

## ORDINANCE NO. 26-02

### AN ORDINANCE CREATING A PLANNING COMMISSION FOR THE TOWN OF SPRING LAKE, UTAH AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, the Town Council of the Town of Spring Lake, Utah (“Town”) is authorized under Utah Code Title 10, Chapter 9a, Land Use, Development, and Management Act, to create a Planning Commission by ordinance; and

**WHEREAS**, the Town Council finds that establishing a Planning Commission will promote orderly growth, transparency, and consistency in land use and development decisions; and

**WHEREAS**, the Town desires to define the composition, authority, and procedures of the Planning Commission in a manner consistent with Utah law and best practices of nearby municipalities.

**NOW THEREFORE**, the Town Council of the Town of Spring Lake, Utah hereby ordains as follows:

#### **1. – Creation of Planning Commission**

There is hereby created a Planning Commission for the Town of Spring Lake, Utah (“Planning Commission”). The Planning Commission shall serve as an advisory body to the Town Council on matters relating to land use, planning, and development as provided by law and this ordinance.

#### **2. – Membership and Qualifications**

- A. Number of Members.** The Planning Commission shall consist of seven (7) members, comprised of five (5) voting members and two (2) non-voting alternate members.
- B. Voting Members.** The five (5) voting members shall have full authority to deliberate and vote on all matters before the Planning Commission.
- C. Alternate Members.** The two (2) alternate members shall be non-voting members who may participate in discussions but shall only vote when formally designated to serve in place of an absent or disqualified voting member, as provided by the rules of procedure adopted by the Planning Commission.
- D. Residency Requirement.** All members shall be voting residents of the Town of Spring Lake throughout their term of service.
- E. Qualifications.** Members shall be selected based on their interest in the orderly growth and development of the Town and their willingness to serve impartially and in the public interest.

#### **3. – Appointment and Terms**

- A. Appointment Authority.** All members of the Planning Commission, including voting and alternate members, shall be appointed by the Mayor with the consent of the Town Council.
- B. Initial Staggered Terms (Voting Members).** To avoid all voting member terms expiring at the same time, the initial appointments of the five (5) voting members shall be staggered as follows:
  - a. Two (2) members shall serve an initial term of two (2) years; and
  - b. Three (3) members shall serve an initial term of four (4) years.
- C. Initial Terms (Alternate Members).** The two (2) alternate members shall each serve an initial term of two (2) years.
- D. Subsequent Terms.** After the expiration of the initial terms, all subsequent appointments, including voting and alternate members, shall be for four (4) year terms.
- E. Vacancies.** Any vacancy occurring during a term shall be filled by the Mayor with Council consent for the unexpired portion of the term.

#### **4. – Oath of Office**

Each member of the Planning Commission shall take and subscribe to the oath of office required by Utah law prior to performing any official duties. The oath shall be filed with the Town Recorder.

#### **5. – Organization**

- A. Officers.** The Planning Commission shall annually elect from its membership a Chair and Vice Chair.
- B. Rules of Procedure.** The Planning Commission may adopt bylaws or rules of procedure consistent with Utah law, Town ordinances, and this ordinance.

#### **6. – Alternate Members**

- A. Purpose of Alternates.** Alternate members are appointed to ensure the Planning Commission can maintain a quorum and conduct business when a voting member is absent or disqualified due to a conflict of interest.
- B. Participation.** Alternate members may attend all Planning Commission meetings and may participate in discussion on all matters before the Planning Commission.
- C. Seating of Alternates.** An alternate member may vote only when formally designated by the Chair to serve in place of a voting member who is absent or disqualified. The designation shall be made on the record at the beginning of the meeting or prior to consideration of the affected agenda item and shall be noted in the minutes.
- D. Order of Seating.** When more than one alternate member is available, alternates shall be seated in a rotating order based on order of appointment, unless otherwise provided in the Planning Commission's adopted rules of procedure.
- E. Authority When Seated.** When properly seated, an alternate member shall have the same powers, duties, and voting authority as a voting member for the duration of the designation.
- F. End of Designation.** When the absent or disqualified voting member returns, or upon completion of the affected agenda item, the Chair shall announce the end of the alternate's designation, and the alternate shall return to non-voting status.

## **7. – Powers and Duties**

The Planning Commission shall have the following powers and duties, consistent with Utah law and Town ordinances:

- A.** Review and make recommendations to the Town Council regarding:
  - The General Plan and amendments thereto;
  - Zoning ordinances, zoning map amendments, and land use regulations;
  - Subdivision ordinances and subdivision plats;
  - Conditional use permits and other land use applications as assigned by ordinance;
  - Long-range planning studies and policy documents affecting land use and development.
- B.** Conduct public hearings as required by law or Town ordinance and forward written recommendations and findings to the Town Council.
- C.** Serve as a forum for public input on land use and development matters.
- D.** Perform such other duties as may be assigned by the Town Council consistent with Utah law.

## **8. – Meetings and Procedures**

- A. Public Meetings.** All meetings of the Planning Commission shall be open to the public and conducted in compliance with the Utah Open and Public Meetings Act.
- B. Meeting Schedule.** The Planning Commission shall establish an annual meeting schedule, which shall be posted on the Utah Public Notice Website.
- C. Quorum and Voting.** A quorum shall consist of a majority of the five (5) voting members. Action of the Planning Commission shall require the affirmative vote of a majority of the voting members present and eligible to vote. Alternate members may vote only when formally seated in place of an absent or disqualified voting member.
- D. Minutes.** Written minutes shall be kept of all meetings and made available to the public in accordance with law.

## **9. – Staff Support**

The Town Recorder shall provide administrative and clerical support to the Planning Commission, including preparation of agendas, posting of public notices, recording of minutes, and maintenance of records, unless otherwise directed by the Town Council.

## **10. – Removal**

A member of the Planning Commission may be removed by the Town Council for cause, including but not limited to:

1. Failure to maintain residency within the Town;
2. Failure to attend meetings regularly;
3. Conflict of interest violations;
4. Misconduct or inability to perform duties; or
5. Violation of applicable laws or Town policies.

Removal shall occur after notice to the member and an opportunity to be heard.

**11. – Severability**

If any provision of this ordinance is held invalid, such invalidity shall not affect the other provisions of this ordinance.

**12. – Effective Date**

This ordinance shall take effect immediately upon its adoption and publication as required by law.

**ADOPTED AND PASSED** by the Town Council of the Town of Spring Lake, Utah, this 21 of January, 2024.

Signed: Wade R. Menlove

Wade Menlove, Mayor

Attest: Spencer Foster

Spencer Foster, Temporary Town Recorder

TOWN COUNCIL VOTE AS RECORDED

Councilmembers:	Yes	No	Abstain	Excused
Wade Menlove	<u>X</u>	_____	_____	_____
Sharon Bascom	<u>X</u>	_____	_____	_____
David Charles	_____	_____	_____	<u>X</u>
Robert Judd	<u>X</u>	_____	_____	_____
Robert Marsh	<u>X</u>	_____	_____	_____