CLEARFIELD CITY ORDINANCE 2026-14

AN ORDINANCE OF THE CITY COUNCIL OF CLEARFIELD CITY, UTAH, AMENDING TITLE 3, CHAPTER 2 OF THE CLEARFIELD CITY CODE REGARDING THE PLANNING COMMISSION; PROVIDING FOR MEMBERSHIP, TERMS, VACANCIES, COMPENSATION, POWERS AND DUTIES, RULES OF ORDER AND PROCEDURE, QUORUM, REMOVAL, RECUSAL, AND OTHER ORGANIZATIONAL MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Clearfield City has established a Planning Commission pursuant to Utah law and Clearfield City Code; and

WHEREAS, Utah Code § 10-20-301 requires each municipality to enact an ordinance establishing a planning commission and establishes requirements concerning the commission's membership, terms, appointment, vacancies, removal, recusal, authority, bylaws, and organization; and

WHEREAS, the City Council desires to update Clearfield City Code Title 3, Chapter 2 to conform to current Utah law and to clarify the organization and authority of the Planning Commission; and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are in the best interest of the health, safety, and welfare of the residents of Clearfield City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CLEARFIELD CITY, UTAH, AS FOLLOWS:

SECTION 1. AMENDMENT OF TITLE 3, CHAPTER 2.

Title 3, Chapter 2 of the Clearfield City Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 2
PLANNING COMMISSION

SECTION:

3-2-1: **Created; Membership**
3-2-2: **Term Of Office; Vacancy**
3-2-3: **Qualifications; Oath Of Office**
3-2-4: **Conflicts of Interest: Recusal**
3-2-5: Compensation
3-2-6: **Powers And Duties**
3-2-7: **Chairperson; Rules And Regulations**

3-2-8: Quorum; Record Of Proceedings
3-2-9: Removal From Office:

3-2-1: CREATED; MEMBERSHIP:
Pursuant to the provisions of state law, there is hereby created a planning commission for the city. The planning commission shall consist of seven (7) members and up to three (3) alternate members, to be appointed by the mayor, with the advice and consent of the city council, from the duly qualified electors of the city. (Ord. 2014-01, 2-11-2014)

3-2-2: TERM OF OFFICE; VACANCY:
A. Each member shall be appointed for a term of three (3) years with a maximum number three (3) terms or nine (9) years (consecutive or nonconsecutive). A member that has served a combined total of nine (9) years (consecutive or nonconsecutive) may be reappointed to the planning commission following a reapplication, review and approval by the city council. A member serving as a full commissioner at the conclusion of nine (9) years of service shall be considered for reappointment as a full member and not an alternate if the member chooses to reapply.

B. **Vacancies.** Applications must be publicly solicited. Following review of the applications and interviews, the mayor may recommend a qualified candidate for appointment to the Planning Commission, subject to the advice and consent of the city council. The appointment shall become effective upon approval by the city council at a regular meeting and shall be filled for the unexpired portion of the term.

3-2-3: QUALIFICATIONS; OATH OF OFFICE:
A. A member of the Planning Commission must be a qualified elector of Clearfield City unless otherwise permitted by applicable Utah law.
B. Each member shall qualify for office by taking, subscribing, and filing with the City Recorder the oath of office required by the Constitution of the State of Utah.
C. A member shall comply with all applicable requirements governing municipal officers, including applicable provisions of the Municipal Officers' and Employees' Ethics Act.

3-2-4: CONFLICTS OF INTEREST; RECUSAL:
A. **Duty to Disclose.** A Planning Commission member shall disclose on the record any actual or potential conflict of interest concerning a matter before the Planning Commission when disclosure is required by applicable law or City ordinance.
B. **Mandatory Recusal.** A Planning Commission member shall recuse from deliberating or voting on a land use application when required by applicable Utah law or City ordinance, including when:

1. The member has a financial or other conflict of interest that prohibits participation;

2. The member's participation would violate the Municipal Officers' and Employees' Ethics Act or other applicable law;

3. The member has a personal, financial, professional, or other interest in the matter that would prevent the member from acting impartially; or

4. Circumstances exist that create actual impermissible bias or an unacceptable risk of impermissible bias in the member's administrative or quasi-judicial duties concerning the matter.

C. A member who recuses shall disclose the basis for the recusal on the record to the extent permitted by law.

D. A recused member shall not deliberate or vote on the matter from which the member has recused, except as otherwise permitted by law.

E. A member shall not use recusal requirements to avoid participation in matters solely because the member disagrees with a proposed land use decision.

3-2-5: COMPENSATION:

The remuneration paid to members of the planning commission, including the youth commission ambassador (per meeting which the member attends) shall be seventy-five dollars ($75.00), the vice-chair of the planning commission (per meeting which the vice-chair attends) shall be eighty-five dollars ($85.00), and the chair of the planning commission (per meeting which the chair attends) shall be one hundred dollars ($100.00) for their services rendered. Upon approval of the city council, members may be reimbursed for reasonable expenses actually incurred.

3-2-6: POWERS AND DUTIES:

A. General Plan:

1. Preparation: It shall be the function and duty of the planning commission to prepare and submit to the city council for its approval, a general plan for the physical development of the city, including other areas outside of its boundaries which, in the planning commission's judgment, bear relation to the planning of the city. The planning commission may, from time to time, amend, extend or add to the general plan, or carry any part or subject matter into greater detail. The plan shall be prepared in accordance with Utah code title 10, chapter 9a, as amended.

2. Surveys And Studies: In preparing the general plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the city and its environs. The plan shall be made with a general purpose of guiding and

accomplishing a coordinated, adjusted and harmonious development of the city in accordance with existing and future needs.

3. Reports And Recommendations: The planning commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

B. Zoning:

1. Recommendations For Changes: The planning commission, through its own initiative, may, or by order of the city council shall, make recommendations for changes in the zoning map or in the text of the zoning and planning provisions of this code and shall have all powers granted by law or by these provisions in the preparation of zoning maps and the recommendations for zoning in the city.

2. City Council Action: After receiving the recommendations of the planning commission, the city council may amend the zoning map and/or the zoning or planning regulations. No substantial change (as determined by the city council) shall be made in said amendment as recommended by the planning commission, unless the same shall be resubmitted to the planning commission, which shall be returned to the city council within thirty (30) days.

C. Subdivisions: It shall be the duty of the planning commission to review and approve, or disapprove, all subdivisions of land as outlined in Title 12. No plat of a subdivision or land lying within the city shall be filed or recorded in the county recorder's office until it shall have been approved in accordance with the terms of Title 12 and entered in writing on the plat by the chairperson of the planning commission and the mayor for the city council, or other designated members or employees.

3-2-7: CHAIRPERSON; RULES AND REGULATIONS:

The planning commission shall elect from its membership a chairperson and shall recommend adoption of by-laws to the city council, subject to the provisions of the laws of the state and the zoning and planning regulations of the city to provide for the regulation of its procedure and the conduct of its duties, and may amend such rules from time to time upon final consent and approval by the city council. All such rules and amendments shall be reduced to writing and shall be filed with the city recorder.

3-2-8: QUORUM; RECORD OF PROCEEDINGS:

A. Quorum: At least four (4) members of the planning commission must be present to constitute a quorum to conduct any official business of the planning commission.

B. Minutes: The planning commission shall keep minutes of its proceedings in accordance with Utah Code Annotated section 52-4-203, which shall be filed with the city recorder.

3-2-9: REMOVAL FROM OFFICE:

A. **Removal Authority.** A Planning Commission member may be removed only in accordance with applicable Utah law and this section.

B. Subject to any delegation of authority permitted by Utah law, the City Council may remove a Planning Commission member.

C. **Causes for Removal.** Except as otherwise provided by applicable law, causes for removal shall include:

1. Using public funds for a political purpose in violation of Title 20A, Chapter 11, Part 12, Utah Code, Political Activities of Public Entities Act;
2. Violating a provision of Title 10, Chapter 3, Part 13, Utah Code, Municipal Officers' and Employees' Ethics Act; or
3. Acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commission member's administrative or quasi-judicial duties.

D. **Additional Causes.** Subject to applicable law, a Planning Commission member may also be removed for other causes established by ordinance or applicable law, including failure to satisfy the qualifications for office, failure to maintain required eligibility, or other conduct constituting cause for removal under applicable law.

E. **Deliberation on Pending Applications.** A Planning Commission member deliberating about a specific pending land use application in a Planning Commission meeting with municipal staff, an elected official, or the land use applicant is not, by itself, cause for removing the Planning Commission member from the Planning Commission.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

Passed and adopted by the Clearfield City Council this 13th day of October, 2026.

ATTEST: CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder

Mark Shepherd, Mayor

VOTE OF THE COUNCIL

AYE: Councilmembers King, Peterson, Ratchford, Thompson, and Wurth

NAY: None