



PLANNING COMMISSION

BYLAWS AND OPERATING POLICIES

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DEFINITIONS

As used in this document the following apply:

- a. The Commission: This Term includes all regularly appointed Commissioners, and all Alternate Commissioners.
- b. Member of the Commission: Includes any regularly appointed Commissioner, and all Alternate Commissioners.
- c. Commissioner: Refers to all regularly appointed Commissioners.
- d. Alternate Commissioner: Refers to appointed Alternate Commissioners.

ARTICLE I - GENERAL PROVISIONS

The Pleasant Grove City Planning Commission, hereinafter referred to as "the Commission", shall be governed by all of the following statutes, ordinances, and rules:

1.1 Applicable State Statutes, Local Ordinances, Rules and Policies

To the extent that they remain in force and effect, the Commission, its members and officers shall be governed by the most current applicable state statutes, local ordinances and policies including the following:

- a. UCA 10-9-101 et seq. (The Municipal Land Use Development and Management Act); Title 10, Chapter 3, Part 13 of the Utah Code dealing with disclosure requirements; and Title 52, Chapter 4 of the Utah Code dealing with open and public meetings.
- b. State statutes governing the activities of planning commissions in relation to planning and zoning, including UCA 10-9-401 dealing with zoning power of cities and towns.
- c. The Uniform Land Development Code as set forth in Title 14 of the Pleasant Grove Municipal Code.
- d. The rules and policies of the Commission as set forth herein.
- e. UCA 10-9-204 states: [The Planning Commission of each municipality] shall "prepare and recommend a General Plan ... to the legislative body" This is to be considered as the single most important function and duty of the Commission. This includes a thorough review and update of the existing General Plan at intervals not to exceed every five (5) years.

1.2 Requirement of Familiarity with State Statutes, Local Ordinances, These Bylaws, The Pleasant Grove City General Plan and any Other Rules Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, members shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of planning commission affairs.

1.3 Community Development Department to Provide Technical and Administrative Support to Planning Commission

Section 2-12-090, City Municipal Code, Paragraph (B) (4) directs support to and for the Commission.

1.4 Rules of the Commission to be Available in Community Development Department

A copy of these Bylaws & Operating Policies of the Commission, certified as "official" by the Commission Chair, shall be available in the Community Development Department as a public record. Additional copies shall be provided to members of the Commission and made available to the public upon request, but the official copy shall govern. No amendment to these rules and bylaws shall become effective until incorporated in the official copy.

1.5 Location of Commission Office

The office of the Commission shall be located within the offices of the Community Development Department, 86 East 100 South, Pleasant Grove, Utah.

ARTICLE II - COMMISSION MEMBERSHIP

2.1 Number of Members, Appointment, Compensation, etc.

The membership and appointment of the Commission shall be governed by the provisions of UCA 10-9-201 and Section 14.04.010 "Planning Commission Created; Chairman; Rules." of the Pleasant Grove Municipal Code. Membership will consist of seven (7) Commissioners and one (1) or two (2) Alternate Commissioners. No Commissioner or Alternate will receive compensation for this civic service. Commissioners and Alternates may, however, seek reasonable reimbursement from the Community Development Director for any out-of-pocket expenses

incurred in the fulfillment of their official duty as a Commissioner.

Commissioners and Alternate Commissioners shall be appointed by letter, by the mayor with the advice and consent of the City Council, for four (4) year terms beginning the fifteenth day of January of the year of their appointment. An individual may serve for more than one (1) term but must be formally appointed to each term. Recommendations for filling vacancies within the Commission generally originate from the Commission. The Community Development Director shall maintain current records of the status of each Commissioner's term and will initiate action necessary to maintain the Commission at full membership.

2.2 Causes for Dismissal from Commission

Causes for dismissal from the Commission by the mayor, with advice and consent of the City Council, may include malfeasance, misfeasance, or nonfeasance generally, and in particular:

- a. Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the Commission, or failure to be governed thereby, as required by Section 1.2, and 1.3 above.
- b. Failure to disclose conflict of interest when a member has a personal or monetary interest in the matter involved, or will be directly affected by a decision of the Commission, which the mayor deems to be in violation of the provisions of part UCA 10-3-13.
- c. Grievances offering proof of such failures or other similar acts not in keeping with acceptable standards of performance can be brought forward to the Community Development Director by any member of the Commission.

2.3 Resignations Generally and by Absence

- a. When a member proposes to resign, the member shall give notice of intent to the Commission Chair. The effective date of resignation should allow time for appointment of a replacement.
- b. Failure to attend three (3) consecutive regular meetings, or three (3) of any seven (7) consecutive meetings, without the recorded consent of the Chair, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair may initiate removal of the member.

2.4 Vacancy of Office

When a member dies or becomes incapacitated permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes for any other reason

unqualified for office and fails to resign, the position becomes vacant and the Chair shall cause any necessary investigation to be made to confirm the vacancy.

2.5 Notice of Vacancy

When a vacancy occurs as defined above, the Chair, in cooperation with the Community Development Director, will forward notice to the Mayor of Pleasant Grove. The Mayor may declare the office vacant and appoint a replacement.

ARTICLE III- OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Regular Election of Chair. Vice Chair: Provisions for Contingencies - Continuation of Service Until Successors Take Office

Annually, as the last item of business at the regular meeting of the Commission in the month of December, the offices of Chair and Vice Chair shall be filled for the coming year by Regular Election. Any Commissioner (not alternate) may be elected as Chair or Vice Chair. If such regular meeting is canceled or a quorum is lacking, the election shall be held at a regular or special meeting held as soon as a quorum can be obtained, provided that if no such election is held within 60 days of the dates when generally required, the Community Development Director shall notify the mayor, who shall appoint a Chair and Vice Chair to serve until the next Regular Election. The prior Chair and Vice Chair shall remain in office until successors take office at the next meeting following an election or appointment. A Chair may not succeed him or herself as Chair of the Commission.

3.1.1 Succession of Vice Chair to Office of Chair: Special Elections

If the Chair resigns office or becomes no longer a member of the Commission, the Vice Chair shall succeed in office for the remainder of the term. If the Vice Chair resigns office, becomes no longer a member of the Commission, or succeeds to the Chair's office, a special election shall be held at the next regular meeting of the Commission to select a Vice Chair to complete the term, provided that if such Regular meeting is one immediately preceding the regular election, the Commission may permit the office of Vice Chair to remain vacant until it is filled in the Regular election.

3.1.2 Election Process

Election to offices will begin with the Chair asking for nominations to the applicable offices. Any Commissioner can move a cessation of nomination at any point in the process. This motion must be seconded and receive a simple majority vote for the motion to carry. Having nominations the Chair asks each Commissioner to cast his vote on a piece of paper. The Chair and the Community Development Director will tally the votes. The nominee receiving a simple majority of votes is declared the individual to take the applicable office.

3.2 Duties of Chair and Vice Chair: Appointment of Temporary Chair to Preside at Meetings

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside. In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure and order, unless otherwise directed by vote of a majority of the members in attendance. Where necessary in deciding points of order, normally accepted parliamentary procedures shall be used by the Chair as a point of reference.

3.2.1 Order and Meeting Decorum

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons.

3.2.2 Other Responsibilities and Duties of Chair: Delegation to Vice Chair

The Chair shall have further duties and responsibilities as indicated below. The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during his absence or in case of his disability to perform necessary Commission functions in a timely manner. The Vice Chair shall perform all duties so delegated, and in case of absence or incapacity of the Chair, on approval by a majority of the commission, shall perform any or all duties of the Chair whether or not delegated.

3.2.3 Managerial Responsibilities

Subject to these rules and further instructions from the Commission, the Chair shall direct the official business of the Commission, interface with the Community Development Director in the conduct and affairs of the Commission, request needed technical and administrative assistance from the Community Development Director or the City Council pro tem member of the Commission, and exercise general management direction of the affairs of the Commission.

3.2.4 Assignment of Commission Members to Inspection Duties: Appointment of Committees

The Chair may designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items. The Chair may appoint such standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the functions of the Commission.

3.3 Appointment and Duties of the Secretary to the Commission

3.3.1 Appointment

The Secretary to the Commission shall be appointed by the Community Development Director from the staff of the Community Development Department.

3.3.2 Duties of Secretary

Subject to the direction of the Community Development Director and the Commission Chair, the Secretary shall, in general, attend to all correspondence of the Commission, send out or cause to be published all notices required, attend all meetings of the Commission and all public hearings (except when excused by the Community Development Director with temporary services arranged) , compile and carefully maintain all required records, maintain the necessary schedules, minutes, files, indexes, tape recordings of meetings, and generally perform or supervise all clerical work of the Commission.

ARTICLE IV - CONDUCT OF MEMBERS OF THE COMMISSION AND STAFF

4.1 Representation of Applicants or Petitioners

No member of the Commission or of its staff shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest

No member of the Commission shall participate in any case in which they have financial or personal interest in the property or action concerned, or will be directly affected by the decision of the Commission, or has or believes they have any other conflict of interest as defined or regulated under the provisions of UCA 10-2-410. No member of the staff of the Commission or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence the decisions of the Commission, in any case in which he has similar interests and which would constitute a violation of the above-referenced Utah State statutes.

4.3 Disqualification on Grounds of Influence Other Than at Public Hearing

A Commission member may disqualify himself from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application or petition, other than in public hearing.

4.4 Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination

Member of the Commission may seek information from other members, the Community Development Director, counsel to the Commission, staff serving the Commission, or the

staff of other departments or agencies advising the Commission, but no member shall discuss the case with any other parties thereto prior to the public hearing, or express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and determination. Violation of this rule shall be deemed to constitute malfeasance and be grounds for dismissal from the Commission.

4.5 Members Not to Vote Unless Present at Hearing

No member of the Commission shall vote on any matter, application, or petition except after attending the public hearing on the matter and listening to all testimony presented at said hearing.

ARTICLE V - MEETINGS

5.1 Regular Meetings

Regular meetings of the Commission shall be held at 7:00 p.m., at a place designated in advance by public notice, on the second Thursday of each month. An additional regular meeting may be scheduled on the fourth Thursday if needed. Each regular meeting will be preceded by a pre-meeting during which briefings will be given on agenda topics by the Community Development Director or his designee. Pre-meetings will be advertised to the public, open to public, but no public input will be taken.

5.2 Special Meetings

Special meetings for any purpose may be held at the call of the Chair, the Mayor, or the Community Development Director. Upon filing an application or petition for action by the Commission, and upon payment to the city treasurer of a "special meeting fee" in the amount of \$500.00, an applicant or petitioner may request a special meeting to hear their request. Said meeting shall be called and scheduled by the Chair at the greatest convenience of the Commission. At least 14 days notice of the date, time and place of any special meeting shall be given in conformance with the provisions of state statutes and local ordinances. If no public hearings are scheduled for said special meetings, 24 hour notice will suffice. The special meeting fee can be waived upon majority vote of the Commission.

A study meeting may be held by the Commission at a place and time designated in advance by public notice. This study meeting will be advertised and open to the public, but public input will be taken only on those agenda topics designated by the Chair.

5.3 Recess or Adjournment

Any regular or special meeting may be recessed or adjourned from day to day, or to the time of any previously announced regular or special meeting, and such recess or adjournment to a time and place shall not require additional public notice.

5.4 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chair by giving notice to all members at least 48 hours before the time set for such meeting.

5.5 Quorum

By definition, a quorum of the Commission shall consist of four (4) Commissioners or Alternates. No business can be conducted in the absence of a Quorum. On any given vote (see section 6.4) abstention(s) shall be counted as absence (s) by which the Commission could fail to achieve a quorum.

5.6 Agenda Order of Business

The Commission Secretary shall prepare an agenda for each commission meeting. Items may be placed on the agenda by the Community Development Director. The agenda will be reviewed by the Commission as the first item of business of each regular meeting. If this review results in agenda approval, the Chair declares the agenda as the "Order of the Day". Any deviation from the agenda from that point must be by proper motion: Move to "suspend the rules". This must be approved by a simple majority vote of the Commission.

ARTICLE VI - PROCEDURES AT HEARING

6.1 Representation at Hearing

At the hearing, any person may appear or be represented by authorized agents or attorneys. Such agents or attorneys shall present competent evidence of the extent of their authorization.

6.2 Order of Business

- a. The Community Development Director, or such person as he may direct, describes the nature of the case and evidence available to the Commission, including a single written summary of any and all staff reports.
- b. The applicant or petitioner outlines the nature of the request and presents supporting evidence including pictures, graphics, or other materials.
- c. A presentation can also be made by the authorized representative, normally a Neighborhood Chair (See Section 2:42. City Municipal Code), representing the geographic area of the application or petition.
- d. Persons in support of the application or petition provide testimony.
- e. Persons in opposition to the application or petition provide testimony.

- f. Rebuttal by the applicant or petitioner.
- g. Discussion by the Commission.
- h. Motion and vote by the Commission on the application or petition (Debate is not concluded until a vote is called for by the Chair, the vote taken and the vote tallied.)
- i. Disposition of Commission decision: Appeals to the Commission decisions are made to the Community Development Director who will determine a subsequent course of action that will be based upon the accepted "Land Use Decision and Appeal Process". Advisory recommendation will go automatically to the City Council.

6.3 Time Limitations

The Commission Chair is empowered to place time limitations on speakers during a public hearing. If the Chair does place limitations, this must be done equitably to all sides of the issue being heard.

6.4 Voting

At the commencement of each meeting the Chair will announce those members of the Commission that will have voting privileges during that meeting. The Chair's announcement will be based upon "a thru h" below. All Commissioners and Alternate Commissioners may however participate in the discussion. Only voting members may present motions or second any motion.

- a. The number of Commissioners and Alternates voting on any action may not exceed seven (7).
- b. If all seven (7) Commissioner are present only Commissioners are authorized to vote.
- c. If seven (7) or fewer Commissioners and Alternates are present, all are authorized to vote.
- d. If only one of two Alternate Commissioners may vote, the voting privilege is by seniority.
- e. On any given vote, an abstention is counted as an absence, and an Alternate may vote on that action.
- f. In order to vote on any item of business, the members of the Commission must have been present during the entire "Order of Business" for that item.
- g. A simple majority vote carries any motion.

h. In the case of a tie vote on any motion, or the lack of a quorum due to one (1) or more abstentions, the Chair declares the motion dead and calls for a new motion.

6.5 Conduct During Hearing

During the hearing, each side shall proceed without interruption by the other. All arguments and pleadings shall be addressed to the Chair. There shall be no questioning or arguing between individuals in the audience.

Any member of the Commission, the Counsel to the Commission, or the Commission Staff, upon recognition by the Chair, may direct any questions to the applicant, witnesses, or any person speaking from the audience, to bring pertinent facts. The Chair or the Commission members may call for pertinent facts from the Staff or make appropriate comments pertinent to the case. No Commission member shall debate or argue with persons in the audience.

ARTICLES VII- FINDINGS AND DECISIONS

7.1 Timing of Decisions

After conclusion of the public hearing on any application or petition, the Commission shall examine the evidence before it in relation to findings required, and make a decision.

With due consideration to the length of the agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to being overruled by a vote of the majority of the Commissioners present, one (1) of the following alternatives,

- a. To proceed immediately to determination and decision on conclusion of the hearing in a particular case; or
- b. To defer determination and decision until later in the same meeting; or
- c. To defer determination and decision until a specified special or regular meeting of the Commission within the time limits specified by state statute or local ordinances.

7.2 Findings

If a simple majority of the Commission (see 6.4 for authorized votes) concurs that the evidence supports favorable findings upon an application or petition, or that such findings could be made if conditions and safeguards are established, the decision shall be favorable to the applicant, provided that such conditions and safeguards, as may be required for a favorable finding, are specified in the decision. Such safeguards and

requirements shall be binding upon the applicant or petitioner and his successor and interests.

If a simple majority of the Commission (see 6.4 for authorized votes) concurs that the evidence does not support a favorable action or recommendation those findings shall be specified in the decision outlining those problems or deficiencies in the application or petition which warrant such action.

In the case of a tie vote, (see 6.4 f. above) the Chair will declare the motion dead and call for a new motion.

7.3 Form and Procedure of Decisions

All such decisions of the Commission shall be made at a public meeting by motion, made and seconded, and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the Commission and a statement of any conditions or safeguards to be attached to the action. If there is any ambiguity on any vote, or if the nature of the application or petition warrants, the Chair may conduct a roll call vote.

7.4 Notification

Notice of the Commission decision shall be given to the applicant or petitioner and to other interested parties who have requested such notice, by the Secretary of the Commission as soon as reasonably possible after the decision is reached, but within ten (10) days. Such notice shall be given on a "Report of Action" (See Attachment) form approved by the Commission.

ARTICLE VIII -APPLICATION FOR COMMISSION ACTION, WITHDRAW OR AMENDMENT OF APPLICATIONS

8.1 Application for Commission Action

All applications that require a public hearing must be received by the office of the Community Development Director at least sixteen (16) days before the regular meeting of the Commission. All other applications must be received at seven (7) days before the regular meeting of the Commission.

8.2 Withdrawal

Upon written request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case. If such request is made less than seven (7) days before the public hearing, limitations on re-submittal of substantially the same application or petition shall be the same as if the application or petition had been denied.

8.3 Amendment

Applicants, petitioners, or their authorized agents may amend applications or petitions in any lawful manner on written request delivered to the Community Development Director or his agent within five (5) working days of the original submittal date. Amendments received after this designation will not be evaluated and the revised action will be placed on the next regular commission meeting agent, i.e. a delay of approximately one (1) month.

8.4 Deferrals and Continuances

On its own motion, or at the request of applicants, petitioners, or their authorized agents, the Commission may defer the hearing of cases or provide for later continuance of cases on which hearings have begun. Such deferrals or continuances shall be permitted only for good cause, stated in the motion, and unless time and place is stated, shall require new public notice, with fees paid by applicants or petitioners if deferrals or continuances are at their request or result from their actions.

ARTICLE IX - AMENDING OR WAIVING RULES

9.1 Amending Bylaws

These Bylaws and Policies may be amended by a majority vote of the Commissioners except where such amendment would be contrary to requirements or limitations set by state law or Pleasant Grove Municipal Code. An amendment may be proposed at any regular meeting of the Commission providing it is submitted not less than five (5) days prior to the meeting at which the amendment is to be voted upon. Members of the Commission shall be sent a copy of such proposed or adopted changes.

ARTICLE X - REFERRED FUNCTIONS

Certain functions, as noted below, are normally referred to Staff members for Staff review and preparation of recommendations. Such referral does not in any way relinquish final power and authority over these functions as specified by state law and the Pleasant Grove Municipal Code. The individuals or agencies to whom referral has been made act in the name of the Commission. Applicants or petitioners have the right to have their application or petition reviewed by the Commission. Applicants or Petitioners may waive in writing, the right of a review by the Commission, in which case the recommendation by the person or committee to who the function has been referred shall be considered to be an action by the Planning Commission. Any appeal of such action shall be to the Pleasant Grove City Board of Adjustment.

- a. Concept Subdivision Plan - Planning & Engineering Staff

- b. Final Subdivision - Planning & Engineering Staff.
- c. Home Occupation - Planning Staff
- d. Sign Setbacks - Planning Staff
- e. Fences - Planning Staff
- f. Any conversion of commercial use building or dwelling apartment(s) to condominium(s) - Planning Staff

CERTIFICATION:

I certify that this document represents the official and current version of the Bylaws and Operating Policies of the Pleasant Grove City Planning Commission on this ____ day of _____, 2012.

Planning Commission Chairman

ATTACHMENT:
Report of Action Form

SAMPLE

REPORT OF ACTION
for the
PLANNING COMMISSION
Pleasant Grove, Utah

Application: **CONDITIONAL USE PERMIT**

Item: One

Description of Application:

Public Hearing to consider the request of Joe Spencer for a conditional use permit for self-storage units on property located at approximately 502 West 700 South, in the MD (Manufacturing Distribution) zone.

SAM WHITES LANE NEIGHBORHOOD

Pleasant Grove City Planning Commission took the following action on the described application at their regular meeting of **NOVEMBER 8, 2001**.

CONDITIONALLY APPROVED

Motion by: Darrell Cook

Seconded by: David Gaines

AYE VOTES: Commissioners Oscarson, Gaines, Bingham, Bramwell, Orvis, Cook, Boyd
=====

COMMENTS OR CONDITIONS

COMMISSIONER COOK MADE THE MOTION TO CONDITIONALLY APPROVE THE REQUEST OF JOE SPENCER FOR A CONDITIONAL USE PERMIT FOR SELF-STORAGE UNITS ON PROPERTY LOCATED AT APPROXIMATELY 502 WEST 700 SOUTH, IN THE MD (MANUFACTURING DISTRIBUTION) ZONE ON THE BASIS THAT LAND USE #6370 "STORAGE UNITS" ARE ALLOWED IN THE MD ZONE AND THAT ORDINANCE 14.21.020 (4)(C) ALLOWS FOR A CARE TAKER FACILITY IN THE ZONE AND ORDINANCE 14.21.070 ALLOWS FOR A ZERO LOT LINE IN THE ZONE.

THE FOLLOWING CONDITIONS MUST BE MET:

- 1. PIPE THE DITCH ALONG 700 SOUTH IN FRONT OF MR. SPENCER'S PROJECT.**
- 2. GRAFFITI WILL BE CLEANED OFF WITHIN 72 HOURS.**
- 3. A MASONRY CULTURED STONE WALL FOR THE ZERO LOT LINE THAT COMPLIES WITH THE FIRE CODE.**

SECONDED BY COMMISSIONER GAINES. ALL VOTED "AYE." MOTION CARRIED.

Chairman, Pleasant Grove City
Planning Commission

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS