

ORDINANCE NO. 2024-13

**AN ORDINANCE AMENDING CHAPTER 102-2 OF THE WEBER COUNTY CODE,
INCLUDING DEFINING THE RULES OF ORDER FOR THE PLANNING
COMMISSIONS**

WHEREAS, unincorporated Weber County has two planning advisory areas, each with its own planning commission; and

WHEREAS, Utah Code section 17-27a-301(4) says that when a county has planning advisory area planning commissions, “the county legislative body shall enact an ordinance that defines . . . the rules of order and procedure for use by the planning advisory area planning commission in a public meeting,” as well as “details relating to the organization and procedures of each planning advisory area planning commission”; and

WHEREAS, the existing rules of order for the planning commissions have not yet been defined by ordinance; and

WHEREAS, the Board of County Commissioners of Weber County has determined that it is in the best interest of the County, its residents, and its planning commissions to update and amend the planning commission rules of order, along with some of the provisions of the county code related to the planning commissions;

NOW THEREFORE, the Board of County Commissioners of Weber County ordains as follows:

- I. Chapter 102-2 of the Weber County Code is amended as shown in Exhibit A (showing the changes) and Exhibit B (the final amended version).
- II. The rules of order for the two planning commissions shall be as shown in Exhibit C.
 - a. The rules of order shall not be codified in the Weber County Code, but the Clerk/Auditor’s office shall maintain an official copy.
 - b. Additionally, the Planning Division shall post the updated rules of order on its website and shall ensure that all planning commissioners are notified of the updated rules of order.
- III. Effective date and publication
 - a. This ordinance shall take effect 15 days after its passage.
 - b. The Clerk/Auditor’s office is directed to publish a short summary of this ordinance in the *Standard Examiner* newspaper before 15 days after the date of its passage.

PASSED and ADOPTED on this _____ day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
James H. "Jim" Harvey, Chair

Commissioner Harvey voted _____
Commissioner Bolos voted _____
Commissioner Froerer voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

SUMMARY OF WEBER COUNTY ORDINANCE NO. _____

**SUMMARY OF AN ORDINANCE OF WEBER COUNTY AMENDING CHAPTER 102-2 OF
THE WEBER COUNTY CODE, INCLUDING DEFINING THE RULES OF ORDER FOR THE
PLANNING COMMISSIONS**

On _____, 2024, the Board of County Commissioners of Weber County adopted Ordinance No. _____, which amends chapter 102-2 of the Weber County Code, governing the planning commissions. The ordinance defines the rules of order and makes other changes.

Commissioners _____ voted in favor of this ordinance.

Commissioner _____ voted against this ordinance.

The complete text of the ordinance is available at the Weber County Clerk/Auditor's Office at 2380 Washington Blvd., Ogden, Utah.

Exhibit A

Chapter 102-2 Planning Commission

Sec 102-2-1 Purpose And Intent

Sec 102-2-2 Planning Area Boundaries

Sec 102-2-3 Planning Commission Membership And Organization

Sec 102-2-4 Powers And Duties Of The Planning Commission

Sec 102-2-5 Decision Of The Planning Commission

Sec 102-2-6 Meetings

Sec 102-2-7 (Reserved)

Sec 102-2-8 Appointment Of Planning Commission Members

Sec 102-2-9 Jurisdiction

Sec 102-2-10 Policies And Procedures

State Law reference—County planning commission, U.C.A. 1953, § 17-27a-301 et seq.

Sec 102-2-1 Purpose And Intent

This chapter ~~defines~~outlines the ~~planning area~~boundaries of the two planning ~~commissions~~advisory areas. It also outlines the ~~planning commission's~~ organization, membership, and powers and duties of each of the planning commissions.

Sec 102-2-2 Planning Advisory Area Boundaries

The unincorporated county is divided into two planning advisory areas, and each planning advisory area shall have its own planning commission. The ~~mountain-unincorporated area facing west from Mount Ogden of the Wasatch Mountain ridge~~, except for the Ogden Canyon, shall be the Western Weber County Planning Advisory Area. All of the unincorporated area ~~of the county, facing east of Mount Ogden the Wasatch Mountain ridge, plus all of unincorporated including the~~ Ogden Canyon, shall be the Ogden Valley Planning Advisory Area.

Sec 102-2-3 Planning Commission Membership And Organization

(a) The planning commission shall consist of seven members.

(1) Each member of the planning commission shall be a registered voter residing within the planning advisory area of the planning commission to which they are appointed.

(2) Members shall be nominated by the county commission, from a list of applicants. Appointments shall be approved during a public meeting and each person nominated shall be appointed by a simple majority vote of the county commission.

(3) Commission members shall serve for a term of four years, and expiration of terms shall be staggered so that an overlapping of terms occurs.

(4) Any vacancy on the planning commission shall be filled via appointment by a simple majority vote of the county commission. Any mid-term vacancy on the planning commission occurring because of death, resignation, removal or disqualification shall be filled by the county commissioners by appointing a new member to fill for the remainder of the unexpired term of such member.

(5) The members of the planning commission shall regularly attend planning commission meetings and public hearings of the planning commission.

- a. Missing three or more planning commission meetings during a six-month period shall be considered grounds for removal from service. If a member misses three meetings within a six-month period, the planning division staff shall notify the county commissioners, who shall then determine, at their sole discretion, by majority vote during a public meeting, whether or not to remove the member from the planning commission.
- a-b. Regular in-person attendance is also expected, when planning commission meetings are held in person. A member may attend such meetings via video conference or telephone or other electronic means, with the permission of the planning division director, up to two times per calendar year. If a member requests permission to attend such a meeting electronically more than twice in one year, the planning division director shall communicate the request to the county commissioners, who shall decide whether or not to grant the request.
- ~~(4) Each member of the planning commission shall be a registered voter residing within the planning area of the planning commission to which they are appointed.~~
- (b) The planning commission shall annually elect a chairperson and a vice-chairperson from its membership. Each officer shall hold office for a one year period and not longer than two consecutive years.
- (c) Members of the planning commission shall be subject to the county's officers and employees ethics act and all applicable state and county ordinances laws, including laws regarding conflicts of interest or and ethics. A violation of such provisions shall be grounds for removal from the planning commission. The planning commissions will also be governed by the planning commission rules of order adopted by the county commission. If conflicts exist, state law and county ordinances will prevail over the planning commission rules of order.
- (d) Planning commissioners serve at the will and pleasure of the county commission.
 - (1) The county commission may remove or replace any commission member for cause after a public meeting, and by a majority vote of the full county commission during a public meeting, for any reason or no reason.
 - (2) References in this section, or in other parts of the Weber County Code, to circumstances that create grounds for removal of a planning commissioner are not intended to limit the county commission's authority to remove a planning commissioner for any reason or no reason.
 - ~~(+)(3)~~ Nothing in the Weber County Code is intended to confer upon planning commissioners any due process rights, or any expectation or entitlement to continued service on the planning commission.

Sec 102-2-4 Powers And Duties Of The Planning Commission

The planning commission shall have such powers and duties as are or may be prescribed by the Utah Code and as provided in the Ordinances of Weber County.

- (a) The planning commission shall review the general plans-plan and make recommendations to the county commission, as deemed necessary, to keep the general plan current with changing conditions, trends, and planning needs of the county. Before doing so, the

planning commission shall obtain the consent of the county commission, to ensure that resources are available and are prioritized appropriately.

- (b) The planning commission shall be an advisory board to the county commission, and shall make recommendations regarding:
 - (1) Amendments to ~~changes in the~~ zoning map.
 - (2) Land Use Code text amendments.
- (c) The planning commission shall approve land use applications as prescribed in this ~~chapter~~ Land Use Code.
- (d) The planning commission may recommend to the legislative body:
 - (1) To support or oppose a proposed incorporation of an area located within the planning commission's planning advisory area; or
 - (2) To file a protest to a proposed annexation of an area located within the planning commission's planning advisory area.
- ~~(e) The planning commission shall adopt rules and regulations, consistent with state codes and county ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the commission.~~
- ~~(f)~~(e) The planning commission, in exercise of its power, shall seek to cooperate with other governmental entities and their planning commissions and shall seek to develop compatible plans for the future development of the county.
- ~~(g)~~(f) The planning commission shall make Other recommendations as designated requested by the county commission or designated by the Utah Code.

Sec 102-2-5 ~~Decision~~ Decisions Of The Planning Commission

- (a) The decisions of the planning commission shall take effect on the date of the meeting or hearing where the decision is made, except that section 102-1-4 of the Weber County Code governs the finality of decisions made when the planning commission is acting as a land use authority. The notice of decision shall reflect the decision date.
- ~~(a)~~(b) Pursuant to Utah Code § 17-27a-502, the county commission may, at its discretion, consider the planning commission's failure to make a timely recommendation on a proposed land use regulation or land use regulation amendment as a negative recommendation. For purposes of this subsection, the planning commission fails to make a timely recommendation if it has not made a recommendation within two months after holding a public hearing on the proposal, or within three months after the county commission makes a written request for the planning commission to make a recommendation on the proposal, whichever occurs first.

Sec 102-2-6 Meetings

A quorum of four planning commissioners is needed to conduct the business of the planning commission. Each meeting of the planning commission shall be held in the following manner:

- (a) The planning commission shall meet in the county commission chambers or in some other specified location ~~as may be designated by the chairperson~~ and at such intervals as may be necessary to orderly and properly transact the business of the planning

commission. The adopted rules of order shall govern the times and locations of these meetings.

- (b) Meetings shall be held in accordance with the open meetings law and be properly noticed consistent with state code.
- (c) The minutes of all meetings of the planning commission shall be prepared and filed in the office of the planning division. All ~~records are~~ public records ~~and~~ shall be available for public review and access in accordance with the Government Records and Access Management Act (U.C.A. 1953, § 63G-2-101 et seq.).

Sec 102-2-7 (Reserved)

Sec 102-2-8 Appointment Of Planning Commission Members

Appointment preference shall be given to encourage diverse geographic representation on each planning advisory area planning commission.

Sec 102-2-9 (Reserved) Jurisdiction

~~Upon the appointment of all members of a planning area planning commission, the planning commission shall immediately begin to exercise the powers and perform the duties as provided for in the state code.~~

Sec 102-2-10 Policies And Procedures

- (a) Pursuant to state law, the county commission shall enact an ordinance that defines the planning commission rules of order, including the organization and procedures of the planning commissions.

- ~~(a)~~ The board of county commissioners shall also adopt such policies and procedures as it deems necessary to provide for:

(b)

~~(b)~~

- (1) The planning division support staff;
- (2) The funding of necessary and reasonable expenses of the planning commissions;
and
- ~~(3) The planning commissions will be governed by Utah law, county ordinances and the county planning commission rules of procedure and ethical conduct. If conflicts exist, state law and county ordinances will prevail over the county planning commission rules of procedure and ethical conduct; and~~
- ~~(4)~~ (3) Any other purposes considered necessary to the functioning of the planning commissions.

Exhibit B

Chapter 102-2 Planning Commission

Sec 102-2-1 Purpose And Intent

Sec 102-2-2 Planning Area Boundaries

Sec 102-2-3 Planning Commission Membership And Organization

Sec 102-2-4 Powers And Duties Of The Planning Commission

Sec 102-2-5 Decision Of The Planning Commission

Sec 102-2-6 Meetings

Sec 102-2-7 (Reserved)

Sec 102-2-8 Appointment Of Planning Commission Members

Sec 102-2-9 Jurisdiction

Sec 102-2-10 Policies And Procedures

State Law reference—County planning commission, U.C.A. 1953, § 17-27a-301 et seq.

Sec 102-2-1 Purpose And Intent

This chapter defines the boundaries of the two planning advisory areas. It also outlines the organization, membership, and powers and duties of each of the planning commissions.

Sec 102-2-2 Planning Advisory Area Boundaries

The unincorporated county is divided into two planning advisory areas, and each planning advisory area shall have its own planning commission. The unincorporated area west of the Wasatch Mountain ridge, except for the Ogden Canyon, shall be the Western Weber County Planning Advisory Area. All of the unincorporated area east of the Wasatch Mountain ridge, plus all of unincorporated Ogden Canyon, shall be the Ogden Valley Planning Advisory Area.

Sec 102-2-3 Planning Commission Membership And Organization

(a) The planning commission shall consist of seven members.

- (1) Each member of the planning commission shall be a registered voter residing within the planning advisory area of the planning commission to which they are appointed.
- (2) Members shall be nominated by the county commission, from a list of applicants. Appointments shall be approved during a public meeting by a majority vote of the county commission.
- (3) Commission members shall serve for a term of four years, and expiration of terms shall be staggered so that an overlapping of terms occurs.
- (4) Any mid-term vacancy on the planning commission shall be filled by the county commissioners by appointing a new member to fill the remainder of the unexpired term.
- (5) The members of the planning commission shall regularly attend planning commission meetings.
 - a. Missing three or more planning commission meetings during a six-month period shall be considered grounds for removal from service. If a member misses three meetings within a six-month period, the planning division staff shall notify the county commissioners, who shall then determine, at their sole discretion, by majority vote during a public

- meeting, whether or not to remove the member from the planning commission.
- b. Regular in-person attendance is also expected, when planning commission meetings are held in person. A member may attend such meetings via video conference or telephone or other electronic means, with the permission of the planning division director, up to two times per calendar year. If a member requests permission to attend such a meeting electronically more than twice in one year, the planning division director shall communicate the request to the county commissioners, who shall decide whether or not to grant the request.
- (b) The planning commission shall annually elect a chairperson and a vice-chairperson from its membership.
 - (c) Members of the planning commission shall be subject to all applicable state and county laws, including laws regarding conflicts of interest and ethics. A violation of such provisions shall be grounds for removal from the planning commission. The planning commissions will also be governed by the planning commission rules of order adopted by the county commission. If conflicts exist, state law and county ordinances will prevail over the planning commission rules of order.
 - (d) Planning commissioners serve at the will and pleasure of the county commission.
 - (1) The county commission may remove or replace any commission member, by a majority vote of the county commission during a public meeting, for any reason or no reason.
 - (2) References in this section, or in other parts of the Weber County Code, to circumstances that create grounds for removal of a planning commissioner are not intended to limit the county commission's authority to remove a planning commissioner for any reason or no reason.
 - (3) Nothing in the Weber County Code is intended to confer upon planning commissioners any due process rights, or any expectation or entitlement to continued service on the planning commission.

Sec 102-2-4 Powers And Duties Of The Planning Commission

The planning commission shall have such powers and duties as are or may be prescribed by the Utah Code and as provided in the Ordinances of Weber County.

- (a) The planning commission shall review the general plan and make recommendations to the county commission, as deemed necessary, to keep the general plan current with changing conditions, trends, and planning needs of the county. Before doing so, the planning commission shall obtain the consent of the county commission, to ensure that resources are available and are prioritized appropriately.
- (b) The planning commission shall be an advisory board to the county commission, and shall make recommendations regarding:
 - (1) Amendments to the zoning map.
 - (2) Land Use Code text amendments.
- (c) The planning commission shall approve land use applications as prescribed in this Land Use Code.
- (d) The planning commission may recommend to the legislative body:

- (1) To support or oppose a proposed incorporation of an area located within the planning commission's planning advisory area; or
- (2) To file a protest to a proposed annexation of an area located within the planning commission's planning advisory area.
- (e) The planning commission, in exercise of its power, shall seek to cooperate with other governmental entities and their planning commissions and shall seek to develop compatible plans for the future development of the county.
- (f) The planning commission shall make other recommendations as requested by the county commission or designated by the Utah Code.

Sec 102-2-5 Decisions Of The Planning Commission

- (a) The decisions of the planning commission shall take effect on the date of the meeting or hearing where the decision is made, except that section 102-1-4 of the Weber County Code governs the finality of decisions made when the planning commission is acting as a land use authority. The notice of decision shall reflect the decision date.
- (b) Pursuant to Utah Code § 17-27a-502, the county commission may, at its discretion, consider the planning commission's failure to make a timely recommendation on a proposed land use regulation or land use regulation amendment as a negative recommendation. For purposes of this subsection, the planning commission fails to make a timely recommendation if it has not made a recommendation within two months after holding a public hearing on the proposal, or within three months after the county commission makes a written request for the planning commission to make a recommendation on the proposal, whichever occurs first.

Sec 102-2-6 Meetings

A quorum of four planning commissioners is needed to conduct the business of the planning commission. Each meeting of the planning commission shall be held in the following manner:

- (a) The planning commission shall meet in the county commission chambers or in some other specified location and at such intervals as may be necessary to orderly and properly transact the business of the planning commission. The adopted rules of order shall govern the times and locations of these meetings.
- (b) Meetings shall be held in accordance with the open meetings law and be properly noticed consistent with state code.
- (c) The minutes of all meetings of the planning commission shall be prepared and filed in the office of the planning division. All public records shall be available for public review and access in accordance with the Government Records and Access Management Act (U.C.A. 1953, § 63G-2-101 et seq.).

Sec 102-2-7 (Reserved)

Sec 102-2-8 Appointment Of Planning Commission Members

Appointment preference shall be given to encourage diverse geographic representation on each planning advisory area planning commission.

Sec 102-2-9 (Reserved)

Sec 102-2-10 Policies And Procedures

- (a) Pursuant to state law, the county commission shall enact an ordinance that defines the planning commission rules of order, including the organization and procedures of the planning commissions.
- (b) The board of county commissioners shall also adopt such policies and procedures as it deems necessary to provide for:
 - (1) The planning division support staff;
 - (2) The funding of necessary and reasonable expenses of the planning commissions;
and
 - (3) Any other purposes considered necessary to the functioning of the planning commissions.

Exhibit C

RULES OF ORDER WEBER COUNTY PLANNING COMMISSIONS May 2024

A. ORGANIZATION

1. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair. The term for each office lasts through the first regular meeting of the following year. If the office of Chair or Vice Chair becomes vacant at any time, the Commission shall, at its next meeting, select a new Chair or Vice Chair to fill the remainder of the unexpired term.

To ensure regular rotation of these offices and to give more people the chance to serve in them, the following term limits and rules shall apply:

- (a) An officer selected through the annual vote at the beginning of the year may serve a maximum of two consecutive full-year terms in that office.
- (b) An officer selected to fill a mid-term vacancy before July 1 of any year may complete that term and may then serve only one additional consecutive full-year term in that office.
- (c) An officer selected to fill a mid-term vacancy on or after July 1 of any year may complete that term and may then serve two additional consecutive full-year terms in that office.
- (d) If a currently-serving Vice Chair is selected to become the new Chair, then the currently-serving Chair may not be selected as the new Vice Chair.
- (e) A member who has served the full allowed time in one office may then serve the full allowed time in the other office (except as prohibited above), but may not then be immediately selected again for the first office held.
- (f) A member who becomes ineligible to hold an office based on the term limits and rules above shall become eligible again to hold either office after two years have passed.

2. Chair - Duties

- (a) The Chair shall preside at all meetings of the Commission, providing general direction and assuring proper order of the Commission and public in all proceedings. Such duties and authority shall include:
 - i. Announcing the business before the Commission in the order in which it is to be acted upon;
 - ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
 - iii. Calling for votes when appropriate, and announcing the results of each vote;
 - iv. Disposing of procedural requests and similar matters;
 - v. Informing the Commission, when necessary, on any point of order or practice, with the assistance of legal counsel as needed;
 - vi. Waiving, at his/her discretion, the application of any rule herein where the circumstances indicate that it would be proper to do so, as long as such waiver does not prejudice or deny any party his/her substantial rights;
 - vii. Maintaining proper order and decorum at meetings;
 - viii. Moving the agenda along, holding down redundancy, and treating others in a sensitive way;
 - ix. Ruling out of order any comment which is irrelevant or personal;
 - x. Recognizing speakers and Commissioners prior to receiving comments and presentations of evidence;

- xi. Setting reasonable time limits for individual public input, oral presentations, questions, and rebuttal information; and
 - xii. Receiving documents or other physical evidence as part of the record.
- (b) A ruling of the Chair may be challenged by any member of the Planning Commission, through a motion. The motion must be seconded before a vote may be taken. All members shall vote, including the Chair, and the ruling shall be reversed if the motion passes. A tie vote upholds the Chair's decision.
- 3. Duties of the Vice Chair
The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.
- 4. Temporary Chair
In the event of the absence or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair is again able to serve. A temporary Chair shall have and perform all the duties and functions of the Chair.
- 5. Secretary - Duties
The Planning Director or his/her designee shall serve as secretary of the Commission. The secretary shall have the following duties:
 - (a) Give notice of all Commission meetings as hereinafter provided;
 - (b) Attend every meeting of the Commission, to record for the record all members in attendance; to read communications, resolutions, and other papers which are ordered to be read by the Chair of the meeting; and to receive and bring to the attention of the Commission messages and other communications from other sources;
 - (c) Keep the minutes of the proceedings of the Commission and record the same;
 - (d) Keep and maintain a record of all documents pertaining to the work of the Commission; and
 - (e) Perform such other duties as may be required by these rules.

B. CONDUCT OF MEMBERS OF THE COMMISSION

- 1. Addressing Members
Commission members shall be addressed as "Commissioner" and their last name.
- 2. Preparation
Members of the Commission shall prepare themselves for meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.
- 3. Members Shall Attend Meetings
Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary, who shall notify the Chair.

Missing three or more Planning Commission meetings during a six-month period shall be considered grounds for removal from service. If a member misses three meetings within a six-month period, the Planning division staff shall notify the county commissioners, who shall then determine, at their sole discretion, by majority vote during a public meeting, whether or not to remove the member from the Planning Commission.

Regular in-person attendance is also expected, when Planning Commission meetings are held in person. A member may attend such meetings via video conference or telephone or other electronic means, with the permission of the Planning Director, up to two times per calendar year.

If a member requests permission to attend such a meeting electronically more than twice in one year, the Planning Director shall communicate the request to the county commissioners, who shall decide whether or not to grant the request.

Planning Commission members shall also attend required training.

4. Conflict of Interest

A Planning Commission member with a conflict of interest in a matter before the Commission shall disclose that conflict in accordance with state law in the meeting in which the matter is being discussed. If the member determines that he/she is unable to fairly and impartially discuss and/or vote on that matter, the member shall refrain from participating in any discussion and/or voting on the matter as he/she determines to be appropriate.

As of January 2023, the following are examples of situations that require various types of disclosure under chapter 17-16a of the Utah Code:

- (a) receiving or agreeing to receive compensation for assisting any person or business entity in any transaction involving the county;
- (b) serving as an officer, director, agent, or employee, or the owner of a substantial interest (at least 10%) in any business entity which is subject to the regulation of the county;
- (c) serving as an officer, director, agent, or employee, or the owner of a substantial interest (at least 10%) in any business entity which does or anticipates doing business with the county; and
- (d) having any personal interest or investment that creates a potential or actual conflict between the Planning Commission member's personal interests and his/her public duties.

This list is a summary, not guaranteed to be complete, and it is not intended to list all the situations that could constitute a conflict of interest. Also, laws change. Members should refer to the state code for applicable disclosure requirements.

As of January 2023, the state code does not require recusal in any of these situations. It only requires disclosure.

5. Ex Parte Contacts

An ex parte contact is any communication with a party or person outside of a Planning Commission meeting regarding administrative applications. Commissioners are not to engage in these communications, whether through prearranged meetings or any other means. Anyone speaking to Commissioners on administrative matters should do so at a public meeting so their comments, concerns, and evidence are on the public record. In contrast, communications regarding legislative matters are generally permitted.

Planning Commission members shall reveal any ex parte contacts at the commencement of the public meeting on the matter. Written information received by a Planning Commissioner about an administrative item must be forwarded to the secretary of the Commission if the information has not already been provided to Planning staff. The secretary shall provide the information to all members of the Commission and shall make the information part of the public record. If a member determines that he/she is unable to fairly and impartially discuss and/or vote on a matter due to ex parte contacts, the member shall refrain from participating in any discussion and/or voting on the matter as he/she determines to be appropriate.

Communication with Planning staff members is not an ex parte contact and is allowed.

6. Planning Commission Members Wishing to Give Comment

A member who has a conflict of interest and will not participate in the discussion and voting, but who desires to make comments about an administrative item, may do so only after declaring intent to comment, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before commenting, the Commission member shall make full disclosure of his/her position and disclose that he/she is commenting as an interested member of the public and not in his/her capacity as a member of the Commission. If a member is an applicant, he/she can fully participate in the matter to same extent as any other applicant.

7. Gifts and Favors

Gifts and favors standards are found in U.C.A. 17-16a-4. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or loan for himself/herself or another if it tends to influence him/her in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift having a value less than \$50; an award publicly presented; any bona fide loan made in the ordinary course of business; or political campaign contributions subject to U.C.A. 17-16-6.5.

8. Treatment of Information

Reports and official records of a public planning agency must be open on an equal basis to all inquiries. All reports in an official meeting agenda are public information.

9. Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

10. Communication between Planning Commission Members during a Meeting.

Commission members shall not engage in electronic communication with other Commission members during a public meeting when such communication is not part of the official record of the meeting.

C. MEETINGS

1. Place

Meetings of the Commission shall generally be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, 2380 Washington Blvd., Ogden, Utah. If the Chambers is not available, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. Additionally, from time to time, a meeting may be held in another location in Weber County. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Typically, a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Typically, a pre-meeting will be held at 4:30 p.m.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

3. Special Meetings

A special meeting may be called at any time by the Chair, or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least 24 hours prior to such meeting. Such notice may be provided in any way that confirms that each member knows of the special meeting. It is specifically provided, however, that any member may, in writing, waive the 24-hour prior notice requirement.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business. An abstaining or disqualified member of the Planning Commission shall not be counted as present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules or by law, a majority vote of the members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

Work session meetings of the Planning Commission shall generally be held on the first Tuesday of each month. The Western Weber Planning Commission and the Ogden Valley Planning Commission shall alternate each month for their applicable work session meeting.

Work sessions may also be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during a work session, except to give directions to staff regarding the presentation of options for future consideration.

7. Open Meetings Law

All meetings of the Planning Commission shall be open to the public and shall be noticed in conformance with the requirements of the Open and Public Meetings Act of the State of Utah.

8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

9. Electronic Meetings

The Utah Open and Public Meetings Act allows public bodies to hold electronic meetings, subject to certain requirements. The following rules are hereby adopted to allow electronic meetings and govern their use. If future changes in state law conflict with these rules, the conflicting provisions of the new state law shall be automatically incorporated into these rules by reference, superseding the conflicting provisions of these rules, until the rules are amended to conform to the new state law.

(a) The Commission may hold an electronic meeting if the Planning Director and the Chair agree that doing so will be in the best interest of the Commission and the public.

- (b) Electronic meetings will originate from an “anchor location,” unless state law allows the meeting to be held without an anchor location. The anchor location will be the regular meeting location in the Weber Center, 2380 Washington Blvd., Ogden, Utah, unless the Planning Director and the Chair agree on another location for a specific meeting. When there is an anchor location, interested persons and members of the public may attend and monitor the open portions of the meetings at that location.
- (c) All Commission members who participate in the meeting via electronic means shall be counted towards the calculation of a quorum and may participate and vote on any motion presented to the Commission for action. All votes from Commission members who are attending through electronic means must be taken by roll call.
- (d) When an electronic meeting is held, members of the Commission and members of the public who appear electronically will be given the same opportunity to participate that they would have if they were present at the anchor location.
- (e) In accordance with state law, public notice shall be given as required for a regular meeting, including posting written notice in the Weber Center. This public notice shall be given no less than 24 hours before the meeting. Notice of the electronic meeting shall also be given to members of the Commission at least 24 hours before the meeting and shall include a description of how the members will be connected to the electronic meeting.

D. MEETING AGENDA AND ORDER OF BUSINESS

1. Order of Business

The order of business for a Commission meeting shall generally be as follows:

- (a) Chair opens the meeting and welcomes those in attendance
- (b) Pledge of Allegiance
- (c) Roll call. At all meetings, the names of those Commission members present and those absent shall be entered on the record.
- (d) Planning Director reads opening meeting statement
- (e) Chair asks Commissioners if there are any ex parte communications or conflicts of interest to disclose
- (f) Approval of minutes of prior meetings
- (g) Consent Agenda
- (h) Petitions, Applications and Public Hearings
 - i. Administrative Items
 - ii. Legislative Items
- (i) Public Comment for Items not on the Agenda
- (j) Planning Commission Remarks
- (k) Planning Director Report
- (l) Legal Counsel Remarks
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

The secretary shall prepare a written agenda for each meeting. The Planning Director and the Chair shall determine how far in advance of the meetings the secretary shall provide the agenda, along with staff reports and related documents, to the members of the Commission.

3. Approval of Minutes from Prior Meetings

The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission, the Chair shall

declare the minutes approved either as presented or as amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next meeting.

As an alternative procedure, the Commission may approve minutes through email communication, when requested by staff or by any member of the Commission. When such a request is made, the secretary shall send the draft minutes to all Commission members. After all members who were present at the meeting have responded, and after a majority of those members have given their approval, the Chair may declare the minutes approved. Otherwise, the minutes shall be placed on the next meeting agenda for approval. If minutes get approved through email communication, the approval shall be stated on the record at the next meeting.

4. Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed 30 days prior to consideration by the Planning Commission. The Planning staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Planning Director if he/she determines that good cause exists for waiving the deadline; that the application is complete; and that staff has had sufficient time to analyze the request, adequately prepare a staff report, and give proper notice.

5. Special Order of Business

The Commission may, by motion, change the order in which agenda items will be considered.

E. CONSIDERATION OF AGENDA ITEMS

1. Order of Consideration of Items

The following procedure will normally be observed when considering a matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (a) Chair introduces item;
- (b) Any abstentions from participation are noted;
- (c) Staff makes a presentation on the criteria, standards, and recommendations;
- (d) Applicant or applicant's agent presents evidence for the proposal;
- (e) If applicable, the Commission opens a public hearing via a motion;
- (f) If applicable, members of the public may comment (the Commission must allow public comment during a public hearing, but if it is not a public hearing, then allowing public comment is at the discretion of the Chair);
- (g) If applicable, the Commission closes the public hearing via a motion;
- (h) Applicant's rebuttal, if requested;
- (i) Concluding comments of staff or staff summary and recommendations;
- (j) Planning Commission members, including the Chair, may question staff, applicants, or others at any time, subject to the discretion of the Chair;
- (k) A motion is made and seconded; the Planning Commission discusses the item and votes.

2. Applicants' Rights

All applicants shall have an opportunity to be heard, to present and rebut evidence, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

3. Conduct of Persons before the Commission

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the meeting anyone who:

- (a) Is disorderly, abusive, or disruptive;

- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing;
- (c) Comments without first receiving recognition from the Chair and stating his/her full name and residence; or
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate staff, applicants, or other persons. Questions and comments from the public need not be answered or addressed, but the Chair may choose to ask staff or others to respond.

F. PROCEDURE - MOTIONS

1. Motions generally

- (a) The Planning Commission desires to avoid overly rigid, formal procedural rules for motions, since excessive concern for strict procedural details can obstruct, rather than facilitate, achieving desired outcomes.
- (b) All members of the Planning Commission shall strive to learn and follow the motion procedures below. However, in determining how strictly to enforce the procedures, the Chair and the staff shall evaluate the impact of any procedural violations. If a violation does not create legal risk, adversely affect a person's rights, cause a lack of clarity about a decision, or otherwise cause concern about the validity or impact of the Commission's action, then the Chair and the staff may choose to disregard the violation, and the Commission's action shall be considered valid to the full extent allowed by law.
- (c) A violation of the motion procedures in these rules is not intended to create a cause of action for any person to challenge a decision of the Planning Commission.

2. Making of Motions

- (a) After review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion. The motion shall include not only the direction of the motion, but also the recitation of specific findings of fact supporting the motion. A second shall be required for each motion. Any Planning Commissioner may second a motion. A motion shall die in the absence of a second. Brief discussion of a motion may occur before a second is made.
- (b) Examples of how a motion might be phrased are shown here, but they are just examples:
 - i. I move that we approve this application, based on the findings listed in the staff report, with the conditions listed in the staff report.
 - ii. I move to approve petition #_____, filed by _____, *(then, if desired, state other pertinent identifying information, such as project name and address, zoning, etc.)*, subject to all conditions and recommendations listed in the staff report, and subject to all county and state agency requirements. This motion is based on the findings listed in the staff report.
 - iii. I move that we deny this application, based on the following findings: *(Then state the specific findings that support denial.)*
- (c) After a motion has been made, the Chair and the staff shall ensure that the motion is clear and that the findings supporting the motion have been explained or referred to.
 - i. The Chair may, but is not required to, restate the full motion with all the supporting findings, to ensure that it is clear for the record.

- ii. If the Chair restates the motion, the member who made the motion shall ensure that the Chair's restatement is accurate, to avoid any conflict in the record.

- (d) After a motion has been seconded, the Chair shall allow Planning Commission members to discuss the motion.

3. Withdrawing or Modifying a Motion

- (a) When a motion has been made but not yet seconded, it can be withdrawn by the member who made the motion, either on his/her own or at the request of another member.
- (b) When a motion has been made but not yet seconded, it can be modified by the member who made the motion, either on his/her own or at the request of another member.
- (c) After a motion has been seconded, it is the property of the Commission, and withdrawal or modification requires a separate motion to withdraw the original motion (made by the member who made the original motion) or to modify the original motion, followed by a vote. However, clarification of the intent and contents of the original motion does not constitute a modification and does not require a separate motion.

4. Motion must be Germane

No motion on a subject different from that under consideration shall be made.

5. Motions to Deny

When a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

6. Motion to Reconsider

- (a) A motion to reconsider a previous vote must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the original motion, may second the motion. A motion to reconsider can be made to a vote that was either affirmative or negative. A motion to reconsider proposes no specific change in a decision but simply proposes that the original question be reopened.
- (b) A motion to reconsider fails unless at least 2/3 of the members present vote in favor of the motion.
- (c) If a motion to reconsider passes, then the item to be reconsidered must be placed on the agenda for the next meeting. It may not be reconsidered during the same meeting as the original vote. Staff shall immediately notify the applicant.

G. PROCEDURE - VOTING

1. Roll Call on Final Votes

When the Chair calls for the vote on a motion, members of the Commission shall vote either "aye" or "nay" by voice vote. The secretary shall record the votes and note those absent or not voting. The Chair shall announce the result.

2. Changing Vote Before Decision Announced

On any vote, any member may change his/her vote before the result has been announced by the Chair. A member may not change his/her vote after the Chair has announced the result.

3. Commission Members Required to Vote - Late Voting

No member may abstain from voting unless there is a conflict of interest, except as noted in this paragraph. A member joining the meeting late may vote on the agenda item that is being considered when the member joins the meeting. However, a member who has not been present

during some or all of the discussion of any matter and feels he/she has insufficient information on which to act may abstain.

4. Tie Votes

If a motion receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.

5. Explaining Vote

After a vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.

6. Not to Vote Unless Present

No member of the Commission shall vote on any question unless the member is present when the vote is taken. Proxy voting is not allowed.

H. DOCUMENTS OF THE COMMISSION

All notices, agendas, applications, agency or consultant letters or reports, staff reports, resolutions, and meeting minutes shall be included in the public record for each meeting. All materials submitted to the Planning Commission regarding an agenda item shall also be included in the public record.

I. RECORDING OF RULES - COPIES TO BE FURNISHED

These Rules, and all subsequent amendments thereto, shall be recorded and kept by the secretary and shall be furnished to each member of the Commission.

PASSED and ADOPTED on this 28th day of May, 2024.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By


James H. "Jim" Harvey, Chair