

PLANNING COMMISSION STAFF REPORT



Planning and Zoning
Division
Department of Community
and Economic Development

AMENDMENTS TO CHAPTER 21A.06.040 To Eliminate the Board of Adjustment and the Land Use Appeals Board and to Appoint a Hearing Officer to Act as the Appeal Authority for Land Use Decisions Case #PLNPCM2011-00312 24 August 2011

Applicant

Mayor Ralph Becker

Staff

John Anderson
john.anderson@slcgov.com
(801) 535-7214

Applicable Zone

N/A

Master Plan Designation

N/A

Council District

City Wide

Lot Size

N/A

Current Use

N/A

Applicable Land Use Regulations

Title 2 -- Administration and Personnel
Title 14 -- Streets, Sidewalks and
Public Places
Title 18 -- Buildings and Construction
Title 20 -- Subdivisions
Title 21A -- Zoning

Notice

- Notice mailed on August 11, 2011
- Published in the Newspaper August 9, 2011
- Posted on City & State Websites August 11, 2011

Attachments

- A. Public Comments
- B. Proposed Ordinance

REQUEST

On May 27, 2011, Mayor Ralph Becker initiated a petition requesting amendments to the Salt Lake City Code that would eliminate both the Board of Adjustment and the Land Use Appeals Board as the city's land use appeal authorities. It has been proposed to further amend the code to allow the appointment with a professional hearing officer to make decisions on appeals of administrative decisions, appeals of Planning Commission and Historic Landmark Commission decisions and on variance requests.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed modifications to the Salt Lake City Code to remove the existing language that authorizes the Board of Adjustment and the Land Use Appeals Board as the land use appeal authorities for the city, and forward a positive recommendation to the City Council for a zoning text amendment that would allow for the appointment of a hearing officer as the land use appeal authority for the city.

Background

The Utah State Municipal Code requires that all municipalities that have adopted a land use ordinance must by ordinance also establish one or more appeal authorities to hear and decide requests for variances, appeals from decisions applying the land use ordinances and appeals from any fees charged related to the approval process of developments or tied to the development itself.

Prior to 2005, it was required by the state that a Board of Adjustment be appointed by each municipality to hear these appeals and variance requests. The state law has been amended to require that each municipality establish one or more appeal authorities but the law does not specify a certain body to be the land use appeal authority.

Since the changes were made in 2005 several municipalities in the state have made changes to their land use appeal authority and have eliminated their Boards of Adjustment. It has been common in smaller municipalities to appoint their existing Planning Commission or City Council to act as the appeal authority. Other municipalities have appointed an administrative hearing officer to act as their appeal authority.

Public Participation

This application was reviewed at the Public Open House on August 18, 2011. Due to time constraints information from the Public Open House was not available prior to the publication of this document. Any information received at the meeting will be shared with the Planning Commission at the regular meeting. Some written comments have been received and can be found in Attachment B.

Issue Analysis

If adopted, the Board of Adjustment and the Land Use Appeals Board would be eliminated and the city would appoint a professional hearing officer to act as the land use authority. Below is a summary of the section proposed for removal along with analysis and rationale for the amendments:

Affected Code Sections

Title 2 -- Administration and Personnel, Title 14 -- Streets, Sidewalks and Public Places, Title 18 -- Buildings and Construction, Title -- 20 Subdivisions and Title 21A -- Zoning.

Qualifying Provisions

A complete list of affected portions of the Salt Lake City Code can be found in Attachment C.

Analysis

The petition is requesting to appoint a professional hearing officer to act as the land use appeal authority for the city is based on the following logic:

1. The infrequent necessity of a land use appeal authority,
2. The difficulty in filling vacancies on the boards and forming a voting quorum for each meeting.
3. The lack of professional legal expertise that has been found in the past.

In conducting research, it has been found that most municipalities that have eliminated their Boards of Adjustment in order to appoint a hearing officer have done so based on similar rationale.

Infrequent Use of the Appeal Authorities

For the vast majority of municipalities in the state of Utah the Board of Adjustment or other appointed land use appeal authority rarely meets. The Salt Lake City Board of Adjustment has generally met on a monthly basis because there were continually applicants requesting to be placed on their agenda. The city has given the Board of Adjustment the authority to hear and review requests for Special Exceptions. These exceptions currently make up approximately 62% of the cases reviewed by the board.

The review of these exceptions is primarily focused on design, location or configuration, and the specific impacts of allowing the exception in a certain location. As decisions of use and design are generally made by the Planning Commission, Mayor Ralph Becker initiated a petition to transfer the authority to approve Special Exceptions from the Board of Adjustment to the Planning Commission. On July 13, 2011 the Salt Lake City Planning Commission forwarded a positive recommendation to the City Council to amend the Zoning Ordinance to allow for that transfer of authority.

If the City Council approves the petition to make that transfer of authority to the Planning Commission the case load of the Board of Adjustment will drop sharply. This would create a situation similar to most municipalities that the board would only need to meet on an infrequent basis.

The Land Use Appeals Board (LUAB) meets very infrequently as they only hear appeals to decisions made by the Historic Landmarks Commission and the Planning Commission. This board has only met eight times since 2008. The potential lack of future meetings may also lead to a difficulty in finding individuals willing to volunteer their time.

Difficulty in Filling Vacancies

It has become increasingly difficult to find qualified individuals to fill vacancies on these boards. In some instances positions have sat vacant for years or existing board members have been willing to continue to serve after the expiration of their terms. It is required by law that these boards may not conduct business without a quorum. It is not uncommon to have difficulties forming a quorum each month which means that applicants are forced to wait for a future meeting to receive a decision on their specific matter. Because the Board of Adjustment only meets monthly this would require an applicant to wait at least one month for an opportunity to be heard.

The Board of Adjustment currently has four members and one alternate. Three member's terms will expire at the end of 2011. The Land Use Appeals Board which is supposed to be a five member body currently only has three members. The city, despite active advertisement, has not currently received any interest from qualified individuals to fill the vacancies.

Professional Expertise

The land use appeal authority for the city has the difficult task of reviewing the appeals of decisions made by city administration, the Planning Commission, and the Historic Landmarks Commission; it also has the responsibility of hearing requests for variances. These decisions cannot be taken lightly and can have long lasting repercussions to neighborhoods.

Variances, as they are legalized exceptions to the Zoning Ordinance, can have far reaching impacts to neighborhoods and further development within them. Variances may only be approved if they can fit a specific set of standards that have been outlined by state law. The interpretation and application of these standards should occur in a fair manner without bias.

According to Utah State Law the appeal authority of a municipality shall act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of land use ordinances prior to filing with district court. Staff believes that it is vital that the land use appeal authority for the city have sufficient expertise in legal matters to ensure that as they act in a quasi-judicial manner that it is conducted professionally and in the most accurate manner. Staff also believes that with a hearing officer a higher degree of consistency would be achieved.

Because the appeals and variance requests that the land use appeal authority must review may vary greatly it is in the opinion of staff that it will continue to be difficult to find volunteer citizens that have sufficient expertise to make these important and tough decisions.

Public Hearings

In the past, the Board of Adjustment has held public hearings to coincide with variance requests and requests for Special Exceptions. The Land Use Appeals Board has never held public hearings in conjunction with their meetings. It is not required by state law to hold a public hearing in the appeals process because the land use appeal authority is acting in a quasi-judicial manner. As in a regular courtroom, the general public may be present during the proceedings but may not make public comment.

It is proposed that with the elimination of the Board of Adjustment and the Land Use Appeals Board and the appointment of a hearing officer that those meetings would continue to be held as public meetings but would not be held as public hearings. The applicant would be allowed to speak as well as representatives of the applicant and representatives from the city but the general public would not be allowed to make comment.

With the assumption that the Board of Adjustment will no longer have the authority to review requests for Special Exceptions, the land use appeal authority will only hear appeals of decisions and requests for variances. They will no longer make decisions on the allowance of certain activities or uses at a property or adjustments to a fixed dimension standard that is allowed as an exception to the regulations such as additional building height. In these situations public comment may have been useful to the decision making bodies.

The decisions made by the land use appeal authority should be based on facts and clear evidence and not on opinion. In the meeting, the hearing officer would hear evidence provided by the applicant and also the evidence provided by city staff. By allowing the public to speak at the meeting it may create a false sense in the public that the decision of the hearing officer should be influenced by their comments. This may be especially evident in requests for variances.

As was mentioned earlier, variances require a very specific protocol in their review, if the applicant cannot meet all of the required standards than the request must be denied. On the contrary if the applicant has adequately met all of the required standards than the request must be approved. The hearing officer should ensure that their decision is fair and just based solely on the required standards and not on the views of the general public.

The appeals process is not simply for those who may not agree with the decisions made by the Administration, Planning Commission or Historical Landmarks Commission. The appeals process is intended to determine whether or not procedural due process was followed, the ordinance was interpreted correctly, or the ordinance was applied correctly.

The public will continue to have the ability to appeal the decisions made by the land use appeal authority. An appeal of any decision would be filed with district court.

STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance 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:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

Discussion: None of the existing Salt Lake City master plans or other adopted planning documents specifically address the land use appeal authority of the city. Staff does not believe that the elimination of these sections of the Zoning Ordinance will be in conflict with any of the city's master plans.

Finding: The proposed text change is consistent with adopted master plans or other adopted planning documents.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.

Analysis: Staff finds that the proposed changes to the Zoning Ordinance will have no effect on the overall purpose of the Zoning Ordinance and in the specific purpose statements for each district as demonstrated above.

Finding: The proposed text amendment meets this standard.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed text amendment is not associated with any specific overlay zoning districts.

Finding: The proposed text amendment meets this standard.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Discussion: If the petition to remove the Board of Adjustment as the body that hears Special Exceptions is approved by the City Council, then the land use appeal authority of the city will no longer make any decisions that would affect the urban design of the city.

Staff believes that by utilizing a hearing officer that has professional expertise in acting upon requests for appeals or variances, it will only help the city to better implement the best current and professional practices of urban planning by ensuring that sound decisions made by the city are not inappropriately or unfairly overturned. It also protects a constitutional right for due process for an aggrieved party.

Finding: The proposed text amendment meets this standard

Attachment A
Public Comments

Anderson, John

From: Jim Bennion [jbennion@landdynamics.com]
Sent: Monday, August 15, 2011 8:45 AM
To: Anderson, John
Subject: Elimination of two land use boards

John

Please put me down as very opposed to eliminating the boards proposed by the Mayor. It is never good to put the power and on to one person without checks a balances.

J Bennion

Anderson, John

From: JOHN A GARDINER [johngardiner1234@msn.com]
Sent: Monday, August 15, 2011 11:39 AM
To: Anderson, John
Subject: Change of Land Use Authority

John,

I am interested in the reasoning behind what is proposed here. Perhaps you can provide some background and thinking behind it. We develop high density condominiums and apartments in Salt Lake City (urbanaoneleventh.com is our Sugar House condos). We are starting 70 apartment units in Sugar House in early September. We have worked extensively with the planning department and building services on these projects. Without knowing much about what it is proposed, it would appear to me that appointing a City hearing officer in place of the Land Use Appeals Board would be a big mistake. The Planning Commission does not always apply the law correctly and the Land Use Appeals board is a much needed objective third party group that serves as a vital check to The Planning Commission. Replacing this with a city hearing officer would appear to be a big mistake by severely diluting the objectivity and land owner protections in the land use appeal process. Essentially you could be denied by the City and then appeal back to the City which makes no sense. To be fair, there must be an objective third party board that consists of more than one city appointed person. It looks like an attempt to limit fairness to land owners in an appeal process.

I am interested to hear more about this but if it is what it looks like, we will mobilize an effort among developers to defeat such a measure at The Planning Commission and The City Council.

Thanks

John A. Gardiner
President
Gardiner Properties, LLC
1075 East 2100 South
Salt Lake City, Utah 84106

(801) 487-2012 (Office)
(801) 487-2093 (Fax)
(801) 971-6151 (Mobile)

Attachment B
Proposed Ordinance with Changes

**Chapter 2.26
URBAN FORESTRY**

2.26.220: CONDITIONAL USE PERMITS:

Where an application for a conditional use is filed with the ~~board of adjustment~~ planning commission on zoning and the ~~board of adjustment~~ planning commission deems it appropriate, the urban forester shall review the landscape improvement design of any conditional use application and make recommendations to the board. (Ord. 75-88 § 1, 1988)

**CHAPTER 2.62
RECOGNIZED OR REGISTERED ORGANIZATION NOTIFICATION PROCEDURES
2.62.030(B): REQUIRED NOTICES:**

~~B. Board of adjustment~~ Appeals hearing officer agendas shall be sent to all organizations recognized pursuant to subsection 2.60.020C of this title or its successor.

**CHAPTER 2.88
LAND USE APPEALS BOARD
2.88.010: CREATION:**

The land use appeals board is created pursuant to the authority granted by the municipal land use development and management act, section 10-9-407 of the Utah Code Annotated, or its successor. (Ord. 77-03 § 5, 2003)

2.88.020: JURISDICTION AND AUTHORITY:

The land use appeals board shall have the following powers and duties in connection with the implementation of title 21A of this code:

A. Hear and decide appeals from decisions made by the historic landmark commission pursuant to the procedures and standards set forth in subsection 21A.34.020F2h of this code;

B. Hear and decide appeals from decisions made by the planning commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in title 20 of this code; and

C. Hear and decide appeals from decisions made by the planning commission regarding conditional uses, conditional site plan reviews for sexually oriented businesses, or planned developments pursuant to the procedures and standards set forth in section 21A.54.160 of this code. (Ord. 17-04 § 11, 2004; Ord. 77-03 § 5, 2003)

2.88.030: MEMBERSHIP:

The land use appeals board shall consist of five (5) 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. In the selection of members, preference may be given to individuals with legal or land use experience. Members may serve a maximum of two (2) consecutive full terms of three (3) years each. The terms of all members shall be staggered so that the term of at least one member will expire each year. Appointments to fill vacancies of 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 (2) full consecutive terms. (Ord. 77-03 § 5, 2003)

2.88.040: OFFICERS:

The land use appeals board shall annually elect a chair who shall serve for a term of one year. The secretary of the land use appeals board shall be designated by the zoning administrator. (Ord. 77-03 § 5, 2003)

2.88.050: MEETINGS:

The land use appeals board shall meet as necessary to consider and expeditiously resolve pending appeals. (Ord. 77-03 § 5, 2003)

2.88.060: RECORD OF PROCEEDINGS:

The proceedings of each meeting and 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 (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period as determined by the land use appeals board. 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 its examinations and official actions. The land use appeals board may, at its discretion, have its proceedings contemporaneously transcribed by a court reporter. (Ord. 77-03 § 5, 2003)

~~2.88.070: QUORUM AND VOTE:~~

No business shall be conducted at a meeting of the land use appeals board without a quorum of three (3) members. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action. Decisions of the land use appeals board shall become effective on the date that the vote is taken. (Ord. 77-03 § 5, 2003)

~~2.88.080: HEARINGS:~~

~~A. Appeals filed shall specify any alleged error(s) made in connection with the decision being appealed.~~

~~B. The appeal shall be considered by the land use appeals board on the record made below. No new evidence will be heard by the land use appeals board unless such evidence was improperly excluded from consideration below.~~

~~C. The land use appeals board shall review and decide the appeal according to the applicable standards for such decision. The land use appeals board may, in its discretion, choose to consider an appeal on the basis of the record of the proceedings below:~~

~~1. Without any additional hearing; or~~

~~2. With a formal hearing allowing both the appellant and the respondent to present oral argument on the evidence in the record.~~

~~D. The land use appeals board shall uphold the decision below unless the land use appeals board finds that a prejudicial procedural error occurred or that the decision being appealed was not supported by the findings of fact based upon the applicable standards of approval. (Ord. 77-03 § 5, 2003)~~

~~2.88.090: NOTICE:~~

~~At least fourteen (14) calendar days in advance of each hearing held before the land use appeals board the city shall publish a notice of such hearing in a newspaper of general circulation in Salt Lake City and the city will send notice of the hearing by first class mail to the appellant(s), the respondent(s) and to all other parties who attended the hearing below. (Ord. 77-03 § 5, 2003)~~

~~2.88.100: CONFLICT OF INTEREST:~~

~~No member of the land use appeals board shall participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by chapter 2.44 of this title. The land use appeals board 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. (Ord. 77-03 § 5, 2003)~~

~~2.88.110: REMOVAL OF A MEMBER:~~

~~Any member of the land use appeals board may be removed by the mayor for violation of title 21A of this code of any policies and procedures adopted by the land use appeals board 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. (Ord. 77-03 § 5, 2003)~~

~~2.88.120: POLICIES AND PROCEDURES:~~

~~The land use appeals board shall adopt policies and procedures for the conduct of its meetings, to process appeals, and for any other purposes considered necessary for its proper functioning. (Ord. 77-03 § 5, 2003)~~

~~2.88.130: COMPENSATION:~~

~~Each member of the land use appeals board shall be compensated in the amount of seventy five dollars (\$75.00) for each meeting attended by that member. (Ord. 77-03 § 5, 2003)~~

2.88.140: APPEALS:

~~Any person adversely affected by any final decision made by the land use appeals board may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 77-03 § 5, 2003)~~

**CHAPTER 14.32 CONSTRUCTION, EXCAVATION AND OBSTRUCTIONS IN THE PUBLIC RIGHT OF WAY
14.32.350(E): DRIVEWAY CONSTRUCTION:**

E. Denial For Dangerous Conditions: Where, in the opinion of the city engineer, upon recommendation of the transportation engineer, it would be dangerous because of traffic, or because a driveway conflicts with any permanent improvements or waterway, the city engineer may refuse to issue the requested driveway permit. Such denial by the city engineer shall be final unless the applicant appeals the matter to the ~~board of adjustment~~ appeals hearing officer. The ~~board of adjustment~~ appeals hearing officer shall have the authority and discretion to either affirm the city engineer's decision or specify the conditions and location upon which a driveway may be permitted.

**CHAPTER 18.20 PERMITS AND INSPECTIONS
18.20.020(A)(2): EXEMPT WORK DESIGNATED:**

A. A building permit shall not be required for the following:

1. Playhouses and similar uses;
2. Fences not exceeding height limitations or requiring variances by the ~~board of adjustment~~ appeals hearing officer;

**CHAPTER 18.72 HOUSE MOVERS AND HOUSE MOVING
18.72.120(c): PERMIT ISSUANCE CONDITIONS:**

C. In cases where a nonconforming use is to be converted to a conforming use and in determining architectural harmony with neighboring structures, both the building official and the planning director shall examine the plans submitted, and if in their opinion it is desirable the matter may be referred to the ~~board of adjustment~~ appeals hearing officer for hearing. The decision of the ~~board of adjustment~~ appeals hearing officer shall be final. (Prior code § 5-10-4)

**CHAPTER 18.76 MOBILE HOME PARKS
18.76.020: COMPLIANCE WITH ZONING PROVISIONS:**

The ~~board of adjustment~~ appeals hearing officer may permit the use of land in any district for a mobile home park provided that in all cases there is compliance with the conditions in title 21A of this code. (Prior code § 5-13-5)

18.76.140: RECREATIONAL VEHICLE AREA APPROVED WHEN:

Where the mobile home park has direct access to a major highway, the ~~board of adjustment~~ appeals hearing officer may approve the use of a portion of the park as a recreational vehicle park, provided the same design standards are maintained. (Prior code § 5-13-6)

**CHAPTER 20.16 PRELIMINARY PLATS
20.16.130: APPEAL OF PLANNING COMMISSION DECISION:**

Any person adversely affected by any final decision made by the planning commission under this chapter may file a petition for review of the decision with the ~~land use appeals board~~ appeals hearing officer within thirty (30) days after the decision is rendered. (Ord. 77-03 § 1, 2003; Ord. 7-99 § 8, 1999)

**CHAPTER 20.20 MINOR SUBDIVISIONS
20.20.090: APPEAL OF PLANNING COMMISSION DECISION:**

The petitioner, or any person who is aggrieved by a finding of the planning commission concerning the approval of a proposed minor subdivision and who objected to the administrative consideration, may appeal the finding of the planning commission by filing a written notice of appeal to the ~~land use appeals board~~ appeals hearing officer within thirty (30) days of the planning commission's decision becoming final. (Ord. 77-03 § 2, 2003; Ord. 7-99 § 15, 1999; Ord. 71-94 § 1, 1994)

**CHAPTER 20.31 SUBDIVISION AMENDMENTS
20.31.320: APPEAL FROM PLANNING COMMISSION DECISION:**

Any person adversely affected by any final decision made by the planning commission under this chapter may file a petition for review

of the decision with the ~~land use appeals board~~ appeals hearing officer within thirty (30) days after the decision is rendered. (Ord. 77-03 § 3, 2003: Ord. 7-99 § 23, 1999)

20.31.330: APPEALS FROM LAND USE APPEALS BOARD APPEALS HEARING OFFICER AND CITY COUNCIL DECISIONS:

Any person adversely affected by any final decision made by the ~~land use appeals board~~ appeals hearing officer or the city council under this chapter may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 7-99 § 23, 1999)

CHAPTER 20.32 MODIFICATIONS AND APPEALS

20.32.030: APPEALS:

B. Any person adversely affected by any final decision made by the planning commission under section 20.32.020 of this chapter, concerning modifications to a subdivision involving a planned development, may file an appeal with the ~~land use appeals board~~ appeals hearing officer within thirty (30) days after the decision is rendered. (Ord. 77-03 § 4, 2003: Ord. 7-99 § 26, 1999: prior code § 42-9-3)

CHAPTER 21A.02 TITLE, AUTHORITY, PURPOSE AND APPLICABILITY

21A.02.060: TRANSITION RULES:

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building for which a complete building permit application and appropriate fees were received prior to the effective date hereof, April 12, 1995, or any amendment hereto, unless the permit is allowed to expire. If the applicant allows the permit to expire, the applicant shall be subject to the provisions of this title. If such building permit pertains to a phase of development only, any subsequent phase for which a building permit is required shall comply with the parking and landscaping requirements of this title.

Any complete application for a development project that has been filed with either the ~~board of adjustment~~ appeals hearing officer, planning commission, historical landmark commission or city council shall be allowed to comply with the zoning regulations in effect at the time that the complete application was filed. At the conclusion of the applicable process, an applicant shall file for the appropriate permits and pursue them to completion. If the applicant allows the permit to expire, the applicant shall be subject to the provisions of this title. (Ord. 26-95 § 2(1-8), 1995)

CHAPTER 21A.06 DECISION MAKING BODIES AND OFFICIALS

21A.06.040: ~~BOARD OF ADJUSTMENT~~ APPEALS HEARING OFFICER:

A. Creation: The ~~board of adjustment~~ appeals hearing officer 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~~ appeals hearing officer 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 chapter 21A.16, "Appeals Of Administrative Decisions", of this title with the exception of administrative reviews of certificates of appropriateness which shall be appealed to the historic landmark commission, as set forth in subsection 21A.06.050C3 of this chapter;

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

3. Hear and decide appeals from decisions made by the historic landmark commission pursuant to the procedures and standards set forth in subsection 21A.34.020F2h of this code;

4. Hear and decide appeals from decisions made by the planning commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in title 20 of this code; and

5. Hear and decide appeals from decisions made by the planning commission regarding conditional uses, conditional site plan reviews for sexually oriented businesses, or planned developments pursuant to the procedures and standards set forth in section 21A.54.160 of this code. (Ord. 17-04 § 11, 2004: Ord. 77-03 § 5, 2003)

C. Membership: ~~The board of adjustment~~ appeals hearing officer shall consist of five (5) members be 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 (2) consecutive full terms of five (5) 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 (5) years, to serve in the absence of a member or members of the board of adjustment. No more than two (2) 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 (2) 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 (2) full consecutive terms. The appeals hearing officer shall serve for a term of two years. The appeals hearing officer shall either be law trained or have significant experience with the requirements and operations of administrative hearing processes.~~

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.

F.E. 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 (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the ~~board of adjustment~~ appeals hearing officer. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. ~~The board hearing officer shall keep written minutes of its proceedings and records of all of its examinations and official actions shall be taken. The board of adjustment~~ appeals hearing officer 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 (3) members, consisting of either three (3) regular members, or one regular member and up to two (2) 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 (3) members of the board of adjustment shall be necessary. Decisions of the board of adjustment shall become effective 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 chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

I. F. Conflict Of Interest: ~~No member of the board of adjustment~~ The appeals hearing officer shall not participate in the hearing or disposition of any matter in which that member the hearing officer has any conflict of interest prohibited by title 2, chapter 2.44 of this 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. G. Removal Of A Member The Hearing Officer: ~~Any member of the board of adjustment~~ The appeals hearing officer may be removed by the mayor for violation of this title or any policies and procedures adopted by the ~~board of adjustment~~ appeals hearing officer following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member hearing officer with a public hearing conducted by a hearing officer appointed by the mayor.

~~K. H. Policies And Procedures: The board of adjustment appeals hearing officer 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. (Ord. 69-09 § 2, 2009)~~

I. Appeals: Any person adversely affected by any final decision made by the appeals hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

21A.06.050: HISTORIC LANDMARK COMMISSION:

(C)7. Make recommendations when requested by the planning commission, the ~~board of adjustment~~ or the city council, as appropriate, on applications for zoning amendments, conditional uses and special exceptions involving H historic preservation overlay districts and landmark sites;

CHAPTER 21A.08 ZONING CERTIFICATE

21A.08.050: WAIVER OF REQUIREMENTS:

The zoning administrator shall waive any or all of the submittal requirements of section 21A.08.040 of this chapter, if information necessary to create a zoning certificate exists in existing city records including, but not limited to, building permit, business licensing and ~~board of adjustment appeals hearing officer~~ records. (Ord. 26-95 § 2(4-5), 1995)

21A.08.060: REVOCATION OF ZONING CERTIFICATE:

D. Appeal: Revocation of a zoning certificate by the zoning administrator may be appealed to the ~~board of adjustment~~ appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 26-95 § 2(4-6), 1995)

CHAPTER 21A.10 GENERAL APPLICATION AND PUBLIC HEARING PROCEDURES

21A.10.020(A): 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, Planning Commission Decisions, and Historical Landmarks Commission Decisions:~~ The ~~board of adjustment~~ appeals hearing officer 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:

CHAPTER 21A.12 ADMINISTRATIVE INTERPRETATIONS

21A.12.040(D): PROCEDURES:

D. Appeal: Any person adversely affected by an interpretation rendered by the zoning administrator may appeal to the ~~board of adjustment~~ appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 24-11, 2011)

21A.12.050: STANDARDS FOR USE INTERPRETATIONS:

The following standards shall govern the zoning administrator, and the ~~board of adjustment~~ appeals hearing officer on appeals from the zoning administrator, in issuing use interpretations:

CHAPTER 21A.16 APPEALS OF ADMINISTRATIVE DECISIONS

21A.16.010: AUTHORITY:

As described in section 21A.06.040 of this title, the ~~board of adjustment~~ appeals hearing officer should hear and decide appeals alleging an error in any administrative decision made by the zoning administrator or the administrative hearing officer in the administration or enforcement of this title. (Ord. 90-05 § 2 (Exh. B), 2005; Ord. 26-95 § 2(8-1), 1995)

21A.16.030: PROCEDURE:

Appeals of administrative decisions to the ~~board of adjustment~~ appeals hearing officer shall be taken in accordance with the following procedures:

C. Stay Of Proceeding: An appeal to the ~~board of adjustment~~ appeals hearing officer shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination or interpretation was made unless the zoning administrator certifies in writing to the ~~board of adjustment~~ appeals hearing officer, after the notice of appeal has been filed, that a stay would, in the zoning administrator's opinion, be against the best interest of the city.

D. Public Hearing; Notice: Upon receipt of the notice of appeal, the ~~board of adjustment~~ appeals hearing officer shall give notice and hold a public hearing in accordance with the requirements of chapter 21A.10 of this title.

E. Action By The ~~Board of adjustment~~ appeals hearing officer: Following the hearing, the ~~board of adjustment~~ appeals hearing officer shall render its decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the administrative decision. The ~~board of adjustment~~ appeals hearing officer may reverse or materially modify the zoning administrator's or the administrative hearing officer's decision ~~only if at least three (3) members of the board of adjustment the hearing officer votes in favor of such an action.~~ A decision by the ~~board of adjustment~~ appeals hearing officer shall become effective the date the vote is taken.

F. Notification Of Decision: Notification of the decision of the ~~board of adjustment~~ appeals hearing officer shall be sent by mail to all parties of the proceeding within ten (10) days of the ~~board of adjustment's~~ appeals hearing officer's decision. (Ord. 24-11, 2011)

21A.16.040: APPEAL OF DECISION:

Any person adversely affected by any decision of the ~~board of adjustment~~ appeals hearing officer may, within thirty (30) days after the decision is made, present to the district court a petition specifying the grounds on which the person was adversely affected. (Ord. 26-95 § 2(8-4), 1995)

21A.16.050: STAY OF DECISION:

~~By a two-thirds (2/3) majority vote at the time of any decision,~~ the ~~board of adjustment~~ appeals hearing officer may stay the issuance of any permits or approvals based on its decision for thirty (30) days or until the decision of the district court in any appeal of the decision. (Ord. 26-95 § 2(8-5), 1995)

CHAPTER 21A.18 VARIANCES

21A.18.020: AUTHORITY:

As described in section 21A.06.040 of this title, the ~~board of adjustment~~ appeals hearing officer may grant variances from the provisions of this title only in compliance with the procedures set forth in section 21A.18.040 of this chapter and only in accordance with each of the standards enumerated in section 21A.18.060 of this chapter. (Ord. 26-95 § 2(9-2), 1995)

21A.18.040: PROCEDURES:

C. Public Hearing: Upon receipt of a complete application for a variance, the ~~board of adjustment~~ appeals hearing officer shall hold a public hearing with notice in accordance with the requirements of chapter 21A.10 of this title.

D. Action By ~~Board of adjustment~~ Appeals hearing officer: Upon the close of the public hearing the ~~board of adjustment~~ appeals hearing officer shall render its decision, granting, granting with conditions, or denying the variance.

21A.18.050: PROHIBITED VARIANCES:

The ~~board of adjustment~~ appeals hearing officer shall not grant a variance that:

21A.18.060: STANDARDS FOR VARIANCES:

Subject to the prohibitions set forth in section 21A.18.050 of this chapter, and subject to the other provisions of this chapter, the ~~board of adjustment~~ appeals hearing officer may grant a variance from the terms of this title only if:

B. Circumstances Peculiar To Property: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the ~~board of adjustment~~ appeals hearing officer may not find an unreasonable hardship unless:

C. Self-Imposed Or Economic Hardship: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the ~~board of adjustment~~ appeals hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

D. Special Circumstances: In determining whether or not there are special circumstances attached to the property under subsection A of this section, the ~~board of adjustment~~ appeals hearing officer may find that special circumstances exist only if:

21A.18.080: CONDITIONS ON VARIANCES:

In authorizing a variance, the ~~board of adjustment~~ appeals hearing officer may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest to mitigate any harmful effects of the variance or that will serve the purpose of the standard or requirement that is waived or modified. The ~~board of adjustment~~ appeals hearing officer may require a guarantee or bond to ensure that the conditions imposed will be followed. These conditions shall be expressly set forth in the ~~board of adjustment's~~ appeals hearing officer's motion granting the variance. Violation of any condition or limitation on the grant of a variance shall be a violation of this title and shall constitute grounds for revocation of the variance. (Ord. 26-95 § 2(9-8), 1995)

21A.18.110: APPEAL OF DECISION:

Any person adversely affected by any decision of the ~~board of adjustment~~ appeals hearing officer may within thirty (30) days after the decision of the ~~board of adjustment~~ appeals hearing officer, present to the district court a petition specifying the grounds on which the person was adversely affected. (Ord. 26-95 § 2(9-11), 1995)

21A.18.120: STAY OF DECISION:

By a two-thirds ($\frac{2}{3}$) majority vote at the time of any decision, the ~~board of adjustment~~ appeals hearing officer may stay the issuance of any permits or approval based on its decision for thirty (30) days or until the decision of the district court in any appeal of the decision. (Ord. 26-95 § 2(9-12), 1995)

CHAPTER 21A.20 ENFORCEMENT

21A.20.100: APPEAL OF ADMINISTRATIVE DECISION:

The decision of the supervisor of zoning enforcement regarding the existence of the zoning violation shall be deemed an administrative decision which may be appealed to the ~~board of adjustment~~ appeals hearing officer within thirty (30) days of the date of the first notice. (Ord. 35-99 § 10, 1999)

CHAPTER 21A.34 OVERLAY DISTRICTS

21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:

(E)(2)h. Appeal Of Historic Landmark Commission Decision To ~~Land use appeals board~~ Appeals hearing officer: The applicant, any owner of abutting property or of property located within the same H historic preservation overlay district, any recognized or registered organization pursuant to title 2, chapter 2.62 of this code, the Utah State Historical Society or the Utah Heritage Foundation, aggrieved by the historic landmark commission's decision, may object to the decision by filing a written appeal with the ~~land use appeals board~~ appeals hearing officer within ten (10) calendar days following the date on which a record of decision is issued. The filing of the appeal shall stay the decision of the historic landmark commission pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the historic landmark commission if such decision defers a demolition request for up to one year pursuant to the provisions of subsections L and M of this section.

i. Review By City Attorney: Following the filing of an appeal to the ~~land use appeals board~~ appeals hearing officer of a decision of the historic landmark commission to deny or defer a certificate of appropriateness for demolition, the planning director shall secure an opinion of the city attorney evaluating whether the denial or deferral of a decision of the demolition would result in an unconstitutional taking of property without just compensation under the Utah and United States constitutions or otherwise violate any applicable constitutional provision, law, ordinance or regulation.

j. Appeal Of ~~Land use appeals board~~ Appeals hearing officer Decision To District Court: Any party aggrieved by the decision of the ~~land use appeals board~~ appeals hearing officer may appeal that decision to the district court within thirty (30) days following the decision of the ~~land use appeals board~~ appeals hearing officer. The filing of an appeal of the ~~land use appeals board~~ appeals hearing officer decision shall stay the decision of the ~~land use appeals board~~ appeals hearing officer pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the ~~land use appeals board~~ appeals hearing officer if such decision defers a demolition request for up to one year pursuant to the provisions of subsections L and M of this section.

21A.34.060: GROUNDWATER SOURCE PROTECTION OVERLAY DISTRICT:

(I)13. Disputes; Appeals:

a. Persons objecting to the configuration of the recharge area and protection zone map, or the inclusion of specific property within any recharge areas or protection zones, or to the denial of a permit or the conditions attached hereto, or any rulings of the public utilities department under this subsection I, may make appeal to the ~~land use appeals board~~ appeals hearing officer by filing a written notice of appeal with such board not later than thirty (30) days following the action appealed from.

b. The written appeal shall contain:

(1) Documentation of compliance, or

(2) (A) Response to specific violations cited in the cease and desist order and the remedial actions planned in order to bring the facility into compliance; and

(B) A schedule for compliance.

(I)(13)c. Upon receipt of the written appeal, the ~~land use appeals board~~ appeals hearing officer shall review the appeal within ten (10) days of its receipt and respond to the appellant. If the ~~land use appeals board~~ appeals hearing officer determines that the written response from the appellant is adequate and noncompliance issues are addressed, the appellant will be notified by mail and no further action is required. If the ~~land use appeals board~~ appeals hearing officer determines that the appeals response is inadequate, the appellant may request a hearing before the ~~land use appeals board~~ appeals hearing officer. This hearing shall be held within thirty (30) days of receiving the cease and desist order. The cease and desist order shall remain in effect until the hearing is conducted.

CHAPTER 21A.36 GENERAL PROVISIONS

21A.36.130: CHILD DAYCARE:

(C)(2)(c)(3) No Variances: The planning commission shall not approve a childcare conditional use pursuant to this section if the ~~board of adjustment~~ appeals hearing officer would be required to grant a variance from any zoning condition.

CHAPTER 21A.38 NONCONFORMING USES AND NONCOMPLYING STRUCTURES

21A.38.140: APPEAL:

Any person adversely affected by a decision of the zoning administrator on a determination of the status of a nonconforming use or noncomplying structure may appeal the decision to the ~~board of adjustment~~ appeals hearing officer pursuant to the provisions in chapter 21A.16 of this title. (Ord. 15-05 § 1, 2005)

21A.38.150: TERMINATION BY AMORTIZATION UPON DECISION OF BOARD OF ADJUSTMENT APPEALS HEARING OFFICER:

The ~~board of adjustment~~ appeals hearing officer may require the termination of a nonconforming use, except billboards, under any plan providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of the owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The ~~board of adjustment~~ appeals hearing officer may initiate a review for amortization of nonconforming uses upon a petition filed by the mayor or city council, in accordance with the following standards and procedures and consistent with the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated and shall mail written notice to the owner and occupant of the property:

A. Initiation Of Termination Procedure: ~~Board of adjustment~~ Appeals hearing officer review of a use determined to be nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization plan for termination of the use, shall first require a report from the zoning administrator to the ~~board of adjustment~~ appeals hearing officer. The zoning administrator's report shall determine the nonconforming use, provide a history of the site and outline the standards for determining an amortization period.

B. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator, recommending the establishment of an amortization plan for a nonconforming use, the ~~board of adjustment~~ appeals hearing officer shall mail the report and plan to the owner and occupant(s) of the nonconforming use, giving notice of the ~~board of adjustment's~~ appeals hearing officer's intent to hold a public hearing to consider the request in accordance with the standards and procedures set forth in chapter 21A.10 of this title.

- C. ~~Board of adjustment~~ Appeals hearing officer Review: The ~~board of adjustment~~ appeals hearing officer shall hold a noticed public hearing within a reasonable time, following the procedures established in chapter 21A.10 of this title, on the request for amortization of the nonconforming use. Upon the conclusion of the hearing, the board shall determine whether the nonconforming use should be amortized within a definite period of time.
- D. Standards For Determining Amortization Period: The ~~board of adjustment~~ appeals hearing officer shall determine the appropriate amortization period upon the consideration of evidence presented by the zoning administrator and the owner of the nonconforming use that is sufficient to make findings regarding the following factors:
1. The general character of the area surrounding the nonconforming use;
 2. The zoning classification and use(s) of nearby property;
 3. The extent to which property values are adversely affected by the nonconforming use;
 4. The owner's actual amount of investment in the property on the effective date of nonconformance, less any investment required by other applicable laws and regulations;
 5. The amount of loss, if any, that would be suffered by the owner upon termination of the use; and
 6. The extent to which the amortization period will further the public health, safety and welfare.
- E. Appeal: Any person adversely affected by the decision of the ~~board of adjustment~~ appeals hearing officer may, within thirty (30) days after the decision, present to the district court a petition specifying the grounds on which the person was adversely affected. (Ord. 15-05 § 1, 2005)

CHAPTER 21A.42 TEMPORARY USES

21A.42.060: TEMPORARY USE PERMIT REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION:

- G. Appeal: Any person adversely affected by the decision of the zoning administrator, may appeal the decision to the ~~board of adjustment~~ appeals hearing officer pursuant to the provisions of chapter 21A.16 of this title. (Ord. 24-11, 2011)

CHAPTER 21A.48 LANDSCAPING AND BUFFERS

21A.48.160: APPEAL:

Any person adversely affected by a decision of the zoning administrator on a landscaping or buffer requirement may appeal the decision to the ~~board of adjustment~~ appeals hearing officer pursuant to the provision in chapter 21A.16 of this title. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-16), 1995)

CHAPTER 21A.54 CONDITIONAL USES

21A.54.070: SEQUENCE OF APPROVAL OF APPLICATIONS FOR BOTH A CONDITIONAL USE AND A VARIANCE:

Whenever the applicant indicates pursuant to subsection 21A.54.060A9 of this chapter that a variance will be necessary in connection with the proposed conditional use (other than a planned development), the applicant shall at the time of filing the application for a conditional use, file an application for a variance with the ~~board of adjustment~~ appeals hearing officer.

A. Combined Review: Upon the filing of a combined application for a conditional use and a variance, at the initiation of the planning commission or the ~~board of adjustment~~ appeals hearing officer, the commission and the ~~board~~ officer may hold a joint session to consider the conditional use and the variance applications simultaneously.

B. Actions By Planning Commission And ~~Board Of Adjustment Appeals Hearing Officer~~: Regardless of whether the planning commission and ~~board of adjustment appeals hearing officer~~ conduct their respective reviews in a combined session or separately, the ~~board of adjustment appeals hearing officer~~ shall not take any action on the application for a variance until the planning commission shall first act to recommend approval or disapproval of the application for the conditional use. (Ord. 26-95 § 2(27-7), 1995)

21A.54.160: APPEAL OF PLANNING COMMISSION DECISION:

Any party aggrieved by a decision of the planning commission on an application for a conditional use may file an appeal to the ~~land use appeals board appeals hearing officer~~ within ten (10) days of the date of the decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 23-10 § 20, 2010)

21A.54.170: APPEAL OF ~~LAND USE APPEALS BOARD APPEALS HEARING OFFICER~~ DECISION:

Any party adversely affected by the decision of the ~~land use appeals board appeals hearing officer~~ on appeal from a decision of the planning commission may appeal to the district court within thirty (30) days of the date of the ~~land use appeals board appeals hearing officer~~ decision. (Ord. 83-96 § 7, 1996)

CHAPTER 21A.55 PLANNED DEVELOPMENTS

21A.55.120: APPEAL OF THE PLANNING COMMISSION DECISION:

Any party aggrieved by a decision of the planning commission on an application for a planned development may file an appeal to the ~~land use appeals board appeals hearing officer~~ within ten (10) calendar days of the date of the record of decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 23-10 § 21, 2010)

CHAPTER 21A.58 SITE PLAN REVIEW

21A.58.080: PROCEDURES FOR SITE PLAN REVIEW:

(C)2. Appeal Of Zoning Administrator Decision: Any appeal of the zoning administrator's denial of a site plan shall be made to the ~~board of adjustment Appeals and Variance Hearing Officer~~, pursuant to chapter 21A.16 of this title.

CHAPTER 21A.59 CONDITIONAL BUILDING AND SITE DESIGN REVIEW

21A.59.070: PROCEDURES FOR DESIGN REVIEW:

(C)2. Appeal Of Planning Commission Decision: Any appeal of the planning commission decision shall be made to the ~~land use appeals board appeals hearing officer~~, pursuant to title 2, chapter 2.88 of this code within ten (10) calendar days of the date on which a record of decision is issued.

CHAPTER 21A.62 DEFINITIONS

21A.62.040: DEFINITIONS OF TERMS:

~~BOARD OF ADJUSTMENT: The board of adjustment of Salt Lake City, Utah.~~

~~APPEALS HEARING OFFICER: The appeals and variance hearing officer of Salt Lake City, Utah.~~

