

**TOOELE COUNTY
ORDINANCE 2022-29**

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 5,
PLANNING COMMISSION, OF TITLE 4, BOARDS AND
COMMITTEES, OF THE TOOELE COUNTY CODE**

WHEREAS, the Tooele County Planning Commission (“Planning Commission”) has operated and faithfully served for many years; and

WHEREAS, recent amendments to Title 4 Chapter 1 made several provisions of the current ordinance unnecessary; and

WHEREAS, the County Council desires to exclude other political subdivision’s elected or appointed officials from service on the Planning Commission;

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF TOOELE COUNTY ORDAINS AS FOLLOWS:

SECTION I – CHAPTER REPEALED. Chapter 5, *Planning Commission*, of Title 4, *Boards and Committees*, of the Tooele County Code is hereby repealed.

SECTION II – CHAPTER RE-ENACTED. Chapter 5, *Planning Commission*, of Title 4, *Boards and Committees*, of the Tooele County Code is hereby re-enacted to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION III – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 4th day of October, 2022.

Tooele County
Ord. 2022-29

ATTEST:


TRACY D. SHAW, County Clerk



APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

TOOELE COUNTY COUNCIL:


JARED S. HAMNER, Chair

Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Thomas voted no
Council Member Tripp voted aye
Council Member Wardle voted aye

**TOOELE COUNTY CODE
TITLE 4
BOARDS AND COMMITTEES**

Chapter 5: Planning Commission

Section

4-5-1. Planning Commission established.

4-5-2. Membership – Terms.

4-5-3. Chair – Meetings – Quorum – Staff.

4-5-4. Powers and duties.

4-5-5. Ex parte communications.

4-5-6. Compensation.

4-5-7. Land use authority.

4-5-1. Planning Commission established.

There is hereby established a Tooele County Planning Commission.

4-5-2. Membership – Terms.

(1) The Planning Commission shall consist of the seven members and three alternate members, all appointed by the council.

(2) Persons who serve as elected or appointed officials in other political subdivisions are ineligible for appointment to the Planning Commission.

(3) All members and alternate members shall serve four-year terms.

(4) No more than three members may reside outside the area over which the Planning Commission has jurisdiction.

4-5-3. Chair – Meetings – Quorum – Staff.

(1) Members shall annually elect a chair at the first Planning Commission meeting held each calendar year.

(2) The Chair shall not serve more than two full terms.

(3) The Planning Commission shall meet as needed to fulfill its duties and responsibilities.

(4) The Planning Commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission.

(5) A majority of the Planning Commission constitutes a quorum for the purpose of conducting Planning Commission business, and the action of a majority of a quorum constitutes the action of the Planning Commission.

(6) The Community Development Department shall provide administrative support to the Planning Commission.

4-5-4. Powers and duties.

(1) The Planning Commission shall, with respect to the unincorporated area of the County, make recommendations to the council for:

- (a) a general plan and amendments to the general plan;
- (b) land use ordinances and amendments to the land use ordinance;
- (c) zoning maps and amendments to the zoning maps; and
- (d) other plans or policies that affect land use.

(2) The Planning Commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys related to its duties or enforcement of the land use ordinance or county code.

4-5-5. Ex parte communications.

(1) Members and alternate members shall not participate in ex parte communications with individuals or organizations involved in or opposed to any pending or impending land use application or legal proceedings with the county involving land use issues.

(2) If any such ex parte communication occurs, the involved member or alternate member shall disclose the communication at the next Planning Commission meeting and shall recuse from all further participation in the matter.

4-5-6. Compensation.

Members and alternate members may receive per diem compensation based on necessary and reasonable expenses and on meetings attended.

4-5-7. Land use authority.

The Planning Commission is hereby designated as a land use authority for Tooele County.

TOOELE COUNTY CODE
TITLE 4
BOARD AND COMMITTEES

Chapter 5: Planning Commission

Section

~~4-5-1. Planning commission established – Terms.~~

~~4-5-2. Vacancy – Removal.~~

~~4-5-3. Organization and procedures.~~

~~4-5-4. Use of state data.~~

~~4-5-5. Powers and duties.~~

~~4-5-6. Entrance upon land.~~

~~4-5-7. Compensation.~~

~~4-5-8. Ex parte contact.~~

~~4-5-9. Land use authority.~~

~~4-5-1. Planning commission established – Terms.~~

~~There is hereby established a Tooele County Planning Commission. The Planning Commission shall consist of seven members and three alternate members appointed by the County Council. Members and alternate members shall serve four year terms and until their successors are appointed and qualified. Terms shall commence on January 1 of each year. In the event a term of a member or alternate member shall expire without the member or alternate member having been reappointed or a successor having been appointed, the member or alternate member shall continue to serve until a successor is appointed, and the term of the successor shall terminate on the same day as though the successor was appointed in a timely manner. Terms of at least two members, and not more than three, shall expire each year. The term of an alternate member shall not be considered a term for purposes of Tooele County Code, 4-3-2, Term Limitations.~~

~~4-5-2. Vacancy – Removal.~~

~~(1) Any vacancy occurring on the Planning Commission by reason of death, resignation, removal, or disqualification shall be filled by the County Council for the unexpired term of such member.~~

~~(2) The County Council may remove a member of the Planning Commission for cause after filing written charges against the member. The member shall be provided with a hearing on the charges if requested.~~

~~4-5-3. Organization and procedures.~~

~~(1) The Planning Commission shall elect a chairperson from its members who shall serve a one year term. The Planning Commission may create and fill any other necessary offices.~~

~~(2) (a) The Planning Commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission.~~

~~(b) The Planning Commission's policies and procedures shall be approved by the County Council before taking effect.~~

~~4-5-4. Use of state data.~~

~~The Planning Commission may obtain access to and use any data and information held by the State or any of its agencies unless the disclosure is prohibited by Title 63, Chapter 2, Government Records Access and Management Act. (Ref UCA §17-27a-402)~~

~~4-5-5. Powers and duties.~~

~~The Planning Commission shall with respect to the unincorporated area of the County, make a recommendation to the County legislative body for:~~

- ~~(1) a general plan and amendments to the general plan;~~
- ~~(2) land use ordinances, zoning maps, official maps, and amendments;~~
- ~~(3) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;~~
- ~~(4) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and~~
- ~~(5) application processes that:
 - ~~(a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and~~
 - ~~(b) shall protect the right of each:
 - ~~(i) applicant and third party to require formal consideration of any application by a land use authority;~~
 - ~~(ii) applicant, adversely affected party, or County officer or employee to appeal a land use authority's decision to a separate appeal authority; and~~
 - ~~(iii) participant to be heard in each public hearing on a contested application. (Ref UCA §17-27a-302)~~~~~~

~~4-5-6. Entrance upon land.~~

~~The County Planning Commission, or its authorized agents, may enter upon any land at reasonable times to make examinations and surveys pertinent to the:~~

- ~~(1) preparation of its general plan; or~~
- ~~(2) preparation or enforcement of its land use ordinances. (Ref UCA §17-27a-303)~~

~~4-5-7. Compensation.~~

~~Members of the Planning Commission may receive per diem compensation based on necessary and reasonable expenses and on meetings attended. (Ref UCA §17-27a-301(4))~~

~~4-5-8. Ex parte contact.~~

~~(1) Ex parte contact between Planning Commission members and opposing parties involved in litigation with Tooele County involving land use issues shall be prohibited. Planning Commission members shall not participate in site or office visits, electronic communication, written communication, or verbal conversation either face-to-face or over the telephone, with any individual or any representative of a company or entity involved in legal proceedings with Tooele County involving land use issues. This prohibition shall include plaintiffs who have filed suit against Tooele County, claimants who have served a Notice of Claim on Tooele County, and defendants in actions filed by Tooele County, such as those in violation of provisions of the Tooele County Code or the Tooele County Land Use Ordinance.~~

~~(2) Planning Commission members shall be restricted from ex parte contact, including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such interaction involves a request for a conditional use permit, planned unit development, a request for approval of a subdivision, or for an exception to the Tooele County Land Use Ordinance. This restriction on ex parte contact applies to all conditional use permit approval requests, planned unit development or subdivision requests, after an application for such is filed with the Community Development Department, while the application is under review by the Planning Commission, after a decision or recommendation on the application has been made by the Planning Commission, while the application is under review by the County Council, or while the application is under appeal, if an appeal is filed. Planning Commissioners shall not participate in ex parte contact with individuals or representatives of a company or entity opposed to a request for a conditional use permit, planned unit development or a subdivision approval, or an exception to the Tooele County Land Use Ordinance.~~

~~(3) If ex parte contact as described in Subsections (1) or (2) occurs, it shall be disclosed at the next meeting of the Planning Commission and the Planning Commission member who had such contact shall neither participate in the discussion nor vote on the matter.~~

~~(4) Receipt of written information regarding an active request for a conditional use permit, planned unit development or a subdivision, or an exception to the Tooele County Land Use Ordinance shall be permitted, provided such written information is disclosed at the next meeting of the Planning Commission and submitted as a part of the record of that meeting.~~

~~4-5-9. Land use authority.~~

~~The Tooele County Planning Commission is hereby designated as a land use authority for Tooele County, to act in its individual jurisdiction. (Reference UCA 17-27a-301)~~