

## **Sec 152-6-4 Planning Commission**

(a) Established:

A Planning Commission, consisting of seven (7) members, is hereby established to exercise the powers and duties specified herein. Members of the Planning Commission shall receive a stipend for each regularly scheduled commission meeting attended, as set by the city council, and reasonable expenses incurred in performing their duties as members of the commission.

(b) Appointment And Terms Of Office:

(1) Planning Commission members shall be appointed by the Mayor with the advice and consent of the City Council.

- a. The terms of Planning Commission members shall be staggered. Each member of the Planning Commission shall serve for a term of four (4) years and until a successor is appointed; provided, that the term of the first members shall be such that the terms of two (2) members shall expire each year.
- b. Terms of Planning Commission members shall begin on or before the first Monday in February of each year.
- c. Planning Commission members may be reappointed for successive terms.
- d. The mayor, with the advice and consent of the city council, may remove any member of the planning commission for cause if written charges are filed against the member with the mayor; provided, that the member shall be afforded a public hearing if one is requested.
- e. A vacancy occurring on the planning commission by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.

(2) Members and alternate members of the planning commission shall be deemed "volunteers" for purposes of city ordinances, rules, regulations and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for purposes of the Utah governmental immunity act as set forth in section 63G-7-102 et seq., of the Utah Code, as amended.

(c) Organization And Procedure:

The planning commission shall be organized and exercise its powers and duties as follows:

- (1) Members of the planning commission shall select one of its members as chairperson to oversee the proceedings and activities of the planning commission, and shall adopt rules for the transaction of business and the conduct of its proceedings.
  - a. The chairperson shall serve for a term of one year.
  - b. The chairperson, with the advice and consent of the planning commission, shall appoint one of the planning commission members as alternate chairperson to act in the absence of the chairperson. The chairperson and alternate chairperson may be reelected for successive terms.
- (2) The planning commission may adopt reasonable policies and procedures, consistent with the provisions of this chapter, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.
- (3) The planning commission shall meet on a regular date each month, as determined by the planning commission, and at such other times as the planning commission may determine. All meetings shall be properly noticed and held in accordance with the open meetings law set forth in title 52, chapter 4, of the Utah Code, as amended.
- (4) No official business shall be conducted by the planning commission unless a quorum of its members is present. Three (3) members of the planning commission shall constitute a quorum. The minimum

number of yes votes required for the planning commission to take any action shall be the majority of members present, unless otherwise prescribed by law.

- (5) Decisions of the planning commission shall become effective at the meeting or hearing in which the decision is made, unless a different time is designated in the commission's rules or at the time the decision is made.
- (6) The planning commission shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and keep records of its examinations and other official actions. The planning commission may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.
  - a. The planning commission shall transmit reports of its official acts and recommendations to the city council. Any member of the commission may also make a concurring or dissenting report or recommendation to the city council.
  - b. The minutes of all meetings of the planning commission shall be prepared and filed in the office of the planning commission. All records in the office of the planning commission are public records and shall be available for public review and access in accordance with title 1, chapter 5, "Government Records Access and Management", of this code.

(d) Powers And Duties:

- (1) The planning commission is hereby designated as the land use authority to hear and decide the applications set forth below:
  - a. Applications for conditional use permits provided for in Section 152-7-9(B)(1).
  - b. Applications to determine the existence, expansion or modification of a non-conforming use or non-complying structure, as provided in Section 152-7-14.
- (2) The planning commission is hereby designated as the appeal authority to hear and decide appeals of administrative decisions as designated in Section 152-7-19.
- (3) In addition, the planning commission shall make a recommendation to the city council for:
  - a. A general plan and amendments to the general plan, as provided in section 152-7-6 of this chapter;
  - b. Land use ordinances, zoning maps, official maps, and amendments, as provided in section 152-7-7 of this chapter;
  - c. An appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
  - d. An appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority;
  - e. Application processes that:
    1. may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
    2. shall protect the right of each:
      - i. Applicant and third party to require formal consideration of any application by a land use authority;
      - ii. Applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
      - iii. Participant to be heard in each public hearing on a contested application.

(e) Examinations And Surveys:

The planning commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote city planning and development.

(f) Appeals:

Any person aggrieved of a final decision of the planning commission may appeal that decision according to the procedures set forth in Section 152-7-19.

HISTORY

Amended by Ord. [2019-002](#) on 3/6/2019