

**Scandia Planning Commission
Scandia City Council
Site Visit Guidelines
Adopted May 3, 2011
Amended August 2, 2016 (Planning Commission)
Amended August 16, 2016 (City Council)
Amended April 4, 2023 (Planning Commission)
Amended April 18, 2023 (City Council)**

Overarching Goal of Site Visits:

To ensure that Planning Commissioners, representative of the citizens of the City of Scandia and acting as advisors to the Mayor and City Council, are as fully informed as possible before making decisions regarding any matter that may come before the Commission.

Purpose of Site Visits:

1. Gather information for issues pending before the Planning Commission, through first-hand observation of the site, which includes topography, land cover, existing structures, access, screening, and any other visual characteristic that may help the Planning Commission's evaluation of a land use application.
2. Subject to "Ex Parte Communication," below, a site visit also gives a developer, real property owner, or land use applicant the opportunity to present information and answer questions regarding the site, any proposed changes, and the physical relationship any changes may have to the surrounding area.

Procedures:

1. The Planning Commission Chair will determine which site visits are needed and notify the City Administrator by the Wednesday before the monthly Planning Commission meeting.
2. The City Administrator will post public notice of site(s) to be visited at least three days, as required for special meetings, before the scheduled visits.
3. Scheduled visits will normally be the day of the monthly Planning Commission meeting during Daylight Saving Time (Tuesday) or the Sunday before the monthly Planning Commission meeting during Standard Time, the time of day to be determined by the Chair and posted accordingly by the City Administrator.
4. The date and time of the site visit meeting may be changed by the Chair if 3 days posted notice and written notice to Commission members are given, as well as adequate posting being made by the City Administrator, pursuant to the Minnesota Open Meeting Law.
5. Commissioners will meet at the location at the posted time as provided in the special meeting notice. All information received and discussion held will be open to the public.
6. Owners/developers/applicants for a land use action related to the subject real property are invited to meet at the site(s).
7. Commissioners may individually visit the site(s) without public posting. Commissioners will extend courtesy to property owners and shall seek permission before entering private property.

Follow-up:

1. Site visits conducted will be noted and summarized at the subsequent Planning Commission meeting.

Ex Parte Communication:

1. As noted above, all Planning Commission site visits are subject to the Open Meeting Law. Site visits are not televised or recorded. Therefore, Planning Commission members must take extra steps that they are not engaging in ex parte communication with any third parties.
2. As the Planning Commission (in an advisory role), and the City Council (in a binding role) act in a quasi-judicial capacity when processing land use applications, it is vitally important that such decisions are based on documents and information that are accessible to all parties. If a Planning Commission or City Council member has access to information outside of the record (i.e. located in a land use application or divulged at a meeting), the member must take affirmative action to ensure the information is included properly in the record in a timely manner so that all parties and the public can fairly be apprised of it and have an opportunity to respond or address the information.
3. “Ex Parte Communication,” for purposes of this Policy, means any type of communication, verbal or written, between one or more Planning Commissioners, City Council members, or City officials (the “City Parties”), and any third party, whether it be an owner, developer, or applicant related to real property that is the subject of the site visit, a City resident, or a non-resident (the “Private Parties”), that tends to discuss the items listed in Section 4 below. City Parties and Private Parties may engage in general discussion regarding the site, as long as all parties have an opportunity to participate.
4. No City Party may discuss the following items with any Private Party during a site visit:
 - (a) granting or denying privileges, rights or benefits to a particular party;
 - (b) interpreting, applying, or enforcing rules or laws;
 - (c) purporting to issue, suspend, or revoke applications or permits on behalf of the City;
 - (d) determining rights and interests of any party;
 - (e) evaluating and passing on facts as they apply to existing laws or rules;
 - (f) opining or advocating on their position;
 - (g) purporting to order or abate any action on behalf of the City;
 - (h) purporting to take a particular position or make a specific determination on behalf of the City, before any process has begun under the City’s code, zoning ordinances, and other related regulations; and
 - (i) any other action that is reasonably intended to bind a City process, or is undertaken to the detriment of the Minnesota Open Meeting Law.
5. The intent of this section is to prevent Planning Commissioners and other City Parties to communicate outside the setting of a duly called public hearing on any issue of fact or law regarding any matter that may yet come before the Planning Commission, for further recommendation to the City Council. If a Planning Commissioner or other City Party receives a verbal or written communication, such communication shall be summarized (in the case of a verbal statement) or reproduced (in the case of a written statement) to the remainder of the Planning Commission and City staff, preferably at the next regular or special meeting of the Planning Commission that discusses the related topic or land use application.