



Nibley City
Joint City Council/Planning Commission Meeting
Thursday, March 17, 2022
455 W. 3200 S.
Nibley, UT

Joint City Council/Planning Commission Meeting

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Planning Commission Minutes

1. **Workshop:** Transfer of Development Rights Study and Ordinance

Regular Planning Commission Meeting

7:30 p.m. Call to Order and Roll Call

2. **Discussion and Consideration:** Recommendation to determine conformance of proposed Stonebridge Subdivision phases 3-4 Final Plat lay-out to approved Preliminary Plat
3. **Training and Discussion:** Planning Commission Rules and Procedures
4. Staff Report and Action Items

*Planning Commission agenda items may be tabled or continued if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or via the Zoom meeting link provided at www.nibleycity.com .

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



**Nibley City Planning
Commission
Agenda Item Report
March 17, 2022**

Agenda Item #1: TDR Study and Ordinance

Description

Workshop: Transfer of Development Rights Study and Ordinance

Department

City Planning

Recommendation

Discuss ongoing Study

Reviewed By

City Planner

Background

People + Place, LLC has been contracted to Study and develop a Transfer of Development Rights Ordinance. The Transfer of Development Rights (TDR) Ordinance will provide a mechanism to preserve open space in appropriate areas and focus new population growth in areas with supportive infrastructure. To inform the development of this ordinance, the consultant will conduct case study research of effective community TDR ordinances. Working closely with City Staff, Elected Officials and the Public, the consultant will conduct an appropriate market analysis to determine how to effectively incentivize the transfer of development rights between zones, craft an ordinance with appropriate transfer ratios and designate sending and receiving zones for the TDR ordinance. The Ordinance will be supportive of the Nibley City General Plan and The Parks, Trails, Open Space and Recreation Plan.

The purpose of this workshop is to familiarize the Planning Commission and City Council with the concept of Transfer of Development Rights and discuss its potential application in Nibley.

Agenda Item #2: Stonebridge Preliminary Plat Conformance

Description

Discussion and Consideration: Recommendation to determine conformance of proposed Stonebridge Subdivision phases 3-4 Final Plat lay-out to approved Preliminary Plat

Department

City Planning

Recommendation

Recommend that proposed Final Plat lay-out substantially conforms to approved Preliminary Plat

Reviewed By

City Planner, City Manager, City Engineer, Mayor

Background

The Stonebridge Subdivision Preliminary Plat received approval with a Conditional Use Permit as a Cluster Subdivision in 2006. The 1st two of four phases have been completed. Shaun Dustin, authorized representative of Puente de Piedra, LLC has submitted a Final Plat for Phase 3 of the subdivision. NCC 21.02.070 provides the following:

If the applicant has not recorded the final plat or, in the case of the preliminary plat, presented a final plat for a phase of the subdivision for approval, within that one year period, the City shall provide thirty (30) days' written notice to the applicant and thereafter, the approval shall be void, if the applicant fails to cure the default within said thirty (30) day period.

Although it has been sixteen years since the approval of the Preliminary Plat, the City did not send notice to the applicant to invalidate the approved Preliminary Plat. Therefore, the Preliminary Plat still has standing and a conforming Final Plat can be considered by the City for approval.

The applicant wishes to move forward with Final Plat approval for Phase 3 and subsequently Phase 4. However, to address some issues related to Sewer and Stormwater Design, as well as conformance with Nibley City's Connectivity Standards, the applicant would like to propose some adjustments to the Preliminary Plat including the following:

- Flip the orientation of the 2850 S Cul-de-Sac to a north to south orientation, rather than south to north, with an inlet at 1290 W and 2770 W.
- Change 2790 S Cul-de-Sac to stub road connecting to adjacent Parcel 03-015-0002 to the north.
- Add inlet to Subdivision, connecting 2790 S Cul-de-Sac to 1200 W at 2800 S, aligned with existing 2800 S to the east.

NCC 21.06.080 states that the final plat must be “prepared according to this ordinance and to the Nibley City Design Standards and Specifications.” Those, in turn, provide under 1.1(26) “Final Plat: A map of all or part of a subdivision **providing substantial conformance to an approved preliminary plat**, prepared by a registered professional engineer or a registered land surveyor in accordance with the city's subdivision ordinance.”

Ultimately, the City Council, as the approval authority, will determine whether the proposed Final Plat meets this definition of ‘substantial conformance’ to the Preliminary Plat, with a recommendation from Planning Commission. While Staff is supportive of the determination that this updated lay-out substantially conforms to the Final Plat, as the number of lots, lot sizes, density, and general lay-out of the subdivision is proposed to stay intact, Staff understands that this is open to reasonable interpretation and requests that this be clarified prior to the comprehensive review of the Final Plat.

Agenda Item #2: Planning Commission Rules and Procedures

Description

Training and Discussion: Planning Commission Rules and Procedures

Department

City Planning

Recommendation

Participate in training and discuss its application

Reviewed By

City Planner, City Recorder

Background

Planning Commission Rules and Procedures provide a framework for appropriately conducting meetings. Cheryl Bodily, City Recorder, will lead a training and discussion on adopted rules and procedures of the Planning Commission. The Commission may then discuss its application.

people + place

Nibley City Transfer of Development Rights Project

PROJECT KICK OFF | MARCH 1, 2022

WELCOME!

Nibley Transfer of Development Rights (TDR)

HOW CAN WE SAVE FARMLANDS AND IMPORTANT OPEN SPACES?

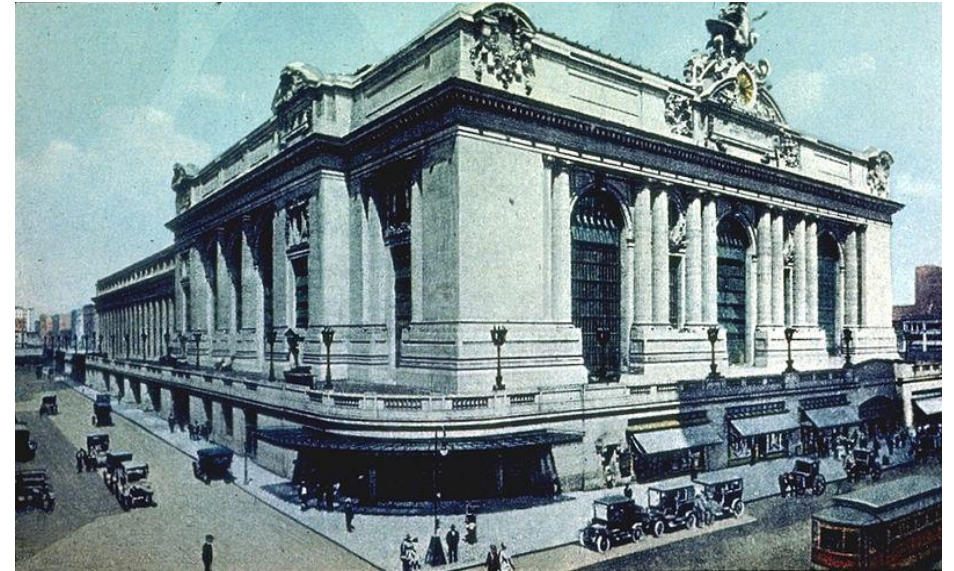


Who are these guys? People + Place

- A working collaborative of planners and topical experts brought in to address a community's needs – we do visioning, general plans, and ordinance work
- Christie Oostema Brown – planner with expertise in project management, big picture thinking/visioning (Envision Utah), public participation
- John Janson – planner with past promotion of TDR in training sessions, West Valley City experience, Summit County, Heber TDR, general plan and ordinance expertise
- Jake Young – significant private sector planning, landscape architecture, ordinance development, and general plan experience
- Susie Becker – Zions Public Finance – market analysis, trends and financing expert
- Steve Pastorik – West Valley CDD and administered their TDR program

TDR Background

- First used in NYC to sell the air rights above Grand Central Station
- Many programs across the country
- Local examples
- Success depends on the market and a well constructed program



Successful Utah Stories

- Mapleton Utah – TDR ordinance adopted in 1998. Approximately 750 acres have been preserved to date
- Ogden Valley (Weber County) ordinance and general plan in place to transfer density to village centers.
- Spanish Fork – working on preserving their river bottoms

Relevant Trends - Population Growth



Today's affordable housing!



Table 2: Projected Population Growth

Census	Projections				
2010	2020	2030	2040	2050	2060
5,438	8,796	14,136	15,725	18,597	21,905

Source: Governor's Office of Planning & Budget, 2012 Baseline Projections

Recent Market Trends

- Second home market still strong
- Decreasing number of farmers (could change)
- Baby boomers retiring and seeking a different adventure
- Average income decreasing relative to housing costs



Recent Market Trends (cont.)

- Low interest rates
- High land prices yields high interest from farmers to sell their land
- Nationally, about **25%** of the population is interested in more compact living - the “walkable neighborhood” with transit options. People are willing to give up a larger lot/larger home for more accessible locations and more amenities.



Cache County Housing Trends

Property Type	Base Year: 2000	2010 ACS	2019 ACS	% Change (2000 - 2019)
Median Home Value	\$131,800	\$180,300	\$236,500	79.4%
Median Contract Rent	\$509	\$656	\$803	57.8%
Median Household Income	\$39,730	\$47,013	\$59,038	48.6%

SELECTED HOUSING CHARACTERISTICS and MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS; 2000: DEC Summary File 3 Demographic Profile, ACS 5-Year Estimates 2006-2010, 2015-2019

Average Home Prices:

2016 - \$214,000

2021 - \$333,000

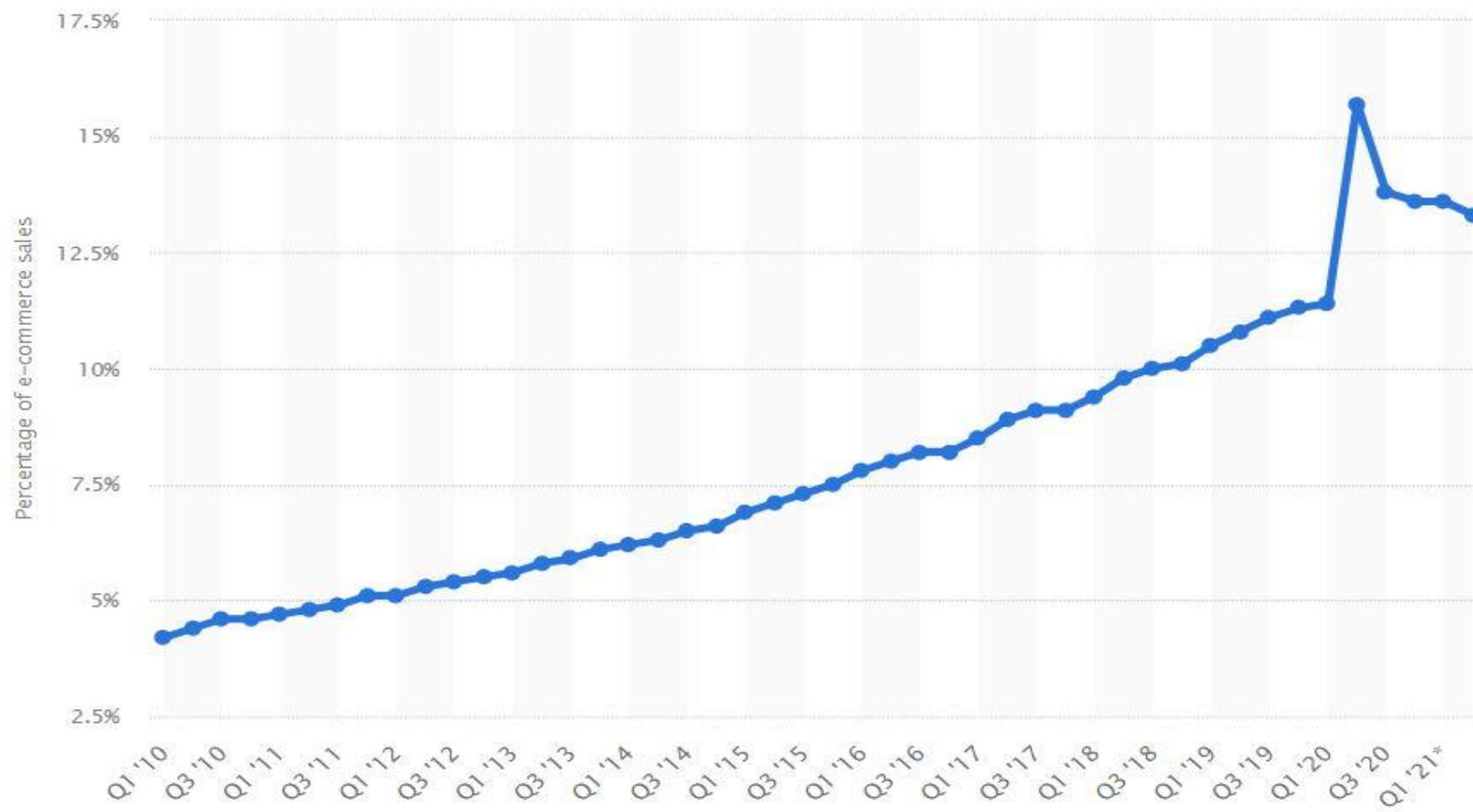
Multiple offers, above listing, on most homes under \$500,000

Most homes above \$750,000 are to out-of-state buyers

Extremely high demand in <\$300,000 market with lack of supply

New Townhouses in Nibley - \$350,000

On-line Sales



What are Major Retail Trends Going Forward?

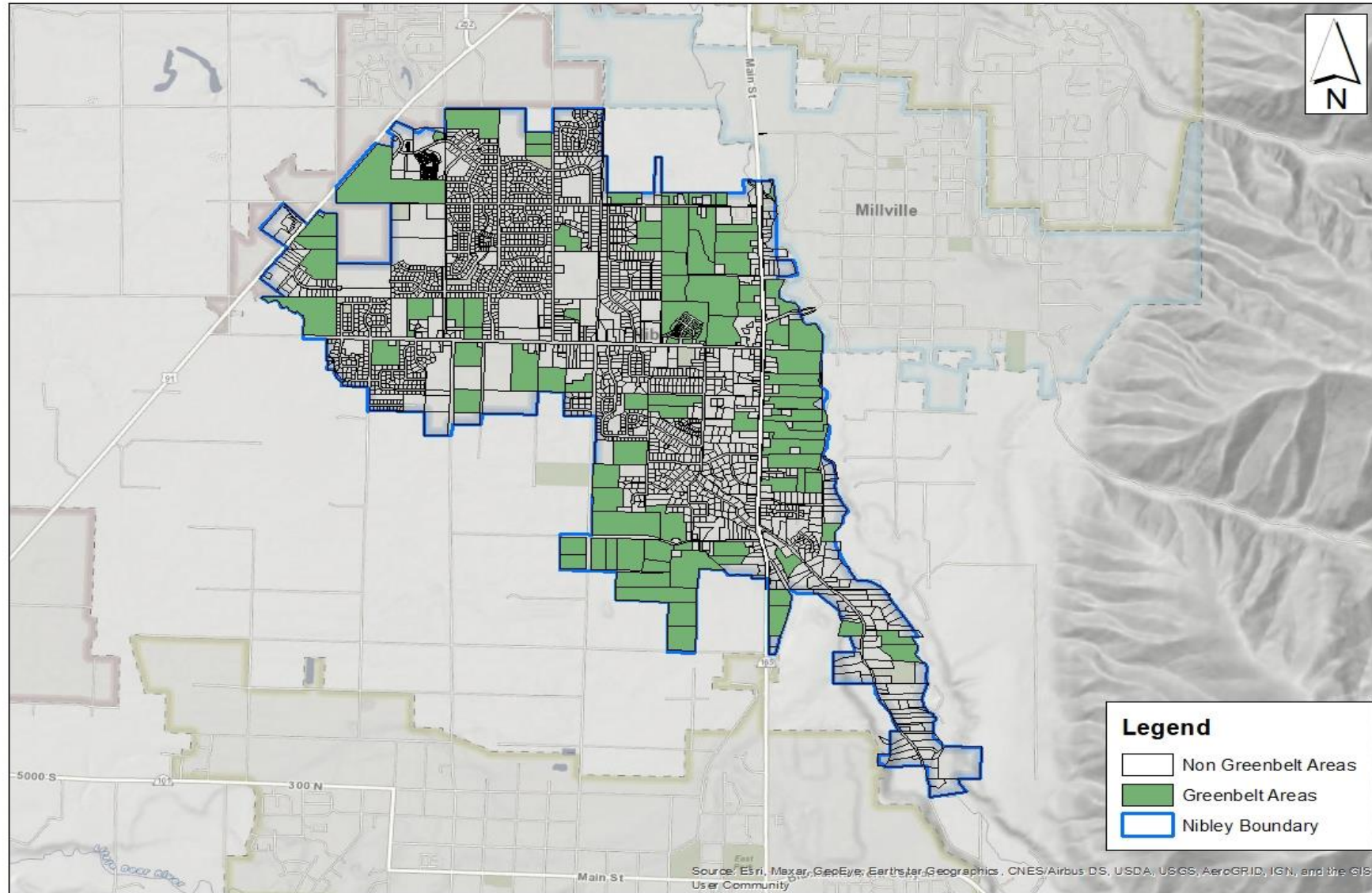
Retail Space Needs Per Capita	
Year	Space Needs Per Capita – Square Feet
2000	25
2017	20
2020	15



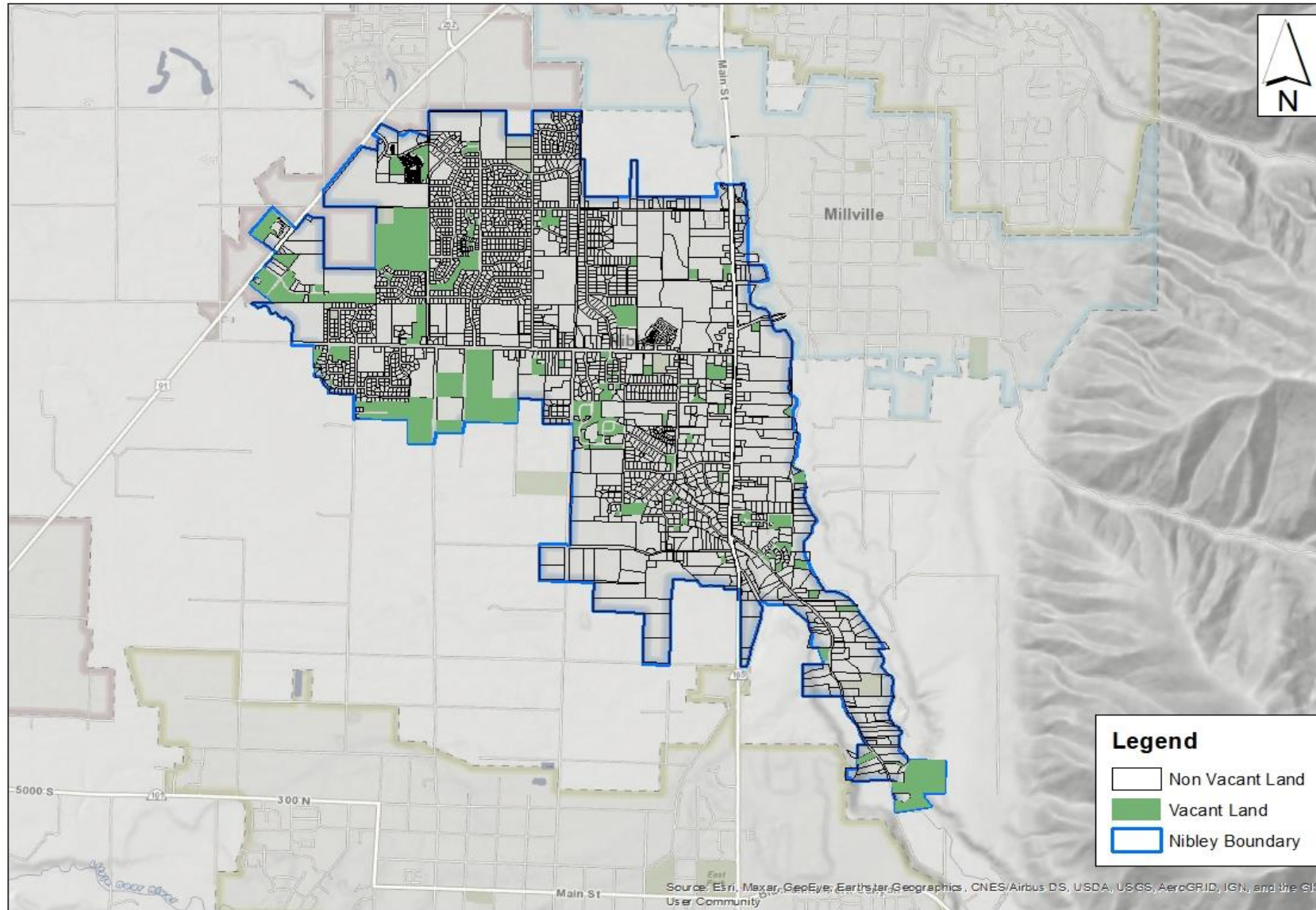
As stated by Price Waterhouse Cooper's (PWC) head of US real estate practice, Byron Carlock, "We are clearly overretailed in America."

Carlock goes on to state, "With the pandemic continuing to impact the retail industry, retail space providers would consider using retail spaces more efficiently. Physical stores would continue to be relevant but parts of it would be demolished and repurposed to build establishments like fitness centers and medical facilities." He also said that the US could cut down retail spaces to reach close to 16 square feet per person. He further added that if this reuse and replacement continues, America would have 30% more space for the "kind of development people actually need."

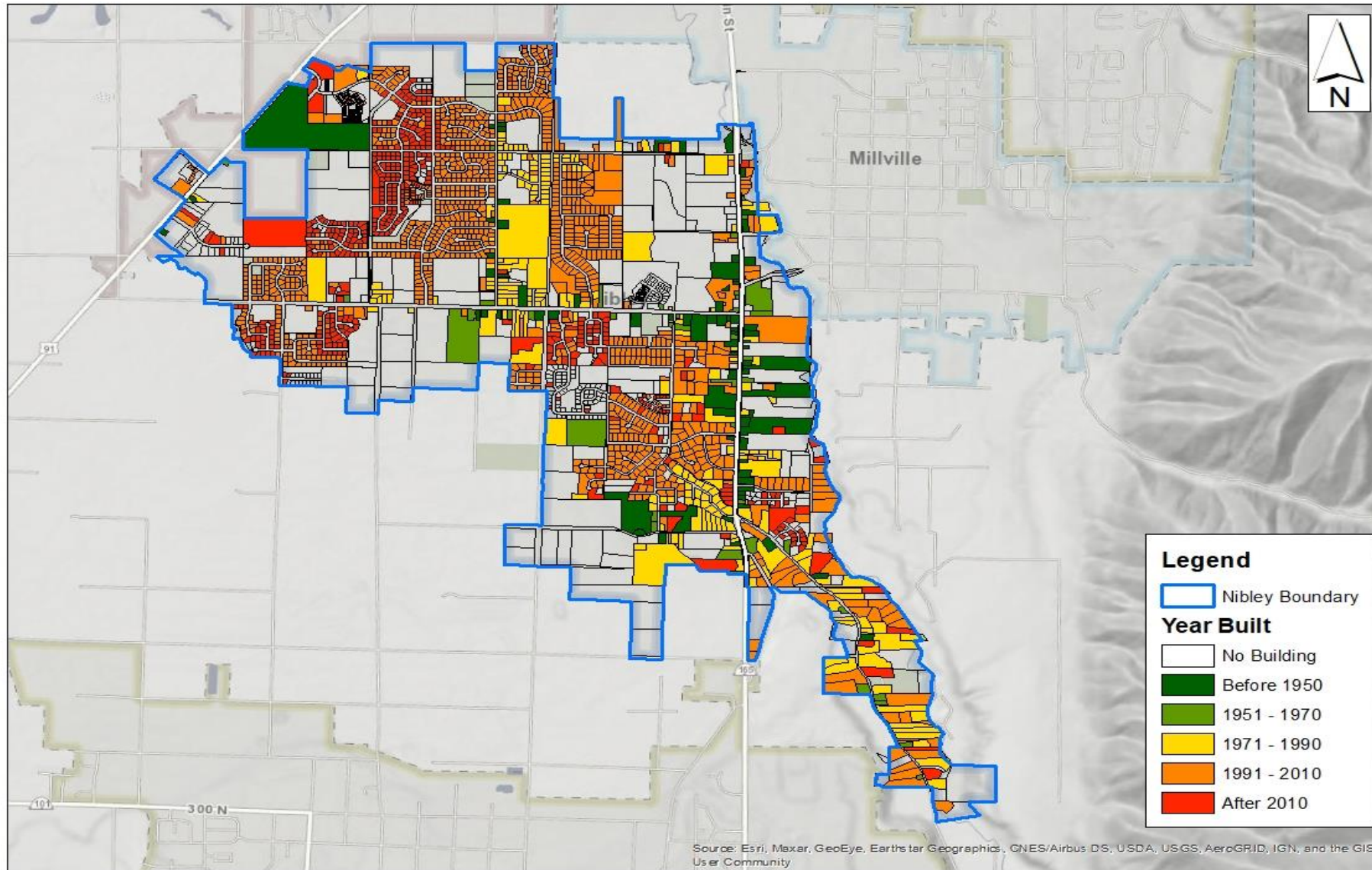
Agricultural Land (Greenbelt) in Nibley



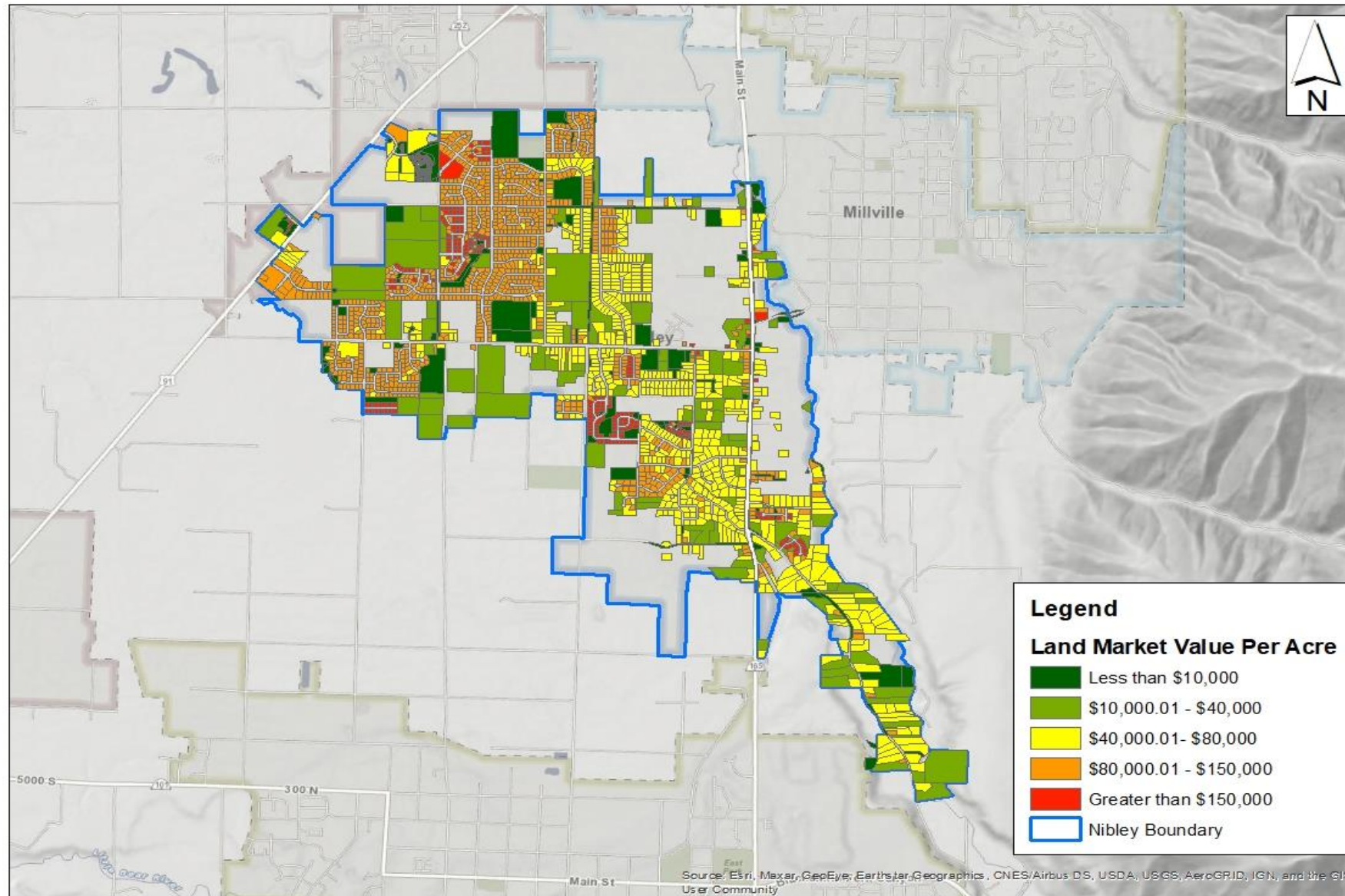
Vacant Properties



Year Built



Land Values

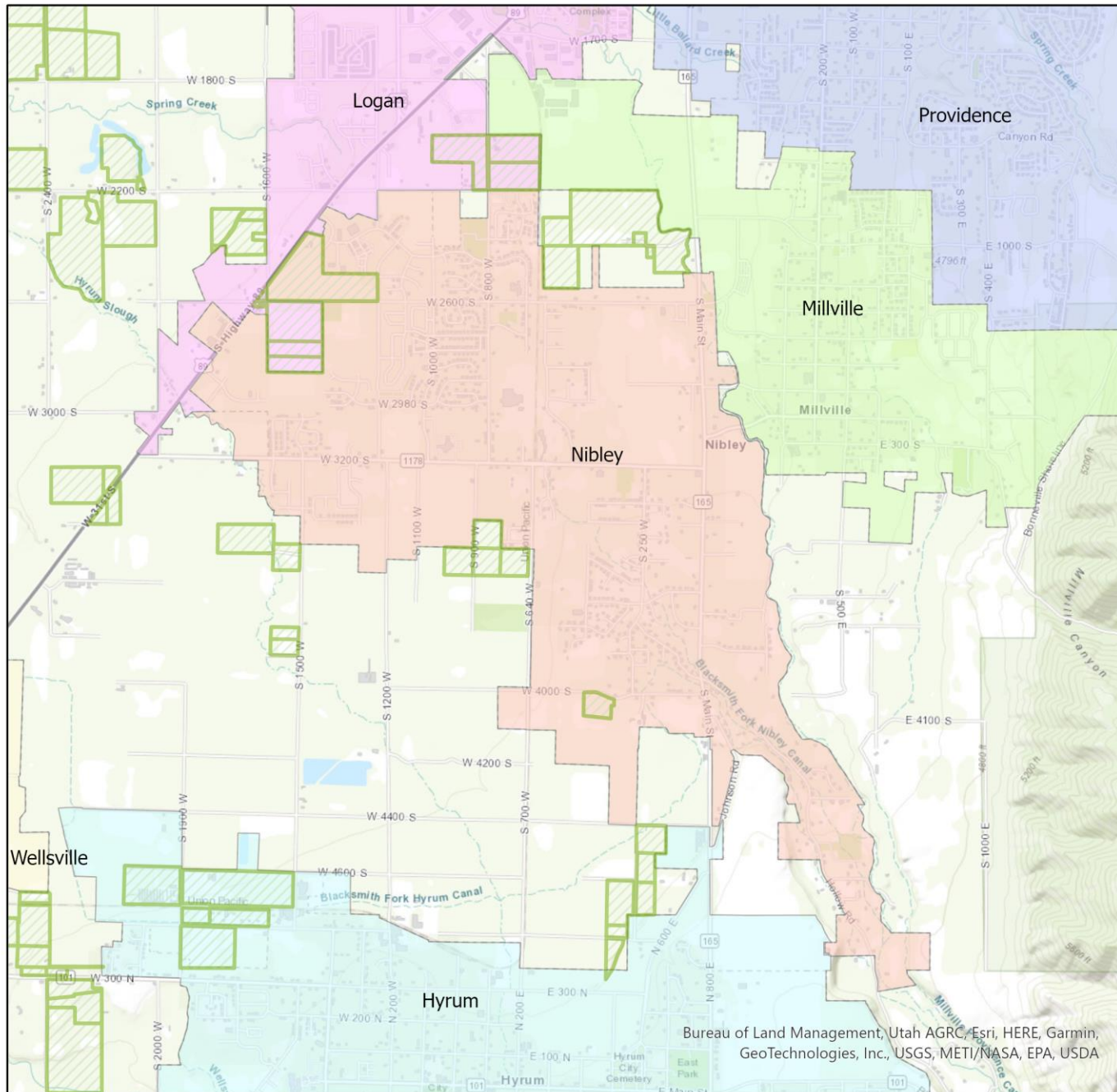


Agricultural Protection Zones in Nibley

State-enabled zones for agricultural properties:

- Protects the farmer from neighboring development complaints through notifications on new development plats
- Provides veto ability for zoning changes that impact the agricultural property
- Provides veto ability for planning infrastructure changes that could impact the agricultural property





Legend

Agriculture Protection Areas

Municipalities

NAME

Hyrum
 Logan
 Millville
 Nibley
 Providence
 Wellsville
 <all other values>



1

Miles

Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin,
GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA

Does the Trend and Mapping Data...

...generate any thoughts on what lands should be offered preservation options?

...generate any thoughts about the best places for more intensive development?

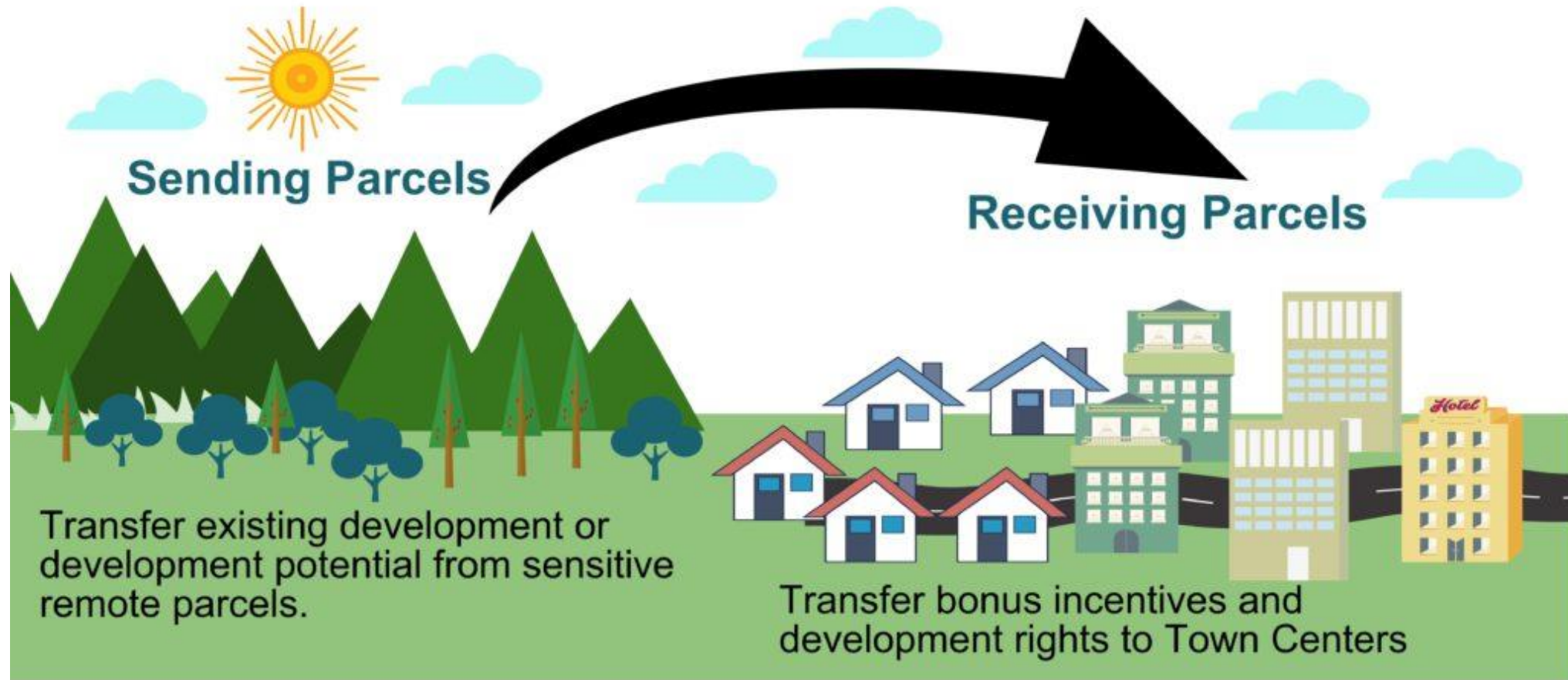


Transfer of Development Rights

How does it work?



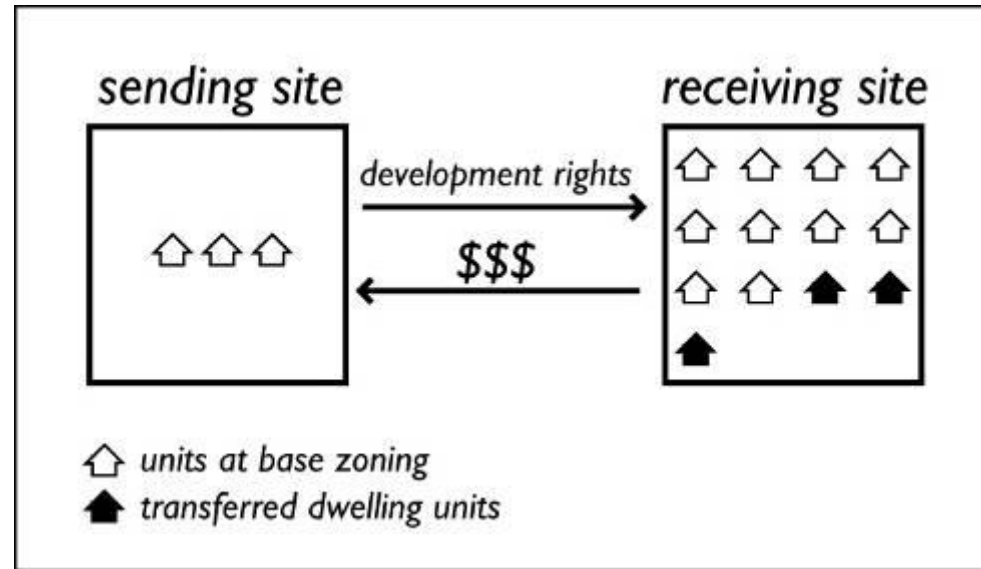
Sending/Preservation Areas to Receiving Areas



TDR Systems

Credits are sold representing what could be built in a preservation (sending) area, and units are built where the community believes they are acceptable (town center or planned centers?).

- ***Sending Areas*** (Example: productive agricultural land)
- ***Receiving Areas*** (Example: areas contiguous to major development clusters or planned centers)



Theoretical Example

Farmer has 20 acres

- If the zoning could be changed to half acre lots – there is the potential for about 40 lots
- Each lot sells for \$150,000 – potential to sell land for \$6,000,000 less development costs and developer profit
- *Issues not addressed in this example:*
 - *Residual farm value*
 - *Farmer's charitable attitude*

- Farmer engages in a negotiation with a developer to buy his/her development rights
 - Farmer still wants to farm
 - Needs \$5-6 million to sell all development rights
 - Developer only willing to pay \$50,000 for a new door
 - Each credit would need to be equal to 3 new housing units at the receiving site

What Makes this Work?

- Farmer's development rights are purchased for what he/she thinks the land is worth
- Farmer gets to stay in the farming business!
- A conservation easement is recorded, allowing for **permanent** preservation/continuing agricultural use and is held by a land trust/non-profit
- Developer is willing to purchase the rights, if he/she is guaranteed the ability to build the credits/units purchased – which may be in addition to some base density

TDR's Potential Role

- TDR system is based on an understanding of what you want to save (the character of the community) and where you want to grow
- It can create reasonable consensus on growth areas and areas to conserve
- It can encourage farmers to continue farming and preserve significant open spaces (stream corridors, wetlands, mountainsides, etc.)
- It becomes like a new “currency,” a new property right
- City enables the transactions through an ordinance, but the transactions are private and voluntary
- Maybe best when it is part of a multi-faceted strategy – TDR, PDR, conservation subdivisions, clustering concepts, ag protection zones, flexible ag zones
- *It is a market-based system, and it requires market demand to work*

Making TDR Work (Generally)

- Enough receiving areas to accept density from the areas worth saving (needs community consensus on what to save and where to allow increased densities)
- Sufficient **demand** for higher densities in the receiving area
- Meaningful **economic incentives** for landowner and developer participation
- Everyone must understand that it is an **incentive based, voluntary** implementation tool
- Developers can't obtain higher densities in other ways!

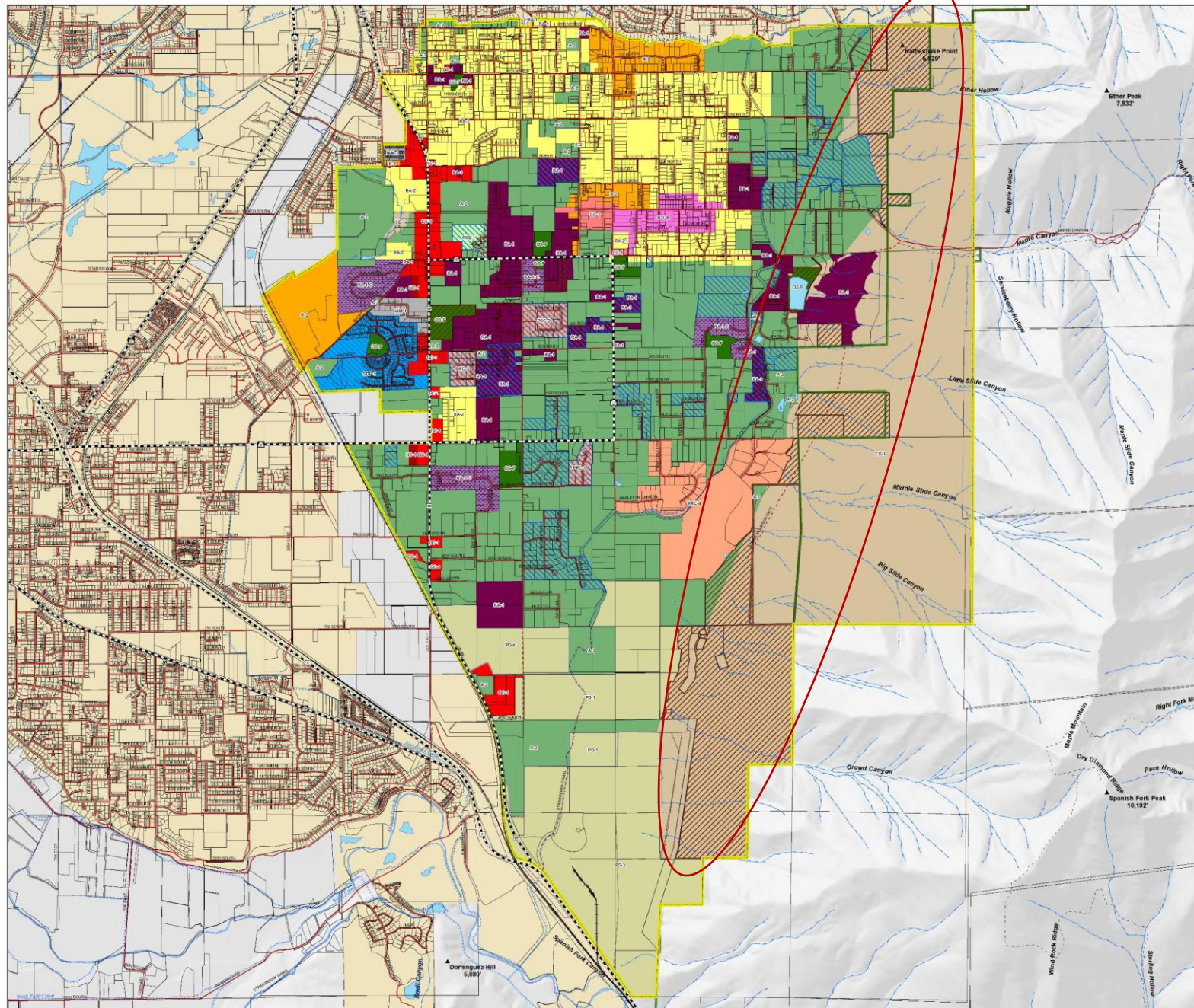
Making TDR “Pencil”

- A townhouse or small lot home is worth less than a big lot home. To make the transaction pencil:
 - If you sell one large lot “credit”
 - the buyer gets, for example, three small lot credits
 - notably more units get built in receiving areas

Discussion: “hurdles” in every community – heights, densities, and design in the receiving areas

Utah TDRs - Mapleton

- First established in 1998 – open space goal with trails
- City has both approved sending and receiving areas per overlay zoning districts
- Density increase options
 - Less density if the property has conservation easements
 - More density if the property is a transfer of fee title to the City
- City issues certificates for TDRs after conservation easements are recorded
- As of 2019 - approximately 750 acres protected
- Protected bench (habitat, recreation, farming & scenic)



Mapleton City Zoning Map



0 0.25 0.5 0.75 1 Miles

1 inch = 0.25 miles (24 x 36 Paper Size)
1:15,840

Legend

- US or State Hwy
- Local Roads
- Local Roads - Unpaved
- Trails
- Railroads
- Mapleton_Boundary
- Uinta-Wasatch-Cache National Forest
- Hobbie Creek WMA
- February 2017 Parcels
- Lakes
- Canal or Ditch
- Intermittent Stream
- Stream or River
- TDR-R = Transferable Development Rights - Receiving Site
- TDR-S = Transferable Development Rights - Sending Site
- A-2 = Agricultural-Residential
- CC-1 = Central Commercial
- CE-1 = Critical Environment
- GC-1 = General Commercial
- I&M-1 = Industrial and Manufacturing
- NC-1 = Neighborhood Commercial
- OS-P = Open Space and Parks
- PD = Planned Development
- PO-1 = Professional Office
- PRC = Planned Residential Community
- PRD = Planned Residential Development
- R-1-B = Residential
- R-2 = Residential
- RA-1 = Residential Agricultural
- RA-1-C = Residential Agricultural Cluster
- RA-2 = Residential-Minor Agricultural
- SDP = Specific Development Plan

Neighboring Cities

- Neighboring Cities
- Unincorporated County Areas



MAPLETON CITY CORPORATION

Mapleton City makes no warranty with respect to the accuracy, completeness, or usefulness of this map. Mapleton City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of this data. For official zoning verifications, contact the Community Development Department.

Last Updated: 02/01/2017

Utah TDRs - Mapleton

3. Within the critical environment (CE-1) zone:

a. The total number of development rights which may be created for a sending site shall be equal to the site's base zone density plus a density bonus granted pursuant to either subsection C3a(1) or C3a(2) of this section (but not both):

(1) If a sending site owner transfers only the development rights associated with the site, the density bonus shall be equal to three (3) times the site's base zone density. Thus, by way of example and not limitation, a property owner who transfers only the development rights from a sending site having a base zone density of ten (10) dwelling units would obtain a total of thirty (30) TDRs, illustrated as follows:

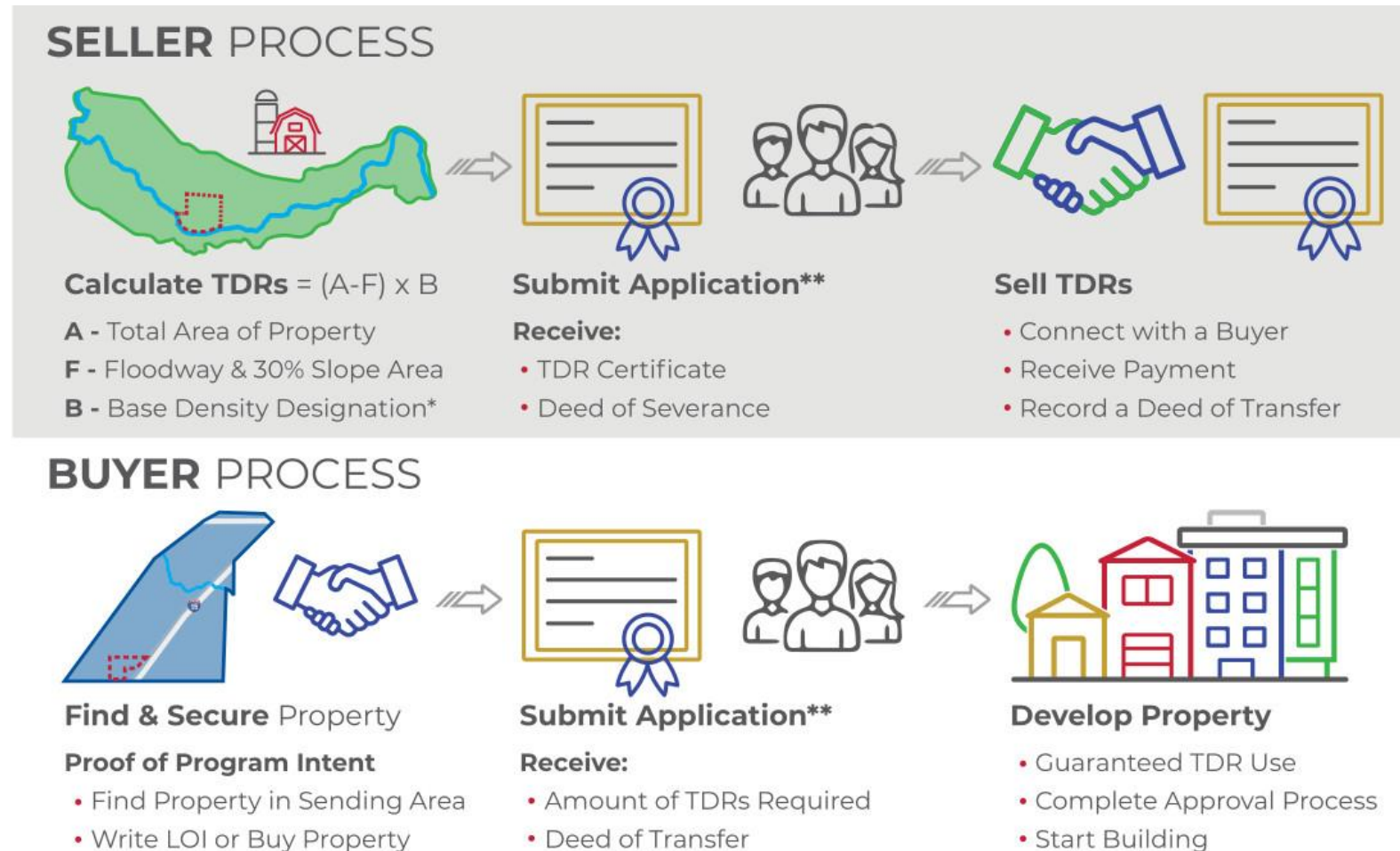
Base zone density:	10	TDRs (1 dwelling unit equals 1 TDR)
Density bonus:	<u>20</u>	TDRs
Total	30	TDRs

(2) If a sending site owner transfers fee title of the site to Mapleton City Corporation or the sending site owner is Mapleton City Corporation, the density bonus shall be equal to five (5) times the site's base zone density. Thus, by way of example and not limitation, a property owner who transfers development rights only from a sending site having a base zone density of ten (10) dwelling units would obtain a total of fifty (50) TDRs, illustrated as follows:

Base zone density:	10	TDRs (1 dwelling unit equals 1 TDR)
Density bonus:	<u>40</u>	TDRs
Total	50	TDRs

Utah TDRs – Spanish Fork (in progress)

In process of reviewing TDR ordinance and adopting



Utah TDRs – Spanish Fork (in progress)

Sending area densities (becomes “credits”)

1. 1 unit per acre for areas in the 100-year floodplain.
2. 2 units per acre for areas outside of the 100-year floodplain.

Receiving area densities

Base Zoning	Base Density	Receiving Density	Density Multiplier	Density Increase	Maximum Density
R-1-12	2.61	2	1	2	4.61
R-1-9	3.48	2	1	2	5.48
R-1-8	3.92	2	1	2	5.92
R-1-6	5.23	2	1	2	7.23
R-3	12	2	3	6	18
R-4	20	4	4	16	36
R-5	18	4	2	8	26

Utah TDRs – Spanish Fork (in progress)

Concerns from Public Hearing November 2021

- Farmers want full value for land
- Farmers want autonomy and “the City to not tell them what to do”
- Farmers want children to receive the land or have a say
- Adjacent land is being developed, “why can’t my land be developed”
- Concerns with density in receiving areas
- Concerns with permanency of TDRs for landowners

Utah TDRs – Ogden Valley

Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

Ogden Valley General Plan

Utah TDRs – Ogden Valley

- Transfer to Resort Area (Snowbasin)
- Sending areas from any property in the Valley, except:
 - Sending areas must be slopes less than 30/40% (forest areas)
 - Existing conservation easements
 - Federal lands
- Certificate issued by Weber County and Conservation Easement on land
- Standards for transferring

Rezone “Discipline” Is Needed

- No demand = no transfers
- If a landowner can get more density without TDR, he/she won't be interested in buying credits from the sending area
- Jurisdictions that participate need to have zoning discipline, clearly outlining when up-zoning will or won't occur
- This may cost some landowners more to develop than previously thought, *BUT* “If **zoning certainty** can be obtained *through* credits, it can counter-balance additional cost with less time, less risk.” (Rick Pruetz, *The TDR Handbook*)

R-PUD Areas

How could these areas become the receiving zones?

Issue – already allows up to 10 units per acre

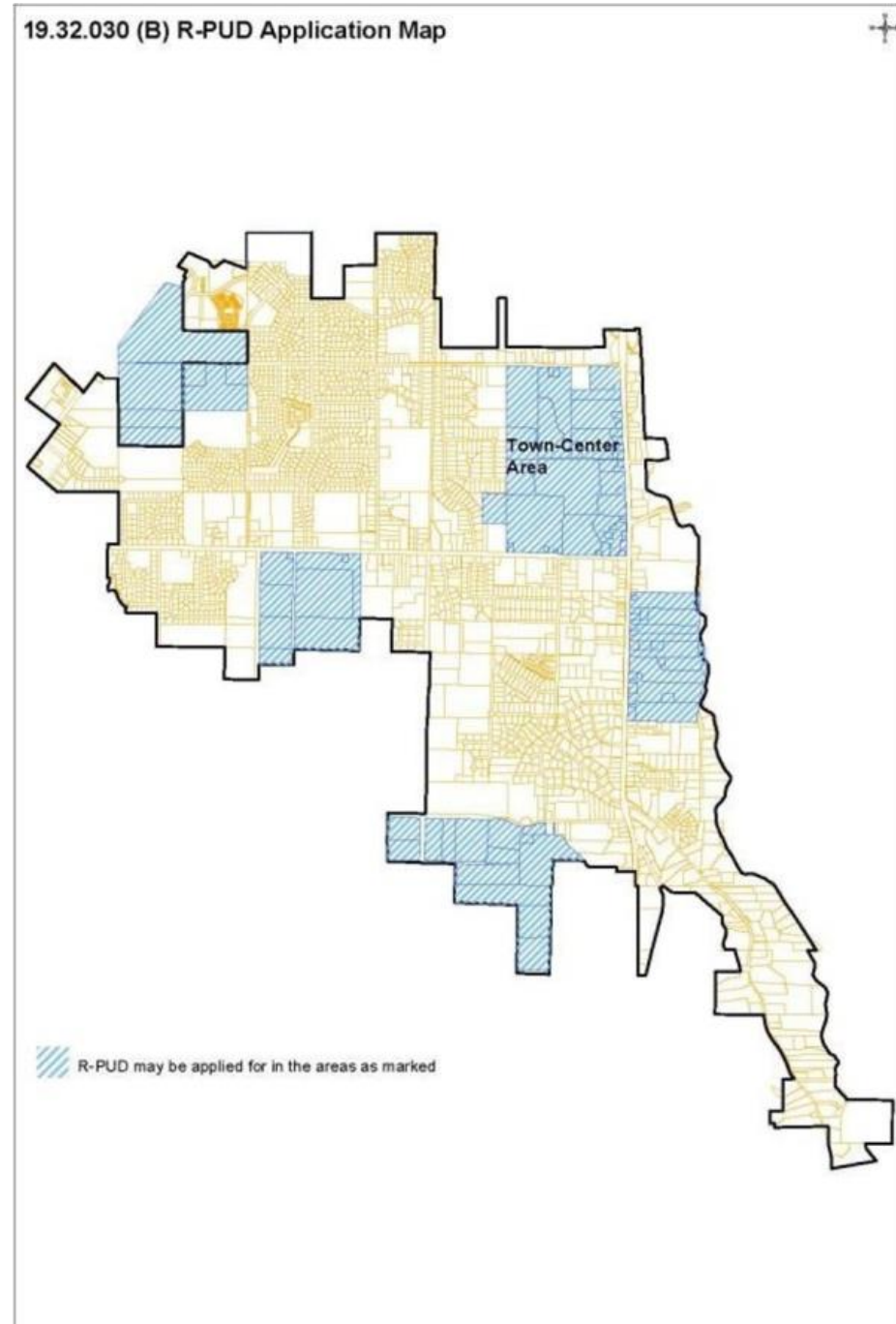
Options for incentives with TDR required:

- Increase density

- Allow other housing types (missing middle)

- Reduce open space requirement

- Assure development approval



Test Your Zoning Discipline

Are you willing to give additional density only if TDR is involved?

1. The idea is not worth exploring, I have substantial concerns
2. I don't favor the idea, but feel it is worth exploring
3. I favor the idea, but have concerns that would need to be addressed
4. I strongly support this idea

Process from our Scope

- Project coordination
- Public engagement (*suggest moving this to later in the process*)
- Case studies – three are being studied
- Market analysis – Zions Public Finance (ongoing)
- TDR feasibility and tipping point analysis
- Designation of sending and receiving zones (*engage public*)
- Draft ordinance catered to Nibley's unique development issues
- TDR strategic implementation element
- Staff implementation

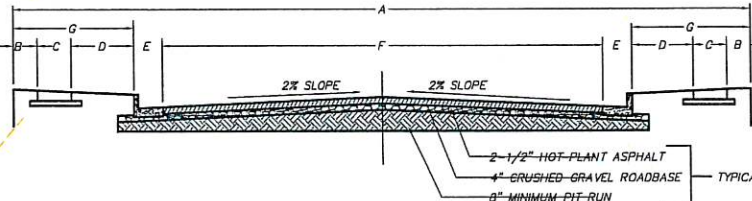
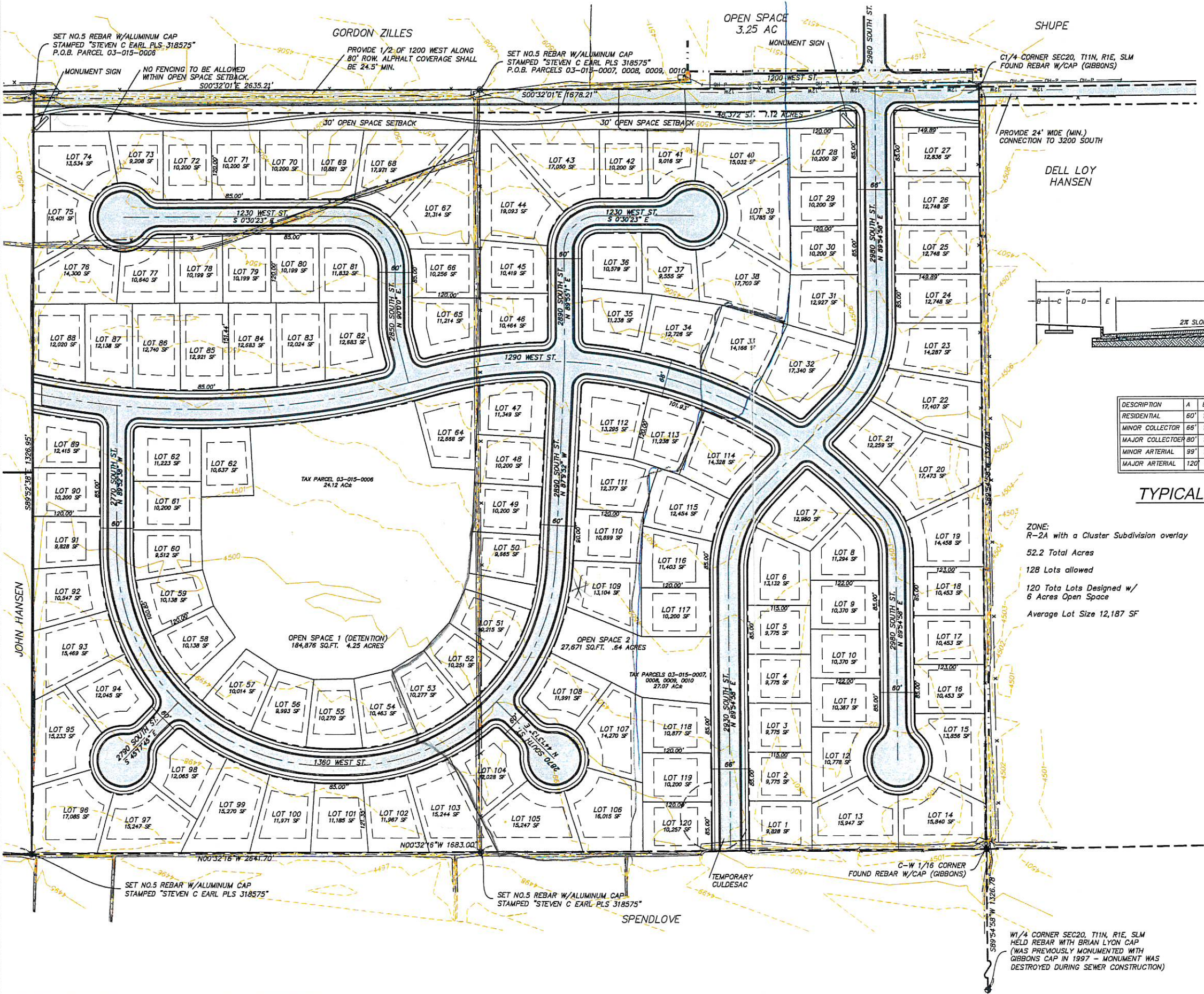
Questions, Suggestions, Thoughts



STONEBRIDGE

PRELIMINARY PLAT

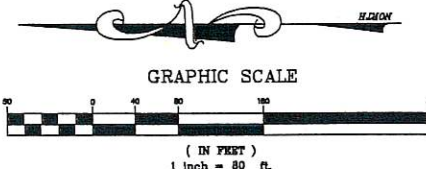
1200 WEST, NIBLEY, CACHE COUNTY, UTAH
JUNE, 2006



DESCRIPTION	A	B	C	D	E	F	G	TRAFFIC LANE	PARKING
RESIDENTIAL	60'	1'	4'	8'	2.5'	29'	13'	2 @ 11.5'	1 @ 6'
MINOR COLLECTOR	66'	1'	4'	8'	2.5'	35'	13'	2 @ 11.5'	2 @ 6'
MAJOR COLLECTOR	80'	1'	4'	8'	2.5'	49'	13'	3 @ 12'	2 @ 6'
MINOR ARTERIAL	99'	1'	5'	8'	2.5'	66'	14'	4 @ 12.5'	2 @ 8'
MAJOR ARTERIAL	120'	1.5'	5'	8'	2.5'	86'	14.5'	5 @ 14'	2 @ 8'

TYPICAL ROAD X-SECTION
NOT TO SCALE

ZONE:
R-2A with a Cluster Subdivision overlay
52.2 Total Acres
128 Lots allowed
120 Total Lots Designed w/
6 Acres Open Space
Average Lot Size 12,187 SF



PRELIMINARY PLAT
PLAT MAP.

STONEBRIDGE
(PRELIMINARY PLAT)

Cache • Landmark
Engineers
Surveyors
Planners
666 North Main St.
Suite 303
Logan, UT 84321
435.713.0099

DATE: 5 JULY 2006
SCALE: 1" = 80'
CALCULATIONS BY: S. EARL
DRAWING BY: J. SCOTT
CHECKED BY: R. BLOSSOM
PROJECT NUMBER: 835-0401
SHEET:

NIBLEY CITY PLANNING COMMISSION BYLAWS: RULES OF PROCEDURE AND ORDER

Intent

The intent of these bylaws is to supplement the Utah Code and the Nibley City Code regarding the affairs of the Nibley City Planning Commission. Conflicts between Utah Code, Nibley City Code, and these bylaws shall be resolved first by Utah Code, second by Nibley City Code, and last, by these bylaws. It is not necessary for the bylaws to be readopted each year, unless a majority of the Commission determines that a change to the bylaws is needed.

Chairperson and Vice-Chairperson

The Mayor shall annually appoint a chairperson and such other officers as deemed necessary with the advice and consent of the City Council. The chairperson shall preside at Planning Commission meetings, or in his/her absence, the vice-chairperson shall preside. If neither the chairperson or vice-chairperson are present at the meeting, the most senior commissioner shall preside.

The presiding commissioner is encouraged to take part in discussion and vote on matters before the Planning Commission, while at the same time, maintain the opportunity for impartial discussion among commissioners.

Meetings

The Planning Commission shall hold regular meetings at least once a month, and preferably twice a month. The Commission shall adopt its regular meeting schedule at its last meeting of each calendar year for the following year. The chairperson, or in his/her absence, the vice-chairperson, may call special meetings in addition to regular meetings.

Rules of Conduct

Recognizing that the Planning Commission, as an appointed body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the Planning Commission, with the objective of providing for full, open, and comprehensive debate of issues brought before the Planning Commission for action in a forum open to the public, and which encourages citizens' awareness of Planning Commission activities.

These procedures do not increase or diminish the existing powers or authority of the Planning Commission, as set forth in state law or local ordinance.

Planning Commission Meeting Agenda

All meetings of the Planning Commission will have a notice and agenda that complies with the Utah Open Meetings Act.

An item may be placed on the agenda only by the Chair of the Planning Commission or by the City Planner, or at the request of a majority of Commission members. Agenda items must be submitted to the City Planner at least two (2) weeks in advance of the meeting, unless otherwise approved by the City Planner.

The agenda and information packet shall be posted the Friday before the next meeting.

Role Of The Chair And Other Commission Members:

- The Chair shall preside at meetings of the Planning Commission. The Chair may participate in discussion of and vote on all matters.
- In addition, the Chair, as the Chair, has the primary responsibility for ensuring that the Commission's rules of procedure are followed and:
 - For maintaining the dignity of Commission meetings.
 - Calls the meeting to order and confines the discussion to the agenda.
 - Recognizes Commission members for motions and statements and may allow audience and staff participation at appropriate times.
 - Requires knowledge of the City's adopted rules of parliamentary procedure and how to apply it.
 - Ensures that the Utah Open and Public Meetings Act is complied with.
 - Knows how to courteously discourage Commission members who talk too much or too often.
 - Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
 - Recognizes the Commission member offering the motion, restates the motion, presents it to the Commission for consideration, calls for the vote, announces the vote, and then announces the next order of business.

Code of Conduct

Members of the Planning Commission, including the Chair shall:

- Ensure that remarks apply to the question under debate.
- Avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Understand and recognize the Chair is conducting the meeting and not attempt to take on that role.
- Not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the Planning Commission.
- Be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- Be dedicated to the effective use of the City's available resources.
- Refrain from any activity that would hinder their ability to be objective and impartial.
- See that City business is discussed in open, well-publicized meetings.

Ethics

The Chair and Commission members shall comply with the Utah Municipal Officers and Employees Ethics Act as found in Utah Code 10-3-1301 et seq.

Parliamentary Rules

The following may be referred to as the City's Rules of Order and shall be the parliamentary rules for conducting the business of the City. Each rule is followed by a purpose and, in some cases, a procedure, to explain the rule and guide the Chair and Commission members in its intended application.

Rule No. 1: The meeting is governed by the agenda and the agenda constitutes the Planning Commission's agreed-upon roadmap for the meeting.

Purpose Of The Rule: All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the Commission speaking on an issue, the substance of what the member says, an accurate description of any action taken by the Commission and the voting record of each individual member of the Commission.

Rule No 2: Any matter that requires a Planning Commission decision shall be brought before the Commission by motion and each motion requires a second.

Purpose Of The Rule. The purpose of this rule is to limit items under discussion to those and only those that the Commission members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

Rule No 3: One question at a time and one speaker at a time.

Purpose Of The Rule. The purpose is to focus on only one question and to allow Commission members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

Rule No 4: The Chair may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the Commission.

Purpose Of The Rule. General consent is helpful in expediting general routine business or when the Chair senses the Commission is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

Rule No 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

Procedure: The initial motion. The initial motion is the one that puts forward an item for the Planning Commission's consideration. An initial motion might be: "I move that we adopt ordinance number 10-1 as presented."

The motion to amend. If a member wants to change the initial motion that is before the Planning Commission, they would move to amend it. A motion to amend takes the initial motion which is before the Planning Commission and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the Planning Commission, and put a new motion before the Planning Commission, they would move a substitute motion.

Purpose Of The Rule. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

Rule No 6. There can be up to three motions on the floor at the same time and no more than three. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

Purpose Of The Rule: Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

Rule No 7: The debate can continue as long as members of the Planning Commission wish to discuss an item, subject to the Chair determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a Commission member to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

Purpose Of The Rule. Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Chair by General Consent or the majority of the Commission to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

Rule No 8: Three yes votes are required to pass any item before the Commission.

Purpose Of The Rule. Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire Commission is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it would be a tie and the motion would fail, lacking the three yes votes required to pass items before the Commission.

Rule No 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Planning Commission if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Commission unless the number of members of the Commission present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.

Purpose Of The Rule. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Planning Commission again and again. That would defeat the purpose of finality. If the motion to reconsider passes, then

the original matter is back before the Planning Commission, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

Rule No 10: The Chair and Commission members shall adhere to the code of conduct.

Purpose Of The Rule. Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the Planning Commission. A Commission member may continue speaking on a majority vote of the Commission. The rules of order are meant to create an atmosphere where the members of the Planning Commission and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the Planning Commission to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Chair before proceeding to speak.

Residents' Right To Be Heard:

Residents may from time to time believe it is necessary to speak to Planning Commission on matters of concern. Accordingly, the Planning Commission expects any person presenting to the Planning Commission to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Chair.
- Public comments will only be heard during the appropriate portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the Chair.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit their comments to matters of fact regarding the issue of concern.
- Comments should be limited to two (2) minutes unless prior approval by the Chair.
- If a representative is elected to speak for a group, the Chair may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed.

Any member of the public interrupting Planning Commission proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Planning Commission, shall be deemed to have disrupted a public meeting and, at the direction of the Chair, shall be removed from the meeting by law enforcement personnel or other agent designated by the Planning Commission.