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**Rules and Regulations**

**Carbon County  
Clerks Office**

**Of the Carbon County Planning and Zoning Commission** *Hand Delivered*

**Carbon County, Wyoming**

I certify that the attached is a true and correct copy of the rules of the Carbon County Planning and Zoning Commission which include amendments adopted in accordance with WYO. STAT. ANN. §18-5-202(a) and Wyo. Stat. Ann. §16-3-103.

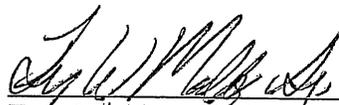
Amendments were made to the following chapter(s) and section(s):

Chapter I: Section 1, Section 2, Section 3 and Section 4; Chapter II: Section 1, Section 2, Section 3, Section 4, Section 5 Section 6; Chapter III: Section 1, Section 2, Section 3, Section 5, Section 6, Section 7, Section 8 and Section 9; and Chapter IV: Section 1, Section 2, Section 3 and Section 4.

Prior to adoption these rules were made available for public inspection on, September 17, 2008, notice of the proposed changes was published in a newspaper with circulation in Carbon County, Wyoming on the dates of September 17 and September 24, 2008, and notices of intended adoption were mailed to all persons requesting notice of proposed rules.

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

Signed this 5<sup>th</sup> day of November, 2008.



Troy Maddox, Chairman,  
Carbon County Planning and Zoning Commission

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## CHAPTER I GENERAL PROVISIONS

Section 1. Authority. These rules of practice and procedure for the Carbon County Planning and Zoning Commission are promulgated under the Wyoming Administrative Procedures Act, Wyo. Stat. Ann. §16-3-101, et seq., as amended.

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

Section 2. Definitions. As used in these rules.

- a. "Advisement" means the removal of a proposal from immediate consideration to provide the Commission additional time for further consideration, deliberation or consultation of the proposal prior to taking action.
- b. "Annexation" means the alteration of the boundaries of the jurisdiction of a municipality to add a territory to a municipality.
- c. "Chairman" means the Chairman of the Carbon County Planning and Zoning Commission, or, in his/her absence, the Vice-Chairman or other members of the Commission designated by the Commission to preside at the meeting.
- d. "Commission" means the Carbon County Planning and Zoning Commission.
- e. "Carbon County Land Use Plan" means a plan for the long-range physical growth and development of Carbon County, Wyoming, adopted by the Carbon County Commissioners.
- f. "Clerk" means the person designated to fulfill the functions of secretary and clerk for the Commission.
- g. "Petition" means items placed on the Commission's agenda for action at a meeting.
- h. "Resolution" means a formal expression of the opinions of will of the Commission.
- i. "Subdivision Control" means the lawful method by which subdivisions are approved and includes plat approval in accordance with applicable Carbon County Resolutions regarding subdivisions, as may be amended from time to time.
- j. "Zoning Resolution" means the Carbon County Zoning Resolution of 2003, as amended or repealed and replaced, intended to regulate and to restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, public use and other purposes.

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

Section 4. Applicability of Rules.

- a. These rules apply to all public meetings of the commission, including public hearings, including those initiated by the Commission and those initiated by private parties pursuant to the procedures set forth in these rules.
- b. Informal or investigative hearings may be held by the Commission without compliance with these rules.

## CHAPTER II ORGANIZATION AND ADMINISTRATION

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

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

Section 3. Meetings. The Commission shall hold regular meetings monthly on the Monday prior to the Carbon County Board of County Commissioners meeting that is scheduled for the first Tuesday of each month. If the Commission meeting falls on a holiday, the Commission meeting will be held the next business day.

Section 4. Agenda – Subjects.

- a. Upon application by an interested party for a place upon the agenda of the Commission meeting, the office administrator of the Commission may require that all data pertaining to such subject shall be presented in writing at least ten (10) days prior to the date of the Planning Commission's meeting. (See Chapter IV, Section 4 for additional requirements).
- b. The Chairman of the Commission may postpone discussion of any matter before the Commission whenever in such person's determination the volume of matters before the Commission do not allow sufficient time for full consideration of that matter. In such event, appropriate arrangements will be made to have the matter heard as soon as practicable, provided however, that any matter that is postponed must be considered and decided upon by the Commission within the time required by law for the consideration of such matter.

- c. Agendas and the Commission Packets shall ordinarily be mailed to members of the Commission at least five (5) days prior to the meeting at which such subjects are to be considered.
- d. Subjects which are not listed on the official Commission's agenda, may be considered at a meeting only with the consent of the Commission.

Section 5. Notice of Decision. Upon adoption of a resolution deciding any petition, application, or appeal, the commission's designate, which may be the office administrator, shall send a notice/letter thereof to the petitioner, applicant or appellant and give such other notice as directed by the Chairman.

Section 6. Publicity. The Commission shall encourage the public to attend its meetings and shall take positive action to keep activities before the public by supplying newspaper ads and by having members and staff appear before civic groups to discuss the purpose of planning and work of the Planning Commission.

### **CHAPTER III CONDUCT OF MEETINGS**

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

Section 2. Order of Business – Regular and Adjourned Regular Meetings.

The order of business at all regular and adjourned meetings shall be as follows:

Call meeting to order.

Roll Call.

Approval of Agenda.

Reading and approval of minutes of the previous regular meeting, and any previous special meetings or hearings.

Activity Report.

Budget Report.

Public Comment.

Public Hearings.

Discussion Items.

Executive Session.

Adjournment.

Section 3. Order of Business – Special Meeting.

The order of business at all special meetings shall be as follows:

Call meeting to order.

Roll Call.

Reading of any communications relative to special business or hearing.

Oral communication.

Hearings, if any.

Discussion and decision.

Adjournment.

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

Section 5. Quorum.

- a. A majority of the members, being five (5) members of the Commission, shall constitute a quorum for the conduct of business and the vote of a majority of the members present at a meeting where a quorum is present shall determine the act or decision of the Commission, except when a different vote is required by State law. In the event of adverse weather conditions or otherwise it is not possible for a quorum of the Commission to be physically present at the location of the meeting, one or more of the Commission members may participate in the meeting by telephone, and such participation shall be included in determining whether a quorum exists. In the event a person is adversely affected by a decision made by the Commission when a member is participating by telephone, that person shall have the right, upon request made at the meeting where the adverse action occurred, to reappear at the next Commission meeting without prejudice so that a personal presentation may be made to the Commission with a quorum of members physically present, and the action which was adverse to the person shall not be effective until and unless the matter is decided by a quorum of the Commission at the next meeting.
- b. If, for any reason, the business to be considered at a regular meeting cannot then be completed, the Commission may, at such meeting, designate the time for an adjourned meeting to consider any matter that can properly be considered at such adjourned meeting, and such designation, along with a copy of the determination and order of the recess, posted in accordance with the statutes governing open meetings, shall serve as adequate notice to all members and the public whether present at such meeting or not of the adjourned meeting and the remaining matters to be considered. With respect to members not present, it shall be the standing order that the secretary shall endeavor to advise absentee members of the determination to hold such adjourned meetings.

Section 6. Special Meetings.

- a. Special meetings may be called at any time by the Chairman, or by the Vice-Chairman in his/her absence, or the person designated by the Commission as the office administrator shall call a special meeting on written request of any three members. For any special meeting, each member and the press shall be given notice thereof at least three (3) days before such special meeting, personally, by electronic

means such as e-mail or facsimile, or by mail. If e-mailed, such notice shall be deemed to be delivered when it is sent to the e-mail address of the commission member, person or entity that notice is to be sent to. If sent via facsimile, such notice shall be deemed to be delivered when it is sent to the facsimile number of the commission member, person or entity that notice is to be sent to. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the commission member, person or entity at their mailing address, with postage prepaid. Commission members may waive any notice that is required to be given to them in writing prior to or at such meeting. Special meetings shall be held at such place as may be designated by the Chairman of the Commission.

- b. If a special meeting involves a public hearing, notice shall be given in conformance with law.
- c. Action on matters at special meetings shall be limited to subject(s) announced in the call for such special meeting. An executive session may be held during Special meetings in accordance with the applicable sections of the open meeting laws.

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

Section 8. Minutes. The designated office administrator shall record in the minutes, the time, and place of each meeting of the Commission, the names of members present and all official acts of the Commission, and shall cause the minutes to be typed forthwith for approval or amendment at the next regular meeting. Sufficient copies of such minutes shall be made to furnish each member of the Commission and the Carbon County Board of County Commissioners with a copy thereof. An original copy of such minutes, attested to by the Commission's Chairman, shall be chronologically filed in the official records of the Commission, and shall be a public record.

Section 9. Hearings.

- a. Public hearings conducted by the Commission shall conform to the provisions of law in the matter of public notice, time, case number, and reporting. A formal hearing before the Commission, which for any reason cannot be completed at the time and place originally advertised, may be adjourned to a later date and the announcement of such adjournment and the time and place of such adjourned meeting, along with a copy of the determination and order of the recess, posted in accordance with the statutes governing open meetings shall constitute sufficient notice of the adjourned meeting.
- b. Any member, or members, designated by the Commission for that purpose shall be authorized and qualified to preside over and conduct any formal hearing, provided that the purpose of such hearing shall be confined to the taking and recording of all pertinent testimony, and the member or members conducting such hearing shall

summarize the testimony introduced and render their opinions thereon to the full Commission. Decisions on all matters held at such hearings before a member, or members, shall however, be made only at, and by, a regular or adjourned or special meeting of the Commission.

- c. During the Public Hearing, the hearing officer or planning staff shall present the primary and basic facts and staff reports.
- d. The procedure for public hearings shall conform close as possible to the following:
  1. The presiding board member will announce, "We will open Case \_\_\_\_\_."
  2. The presiding board member will then request the Planning Director/Staff to read and present the formal written application, petition, or appeal.
  3. The Planning Director/Staff will then proceed to read the same.
  4. The presiding board member shall then receive any written comments that have been submitted to the Commission on the matter then pending.
  5. The presiding board member will then announce approximately as follows: "In receiving testimony pertaining to the matter now pending before this Commission, the opportunity will first be given to the applicant or his/her representative to supplement the information given on the application. This will be followed by the presentation testimony and/or exhibits of others who may desire to support the application. Upon the completion of testimony by proponents, an opportunity will be given to those who may oppose the application to present testimony and/or exhibits. Upon the completion of the presentation of the opponents' case, an opportunity will be given to the applicant to rebut any testimony and/or exhibits that may have been introduced. At the conclusion of such rebuttal, the hearing will be closed."
  6. The presiding board member will then inquire, "Is the applicant or his/her representative present, and do you desire to be heard?" Thereafter, the applicant, and in order, others who desire to present testimony and/or exhibits on behalf of the application will be heard.
  7. The presiding board member will then inquire, "Are there persons present, who desire to be heard in opposition to the application?" Thereafter, those who may be present who do so desire to present testimony and/or exhibits in opposition will be heard in order.
  8. Upon the completion of the opposing testimony, the presiding board member will inquire, "If the applicant or his/her representative has rebuttal testimony that he/she desires to introduce, it will now be received." It will then be received.

9. If, during the course of a hearing, it is the desire of any party to the hearing to ask questions of a person presenting testimony and/or exhibits, such questions shall be deferred until the conclusion of the testimony by the person and the questions shall be directed to the person through the presiding board member, not from the floor. In this connection, testimony shall be kept to factual matters and personal references shall not be permitted.
10. The presiding board member will then announce: "Is there any question that any member of the Commission would like to direct to any witness, before the hearing is closed?" Such questions may be asked upon recognition by the presiding board member.
11. The presiding board member will then announce, "The testimony in this case has been completed", and if there are no objections, the presiding board member will declare the hearing closed. (After a pause) "The public hearing is closed." Upon objection, either the hearing continues, or the presiding board member shall entertain a motion to close the public testimony.
12. The presiding board member will request comments and opinions from members of the Commission.
13. The presiding board member and members of the Commission shall not participate during the portion of the hearing when testimony and/or exhibits are being presented other than propounding pertinent questions to the witness for the purpose of clarifying testimony or to obtain information pertinent to the subject matter of the hearing. The members of the Commission shall not indulge in any argument with the witness during the course of the hearing.
14. No member of the Commission shall, at any time, discuss with any party having an interest in any matter pending before the Commission on which a public hearing is conducted other than during the course of the hearing being conducted.
15. If necessary because of time, quorum, or insufficient information, the public hearing may be continued to a later date.
16. Upon the discretion of the Chairman or majority vote of the Commission, any case may be taken under advisement, and the next case heard.
17. Under the circumstances permitted by Wyoming law, and upon motion made, the Commission may declare and adjourn into executive session.
18. Upon completion of the proceedings for which a public meeting is conducted, the Chairman shall call for a vote in open session and a vote shall be taken and recorded.

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

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

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

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

#### **CHAPTER IV CASE TYPE, APPLICATION, AND LEAD TIME**

Section 1. Signed Application. Before any petition will be accepted and processed, the applicant shall submit a signed and dated application on a form approved by the Commission along with any applicable fee.

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

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

- a. Appeal from administrative decisions
- b. Major Subdivisions and subdivisions variances
- c. Minor Subdivisions and subdivisions variances
- d. Conditional Use Permits
- e. Zone Changes
- f. Flood Plain Development Permits
- g. Planned Unit Developments
- h. Variances

Section 4. Lead Time. Lead time is required for processing. Petitioner must file at least 45 days before the Commission's scheduled meeting date for the following: Zone Changes,

Conditional Use Permits, Planned Unit Developments, Flood Plain Development Permits, and Variances in order to allow time for required publication of legal notice in newspaper and processing time for the planning staff. For Major and Minor Subdivisions and subdivision variances, the Petitioner must file at least 90 days in advance the Commission's scheduled meeting date.