

**TOWN OF ALTA
ORDINANCE # 2008-O-2**

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE TOWN OF ALTA AND REPEALING THE EXISTING PLANNING COMMISSION ORDINANCE

WHEREAS, Utah Code Ann. § 10-9a-301 requires the Town of Alta to establish a planning commission; and

WHEREAS, the Town of Alta has a planning commission ordinance in the Code of Revised Ordinances of Alta, Title 12-111 through 12-114, that it seeks to repeal and replace with a revised planning commission ordinance; and

WHEREAS, the proposed Planning Commission Ordinance has been reviewed by the Town of Alta's Planning Commission, which made a recommendation to the Town Council regarding the adoption of the proposed Planning Commission Ordinance; and

WHEREAS, the proposed Planning Commission Ordinance set forth herein has been reviewed by the Planning Commission and the Town Council and all appropriate public hearings have been held in accordance with Utah law.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Planning Commission Created. There is hereby created a Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with the advice of the Planning Commission and the advice and consent of the Town Council. Alternate members may also be appointed, which the Mayor may appoint with the advice and consent of the Town Council.
2. Terms and Eligibility of Members. Members of the Planning Commission shall serve terms of five (5) years, and may serve consecutive terms until, at the end of a five year term, the Mayor appoints a successor Planning Commission member to that position. Members shall continue to serve until their successors are appointed. If the Mayor does not reappoint a new Planning Commission member at the end of a Planning Commission member's five-year term, that Planning Commission member shall continue to serve, unless such Planning Commission member elects to step down. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall serve until the end of the vacating member's term. Terms shall be staggered and expire on January 1 of the respective year.
3. Mayor as Ex Officio Member. So long as the Planning Commission is acting as the long-range planning body for the Town and is not acting as the Land Use Authority for the Town, the Mayor shall be an ex officio member of the Planning Commission, and may participate in and comment at Planning Commission

meetings. The Mayor shall not vote on any matter before the Planning Commission.

4. Grounds for Removal. Any Planning Commission member who is absent from three (3) consecutive regularly scheduled meetings or a total of five (5) regularly scheduled meetings per calendar year, or who violates ethical standards under the Utah Code or who engages in improper or illegal conduct, may be called before the Town Council and asked to resign or be removed for cause by the Town Council.
5. Community Representation. To the extent possible, appointments to the Planning Commission shall be made on a basis which represents the interests of residents of the Town, and, in the event that they are available, should include at least one member representing the business community, one member representing the environmental community, one member representing the architecture/building community, one member representing the planning community, and one member who is an at-large representative.
6. Authority. The Planning Commission shall have all authority conferred on the Planning Commission pursuant to Utah Code Ann. § 10-9a-302, as amended and supplemented from time to time, and such other powers as are conferred on it by the Town Council.
7. Chairperson. The Planning Commission shall, during or before the first meeting of the year, elect a Chairperson who shall serve a term of five (5) years and may be re-elected for one succeeding consecutive term of five (5) years. A member may not serve more than two (2) consecutive terms as Chairperson of the Planning Commission. The Chairperson may participate in discussions and may vote on all issues.
8. Staff and Technical Assistance. The Town Administration shall assist and coordinate with the Planning Commission with technical matters. In order to further assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of technical experts and/or employees and agents of the Town, including but not limited to engineering, public works, applicable utility agencies, school district, Unified Fire Authority officials, Alta Marshal, Building Official, Utah Department of Transportation, Town legal counsel, and affected entities as defined by Utah Code Ann. §10-9a-103(1), as amended and supplemented from time to time.
9. Purpose.
 - a. The Planning Commission shall serve as a non-political, long range planning body for the Town. The Planning Commission shall make recommendations to the Town Council for the general plan and

amendments to the general plan, and land use ordinances, zoning maps, official maps and amendments thereto.

- b. The Planning Commission shall serve as any other body within the Town based on such other powers as the Town Council confers upon the Planning Commission.

10. Recommendation Process.

- a. After completing its recommendation for a proposed general plan, a proposed land use ordinance or related maps, or amendment to same, the Planning Commission shall schedule and hold at least one public hearing on such matters. The Planning Commission may hold more than one public hearing on such matters, in its discretion or as otherwise required by Utah Code.
- b. The Planning Commission shall provide notice of the public hearing as required by Utah Code.
- c. After the public hearing, the Planning Commission may modify the proposed general plan, land use ordinance and related maps, and the amendment to the same.
- d. The Planning Commission shall forward its recommendations for the respective proposed general plan, land use ordinance and related maps, and amendment to the same to the Town Council, which shall make the final decision regarding the adoption or enactment of the general plan, land use ordinance and related maps, and amendments to the same.

11. Minutes. The Planning Commission shall keep official, written minutes of all its meetings in compliance with Utah Code, and such minutes shall be stored with the Town Clerk. All meetings shall comply with Title 52, Chapter 4 (Open and Public Meetings) of the Utah Code, as amended.

12. Decisions. All decisions of the Planning Commission shall be final upon a vote by a majority of the Planning Commission members present at the meeting and all findings for the decision shall be included and incorporated in the minutes.

13. Quorum Requirement. The Planning Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the commission, including the Chairperson.

14. Voting. Actions of the Planning Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. In the event of a tie, the action does not pass and is not approved.

15. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

BE IT FURTHER ORDAINED that this Ordinance shall repeal and replace the existing Planning Commission Ordinance in the Code of Revised Ordinances of Alta, Title 12-111-114.

Effective Date. This Ordinance shall take effect immediately upon passage.

ADOPTED THIS 12th DAY OF June 2008.

BY:

S / Tom Pollard

MAYOR TOM POLLARD

Attest:

S / Katherine S.W. Black

Kate S.W. Black, Town Clerk