

RESOLUTION 2025-A

A RESOLUTION BY THE BOULDER TOWN COUNCIL ADOPTING BYLAWS FOR
THE BOULDER TOWN PLANNING COMMISSION

WHEREAS, The Boulder Town Planning Commission has drafted a set of Bylaws; and

WHEREAS Utah State Code gives Boulder Town Council the power to adopt the Bylaws
for the Boulder Town Planning Commission;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BOULDER
TOWN, UTAH, THAT:

1. The attached Version 1.0 of the Planning Commission Bylaws dated _____ are
adopted.

PASSED BY THE BOULDER TOWN COUNCIL THIS ____ DAY OF _____, 2025

Mayor Judy Drain _____

Councilmember LeFevre _____

Councilmember Ellis _____

Councilmember Gardner _____

Councilmember Veranth _____

BYLAWS OF THE BOULDER TOWN PLANNING COMMISSION

These Bylaws are established to define the functions, duties, responsibilities, and procedures of the Boulder Town Planning Commission (hereinafter “Commission”) which serves to advise the Boulder Town Council (hereinafter “Council”) on land use issues.

These bylaws are not adopted by ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

ARTICLE I

Authority and Duties

The Commission shall act on planning and land use matters that arise within the jurisdiction of Boulder Town as required by Utah Code, Boulder Town Code, or other lawful requirements.

ARTICLE II

Membership

2.01 Structure. The Commission shall consist of five appointed Commissioners and an alternate as provided in the Boulder Town Code (153.042 (C)(1)) Alternate members may participate in discussions, but vote only in the absence of a regular member.

2.02 Voting. Commissioners, including the Chair, shall be entitled to one vote on all matters properly before the Commission for action. Proxy votes shall not be permitted. Commissioners must be physically or electronically present to vote.

2.03 Commissioner Terms – The terms of Commissioners shall be as set forth in the Boulder Town Code (153.042 (C)(4))

2.04 Duties and Responsibilities. Commissioners are expected to (1) read and study the agenda and supporting materials prior to any regularly scheduled meeting, (2) offer relevant and concise comments, and (3) act in a courteous and respectful manner.

2.05 Removal. Removal of a Commissioner shall be as set forth in the Boulder Town Code (153.042 (C)(2)).

2.06 Vacancies. A Commissioner may resign at any time by providing written notice to both the Boulder Town Mayor and Commission Chair. Resignations shall be recorded in the meeting minutes. The alternate member shall serve as a replacement until a regular Commissioner is appointed as set forth in the Boulder Town Code (153.042 (C)(4)).

2.07 Compensation and Reimbursement. Commissioners shall receive no compensation for their service except as outlined in the Boulder Town Code (153.042 (C)(3)). Expenses for training, travel, and per diem shall be reimbursed in accordance with Boulder Town policy.

2.08 Orientation and Training. Support staff and the Planning Commission Chair may provide orientation for all new Commissioners (including the alternate). While Utah Code (10-9a-302-6) does not require training for Planning Commission members in municipalities with less than 5000 population, Commissioners are highly encouraged to complete the following: one hour of annual training on general powers and duties under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act and three hours of annual training on land use, which may include conditional use permits, vested rights, subdivision regulations and improvement guarantees, property rights, appeals, zoning, and drafting ordinances and codes that comply with statutes. Training may be conducted in work sessions as described in 6.01 in these Bylaws.

ARTICLE III

Officers

3.01 Elections. In odd numbered calendar years, the Commission shall hold elections for the positions of Chair and Vice Chair from among regular Commissioners.

3.02 Terms. Officers shall serve two-year terms and no more than two successive terms as outlined in the Boulder Town Code. .

3.03 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 Commissioners to fill the role. The newly elected Officer(s) shall serve out the term of that office. Commissioners filling these vacancies may subsequently be elected to two additional terms as Officers.

3.04 Commission Chair. The Chair is responsible for (1) serving as the presiding officer of the Commission, (2) ensuring adherence to these Bylaws and Rules of Order and Procedure, (3) coordinating with staff to provide an agenda for each public meeting along with relevant correspondence to the Commission, (4) executing all official documents and letters of the Commission, and (5) identifying and bringing before the Commission such policy matters as are within the purview of the Commission.

3.05 Commission Vice Chair. The Commission Vice Chair is responsible for (1) assisting

the Chair in all necessary capacities, (2) 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, and (3) identifying and bringing before the Commission such policy matters as are within the purview of the Commission.

3.06 Chair pro tempore. In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Commissioners present at the meeting shall elect a Chair pro tempore to serve as Presiding Officer for that meeting.

ARTICLE IV

Meetings

4.01 Attendance. Commissioners shall regularly attend Commission meetings. A Commissioner who misses more than three (3) regularly scheduled meetings in a calendar year without notifying the Chair in writing of his or her inability to attend may be subject to removal.

4.02 Electronic Meetings. Electronic meetings shall be held in accordance with Boulder Town Code Section 34.03. (“[A]ny body created by Boulder Town may conduct electronic meetings at the discretion of the presiding officer or by a majority vote of the members.”) Additionally, electronic meetings shall be conducted in accordance with the requirements of the Utah Open and Public Meetings Act (Utah Code 52-4-101 - 52-4-305 (inclusive)). All Commissioners 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. Support staff or the public who are not physically present may participate in meetings through electronic means.

4.03 Support Staff. The Planning Commission shall be supported by the Boulder Town staff. Such support shall include running electronic meetings, posting and public notification as required by Utah State Code of all meetings, recording of meetings, drafting minutes for Commission approval in a timely manner, and posting and archiving of approved minutes as required by state law. The support staff shall provide the Commission with copies of current and archived Town documents upon request. The Commission may request assistance from the support staff in preparing background materials for meetings with the approval of the Mayor.

4.04 Agendas. The Commission Chair is responsible for preparing a draft agenda that support staff will distribute to the public at least twenty-four (24) hours in advance of the meeting. The Commission Chair and support staff may post a draft agenda for Commissioner comment at least four (4) days in advance of the meeting. All topics likely to result in final action shall be included in the agenda. Agendas are final in form only after approval by the

Commissioners at the beginning of a meeting.

4.05 Regular Meetings. The annual schedule of meetings based on Commissioner vote shall be set and notice shall be provided in accordance with Utah Code 52-4-101 – 52-4-305 (inclusive). Notice of the meeting agenda shall be posted online at the Utah Public Notice Website and physically at least twenty-four (24) hours in advance of the meeting.

4.06 Special Meetings. Special meetings may be called by the Chair or support 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 Commissioner before the meeting is held and notice is given as required by Utah Code.

4.07 Emergency Meetings. Emergency Planning Commission meetings may be called by the Chair or by the Mayor in accordance with the provisions of the Open and Public Meetings Act.

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

ARTICLE V

Procedures

5.01 Order. The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by majority vote, or upon recommendation of the support staff, may consider matters out of the agenda order.

5.02 Quorum. A quorum shall consist of three (3) Commissioners and shall be necessary to conduct any business of the Commission.

5.03 Motions. A matter for decision shall be placed before the Commission by motion made by any Commissioner at the meeting. Any Commissioner may second a motion. A majority vote by the Commission in favor of a motion shall carry the motion.

5.04 Discussions. The Chair may enforce procedural rules requiring each Commissioner to speak in turn and may also limit the amount of time allowed for Commissioner comments. The Chair may direct questions to staff members or other persons with relevant specific information, otherwise discussion of a motion is limited to Commission members.

5.05 Voting. All final actions including recommendations to the Town Council and approval of Conditional Use Permits shall be by roll call vote and recorded in the minutes. Voice vote may be allowed for motion amendments provided the final motion is approved by roll call. Unanimous consent may be allowed for routine procedural matters.

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

5.06.1 Support staff will post notice 10 days in advance of the hearing, providing the topic, issue, date, time, and location of the Public Hearing.

5.06.2 The Commission will vote to close their regular meeting and open the Public Hearing.

5.06.3 If the hearing involves an application, the Chair shall invite the applicant (if present in person or electronically) to give a presentation.

5.06.4 The Chair may call on the support staff to provide an overview and their recommendations.

5.06.5 The Chair will 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: give their name, limit comments to the topic of the hearing, and refrain from personal attacks.

5.06.6 The Chair reserves the right to cease any presentation of 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.

5.06.7 The Chair may allow the applicant, if applicable, to respond to new issues or questions raised by other parties.

5.06.8 The Commission will move to close the Public Hearing and return to the regular meeting.

5.06.9 Commissioners may continue to discuss the topic at hand. Following this discussion, 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 a specific date. The recommendation shall include reasons for the decision and cite appropriate supporting documentation.

5.07 Orders of the Commission. A decision of the Commission on any topic shall be documented in writing and shall include both findings of fact and holdings of law.

ARTICLE VI

General Provisions

6.01 Work Sessions. The Commission may hold work sessions. These sessions may be

conducted under informal procedures to allow candid discussion between Commissioners, consultants, and members of the public. These sessions may include training. Advance notice and audio recording provisions of the Open and Public Meetings Act apply if a quorum of Commissioners are present. Concise minutes are allowed for training and work sessions provided no final action is taken.

6.02 Committees. The Chair or the Commission by majority vote may create committees as deemed necessary to focus on topics requiring more discussion than time permits in a Commission meeting. Advisory committees overseen by the Commission may be requested by the Council. Committees may be led by a Commission member and may also include members of the public. Each committee is ideally advised by the Commission to clarify its task and timelines.

6.03 Written Communications. Community members are allowed and encouraged to submit written comments to the Commission. Written comments should clearly identify the topic or issue and be submitted to the Town staff for distribution to the Commission at least three days before a meeting.

6.04 Adoption. These Bylaws shall be reviewed and approved by the Council before they become effective and may be amended upon approval by the Council.

6.05 Bylaw Review and Amendment. These Bylaws will be reviewed by the Commission at the beginning of each calendar year. These Bylaws may be amended at any regular meeting of the Commission in any year by a majority vote of the Commissioners present. Amendments shall become effective once ratified by the Council.

6.06 Non-Discrimination. The Commission shall not discriminate against appointments. In no case shall the Commission discriminate on the basis of race, color, national origin, sex, religion, or age.

6.07 Parliamentary Rules. All questions of parliamentary practice shall be decided according to Robert's Rules of Order Newly Revised 12th Edition.

6.08 Authority. These Bylaws are to be considered and interpreted as advisory or persuasive. Consequently, should the Commission waive, suspend, or otherwise deviate from these Bylaws during the course of a meeting such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

ARTICLE VII

Ethics and Conflicts of Interest

7.01 Compliance. All members shall abide by Utah State Code and annually complete any necessary volunteer forms, documents, and training.

7.02 Conflicts. 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 may recuse themselves from the agenda item relating to the conflict.

7.03 Municipal Officers' and Employees' Ethics Act. Commissioners shall abide by the terms set forth in the Municipal Officers' and Employees' Ethics Act (see Utah Code Sections 10-3-1301 through 10-3-1313 (inclusive)).