PLANNING COMMISSION POLICIES AND PROCEDURES

I. PURPOSE

These policies and procedures are designed and adopted for the purpose of providing guidance and direction to the members of the Washington County Planning Commission in the performance of their duties. The Planning Commission shall be governed by the provisions of all applicable State Statutes, County Ordinances and these rules. Nothing in these rules shall be interpreted to provide an independent basis for invalidating of in any way altering a final decision of the Commission unless otherwise provided by County Ordinance or State Law.

II. OFFICERS AND DUTIES

(1) Election of Chairman

The Planning Commission shall elect annually, during the first regularly scheduled meeting in August, a Chairman and Vice-Chairman. The Chairman shall be elected from the duly appointed members of the Commission by a majority of the total membership. The Chairman and Vice-Chairman may be elected to subsequent terms. The Chairman shall preside over all meetings and hearings of the Commission and shall execute all official documents and letters on behalf of the Commission. The term "Chairman" as used throughout this document shall mean the chairman of the Planning Commission or in the absence or incapacity of the chairman, the vice-chairman unless otherwise designated.

III. NOTICE

(1) Meetings

The Planning Commission shall give public notice at least once each year of its meeting schedule, for all regular meetings scheduled for that year. Public notice shall be provided by:

(a) Specifying the date, time, and place of such meetings.

(b) Posting written notice at the office of the County Clerk.

(c) Providing notice to at least one newspaper of general circulation within the County.

(d) Posting agendas on the County Web Page @ www.washco.utah.gov.

(e) Posting agendas at all County libraries.

(2) Special Emergency Meetings

When, because of unforseen circumstances, it is necessary for the Land Use Authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the notice

requirements as listed under "Meetings" (above) may be disregarded and the best notice practicable given. All Commission members shall be given at least twenty-four hours prior notice of such a meeting.

(3) Change in Zoning Ordinance Text

Under Utah law, a change in the Zoning text may only come about after a public hearing by the Land Use Authority following a recommendation from the Planning Commission to the County Commission. Prior to the Land Use Authority hearing a notice shall be given ten **(10) days** prior to the hearing date and shall be published in a newspaper of general circulation in the County. The proposed Zone change shall also be identified on the Land Use Authority agenda and the County Commission agenda and advertised in the manner provided for in (1) above.

IV. APPLICATION REQUIRED

Where required by County Ordinance, an application may not be heard by the Commission unless the application is completely filled out and accompanied by a plan drawn to scale, with dimensions clearly indicated and with sufficient detail and clarity that it can be determined exactly what is desired. The plot plan must show all structures on the property and their relationship to the structures on the adjoining property. Applications must be received at least one (1) week prior to the meeting in which it will be considered.

V. MEETINGS

(1) Time and Place of Meetings

(a) Regular Public Meetings shall be held on the second and fourth Tuesday of each month at 1:30 p.m. in the County Commission Chambers, 197 East Tabernacle, St. George, Utah, when there is business to be conducted. When a recognized holiday falls on the second or fourth Tuesday of the month, the regular meeting shall be held on the Tuesday either preceding or the Tuesday following the second or fourth Tuesday after having given due notice of such change in the manner provided for herein.

(b) Special Emergency Meetings, Study Sessions and Field Trips may be called by the Chairman and shall be advertised in the manner provided for herein.

(2) Open to the Public

All meetings of the Planning Commission are open to the public. The study session however, is not a public hearing and therefore, public comment may not be invited by the Commission.

(3) Order of Business

The Chairman shall follow the outlined agenda in considering items of business. The Chairman may, however, change the order of business or consider matters out of order if there is no objection from any member of the Planning Commission or by a majority vote of the Commission.

(4) Presentation of Application

Any person may appear in person, or be represented by an agent or attorney at any meeting of the Commission.

(5) Order of Procedure

Except as otherwise provided in these rules, the order of procedure in the hearing of each application shall be as follows:

(a) Presentation by the Planning Staff of the application. Presentation shall include the reading of pertinent written comments or reports concerning the application. At the discretion of the Chairman, the Chair may dispense with the reading of the comments if the applicant has already obtained those written comments and there is no one present in favor or opposition to the application. The Chair may also, at his/her discretion, read the comments of staff regarding any application which is routine in nature, where the issues are of a general nature and where the applicant or any other interested party is not in opposition to any of the issues.

(b) Presentation of case by applicant

(c) Those individuals in favor of application

(d) Those individuals against application

(e) Summation may be permitted

(f) All available pertinent information relative to an application before the Commission, or other matter under review by the Commission, shall be delivered to the Commission or otherwise made available to the Commission.

The order or procedure may be changed at any time by the Chairman if there is no objection from any member of the Commission or by a majority vote of the Commission.

VI. FIELD TRIPS

In the event that the Commission determines that a field trip to a site location is necessary or would be helpful to render a decision, or to make findings regarding an item that is or will be

placed on the Commission's agenda, or a field trip or site review was requested by the Washington County Commission for the purpose of making findings for the Washington County Commission, only those Planning Commissioners who attend the field trip, or attend a makeup field trip with a staff member of the Planning Department, shall be allowed to vote or make findings regarding the matter.

VII. VOTING

An affirmative vote of a majority of those members present at the meeting shall decide all matters under consideration. The Chairman shall vote when he makes up the fourth member of the quorum. The Chairman shall vote in the case of a tie vote by the Commission members.

VIII. DECISIONS

Decisions of the Planning Commission shall be considered final, for the purpose of any appeal, only after the date of the meeting at which the matter is heard and a decision rendered and the written copy of the decision sent to the applicant. The Planning Commission Staff shall send a written copy of the Commission decision to the applicant within ten (10) days from the date a final decision was made. Such copy of the decision shall include the reasons for the Board's decision.

IX. RE-HEARING

The Commission may re-hear an application upon written request from the applicant and a showing by the applicant that there is substantial new evidence that was unavailable at the time of the original hearing through no inadvertence on the part of the applicant. The Commission shall, by vote, make a determination of whether or not to reconsider their prior decision. In the event a re-hearing is approved, the matter shall only be re-heard after proper notice has been given in the same manner as was given for the original application. The applicant shall pay any costs occurred in re-advertising for the hearing. The County Commission may make the request for the Planning Commission to re-hear an application.

X. RECORDS

(6) Written Minutes

Written minutes shall be kept of all Planning Commission meetings. Such minutes shall include:

(a) The date, time and place of the meeting.

(b) The names of members present and absent.

(c) The substance of all matters proposed, discussed or decided, and a record of the votes taken.

(d) Name(s) of those making comments.

The minutes are public records and shall be available within a reasonable time after the meeting. An official copy of the minutes shall not be made available until after formal adoption by the Planning Commission.

(7) Recording

A recording of all or any part of a Planning Commission meeting may be made by any person in attendance; provided that the recording doesn't interfere with the conduct of the meeting. The Land Use Authority records the proceedings with an electronic device and all members or any person speaking needs to identify themselves by stating their name.

XI. RULES OF ETHICAL CONDUCT FOR THE COMMISSION

(8) Definitions

The following definitions shall apply to this section:

(b) "Assist" means to act, or offer or agree to act, in such as way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.

(c) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(d) "Compensation" means anything with economic value, however, designated, which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.

(e) "Substantial Interest" means ownership, either legal or equitable, by an individual, his spouse, and his minor children, of at least 10% of the outstanding shares of a corporation or more than 10% interest in any other business entity.

(9) A Commission Member Shall Not:

(b) Disclose confidential information acquired by reason of his/her official position or use such information to secure special privileges or exemptions for himself/herself or others;

(c) Use or attempt to use his/her official position to secure special privileges for himself/herself or others; or

(d) Knowingly receive, accept, take, seek to solicit, directly or indirectly, any gift or loan for himself/herself or another if the gift or loan tends to influence him/her in the discharge of his/her official duties, but this subsection does not apply to:

(i) An occasional nonpecuniary gift having a value of less that $50.00; or

(ii) An award publicly presented; or

(iii) Any bona-fide loan made in the ordinary course of business; or

(iv) Political campaign contributions actually used in a political campaign.

(e) Participate in any Commission action which may result in a private benefit.

(i) The private benefit may be direct or indirect, create a material, personal gain or provide an advantage to relations or to friends or to groups and association which hold some share of a person's loyalty. However, mere membership itself in a group or organization shall not be considered a conflict of interest as to Commission action concerning such group or association unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.

(ii) A commission member experiencing, in his/her opinion, a conflict of interest, should declare his/her interests publicly, abstain from voting on the action, and excuse himself/herself from the room during consideration of the action. He/she should not discuss the matter privately with any other Commission member. The vote of a Commission member experiencing a conflict of interest who fails to disqualify himself/herself shall be disallowed.

(iii) A conflict of interest may exist under these rules although a Commission member may not believe he/she has an actual conflict, therefore, a Commission member who has a question as to whether or not a conflict of interest exists under these rules should raise the matter with the other Commission members and the County Attorney in order that a determination may be made as to whether or not a conflict of interest exists.

(iv) No Planning Commission member should engage in any transaction in which he/she has a financial interest, direct or indirect with the agency or jurisdiction that he/she serves unless the transaction is disclosed publicly and determined to be lawful.

(v) The Planning Commission recommends that the County Commission, in making appointments to the Planning Commission, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

XII. GIFTS AND FAVORS

Gifts, favors or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars of office bric-a-brac are often, not always acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

XIII. TREATMENT OF INFORMATION

It is important to discriminate between planning information that belongs to the public and planning information that does not.

(1) Reports & Records

Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all.

(2) Private Information

Information of private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action - such as a change in zone classification or approval of a plat - is requested. Only then is a disclosure of relevant information proper.

(3) Studies

Information contained in studies that are in progress in a planning agency should not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to do its thinking out loud in public.

(4) Private Meetings

Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Planning Commissioner whether by mail or by telephone, or other communication should be made part of the public record.

XIV. 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 Commission Members.

(1) Extent

The extent of participation in political activities should be governed by professional judgement as well as limited by an applicable civil service law or regulation.

(2) Powers Not To Be Used

The powers of the Planning Commissioners must not be exercised, nor their duties performed, in any way that would create special advantages for a political party. The special position of a Planning Commissioner should not be used to obtain contribution or support for a political party and should not be used to obtain partisan favors.

(3) Partisan Debate

Partisan debate of a community's planning program, and the consideration of planning in a party's platform is proper. Planning Officials should, however, give political parties equal access to information

XV. COMPENSATION

A commission member shall not receive or agree to receive compensation for assisting any person or business entity in any transaction involving the County unless he files with the County Clerk, a sworn statement giving the information required by this section, and provides written notice of the filing of the statement to each member.

(1) Statement to be Filed

The statement required to be filed by this section shall be filed ten (10) days prior to the date of any agreement between the Commission member and the person or business entity being assisted of ten (10) days prior to the receipt of compensation by the business entity. The statement is public information and shall be available for examination by the public.

(2) Contents of Statement

The statement shall contain the following information:

(b) The name and address of the Commission member

(c) The name and address of the person or business entity being or to be assisted; and

(d) A brief description of the transaction as to which service is rendered or is to be rendered the nature of the service performed or to be performed.

Every Commission member who is an officer, director, agent or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the County shall disclose the position held and the precise nature and value of his interest upon first becoming member, and again during January of each year thereafter during which he continues to be a member of the Commission. The disclosure shall be made in a sworn statement filed with the County Clerk. This section does not apply to instances where the value of the interest does not exceed $2,000.00 and life insurance policies and annuities shall not be considered in determining the value of any such interest. Every Commission member who is an officer, director, agent or employee, or owner of a substantial interest in any business entity which does nor anticipates doing business with the County in which he is an appointed or elected officer, shall disclose, prior to any discussion by the Commission concerning any matter relating to such business entity, the nature of his interests in that business entity.

Any personal investment by any Commission member which creates a substantial conflict between the parsons' personal interests and his public duties as a member of the Commission shall be fully disclosed to the County Commission in the manner required by this section and to the Commission.

XVI. RULES OF ORDER

All regular meetings of the Land Use Authority shall be conducted according to rules of order passed and approved by a majority vote of the Commission. The rules may be amended from time to time in the same manner.

XVII. AMENDMENTS

These rules may be amended at any regular meeting of the Commission by an affirmative vote of the Commission, provided that such amendment has been presented in writing to each member of the Commission at least forty-eight (48) hours preceding the meeting at which the vote is taken. Such amendments shall be submitted to the County Commission for its approval before they shall take effect.