

PART I, SECTION 2: PLANNING COMMISSION

A. INTENT

The purpose of the Planning Commission, hereby created, shall be to review land use applications before submission of same to the Board of County Commissioners and make formal recommendations based on the terms of the Elbert County Zoning Regulations, as well as any related regulations or plans.

B. POWERS AND DUTIES OF THE PLANNING COMMISSION

The Commission members shall carry out such powers, duties, and responsibilities as described by § 30-28-103, et seq., C.R.S., as amended, and shall exercise such other powers and duties as may be specifically referred to the Commission by the Board of County Commissioners by resolution, which are not inconsistent with statute.

1. General Land Use Applications

The Commission shall act on land use applications within thirty (30) days of the first commission hearing at which the application is considered. An extension of an additional thirty (30) days may be granted by the commission at the request of the Applicant or staff or if the Commission determines through a vote at a public meeting that such an extension of time is necessary. The reason(s) for any such additional extension shall be stated for the record. No additional time beyond 60 days shall be granted by the Commission unless:

- a. Staff determines (a) the need for such additional time arises through no fault of the Applicant and (b) it is not possible to properly review and make recommendation on the application unless additional time is taken; or
- b. The Commission determines, in a recorded vote on a Motion containing relevant findings, that additional information or material needs to be prepared and presented if the application is to be considered suitable for review and recommendation.

2. Amendments to the Elbert County Zoning Regulation

When amendments to the ECZR are proposed Board or Staff to the Commission, the Commission shall act on the amendments within sixty (60) days of the first Commission Hearing at which the amendment(s) is/are considered. No extension beyond sixty (60) days will be permitted unless the Commission determines, in a recorded vote on a Motion containing relevant findings, that the complexity of the proposed amendment requires such additional time. A recommendation shall be made by the planning Commission to the Board within no more than one hundred and twenty (120) days following the first commission hearing at which the amendment(s) is/are considered.

C. Generally, the Planning Commission shall have the following power and duties, except as otherwise provided by law:

1. To make and adopt a County Master Plan.



2. To review and make recommendation to the Board on the following:
 - a. the approval of conceptual plans, when applicable.
 - b. amendments to the Elbert County Zoning Regulations.
 - c. rezoning of land.
 - d. preliminary plat plans and minor developments.
3. To review and make recommendations concerning any relevant matters which may be submitted to it by the Board of County Commissioners.

D. GENERAL PROVISIONS

1. The Board of County Commissioners of Elbert County shall appoint a Planning Commission consisting of nine (9) voting members with at least one nominee from the County Commissioner district. Each County Commissioner shall nominate candidates to fill three seats on the Commission designated as Seats A, B, and C. Each Commissioner shall nominate at least one person from that Commissioner's District. Each nominee must be approved by a majority vote of the Board. The term of Commission members shall be three (3) years and until their respective successors have been approved.

2. Each member of the Planning Commission shall meet the following eligibility criteria:

Each Commission Member must be a resident of Elbert County as stated in § 30-28-103 (2), C.R.S. A person shall be considered a resident if their principal or primary home or place of abode is within Elbert County in accordance with standards as set forth in § 1-2-102, C.R.S., as they may be amended from time to time.

3. Commission members shall be appointed at or before the annual or organizational public hearing or meeting of the Board, which is the second public hearing or meeting of the calendar year or as soon after as is practicable, and at such other times as are necessary to complete terms and to fill vacancies. The terms of office shall be staggered by making the appointments so that approximately one-third expire each year. Expiration dates for each of the three seats nominated by each Commission, as of the date of adoption of Resolution 15-12, approving this amended Part I, Section 2 of the Elbert Count Zoning Regulations are as follows and subsequent expiration dates shall be:

ELBERT COUNTY PLANNING COMMISSION					
District 1		District 2		District 3	
A	2015	A	2015	A	2015
B	2016	B	2016	B	2016
C	2017	C	2017	C	2017

Subsequent expiration dates shall fall three after the dates reflected in the table above.

4. Commission members may be reappointed. All members whose terms are expiring shall be notified in December prior to the expiration of the term and may be invited to re-apply.



5. The Board of County Commissioners may remove a member of the Planning Commission for cause by a Majority vote pursuant to the following procedure:
 - a. Grounds for Removal. Grounds for removal shall include any violation of subsection 14 below, documented incompetence or inefficiency, intemperance such as extreme immoderate personal conduct, recurring loss of temper or control or abuse of alcohol or illegal narcotic or dangerous drugs in public meetings, disregard for established County policy (including but not limited to the Requirements for Professional Performance of the Commission's Bylaws, Policies and Procedures), the Unexcused Absence from three (3) meetings during any one year period, or other conduct that adversely reflects upon the member's fitness to serve on the Planning Commission.
 - b. Hearing. The BOCC shall conduct a hearing to consider removal of a member at the time and place stated in the written Charge. The hearing shall be held in executive session unless the Member requests it to be held in a public session. The member may appear at such hearing to answer, defend or otherwise present mitigating factors concerning the allegations set forth in a written Charge. In lieu of appearing at the hearing, the member may provide a written statement to the BOCC setting forth any defense or mitigating factors. The BOCC and the member may be represented by legal counsel in order to present evidence in support of or in opposition to the allegations specified in the Charge.
 - c. Decision. At the conclusion of the hearing or within five working (5) days of the public hearing, the BOCC shall render a decision based on the evidence and testimony presented at the hearing. If the BOCC determines, by Majority vote, that the causes specified in the Charge justify removal, the BOCC shall remove said member from office effective immediately. The BOCC's decision to remove a member shall be in writing, shall be mailed to the member if such member is not present at the time the BOCC renders a decision, and shall be final.
6. The Planning Commission shall receive reasonable compensation by Elbert County, not to exceed thirty dollars (\$30.00) per meeting and reimbursement for mileage for attending official and special meetings.
7. The Planning Commission shall elect from its members a Chairperson and Vice-Chairperson whose terms shall be for one (1) year. Other positions may be created by the Planning Commission when needed. Such election shall take place at the first regularly scheduled public hearing, or as soon as is practicable, of the Commission following the annual Board appointment meeting, regardless of whether or not a planning commissioner is appointed at the above mentioned annual meeting.
8. The Planning Commission shall adopt and/or maintain rules and regulations governing its proceedings. Such rules and regulations shall be consistent with the guidelines of this Section and appropriate State Statutes and shall reflect what the Commission determines to be necessary or advisable.



9. The Planning Commission shall meet at least once each month at a regularly scheduled time and on a regularly scheduled date to review and process applications and other requests submitted to the Planning Commission. Should there be no business to conduct in a given month by the Commission, the CDS Director, or his/her assign, shall notify the Board of the waiver of that month's meeting. All meetings shall be open to the public. An agenda of items shall be made available to the public at the Elbert County Community and Development Services Offices before the meeting and shall be posted at the official posting place as set by the BOCC. Meeting notices shall be posted no less than (24) twenty-four hours in advance of such meeting.
10. The Planning Commission may call special meetings for special projects or other important topics for review, discussion or recommendation. Alternate hearing dates due to weather conditions or other scheduling difficulties may be considered by the Chairperson of the Planning Commission. Additional hearing dates may be added from time to time to accommodate a higher volume of applications and/or requests, continuances or public comment.
11. A Quorum shall be five (5) members. No meetings shall be held unless a Quorum is present. In the absence of a Quorum, no meeting shall convene, the Secretary shall enter minutes stating that there was an absence of a Quorum and the members shall disperse within a reasonable time after gathering. Applications that require public notice will not be required to republish.

A Majority vote of the voting members present is required for a recommendation or determination. A roll call vote shall be recorded in the minutes of the meeting.

No roll call is required for a unanimous vote.

In the event of a tie vote, the Motion being voted on shall be deemed to have failed, and the request shall be forwarded to the Board with no recommendation.

12. A secretary to the Planning Commission shall be appointed by the Community and Development Services Director from Community and Development Services staff to be present at all regular and special meetings of the Planning Commission. In the absence of the Appointed Secretary a designee shall be temporarily appointed by the CDS Director. The secretary shall take the minutes of the meetings in an appropriate manner approved by the Planning Commission. The minutes shall be made a matter of public record within a practical time after the official meeting of the Planning Commission and will be available at Community and Development Services. Anyone wishing to have a transcript of the proceedings may have a court reporter present at their own expense.
13. The Community and Development Services Director shall serve as advisor to the Planning Commission on all planning and zoning matters brought to their attention, and be responsible for scheduling all Planning Commission meetings in accordance with the guidelines established by this Section. The Community and Development Services Director



or his/her authorized representative, shall represent the Planning Commission at official meetings at which the Planning Commission's recommendation(s) or opinions are so solicited, inclusive of, but not limited to, meetings before the Board of County Commissioners, regional planning advisory meetings and at such other times as appropriate.

The Community and Development Services Director shall conduct research, report preparation or other tasks as assigned by the Planning Commission on land use matters and/or may contract for technical assistance in the preparation of information for use by the Planning Commission or the Board of County Commissioners in the review and processing of land use and zoning requests.

The Community and Development Services Department shall serve as the administrative office for the Planning Commission.

14. All Planning Commission members shall conduct themselves in a professional manner at all times when serving and/or representing their role on the Planning Commission. Commissioners shall abide by the professional standards set forth in § 24-18-103, 104, 105 and 109, C.R.S., as may be amended from time to time, as well as any general professional code of conduct set forth in the Planning Commission Bylaws and any related policies or resolutions that the BOCC may adopt.

E. REVIEW AND RECOMMENDATION PROCEDURE

1. The Planning Commission shall review the proposal submitted by the applicant, responses from referral agencies, staff comments and recommendations, and the record before the Commission on planning or zoning or land use matters and take one of the following actions:
 - a. Recommend approval of the proposal.
 - b. Recommend approval of the proposal with conditions indicating for the record what condition(s) is/are.
 - c. Recommend denial of the proposal indicating for the record the reason(s) for the recommendation of denial.
 - d. Continue the Request, as outlined in part B of this section.
2. The Board shall review the proposal submitted by the applicant, responses from referral agencies, staff comments and recommendations, Planning Commission recommendations and the record before the Board on planning or zoning or land use matters and take one of the following actions:
 - a. Approve the proposal with no conditions.
 - b. Approve the proposal with conditions indicating for the record what the condition(s) is/are.



- c. Deny the proposal indicating for the record the reason(s) for denial.
- d. Continue the matter to a date certain for submission of additional information if they determine that additional information is required.
- e. Remand the matter to the Planning Commission for further review if the Board of County Commissioners makes any recommendation toward substantial change in the proposal as submitted by the Planning Commission.

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F. DEFINITIONS

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

Board or BOCC: The Elbert County Board of County Commissioners.

Commission: Elbert County Planning Commission.

Commission Member: A person appointed by the Board to serve at all public hearings or meetings of the Commission.

Continuance: An action taken by the Commission members which postpones the public hearing or meeting on the request until a date and time certain.

County: Elbert County.

C.R.S.: Colorado Revised Statutes.

Majority: One more than half the voting Commission members present if a Quorum has been met.

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

Official Public Posting Place: The place for posting of public notices designated by the Board pursuant to § 24-6-402 (2) (c), C.R.S.

Public Hearing or Meeting: A public hearing or meeting that may include both public hearing items and/or public meeting items.

Regularly Scheduled Public Meeting/Hearing: A pre-set date and time when the Commission holds a meeting on at least a monthly basis.

Unexcused Absence: An absence from a Planning Commission meeting by a Commission Member who has not notified the chair or Community and Development Services within a reasonable time of learning of the need for an absence.

