

LINDON CITY CODE

Chapter 17.08

PLANNING COMMISSION

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Section 17.08.005 Purpose

The Planning Commission is established as the land use authority for specifically identified items and shall also make land use and development recommendations to the Mayor and the City Council as set forth in this Code. This does not include policy making powers of the City that remain under the control of elected officials. The Planning Commission shall see that proposed developments conform to the codes and provision required within the City. The Lindon City Planning Commission is formed pursuant to the Utah State Code. (Ordinance 2008-11, adopted 11/18/2008).

Section 17.08.010 Membership--Appointment.

1. The planning commission shall consist of seven (7) members, each to be appointed by the Mayor, with the advice and consent of the City Council. Members of the Planning Commission shall be residents and owners of real property within the jurisdiction. No member of the City Council, Board of Adjustment, and no City employee shall be a member of the Planning Commission. (Ord. 2008-11, adopted 11/18/2008, Ord. 2000-6, Amended, 10/04/2000)
2. Appointment of an Alternate: When deemed necessary, the Mayor, with the advice and consent of the City Council, may appoint one alternate Planning Commission member to sit on the Planning Commission as a voting member. The Alternate Planning Commission member may participate in all regularly scheduled meetings and activities, however, may only participate as a voting member in the absence of one of the seven regularly appointed members. (Ord. 2008-11, Adopted 11/18/2008, Ord. 2002-24, Add, 11/19/2002)

Section 17.08.020 Term of office.

1. The terms of the appointed members of the planning commission shall be three (3) years, or until their respective successors shall have been appointed, except that the terms of appointment shall be such that the terms of two (2) or three (3) members shall expire each year. Planning Commission members may serve multiple terms as appointed by the Mayor and City Council. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
2. The planning commission existing at the time of passage of the ordinance codified in this chapter shall continue to serve, and the terms of its members shall be fixed by the governing body in such a manner as to comply with the above provisions for staggering terms of service.
(Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(B)) (Ord. 2000-6, Amended, 10/04/2000)

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Section 17.08.030 Compensation

The members of the Planning Commission may receive a stipend as established by the Lindon City Council. In addition, the City Council shall provide for the reimbursement of the members of the Planning Commission for actual expenses incurred, upon presentation of proper receipts and vouchers. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(C).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.040 Vacancies and Removal.

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the governing body. The governing body shall have the right to remove any member of the Planning Commission for misconduct and may remove any member for nonperformance of duty. Un-excused absences from two (2) consecutive regular meetings of the Planning Commission may be considered by the governing body as nonperformance of duty. Un-excused would consist of no prior notice to planning staff or other commissioner(s) of the absence. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(D).)(Ord.2000-6, Amended, 10/04/2000)

Section 17.08.050 Policies and Procedures

The Planning Commission shall adhere to the following policies and procedures in administration of the commission duties and governance of their meetings.

1. Organization:

- i) Quorum – A quorum of at least four Planning Commission members must be present to hold a meeting and conduct business according to a legally prepared and posted agenda.
- ii) Chairman and Vice Chairman – The annual election of the Chairman and Vice Chairman shall take place once each year. Nominations for each office shall be received from the voting Commission members. The Chairman and Vice Chairman shall serve for a term of one year. In the event of absence or disability of the Chairman, the Vice Chairman shall preside. In the absence of both, the members shall appoint a Chairman for the meeting. The Vice Chairman shall succeed the Chairman for the period of the unexpired term if he or she vacates office before the term is completed. A new Vice Chairman shall be elected at the next regular meeting.

2. Agenda Preparation:

The Planning Director or appointed designee shall prepare the Planning Commission agenda and deliver the agenda and other reports, materials and communications pertaining to the agenda to all necessary parties prior to the meeting. The Planning Commission may not act on or make any final decision regarding an item that is not on the agenda. The Director or appointed designee shall also provide all required noticing and prepare all reports and gather such information as may be necessary for the Planning Commission to conduct its business.

3. Meetings:

The Planning Commission shall give notice at least once each year of its meeting schedule for all regular meetings. Public notice of all meetings shall be provided in accordance with Utah Code and all applicable Lindon City codes.

- i) **Meeting Procedures.** All Planning Commission meetings shall be conducted in accordance with the required procedures contained in the Utah Code.

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- ii) **Public Comment.** There shall be on every agenda of the Planning Commission an item entitled “public comment”. The public comment portion of the meeting shall be limited to the public speaking to the commission on any item not on the agenda. Members of the public shall be free to express any idea, question, or view point without limitation except for time and the manner of the presentation
- a. **Individual Members of the Public.** Shall be limited to the time allowed by the Chairman. The Chairman shall ensure that the public comment is civil and orderly. The Chairman shall use his/her best efforts to allow the free expression of the public and keep the meeting in order. Planning Commissioners and staff should not interrupt, argue with, or otherwise interfere with any comment by a member of the public. The Planning Commissioners and staff may ask clarifying questions of the member of the public making a presentation, and other members of the public may comment at the discretion and recognition by the Chairman.
- b. **Public Participation in the Meeting.** Other than at a required public hearing and the public comment portion of the meeting, members of the public shall not be allowed to participate in the meeting unless they are on the agenda or requested to present to the Planning Commission by the Chairman or a member of the commission. At the discretion of the Chairman, the public may participate when recognized by the Chairman.
- c. **Planning Commissioner Participation.** At regular meetings of the Planning Commission, members shall speak in vigorous debate and discussion without interrupting others who are speaking. Any meeting designated as a work meeting shall be more informal and Planning Commissioners may freely participate as long as proper decorum is maintained. Planning Commissioners shall conduct themselves at all times with decorum and respect and shall refrain from making any disparaging remarks concerning any other member of the governing body or the public.
- d. **Chairing the Meeting.** The Chairman shall preside over all meetings and hearings of the Commission and shall execute all official documents and letters on behalf of the Commission. The Chairman shall pace the meeting so that all items on the agenda can be addressed and either concluded or continued. The Chairman shall use his/her best efforts to preserve order and see that members of the commission and the public are treated at all times with respect.
- e. **Meeting Adjournment.** Meetings of the Planning Commission, as a goal, shall be scheduled to end at a reasonable hour and the Chairman and commissioners shall use their best efforts to conclude the meeting in a timely manner. The meetings of the Planning Commission shall not be adjourned until either all items listed on the agenda have been acted upon or a motion to adjourn is made and approved by a majority of the Planning Commission.

4. Voting and Conflicts of Interest:

A quorum of Commission members must be present and vote in a public meeting for the Commission to make a decision. Any agenda item must receive four affirmative votes for approval or recommendation to the City Council for approval. Failure to vote by a member shall be counted as an abstention. All votes will be cast verbally. All official Commission members will vote except those who have abstained. A Commission member shall abstain

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only if he or she has possible conflict of interest. If the Commissioner(s) suspects that they may have a conflict of interest which would affect their employment or financial interests concerning any matter to be reviewed by the Planning Commission, they shall consult with the City Attorney prior to the scheduled review for advice regarding the appropriate action to be taken or shall declare the conflict on the record and should recuse themselves from the meeting and not participate in the discussion or voting on the matter. If the Commissioner(s) first suspects such a conflict of interest during the meeting in which the matter is being reviewed, they shall declare the conflict on the record and should recuse themselves from the meeting and not participate in the discussion or voting on the matter.

17.08.055 Electronic Meeting Policy of the Planning Commission

The Lindon City Planning Commission may conduct electronic meetings where one or more of its members participates by means of a telephonic or telecommunications conference pursuant to Section 52-4-207 of the Utah Code Annotated as may be amended. The following procedures shall be followed for an electronic meeting of the Planning Commission:

- a. **Members Considered Present.** Planning Commission members participating electronically shall be considered present at the meeting for all purposes, shall be afforded every opportunity to participate in the discussion of the agenda items, and shall be allowed to cast their vote on issues coming to the Planning Commission for a vote.
- b. **Anchor Location.** The main anchor location as described in State Law is 100 North State Street, Lindon, Utah, 84042. Any additional anchor location (i) shall be identified by the Planning Commission by its proper address; or (ii) shall be the location of the Chairperson or Acting Chairperson of the Planning Commission with the proper declaration and shall be identified by its proper address or other identification as defined in the notification requirements of the State Law.
- c. **Public Notice.** Public notice of an electronic meeting of the Planning Commission shall be given pursuant to Section 52-4-202 of the Utah Code Annotated by:
 - i. posting written notice at all anchor locations;
 - ii. posting written notice on the Utah Public Notice Website created under Section 63F-1-701; and
 - iii. providing written or electronic notice to (a) at least one newspaper of general circulation within the County, or (b) a local media correspondent.
- d. **Notice to Planning Commission Members.** City staff shall provide notice of an electronic Planning Commission meeting to all Commission members at least 24 hours before the meeting so that they may participate in the meeting and be counted as present for all purposes including the determination of whether a quorum is present. This notice shall include a statement that one or more members of the Planning Commission will be participating electronically, a description of how each member participating electronically will be connected to the meeting, and the regularly published agenda for that meeting.
- e. **Chairperson Participation.** Unless specified otherwise, no Planning Commission meeting may be held electronically unless the Chairperson or Acting Chairperson of the Planning Commission is present at an anchor location and conducts the meeting.
- f. **Electronic Communications Line.** Immediately prior to opening an electronic Planning Commission meeting, the Chairperson or Acting Chairperson of the Commission shall

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communicate with each Commission member who is participating electronically and ensure that he or she is prepared to move forward. From that time forward until the adjournment of the meeting, the electronic communications line shall be kept open unless a Commission member participating electronically wishes to withdraw from the meeting.

- g. **Continuing the Meeting.** If a Planning Commission member who participates electronically withdraws early from a meeting, any remaining meeting agenda items may be completed if (i) there is still a quorum of the Commission present at the main anchor location, or (ii) there are sufficient other members who are participating electronically to comprise a quorum with those at the main anchor location.
- h. **Public Attendance and Participation.** The public may attend the open portions of an electronic Planning Commission meeting at the main anchor location. The public may participate to the same extent as with a non-electronic Planning Commission meetings.
- i. **Electronic Participation.** Prior to taking a vote on any issue, the Chairperson or Acting Chairperson of the Planning Commission (i) shall inquire of each Commission member participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, and (ii) shall allow each Commission member the opportunity to make any comments that he or she desires.
- j. **Electronic Meeting Minutes.** The minutes of an electronic meeting of the Planning Commission shall include the name of each Commission member who participated electronically, the nature of the electronic communication, and the duration of the Council member's participation. (Ord. 2014-5, Adopted 1/21/14).

Section 17.08.060 Employment of Experts and Staff

The Planning Director and/or staff are assigned to provide staff support to the Commission, the level of which shall be determined by the Director, in consultation with the Commission. The Planning Commission shall have power and authority to employ experts, and to pay such expenses as may be reasonable and necessary for carrying out the powers hereinafter set forth, but not in excess of such sum as may be appropriated by the governing body and/or which may be placed at the disposal of the Planning Commission by gift or otherwise. (Ord. 2008-11, adopted 11/18/2008, Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.070 Adoption of Rules and Regulations

Pursuant to the authority and requirements of state law, the Planning Commission shall adopt such rules and regulations governing its procedures as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(G).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.080 Powers and Duties of Planning Commission

1. Recommendations to the City Council.

The Planning Commission shall prepare and make recommendations to the City Council for;

- a. A general plan and amendments to the general plan;
- b. Land use ordinances, zoning maps, official maps and amendments;
- c. Annexation and zoning of property into City;
- d. Other matters as established by the City Council and this code.

2. Review and Decision.

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- a. Unless an item is required to receive final review by the City Council (See 17.08.090), the Planning Commission shall review and decide land use applications and matters as established by this code or the City Council and shall act as the land use authority for items as listed in LCC 17.09, Table #1;
- b. The Planning Commission shall conduct meetings as outlined in LCC 17.08.05.
- c. When acting as a Land Use Authority, the effective date of a final decision of the Planning Commission is the date of the meeting in which a written decision is issued for the subject item. When acting as an Appeal Authority, the effective date of a final decision is the date when the decision is made (not when written decision is approved).

3. Entrance upon Land.

The municipality (staff, administrative and legislative body, etc.) may enter upon any land at reasonable times to make examinations and surveys pertinent to the;

- a. preparation of its general plan; or
- b. preparation or enforcement of its land use ordinance; or
- c. preparation for a land use decision for which a land use application, business license, or other application has been received.

4. Other Powers.

The Planning may exercise any other powers necessary to enable it to perform the functions delegated to it in this Code, or other matters as established by the City Council. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(H).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.090 City Council Review.

The Lindon City Council, in giving authority to the Planning Commission to review and approve all types of land use applications, reserves the right to review such application in a regularly scheduled City Council meeting when found to be in the public interest. The Council shall designate an item for Council review before a development application is advertised on an agenda for a Planning Commission meeting. At such time as the City Council names an item for review, the Planning Commission shall make a recommendation to approve or deny an application to the City Council. The City Council shall then become the final land use authority for the development application. (Ord. 2014-5 amended, 1/21/14 (Ord. 2009-7, adopted 7/21/2009, Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(I).)(Ord. 2000-6, Amended, 10/04/2000)