

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 4, 2011 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Justin Stoker, Nathan Gedge, David McKinney, John Winn, Jesse Valenzuela, and Dan Lawes.
Kathy Hilton was excused.

STAFF: Tom Burdett, Robert Thorup, Scott Langford, Julie Davis, and Melanie Briggs.

OTHERS: Joel Zielke

The regular meeting was called to order at 6:00 p.m.

1. Oath of Office for Reappointed and New Commissioners

City Clerk Melanie Briggs administered the Oath of Office for John Winn, Nathan Gedge, and Dan Lawes.

2. Election of Chair and Vice Chair for 2011

Nominations were opened for the position of Chair for 2011:

John Winn nominated Justin Stoker and he accepted the nomination. There were no other nominations. Voting was 6-0 in favor. Kathy Hilton was absent.

Nominations were opened for Vice Chair:

John Winn nominated David McKinney and he accepted the nomination. Justin Stoker nominated John Winn and he accepted the nomination. Voting was 4-2 in favor of David McKinney. Kathy Hilton was absent.

Nathan Gedge was excused from the meeting at 6:06 p.m.

3. Approve Minutes from December 21, 2010

MOTION: David McKinney moved to approve the minutes from the December 21, 2010 meeting. The motion was seconded by John Winn and passed 5-0 in favor. Kathy Hilton and Nathan Gedge were absent.

4. Planning Commission Training and Review of Staff Report Format

Staff gave a presentation of proposed changes to the staff report format that would more closely reflect the city council staff report, which includes a recommended motion. Generally speaking, if the application is in conformance with the general plan, zoning code, and findings of fact, then staff will present only one motion. However, if there are applications that are an interpretation of the general plan that may be supported by one or more policies, then there may be more than one motion supplied.

Justin Stoker thought that by putting a recommended motion in the staff report it appears as if the commission has already made a decision. He suggested that they could also include an alternate motion so the report doesn't give that appearance to the public.

Tom Burdett referred to the planning commission bylaws page 5, H and J. After public comment closes, the chair can outline possible actions, but Item J suggests that a motion be made ahead of the discussion in order to determine what direction the commission is leaning. The discussion then takes place to support that motion.

John Winn said they usually have their discussion before the motion, but the chair also asks if there is any discussion on the motion before the vote is taken. He also felt that a recommended motion appeared that they are being led to make a pre-determined decision, so he didn't like the idea of the motion recommendation. Although he understood that the purpose is probably just to help the commission with phrasing the language.

Robert Thorup said it is not that the staff wants to make a pre-determined decision, but the concern is that as the commissioners are considering all that has happened in the course of the hearing they then have to take a formal action. It might be that in the future someone might want to challenge the action of the commission by looking for something that was done wrong. The recommended motion lets staff make sure that a reference to the findings of fact in the staff report are mentioned in the motion so there is never a question that an action was taken without a basis. Another option is to provide templates that include different types of motions. It is staff's intention to make sure the commission's actions are solid.

Justin Stoker asked if they could put a general alternate motion in each staff report so it doesn't appear that there was only one option.

Robert Thorup said that could be listed as a 'possible motion' instead of 'recommended'.

David McKinney didn't care either way, but if staff wants to include the recommended motion, he would like to see the language mirror the template example where 'based upon the findings ...' is at the beginning of the motion instead of the end. The commission currently just uses a restated staff recommendation for the motion.

Jesse Valenzuela thought that the minutes of the meeting were used to show the basis of the commission's vote. Robert Thorup stated that the minutes are important, but the motion reflects the action itself. Commissioner Valenzuela also wondered if there had been a survey of the public in general regarding this issue and if it had ever come up as a concern.

Tom Burdett and Robert Thorup said they hadn't done any specific surveys on this issue, and Mr. Burdett didn't recall any specific complaints. Applicants are given a general survey after the development process, but this issue isn't specific to it. The key issue if there is ever a challenge is what is the reasoning behind the decision, what criteria was used, and how did the planning commission apply the criteria.

Jesse Valenzuela would be in favor of the change if there were some options.

Tom Burdett said they are not promoting a rubber stamp planning commission, but they are just trying to help with formatting and showing how the evidence led to the decision. Robert Thorup said staff was prompted to make the change after a couple of years of observation and wanting to help the commission with crafting language for motions and also because they wondered why city council and planning commission reports weren't the same.

David McKinney didn't see anything wrong with having a recommended motion given the pressure during a hearing to craft a motion. On the other hand, it is primarily only when they are going against the staff recommendation that they craft motions on-the-fly.

Justin Stoker indicated that it was the consensus that they all liked the proposed change as long as the statement of 'based on the findings ...' is at the beginning of the recommended motion.

Robert Thorup pointed out Item J in the bylaws where the chair recognizes a commissioner to make a motion. Under that concept the members don't speak except to make a motion, second a motion, to discuss a motion after it has been seconded, or to raise a point of privilege or order. So, instead of having discussion leading to a motion, the bylaws indicate that they should entertain the motion first, and if there is no motion there is no need for a discussion. By the time the meeting is past the presentations and public comment someone should be ready to make a motion.

Justin Stoker understood that could lead to a streamlined process, but he likes the discussion portion in order to let all the information sink in and to have a few minutes to think about it and consider making changes to the recommended motion.

There was additional discussion regarding this topic. The commission felt that discussion was needed at some point whether it was before or after the motion. If the motion is first, then some might not add to a discussion if they are agreeable to the motion, but if the discussion is first they may be more inclined to state their opinion. Some felt that the bylaws leave the process open and do not mandate that the motion be given directly after closing the public hearing, but just that the chair recognizes a commissioner when they are ready for the motion. The bylaws also state that any member can explain a vote afterward.

It was determined that the current procedure was working, but the chair could make a point to outline the possible actions, which will give additional time for the commissioners to consider the item before a motion is made. Also, with the understanding that once the motion is made amendments can still be offered. The commission was also comfortable with the current procedure for amending motions.

Staff gave a briefing of anticipated upcoming agenda items.

MOTION: John Winn moved to adjourn. There were none opposed.

The meeting adjourned at 6:50 p.m.

Justin Stoker
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2011