

LEHI CITY PLANNING COMMISSION

BY-LAWS FOR CONDUCTING THE BUSINESS OF THE PLANNING COMMISSION RE-ADOPTED BY THE LEHI CITY PLANNING COMMISSION JANUARY 24, 2019 AND APPROVED BY LEHI CITY COUNCIL FEBRUARY 12, 2019.

PURPOSE

These policies and procedures, as amended are designed and adopted for the purpose of providing guidance and direction to the members of the Lehi City Planning Commission in the performance of their duties.

ARTICLE 1 – GENERAL PROVISIONS

The Lehi City Planning Commission, hereinafter referred to as “the Commission”, shall be governed by the following statutes, ordinances and rules:

- 1.1 Applicable State Statutes and Local Ordinances and Rules.
To the extent that they remain in force and in effect, as they are amended, or as they are added to, the Lehi City Planning Commission and its members shall be governed by state statutes and local ordinances and policies including the following:
 - a. State statutes applying to public boards, members and officials.
 - b. State statutes governing the activities of City Planning Commissions.
 - c. The Development Code of Lehi City as approved by the City Council.
 - d. The rules and policies of the Lehi City Planning Commission as set forth herein.

- 1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission.
Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

- 1.3 Basic Principles.
 - a. Equality of Members. As the Commission conducts its affairs in accordance with these rules, each member has the same rights, privileges and duties as any other member.
 - b. Freedom of Discussion. Members have the right to be heard and to hear what others have to say about a motion before voting.
 - c. One Main Motion. Only one main motion may be considered at any given time.
 - d. Members Right to Know. Members have a right at all times to know the immediate pending motion, and have it restated prior to any vote.
 - e. Meeting Properly Called. The Commission may take official action only in meetings properly called and with a quorum of members present.
 - f. Actions must be Lawful. Actions taken by the Commission must be in accord with Lehi City, State and Federal Law.

- 1.4 Rules of the Commission to be Available at Lehi City.

A current copy of the rules of the Commission shall be available as a public record in the Lehi City Office. A copy of the rules of the Commission shall be provided to new Commission members upon appointment. Additional copies shall be provided to the Commissioners and made available to the public upon request.

- 1.5 Location of the Office of the Commission.
The office of the Commission shall be located in the Lehi City Office.

ARTICLE II – MEMBERS

- 2.1 Appointment and Resignations.
The membership and appointment of the Commission shall be governed by the provisions of the Utah Code Section 10-9a-301 and applicable ordinances of Lehi City.

Members proposing to resign shall give reasonable written notice of such intent to the City Council, Planning Commission and the Mayor of Lehi City, and make the date of resignation effective in such a manner as to allow time for appointment of replacements.
- 2.2 Meeting Attendance.
Each member of the Commission shall attend the sessions of the Commission unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall inform the Chair of the excused absences. Failure of any regular or alternate member of the Commission to attend three consecutive regular meetings, or three of any seven 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 would then recommend removal of the Commissioner to the City Council.
- 2.3 Vacation of Office
When a member dies, resigns or fills their maximum number of terms as per Section 03.030 in the Lehi City Development Code, the Lehi Mayor will immediately notify the City Council that a vacancy exists. The Mayor, with the advice and consent of the City Council, shall then select a replacement.

ARTICLE III – CONDUCT OF COMMISSION MEMBERS

- 3.1 Representation of Applicants or petitioners.
No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.
- 3.2 Conflict of Interest.
No member of the Commission shall participate in or discuss 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. A member who has a question as to whether a conflict of interest exists should raise the matter with the Commission members and the City Attorney in order that a determination may be made. Additionally members of the Commission must comply with the provisions of the Municipal Officers and Employees Ethics Act – Utah Code 10-3-1301 et. seq.
- 3.3 Expression of Bias, Prejudice or Individual Opinion Prior to Hearing and Determination.

Commission members may seek information from other members or Lehi City Staff, but no member shall discuss any case with any other parties thereto prior to the public hearing unless a member has been assigned by the Chair to obtain specific information about the case. No member shall express any bias, prejudice or personal opinion on judgment of the case prior to its public hearing.

ARTICLE IV – OFFICERS, COMMITTEES, STAFF, DUTIES

4.1 Regular Election of Chair, Vice Chair.

Annually, as the first item of business at the first meeting of the Commission in the month of January, the Commission shall elect a Chair and Vice Chair. If a quorum is lacking, the Commission will hold an election at the next regularly scheduled meeting at which a quorum is available. The Chair shall serve a term of one (1) year. No member shall serve as Chair for more than two (2) consecutive terms.

4.2 Succession of Vice Chair to Office of Chair.

If the Chair becomes no longer a member of the Commission, the Vice Chair shall succeed to the office for the remainder of the term. If the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special election shall be held to fill the vacancy of the Vice Chair. Said election shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

4.3 Duties of the 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. The Temporary Chair shall abide by all rules and policies set forth herein.

The Chair shall conduct all meetings of the Commission, interface with Mayor in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these rules, Lehi City and State law. In the course of discharge of duty, the Chair shall have the right to call upon legal counsel for advice. General duties of the Chair include the following:

- a. To call the Commission to order on the day and the hour scheduled and proceed with the order of business.
- b. To announce the business before the Commission in the order in which it is to be acted upon.
- c. To receive and submit all motions and propositions presented by the members of the commission.
- d. To put to vote all questions which are properly moved in the course of proceedings and to announce the results of motions.
- e. To inform the commission, when necessary, on any point of order or practice. Whenever the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.
- f. To maintain order at the meetings of the Commission.
- g. Recognize speakers and Commissioners prior to receiving comments and presentations.
- h. To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, and set guidelines for public input. The Chair should, to

the extent practical, remain impartial in permitting each party involved in an issue full opportunity to present their position. The Chair is however, a voting member.

- 4.4 Other Responsibilities of Chair; Delegation to Vice Chair.
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 the case of his disability to perform necessary Commission functions in a timely manner.
- 4.5 Assignment of Commission Members to Inspect 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 standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the functions of the Commission.
- 4.6 Appointment of Secretary: Duties.
The secretary of the Commission shall be appointed by the Mayor of Lehi City. The Secretary under the direction of the Chair shall attend to all correspondence of the Commission, send out and cause to be published all notices required, attend all meetings of the Commission and all public hearings (except when excused by the Chair with a temporary replacement arranged), compile and maintain all required records, schedules, minutes, files and indexes; and generally perform all clerical work of the Commission.

ARTICLE VI – APPLICATION REQUIRED

- 6.1 Completed Application Required.
Where required by City Ordinance, an item may not be heard by the Commission unless a complete application is filed with the City. Determination of a complete application will be made by the Lehi City Planning Department in conformance with the Development Code of Lehi City.

ARTICLE VII – MEETINGS, HEARINGS

- 7.1 Regular Meetings.
Regular meetings of the Commission will be held at 7:00 p.m. on the second and fourth Thursday of each month unless otherwise determined by a majority vote of the Planning Commission and appropriate public notice is provided.

- 7.2 Work Sessions and Special Meetings.

Work Session meetings of the Commission will be held at 5:30 p.m. on the first Thursday of each month unless otherwise determined by a majority vote of the Planning Commission and appropriate public notice is provided. Notice of the Work Session shall be in accordance with City and State law.

Special Meetings for any purpose may be held at the call of the Chair. Notice of such meetings shall be in accordance with City and State law.

- 7.3 Open to Public.
All meetings of the Commission are open to the public.

- 7.4 Conduct During Hearings.

During all meetings and hearings, persons providing testimony shall proceed without interruption. All comments, arguments and pleadings shall be addressed to the Chair. There shall be no debate or argument between individuals. The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The Chair may determine a time limit of speakers at the beginning of any public hearing.

7.5 Rules of Order.

In accordance with these rules, the Chair shall decide all points of procedure and order, unless otherwise directed by the majority vote of the members in attendance. Where necessary in deciding points of order, the Chair may use as a reference the Robert's Rules of Order, newly revised.

7.6 Field Trips.

Field trips to view application sites shall be scheduled by the Chair during Regular Meetings or through the secretary. Commission members should establish an optimal time for site inspection through group consensus. Field trips shall be noticed in accordance with City and State law.

7.7 Recess or Adjournment.

Each regularly scheduled meeting or special meeting of the Commission shall be scheduled to end not later than 10:30 p.m. unless extended for a specific amount of time by a majority vote of the Commission pursuant to a motion for such extension. All unfinished agenda items shall be continued to the next regularly scheduled meeting of the Commission and shall be placed first on the agenda prior to adding new items. The continuation of agenda items and/or public hearings to the next regularly scheduled meeting shall not require additional public notice.

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 certain time and place does not require additional public notice.

7.8 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 available members.

7.9 Quorum

A quorum of the Commission shall consist of four voting members. An affirmative vote of at least four members of the Commission shall decide all matters. The Chair shall be considered a voting member.

7.10 Tie Votes.

If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be recommended for denial on an item that receives its final decision at the City Council, and on an item that receives its final decision at the Planning Commission, the applicant may request the item be continued until a future meeting, otherwise it will also be deemed denied.

7.11 Agenda, Order of Business.

The Secretary, under the direction of the Chair, shall prepare an agenda for each Commission meeting. Order of business shall be as specified by the Commission Chair.

No business will be considered that is not shown on the official agenda of the meeting as legally noticed.

ARTICLE VIII – HEARING PROCEDURES

8.1 Representation at Hearing.

At the hearing, the applicant should appear or be represented by authorized agents. If there is no representation, the Commission may choose to either take action or not take action on the agenda item.

8.2 Hearing Procedures.

- a. The Chair shall introduce the item.
- b. Staff shall give a brief presentation and explanation of relevant details related to the item.
- c. The applicant or petitioner outlines the nature of the request and presents supporting evidence.
- d. The Chair, or acting Chair, shall open the public hearing. The Chair, without objection by members of the Commission, may impose time limits for comment to facilitate the business of the Commission.
- e. The Chair, or acting Chair, shall close the public hearing.
- f. The Chair, or acting Chair, may allow the applicant or petitioner to address issues raised by the public comment.
- g. The public hearing may be reopened at the discretion of the Chair.
- h. The Chair, or acting Chair, shall allow members of the Commission to discuss the matter and ask questions of the applicant or petitioner.
- i. The Chair may call for a motion and vote by the Commission on the application or petition. If a substantial amount of public comment was received, the Chair may consider a motion to table the item to allow Commissioners to review the public comment.

ARTICLE IX – FINDINGS AND DECISIONS

9.1 Timing of Decisions.

With due consideration to the length of the Agenda, the nature of the case, the complexity of the evidence, and the findings required, the Commission may elect, subject to approval by the Commissioners, one of the following alternatives:

- a. To proceed immediately to determination and decision upon conclusion of the hearing of the case; or
- b. To defer determination and decision until a Regular or Special Meeting of the Commission as specified by the Chair.

9.2 Form and Procedure of Decisions.

All such decisions shall be made at a public meeting by motion, made and seconded, and by a voice vote.

Decisions of the Commission shall be final when the minutes of the meeting at which the decision was made are approved.

9.3 Notification.

Notice of action taken by the Commission shall be given by the Commission and/or Planning Staff to the applicant, petitioner or any party making a written request for such within ten days following the decision.

ARTICLE X – REQUEST TO WITHDRAW, CONTINUE, OR RE-HEAR APPLICATIONS

10.1 Withdrawal.

Upon request from the applicant or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case. A request to withdraw must be made by the applicant/authorized agent before a motion for final action is presented to the Chair.

10.2 Continuance.

The Commission may defer the hearing of cases or provide for later continuance of cases on which hearings have begun. Continuances will show cause for such stated in the motion, and, unless time and place is stated in said motion, will require public re-notice.

10.3 Re-hearing.

The Commission may re-hear an application that was previously denied within three months of the decision upon written request by the applicant and a showing in the application that there is substantial new evidence that was unavailable at the time of the original hearing. The Commission shall, by vote, make a determination of whether or not to re-hear the matter. In the event a re-hearing is approved, the matter shall only be re-heard after proper notice has been given. The applicant shall pay all costs incurred in re-advertising.

ARTICLE XI – AMENDING OR WAIVING BY-LAWS

11.1 Amending By-Laws.

These by-laws may be amended by a majority vote of the Commission except where such amendment would be contrary to the requirements or limitations set forth by State Law or City Ordinance. An amendment may be proposed at any meeting of the Commission. Members shall receive a copy of the proposed or amended by-laws not less than one week prior to the meeting at which said proposed changes shall be heard. Any amendments to these by-laws shall also be approved by the City Council before taking effect.

11.2 Waiving or Suspending Rules.

A rule of procedure may be suspended or waived at any meeting by a majority vote of Commission members present, unless such rule is set by State Law or City Ordinance.

11.3 Temporary Rule.

A temporary rule of procedure, in conformity with State Law and City Ordinance, may be adopted by the Commission for a meeting or agenda item following a unanimous vote of the Commission members present.