

**SALT LAKE CITY PLANNING AND HISTORIC LANDMARK COMMISSION  
TRAINING**

**Room 126 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday December 1, 2016**

A roll is being kept of all who attended the Training Meeting. The meeting was called to order at [5:00 pm](#). Audio recordings of the meetings are retained for an indefinite period of time.

Present for the Planning and Historic Landmark Commission meeting were:

**Planning Commission:**

Vice Chairperson Carolynn Hoskins; Commissioners Maurine Bachman, Weston Clark, Clark Ruttinger, Ivis Garcia, and Sara Urquhart. Commissioners Matt Lyon, Andres Paredes and Emily Drown were excused.

**Historic Landmark Commission:**

Chairperson Charles Shepherd; Vice Chairperson Kenton Peters; Commissioners, Sheleigh Harding, Robert Hyde, Rachel Quist, Paul Svendsen Commissioners Stanley Adams, Thomas Brennan, David Richardson and Kim Wirthlin were excused.

Planning Staff members present at the meeting were: Nora Shepard, Planning Director; Cheri Coffey, Assistant Planning Director; Nick Norris, Planning Manager; Deborah Severson, Administrative Secretary and Paul Nielson, Senior City Attorney. Mr. Wilf Sommerkorn gave the presentation

The Commissioners and Staff discussed and reviewed the following items:

**1. What is Planning**

- Community's vision of what it wants to be.
- Expressed as goals and objectives
- Articulated as public policy
- Implemented as ordinances and procedures and investment.

**2. Legal Basis for Planning and Land Use Regulation**

- Utah Code, Section 10-9a & 17-27
  - Land Use Development and Management Act
  - LUDMA

**3. Why Planning Is Important**

- Manages Change.

- Balances Investment and Development Opportunity with implementing the Community's Vision.
- Manages Conflict with incompatible land uses.
- Creates Certainty.
- Directs appropriations of public funds.

#### 4. **Why Historic Preservation is Important**

- Learn about the importance of our culture and history.
- Protect areas that provide a sense of place.
- Provides Economic Viability through employment, tourism and property values.
- Typically promotes preservation of walkable environment.
- Sustainable practice through use of using what exists and adaptability.
- Promotes quality design and construction.

#### 5. **History**

- 1916 – NYC Zoning Ordinance
- 1924 – U.S. Dept of Commerce Standard Enabling Act
- 1925 - Utah Legislature adopts for cities
- 1927 – SLC adopts zoning
- 1945 – Utah Legislature adopts for counties
- 1976-SLC adopts first Historic Preservation Ordinance
- 1978- Supreme Court upholds regulation for Historic Preservation
- 1992 – LUDMA adopted
- 2005 – Major revisions - SB60

#### 6. **How does Local Government Planning Work?**

- Planning is part of Government.
- Government is Politics
- Process for deciding who gets what.

#### 7. **How it's Done**

- Step One
  - Utah Code:
    1. Every city, county shall enact an ordinance establishing a Planning Commission!
    2. Governing body must designate:
      - a. Land Use Authority
      - b. Appeal Authority

#### 8. **Why a Commission?**

- Two Main Roles
- Legislative
- Administrative

## **9. Legislative Action**

- Relates to adoption of policy and rules to implement that policy
- Decisions are more political than legal
- Preferences of legislative body members given broad deference by the courts
- Usually only challengeable in court if no public benefit at all, or tries to do something clearly illegal
- Actions are referable

## **10. Legislative Actions**

- Adoption or amendment of General Plan
- Adoption or amendment of Land Use Ordinances
- Zonings or rezones (including designation of historic districts)
- Annexations
- Adoption of fee schedules

## **11. Legislative Role**

- Prepare, recommend general plan and amendments
- Prepare, recommend regulations, zoning maps, official maps, and amendments
- HLC role is similar to PC role, but HLC review relates to Historic Preservation Issues. HLC recommendations go to both the Planning Commission and City Council.

## **12. Administrative Actions**

- Items being considered under the rules established by ordinances
- Decisions are more legal & technical, rather than political (not policy)
  - Does the project comply with the standards of the ordinance?
- Strict standards of review in the courts – there must be “substantial evidence” for the action taken
- No public clamor! There must be “evidence”
- NOT Referable

## **13. Administrative Actions**

- Issuance of building permits
- Site plan reviews
- Conditional use permits
- Certificates of Appropriateness
- Subdivision reviews
- Land use application approval

## **14. Administrative Role - LUA**

- PLANNING COMMISSION

- Land Use Authority for land use applications, if so designated by council
- HISTORIC LANDMARK COMMISSION
  - Land Use Authority for designated applications
  - ADVISORY to PC and Council on plans, ordinances

**15. Utah Open & Public Meetings Act Utah Code 52-4-1-101**

- Do I have to follow this law?
  - Yes...if you are: An administrative, advisory, executive or legislative body of the state or its subdivisions and; were created by the Utah constitution, statute, or rule, ordinance or resolution.

**16. Public Meeting**

- Posted and Noticed
- Open to the public
- Agenda with items listed
- Public input not required

**17. Public Hearing**

- Posted and Noticed
- Happens within a public meeting on a specific agenda item
- Input required – anyone can comment
- Can limit time of input – must be uniform (due process)
- Can accept written comments
- Can continue to another night

**18. Public's Role**

- Administrative versus Legislative

**The meeting adjourned at 7:30 pm**