

HEBER CITY PLANNING COMMISSION BYLAWS

Adoption Date: March 8, 2012

Article 1:

Authority

These rules and procedures are adopted pursuant to Section 10-9-202 (2a), of the Utah State Code, and 18.12.180, and 2.48 of the Heber City Code.

Article 2:

Jurisdiction

The physical jurisdiction of the Planning Commission is the Heber City Limits.

Article 3:

Appointment and Terms of Members

- A. The Planning Commission shall consist of seven (7) regular members and one (1) alternate member.
- B. Planning Commission members shall be residents of Heber City.
- C. The terms of office for Planning Commission members shall be six (6) years.
- D. Improper conduct and non-performance of duties shall result in removal for cause as stated in 2.48.020. Members may be removed after a public hearing, by a majority vote of the City Council.

Article 4:

Planning Commission Officers and their Duties

- A. Chairperson
 - 1. The Planning Commission shall elect a Chairperson and a Vice-Chairperson from among its members at the first regular meeting in January.

2. The Chairperson and Vice-Chairperson shall serve for a term of two (2) years, beginning the first regular meeting in February, and may be re-elected.
3. The Chairperson shall preserve order, and decide all points of order, subject to appeal of the membership. Such an appeal shall be decided by a majority vote of the members present. The Chairperson may vote on all matters before the Planning Commission.
 - a. The Chairperson with the concurrence of a majority vote of the Planning Commission may create such special subcommittees as he/she may, from time-to-time, deem necessary or desirable.
 - b. The Chairperson or Vice-Chairperson shall sign all final plats and transmittals to the City Council.
 - c. In the event of absence or disability the Chairperson, the Vice-Chairperson shall preside. In the absence of both, the members shall appoint a Chairperson for that meeting.
4. The Chairperson shall sign all documents of the Planning Commission that require a signature.

B. Vice-Chairperson

1. Perform all of the above duties in the absence of the Chairperson;
2. Conduct the annual review of the Planning Commission actions;
3. Coordinate and conduct the annual meeting of the Commission; and
4. Provide orientation to new Planning Commission members.

C. Secretary

1. Assure true construction and maintenance of the public record, record the proceedings of all hearings and meetings; and prepare the minutes of the Commission.
 - a. Minutes shall include:
 - i. Findings or conclusions;
 - ii. Ordinance used as basis for decision;
 - iii. Motions made, seconded, voting, abstentions, reasons for.

D. Chairperson Pro-Tempore

In extraordinary cases, where both the Chairperson and Vice-Chairperson are absent from a meeting or hearing, the remainder of the Commission shall elect a Chairperson Pro-Tempore by majority vote.

Article 5:

Staff of the Commission and their Duties

A. Planning Staff

1. Shall advise the Planning Commission or Municipal Council, and Chief Administrative Officers regarding Planning, regulation of development, development and re-development.
2. Shall prepare all documents for presentation to the Planning Commission; and;
3. Assist the Chairperson and Vice-Chairperson of the Commission in the exercise of their duties.
4. All recommendations to the City Council, where necessary, shall be submitted by the Staff to the City Attorney for review. Once reviewed shall be returned to the Chairperson for verification before submittal to the City Council.

B. Legal Counsel

The City Attorney or his designee shall be the legal counsel for the Planning Commission and its committees.

Article 6:

Meetings

- A. The Planning Commission shall meet as set forth in the annual notice of meeting schedule to conduct its duly appointed business.
- B. A special meeting for any purpose may be held on the call of the Chairperson or of four (4) members of the Planning Commission. Commission members and public shall be notified of such meetings by the Secretary, in accordance with the provision of City and State law.
- C. A quorum of the Planning Commission shall consist of four (4) voting members. A quorum shall be necessary to conduct business. To recuse is to disqualify

oneself in a particular item or matter, and not participate because of possible bias or personal interest by removing oneself from participation to avoid a conflict of interest. Removal from participation in this instance shall mean leaving the chamber while the item or matter is discussed and adjudicated. If a member, after having disclosed a potential conflict, determines not to recuse himself and participates in discussion but chooses not to vote this shall be considered an abstention. A decision by a member to participate in any manner after a disclosure of a conflict does not necessarily, automatically require a recusal, nor does such a disclosure automatically resolve or absolve the issue of a potential conflict. However, whether to remain and vote, remain and discuss but not participate in the vote, or ultimately recuse and leave the chamber shall be left to the discretion of the individual member. All conflicts of interest must be disclosed. Notwithstanding proper disclosure of a potential conflict, participation of a member of the Planning Commission with a conflict of interest that rises to a violation of Utah State Code Sections 10-3-1304 and 10-3-1305 may be cause for removal. The interests of that Planning Commission member may be represented before the Commission by agent or legal representative at the public hearing, regular meeting, or work session and entered into the public record.

1. Any agenda item must receive a majority of votes for approval or recommendation to City Council for approval.
 2. A failure to vote by a member shall be counted as an abstention.
 3. In the case of a tie, the alternate shall break the tie.
 4. In case of a tie vote the item may be continued.
- D. The Planning Commission Secretary shall prepare and deliver or mail an agenda to all necessary parties at least six (6) days prior to each Planning Commission meeting. No material received after this time will be considered unless approved for consideration by the Chairperson.
- E. Order of Business for Regular Meetings
1. Call to order and determination of quorum
 2. Approval of the minutes of the previous meeting
 3. Announcements
 4. Old Business
 - a. Matters regarding the comprehensive plan;

- b. Matters regarding capital improvements;
 - c. Matters related to the subdivision of land;
 - d. Matters related to the zoning ordinance;
 - e. Matters related to other regulatory devices.
- F. New Business
- 1. Matters regarding the comprehensive plan;
 - 2. Matters regarding capital improvements;
 - 3. Matters related to the subdivision of land;
 - 4. Matters related to the zoning ordinance;
 - 5. Matters related to other regulatory devices.
- G. Other Business
- 1. Review of the Planning Commission Calendar
 - 2. Adjournment or Recess at call of Chairperson

Article 7:

Participation by Staff and Public

- A. No person shall be permitted to speak unless recognized by the Chairperson, who shall designate time limits to persons permitted to speak on any matter properly before the Commission. Each person speaking before the Planning Commission shall first state his name, address and then the substance of his remarks.
- B. Matters before the Planning Commission shall be presented in the following manner:
 - 1. Presentation by staff;
 - 2. Presentation by applicant;
 - 3. Comments from the public, where appropriate, (decided by the Chairperson);
 - 4. Comment and questions from the Planning Commission;

5. Further comments by applicant and public; and
6. Concluding comments from the staff.

Article 8:

Form and Character of Motions

The Planning Commission observes Roberts Rules of Order.

1. Upon review of the public record on a request and due deliberation among the members of the Planning Commission, any member of the Commission, except; the Chairperson, may make a motion. The motion shall include not only the direction of the motion (approval, approval with conditions, or denial), but also a recitation of the specific findings and conclusions supporting such motion.
2. A second shall be required for each motion.
3. A motion shall die in absence of a second.
4. Discussion and amendments on the motion.
5. Where a motion to deny a request has been defeated, a member of the Commission initially in opposition shall make a motion to:
 - a. Approve the request;
 - b. To table, or
 - c. To continue the matter for further study or investigation.

Article 9:

Requirements for the Submission of Requests

- A. The Planning Commission shall adopt standard forms for the submission of requests. All requests shall have reasonable advance time requirements;
- B. The Planning Staff shall certify completeness of requests;
- C. Any request denied shall not be resubmitted for a period of six (6) months; and
- D. The Planning Commission may recommend to the City Council a fee schedule for the submission of requests to cover processing, duplication, and distribution of requests and related documents.

Article 10:

Documents of the Commission

- A. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by a motion to “accept for the record”.
- B. All notices, agendas, requests, agency or consultant letters or reports, staff reports, minutes of meetings, and resolutions or record shall constitute the documents of the Planning Commission and shall be indexed as public record.

Article 11:

Administrative Calendar

- A. Notice for all public hearings, work sessions and regular meetings shall conform to requirements of law.
- B. Regular meeting schedule for the calendar year following shall be determined at the annual meeting of the Planning Commission.
- C. The Planning Commission shall have an annual public meeting, to review the work of the previous year and plan the work program for the coming year.

Article 12:

Conduct of Members of the Planning Commission

- A. Members of the Planning Commission shall prepare themselves for hearings and meetings.
- B. An appointed member of the Planning Commission absent from three (3) consecutive regular meetings or four (4) regular meetings within a calendar year without being excused by the Chairperson may be removed from the Planning Commission for cause.
- C. Any Planning Commission member not present at the time the first matter of business is opened shall be replaced by the alternate for that meeting. If the late member shows up for the meeting, that member becomes the alternate.
- D. A Planning Commission member with a potential conflict of interest in a matter before the Commission shall publicly disclose to the members of the body immediately prior to any discussion by such body concerning matters relating to item or entity, the nature of his interest in that item or entity. The disclosure statement shall be entered in the minutes of the meeting. Disclosure by a member under this section is satisfied if the member makes the disclosure in the manner

required by Sections 10-3-1305 and 10-3-1306 of the Utah Code Annotated. To recuse is to disqualify oneself in a particular item or matter, and not participate because of possible bias or personal interest by removing oneself from participation to avoid a conflict of interest. Removal from participation in this instance shall mean leaving the chamber while the item or matter is discussed and adjudicated. If a member, after having disclosed a potential conflict, determines not to recuse himself and participates in discussion but chooses not to vote this shall be considered an abstention. A decision by a member to participate in any manner after a disclosure of a conflict does not necessarily, automatically require a recusal, nor does such a disclosure automatically resolve or absolve the issue of a potential conflict. However, whether to remain and vote, remain and discuss but not participate in the vote, or ultimately recuse and leave the chamber shall be left to the discretion of the individual member. All conflicts of interest must be disclosed.

1. Notwithstanding proper disclosure of a potential conflict, participation of a member of the Planning Commission with a conflict of interest that rises to a violation of Utah State Code Sections 10-3-1304 and 10-3-1305 may be cause for removal. The interests of that Planning Commission member may be represented before the Commission by agent or legal representative at the public hearing, regular meeting, or work session and entered into the public record.

Article 13:

Changes Affecting the General Plan

Anytime the Planning Commission would make a decision affecting the General Plan, it is the Planning Commission's intent to hold a public hearing.

Article 14:

Adoption and Amendment of Bylaws

- A. Bylaw adoption, or amendment, shall be made by the Planning Commission following review by the Commission's legal counsel.
- B. The Planning Commission bylaws shall be adopted or amended upon a vote of a majority plus one of the appointed members. Such shall take effect immediately after a successful vote to adopt or amend.

Article 15:

The Planning Commission complies with current statutory requirements of the public and open meetings act.