

HOW ARE PUBLIC HEARINGS USUALLY CONDUCTED?

The hearing is usually opened by the Mayor or Chair, then . . .

1. Presentation by applicant.
2. City staff comments on application.
3. Public comments.
4. Summary by the applicant.
5. The public hearing is closed and the public comment period ends.
6. After the public hearing is closed, the hearing body will deliberate as needed and will then make a decision.

HOW CAN I GIVE MY OPINION?

1. You can submit written comments up to noon the day before the hearing. (See “Submitting Written Comments Before the Hearing.”)

OR

2. You may make oral comments at the hearing. (See “Offering Oral Comments.”)

All written and oral comments submitted in a timely and appropriate manner may be considered by the hearing body before it reaches a decision. Relevant comments from informed persons are most helpful. Frequently, opposing points of view are presented at public hearings. Obviously hearing bodies when rendering decisions may not agree with some comments or points of view. **THIS DOES NOT MEAN YOUR COMMENTS HAVE NOT BEEN CONSIDERED OR HEARD.**



SUBMITTING WRITTEN COMMENTS BEFORE THE HEARING

1. Written comments may be submitted by letter or e-mail, but must be received by the City by noon the day before the hearing. This allows hearing body members to receive and consider the comments prior to the hearing.
2. Send the letters to “City Recorder, Farmington City Hall, P. O. Box 160, Farmington, Utah 84025, or by e-mail to mlo-max@farmington.utah.gov. These will be forwarded to members of the hearing bodies.
3. Please include your name, address, and/or e-mail address on your correspondence. Any correspondence without a name and address will not be admissible as public comment.
4. Please make your comments responsive to the matter being considered. Read, “What is the Legal Basis for Public Hearing Body Decisions?” and make your comments in a well-thought out and reasonable manner. Emotional and/or personally malicious comments may do more harm than good.

HOW CAN I GET ACCESS TO THE MINUTES OF A MEETING?

After formal review and adoption by the hearing body (PC or CC), official minutes are posted on the City’s website (www.farmington.utah.gov) or a copy can be obtained from the City Recorder after completing a GRAMA request and paying a small copying fee.

GUIDELINE LIMITATIONS

The information contained herein constitutes general guidelines only and does not supplement, modify or replace any applicable law including, but not limited to, the City’s ordinances, rules and regulations. In all cases, the applicable law shall be controlling.

PUBLIC HEARINGS A HELPFUL GUIDE TO PRESENTING YOUR VIEWS

City Council & Planning Commission

*THIS PAMPHLET OUTLINES
A FEW SUGGESTIONS AND
STRATEGIES FOR MORE
COMFORTABLE AND
SUCCESSFUL
PRESENTATIONS.*

FARMINGTON CITY



WHAT IS A PUBLIC HEARING?

A public hearing is a legally required opportunity for the public to hear and respond to an application by an applicant or to comment on the City-initiated proposal to amend the City's General Plan, zoning ordinance or development codes. Applications may involve variances, conditional use permits, annexations, rezonings and/or amendments to zoning or subdivision ordinances. You do not have to own property within the City to comment. Every citizen has a right to be heard at a public hearing.

WHAT IS THE LEGAL BASIS FOR HEARING BODY DECISIONS?

Hearing bodies are required to follow the ordinances of the City in making their decisions. If an application complies with the requirements of the City's ordinances, rules and regulations, it should be approved. Failure to comply should result in denial. Different kinds of applications require the applicant to satisfy different criteria to receive approval. Become familiar with the relevant criteria and focus your remarks accordingly.

The public hearing process provides an opportunity for the hearing body to receive information regarding the facts and circumstances of the particular case. Appellate courts in Utah have determined that a hearing body's decision based upon "public clamor" is not legally sufficient to deny an application. While citizen support or opposition may be weighed in making the decision, such may not be the sole basis for granting or denying an application. Persons commenting at public hearings should avoid expressions based purely on emotion and should seek to present relevant facts in support of their position either for or against a particular proposal. The decision of the hearing body needs to be supported by substantial evidence, not mere assertions which lack factual support.

ORAL COMMENTS — DO'S

State Your Name and Address. When you approach the podium, clearly state your name and address for the record.

Honor Time Limits. Stay within the time limit set by the Mayor or Chair.

Remember Your Objective. If you want to persuade the hearing body members to vote or decide in favor of your side of the issue, it usually does not help your cause to attack, anger, alienate or antagonize them.

Keep Your Emotions In Check. Use civility in demeanor and speech.

Know the Law. Officials endeavor to make their decisions in accordance with law. No amount of passion, exhortation or pleading by citizens will change this. (However, laws can be changed. If you wish to change the law, organize to have it amended.)

Appoint A Spokesperson. Many neighborhood groups organize their testimony **by having one or two spokespersons speak on behalf of the group.**

Speak to the Point. Public officials have heard hundreds of people give testimony. They are grateful when the testimony is pertinent, well organized and informative regarding the matter at hand.

State Your Recommendations. Do not leave the Planning Commission and/or City Council wondering what it was you wanted them to do.

Be Reasonable. Put yourself in the shoes of the hearing body. They must balance all views, interests and proposals being made and determine the best course for serving the overall public good. Be prepared occasionally to compromise.

ORAL COMMENTS — DON'TS

Avoid Making Individual Private Contact with Hearing Body Members before the Hearing. The duty of the Hearing Body is to consider all public comments together. Your comments will be more effective if considered by the entire Hearing Body.

Do Not Make Irrelevant Statements. Stick to the subject at hand. Generally the hearing body cannot correct past "wrongs" and reciting "ancient history" about a site or neighborhood usually detracts from your other, more pertinent remarks. So does making unrelated comments about general City government services or issues.

Avoid Repeating Yourself or Other's Comments. Repeating the same or similar comments again and again may not help your cause. The same applies to reiterating what another citizen may have already said.

Do Not Direct Comments to Other Hearing Participants. It is appropriate to direct your comments and questions to the Chair or Mayor. He or she may choose to redirect them to the appropriate individual(s).

AUDIENCE DECORUM

Hearing bodies can only perform their legal obligations when public hearings are conducted in an atmosphere of civility and mutual respect for the opinions of others. Farmington City's public hearing standards with respect to audience decorum are as follows:

- Cheering, applauding, scowling, muttering or other disrespectful emotional outbursts are not considered to be acceptable behavior. A decision cannot be based solely on public clamor.
- Please do not interrupt with emotional outbursts. Wait your turn to speak at the podium.