



**MILLCREEK COMMUNITY DEVELOPMENT**

3330 SOUTH 1300 EAST  
MILLCREEK, UTAH 84106

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**MEMORANDUM**

To: **Community Councils**  
From: **Francis Xavier Lilly, AICP, Director**  
Date: **27 July 2018**

Re: **ZT-18-008 – Amendment to Chapter 19.05 of the Millcreek Code, changing the number of planning commissioners from seven to nine commissioners**

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Attached is a proposed amendment to Chapter 19.05, which, if adopted, will increase the membership of the Millcreek Planning Commission from seven to nine members.

Millcreek's Planning Commission currently consists of seven members and two alternates. Regularly, the two alternates are present at Planning Commission meetings and actively participate in all work sessions. The Planning Commission recommended making the two alternates regular commission members, by increasing the membership of the Planning Commission to nine. Currently, alternates can participate in discussions, but they cannot make a motion or vote on a motion if there is a quorum of regular commissioners.

Under the revised ordinance, there would be no alternates, and a quorum would require five commissioners.

The Planning Commission is recommending this change. Staff supports these changes, which reflect an active and engaged Planning Commission that makes a positive difference for the community.

**Millcreek city is looking for your input on the proposal to increase the size of the Planning Commission from seven to nine members.**

**MILLCREEK, UTAH**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 19.05 CHANGING THE NUMBER OF  
PLANNING COMMISSIONER FROM SEVEN TO NINE**

**WHEREAS**, the Millcreek Council (“Council”) met in regular session on \_\_\_\_\_, 2018, to consider among other things, approving an ordinance amending chapter 19.05 changing the number of planning commissioner from seven to nine; and

**WHEREAS**, Utah Code Ann. § 10-9a-503 provides in part that the Council may amend any regulations of a zoning district

**WHEREAS**, Millcreek (“City”) has adopted a comprehensive zoning ordinance (“Zoning Ordinance”); and

**WHEREAS**, City staff, City consultants, and other persons have recommended that the Council revise the Zoning Ordinance with respect to short term rentals; and

**WHEREAS**, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

**WHEREAS**, on \_\_\_\_\_, 2018, the required notice was published; and

**WHEREAS**, on \_\_\_\_\_, 2018, the proposed amendment was submitted to the planning commission for its recommendation; and

**WHEREAS**, on \_\_\_\_\_, 2019, the planning commission held the required public hearing with respect to amending various sections of Title 19 of the Millcreek Code of Ordinances; and

**WHEREAS**, at the \_\_\_\_\_, 2018, planning commission meeting the Millcreek Planning Commission recommended amending various sections of Title 19 of the Millcreek Code of Ordinances; and

**WHEREAS**, on \_\_\_\_\_, the Council caused the required notice to be given; and

**WHEREAS**, on \_\_\_\_\_, the Council considered amending chapter 19.05 changing the number of planning commissioner from seven to nine.

**NOW THEREFORE, BE IT ORDAINED** by the Council that that chapter 19.05 of the Millcreek Code of Ordiances be amended as attached (designated by interlineating the words to be deleted and underlining the words to be added).

This Ordinance assigned no. 18-\_\_, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

**PASSED AND APPROVED** this \_\_ day of \_\_\_\_\_ 2018.

**MILLCREEK COUNCIL**

By: \_\_\_\_\_  
Jeff Silvestrini, Mayor

**ATTEST:**

\_\_\_\_\_  
Elyse Greiner, CMC City Recorder

## **Chapter 19.05 PLANNING COMMISSION**

- 19.05.010 Purpose Of Provisions
- 19.05.020 Composition Of Planning Commission
- 19.05.030 Powers And Duties
- 19.05.040 No Compensation Or Reimbursement
- 19.05.050 Removal And Vacancy
- 19.05.060 Commission Procedures

### **19.05.010 Purpose Of Provisions**

It is the intent of this Ordinance that a Planning Commission (“Commission”) be created which will represent the concerns of diverse citizen groups, as well as the broad interests of the community as a whole, and reflect the laws of the State; that membership of this commission provide balanced representation in terms of geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well-planned community be sought when establishing or altering the composition of the membership of the Commission. Suggested interests from whom expertise might be selected are as follows: banking, development, contracting, engineering, geology and seismology, law, ecology, the behavioral sciences, historical preservation, architecture and landscape architecture. It is not, however, intended that the composition of the Commission be limited to professionals, but rather, that it represent a cross-section of the community.

### **19.05.020 Composition Of Planning Commission**

A. The Commission shall be comprised of ~~nineseven~~ members ~~and two alternate members~~. Members of the Commission shall be appointed by the Mayor, with the advice and consent of the Council; except for the initial terms as provided below, terms shall be for four years. Appointment shall be by resolution of the Council. The initial members of the Commission shall be appointed as follows:

~~1. The seven initial members and two alternate members shall be appointed on the effective date of this Ordinance, or as soon as practical thereafter.~~

~~2.1.~~ \_\_\_\_\_ Two appointees shall serve an initial term which shall expire on June 30, 2018, ~~four~~two appointees ~~that included the two new members added by this ordinance~~ shall serve an initial term which shall expire on June 30, 2019, two appointees shall serve an initial term which shall expire on June 30, 2020, and one appointee shall serve an initial term which shall expire June 30, 2021.

~~3. The two alternate members shall serve an initial term which shall expire June 30, 2019.~~

B. Members of the Commission may serve successive terms.

- C. All appointed members of the Commission must be bona fide residents and qualified electors of City.

**19.05.030 Powers And Duties**

The Commission shall make a recommendation to the Council for:

- A. a general plan and amendments to the general plan;
- B. land use ordinances, zoning maps, official maps, and amendments;
- C. an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- D. an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- E. application processes that:
  - 1. may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
  - 2. shall protect the right of each:
    - a. applicant and third party to require formal consideration of any application by a land use authority;
    - b. applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
    - c. participant to be heard in each public hearing on a contested application; and
- F. exercise any other powers that are necessary to enable it to perform its functions that are delegated to it by the Council, or conferred upon it by statutes of the state of Utah.

**19.05.040 No Compensation Or Reimbursement**

Members of the Commission shall not receive compensation or reimbursement of any expenses, unless this policy is modified by the Council.

**19.05.050 Removal And Vacancy**

Members of the Commission may be removed by the Mayor with the advice and consent of Council. Any vacancy occurring on the Commission shall be promptly filled by the Mayor with the advice and consent of the Council for the unexpired term of such member. Any vacancy occurring on the Commission by reason of expiration of term shall be promptly filled by the Mayor with the advice and consent of the Council.

**19.05.060 Commission Procedures**

- A. The Commission shall annually elect a chair, a vice chair, and such other officers it deems advisable from among its members. The chairman and such other officers elected by the Commission shall serve for a term of one year and may serve successive terms.
- B. Four members of the Commission shall constitute a quorum.
- C. The Commission shall adopt rules of order and procedure for use by the planning commission in a public meeting and for any other purposes considered necessary for the functioning of the Commission. Such policies and procedures shall be approved by the Council before taking effect.
- D. The Commission shall establish their meeting schedule. Such meeting schedule shall be approved by the Council before taking effect. All meetings, including any necessary public hearings, shall be held after the regular working hours of City. All meetings and public hearings of the Commission shall be public meetings, and comply with the provisions of UTAH CODE ANN. § 52-4-1, et seq., and be held in a public place designated.