



Board Summary Report

Date: February 13, 2020
To: Board of County Commissioners
Through: Bryan Weimer, Director of Public Works and Development
From: Jan Yeckes, Planning Division Manager
Subject: BOCC Approval of Amended Bylaws: Arapahoe County Planning Commission

Request and Recommendation

Staff requests and recommends that Board of County Commissioners (BOCC) approve the amended Bylaws for the Arapahoe County Planning Commission, a Board-appointed citizen advisory commission that makes recommendations and takes final actions during public meetings, including public hearings, on land use applications, changes to the Arapahoe County Comprehensive Plan, and changes to the Arapahoe County Land Development Code. The Planning Commission most recently approved updated bylaws at its regularly scheduled meeting held January 21, 2020, after introduction of changes at its public meeting held January 7, 2020.

Background

Colorado Revised Statutes provides that a Planning Commission will have bylaws or procedures for the conduct of public meetings. From time to time, the Planning Commission reviews and updates the bylaws for conducting matters that come before the Planning Commission during public meetings. These meetings include public hearings, general business actions and study sessions.

The Board of County Commissioners reviews and approves amended bylaws for citizen boards and commissions appointed by the BOCC. The Board had an opportunity to review and discuss these changes with staff during its February 3, 2020, study session and subsequently directed staff to schedule the bylaws for approval on the consent agenda of an upcoming public meeting.

Discussion

The most recent review and update of the Planning Commission bylaws was triggered by the adoption of a newly reorganized Land Development Code in August 2019. The bylaws include references to the Land Development Code where the procedures outlined or the definitions included are dictated by the Land Development Code; these section numbers have now changed. In addition, some land development process names and review points changed with the adoption of updated Planned Unit Development processes in April 2017. During this current review of the bylaws, some additional clean-up changes were included to provide clarification where confusion was occurring or to make minor corrections.

Attachments to this Board Summary Report include a “clean” version of the amended bylaws approved by the Planning Commission on January 21, 2020, after introduction of proposed changes at the January 7, 2020, Planning Commission meeting. A minimum two-week period is required between introduction of changes and adoption. Also attached is a redlined version, showing the changes that were made from the previously updated bylaws and including staff comments where needed for explanation of the changes during review.

Align Arapahoe

This action will improve **Government Efficiency** by providing for orderly conduct of business of the Planning Commission.

Recommended Action

Approve as Submitted: The Board may approve the amended bylaws, previously approved by the Planning Commission on January 21, 2020, as submitted.

- a. While Staff did not find any requirement that this action be taken at a regularly scheduled business meeting, BOCC members felt that approval by Resolution would provide a clear track record for these actions.
- b. The amended bylaws will become effective upon acceptance by the Board.

Alternative Actions

Approve with Changes: The Board may approve the amended bylaws with further changes.

- a. This action would require removing the item from the Consent Agenda and discussing as a General Business Item.
- b. Staff will incorporate the changes prior to the bylaws becoming effective.

Continue: The Board may continue this to a future date for further consideration.

Fiscal Impact

There is no fiscal impact to this change.

Concurrence

The Planning Commission, staff of the Public Works and Development Department, and the County Attorney’s Office concur with this recommendation.

Board Summary Report Reviewed by

Bryan Weimer, Director of Public Works and Development
Jason Reynolds, Current Planning Program Manager
Robert Hill, Senior Assistant County Attorney
Todd Weaver, Finance Department

Copied To

Michelle Halstead, Director of BOCC Administration and Communication Services – Citizen Boards, Committees and Commissions program

**BOARD APPROVAL OF
PLANNING COMMISSION AMENDED BYLAWS**

RESOLUTION NO. [reso #] It was moved by Commissioner [moved] and duly seconded by Commissioner [seconded] to adopt the following Resolution:

WHEREAS, Colorado Revised Statutes (CRS) 30-28-104 provides that the County's Planning Commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times; and

WHEREAS, the Planning Commission has adopted bylaws and most recently amended and updated the bylaws at its regularly scheduled meeting on January 21, 2020; and

WHEREAS, the Board of County Commissioners, in its role of administering the Citizen Boards, Committees and Commissions program, reviews and approves the bylaws of all citizen commissions appointed by the Board of County Commissioners; and

WHEREAS, the Planning Division Manager has recommended that the Board of County Commissioners approve the Bylaws of the Arapahoe County Planning Commission, as presented during a public meeting of the Board on February 25, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Bylaws of the Arapahoe County Planning Commission, as updated by the Planning Commission on January 21, 2020, are hereby approved and shall go into effect immediately.

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.

ARAPAHOE COUNTY
PLANNING COMMISSION BYLAWS
Amended and Approved by Planning Commission January 21, 2020
Approved by Board of County Commissioners and Effective February 25, 2020

On a motion by Commissioner Wollman, seconded by Commissioner Sall, the Planning Commission members voted unanimously to approve the bylaws as amended: Rodney Brockelman, Diane Chaffin, Jane Rieck, Rick Sall and Jamie Wollman.

Senior Assistant County Attorney: Robert Hill
Executive Secretary of Planning Commission: Jan Yeckes, Planning Division Manager

These Bylaws are intended to work in conjunction with the Arapahoe County Land Development Code, Chapter 5 Procedures, Section 5-1 Review and Decision-Making Bodies, Subsections 5-1.1. Review and Decision-Making Authority and 5-1.3. Arapahoe County Planning Commission.

I. DEFINITIONS

As used in these Rules (*Ref: 5-1.3.C.*), the following terms shall have the following meanings, unless the context otherwise requires:

Applicant: That person or firm who proposes action to be taken by the Arapahoe County Planning Commission.

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 Bylaws.

Chair: Planning Commission member elected by the Commission to conduct the meetings.

Chair Pro-Tem: Planning Commission member elected by the Commission to conduct the meetings in the absence of the Chair.

Commission: See Planning Commission.

Commission Member: A person residing in the unincorporated county and appointed by the Board of County Commissioners to serve on the Planning Commission. *Ref: 5-1.3.A.*

Continued: To halt consideration of a case and set aside temporarily until a later certain date and time. The case would remain active. Public comment may be closed or additional testimony may be taken. Planning Commission may specify that additional written testimony will be taken by a date certain or may limit the areas in which testimony may be taken at the future meeting date.

County: Arapahoe County, State of Colorado.

Motion: A statement of proposed action to be taken by the Commission by a Commission member.

Motion, Amendment to: A change to the proposed motion by any member of the Commission.

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 General Development Plan for property, and the final decision body on other actions, such as Comprehensive Plan documents.

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, as business items or as study items.

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).

Public Hearing: A scheduled meeting item with prior notification to the general public concerning the item and outcome requested, in accordance with noticing requirements of the Land Development Code, with public testimony requested and received before the Planning Commission makes a recommendation/decision. *Ref: 5-2.2 Public Notice Requirements*

Public Meeting: Any gathering of a quorum of members of the Planning Commission for which public notice is required under the Colorado Open Meetings Law (CRS 24-6-401, *et. seq.*). A public meeting may include any combination of informational study sessions, requests for feedback from the Planning Commission to staff, general business items requiring action but not constituting a public hearing, and/or items noticed for public hearing in accordance with the Land Development Code. Also see Planning Commission Meetings.

Public Testimony: That portion of the Planning Commission public hearing or other public meeting during which public input is solicited.

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. *Ref: 5-1.3.C.4.*

Second: An acknowledgment by one other member of Commission that a motion should be considered.

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.

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. The public generally will not have the right to participate unless questions are invited by the Planning Commission or the Planning Commissioners ask questions of citizens, industry experts, or others in attendance.

II. ADMINISTRATION

A. Election of Officers

1. The Arapahoe County Planning Commission is a body composed of a maximum of seven (7) members appointed by the Board of County Commissioners. The Planning Commission elects a Chair and a Chair Pro-Tem from among its members. A permanent member of the Planning Division, elected by the Planning Commission, occupies the position of Executive Secretary. *Ref: 5-1.3.A.2. and 5-1.3.B.*
2. Between March 1 and April 30, each year, the Commission shall elect, from its membership, a Chair and Chair Pro-Tem. A majority vote of those present is required to elect a Chair. After the Chair is elected, the same procedure shall be followed in the election of a Chair Pro-Tem.

B. Duties of Officers

1. Chair. It is the responsibility of the Chair to conduct Planning Commission meetings 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 Chair shall be a voting member of the Commission and is accorded the same rights and privileges accorded other members of the Commission. The Chair is authorized to sign documents, minutes, and schedule work sessions.
2. Chair Pro-Tem. In the event that the Chair is temporarily unable to act due to absence, illness or personal interest in any matter coming before the Commission, or due to any other cause, the Chair Pro-Tem shall be accorded the same privileges and responsibilities as the Chair. In the

event neither Chair nor Chair Pro-Tem is present, those present shall elect a temporary Chair.

3. Executive Secretary. In coordination with the Chair and the Planning Staff, schedules public hearings and other meetings before the Commission. The Executive Secretary or a designee appointed by the Executive Secretary prepares and distributes the Commission agendas and provides a written summary of decisions made by the Commission.
4. Recording Secretary. Shall keep the minutes (*Ref: 5-1.3.C.3.*) and audio recordings of all Commission meetings. The Executive Secretary or designee shall act as the Recording Secretary for the Planning Commission, and the Planning Division Office of Public Works and Development 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. Conflicts of interest must be disclosed, even if determined 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 Chair. 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 or a series of absences over a period of time sufficient to cause concern about ability to fulfill the responsibilities of the position, the Chair shall contact the member. If attendance continues to falter, the Chair will contact the Board of County Commissioners to determine whether further action is needed.
2. It is expected that each member will be in attendance for at least 75% of meetings held during the calendar year.

3. All Commissioners are expected to attend scheduled work/study sessions related to the Comprehensive Plan, Zoning and Subdivision Regulations, training sessions, and other business of the Planning Commission.

E. Amendment of the Bylaws

These bylaws 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. Amendments to the bylaws will be approved no sooner than two weeks following the date of the meeting at which the issue is first raised for discussion.
3. Changes to the bylaws approved by the Planning Commission must be submitted to the Board of County Commissioners for acceptance prior to becoming effective.

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 by motion.

- A. A quorum of the Planning Commission shall be present in order to open the public hearing/public meeting and conduct business. *Ref: 5-1.3.C.4.*
- B. A motion before the Planning 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 Chair shall ask for discussion from members of the Commission.
 2. After all interested Commission members have had an opportunity to speak, the Chair may ask the Secretary to restate the motion. The Chair 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 in order to provide a definitive recommendation to the Board of County Commissioners or a clear record of decision for final action by the Planning Commission. If no new motion is made, a tie vote will result in a recommendation for denial or act to deny an application for which the Planning Commission is the final deciding body. *Ref: 5-1.3.C.4.b.*
 4. If a motion on an application pending before the Commission fails for lack of a second, a new motion may be made in order to provide a definitive recommendation to the Board of County Commissioners or a clear record of decision for final action by the Planning Commission.
 5. If the Planning Commission is unable to produce a motion that can proceed to a vote when serving in an advisory capacity (no new motion made or the final motion fails to receive a second), the application will move forward to the Board of County Commissioners with a recommendation to the Board of County Commissioners to deny the application. *Ref: 5-1.3.C.4.b.*
 6. If the Planning Commission is unable to produce a motion that can proceed to a vote when acting as the deciding authority (no new motion made or the final motion fails to receive a second), the decision on the application will be denial. *Ref: 5-1.3.C.4.b.*
- C. A motion may include provisions by reference.
- D. Upon proper motion, second to the motion and majority affirmative vote, any item of business may be postponed (where item was not properly noticed and Commission does not have jurisdiction to continue the item to a date certain) or continued (where the item has been properly noticed and the Commission has jurisdiction) to a future date certain or a future date with notice. No item may be continued beyond any statutorily specified time frame for action on the item except in compliance with the applicable statutory requirements.
- 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 Chair, 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 1st and 3rd 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. It is not appropriate for Planning Commission members to discuss quasi-judicial matters outside of the public hearing on that matter. Executive sessions may only be held for the reasons authorized by, and shall be conducted in accordance with, the Colorado Open Meetings Law (CRS 24-6-401, *et. seq.*).
5. At 10:00 p.m., a motion will be made to determine whether to move the discussion to a future date or whether to continue on with the discussion beyond 10:00 p.m., requiring a majority vote to continue meeting. At 10:30 p.m., a unanimous vote is required to continue with the discussion on an item or to start a new item on the agenda.

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. For work that would benefit from additional meetings for the purpose of work/study sessions, staff will consult with the Planning Commission on availability and agreement to additional meetings prior to scheduling and posting the meeting.
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, general or subject-specific training for Planning Commissioners, and other items not considered to be regular agenda and public hearing items.

C. Order of Business for Hearings/Meetings

1. The Chair 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 Chair shall ask if there are any changes or additions. Whether or not changes are needed, the Chair shall ask for a motion to approve the minutes and the Commission members shall vote on the proposed motion.
3. The Chair shall conduct the hearing/meeting in accordance 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 attending to any administrative business, the Chair will read the case number and title of all cases on the consent agenda. The Chair will determine whether any Commissioner or member of the public intends 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 Chair will determine the nature of the concerns and, upon recommendation of the Planning Division, either place the case as the first item of the regular agenda

as a business item if no public hearing is required or reschedule the case to the next available Planning Commission public hearing date for which noticing requirements can be met.

6. Following the above steps, the Chair will seek a motion recommending approval of all remaining consent items to the Planning Commission. 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 (*Ref: 5-1.3.D. and E.*):

1. The Chair shall open the public hearing. The Chair 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 per speaker if time allows. The Chair may direct that additional public comment be limited to new information and/or an expression of concurrence with earlier comments made by others in order to ensure that time is used effectively.
2. The Chair 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 Chair 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 Chair may request that the applicant, as well as his or her representative, approach the Commission and identify themselves and give complete addresses.
- 5. The Chair may ask the applicant to provide a brief description of his or her request, if the applicant desires.
- 6. The Chair 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 Chair shall then open the hearing for public testimony. Each speaker will give his or her name and address prior to giving testimony. The Chair 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 Chair. All comments are to be directed to the Planning Commission. Dialogue between the applicant and those members of the public addressing the Commission shall not be permitted except upon approval of the Chair.
- 9. The Chair 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 Chair shall close the public testimony portion of the hearing.
- 11. The Chair shall ask for discussion or a motion from the Commission. Upon proper motion and second, the Chair 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 Chair 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 audio recording 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, but will be in summary form rather than transcript form. The audio recording is the official record of the public hearing.
14. No person participating in Planning Commission hearings may give testimony until recognized by the Chair. The Chair shall request any person or persons speaking out of order to wait until recognized by the Chair. 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. While such action may include continuing the meeting to a future date certain or adjournment of the meeting, these should be actions of last resort to avoid delaying completion of the noticed hearing and impacting the applicant's development schedule and other citizens in attendance.

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 requiring a public hearing: 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 audio recordings of, the prior hearing or hearings regarding the amendment. A quorum shall be necessary, and a simple majority thereof shall be required to pass an amendment subject to public hearing requirements.

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.

G. Record of Meeting

1. The official record of the meeting shall be the audio recording.
2. Summary minutes shall be provided as a courtesy and shall be approved by the Planning Commission during a public meeting as addressed within these bylaws.
3. Video recording and live-streaming of the meeting may be provided as a courtesy and convenience.

V. SEVERABILITY

If any section, sub-section, sentence, clause or phrase of these bylaws 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 bylaws. The Planning Commissioners of Arapahoe County hereby declare that they would pass these Bylaws 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)

AMENDED January 10, 2017 (Definitions, election of officers, attendance, record keeping, alternate motions, vote to continue hearing past a certain time, conduct of hearing)

AMENDED by PLANNING COMMISSION January 21, 2020 (Definitions, Land Development Code references to reflect reorganized code effective August 2019, clarifications where intent or process not clear) and APPROVED by BOCC February 25, 2020

ARAPAHOE COUNTY PLANNING COMMISSION BYLAWS

Amended and Approved by Planning Commission ~~January 10, 2017~~ January 21, 2020
Approved by the Board of County Commissioners February 25, 2020

DRAFT AMENDMENTS INTRODUCED AT JANUARY 7, 2020, PC MEETING,
APPROVED AT JANUARY 21, 2020, PC MEETING, SUBMITTED FOR BOCC REVIEW
FEBRUARY 3, 2020, DROP-IN STUDY SESSION AND APPROVED BY BOCC ON
FEBRUARY 25, 2020, CONSENT AGENDA

On a motion by Commissioner Wollman, seconded by Commissioner Sall, the Planning Commission members voted unanimously: Rodney Brockelman, Diane Chaffin, ~~Jane Rieck~~, Rick Sall, ~~and Jamie Wollman~~.

Senior Assistant County Attorney: Robert Hill
Executive Secretary of Planning Commission: Jan Yeckes, Planning Division Manager

These Bylaws are intended to work in conjunction with the Arapahoe County Land Development Code, ~~Chapter 2 Review and Decision-Making Bodies~~ Chapter 5 Procedures, Sections ~~2-1005-1 Review and Decision-Making Bodies, Subsections 5-1.1. Review and Decision-Making Authority and 5-1.3. and 2-300~~ Arapahoe County Planning Commission.

Commented [JY1]: Updates to Land Development Code (LDC) references (Ref:) reflect changes that resulted with the adoption of the reorganized LDC in 2019.

I. DEFINITIONS

As used in these Rules (*Ref: ~~2-302.045-1.3.C.~~*), the following terms shall have the following meanings, unless the context otherwise requires:

Applicant: That person or firm who proposes action to be taken by the Arapahoe County Planning Commission.

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 Bylaws.

Chair: Planning Commission member elected by the Commission to conduct the meetings.

Chair Pro-Tem: Planning Commission member elected by the Commission to conduct the meetings in the absence of the Chair.

Commission: See Planning Commission.

Commission Member: A ~~County resident~~ person residing in the unincorporated county and appointed by the Board of County Commissioners to serve on the Planning Commission. Ref: ~~5-1.3.A.~~

Commented [JY2]: I had this drafted as "residing in or owning property in the unincorporated county;" however, the LDC states a Planning Commissioner must be "a resident of unincorporated Arapahoe County." To change to "or owning property in" would require amending the LDC. *Update: The BOCC would like PC Members to reside in unincorporated Arapahoe County 2/3/2020.*

Continued: To halt consideration of a case and set aside temporarily until a later certain date and time. The case would remain active. Public comment may be closed or additional testimony may be taken. Planning Commission may specify that additional written testimony will be taken by a date certain or may limit the areas in which testimony may be taken at the future meeting date.

County: Arapahoe County, State of Colorado.

Motion: A statement of proposed action to be taken by the Commission by a Commission member.

Motion, Amendment to: A change to the proposed motion by any member of the Commission.

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~~General Development Plan for property, and the final decision body on other actions, such as Comprehensive Plan documents.

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, as business items or as study items.

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).

Public Hearing: A scheduled meeting item with prior notification to the general public concerning the item and outcome requested, in accordance with noticing requirements of the Land Development Code, with public testimony requested and received before the Planning Commission makes a recommendation/-decision. Ref: 5-2.2 Public Notice Requirements

Public Meeting: Any gathering of a quorum of members of the Planning Commission for which public notice is required under the Colorado Open Meetings Law (CRS 24-6-401, et. seq.). A public meeting may include any combination of informational study sessions, requests for feedback from the Planning Commission to staff, general business items requiring action but not constituting a public hearing, and/or items noticed for public hearing in accordance with the Land Development Code. Also see Planning Commission Meetings.

Public Testimony: That portion of the Planning Commission ~~Hearing~~public hearing or other public meeting during which public input is solicited.

Commented [JY3]: We've had some confusion between the terms "public meeting" and "public hearing." The definition of "Planning Commission Meetings" uses the term "public meetings" and in other locations.

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. *Ref: ~~2-302.04.015-1.3.C.4.~~*

Second: An acknowledgment by one other member of Commission that a motion should be considered.

Staff: Employees of Arapahoe County, typically those of the Planning and Engineering Services Divisions and the County Attorney's ~~office~~Office, assigned by those agencies to assist the Commission with professional expertise.

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. The public generally will not have the right to participate unless questions are invited by the Planning Commission or the Planning Commissioners ask questions of citizens, industry experts, or others in attendance.

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 Chair and a Chair Pro-Tem from among its members. A permanent member of the Planning Division, elected by the Planning Commission, ~~fills~~occupies the position of Executive Secretary. *Ref: ~~2-301.01 and 2-301.025-1.3.A.2. and 5-1.3.B.~~*
2. Between March 1 and April 30, each year, the Commission shall elect, from its membership, a Chair and Chair Pro-Tem. A majority vote of those present is required to elect a Chair. After the Chair is elected, the same procedure shall be followed in the election of a Chair Pro-Tem.

B. Duties of Officers

1. Chair. It is the responsibility of the Chair to conduct Planning Commission ~~hearings-meetings~~ 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 Chair shall be a voting member of the Commission, and is accorded the same rights and privileges accorded other members of the Commission. The Chair is authorized to sign documents, minutes, and schedule work sessions.

2. Chair Pro-Tem. In the event that the Chair is temporarily unable to act due to absence, illness or personal interest in any matter coming before the Commission, or due to any other cause, the Chair Pro-Tem shall be accorded the same privileges and responsibilities as the Chair. In the event neither Chair nor Chair Pro-Tem is present, those present shall elect a temporary Chair.
3. Executive Secretary. ~~Schedules, in~~ In coordination with the Chair and the Planning Staff, schedules public hearings and other meetings before the Commission, ~~the~~ The Executive Secretary or a designee appointed by the Executive Secretary prepares and distributes the Commission agendas 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 (*Ref: ~~2-302.035-1.3.C.3.~~*) and audio recordings of all Commission meetings. The Executive Secretary or designee shall act as the Recording Secretary for the Planning Commission, and the Planning Division Office of Public Works and Development shall be the custodian of all Commission records pertaining to actions of the Planning Commission.

Commented [JY4]: Redundant with 4, below.

Commented [JY5]: We discussed the possibility of Clerk & Recorder being the custodian, but this has not been changed at this time. The C&R does not have staff availability to take the minutes.

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~~ Conflicts of interest must be disclosed, even if determined 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 Chair. 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 or a series of absences over a period of time sufficient to cause concern about ability to fulfill the responsibilities of the position, the Chair shall contact the member. If attendance continues to falter, the Chair will contact the Board of County Commissioners to determine ~~if whether~~ further action is needed.
2. It is expected that each member will be in attendance for at least 75% of ~~scheduled~~ meetings held during the calendar year.
3. All Commissioners are expected to attend scheduled work/study sessions; ~~e.g., related to the~~ Comprehensive Plan, Zoning and Subdivision Regulations, training sessions, and ~~sessions of similar nature~~other business of the Planning Commission.

E. Amendment of the Bylaws

These bylaws 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. Amendments to the bylaws will be approved no sooner than two weeks following the date of the meeting at which the issue is first raised for discussion.
- ~~2.3.~~ Changes to the bylaws approved by the Planning Commission must be submitted to the Board of County Commissioners for acceptance prior to becoming effective.

Commented [JY6]: Planning staff was recently advised by the BOCC Administration Director that this is a requirement for any bylaws of citizen boards and commissions.

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 by motion.

- A. A quorum of the Planning Commission shall be present in order to open the public hearing/-public meeting and conduct business. Ref: 5-1.3.C.4.
- B. A motion before the Planning 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 Chair shall ask for discussion from members of the Commission.
 - ~~2.~~ 2. After all interested Commission members have had an opportunity to speak, the Chair may ask the Secretary to restate the motion. The Chair 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 in order to provide a definitive recommendation to the Board of County Commissioners or a clear record of decision for final action by the Planning Commission. If no new motion is made, a tie vote ~~is cause for~~will result in a recommendation for denial or act to deny an application for which the Planning Commission is the final deciding body. Ref: 2-302.04.025-1.3.C.4.b.
 - 4. If a motion on an application pending before the Commission fails for lack of a second, a new motion may be made in order to provide a definitive recommendation to the Board of County Commissioners or a clear record of decision for final action by the Planning Commission.
 - 5. If the Planning Commission is unable to produce a motion that can proceed to a vote when serving in an advisory capacity (no new motion made or the final motion fails to receive a second), the application will move forward to the Board of County Commissioners with a recommendation to the Board of County Commissioners to deny the application. Ref: 5-1.3.C.4.b.
 - 6. If the Planning Commission is unable to produce a motion that can proceed to a vote when acting as the deciding authority (no new motion made or the final motion fails to receive a second), the decision on the application will be denial. Ref: 5-1.3.C.4.b.

C. A motion may include provisions by reference.

A. D. Upon proper motion, second to the motion and majority affirmative vote, any item of business may be postponed (where item was not properly noticed and Commission does not have jurisdiction to continue the item to a date certain) or continued (where the item has been properly noticed and the Commission has jurisdiction) to a future date certain or a future date with notice. - No item may be continued beyond any statutorily specified time frame for action on the item except in compliance with the applicable statutory requirements.

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 Chair, 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 1st and 3rd 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. It is not appropriate for Planning Commission members to discuss quasi-judicial matters outside

~~of the public hearing on that matter. 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. Executive sessions may only be held for the reasons authorized by, and shall be conducted in accordance with, the Colorado Open Meetings Law (CRS 24-6-401, et. seq.).~~

Commented [JY7]: Relocated in paragraph for better order and updated text per recommendation of County Attorney's Office.

5. At 10:00 p.m., a motion will be made to determine whether to move the discussion to a future date or whether to continue on with the discussion beyond 10:00 p.m., requiring a majority vote to continue meeting. At 10:30 p.m., a unanimous vote is required to continue with the discussion on an item or to start a new item on the agenda.

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. For work that would benefit from additional meetings for the purpose of work/study sessions, staff will consult with the Planning Commission on availability and agreement to additional meetings prior to scheduling and posting the meeting.
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, general or subject-specific training for Planning Commissioners, and other items not considered to be regular agenda and public hearing items.

C. Order of Business for Hearings/-Meetings

1. The Chair 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 Chair shall ask if there are any changes or additions. Whether or not changes are needed, the Chair shall ask for a motion to approve the minutes and the Commission members shall vote on the proposed motion.
3. The Chair shall conduct the hearing/-meeting in accordance 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~~attending to any administrative business, the Chair will read the case number and title of all cases on the consent agenda. The Chair will determine whether any Commissioner or member of the public ~~would like~~intends 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 Chair will determine the nature of the concerns, and, upon recommendation of the Planning Division, either place the case as the first item of the regular agenda as a business item if no public hearing is required or reschedule the case to the next available Planning Commission public hearing date for which noticing requirements can be met.
6. Following the above steps, the Chair will seek a motion recommending approval of all remaining consent items to the ~~Board of County Commissioners~~Planning Commission. Upon second, the motion will be called for a vote of the Commission.

Commented [JY8]: Error in reference to BOCC

D. Consideration of Land Use and/or Subdivision Cases

The following procedures shall apply to the consideration of land use and/or subdivision cases (Ref: 5-1.3.D. and E.):

1. The Chair shall open the public hearing. The Chair 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 per speaker if time allows. The Chair may direct that additional public comment be limited to new information and/or~~

an expression of concurrence with earlier comments made by others in order to ensure that time is used effectively.

2. The Chair 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 Chair 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 Chair may request that the applicant, as well as his or her representative, approach the Commission and identify themselves and give complete addresses.
5. The Chair may ask the applicant to provide a brief description of his or her request, if the applicant desires.
6. The Chair 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 Chair shall then open the hearing for public testimony. ~~All~~Each speakers will give ~~their~~his or her names and address prior to giving testimony. The Chair 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 Chair. All comments are to be directed to the Planning Commission. Dialogue between the applicant and those members of the public addressing the Commission shall not be permitted except upon approval of the Chair.
9. The Chair 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 Chair shall close the public testimony portion of the hearing.
11. The Chair shall ask for discussion or a motion from the Commission. Upon proper motion and second, the Chair 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 Chair 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 audio recording 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, but will be in summary form rather than transcript form. The audio recording is the official record of the public hearing.
14. No person participating in Planning Commission hearings may give testimony until recognized by the Chair. The Chair shall request any person or persons speaking out of order to wait until recognized by the

Chair. 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. While such action may include continuing the meeting to a future date certain or adjournment of the meeting, these should be actions of last resort to avoid delaying completion of the noticed hearing and impacting the applicant's development schedule and other citizens in attendance.

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 requiring a public hearing: 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 audio recordings of, the prior hearing or hearings regarding the amendment. A quorum shall be necessary, and a simple majority ~~thereon~~ thereof shall be required to pass an amendment subject to public hearing requirements.

Commented [JY9]: Current procedures also allow Administrative Amendments to the Comp Plan with prior discussion at a PC meeting (not a public hearing). This clarifies that this pertains to issues requiring a public hearing.

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.

G. Record of Meeting

1. The official record of the meeting shall be the audio recording.
2. Summary minutes shall be provided as a courtesy and shall be approved by the Planning Commission during a public meeting as addressed within these bylaws.
2. 3. Video recording and live-streaming of the meeting may be provided as a courtesy and convenience.

Arapahoe County Planning Commission Bylaws --Amended and Approved ~~January 10, 2017~~January 21, 2020

Accepted by the Board of County Commissioners [Date]

Page 13

V. SEVERABILITY

If any section, sub-section, sentence, clause or phrase of these bylaws 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 bylaws. The Planning Commissioners of Arapahoe County hereby declare that they would pass these Bylaws 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)

AMENDED January 10, 2017 (Definitions, election of officers, attendance, record keeping, alternate motions, vote to continue hearing past a certain time, conduct of hearing)

AMENDED BY PLANNING COMMISSION January 21, 2020 (Definitions, Land Development Code references to reflect reorganized code effective August 2019, clarifications where intent or process not clear) and APPROVED BY BOCC February 25, 2020