

RULES OF PRACTICE AND PROCEDURE OF
THE ALBANY COUNTY PLANNING & ZONING COMMISSION

CHAPTER 1 – GENERAL PROVISIONS

Section 1. Purpose and Authority. These Rules of Practice and Procedure (“Rules”) shall govern the policies, procedures, and practices of the Albany County Planning and Zoning Commission (“PZC”) in the transaction of its business. These Rules are promulgated pursuant to the Wyoming Administrative Procedure Act, W.S. §§ 16-3-101 to -115, and W.S. § 18-5-202(a).

Section 2. Applicability of Rules. These rules apply to all meetings and proceedings of the PZC.

Section 3. Amendments. Amendments to these Rules shall be made in accordance with the requirements of the Wyoming Administrative Procedure Act and require a majority vote of PZC members.

Section 4. Relationship to Other Law. If the laws of the State of Wyoming, the Albany County Zoning Resolution, or the Albany County Platting and Subdivision Resolution impose different standards or requirements on the policies, procedures, or practices of the PZC than those in these Rules, the more stringent or demanding standard or requirement shall apply.

CHAPTER 2 – PLANS, REGULATIONS, AND APPLICATIONS

Section 1. Plans. The PZC may prepare and amend land use plans, including a comprehensive plan, in accordance with the provisions of W.S. §§ 9-8-301, -302. The PZC shall certify its recommendations on such plans to the Board of County Commissioners of Albany County, Wyoming (“Board”) in accordance with the requirements of W.S. § 18-5-202.

Section 2. Regulations. The PZC may prepare recommendations for regulations affecting the use of land in Albany County. The PZC shall certify its recommended land use regulations, or amendments thereto, to the Board in accordance with the requirements of W.S. § 18-5-202.

Section 3. Applications. The PZC is authorized to receive and evaluate applications for subdivision permits, conditional and special use permits, zoning district amendments, and variances. The PZC shall observe the applicable procedures required by the laws of the State of Wyoming, the Albany County Zoning Resolution, and the Albany County Platting and Subdivision Resolution in evaluating, making findings on, and certifying recommendations to the Board on such applications.

Section 4. Public Hearings. Before certifying its land use plans and recommendations for land use regulations, or amendments thereto, or certifying its findings and recommendations on applications to the Board, the PZC shall hold at least one (1) public hearing to receive the views and comments of interested persons. Notice of the hearing shall be given in accordance with the applicable requirements of the laws of the State of Wyoming, the Albany County Zoning Resolution, and the Albany County Platting and Subdivision Resolution. This section shall not impose a requirement for public hearing where no public hearing is otherwise required for PZC to certify its recommendations to the Board by the laws of the State of Wyoming or the rules and regulations of Albany County.

Section 5. Right to Petition. Any interested person may petition the PZC to promulgate, amend, or repeal any land use plan, land use regulation, or these Rules in accordance with W.S. §§ 16-3-106, 18-5-202(b). Such a petition shall be reduced to writing and be accompanied by relevant data, views, and arguments. A petition shall be submitted to the Albany County Planning Department in a form satisfactory to the Planning Director. Upon receipt of a petition, the Planning Director shall place the petition on the agenda of the next practicable regular meeting of the PZC for consideration. A public hearing is not required for the PZC's consideration of a petition. A petitioner's absence at the PZC's consideration of a petition, without good cause shown, shall be reason for the denial of a petition. The PZC shall, after consideration of a petition, deny a petition in writing, stating the reasons for denial, or initiate rulemaking proceedings. The PZC's denial of a petition is final and not subject to review.

CHAPTER 3 – MEMBERSHIP AND ADMINISTRATION

Section 1. Membership. The PZC shall be composed of five (5) members, at least three (3) of whom shall reside in the unincorporated area of Albany County, appointed by the Board.

Section 2. Terms of Office. Each member shall be appointed for a term of three (3) years.

Section 3. Officers. The PZC shall elect two (2) officers, a Chair and Vice-Chair, from its membership at its regular meeting in February of each year. The term of officers shall be one (1) year, and officers shall serve until their qualified successors are duly elected.

A. Chair. The Chair shall preside at all meetings and shall be the chief officer of the PZC. The Chair shall be principally responsible for orderly and effective transaction of the PZC's business, ensuring that required procedure is observed and order and decorum is maintained. No member shall serve more than three (3) consecutive terms as Chair.

B. Vice-Chair. The Vice-Chair shall exercise the functions of the Chair in the Chair's absence or incapacity. The Vice-Chair shall serve as Chair until the election of officers at the regular meeting in February of the next year if the Chair resigns, is removed, or is otherwise unable to perform the required duties for the remainder of the term.

Section 4. Committees. The PZC may establish standing or select committees of the PZC as are necessary to assist with the business of the PZC. The PZC shall direct the purpose, duration, composition, officer(s), terms of membership, reporting requirements, and objectives of the committee. Committee members shall be appointed by the Chair subject to confirmation by a majority vote of the PZC.

Section 5. Absenteeism. The Chair shall notify the Board when any PZC member misses three consecutive regular meetings or four consecutive meetings of any kind. Such a member shall have the opportunity to justify the absences to the Board.

Section 6. Conflict of Interest. Public policy generally prohibits conflicts of interest that may undermine public confidence in the integrity of public officials. PZC members shall not act, or attempt to influence action, on a matter when they have a personal or private interest in the matter. Members shall not use their position for their personal or private interests. A personal or

private interest is an interest held by a member, or persons or entities closely related to a member, in anything of value, whether tangible or intangible, and whether pecuniary or non-pecuniary. A personal or private interest must be direct and immediate, as opposed to speculative and remote, and provide, or stand to provide, a member a greater benefit or lesser detriment than provided to a large or substantial group or class of persons who are similarly situated. Members shall not disseminate to other persons official information obtained through or in connection with their position which is not available to the general public, unless the dissemination is authorized by law. Members who have a conflict of interest, as described by this section, on a matter being considered by the PZC shall publicly disclose the conflict at the meeting where the matter is being considered and shall abstain from discussion and voting on the matter. If a question of conflict of interest on a matter could reasonably be raised, members shall publicly disclose the facts and circumstances which raise the question of a conflict of interest and shall abstain from discussion and voting on the matter unless members reasonably determine and publicly disclose that they will remain fair and impartial.

Section 7. Ex Parte Communication. Ex parte communications risk violating due process rights and the principle of fairness central to administrative decision-making. Ex parte communications are communications that seek to influence the PZC's actions made between private persons or entities and PZC members outside of the public meeting and hearing process. Members of the PZC shall avoid engaging in ex parte communications with any private person or entity regarding the merits of an application being considered by the PZC, unless such ex parte communications are authorized by the PZC or reasonably necessary to accomplish the PZC's business. Members shall publicly disclose all ex parte communications relating to an application and the information obtained from such communication at the next public meeting of the PZC so that all information relevant to the PZC's decision-making can be considered.

Section 8. Communications Among Members. The PZC exists to conduct public business. Any group of three (3) or more PZC members discussing PZC business constitutes a PZC meeting which requires proper notice and must be open to the public. PZC members are encouraged to inform themselves regarding matters being considered but may not make or coordinate decisions through communications outside PZC meetings.

Section 9. Removal. PZC members may be removed by the Board for cause, other than politics or religion, following a public hearing by the Board in accordance with W.S. § 18-5-202(a). Cause for removal includes, but is not limited to, incompetence, malfeasance, conflict of interest, excessive absence, and neglect of duty.

Section 10. Secretary. The Planning Director, or a staff member of the Planning Department designated by the Planning Director, shall serve as Secretary to the PZC. The Secretary shall keep the minutes of all meetings of the PZC and perform such other duties as may be consistent with the position. The Secretary's minutes of each meeting of the PZC shall record the time and place of, members and persons present, agenda items considered, matters discussed, comments provided, presentations given, and actions taken at the meeting. The Secretary shall include the minutes of a meeting in the PZC's next regular meeting packet for PZC's approval.

The Secretary shall provide the approved minutes of a PZC meeting to the Board for approval as part of the consent agenda at the Board's next available regular meeting.

Section 11. Collaboration and Cooperation. The PZC may collaborate with and utilize the personnel, information, and resources of the offices, departments, and agencies of Albany County and other local governments, the State of Wyoming, and the United States. Intergovernmental cooperative action shall be coordinated through the Planning Department.

Section 12 Contracts and Funding. Subject to approval and appropriation by the Board, the PZC may participate in and benefit from contracts with planning consultants and other persons, and participate in and benefit from grants, funds, and gifts from any governmental or private entity or person, in the furtherance of the PZC's business and purposes.

CHAPTER 4 – PROCEDURES

Section 1. Meetings. All PZC meetings shall be conducted and noticed in compliance with the Wyoming Public Meetings Act, W.S. §§ 16-4-401 to -408. Meetings shall be conducted in person, by electronic means, or any other form of communication so long as the public may hear, read, or otherwise discern meeting discussion contemporaneously. The PZC may enter into executive session for the purpose of considering or receiving any information classified as confidential by law.

A. Regular Meetings. The PZC shall hold regular meetings on the second Wednesday of each month, unless rescheduled by the Chair with the consent of the majority of the PZC members.

B. Special Meetings. The Chair may call a special meeting of the PZC at any time by providing notice, in the form of an agenda specifying the time, place, and business to be transacted, to each PZC member and each newspaper of general circulation, radio, or television station requesting the notice, at least eight (8) hours prior to the special meeting in accordance with W.S. § 16-4-404(b). No business shall be considered at a special meeting other than that specified in the properly noticed special meeting agenda. Public hearings at special meetings must also comply with other applicable notice requirements imposed by law.

Section 2. Quorum and Voting. Three (3) PZC members shall constitute a quorum. Each member shall be entitled to one (1) vote unless conflicts of interest require abstention. A majority of votes shall be required to adopt any matter before the PZC.

Section 3. Meeting Procedural Rules. Except where inconsistent with these Rules, all meetings of the PZC and its committees shall generally follow the most current edition of Robert's Rules of Order. The PZC may, by vote, depart from Robert's Rules of Order and proceed informally for meetings or agenda items that do not require public hearings.

Section 4. Order and Decorum. PZC members, persons having business before the PZC, and all others present at PZC meetings shall conduct themselves in a professional and civil manner. Comments and discussions shall be confined to the matters then being considered. The Chair may

order the removal of any person or group whose willful disruption renders the orderly conduct of a meeting unfeasible. If order cannot be restored by the removal of such a person or group willfully disrupting a meeting, the Chair may recess the meeting and reconvene at another location in accordance with W.S. § 16-4-406.

Section 5. Regular Meeting Agenda and Packet. A draft meeting agenda will be prepared by the Planning Department in coordination with the Chair. The Planning Director or the Planning Director's designee shall prepare and present to the PZC a staff report for each application, land use plan, recommendation for land use regulations, and amendment to plans or regulations that will be considered by the PZC. The Planning Department shall, at least five (5) days prior to a regular meeting, electronically distribute copies of a draft agenda and accompanying packet, including staff reports, complete copies of all applications, land use plans, recommendations for land use regulations, and amendments to plans or regulations being considered, and all other materials pertinent to agenda items, to all PZC members, relevant Albany County officials and staff, and interested persons making timely requests. The Planning Department shall publish draft agendas and packets on the Albany County website concurrently with their distribution. PZC members, Albany County officials and staff, and other interested persons may request that items be included on a draft agenda by making the request to the Planning Department and providing any materials related to an agenda item at least seven (7) day prior to distribution of a draft agenda and packet. Requests for inclusion of agenda items are subject to approval by the Chair.

Section 6. Regular Meeting Order of Business. The order of business for regular meetings may be changed by a majority vote of the PZC. The general order of business for regular meetings shall be as follows:

1. Call meeting to order;
2. Roll call;
3. Approval of final agenda;
4. Approval of past meeting minutes;
5. Disclosures of conflicts of interest and ex parte communications;
6. Public hearings on applications, land use plans, land use regulations, and amendments to plans and regulations;
7. Current planning projects, including associated public comments;
8. Other items/announcements;
9. Public comment on non-agenda items;
10. Executive session, if applicable; and,
11. Adjournment.

Section 7. Special Meeting Agenda and Packet. A special meeting agenda will be prepared by the Planning Department at the direction of the Chair. The Planning Director or the Planning Director's designee shall prepare and present to the PZC a staff report for each application, land use plan, recommendation for land use regulations, and amendment to plans or regulations that will be considered by the PZC at a special meeting. The Chair shall direct the Planning Department to, as soon as possible but not later than eight (8) hours prior to the special meeting, electronically distribute copies of a special meeting agenda and accompanying packet,

including staff reports, complete copies of all applications, land use plans, recommendations for land use regulations, and amendments to plans or regulations being considered, and all other materials pertinent to agenda items, to all PZC members, relevant Albany County officials and staff, and interested persons making timely requests. The Planning Department shall publish special meeting agendas and packets on the Albany County website concurrently with their distribution.

Section 8. Special Meeting Order of Business. The order of business for special meetings of the PZC may be re-ordered by a majority vote of the PZC, but no agenda items that were not included in the noticed special meeting agenda may be added. The general order of business for special meetings shall be as follows:

1. Call meeting to order;
2. Roll call;
3. Disclosures of conflict of interest and ex parte communications;
4. Presentation of any materials related to the special business;
5. Public hearings, if any, applications, land use plans, land use regulations, and amendments to plans and regulations;
6. PZC discussion;
7. PZC vote on action relating to the special business, if any;
8. Executive session, if applicable; and,
9. Adjournment.

Section 9. Format for Public Hearings. To promote thorough evaluation and encourage public participation in land use decisions, the general format for public hearings on applications, land use plans, land use regulations, and amendments to plans and regulations shall be as follows:

A. Call Public Hearing to Order. For each item requiring a public hearing, the Chair shall call the hearing to order and direct the Planning Director or the Planning Director's designee to present the staff report on the item being considered.

B. Applicant's or Sponsor's Presentation. The Chair shall invite the applicant, or applicant's representative(s), for an application, or sponsor of a land use plan, land use regulation, or amendment to a plan or regulation, to address the PZC. For the purposes of this section, the sponsor of a land use plan, land use regulation, or amendment to a plan or regulation is the specific PZC member(s), Albany County official(s) or staff, or other authorized person(s) principally responsible for the preparation of the plan, regulation, or amendment. The applicant or sponsor will have the opportunity to present the item to the PZC and respond to any information presented in the staff report. The PZC may table action on any item where the applicant or sponsor fails to appear at the public hearing unless PZC action is required by the laws of the State of Wyoming, the Albany County Zoning Resolution, or the Albany County Platting and Subdivision Resolution.

C. Public Comment. The Chair shall invite members of the public in attendance to provide comments on the item being considered. Upon recognition by the Chair, members of the public shall address the Chair and state their name, address, the

person or group they are representing if other than themselves, and provide their comments. The Chair may impose reasonable time limitations on members of the public providing comment at the Chair's discretion. Comments received prior to a public hearing shall be included in the staff report on the item and addressed by the Planning Director or the Planning Director's designee during the presentation of the staff report. All public comments received prior to and at a public hearing shall become part of the public record of the application.

D. Close Public Comment. The Chair shall close the public comment portion of the public hearing after all present members of the public have been afforded the opportunity to comment on the item.

E. PZC Discussion. Each PZC member will be given an opportunity discuss the item and to direct specific questions to the Planning Director or the Planning Director's designee, the applicant or sponsor, and members of the public providing comment. The Chair shall determine the order in which members commence discussion and direct questions.

F. PZC Vote. At the conclusion of the PZC's discussion on the application, the Chair shall request a motion from any PZC member. Motions shall clearly state the proposed recommendation on the item to the Board, including any proposed conditions, and identify explicit findings of fact and conclusions of law sufficient to support the proposed recommendation.