the amendments to the municipal code. The Planning Commission has existing by-laws that need to be expanded and updated to meet the recently adopted code amendments.

Legal Considerations:

The Town Attorney, Jason Meyers, will lead the discussion.

Alternatives/Options:

This is a discussion item.

<u>Staff Recommendation</u>:

Staff requests that the Planning Commission provide direction on the bylaws.

ORDINANCE NO. 1376

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING SECTIONS OF CHAPTER 2 ARTICLE III OF THE FREDERICK MUNICIPAL CODE CONCERNING COMMISSIONS AND COMMITTEES.

WHEREAS, the Town of Frederick utilizes various commissions, boards, and committees to assist in the advisement of the Board of Trustees and Town staff on various matters of community interest; and,

WHEREAS, the Town of Frederick desires to simplify the Frederick Municipal Code and provide additional updates to sections concerning commissions, boards, and committees; and,

WHEREAS, a change to the Town of Frederick Municipal Code is required to make these adjustments clear; and,

WHEREAS, it is intended that the commissions, boards, and committees that are currently in existence continue to operate with their appointees holding their positions through the term to which they were appointed.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, AS FOLLOWS:

Section 1. Chapter 2 Articles IX through XVI, of the Frederick Municipal Code, are hereby repealed in their entirety and replaced as follows:

Chapter 2 Article IX Commissions, Boards, and Committees

Sec. 2-9-10 Creation, Appointment, and Termination

a) The Town Board, by resolution, may establish commissions, board, and committees as the Town Board deems fit. Unless otherwise specified in the enacting resolution or this Article, appointments and removals shall be made by the Town Board according to the membership and terms determined by the Town Board in the enacting resolution. Upon its own determination or by recommendation of the Town Manager, the Town Board may dissolve commissions, boards, and committees by resolution.

b) In recommending, selecting and appointing such members and alternates, the Town Board may in their reasonable discretion conduct such interviews and adopt such selection guidelines and procedures as are reasonably necessary or appropriate, so as to properly evaluate the qualifications of prospective candidates, and accomplish quality appointments.

c) All members of commissions, boards, and committees (with the exception of staff appointments made by the Board of Trustees) shall serve without compensation.

Sec. 2-9-20 Bylaws

Commissions, boards, and committees shall create and recommend bylaws and subsequent amendments for approval by the Town Board after review by the Town Attorney. The Town Clerk shall retain a copy of each commission, board, or committee's bylaws and make them available for public inspection.

Sec. 2-9-30 Ethics

a) Commission, board, and committee members shall not have any personal or property interest, or any other kind of interest which may conflict or interfere with, influence or be perceived by the public as influencing the member's conduct.

b) In the event a commission, board, or committee member may have a conflict of interest they shall recuse themselves from the matter or disclose the nature of the conflict, or potential conflict, on the record prior to proceeding on the matter.

c) If disclosed without recusal, the remaining members of the commission, board, or committee shall establish by a majority vote whether the interest does in fact constitute a conflict of interest. In deciding whether there is a conflict of interest, it shall consider, among other criteria, the following:
   1) Whether the conflict of interest impedes independence of judgment;
   2) The effect of the member's participation on the public confidence in the integrity of the governing body;
   3) Whether the member's participation is likely to have any significant effect on the ultimate disposition of the matter; and
   4) The member's fiduciary obligations to the Town.

d) If the majority concludes that there is no conflict, then the member may perform the official act involved. However, the member shall state for the record the nature of the interest at the time of performing the act.

e) If the majority concludes there is a conflict, the member shall be disqualified from acting or voting on the matter or any related business. In addition, the disqualified member shall refrain from attempting to influence the decisions or voting on the matter, and refrain from participating in any manner in the deliberations.

Sec. 2-9-40 Removal

a) Unless otherwise provided herein commissions, boards, or committees shall determine, through their bylaws, the attendance requirements for the respective commission, board, or committee. Failure of any member to meet the attendance requirements shall be grounds for removal.

b) Any commission, board, or committee member may be removed by a majority vote of the Town Board.

Division 1 - Planning Commission

Sec. 2-9-110 Appointment; authority.
The Planning Commission is hereby authorized for appointment under Part 2, Article 23, Title 31, C.R.S., and shall operate in accordance with said statutes and with applicable provisions of this Code and ordinances of the Town.

Sec. 2-9-120. Membership.

a) The Planning Commission shall consist of five (5) Town residents appointed by the Board of Trustees. The Mayor and members of the Board of Trustees shall not serve as members of the Planning Commission. Planning Commission members shall not serve on any other commission, board, or committee of the Town. The term of each member shall be three (3) years. Members shall be limited to two (2) consecutive terms, and shall be eligible for re-appointment after a break of at least one full term. Vacancies on the Planning Commission shall be filled by appointment by the Board of Trustees. Such appointments shall be for the remainder of the term vacated and shall not be calculated for purposes of term limits. The Planning Commission shall annually elect a chair, and vice chair.

b) There shall be appointed to the Planning Commission by the Board of Trustees additional citizen alternate members, to be designated as Alternate A, B and so forth.

    (1) Alternates shall be designated by their seniority and serve as the voting alternate in when a regular member is absent in order of their seniority. In no instance shall more than two alternates serve as a voting alternate on a decision before the Planning Commission.

    (2) The alternate members may sit with the Commission in all meetings and public hearings and may participate in all discussions as though regular members.

    (3) An alternate member will be seated as a voting member on the Commission in the absence of a regular member who is absent from the meeting for any reason.

c) Three (3) consecutive unexcused absences from meetings by regular members or alternates will result in automatic removal from the commission.

Sec. 2-9-130 Meetings.
The Planning Commission shall hold at least one (1) regular meeting per month. The Town Clerk or designee shall be appointed as Secretary to the Planning Commission who shall be responsible for taking minutes of all meetings, handling Commission correspondence, providing notice of meetings and other general staff support. The Secretary shall keep minutes and records of all meetings and file the same with the Town Clerk for inclusion in the Town's permanent records.

Sec. 2-9-140 Comprehensive Plan; Three-Mile Plan.
The Planning Commission shall be charged with the responsibility of developing a Comprehensive Plan, by making careful and comprehensive surveys and studies of present conditions and future growth of the Town. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, controlled and harmonious development of the Town. A component of the Plan shall be a Three-Mile Plan to be maintained and annually updated by the Planning Commission.

Sec. 2-9-150 Final authority.
The Planning Commission shall act as an advisory counsel to the Board of Trustees, which Board of Trustees shall have final authority in the adoption of plans, legislation, zoning, subdivisions and related matters.

Division 2 - Building Appeals Board

Sec. 2-9-200 Purpose
To hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the Frederick Building Code as more fully set forth in Chapter 18, Article I of this Code.

Sec. 2-9-210 Membership
The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. Community members that are appointed shall not serve on any other commission, board, or committee of the Town and shall be appointed for three (3) year terms, with no term limits. The Building Appeals Board render all decisions and findings in writing to the appellant, with a duplicate copy to the building official.

Sec. 2-9-220 Appeals
a) Any person or persons, firm or corporation, jointly or severally who wishes to appeal a determination made by the Building Official shall file an application with the Town Manager or designee. The appeal application shall be filed

within 20 days after the notice or order was served on a form obtained from the building official.

b) An appeal from an action, decision, ruling, judgment, or order of the Building Board of Appeals may be made by any person or persons, firm or corporation, jointly or severally, who have been aggrieved thereby to the District Court, as provided for by Colorado Statutes.

Division 3 – Commissions

Sec. 2-9-300 – Purpose
To act in an advisory capacity to the Board of Trustees on regular ongoing matters of public interest as determined by the Board of Trustees.

Sec. 2-9-310 – Membership
a) Unless provided by the Town Board in the enacting resolution, commissions shall consist of:
   1) Seven (7) voting members who are residents of the Town of Frederick,
   2) A Town Board Trustee to serve as a non-voting liaison to the commission,
   3) A staff representative to serve as a non-voting liaison to the commission, who may also serve as secretary to the commission.

Sec. 2-9-320 - Terms
Commissioners shall serve three (3) year terms. Terms shall be staggered to prevent a majority of the membership being renewed at one time. There will be no limit to the number of terms a commissioner may serve. Commissioners appointed due to a resignation shall fulfill the term of the seat to which they are appointed.

Division 4 – Other Committees

Sec. 2-9-400 – Purpose
To act in an advisory capacity to Town Staff on regular ongoing matters of public interest or event planning as determined by the Town Board.

Sec. 2-9-410 – Membership
b) Unless provided by the Town Board in the enacting resolution, commissions shall consist of:
   1) Seven (7) voting members who are residents of the Town of Frederick,
   2) A Town Board Trustee to serve as a non-voting liaison to the committee,
   3) A staff representative to serve as a non-voting liaison to the committee, who may also serve as secretary to the committee.
   4) With the exception of the Trustee liaison, members shall be appointed by the staff representative, subject to removal by the staff representative or the Board of Trustees as contemplated by 2-9-40(b) of this code.

Sec. 2-9-420 - Terms

Committee members shall serve three (3) year terms. Terms shall be staggered to prevent a majority of the membership being renewed at one time. There will be no limit to the number of terms a committee member may serve. Committee members appointed due to a resignation shall fulfill the term of the seat to which they are appointed.

Division 5 – Scholarship Committee

Sec. 2-9-500 Purpose

(a) The Board of Trustees hereby establishes a Scholarship Committee to provide annual recommendations to the Board of Trustees in the administration of a scholarship program for residents of Frederick who have graduated from:

(1) A St. Vrain Valley School District high school.
(2) An accredited high school in Colorado.
(3) An accredited home school program.
(4) A high school that is part of the Frederick feeder system.

(b) The Board of Trustees shall, from time to time, adopt by resolution the scholarship eligibility requirements, award amounts, and conditions for the awarding of scholarships.

Sec. 2-9-510 Membership

The Scholarship Committee shall consist of the Mayor, and additional community members as determined by the Mayor. The Town Clerk or designee shall act as the secretary to the committee and may, at the discretion of the Mayor, be a voting member of the committee. There shall be an odd number of members and all members shall have equal voting rights. In the event that a child of one of the committee members is a scholarship applicant, that member shall be replaced for that application period.

Sec. 2-9-520 Terms

Committee members shall serve one year terms at the discretion of the Mayor. There will be no limit to the number of terms a committee member may serve.

Sec. 2-9-530 Payment and Source of Funds

a) Payment of scholarship awards will be made directly to the school, college or university annually.
b) The scholarship program shall be funded from interest earned annually from the Oil Royalty Trust Fund pursuant to Section 4-59 of this code.

Division 6 – Arts Committee

Sec. 2-9-600 Purpose

To advise and provide recommendations to the Board of Trustees on acquisitions of works of public art and their placement within the Town and administer the Art in Public Places Program in accordance with Chapter 3 Article I of this Code.

Sec. 2-9-610 – Membership

Members of the Arts Committee shall be appointed by the Board of Trustees and shall consist of:

1) Seven (7) voting members who are residents of the Town of Frederick,
2) A Town Board Trustee to serve as a non-voting liaison to the committee,
3) The Town Clerk or designee to serve as a non-voting liaison to the committee, who also serves as secretary to the commission.

Sec. 2-9-620 - Terms

Committee members shall serve three (3) year terms. Terms shall be staggered to prevent a majority of the membership being renewed at one time. There will be no limit to the number of terms a committee member may serve. Committee members appointed due to a resignation shall fulfill the term of the seat to which they are appointed.

Division 7 – Ad Hoc Committees

Sec. 2-9-700 – Purpose

To act in an advisory capacity to the Mayor, Town Board, and/or Town staff on specific matters of public interest as determined by the Mayor or Town Board.

Sec. 2-9-710 – Membership

a) Unless provided by the Town Board in the enacting resolution, ad hoc committees shall consist of:
   1) Members designated by the Mayor,
   2) The Mayor, or Trustee selected by the Mayor, to serve as a liaison to the committee,
   3) Staff representative(s) to serve in an advisor to the committee, who may also serve as secretary to the committee.

Sec. 2-9-720 - Terms

Ad Hoc committee members shall serve for the duration of the specific need or project. Additional ad hoc committee members may be appointed due to resignation, vacancy, or need determined by the Mayor.

Sec. 2-9-730 – By Laws

Unless provided by the Town Board in the enacting resolution, ad hoc committees shall not be required to create or maintain bylaws.

Section 2. Chapter 3 Article I is hereby amended as follows with strikethrough language being deleted and underlined language being added:

3-2 (2) *Commission* means the Frederick Arts ~~Commission by Ordinance 521~~ Committee created in Section 2-9-600 of this code.

Section 3. Chapter 4 Article 4 Section 4-55 (c) is hereby amended as follows with strikethrough language being deleted:

> (c) The Board of Trustees ~~acting on the recommendation of the Historic Preservation Commission~~ shall authorize expenditures from the fund consistent with the purpose of historic preservation projects and such other related projects as may be deemed appropriate.

Section 4. Chapter 4 Article VIII, of the Frederick Municipal Code, entitled "Frederick Scholarship Program." is hereby deleted in its entirety and reserved for future codification.

Section 5. The current commissions, boards, and committees that are in existence at the effective date of this article shall remain in place with their respective appointees. To the extent that the terms of office for appointees has changed pursuant to this ordinance; the effected commission, board, or committee shall determine by drawing lots how to restructure the remaining terms to provide for overlapping expiration of terms in compliance with the term requirements of this ordinance. Future appointments and creation of commissions, boards, and committees shall follow the requirements of this ordinance.

Section 6. The current commissions, boards, and committees are hereby categorized below and are directed (with the exception of ad-hoc committees) to create bylaws for their respective commission, board, or committee for approval by the Board of Trustees.

Commissions: Planning Commission
Parks Open Space and Trails Commission

Committees: Arts Committee
Historic Preservation Committee
Scholarship Committee

Boards: Building Appeals Board

Ad Hoc Committees: Downtown Beatification Committee
Water Committee
Minors Day Committee

Section 7. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees of the Town of Frederick, Colorado hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 8. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 9. Effective Date. This ordinance shall take effect on June 10, 2022.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK THIS 26th DAY OF APRIL, 2022

TOWN OF FREDERICK, a Colorado municipal corporation

By: ______________________
Tracie Crites, Mayor

ATTEST:

By: ______________________
Meghan Martinez, MMC, Town Clerk

TOWN OF FREDERICK
INCORPORATED IN 1907

PLANNING COMMISSION BYLAWS

The Town Board, Town of Frederick, deems it necessary and desirable to form and organize a Planning Commission for the purpose of short term and long term planning.

Colorado State law permits appointment of such commissions by statutory towns.

Section 1. Appointment/Authority. The Frederick Planning Commission is hereby authorized for appointment under Part2, Article 23, Title 31, of the Colorado Revised Statutes, and shall operate in accordance with said statutes and with applicable provisions of local code and ordinance.

Section 2. Membership. The Commission shall be a board of five (5) members. The membership shall consist of five persons who shall be designated by the Mayor and approved by the Town Board. All members shall be residents of the Town. The term of each member shall be six (6) years, except that the first three members of the Commission shall have terms of two (2), four (4), and (6) years respectively. The Mayor and Town Board shall designate which members are to serve which terms. All other successive terms beyond the first shall be for six (6) years. Two (2) alternates shall be designated by the Mayor and approved by the Town Board. Each alternate shall have terms of six (6) years. The Commission shall elect a Chairman, Vice-Chairman, and adopt rules and procedures as need.

Section 3. Meetings. The Commission shall hold at least one regular meeting per month. Minutes and records shall be kept of all meetings and forwarded to the Town for its permanent records. To accomplish this, a Town staff member shall be appointed as Secretary to the Planning Commission. Vacancies on the Commission shall be filled by appointment from the Mayor and Town Board.

Section 4. Comprehensive Plan. The Commission shall be charged with the responsibility of developing a Comprehensive Plan, by making careful and comprehensive surveys and studies of present conditions and future growth of Frederick. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, controlled and harmonious development of the Town.

Section 5. Final Authority. The Commission shall act as an advisory counsel to the Town Board, which Town Board shall have final authority in the adoption of plans, legislation, zoning, subdivisions and related matters.

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 <u>Duties of Officers</u>

2.401 <u>Chairperson:</u> 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.

[1]3.110 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 <u>Consideration of Final Plats for Minor Subdivisions of Land</u>.

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 <u>Consideration of Land Use and/or Subdivision Cases</u>

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.