

LINDON CITY CODE

Chapter 17.08

PLANNING COMMISSION

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Section 17.08.005 Purpose

The Planning Commission is established as the land use authority for specifically identified items and shall also make land use and development recommendations to the Mayor and the City Council as set forth in this Code. This does not include policy making powers of the City that remain under the control of elected officials. The Planning Commission shall see that proposed developments conform to the codes and provision required within the City. (Ordinance 2008-11, adopted 11/18/2008).

Section 17.08.010 Membership - - Appointment.

1. The planning commission shall consist of seven (7) members, each to be appointed by the Mayor, with the advice and consent of the City Council. Members of the Planning Commission shall be residents and owners of real property within the jurisdiction. No member of the City Council, Board of Adjustment, and no City employee shall be a member of the Planning Commission. (Ord. 2008-11, adopted 11/18/2008, Ord. 2000-6, Amended, 10/04/2000)
2. Appointment of an Alternate: When deemed necessary, the Mayor, with the advice and consent of the City Council, may appoint one

alternate Planning Commission member to sit on the Planning Commission as a voting member. The Alternate Planning Commission member may participate in all regularly scheduled meetings and activities, however, may only participate as a voting member in the absence of one of the seven regularly appointed members. (Ord. 2008-11, adopted 11/18/2008, Ord. 2002-24, Add, 11/19/2002)

Section 17.08.020 Term of office.

1. The terms of the appointed members of the planning commission shall be three (3) years, or until their respective successors shall have been appointed, except that the terms of appointment shall be such that the terms of two (2) or three (3) members shall expire each year. Planning Commission members may serve multiple terms as appointed by the Mayor and City Council. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
2. The planning commission existing at the time of passage of the ordinance codified in this chapter shall continue to serve, and the terms of its members shall be fixed by the governing body in such a manner as to comply with the above provisions for staggering terms of service. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(B).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.030 Compensation

The members of the Planning Commission may receive a stipend as established by the Lindon City Council. In addition, the City Council shall provide for the reimbursement of the members of the Planning Commission for actual expenses incurred, upon presentation of proper receipts and vouchers. (Ord. 2008-11, adopted 11/18/2008,

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Ord. no. 111 §1(part), 1985; prior code §12-102-1(C).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.040 Vacancies and Removal

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the governing body. The governing body shall have the right to remove any member of the Planning Commission for misconduct and may remove any member for nonperformance of duty. Un-excused absences from two (2) consecutive regular meetings of the Planning Commission may be considered by the governing body as nonperformance of duty. (Ord 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(D).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.050 Procedures

The Planning Commission Chairperson and Vice Chairperson shall be elected by following procedures as outlined in the Planning Commission Rules and Procedures. Four members of the Commission shall constitute a quorum for the conduct of Commission business and no act of the Commission shall be effective unless at least four members concur in respect to it. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(E).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.060 Employment of Experts and Staff

The Planning Director and/or staff are assigned to provide staff support to the Commission, the level of which shall be determined by the Director, in consultation with the Commission. The Planning Commission shall have power and authority to employ experts, and to pay such expenses as may be reasonable and necessary for carrying out the powers hereinafter set forth, but not in excess of such sum as may be appropriated by the governing body and/or which may be placed at the disposal of the Planning Commission by gift or otherwise.

(Ord. 2008-11, adopted 11/18/2008, Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.070 Adoption of Rules and Regulations

Pursuant to the authority and requirements of state law, the Planning Commission shall adopt such rules and regulations governing its procedures as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(G).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.080 Powers and Duties of Planning Commission

1. Recommendations to the City Council.

The Planning Commission shall prepare and make recommendations to the City Council for;

- a. A general plan and amendments to the general plan;
- b. Land use ordinances, zoning maps, official maps and amendments;
- c. Subdivision applications, regulations and amendments;
- d. Expansion or alteration of non-conforming uses;
- e. Annexation and zoning of property into City;
- f. Other matters as established by the City Council and this code.

2. Review and Decision.

- a. Unless an item is required to receive final review by the City Council (See 17.08.090), the Planning Commission shall review and decide land use applications and matters as established by this code or the City Council and shall act as the land use authority for items as listed in LCC 17.09, Table #1;
- b. The Planning Commission shall conduct meetings as outlined in separate rules and procedures as adopted by the Commission;

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- c. When acting as a Land Use Authority, the effective date of a final decision of the Planning Commission is the date of the meeting in which a written decision is issued for the subject item. When acting as an Appeal Authority, the effective date of a final decision is the date when the decision is made (not when written decision is approved).

3. Entrance Upon Land.

The municipality (staff, administrative and legislative body, etc.) may enter upon any land at reasonable times to make examinations and surveys pertinent to the;

- a. preparation of its general plan; or
- b. preparation or enforcement of its land use ordinance; or
- c. preparation for a land use decision for which a land use application, business license, or other application has been received.

4. Other Powers.

The Planning may exercise any other powers necessary to enable it to perform the functions delegated to it in this Code, or other matters as established by the City Council. (Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(H).)(Ord. 2000-6, Amended, 10/04/2000)

Section 17.08.090 City Council Review

The Lindon City Council, in giving authority to the Planning Commission to review and approve all types of land use applications, reserves the right to review such application in a regularly scheduled City Council meeting when found to be in the public interest. The Council shall designate an item for Council review before a development application is advertised on an agenda for a Planning Commission meeting. At such time as the City Council names an item for review, the Planning Commission shall make a recommendation to approve or deny an application to the City Council. The City Council shall then become the final land use authority for

the development application. (Ord 2009-7, adopted 7/21/2009, Ord. 2008-11, adopted 11/18/2008, Ord. no. 111 §1(part), 1985; prior code §12-102-1(I).)(Ord. 2000-6, Amended, 10/04/2000)

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