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File No. ZT-18-008

Planning Commission Staff Report

Meeting Date: 15 August 2018
Applicant: Staff

Request: Amendment to Chapter 19.05 of the Millcreek Code, changing the number of Planning Commissioners from seven to nine commissioners

Prepared By: Francis Xavier Lilly, AICP, Planning Director

SYNOPSIS AND SCOPE OF DECISION

Staff is proposing an amendment to **Chapter 19.05** of the Millcreek Code, which establishes the Millcreek Planning Commission. This amendment increases the size of the Planning Commission from seven commissioners to nine commissioners.

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. Staff has observed that the contributions of all planning commissioners, including the two alternates, are meaningful, productive, and are of a benefit to the City.

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.

Pursuant to §§**19.90.010** and **19.90.030** of the Millcreek Code, the City Council may amend a regulation within any zone, upon receiving a recommendation from the Planning Commission.

PROPOSED ORDINANCE AMENDMENTS

The proposed changes are attached to this document.

Proposed changes are highlighted in yellow, with additions underlined and deletions ~~struck through~~.

COMMUNITY COUNCIL INPUT

In May, the Community Councils reviewed the ordinance in whole, and all councils unanimously recommended approval of the proposed changes. A member of the **Canyon Rim Citizens' Association** raised a question regarding the implications of a five-member quorum, in a situation where it would be difficult to get a fifth member to attend. A member of the **Millcreek Community Council** advised the City Council to ensure that there is representation from each of the Community Council areas on the Planning Commission.

PLANNING STAFF ANALYSIS AND RECOMMENDATION

In light of the consistent and productive engagement of the alternate members of the Planning Commission, and in a desire to clarify their desired role on the commission, staff supports increasing the size of the Planning Commission from seven to nine commissioners.

SUPPORTING DOCUMENTS

1. Proposed Ordinance Amendments

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, fourtwo 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.