

RESOLUTION NO. 2023-19

A RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR LAND USE ORDINANCES

WHEREAS Lake Point City is authorized and required by Title 10, Chapter 9, Part 5, Utah Code to adopt land use ordinances that govern the city land use.

WHEREAS the Lake Point City Council desires to adopt policies and procedures to promote discussion and orderly procedure for ordinance preparation, public comment, public hearings, proper public notice and legal review by the city attorney prior to the Planning and Zoning Commission recommendation and the City Council adoption of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Lake Point City Council as follows:

Section 1. The policies and procedures set forth in Exhibit A, attached hereto and incorporated herein by reference, are adopted as Policies and Procedures for Land Use Ordinance Adoption for the Lake Point City Council and the Lake Point Planning Commission.

Section 2. This Resolution shall take effect immediately upon approval.

PASSED, APPROVED, AND ADOPTED on the 28th day of June, 2023
Lake Point City

By [Signature]
Chair

ATTEST:

[Signature]
City Recorder

SEAL

Voting:

Daniel Crawford	Yea ☒	Nay ☐	Absent ☐
Doyle Garrard	Yea ☒	Nay ☐	Absent ☐
Jonathan Garrard	Yea ☐	Nay ☒	Absent ☐
Kathleen VonHatten	Yea ☒	Nay ☐	Absent ☐
Ryan Zumwalt	Yea ☒	Nay ☐	Absent ☐

EXHIBIT A
LAKE POINT CITY COUNCIL
LAND USE ORDINANCE ADOPTION
PROCEDURES AND POLICIES

R 2023-16

June 28, 2023

The purpose of this document is to outline the procedures and operations of the Planning Commission—and the City Council to allow Lake Point City to adopt Land Use Ordinances or amendments to land use ordinances in an efficient, orderly, and proper manner, as authorized by Utah State Code.

Nothing in this document is intended to detract or take away from the powers, duties, or processes outlined in Utah State or Lake Point City Code.

1 INTRODUCTION

- 1.1 Form of Government: Lake Point is a five-member city council form of government. The powers are vested equally in a City Council consisting of five members who are designated as the land use authority. Hereinafter which will be referred to as CC.
- 1.2 Lake Point has appointed a seven-member Planning Commission to research, review and be a recommending body for land use ordinances for adoption by the City Council. Hereinafter which will be referred to as PZC.

2 GENERAL RULES OF LAND USE ORDINANCE WORK

- 2.1 Public Input: The public will be provided with the opportunity for input on land use ordinances through public hearings on the specific land use ordinance. There will also be other provided opportunities during meeting public comment or through the city website public feedback links and forms.
- 2.2 The City Council and Planning Commission should have a minimum of 1 week period, if needed, between a public hearing and a final vote on the land use ordinance.
- 2.3 Any Formal or official questions from the PZC seeking clarification, legal opinions or other needed information as a group or a quorum regarding land use ordinances, should be submitted by the PZC chair and/or vice chair to the CC land use and zoning committee. The committee will answer the questions through electronic communication providing a response to the PZC and provide a copy of the response to the CC and as needed the attorney. This answer can be provided through email or a public meeting. This section is not intended to limit work being done by CC or PZC non-quorum groups or an individual doing research or having discussions or communications seeking individual or committee clarifications in preparation for meetings.
- 2.4 Any Formal or official questions from the PZC seeking clarification, legal opinions or other needed information as a group or a quorum regarding non land use and non-zoning ordinances, should be submitted by the PZC chair and/or vice chair to the CC ordinance committee. The committee will answer the questions through electronic communication providing a response to the PZC and provide a copy of the response to the CC and as needed the attorney. This answer can be provided through email or a public meeting. This section is not intended to limit work being done by CC or PZC non-quorum groups or an individual doing research or having discussions or communications seeking individual or committee clarifications in preparation for meetings.

3 LAND USE ORDINANCE PROCEDURE

3.1 The CC Land Use and Zoning Committee will provide the PZC with any research or information they need or request to begin working on a land use ordinance that the CC requests to be worked on.

3.2 The PZC may also research and use their own information they collect for use on working on a land use ordinance or recommendations for changes to an existing ordinance.

3.3 The PZC may also initiate their own land use ordinance recommendations outside of the CC requests.

3.4 Once information is received and researched in PZC committees or discussed in meetings, the PZC will prepare their final information for an ordinance. The Chair and Vice Chair of the PZC will submit this information to the CC Land Use and Zoning Committee. The CC Land Use and Zoning Committee will then send (with copy to the Chair and Vice Chair of PZC) the final information to the city attorney with a request for placement of the information provided in ordinance form. The city attorney will also add any information required by state and federal law and may make suggestions, recommendations or change wording required to protect the city.

3.5 Once the city attorney places the information provided by the PZC into an ordinance, it will be returned back to the PZC for review and for further discussion. It will also be sent to the CC for initial review. After this review has been done by the PZC, they will then schedule the public hearing.

3.6 The PZC will post their proposed ordinance with the hearing notice,

3.7 Once the PZC posts the hearing notice with their proposed land use ordinance the ordinance cannot be changed until the meeting for the public hearing and PZC discussion and vote.

3.8 Once the PZC has a final version to vote on for their recommendation they will follow the normal process for motions, vote, and adoption of their recommendation relating to the specific land use ordinance from the hearing.

3.9 Once the PZC votes and has a recommendation they will submit it to the CC for review. The PZC will also submit any oral or written comments from the PZC members on why they supported or opposed the ordinance or specific items in it, which may be made by the members at the time of voting.

3.10 The CC will review the voted upon recommendation for any desired changes but may also research and use their own information they collect. Each CC member may suggest changes and will review others suggested changes within 8 days of receipt from the PZC. These changes will be placed on google doc for comment and review by all CC members. This review period shall consist of four days of making comments and suggestions, and four days to review the suggested comments and suggestions. The CC may extend the review period upon a majority vote.

3.11 Once information is received and researched, recommended changes noted, and shared

by the CC any changes noted will be prepared for the Council's final ordinance. These changes will be submitted to the city attorney for placement into the required ordinance form. The city attorney will also add any information required by federal or state law and may make recommendations, suggestions, or wording changes for items that are missing from the ordinance based on the changes made by Council and provide it back to the Council when complete.

3.12 Once the city attorney places the information provided by the CC into an updated ordinance, it will be returned back to the CC for review and any clarifications needed or changes must be made within an 8-day period. This review period shall consist of four days of making comments and suggestions, and four days to review the suggested comments and suggestions. The CC may extend the review period upon a majority vote. After this review period that has been done by the CC, they will then schedule the public hearing.

3.13 The CC will post the city attorney drafted ordinance with the hearing notice, Once the CC posts the hearing notice with their final prepared ordinance the ordinance cannot be changed until the meeting for the public and Council discussion and vote.

3.14 Once the CC has a final version to vote on for adoption they will follow the normal process for motions, vote, and adoption of the ordinance in relation to the specific land use ordinance from the hearing.

3.15 If any changes were made during the public hearing or CC discussion, the attorney will review it to assure it meets Federal and State law and to assure the attorney does not have any suggestions, recommendations, or wording changes. This can be done after the meeting before being signed or during the meeting and adopted as amended by the attorney.

3.16 Once the CC has signed and adopted a final version of the ordinance, it will then be sent to CiviclincQ for placement into code on the code hosting website by Rural Community Consultants.

4 PUBLIC COMMENT & PUBLIC HEARING FOR LAND USE ORDINANCES

4.1 Purpose: The CC or PZC may wish to take public comment on an issue to be better informed prior to deciding on the issue. The city's practice is to accept public comment on any matter two times in a meeting for the CC or PZC. Some CC or PZC items require a formal Public Hearing as outlined in Utah State Code.

4.2 In all cases where the CC or PZC is hearing from the public, in the interest of maintaining a fair and efficient meeting, the following guidelines must be adhered to unless specifically permitted by the Presiding Officer and a majority vote of the CC or PZC members.

4.2.1 The Presiding Officer of the CC or PZC may designate a maximum duration for the public comment period and for individual comments. Individual comments may be limited to three (3) minutes, The Presiding Officer or a majority of members of the CC or PZC retain discretion to limit or allow comments as appropriate.

4.2.2 Each person addressing the CC or PZC shall be called forward and shall state their name and City of residence in an audible tone of voice for the record. The CC or PZC Members may request clarification or additional input from the staff, applicants, or the general public during the public comment while still limiting the amount of time each person has to be equal.

4.2.3 When a motion is made to close the hearing or public comment the Presiding Officer closes the public comment or hearing by a second and vote of the majority and no further remarks by the public will be heard or allowed once the hearing or public comment period is closed unless majority of the CC or PZC vote to reopen public comment.

4.2.4 The CC or PZC Presiding Officer by a vote of the respective majority may elect to open public comment in a manner necessary for agenda items for that meeting/hearing. This can include separate individual public comment or hearing periods for individual items on the agenda.