

CHAPTER 1

PLANNING COMMISSION

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2-1-1: **FUNCTION OF PLANNING COMMISSION:** The planning commission shall function as a semi-independent body subject only to actions of the city council as the governing body of the city. (Ord. 2008-10, 11-6-2008)

2-1-2: **MEMBERSHIP:**

- A. The planning commission shall consist of five (5) members appointed by the city council from the citizenry of the municipality.

The five (5) appointed members, from the citizenry, shall be voting members.

- B. One member of the city council shall be appointed as a nonvoting member of the planning commission by the mayor, with the concurrence of a majority of the entire city council.
- C. Three (3) months prior to the expiration of a term, the mayor is required to advertise for an opening on the planning commission. Applications will be taken from all qualified parties. (Ord. 2008-10, 11-6-2008)

2-1-3: **QUALIFICATIONS:** Each citizen appointed to the planning commission shall be a resident of the city living within the city limits. Each member shall be a holder of real property located within the city limits. Each new planning commissioner shall complete a training course in the first year of service offered by the Utah league of cities and towns. This training must be repeated for each term of service or forfeit his/her seat as a member of the planning commission. (Ord. 2008-10, 11-6-2008)

2-1-4: **APPOINTMENT:** The members of the planning commission shall be appointed by the mayor with the advice and consent of the city council at a regular city council meeting. Each member of the planning commission shall be appointed from one of the four (4) planning commission districts. Such districts are set up by using natural divisions within the city. Highway 89 shall be used as an east, west division and Bear Creek shall be used as a north, south division (see planning commission map). The fifth seat of the planning commission shall be an at large seat and can be selected from any one of the four (4) established districts. Appointments shall be nonpolitical and appointees shall be selected from different vocational interests insofar as possible. (Ord. 2008-10, 11-6-2008)

2-1-5: **TERMS OF OFFICE:** Members of the planning commission, except the member from the city council, shall be appointed for a term of three (3) years. Initial appointments to the first planning commission shall be for staggered terms, with one member appointed for a term of one year; two (2) members to be appointed for a term of two (2) years; and two (2) members to be appointed for a term of three (3) years. Thereafter, all appointments to fill expired terms shall be made in June to be effective July 1 for a period of three (3) years. The appointment of the member from the city council shall be to a term concurrent with his term as

city council member. The city council may remove any member of the planning commission for cause and after public hearing, if one is requested. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. The mayor, with the advice and consent of the council, may reappoint a planning commission member to an additional three (3) year term. Extending commissioners to more than three (3) full terms will not be considered. (Ord. 2008-10, 11-6-2008)

2-1-6: **COMPENSATION:** The members of the planning commission shall serve without compensation, except for reasonable expenses. Secretarial services may be compensated for only if volunteer secretarial service is unobtainable. Necessary office supplies will be supplied by the city offices. (Ord. 2008-10, 11-6-2008)

2-1-7: **ORGANIZATION:** The planning commission shall elect a chairperson for a period of two (2) years or until the end of their appointed period, after the designated person has served as a member of the planning commission for a period of at least one year. The member serving from the city council shall not be designated as chairperson. The members of the planning commission may select from their own members such other officers and adopt "Robert's Rules Of Order", and other such rules and regulations for their own proceedings as they may deem expedient within the articles of the municipal enabling act of the state. (Ord. 2008-10, 11-6-2008)

2-1-8: **STAFF AND EMPLOYEES:** The planning commission may appoint a secretary, who shall be a nonvoting member of the commission, and who may serve in a voluntary capacity without compensation, or with the approval of the governing body, may be paid a per meeting fee for services. The planning commission may contract with professional city planners and consultants for such services as it requires, provided the expenditures of the commission shall not be in excess of such sums as may be appropriated by the city council. (Ord. 2008-10, 11-6-2008)

2-1-9: **MEETINGS:** Regular meetings of the planning commission shall be held not less than once per month on a regular day and time as determined by the commission. Special meetings may be held as needed upon call of the chairperson, or any two (2) members of the commission, by notice served upon the members not less than forty eight (48) hours preceding the time of the special meeting. Notice of meetings

and the agendas therefor are to be posted at least twenty four (24) hours in advance of meeting times. Petitions and proposals for planning commission considerations must be submitted to the planning commission at least seven (7) days in advance of meeting dates. Special meeting requests shall require a fee in such amount as established by resolution of the city council, submitted with the request for calling the special meeting. (Ord. 2008-10, 11-6-2008)

2-1-10: **RECORDS:** The minutes of each meeting of the planning commission shall be recorded and preserved in a permanent type binder. Minutes of each meeting of the commission shall bear thereon its approval as attested to by the chairperson. All official actions shall be recorded therein, and copies of all letters of approval or denial shall be preserved. All records of the commission shall be made available for public inspection at the city offices during normal office hours. (Ord. 2008-10, 11-6-2008)

2-1-11: **EXPENSE OBLIGATIONS:** The planning commission may requisition funds from the city council for planning assistance or other services, or work, but it shall in no way obligate the city for any expense until or unless it is specifically authorized to do so through purchase order approval by the city council. (Ord. 2008-10, 11-6-2008)

2-1-12: **REPORTS AND RECOMMENDATIONS:** Written reports of official acts and recommendations of the planning commission shall be made by the chairperson by minutes, written report, letter or completed standard form to the city council, and to such other municipal officials and persons as the city council may direct. The reports shall indicate how each member of the commission voted with respect to such act or recommendation. Any member of the commission may also make a concurring or dissenting report or recommendation to the city council whenever he deems advisable. (Ord. 2008-10, 11-6-2008)

2-1-13: **REFERRALS:**

A. Mandatory: In order to correlate plans for the orderly and economical development of the city, it is hereby required that any board, commission, committee, administrative officer, or other employee of the city, or any other person having jurisdiction over or responsibility for development plans within the city, or the carrying out of develop-

ment plans, or other matters relating to the physical development of the municipality, shall refer such plans and matters to the planning commission and receive its recommendations thereon before proceeding with the initial and preliminary development plans.

B. Scope Of Referrals: All matters pertaining to the physical development of the city, except those in accordance with the building code, shall be submitted to the planning commission for consideration and recommendation before action is taken thereon by the city council or other city official, as follows:

1. Zoning: The use and zoning of land for private or public purposes.

2. Streets: The location, widening, narrowing, abandonment, extension or relocation of proposed or existing streets, also the acquisition of land for new streets, the acceptance of private streets for public use, and the sale or lease of municipally owned streets.

3. Public Property, Buildings, Parks: The acquisition of or acceptance of land for any public property use, public way, ground, place or structure, also the sale or lease of municipally owned property, and the location of public buildings, parks and other open spaces.

4. Utilities: The location and extension of public or private utilities.

5. Land Subdivision: The "subdivision" of land, as defined in section 11-2-1 of this code. (Ord. 2008-10, 11-6-2008)

2-1-14: **TIME LIMIT FOR ACTION:** The planning commission shall return its approval, disapproval or notice of deferral pending additional information, of any proposal, in written form to the submitting body, board, committee, person, firm or official making the referral, and to the city council, within thirty (30) days, unless a longer period shall have been granted by the referee. (Ord. 2008-10, 11-6-2008)

2-1-15: **APPROVAL OR DISAPPROVAL PROCEDURE:** Upon approval, disapproval or deferral action of any proposal submitted for its consideration, the planning commission shall notify by letter or written form the person, persons, firm, corporation, board, commission, committee, administrative officer, or other person submitting the proposal, of action taken and the disposition of the proposal and shall notify the city council of such action by means of a copy of the written

notice in accordance with section 2-1-12 of this chapter. Where the planning commission sees fit to disapprove or deny any proposal, it shall include the reasons for such disapproval in the written report to the city council. (Ord. 2008-10, 11-6-2008)

2-1-16: **ACTION BY CITY COUNCIL:** The city council may either approve any proposal which has been approved by the planning commission or disapprove any proposal which has been disapproved by the commission by a simple majority vote of a city council quorum. It may either approve any proposal which has been disapproved by the planning commission or disapprove any proposal which has been approved by the planning commission by a majority vote of the council's entire membership. (Ord. 2008-10, 11-6-2008)

2-1-17: **MODIFICATIONS:** Any planning commission approved plan or proposal on which changes or modifications are proposed shall be referred back to the commission for its consideration of the proposed modifications. Procedures set forth in sections 2-1-12 and 2-1-15 of this chapter for approval or disapproval, and reports and recommendations, shall be followed for the modified proposal. (Ord. 2008-10, 11-6-2008)

2-1-18: **GENERAL PLAN:**

- A. It shall be the function and duty of the planning commission, after holding public hearing, to make, adopt and certify to the city council a general plan for the physical development of the city, including other areas outside of its boundaries which, in the planning commission's judgment, bear relation to the planning of the city. The commission may from time to time amend, extend or add to the general plan or carry any part of subject matter into greater detail. Where the plan involves territory outside of the boundaries of the city, action shall be taken with the concurrence of the county or other legislative body concerned. The general plan shall show the planning commission's recommendations and may include, among other things, the general location, character and extent of streets, parks, parkways, playgrounds and other public spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned; the acceptance, widening, removal, extension, relocation, narrowing, vacating, abandonment, or change of use of any of the foregoing; the general location, character, layout and extent of community centers and neighborhood units.

- B. In the preparation of the general plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the city and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city in accordance with existing and future needs.
- C. Subsequent to the adoption of a general plan by the city council, no street, park or other public way, ground, place or space, no public building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to the general plan and shall have been submitted to and approved by the planning commission, with such exceptions as provided for in Utah Code Annotated section 10-9a-302, as amended. (Ord. 2008-10, 11-6-2008)

2-1-19: **POWERS GENERALLY:**

- A. The planning commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.
- B. The planning commission may make reports and recommendations relating to the development of the municipality to public officials and agencies, other organizations and citizens. It may recommend to the governing body programs for public improvements and the financing thereof.
- C. The planning commission may make and certify to the city council a land use plan, including both the full text of the land use ordinance and maps, and representing the planning commission's recommendations for the zoning of the municipality, including any amendments thereto. It may also receive petitions for amendments to the land use plan and regulations and pass thereon. (Ord. 2008-10, 11-6-2008)

2-1-20: **ZONING AMENDMENTS¹**: The land use ordinance, including the maps, may be amended from time to time by the city council after fifteen (15) days' notice and public hearing, but all proposed amendments shall be first submitted to the planning commission for its recommendations, which shall be returned within thirty (30) days for its further consideration and action. (Ord. 2008-10, 11-6-2008)

2-1-21: **OFFICIAL MAP:**

- A. Subsequent to the time when the planning commission shall have adopted a major street plan and recommended the same to the city council, the city council may establish an official map of the whole or part of the municipality theretofore existing and established by law as public streets. Such official map may also show the location of the lines of streets on plats of subdivisions which have been approved by the planning commission. The city council may make, from time to time, other additions to or modifications of the official street map with extensions, widening, narrowings or vacations which have been accurately surveyed, and definitely located; provided, however, that before taking any such action, the city council shall hold a public hearing thereon; and provided further, that such proposed addition to or modifications of the official map shall be submitted to the planning commission for its approval in accordance with the procedures outlined in sections 2-1-15 and 2-1-16 of this chapter. The placing of any street or street lines upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street, or the taking or accepting of any land for street purposes.
- B. In order to preserve the integrity of the official map, no permit shall be issued for any kind of building or structure, or part thereof, on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such a permit may appeal to the board of adjustment. (Ord. 2008-10, 11-6-2008)

1. See also section 10-3-5 and title 10, chapter 5 of this code.