

ERIN MENDENHALL  
Mayor



DEPARTMENT of COMMUNITY  
and NEIGHBORHOODS

Blake Thomas  
Director

## CITY COUNCIL TRANSMITTAL

Jill Love  
(Jill Love (May 5, 2024 09:18 MDT))  
Jill Love, Chief Administrative Officer

**Date Received:** 05/09/2024  
**Date sent to Council:** 05/09/2024

**TO:** Salt Lake City Council  
Victoria Petro, Chair

**DATE:** 05/08/24

**FROM:** Blake Thomas, Director, Department of Community & Neighborhoods



**SUBJECT:** PLNPCM2023-00986 Planning and Historic Landmark Commission Membership & Appeals Hearing Officer Term Limit Text Amendment

**STAFF CONTACT:** Olivia Cvetko | Principal Planner  
[Olivia.Cvetko@slcgov.com](mailto:Olivia.Cvetko@slcgov.com) | 801-535-7285

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** The City Council adopt the zoning text amendments as recommended by the Planning Commission with added text stating that the Planning Director can act as an ex officio member of the Historic Landmark Commission

**BUDGET IMPACT:** None

**BACKGROUND/DISCUSSION:** Salt Lake City initiated this petition to amend sections of the Salt Lake City Zoning Ordinance relating to the minimum required members of the Planning Commission and the Historic Landmark Commission, and the term limits for Appeals Hearing Officers. The proposed amendments were intended to eliminate the minimum required number of commissioners for both the Planning Commission and Historic Landmark Commission so that if there is a sudden exit of commissioners, both land use authorities would be able to conduct city business.

Additionally, this amendment removes the language stating that the appeals hearing officer can serve no more than two (2) consecutive five-year terms. These are appointed positions and if the Mayor and City Council find that an Appeals Hearing Officer is familiar with city statutes and making sound decisions, there should be an avenue to keep them appointed. This amendment will affect chapter 21A.06 Decision Making Bodies and Officials.

On March 7, 2024 the Historic Landmark Commission reviewed the proposal and recommended establishing a new minimum of five (5) Historic Landmark Commissioners and Planning Commissioners. Planning Commission agreed with this recommendation and provided a positive recommendation to the City Council on March 13, 2024. Additionally, staff identified the following language: “*The Director of the Planning Division (or the Planning Director’s designated representative) shall serve as an ex officio member without vote*” needs to be added to the Historic Landmark Commission section of the zoning ordinance. This language already exists for the Planning Commission.

The ordinance within this transmittal reflects the Historic Landmark Commission/ Planning Commission recommendation as well as the new language allowing the Planning Director to serve as an ex officio member.

#### **PUBLIC PROCESS:**

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the application was initiated:

- December 26, 2023 – An online open house posted to the Planning Division’s website.
- February 28, 2024 – Public notices posted at the following locations:
  - Salt Lake City Public Library – Main Branch
  - Salt Lake City Public Library – Marmalade Branch
  - Salt Lake City Public Library – Chapman Branch
- March 7, 2024 – Historic Landmark Commission held a public hearing. One member of the public spoke to agree with a five (5) commissioner minimum to allow for an appropriate mix of skills and opinions.
- March 13, 2024 – Planning Commission held a public hearing. One member of the public spoke to agree with a five (5) commissioner minimum to allow for an appropriate mix of skills and opinions.

#### **Planning Commission (PC) Records**

- a) [PC Agenda of March 13, 2024](#) (Click to Access)
- b) [PC Minutes of March 13, 2024](#) (Click to Access)
- c) [Planning Commission Staff Report of March 13, 2024](#) (Click to Access Report)

**EXHIBITS:**

- 1) Ordinance
- 2) Project Chronology
- 3) Notice of City Council Public Hearing
- 4) Petition Initiation Request

## **1. ORDINANCE**

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2024

(Amending various sections of Title 21A of the *Salt Lake City Code* pertaining to the membership and term length of zoning decision-making bodies)

An ordinance amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to the membership and term length of zoning decision-making bodies pursuant to Petition No. PLNPCM2023-00986.

WHEREAS, on March 13, 2024, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on a petition to amend Salt Lake City’s land use regulations pertaining to the membership and term length of zoning decision-making bodies pursuant to Petition No. PLNPCM2023-00986; and

WHEREAS, at its March 13, 2024 meeting, the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this 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 the Text of Subsection 21A.06.030.D. That Subsection 21A.06.030.D of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Planning Commission: Membership), shall be amended as follows:

**21A.06.030: PLANNING COMMISSION:**

D. Membership: The Planning Commission shall consist of least five (5) and up to eleven (11) voting members, appointed from among qualified electors of the City in a manner providing balanced geographic, professional, neighborhood and community interests representation.

1. The Director of the Planning Division (or the Planning Director's designated representative) shall serve as an ex officio member without vote.
2. Appointment to a position created by any vacancy shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

SECTION 2. Amending the Text of Subsection 21A.060.040.C. That Subsection 21A.06.040.C of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Appeals Hearing Officer: Qualifications), shall be amended as follows:

**21A.06.040: APPEALS HEARING OFFICER:**

C. Qualifications: The appeals hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for appeals hearing officer review. The appeals hearing officer shall be appointed to a term of five (5) years and may serve continuous consecutive terms upon reappointment. The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

SECTION 3. Amending the Text of Subsection 21A.060.050.D. That Subsection 21A.06.050.D of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Historic Landmark Commission: Membership), shall be amended as follows:

**21A.06.050: HISTORIC LANDMARK COMMISSION:**

D. Membership: The historic landmark commission shall consist of at least five (5) and up to eleven (11) voting members appointed in a manner providing balanced geographic, professional, neighborhood and community interests representation.

1. The planning director (or the planning director's designated representative) shall serve as an ex officio member without vote.
2. Appointment to a position created by any vacancy shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

SECTION 4. 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 \_\_\_\_\_,  
2024.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER  
(SEAL)

Bill No. \_\_\_\_\_ of 2024.

Published: \_\_\_\_\_.

Ordinance changing PC and HLC body size and  
AHO term length (final)v2

**APPROVED AS TO FORM**

Salt Lake City Attorney's Office

Date: April 26, 2024

By: Katherine D. Pasker

Katherine D. Pasker, *Senior City Attorney*

## **2. PROJECT CHRONOLOGY**



## **PROJECT CHRONOLOGY**

**Petition:** PLNPCM2023-00986

- Dec. 6 2023* Mayor Mendenhall initiated a zoning text amendment petition to amend the minimum number of required member on the Historic Landmark and Planning Commission and remove the term limits for the Appeals Hearing Officer.
- Dec. 11 2023* Petition PLNPCM2023-00986 assigned to Olivia Cvetko, Principal Planner.
- Dec. 26 2023* An online open house posted to the Planning Division's website.
- Feb. 28 2024* Planning Staff posted public notices at three public library locations.
- March 7 2024* The Historic Landmark Commission held a public hearing for the petition and voted to recommend the Planning Commission forward a positive recommendation to the City Council.
- March 13 2024* The Planning Commission held a public hearing for the petition and voted to recommend the City Council adopt the proposed zoning text amendments.
- March 27 2024* The Planning Commission ratifies the minutes for their meeting on January 24, 2024.
- April 12 2024* Draft ordinance requested from the City Attorney's Office.
- April 26 2024* Draft ordinances received from the City Attorney's Office

**3. NOTICE OF CITY  
COUNCIL PUBLIC  
HEARING**

## NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2023-00986** Salt Lake City is requesting to amend sections of the Salt Lake City Zoning Ordinance relating to the minimum required members of the Planning Commission and the Historic Landmark Commission, and the term limits for Appeals Hearing Officers. This amendment also removes the language stating that the appeals hearing officer can serve no more than two (2) consecutive five-year terms. This amendment will affect chapter 21A.06 Decision Making Bodies and Officials.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance on the same night of the public hearing. The hearing will be held in person and electronically:

**DATE:**

**TIME:**

**PLACE:** 451 South State Street Salt Lake City, Utah

**\*\* This meeting will be held in-person, to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, please visit [www.slc.gov/council](http://www.slc.gov/council). Comments may also be provided by calling the 24- Hour comment line at (801) 535-7654 or sending an email to [council.comments@slcgov.com](mailto:council.comments@slcgov.com). All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Olivia Cvetko at 801-535-7285 or via e-mail at [Olivia.cvetko@slcgov.com](mailto:Olivia.cvetko@slcgov.com). The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “planning” tab and entering the petition number **PLNPCM2023-00986**

The City and County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to participate in this hearing. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at [council.comments@slcgov.com](mailto:council.comments@slcgov.com) , 801-535-7600, or relay service 711.

## **4. PETITION INITIATION REQUEST**



# MEMORANDUM

PLANNING DIVISION  
DEPARTMENT OF COMMUNITY AND NEIGHBORHOODS

To: Mayor Erin Mendenhall

Re: Request for a petition to amend the City of Salt Lake County Zoning Ordinance to delete the membership minimums and maximums for both the Planning Commission and the Historic Landmark Commission. The request also includes deleting the term limits for Appeals Hearing Officers.

From: Michaela Oktay, Deputy Planning Director

Date: December 6, 2023

Re: The Planning Division is requesting that you initiate a petition directing the Planning Division to make changes to the zoning ordinance where it stipulates the membership minimums and maximums for both the Planning Commission and the Historic Landmark Commission. The request also includes deleting the term limits for Appeals Hearing Officers.

The Planning Division is requesting that you initiate a petition directing the Planning Division to make changes to the zoning ordinance where it stipulates the membership minimums and maximums for both the Planning Commission and the Historic Landmark Commission. The request also includes deleting the term limits for Appeals Hearing Officers.

The code stipulates:

- a minimum of 9 and a maximum of 11 PC members
- a minimum of 7 and a maximum of 11 HLC members

The proposal is to delete the membership requirements so that if there is an instance that we have one or more unexpected resignations the commissions can still conduct business and make land use decisions.

With regard to Appeals Hearing Officers and their terms, the code stipulates that Appeals Hearing Officers can only be appointed to two terms, each term limited to five years. Removal of term limits would allow the city to retain Appeals Hearing Officers that are familiar with local ordinances, policies, and have demonstrated sound decision making. Officers have historically been land use attorneys familiar with administrative law procedures, the Municipal Land Use Development Management Act (MLUDMA), and land use law.

As part of the process, the Planning Division will follow the City adoption process for zoning text amendments, which includes citizen input and public hearings with the Historic Landmark Commission, Planning Commission and City Council. Changes will be made to Title 21A: Zoning Ordinance but other chapters within the city code may also be changed if identified as necessary.

This memo includes a signature block to initiate the petition if that is the decided course of action. If the decided course of action is to not initiate the application, the signature block can remain blank. Please contact me at 385-214-5333 or [michaela.oktay@skgov.com](mailto:michaela.oktay@skgov.com) if you have any questions. Thank you!

*Concurrence to initiate the zoning text amendment petition as noted above.*

Erin Meudeuhall, Mayor

Date

SALT LAKE COUNTY  
461 SOUTH STATE STREET, ROOM 406  
PO BOX 145400 SALT LAKE CITY, UT 84114-5400

WWW.SLC.GOV  
TB: m1-S36-ID7 FAX 801.335.6174