RULES OF PRACTICE

CITY of CHEYENNE
PLANNING COMMISSION

Established: May 5th, 2008

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Purpose. These Rules of Practice are to be considered as policy and procedure for the City of Cheyenne Planning Commission (Planning Commission) in the specific conduct of business.

Additions. Further clarifications and descriptions of procedures may be added to these Rules of Practice as appropriate and/or as deemed necessary by the Planning Commission.

Reference. Reference to Chapter and Section within the By-laws is made where applicable.

Background. The Rules of Practice have been established this 5th day of May, 2008.

Vision Statement. The Planning Commission champions responsive land-use for Cheyenne and surrounding areas of Laramie County by utilizing appropriate implementation tools to become a better place to live with a strong economy, and neighborhoods in which we can take pride. We act to encourage steady growth which enhances the quality of life for all.

Chapter I General Provisions

This section is intentionally blank at this time.

Chapter II Membership
Section 1 Qualifications

No specific experience requirements shall be necessary as a prerequisite to appointment; consideration may be given to applicants who have experience or education in planning, law, architecture, engineering, natural resource management, real estate, and related fields.

Chapter III Election of Officers and Duties
Section 5 Officers

The Chair shall:

a. Preside at and call to order all meetings of the Commission.

b. Work with the Planning and Development Directors to plan the agenda for the Commission.

c. Be an ex-officio member of all committees except the nominating committee, if one is formed.

d. Coordinate with the Planning and Development Directors and make sure that all directives or requests to the Planning and Development Departments by the Commission come through the Commission Chair only and that this protocol and chain of command is observed by all members. No direct orders or requests shall be made by an individual Commission member to Planning or Development staff. All such requests will be through the Commission Chair to the Planning and Development Directors.

e. As presiding officer, the Chair shall not be deprived of any rights or privileges of a Commission member except as stated in Chapter VI, Section 2 of the By-laws.

f. Execute and sign all documents, minutes, notices, resolutions or letters on behalf of the Commission.

g. Appoint committees and respective chair for all necessary committees formed by the Commission.

h. Call special meetings, study sessions, or recess regular meetings as provided in State laws and the By-laws.

i. Be the representative of the Commission or designate an alternate to serve in the Chair's stead if the Vice-Chair is not available.

j. Make sure all public meetings are conducted in accordance with local and State laws, providing for swift, orderly and pertinent discussion of questions arising during proceedings, and putting them to a vote.

The Vice Chair shall:

Also be able to sign all documents, minutes, notices, resolutions or letters upon approval of the Commission for either the Chair or Secretary in absence of one of those members.

The Secretary of the Commission shall Direct & Coordinate the Following:

a. Be responsible for the minutes and records of the Commission showing the vote of each member and the actions taken and issue notices pertaining to the Commission.

b. Distribute the agenda for all regular and annual meetings.

c. Keep a roll of membership and attendance records.

d. Supervise the balloting at all elections of officers.

e. Handle correspondence as instructed by the Chairman.

f. Coordinate, when necessary, with staff responsible for clerical and administrative tasks of the Commission proceedings.

Chapter IV Powers and Duties
Additional Duties

In addition, the Planning Commission has the ability to:

(A) Adopt and amend By-laws. To adopt and amend rules and regulations and by-laws pursuant to law (under the Administrative Procedures Act, Wyo. Stat. §§ 16-3-101 et. seq.) for the conduct of its own business and keep an accurate and complete record of all proceedings of the Planning Commission, and assume responsibility for the preservation of all papers and documents of the Commission to be filed in the City's Development Office.

(B) Set Guidelines. To make regulations for the administration of the affairs of the Commission.

(C) Set Procedures. Prescribe policy pertaining to Commission members' investigations of agenda items.

(D) Recommend Actions. To make recommendations to the City Council and Board of County Commissioners on all planning matters related to the jurisdiction including zoning, subdivisions, regional studies for community facilities and services, and all related planning matters.

(E) Distribute Information. To prepare, publish, and distribute reports, proposed resolutions and other planning matters.

(F) Establish Work plans. To work with Planning and Development Directors to prepare an annual work program for the Commission and approval by the governing Body.

(G) Further Education. To attend conferences related to planning and to share expertise and special knowledge with the Governing Body and the public.

(H) Work Cooperatively. To hold public meetings and public hearings on planning matters and conduct study or work sessions.

(I) Prepare resolutions. To pass resolutions endorsing issues and organizations or indicating support or opposition to particular courses of action taken by interested parties.

(J) Review infrastructure. To review the Transportation Improvement Plan and regular updates for recommendations to the Governing Body.

(K) Research issues. To conduct special planning studies and reports.

(L) Act on Applications. To review and conduct public hearings on applications for amendments to zoning, resolutions, and subdivision matters for recommendation to the Governing Body.

(M) Be Informed. To require members to make themselves knowledgeable of the By-laws, Regulations and Policies of the Commission and uphold the adopted By-laws and current Rules of Practice.

(N) Prepare Comprehensive Plans. To prepare or cause to be prepared Comprehensive Plans, and/or master plans, including zoning, and adopt these Comprehensive Plans by a majority vote and certify the Comprehensive Plans to the appropriate Governing Body.

(O) Recommend Amendments to Comprehensive Plans. Initiate, review, hear, consider and make recommendations to the appropriate Governing Body to approve or disapprove amendments to a Comprehensive Plan. Before certifying these plans or amendments thereto, the Planning Commission shall hold at least one public hearing.

(P) Make Additional Studies. To make studies of the resources, possibilities and needs of the City and County and to report its findings and recommendations, with reference thereto, from time to time, to the Governing Body.

(Q) Prepare Land Development Regulations. To work with the Planning and Development Directors to prepare implementing regulations for the Comprehensive Plans which are recommended for adoption by the Governing Body.

(R) Establish Committees. To establish committees through the Chair by recommendation of members to examine specific questions, findings and issues properly presented before the Commission.

Chapter V Meetings
Section 2 Meeting Dates

(A) Regular meetings shall be held on the first and third Mondays of the month at 6:00 pm.

(B) Changes to dates or times may be made by majority vote of the Commission. A minimum of forty-five (45) days notice will be given to the public for any changes.

(C) Although any business can be conducted at either regular meeting, upon public notice as may be legally required, the first meeting of the month is designated for current development topics and the second meeting is for long range planning topics, review, and work sessions.

Chapter VI Transaction of Business
Section 3 Conflicts of Interest

(A) Notification of conflict of interest:
Whenever the Planning Commission is considering a matter which raises a question of conflict of interest for a particular member, the member is responsible for alerting the Chair and staff prior to the meeting of their situation. Members are responsible for determining when a conflict of interest exists.

(B) Conduct at meetings where a member has a conflict of interest:
If any member has a conflict of interest with any particular item, the member shall notify the Planning Commission and the public in attendance of the conflict of interest. The member shall not participate in the discussion of the item unless invited to do so by a member of the Commission. In any case the member shall not be party to consideration or the voting on the item.

(C) Minimizing conflicts:
It is intended that situations resulting in conflict of interest for members shall be minimized including the influence of other members of the Planning Commission.

(D) Ex parte Contacts:
Ex parte contacts are contacts between individuals seeking to influence a decision on a quasi-judicial matter and members of the Planning Commission outside the meeting forum. Such contacts include visits to sites proposed for development by one (1) or more members and the applicant or applicant's representative unaccompanied by planning staff, meeting with the applicant or applicant's representative separate from a Planning Commission meeting, or telephone calls or letters which attempt to influence a member's opinion on a quasi-judicial matter which will be subject to the member's vote.

It is understood that communications will occur and cannot be avoided. However, members shall attempt to avoid ex parte conversations and communications concerning site specific proposals. Should any such ex parte contacts occur where relevant information is obtained and considered by a member, the ex parte contact and information obtained shall be disclosed at the public hearing or meeting so that participants at such hearing or meeting may be confronted with all facts that influence the disposition of the case and have an opportunity to respond.

In the case of general proceedings, contacts and communications with citizens are encouraged.

(F) Prohibitions:
Provisions of City of Cheyenne Ordinance No. 3600 amending Sections 91.070 and 91.080 shall apply. These provisions refer to monetary and economic

benefits.

Chapter VII Employees

This section is intentionally blank at this time.

Chapter VIII Hearings
Section 3 Proceedings of Public Hearings

Where an applicant has filed an application or a matter is brought before the Planning Commission, the application or matter shall be considered at a public hearing. The procedures that follow shall be used for such hearings. Members of the Planning Commission shall be recognized by the Chair before asking questions of the applicant, public, staff, or other Planning Commission members. Questions or comments from the public shall be directed to the Chair who will request response from the appropriate party.

(A) Opening of the Hearing:
The Chair shall open the hearing. Prior to taking testimony, the Chair shall explain the procedure that will be used to conduct the hearing and that the applicant has the burden of proof; and that by a preponderance of evidence, the applicant is entitled to a favorable decision from the Planning Commission.

(B) Introduction of Item:
Staff shall read the entitlement into the record as directed by the Chair, or the Chair may read the entitlement into the record.

(C) Presentation of Applicant's Case:
Following the entitlement from staff and any initial procedural clarifications by staff or the Chair, the applicant or their agent shall be afforded an opportunity to explain the nature of the project and present evidence in support of their request. Following the presentation by the applicant, Planning Commission members may direct questions concerning the report or project to the applicant after being recognized by the Chair.

(D) Presentation of Staff Report:
Development Office staff shall be afforded the opportunity to further describe the project and present the staff report, including recommendations. Following presentation of the staff report, Planning Commission members may direct questions concerning the report or project to staff after being recognized by the Chair.

(E) Public Testimony:
Following the applicant and staff presentations, the Chair shall invite testimony from the public in attendance at the hearing. Following a presentation by any member of the public, a Planning Commission member may direct questions concerning the testimony to the applicant or public to clarify matters brought to the attention of the Planning Commission by the testimony after being recognized by the Chair. The Chair shall determine the public comment period to be closed when those present have been afforded the opportunity to speak.

(F) Applicant Clarifications:

The applicant shall be given the opportunity to rebut or clarify any issues or conditions identified in the staff report, public testimony or deliberation by the Planning Commission.

(G) Motion:
The Chair shall ask for a motion concerning the application of matter before the Planning Commission. Upon a second to the motion, further discussion may proceed.

(H) Deliberations by the Planning Commission:
The Planning Commission may elect to close the public hearing and take action, or to continue the public hearing and take the matter under advisement to be decided at a subsequent meeting. The public hearing shall be closed by the Chair. The Planning Commission may only deliberate a matter after the public hearing has been closed and a motion concerning the disposition of the application or matter has been made and seconded. During deliberations, the Planning Commission may direct questions to the applicant, staff, or public to clarify issues of concern to the Planning Commission after being recognized by the Chair.

(I) Decision by the Planning Commission:
After or during deliberations, when a motion is on the floor, any member or the Chair may call for the question. Upon a call for the question, the Chair shall ask for a vote of the members present. Every member present shall vote either "aye" or "no" or abstain from voting. No determination of the Planning Commission shall be made without the affirmative vote of a quorum. All action taken shall conform to applicable statutory provisions on open meetings and shall be by motion.

(J) The Planning Commission shall take any of the following actions:
- Approval
- Approval with conditions
- Disapproval
- Continuance (Table) of item

The Commission shall state the standard, regulation, ordinance or resolution that is the basis for the action taken. In addition to all pertinent rules and regulations including Subdivision Regulations and Zoning Ordinances, provisions of City of Cheyenne Ordinance No. 3600 amending Sections 50.080, 50.090 and 60.015 as incorporated shall also apply.

Chapter IX Reconsideration for Applications

(A) Motion for reconsideration made at the same meeting as the item appeared on the agenda.

If discussion was held on an item on the agenda and a motion for reconsideration was made that contains the language that would allow for immediate continuation of the item then the item can be revisited at that time without waiting until the next meeting.

(B) Motion for reconsideration made at a different meeting that the item originally appeared on the agenda and was discussed.

If an item that originally appeared on a previous agenda receives a motion to reconsider then that item, upon passage of the motion, will be placed on the agenda for the next appropriate meeting.