

Tooele County Planning Commission Policies and Procedures

1. **Meeting Schedule.** All meetings of the Planning Commission shall be held in compliance with Utah's Open and Public Meeting Law. Regular meetings of the Planning Commission shall be held on the 1st Wednesday of the month or at times and dates determined by the Planning Commission. Special meetings of the Planning Commission may be called by, or at the request of the Chairperson, or any three Planning Commission members upon giving the same notice as is required for regular meetings. When because of unforeseen circumstances, it is necessary for the Planning Commission to hold an emergency meeting to consider matters of emergency or urgent nature, the notice requirements may be disregarded and the best notice practicable given. No such emergency meeting of the Planning Commission shall be held unless an attempt has been made to notify all of its members and a majority of a quorum votes in the affirmative to hold the meeting.
2. **Quorum and Voting.** Four Planning Commission members shall constitute a quorum for the transaction of business at any meeting of the Planning Commission and a vote of a majority of the Planning Commission members present and in person at the meeting at which a quorum is present shall be the act of the Planning Commission. If less than a quorum is present at a meeting, said meeting shall be cancelled or rescheduled and appropriate notices given. No Planning Commission member may vote by proxy at any meeting of the Planning Commission.
3. **Election of Officers.** The Planning Commission at its first regular meeting in January of each year shall elect a Chairperson and Vice chairperson. The County shall appoint a person who shall serve as a secretary for the Planning Commission. No member shall serve more than two (2) consecutive terms as Chairperson.
4. **Duties of Officers.** The Chairperson shall preside at all meetings of the Planning Commission, call special meetings of the Planning Commission in accordance with these procedures, execute all documents for the Planning Commission and see that all actions of the Planning Commission are properly taken. The Vice-chairperson shall act as Chairperson in the absence or disability of the Chairperson and shall perform such other duties as may be assigned by the Chairperson. The Secretary shall insure that the minutes of the proceedings of the Planning Commission and any subcommittees of the Planning Commission are kept; insure that all notices are fully given in accordance with the provisions of the law; be the custodian of Planning Commission records; and in general perform all duties incident to the office of Secretary and such other duties as may from time to time may be assigned to him or her by the Chairperson or by the Planning Commission.

5. **Rules of Procedure.** The Planning Commission shall govern its proceedings consistent with the provisions of Utah law relating to counties. The Chairperson of the Planning Commission shall rule on all matters of procedure with fundamental fairness and a reasonable opportunity to be heard as the controlling rationale. The Chairperson may be reversed on matters of procedure by majority vote of the Planning Commission members present and entitled to vote. Any formal action of the Planning Commission shall be initiated by a motion and shall be seconded prior to a vote of the membership. Voting shall be by verbal vote and the order of voting shall be rotated each meeting, except that the Chairperson shall vote last.
6. **Application Deadline.** Generally, the deadline for requesting placement of an application on any Planning Commission agenda shall be at 12:00 noon, three weeks or 21 days prior to the Planning Commission meetings to allow appropriate time for notification and staff review. The Planning Commission chairperson however, may place an item on any agenda at any time, provided there is sufficient time left to comply with the open and public meeting law requirements. Requests for continuance of a particular agenda item shall be filed with the Engineering Department by noon of the day of the Planning Commission meeting.
7. **Agenda Preparation.** Items not requiring a public hearing will be placed first on the agenda, generally in the order they were submitted to the Engineering Office. Items requiring a public hearing will then be placed on the agenda, generally in the order they were submitted to the Engineering Office. Items continued from the previous meeting will be generally placed at the end of the agenda.
8. **Order of Discussion of Agenda Items.** The following procedures shall normally be observed; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:
 1. The Chair of the Commission or a designated person shall read the agenda item into the record.
 2. Staff presents report and makes recommendation.
 3. The Planning Commission may ask questions regarding the staff presentation and report.
 4. The applicant, or his representative, may make a statement or presentation regarding the application
 5. The Planning Commission may ask questions regarding the applicant's presentation.
 6. The Chair of the Commission will then open the item up for comment from the public, if required. If a hearing is not required the Chair may choose to allow public comment.
 7. Following all comments and the closure of a public hearing, if required, the Chair may entertain Commission discussion prior to a motion being put forward.
 8. If no further discussion is required the Chair will ask for motions regarding the item.
 9. Once a motion and a second have been received the Chair will ask for a vote on the item.

9. **Reconsideration of Commission Decisions.** The Planning Commission may reconsider any of its decisions upon the petition of an interested party. An interested party must, within thirty (30) days of the Planning Commission decision, submit a written petition for reconsideration to the Planning Commission. The petition must identify the decision of the Planning Commission that the request relates to and the basis of said request. The request, if timely filed, shall be placed on the next Planning Commission agenda. Prior to reconsidering the item, the Planning Commission must first vote in the affirmative to reconsider its previous decision based on the information provided in the petition. After the Planning Commission has voted to reconsider an item, it may reverse, amend or uphold its prior decision by vote of the majority of a quorum in attendance. Appeals of Planning Commission decisions shall be made to the County Commission within thirty (30) days of the action being appealed.
10. **Absence from Meetings.** Each member of the Commission shall attend all regularly scheduled meetings of the Commission unless unable to attend because of extenuating circumstances. Planning Commission members who have knowledge of the fact that they will not be able to attend or desire to be excused from a scheduled meeting, shall notify the Engineering Department at the earliest possible opportunity prior to 6:00 p.m. on the day before the Planning Commission meeting. The Planning Commission Secretary shall notify the Chairperson as soon as possible in the event the projected absences will produce a lack of a quorum. Failure of any appointed member of the Commission to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the absence being noted as excused shall be construed by the Commission as grounds for resignation. The Commission may recommend removal of the appointed Commission member to the County Commission.
11. **Conflicts of Interest.** Planning Commission members shall become aware of and follow the County officers and employees disclosure act regarding conflicts of interest as it relates to them (§17-16a-1 through 12, of the Utah Code Annotated).
12. **Conduct During Hearings.** With the objective of fundamental fairness and a reasonable opportunity to hear and be heard by all present at the meeting, the Chair will insure that all communications during the meeting are done in a courteous and respectful manner. This includes all communications between fellow members, staff and the public. All comments, arguments and pleadings shall be addressed to the Chair. Individuals providing testimony shall proceed without interruption except that from the Commission, if allowed by 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, after consultation with other members, may determine a time limit of speakers at the beginning of any public hearing. Commission Members should maintain an attitude of information gathering during all presentations and public comments. Commission Members should refrain from stating their feelings or the way they might vote until all comments and presentations are complete. After the hearing portion, but prior to a motion being put forward, is the appropriate time for Commission Members to state their feelings and recommend a particular action of the Commission.

13. **Ex parte contact.** Ex parte contact between planning commission members and opposing parties involved in litigation with Tooele County involving land use issues shall be prohibited. Planning commission members shall not participate in site or office visits, electronic communication, written communication, or verbal conversation either face-to-face or over the telephone, with any individual or any representative of a company or entity involved in legal proceedings with Tooele County involving land use issues. This prohibition shall include plaintiffs who have filed suit against Tooele County, claimants who have served a Notice of Claim on Tooele County, and defendants in actions filed by Tooele County, such as those in violation of provisions of the Tooele County Code or the Tooele County Land Use Ordinance.

Planning commission members shall be restricted from ex parte contact, including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such interaction involves a request for a conditional use permit, planned unit development, a request for approval of a subdivision, or for an exception to the Tooele County Land Use Ordinance. This restriction on ex parte contact applies to all conditional use permit approval requests, planned unit development or subdivision requests, after an application for such is filed with the Tooele County Engineering Department, while the application is under review by the planning commissions, after a decision or recommendation on the application has been made by the planning commissions, while the application is under review by the Tooele County Commission, or while the application is under appeal, if an appeal is filed. Planning commissioners shall not participate in ex parte contact with individuals or representatives of a company or entity opposed to a request for a conditional use permit, planned unit development or a subdivision approval, or an exception to the Tooele County Land Use Ordinance.

If ex parte contact occurs, it shall be disclosed at the next meeting of the planning commission and the planning commission member who had such contact shall neither participate in the discussion nor vote on the matter.

Receipt of written information regarding an active request for a conditional use permit, planned unit development or a subdivision, or an exception to the Tooele County Land Use Ordinance shall be permitted, provided such written information is disclosed at the next meeting of the planning commission and submitted as a part of the record of that meeting. (Ord. 2005-14, 5/10/05; Reference UCA 17-27a-301)

14. **Amendment of Policies and Procedures.** These policies and procedures may be amended at any meeting of the Planning Commission when said item is placed on the agenda and that notice of said proposed amendment is given to each member in writing at least one week prior to said meeting. Amendments shall be approved by a majority of a quorum of the Planning Commission members.
15. **Calling for a Motion.** If no motion is presented after three (3) calls by the Chairperson, the proposed action is denied for lack of a motion.

16. **Applicant Absenteeism.** If an applicant brings business before the Planning commission on a meeting agenda, and is absent unexcused for two (2) consecutive meetings, then the application shall be deemed denied and the applicant must reapply and pay fees in accordance with the fee schedule just as if they had never applied before.

Adopted this 4th day of April, 2012.

TOOELE COUNTY PLANNING COMMISSION

By: _____

Chairperson

Role of the Chairman

- 1. Responsible for civility and meeting decorum.**
- 2. Responsible for starting and guiding the meeting in a rationale manner.**
- 3. Responsible for understanding the purpose of the meeting and the Planning Commission's role.**
- 4. Responsible for understanding and implementing policies and procedures adopted by the Commission.**
- 5. Responsible for keeping discussion on relevant matters.**
- 6. Responsible for involving members and the public in the meeting, where appropriate.**
- 7. Responsible for clarifying and summarizing points of agreement and disagreement.**
- 8. Responsible for running a correct meeting (procedurally and substantively).**
- 9. Responsible for thanking members for their participation.**
- 10. Responsible for any follow-up activities and business matters.**
- 11. Responsible to call for motions and determination on motions.**
- 12. Assist staff in determining training topics, agendas and encouraging Commission members to attend training sessions provided.**

Planning Commissioner's Corner:

Beyond Robert's Rules: Guiding Your Planning Commission

Brad Stebleton, Bernalillo, New Mexico

The title of this article was also the title of an excellent session at the recent WP Conference in Spearfish, South Dakota. This session featured a "triple threat" of presenters with a wealth of experience working with planning commissioners around the West.

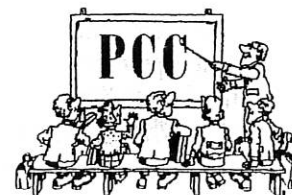
New Mexico's **Jim Strozier** is a veteran planning consultant who has completed many projects throughout the WPR region, most of which had to pass muster with at least one group of planning commissioners. The other two presenters, **Walt Wendolowski** and **Scot Siegel**, hail from Oregon, the latest state to join the WPR family. However, neither one is a newcomer to this arena. **Walt** is a public sector planner who has experience with commissioners in 17 different jurisdictions over the span of his career. **Scot**, Oregon's representative on the WPR Board, has not only worked with a lot of planning commissioners but has been one himself.

Despite the title of the session, this team of presenters approached the subject from both sides of the staff/commissioner relationship. In order for the planning process in a community to function well, both planners and commissioners have to hold up their end of the bargain and do their jobs correctly. Each also has to respect the role and responsibility of the other within the process. The presenters had the following advice for both parties.

For Commissioners

- Be on time and start meetings on time.
- Be good hosts.
- Be respectful to the public.
- Start each meeting with the Pledge of Allegiance.
- Explain the process to the public; be clear on the purpose of each hearing item and the planning commission's authority (or lack thereof) regarding that item.
- Don't argue with the staff in public.
- Make decisions/recommendations that are justified and justifiable.
- Don't allow disagreements to get personal.
- Be prepared to change your recommendations.
- Follow the ordinances but look for flexibility when necessary.

- Recognize different perspectives.
- Recognize long-term consequences of decisions.
- Always clearly state the reason(s) for a decision.
- Be professional and impartial in your decision-making.
- Adopt written procedures for your meetings and follow them.
- Take small steps toward a big vision.
- Don't discuss the particulars of cases with parties outside the public hearing.
- Don't open your packets for the first time at a meeting.



For Planning Staff

- Always address your remarks to the chair of the commission.
- Be respectful of your commissioners; they are all volunteers doing an important job.
- Be prepared for meetings; do your homework.
- Present clear recommendations and well-prepared staff reports.
- Provide full, clear, and accurate information.
- Speak as a staff with one voice at meetings.
- Don't argue with the commission in public.
- Accept commission decisions even though you may not agree with them.
- Always be on the lookout for training opportunities for your commissioners.
- Listen carefully to your commissioners; they can often teach you a lot about the community in which you work.
- Don't use technical jargon at commission meetings.
- Know your audience at commission meetings.
- Let your attorney do his/her job, but don't make him/her do yours.
- Help the commission with the process, but don't overdo it.
- If you don't know the answer, don't make something up.
- Develop a close working relationship with the commission chair.
- Make the process clear for the public and make it easy to do what's right for the commission.

Another Voter Initiative

Patrick L. Dugan, Everett, Washington

Introduction

As I write this, local governments fortunately have escaped being hit by another voter initiative that would have imposed severe constraints on their fiscal capacity.

This initiative was just another in a long series of initiatives that have added fiscal constraint to fiscal constraint on local government throughout the West. I have witnessed the effects of these initiatives on local governments in three states, and it might be worthwhile to summarize how these initiatives have affected local governments. Often these initiatives have unintentional or unforeseen consequences that go well beyond just the limitation on local governmental revenues that was intended by the voters who vote for such initiatives.¹

Fiscalization of Land Use

As these initiatives take effect, many local governments are finding it more and more difficult to adopt budgets that adequately respond to community needs. In reaction, local governments are becoming more concerned about how different land use decisions may affect their fiscal capacity. This has led to many local governments pursuing the uses that are perceived to produce more revenues and avoiding those that do not. Since most voter initiatives are directed at reducing property taxes, uses that generate revenues in addition to property taxes become particularly attractive. In Washington, this has led to greater interest in promoting and approving sales tax-generating uses while discouraging residential uses that do not generate sales tax revenue directly. In California, the state's hotel/motel taxes make tourist related activities particularly attractive.²

Shifting the Burden for Capital Financing

Another fiscal implication of these initiatives has been to change the way many local governments fund capital construction projects. Prior to the advent of these initiatives, many local governments were able to apply a significant part of their ongoing revenues for capital purposes, either by reserving some of these revenues or budgeting revenues for debt service. Since most local governments would place priority for funding ongoing operations over capital, less and less money is left for capital after budgeting for ongoing needs as revenues become constrained from these initiatives. This diminishing capital requires local governments to try to fund capital projects through different means, usually by voter-approved debt or by increasing reliance on developer funding for new facilities.

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These may seem like simple concepts but—as the presenters pointed out—when these matters are properly attended to, staff and commissioners work much better together. When that happens, the big projects and plans that have to be accomplished in a community go much more smoothly.

This point was brought home to me shortly after my return from Spearfish. In the wake of an important code rewrite and a particularly controversial zone change case, our county's governing body scheduled a joint work session with our planning commissioners and planning staff, along with the county manager and county attorney. This was the first such joint session held in our county in many years.

At the end of a very productive day it was apparent that, while there was not agreement on all issues, the elected officials gained a renewed appreciation of the hard work involved in a coordinated planning process. Those officials were appreciative not only of the long hours put in by the dedicated volunteers on our planning commission, but of the way that our commissioners and our staff work as a team. While our working relationship is not perfect, it is better than what exists in many other communities that I know of. This is due in no small measure to our striving to implement the concepts that were presented in this conference session.

Brad Stebleton is the Senior Planner for Sandoval County in Bernalillo, New Mexico. He has been a public sector planner in New Mexico since the late 1980s. Brad is an At-Large WPR Board member and serves as Secretary for the WPR Board. He is also the Chairman of the WPR Editorial Board.

The Western Planner **Subscription Increase in 2010**

At the September 8th WPR Board meeting in Spearfish, South Dakota, the board voted to raise *WP* subscription rates by \$5.00. The rate increase will start January 1, 2010. The board had discussed a subscription increase at length over the past few years. The last time subscription rates were raised was in 2000. Since then postage and printing costs have increased considerably.

The board was very pleased that the majority of the *WP* subscribers felt that the *WP* was reasonably priced and would not mind an increase in subscription rates. The board is also aware of the challenges of the economy, but felt that the increase must be implemented for the overall health of the non-profit corporation that supports the journal.

Affiliate, Group, and Student rates will increase from \$25 to \$30. Individual rates will now be \$40, and subscriptions to Canada will now be \$50. If you have comments, questions, or concerns about *The Western Planner*, please contact the Editor or one of the board members. Board members who represent each of the *WP* states have contact information listed on the front inside cover of each issue and on the WPR Web site, <www.westernplanner.org>.