



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and
NEIGHBORHOODS

To: Planning Commission

From: Michaela Oktay, Deputy Planning Director

Date: May 17, 2021

Re: Proposed Revisions to the Planning Commission *Policies of Procedures*

The purpose of this proposal is to update the Commission's *Policies of Procedures* because they were last updated in 2013. Staff in consultation with the Attorney's office did an initial review and has provided suggested edits, in strike and underline, for the commission's consideration.

The Planning Commission is being asked to review the proposal, discuss proposed revisions, and provide guidance where it is felt necessary. Changes to this document require a motion and approval by the Planning Commission. The commission can adopt the changes at the May 26th meeting or staff can bring a final document back for adoption at a later meeting.

Below is a summary of revisions:

1. Addresses commission training and state law.
2. Addresses electronic meetings.
3. Removes incorrect code citations that have occurred from subsequent text amendments.
4. Addresses email or telephone notification for special meetings rather than first class mail.
5. Addresses review of written materials submitted.
6. Renames the "record of decision" to "summary of actions."
7. Addresses planner's record of decision letter.

Thank you for your review.

Attachment: *DRAFT Planning Commission-Policies and Procedures*

SALT LAKE CITY PLANNING COMMISSION POLICIES AND PROCEDURES

A. Organization

1. **Election of Chair and Vice Chair:** The Planning Commission, at its first regular meeting in September of each year, shall elect a Chair and Vice Chair, who shall serve for a term of one year each. The Chair and Vice Chair may not be elected to serve consecutive terms in the same office.
2. A special election may be called by a majority vote of the Planning Commission in the event that the Chair or Vice Chair is unable to fulfill their elected term.

3. Orientation: All new Planning Commissioners are required to have an orientation meeting with staff and attend one Planning Commission meeting for orientation purposes.

4. Required Training: The Planning Director shall schedule additional commission training as outlined by State Law or as necessary.

3-5.

4-6. Duties of the Chair

5-7. The Chair is to Preside at Commission Meetings: The Chair ~~shall preside~~ is the presiding member at all meetings of the Commission and shall provide general direction for the meetings. In addition to being the presiding member, the Chair shall have the following duties:

- a. To call the meeting to order on the day and the hour scheduled, and proceed with the order of business.
- b. To announce the business before the Commission in the order in which it is to be acted upon.
- c. To receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.
- d. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings, and to announce the results of the motions.
- e. To inform the Commission on any point of order or practice, and in the course of discharge of this duty, the Chair shall have the right to call upon legal counsel for advice.

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~~f. To authenticate by signature, or when directed by the Commission, all of the acts, findings and orders, and proceedings of the Commission. To serve as signatory of the Commission, affixing his/her signature on documents as may be required by the law or otherwise deemed necessary by the Commission.~~

~~g.f.~~ To maintain order at the meetings of the Commission

~~h.g.~~ To move the agenda along and hold down redundancy by limiting the time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.

~~i.h.~~ To recognize speakers and Commissioners prior to receiving comments and presentation.

~~j.i.~~ The Chair shall not vote unless the decision making members do not constitute a quorum or to break a tie vote.

Duties of the Vice Chair: During the absence of the Chair, the Vice Chair shall have and perform all of the duties and functions of the Chair. Should the Chair resign from the Commission, the Vice Chair shall serve as Chair until elections are held at the next available meeting.

~~6-8.~~

~~7-9.~~ **Temporary Chair:** In the event of the absence, disability or a conflict of interest, of both the Chair and Vice Chair, the Chair or Vice Chair shall appoint another Planning Commission member to serve as Chair, until the Chair or Vice Chair returns. In such event, the temporary Chair shall have all the powers and perform the functions and duties assigned to the Chair of the Commission.

10. Secretary: A Planning Division secretary shall serve as secretary of the Planning Commission.

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9-11. Planning Division Secretary's Duties relating to the Planning Commission:

- a. To post public notices of regular and special Planning Commission meetings, consisting of a quorum, in accordance with the noticing regulations of the zoning ordinance.
- b. To attend every meeting of the Commission, to take and record the roll, to read any communications, resolutions, or other papers which may be ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission all messages and other communication from other sources.

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- c. To keep the minutes of the proceedings of the Commission and to record them ~~as per Salt Lake City Code 21A.06 in accordance of state law.~~
- d. To keep and maintain a permanent record file of all documents and papers pertaining to the Planning Commission meetings ~~as per Salt Lake City Code 21A.06 in accordance of state law~~
- e. To ensure Commissioners receive materials pertinent to regularly scheduled Commission meeting at least five (5) days prior to Planning Commission meetings.
- f. To perform such other duties as may be required.

B. Rights and Duties of Planning Commission Members

10-12. **Meeting Attendance:** Every member of the Commission shall attend each session of the Commission including field trips, work sessions, and formal meetings, unless unable to attend due to extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall inform the Chair and the Planning Director, or the appointed designee of the absence.

- a. If a Commission member misses three consecutive meetings, or six meetings in a calendar year, the Chair shall confer with the member regarding the ability, interest, and commitment of the member to continue membership on the Commission.
- b. If the Commission member continues to miss meetings, the Chair shall bring the matter to the full Commission. The Commission will decide upon an appropriate recommendation to the Mayor, as to whether the member shall be removed from the Commission as per section 21A.06 of the Salt Lake City Code.

11-13. **Leave of Absence:** The Commission may grant its members leaves-of absence not to exceed six months.

12-14. **Conflict of Interest:** ~~As per Salt Lake City Code Chapter 21A.06,~~ No member of the planning commission shall participate in or be present at the hearing or disposition of any matter in which that member has any conflict of interest prohibited by ~~title 2,~~ ~~Chapter 2.44~~ of the Salt Lake City Code. The Planning Commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.

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13-15. The following gives additional clarification relating to addressing conflicts of interest. A Planning Commission member may declare a conflict of interest regarding specific agenda items. Members of the Planning Commission who feel they or any other member of the Commission may have an actual, apparent, or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda, shall explain the apparent conflict to the Commission. The Commission may then vote to decide whether the requested disqualification is justified. After declaring a conflict of interest, a Planning Commission member shall not participate in, or be present at the public hearing, the discussion, and the vote of the matter, nor attempt to use influence with other Commissioners before, during, or after the meeting and during any appeal period. The following are additional guidelines for conduct:

- a. There may be a conflict of interest if there are personal, familial, or financial ties between a Planning Commissioner and proponent/opponent of any item of business.
- b. A Planning Commissioner may appear before the Commission through their employment as an advocate or agent for a proponent only after the Commissioner's disqualification on the subject matter.
- c. If a Planning Commissioner is to appear before the Commission as an applicant or representative of an applicant and they have been disqualified on the matter, the Commissioner may make a presentation to the Commission, answer questions and be present during public testimony on the matter. The Commissioner shall leave the meeting after the Planning Commission closes the public hearing and before the Planning Commission begins deliberating the matter.
- d. A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence the Planning Commission's decisions.
- e. A Planning Commissioner must not use the power of office to seek or obtain a special advantage that is not in the public interest, nor any special advantage that is not a matter of public knowledge.
- f. A Planning Commissioner shall not have any ex parte discussions regarding any business before the Commission. For the purpose of the Planning Commission policy, ex parte discussions include any communication with interested parties of any issue coming before the Planning Commission, prior to the Commission's final decision.
- g. An applicant or a member of the public may raise a question of conflict of interest, after first obtaining the Chair's permission to speak.

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~~44-16.~~ **Place:** All meetings of the Commission shall be held in a room as determined appropriate in the City and County Building, located at 451 South State Street, Salt Lake City, Utah; or at such other place or by means of electronic meeting held in accordance with the law as the ~~Commission Chair~~ or Planning ~~Staff Director~~ may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Salt Lake City for the sole purpose of investigating some particular matter of business, or conducted electronically authorized by the law. In any of these circumstances, which may be more conveniently investigated at such other place, or may be adjourned to any other room more convenient for conducting the business of the Commission, so long as proper notice of the meeting, including any publically accessible electronic link in the event of an electronic meeting shall be ~~location is~~ posted for the general public.

~~45-17.~~ **Regular Meetings:** The Planning Commission shall be held on the second and fourth Wednesdays of each month, or such other appropriate day as determined by the Planning Commission. The public meeting shall not begin before 5:00 p.m. At the discretion of the Chair, field trips or work sessions may be held on another day as determined by the Planning Commission, at 4:00 p.m. or at another appropriate time. The Planning Commission shall meet at least once a month.

~~46-18.~~ **Special Meetings:** The secretary shall give notice of the time and purpose of every special meeting of the Commission at least twenty-four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission ~~personally via email or, or by telephone, fax, or email. Such notice may also be given through the United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than five (5) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the meeting.~~

~~47-19.~~ **Other Matters Considered:** Other business items pertaining to the affairs of the Salt Lake City Planning Commission, and falling within the authority and jurisdiction of the Commission, may be considered and acted upon at any regular meeting of the Commission.

Quorum: A quorum and vote of the Planning Commission shall be as defined in the Salt Lake City Code Chapter 21 ~~A.0644~~. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. However, members abstaining from a vote shall count toward consideration of a quorum.

C. Procedure: Order of Business

~~48-20.~~ **Order of Business.** The order of business shall generally be as follows:

- a. Field Trip, if applicable;

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- b. Dinner, if applicable;
- c. Roll Taken by Planning Division Secretary;
- d. Work Session, if applicable;
- e. Approval of Minutes ~~for the previous~~from prior meeting(s);
- f. Report of Chair and Vice Chair;
- g. Report of Director or designee;
- f.h. Consideration of agenda items; and,
- g-i. Other business at the discretion of the Chair

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~~19-21.~~ **Field Trips:** On those occasions when site inspections are deemed advisable, field trips shall be held prior to the Planning Commission meetings, and the time of the field trip is to be posted on the agenda. Only Planning Commission members and pertinent City Staff shall be allowed to attend the field trip in the city- owned van. The public shall be allowed at the sites of the field trip, but encouraged to present their case at the Planning Commission meeting, not during the field trip. Field trips shall be for the purpose of gathering information, not for ~~the discussion of~~discussion or deliberating decisions.

~~20-22.~~ **Agenda for Meetings:** The ~~Chair~~Secretary, with the assistance of the Planning Director, shall prepare a written agenda for each meeting as far in advance as possible and shall submit such agenda to each member of the Commission prior to the commencement of the meeting. Such agenda shall be delivered to the members of the Commission at least five (5) days prior to each meeting.

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Consent Agenda items: The Planning Commission supports the use of consent agendas to help manage the length of commission meetings. Any item may be placed on the consent agenda provided the Planning Director determines:

- A public hearing as already been held before the Planning Commission and no substantial changes have been made to the application;
- No comments have been received by the public in opposition to a land use application up to the date the agenda is posted;
- The planning division has determined that the proposal complies with all applicable regulations, that there are no known impacts from the proposal, and no information has been provided that demonstrates otherwise; or
- The matter is necessary in order to comply with state or federal law and the applicable laws do not provide discretion.

Procedures for hearing consent agenda items:

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1. The chair will announce each item, including the title of the application, the file number, the address if it is a site specific issue, and any other information necessary to relay to the audience that the commission is discussing the consent agenda.
 - a. The Planning Director or designee may provide the commissioners with updated information about public input received on an item on the consent agenda. After this information has been provided, the Commission may decide to move an item(s) to the regular agenda.
2. The chair will open a public hearing for the consent agenda and ask the audience if there is anyone in attendance who would like to speak to an item on the consent agenda.
 - a. If no one speaks up, the chair can close the public hearing for the consent agenda.
 - b. If people are in wish to speak or have submitted a comment card to provide input or hear about an item on the consent agenda, the Planning Commission may take any of the following actions:
 - i. They can move the specific item that the audience member(s) indicate that they would like to speak on to the regular agenda and proceed with deciding the other items on the consent agenda.
 - ii. After the comment(s) are presented the commission can decide by motion and vote to move an item to the regular agenda.
3. The Chair will ask the commission if there are any items on the consent agenda that should be moved to the regular agenda for discussion.
4. If an item is moved from the consent agenda, the order it will be heard is at the discretion of the chair of the commission.
5. After the above steps are taken, the chair may call for a vote for a decision on the items on the consent agenda.

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23. Staff Report: All major issues presented to the Planning Commission for their consideration shall be accompanied by a staff report detailing the overview, background, analysis and staff recommendation(s); which shall include findings of fact and, where applicable, conditions for approval. Staff reports shall address the portion of the Salt Lake City Zoning Ordinance or other applicable development codes relevant to the petitioner's request, and how the request fits within the criteria of the ordinance and the applicable master plan(s). Staff reports shall be as concise as possible, while allowing for adequate coverage of the subject matter and shall be made available to anyone requesting a copy of the staff report.

24. Submission of Written Materials: Any written materials submitted for the Planning Commission's review should be submitted to the office of the Planning Division by the Thursday by noon prior to the next Planning Commission meeting, allowing time for incorporation into the Planning Commission packet. Materials submitted after Thursday will be emailed to the Planning Commission, or handed out to Commission members as soon as is reasonably practical. Material submitted after the Thursday deadline are not

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~~guaranteed to be given or reviewed by the Commission prior to the meeting, then at the scheduled meeting. However, there is not a guarantee that Planning Commissioners will have an opportunity to review written material that is not delivered with the packet.~~

24.

25. **Notification of Public Hearings:** Notices of all items scheduled for the Planning Commission public hearings shall be provided to the appropriate parties consistent with Salt Lake City Code Chapter 21A.10, *General Application and Public Hearing Procedures*. Anyone wishing to receive notice of Planning Commission meeting agendas, copies of minutes and/or staff reports may be placed on the regular e-mailing list or US Mail list by contacting the Planning Division Secretary.

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D. Procedure: Order and Decorum

26. **Order of Consideration of Items:** The following procedure will normally be observed; however, it may be rearranged by the Chair for individual items if necessary for the expeditious conduct of business.

- a. Item introduction by the Chair
- b. Staff presentation and recommendation
- c. Applicant presentation of the proposal. There shall be a ten (10) minute maximum petitioner presentation, unless the Chair authorizes additional time.
- d. Opening of the public portion of hearings

1. ~~Community / Interest groups~~Recognized Community Organizations presentation/response: There shall be a five (5) minute maximum ~~Community / Interest group~~ presentation, unless the Chair authorizes additional time. ~~The Chair shall determine what constitutes an interest group.~~

2. General Public's comments: There shall be a two (2) minute maximum per individual's presentation / comments, unless the Chair authorizes additional time.

3. Applicant's response to comments offered during the public hearing: There shall be a five minute maximum response time from the applicant unless the Chair authorizes additional time.

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27. **Opening and Closing Public Hearings:** The Chair shall open and close the public portion of each hearing prior to Planning Commission's discussion/deliberation and vote on the matter.

- a. Planning Commission discussion and vote. The discussion is closed ~~to staff~~, the petitioner, and public unless the Planning Commission requests additional information. **Commission Chair outlines possible actions-** approval, denial, continuation, or approval with conditions. If additional information is required, the public hearing portion of the meeting may be reopened by a majority vote.

28. **Recess:** The Chair may call for a break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.

- a. During the course of conducting Planning Commission business other than public hearings, the Chair, after consulting with the Commission, may elect to receive comment or take testimony from the audience. However, the Planning Commission is not obligated to take any comment from the audience and any comment is at the will of the Chair.

29. **Adjournment:** The Chair shall adjourn the meeting at the end of each Planning Commission meeting.

E. Procedure: Motions

30. **Making Motions:** Any Planning Commissioner, but the Chair, may make, or second a motion.

- a. Motions should state findings at the beginning of the motion followed by the recommendation to the appropriate body, if any, and should be concluded with the conditions of approval. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.
- b. The staff ~~summary motion sheet that is generally provided~~ should be sufficient in detail to assist the Commission in stating findings.
- c. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Commissioner.

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- d. Planning Commissioners may request advice from the City Attorney or members of the Planning Management Team in the preparation, discussion and deliberation of motions.
 - e. Conditions to motions for approval: Conditions placed on the approval of an application must be germane to mitigating negative impacts relating to the proposal or are necessary to ensure the project meets the regulatory criteria.
31. **A Second is required:** Each motion of the Commission must be seconded with the exception of motions to amend a motion.
 32. **Withdrawing a Motion:** After a motion is stated, the motion shall be in the possession of the Commission, but may be withdrawn by the author of the motion prior to the vote, in this case withdrawal of a second is not necessary.
 33. **Motion to Table:** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and whenever possible, a specific date to rehear the matter should be scheduled.
 34. **Amending a Motion:** When a motion is pending before the Commission, any member may suggest an amendment without a second, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author, and the second of the motion, in order to amend the stated motion. The author and the second may choose not to accept the amendment.
 35. **Amending Amendments to Motions:** An amendment to a motion may be amended, no second required, at any time prior to the Chair putting the motion to a vote. The amendment to the amendment must be accepted by the author, and the second of the motion, in order for it to amend the stated motion. The author and the second may choose not to accept the additional amendment.
 36. **Substitute Motions:** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.
 37. **To Rescind a Motion:** A motion to rescind, or make void, the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Commission's action on the motion. A motion can only be rescinded within the appeal period identified in the Salt Lake City Code of Ordinances.
 38. **To Reconsider a Motion:** To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. The motion to reconsider a matter must pass with a majority vote; if it is determined that the motion should stand as previously approved then no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put

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to a formal vote of the Commission. Motions to reconsider a previous motion must take place during the same meeting the motion was made, or before the minutes containing that particular item are approved.

F. Procedure: Debate/Questions

~~39. Questions:~~

- a. No member of the Commission shall question another member in debate without obtaining the Commissioner's consent, and to obtain such consent, shall first address the Chair.
- b. No member of the Commission shall ask a question of the public without first obtaining permission of the Chair.
- c. No member of the Commission shall debate with the applicant or a member of the public during the public meeting. Opinions of the Commission members should be voiced ~~during after the public~~the public testimony period of the meeting and should focus on the project and not ~~an on~~ individual(s). This shall not be construed to mean that the Commission cannot ask questions of a person providing testimony, City staff, or applicant.

G. Procedure: Voting

38. **Changing a Vote:** No member shall be permitted to change their vote after the decision is announced by the Chair.

39. **Tie Votes:** Tie votes, which include the Chair vote, shall result in no Planning Commission action.

40. **Abstention:** Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated for the record, at the time of the abstention and such reason shall not be considered a conflict of interest.

41. **Explaining the Vote:** Before or after the vote is taken, any member of the Commission, desiring to explain their vote, shall be allowed an opportunity to do so.

42. **Not to Vote Unless Present:** No member of the Commission shall be permitted to vote on any motion unless the member ~~shall be~~is present when the vote is taken, and when the result is announced. No member shall give their proxy to any other person.

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43. **Vote of the Chair or Vice Chair:** The Chair, or Vice Chair when the Chair is absent, shall vote to break a tie or in instances when the vote of the Chair is required to reach a simple majority of the voting members present at which a quorum is present.

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H. Procedures: Suspension of Rules

44. **Suspension of Alteration of Rules:** No standing ~~rules-policies or procedures~~ of the Commission shall be altered, amended, suspended, or rescinded without the vote of a majority of a quorum of the Commission.

I. ~~Record of Decision~~ **Summary of Actions**

After the meeting, the meeting secretary will create a "~~Record of Decision~~ **Summary of Actions**" which includes the list of items acted upon and what action was taken (approved, approved with conditions, tabled, ~~denied, recommended positively or negatively or denied~~). The ~~Record of Decision~~ **Summary of Actions** shall be posted on the Planning Division website the day following the public meeting. ~~The posting of this document on the website, starts the appeals period.~~

J. Notification of Decision

After the Planning Commission makes a decision, the project planner shall send a letter to the applicant identifying ~~what the decision action taken was~~ and outline any subsequent action the applicant must take. The letter shall be mailed or emailed within ten days from the action of the Commission.

K. Annual Report

The Planning Staff shall prepare an Annual Report to be presented to the Planning Commission at its regularly scheduled meeting in February. The report shall include information about the number, type and disposition of standard cases, administrative hearing cases, and information regarding other City or Staff activities involving planning. The Annual Report will be compiled with additional information detailing the activities of the Planning Division and forwarded to the City Council and Mayor's Office.

L. Approval and Amendment of Policies and Procedures

45. These policies and procedures may be amended at any meeting of the Planning Commission held upon a vote of a majority of a quorum of the members of the Planning Commission.

~~46. Written notice of the proposal to amend the rules shall be made not less than twelve (12) days is prior to any vote being taken.~~

M. Recording of Policies and Procedures

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These policies and procedures and all subsequent amendments, shall be recorded by the Planning Division Secretary and copies shall be furnished to each member of the Commission in electronic form.

Approved by the Planning Commission on ~~June 9th, 2021~~ ~~May 9, 2012~~

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