MEMORANDUM

DATE: October 8, 2009

TO: Council Members

FROM: Janice Jardine
Land Use Policy Analyst

SUBJECT: Zoning text amendments relating to public notice and appeal requirements
Petition PLNPCM2009-00106

On September 22, 2009, the Council received a briefing on this item. No issues were raised by Council Members.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt an ordinance amending the text of Title 21A, Zoning, of the *Salt Lake City Code* relating to public notice and appeal requirements.

2. ["I move that the Council"] Not adopt an ordinance amending the text of Title 21A, Zoning, of the *Salt Lake City Code* relating to public notice and appeal requirements.

FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

CITY COUNCIL TRANSMITTAL

David Everett, Chief of Staff

RECEIVED
JUL 20 2009
By

Date Received:

Date Sent to City Council: 07/21/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: July 17, 2009

FROM: Mary DeLaMare-Schaefer,
Community & Economic Development Deputy Director
on behalf of Frank Gray, Community & Economic Development Department Director

RE: Petition PLNPCM2009-00106: Zoning Text Amendments to Sections 21A.10.010, 21A.10.020, 21A.10.030, and other related sections of the city's Zoning Ordinance that pertain to public noticing and appeals requirements

STAFF CONTACTS: Bill Peperone, Principal Planner, at 801-535-7214 or bill.peperone@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

***Issue Origin*:** In their June 8, 2005, public meeting, the Planning Commission directed staff "to initiate a petition to study various amendments to the noticing requirements of the zoning ordinance."

***Analysis*:** Currently, Section 21A.50.50 lists five criteria by which all amendments are to be evaluated. As detailed in the Planning Commission staff report, several of these standards are not very helpful when considering a text amendment that is not site specific. Nevertheless, this amendment has been evaluated as per the current code.

There were no issues raised by other departments.

The Planning Division created the Zoning Amendment Project Committee (ZAP) based on those individuals who participated in the City Council's discussion on conditional uses last year. The 35-member ZAP represents a wide range of interests within the City. At least one member of the ZAP asked that applicable ordinances be amended to require that notification be sent to tenants of effected buildings or buildings within the notification radius. In the past, notification has been sent to the property owner and not the tenants, and sometimes the owner does not notify the tenant of the impending public hearing. This can efficiently be accomplished but the application fee should be raised to cover the additional postage necessary to inform the tenants.

Master Plan Considerations: This amendment does not conflict with the adopted city Community Master Plans. It is intended that this amendment will allow for orderly growth improving the City's noticing and appeals requirements and processes.

PUBLIC PROCESS:

ZAP met on February 9, 2009, and had the following concerns:

1. Representatives of the business community felt that the Business Advisory Board (BAB) should be given the same 45-day notice of text or map amendments that may affect existing or future businesses. Staff met with the BAB and discussed their concern. It was agreed that in the future the staff will give the BAB the same advanced noticed that is given to the community councils.

2. The window for appeals of administrative decisions would be reduced from 30 days to 10. One reason for this is that the city will not issue building permits during the appeal period. It was proposed that only a letter of intent to file an appeal would be needed during the 10-day appeal period. Appellant would then have 20 additional days to submit all of their supporting documentation.

3. Originally, city staff proposed reducing the public noticing requirement from 14 days to 10 days. The current 14 day requirement makes it impossible to re-advertise an agenda item should the Planning Commission want the item to come back before them in their next meeting. After listening to input from ZAP, staff amended the proposals from 10 days to 12 days, which is how the current proposal reads. With a 12-day notice period, an item can be advertised for consecutive Planning Commission meetings, should that become necessary.

An Open House was held at the City & County Building on February 19, 2009. Three written comments were received during the Open House. Those comments have been included in this transmittal packet as Attachment 8.

The Planning Commission held a Public Hearing on March 25, 2009. Issues that were raised primarily related to the need the community councils have for more time to consider a proposal. The 45-day time period community councils have to review proposals is not being reduced or

changed in any way as part of these amendments. Based on public comments, it appears there is a desire to lengthen the 45 day period community councils have to review proposals. The Planning Commission meeting minutes are included in this transmittal packet as Attachment 5(C).

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on pages 2-3 of the Planning Commission Staff Report (see Attachment 5(B)).

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1. PROJECT CHRONOLOGY

Chronology
Petition PLNPCM2009-00106

November 14, 2008	Petition assigned to Bill Peperone
February 9, 2009	Task Force Meeting
February 19, 2009	City-wide Community Council Open House
February 26, 2009	Planning Commission Study Session
March 2, 2009	Requested city department review
March 10, 2009	Mailed notices for Planning Commission public hearing for Community Council Chairs
March 11, 2009	Advertised in Deseret News and Salt Lake Tribune
March 13, 2009	Strike and bold ordinance placed on the website
March 19, 2009	Staff report posted on the web page
March 25, 2009	Planning Commission public hearing
March 31, 2009	Ordinance request sent to City Attorney
April 8, 2009	Planning Commission ratified minutes of March 25, 2009 meeting

2. PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2009
(An Ordinance Amending Certain Provisions of Title 21A (Zoning) of the *Salt Lake City Code*)

An ordinance amending certain sections of Title 21A (Zoning) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00106 to provide additional clarity and efficiency in land use regulation regarding notice and appeals.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held a public hearing on March 25, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2009-00106) to amend the text of certain sections of Title 21A (Zoning) of the *Salt Lake City Code* to provide additional clarity and efficiency in land use regulation regarding notice and appeals.

WHEREAS, at its March 25, 2009 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend certain sections of Title 21A (Zoning) of the *Salt Lake City Code*; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City's best interests,

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of *Salt Lake City Code* section 21A.06.030. That section 21A.06.030.G of the *Salt Lake City Code* (Planning Commission), shall be, and hereby is, amended to read as follows:

G. Quorum and Vote. No business shall be conducted at a meeting of the planning commission without at least a quorum of six voting members. All actions of the planning commission shall be represented by a vote of the membership. A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken. The decision of the planning commission shall become effective upon ~~approval of the minutes~~ the posting of the Record of Decision.

SECTION 2. Amending text of *Salt Lake City Code* section 21A.06.040. That section 21A.06.040 of the *Salt Lake City Code* (Board of adjustment), shall be, and hereby is, amended to read as follows:

21A.06.040 Board of adjustment.

A. Creation. The board of adjustment is created pursuant to the enabling authority granted by the Municipal Land Use Development and Management Act, Section 10-9a-701 of the Utah Code Annotated.

B. Jurisdiction and Authority. The board of adjustment shall have the following powers and duties in connection with the implementation of this title:

1. Hear and decide appeals from any administrative decision made by the zoning administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in this Part II, Chapter 21A.16, Appeals of Administrative Decisions, with the exception of administrative reviews of Certificates of Appropriateness which shall be appealed to the Historic Landmark Commission, as set forth in Chapter 21A.06.050(C)(4);

2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in this Part II, Chapter 21A.18, Variances;

3. Authorize special exceptions to the terms of this title pursuant to the procedures and standards set forth in Part V, Chapter 21A.52, Special Exceptions;

4. Make determinations regarding the existence, expansion or modification of nonconforming uses and noncomplying structures pursuant to the procedures and standards set forth in Part IV, Chapter 21A.38, Nonconforming Uses and Noncomplying Structures.

C. Membership. The board of adjustment shall consist of five members appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner that will provide balanced representation in terms of geographic, professional, neighborhood and community interests. Members may serve a maximum of two consecutive full terms of five years each. The terms of all members shall be so arranged that the term of one member will expire each year. In addition, the mayor, with the advice and consent of the city council, may appoint alternate members of the board of adjustment for a term not to exceed five years, to serve in the absence of a member or members of the board of adjustment. No more than two alternate members shall vote at any meeting of the board of adjustment at one time. The prior term of an alternate member who subsequently becomes a full-time member of the board of adjustment shall not prevent that member from serving two consecutive terms. Appointments to fill

vacancies of members or alternate members shall be only for the unexpired portion of the term. Appointments for partial terms to fill vacancies shall not be included in the determination of any person's eligibility to serve two full consecutive terms.

D. Officers. The board of adjustment shall annually elect a chair and a vice-chair who shall serve for a term of one year each. The chair or the vice-chair may be elected to serve consecutive terms in the same office. The secretary of the board of adjustment shall be designated by the zoning administrator.

E. Meetings. The board of adjustment shall meet at least once a month.

F. Record of Proceedings. The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the Government Records Access and Management Act. The audio recording of each meeting shall be kept for a minimum of sixty days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty-day period, as determined by the board of adjustment. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The board shall keep written minutes of its proceedings and records of all of its examinations and official actions. The board of adjustment may, at its discretion, have its proceedings contemporaneously transcribed by a court reporter.

G. Quorum and Vote. No business shall be conducted at a meeting of the board of adjustment without a quorum of at least three members, consisting of either three regular members, or one regular member and up to two alternate members. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action except a decision on appeal to reverse an order, requirement, decision or determination of any administrative official or agency or to decide in favor of an appellant. In such case, a concurring vote of three members of the board of adjustment shall be necessary. Decisions of the board of adjustment shall become effective ~~on the date that the vote is taken~~ upon the posting of the Record of Decision.

H. Public Hearings. The board of adjustment shall schedule and give public notice of all public hearings pursuant to the provisions of this Part II, Chapter 21A.10, General Application and Public Hearing Procedures.

I. Conflict of Interest. No member of the board of adjustment shall participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by Title 2, Chapter 2.44 of the Salt Lake City Code. The board of adjustment may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.

J. Removal of a Member. Any member of the board of adjustment may be removed by the mayor for violation of this title or any policies and procedures adopted by the board of adjustment following receipt by the mayor of a written complaint filed against the

member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.

K. Policies and Procedures. The board of adjustment shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning.

SECTION 3. Amending text of *Salt Lake City Code* section 21A.06.050. That section 21A.06.050.I of the *Salt Lake City Code* (Historic landmark commission), shall be, and hereby is, amended to read as follows:

I. **Quorum And Vote:** No business shall be conducted at a meeting of the historic landmark commission without a quorum. A majority of the voting members of the historic landmark commission constitutes a quorum. All actions of the historic landmark commission shall be represented by a vote of the membership. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken. The decision of the historic landmark commission shall become effective ~~on the date the vote is taken~~ upon the posting of the Record of Decision.

SECTION 4. Amending text of *Salt Lake City Code* section 21A.10.010. That section 21A.10.010.B of the *Salt Lake City Code* (General Application Procedures), shall be, and hereby is, amended to read as follows:

B. **Citizen Input:** ~~**Consultation With Neighborhood Organizations:** In order for an application to be determined complete, the applicant must include, when required by chapter 2.62 of this code, a signed statement from the appropriate neighborhood organization that the applicant has met with that organization and explained the development proposal for which approval is being sought. The signed statement shall be on a form provided by the zoning administrator.~~ The provisions of Chapter 2.62 of this Code shall be met prior to holding a public hearing on a matter where a decision is to be made.

SECTION 5. Amending text of *Salt Lake City Code* section 21A.10.020. That section 21A.10.010 of the *Salt Lake City Code* (Public Hearing Notice Requirements), shall be, and hereby is, amended to read as follows:

21A.10.020 Public Hearing Notice Requirements:

Providing all of the information necessary for notice of all public hearings required under this title shall be the responsibility of the applicant and shall be in the form established by the zoning administrator and subject to the approval of the zoning administrator pursuant to the standards of this section.

A. **Special Exception Permits, Variances and Appeals Of Zoning Administrator Decisions:** The board of adjustment shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator. Such hearing shall be held after the following public notification:

1. ~~**Publication:** At least fourteen (14) calendar days in advance of each public hearing on an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City~~.

~~2~~. 1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing to all owners and tenants of the land, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for a special exception, variance, or an appeal of a decision by the zoning administrator, as well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within eighty five feet (85') or three hundred feet (300') if the proposal involves construction of a new principal building ~~(exclusive of intervening streets)~~, of the periphery of the land subject to the application for a special exception for a variance, or an appeal of a decision by the zoning administrator. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium.

~~3~~. 2. **Posting:** The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign(s) shall be removed by the city after the decision is rendered on the application.~~ If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the

standards, or be grounds to challenge the validity of any decision made on the application.

4. 3. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing ~~by first class mail~~ to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

B. **Conditional Uses:** The planning commission, or administrative hearing officer when applicable, shall hold at least one public hearing to review, consider and approve, approve with conditions or deny an application for a conditional use after the following public notification:

1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing, to all owners of the land, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for a conditional use, as well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within three hundred feet (300') ~~(exclusive of intervening streets)~~, of the periphery of the land subject to the application for a conditional use. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium ownership.

2. **Posting:** The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign shall be removed by the city after the decision is rendered on the application~~. If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

3. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

C. **Conditional Building And Site Design Review:** The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:

1. **Notification:** The ~~planning director~~ city shall provide written notice a minimum of ~~fourteen (14)~~ twelve (12) days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records adjacent to and contiguous with the land subject to the application. ~~The city shall also provide notification to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the action.~~ At the end of the ~~fourteen (14)~~ twelve (12) day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning commission ~~is~~ may authorize ~~d to direct~~ the planning director to ~~address~~ decide the issue administratively.

2. **Notification to Recognized and Registered Organizations:** The city shall also provide notification to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

3. **Posting:** The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

4. **Public Hearing:** If the planning commission holds a public hearing, the ~~planning director~~ city shall provide written notice a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing to all owners of the land and tenants subject to the application, as shown on the ~~latest published property tax records of the~~

~~county assessor~~ Salt Lake City Geographic Information System records included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records adjacent to and contiguous with the land subject to the application. The city shall also provide notification to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

In the event that the city and applicant are aware of advanced interest in the project. The applicant may request to forgo the time frame for determining interest and request a public hearing with the planning commission.

D. **Amendments to the Zoning Map Or The Text Of This Title:** The planning commission, the city council and the historic landmark commission where applicable, shall each hold at least one public hearing on an application for an amendment to the text of this title or the zoning map. At its public hearing, the planning commission, and the historic landmark commission where applicable, shall review, consider and recommend to the city council that the council adopt, modify or reject the proposed amendment. At its public hearing, the city council shall adopt, modify or reject the proposed amendment. Public notification shall be provided as follows:

1. **Publication (~~City Council Only~~ First Public Hearing):** At least ~~fourteen (14)~~ twelve (12) calendar days in advance of the ~~city council's~~ first public hearing on an application for an amendment to the text of this title or the zoning map, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

2. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing(s) before the planning commission, city council and the historic landmark commission, where applicable, to all owners of the land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for a zoning map amendment as well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within three hundred feet (300') ~~(exclusive of intervening streets)~~, of the periphery of the land subject to the application for an amendment to the zoning map. Notice for amendments to the text of this title shall not require a mailing of notice to property owners. Required notice for a zoning map amendment shall be given to each individual property owner and tenants if an affected property is held in condominium ownership.

3. **Posting:** The property(ies) subject to an application for an amendment to the zoning map shall be posted by the city with a notice on a sign of the planning

commission or historic landmark commission~~, and city council public hearing~~ at least ten (10) calendar days in advance of the public hearings.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. If the owner of the property is not the applicant and the owner objects to the petition, then the sign may be placed on the public right of way in front of the property. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign shall be removed by the city after the decision is rendered on the application.~~ If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

c. **Exemption:** This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for a certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land.

4. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing ~~by first class mail~~ to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

E. **Certificates Of Appropriateness For Landmark Sites Or Contributing Structures Located Within An H Historic Preservation Overlay District:** The historic landmark commission shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a certificate of appropriateness for alteration, new construction, relocation or demolition of a landmark site or contributing structure(s) located in the H historic preservation overlay district. No such public hearing shall be required in the event the application is to be administratively approved subject to subsection 21A.34.020.F.1 of this title. Where a public hearing is required, such hearing shall be held after the following public notification:

1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing, or determination of noncontributing status involving demolition, to all owners of the land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for certificates of appropriateness for new construction, relocation and demolition, as

well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within eighty five feet (85') for certificates of appropriateness for alterations and three hundred feet (300') for certificates of appropriateness for new construction, relocation and demolition ~~(exclusive of intervening streets)~~, of the periphery of the land subject to the application of a landmark site or contributing structure(s) in the H historic preservation overlay district. Notice shall be given to each individual property owner and tenants if an affected property is held in condominium ownership.

2. **Posting:** The land subject to an application for demolition, or relocation of a landmark site or contributing structure(s) located in the H historic preservation overlay district shall be posted by the city with a notice on a sign of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign shall be removed by the city after the decision is rendered on the application~~. If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

3. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

F. **Determination Of Noncontributing Status Within An H Historic Preservation Overlay District:** Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the planning director shall provide written notice of the determination of noncontributing status of the property to all owners of the land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for determination of noncontributing status, as well as to the historic landmark commission and to all owners of land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records within eighty five feet (85') ~~(exclusive of intervening streets)~~ of the land subject to the application. At the end of the ~~fourteen (14)~~ twelve (12) day notice period, the planning director shall either issue

a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

G. **Contents Of Notice For Mailing:** The notice for mailing for any public hearing required pursuant to subsections A through E of this section shall state the substance of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.

SECTION 6. Amending text of *Salt Lake City Code* section 21A.10.030. That section 21A.10.030 of the *Salt Lake City Code* (Public Hearing Procedures), shall be, and hereby is, amended to read as follows:

21A.10.030 Public Hearing Procedures:

A public hearing held pursuant to the provisions of this Title shall comply with the following procedures:

A. **Scheduling The Public Hearing:** An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources, and by the applicable public notice standards under this Title or such time as is mutually agreed upon between the applicant and the decision-making body.

B. **Examination And Copying Of Application And Other Documents:** Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate City office. Copies of such materials shall be made available at reasonable cost~~, subject to copyright laws~~.

C. ~~**Request For Mailing Of Notification Of Public Hearing:** Notification of all public hearings shall be provided by the Zoning Administrator to any person who requests notification in writing and pays the costs of the processing and mailing of the notification.~~

~~D.~~ C. **Conduct Of Public Hearing:**

1. **Rights Of All Persons:** Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if

appearing on behalf of a person or an organization, state the name and mailing address of the person or organization being represented.

2. **Exclusion Of Testimony:** The body conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, unduly repetitious, or otherwise inadmissible.

3. **Proffers Of Testimony:** In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity to offer a proffer in regard to such testimony or evidence for the record. Such proffer shall be made at the public hearing.

4. **Continuance Of Public Hearing:** The body or officer conducting the public hearing may, upon the body's or officer's own motion, continue the public hearing or meeting to a fixed date, time and place. Two-thirds (2/3) of the voting members present at the hearing or meeting at which a quorum is present shall be required for a continuance, unless it is an administrative hearing. An applicant may request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body or officer conducting the public hearing only upon good cause shown.

~~E.~~ D. **Withdrawal Of Application:** An applicant may withdraw an application at any time prior to the action on the application by the decision-making body or officer. Application fees, however, shall not be refundable if a staff report on the application has already been prepared or notice of a public hearing on the application has already been mailed, posted or published pursuant to the provisions of Section 21A.10.020 of this Chapter.

~~F.~~ E. **Record Of Public Hearing Or Meeting:**

1. **Recording Of Public Hearing:** Except where required otherwise by statute, the body or officer conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired upon request to the Zoning Administrator and payment of a fee to cover the cost of duplication of the record.

2. **The Record:** The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or officer, and the decision of the decision-making body or officer shall constitute the record.

3. **Location Of Record And Inspection:** All records of decision-making bodies or officers shall be public records, open for inspection at the offices of the decision-making body or officer during normal business hours and upon reasonable request.

~~G.~~ F. **General Procedures For Findings And Decisions:**

1. **General:** Action shall be taken in compliance with any time limits established in this Title and as promptly as possible in consideration of the interests of the citizens of Salt

Lake City and the applicant, and shall include a clear statement of approval, approval with conditions or disapproval.

2. **Findings:** Except for the City Council, whose decision shall be made by motion or ordinance as appropriate, all decisions, shall be in writing and shall include at least the following elements:

a. A summary of the information presented before the decision-making body or officer;

b. A summary of all documentary evidence submitted into the record to the decision-making body or officer and which the decision-making body or officer considered in making the decision;

c. A statement of the general purpose of this Title, the specific purpose of the district where the use is or would be located, and the standards relevant to the application;

d. A statement of specific findings of fact or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in this Title; and

e. A statement of approval, approval with conditions or disapproval.

~~H.~~ G. **Notification:** ~~A letter~~ The Record of Decision notifying the applicant of the decision of the decision-making body or officer shall be sent ~~by mail~~ within ten (10) days of the decision. A copy of the decision shall also be made available to the applicant at the offices of the decision-making body or officer during normal business hours, within a reasonable period of time after the decision. (Ord. 26-95 □ 2(5-3), 1995) The date of the Record of Decision will begin the permitted timeframe for an appeal of the decision-making body.

SECTION 7. Amending text of *Salt Lake City Code* section 21A.54.060. That section 21A.54.060 of the *Salt Lake City Code* (Conditional Uses - Procedures), shall be, and hereby is, amended to read as follows:

21A.54.060 Procedures:

A. **Application:** A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;

2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

3. The street address and legal description of the subject property;

4. The zoning classification, zoning district boundaries and present use of the subject property;

5. A complete description of the proposed conditional use;

6. Site plans, as required pursuant to section 21A.58.060 of this part;

7. Traffic impact analysis if required by the Transportation Division;

8. ~~A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code~~ A statement indicating whether the application will require a variance in connection with the proposed conditional use;

~~9. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use~~;

~~10~~. 9. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to part II, chapter 21A.10 of this title;

~~11~~. 10. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.

B. **Determination Of Completeness:** Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.

C. **Fees:** The application for a conditional use shall be accompanied by the fee established on the fee schedule.

D. **Staff Report--Site Plan Review Report:** Once the zoning administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the planning division and forwarded to the planning commission, or, in the case of administrative conditional uses, the planning director or designee along with a site plan review report prepared by the development review team.

E. **Public Hearing:** The planning commission, or, in the case of administrative conditional uses, the planning director or designee shall schedule and hold a public

hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in part II, chapter 21A.10 of this title. (See sections 21A.54.150 and 21A.54.155 of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)

F. **Notice Of Applications For Additional Approvals:** Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, such as a variance or special exception, all required notices shall include reference to the request for all required approvals.

G. **Planning Commission And Planning Director Or Designee Action:** At the conclusion of the public hearing, the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use.

SECTION 8. Amending text of *Salt Lake City Code* section 21A.54.155. That section 21A.54.155 of the *Salt Lake City Code* (Administrative Consideration Of Conditional Uses), shall be, and hereby is, amended to read as follows:

21A.54.155 Administrative Consideration Of Conditional Uses:

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection 21A.54.030C of this chapter. Applications for administrative conditional use approval shall be reviewed as follows:

A. **Preapplication And Application Requirements:**

1. **Preapplication Conference:** The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.

2. ~~**Community Council Review: The applicant shall meet with the respective community council(s) pursuant to subsection 21A.10.010B of this title.**~~

~~3.~~ 2. **Application:** The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After considering information received, the planning director or designee may choose to schedule an administrative hearing or to forward the application to the planning commission.

B. **Administrative Hearing:**

1. **Noticing And Posting Requirements:** Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection 21A.10.020B of this title.

2. **Administrative Hearing:** After consideration of the information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

The planning director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section 21A.54.080 of this chapter and any specific standards listed in this title that regulate the particular use.

C. **Appeals:**

1. **Objection To Administrative Consideration:** The petitioner or any person who objects to the planning director or designee administratively considering the conditional use request may request a hearing before the planning commission by filing a written notice at any time prior to the planning director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the planning director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City planning commission for consideration and decision.

2. **Appeal Of Administrative Consideration:** Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal within ~~fourteen (14)~~ ten (10) calendar days after the planning director's administrative hearing. The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in section 21A.54.080 of this chapter or any specific standards listed in this title that regulate the particular use.

SECTION 9. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2009.

_____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

_____
CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CITY RECORDER

(SEAL)

Bill No. _____ of 2009.
Published: _____.

HB_ATTY-#8111-v1-Ord_-_Amending_Title_21A_re-_notice_and_appeals

3. NOTICE OF CITY COUNCIL HEARING

5.A PLANNING COMMISSION
ORIGINAL NOTICE AND POSTMARK

PO Box 145480
SLC UT 84114-548

AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 25, 2009 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—the Planning Commission may discuss project updates and other minor administrative matters. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, March 11, 2009

Report of the Chair and Vice Chair

Report of the Director

Public Hearing

1. **PLNPCM2008-00918; Zoning Map Amendment**—a request by Paul L. Willie to amend the Zoning Map for property located at approximately 230 West North Temple from PL Public Lands to RMU Residential Mixed Use. This property is located in City Council District 3, represented by Council Member Luke Garrott (Staff Contact: Nole Walkingshaw at 801- 535-7128 or nole.walkingshaw@slcgov.com).

2. **PLNPCM2008-00917; Preliminary Minor Subdivision**—a request by Paul L. Willie for property located at approximately 230 West North Temple to combine three parcels. This property is located in City Council District 3, represented by Council Member Luke Garrott (Staff contact: Nole Walkingshaw at 801-535-7128 or nole.walkingshaw@slcgov.com).

3. **PLNPCM2009-00003; Red Moose Roasting and Coffee Conditional Use**—a request by Red Moose Roasting and Coffee, represented by Rob Karas and Teresa Nelson, for a drive thru window for a coffee shop located at approximately 1693 South 900 East. A coffee shop is a permitted use in the CN Neighborhood Commercial Zoning District; however, a drive thru window requires a conditional use. The property is located in City Council District 5 represented by Council Member Jill Remington-Love (Staff contact: Nick Norris at 801-535-6173 or nick.norris@slcgov.com).

4. **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific (Staff contact: Bill Peperone at 535-7214 or bill.peperone@slcgov.com)

5. **PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments.* The proposed amendment is not site specific (Staff contact: Bill Peperone at 801-535-7214 or bill.peperone@slcgov.com)

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. The Record of Decision will be posted on the Division's website the day following the meeting where a final decision on a petition is made.

Mark Walkingshaw

PUBLIC HEARING NOTICE

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84114

STATE MAIL ENCE 03/12/2009 04:00

FIRST CLASS

MAILED FROM ZIP CODE 84116
$ 00.42
02 1A
0004632097 MAR 11 2009
UNITED STATES POSTAGE
PITNEY BOWES

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
   Written comments should be sent to:

   Salt Lake City Planning Commission
   451 South State Street, Room 406
   Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

80

The Salt Lake Tribune MEDIAOne of Utah A NEWSPAPER AGENCY COMPANY Morning News

Remit to: P.O. Box 704005
West Valley City, UT 84170

Order Confirmation for Ad #0000430833-01

Client	PLANNING DIVISION	**Payor Customer**	PLANNING DIVISION
Client Phone	801-535-6184	**Payor Phone**	801-535-6184
Account#	9001394298	**Payor Account**	9001394298
Address	PO BOX 145455 SALT LAKE CITY UT 84114-5455 USA	**Payor Address**	PO BOX 145455 SALT LAKE CITY UT 84114-5455
		Ordered By	**Acct. Exec**
Fax			
EMail	everett.joyce@slcgov.com	Tami Hansen	lvaldez

Total Amount	**$87.50**
Payment Amt	**$0.00**
Amount Due	**$87.50**

Tear Sheets	Proofs	Affidavits
0	0	1

Payment Method

PO Number

Confirmation Notes:

Text:

Ad Type	Ad Size	Color
Legal Liner	2.0 X 33 Li	<NONE>

Product
Deseret News::
Scheduled Date(s): 03/11/2009

Placement
Legal Liner Notice - 0998

Product
deseretnews.com::
Scheduled Date(s): 03/11/2009

Placement
Legal Liner Notice - 0998

Ad Content Proof Actual Size

Proposed amendments to the Salt Lake City Zoning Ordinance

On March 25, 2009, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

Petition PLNPCM2009-00105 filed by the Salt Lake City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance related to Standards for General Amendments. This proposed amendment is intended to differentiate between zoning map amendments and zoning text amendments and to adopt criteria for evaluating each type of amendment.

Petition PLNPCM2009-00106 filed by the Salt Lake City Planning Commission to amend Sections 21A.10.010, 21A.10.020, 21A.10.030 and other related sections pertaining to public noticing and advertisement requirements. The proposed amendments are intended to make the city Zoning Ordinance more internally consistent and more consistent with changes that have taken place in State law.

The public hearing will begin at 5:45 PM in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. For more information or for special ADA accommodations, which may include alternative formats, interpreters, and other auxiliary aids or additional information, please contact Bill Peperone at 801-535-7241 or TDD call 801-535-6220.
430833 UPAXLP

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petitions PLNPCM2009-00105 and PLNPCM2009-00106 to consider the following:

1. Amendments to Section 21A.50.50 of the Salt Lake City Zoning Ordinance regarding criteria for evaluating zoning map amendments verses zoning text amendments.
2. Various amendments to Zoning Ordinance sections related to public noticing and hearing requirements.

These amendments are city-wide so there is not specific property address.

As part of its review, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

Date:
Time: 7:00 p.m.
Place: Room 315 (City Council Chambers)*
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT

*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petition on file, please contact Bill Peperone, Principal Planner, at 535-7214 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at bill.peperone@slcgov.com.

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the City Council Office at 535-7600, or TDD 535-6021.

4. MAILING LABELS

LESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

BILL DAVIS
PEOPLE'S FREEWAY CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

DIANE BARLOW
SUNNYSIDE EAST CHAIR
859 SOUTH 2300 EAST
SALT LAKE CITY UT 84108

MARIELLA SIRAA/MARGARET BRADY
EAST LIBERTY PARK CO-CHAIRS
EMAIL ONLY, SEE City Council site

OAK HILLS CHAIR
Vacant

SUNSET OAKS CHAIR
Vacant

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DR
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

WAYNE F GREEN
GREATER AVENUES CHAIR
371 E 7TH AVENUE
SALT LAKE CITY UT 84103

THOMAS MUTTER
CENTRAL CITY CHAIR
EMAIL ONLY/ ON LISTSERVE

LISETTE GIBSON
YALECREST CHAIR
1764 HUBBARD AVENUE
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVE
SALT LAKE CITY UT 84108

ARCADIA HEIGHTS/BENCHMARK CHAIR
Vacant

KEVIN JONES
EAST BENCH CHAIR
2500 SKYLINE DR
SALT LAKE CITY, UT 84108

INDIAN HILLS CHAIR
Vacant

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY UT 84101

JOEL BRISCOE
EAST CENTRAL CHAIR
PO BOX 58902
SALT LAKE CITY UT 84158

GREG MORROW
WASATCH HOLLOW CHAIR
EMAIL ONLY/ON LISTSERVE

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

MAGGIE SHAW
SUGAR HOUSE CHAIR
1150 WILSON AVE
SALT LAKE CITY UT 84105

ST. MARY'S CHAIR
Vacant

LAST UPDATED 10/30/2008 CZ

Downtown Alliance
Bob Farrington, Director
175 East 400 South #100
Salt Lake City, UT 84111

S.L. Chamber of Commerce
175 East 400 South, Suite #100
Salt Lake City, UT 84111

Attn: Carol Dibblee
Downtown Merchants Assn.
10 W. Broadway, Ste #420
P.O. Box
Salt Lake City, UT 84101

Sugar House Merchant's Assn.
C/o Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, UT 84106

Hispanic Chamber of Commerce
P.O. Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
P.O. Box 521357
Salt Lake City, UT 85125-1357

Westside Alliance
C/o Neighborhood Housing Svs.
Maria Garcia
622 West 500 North
Salt Lake City, UT 84116

5.B PLANNING COMMISSION
STAFF REPORT

Salt Lake City Community & Economic Development Department – Planning Division

PLANNING COMMISSION STAFF REPORT

March 25, 2009

Petition #PLNPCM2009-00106: Noticing and Appeals Text Amendment

Staff: Bill Peperone (535-7214, bill.peperone@slcgov.com)

Address: N/A City Wide **Type of Request:** Zoning Text Amendments	**Current Zoning:** N/A City Wide **Lot Size:** N/A

Request

The Salt Lake City Planning Commission has requested that the Planning Division bring forward amendments to Sections 21A.10.010, .020, .030 and other related sections of the city's Zoning Ordinance that pertain to public noticing and appeals requirements. The purposes of these amendments are to improve the city's process and requirements for noticing public meetings and to make our ordinances more consistent with changes that have taken place in the state law.

Recommendation

Based on the findings of fact listed in the staff report, the Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed text amendments for Noticing and Appeals Requirements.

Potential Motions

Approval: I move to forward a positive recommendation to the City Council for approval of PLNPCM2009-00106 for the proposed amendments to Sections 21A.10.010, .020, .030 and other related sections of the Salt Lake City Zoning Ordinance pertaining to public noticing requirements with the following findings:

1. That the proposed amendments will improve internal consistency within the Zoning Ordinance as it relates to public noticing requirements;
2. That the proposed amendments are consistent with changes in Utah State law that have taken place since the Zoning Ordinance was adopted in 1995;
3. That the proposed amendments will allow for improved customer service pertaining to fulfilling application requirements; and
4. That the proposed text amendments will continue to allow multiple opportunities for public input and participation through the public hearing process.

Denial: I move to recommend to the City Council, denial of petition PLNPCM2009-00106 for the following reasons:

1.
2.
3.

Vicinity Map

Because this amendment is of city-wide application, there is no vicinity map.

Project Information

The proposed amendment language is too lengthy to be included in the body of this staff report, therefore, it has been attached to this report as Exhibit "A". A summary of the proposed changes, in table form, has been attached to this report as Exhibit "B". The more significant changes that are proposed as part of this amendment include the following:

- Timeframe for noticing public hearings would be reduced from 14 days to 12 days. This will allow agenda items to be re-advertised and placed on the next planning commission agenda, when so directed by the planning commission. With the current 14 day requirement, an item cannot be re-advertised and heard at the next meeting, if the next meeting is two weeks away. Additionally, currently, the 14-day notice results in "overlapping" agendas. The Planning Division sends out the agenda for a meeting , two weeks prior, a day before another planning commission meeting. Therefore, there are two agendas simultaneously in circulation before a planning commission meeting occurs. If a planning commission agenda needs to be amended, it is amended the day before the meeting (Tuesday) which is the same day the agenda is sent out for the planning commission meeting two weeks away. This can be very confusing, even for the staff, much less for the public.
- Notice to the Community Councils would remain the same (45 days) but a written position of the Community Council would no longer be required for an application to be deemed "complete". Some community councils do not submit written comments to the city. Additionally, the staff would like to use open houses to provide public information and to obtain public comments for specific types of requests, such as city-wide text amendments. While notice would still be sent to the individual community councils, the first opportunity for public input would be the open house.
- Decisions would become final, and the appeal period would begin, the day following a decision by a board or commission. The day following a public meeting or hearing where a decision is rendered by a city commission or board, a Record of Decision will be posted on the city's web site. Additionally, the applicant will be sent a formal Record of Decision by the staff planner assigned to that application. This will create a clear approval date and a clear appeal period for anyone desiring to appeal an administrative decision.
- The timeframe for an appeal of an administrative decision would be reduced from 30 days to 10 days, which is consistent with state law. The staff suggested reducing this appeal period because the city no longer issues building permits during the appeal period and this further delays the building permit process.
- Timeframe for an appeal to the district court would remain at 30 days: No change in the state law or to the city's 30-day appeal period to district court.
- Board of Adjustment is now referred to as the Appeal Authority in the state law. Cities now have the ability to appoint various appeal boards to hear different types of appeals. The city's Board of Adjustment would continue to hear requests for variances, special exceptions and appeals of administrative decisions. Appeals related to historic structures would be heard by the Historic Landmark Commission, as has been the city's practice.
- Notice to condominium developments could be sent to the Homeowner's Association rather than to each, individual homeowner, unless there is no HOA.

- Board of Adjustment agendas would no longer be published in the newspaper.

Salt Lake City's current noticing includes the following:

- Send actual notice to owners of property within a specific radius based on the type of project, at least 14 days prior to each public hearing
- Post the property with an on-premise sign
- Send the agenda to individual on the Planning Division Listserve (1,421 in total). This includes community council chairs, business groups, citizens active in the planning process, media groups, all commissions and board members, etc.
- Post the agenda on the State Website and the Planning Division Website
- In some cases, public notice in a newspaper of general circulation (i.e. Master Plan amendments, etc.)
- For Board of Adjustment, we currently publish the agenda in the newspaper

State law has changed so that only the following are required:

- Post on the State Website
- Send actual notice 10 days prior to first public hearing on the matter
- Publish certain types of projects in the newspaper

Using the Planning Commission meetings as an example, from October 2008 to March 2009, the Planning Division sent out 3,357 notices to adjacent or surrounding property owners. In addition to these, for each public meeting advertised by the Planning Division, the 1,421 individuals or groups are on the Planning Division's Listserve were also noticed. The agenda for all Planning Division public meetings (i.e. Planning Commission, Board of Adjustment, LUAB, Historic Landmark Commission, administrative hearings, etc) is sent to all 1,421 names on the Listserve. Therefore, for the Planning Commission for the six month period from Oct. 2008 to March 2009, a total of 20,409 notices will be sent to publicize Planning Commission public meetings. As of the date of this staff report, approximately 214 individuals have attended the Planning Commission meetings. This equates to one percent of those people noticed. It is the intention of the Planning Division to continue to exceed requirements of state law for noticing the public, while still be sensitive to the cost and effectiveness of noticing the public.

Background Information

Project History

On June 8, 2005, the Salt Lake City Planning Commission directed the Planning Staff to bring forward suggestions for amendments to the city's public noticing requirements. In addition to Zoning Ordinance Sections 21A.10.010,.020, and .030, there are other sections that are effected by these amendments. Those sections include 21A.06.030 (Planning Commission), 21A.06.040 (Board of Adjustment), 21A.06.050 (Historic Landmark Commission), 21A.54.060 (Procedures), 21A.54.155 (Administrative Consideration of Conditional Uses and 21A.54.160 (Appeal of Planning Commission Decisions).

Over the years, various provisions within these sections have become problematic, inefficient, or inconsistent with changes that have taken place in state law. For example, the current ordinance requires

applicants to go to the Salt Lake County Recorder's Office to obtain mailing labels for property owners in proximity to a proposed development. Upon receiving these notices, city staff must verify the names.

The city's Geographic Information System has the ability to produce the same required mailing labels. If the city produces them, then staff does not have to go back and verify them. This saves staff time plus it is more convenient for the applicant by not having to visit the County Recorder's Office.

Department Input

This proposed amendment was routed to Public Utilities, Engineering, Transportation, Permits, City Attorney and Property Management. No comments were received from these departments.

Public Participation

Open House

Because this is an issue of city-wide impact, the Community Councils were made aware of this petition through advertisement of an Open House that was held at the city hall on February 19, 2009. Notice of this Open House was also sent to those individuals and organizations included on the Planning Division's List Serve and notice of the Open House was posted on the city's web site. There were three written comments received at the open house. These comments have been included in this staff report as Exhibit "C".

Task Force

A Task Force was also created with representatives of many stake-holders within the city. There were three areas of concern raised by the Task Force:

1. The time-frame for noticing,
2. Sufficient notice being provided to the business community, and
3. Appeals that need to be filed within ten days should still have twenty additional days to turn in all research and supporting documentation for the appeal.

Business Advisory Board Comments

Staff met with the Business Advisory Board on March 11, 2009 to discuss better methods for obtaining input from the Board, and other business organizations, within the city. It was proposed by the BAB that the staff send notice of planning projects to the BAB on the same schedule that these types of notices are sent to the Community Councils. The BAB will form a subcommittee that will filter the applications and requests that they receive from the Planning Division and the subcommittee will decide which items will warrant discussion by the entire Board. The Planning Division will adopt and follow this process.

Analysis

Standards of Review

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in

making its decision concerning a proposed amendment, the city council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;

Discussion: The community master plan land use policies define neighborhood, community and regional land use locations and characteristics. The proposed amendments relate to policy for advertisement of public notices, appeals time frames and other related and text amendments.

Finding: No conflict exists between the proposed amendments and the purposes, goals, objectives and policies of the community master plan land-use policies.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;

Discussion: The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties. The proposed amendments reflect minor text amendment issues and do not modify any intent or purposes of the existing city code.

Finding: That standard "B" does not apply to the proposed text amendment as the proposed amendment is not site specific. The proposed amendments are part of a citywide effort to improve the Zoning Ordinance through processing a series of text amendments. The proposed amendments do not impact the overall character of existing development. The revisions to the noticing and appeals regulations will insure adequate notice while improving efficiency.

C. The extent to which the proposed amendment will adversely affect adjacent properties;

Discussion: Because this standard is geographically specific and this proposal is for text amendment of city-wide influence and is not site-specific, this amendment will not adversely affect any specific property.

Finding: That the proposed text amendments will not adversely affect any parcel within the city.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and

Discussion: The proposed text amendments do not specifically relate to, or impact, any provisions of an adopted overlay zone.

Finding: The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies and wastewater and refuse collection.

Discussion: The proposed ordinance changes do not relate to provisions governing public facilities and services.

Finding: That proposed ordinance changes should not impact the adequacy of public facilities and/or services.

Notification

On March 10, 2009, the March 25, 2009 Planning Commission agenda was published on the Planning Division's website and listserv, and the State of Utah's Public Meeting Notice website. On March11, 2009, this item was published in the newspaper. The staff report was published on March 20, 2009.

Attached Exhibits

A. Exhibit "A" Proposed ordinance
B. Exhibit "B" Summary table of significant amendments
C. Exhibit "C Written comments from the Open House
D. Exhibit "D" Task Force Notes

Attachment A

Proposed Ordinance

Attachment B

Summary Table

PROPOSED CHANGES TO NOTIFICATION AND APPEALS REGULATIONS

Issue	Current Requirement	Proposed Changed	Staff Reasoning	Task Force Remarks
1. Timeframe for noticing public hearings	City currently requires 14 days notice prior to a public hearing	Change Notification of public hearings from 14 days to 12 days	• State law requires a minimum of 10 days notification for public hearings. • In the past, the 14 day requirement has resulted in missed opportunities for a Commission to request an item be scheduled for a public hearing at their next meeting because the 14 day notification requirement means the notice is sent the day before the Commission would make that decision. Therefore, if the Commission wanted a public hearing scheduled for the next meeting, they would have to wait for two meetings (one month) to hold the public hearing.	Do not support shortening the notice to 10 days. Groups need time to notify others to comment at the public hearings. Perhaps there is a way to shorten the noticing where the scheduling conflict is resolved, but there is still adequate notice (especially if it is a second public hearing.)
2. Written Signature from Community Council's prior to complete application.	Applicant must include a signed statement from the appropriate neighborhood organization signifying that the applicant has met with the organization and explained the development proposal for which approval is being sought prior to the application being deemed complete.	Change language to state that Section 2.62 of the City Code relating to Recognized Organizations has to be followed.	• Process has changed since 1995; take in application first and planner schedules item with community council. • Several community councils do not provide written documentation to the Planning Division. • Some projects, such as zoning text amendments, are city-wide where an open house is held and all of the Community Councils and special interest groups are invited to attend in order to obtain public input prior to any public hearing. • City Code Section 2.62, as amended, requires that the Planning Division notify Recognized Organizations of Conditional Uses, Zoning Amendments and Alley Vacations. • Planning Division will continue to have applicants meet with applicable Community Councils of development projects that affect their geographic areas;	Supports proposal
3. When decisions become official	PC decisions become final upon approval of minutes, typically two weeks to one month, after the public decision was rendered.	PC, BOA and HLC decisions to become official upon posting of the Notice of Decision.	• Because decisions can be appealed and because building permits will now be withheld during the appeal period, it is important for the final decision date to be clear and known.	Supports proposal

			•	
4. Timeframe for Appeals	Aggrieved Party has 30 days to appeal a decision to a city appeal board.	Change Appeal time from 30 days to 10 days	• City will hold off issuing permits on projects until the appeal period has expired. • To decrease the burden on the applicant to obtain a permit in a timely manner, we will decrease the timeframe to 10 days • Appeals to the district court will maintain a 30-day deadline	Require submittal of the intent to appeal within 10 days but still allow the appellant additional time (not to exceed 30 days) to submit information supporting the appeal. (After the 10 day period, if no appeal intent has been submitted, the permit would be issued). Clarify who can appeal a project (consistency of who has standing).
5. Board of Adjustment	21A.06.040 refers to the BOA	Appeal Authority	• "Board of Adjustment" is no longer used in state code. It is now referred to as "Appeal Authority."	Supports proposal
6. Source for obtaining property records	Records of the County Assessor	Salt Lake City Geographic Information Systems records	• Currently applicants have to travel to the County building to obtain this information. SLC has the same information. We can make this more convenient for the applicant by allowing use of our information and we can charge for this information as part of the application fee. • If City generates labels it helps ensure the correct mailing radius is used in generating the labels.	Supports proposal
7. Notice to Homeowner's Association	Notice must be sent to each owner if the project is adjacent to a condominium	Notice may be sent to the HOA Board in lieu of every, individual condominium owner	• Because the HOA Board is typically the governing body for the condominium, staff believes this is sufficient notice.	Supports proposal
8. Publishing BOA agenda in newspaper	The city shall publish a notice of the BOA agenda in a newspaper of general circulation in Salt Lake City.	Delete this requirement	• The current requirement is only required for the BOA and not the HLC or PC. • State Law does not require this type of notification. • City will still provide mailing to affected surrounding property owners, post a sign on the property, e-mail notice to those on the Planning Division List Serve and post the notice on the City and State Websites. • The newspaper notice is ineffective in notifying people and is expensive.	Supports proposal

Attachment C

Written comments received at the open house

Questionnaire

Salt Lake City is considering amendments to Section 21A.10.010 and 21A.10.020 of the Zoning Ordinance which pertain to the Public Hearing and Noticing Requirements. It is the intent of the amendments to make the Zoning Ordinance more internally consistent and more consistent with state code.

Planning Division desires to notify the public of important issues. This questionnaire is intended to help gather information and comments that will help the Planning Division improve efforts to inform the public.

1. **How do you typically receive notice of city public meetings or hearings?**

✓ mailed notice	✓ e-mail	___ newspaper
___ posted sign	___ web site	___ community council
___ neighbor	___ other	

2. **How would you like to receive notice of city public meetings or hearings?**

✓ mailed notice	✓ e-mail	✓ newspaper
✓ posted sign	✓ web site	✓ community council
___ neighbor	___ other	

3. **Have you ever participated in a public meeting or a public process?** ✓ **Y** ___ **N**

4. **If you have participated in a public meeting or pubic process, what was the issue?**

Rezone request for Language of Flavors on 2421 E. Parley's Way R-1-5000 → CB.

5. **Why was the issue important to you?**

I live very close to this business & do not want to see this huge of a jump in zoning at this location. The zoning designation allows too much for this area.

6. **What could Salt Lake City do to encourage greater public participation in the planning process?**

Earlier notice. It's hard to organize people in less than 2 weeks

Questionnaire

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____ mailed notice	__X__ e-mail	____ newspaper
____ posted sign	____ web site	____ community council
_____ neighbor	____ other	

2. **How would you like to receive notice of city public meetings or hearings?**

____ mailed notice	__X__ e-mail	____ newspaper
____ posted sign	____ web site	____ community council
_____ neighbor	____ other	

3. **Have you ever participated in a public meeting or a public process?** __X__ **Y** ___ **N**

4. **If you have participated in a public meeting or pubic process, what was the issue?**

CONDITIONAL USE PERMITS

5. **Why was the issue important to you?**

I WORK FOR A UTILITY, IT IS IMPOSSIBLE TO GET ANY WORK DONE IN THE CITY

6. **What could Salt Lake City do to encourage greater public participation in the planning process?**

ONLY INVITE THE TAXPAYERS WHOS PROPERTY IS EFFECTED.

OPEN HOUSE
PUBLIC COMMENT FORM

FEBRUARY 19, 2009

Planning and Zoning Division
Department of Community and
Economic Development

Public Hearing Notice Requirements

Name: DAN KNIGHTON

Address: 1954 So SORRENTO DR
WOODS CROSS
UTAH Zip Code 84087

Phone: 543 833 7925 E-mail DAN.KNIGHTON@PACIFICORP.COM

Comments: THE PROCESS FOR NOTIFYING CUSTOMERS WOULD BE IMPROVED BY REDUCING THE NUMBER OF PEOPLE TO BE NOTIFIED. THIS COULD BE DONE BY ELIMINATING THE NEED FOR CONDITIONAL USE PERMITS FOR UTILITY BOXES.
REDUCE THE NOTICE TIME & ONLY GIVE NOTICE TO THE PROPERTY OWNERS THAT WILL BE AFFECTED.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at bill.peperone@slcgov.com or via mail at the following address: Bill Peperone, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by February 27, 2009.

5.C PLANNING COMMISSION AGENDA AND MINUTES

AMENDED AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 25, 2009 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—the Planning Commission may discuss project updates and other minor administrative matters. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, March 11, 2009

Report of the Chair and Vice Chair

Report of the Director

Public Hearing

1. **PLNPCM2008-00918; Zoning Map Amendment**—a request by Paul L. Willie to amend the Zoning Map for property located at approximately 230 West North Temple from PL Public Lands to RMU Residential Mixed Use. This property is located in City Council District 3, represented by Council Member Eric Jergensen (Staff contact: Nole Walkingshaw at 801- 535-7128 or nole.walkingshaw@slcgov.com).

2. **PLNPCM2008-00917; Preliminary Minor Subdivision**—a request by Paul L. Willie for property located at approximately 230 West North Temple to combine three parcels. This property is located in City Council District 3, represented by Council Member Eric Jergensen (Staff contact: Nole Walkingshaw at 801-535-7128 or nole.walkingshaw@slcgov.com).

3. **PLNPCM2009-00003; Red Moose Roasting and Coffee Conditional Use**—a request by Red Moose Roasting and Coffee, represented by Rob Karas and Teresa Nelson, for a drive thru window for a coffee shop located at approximately 1693 South 900 East. A coffee shop is a permitted use in the CN Neighborhood Commercial Zoning District; however, a drive thru window requires a conditional use. The property is located in City Council District 5 represented by Council Member Jill Remington-Love (Staff contact: Nick Norris at 801-535-6173 or nick.norris@slcgov.com).

4. **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific (Staff contact: Bill Peperone at 535-7214 or bill.peperone@slcgov.com)

5. **PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments.* The proposed amendment is not site specific (Staff contact: Bill Peperone at 801-535-7214 or bill.peperone@slcgov.com).

6. **Foothill Stake Planned Development/Conditional Use and Zoning Map Amendment**—a request by the Church of Latter Day Saints, represented by Bradley Gygi, architect, for an approval to allow for the redevelopment of the existing site by removing the existing meeting house building and constructing an addition to the existing stake office at property located at approximately 1933 South 2000 East. The property is located in City Council District Six represented by J.T. Martin (Staff contact: Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com).

    a. **Petition PLNPCM2008-00795 Planned Development/Conditional Use**—a request approval to allow the LDS Foothill Stake to replace an existing chapel with an addition to the building along 2000 East. The new chapel/stake center would be approximately 27,000 square feet. As part of the Planned Development, the applicant is requesting a reduction of required landscaping for the parking lot.

    b. **Petition PLNPCM2009-00074 Zoning Map Amendment**—the applicant is requesting approval to rezone the property from R-1-7000 (Single Family Residential) to Institutional.

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. The Record of Decision will be posted on the Division's website the day following the meeting where a final decision on a petition is made.

MEETING GUIDELINES

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearing swill be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:

   Salt Lake City Planning Commission
   451 South State Street, Room 406
   Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

On Tuesday, March 10, 2009 I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

Signed: _____
Tami Hansen

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)
SUBSCRIBED AND SWORN to before me this day March 10, 2009

6:29:44 PM **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific. View: Staff Report

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated that the purpose of these amendments was to simplify the city's process, and to increase the consistency between the city's ordinances and State Law, it was not a process to diminish the process for public input. He stated that for the last six (6) months 20,500 notices were mailed to members of the public regarding Planning Commission meetings alone, and only 214 individuals had attended the Planning Commission meetings. He stated that staff was trying to strike a balance between notifying the public to receive public input, while still being sensitive to the cost and effectiveness of noticing.

Mr. Peperone stated that on page 3, the timeframes the city was currently following and the State Law requirements were listed. He stated that the city would continue to send a first notice out to the Community Council's and they would have forty-five (45) days, as well as the Business Advisory Board, which would be forming a subcommittee to evaluate the notices as they come before them.

Chair Woodhead noted that on page 21 under *Appeals*, item number 2, it stated, [...] *filing a notice of an appeal within ~~fourteen (14)~~ twelve (12) calendar days after the Planning Director's administrative hearing.* She stated that she thought that was ten (10) days, not twelve (12).

Mr. Peperone stated that was correct it would be ten (10) days. He stated that there would be a ten day window for someone to file a notice of intent to appeal, which would not include the complete application, or evidence and other details, they would still have an additional twenty (20) days to do that, but because the city was going to withhold building permits during the appeal period staff felt that the appeal period should be minimized.

Commissioner Fife inquired why in the noticing condominium owners were becoming second class homeowner's in the city. He stated that if a single-family homeowner was within the specified radius of a noticed project, they would receive a notice, but a condominium owners notice would go to their HOA board.

Mr. Peperone stated that if an HOA board existed for a condominium then the city would have the option to notice either the board or the entire association.

Commissioner Fife stated that it did not make sense to reduce the noticing period and add an additional step for condominium owners to find out about changes in their neighborhood.

Commissioner De Lay stated that some HOA boards only meet once a quarter or in some cases once a year and she felt that Commissioner Fife's argument was valid, and condominium owners should be treated the same as single-family home owners.

Mr. Peperone stated that staff would make changes to reflect that concern.

Vice Chair McHugh stated that on Page 16, under *Public Hearing Procedures*, item A, Scheduling the Public Hearing it stated, *An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources*[.] She inquired what a reasonable time would be.

Mr. Peperone stated that was the current language in the ordinance, it was not anything new, there was nothing statutorily that would identify a reasonable time; it would probably depend on case law, and in the state of Utah that could be considered six (6) months to a year.

Mr. Nielson stated that this language mirrors the statute and is State Law.

Mr. Sommerkorn noted that there was a provision in the code, where it talked about a reasonable timeframe for an application to go to a public hearing, and there was an provisional amendment to that within the last couple of years, called the ripcord provision, which allowed an applicant, if they feel like the application was not moving forward at a reasonable time, to demand a decision from the city regarding the completeness of their application and then move it on to public hearing, within 45 days.

6:42:40 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of this petition.

The following people spoke or submitted a hearing card in ***opposition*** to the proposed petition: **Esther Hunter** (1049 Norris Place) stated she was representing the East Central Community Council (ECCC). She stated that there was some work to be done within the Community Councils (CC) and felt it was not appropriate for them to hold up an applicant because they did not agree with the project. She stated that the ECCC had spent a year rewriting their by-laws and in that process, it was established that after the planner and applicant presented to the CC, they needed an additional meeting to review the information and give the public the opportunity to comment, rather than have on the spot decisions. She noted that a second meeting was needed to accomplish this and that the 45 day timeframe was not enough. She stated that CC would need time to catch up to the changes being made, and she would like to see the new timeframes be discussed with the ZAP team working on these changes.

Chair Woodhead stated that the Planning Commission was only making a recommendation to the City Council, so this would not be put into effect for a while which should give all parties involved time to adjust.

Ms. Hunter stated that 23 out of the 27 community councils met on the nights of the Planning Commission and Historic Landmarks Commission, which was why not a lot of the representatives came.

Commissioner Fife stated he was not clear on which particular item Ms. Hunter was concerned about.

Ms. Hunter stated the change in notification and appeal time and exactly what the new process would be.

Dave Richards (1126 Browning Avenue) stated he was on the ZAP taskforce and complimented staff on how much work was done. He stated that he had one issue under the *Appeals* section, changing the timeframe from thirty (30) days to ten (10) days; he felt it was too short, and with one noticing the public might miss that. He stated that an alternative might be that notification could be sent when an application was received, and then another one sent after the decision was made. **Judy Short** (862 Harrison Avenue) stated she was also on the ZAP taskforce, and staff was requesting a 45 day timeframe for the community councils to comment on projects; however, the city needs to finalize their agendas ten (10) days before their meeting, so depending on when everything happened it was almost impossible to get everything on the agenda and a decision made within that timeframe. She stated that often the community council would put a project on their agenda and then by the time it got to the Planning Commission it was a completely different project from what was presented to the community council.

Chair Woodhead closed the public hearing.

Mr. Peperone stated that there was no proposed change to the 45 days that was given to the community councils, it was usually not on the 46th day that petitions were before the various city boards and commission, therefore staff understood there could be extenuating circumstances, and there were no proposals to diminish that at all.

Mr. Sommerkorn stated that the ZAP taskforce included several of the community council chairs and members, as well as business representatives, etc. and as far as Ms. Hunter's concern about the community councils having enough time to review these ordinance changes, the recommendations tonight have been vetted by the ZAP taskforce. He stated there was also a monthly open house held by staff, which gave community councils the opportunity to come and discuss their concerns with staff through this forum as well.

He stated that in regards to Mr. Richards comment, a number of the taskforce members were eventually comfortable with the idea that someone would have ten (10) days to state

they would appeal a petition and then twenty (20) additional days to turn in their supporting data.

Mr. Sommerkorn stated that in regards to Ms. Short's comment, there was no specified timeframe, either in the zoning ordinance, or the ordinance relating to the community councils as to when they respond, all that was required was that notice was provided and they then had 45 days to respond. He stated this was an effort to try to balance the needs of each community council with the needs of the applicants.

Chair Woodhead stated that Ms. Hunter indicated that there were some other inner-related timeframes that would come up in the future and it might create a problem to make decisions on these timeframes now.

Mr. Sommerkorn stated that he was not quite sure what Ms. Hunter meant by that, there were periods of time mentioned throughout this ordinance, and staffs intentions was to uniform and standardized all of them, so there should really not be any problems with this.

Ms. Hunter stated that there was a lot of discussion at the last Zap taskforce meeting on notice of application versus notice of decision. She stated that she believed that this had only been discussion and that it had not been finalized regarding when the public would be notified of petitions.

Mr. Sommerkorn stated that the Taskforce did have that discussion, Mr. Peperone drafted the result of that discussion and then it was presented at an Open House to the community councils and the public.

Ms. Hunter stated that the community council wanted to be good participants, but they needed time to integrate with this. She stated that the ZAP taskforce had doubled since January and the community councils were not represented officially.

Mr. Sommerkorn stated that additional people had joined, but it was certainly not a doubling of the taskforce.

Commissioner Fife stated that there should be plenty of time from tonight to when the City Council made a decision on this, for the community councils to get involved and comment on this.

Commissioner Fife stated that the only concern he had was regarding noticing to condominium owners. He inquired if it would be possible to make a motion to approve this petition, except for not approving the language under Public Hearing Notice Requirements (21A.10.020) which stated, *or may emailed to the Homeowner's Association, or Condominium Associate, where one is available.*

Chair Woodhead inquired if other Commissioners disagreed with this proposal.

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, March 25, 2009

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Babs De Lay, Tim Chambless, Angela Dean, Prescott Muir and Michael Fife. Commissioners Algarin, Scott, and Wirthlin were absent.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Angela Dean, Michael Fife, Susie McHugh, and Mary Woodhead. Staff members present were: Joel Paterson, Nick Norris, Nole Walkingshaw, and Kevin LoPiccolo.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:47 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Bill Peperone, Senior Planner; Nick Norris, Senior Planner; Nole Walkingshaw, Senior Planner; Kevin LoPiccolo, Programs Supervisor; and Tami Hansen, Planning Commission Secretary.

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Board, which would be forming a subcommittee to evaluate the notices as they come before them.

Chair Woodhead noted that on page 21 under *Appeals*, item number 2, it stated, [...] *filing a notice of an appeal within ~~fourteen (14)~~ twelve (12) calendar days after the Planning Director's administrative hearing.* She stated that she thought that was ten (10) days, not twelve (12).

Mr. Peperone stated that was correct it would be ten (10) days. He stated that there would be a ten day window for someone to file a notice of intent to appeal, which would not include the complete application, or evidence and other details, they would still have an additional twenty (20) days to do that, but because the city was going to withhold building permits during the appeal period staff felt that the appeal period should be minimized.

Commissioner Fife inquired why in the noticing condominium owners were becoming second class homeowner's in the city. He stated that if a single-family homeowner was within the specified radius of a noticed project, they would receive a notice, but a condominium owners notice would go to their HOA board.

Mr. Peperone stated that if an HOA board existed for a condominium then the city would have the option to notice either the board or the entire association.

Commissioner Fife stated that it did not make sense to reduce the noticing period and add an additional step for condominium owners to find out about changes in their neighborhood.

Commissioner De Lay stated that some HOA boards only meet once a quarter or in some cases once a year and she felt that Commissioner Fife's argument was valid, and condominium owners should be treated the same as single-family home owners.

Mr. Peperone stated that staff would make changes to reflect that concern.

Vice Chair McHugh stated that on Page 16, under *Public Hearing Procedures*, item A, Scheduling the Public Hearing it stated, *An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources*[.] She inquired what a reasonable time would be.

Mr. Peperone stated that was the current language in the ordinance, it was not anything new, there was nothing statutorily that would identify a reasonable time; it would probably depend on case law, and in the state of Utah that could be considered six (6) months to a year.

Mr. Nielson stated that this language mirrors the statute and is State Law.

Mr. Sommerkorn noted that there was a provision in the code, where it talked about a reasonable timeframe for an application to go to a public hearing, and there was an provisional amendment to that within the last couple of years, called the ripcord provision, which allowed an applicant, if they feel like the application was not moving forward at a reasonable time, to demand a decision from the city regarding the completeness of their application and then move it on to public hearing, within 45 days.

6:42:40 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of this petition.

The following people spoke or submitted a hearing card in ***opposition*** to the proposed petition: **Esther Hunter** (1049 Norris Place) stated she was representing the East Central Community Council (ECCC). She stated that there was some work to be done within the Community Councils (CC) and felt it was not appropriate for them to hold up an applicant because they did not agree with the project. She stated that the ECCC had spent a year rewriting their by-laws and in that process, it was established that after the planner and applicant presented to the CC, they needed an additional meeting to review the information and give the public the opportunity to comment, rather than have on the spot decisions. She noted that a second meeting was needed to accomplish this and that the 45 day timeframe was not enough. She stated that CC would need time to catch up to the changes being made, and she would like to see the new timeframes be discussed with the ZAP team working on these changes.

Chair Woodhead stated that the Planning Commission was only making a recommendation to the City Council, so this would not be put into effect for a while which should give all parties involved time to adjust.

Ms. Hunter stated that 23 out of the 27 community councils met on the nights of the Planning Commission and Historic Landmarks Commission, which was why not a lot of the representatives came.

Commissioner Fife stated he was not clear on which particular item Ms. Hunter was concerned about.

Ms. Hunter stated the change in notification and appeal time and exactly what the new process would be.

Dave Richards (1126 Browning Avenue) stated he was on the ZAP taskforce and complimented staff on how much work was done. He stated that he had one issue under the *Appeals* section, changing the timeframe from thirty (30) days to ten (10) days; he felt it was too short, and with one noticing the public might miss that. He stated that an alternative might be that notification could be sent when an application was received, and then another one sent after the decision was made. **Judy Short** (862 Harrison Avenue) stated she was also on the ZAP taskforce, and staff was requesting a 45 day timeframe for the community councils to comment on projects; however, the city needs to finalize their

agendas ten (10) days before their meeting, so depending on when everything happened it was almost impossible to get everything on the agenda and a decision made within that timeframe. She stated that often the community council would put a project on their agenda and then by the time it got to the Planning Commission it was a completely different project from what was presented to the community council.

Chair Woodhead closed the public hearing.

Mr. Peperone stated that there was no proposed change to the 45 days that was given to the community councils, it was usually not on the 46th day that petitions were before the various city boards and commission, therefore staff understood there could be extenuating circumstances, and there were no proposals to diminish that at all.

Mr. Sommerkorn stated that the ZAP taskforce included several of the community council chairs and members, as well as business representatives, etc. and as far as Ms. Hunter's concern about the community councils having enough time to review these ordinance changes, the recommendations tonight have been vetted by the ZAP taskforce. He stated there was also a monthly open house held by staff, which gave community councils the opportunity to come and discuss their concerns with staff through this forum as well.

He stated that in regards to Mr. Richards comment, a number of the taskforce members were eventually comfortable with the idea that someone would have ten (10) days to state they would appeal a petition and then twenty (20) additional days to turn in their supporting data.

Mr. Sommerkorn stated that in regards to Ms. Short's comment, there was no specified timeframe, either in the zoning ordinance, or the ordinance relating to the community councils as to when they respond, all that was required was that notice was provided and they then had 45 days to respond. He stated this was an effort to try to balance the needs of each community council with the needs of the applicants.

Chair Woodhead stated that Ms. Hunter indicated that there were some other inner-related timeframes that would come up in the future and it might create a problem to make decisions on these timeframes now.

Mr. Sommerkorn stated that he was not quite sure what Ms. Hunter meant by that, there were periods of time mentioned throughout this ordinance, and staffs intentions was to uniform and standardized all of them, so there should really not be any problems with this.

Ms. Hunter stated that there was a lot of discussion at the last Zap taskforce meeting on notice of application versus notice of decision. She stated that she believed that this had only been discussion and that it had not been finalized regarding when the public would be notified of petitions.

Mr. Sommerkorn stated that the Taskforce did have that discussion, Mr. Peperone drafted the result of that discussion and then it was presented at an Open House to the community councils and the public.

Ms. Hunter stated that the community council wanted to be good participants, but they needed time to integrate with this. She stated that the ZAP taskforce had doubled since January and the community councils were not represented officially.

Mr. Sommerkorn stated that additional people had joined, but it was certainly not a doubling of the taskforce.

Commissioner Fife stated that there should be plenty of time from tonight to when the City Council made a decision on this, for the community councils to get involved and comment on this.

Commissioner Fife stated that the only concern he had was regarding noticing to condominium owners. He inquired if it would be possible to make a motion to approve this petition, except for not approving the language under Public Hearing Notice Requirements (21A.10.020) which stated, *or may emailed to the Homeowner's Association, or Condominium Associate, where one is available.*

Chair Woodhead inquired if other Commissioners disagreed with this proposal.

Commissioners did not have any concerns with removing that language.

7:05:08 PM **Motion:**

Commissioner Fife made a motion regarding Petition PLNPCM2009-00106, Noticing and Appeals Text Amendment that the Commission forwards a positive recommendation the City Council subject to the following conditions:

1. **That the proposed amendments will improve internal consistency within the Zoning Ordinance as it relates to the public noticing requirements;**

2. **That the proposed amendments are consistent with changes in Utah State law that have taken place since the Zoning Ordinance was adopted in 1995;**

3. **That the proposed amendments will allow for improved customer service pertaining to fulfilling application requirements; and**

4. **That the proposed text amendments will continue to allow multiple opportunities for public input and participation through the public hearing process.**

5. **Advise staff to attempt informal communication with the Community Councils, to grant the Community Councils the opportunity to supply feedback regarding time frames, prior to the City Council review of this petition.**

6. **Those changes relating to change in the noticing requirement, regarding language added for the owners of condominiums stating, *or may be given/mailed to the Homeowners' Association, or Condominium Association, where one is available,* found in Section 21A.10.020, Item number A, 1; B, 1; and D, 2. Be deleted from this ordinance.**

Vice Chair McHugh seconded the motion.

Discussion of the motion

Commissioner Muir stated that that he would like to advise staff that they make an effort to meet with the community councils between now and when the City Council reviews this to make sure there was a level of comfort in the process, timing, and communications between entities.

Commissioners De Lay, Dean, Fife, Chambless, Muir, and McHugh voted, "Aye" the motion passed unanimously.

6. TASK FORCE MINUTES

7. OPEN HOUSE NOTICE

8. OPEN HOUSE COMMENTS

Questionnaire

Salt Lake City is considering amendments to Section 21A.10.010 and 21A.10.020 of the Zoning Ordinance which pertain to the Public Hearing and Noticing Requirements. It is the intent of the amendments to make the Zoning Ordinance more internally consistent and more consistent with state code.

Planning Division desires to notify the public of important issues. This questionnaire is intended to help gather information and comments that will help the Planning Division improve efforts to inform the public.

1. **How do you typically receive notice of city public meetings or hearings?**

✓ mailed notice	✓ e-mail	____ newspaper
____ posted sign	____ web site	____ community council
_____ neighbor	____ other	

2. **How would you like to receive notice of city public meetings or hearings?**

✓ mailed notice	✓ e-mail	✓ newspaper
✓ posted sign	✓ web site	✓ community council
_____ neighbor	____ other	

3. **Have you ever participated in a public meeting or a public process?** ✓ **Y** ___ **N**

4. **If you have participated in a public meeting or pubic process, what was the issue?**

Rezone request for Language of Flavors on 2421 E. Parley's Way R-1-5000 → CB.

5. **Why was the issue important to you?**

I live very close to this business + do not want to see this huge of a jump in zoning at this location. The zoning designation allows too much for this area.

6. **What could Salt Lake City do to encourage greater public participation in the planning process?**

Earlier notice. It's hard to organize people in less than 2 weeks

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Planning Division desires to notify the public of important issues. This questionnaire is intended to help gather information and comments that will help the Planning Division improve efforts to inform the public.

1. **How do you typically receive notice of city public meetings or hearings?**

____ mailed notice	__X__ e-mail	____ newspaper
____ posted sign	____ web site	____ community council
_____ neighbor	____ other	

2. **How would you like to receive notice of city public meetings or hearings?**

____ mailed notice	__X__ e-mail	____ newspaper
____ posted sign	____ web site	____ community council
_____ neighbor	____ other	

3. **Have you ever participated in a public meeting or a public process?** __X__ **Y** ___ **N**

4. **If you have participated in a public meeting or pubic process, what was the issue?**

CONDITIONAL USE PERMITS

5. **Why was the issue important to you?**

I WORK FOR A UTILITY, IT IS IMPOSSIBLE TO GET ANY WORK DONE IN THE CITY

6. **What could Salt Lake City do to encourage greater public participation in the planning process?**

ONLY INVITE THE TAXPAYERS WHOS PROPERTY IS EFFECTED.

OPEN HOUSE
PUBLIC COMMENT FORM

FEBRUARY 19, 2009

Planning and Zoning Division
Department of Community and
Economic Development

Public Hearing Notice Requirements

Name: DAN KNIGHTON

Address: 1954 So SORRENTO DR
WOODS CROSS
UTAH Zip Code 84087

Phone: 543 833 7925 E-mail DAN.KNIGHTON@PACIFICORP.COM

Comments: THE PROCESS FOR NOTIFYING CUSTOMERS WOULD BE IMPROVED BY REDUCING THE NUMBER OF PEOPLE TO BE NOTIFIED. THIS COULD BE DONE BY ELIMINATING THE NEED FOR CONDITIONAL USE PERMITS FOR UTILITY BOXES.
REDUCE THE NOTICE TIME & ONLY GIVE NOTICE TO THE PROPERTY OWNERS THAT WILL BE AFFECTED.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at bill.peperone@slcgov.com or via mail at the following address: Bill Peperone, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by February 27, 2009.

9. ORIGINAL PETITION

Remarks:

Petition No: **PLNPCM2009-00106**

By: **Salt Lake City Planning Division**

Zoning Text Amendment

Date Filed: 02/02/2009

Address: n/a

SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 8, 2005 -

Present from the Planning Commission were Tim Chambless, Chairperson, Babs De Lay, John Diamond, Craig Galli, Prescott Muir, and Kathy Scott. Peggy McDonough, Laurie Noda, Vice Chairperson, and Jennifer Seelig were excused.

Present from the Planning Division Staff were Louis Zunguze, Planning Director, Doug Wheelwright, Deputy Planning Director, Cheri Coffey, Deputy Planning Director, Kevin LoPiccolo, Planning Programs Supervisor, Marilynn Lewis, Principal Planner, Lex Traughber, Principal Planner, and Shirley Jensen, Secretary. Brent Wilde, Deputy Director of the Department of Community Development, was also in attendance.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Chambless called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

APPROVAL OF MINUTES FOR WEDNESDAY, May 25, 2005
(This item was heard at 5:51 P.M.)

Commissioner De Lay moved that the Planning Commission approve the minutes of the meeting. Commissioner Scott seconded the motion. Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner Muir, and Commissioner Scott unanimously voted "Aye". Commissioner McDonough, Commissioner Noda, and Commissioner Seelig were not present. Chairperson Chambless did not vote. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR
(This item was heard at 5:52 P.M.)

Chairperson Chambless said that he nothing to report at this time. He also noted that Vice Chairperson Noda was not able to be in attendance at this meeting.

REPORT OF THE PLANNING DIRECTOR
(This item was heard at 5:53 P.M.)

Mr. Wilde announced that Mr. Zunguze was delayed by a City Council matter. He said that Mr. Zunguze asked that the Planning Commission consider initiating three petitions. Mr. Wilde indicated that Ms. Coffey would explain the circumstances surrounding the petitions.

Ms. Coffey stated that that the Planning Division is in the process of streamlining procedures within the Division. She said that a Planning Staff Subcommittee was formed and the members came up with improvements that could make the processing experience

more efficient. Ms. Coffey requested the Planning Commission initiate the following petitions to allow staff to start work on them:

1. The Planning Commission to consider initiating a petition to expand the types of conditional uses that could be approved administratively.
(This item was heard at 5:53 P.M.)

   Ms. Coffey said that the first petition that she was asking the Planning Commission to consider initiating was to allow staff to study the possibility of allowing more conditional uses to be administratively approved. She said that from a cursory review, it seemed like non-residential related cases were less controversial and could be administratively approved. Ms. Coffey said that staff is trying to expand conditional uses to be approved administratively by an Administrative Hearing Officer. Ms. Coffey stated that currently only conditional uses for telecommunication facilities and expansion of existing conditional uses could be approved administratively.

   Chairperson Chambless inquired if an official vote by the Planning Commission was needed for the record. Ms. Coffey stated that only one Commissioner is needed to request the action.

   Motion:
   Commissioner Scott moved that the Planning Commission initiate a petition charging staff with looking at expanding the types of conditional uses that could be heard and approved administratively.

2. The Planning Commission to consider initiating a petition to allow design related issues to go through a new process called, "The Conditional Building and Site Design Review", rather than a conditional use process.
(This item was heard at 5:54 P.M.)

   Ms. Coffey stated that the second petition relates to the fact that the zoning ordinance has several types of design issues that currently have to go through the conditional use process. She added that because staff has a new process called "The Conditional Building and Site Design Review", some things like height increases that are design related and not use related would be shifted out of the conditional use process to the new process.

   Motion:
   Commissioner Diamond moved for the Planning Commission to initiate a petition to allow design related issues to go through a new process called, "The Conditional Building and Site Design Review", rather than a conditional use process.

3. The Planning Commission to consider initiating a petition to amend the zoning ordinance relating to notification requests.
(This item was heard at 5:55 P.M.)

Ms. Coffey stated that the third petition relates to noticing requirements. She said that conditional uses, zoning amendments, etc. have to go to the community council for input. Ms. Coffey pointed out that there is language in the zoning ordinance that requires that the input from the community council has to be in writing and that is problematic. Ms. Coffey stated that at times if an issue is citywide, Planning Staff would hold an open house, rather than making a presentation at each community council. When that happens, she added, there is no statement in writing, so technically that issue could be invalid. She said that staff wants to remove that language from the zoning ordinance.

Ms. Coffey said that the staff is required to send a notice to all owners of condominiums when a condominium building is within 450 feet of a subject property. Ms. Coffey stated that research was done on how many people attended public hearings compared to the amount of notices sent out for that public hearing, and it is less than one percent. She indicated that staff is trying to reduce the cost of noticing. Ms. Coffey said that a suggestion was made to only send one notice to the condominium association for posting in an office or another place where the owners of the condominiums would see the notice. She pointed out that due to the amount of property owners in a large condominium complex that would save a lot of postage.

Ms. Coffey stated that the Planning Office requires the petitioner to submit a mailing list of property owners that has been acquired at the Salt Lake County Recorder's Office. She said that the City has a system where staff could more easily generate a mailing list so the public would not be forced to travel to another area of the City. Ms. Coffey referred to the City's Geographic Information System (GIS). She said that the language in the zoning ordinance would have to be changed in order for the City's GIS records to be used for notification. Ms. Coffey also stated that the State law has been changed to allow more flexibility in noticing and staff would like to review several options for public noticing.

Chairperson Chambless said that he assumed that condominium buildings would have an area for public posting. Commissioner De Lay said that was not necessarily true because she lives in a condominium building and there is no office where notices could be posted. She said that she would personally prefer to continue receiving individual mailings. However, Commissioner De Lay pointed out that staff was asking the Planning Commission to initiate a petition that would allow staff to formulate a proposal, which she said she supported.

Motion:
Commissioner De Lay moved that the Planning Commission initiate a petition to study various modifications to the noticing requirements of the zoning ordinance.

It was a unanimous decision by the Planning Commission to support the initiation of these petitions. Mr. Wilde stated that when the Planning Commission moves to initiate petitions, a second is not needed.