

Mapleton City Planning Commission Staff Report

Meeting Date: November 14, 2013

Applicant: Mapleton City

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: No

Zone: N/A

Description: Presentation of a draft Planning Commissioner's Orientation Packet.

BACKGROUND AND PROJECT DESCRIPTION

By state law, each jurisdiction is required to have a planning commission. In Mapleton, the members of the Planning Commission are appointed by the Mayor and City Council. Members of the Commission are volunteers that typically serve based on a desire help protect, maintain and improve the community's character and quality of life. However, Commissioners often do not have a background in land development, land use law or urban planning.

Staff has prepared the attached Planning Commission Orientation Packet to assist new and existing commissioners better understand their responsibilities and the parameters by which they operate. The packet includes topics such as the role of the Commission, key documents, relationships, decision-making criteria and discretion, public meeting guidelines, conflicts of interest, helpful websites, etc.

The purpose of this meeting is to present the draft packet to the Commission for its review and to request input if there are items or topics that should be included or further expounded upon. Staff recommends that beginning in 2014 that the Commission set aside a small amount of time each meeting to review and discuss some of the information in the packet and other topics of general interest. This will allow the Commission and staff the opportunity to discuss scenarios and topics openly without the pressure of having a pending application.

RECOMMENDATION

Review the orientation packet and recommend possible amendments to staff.

ATTACHMENTS

1. Draft Planning Commission Orientation Packet.



***MAPLETON CITY
PLANNING COMMISSION
ORIENTATION PACKET***

MAPLETON VISION STATEMENT

We are a unique community retaining a peaceful, country atmosphere through rural master planning.

- We are citizens who participate in deciding matters that affect us, help our neighbors, and, when necessary, subordinate self-interests for the good of all.
- Preserve the beauty of our community and surroundings.
- Promote family values and community effort in order to maintain safe and friendly neighborhoods.
- Have well-planned, accessible, open areas.
- Encourage economic development as it harmonizes with our community lifestyle.

Because we hold true to these principles, our community offers a quality lifestyle for a family environment. In summary, we have controlled growth with community input.

We Encourage:

- Family-oriented activities and facilities.
- Clean air and water.
- Preserving and planting trees.
- Gross density planning.
- Preserving animal rights.
- Pooling and sharing resources, facilities, and ideas with other communities.
- Maintaining our own police, fire, and emergency services.
- Aesthetic building and style codes for industrial and commercial areas.
- A general vote on issues with city-wide impact.
- Volunteerism.
- Preserving the beauty of Maple Mountain.
- Agriculture, parks, green spaces, trails and paths to accommodate walking, horseback riding and bicycling.

We Discourage:

- Growth at the cost of: open space, neighborhood privacy, health and safety, and ability to provide service.
- Dense road grids.
- High density housing.
- Development on the mountainsides.

INTRODUCTION

Citizen knowledge, interest and participation are vital ingredients to the delivery of top-quality public services. Now, more than ever, citizen involvement plays an important role in local government. The richness that comes from citizens serving in advisory roles to the City Council is among the things that contribute to the quality of life in Mapleton City.

Being a Commissioner requires work and commitment, but should be a very rewarding experience. It provides an opportunity to become intimately aware of the operating policies, goals and challenges of municipal government. It offers a means to participate in community affairs, to work with a variety of interesting people, and to help shape City policy.

This handbook has been prepared to aid in orienting you to the functions and activities of the position to which you have been appointed, and your role in serving the City.

ABOUT MAPLETON CITY

Mapleton City

Mapleton City is nestled against the majestic foothills of Sierra Bonita Mountain in the Wasatch Range. Mapleton is a unique community having the advantage of 60 percent of the land being undeveloped within the corporate boundaries of the City. The rural atmosphere combined with the friendliness of its citizens continues to attract new residents to the area. The current population is approximately 8,198 (July, 2011 Census estimate) with the State projecting a population of 19,500 by 2050. Some projections have the future population much higher

To avoid jeopardizing the open space ambiance and spectacular views in every direction, the City has been in the past, and will continue to be pro-active in its planning scope to accommodate diversified residential, commercial, and recreational interests.

Structure of Government

6 Member Council form of Government

The City Council is made up of five council members and the mayor. Except under specific circumstances, the mayor is a nonvoting member of the council. The mayor is the chief executive officer of the city to whom all employees report. The mayor is also responsible for keeping the peace and enforcing the laws of the City. The City Council is the legislative body of the City and adopts rules and regulations for the efficient administration, organization, operation, conduct, and business of Mapleton.

Local laws are established by ordinance and are compiled in a book called the Mapleton City Code (MCC). These laws are enforceable by the City, and violations thereof typically constitute an infraction. Other directives and policies of the City Council are recorded in Council resolutions and Council minutes. The City Council also appoints citizens to various boards and commissions including the Planning Commission.

City Staff

The City Administrator is appointed by the mayor and is responsible for managing the internal affairs of the City and the various City departments. The City's departments include Administration, Community Development, Finance, Judge, Engineering and Public Works, Public Safety, Literacy Center and Parks and Recreation.

PLANNING COMMISSION

Municipalities in Utah are authorized to establish a planning commission pursuant to Title 10 of the Utah Municipal Code. In Mapleton City, the Planning Commission consists of five regular members and up to two alternate members. Commissioners are appointed by the City Council. According to MCC Chapter 16.03.050, the Commission's responsibilities include:

- A. Preparation of a General Plan.
- B. Prepare reports and recommendations relating to the plan and development of the city to public officials and agencies, other organizations and citizens.
- C. Prepare regulations governing the subdivision of land within the city or amendment to such regulations and to submit said regulations or amendments to the city council for public hearing and adoption.
- D. Approve subdivision plans and plats (3 lots or less) and make recommendation to the City Council on subdivision plans and plats (4 lots or more).
- E. Prepare and recommend amendments to the zoning regulations.
- F. Preparation of regulations governing condominium development.
- G. Review and approve condominium projects.
- H. Preparation of a Capital Improvement Program.
- I. Conducting hearings and meetings to review land use applications and proposals.
- J. Review Conditional Use Permits.
- K. Review appeals of staff decisions.

KEY DOCUMENTS SUMMARY

Commission decisions should be based on, and consistent with, adopted policies, rules and regulations. Below is a brief summary of the documents most often used by the Commission during its review of applications. The full documents are available online at www.mapleton.org.

1) **Mapleton City General Plan:** The General Plan, also referred to as the “Comprehensive Plan” or the “Master Plan” is an important land management tool for the community and its government officials. It provides a common basis of understanding for everyone involved in matters related to community conservation and development and it sets forth community goals as well as procedures and policies needed to achieve these goals. However, it is important to note that the General Plan is an advisory document and is not binding.

The General Plan is divided into several chapters, otherwise known as elements. Each element contains goals and policies that should be used to guide the decision-making process. The Land Use Element and the Transportation Element are the elements most often used by the Planning Commission. These are summarized below.

A. **Land Use Element:** In order to create an organized and beneficial growth pattern for future development in Mapleton City and for areas which have yet to be annexed, the Land Use Element includes desired future land use patterns and accounts for the impact new development will have on the community. General land use designations have been assigned to areas in the City and land located in the unincorporated county which may be annexed at a future date. The General Plan Land Use Map depicts these designations.

Each district has different characteristics which help to define what type of development is intended to occur in the future. The General Plan land use designations should not be confused with zones or zoning districts. The zoning ordinance and zoning map identify specific tracts of land and what uses are currently allowed in the tract, as opposed to what might be envisioned in the future.

B. **Transportation Element:** The purpose of the Transportation Element is to guide decision makers, applicants and the public in developing well planned streets and public trails. The Transportation Element includes a Master Street Plan map and a Master Trails Plan map that outline existing roads and trails and probable locations for new roads and trails as the City continues to develop.

2) **Zoning Ordinance:** The Zoning Ordinance is found in Title 18 of the Mapleton City Code (MCC). The Zoning Ordinance divides the City into various zoning districts. Each district has specific development and land use related rules and regulations. The zones are depicted on the official Zoning Map.

The Zoning Ordinance is designed to implement the goals and policies of the General Plan. For example, the Land Use Element of the General Plan has a goal of encouraging the preservation

of animal rights. The Zoning Ordinance implements this goal by establishing specific rules and regulations related to animal rights in the various zoning districts.

3) Subdivision Ordinance: The Subdivision Ordinance is found in Title 17 of the MCC. The intent of the Subdivision Ordinance is 1) to facilitate the orderly development of the City, 2) to implement the City's transportation and circulation element of the general plan, 3) to facilitate the development of a safe and efficient street system, 4) to facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law, 5) to ensure adequate water, sewer, drainage, utilities, and other services to developing areas of the city, 6) to establish the rights, duties, and responsibilities of subdividers with respect to the development of subdivisions within the city, and 7) to facilitate the development of a trail system.

GENERAL GUIDELINES FOR COMMISSION MEMBERS

Appointment to the Planning Commission is an honor. It offers an opportunity for genuine public service. Each member should be aware of the responsibilities that go along with officially serving the City. Some important things to remember include:

1. Understand the role, functions, work programs of the Commission and relationship with other similar bodies with the City.
2. Represent the overall public good, not the exclusive point of view of a particular group or interest.
3. Do your homework and be prepared. Members should become familiar with items under consideration prior to meetings in order to be fully prepared to discuss, evaluate and act on matters scheduled for consideration. Feel free to seek staff's advice and assistance in advance of a meeting.
4. Establish a good working relationship with fellow Members, the City Council, and your staff liaison(s).
5. Be a participant, be an active representative, and be enthusiastic.

Lastly, your role as an appointed representative of the City Council carries with it an additional significant responsibility. You are an "ambassador" of the City of Mapleton, and it is anticipated that you will conduct yourself with politeness and courtesy whenever in the public eye. Yours is a position of service that is charged with maintaining the public trust. It is important that you in no way abuse that trust.

Relationships

Relationship with the City Council

A good working relationship with the City Council is essential. The primary responsibility of the Commission is to advise and make recommendations to the City Council. It is the Council's role to absorb the advice and recommendations offered by numerous sources and to make decisions to the best of its ability. The City Council, however, is in a position to see the broader context and is aware of other concerns, so it may not always follow the recommendations offered by an individual advisory body. It is important that the Commission recognize this reality.

Commissioners should not lobby individual members of the City Council regarding a recommendation from the Commission. The Commission should trust that staff will represent the Commission's position and allow the record to speak for itself. If a Commission member addresses the City Council at a public meeting, the individual should clearly state whether or not he/she is speaking as an individual or on behalf of the Commission.

Relationship with City Staff

The City Administrator is responsible for allocating staff's time and efforts. Commissioners should not attempt to direct or decide the priority of work for the department or an individual staff person. The Commission, however, may set priorities for its own agendas in order that staff may best use the time available for the body's business.

The staff liaisons to the Commission are valuable resources that perform research and provide relevant information that enhances its ability to get things done. Staff is available to answer questions and follow up on items brought before the Commission.

It is not expected that every staff recommendation will be followed, but based on the technical knowledge of staff personnel, consideration should be given to their proposals and recommendations. The Commission may choose to agree or disagree with a staff recommendation. In the latter case, staff has a responsibility to include both recommendations in its staff report to the City Council. This enables the City Council to have all options before it. Any differences of opinion will be discussed at the Council meeting.

Commissioners should not become involved in the operational matters of City departments unless such involvement is specifically directed by the City Administrator and/or City Council.

Relationships with Fellow Members

Cooperation among fellow Commissioners plays an important role in the successful of the commission. In order to build consensus around common goals and objectives, members should first show a willingness to objectively define the issues at hand and then work to reconcile opposing viewpoints. When Commissioners interact positively, the group as a whole will be more effective. Important points to keep in mind in working with other members include:

- ❖ Discussions should take place in public meetings. Attempting to lobby other commissioners or build a consensus outside of the public forum is inappropriate.
- ❖ Respect another individual's viewpoint, even though it may be different from your own.
- ❖ Allow other members adequate time to present their views before making comments.
- ❖ Be open and honest.
- ❖ Accept responsibility; voice opinions; be fair and factual.
- ❖ Do not jump to conclusions and do not express your opinion or indicate which way you are voting prior to hearing all public comments.

Relationships with the Public

Good relations with the public are vital for all City organizations. In many cases the Commission serves as a link between the public and the City Council, helping to inform the public and to explain City programs and policies. Commission members should welcome citizen input at meetings and be considerate of all interests, attitudes, and differences of opinion. The Commission provides a channel for citizen expression by listening to comments, opinions, and

concerns from the public. Therefore, it is important to be responsive and in tune with the community.

Public hearings are at times difficult to manage. Participants are usually highly motivated and often nervous. When you have a group of potential adversaries in one room, the possibility of uncontrolled conflict is very high. As a Commissioner, your goal is to guide conflict to positive results, not to eliminate it, which is usually not possible.

Commission Discretion

Commissioners often struggle with knowing how much discretion they have in making decisions. Below is a summary of some of the important considerations the Commission should understand.

Legislative Actions: These actions include adopting rules, regulations, policies, general plans, rezones, etc. The Planning Commission is usually advisory to the City Council on legislative items. The legislative and advisory bodies generally have broad discretion when acting on legislative matters as long as it can be reasonably debated that the action will promote or protect the general welfare of the community. Legislative decisions can be influenced by public opinion and clamor.

Administrative Actions: These are actions that administer adopted rules, regulations, ordinances, etc. For example, the approval of a conditional use permit or a subdivision plat is an administrative decision. The decision-making body has less discretion when making administrative decisions. Decisions should be based on adopted criteria and based on substantial evidence in the record. Administrative decisions cannot be based on public clamor against a project, unless the public has raised concerns based on objective evidence. Simply not wanting a particular project is not sufficient to deny it.

Special Conditions and Exactions: The Commission may adopt or recommend Special Conditions or Exactions in certain situations. Typically, special conditions or exactions must meet 4 tests. The conditions must:

- 1) Advance a legitimate public purpose and be within the scope of the government entity to impose;
- 2) Address some burden created by a development or proposal;
- 3) Be roughly proportionate to the burden imposed by the development; and
- 4) Solve the problem in the least intrusive manner.

How Much Flexibility Does the Government Have?



**PUD actions may be legislative or administrative, depending on the exact provisions of the ordinance.*

NOTE: This is a gross oversimplification of a complex subject, for purposes of illustration only.

Public Comment & City Decisions

	LEGISLATIVE	ADMINISTRATIVE	QUASI-JUDICIAL
Characteristics	Very Broad Authority Broad public input taken	Much More Restrictive Limited public input for information only	Very Restricted Public input for information only
	<ul style="list-style-type: none"> • Allows for citizen input as basis of decision • Creates new law • Based on vision and goal setting • Use of judgment and consensus 	<ul style="list-style-type: none"> • Enforces the current law and makes reference to it in a final decision • Bound by the law rather than public opinion • Does not create or “bend” the law • The application of the law to a specific situation 	<ul style="list-style-type: none"> • Based on established state law • Looks for errors made in the process • Not a judgmental decision
Responsible Body taking action	Land Use Authority(ies) <ul style="list-style-type: none"> • Planning Commission* • City Council • Town Board <p>*Acts as an advisory board to the council.</p>	Land Use Authority(ies) <ul style="list-style-type: none"> • Planning Commission • City Council • Mayor • Enforcement Officer • Staff 	Appeal Authorities <ul style="list-style-type: none"> • As designated by the Council <p>Courts</p>
Applications	<ul style="list-style-type: none"> • General Plan • Zoning Ordinance • Subdivision Ordinance • All Municipal Ordinances • Creation and Amendments to Ordinances • Annexation Policy Plan 	<ul style="list-style-type: none"> • Building Permit Approval • Subdivision Plat Approval • Conditional Uses • Variances 	<ul style="list-style-type: none"> • Appeals

PERTINENT INFORMATION

Utah Open and Public Meetings Act

Political accountability is essential to responsible government. The Utah Open and Public Meetings Act was adopted to ensure that the state, its agencies and its political subdivisions perform their deliberations and take their actions openly. The Act also ensures that deliberations allow for an open public process.

According to the Act a “meeting” is defined as:

“...the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power, about, or acting upon a matter over which the public has jurisdiction or advisory power.”

Except in very limited circumstances, a meeting must be open to the public and comply with applicable public noticing. A chance meeting between three or more Commission members or meeting at a social gathering is not considered a “meeting” unless the members begin to discuss Planning Commission business.

*A simple rule of thumb is to always remember that the public’s business should be done in public.

Conflicts of Interest

To best serve the community, the City Council appoints persons to serve as commissioners who have knowledge of the issues that face the City. Consequently, it is inevitable that matters will occasionally come before the Commission in which individual members have a direct or indirect financial interest. When this happens, the individual must fully disclose the conflict during the public hearing. It is recommended that the member also step down and abstain from voting, however, this is not required.

A Commission member may also abstain from voting if the member feels he/she cannot participate in an unbiased manner. The City of Mapleton has adopted a local Conflict of Interest Code consistent with Utah Code Title 10, Chapter 3, Part 13. Potential conflicts of interest must not be taken lightly. If you have a concern regarding a potential conflict of interest on any item, please contact staff in advance of the item being heard at a public meeting.

CONTACTS, LINKS AND MEETING INFORMATION

Staff Contacts:

April Houser, Secretary, ahouser@mapleton.org
801-806-9109

Sean Conroy, Community Development Director, sconroy@mapleton.org
801-806-9101

Brian Tucker, Planner, btucker@mapleton.org
801-806-9108

Rick Hansen, Building Official, rhanson@mapleton.org
801-806-9110

Helpful Links:

City Website: www.mapleton.org – click on “Community Development”

City Code: http://www.sterlingcodifiers.com/codebook/index.php?book_id=801

-Title 17 = Subdivision Ordinance

-Title 18 = Zoning Ordinance

General Plan: <http://www.mapleton.org/generalplan.html>

Planning Commissioner’s Journal: <http://plannersweb.com/>

Utah League of Cities Planning Commission Resources:
<http://www.ulct.org/land-use/resources-for-planning-commissioners/>

Utah Chapter of the American Planners Association
<http://www.utah-apa.org/>

American Planners Association (national)
<http://www.planning.org/>

Meeting Schedule:

The Planning Commission typically meets the 2nd and 4th Thursdays of each month, with some exceptions. Please see the official adopted calendar for the meeting schedule. Commission meetings are usually held at the City Council Chambers at City Hall and begin at 6:30 p.m.

***Since a quorum of members is required to take action on any item, it is vital that if you are unable to attend a meeting that you alert staff as soon as possible. Thank you!**

CONCLUSION

The City would like to thank you for accepting this position and for devoting your time and effort to become actively involved in the affairs of this community. It is sincerely hoped that you will enjoy your participation in the governing process in the City as a member of the Planning Commission, and that you will feel free to call upon any of its representatives for advice, background information, or assistance. It is with this in mind that this brief handbook has been prepared.

Welcome aboard!