

BOULDER TOWN PLANNING COMMISSION RULES OF ORDER AND PROCEDURES (BYLAWS)

These Rules of Order and Procedure shall govern the proceedings of the Boulder Town Planning Commission (“Commission”) and shall be consistent with applicable provisions of Utah State Code and Boulder Town Code.

I. Authority and Duties

The Commission shall act on all planning matters that arise within the jurisdiction of Boulder Town as required or permitted by Utah State Code and/or Boulder Town Code.

II. Membership

Section 1. Appointment of Members and Participation– Members of the Commission (“Members”) shall be appointed as provided in the Boulder Town Code.

Section 2. Rights of Members– All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted. Members must be physically or electronically present to vote.

Section 3. Supporting Staff – The Boulder Town staff shall provide support for the Planning Commission, including support for electronic meetings, posting and public notification as required by Utah State Code of all meetings, recording of meetings, capturing minutes, collection of background information as may be requested by the Commission, and preparation of background materials to be used in Commission deliberations.

Section 4. Members’ Terms – The terms of Members shall be as set forth in the Boulder Town Code.

Section 5. Training – Planning Commissioners shall obtain training as required by Utah State Code §10-9a-302. A newly appointed Member may not participate in a public meeting as an appointed Member until the member completes the training as required by Utah Code and meets with the Supporting Staff to review among other things the **Bylaws** and the General Plan. Failure to comply with this provision may result in removal of the Member from the Commission. **After the initial training requirements, all Members are encouraged to attend more advanced workshops, conferences, and additional trainings scheduled from time to time to better understand Utah land use issues and to remain current with Utah State Code.**

Section 6. Attendance – Members shall regularly attend Commission meetings. A Member who misses more than three regularly scheduled meetings in a calendar year may result in removal of the Member from the Commission. Members who are aware they cannot attend a meeting shall notify the Chair in advance of their inability to attend the meeting.

Section 7. Electronic Meetings - According to Boulder Town Code (34.03) any body created by Boulder Town may conduct electronic meetings at the discretion of the presiding officer or by a majority vote of the members. Electronic meetings shall be conducted in accordance with the requirements of the Utah Open and Public Meetings Act Section 52-4-207. All members present at the anchor location or participating electronically shall be counted for the purposes of establishing a quorum. The notice for the electronic meeting shall indicate the physical anchor location and instructions for how to connect electronically.

Section 8. Member Responsibilities – As a Member of the Commission, each member shall be responsible to:

- a. Read and study the agenda and background materials, including staff reports, so they are fully informed about each business item on the agenda prior to the scheduled Commission meeting.
- b. Offer concise comments pertinent to the business item under discussion and refrain from repetition in comments or speech making.
- c. Act in a courteous and respectful manner to their fellow Members, the Supporting Staff, and the public, during all meetings.
- d. Attend Commission meetings and arrive on time.

Section 9. Removal Proceedings – Removal from the Commission shall be as set forth in the Boulder Town Code.

Section 10. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Mayor and Chair. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member’s term shall be filled as set forth in Boulder Town Code.

Section 11. Compensation and Reimbursement – Members shall receive no compensation for their services except as outlined in the Boulder Town Code.

III. Officers

Section 1. Election of Officers – As the first order of business at the first regularly scheduled Commission meeting in **odd numbered calendar years**, the Commission shall hold elections for the positions of Chair and Vice Chair from among regular Members by a majority vote of the Members’ present.

Section 2. Officer Terms - Officers shall serve two-year terms and no more than two successive terms.

Section 3. Officer Vacancies – in the case of a resignation or other reason that might cause a vacancy in the position of Chair or Vice Chair, an immediate election shall take place among members to fill the role. The newly elected Officer(s) shall serve out the term of that office. Members filling these vacancies may subsequently be elected to two additional terms as Officers.

Section 4. Duties of the Chair – the Chair is responsible for

- a. Serving as the Presiding Officer of the Commission
- b. Implementing these Rules of Order and Procedure
- c. Coordinating with the Supporting Staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission
- d. Executing all official documents and letters of the Commission
- e. Identifying and bringing before the Commission such policy matters as are within the purview of the Commission

Section 5. Duties of the Vice Chair – the Vice Chair is responsible for

- a. Assisting the Chair in all necessary capacities
- b. Assuming the duties and responsibilities of the Chair in all instances where the Chair is not available or is unable to carry out the duties and responsibilities
- c. Identifying and bringing before the Commission such policy matters as are within the purview of the Commission

Section 6. Chair *pro tempore* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a Chair *pro tempore* to serve as Presiding Officer only for that meeting.

IV. Commission Meetings

Section 1. Agendas – The Chair is responsible for preparing and distributing to Members a draft agenda, at least **a day** and preferably four days ahead of the meeting. Agenda items likely to result in a vote and action by the Commission shall be noted as ACTION ITEMS on the agenda. Unless an emergency situation arises, **most** topics before the Commission will be openly discussed and debated in **at least** one meeting before a vote is taken in a subsequent meeting.

Section 2. Adherence to City, State, and Federal Law – Except as provided herein, all meetings shall generally be guided by Roberts Rules of Order-Simplified. With respect to matters of interpretation or applicability of these Rules of Procedure, or applicability of the Roberts Rules of Order-Simplified, a majority of the Commission in attendance shall determine the interpretation. All meetings shall adhere to the Utah Open Meetings Act.

Section 3. Regular Meetings – Meetings shall be publicly noticed and held on the **second/third** Thursday of each month. Annual notice of meeting dates shall be noticed as required by Utah State Code. In addition, dates, times, and locations of meetings shall be posted as required by Utah State Code.

Section 4. Special Meetings – Special meetings may be called by the Chair or Supporting

Staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hours' notice (minimum of twenty-four (24) hours' notice) is given to each Member before the meeting is held and notice is given as required by Utah State Code.

Section 5. Staff and Public Participation at Electronic Meetings – Staff members or the public who are not physically present may nevertheless participate in meetings through electronic means.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted as required by Utah State Code. If a meeting is rescheduled the new meeting time, date, and location shall be posted as required by Utah State Code.

V. Subcommittees

The Chair with the support of the Commission has the prerogative to create subcommittees as deemed necessary to focus on topics requiring more discussion than time permits in a Commission Meeting. Subcommittees shall be led by a Commission Member but may also include members of the public. Each Subcommittee will have a clear mandate, set of goals, and timeline for accomplishing their task and reporting back to the full Commission.

VI. Meeting Procedures

Section 1. Agenda Order – The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of the Supporting Staff, may consider matters out of the agenda order. Items to be discussed

Section 2. Quorum – A quorum shall consist of a majority of the Members **present both physically and electronically** and shall be necessary to conduct any business of the Commission..

Section 2. Motions – A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. Any Member may second a motion. A majority vote by the present Members in favor of a motion shall carry the motion.

Section 3. Public Hearings – Any topic or application addressing a land use issue and requiring a public hearing under either Utah State Code or Boulder Town Code shall be noticed as such on the meeting agenda. Specific requirements for a hearing are as follows:

- a. Support staff will post notice 10 days in advance of the hearing, providing the topic, issue, date, time, and location of the Public Hearing.
- b. The Commission will vote to close their regular meeting and open the Public Hearing.
- c. The Chair will call on the Support Staff to provide an overview and their recommendations.

- d. The Chair will then invite the applicant to give a **short** presentation if appropriate.
- e. The Chair will then invite members of the public to offer comments expressing their support or opposition. **The chair may limit the time per speaker when necessary.**
Each speaker will:
 - Before talking, give their full name
 - Confine their comments to essential points bearing on the desirability or undesirability of the application
 - Make no personal attacks
- f. The Chair reserves the right to cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record, to stop any speaker making personal attacks, and to stop applause or public outbursts.
- g. The Chair will allow the applicant, as necessary, to respond to new issues or questions raised by other parties, not to exceed five (5) minutes.
- h. The Commission will move to close the Public Hearing and return to the Regular Meeting.
- i. Members may continue to discuss the application. Following this discussion on the application, a motion must be made and seconded, which may include: Approval, Approval with Conditions, Denial, a Recommendation to the Council (as appropriate), or Continuation of the item with or without date. The recommendation shall include reasons for the decision and cite appropriate supporting documentation.
- j. A decision of the Commission on an application shall be documented in writing by the Supporting Staff and shall include reasons for the decision.

VII. Ethics and Conflicts of Interest

Section 1. Compliance -All Members shall abide by Utah State Code and annually complete any necessary volunteer forms, documents, and training.

Section 2. Voting/ Recusal:—A member of the Commission who has a conflict of interest as defined by Utah State Code and/or Boulder Town Code shall declare the conflict as required by Utah State Code and recuse themselves from the agenda item relating to the conflict. The Chair shall announce the recusal for the record. -

Section 3. Ex Parte Communications – **Any ex parte communications (electronic, social media, or in-person communications on any final actions before the Commission) shall be shared with the Commission prior to final decision making and become part of the public record.**

VIII. Amendments and Adoption

These Rules of Order and Procedure must be reviewed and approved by the Boulder Town Council before they become effective and may be amended upon approval by the Council.

PRIMARY ENABLING LEGISLATION

UTAH STATE CODE

Effective 5/1/2024

§10-9a-302. Planning commission powers and duties -- Training requirements.

- (1) The planning commission shall review and make a recommendation to the legislative body for:
 - (a) a general plan and amendments to the general plan;
 - (b) land use regulations, including:
 - (i) ordinances regarding the subdivision of land within the municipality; and
 - (ii) amendments to existing land use regulations;
 - (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:
 - (i) 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
 - (ii) shall protect the right of each:
 - (A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;
 - (B) land use applicant or adversely affected party 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.

- (2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.
- (3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.
- (4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.
- (5) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.
- (6)
 - (a)
 - (i) This Subsection (6) applies to:
 - (A) a city of the first, second, third, or fourth class; and
 - (B) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.
 - (ii) The population figures described in Subsection (6)(a)(i) shall be derived from:
 - (A) the most recent official census or census estimate of the United States Census Bureau; or
 - (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of the Utah Population Committee.
 - (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:
 - (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; and
 - (ii) three hours of annual training on land use, which may include:
 - (A) appeals and variances;
 - (B) conditional use permits;
 - (C) exactions;

- (D) impact fees;
- (E) vested rights;
- (F) subdivision regulations and improvement guarantees;
- (G) land use referenda;
- (H) property rights;
- (I) real estate procedures and financing;
- (J) zoning, including use-based and form-based; and
- (K) drafting ordinances and code that complies with statute.

(c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection (6)(b)(i).

(d) A planning commission member may qualify for one completed hour of training required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.

(e) A municipality shall provide the training described in Subsection (6)(b) through:

(i) municipal staff;

(ii) the Utah League of Cities and Towns; or

(iii) a list of training courses selected by:

(A) the Utah League of Cities and Towns; or

(B) the Division of Real Estate created in Section 61-2-201.

(f) A municipality shall, for each planning commission member:

(i) monitor compliance with the training requirements in Subsection (6)(b); and

- (ii) maintain a record of training completion at the end of each calendar year.

Effective 5/14/2019

§10-9a-502. Preparation and adoption of land use regulation.

- (1) A planning commission shall:
 - (a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4);
 - (b) hold a public hearing on a proposed land use regulation;
 - (c) if applicable, consider each written objection filed in accordance with Subsection 10-9a-205(4) prior to the public hearing; and
 - (d)
 - (i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and
 - (ii) forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).
- (2)
 - (a) A legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.
 - (b) After providing notice as required by Subsection 10-9a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the land use regulation described in Subsection (2)(a):
 - (i) as proposed by the planning commission; or
 - (ii) after making any revision the legislative body considers appropriate.
 - (c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.

153.042 BOULDER TOWN PLANNING COMMISSION.

The Town Planning Commission (hereinafter “Commission”) was heretofore created and established pursuant to the Act, or prior enactments thereof.

(A) *Powers and duties.* The Commission shall be an advisory body to the Council on legislative matters, including the General Plan and land use ordinances. The Commission shall:

- (1) Prepare, or cause to be prepared, the General Plan, all elements thereof, and all amendments thereto, and to submit such plan, elements or amendments to the Council;
- (2) Prepare or cause to be prepared all land use ordinances, including this chapter, all standards, and requirements thereof, and all amendments thereto, and to submit such ordinances, standards, requirements, and all amendments to the Council;
- (3) Prepare or cause to be prepared all official maps, all standards and requirements thereof, and all amendments thereto, and to submit such maps, standards, requirements and all amendments to the Council;
- (4) Review and recommend approval or denial of all General Plan amendment applications and all land use ordinance amendment applications to the Council;
- (5) Review and approve, approve with conditions or deny all conditional use applications;
- (6) Review and recommend approval, approval with requirements or denial of all subdivision applications to the Council, as authorized by Ch. 152 of this code of ordinances;
- (7) Review and recommend approval, approval with requirements or denial of all petitions for annexation to the Council;
- (8) Review and recommend approval, approval with requirements or denial of all applications to establish an agricultural protection area;
- (9) Act as an appeals authority, as provided herein;
- (10) Adopt bylaws, policies and procedures for the conduct of the duties and meetings of the Commission, for the consideration of applications, and for any other purposes deemed necessary by the Commission, if such bylaws, policies and procedures are approved by the Council before taking effect; and
- (11) Advise the Council on other matters, as the Council may direct.

(B) *Qualifications for membership.* Members of the Planning Commission shall be appointed by the Mayor with the advice and consent of the Council.

(C) *Membership; appointment, removal, terms and vacancies.*

(1) The Planning Commission shall be composed of five regular members, and one alternate member, appointed by the Mayor, with the advice and consent of the Council.

(2) The Council, after finding cause, may remove any member of the Commission for a violation of this chapter or any policies or procedures adopted by the Commission following receipt of a written complaint filed against the member. The Council shall provide the member with a hearing, if requested.

(3) Members of the Commission may be compensated on a per diem basis, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Council.

(4) All members of the Commission, including the alternate member, shall serve a term of five years. No member shall serve more than two consecutive full terms. If any member begins serving his or her term and then resigns, or is unable to complete his or her term, a replacement shall be appointed. The service of a replacement member during the remainder of an unexpired term shall not constitute a full term. Consequently, a replacement member may serve the remainder of a former member's term and then be eligible to also serve two consecutive full terms, if so appointed.

(5) At an annual organizational meeting to be held the first regular meeting in January, and at other times as required, the members of the Commission shall elect one of their members as Chair and one of their members as Vice-Chair. In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all powers of the Chair. The Chair shall serve a term of two years. No member shall serve as Chair for more than two consecutive terms.

(6) The Chair, or in the Chair's absence the Vice-Chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

(D) *Recording Secretary.* The Council shall appoint a Recording Secretary to serve the Commission. The Recording Secretary shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The Recording Secretary shall be compensated as approved by the Council.

(E) *Quorum and necessary vote.* No meeting of the Commission may be called to order, nor may any business be transacted without a quorum consisting of at least three members of the Commission being present. The Chair and the alternate member shall be included for purposes of establishing a quorum and shall act as a voting member of the Commission. The alternate member shall attend the meetings and, in the event of any absence of any regular member at a meeting, the alternate shall assume a regular member place on the Commission and shall vote in that place at that meeting. In the event that all five regular members are in attendance, the alternate shall sit in on the meeting and have a voice, but shall not have a vote. All actions of the Commission shall require a roll call vote of the Commissions duly seated at a meeting with a majority of said members voting in the affirmative.

(F) *Meetings, hearings and procedure.*

(1) The Commission shall establish a regular meeting schedule.

(2) Special meetings may be requested by the Council, the Chair of the Commission or a majority of the members of the Commission.

(3) If a matter is postponed due to lack of a quorum, the Chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the rescheduled matter will be heard by the Commission.

(G) *Effective date of decisions.* All decisions of the Commission shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the Commission, or the Commission designates a different date when the decision is made.

(H) *Commission members volunteers.* Members of the Commission shall be deemed “volunteers” for the purposes of town ordinances, rules, regulations, and policies concerning personnel; provided, however, Commission members shall be included in the definition of “employee” for the purposes of the state’s Governmental Immunity Act.