

CITY COUNCIL RESOLUTION NO. 2025-53
**A RESOLUTION OF THE CITY COUNCIL OF FARMINGTON CITY UPDATING
THE POLICIES AND PROCEDURES OF THE FARMINGTON CITY PLANNING
COMMISSION.**

WHEREAS, the Planning Commission has reviewed their existing Policies and Procedures and desired to update items to improve how the commission operates; and

WHEREAS, the proposed updates to the Policies and Procedures of the Planning Commission will improve meetings and process and are consistent with the laws of the State of Utah and the Ordinances of Farmington City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS

Section 1. **Adoption**. In accordance with Farmington City Code 11-3-030 (B), the Policies and Procedures included with this resolution shall be adopted as the active version used by the Farmington City Planning Commission.

Section 2. **Severability**. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. **Effective Date**. This Resolution shall become effective immediately upon its passage.

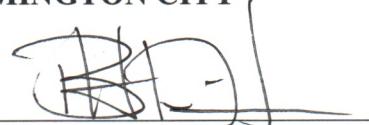
**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS 9TH DAY OF DECEMBER 2025.**

ATTEST:

DeAnn Carlile
DeAnn Carlile
Secretary

FARMINGTON CITY

By:


Brett Anderson, Mayor



Draft Date: 10/30/90, 10/22/90, 10/26/90, 11/15/90

Approved and Adopted: 11/15/90

Amended: 12/10/92, 02/09/94, 12/15/97 (Res. 97-61), 3/15/22, 5/20/25, 12/9/25

FARMINGTON 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 Farmington Planning Commission in the performance of their duties. The Planning Commission shall be governed by the provisions of all applicable State Statutes, City Ordinances, and these policies. Nothing in these policies shall be interpreted to provide an independent basis for the invalidation or alteration of a final decision of the Commission unless otherwise provided by City Ordinance or State Law.

II. OFFICERS AND DUTIES

Election of Officers – The Planning Commission shall annually elect a Chair, Vice-Chair, and representative to the Board of Adjustment at its last meeting of the calendar year. The officers and Board Member shall be elected from the duly appointed members of the Commission by a majority of the total membership and may be elected for subsequent terms. Terms of office shall be from January 1st to December 31st of the year following the election.

The Chair shall preside over all meetings and hearings. The Chair shall have the same rights, privileges, and duties as any other member, including the right to vote on any matter before the Commission. The term “Chair,” as used throughout this document, shall mean the Chair of the Planning Commission, or in the absence or incapacity of the Chair, the Vice-Chair unless otherwise designated. In the event that the Chair is only able to participate remotely, the Vice-Chair shall preside over meetings unless all meeting participation is conducted remotely. In the event the Planning Commission is scheduled to meet and the Chair or Vice-Chair is unable to conduct the meeting, the meeting may continue with the presence of a quorum who shall elect a Chair Pro-Temp to preside over that meeting. Selection of a Chair Pro-Temp requires a nomination and a simple majority vote.

The Chair shall execute official documents and letters on behalf of the Commission. In the absence of the Chair, the Vice-Chair may fill this role. The Community Development Director or designee may execute time sensitive documents on behalf of the Planning Commission to formalize an action taken in a public meeting.

III. NOTICE

In order to make residents of the City more aware of the various hearings conducted by the Planning Commission, and particularly those residents or businesses which may be affected

by changes in land use, procedures are established below for notification of affected property owners. These notice provisions are provided as a courtesy to these property owners and are not intended to subject the City to a greater notice requirement than required by Federal or State Law. Failure of any person to receive notice shall not invalidate, or serve as basis for appeal, of any Planning Commission decision.

1. **Meetings** – The Planning Commission shall give public notice at least once each year of its schedule for all regular meetings scheduled for that year specifying the date, time, and place of such meetings. In addition to public notice of the Planning Commission's annual meeting schedule, the Planning Commission shall give not less than 24 hours' public notice of the agenda, date, time, and place of each of its public meetings. Public notice shall be provided by:
 - a. Posting written notice:
 - i. at the Farmington City Offices, 160 South Main Street; and
 - ii. on the City's website; and
 - iii. on the Utah Public Notice Website (www.pmn.utah.gov); and
 - b. Providing notice to:
 - i. ~~at least one newspaper of general circulation within the City; or~~
 - ~~#. a local media correspondent.~~
 - c. In addition to the required notice above, reasonable effort shall be made to provide notice via relevant social media platforms such as (e.g. Facebook, Instagram).
2. **Special Emergency Meetings** – When, because of unforeseen circumstances, it is necessary for the Planning Commission to hold an emergency meeting to consider matters of an urgent nature, the notice requirements as listed above may be disregarded and the best notice practicable given. No such emergency meeting of the Planning Commission shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting. (Utah Code Ann. 52-4)

3. **Subdivision Approvals** Legislative Consideration (Recommendations to the City Council) –

Example Items: Planned Unit Developments and Zoning Map Amendments

-a. Applications for items which are legislative in nature and require a recommendation from the Planning Commission to the City Council~~subdivision approval~~ shall be noticed prior to the meeting in the following manner:

-i. Applications shall be identified by name on the Planning Commission agenda;

ii. Zoning Map Amendments/Planned Unit Developments

The City Planner shall notify all property owners within 300 feet from the boundaries of the affected property, by mail, of ~~the meeting at which the preliminary plat will be considered~~any meeting where a public hearing is

required by state law or local ordinance. At the discretion of the City Planner, and with the concurrence of the Chair, the mailing area may be extended beyond 300 feet from the subject property in order to notify additional parties. The mailing area may also be extended by a majority vote of the Commission;

iii. Ordinance Amendments

The City Planner shall cause that notice be posted in accordance with applicable state law and local ordinances.

-iv. General Plan Amendments

The Planning Commission shall prepare and/or review all proposed amendments to the City General Plan and shall hold a public hearing on such proposed amendments. After the public hearing, the Planning Commission shall make any changes to the proposed amended Plan and forward its recommendations regarding the same to the City Council for its consideration. Notice of the public hearing before the Planning Commission on the proposed amended General Plan amendments shall be provided in accordance with City Ordinances and State Law regarding the same.

b. The Other meetings at which the final a legislative matter that will be considered need not be noticed by individual mailing, but shall be identified by name on the agenda;

- i. More than one public hearing for the same item may be required when determined to be appropriate by majority vote of the Commission.**
- ii. Significant alteration of an application may also merit an additional hearing(s) as determined by the City Planner, and with the concurrence of the Chair or by majority vote of the Commission:**

d.c. The City Planner shall send a letter or email to the applicant within a reasonable time after the final decision recommendation of the Planning Commission indicating the action taken on the application.

4. Conditional Administrative Consideration Use Applications—

-a. Applications which are considered administrative in nature including for Conditional Use approval, Subdivisions, and Special Exceptions, shall be noticed prior to the meeting in the following manner when city code requires that a public hearing is applicable:

- i. Applications shall be identified by name on the Planning Commission agenda;**

e.ii. The City Planner shall notify all property owners within 300 feet from the boundaries of the affected property, by mail, of the meeting at which the application will be considered. At the discretion of the City Planner, and with the concurrence of the Chair, the mailing area may be extended beyond 300 feet from the subject property in order to notify additional parties. The mailing area may also be extended by a majority vote of the Commission;

e.b. The City Planner shall send a letter or email to the applicant within a reasonable time after the final decision of the Planning Commission indicating the action taken on the application.

e.c. The notice procedure for a new Conditional Use application shall also be followed if it becomes necessary to commence proceedings to revoke a Conditional Use Permit.

6.4. Zoning Map and Ordinance Amendments The Planning Commission shall review all proposed amendments to the City Zoning Map and/or Zoning Ordinance and shall prepare written recommendations regarding the proposed amendments and forward the same to the City Council for its consideration. Notice of proposed Zoning Map or Zoning Ordinance amendments shall be provided as follows:

— Proposed amendments to the Zoning Map and/or Zoning Ordinance shall be identified by name on the Planning Commission agenda.

— The City Planner shall notify all property owners within 300 feet from the boundaries of any affected property, proposed to be rezoned, by mail, of the meeting at which the proposed rezone will be considered. At the discretion of the City Planner, and with the concurrence of the Chair, the mailing area may be extended beyond 300 feet from the subject property in order to notify additional parties of the proposed rezone. The mailing area may also be extended by a majority vote of the Commission.

e.d. The City Planner shall send a letter or email to the applicant of any proposed Zoning Map or Zoning Ordinance amendment within a reasonable time after the final decision of the Planning Commission indicating the action taken on the application.

6.5. General Plan Amendments The Planning Commission shall prepare and/or review all proposed amendments to the City General Plan and shall hold a public hearing on such proposed amendments. After the public hearing, the Planning Commission shall make any changes to the proposed amended Plan and forward its recommendations regarding

~~the same to the City Council for its consideration. Notice of the public hearing before the Planning Commission on the proposed amended General Plan amendments shall be provided in accordance with City Ordinances and State Law regarding the same.~~

7.6. Planned Unit Development / Condominium ~~A Planned Unit Development or Condominium application shall be noticed in the same way as a Conditional Use.~~

8.7. Annexation Applications ~~Annexation hearings shall be identified by name on the Planning Commission agenda. In addition to the notice given on the agenda, notice of the date, time, place, and subject of the hearing shall be published at least one week prior to the hearing on the City's website and the Utah Public Meeting Notice website.~~

8. Street Name Change, Other

-a. Street Dedication, or Major Street Plan Amendment – Notice shall be provided in the following manner:

- i.** An application for a street name change, Major Street Plan change, or street dedication shall be identified by name on the Planning Commission agenda.
- ii.** The City Planner shall notify all affected utilities of the date of the hearing and the proposed change;
- iii.** The City Planner shall mail notice to all owners-of-record of land abutting the street on which the change or dedication is proposed and may also publish such notice on the City's webpage and the Utah Public Meeting Notice website within a reasonable time prior to the meeting date.

-b. Vacation of Alleys or Streets – No requirement exists in State Law for sending street and alley vacations to the Planning Commission for a recommendation. If the City Council determines that a recommendation from the Commission is desirable, then notice shall be given in the following manner:

- i.** An application for a street or alley vacation shall be identified by name on the Planning Commission agenda;
- ii.** The City Planner shall notify all affected utilities of the date of the hearing and the proposed change;
- iii.** The City Planner shall mail notice to all owners-of-record of land abutting the street on which the change is proposed and may also publish such notice on the City's webpage and the Utah Public Meeting Notice website

within a reasonable time prior to the meeting date.

-iv. At the discretion of the City Planner, and with the concurrence of the Chair, the mailing area may be extended in order to notify additional parties. The mailing area may also be extended by a majority vote of the Commission.

IV. APPLICATION REQUIRED

An application may not be heard by the Planning Commission unless an application form is adequately filled out and accompanied by the appropriate fee and required plans drawn to scale with dimensions clearly indicated and with sufficient detail and clarity to show what is being requested. Applications must be received at least two weeks prior to the meeting at which they will be considered.

V. MEETINGS

1. **Time and Place of Meetings** – Regular public meetings of the Planning Commission will generally be held on the first and third Thursday of each month at 7:00 p.m. in accordance with Farmington City Code Section 11-3-030 (C). In person meetings will be held in the City Offices located at 160 South Main Street when there is business to conduct unless otherwise noted on the agenda. A preparation meeting may be held prior to regular meetings, typically starting at 6:30 p.m. This preparation meeting is still a public meeting and the start time of the preparation meeting must also be published on the agenda. As determined by the Chair or City Staff, meetings may be held to facilitate participation either entirely or partially via remote electronic means.
2. **Special meetings** may be called by the Chair, or upon an affirmative authorization of at least four members of the Commission.
3. **Open to the Public** – All meetings of the Planning Commission are open to the public unless closed pursuant to law.
4. **Public Comment.** - Any person wishing to address the Commission for items listed as Public Hearings will be recognized when the Public Hearing for such agenda item is opened. At such time, any person, as recognized by the Chair, may address the Commission regarding the agenda item. Each person will have up to three (3) minutes. The Chair, in its sole discretion, may reduce the speaker time limit uniformly to accommodate a large number of speakers. The Chair, in its sole and absolute discretion, may allow additional time to any speaker should it be deemed reasonable to do so. The allotted time for each individual for public comment is

personal to each such individual and may not be ceded, aggregated or shared with any other individual.

5. **Order of Business** – Applications submitted to the Planning Commission shall appear on the agenda in such order as City staff may deem appropriate giving due consideration for the amount of time each item is anticipated to require. The following are examples of items that may appear on the Commission’s agenda. This list is not exclusive:

- a. Approval of Minutes;
- b. City Council Report
- c. Subdivision and Planned Unit Development applications – hearings and decisions;
- d. Master Plan and Zoning Amendment applications – hearings and decisions;
- e. Conditional Use / Site Plan review applications – hearings and decisions.
- f. Annexation applications;
- g. Zoning Text Changes – hearings and decisions;
- h. Other Business;
- i. Adjournment.

The Chair may change the order of business or consider matters out of order if there is no objection from any member of the Commission, or by majority vote of the Commission.

6. **Presentation of Application** – Staff shall present the application. The applicant is then invited to offer written or oral comments and clarification if needed. An applicant may represent themselves in person or remotely, and is not subject to three-minute time limits imposed on members of the public. The applicant may also choose to be represented by an attorney or other authorized agent at any meeting of the Commission, and the representing party may participate in person or remotely. Written authorization shall be required for an agent.

7. **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. Staff makes presentation;
- b. Applicant offers written or oral comments and clarification if needed;
- c. Public provides comments;
- d. Applicant given opportunity to answer comments and provide additional information;
- e. Public hearing is closed by the Chair.

The Chair may change the order of procedure if there is no objection from any member of the Commission or by majority vote of the Commission.

VI. **VOTING**

An affirmative vote of a majority of the members of a quorum shall decide any matter under consideration in accordance with Section 11-3-030(d) of the Farmington City Zoning Ordinance.

VII. DECISIONS

Decisions of the Commission shall be considered final, for the purposes of any appeal, at the end of the meeting at which the matter is heard and a decision rendered. The Zoning Administrator shall send a written notification or email of the decision to the applicant within a reasonable time after the date such decision was made. Such notification shall include the reasons for the Commission's decision.

VIII. RE-HEARING

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

IX. RECORDS

1. **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, by individual member, of the votes taken.

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 approval by the Commission.

2. **Recording** – All proceedings of the Planning Commission shall be electronically recorded and the audio recording retained in the office of the City Planner for a minimum of six months following the meeting at which the recording was made. Such recordings may be used in the event a Commission Member misses a meeting and wishes to qualify to vote on a particular item, or if it is necessary to produce a verbatim transcript of all, or part, of a meeting.
3. A recording of all or any part of a Planning Commission Meeting may be made by any person in attendance provided that the recording does not interfere with the conduct of the meeting.

X. RULES OF ETHICAL CONDUCT

1. **Definitions** – The following definitions shall apply to this section:
 - a. **Assist** means to act, offer, or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity.
 - b. **Business Entity** means a sole proprietorship, firm, partnership, association, joint venture, trust, corporation, foundation, or other organization or entity used in carrying on a business.
 - c. **Compensation** means anything of economic value 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.
 - d. **Substantial interest** means ownership, either legal or equitable, by an individual, a spouse, or minor children, of at least 10% of the outstanding shares of a corporation or a 10% interest in any other business entity.
2. **A Commission member shall not:**
 - a. Disclose confidential information acquired by reason of his/her official position or use such information to secure special privileges or exemptions for him/herself or others;
 - b. Use, or attempt to use, his/her official position to secure special privileges for him/herself or others;
 - c. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for him/herself, or another, if the gift or loan tends to influence him/her in the discharge of his/her official duties, except for:
 - i. An occasional nonpecuniary gift having a value of less than \$50.00;
 - ii. An award presented publicly;
 - iii. Any bona-fide loan made in the ordinary course of business;
 - iv. Political campaign contributions actually used in a political campaign.
 - d. 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, friends, groups, or associations which hold some share of a person's loyalty. However, mere membership in a group or organization shall not be considered a conflict of interest unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of an issue.
- ii. A Commission member experiencing, in his/her opinion, a conflict of interest, shall declare this interest publicly, abstain from voting on the action, and shall be excused from his/her seat on the Commission during consideration of the action. He/she should not discuss the matter privately or publicly with any other Commission member. The vote of a Commission member experiencing a conflict of interest who fails to disqualify oneself shall be disallowed.
- iii. A conflict of interest may exist under these rules even though a Commission member may not believe he/she has an actual conflict. A Commission member who has a question as to whether a conflict exists should raise the matter with the other members and the City Attorney in order that a determination may be made.

3. **Compensation** – a. A Commission member shall not receive or agree to receive compensation for assisting any person or business entity in any transaction connected with an action being considered by the Commission or which may come before the Commission.

b. Any Commission member who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does, or anticipates doing business with the City shall disclose the nature of his/her interests in that business entity prior to any discussion by the Commission of any matter concerning such business entity.

c. Any personal investment by a Commission member which creates a substantial conflict between the Member's personal interests and his/her public duties shall be fully disclosed.

XI. RULES OF ORDER

All regular meetings of the Planning Commission will be conducted according to such rules of order as are passed and approved by a majority vote of the Commission. These Rules may be amended from time to time in the same manner.

XII. TIE VOTE

In the event of a tie vote on any decision before the Commission, the motion shall fail and the Chair may ask for another motion. If no other motion is made, or in the event the second motion also ends in a tie vote, the matter shall be continued until the next regular meeting of the Commission. In the event that a final decision is not made at the next meeting, the application shall be deemed denied and the applicant shall have a right to appeal as provided in the Farmington City Code.

XIII. AMENDMENTS

These Policies and Procedures may be amended at any regular meeting of the Commission by an affirmative vote of the majority of all members, provided that such amendments have been presented in writing to each Commission member at least 48 hours preceding the meeting at which the vote is taken. Such amendment must be ratified by the City Council per Farmington City Code 11-3-030 (B) before taking effect.