PLANNING COMMISSIONER 101

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Best practices, effective decision making and scenario based discussion
DEFINED (by the City):

**Planning Commission:**

- W.S. 15-1-502 Each city and town may have a planning commission. The number and terms of the members and any other details relating to its organization and procedure shall be determined by the governing body. The members shall be appointed by the mayor with the consent of the governing body and shall serve without compensation, except for reasonable expenses. The commission may appoint employees and staff necessary for its work and may contract with city planners and other consultants, including any appropriate agencies or departments of the state of Wyoming, for any service it requires.

- W.S. 15-1-507 General Powers of Commission
  - (a) The commission has all powers necessary to perform its functions and promote municipal planning and may:
    - (i) Make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, other organizations and citizens;
    - (ii) Recommend to the executive or legislative officials programs for public improvement and their financing.
DEFINED (by the County):

- Planning and Zoning Commission:
  - 18-5-202: Planning and zoning commission; composition; residency requirements, terms and removal of members; vacancies; rules; record; meetings to be public; secretary; preparation and amendments; purpose; certifications and hearing; amendments.

(a) Each board of county commissioners may by resolution create and establish a planning and zoning commission.

(b) The planning and zoning commission may prepare and amend a comprehensive plan including zoning for promoting the public health, safety, morals and general welfare of the unincorporated areas of the county, and certify the plan to the board of county commissioners. Before certifying its plan or amendments thereto to the board the commission shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least thirty (30) days before the date of the hearing. Any person may petition the planning and zoning commission to amend any zoning plan adopted under the provisions of W.S. 18-5-201 through 18-5-208.

(c) The planning and zoning commission shall prepare recommendations to effectuate the planning and zoning purposes and certify its recommendations to the board of county commissioners. Before adopting the recommendations the board shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least fourteen (14) days before the date of the hearing. After public hearing has been held, the board shall vote upon the adoption of the planning or zoning recommendation. No planning or zoning recommendation shall be adopted unless a majority of the board votes in favor thereof.
Staff – Who Are We?

• Educated!
  • AICP – American Institute of Certified Planners
  • Continuing Education

• Often the citizen’s first contact and main contact

• Land Use Regulators
  • “I’m sorry sir, I caught you illegally proceeding with the subdivision of your land”

• Commission and Council Guides
  • Enforcers of comprehensive plans, sub-area plans, community directives and policy decisions

• The Commission's (and governing body’s) workhorse
  • Jumps into the nitty gritty
  • Analyzes applicable codes/regulations
  • Prepares Staff Reports
  • Knows the codes “in and out”
Planning Commission Basics

• **Appointed Board**
  • Citizen volunteers (not professionals, not paid)

• **Roles and responsibilities**
  • Typically advisory with some decision making authority
  • Trusted by the elected officials to make educated recommendations based on adopted code and plans
  • A public sounding board (often first opportunity)
  • Must be familiar with applicable regulations and plans
Planning Commission Basics

• Roles and responsibilities (cont.)
  • Be Consistent
  • Decisions may be tough
  • Listen to staff (aka professionals)
  • Listen and consider public comment
  • Ask Questions and gather information
  • Disclose ex-parte communications and conflicts

• Other Duties As Assigned
  • Board of Adjustment
  • Appeals Board
Effective Meetings & Public Hearings

- Stick to the agenda
  - Use Staff or Clerk to redirect when off topic
- Read your packets before the meeting
- Keep the meeting formal
  - Speak through the chair
  - Follow meeting decorum (Robert’s rules, etc.) & by-laws
  - The little things...name plates, etc.
- Explain procedures
  - Clear direction to the audience
  - Time limits on comments
  - Approval, denial, postponements, etc.
- Control the meeting
  - Be respectful (to everyone)
  - If public comment is closed keep it closed
- Ask questions of Staff
  - Procedure
  - Options
  - Information
- Remove the emotion from decisions and keep to the facts
- Communicate
  - Public
  - Staff
  - Elected Officials
  - Applicants
  - Well Written Staff Reports
- Based Decisions on Findings of Fact
- New Member & Commission Training
Staff Reports

• Should be the basis of a decision and one that is based on regulation and legal defendable

• Should be concise, understandable and unique to each case

• Based upon the review of multiple agencies and staff members for conformance with applicable regulations

• Staff has strict responsibility to provide the Commission with specific findings to support their recommendation to the governing body

• The Three C’s
  • Compliance with regulations
  • Consistency with plans
  • Compatibility with surrounding properties

• Use maps, captioned photos, graphics, checklists, and different page layouts. Make your packets informative!

• No matter how good the staff report is, a commissioner must read the material
Staff Reports

• **Key Parts**
  • Introduction
  • Background
  • Project Description
  • Analysis
  • Review Criteria
  • Findings of Fact/Conclusions of Law
  • Staff Recommendation
  • Exhibits/Attachments

• **Staff Report Tips**
  • Clear Recommendation
  • Use techniques like bullet points, pictures, maps or flowchart to convey information
  • Avoid “technical” terminology and acronyms…but sometime you can’t
  • Reference code
  • State impacts
  • Justify recommendations
  • Reference Adopted Planning documents
Dealing With Conflict

• Discuss conflict with your Chair and Commission so it can be properly handled when it happens in a meeting

• Always remain professional

• Be fair and provide all information to both supporters and opponents

• Keep to the FACTS

• Avoid appearance of conflict
  • It’s your land
  • Financial gain
  • It’s your friend
  • It’s your neighbor
  • It’s your application
Scenario – Wyoming is just one small town!

• A conditional use project for a business is being considered by the board. The business has some people concerned because it will be competing with a long time business within the community. Leading up the meeting, you are asked questions, and “given an earful” by someone at the grocery store (you just wanted some ketchup), at you child’s choir performance, and then at the gym. You even find out the day before the meeting that your cousin Eddie has been interviewed for one of the manager positions.

• Does this contact and interaction with people prior to the meeting create any issues?
• What if during one of the conversations the person indicates that the information in their application was falsified?
• What do you do with cousin Eddie? What if cousin Eddie and one of your staff are Married?
• What if you ran into the applicant and they told you information or asked you to approve the project?
• What if one of the commissioners own land down the road and may benefit from this item being approved?
• AICP Considerations.
Scenario – No Findings of Fact

• The Board of Adjustment is considering a request from “Grandmas Bakery” a real grandma (83 years young) who has requested a Variance from your development standards to allow her not to make changes to her building. Her request simply asks that you allow the request because she is old and can’t afford the improvements. You recommend denial, however after testimony from Grandma, the board finds for approval, with no findings of fact.

• How could this outcome been avoided?
• What should the BOA do if they wanted to approve the request?
• What might be next steps in a Scenario such as this?
• The case ultimately goes to court, what should be considered in this scenario now?
Scenario – Commissioner Etiquette

- A contentious case has come forward for review by the Planning Commission where staff has recommended approval but residents have come out in force to appose the request. The case is presented, staff and the applicant have spoken in favor of the application, but neighboring residents have spoken against the application with valid concerns about the effect on their quality of life, safety and property values. The Chairman of the Planning Commission becomes angry and begins to yell at the residents with profane language and tell them their opinion does not matter.

- As a fellow Commissioner, how do you address the Chairman?
- City or County Staff: How do you address the Chairman?
- What do you do when another Commissioner joins the Chairman in their behavior?
- What steps might you take following a meeting such as this?
Scenario – Residents Raise Concern

• A subdivision is being considered by the Planning Commission in your town that would allow for a series of apartments. The land has been zoned for multi-family development, but has remained vacant for many years. The subdivision meets all the required standards of your community and all findings of fact for the development. Prior to the meeting, and at the meeting, the Commission hears many comments related to multi-family development project, how it will create parking issues, among other items often associated with apartments.

• How much consideration should be given to the comments?
• Do public comments mean a project should be considered for denial or approval?
• Does your consideration change if this was a project that you are the deciding body?
Things to Remember...

- WYOPASS as well as Most Cities and Counties have Planning related educational resources
- Be prepared, read your staff reports, clarify any questions you might have before the meeting
- Staff wants to work with you – talk to staff!
  - About things you are concerned with
  - About things you are seeing or hearing in the community
  - About things you want to accomplish
- Your recommendations will help shape the community for years
- Be advocates for a better community through Planning!