

**Santaquin City Planning Commission
By-laws and Rules of Procedure**

A. Organization

1. Appointment of the Chair and Deputy Chair.
 - a. At the last regularly scheduled meeting in December of each year, the Planning Commission shall have an agenda time to appoint a new Chair and Deputy Chair for the next calendar year. Appointees shall assume their duties as of the first regularly scheduled meeting in January.
 - b. Appointment of the Chair and Deputy Chair shall be done separately through open nomination for appointment from any member of the Planning Commission. If only one Commissioner is nominated for appointment for either position, an approval vote fo the Commission shall determine the appointment. If more than one Commissioner is nominated for either appointment, a simple majority of the Commissioners present during a silent vote shall determine the appointee. Any Commissioner may serve more than one term and/or in both appointed positions if properly nominated and appointed.
2. Duties of the Chair.
 - a. To call meetings of the Planning Commission to order on the day and time 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 heard and/or acted upon;
 - c. To receive and submit, in the proper manner, all motions, recommendations, and propositions presented by the members of the Commission;
 - d. To put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such actions taken;
 - e. To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice;
 - f. To authenticate by signature all of the acts, findings, orders, and proceedings of the Commission;

- c. Following determination of a General Meeting Schedule, the Planning Commission shall approve the schedule through the proper approval process. Following approval, the adopted meeting schedule shall be posted in the Community Development Department, distributed to each Commissioner, and advertised in a newspaper of general circulation throughout the City.
 - d. Open Meetings. Every meeting of the Planning Commission is to be open to the public and conducted in accordance to the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. Seq.).
6. General Order of Business. The business of the Planning Commission at its meetings shall generally be conducted in accordance with the following order, unless otherwise specified
 - Roll Call
 - Pledge of Allegiance
 - Approval of the Agenda Time Frame
 - Public Forum
 - Public Hearings
 - Conditional Use Permit Applications
 - Rezoning Applications
 - Annexation Applications
 - Subdivision Applications
 - Flag Lot Applications
 - Single Lot Split Applications
 - Code Amendments
 - Discussion Items
 - Minutes
 - Reports of Officials and Staff
 - Planning Commission New Business
 - Adjournment
7. Public Forums. This portion of the Planning Commission agenda is designed to allow members of the general public to address the Commission regarding issues which are not listed on the posted agenda and shall adhere to the following parameters:
 - a. Time Limit. This portion of the agenda should not last more than approximately 30 minutes combined for all speakers. Speakers should limit their comments, under the jurisdiction of the Chair, to approximately two minutes. Speakers declaring their representation of a group of the general public present may be allotted an extended amount of time to address the Commission, at the discretion of the Chair, so long as the

extension does not limit the ability or time for other members of the general public to address the Commission.

- b. **Speaker Sign-In.** All persons wishing to be heard shall place their name onto the designated sign-in sheet at the entrance to the meeting. The Planning Commission Chair shall review the sign-in sheet and call each individual to the speaker's podium to address the Commission. If no names appear on the sign-in sheet, it shall be to the discretion of the Chair to discontinue the public forum portion of the meeting or allow members of the general public present but no signed-in to address the Commission.
 - c. **Speakers to be Hear.** Speakers wishing to be heard shall make their comments from the speaker's podium within the City Council chambers, or other locations of the meeting, with the exclusion of recognized exceptions due to a disability of the speaker. All comments shall be directed towards the Commission and should be made in a respectful and concise manner.
 - d. **Written Comments.** Members of the general public may, and are encouraged to submit written comments relating to any item of City business to the Community Development Department, prior to the close of business on the day of a Planning Commission meeting, and said comments may be read and distributed to the Commission for their review. The Planning Commission may conduct discussion as deemed appropriate regarding any comments submitted.
 - e. **Repetitious Comments.** Members of the general public addressing the Commission shall not present the same, or substantially same items or arguments to those provided by other members of the general public. Once an item has been heard by the Commission and determined to necessitate an action or necessitate no action the same, or substantially same, item may not be presented by the same member of the general public or any other.
8. **Public Hearings.** Agenda items scheduled for a formal public hearing shall adhere to the following procedure:
- a. Introduction of the agenda item by the Chair;
 - b. Opening of the public hearing by motion, second, and sustaining vote;
 - c. Presentation of facts, typically be staff;
 - d. Presentation of the proposal by the applicant(s);

- e. Testimony by citizens present to discuss the item through comment or testimony of facts or arguments;
 - f. Rebuttal and concluding comments by the applicant; as the burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments and testimony;
 - g. Closure of the public hearing by motion, second, and sustaining vote.
9. Planning Commission Action. No Planning Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighted but not responded to by the Planning Commission during the public hearing.
10. Public Comment During Public Hearings. Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a two minute timeframe. A spokesman for a group of citizens wishing to make similar comments regarding the agenda item should be allowed a reasonable amount of additional time. Public comments should be non-repetitious. The Planning Commission Chair shall have the ability to discontinue the receipt of public comment at his/her discretion if the commentary and testimony becomes repetitious, disrespectful, rude, or otherwise rowdy. All public comment shall be directed toward the Commission and may only be received in writing or from the speaker's podium, with the exclusion of recognized exceptions due to a disability of the speaker, within the location of the meeting. Public comment not originated from the podium shall not be accepted or considered by the Commission.
11. Continuance of Hearings. Any hearing being held or noticed to be held by the Planning Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.
12. Procedure of Consideration of Agenda Items. The following procedure will normally be observed for all agenda items other than public hearings, however, it may be rearranged at the discretion of the Chair for an individual item, for the expeditious conduct of business:
- a. Introduction of the item by the Chair;\
 - b. Staff presentation and recommendation;
 - c. Presentation of the proposal by the applicant(s);
 - d. Planning Commission discussion. The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff, the applicant(s), or a member of the general public

present who is or may be directly involved or impacted by the issue under consideration; and

- e. Vote. The Chair shall outline the possible actions of approval, approval with conditions, tabling, or denial.
13. Conditional Use Permit Application Reviews. In the review and consideration of applications for a Conditional Use Permit, the review process determined under Section A-12 herein shall govern. In addition, the Chair is encouraged to allow the receipt of public comment only from those neighboring property owners for which notice was issued under the provisions of the Santaquin City Land Use and Development Management Code.
14. Adjournment. No Planning Commission meeting shall be permitted to extend past 10:00 p.m. unless a unanimous vote of the Commissioners present determines an extension of the meeting past 10:00 p.m. With such a vote, the motion for extension shall include a specific amount of time for the extension of the meeting and a determination of which remaining agenda items are to be considered in the extension. Remaining agenda items for any meeting not extended past 10:00 p.m. shall have a motion for continuance made upon them, either to the next regularly scheduled meeting or to a specially called meeting, prior to the meeting's adjournment. No item on a noticed agenda shall be left without action being taken regarding that item, through formal action or continuance, prior to the adjournment of any meeting.

B. RIGHTS AND DUTIES OF THE PLANNING COMMISSION MEMBERS.

1. Meeting Attendance. Every member of the Commission shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any member expecting to be absent from a meeting of the Planning Commission shall notify the Community Development Department and/or the Chair.
2. Conflict of Interest.
 - a. If any Planning Member has a conflict of interest with an item on an agenda, the Commissioner shall declare the conflict before any testimony for that item is heard. The Commissioner may then choose to step down from the Commission table and withdraw from discussion and voting on the agenda item. Following action by the Commission on the agenda item, the Commissioner may return to the Commission table and resume his/her duties as a Commissioner. In the event the commissioner declines his/her option to step down after declaring a conflict of interest, the Chair shall ask if any Commissioner wishes to request a vote on the conflict.
 - (1) If a request is made, the Commissioner making the request shall detain his/her request including any request to have the Commissioners step down and/or withdraw from discussion or voting. The remaining Commissioners, other than the Commissioner declaring the conflict of interest, shall vote as to the request. A simple majority of the remaining Commissioners voting in favor of the request

shall approve the request. The Commissioner declaring the conflict of interest shall then comply with the approved request. If an approval is not achieved, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.

(2) If no such request is made, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.

b. Any Commissioner who feels he/she, or another Commissioner, may have an actual, apparent, or reasonably foreseeable conflict of interest shall declare such feelings. Such declarations shall be determined and handled as in Section B-2-a herein.

c. No Commissioner with an actual, or possible, conflict of interest shall, at any time before, during, or after the meeting, attempt to use his/her influence with another Commissioner with regard to the agenda item in question.

d. Conflicts of interest are determined to be any personal, familial, or financial tie between the Commissioner and the applicant or the item of any manner of business.

e. A Commissioner may appear before the Planning Commission through his/her employment or as an advocate or agent for a proponent, or as the applicant, only after declaring his/her conflict of interest and stepping down from the Commission table.

f. A Commissioner shall not sell or offer to sell services, or solicit prospective clients or employment, by starting an ability to influence Planning Commission decisions or on the basis of being a Planning Commissioner.

g. A Planning Commissioner must not use the power of his/her appointed office as a Commissioner to seek or obtain any special advantage.

3. Not to Vote Unless Present. No Planning Commissioner shall be permitted to vote on any question, matter of business, or agenda item unless the Commissioner is present at the meeting in which the vote is taken and the result is announced regarding the issue. No member shall give his/her proxy to any other person to vote on any issue.

4. Special Meetings. Special meeting may be requested by any Commissioner to hear matters of Commission business. It shall be at the discretion of the Chair to grant or deny such a request and schedule such a meeting, as necessary.

5. Quorum. A simple majority of the total of the Commissioners properly appointed shall constitute a quorum for the transaction of business. Any member choosing to abstain from a vote on an agenda item shall be included when in consideration of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum. When a conflict of interest results in a lack of Commissioners present to approve a motion, the issue, at the discretion of the Chair, may be

heard by the Commission but may not have action taken upon it until an adequate amount of Commissioners can be present to properly vote on the issue.

6. Lack of a Quorum. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Planning Commission, the meeting shall be canceled, only after a reasonable allowance of time for a quorum to arrive through a motion for adjournment. No second shall be required for such motion. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of quorum before any matters of business are heard at the next scheduled Planning Commission meeting.

7. Commissioner Decorum.

- a. Appearance. Planning Commissioners in attendance at each meeting shall portray an appropriate appearance as a representative of Santaquin City to conduct the meeting in a serious, respectful, and sincere manner.
- b. Actions. At no time shall any Planning Commissioner make any comments, gestures, or other similar actions which is or can be portrayed to be demeaning, insulting, or disrespectful of the other Commissioners, staff, applicant(s), or any member of the general public.

C. ORDER AND DECORUM.

1. General Decorum. The atmosphere of Planning Commission meeting shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings. Things and actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated.

2. Public Clamor. Public Clamor shall not be allowed in any meeting of the Planning Commission, nor during any portion of any meeting.

3. Due Process. The Planning Commission Chair shall conduct each meeting in such a manner as to afford due process throughout the proceedings.

4. Chair's Authority. It shall be the authority and discretion of the Planning Commission Chair to order the removal of any individual member of the general public present at a Planning Commission meeting, groups of the general public, or the removal of the general public present in its entirety, for the duration of the discussion and consideration regarding any single agenda item, or for the remainder of the meeting, if said person or groups of people become rude, disrespectful, disruptive, or otherwise rowdy towards the Commission, any single Commissioner, staff, the applicant, or other members of the general public.

5. Chair's Adjournment. In the event of refusal to leave the meeting by any member of the general public under the authority granted under Section C-4 herein, it shall be the authority and discretion of the Planning Commission Chair to promptly adjourn any meeting of the Planning Commission when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

D. MOTIONS.

1. Making a Motion. Any Planning Commissioner, including the Chair, may make or second any motion.

2. Findings. Motions for approval, denial, or approval with conditions should state reasons, issues, and facts leading to the motion within the motion.

3. Motions Repeated. Motions may be repeated for clarification, further understanding, or consideration at the request of any Commissioner, or by staff for the purpose of clarification for the official record.

4. Legal Counsel. Any Planning commissioner may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motion.

5. Second Required. Each motion of the Planning Commission must be seconded with the exception of a motion to adjourn the Planning Commission meeting.

6. Withdrawing a Motion. After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to vote. Withdrawal of a second shall become automatic with the withdrawal of the motion.

7. Motion to Table. A motion to table an agenda item shall be accompanied by the reasoning and rationale for the tabling, such as further study or pending further information or review, and whenever possible, a specific date for which the issue would be reheard.

8. Amending Motions. When a motion is pending before the Commission, any Commissioner may suggest a motion amendment to the author of the motion at any time prior to the motion being put to vote. The amendment must be accepted by the author of the motion and the author of the second in order to amend a motion. Amendments to an amended motion shall be handled in the same manner.

9. Reconsideration of Motions. Any Commissioner who voted in favor of any approved motion may offer a motion to reconsider the motion at any time during the meeting in which the vote took place or during the review of the minutes of the meeting in which the vote took place. A motion to reconsider must pass an approval vote in order to reconsider the action taken. If reconsideration finds that the previously approved motion should stand, no formal vote shall be

necessary. If the former motion is to be amended or made void, the reconsideration motion shall be put to a formal vote of the Commission.

10. Motion to Recess. Any Commissioner may offer a motion for recess, and have said motion considered and voted upon, at any point during a Planning Commission meeting. Any such motion shall contain a specific time to reconvene the meeting. No such recess shall be made for a period of time greater than one hour.

11. Dead Motions and New Motions. In the event that a seconded motion does not carry due to the lack of an adequate sustaining vote, the motion is determined to be dead and the discussion and consideration of the agenda item shall continue until another motion and second are offered and approved.

12. Motion to Adjourn. A motion to adjourn shall be required to conclude every Planning Commission meeting, following the addressing of each item on the agenda for that specific meeting. No second shall be required for a motion to adjourn so long as the Chair declares the meeting closed.

E. VOTING.

1. Changing a Vote. No member shall be permitted to change his/her vote once the Chair has declared the result of the decision.

2. Abstention. Any member of the Planning Commission may choose to abstain from voting on any agenda item if the Commissioner perceives a personal legal implication or other conflict. Commissioners wishing to abstain may remain at the Commission table and participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken, but must be disclosed as a part of the Commissioner's vote for abstention in order to ensure that no conflict of interest has occurred.

3. Process of Voting. Any agenda item requiring a vote of the Planning Commission to determine a decision or a recommendation, with the exception of those items requiring a roll call vote, shall be conducted follow the Chair's recognition of a motion and a second regarding the agenda item and the allowance for Planning Commission discussion, by:

- a. The Chair's request for "All those in favor of the motion regarding...";
- b. The simultaneous raising of hands by the Commissioners voting in favor of the motion;
- c. The Chair's request for "All those opposed to the motion regarding...";
- d. The simultaneous raising of hands by the Commissioners voting in opposition to the motion;
- e. the Chair's request for "All those wishing to abstain from voting on the motion regarding...";
- f. The simultaneous raising of hands by the Commissioners wishing to abstain from voting on the motion; and
- g. The Chair's declaration of the voting results.

4. Unanimous or Total Votes. At any time during the voting procedure, described in Section E-3 herein, that a unanimous vote occurs or all Commissioners declare their vote prior to the completion of the process in its entirety, the Chair may immediately supersede the procedure, declare the result of the vote, and proceed with the remainder of the agenda.
5. Roll Call Vote. A roll call vote shall be held to vote on motions made regarding:
 - a. The approval of an agenda item where the Planning Commission is the designated approving body;
 - b. Recommendations to the City Council regarding ordinances, amendments to the City Code, adoption or amendment of the General Plan, or the adoption or amendment of any City master plan; or
 - c. The adoption of any Planning Commission resolution.
6. Conducting a Roll Call Vote. When a roll call vote is necessary, the Planning Commission Chair shall, following a motion, second, and Planning Commission discussion, request a vote individually from each Planning Commissioner present. Each Commissioner shall, when called upon, declare their vote orally by stating “Aye” if voting in favor of the motion being considered. “Nay” if voting in opposition of the motion being considered, or “I abstain from voting due to ...” When a roll call vote is necessary, each Commissioner’s vote shall be recorded individually in the official minutes of the meeting.

F. SUSPENSION OF RULES.

1. Non-Exclusive Rules. The rules set forth are not exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Planning Commission meetings as may be considered appropriate from time to time or in particular circumstances for the purposes of orderly and effective conduct of the affairs of the City.
2. Amendment and adoption of Planning Commission by-laws to supersede those contained herein shall follow the same procedure as the adoption of these by-laws. A motion may be made in any Commissioner to review the by-laws for amendment at any time following their inception. A sustaining vote shall be required to open the review of the by-laws for amendment.
3. The adoption of these by-laws, and any successors, shall be done only after the publication of a notice of review and adoption of these by-laws in a newspaper of general circulation within the City at least 14 days prior to the meeting in which the adoption will be considered.
4. The general public shall have the opportunity to review and comment upon these by-laws prior to the adoption by the Planning Commission.

G. RECORDING OF BY-LAWS.

1. These by-laws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Planning Commissioner and the Community Development Department.