



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Nick Norris, Planning Director at 801-535-6173 or nick.norris@slcgov.com
Date: June 14, 2023
Re: Policies and Procedures Updates related to applicant requests to postpone agenda items

Policies and Procedures

REQUEST:

That the Planning Commission adopt a modification to the policies and procedures related to requests to postpone an agenda item

RECOMMENDATION:

That the commission adopt the proposed changes

DESCRIPTION

The Planning Commission has adopted policies and procedures that establish rules and processes for conducting business. The policies and procedures are necessary to ensure that the planning commission is consistent, fair, and transparent in carrying out the duties assigned to the commission by ordinance. The policies and procedures are updated periodically as needed.

Recently there has been an increase in the number of requests to postpone agenda items after the agenda is published and notices have been sent. Some requests are made within hours of the public hearing. Often there is not enough time to send a cancellation notice to neighbors. The purpose of this update to the policies and procedures is to establish parameters around requests to remove an item from an agenda.

The commission ultimately can decide whether to postpone or table an item. There is a difference between the two terms in bodies that more closely follow Robert's Rules of Order, but for the purpose of the commission actions, the term tabling means to continue an item or action to a future meeting. It is not required to specify a specific date that the item is being moved to, although the commission does have the ability to do so. It is also not necessary to make a motion to remove an item from the figurative table. It is often not known when an agenda item will be ready to return to the commission, so tabling to a specific date is often challenging.

How are agendas set?

Planning Commission agendas are often tentatively set months in advance. Once an application is considered complete, the assigned planner will start the 45-day public input period by sending the required notice, route the application materials to other departments for review, and

tentatively schedule an item for a public hearing. The tentative date is about 60 days away. So far in 2023 an average of 15 applications are submitted each month that require a public hearing before the commission. If less than 15 applications are scheduled each month, a backlog is established, and situations arise where there may be a dozen or more applications that are tentatively scheduled for the same public hearing.

During the 45-day public input period, the internal review of the project is complete and corrections necessary to comply with applicable standards are sent to the applicant. At the conclusion of the 45-day public input period, public comments received up to that point are provided to the applicant and comments that are applicable to the standards of approval are discussed to identify potential solutions that can be made to the proposal. At this point, applicants will either take time to update their plans, agree to conditions of approval, or move forward with the plans as submitted. This is also the point where the staff finalizes the draft of the staff report for management review and the tentative date for the public hearing becomes more solidified. Finalizing the agenda is done by division management and is based on the date an application was submitted, how long it has been in the queue for being placed on an agenda, and the anticipated time the item will take on the agenda.

Why is this important?

This policy is necessary to create a consistent and transparent process for addressing requests and maintain as much scheduling predictability as possible. It creates a certain level of fairness for applicants to remain committed to an agenda and reduces the likelihood that applicants who are not on an agenda, but could have been, are not negatively impacted by delays created by other applicants.

Proposed Policy Addition

Below is a draft of the language that would be added to the policies and procedures:

N. Requests to Postpone Agenda Items: After an agenda has been published and noticed, an applicant may request to remove their item from the agenda as follows:

- a. If the request is made more than 7 days prior to the public hearing, the agenda will be amended with that item removed. A notice will be mailed to the same mailing list used for the public hearing indicating that item has been postponed. In accordance with city ordinance the applicant is responsible for all required notice, including sending a notice for the future public hearing.
- b. If a request is made less than 7 days prior to the meeting the item will be held as scheduled. Planning staff and the applicant may present info prior to the public hearing being held. Because the public hearing will still be open, the commission should limit discussion to the information presented up to that point. After anyone in attendance who wishes to provide input has done so, the planning commission shall table the item and continue the public hearing to a future date to be determined.
- c. An applicant is not guaranteed to be on a specific agenda in the future. If an applicant requests their item be removed from the agenda and the item is tabled by the commission, the item shall be considered for a future public hearing based on the number of pending applications that have already been tentatively scheduled, the timeframe that the applicant requires to provide any additional information, and the city's ability to review any new information and provide required notice for the next available public hearing.
- d. The chair of the planning commission may consider granting a request by an applicant to postpone an agenda item made within 7 days of the public hearing if it is associated with an emergency that makes it impossible for the applicant to attend. Examples of emergency

include illness, health of a family member, cancellation of travel plans to attend the meeting at no fault of the applicant, and other similar situations that are at no fault of the applicant. Requests to postpone that are due to changing plans, inconvenience, time to respond to public input or to the staff report, or other similar requests are not considered emergencies.