

Planning Commission Ordinance Update

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City Council
July 21, 2026



SB 284

- Mandate for municipalities with a planning commission
- The requirements
 - Appointment and removal
 - Reasons for removal
 - Reasons for recusal

Appointment

- Current text – Mayoral appointment with council consent
- Requirement – Appointment by legislative body as a whole
- Exception – The appointment duty can be delegated

Removal

- Current – Mayoral removal with council consent
- Requirement – Removal by legislative body as a whole
- Exception – The removal duty can be delegated

Mandatory reasons for removal

- Using public funds for a political purpose under as described by the Utah Political Activities of Public Entities Act
- Violating a provision of the Utah Municipal Officers' and Employees' Ethics Act
- Acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties

Recusal

- Statute mandates an ownership interest of at least 10% in the applicant's business requires a conflict of interest recusal
- City ethics ordinance has a 5% conflict of interest requirement, so to keep things consistent, the ordinance lands on 5%
- City ethics ordinance has a fourth degree of consanguinity or affinity requirement, so to keep things consistent, the ordinance does the same for recusal

Consanguinity or affinity

- Blood relation between two individuals who share a common ancestor or marriage
- Broken down
 - First degree – parent, child, spouse
 - Second degree – grandparents, siblings, grandchildren
 - Third degree – great grandparents, aunts/uncles, niece/nephew (aka niblings), great grandchildren
 - Fourth degree – 2x great grandparents, great aunts/uncles, first cousins, grand niblings

Questions?

DRAPER CITY
LEGAL DEPARTMENT

