



SALT LAKE CITY TRANSMITTAL

To:
Salt Lake City Council Chair

Submission Date:
05/20/2025

Date Sent to Council:
05/22/2025

From:

Department*
Community and Neighborhood

Employee Name:
Norris, Nick

E-mail
nick.norris@slc.gov

Department Director Signature

Chief Administrator Officer's Signature

Director Signed Date
05/20/2025

Chief Administrator Officer's Signed Date
05/22/2025

Subject:
Text Amendment Replacing Public Hearing Requirements for Appeals and Variances with Public Meetings

Additional Staff Contact:

Presenters/Staff Table
Nick Norris, nick.norris@slc.gov

Document Type
Ordinance

Budget Impact?
☐ Yes
☒ No

Recommendation:
That the proposed text amendment be adopted.

Background/Discussion
See first attachment for Background/Discussion

Will there need to be a public hearing for this item? *
☒ Yes
☐ No

Public Process

This text amendment is exempt from the 45 -day public input period because the amendment is necessary to comply with Utah State Code. The Planning Commission held a public hearing on the matter (see chronology) after required noticing was provided. The City Council is required to provide a minimum 12 day public notice prior to holding a public hearing. The public hearing is required before the City Council can decide this matter.

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CITY COUNCIL TRANSMITTAL

BACKGROUND/DISCUSSION: During the 2025 Utah Legislative session, House Bill 368 was passed which, among other things, prohibited cities from holding a public hearing for any appeals of a land use decision and requests for variances. The law was signed by the Governor on April 7, 2025 and goes into effect on May 7, 2025. Salt Lake City Code requires a public hearing for appeals of decisions made at the staff level (Title 21A.14) and for requests for variances (Title 21A.16). Due to HB 368, the city will no longer be able to hold public hearings for these two types of applications. This request would remove the public hearing requirements for appeals of administrative decisions made at the staff level and for variances. The decisions will still be subject to a public meeting and the public will still be notified of the public meeting. In addition, during the notice period of the public meeting written evidence related to the appeal or the variance request may be submitted and will be provided to the hearing officer. Regardless of the decision to amend the text of Title 21A, starting on May 7, 2025 the city cannot hold a public hearing for appeals or variances.

PUBLIC PROCESS: City Code 21A.10 does not require a 45-day public engagement period for text amendments that are necessary to bring the city code into compliance with state or federal law. This item was posted on the Planning Division Open House website on April 8, 2025 and the Planning Commission public hearing was posted and noticed on April 9, 2025. No entities or individuals have requested to receive notice regarding this petition so there are no mailed notices required.

Planning Commission (PC) Records

- a) [PC Agenda of April 23, 2025](#)
- b) [PC Minutes of April 23, 2025](#)
- c) [Planning Commission Staff Report April 23, 2025](#)

EXHIBITS: The following is a list of attachments/files to be included in the final transmittal via Laserfiche. These files do not need to be combined into a single PDF; they can be uploaded as separate attachments. Please ensure that each Exhibit is saved with the exact file name specified below.

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

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1. Ordinance

Project Title: Removing public hearing requirements for appeals of land use decisions and variances as required by Utah Code.

Petition: PLNPCM2025-00327

Version: Planning Commission Draft

Date Prepared: April 2, 2025

Recommended by Planning Commission: Scheduled for April 23, 2025

This proposed ordinance makes the following amendments as necessary to comply with House Bill 368 (HB 368), adopted by the Utah Legislature in 2025 and that goes into effect on May 7, 2025. HB 386 prohibits cities from holding public hearings for appeals of land use decision and variances. The city is required to adhere to the provisions of Utah Code.

- Section 1: Amends section 21A.16.030.G to remove the requirement for a public hearing for appeals of administrative decisions and replace the public hearing with a public meeting. The modifications include adding noticing requirements for the public meeting.
- Section 2: Amends section 21A.16.030 H by clarifying the timing of the appeals hearing officer to making a decision provided the appellant, city, and original applicant (if different than the appellant) agree to a decision in a different timeframe.
- Section 3: Amends section 21A.16.030.I adds provision to submit written evidence for appeals of administrative decisions.
- Section 4: Amends section 21A.16.030.K clarifies that the appeals hearing office may remand a proposal back to the commission who made the original decision.
- Section 5: Amending 21A.18.040.C by removing the requirement for a public hearing for a variance and replacing that with a public meeting, adds noticing requirements for a public meeting, and provides for a method for written evidence to be submitted prior to the public meeting.

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

Section 1: Amending section 21A.16.030 G as follows:

G. Notice Required:

1. ~~Public Hearing: Upon receipt of an appeal of an administrative decision by the zoning administrator, the appeals hearing officer shall schedule and hold a public hearing in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title.~~

Public Meeting: Appeals ~~from a decision of the historic landmark commission or planning commission~~ are based on evidence in the record. Therefore, testimony at the appeal meeting shall be limited to the appellant and the respondent.

a. ~~Upon receipt of an appeal of a decision by the historic landmark commission or planning commission, the appeals hearing officer~~ planning director shall coordinate with the appellant and

APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date: 5/19/25

By: /s/ Courtney Lords

Courtney Lords, *Senior City Attorney*

respondent to schedule a date for the public meeting ~~schedule a public meeting to hear arguments by the appellant and respondent.~~ The date shall be far enough in advance to provide all parties adequate time to respond to the appeal. Notification of the date, time and place of the meeting shall be given to the appellant and respondent a minimum of twelve (12) calendar days in advance of the meeting.

b. ~~The city shall send notice of the meeting through e-mail or other method chosen by the appeals hearing officer, a minimum of twelve (12) calendar days in advance of the public meeting to any recognized community organization in which the subject property is located.~~ The city shall send notice of the public meeting following the noticing procedure for a public hearing found in 21A.10 of this title.

Section 2: Amending section 21A.16.030 H as follows:

H. Time Limitation: All appeals shall be heard within one hundred eighty (180) days of the filing of the appeal unless more time is agreed to by the appellant, the respondent, and the city. Appeals not heard within this time frame will be considered void and withdrawn by the appellant.

Section 3: Amending section 21A.16.030 I as follows:

I. Standard of Review:

1. The standard of review for an appeal of an administrative decision, other than as provided in subsection 12 of this section, shall be de novo. The appeals hearing officer shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the decision below. For appeals of administrative decisions, written comments may be submitted by 5:00 p.m. the day prior to the public meeting.

2. An appeal from a decision of the historic landmark commission or planning commission shall be based on the record made below.

a. No new evidence shall be heard by the appeals hearing officer unless such evidence was improperly excluded from consideration below.

b. The appeals hearing officer shall review the decision based upon applicable standards and shall determine its correctness.

c. The appeals hearing officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.

Section 4: Amending section 21A.16.030 K as follows:

K. Action by the Appeals Hearing Officer: The appeals hearing officer shall render a written decision on the appeal. Such decision may reverse or affirm, wholly or in part, refer the matter back to the decision making body, or may modify the administrative decision. A decision shall become effective on the date the decision is rendered.

Section 5: Amending section 21A.18.040 C as follows:

C. ~~Hearing Public Meeting:~~ Hearing Public Meeting: Upon receipt of a complete application for a variance, the appeals hearing officer shall hold a hearing public meeting with notice provided in accordance with the requirements the

49 noticing procedure for a public hearing found in 21A.10 of this title. Written comments may be submitted
50 by 5:00 p.m. the day prior to the public meeting.

SAMPLE

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2. Project Chronology

Project Chronology

PLNPCM2025-00327

March 12, 2025	HB 368 Passed by the Utah Legislature
March 26, 2025	HB 368 signed by Governor Cox
March 31, 2025	Petition initiated by Mayor Erin Mendenhall
April 8, 2025	Information posted on Planning Division Open House Page
April 10, 2025	Notice posted on City website, Utah State Public Notice Website and emailed to Planning Division email list serve.
April 23, 2025	Planning Commission public hearing held. Planning Commission recommends that the City Council adopt the proposal.

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3. Notice of City Council Public Hearing

NOTICE OF CITY COUNCIL PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2025-00327**. This petition is necessary to bring the city code into compliance with recently adopted changes to Utah Code. The Utah Legislature adopted House Bill 368 (HB 368) during the 2025 legislation. One part of the bill prohibits cities from holding public hearings for appeals and applications for variances. The proposed changes replace the requirement for a public hearing with a public meeting (which is open to the public, but no public hearing is held), establishes noticing requirements for public meetings associated with appeals and variances, and provides a timeframe for evidence to be submitted that can be considered by the Appeals Hearing Officer. Other related provisions in Title 21A may also be modified as part of this proposal. HB 368 went into effect on May 7, 2025 and the city is already required to comply with the provisions of the bill.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During the 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 the same night of the public hearing. The hearing will be held:

DATE:

TIME: 7:00 pm

PLACE: Electronic and in-person options.
451 South State Street, Room 326, Salt Lake City, Utah

**** This meeting will be held via electronic means, while also providing for an in-person that opportunity 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, including WebEx connection information, please visit www.slc.gov/council/virtual-meetings. 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. 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 Nick Norris at (801) 535-6173 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at nick.norris@slc.gov. The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “Planning” tab and entering the petition number PLNPCM2025-00327.

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. 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, (801) 535-7600, or relay service 711.

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4. Original Petition



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Erin Mendenhall

Cc: Rachel Otto, Chief of Staff; Blake Thomas, Department of Community and Neighborhoods Director; Michaela Oktay, Deputy Planning Director; Katherine Lewis, City Attorney.

From: Nick Norris, Planning Director

Date: March 28, 2025

Re: Initiation of a zoning text amendment to remove the public hearing requirement for variances and appeals of land use decisions as required by HB 368 adopted by the Utah Legislature.


The Planning Division is requesting that you initiate a zoning text amendment to bring city code into compliance with HB 368 adopted by the Utah Legislature and signed into law by Governor Cox. HB 368 includes a provision that says that municipalities may not require a public hearing for variances or appeals. City code will have to be updated to comply with this provision.

City Code allows for an expedited process for modifying zoning regulations when necessary to comply with state code because the city does not have a choice but to follow state code requirements. As such, this item will be posted as a public hearing on the next available agenda for the Planning Commission to make a recommendation. The public hearing will be noticed as required and public comments will be accepted by the Planning Commission until the commission closed the public hearing. Additional public comments will be accepted by the City Council as well.

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 not to initiate the application, the signature block can remain blank. Please notify the Planning Division when the memo is signed or if the decision is made to not initiate the petition.

Please contact me at 801-535-6173 or nick.norris@slcgov.com if you have any questions. Thank you.

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


Erin Mendenhall (Mar 31, 2025 1:51 MDT)
Erin Mendenhall, Mayor

03/31/2025
Date

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