

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 18 March 2021

TIME COMMENCED: 6:00 p.m.

LOCATION: Electronic Meeting through Zoom

PRESENT: COMMISSIONERS:

Gary Boatright
Jeremy Davis
Wes Johnson
Julie Losee
Taylor Walton

CITY PLANNER:

Shari Phippen

CITY ENGINEER:

Brandon Jones

DEVELOPMENT COORDINATOR:

Kimberli Guill

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Blair Halverson

City Planner, Shari Phippen called the meeting to order.

1.PLEDGE OF ALLEGIANCE: Commissioner Johnson

2.Read Electronic Meeting Declaration: City Planner, Shari Phippen

Order on Public Meetings of the South Weber City Planning Commission

With recent turnover, the South Weber City Planning Commission is without a Chairperson. The Planning Commission will elect a Chairperson at its next regularly scheduled meeting. This will occur before the Planning Commission takes action on any matter.

In the meantime, I, Shari Phippen, have been asked to organize this meeting. As the de facto chair of this meeting, and in keeping with the protocol the Planning Commission was following prior to the recent changes in membership, I do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the Utah Open and Public Meetings Act, presents a substantial risk to the health and safety of those who may be present at the anchor location; and

2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the Utah Open and Public Meetings Act;

NOW THEREFORE, BASED UPON THE FOREGOING,

For thirty days from the date of this Order, meetings of the South Weber City Council shall be conducted by electronic means without an anchor location. DATED this 18 day of March, 2021.

3. Swearing in of New Planning Commission Members: Jeremy Davis, Julie Losee & Taylor Walton: City Recorder Lisa Smith conducted the swearing in of Jeremy Davis, Taylor Walton, and Julie Losee.

4. Appointment of Chair & Vice Chair: Commissioner Boatright, Commissioner Walton, and Commissioner Johnson volunteered to serve as the chairperson. City Planner Shari Phippen made a point of order to remind everyone that the proper procedure is to make a motion.

Commissioner Walton moved to serve as Chairperson for the South Weber City Planning Commission. The motion died due to lack of a second.

Commissioner Walton moved to serve as Chairperson for South Weber City Planning Commission. The motion died due to lack of a second.

Commissioner Walton stated he has been heavily involved on the Code Committee. He has served for the past five years on the Planning Commission.

Commissioner Boatright expressed he has served on the Planning Commission for the last year and it has been a year of drama. He feels he can improve the efficiency of this group. He is levelheaded and reasonable.

Commissioner Johnson explained he has had experience serving on the Planning Commission and has served on the Parks and Recreation Committee. He feels meetings can be shortened.

Commissioner Davis moved to appoint Gary Boatright as Planning Commission Chairperson. Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

Commissioner Johnson moved to appoint Taylor Walton as Planning Commission Vice Chairperson. Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

5. Public Comment: Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date.

Comments will also be accepted at publiccomment@southwebercity.com

- a. Individuals may speak once for 3 minutes or less.
- b. State your name and address.
- c. Direct comments to the entire Commission
- d. Note Planning Commission will not respond during the public comment period.

Emailed public comments were received from the following individuals:

- Paul Sturm, 2527 Deer Run Drive, South Weber, UT
- Joel Dills, 7749 S. 2100 E., South Weber, UT

6. Approval of Consent Agenda

- 14 January 2021 Planning Commission Minutes
- 11 March 2021 Planning Commission Minutes

Commissioner Boatright moved to approve the consent agenda. Commissioner Walton seconded the motion. Commissioner Boatright called for the vote. Commissioners Boatright, Johnson, and Walton voted aye. Commissioner Johnson abstained from approval of the 14 January 2021 as he was excused from the meeting. The motion carried.

Commissioner Losee moved to open the public hearing on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approximately 128 E. South Weber Drive. Commissioner seconded the motion. Commissioner Johnson called for the vote. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

***** PUBLIC HEARING *****

7. Public Hearing & Action on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive

City Engineer Brandon Jones memo of 12 March 2021 is as follows:

Our office has completed a review of the Final Plat for the Public Works Subdivision, dated March 12, 2021.

BACKGROUND

South Weber City is under contract to potentially purchase property for a new Public Works Facility. The property is located to the north of the South Weber Soccer Facility and to the south & east of the Heather Cove Subdivision. The City is currently in the due-diligence period prior to closing on the property; and is investigating all aspects of the property to assess the viability of the property for its desired future use. One part of the city's due diligence is to create the surveyed lot in the configuration desired by the City for purchase, with access to South Weber Drive. The purchase of the property is the first phase. No improvements are proposed at this time, as there is no current funding to build the facility. A Sketch Plan meeting was held on March 2, 2021. Comments by staff were given and revisions made to the plat. The City Code allows preliminary and final to be combined for minor subdivisions (1 to 10 lots). This

subdivision only has two lots and is therefore considered a minor subdivision. The proposed plat is the final plat.

PLAT

E1. No comments.

IMPROVEMENT PLANS

E2. No improvements are required until the City moves forward with plans for the Public Works Facility. All improvements required by City Code will be implemented.

STAFF ASSESSMENT

E3. The plat meets all requirements of City Code. The future intended use of the property as a Public Works Facility in the Commercial Recreation (C-R) Zone is a conditional use and will have to be approved as such when the city is ready to build the facility.

Commissioner Boatright asked if there was any public comment. There was none.

Commissioner Johnson moved to close the public hearing on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approximately 128 E. South Weber Drive. Commissioner Losee seconded the motion. Commissioner called for the vote. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

***** **PUBLIC HEARING CLOSED** *****

City Engineer Brandon Jones explained the plat in the packet is what is being worked on. There has been a minor change concerning access approval from UDOT onto South Weber Drive. UDOT is requesting it be consolidated with access to the west and become one. The city is working with Ray family. City Planner Shari Phippen suggested the Planning Commission discuss this item but continue it to the next Planning Commission meeting.

Commissioner Johnson asked if the city is planning to install sidewalk, curb, and gutter along Kingston Drive. Brandon explained an amendment to the general plan will need to take place before the city does anything. He discussed Harper connection being necessary, but not Kingston. Commissioner Johnson asked if adjacent landowners have been contacted. Brandon pointed out they were all sent a public notice for this meeting. Kim has not received any public comment concerning this item; however, she did receive a couple of phone calls. Commissioner Boatright received an email from Kathy Williams. Commissioner Losee wishes there were more public comment. She questioned if it is smart to have a preliminary and final all in one meeting. Shari explained most subdivisions are big enough and need a longer process with infrastructure, etc. Years ago, the State of Utah came up with an option for 10 lots or less, because there may not be the need for much infrastructure. She stated just because the preliminary and final plat are on the same meeting, they still must be compliant with city code. This is also a significant cost savings for individuals doing small projects. Commissioner Losee asked what will happen to Kingston Drive and whether it would become a cul-de-sac. Brandon stated if the city does not intend to connect it through the property, then the general plan will need to be amended. Shari explained it may not be a cul-de-sac, but the fire code may allow for the stub. Chief Tolman and the City Engineer will look at the length of Kingston Drive and the fire code will dictate whether

it is to be a cul-de-sac, etc. Commissioner Losee asked about the multiple points of access required. Brandon discussed the city recognizes the need for access onto South Weber Drive which will help eliminate the city driving through neighborhoods.

Commissioner Walton does not like the city code allowing for preliminary and final plat together and would recommend bringing that to the City Councils attention. He asked where the Smith & Edwards Subdivision is being amended. Brandon explained the property was owned by Elite Training Facility. Lot 1 is the soccer facility, and it goes all the way to the west property line. Because of the access onto South Weber Drive, the Smith and Edward Subdivision needs to be amended. Brandon recognized this being preliminary and final and asked if there is any concern with what is presented. Commissioner Losee would like to allow for more public comment. She is concerned in the future; citizens will be impacted by the South Weber Public Works Department. Brandon expressed the city is not trying to hide the fact that this will be for Public Works. Shari pointed out this item has been heavily discussed with the City Council. The city has been completely transparent about the intended use of that property. Commissioner Boatright expressed from his experience there has not been a lack of public comment for the citizens. Commissioner Walton would like the opportunity to look at the city code and how the city got to 10. Shari will investigate how the city came up with the 10.

Commissioner Walton asked about Hill Air Force Base contour lines. Brandon replied it incorporates the entire property.

Commissioner Walton moved to continue the Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approximately 128 E. South Weber Drive to the 8 April 2021 Planning Commission Meeting. Commissioner Losee seconded the motion. Commissioner Boatright called for the vote. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

8. Planning Commission Bylaws

Commissioner Boatright explained the City Council recently updated City Code related to the Planning Commission requiring the adoption of Planning Commission Bylaws. Staff has drafted Bylaws based on research from other cities' bylaws and bring them forward to the Planning Commission for consideration.

City Planner Shari Phippen explained the City Council feels it is up to the Planning Commission to dictate their bylaws. She understands a couple of public comment emails have been submitted. She revealed the bylaws are a tool to help the Planning Commission function properly.

Commissioner Walton asked about paragraph #2 concerning a "silent vote" and asked for clarification. It was stated the silent vote takes place if there is more than one commissioner nominated. This helps eliminate awkwardness.

Commissioner Walton requested the entire Planning Commission have the opportunity to review the agenda. Shari pointed out that would be a violation of the Open and Public Meetings Act, but she will ask the City Attorney. Commissioner Walton suggested it would be an opportunity for more eyes to review it, because there are times when agenda items are not ready to be on an agenda. Commissioner Boatright disagreed with Commissioner Walton because he leans heavily

on the city staff. Kim pointed out the agenda is posted two weeks in advance, but the packet information is not necessarily available until approximately a week before the meeting.

Commissioner Walton addressed item #5 and suggested changing the language from “the Chair shall have the right”. He also questioned item #9. Shari suggested rewording the sentence. Shari reminded the Planning Commission if there are items that each individual Planning Commission member would like to address, please contact her.

Commissioner Losee asked if there is a point when the Planning Commission is appointed to committees and does it make sense to include that in the bylaws. Commissioner Boatright has not seen a sub-committee with just Planning Commission members. Commissioner Johnson commented the information from Joel Dills was not received until later this afternoon. He would suggest Shari review it and then come back to us with comments. Shari stated she has reviewed all of it and the Planning Commission does not reference committees. Commissioner Boatright suggested the Planning Commissioners review the bylaws and submit recommended amendments to Shari Phippen.

Commissioner Boatright addressed C. item #2 concerning the vice chair reporting to the City Council. Shari recommended the vice chair send a report to the City Council verses requiring the vice chair attend City Council meetings. Commissioner Davis asked if there is something specific the City Council is looking for. Blair Halverson, City Council member, discussed him being appointed as the liaison and how difficult it has been in the past for the City Council to know what is going on. Commissioner Losee suggested the vice chair be responsible for reporting to the City Council. Commissioner Boatright discussed the importance of minutes and the opportunity to review the meeting on YouTube. Commissioner Walton sees this as the vice chair providing an executive summary through email. Shari discussed various ways minutes can be used, providing executive summaries, quarterly joint City Council/Planning Commission meetings, etc. She recommended trying something and if it does not, then change the process.

Commissioner Walton questioned if C. Public Hearings item #2C needs to be included in the bylaws. Shari replied there are already items in place in the city code, but she will discuss this item with the City Attorney.

It was decided the Planning Commission members will send a copy of their amendments to the City Planner Shari Phippen by 26 March 2021. She reminded the Planning Commission they can email copies to each other but should not engage in conversations.

9. City Code Title 10 Definitions

Commissioner Walton reported the Code Update Committee has been reviewing all the approved uses in City Code Title 10 and the accompanying definitions of those uses. Prior to adoption of any land use code changes, the Planning Commission has a chance to review and recommend changes.

The Code Update Committee will bring its work product to the Planning Commission as various pieces are completed, the first of which is an update to code section 10-1-10 Definitions. Planning Commission will be able to review the suggested changes and recommend those changes to City Council or amend the changes and recommend the changes they see fit.

City Planner Shari Phippen discussed the definitions and land use chart and expressed just because it is in the definition does not mean it will be in the land use chart. Commissioner Boatright commended Commissioner Taylor and the Code Update Committee for their hard work on this, and he does not have any questions or concerns. Commissioner Losee questioned why a tiny home is considered a recreational vehicle because it is not constructed to travel on the road. Commissioner Walton the intent is to state a tiny home is recreational because it is moveable by definition. Shari stated she has seen tiny homes put in the back of a truck bed. Commissioner Losee suggested further defining it. Shari reported tiny homes are not considered an accessory dwelling unit and did not survive the conversation at the Legislature.

Commissioner Davis does not have any concerns with what was written. Commissioner Walton thanked everyone who has been involved with these updates. He suggested if anyone has questions, please do not hesitate to reach out to him. Shari will put more context into tiny homes. She informed everyone over the next several months all of Title 10 will be reviewed and amended. If the Planning Commission is okay with the definitions, this will not come back to the Planning Commission until there is a packet to be voted on. The Planning Commission agreed.

REPORTS:

10. Planning Commission Comments (Boatright, Davis, Losee, Johnson, Walton)

Commissioner Boatright: expressed his appreciation to Rob Osborne and Tim Grubb for their service on the Planning Commission.

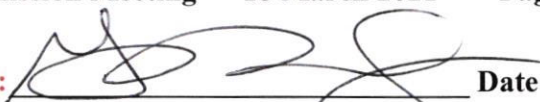
Commissioner Losee: discussed removing gender on the Planning Commission Bylaws. She asked when the Planning Commission meetings will be held in person. Shari replied after April 10th the mask mandate will no longer be required. Commissioner Boatright suggested the next meeting on 8 April 2021 be held electronically.

Commissioner Johnson: The Parks and Recreation Committee met, and the dog park will open on 28 May 2021. The underpass under Highway 89 will start next summer.

Commissioner Walton: suggested including remote locations in the bylaws. Shari will contact Jayme to see if there is anything to prevent that. He has not heard anything about HAFB compatible use plan. He would like to know where they are in the study. Brandon will work with Shari on that. He has not received any updates.

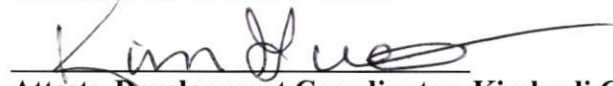
ADJOURNED: Commissioner Losee moved to adjourn the Planning Commission meeting at 8:00 p.m. Commissioner Davis seconded the motion. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

APPROVED:


Chairperson: Gary Boatright

Date


Transcriber: Michelle Clark


Attest: Development Coordinator, Kimberli Guill

From: [Paul](#)
To: [Public Comment](#)
Subject: Planning Commission Bylaws
Date: Thursday, March 18, 2021 1:45:56 PM

SWC Planning Commission,

After a review of the proposed PC Bylaws in the packet for the 18Mar21 meeting, I noticed something that I believe should be changed.

I first noticed it while reading Packet Page 28 of 71 in Section II Meetings - Subsection C. - Subparagraph b) - "A spokesman for...." should not be gender-specific. I suggest that the word "spokesman" should be replaced by "spokesperson" and similar changes made throughout the document. Since the document is an embedded pdf, it was not searchable.

Thank you,

Paul Sturm
2527 Deer Run Drive
801-920-1428 (C)

From: joel.dills@gmail.com
To: [Public Comment](#)
Subject: Planning Commission Public Comment - March 18 2021
Date: Thursday, March 18, 2021 4:54:49 PM
Attachments: [Planning Commission Bylaw Changes.pdf](#)

Joel Dills
7749 s 2100 e

Commissioners,

One of the items on the agenda for the upcoming Planning Commission is the consideration of a set of bylaws relating to the organization and procedures of the planning commission. The planning commission provides citizen review and recommendations on planning-related matters to the City Council. Staff has created a very thorough starting point for the discussion, but I thought it would be appropriate if I added some recommendations for our Planning Commission to consider adding.

I outlined in red what I thought unnecessarily complicated Conflicts of Interests by requiring a peer to publicly challenge the their fellow commissioner, instead of just making it an automatic step of a simple vote of the commission. I highlighted in yellow my additions and followed them with a brief explanation of the intent behind it.

Thank you for considering my additions.

Joel



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Planning Commission Bylaws

I. ORGANIZATION

A. Appointment of the Chair and Vice Chair

1. According to City Code section 10-3-4, during February of each year, the Commission shall appoint a Chair and Vice Chair for the next year. Appointees shall assume their duties upon selection.
2. Appointment of the Chair and Vice Chair shall be done separately through open nomination for appointment from any Commissioner. If only one Commissioner is nominated for appointment for either position, an approval vote of the Commission shall determine the appointment. If more than one Commissioner is nominated for either appointment, a simple majority of the Commissioners present during a silent vote shall determine the appointee.
3. The term of the Chair and Vice Chair is determined in City Code.

B. Duties of the Chair

1. Review and approve agendas prior to Commission meetings;
2. Call meetings of the Commission to order on the day and time scheduled and proceed with the order of business;
3. Receive and submit, in the proper manner, all motions, recommendations, and propositions presented by the Commissioners;
4. Put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such actions taken;
5. Inform the Commission, when necessary, on any point of order to practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice;
6. Authenticate by signature all of the acts, findings, orders, and proceedings of the Commission;
7. Maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
8. Recognize speakers and Commissioners prior to receiving comments and presentations; and
9. Ensure the legal due process to all items and people involved in each item of each meeting agenda.
10. The Chair shall appoint all committees and their respective chairs; Prior to making such appointments, the Chair shall solicit interest from Commissioners as to service.
12. The Chair may delegate duties to other Commissioners with the consent of the Planning Commission. *(These allow the Chair to set up formal committees to tackle specific tasks before the entire Commission is required to act. One such committee would be the General Plan Amendment Committee, which would be tasked with recommending amendments to the current General Plan. Another Committee could be tasked with Land Use and Zoning Policy*

recommendations to the CC and City Code. We need one to help draft a noise ordinance, ADU guidelines, etc.)

C. Duties of the Vice Chair

1. The Vice Chair shall have and perform all the duties and functions of the Chair in the absence of the Chair.

2. Provide regular, report to City Council on all acts, findings, orders, and proceedings of the Commission;

3. Provide report and Commission recommendation to City Council on City Code-related concerns identified by the Commission during project reviews;

4. Attend City Council Meetings, where an official decision of recommendation or recommendation with conditions of the Planning Commission is discussed. In this role, the Vice Chair, or a member delegated, may be available to answer specific questions from the City Council, concerning its decision. When the representing the Planning Commission, the Vice Chair must support and advocate the official position of the Planning Commission, not a personal viewpoint. *(During a recent City Council meeting where changes to the Planning Commission was discussed, the importance of having a member present the Commission's decision in an effort to improve communication between the two groups)*

D. Temporary Chair

1. In the event of the absence or disability of the Chair and Vice Chair, and with a proper quorum present, a temporary Chair shall be appointed to conduct business prior to any agenda item to serve as the temporary Chair until the return of the either the Chair or Vice Chair.

2. The temporary Chair shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chair.

E. Quorum

1. The number of Commissioners of necessary to constitute a quorum is three (3) or more. No action of the Commission shall be official or have any effect except when a quorum of the Commissioners is present.

2. Any Commissioner choosing to abstain from a vote on an agenda item shall be included when in consideration of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum.

3. When a conflict of interest results in a lack of Commissioners present to approve a motion, the issue, at the discretion of the Chair, may be heard by the Commission but may not have action taken upon it until an adequate amount of Commissioners can be present to properly vote on the issue.

4. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Commission, the meeting shall be canceled, only after a reasonable allowance of

time for a quorum to arrive, through a motion for adjournment. No second shall be required for such motion. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of quorum before any matters of business are heard at the next scheduled Commission meeting.

F. Placing Items on the Agenda

1. A request for an item to be on a Commission meeting agenda may be initiated by the Chair, three Commissioners, City staff with the support of the Chair, or an applicant that has submitted a complete application.

2. No subject matter shall be placed on the agenda for action at any given meeting which was not formally filed with the City Planning Coordinator or designee, as hereafter provided, or which was not initiated by motion of the Planning Commission.

3. City Staff or the Chair may, however, place housekeeping and non-action items on the agenda.

4. Any person desiring to appear before the Planning Commission shall complete an application and submit all required materials and fees to the Planning Department. An application that does not include all of the required signatures, materials, fees, or other necessary information shall be deemed incomplete and returned to the applicant. *(The intent here is to prevent projects and plans from being unofficially submitted. For example; Applicants wishing to make a zoning change would have to submit full plans with specific changes providing the Commission with enough information to make a recommendation – anything else is wasting the Commission's time and resources. Fees are required as part of the process, to offset the cost of our city staff including the Planning Coordinator, the City Engineer, The City Planner and the City Attorney, all of which may be called upon to provide input.)*

II. MEETINGS

A. Meeting Schedule

1. At one of the last regularly scheduled meetings of each year, the Commission shall have an agenda item to determine the general meeting schedule for the following year. Except for those meetings rescheduled or cancelled, meetings of the Commission are typically held on the 2nd Thursday of each month, are to begin promptly at 6:00 p.m., and are to be held in the City Council Chambers of South Weber City Hall. Alteration to the time of day or place a meeting is to be held may be made through notice and advertisement of the meeting which states the specific alteration(s).

2. The determination of the general meeting schedule shall take into consideration the dates for which meetings will be scheduled and the possibility of special meetings or the cancellation of meetings to avoid conflicts.

3. Every meeting of the Commission is to be open to the public and conducted in accordance with the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. Seq.).

4. Pending minutes, approved minutes, and a recording of a public meeting are public records under [Title 63G, Chapter 2, Government Records Access and Management Act](#).

5. As per State law, A public body that is not a state public body or a specified local public body shall:

(i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes, make the approved minutes available to the public; and

(iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

B. Procedure of Consideration of Agenda Items

The following procedure will normally be observed for all agenda items, however, it may be rearranged at the discretion of the Chair for an individual item, for the expeditious conduct of business:

1. Introduction of the item by the Chair;
2. Staff presentation and analysis;
3. Presentation of the proposal by the applicant;
4. Public Hearing (as applicable)
5. Commission discussion.

The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff or the applicant(s); and

6. Motion and Vote.

The Chair may outline the possible actions of approval, approval with conditions, tabling, or denial prior to entertaining a motion. Voting shall be in accordance with section F below.

7. Written Decision / Recommendation.

The City Council depends on the recommendations of the Planning Commission for its decision-making process. At the conclusion of a meeting or hearing where the Commission has voted upon a recommendation to the City Council, the Commission shall authorize the Chair to prepare and sign on the Commission's behalf a written decision that shall set forth the Commission's findings, conclusions and recommendations on the matter.

Any dissenting Commission member may prepare a dissenting decision individually or together with other dissenting Commission members.

A brief History of any and all previous interactions and decisions pertaining to decision or recommendation, shall accompany the written decision.

The City Planning Coordinator or designee shall distribute copies of the written decision together with any dissenting decisions to the City Council, Commission members, and interested parties. *(The intent here is to provide the City Council with not only the decision, but the*

questions, comments and concerns brought up by the Commission in it's decision making process. This prevents duplication of work when it gets up to the City Council and provides a permanent record of the Commissions due diligence. in an easily to digest format)

C. Public Hearings

1. Procedure

a) Opening of the public hearing by the Chair;

b) Roll Call.

Commissioners are noted as Present, Absent - Excused, or Absent - Unexcused. If a Commissioner is late, they are changed to Present. To be classified as Absent - Excused, a Commissioner must notify either the Chair, Vice Chair or Planning Coordinator or designee, at least 1 hour prior to the start of the meeting. *(A formal record must be kept of the who is present, which give the Commission the authority of a quorum needed to conduct business. This also allows the Mayor, City Council and Commission members a way to track required attendance of meetings)*

c) Review and amend Agenda as needed.

d) Public declaration of Conflicts of Interests as defined below

e) Testimony by citizens present to discuss the item through comment or testimony of facts or arguments;

f) Rebuttal and concluding comments by the applicant, as the burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments and testimony;

g) Closure of the public hearing by the Chair.

2. Comments During Public Hearings

a) Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a three minute timeframe. All public comment shall be directed toward the Commission.

b) A spokesman for a group of citizens wishing to make similar comments regarding the agenda item may be allowed a reasonable amount of additional time by the Chair.

c) Public comment submitted via email, is a valid form of communicating with the Planning Commission and shall be distributed to each member of the Planning Commission as it is received, up to 4 hours before the scheduled meeting time. It is the obligation of each Commissioner to respect and read these comments before the meeting is called to order. *(Public Comment is permitted through a city email address, and there needs to be a reasonable expectation that those comments will be heard before a decision is made)*

d) The Chair shall have the ability to discontinue the receipt of an individual commenting at his/her discretion if the commentary and testimony becomes, disrespectful, rude, or otherwise rowdy and if the person willfully disrupts the meeting to the extent that orderly conduct is

seriously compromised. *(This was changed from giving the power to close all public comment to just stopping the individual acting in a rowdy way. All public comment should not be shut down because of the actions of one individual. The Public has a legal right to comment. I also used the state's wording for "willfully disrupts" the meeting, making it intentional and "seriously compromised" making it more than simply the discretion of the chair.*

3. Commission Action.

No Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighted but **may** not be responded to by the Commission during the public hearing. **A commissioner may request further clarification of comments or ask for sources cited which would allow the commentor an additional 2 minutes to respond.** *(If a commissioner wishes to respond or follow up with questions, the commissioner should be allowed to do so)*

D. Continuance of Agenda Items

Review of any agenda item being held or noticed to be held by the Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.

E. Motions

1. Making a Motion.

Any Commissioner, including the Chair, may make or second any motion.

2. Findings.

Motions for approval, denial, or approval with conditions should state reasons, issues, and facts leading to the motion.

3. Motions repeated.

Motions may be repeated for clarification, further understanding, or consideration at the request of any Commissioner, or by staff for the purpose of clarification for the official record.

4. Legal Counsel.

Any Commissioner may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motion.

5. Second Required.

Each motion of the Commission must be seconded.

6. Withdrawing a Motion.

After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to vote. Withdrawal of a second shall become automatic with the withdrawal of the motion.

7. Motion to Table.

A motion to table an agenda item shall be accompanied by the reasoning and rationale for the tabling, such as further study or pending further information review, and whenever possible, a specific date for which the issue would be reheard.

8. Amending Motions.

When a motion is pending before the Commission, any Commissioner may suggest a motion amendment to the author of the motion at any time prior to the motion being put to vote. The amendment must be accepted by the author of the motion and the author of the second to amend a motion. Amendments to an amended motion shall be handled in the same manner as the original motion (motion to amend/second/vote of Commission).

9. Dead Motions.

In the event that a seconded motion does not carry due to the lack of an adequate sustain vote, the motion is determined to be dead.

10. Motion to Adjourn.

A motion to adjourn shall be required to conclude every Planning Commission meeting, following the addressing of each item on the agenda for that specific meeting.

F. Voting

1. Changing a Vote.

No Commissioner shall be permitted to change his/her vote once the Chair has declared the result of the decision.

2. Abstention.

Any commissioner may choose to abstain from voting on any agenda item if the Commissioner perceives a personal legal implication or other conflict. Commissioners wishing to abstain may remain at the Commission table but do not participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken but must be disclosed as part of the Commissioner's declaration of abstention to ensure that no conflict of interest has occurred.

3. Roll Call Vote.

A roll call vote shall be held to vote on motions made regarding:

- a) The approval of an agenda item where the commission is the designated approving body; or
- b) Recommendations to the City Council regarding ordinances, amendments to the City Code, or adoption or amendment of the General Plan.

III. RIGHTS AND DUTIES OF THE COMMISSIONERS

A. Meeting Attendance

Every Commissioner shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any Commissioner expecting to be absent from a meeting of the Commission shall notify the Chair and the City development staff a minimum of 24-hours before the meeting, except in the case of an emergency.

B. Not to Vote Unless Present

No Commissioner shall be permitted to vote on any question, matter or business, or agenda item unless the Commissioner is present at the meeting in which the vote is taken in person or electronically and the result is announced regarding the issue. No Commissioner shall give his/her proxy to any other person to vote on any issue.

C. Conflict of Interest

Conflicts of interest are determined to be any personal, familial, or financial tie between the Commissioner and the applicant or the item of any manner of business. If any Commissioner has a conflict of interest with an item on an agenda, the Commissioner shall declare the conflict before any testimony for that item is heard.

1. The Commissioner may then choose to step down from the Commission table and withdraw from discussion and voting on the agenda item. Following action by the Commission on the agenda item, the Commissioner may return to the Commission table and resume his/her duties as a Commissioner.

2. In the event the Commissioner declines his/her option to step down after declaring a conflict of interest, the Chair shall ask **if any Commissioner wishes to** request a vote on the conflict.

a) If no such request is made, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.

b) If a request is made, the Commissioner making the request shall detail his/her request including any request to have the commissioner step down and/or withdraw from discussion or voting. The remaining Commissioners, other than the Commissioner declaring the conflict of interest, shall vote as to the request. A simple majority of the remaining Commissioners voting in favor of the request shall approve the request. The Commissioner declaring the conflict of interest shall then comply with the approved request. If an approval is not achieved, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance. **The vote and justification for the decision shall be recorded in the meeting notes.** (The change here is remove the requirement for a member to ask for a vote. This should just be part of the process and not put the onus or pressure on a fellow commissioner to call for it.

3. Any Commissioner who feels he/she, or another Commissioner, may have an actual, apparent, or reasonably foreseeable conflict of interest shall declare such feelings. Such declarations shall be determined and handled as in Section III. C herein.

4. No Commissioner with an actual, or possible, conflict of interest shall, at any time before, during, or after the meeting, attempt to use his/her influence with another Commissioner regarding the agenda item in question.

5. A Commissioner may appear before the Commission through his/her employment or as an advocate or agent, or as the applicant, only after declaring his/her conflict of interest and stepping down from the Commission table.

6. A Commissioner shall not sell or offer to sell services, or solicit prospective clients or employment, by stating an ability to influence Commission decision or based on being a Commissioner.

7. A Commissioner must not use his/her appointed office as a Commissioner to seek or obtain any special advantage.

8. Members who fail to disclose a conflict of interest may be asked to resign immediately by the Mayor or majority vote of the City Council. *(This should go without saying, but the those who hold the public's trust must be held to a high standard)*

9. Members should avoid any contact with individuals or organization who have submitted agenda items for decisioning. *(City Staff works with the applicant during the initial phases of seeking Council approval. There should be no reason for the applicant to meet with Commissioners before their application formally comes before the Commission. In a small town such as ours, this may not always be possible, but in such cases the Commissioner should discourage talking about the application. This will also provide protection to the reputation of our Commissioners, who are already under public scrutiny and may prevent the appearance of undue influences)*

10. No member may, directly or indirectly, give or receive any compensation, gift, gratuity, or reward from any source, except the municipality, for a matter connected with or related to business of the Planning Commission. This includes meals, drinks, tickets to events, travel or leisure activities and discounts on products or services.

9. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. *(This was also discussed in the City Council meeting and should be included in the bylaws)*

IV. ORDER AND DECORUM

A. General Decorum

The atmosphere of a Commission meeting shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings.

B. Commissioner Decorum

At no time shall any Commissioner make any comments, gestures, or other similar actions which is or can be portrayed to be demeaning, insulting, or disrespectful of the other Commissioners, staff, applicant(s), or any member of the general public.

C. Public Clamor

Public Clamor shall not be allowed in any meeting of the Planning Commission, or during any portion of any meeting. Things and actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated and persons conducting this behavior shall be subject to removal from the hearing;

D. Due Process

The Chair shall conduct each meeting in such a manner so as to afford due process throughout the proceedings.

E. Chair's Authority

It shall be the authority and discretion of the Chair to order the removal of any individual member of the general public present at a Commission meeting, groups of the general public, or the removal of the general public present in its entirety, for the duration of the discussion and consideration regarding any single agenda item, or for the remainder of the meeting, if said person or groups of people become rude, disrespectful, disruptive, or otherwise rowdy towards the Commission, any single Commissioner, staff, the applicant, or other members of the general public.

F. Chair's Adjournment

In the event of refusal to leave the meeting by any member of the general public under the authority granted under Section IV.E here in, it shall be the authority and discretion of the Chair to promptly adjourn any meeting of the Commission when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

V. Application to the Planning Commission

A. Submission of Applications

All site plans, revisions to site plans, surveys, plots, documents, reports, supporting statements, or other material to be presented in support of an application shall be submitted to the Secretary not later than 10 calendar days prior to the meeting of the Planning and Zoning Commission at which the application is to be presented or heard. This requirement may be waived by the Chairman only upon a showing of good cause therefor by the applicant.

B. Failure to Appear

If an applicant, his agent or attorney shall fail to appear for the meeting which the application is scheduled for public hearing, the application shall be denied or recommended for denial for failure by the applicant to present a record in support of the application. Any reconsideration of

an application denied under these circumstances shall be scheduled as though it is a newly filed matter; no scheduling preference shall be given unless permitted by the Commission.

V. SUSPENSION OF RULES

A. Non-Exclusive Rules

The rules set forth are not exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Commission meetings as may be considered appropriate from time to time or circumstances for the purposes of orderly and effective conduct of the affairs of the City.

B. Amendment and Adoption of Commission Bylaws

Amendments and adoption of Commission bylaws to supersede those contained herein shall follow the same procedure as the adoption of these bylaws. A motion may be made by any Commissioner to review the bylaws for amendment at any time following their inception. A sustaining vote shall be required to open the review of the bylaws for amendment.

VI. RECORDING OF BYLAWS

A. These bylaws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Commissioner and the City development staff.