

**~~CITY OF MOAB~~ PLANNING RESOLUTION NO. ~~2018-0107-2022~~, A RESOLUTION
ADOPTING RULES OF PROCEDURE FOR PLANNING COMMISSION MEETINGS**

The following describes the intent and purpose of this resolution:

- a. Utah Code Annotated § 10-9a-301 requires that a municipality adopt planning commission rules of procedure and order to govern public meetings. The City of Moab has additionally enacted ordinances which create the Planning Commission and specify the matters that are within its jurisdiction.
- b. The City of Moab finds that it is proper from time to time to adopt and revise rules of procedure so that public meetings before boards and commissions are conducted in a fair, orderly, and efficient manner.
- c. Pursuant to Moab Municipal Code Section 2.52.050 the Planning Commission has authority to enact rules governing the transaction of its business.
- d. These rules are adopted to provide advisory guidelines for the conduct of public meetings and public hearings before the Moab Planning Commission.

Therefore, the City of Moab Planning Commission enacts as follows:

1. **Quorum.** The number of Planning Commission members required to be present to constitute a quorum for a meeting shall be three.
2. **Chairperson.** The members of the Planning Commission shall elect a Chairperson from within their members. The Chairperson shall serve a term of one year, and may serve multiple or successive terms. The Chairperson shall call the meeting to order at the time scheduled, and is charged with preserving order at the meeting and conducting the meeting in conformity with the agenda, applicable ordinances, and these rules. If the Chairperson is not present the remaining members shall designate one person to serve as the Chairperson pro tempore.
3. **Convening the Meeting; Workshops,** Regular meetings shall be scheduled in advance by resolution of the Commission and adopted on an annual basis. Special meetings may be called from time to time by action of any two Planning Commission members or by the Planning Director.
 - a. Planning Commission meeting may be preceded by an informal workshop, at which time the Commission can ask questions or receive input from staff and others on agenda items or other matters. Workshops may be conducted informally. No final action shall be taken on any item during a workshop.
4. **Citizens to be Heard.** At every regular meeting of the Commission there shall be an agenda item allowing citizens to address the Commission on the subject of any land use matter of public concern which is not identified on the agenda for action. The Commission shall not take final action on any matter discussed during the citizens to be heard portion of the agenda, but Commission members may ask questions, give directions to staff, or ask that a matter be brought back for formal action at a later meeting.

- a. To ensure equity and avoid the appearance of favoritism, comments by members of the public during the citizens to be heard portion of the agenda shall be limited to a maximum of three minutes per individual, unless otherwise directed by the Chairperson.
 - b. In order to ensure that all present feel comfortable expressing their views, and that the free speech rights of all individuals are respected, members of the public who are present but not currently speaking shall not engage in outward displays of support or opposition to those speaking at the citizens to be heard portion of the meeting. Persons who engage in disruptive conduct will be asked to leave the meeting.
5. **General Meeting Procedure; Consent Agenda.** Unless otherwise moved by the Commission, matters shall be considered in the order specified in the agenda. Where there are several routine or uncontested matters requiring approval, the Commission may elect to approve those items as a group under a consent agenda, and without extensive discussion. Any Commission member may request that any item to be removed from consideration under a consent agenda, in which case it will be reviewed individually.
 - a. All meetings should be conducted fairly and efficiently, and with respect for the participants. The Chairperson has discretion to conduct the meeting in a manner which is consistent with these goals.
6. **Review Procedure.** The Chairperson shall call an item up for discussion. The matter should typically be introduced by a member of the staff, who will outline the issues up for decision. The Chairperson may elect to call the applicant, and request that interested persons address the Commission on the matter under consideration. Commission members may ask questions of staff and proponents, and may review documents and information as necessary to understand the issue.
 - a. An applicant or member of staff may pull an item from consideration by delivering notice to the Chairperson prior to the commencement of the meeting. During the meeting the presiding officer should announce that the item has been pulled from the agenda.
7. **Manner of Acting.** To approve an item under consideration, a Commission member must move to approve the item, the motion must be seconded by another Commission member, and approved by a majority vote. In his/her discretion, the Chairperson may second a motion offered by another Commission member. In the absence of a second to a motion the motion fails.
 - a. Prior to voting Commission members may discuss or debate the motion to the extent they see fit. The Chairperson has discretion to limit lengthy debate and may call the question on any item as he/she sees fit.
 - b. At any time prior to voting, a moving Commission member may, without a second or vote, elect to withdraw the motion. A pending motion may be amended by offering an amendment by motion, which must be seconded. An amended motion offered prior to action on the primary motion shall be decided prior to voting on the original motion.
 - c. A motion to table an item or adjourn a meeting shall be acted upon without debate.
 - d. With respect to information requests to staff or similar routine items, the Commission may act informally or by consensus.
8. **Voting.** Unless otherwise provided by law, all matters brought for action before the Commission shall be deemed approved by an affirmative vote of ~~a majority of the Commission present and~~

~~voting, including the Chairperson, the majority of the Commission body.~~ In the case of a tie vote, the motion fails.

~~a. If the Commission wishes to enter into a closed session, as allowed by the Utah Open and Public Meetings Act, the decision to enter into a closed meeting must be preceded by an affirmative vote of 2/3 of the Commission, unless otherwise provided by law.~~

9. **Reconsideration.** Subject to applicable law, the Commission may elect to reconsider a matter which was previously acted upon. Reconsideration requires a motion, second, and affirmative vote of the majority. At the time of reconsideration the number of Commission members present must be equal to the number of Commission members present when the matter was first considered. Where reconsideration would have the effect of cancelling or abrogating a binding obligation of the City (such as rescinding a prior land use approval), the Chairperson shall require that the City Attorney provide a legal opinion to the Commission on the subject prior to any action on reconsideration.
10. **Conduct of Public Hearings.** By law the Commission is required to hold a public hearing prior to reaching a decision on certain adjudicatory or other matters. Public hearings are more formal than other proceedings, and shall be conducted in a manner which respects the due process rights of the applicant and all other participants. The following procedures shall apply to public hearings.
- a. Where a staff report is generated prior to the public hearing the applicant shall be provided with a copy of the staff report a reasonable period of time prior to the public hearing.
 - b. At the public hearing the matter shall be introduced by staff, followed by testimony from the applicant. Interested persons shall then be given the opportunity to provide testimony for or against the matter. At the conclusion of testimony by interested persons the applicant shall be given the opportunity to offer rebuttal testimony.
 - c. Persons providing testimony will be requested to: i) identify themselves; ii) state clearly how the application would affect their interests; iii) state clearly their position on the matter under review; and iv) provide testimony, information, or data in support of their position. Unsupported argument or derogatory comments directed to the matter in question or the applicant are not useful to the Commission, and are discouraged.
 - d. Persons other than the applicant may only provide testimony once during a specific public hearing; this applies to hearings that are continued or postponed to future meetings. The Chairperson has discretion to limit the length of testimony or allocate the available time for the hearing to allow interested persons the opportunity to testify.
 - e. All testimony, evidence, documents, photographs, or other information received by the Commission shall be entered into the record of proceedings. The Commission has discretion to postpone action on a public hearing item, and it may continue to receive additional written comments or other evidence until such time as it closes the public hearing.
 - f. At the conclusion of the public hearing the Commission will consider the matter, and Commission members may engage in discussion and debate to the extent deemed necessary. Although the rules of evidence do not apply to public hearings, Commission

members have discretion to weigh the evidence and measure the credibility of the testimony in the manner that they see fit. Irrelevant or incompetent evidence should be disregarded.

- g. A final decision may be made in the manner provided for all other decisions, except that the Commission may: i) announce its findings in support of the decision orally on the record or; ii) give direction to staff to prepare a written order, permit, or decision consistent with the Commission findings, which the Commission may adopt or modify as it sees fit.

11. **Modification of these Rules.** To the extent these rules conflict with any other law or statute, the other law or statute shall prevail. The Commission or the Chairperson has discretion to modify these rules or the procedures under these rules to the extent necessary to accommodate the needs of a particular situation. The adoption of these rules shall not be deemed to confer any specific substantive or procedural rights upon any person participating at a Planning Commission hearing or meeting.

12. **Adjournment.** The Planning Commission may elect to adjourn a meeting without hearing all matters on the agenda if the meeting continues past 9:00 p.m. Matters not heard will be rescheduled on the next available agenda. The Commission may also adjourn at any time if disruptive conduct at a meeting prevents orderly action.

13. **Expulsion.** By majority vote the Planning Commission may elect to expel any person from a meeting where that person is engaged in disorderly, abusive, or criminal conduct during the meeting.

14. **Recusal.** Planning Commission members are subject to the provisions of the Municipal Officers and Employees Ethics Act, U.C.A. § 10-3-1301 et seq., as well as Moab Municipal Code § 2.28.130. Additionally, Planning Commission members must not engage in conduct which would have the effect of impairing the fundamental fairness of any matter which comes before the Commission for decision. If any Planning Commission member has a conflict of interest that person shall recuse him/herself to the extent provided by other ordinances or applicable law.

The foregoing is approved and adopted by majority vote of the Moab Planning Commission, as set forth below. This resolution shall take effect immediately.

By: _____
Chairperson _____ Date _____

Attest:

~~Jeff Reinhart~~ Cory Shurtleff, Planning Director _____ Date _____

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