

BYLAWS AND RULES OF PROCEDURE
OF THE
TOWN OF MONUMENT
PLANNING COMMISSION

The Bylaws and Rules of Procedure of the Monument Planning Commission are adopted pursuant to the provisions of Section 31-23-104, Colorado Revised Statutes. They shall be effective as of the 4TH day of FEBRUARY, 2013.

ARTICLE I

PURPOSE AND AUTHORITY

The purpose of the Monument Planning Commission (“the Commission”) shall be defined pursuant to the authority granted in Title 31, Article 23, Colorado Revised Statutes, as that title now exists or as it may subsequently be amended by the Legislature and pursuant to the provisions of the Monument Municipal Code, Chapter 2.40.

The Commission shall exercise such authority and powers as are specifically reserved to it by State law and the Monument Municipal Code.

The Commission shall conduct public hearings to review annexation, zoning, subdivision, and site development of property within the corporate limits of the Town of Monument, shall develop and adopt a recommended Master Plan for the Town of Monument and shall additionally perform those functions delegated to it by the Board of Trustees of the Town of Monument acting within its powers as the elected body of a statutory town in the State of Colorado.

ARTICLE II

MEMBERSHIP

Section 1. Eligibility. The Commission shall consist of seven members. The Board of Trustees may appoint two alternate members. Planning Commission members shall be appointed by the Board of Trustees and sworn in by the City Clerk. Each member of the Commission shall be at least eighteen (18) years of age and a resident of the Town of Monument for not less than one year at the time of appointment. Any member’s term of office shall be immediately terminated upon the member ceasing to

reside in the Town of Monument. No Planning Commission member shall be a compensated employee of the Town of Monument.

Section 2. Voting Procedure. In the event that one or two of the regular members are not present for a Planning Commission meeting, one of the two alternates, or both in the case of two absences, if present, shall be appointed by the chairperson as a regular member (or members) for purposes of an agenda item or meeting. If both alternates are present and only one seat is vacant, the chairperson shall appoint the more senior of the two alternates as a regular member for that meeting.

Section 3. Limit of Applications. Except as may be required to comply with applicable statutes or ordinances of the Town of Monument, the Planning Commission may vote to limit the number of items that will be heard. This provision is designed to allow the Commission adequate time for consideration of each agenda item, including applicant testimony and the public hearing process for each case.

The Commission may schedule additional meetings to consider additional applications.

Section 4. Removal. Any member of the Commission may be removed by the Board of Trustees for non-performance of duty or misconduct. Unexcused absence for three or more consecutive regular meetings or four regular meetings within a calendar year may be considered a form of non-performance of duty.

Section 5. Compensation. The members of the Commission shall receive no compensation. Members shall be paid for authorized actual expenses incurred in the performance of their official duties, if authorized previously by Staff.

Section 6. Training. Members are encouraged to participate in training and professional development opportunities as provided by the Town of Monument.

ARTICLE III

POWERS AND DUTIES

Section 1. Adoption of Master Plan. In accordance with the provisions of Section 31-23-206, Colorado Revised Statutes, it shall be the duty and function of the Commission to make and adopt a Master Plan for the physical development of the municipality including any areas outside its boundaries, subject to the approval of the appropriate governmental bodies having jurisdiction thereof, which in the Commission's judgment bear relation to the planning of the Town of Monument. The amendment of the adopted master plan shall also be in the purview of the Commission. All powers and duties of the Commission shall be as set forth in the above cited statute, all other applicable statutes, and the provisions of the Monument Municipal Code contained in Chapter 2.40.

The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town, which, in accordance with present and future needs and resources, will best promote the health, safety, morals, order, convenience, prosperity or the general welfare of Town residents. The Master Plan shall also serve to promote efficiency and economy in the process of development, including such distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, and other purposes. The Master Plan will also create conditions favorable to health, safety, transportation, property, civic activities, and recreational, educational and cultural opportunities, and will tend to reduce the wastes of physical, financial or human resources.

The Master Plan with the accompanying maps, charts, and descriptive and explanatory matter shall show the Commission's recommendations for the development of the territory covered by the plan. The plan may include: the general location, character and extent of streets or roads, viaducts, bridges, parkways, playgrounds, forests, reservations, parks, and other public improvements. The plan may also include grounds and open spaces; the general location and extent of public utilities and facilities, whether publicly or privately owned, for water, light, power, sanitation, transportation and communication. The plan may also include other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing utilities or facilities; the general character, location and extent of community centers, town sites, housing developments, whether public or private. The plan may also include urban conservation or redevelopment areas; the general location and extent of natural areas for purposes of conservation, water supply, sanitary and drainage facilities, flood control, or the protection of urban development; and a land classification and utilization program.

The Commission may adopt the Master Plan as a whole by a single resolution, or as the work of making the whole Master Plan progresses, may adopt parts thereof, any such part to correspond generally with one or more of the functional subdivision of the subject matter which may be included in the Plan. The Commission may amend, extend, or add to the Plan, or study any part of it in greater detail from time to time. The recommendation of the Plan or any part, amendment, extension or addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire regular membership of the Commission. The resolution shall refer expressly to the maps and descriptive matter intended by the Commission to form the whole or part of the Plan.

Section 2. Annexation. The Planning Commission shall review all proposed annexations to the Town of Monument and make recommendations to the Board of Trustees as to whether or not the annexation complies with the Comprehensive Plan and whether the annexation generally is in the best interests of the Town of Monument.

Section 3. Subdivision Regulations. In accordance with the provisions of Section 31-24-214, Colorado Revised Statutes, it shall be the responsibility of the Commission to make and recommend regulations governing the subdivision of land within the Town of Monument. The Commission shall publicly review and recommend

either approval, approval with conditions, or disapproval of a Plat or Plan. The recommendation of the Planning Commission shall be forwarded to the Board of Trustees of the Town of Monument for its consideration.

Section 4. Zoning Regulations. In accordance with the provisions of Section 31-23-301, Colorado Revised Statutes, it shall be the responsibility of the Commission to make or recommend regulations governing the uses of land and structures within the Town of Monument. The Commission shall publicly review and either recommend approval, approval with conditions, or disapproval of an application for the determination of zoning of property, or the change or modification of zoning for property previously zoned.

Section 5. Additional Powers and Duties. The Commission shall have additional powers and duties as are lawfully conferred upon it by the Board of Trustees of the Town of Monument and by the duly adopted statutes of the State of Colorado and the ordinances and resolutions of the Town of Monument as currently in effect and as amended.

Section 6. Executive Session. The Commission may adjourn from a regular or special meeting into an executive session and may exclude from said meetings the public and citizens provided that the topic of the executive session is authorized and allowed pursuant to applicable state law and further provided that no formal action may be taken in executive session. Upon conclusion of the Executive Session, the Planning Commission shall reconvene in Open Session prior to taking action or adjournment.

ARTICLE IV

ORGANIZATION

Section 1. Selection of Officers. The Commission shall elect annually a Chairperson and Vice Chairperson from among the appointed regular members at the first regular meeting after January 1 of each year.

Section 2. Eligibility of Officers. No member of the Commission shall be eligible for office until he or she has served on the Commission for at least one (1) year, unless no member shall have served a minimum of one (1) year.

Section 3. Duties. The Chairperson shall preside at all meetings, maintain order, decide all points of procedure, and appoint any committees deemed to be necessary. The Vice Chairperson shall act as Chairperson in the Chairperson's absence. In the absence of the Chairperson and the Vice Chairperson, the senior member present may preside at the meeting.

Section 4. Staff Assistance. The paid staff of the Town of Monument shall furnish professional and technical advice to the Commission and shall serve as the recording secretary to the Commission.

Section 5. Town Attorney Legal Assistance. All questions of law shall be referred to the Town Attorney or a designated representative for advice and opinion.

ARTICLE V

MEETINGS AND MEETING PROCEDURES

Section 1. Regular Meetings. The monthly regular meeting of the Commission shall generally be held on the second Wednesday of every month, at the advertised time. If the regular meeting date falls upon a legal holiday, such meeting shall be rescheduled. The regularly scheduled meeting date may be changed provided that legal advertising requirements are met. Such change shall generally be made only to accommodate scheduling conflicts or for other substantial reasons.

Section 2. Special Meetings. Special meetings may be called by the Chairperson, at the request of three (3) members of the Commission, or at the request of the Town staff.

Section 3. Work Session. Work sessions for any purpose may be conducted at any regular meeting, subject to providing notice as required. Such session may be called by the Chairperson, at the request of three (3) or more members, or at the request of Town staff. When a matter is set for a work session, public testimony may be barred or limited to particular persons at the discretion of the presiding officer.

Section 4. Field Trips. The Commission may take field trips to view property, or for other purposes relevant to the public hearing or other matter under consideration. All Commission field trips shall be taken as a part of a regular or special meeting, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments as appropriate. A record of the field trip may be entered into the minutes, so that the record shall indicate that the field trip was taken into consideration as evidence.

Section 5. All Meetings are Open to the Public. All meetings and public hearings of the Commission shall be open to the public.

Section 6. Notice of Meetings and Hearings. All notices of meetings shall be given pursuant to notice requirements set forth in Colorado law. When such notice does not apply, written notice of all meetings shall be given to Commission members by depositing in the mail or delivery in person of the agenda and all accompanying reports and applications at least six (6) days before the date of the meeting.

Section 7. Agenda. An agenda shall be prepared for each meeting of the Commission. The agenda shall include the various matters of business as scheduled for consideration by the Commission. Commission members may request items to be placed upon the agenda.

Section 8. Quorum. No less than four members of the Commission shall constitute a quorum for conducting business at any regular or special meeting. No action shall be taken in the absence of an initial quorum, except to adjourn the meeting to a subsequent date. Alternates may be appointed in order to establish a quorum.

Section 9. Order of Business. The Chairperson shall conduct the meeting and maintain order. The Chairperson shall call the Commission to Order and the secretary shall record the members present and absent.

The order of business of a regular meeting shall be as follows:

1. Call to Order and Roll Call.
2. Pledge of Allegiance
3. Approval of Minutes of the Previous Meeting(s).
4. Public hearings and recommendations.
 - a. Consent Agenda
 - b. Regular Public Hearing Items
5. Work Sessions.
6. Reports and Communications.
7. Old Business.
8. New Business
9. Discussion Items.
10. Announcements
11. Adjournment.

Section 10. Withdrawal of Request. Any request may be withdrawn upon written notice submitted to the Town by the applicant, but no request shall be withdrawn after posting of hearing notice or legal advertisement published for notification and prior to the public hearing without formal approval of the Commission.

Section 11. Public Hearing Procedure. A public hearing conducted by the Planning Commission shall be conducted subject to the following general procedure and order:

1. The Chairperson shall call each matter of business upon the agenda and shall announce the name of the applicant, and if applicable, the location of the property involved and the nature of the request.
2. The Chairperson shall first call for the presentation by the Town staff, which shall present an analysis of the application's conformance to the approval criteria.
3. The Chairperson shall then call upon the applicant to present its case and all evidence supporting the request.

4. The Chairperson shall next call all others who may wish to offer comments pertaining to the request.
5. The Chairperson shall offer the applicant an opportunity for rebuttal.
6. The Chairperson shall close the public hearing.
7. The Chairperson shall entertain discussion from the Commission. The Commission may seek answers to questions from the applicant, any interested person who offered comment, and Town staff.
8. The Chairperson shall call for discussion by and from the voting Commission members.
9. The Chairperson shall solicit the majority and minority rationales for discussion prior to any vote.
10. The Chairperson shall request the Commission to render a decision.
11. Upon motion made and duly seconded the Commission shall render its decision recommending approval, denial or approval with conditions. If insufficient information is available, or the application is incomplete, in the Commission's sole discretion, it may continue the matter to a future date before making a decision.

Section 12. Public Hearing Rules. Any public hearing conducted by the Commission shall be conducted subject to the following general rules of order:

1. Each person shall proceed without interruption. All arguments and pleadings shall be addressed to the Commission. No argument between individuals shall be allowed.
2. Witnesses shall not ordinarily be sworn unless a specific request is made and granted prior to the taking of testimony. The Chairperson may, upon request of any member of the Commission or upon advice of the Town Attorney, require that witnesses be sworn before giving testimony in particular matters.
3. Any relevant evidence may be considered. The Chairperson may exclude irrelevant or redundant testimony and make such other rulings as may be necessary for the orderly conduct of the proceedings, while

ensuring basic fairness and a full airing of the issues involved. The proceedings shall be conducted as an administrative hearing and evidentiary objections shall be waved.

4. Any written evidence or information supporting the granting or denial of an application shall be submitted to Town staff prior to, or at, the public meeting, or to the Commission during the public meeting and shall be admitted to the Commission's hearing record.
5. In order to expedite the conduct of the hearing, the Chairperson may limit the amount of time which a person may use in addressing the Commission. The Chairperson may also limit the speakers to 3 minutes and may limit a representative of a recognized group 6 minutes. The Chairperson may also limit the speakers of testimony upon a particular issue in order to avoid repetition and cumulative evidence.
6. Any person may speak to the issue upon being recognized by the Chairperson and stating his or her name and address.
7. If an applicant or the applicant's representative does not appear, the request may or may not be considered at the meeting at the sole discretion of the Commission. The Commission may choose to hear the matter or continue it to the next regular or special meeting. If an applicant fails to appear at two consecutive meetings without excuse, the application shall be dismissed and will not be heard unless a subsequent application is filed and applicable fees paid.
8. Should any disputes arise regarding procedural matters, such dispute shall be resolved by applicable law or ordinance. If no law or ordinance is applicable, the Commission shall be governed by procedures set forth in the current edition of "Robert's Rules of Order."

Section 13. Voting. All members of the Commission, including the Chairperson, are required to cast a vote on each motion. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon. A member may abstain if said member has declared a conflict of interest. Voting by the Commission shall be subject to the following rules:

1. Only after all evidence has been submitted to the Commission or ruled out of order shall a vote be conducted.
2. The Commission shall decide or recommend approval, approval with conditions, or denial of any application or other matter under consideration. By majority vote, the Commission may

also defer action on any matter whenever it concludes that additional time for study is necessary. If continued, any public hearing or review shall be continued to a date certain. The Commission may also table a matter indefinitely. If tabled, the matter shall either be scheduled for action at a meeting within one hundred eighty (180) days or it shall be dismissed at the end of that time and may only be considered upon the filing of a new application and the payment of applicable fees.

3. The concurring vote of a majority of the Commission members present shall be required to take official action including, but not limited to, the adopting of policy, the offering of recommendations, or the offering of decisions.
4. When a motion in favor of any request or other matter results in a tie vote, it shall be entered into the minutes as a vote to recommend denial of the application being considered. The Chairperson shall request an explanation of any declining vote from the declining member(s). When a motion for denial of any application or other matter results in a tie vote, it shall be entered into the minutes as a vote to deny the application being considered. Nothing herein shall prevent any member from making a subsequent motion on any matter where a prior motion is not approved by a majority vote of all members present. Staff will include detailed minority and majority rationales in staff reports submitted to the Board of Trustees.
5. The Chairperson may make motions and/or second motions.
6. The Commission shall vote upon the merits of any application within one hundred eighty (180) days from the beginning of the public hearing, unless the application is withdrawn by the applicant. A vote to continue or table the matter under consideration shall not constitute a vote on its merits.
7. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 1. Conflict of Interest. In the event that any member, or any member of his immediate family, has or could potentially be construed as having a conflict of interest, as defined by the laws of the State of Colorado, the member shall declare such conflict of interest prior to the commencement of the public discussion of the agenda item, and shall then be excused from all further participation in the deliberation or voting on such item. If the member has any questions as to whether or not a conflict exists, such member may request an opinion from the Town Attorney.

Section 2. Official Records. The official records of the Commission shall include the Bylaws of the Commission, minutes of the Commission meetings, and Commission and Department Staff reports and plans adopted by the Commission. The records shall be deposited with the Town of Monument Development Services Department files and shall be available for public inspection during normal business hours. All applications and other matters coming before the Commission shall be filed with the Town. Original papers of all applications and other such matters shall be retained for not less than five (5) years after date of application. Thereafter, such matters may be electronically filed along with other matters as the Town deems necessary, for permanent record.

Section 3. Recording of Minutes. All public meetings of the Commission shall be recorded by electronic device. Any person desiring to have a meeting recorded by a stenographic reporter, at his or her expense, may do so, provided that it does not otherwise disrupt the proceedings.

ARTICLE VII

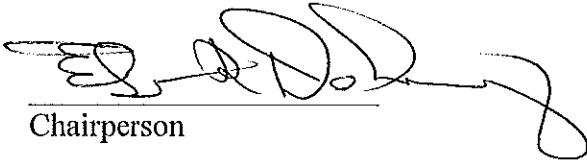
AMENDMENTS

These Bylaws may be amended by majority vote of approval of the Planning Commission, followed by majority vote of approval of the Board of Trustees.

**In Witness Whereof, the Monument Planning Commission has Approved,
Adopted and Signed these Bylaws and Rules of Procedure for the Town of
Monument Planning Commission Upon the Day, Month and Year Specified Below
to Become Effective Upon Passage of an Ordinance Approving Same by the Board
of Trustees and Publication of Said Ordinance as Required by Law.**

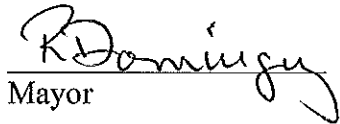
Approved and Adopted this 9TH day of JANUARY, 2013.

Town of Monument
Planning Commission



Chairperson

Passed by the Board of Trustees following Public Hearing this 4TH day of FEBRUARY, 2013.



Mayor

Attest:



Town Clerk