

# **COUNCIL STAFF REPORT**

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Jan Aramaki City Council Staff Member

DATE: July 5, 2013 at 12:24 PM

RE: RECOGNIZED COMMUNITY ORGANIZATIONS

Council Sponsor: No sponsor yet

## **ISSUE AT-A-GLANCE**

The proposed ordinance amendment changes City Code to broaden recognition of community groups and organizations beyond neighborhood-based organizations -- most commonly community councils. The proposal will also take public engagement beyond planning-related issues. In addition, the proposal includes an amendment to Title 21A deleting the requirement for a petitioner to obtain a signed statement from the appropriate community organization that states petitioner has met with that organization and explained the proposal before making an application. The Planning Division reports a common practice by petitioners has been to take a petition to the community organization after an application has been made rather than before.

For the past several years, the City has been aware that Chapters 2.60 and 2.62, which were adopted in 1990, are in need of an update. These two chapters are not inclusive of all community groups and organizations that have formed since the ordinance was first adopted. Over the years, there have been many diverse community groups and organizations that want to be involved in City issues but haven't been able to due to the current structure. Many of the community groups and organizations that have been involved in City issues seem to form based upon either geographic area or item of interest.

The practice to have community groups and organizations officially recognized by the City as outlined in current code has not been taking place over the past several years. In addition, the practice to have neighborhood-based organizations go before the Council for a public hearing regarding a boundary change hasn't been practiced. The way the City conducts and embraces public engagement has evolved since the adoption of these two chapters. In practice, participation from these other community groups is valued as much as the originally-recognized neighborhood-based organizations (community councils).

This proposal is in keeping with the Neighborhood Quality of Life Council priority.

CITY COUNCIL OF SALT LAKE CITY		
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# **PROJECT TIMELINE:**

Briefing: March 26, 2013 Set Date: June 11, 2013 Public Hearing: July 9, 2013 Potential Action: Sponsor required before scheduling for Council action

KYLE LAMALFA | DISTRICT 2 | COUNCIL CHAIR || JILL REMINGTON LOVE | DISTRICT 5 | COUNCIL VICE CHAIR || CARLTON CHRISTENSEN | DISTRICT 1 || STAN PENFOLD | DISTRICT 3 || LUKE GARROTT | DISTRICT 4 || CHARLIE LUKE | DISTRICT 6 || SØREN SIMONSEN | DISTRICT 7

#### **NEW INFORMATION**

The City Council allocated \$20,000 during fiscal year 2013-14 budget for recognized community organizations to seek funding for communication outreach efforts for community building activities including items of City business. <sup>1</sup> These funds are available through the Salt Lake City Neighborhood Grant Program. A community organization that has registered as a recognized community organization for one year with the City and has met the minimum requirements under proposed Section 2.60.030 is qualified to apply for funding. Funding eligibility would be an added benefit for becoming a recognized community organization. A community organization must be registered with the State of Utah as a non-profit, but 501c federal tax exempt status is not a requirement<sup>2</sup>. Each recognized community organization may wish to consider applying separately to the Internal Revenue Service (IRS) for a 501c federal tax exempt status. However, there are circumstances the IRS gives automatic exemption: "churches, conventions or associations of churches, or church-affiliated auxiliaries of a church, religious schools, etc; and any organization (other than a private foundation) normally having annual gross receipts of not more than \$5,000" [source: www.utahnonprofits.org].

From the Council's March 26 briefing, the Council expressed its intent asking the Administration to:

 Include as part of the ordinance amendment the spirit of the <u>Planning Division's policy about public input process</u> <sup>3</sup> when a zoning map amendment, conditional use, planned development, alley vacation, master plan and/or master plan amendment is involved. The policy reads: "The Planner is expected to attend the recognized community organization(s) meeting to answer questions regarding the zoning ordinances, planning process or plan policies."

The Council expressed interest in maintaining language of this nature in the ordinance to give recognized community organizations the opportunity to hear an issue and schedule the issue on their agenda.

The Administration submitted revised paperwork since its initial transmittal on this topic and included an additional revision to City Code to capture the Council's intent. Section 2.60.050 Responsibilities of City states that the City will notify recognized community organizations of proposals that involve: "zoning map amendment, conditional use, planned development, alley vacation, master plan amendments or policy amendments to be adopted by the City Council, demolition of contributing structures located within a local historic district or landmark sites, new construction of major public facilities and structures, major upgrades to public facilities and structures, major changes to street capacity or travel modes." Recognized community organizations that have expressed an interest in the proposal will be notified and given 45 days to provide comment to the City. If more than one recognized community organization is interested, the City will schedule an open house to inform all interested parties on the issue.

- 2. Consider continuing discussion about noticing once a public engagement person is hired by the City.
- 3. Provide to the Council how the City plans to provide resources, training and other mechanisms to help streamline the steps required to become a recognized community or neighborhood organization.

In response to this expressed intent of the Council, the Administration's revised transmittal includes a compiled list of recognized community organization resources in an effort to help streamline the

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<sup>1</sup> Refer to Salt Lake City Neighborhood Grant Program application included in the Administration's updated transmittal.

<sup>2</sup> Refer to attached Step by Step Guide "The Art of Forming a New Non-profit" from Utah Nonprofits Association website: www.utahnonprofits.org

<sup>3</sup> See Attachment II "Salt Lake City Planning Division Public Input Process Policy"

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process. The Administration indicates they have dedicated a page on the City's website with resources to assist recognized community organizations with communication, orientation, contact information, posting of minutes and agendas, application and registration.

# **ADDITIONAL & BACKGROUND INFORMATION**

Council staff prepared a Q&A on various aspects of this proposal that have been raised through either the Council's discussion or comments from the public<sup>4</sup>.

The Council Office received 14 comments on Open City Hall (OCH)<sup>5</sup>. The majority of the comments expressed a level of support for community councils being the recognized organizations to provide input to the City. Other key issues/concerns noted on OCH.

- a. Provide a mechanism for recognized community organizations to share contact information.
- b. Support expressed for broadening the opportunity for community organizations to become recognized by the City. Non-profit status should not be required for start-up groups who come together based upon a particular topic or interest since some groups may disband after resolution of a specific issue. Suggestion: require a non-profit good standing after five years from when a group organized.
- c. Broadening the opportunity for other groups who organize based upon interest will "fracture the little attention the City gives to community councils."
- d. Return to recognized community councils being based upon the original eight Planning Districts.
- e. The City should give more support to community councils –assist with attendance and community activities.
- f. Expressed belief that input from any group or individual doesn't have an impact on the Council's decision.

# **KEY ELEMENTS:** (Ordinance amendments)

Administration's initial transmittal along with Council staff report and attachments are provided again for the Council's reference. Council staff report prepared for the Council's March 26 briefing provides key elements, policy questions that were discussed at the March 26 briefing, and public engagement steps taken by the Administration.

<sup>4</sup> Attachment III: DRAFT Q&A

<sup>&</sup>lt;sup>5</sup> Attachment: 14 comments received on Open City Hall from the Council's posting on this subject.

DIRECTOR

MARY DE LA MARE-SCHAEFER DEPUTY DIRECTOR

ROBERT FARRINGTON, JR. DEPUTY DIRECTOR

JUN 2 5 2013

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DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT OFFICE OF THE DIRECTOR

CITY COUNCIL TRANSMITTAL

Date Received:

Date sent to Council:

David Everitt, Chief of Staff

FROM: Eric D. Shaw, CED Director

**TO:** Salt Lake City Council Kyle LaMalfa, Chair

DATE:

SCANNED

JUN **1 8** 2013

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**SUBJECT:** Modified ordinance language for Petition TMTL2012-00013: Zoning Text Amendment by Mayor Ralph Becker to amend the City Code and Zoning Ordinance relating to Recognized Community Organizations

**STAFF CONTACT:** Nole Walkingshaw, Planning Programs Supervisor, at 535-7128 or Nole.walkingshaw@slcgov.com

**COUNCIL SPONSOR:** Exempt

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** That the City Council reviews the issues and adopts the Planning Commission recommendations including suggested changes following the City Council briefing on March 26, 2013.

# **BACKGROUND/DISCUSSION:**

On March 26, 2013 Planning Staff briefed the City Council on a petition to amend the City Code as it relates to Recognized Community Organizations. Based upon feedback from the meeting staff was asked to prepare an amendment to the Planning Commission's recommendation and submit examples of resources which would be available to the public.

The ordinance recommended by the Planning Commission requires each City Department to prepare a public input policy for their respective workgroups. The Planning Division prepared and reviewed their public input policy with the public and the Planning Commission. During the briefing with City Council members agreed that the Planning Division's process is adequate for notifying recognized organizations but the Council identified its desire to codify the process rather than having administrative policies.

451 SOUTH STATE STREET, ROOM 404 P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486 TELEPHONE: B01-535-6230 FAX: 801-535-6005 WWW.SLCGOV.COM/CED WWW.SLCGOV.COM/CED The section of code requiring departments to prepare a public input policy has not been removed from the proposed ordinance and the Planning Division will continue with the prepared policy as it provides greater details and expectations than can be effectively codified. However, the Planning Division is recommending the proposed ordinance be modified to codify minimum requirements and types of projects for all City Departments to follow relating to notification to the Recognized Community Organizations.

The following language in section C has been added to the City Code in an effort to capture the stated request. The updated ordinance has been attached as Attachment A.

#### **2.60.050: RESPONSIBILITIES OF CITY**

- A. The City shall adequately educate the public on City policy, procedures, and actions.
- B. Each City Department shall strive to utilize best public engagement practices to educate, engage, and receive input from the public at a level that is consistent with the scope of impact of a proposal or project.

<u>C. Recognized Community Organization Notification and Response: the City will</u> <u>send a notice to the applicable recognized community organization Chair (s) for the</u> <u>following types of projects:</u>

City code amendments

- zoning map amendment,
- <u>conditional use</u>,
- planned development,
- <u>alley vacation</u>,
- master plan or policies to be adopted by the City Council,
- master plan amendment or policy amendments to be adopted by the City
  <u>Council</u>
- <u>demolition of contributing structures located within a local historic</u> <u>district or landmark sites.</u>
- <u>New construction of major public facilities and structures</u>
- Major upgrades to public facilities and structures
- <u>Major changes to street capacity or travel modes</u>

The recognized community organization chair(s) have 45 days to provide comments, from the date the notice was sent. A public hearing will not be held, nor will a final decision be made about the project within the 45 day period. Where a project is within 600 feet of the boundaries of another recognized community organizations district, when more than one recognized organization has requested a presentation of the matter, when the subject property is located west of 2200 West, or when the project is a text amendment to the City Code, the City will schedule the item for an open house and notify the public, including those recognized community organizations who may be affected by the project or who have specifically requested notification of the public open house. Following the discussion about the ordinance there was a discussion about the administrative process of registration and the resources which might be available to Recognized Community Organizations. Staff has prepared a draft application with a resources page as an attachment (see Attachment B). A primary concern express was about the registration process as a nonprofit organization with the State of Utah. This process is identified on the State's business help pages and there are many other resources available including assistance from the Utah Association of Nonprofits. Links to these resources have been added to the application resource page.

Salt Lake City's web site has dedicated a page to Recognized Community Organizations <u>http://www.slcgov.com/commcouncils</u>. This page will require updating to reflect the changes in code and resources. This page will continue to serve the community as a resource for communication, orientation, contact information, posting of minutes and agendas, applications and registration.

Financially the City is looking to support Recognized Community Organizations through the Salt Lake City Neighborhood Grant Program. This grant funding is for non-profit community organizations seeking to communicate with and engage Salt Lake City residents, property-owners, business owners and other organizations in community-building activities including involvement in city business, promotion of community values and ideals, building a sense of community identity and meaningful community activities. Creative outreach activities are encouraged.

#### SALT LAKE CITY ORDINANCE No. \_\_\_\_\_ of 2013 (An ordinance amending chapter 2.60 and certain sections of title 21A and deleting chapter 2.62 of the *Salt Lake City Code* concerning recognition of community-based organizations)

An ordinance amending chapter 2.60 and certain sections of title 21A and deleting chapter 2.62 of the *Salt Lake City Code* pursuant to Petition No. TMTL2012-00013 concerning recognized community organizations.

WHEREAS, the Salt Lake City Planning Commission held public hearings on November 14, 2012 and December 12, 2012 to consider a request made by Salt Lake City Mayor Ralph Becker (Petition No. TMTL2012-00013) to amend chapter 2.60 (Administration and Personnel: SLACC and Neighborhood Based Organization Recognition); section 21A.10.010 (Zoning: General Application and Public Hearing Procedures: General Application Procedures); section 21A.10.020 (Zoning: General Application and Public Hearing Procedures: Public Hearing Notice Requirements); section 21A.16.030 (Zoning: Appeals of Administrative Decisions: Procedure); and section 21A.54.060 (Zoning: Conditional Uses: Procedures) of the *Salt Lake City Code* and deleting chapter 2.62 (Administration and Personnel: Recognized or Registered Organization Notification Procedures) thereof concerning the recognition of community-based organizations; and

WHEREAS, at its December 12, 2012 meeting, the planning commission voted to transmit a positive recommendation to the Salt Lake City Council on said application; 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 text of Salt Lake City Code chapter 2.60. That chapter 2.60 of

the Salt Lake City Code (Administration and Personnel: SLACC and Neighborhood Based

Organization Recognition), shall be, and hereby is, amended to read as follows:

#### Chapter 2.60

#### SLACC AND NEIGHBORHOOD BASED ORGANIZATION RECOGNITION

#### 2.60.010: PURPOSE:

It is the policy of Salt Lake City to recognize neighborhood based community organizations for the purpose of providing citizen input and information to various city planning and administrative services. This chapter provides a process for such recognition. (Ord. 63-90 § 1, 1990)

#### 2.60.020: RECOGNITION OF SLACC AND NEIGHBORHOOD BASED ORGANIZATIONS:

- A: All organizations recognized pursuant to this chapter shall comply with the following conditions:
  - 1. Only properly registered not for profit corporations in good standing with the state of Utah may be recognized;
  - 2. To obtain recognition any community based organization shall submit to the city recorder the following information:

 a. The articles of incorporation and bylaws of the community based organization.

 The bylaws shall contain a provision against discrimination and encouraging representation and participation from all qualified members.

b. A list of officers, directors or trustees of the organization together with their addresses and the address to which any notice to the organization should be sent.

- c. No later than January 31 of each year any recognized organization seeking continuing recognition shall submit to the city recorder any changes in the information specified in subsections A2a and A2b of this section and a list of each meeting held by the organization in the preceding year and a description of the election procedure for officers, directors or trustees of the organization.
- B. The Salt Lake Association of Community Councils (SLACC), or its legal successor, is recognized as the citywide organization in which community councils,

neighborhood councils and neighborhood associations participate by sending representation in accordance with SLACC bylaws.

- C. Neighborhood and community organizations representing the neighborhoods and communities defined on the list and map attached as exhibit A to the ordinance codified herein and maintained on file with the city recorder are hereby recognized. Membership in any neighborhood or community based organization must be open to anyone residing within or owning property within the boundaries of the organization. The number, name or boundaries of any community or neighborhood organization may be amended by the city council upon petition from a city council member, or any neighborhood or community organization recognized under this chapter. All neighborhood or community organizations affected by such a petition shall hold a public hearing on the amendment request not less than fifteen (15) nor more than forty five (45) days after written notice of the request is received. Within thirty (30) days after the hearings before the affected community or neighborhood organization the city council shall hold a public hearing on the amendment request. The council shall act on the amendment petition by majority vote.
- D. All organizations recognized pursuant to this chapter shall comply with the provisions of the open meeting laws of the state of Utah and Salt Lake City.

#### 2.60.030: PARTICIPATION:

Recognized organizations are encouraged to make recommendations to the city on all matters affecting the city or the organizations' particular community or neighborhood. Recognized organizations shall be part of the city's notification process provided by chapter 2.62 of this title.

#### 2.60.040: OPEN PARTICIPATION:

This chapter shall not preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by a decision to be considered by the city council or the mayor are encouraged and invited to participate whether through their recognized organization or individually.

#### 2.60.050: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:

Recognized organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized organizations and their officers, trustees and directors shall be indemnified by the city pursuant to the Utah governmental immunity act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter or under chapter 2.62 of this title. This defense and indemnification obligation on behalf of the city shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the recognized organizations or their members

such as driving, inspecting property or other similar activities. This provision shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer.

#### **RECOGNIZED COMMUNITY ORGANIZATIONS**

#### 2.60.010: PURPOSE

It is the policy of Salt Lake City to create a framework by which the people of the City may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

This Chapter sets out the basis for City recognition of such community organizations and the associated responsibilities and benefits.

#### 2.60.020: DEFINITION

<u>Community Organization: A voluntary group of individuals organized around a particular</u> community interest for the purpose of collectively addressing issues and interests common to that group. A community organization is not a subsidiary of Salt Lake City government.

#### 2.60.030: MINIMUM REQUIREMENTS

All community organizations seeking recognition pursuant to this chapter must comply with the following:

- 1. Properly register as a non profit corporation in good standing with the State of Utah:
- 2. Adopt bylaws which include the following provisions:
  - a. A clear definition of membership;
  - b. A policy of open participation of all persons who are members of the organization;
  - c. A policy against discrimination:
  - d. Attendance to meetings is open to the general public;
  - e. Meetings will provide an opportunity for public input.
- 3. Organizations must hold at least one meeting of their membership each year.

#### 2.60.040: REGISTRATION

- A. The Recorder's Office shall maintain an official registration of community organizations recognized under this ordinance (Chapter 2.60). Any community organization meeting the requirements of Section 2.60.030 may register by filing with the Recorder's office the following:
  - 1. Official name;
  - 2. Boundaries where applicable;

- 3. The names, mailing addresses, telephone numbers and email addresses of its current officers;
- 4. The name, mailing address, email address and telephone number to serve as the recipient for official communications from the City;
- 5. Methods used to communicate with membership;
- 6. A copy of the organization's articles of incorporation and bylaws;
- 7. Time and place of regular meetings; and
- 8. <u>Schedule for electing officers</u>

The Recorder's Office shall make this information available to the public on the City website.

- B. It shall be the responsibility of the community organization to provide updated information and any changes to the items in Section A above to the Recorder's Office in a timely manner.
- C. Annual renewal of registration of community organization is required. By January 31 of each year, each registered community organization must submit a request for renewal of registration with current information required in Section A above. Failure to submit such a request by January 31 will result in removal of the community organization from the official Registration.

#### 2.60.050: RESPONSIBILITIES OF CITY

- A. The City shall adequately educate the public on City policy, procedures, and actions.
- B. Each City Department shall strive to utilize best public engagement practices to educate, engage, and receive input from the public at a level that is consistent with the scope of impact of a proposal or project.
- <u>C.</u> <u>Recognized Community Organization Notification and Response: the City will send a</u> notice to the applicable recognized community organization Chair(s) for the following types of projects
  - City code amendments
  - zoning map amendment.
  - conditional use.
  - planned development,
  - <u>alley vacation</u>,
  - master plan or policies to be adopted by the City Council,
  - <u>master plan amendment or policy amendments to be adopted by the City</u> <u>Council</u>
  - <u>demolition of contributing structures located within a local historic</u> <u>district or landmark sites.</u>
  - New construction of major public facilities and structures
  - Major upgrades to public facilities and structures

• <u>Major changes to street capacity or travel modes</u>

The recognized community organization chair(s) have 45 days to provide comments, from the date the notice was sent. A public hearing will not be held, nor will a final decision be made about the project within the 45 day period. Where a project is within 600 feet of the boundaries of another recognized community organizations district, when more than one recognized organization has requested a presentation of the matter, when the subject property is located west of 2200 West, or when the project is a text amendment to the City Code, the City will schedule the item for an open house and notify the public, including those recognized community organizations who may be affected by the project or who have specifically requested notification of the public open house.

- D. The City Departments shall develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. These include but are not limited to public meetings, development projects, planning activities, grant and funding opportunities, which may have a significant impact on the membership of a registered community organization. Notice shall be given to affected community based organizations in a timely manner, including information on the timeframe for a response.
- <u>E.</u> <u>The Recorder's Office shall notify each registered community organization of pending requirement for re-registration by December 31 of each year.</u>
- F. In an effort to notify the public about the existence of community based organizations and encourage participation in these organizations, at least once a year the City shall make a reasonable attempt to provide a list of all community based organizations and their contact information to all residents, property owners, business owners, schools and non-profit agencies in Salt Lake City.

#### 2.60.060: RESPONSIBILITIES OF COMMUNITY ORGANIZATIONS

- A. Renew registration with the Recorder's Office on an annual basis.
- B. Establish orderly and democratic means for forming representative public input through civil and respectful dialogue.
- <u>C.</u> Establish and follow a clear method for reporting to the City actions which accurately reflect their position. Include the means by which a recommendation or decision was reached, how many members were involved and what the outcome was.
- D. By interaction with its members, residents, and the City, foster open and respectful communication between the community organization and representatives of City

Departments on plans, proposals and activities affecting the interests of the community organization.

#### 2.60.070: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION

Recognized community organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized community organizations and their officers, trustees and directors shall be indemnified by the City pursuant to the Utah governmental immunities act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter. This defense and indemnification obligation on behalf of the City shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the community organization or its members. These provisions shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer.

SECTION 2. Amending text of Salt Lake City Code chapter 2.62. That chapter 2.62 of

the Salt Lake City Code (Administration and Personnel: Recognized or Registered Organization

Notification Procedures), shall be, and hereby is, amended as follows:

#### Chapter 2.62 RECOGNIZED OR REGISTERED ORGANIZATION NOTIFICATION PROCEDURES

2.62.010: PURPOSE: 2.62.020: ORGANIZATIONS ENTITLED TO NOTICE: 2.62.030: REQUIRED NOTICES: 2.62.040: PARTICIPATION IN PLANNING PROCESS: 2.62.050: OPEN PARTICIPATION:

#### 2.62.010: PURPOSE:

It is the policy of Salt Lake City to notify recognized or registered organizations of activities concerning the organizations and obtain input from these organizations concerning various city planning and administrative services. This chapter provides a process for such notification and obtaining such input.

2.62.020: ORGANIZATIONS ENTITLED TO NOTICE:

- A. Recognized Organizations: Organizations recognized pursuant to chapter 2.60 of this title shall receive the notices and may participate in the processes established pursuant to this chapter.
- B. Registered Organizations: Any other entity, organization or person may register on an annual basis with the department of community and economic development to receive the notices specified in this chapter.

#### 2.62.030: REQUIRED NOTICES:

- A. The planning and zoning division shall submit to each recognized or registered organization copies of the planning commission public meeting agendas and shall also submit to neighborhood and community organizations recognized pursuant to subsection 2.60.020C of this title, or its successor subsection, applications for changes to zoning ordinances, planned developments or conditional use applications pertaining to territory located within, or within six hundred feet (600') of the border of such recognized organizations.
- B. Appeals hearing officer agendas shall be sent to all organizations recognized pursuant to subsection 2.60.020C of this title or its successor.
- C. Other city administrative departments shall take reasonable steps to notify affected recognized organizations of any significant activities pertaining specifically to the recognized organization's geographic area.
- D. The failure to give any notice under this section shall not affect the validity of any act or decision and shall not give rise to any private right of action for such lack of notice.

#### 2.62.040: PARTICIPATION IN PLANNING PROCESS:

- A. Recognized and registered organizations are encouraged to make recommendations concerning matters of which they are given notice pursuant to this chapter. In making such recommendations the spokesperson for the organization shall specify the following:
  - 1. The nature of the meeting at which the organization's recommendation was obtained (i.e., executive committee, board, general membership, or otherwise);
  - 2. The notice procedure for the meeting at which such recommendation was made;

3. The vote on such recommendation;

4. Any dissenting reports.

- B. The Salt Lake City planning division staff shall encourage all zoning petition, planned development and/or conditional use applicants to meet with affected recognized organizations to discuss and receive input on the petition or application proposal prior to scheduling the matter for consideration by the planning commission. A report of the discussions with the affected recognized organizations and the applicant shall be contained in the planning commission staff report.
- C. The mayor may, by executive order, establish certain classes of applications which can be delayed for additional consideration by organizations recognized pursuant to subsection 2.60.020C of this title or its successor. Upon request of the chairperson or authorized designee of such organization given in writing, prior to the meeting at which the application is to be considered, the city body considering the application shall continue the application for a period not to exceed four (4) weeks from the first meeting such application is heard to allow the recognized organization to consider the application at its own meeting. The mayor or the mayor's designee may notify the considering body that immediate action is necessary for the best interests of the city, in which case a request for delay shall not be granted.

#### 2.62.050: OPEN PARTICIPATION:

The notification and participation process specified in this chapter is not intended to preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by the decision to be considered at a public hearing are invited and encouraged to participate, whether through their recognized organization or individually.

SECTION 3. Amending text of Salt Lake City Code section 21A.10.010. That section

21A.10.010 of the Salt Lake City Code (Zoning: General Application and Public Hearing

Procedures: General Application Procedures), shall be, and hereby is, amended to read as

follows:

#### 21A.10.010: GENERAL APPLICATION PROCEDURES:

All applications required by the provisions of this title shall be processed in accordance with the following procedures:

A. Determination  $\Theta_0$ f Completeness  $\Theta_0$ f Application: After receipt of an application, the zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing, specifying the deficiencies of the

application, including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.

- B. Consultation With Neighborhood Organizations: In order for an application to be determined complete, the applicant must include, when required by title 2, chapter 2.62 of this code, a signed statement from the appropriate neighborhood organization that the applicant has met with that organization and explained the development proposal for which approval is being sought. The signed statement shall be on a form provided by the zoning administrator.
- CB. Remedy Oof Deficiencies: If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.
- $\underline{\Theta C}$ . Extensions  $\underline{\Theta o}f$  Time: The zoning administrator, upon written request, may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this title. An extension of time may also be granted by any body acting pursuant to this title unless this title expressly provides otherwise. The total period of time granted by such extension or extensions shall not exceed twice the length of the original period.
- ED. Fees: The application shall be accompanied by all the fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by section 21A.10.020 of this chapter, in accordance with the fee schedule, including costs of mailing, preparation of mailing labels and all other costs relating to notification.

SECTION 4. Amending text of Salt Lake City Code section 21A.10.020. That section

21A.10.020 of the Salt Lake City Code (Zoning: General Application and Public Hearing

Procedures: Public Hearing Notice Requirements), shall be, and hereby is, amended to read as

follows:

#### 21A.10.020: 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. Public Hearing Required: Projects requiring a public hearing as required by this title shall be held after the following public notification:
  - 1. Mailing Ffor Public Hearing: Notice by first class mail shall be provided:
    - a. A minimum of twelve (12) calendar days in advance of the public hearing;
    - b. To all owners and tenants of the land as shown on the Salt Lake City geographic information system records. Mailing labels shall be generated by the city at the time of application submittal and created using the Salt Lake City geographic information system records unless as stated otherwise in this title. A list of parties entitled to notice pursuant to chapter 21A.56 of this title shall be provided by the applicant with the application; and
    - c. Within three hundred feet (300') from the periphery of land subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the periphery of the land subject to application for sexually oriented businesses requiring conditional site plan review pursuant to chapter 21A.36 of this title.
  - Notification <u>Tto</u> Recognized and <u>Registered</u> Organizations: The city shall give email notification, or other form of notification chosen by the planning director, a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter <u>2.62</u> <u>2.60</u> of this code
  - 3. Contents Oof Mailing Notice Ffor Public Hearing: The first class mailing notice for any public hearing required pursuant to this title shall generally describe the subject matter of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.
  - 4. Posting For Public Hearing: The land subject to an application for a public hearing shall be posted by the city with a sign giving notice of the public hearing, providing the date of the hearing including contact information for more information, at least ten (10) calendar days in advance of the public hearing.
    - a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

- b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.
- c. Exemption: This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for an administrative certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land, including boundaries of a historic district, or for text amendments to this title.
- 5. Publication: As required by state law, at least twelve (12) calendar days in advance of the first public hearing for an application for an amendment to the text of this title or other processes as required by state law, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.
- B. Special Noticing Requirements Ffor Administrative Approvals:
  - 1. Conditional Building Aand Site Design Review: The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:
    - a. Notification: The City shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. Recognized and registered organizations are also entitled to receive notice pursuant to title 2, chapter 2.62 2.60 of this code by e-mail or other form chosen by the planning director.

At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning director may decide the issue administratively.

2. Determination Oof Noncontributing Status Within Aan H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days of the determination of noncontributing status of the property to all owners of the land and tenants, within eighty five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

- 3. Notice Oof Application Ffor Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in chapter 21A.52 of this title, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.
  - a. Contents Oof Tthe Mailing Notice Oof Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.

#### SECTION 5. Amending text of Salt Lake City Code section 21A.16.030.D.2. That

section 21A.16.030.D.2 of the Salt Lake City Code (Zoning: Appeals of Administrative

Decisions: Procedure), shall be, and hereby is, amended to read as follows:

- 2. Notice Oof Appeals Oof Administrative Decisions Oof The Historic Landmark Commission Oor Planning Commission: 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 shall schedule a public meeting to hear arguments by the appellant and respondent. 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 give e-mail notification, or other form of notification chosen by the appeals hearing officer, a minimum of twelve (12) calendar days in advance of the hearing to any organization entitled to receive notice pursuant to title 2, chapter  $2.62 \ 2.60$  of this code.

SECTION 6. Amending text of Salt Lake City Code section 21A.54.060.A. That

section 21A.54.060.A of the Salt Lake City Code (Zoning: Conditional Uses: Procedures), shall

be, and hereby is, amended to read as follows:

- A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the planning director to be inapplicable or unnecessary to appropriately evaluate the application:
  - 1. The applicant's name, address, telephone number, and interest in the property;
  - 2. The property owner's name, address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application;
  - 3. The street address and legal description of the subject property;
  - 4. The zoning classification, zoning district boundaries, and present use of the subject property;
  - 5. A complete description of the proposed conditional use;
  - 6. Site plans, as required pursuant to section 21A.58.060 of this title;
  - 7. Traffic impact analysis, where required by the city transportation division;
  - 8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code;
  - 98. Mailing labels and a fee to cover postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to chapter 21A.10 of this title; and
  - 109. Other information or documentation the planning director may deem necessary for proper review and analysis of a particular application. Information which may be required under this subsection A10 shall not apply to a determination of completeness under subsection B of this section.

SECTION 7. 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

2013.

CHAIRPERSON

#### ATTEST AND COUNTERSIGN:

# CITY RECORDER

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

Mayor's Action: \_\_\_\_\_Approved. \_\_\_\_\_Vetoed.

MAYOR

CITY RECORDER (SEAL)

Bill No. \_\_\_\_\_ of 2013. Published: \_\_\_\_\_.

HB\_ATTY-#27796-v1-Ordinance\_amending\_community\_based\_organizations\_provisions\_DOC

. - 22 ..... 1

## **Recognized Community Organization resources**

**Resource Guide:** The Salt Lake City Mayors Office maintains materials designed to help and educate the public about how to organize and market community organizations. Below are a couple links to resources.

http://www.slcgov.com/commcouncils

## http://www.slcdocs.com/comcoun/pdfs/marketingtutorial.pdf

**Setting up a Non-Profit**: Section 2.60.020 Minimum Requirements of the Recognized Community Based Organizations section requires that the organization to be properly register as a nonprofit corporation in good standing with the State of Utah. When looking in to assistance on how to set one up there are many web resources available from the state and other agencies. The Utah Non Profits Association has many resources they can be found at <u>www.utahnonprofits.org</u>.

http://corporations.utah.gov/business/dnp.html

https://utahnonprofits.org/nonprofit-resource-center/starting-a-nonprofit

http://www.ehow.com/how\_6394627\_start-non\_profit-business-utah.html

http://www.nolo.com/legal-encyclopedia/forming-nonprofit-corporation-utah-36090.html

**Grant Opportunities:** Salt Lake City Neighborhood Grant Program, This grant funding is for non-profit community organizations seeking to communicate with and engage Salt Lake City residents, property-owners, businesses, and other organizations in community-building activities including involvement in city business, promotion of community values and ideals, building a sense of community identity and meaningful community activities. Creative outreach activities are encouraged.

 $(\mathbf{i})$ 



ALT LAK

CITY RECORDEN

# **Registration** Recognized Community Organization

Official Name for the Organization:

CONTACT SPO	NSOR TO SERVE AS THE RECIPIENT	FOR OFFICIAL CO	DMMUNICATION FROM THE CITY
Name:	59 A.		Title:
Address:	600	- 1 To	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -
E-mail:	670-27 	1997 ( 1997 - 1997 (1997	Phone:
	MEETING IN	FORMATION	
Regular Mail	mmunicate with Membership:	🗌 Other:	Time of regular meetings:
	WHERE TO FILE THE CO	OMPLETE APPLIC	ATION
Mailing Address:	Salt Lake City Recorder PO Box 145515 Salt Lake City, UT 84114-5515	In Person:	Salt Lake City Recorder 451 South State Street, Room 415 Telephone: (801) 535-7681

- It is the responsibility of the Community Organization to provide updated information and any changes in the above information to the Recorder's Office in a timely manner.
- Annual renewal of registration of the Community Organization is required by January 31 of each year. Each registered Community Organization must submit a request for renewal of registration with current information.
- Failure to submit such a request by January 31 will result in removal of the Community Organization from the Official Registry.
- A copy of Chapter 2.60 of the Salt Lake City Municipal Code has been provided for applicant reference and information.

Applicant Signature:

Date:

	OFFICE ELECTION	21
Schedule to elect officers:		
	AND SOCIAL MEDIA ACCOUNTS	
Email:		
Facebook:		
Twitter:		
Other:		
CLIPE	RENT ORGANIZATION OFFICERS	
Name:		Title:
Address:		
E-mail:		Phone:
Name:		Title:
Address:	A CONTRACTOR OF A CONTRACTOR	
E-mail:	T AN STON	Phone:
News		Title:
Name:		Thie,
Address:		
E-mail:		Phone:
Name and American American	and the second	
Name:		Title:
Address:		
E-mail:		Phone:
Name:		Title:
Address:		

# E-mail:

Phone:

ase provide additional pages if necessary.

# Salt Lake City Neighborhood Grant Program

**Program Summary** 

- 1. Name: "Salt Lake City Neighborhood Grant Program"
- 2. *Awards*: Available Funding is listed at (Website).
- 3. **Scope**: This grant funding is for non-profit community organizations seeking to communicate with and engage Salt Lake City residents, property-owners, businesses, and other organizations in community-building activities including involvement in city business, promotion of community values and ideals, building a sense of community identity and meaningful community activities. Creative outreach activities are encouraged.
- 4. *Eligibility*: To be eligible to receive grant funding, a non-profit community organization shall be registered as referenced in City Code chapter 2.60 regarding neighborhood-based organizations for at least one year, and meet the following minimum requirements:

Note: <u>Underlined items</u> are in addition to items currently required under ordinance 2.60. If an organization's bylaws do not currently reflect the below requirements, the organization may still apply for grant funding, however all requirements must be met *before* funding will be awarded.

# MINIMUM REQUIREMENTS

All community organizations seeking recognition pursuant to this chapter must comply with the following:

- Properly register as a non-profit corporation in good standing with the State of Utah;
- Adopt bylaws which include the following provisions:
  - A clear definition of membership;
  - <u>A policy of open participation of all persons who are members of the organization;</u>
  - A policy against discrimination;
  - Attendance to meetings is open to the general public;
  - Meetings will provide an opportunity for public input.
- <u>Organizations must hold at least one meeting of their membership</u> each year.

### REGISTRATION

- Register with Salt Lake City by filing with the Recorder's office the following:
  - Official name;
  - Boundaries where applicable;
  - The names, mailing addresses, telephone numbers and email addresses of its current officers;
  - <u>The name, mailing address, email address and telephone number to</u> <u>serve as the recipient for official communications from the City;</u>
  - o Methods used to communicate with membership;
  - A copy of the organization's articles of incorporation and bylaws;
  - Time and place of regular meetings; and
  - o <u>Schedule for electing officers</u>

**Recipients of Signature Events Grant funds are not eligible for Community Outreach Grant funding.** However, organizations may apply for both grants.

#### 5. Grant Process:

**Applications**: Applications are available online at **[site]** and at the City & County Building, 451 S. State St., Room 406. Applications will be accepted from **XXXX** through **XXXX**. Applications may be submitted via e-mail to **[address]**, mailed to P.O. Box 145488, Salt Lake City, Utah 84114, or hand-delivered to 451 S. State St., Room 406.

<u>Selection</u>: Grant recipients will be chosen by an impartial selection committee through a fair and objective process. The selection committee will consist of two representatives from the Administration and three community representatives appointed by the Mayor. Awarded Funds will be announced on **Friday, April 26, 2013**.

**<u>Reporting</u>**: A project report is due no later than **XXXX**, **2013**. The report must include a detailed expense report and outcome measures. Project reports may be submitted via e-mail to [address], mailed to P.O. Box 145488, Salt Lake City, Utah 84114, or hand-delivered to 451 S. State St., Room 406.

#### Proposal Items & Selection Criteria

Proposal Items	Selection Criteria	
1. Describe your current outreach efforts to the community and how the requested	Reasonable current outreach efforts.	

	Proposal Items	Selection Criteria
	funds will be used to supplement those efforts.	Clear plan for the requested funds.
2.	How will the outreach include diverse populations (e.g., race/ethnicity, age, religion, etc.) in the community?	Adequate inclusion of diverse populations.
3.	Describe your expected outcome for the outreach. How will the outreach result in increased community-building?	Degree of increased community- building.
4.	Describe how you will measure the desired outcome. For example, you might count the number people attending events or engaging in other community- building activities.	Adequate plan for measuring the outreach and the desired outcome.
5.	Include an itemized budget with costs for each separate type of purchase.	Clear budget.
		Efficient use of funds.

A STEP-BY-STEP GUIDE

# The Art of Forming a New Nonprofit

# BY LAUREL CANNON ALDER



2012 Revision

# A STEP-BY-STEP GUIDE The Art of Forming a New Nonprofit

# BY LAUREL CANNON ALDER

## With special acknowledgments to the following people for assistance in copy, editing, and assembly: Patricia A. Bair, Anna Boulton, Jennifer Broschinsky, Terrie Buhler, and Bertie Stoker.

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In 2008, the Utah Arts Council granted rights to the handbook to the Utah Nonprofits Association in recognition of UNA's role in assisting emerging nonprofits of all types throughout the state of Utah. UNA appreciates the spirit of collaboration exhibited by the Utah Arts Council in this gesture.

Revised handbook editions were published in 2009 and 2012.

For an electronic/pdf version of this document, please go to: <u>http://www.utahnonprofits.org/images/stories/publications/art-of-forming-a-new-nonprofit.pdf</u>

**Disclaimer:** The Utah Nonprofits Association and/or its board, committee members, or all others associated with this document do not provide legal counsel and are not a substitute for legal or risk management advice.

This guide is a supplement to, not a replacement for, the instructions provided by the government entities overseeing nonprofit corporations. Under no circumstances will the Utah Nonprofits Association or the authors of any materials provided be responsible or liable to any person or organization who disregards this warning.

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Strengthening Organizations That Strengthen Our Community

UTAH ARTS COUNCIL COMMUNITY STATE PARTNERSHIP

# **Table of Contents**

Why form a nonprofit?	1
Reasons not to form a nonprofit?	2
Steps to Organizing a nonprofit checklist	5
1 Choose a Name	6
2 Reserve the Name	7
3 Articles of Incorporation	8
4 Form SS-4	11
5 Bylaws	12
6 Form 1023	16
7 Form 8718	20
8 Exemptions	21
9 Charitable Solicitation	23
10 Reporting	24
Appendix	
Sample Articles of Incorporation	25
Sample Bylaws	30
Books	41





# **Frequently Asked Questions**

Look for boxes or pages with a large question mark throughout the manual for answers to frequently asked questions.

42

44
### Where to begin...

Use this step-by-step guide to simplify the task of creating a nonprofit.

For nearly two decades, the Utah Arts Council's Community/State Partnership Program and the Utah Nonprofits Association have assisted organizations in the process of becoming nonprofit. This handbook is intended to be a step-by-step guide to forming a nonprofit, covering the most basic questions. The handbook does not provide legal counsel and is not a substitute for legal or risk management advice. Additionally, it is a supplement to, not a replacement for, the instructions provided by the government entities overseeing nonprofit corporations. These materials are intended to help guide you through the basic elements of incorporation and make the process simpler. If you have further questions or concerns, you are encouraged to seek professional advice. Under no circumstances will the author, the Utah Arts Council, or the Utah Nonprofits Association be responsible or liable to any person who disregards this warning.

#### What is a nonprofit?

An organization that has a mission to serve the public interest and has filed incorporation papers with the state and receives federal and state tax exemption.

**Note:** The Utah Nonprofits Association presumes that in addition to formalizing your organization by registering it as a nonprofit in the State of Utah, you will also seek and receive tax-exempt status from the Internal Revenue Service by way of being designated as a 501(c)(3) organization.

#### Why form a nonprofit?

There are many valid reasons for creating nonprofit organizations. Nonprofits form the backbone of social, cultural, environmental and community services. Nonprofit organizations fill a void left by government agencies and businesses. Generally, the people who become involved in nonprofit causes do so for altruistic reasons. People who desire to form a nonprofit organization are dedicated to improving their communities. Thanks, in part to the federal government's increased reliance on the services nonprofits can provide, nonprofits are growing at an unprecedented rate. According to the August 2012 IRS Business Master File, there are 5,303 nonprofits in Utah with 3,922 filing 990s. In 2009 alone, these charities accounted for \$7.6 billion in revenues and \$13 billion in assets.



In order to understand why nonprofits exist, it is helpful to know where nonprofits fit into the larger picture. Visualize a triangle where one corner is the government and services provided by the government such as schools, road maintenance, city parks, national forest areas, public golf courses, etc. The second corner represents the for-profit arena, including private businesses, professional services, Wall Street, and the production of many goods and services. Nonprofits fill the

third corner and provide services that the other two sectors cannot or do not provide. The

name the "third sector" originates from this concept of three different kinds service providers (government, business and nonprofit) working together to provide all the elements needed to sustain a good quality of life.

Why form a nonprofit? Because you are passionate about a cause; because you need to obtain grant monies to support that cause; and because you need to formalize the concept you believe in, in order to be recognized by other businesses and individuals. There are also financial incentives for becoming a nonprofit beyond the ability to receive donations. Nonprofits can make use of lower postal rates, receive discounts or exemption from property sales and excise taxes, and may receive in-kind services from corporations. The limited liability that directors, officers and employees may enjoy is another benefit of nonprofit status.

If you have a group that has operated informally without financial records or an organizational structure, the main disadvantages to you are the paperwork and fees required to form the organization. With the help of this handbook, the paperwork should be simply a matter of customizing the samples and following the instructions in this handbook.

#### Can we make a profit?

Yes. In some ways, the title "nonprofit" is misleading. A nonprofit organization can have more income than expenditure. In fact, it is healthy for an organization to have a fiscal reserve to provide insulation against changes in funding, requests for services, or changes in operation. Some nonprofits are fortunate enough to manage an endowment, from which it either spends or reinvests the interest gained on the money.

What distinguishes a nonprofit from a for-profit is not whether the organization makes money but what happens to the profit. Any money that is raised by a nonprofit organization must eventually be used to fulfill the mission of the organization.

In terms of operations, nonprofit organizations should be treated as a business with business interests and needs. However, because of the nature of their missions, nonprofits should never forget that they enjoy the benefits of government subsidy.

#### **Reasons NOT to form a nonprofit**

There are instances when it is more appropriate either to form a for-profit organization or function informally without 501(c)(3) exempt status. The reason to become a for-profit organization is to maintain freedom and autonomy. Founders can create an organization and invest a great deal of time and energy in their vision, only to see the organization changed over time by a volunteer board of directors. If it is important to you as the founder of an organization to always maintain control over the mission and vision of your organization, you should strongly consider forming a for-profit company. The purpose of a *nonprofit* is to *serve the community*, not a limited number of individuals. This is one reason that the government requires

nonprofits to have a volunteer board of directors. Volunteer directors promote community ownership of the organization.



#### How long does it take to get nonprofit status?

Plan that it will take a minimum of three to six months to prepare and process the paperwork. Using the sample documents contained in this handbook, the process of applying for 501(c)(3) status is not as difficult as some people fear. The first step, incorporating with the State of Utah, is simply a matter of preparing the Articles of Incorporation and submitting them to the Division of Corporations. The IRS *Form 1023* and the Bylaws take a bit longer, but are still straightforward. Plan that *each* interaction with the IRS takes approximately three months.

#### Are there organizations that are not required to file Form 1023, Application of Recognition of Exemption?

Yes. The I.R.S. gives automatic exemption to two types of organizations:

- 1. Churches, conventions or associations of churches, or church-affiliated auxiliaries of a church, religious schools, etc.
- 2. Any organization (other than a private foundation) normally having annual gross receipts of not more than \$5,000.

The I.R.S. considers these organizations as exempt automatically if they meet the requirements of section 501(c)(3).

### What are the requirements once annual gross receipts are over \$5,000?

Once annual gross receipts are over \$5,000 the organization has 90 days after the end of the tax year to file Form 1023. If filed within this 15 month period, the organization's exemption will be recognized retroactively to the date it was organized. *See IRS publication 557 for more details on the calculation of gross receipts* (www.irs.gov/pub/irs-pdf/p557.pdf).

#### Should I file Form 1023 even when it's not required?

"A Nonprofit Organization Operating Manual" published by The Foundation Center states that some organizations may choose to file Form 1023 even though they are not required to do so for the following reasons:

- 1. In order to receive a determination letter that recognizes your section 501(c)(3) status and specifies whether contributions to them are tax deductible.
- 2. To reassure potential contributors and foundation grant officers that you are indeed tax exempt under 501(c)(3). The IRS publishes a list of tax-exempt organizations on their website so contributors can check on-line.
- 3. To protect your organization. If later down the road the IRS does not agree your group qualifies for tax-exempt status your group might end up paying income taxes on contributions it received.

Note: Even though an organization is exempt from filing Form 1023, it is still required to file 990-N electronic notice e-postcard.

#### Can a nonprofit begin operation before it receives the 501(c)(3)determination letter?

Yes. A nonprofit organization, meeting the requirements of section 501(c)(3), can operate on a limited basis as an exempt organization before it receives its determination letter from the I.R.S. It's important not to put off filing for your exemption. If you file within 15 months of the time your organization was founded (date of incorporation), your effective date of exemption will be retroactive to your founding date. Donations made prior to the ruling can be accepted and are retroactively tax deductible. If you procrastinate in your filing, your effective date of exemption may be considered the date the I.R.S. receives your Form 1023, in which case prior contributions or income will not be deductible for the donor. In addition your organization may be liable for corporate income taxes. Organizations may apply for a 12-month extension if they meet specific requirements.

#### When can we set up a bank account?

To set up a bank account, an organization generally needs to present the following two documents:

• The Tax Identification Number (T.I.N.). The T.I.N. number comes from the I.R.S. and is obtained by applying for an Employer Identification Number using the Form SS-4 (see <a href="https://www.irs.gov/pub/irs-pdf/iss4.pdf">www.irs.gov/pub/irs-pdf/iss4.pdf</a> for instructions).

• Proof of registration with the state of Utah, such as the stamped Articles of Incorporation. Often if there are associated fees, the bank will waive them for a nonprofit organization.

#### **Can nonprofits lobby?**

The I.R.S. limits the amount and kind of lobbying nonprofits are allowed to do. Charities are allowed to lobby provided the activity is insubstantial in relation to the overall activities of the organization. Any direct lobbying expenditure must be reported to the I.R.S. As long as you exercise care in the political activities engaged in, and keep the activities limited, you can lobby and keep your organizational status in good standing.

#### How can you form a for-profit/nonprofit combination?

As a legal entity, a nonprofit can enter into a business activity with a for-profit corporation or other nonprofit corporations. These partnerships can serve all entities well but require extra bookkeeping. You may want to form a partnership with another organization to benefit from some of the for-profit proceeds, such as creating a restaurant that gives its profits to the nonprofit. Or, you may create a for-profit and nonprofit dance studio, the nonprofit side of the equation would typically include the outreach and educational programming and the for-profit would be the studio classes. If you are interested in this type of arrangement, you should seek further advice from a professional.

### **Steps to organizing a nonprofit checklist**

- 1. Choose a name for the organization. Check the availability of the name on the Utah Department of Commerce website (https://secure.utah.gov/bes/action).
- 2. Prepare and file an application for Reservation of Business Name (optional). (\$22)
- 3. Prepare and file two copies with original signature of the Articles of Incorporation with the Utah Division of Corporations (see sample articles at http://corporations.utah.gov/index.html). **(\$30)**
- 4. Prepare and file I.R.S. Form SS-4 Application for Employer Identification Number (http://www.irs.gov/pub/irs-pdf/fss4.pdf?portlet=3).
- 5. Prepare Bylaws. See resources on UNA Web site for more information.
- Prepare and file I.R.S. Form 1023, Application for Recognition of Exemption. Assemble application package per Form 1023 checklist located at the end of your Form 1023 application. Include Form 8718 with appropriate user fee (http://www.irs.gov/charities/index.html). (\$400 for organizations averaging gross receipts less than \$10,000 per year over the first four years, or \$850 for organizations exceeding that amount)
- 7. Apply for Appropriate Exemptions.
  - Utah State Income Tax Exemption;
  - Utah Sales Tax Exemption;
  - Investigate other nonprofit benefits that may apply to your organization. \*for more details, visit the Utah State Tax Commission Web site.
- Prepare and file a Charitable Organization Permit Application Report (<u>http://consumerprotection.utah.gov/downloads/charitable-organization\_application.pdf</u> with the Division of Consumer Protection. (\$100, annually)
- 9. Prepare and file an Annual Report with the Utah Division of Corporations (http://corporations.utah.gov/). **(\$15)**
- 10. Prepare and file annually one of the following IRS forms: (http://www.irs.gov/charities/index.html):
  - Form 990-N electronic notice E-postcard
  - Form 990-EZ
  - Form 990

Some organizations such as churches are exempt from filing a 990.

#### 1. Choose a Name for the Organization

The steps of incorporating a nonprofit are fairly simple and straightforward, but the decisions you make now will set the tone for the organization for years to come, so it is wise to take time on each step. Think through decisions you are making not only for this year, but for five and ten years hence when the organization will likely be larger and will have more of a community impact. This applies not only to the selection of a name, but also to board size and structure. When choosing a name, think about the acronym the letters form as well as what the name suggests. Avoid trademark conflicts; check the following resources:

- The Utah Department of Commerce website (<u>https://secure.utah.gov/bes/action</u>)
- The Web: use a search engine like Google or Yahoo; also check to see whether the name you want is being used as a domain name which is also a trademark conflict
- Federal trademark database: http://www.uspto.gov/trademarks/process/search/

#### 2. Reserve the Business Name

*You are not required* to reserve your name in advance of filing the Articles of Incorporation. Once the Articles of Incorporation are filed with the State, the name you have chosen will be yours. The State of Utah *does* allow organizations wishing to reserve their name for a 120 day period to register the name with the Utah Department of Commerce for \$22. This temporarily holds your name until the filing of the Articles of Incorporation completes the process.

The Utah Department of Commerce website is: http://commerce.utah.gov/. Or you can download the application at: <u>http://corporations.utah.gov/pdf/nmreserv.pdf</u>.

#### **3. Prepare and file Articles of Incorporation**

Although a nonprofit organization can take other forms, most nonprofit organizations are corporations. Corporations are formed under state law. To form a Utah nonprofit corporation, the persons forming the organization must file Articles of Incorporation with the Utah Department of Commerce. The Articles of Incorporation is the only document required by the State for forming a nonprofit. In addition to the general information it provides, the Articles of Incorporation establish evidence of an agency's nonprofit nature. Utah's Department of Commerce on their web page <a href="http://corporations.utah.gov/business/dnp.html">http://corporations.utah.gov/business/dnp.html</a> provides Articles of Incorporation forms, guide sheets, informational packets, and answers to frequently asked questions. A step-by-step manual "Preparing Articles of Incorporation" is available at: <a href="http://corporations.utah.gov/pdf/nonprofitarticles.pdf">http://corporations.utah.gov/pdf/nonprofitarticles.pdf</a>. The manual includes a sample Articles of Incorporation.

### To satisfy the State of Utah, the Articles of Incorporation must contain the following information:<sup>1</sup>

Section A:

- 1. Name of Corporation
- 2. Purpose or purposes for which the corporation is being formed
- 3. Registered Agent
- 4. Incorporators- name, signature and address of each incorporators
- 5. Voting Members
- 6. Shares
- 7. Assets: a dissolution policy -see further details on next page

Section B:

- 1. Principal Address
- 2. Directors name and address of each director

#### (See sample set of Articles of Incorporation on pg. 25)

<sup>&</sup>lt;sup>1</sup> http://corporations.utah.gov/pdf/incnonprofitinst.pdf, May 2009

<b>9</b>	Dissolution of Assets?
	Both the State and the IRS requires your Articles of Incorporation to include a dissolution clause. This means that if you dissolve your organization in the future, your assets must be distributed for exempt purposes described in section $501(c)(3)$ . A sample clause is included in IRS instructions for Form 1023, page 7: "Upon the dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of section $501(c)(3)$ of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose."
	Declaration of Distributions?
	Although the state does not require a Declaration of Distribution in your Articles of Incorporation, this is an important issue for the IRS. In evaluating a nonprofit's exempt status, the IRS is looking for assurance that the nonprofit is organized and operating exclusively for their exempt purpose and that assets are being distributed in a fiduciary manner toward charitable purposes. See page 32 for a sample of this clause.
	Does Incorporation Limit My Liability?
?	One of the benefits of incorporation is that the corporation is a separate entity from the individuals responsible for its creation. In most cases the corporation protects individuals from personal liability if board members exercise their duties in a responsible prudent way. It is important to understand legal responsibilities and duties of each board member and make reasonable review of their performance to ensure they are carrying out their duties diligently. We encourage you to consult an attorney to ensure appropriate consideration of all legal implications of incorporating.
	The <b>Utah Nonprofits Association (UNA)</b> recommends that all Utah nonprofit organizations adopt core values and standards of ethics. We recommend that you print out and work towards Standards of Ethics for Nonprofit Organization in Utah available from UNA's website at: https://utahnonprofits.org/membership/standards-of-ethics

When filing your articles, you must submit two signed original copies to the Utah Department of Commerce with a filing fee payable to the State of Utah. Additional information is available by phoning (801) 530-4849 or on the Division of Corporations website, <u>www.commerce.utah.gov</u>.



#### How Can We Amend the Articles of Incorporation?

Most changes in the organization can be handled through the annual report that an organization must file each year with the State of Utah. However, if the organization has a change in purpose or to the Articles of Incorporation, you must do the following:

- Indicate the name of the corporation.
- Provide the text of the amendment.
- Indicate the date of the amendment's adoption.
- If the amendment was adopted by the board of directors or incorporators without member(s) approval, provide a statement to that effect, noting member approval was not required.
- If the amendment was approved by the member(s) provide a statement that the number of votes cast for the amendment by the members of each voting group entitled to vote separately on the amendment was sufficient for approval.
- If approval was not by a member(s), the board of directors, or the incorporator(s), provide a statement that the approval was obtained must be included.
- Provide the signature of an authorized corporate officer to the Articles of Amendment

You may file two sets of copies if mailing or faxing, three copies if in person, of the type written or computer generated Articles of Amendment. Please include the non-refundable processing fee of \$17.00 for Nonprofit Corporations. Means of payment are: cash, check, or money order made payable to the "State of Utah". If you are faxing, (801) 530-6438, you must include on a cover sheet the number of a Visa, MasterCard, or American Express with the date of expiration. Or hand deliver to 160 East 300 South, Main Floor.

#### 4. Prepare and file I.R.S. form SS-4

This form is simple to complete and is required. The Employee Identification Number (E.I.N.) becomes the number by which the organization is tracked federally. The E.I.N. for an organization is similar to an individual's Social Security number.

	What date should we use for the date of Incorporation?
~	This question usually arises when completing the Federal Forms SS-4 and Form 1023. The I.R.S. considers the date of incorporation to be the date that the Articles of Incorporation were approved by the Utah Division of Corporations.
	Where can I obtain Form SS-4?
?	IRS Forms and Publications are available at: http://www.irs.gov/formspubs/index.html
	Can I apply online?
?	Apply and get your number instantly online: http://www.taxdocuments.com/taxidnumber/

#### 5. Prepare Bylaws

The Bylaws contain the operating rules and provide a framework for the organization's management procedures. They are the tools of internal accountability. The State of Utah does not require nonprofit corporations to have bylaws but it is advisable to have these important internal operating rules. Although the IRS requests a copy of your bylaws to be included in Form 1023 Application for Recognition of Exemption, federal tax law does not require specific language in the bylaws of most organizations.

The power to adopt, amend or repeal Bylaws is vested in the Board of Directors unless otherwise provided in the Articles of Incorporation or in the Bylaws. The Bylaws establish the normal working rules for the regulation and management of the affairs of the organization and, therefore, should be simple and flexible. Particular care should be taken in defining the voting members if the organization elects to be a member organization and in all the proceedings for the election of the governing board.

This handbook is created to give you two options for creating your own Bylaws. First, you will find a list of the basic elements that must be contained in the Bylaws. You may use this list to create your own Bylaws or you can adapt the Sample Bylaws in this section (pg 33) to fit your organization. Additional sample bylaws for both member and nonmember organizations are available from The Minnesota Council of Nonprofits website:

- With Members: http://www.mncn.org/info/samplebylawswithmembers.pdf
- Without Members: http://www.mncn.org/info/samplebylawswoutmembers.pdf

At a minimum, Bylaws should contain the following information:

- **Purpose:** The name, purpose and goals of the organization (may also contain the organizational mission.)
- **Directors:** The number, qualifications, terms of office, definition of a quorum, dates of annual meeting, and procedure for filling board vacancies.
- **Required Officers:** Each board is required to have officers such as President, Vice-President, Secretary and Treasurer. The Bylaws should define basic number and roles of officers. One person may hold more than one office simultaneously, except for the offices of President/Chair and Secretary.

- **Executive Committee:** A majority of the board may designate two or more board members as an executive committee to act on behalf of the board in the interest of the organization, except to approve or recommend items requiring oversight of the full board, fill vacancies on the board, or amend Articles or Bylaws. **Other committees** and committee responsibilities may be outlined in the Bylaws as well.
- **Members:** If the organization has members, the Bylaws should outline their qualifications, rights and duties. Bylaws should also contain any pertinent information about regularly scheduled meetings and member responsibilities.
  - a. **Indemnification:** Bylaws should contain provisions for indemnification by the corporation of its directors, officers and employees with respect to claims brought against them for actions taken in good faith, which the person reasonably believed to be in the best interest of the organization.
  - b. **Amendments:** Provide instruction on the process of amending the Bylaws. As a fluid document, the Bylaws of a nonprofit should be amended to reflect the current needs of the organization. All amendments must be authorized by the Directors as outlined in the Bylaws. As a matter of good practice, amendments should be noted on the copy of the Bylaws contained in the minute book. Because of the various legal requirements involved, the organization's attorney should be consulted prior to making any significant amendments to either the Articles or the Bylaws.
  - c. **Miscellaneous:** The Bylaws may include information about other records kept by the organization including: minutes, fiscal year, a Conflict of Interest Statement, contracts with the organization, basic financial requirements, and any other issues that may be important to the organization.

## ?

#### How Can We Amend the Bylaws?

If there is a change in purpose or activities, you must file an amendment with the I.R.S. Submit a copy of the amended Bylaws along with signatures of at least two members of the board to the I.R.S. Cincinnati office at the following address:

I.R.S. TE-GE Room 4024 P.O. Box 2508 Cincinnati, OH 45201 Attention: TE-GE Correspondence Unit Fax number: 513-263-4330

#### What about our Board?



#### How should we structure the Board?

The size of the board should reflect the nature of the organization. Boards may be structured in many different ways and comprised of many different kinds of individuals. Governing, advisory and working boards are three typical types of board structures. Working boards usually run new organizations. This means that each board member plays a distinct and important role in the day-to-day operations of the organization. On a working board, the board members not only create the policies, vision and goals for the organization, they also carry out most of the work. Choosing the Board of Directors is among the most important decisions you can make. When looking for directors, look for a variety of people, including members who are willing and able to work, those who are power brokers and connected in the community, visionary leaders who are passionate about the cause, and either affluent members or people who have a connection to financial resources.

#### How big should the board be?

Typically, a manageable size board for a new organization is somewhere between seven and fifteen members. Too few members can place a tremendous burden on a few people and too many members can be unwieldy to manage. However, each organization must decide the best number based on the roles of the board members, the tasks to be accomplished, and the mission of the organization. Board service can be made more effective and efficient with the use of committees. Committees should support the board activities and can be made up of non-board members. By dividing board activities into committees, you can involve more people in the organization (even find potential board members) and shorten board meetings by taking care of specific details in committee meetings.

#### How long should a board member serve?

Although there are different thoughts about length of service, a two or three year term is sufficient. That length of time allows board members to learn the workings of the organization without burning out. Additionally, you may want to provide opportunities for board renewal. Remember, however, that Bylaws not only provide guidance to the board, they also provide protection if a problem occurs. If a problem arises with a board member, the best, and sometimes the only *kind* way to remove that board member is through board term limits. By enforcing term limits, the board remains fresh, and over the life of the organization, more people can be involved in the organization.

#### What constitutes a quorum?

The Bylaws should define the number required to make a quorum. Most often, it is either a majority or two-thirds of the board.

#### Why are we required to have at least three board members?

According to the Utah Code, nonprofit organizations are required to have a minimum of three board members. The three member minimum requirement helps the start-up organization to expand beyond the incorporator and better protects the public interest in the nonprofit. Remember that 501(c)(3) organizations exist to benefit the general public.

#### Can a board member receive payment for service on the board? Or, can a board member receive payment for services to the organization which are separate from their role on the board?

One of the key restrictions that the I.R.S. places on a nonprofit organization is that the board members be volunteer representatives of the community. A board member may <u>not</u> be paid for his or her service on the board. He/she may, however, be compensated for gas, mileage, and expenses associated with their service on the board. Although it is best to separate the activities of the board and the activities of staff and/or contract people, there are occasions when a board member may provide services that are separate from their board service. For example, a dance company may have a member of the board who is also an instructor for the company. If this occurs, be careful to keep clear records of the board member's service and his or her paid work.

#### How often should the board meet?

As often as needed, but not so many times that board members do not feel their time is well spent. A lot will depend on which type of board you have. A governing board may only need to meet on a quarterly basis to approve the budget or set new policy. On the other hand, a working board may need to meet monthly to ensure the health of the organization with regard to ongoing decisions that need to have prompt attention. Try to limit the number of meetings or limit the length of meetings by using time-savers such as separate ad hoc committees or consent agendas.

One way to maintain efficient board meetings is to use committees. Assign board members to committees as directed by your mission and strategic plan. At the board meeting, each committee should make a report and ask for approval on specific items decided by their committee at a separate meeting. Using this format can empower board members and encourage efficiency at full-board meetings.

NOTE: To answer more of your questions about boards, the Community/State Partnership Program has compiled a handbook for board development entitled *The Art of Board Development* as a companion nonprofit handbook. This handbook and *The Art of Volunteer Development* are available through the CSP office and will also be published on our website. http://arts.utah.gov/newspublications/publications/index.html

## 6. Prepare and file I.R.S. Form 1023, Application for Recognition of Exemption

Organizations that meet the requirements of Internal Revenue Code section 501(c) 3 are exempt from federal income tax and charitable contributions made by individuals and corporations are tax deductible. To receive this benefit, organizations must apply to the I.R.S. by filing Form 1023, Application for Recognition of Exemption.

For many people, completing Form 1023 is the most intimidating and time consuming part of the process of becoming a tax-exempt organization. However, the Form is usually less difficult than it appears. The purpose of Form 1023 is to prove to the I.R.S. three basic issues:

- 1. The organization is organized and operated exclusively for one of more exempt purposes.
- 2. The organization will not be organized or operated for the benefit of private interests.
- 3. The organization will not substantially attempt to influence legislation (unless it elects under allowable provisions) or participate in any extent in a political campaign for or against any candidate for public office.

Get a copy online: <u>http://wnw.irs.gov/pub/irs-pdf/f1023.pdf</u>

And instructions online: http://www.irs.gov/pub/irs-pdf/i1023.pdf

For more information, review Publication 557 Tax-Exempt Status for your Organization, page 20.

Understanding the three above issues will make filling out Form 1023 much easier. The instructions that accompany Form 1023 are detailed and much of the Form is self-explanatory. There are a few areas that tend to be harder to complete than others. The areas are as follows:

• **Part IV: Narrative Description of Your Past, Present and Planned Activities** This may be the most important section for determining your exempt status, so write it carefully. Remember successful applications become public documents and may be used in the future by a variety of users to evaluate your organization, most importantly potential donors. In addition to listing the what, who, when, and where of your activities, explain how each activity furthers your exempt purpose and how it will be funded. Support the details of your narrative by attaching newsletters, brochures, or similar documents. This may be one of the most important public relations materials that you write. Having someone less close to your organization review your application may help clarify important points and speed up the processing time of your application.

#### • Part VIII: Your Specific Activities

Questions 1 and 2 relate to lobbying. It is important to the I.R.S. to confirm that the organization is not going to spend a substantial percentage of its resources on lobbying. For more information see Frequently Asked Questions, page three. Question 3 asks about gaming activities. Note that raffles are considered gaming as they

Question 3 asks about gaming activities. Note that raffles are considered gaming as they are games of chance. "Opportunity drawings" are not considered gaming.

#### • Part IX: Financial Data

Before filling out this section, please note errata sheet changes on the next page. Provide the most accurate budgetary history or projection you can. It is acceptable to indicate no/zero income where appropriate.

#### • Part X: Public Charity Status

Questions 1-5: Public charity or private foundation? The difference is significant. All 501(c)(3) organizations are classified either as a public charity or a private foundation. The difference between the two can have an impact on the donors and the organization. The amount of money a donor can give to a private foundation is a smaller percentage of his or her total net worth. Typically, a private foundation is established for the purpose of giving money under the auspices of a family name (for example: James L. Knight Family Foundation).

The determination between private foundation and public charity depends on where your money comes from. If a "substantial" (1/3) of your money comes from a variety of individual donors, foundations and government grants then the organization is a public charity. If most of your money comes from one source then the organization would be considered a private foundation. Please note that the IRS assumes the organization is a private foundation unless proven otherwise. It is in the best interest of most nonprofits to prove that the organization is a public charity. Both private foundations and public charities are required to file a 990 tax return.

Question 6a: Advanced Ruling. Do not complete this question. Please note errata sheet changes on the next page.

#### Application Package

To assist in the processing of your application, I.R.S. requests that documents should be submitted in a specific order. Assemble your application package per the checklist located at the end of your Form 1023. Disregard the mailing address on the checklist. All applications must be mailed to: **Internal Revenue Service, P.O. Box 12192, Covington, KY 41012-0192.** Remember to retain a copy of your completed Form 1023 and all supporting documents in your permanent records.

## FYI

#### An important change effective September 9, 2008 Elimination of the Advance Ruling Process

On September 9, 2008, the IRS eliminated the advance ruling process for a section 501(c)(3) organization. Under the new regulations, a new 501(c)(3) organization will be classified as a publicly supported charity, and not a private foundation, if it can show that it reasonably can be expected to be publicly supported when it applies for tax-exempt status.

Under the old regulations, an organization that wanted to be recognized by the IRS as a publicly supported charity instead of a private foundation had to go through a five years waiting period showing that it actually met the public support test.

The new rules no longer require the organization to file Form 8734 after completing its first five tax years. Moreover, the organization retains its public charity status for its first five years regardless of the public support actually received during that time.

#### New Action Item:

Beginning with the organization's sixth taxable year, it must establish that it meets the public support test by showing that it is publicly supported on its Schedule A to Form 990, Return of Organization Exempt from Income Tax.

#### I.R.S. Errata Sheet for Form 1023

As of May 2012, Form 1023 has not been revised to comply with these changes so The I.R.S has prepared an errata sheet with instructions for completing Part IX and Part X of the Form 1023 to be used until the Form 1023 is revised. This errata sheet is available at: http://www.irs.gov/pub/irs-tege/errata\_sheet\_for\_form\_1023\_final.pdf

#### Summary of Errata Sheet

Part IX

- If organization has existed for five or more years, provide financial data for the five most recent tax years.
- If organization has existed for less than five years, provide financial data for each year in existence and good faith estimate financial data for future years for a total of three years if the organization has existed for less than a year or a total of four years if the organization has existed for more than a year.

#### Part X

- Do not complete line 6a on page 11, and do not sign the statute extension clause (under heading "Consent Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code").
- Only complete line 6b and line 7 on page 11 if the organization has existed for five or more tax years.

9	Where do I obtain I.R.S. Forms?
•	The form is available either through the I.R.S. website, <u>http://www.irs.gov</u> or by calling the toll-free number for Exempt Organizations, 1-877-829-5500. In addition to Form 1023, the I.R.S. provides Publication 557 with more detailed information about Tax-Exempt Status.
0	Where do I find more information?
	The I.R.S has an extensive website at <u>http://www.irs.gov/charities</u> / dedicated to all aspect of nonprofit organizations.
	Is it possible to expedite the ruling process?
	The I.R.S. will only approve expedited processing of an application where a request is made in writing and contains a compelling reason for processing the application ahead of others. See Form 1023 instructions for additional information.



#### 7. Prepare and File I.R.S. Form 8718

**Form 8718: User Fee for Exempt Organization** is submitted with your Form 1023 as part of your application package. The law requires a user fee with each application for determination letter request.

The user fee is \$400 for organizations that had or anticipate gross receipts averaging less than \$10,000 during preceding or the next four years. The user fee for organizations exceeding that amount is \$850.

See Form 1023 checklist for instructions on where to include Form 8718 in your application package.

## ?

#### Form 8718: What happens if we estimate incorrectly and make more than an estimated \$10,000/year in the first four years?

The I.R.S. will not bill you retroactively. You are expected to make a bestfaith estimate in your initial application.

#### 8. Apply for appropriate exemptions

#### Exemption from Sales Tax

In order to obtain exemption from sales tax in Utah, you must first be recognized as an exempt organization by the I.R.S. [i.e., a 501(c)(3) organization]. Once you have received the determination letter from the I.R.S., mail it along with Form TC-160 to the Utah State Tax Commission.

#### Exemption from Income Tax

In order to obtain exemption from income tax, send a copy of your 501(c)(3)-determination letter along with Form TC-161 Utah Registration for Exemption from Corporate Franchise or Income Tax to the Utah State Tax Commission. Some activities and sales of a nonprofit organization do not merit nonprofit exemption.

?	Where do I obtain a Form TC-160? Download a form from the Utah State Tax Commission's Website at: <u>tax.utah.gov/forms/current/tc-160.pdf</u>
?	Where do I obtain a Form TC-161? Download a form from the Utah State Tax Commission's Website at: <u>http://tax.utah.gov/forms/current/tc-161.pdf</u>
?	<b>Is Utah tax exempt status retroactive?</b> Although an organization may not receive tax and income exemption until it receives the determination letter from the I.R.S., the exemption may be retroactive: Income tax exemption is generally retroactive to the day of inception. Sales tax exemption is generally retroactive to the day of inception or three years, whichever is less.

#### Tax on Unrelated Business Income of Exempt Organizations

The I.R.S. grants exemption from the payment of income tax on income directly related to the purpose of the organization. However, if an exempt organization regularly carries on a trade or business that is not substantially related to its exempt purpose, it may be subject to tax on its income. All income is subject to taxation and the I.R.S. has the right to grant or deny an exemption depending on the nature of the requested exemption.

Because unrelated business income is often made through sale of incidental items or through activities not related to the organization, the income may be taxed. For example, churches which host bazaars where they sell used clothing, cakes or other goods, may be subject to I.R.S. taxes because the items being sold do not substantially relate to the activity and focus of the church.

To be considered unrelated business income, the product or service in question must satisfy all three of the following tests:

- The income is derived from a trade or business;
- The trade or business is regularly carried on; and
- The trade or business is not substantially related to the organization's exempt purpose.

There are some exemptions to Unrelated Business Income Tax including passive income such as interest payments, royalties, annuities and certain rents. Organizations run by volunteers for the convenience of their members may also be exempt. Exemptions, as with taxes, are the domain of the I.R.S. Review I.R.S. Publication 598 for additional details.

#### Qualifications for Nonprofit Mail Rate

Most 501(c)(3) organizations qualify for a Nonprofit Standard Mail Rates Permit from the U.S. Post Office. This permit entitles nonprofits to lower rates on mailings. To obtain a permit, you must complete a simple application, PS Form 3624. The form is available on the U.S. Post Office web page, **www.usps.gov** or may be obtained from your local post office. In addition to the form, you will need the following documents:

- A copy of the tax-exempt determination letter from the I.R.S.
- Documents describing the organization's primary purpose, such as the Articles of Incorporation and/or Bylaws.
- Supporting materials showing how the organizations actually operated during the previous 6-12 months and how it will operate in the future. Bulletins, financial statements, membership forms, publications produced by the organization, minutes of meetings or a list of its activities may be used.

#### Application is available at: http://www.usps.com/forms/\_pdf/ps3624.pdf

Keep in mind that the completed Form 3624 must be submitted to the post office where bulk mailings will be deposited. If the application is approved, the authorization will apply only at that post office.

#### Other exemptions

There are other exemptions that nonprofit organizations may qualify for. You may want to investigate other options, such as property tax exemption, that are applicable to your organization.



#### 9. Prepare and File a Charitable Solicitation Permit

According to Utah Code Annotated, §§13-22-1 to 21, any organization seeking donations must obtain a Charitable Solicitation Permit from the Utah Division of Consumer Protection. The Utah Charitable Solicitations Act was enacted to protect both consumers and legitimate charities. This law requires charities to register annually with the Department of Commerce, Division of Consumer Protection. Unless you are grated exemption under the law, you must file an application each year and pay an annual fee of \$100 per year. You can contact the Division of Consumer protection at (801) 530-6601 or www.commerce.utah.gov

?	Can we accept donations prior to receiving the exempt designation from the I.R.S. and the state income exemption? Because the tax exempt status is retroactive to the date of incorporation (up to 15 months), donations given prior to receipt of the determination letter may be exempt. Because you should take special care of your donors, be aware of the window of time in which the status is retroactive. Be aware that many donors have regulations that require that you have the exempt status prior to applying.
?	<ul> <li>What kind of information do we need to provide to our donors to comply with I.R.S. standards?</li> <li>A charitable organization must give a donor a disclosure statement for a quid pro quo contribution over \$75. A quid pro quo contribution is a payment a donor makes to a charity partly as a contribution and partly for goods or services (for example, a donor gives \$100 and receives two complimentary tickets in return, valued at \$40). The receipt must state the value of the gift. You should provide written receipts for all donations to the organization. If no goods or services are received for the services, the receipt should indicate, "No goods or services were given in return for this donation."</li> <li>For any single gift of \$250 or more, a taxpayer must have a written acknowledgement from the charitable organization in order to take a tax deduction.</li> </ul>

- Register online: <u>https://secure.utah.gov/charities/start.html</u>
- Download application: http://consumerprotection.utah.gov/downloads/charitableorganization\_application.pdf



#### 10. Prepare and file Appropriate Reports

#### Utah Annual Reporting Requirements

Annual reports must be filed during the month of the anniversary date of incorporation, on a form provided by the Utah Division of Corporations. Filing fee is \$15.

- Get form: <u>http://corporations.utah.gov/pdf/renewal.pdf</u>
- File online: http://corporations.utah.gov/onlinechangeforms.html

#### I.R.S. Form 990

An organization must file one of the following IRS Forms on an annual basis:

Opt	IRS Form	If annual gross receipts are:	And if total assets are:
1	Form 990-N electronic notice	Normally \$25,000 or less	
	(E-postcard)		
2	Form 990-EZ		
	2009 tax year (filed in 2010)	< \$500,000	< \$1.25 million
	2010 and later tax years	< \$200,000	< \$500,000
3	Form 990	Exceeds EZ requirements	

**NOTE:** Form 990 is a key source of information about nonprofits. It is a document of public record available through libraries and found on the internet. <u>GuideStar.org</u> has a database of 1.8 million IRS-recognized U.S. nonprofits in which it publicizes 990's along with organization's mission, goals, accomplishments and board members. Another good site is the Foundation Center under the tab *Finding Funders*, <u>www.fdncenter.org</u>. The 990 summarizes an organization's finances, including listing salaries of the top paid officials, names of the board of directors, and financial gifts from private foundations. Remember that private foundations are also nonprofit organization by looking at the Form 990.

### What do we do if the organization has been inactive for some time?

*Utah*: If the board has failed to file the Annual Report or for some other reason has lost its recognition by the State of Utah, then the organization must file an Application for Reinstatement. The application is available from the State of Utah Division of Corporations. The cost to reinstate is \$22.

*I.R.S.*: If an organization becomes inactive for a period of time but does not cease being an entity under the laws of the state in which it was formed, its exemption will not be terminated. Unless an organization is exempt from filing, you will have to continue to file annual information returns during the period of inactivity. To learn if an organization is in good standing, call the IRS toll-free line, 1-877-829-5500 or search online at <u>www.irs.gov/app/pub-78</u>

### SAMPLE

SAMPLE

#### ARTICLES OF INCORPORATION of a SAMPLE ARTS ORGANIZATION

Information about the incorporation process and answers to frequently asked questions are noted in italics in the body of the text.

For the purpose of example, "Sample Arts Organization" is used as the organization title.

The undersigned adult natural persons, acting as incorporators, hereby establish a nonprofit corporation pursuant to the Utah Nonprofit Corporation and Co-operative Association Act and adopt the following articles of incorporation:

#### Article I

**NAME:** The name of the Corporation is *SAMPLE ARTS ORGANIZATION*.

#### Article II

**DURATION:** The Corporation shall have perpetual existence. Existence is generally perpetual but is not required to be. You can state a fixed number of years.

#### Article III

**PURPOSES:** The specific purposes and objectives of the Corporation shall include but not be limited to the following:

Define your purpose of existence according to IRS regulations. Note that the language in section a) i, ii, and iii is mandatory.

(a) The Corporation is organized as a nonprofit corporation and shall be operated exclusively for educational and charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.

(i) No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered to the Corporation and to make payments and distributions in furtherance of the purposes set forth herein;

(ii) No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements)

any political campaign on behalf of any candidate for public office except as authorized under the Internal Revenue Code of 1954, as amended;

(iii) The Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended (or the corresponding provision of any future United States Internal Revenue law).

(b) To act and operate exclusively as a nonprofit corporation pursuant to the laws of the State of Utah. (Insert information that is pertinent to your organization here. Add any additional information as necessary in c, d, e, etc.)

(c)

(d)

(e)

(f) To solicit and receive contributions, purchase, own and sell real and personal property, to make contracts, to invest corporate funds, to spend corporate funds for purposes, and to engage in any activity "in furtherance of, incidental to, or connected with any of the other purposes."

(g) Such other powers as may be exercised by nonprofit organizations under the applicable laws of the State of Utah and are consistent with those powers described in the Utah Nonprofit Corporation and Cooperation Association Act, as amended and supplemented.

#### Article IV

#### **MEMBERSHIP:**

An organization may have one or more classes of members or no members. If the organization chooses to have members, this section should define the terms of membership. Or, you may wish to describe membership details in your bylaws in order to avoid having to file amendments each time you make a change to the Articles of Incorporation. Members are not individually or personally liable for the debts or obligations of the corporation.

(Option A) SAMPLE ARTS ORGANIZATION shall not have any class of members or stock.

**(Option B)** *SAMPLE ARTS ORGANIZATION* shall have members as prescribed by its bylaws. Their terms of membership, rights, powers, privileges and immunities shall be as from time to time stated in the bylaws. The corporation shall have no capital stock. However, the corporation may issue certificates evidencing membership therein.

#### Article V

**BYLAWS**: The initial bylaws of the Corporation shall be as adopted by the board of trustees. Such trustees shall have power to alter, amend or repeal the bylaws and from time to time enforce and adopt new bylaws. Such bylaws may contain any provisions for the regulation or management of the affairs of the Corporation that are not inconsistent with the law or these Articles of Incorporation, as the same may from time to time be amended. However, no bylaw at any time in effect, and no amendment to these articles shall have the effect of giving any trustee or officer of this Corporation any proprietary interest in the Corporation's property or assets, whether during the term of the Corporation's existence or as an incident to its dissolution. **Article VI** 

#### **BOARD OF DIRECTORS:**

You are required to have a minimum of three people on your board. Even as a new organization, it is generally recommended that you have more than three members.

The number of members on the Board of Directors of *SAMPLE ARTS ORGANIZATION* shall be three, or more than three, as fixed from time to time by the bylaws of the corporation. The number of trustees constituting the present Board of Directors of the corporation is (*minimum of three*), and the names and addresses of the persons who are to serve as trustees are:

Name	Address
1. Samuel Clemens	647 Canyon Road, Brigham City, UT 84314
2. Jane Eyre	1581 South 750 West, Bountiful, UT 84152
3. William Shakespeare	753 Tragedy Lane, Cedar City, UT 84606

#### Article VII

**INCORPORATORS:** The names and addresses of the incorporators are:

Include the names as well as the addresses of the Incorporators

Samuel Clemens	William Shakes peare
647 Canyon Road	753 Tragedy Lane
Brigham City, UT 84314	Cedar City, UT 84606

Jane Eyre 1581 South 750 West Bountiful, UT 84152

#### Article VIII

**REGISTERED OFFICE AND AGENT:** The address of the Corporation's initial registered office shall be:

The address of the corporation's initial registered office, the name of the registered agent and his signatureacknowledging acceptance as such must be included. The address must be a street address. A Post Office Box is not permitted.

SAMPLE ARTS ORGANIZATION 647 Canyon Road Brigham City, UT 84314 Such office may be changed at any time by the Board of Trustees without amendment of these Articles of Incorporation. The Corporation's initial registered agent at such address shall be:

Samuel Clemens I hereby acknowledge and accept appointment as corporate registered agent:

Signature: \_\_\_\_\_

#### Article IX

**PRINCIPAL PLACE OF BUSINESS:** The Principal Place of Business of this Corporation shall be *647 Canyon Road, Brigham City, UT 84314*. The business of this Corporation may be conducted in all counties of the State of Utah and in all states of the United States, and in all territories thereof, and in all foreign countries as the Board of Trustees shall determine.

#### Article X

Nonprofit organizations that are tax-exempt must provide a declaration of distribution of corporate assets. The specific suggested language is as follows:

**DISTRIBUTIONS:** No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, as amended or supplemented, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, as amended or supplemented.

#### Article XI

This language is required by the Federal Government for tax-exempt status.

**DISSOLUTION:** Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended or supplemented, or shall be distributed to the federal government or to a state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the corporation is then located, exclusively for such purpose or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

#### This section of your articles is Mandatory and should closely follow the format shown here:

In witness whereof, we, Samuel Clemens, Jane Eyre and William Shakespeare have executed these Articles of Incorporation in duplicate this 24<sup>th</sup> day of January, 2000 and say:

That we are all incorporators herein; that we have read the above and foregoing Articles of Incorporation; know the contents thereof and that the same is true to the best of their knowledge and belief, expecting as to matters herein alleged upon information and belief and as to those matters we believe to be true.

Samuel Clemens

William Shakespeare

Jane Eyre (It is recommended that you have the signatures notarized.)

#### SAMPLE

SAMPLE

#### **BYLAWS**

#### of a

#### SAMPLE ARTS ORGANIZATION

#### TABLE OF CONTENTS

#### ARTICLE I Offices

Section 1.1	<b>Business</b> Offices
Section 1.2	Registered Offices

#### ARTICLE II **Purposes**

Section 2.1	Purposes
Section 2.2	Specific Objectives and Purposes

#### ARTICLE III Board of Directors

Section 3.1	General Powers
Section 3.2	Number, Election and Qualification
Section 3.3	Tenure
Section 3.4	Duties
Section 3.5	Vacancies
Section 3.6	Annual and Regular Meetings
Section 3.7	Special Meetings
Section 3.8	Notice
Section 3.9	Quorum and Voting
Section 3.10	Meetings by Telephone
Section 3.11	Action Without a Meeting
Section 3.12	Presumption of Assent
Section 3.13	Compensation
Section 3.14	Executive and Other Committees

#### ARTICLE IV Officers and Agents

Section 4.1	Executive Committee Defined
Section 4.2	Election and Term of Office
Section 4.3	Removal
Section 4.4	Vacancies
Section 4.5	Authority and Duties of Officers

#### ARTICLE V Members

(Option A) Section 5.1 Members

(Option B) Section 5.1 Classification, Qualification, Privileges and Election of Members Section 5.2-5.9 \* Further sections as defined by needs of organization

- Section 5.2 Dues
- Section 5.3 Suspension & Term of Membership
- Section 5.4 Transfer of Membership
- Section 5.5 Annual Meeting of Members
- Section 5.6 Special Meetings
- Section 5.7 Place of Meeting
- Section 5.8 Notice of Meeting
- Section 5.9 Committees

#### ARTICLE VI Indemnification

Section 6.1	Indemnification	of Directors,	Officers, Etc.
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- Section 6.2 Insurance
- Section 6.3 Limitation on Indemnification

#### ARTICLE VII Miscellaneous

Section 7.1	Account Books, Minutes, Etc.
Section 7.2	Fiscal Year
Section 7.3	Conveyances and Encumbrances
Section 7.4	Designated Contributions
Section 7.5	Conflicts of Interest
Section 7.6	Loans to Directors and Officers Prohibited
Section 7.7	Amendments
Section 7.9	Severability

#### ARTICLE I OFFICES

**Section 1.1** <u>Business Offices</u>. The principal office of the corporation shall be located in the city of \_\_\_\_\_\_ and the county of \_\_\_\_\_\_. The corporation may have other offices either within or outside Utah, as designated by the Board of Directors or as the affairs of the corporation may require from time to time.

**Section 1.2** <u>Registered Office</u>. If a registered office of the corporation is required to be maintained in Utah, it may be, but need not be, the same as the principal office, if in Utah, and the address of the registered office may be changed from time to time by the Board of Directors.

#### ARTICLE II PURPOSES

**Section 2.1** <u>Purposes</u>. This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code.

**Section 2.2** <u>Specific Objectives and Purposes</u>. The specific objectives and purposes of this corporation shall be: (*this can be a bulleted list of organizational objectives or paragraph narrative. If you desire, the organization's mission statement can also be included in this section. Section 2.2 may also simply be the organizational <u>Mission.</u>)* 

#### ARTICLE III BOARD OF DIRECTORS

**Section 3.1** <u>General Powers</u>. The Board is responsible for overall policy and direction of the Council and *(if applicable)* delegates responsibility for day-to-day operations to the *SAMPLE ARTS ORGANIZATION* executive director, staff and board committees as assigned. All corporate powers shall be exercised by or under the direction of the Board of Directors.

Section 3.2 <u>Number, Election, and Qualifications</u>. The number of Directors of the Corporation shall be fixed by the Board of Directors, but in no event shall be less than three and no more than  $_{\#}$ . Any action of the Board of Directors to increase or decrease the number of Directors, whether expressly by resolution or by implication through the election of additional Directors, shall constitute an amendment of these bylaws effecting such increase or decrease. Directors shall be elected or re-elected by the existing Board of Directors at each annual meeting of the board, and each trustee shall hold office until the next annual meeting.

**Section 3.3** <u>Tenure</u>. Trustees are elected for a specified length of time such as two years. The language that follows should designate the rotation schedule as well as number of terms an individual may serve. You may use language such as: Term cycles are staggered so that approximately one-third of the

trustees' terms expire each year. Initially, one-third of the board members will be asked to serve shortened terms to provide opportunity for rotation. Trustees are limited to two consecutive three-year terms. The Board may extend such limits for one year. Former trustees may be nominated and re-elected after one year's absence.

**Section 3.4** <u>Duties</u>. Directors must be participating members. Write the instructions for attendance at functions, board meetings, etc. Sample phrasing: Board Members are expected to attend the annual meeting and at least six board meetings per year, to serve on at least one standing committee and to attend committee meetings. After two consecutive absences, the Board Chair or a member of the Executive Committee will contact the board member in question to confirm his or her interest in remaining on the board. After three consecutive absences, unless proven otherwise, it will be assumed that said board member desires to resign.

**Section 3.5** <u>Vacancies</u>. Any trustee may resign at any time by giving written notice to the chair of the *SAMPLE ARTS ORGANIZATION*. Such resignation shall take effect at the time specified therein, and unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective. Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining Directors though less than a quorum. A trustee elected to fill a vacancy shall be elected for the un-expired term of his predecessor in office.

#### Section 3.6 Annual and Regular Meetings.

Annual Meeting. The date of the regular annual meeting shall be set by the Board of Directors who shall also set the time and place.

*Regular Meetings.* Regular meetings of the Board shall be held at places and times determined by resolution of the Board and noted in the minutes.

**Section 3.7** <u>Special Meetings</u>. Special meetings of the Board of Directors may be called by or at the request of the Chair or any two Directors. The person or persons authorized to call special meetings of the Board of Directors will provide proper notice and may fix any place, date and time for holding any special meeting of the Board called by them.

**Section 3.8** <u>Notice.</u> Notice of each meeting of the Board of Directors stating the place, day and hour of the meeting shall be given to each trustee at his business or home address at least five days prior thereto by mailing a written notice by first class, certified or registered mail, or at least two days prior thereto by personal delivery of written notice or by telephone notice or by email (and the method of notice need not be the same to each trustee). If mailed, such notice shall be deemed to be given when deposited in the United States mail, with prepaid postage. If emailed, such notice shall be deemed to be given when the email is sent. Any trustee may waive notice of any meeting before, at or after such meeting, except where a trustee attends a meeting shall constitute a waiver of notice of such meeting, except where a trustee attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting unless otherwise required by statute.

**Section 3.9** <u>Quorum and Voting</u>. A majority of the number of Directors fixed by section 2 of this Article III shall constitute a quorum, but if less than such majority is present at a meeting, a majority of the Directors present may adjourn the meeting without further notice than an announcement at the meeting, until a quorum shall be present. No trustee may vote or act by proxy at any meeting of Directors.

**Section 3.10** <u>Meetings by Telephone</u>. Members of the Board of Directors or any other committee thereof may participate in a meeting of the board or committee by means of conference telephone or similar communications equipment. Such participation shall constitute presence in person at the meeting.

**Section 3.11** <u>Action Without a Meeting</u>. Any action that may be taken by the Board of Directors at a meeting may take place without a meeting if consent in writing, setting forth the action to be taken, shall be signed before such action by a two-third's majority of the board. Such consent (which may be signed in counterparts) shall have the same force and effect as a unanimous vote of the Directors or committee members.

**Section 3.12** <u>Presumption of Assent</u>. A trustee of the *SAMPLE ARTS ORGANIZATION* who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent is entered in the minutes of the meeting, or unless he files his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a trustee who voted in favor of such action.

**Section 3.13** <u>Compensation</u>. Directors shall not receive compensation for their services as such, although the reasonable expenses of attendance at board meetings may be paid or reimbursed by the corporation. Directors shall not be disqualified to receive reasonable compensation for services rendered to or for the benefit of the *SAMPLE ARTS ORGANIZATION* in any other capacity, provided that other members of the board are aware of the agreement between the board member or company of the board member and the *SAMPLE ARTS ORGANIZATION*.

**Section 3.14** Executive and Other Committees. By one or more resolutions, the Board of Directors may designate from among its members an executive committee and one or more other committees, each of which, to the extent provided in the resolution establishing such committee, shall have and may exercise all of the authority of the Board of Directors, except as prohibited by statute. The delegation of authority to any committee shall not operate to relieve the Board of Directors or any member of the board from any responsibility imposed by law. Rules governing procedures for meetings of any committee of the board shall be as established by the Board of Directors, or in the absence thereof, by the committee itself.

#### ARTICLE IV OFFICERS AND AGENTS

**Section 4.1** Executive Committee Defined. The officers of the SAMPLE ARTS ORGANIZATION shall include Chair, Vice-Chair, Secretary and Treasurer. The Board of Directors may also elect or appoint such other officers, assistant officers and agents, including an Executive Director, one or more vice-chairs, a controller, assistant secretaries and assistant treasurers, as it may consider necessary. One person may hold more than one office at a time, except that no person may simultaneously hold the offices of Chair and Secretary. Officers need not be Directors of the corporation. All officers must be at least eighteen years old. (Optional language: you may choose to have one or more youth representatives as in accordance with the mission.)

**Section 4.2** <u>Election and Term of Office</u>. The Executive Committee or officers of the *SAMPLE ARTS ORGANIZATION* shall be elected by the Board of Directors at each regular annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon as convenient thereafter. Officers shall hold office for \_\_\_\_\_\_ year terms, as specified.

**Section 4.3** <u>Removal</u>. Any officer or agent may be removed by a majority vote of the Board of Directors whenever in its judgment the best interests of the corporation will be served thereby.

**Section 4.4** <u>Vacancies</u>. Any officer may resign at any time, subject to any rights or obligations under any existing contracts between the officer and the corporation, by giving written notice to the chair or the Board of Directors. An officer's resignation shall take effect at the time specified in such notice, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. A vacancy in any office, however occurring, may be filled by the Board of Directors for the unexpired portion of the term.

**Section 4.5** <u>Authority and Duties of Officers</u>. The officers of the corporation shall have the authority and shall exercise the powers and perform the duties specified below and as may be additionally specified by the chair, the Board of Directors or these bylaws, except that in any event each officer shall exercise such powers and perform such duties as may be required by law.

#### Customize this section to the needs of the organization.

(a) <u>Chair</u>. The chair shall, subject to the direction and supervision of the Board of Directors: (i) be the chief executive officer of the *SAMPLE ARTS ORGANIZATION* and have general and active control of its affairs and business and general supervision of its officers, agents and employees; (ii) preside at all meetings of the Board of Directors; (iii) see that all orders and resolutions of the Board of Directors are carried into effect; and (iv) perform all other duties incident to the office of chair and as from time to time may be assigned to her/him by the Board of Directors. *Term is limited to two years.* 

(b) <u>Vice-Chairs</u>. The vice-chair or vice-chairs shall assist the chair and shall perform such duties as may be assigned to them by the chair or by the Board of Directors. The vice-chair (or if there is more than one, then the vice chair designated by the Board of Directors, or if there be no such designation, then the vice-chairs in order of their election) shall, at the request of the chair, or in his absence or inability or refusal to act, perform the duties of the chair and when so acting shall

have all the powers of and be subject to all the restrictions upon the chair. *Term is limited to two years.* 

(c) <u>Secretary</u>. The secretary shall: (i) keep the minutes of the proceedings of the Board of Directors and any committees of the board; (ii) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; (iii) be custodian of the corporate records and of the seal of the corporation; and (iv) in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him/her by the chair or by the Board of Directors. Assistant secretaries, if any, shall have the same duties and powers, subject to supervision by the secretary. *Term is limited to two years*.

(d) Treasurer. The treasurer shall: (i) be the principal financial officer of the corporation and have the care and custody of all its funds, securities, evidences of indebtedness and other personal property and deposit the same in accordance with the instructions of the Board of Directors; (ii) receive and give receipts and a quittance for moneys paid on account of the corporation, and pay out of the funds on hand all bills, payrolls and other just debts of the SAMPLE ARTS ORGANIZATION of whatever nature upon maturity; (iii) unless there is a controller, be the principal accounting officer of the corporation and as such prescribe and maintain the methods and systems of accounting to be followed, keep complete books and records of account, prepare and file all local, state and federal tax returns and related documents, prescribe and maintain an adequate system of internal audit, and prepare and furnish to the chair and the Board of Directors statements of account showing the financial position of the SAMPLE ARTS ORGANIZATION and the results of its operations; (iv) upon request of the board, make such reports to it as may be required at any time; and (v) perform all other duties incident to the office of treasurer and other such duties as from time to time may be assigned to him/her by the chair or the Board of Directors. Assistant treasurers, if any, shall have the same powers and duties, subject to supervision by the treasurer. Term is limited to two years.

#### ARTICLE V MEMBERSHIP

(Option A) Section 5.1 <u>Members</u>. The corporation shall have no members.

(Option B) Section 5.1 Classification, Qualification, Privileges and Election of Members. The corporation shall have (for example: one class of nonvoting members. New members may be elected to membership at any time by the vote of a majority of the Board of Directors, or selected in such other manner as may be designated by the board.) Membership is not restricted to <u>manner</u>. (for example: the membership is not restricted to individuals who reside in the State of Utah).

**Section 5.2** <u>Dues</u>. The Board of Directors may establish such membership initiation fees, periodic dues and other assessments and such rules and procedures for the manner and method of payment, the collection of delinquent dues and assessments and the proration or refund of dues and assessments in appropriate class as the Board of Directors shall deem necessary or appropriate.
**Section 5.3** <u>Suspension and Termination of Membership</u>. A member who fails to pay any dues or other assessment within <u>#</u> days after written notice of such failure to pay is delivered to such member shall be automatically suspended from membership until all such dues and assessments are fully paid, at which time such member shall be automatically reinstalled. The Board of Directors, by vote of a majority of all members of the board, may suspend or expel any member for cause. Any member who is suspended by a vote of the Board of Directors shall remain so until reinstated by the vote of a majority of all members of the Board of Directors entitled to a vote thereon. During any period of suspension a member shall not be entitled to exercise the rights and privileges of membership.

**Section 5.4** <u>Transfer of Membership</u>. Membership in the corporation is (*or is not*) transferable. Members shall have no ownership rights or beneficial interests of any kind in the assets of the corporation.

**Section 5.5** <u>Annual Meeting of Members</u>. An annual meeting of the members shall be held at the time and place, either within or outside Utah, as determined by the Board of Directors, for the transaction of such business as may come before the meeting. Failure to hold an annual meeting as required by these bylaws shall not work a forfeiture or dissolution of the corporation or invalidate any action taken by the Board of Directors or officers of the corporation.

**Section 5.6** <u>Special Meetings</u>. Special meetings of the members for any purpose or purposes, unless otherwise prescribed by statute, may be called by the president or the Board of Directors, and shall be called by the president at the request of a majority of the Board of Directors.

**Section 5.7** <u>Place of Meeting</u>. The Board of Directors may designate any place, either within or without the state of Utah as the meeting for any annual meeting or for any special meeting. If no place is designated in the notice, the place of meeting shall be at the principle office of the corporation.

**Section 5.8** Notice of Meeting. Except as otherwise prescribed by statute, written notice of each meeting of the members stating the place, day and hour of the meeting, and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than <u>#</u> nor more than <u>#</u> days before the date of the meeting, either personally, by publication in a newsletter or other printed material, or by first class, certified or registered mail, by or at the direction of the president, or the secretary, or the other officer or person calling the meeting, to each member entitled to attend such meeting. If mailed, such notice shall be deemed delivered when deposited in the United States mail, addressed to each member at his address as it appears in the records of the corporation with postage thereon prepaid. Any member may waive notice of any meeting before, at, or after such meeting. The attendance in person or by proxy of

a member at a meeting shall constitute a waiver of notice of such a meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

**Section 5.9** <u>Committees</u>. The Board of Directors at any time and from time to time may establish one or more committees of members for any appropriate purposes and may dissolve any such committee. The members of any such committee shall elect a chairperson who shall preside at all meetings of the committee and generally supervise the conduct of the committee's affairs. Rules governing procedures for meetings of any such committee and for the conduct of such committee's affairs shall be as established by the committee.

#### ARTICLE VI INDEMNIFICATION

**Section 6.1** <u>Indemnification of Directors, Officers, etc</u>. To the full extent permitted by law, the Association shall indemnify any trustee or officer, including the executive director (*if applicable*) for purposes of this Section 9.1, or former trustee or officer of the Association, or any person who may have served at its request as a trustee or officer of another corporation against expenses actually and reasonably incurred by them, in connection with the defense of any action, suit or proceeding, civil or criminal, in which they are made a party by reason of being or having been such trustee or officer, except in relation to matters as to which they shall be adjudged in such action, suit or proceeding to be liable for gross negligence in the performance of duty; and to make such other indemnification (including advanced payment of indemnification) as shall be authorized by the Board.

**Section 6.2** <u>Insurance</u>. By action of the Board of Directors, notwithstanding any interest of the Directors in such action, the *SAMPLE ARTS ORGANIZATION* may, subject to Section 5.8, purchase and maintain insurance, in such amounts as the board may deem appropriate, on behalf of any person indemnified hereunder against any liability asserted against him/her and incurred by him/her in the capacity of or arising out of his/her status as an agent of the corporation, whether or not the corporation would have the power to indemnify him/her against such liability under applicable provisions of law. The corporation may also purchase and maintain insurance, in such amounts as the board may deem appropriate, to insure the *SAMPLE ARTS ORGANIZATION* against any liability, including without limitation, any liability for the indemnifications provided in this Article.

**Section 6.3** <u>Limitation on Indemnification</u>. Notwithstanding any other provision of these bylaws, the *SAMPLE ARTS ORGANIZATION* shall neither indemnify any person nor purchase any insurance in any manner or to any extent that would jeopardize or be inconsistent with qualification of the corporation as an organization described in section 501(c)(3) of the Internal Revenue Code or would result in liability under section 4941 of the Internal Revenue Code.

#### ARTICLE VII MISCELLANEOUS

**Section 7.1** <u>Account Books, Minutes, Etc.</u> The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors and committees and business meetings of officers. Any trustee or his accredited agent or attorney may inspect all books and records of the corporation, for any proper purpose at any reasonable time.

**Section 7.2** <u>Fiscal Year</u>. The fiscal year of the corporation shall operate on the calendar year: January 1 to December 31.

**Section 7.3** <u>Conveyances and Encumbrances.</u> Property of the corporation may be assigned, conveyed or encumbered by such officers of the corporation as may be authorized to do so by the Board of Directors, and such authorized persons shall have power to execute and deliver any and all instruments of assignment, conveyance and encumbrance; however, the sale, exchange, lease or other disposition of all or substantially all of the property and assets of the corporation shall be authorized only in the manner prescribed by applicable statute.

**Section 7.4** <u>Designated Contributions</u>. The corporation may accept any designated contribution, grant, bequest or device consistent with its general tax-exempt purposes, as set forth in the articles of incorporation. As so limited, donor-designated contributions will be accepted for special funds, purposes or uses, and such designations generally will be honored. However, the corporation shall reserve all right, title and interest in and to and control of such contributions, as well as full discretion as to the ultimate expenditure or distribution thereof in connection with any special fund, purpose or use. Further, the corporation shall retain sufficient control over all donated funds (including designated contributions) to assure that such funds will be used to carry out the corporation's tax-exempt purposes.

**Section 7.5** <u>Conflicts of Interest</u>. If any person who is a trustee or officer of the corporation is aware that the corporation is about to enter into any business transaction directly or indirectly with himself, any member of his family, or any entity in which he has any legal, equitable or fiduciary interest or position, including without limitation as a trustee, officer, shareholder, partner, beneficiary or trustee, such person shall (a) immediately inform those charged with approving the transaction on behalf of the corporation of his interest or position, (b) aid the persons charged with making the decision by disclosing any material facts within his knowledge that bear on the advisability of such transaction from the standpoint of the corporation, and (c) not be entitled to vote on the decision to enter into such transaction.

**Section 7.6** Loans to Directors and Officers Prohibited. No loans shall be made by the corporation to any of its Directors or officers. Any trustee or officer who assents to or participates in the making of such loan shall be liable to the corporation for the amount of such loan until it is repaid.

**Section 7.7** <u>Amendments</u>. The power to alter, amend or repeal these bylaws and adopt new bylaws shall be vested in the Board of Directors.

**Section 7.8** <u>Severability</u>. The invalidity of any provisions of these bylaws shall not affect the other provisions hereof, and in such event these bylaws shall be construed in all respects as if such invalid provision were omitted.

# **BOOK RESOURCES**

# BOOKS BOOKS

#### Nonprofit sector overview

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# RESOURCES

# RESOURCES

#### State and Federal Offices

Utah Department of Commerce Division of Corporations Heber Wells Building 160 East 300 South Salt Lake City, UT 84145 (801) 530-4849 http://www.commerce.utah.gov

State Tax Commission 210 North 1950 West Salt Lake City, UT 84134 http://tax.utah.gov/

Internal Revenue Service Ogden, UT 84201 Nonprofit I.R.S. toll-free calls 1-877-829-5500 Refer to the website for current forms. Send forms to appropriate offices as instructed on individual forms. <u>http://www.irs.gov</u>

#### Helpful Websites

Minnesota Council on Foundations <u>http://www.mncn.org/bylaws.htm</u>

http://nonprofit.about.com

BoardSource: Building Effective Nonprofit Boards http://www.boardsource.org/

> BoardSource is dedicated to advancing the public good by building exceptional nonprofit boards and inspiring board service. This website provides useful answers to many questions about nonprofit organizations such as how to form a board, providing sample

job descriptions for the president, vice-president and secretary, questions about board structure, etc.

Utah Nonprofits Association Salt Lake City, UT 84111 Phone (801) 596-1800; Toll-free (888) 596-1801 www.utahnonprofits.org

Membership organization for Utah's nonprofit organizations. Provides services including networking opportunities, executive roundtables, training events, public policy services, a newsletter, a biannual conference, and insurance discounts. Membership dues are assessed according to an organization's annual budget.

#### http://www.idealist.org/

Idealist is a project of <u>Action Without Borders</u>, a nonprofit organization <u>founded in 1995</u> with offices in the United States and Argentina. Idealist is an interactive site where people and organizations can exchange resources and ideas, locate opportunities and supporters, and take steps toward building a world where <u>all people can lead free and dignified lives</u>.

The Foundation Center www.fdncenter.org

Find copies of Form 990, information about funders, tips of fund raising, and much more.

# Index

Form 990 24 Form 1023 18 Form 8718 20

# А

Advance Ruling 18 Amendments Articles 10 Bylaws 13 Annual Report 5, 24 Articles of Incorporation 8, 25-29

## В

Bank Account 4 Board of Directors Defined 14 Meetings 33 Number 15, 32 Payment 15, 34 Powers 32 Size 14 Structure 14 Terms in Office 14, 33, 35 Vacancies 33 Bylaws 12, 30-40

# С

**Charitable Solicitations Permit 23** 

# D

Date of Incorporation 11 Determination Letter 4, 21, 23 Distribution of Funds, 28 Dissolution, 28 Donors 23

# F

For-Profit 2, 4 Funders 23

# Ι

Indemnification 13 Incorporators 10, 27

# L

Lobbying 4, 17

# Μ

Mail Rate (nonprofit) 22 Meetings 33, 34, 37 Members 8, 12, 26

## Ν

Name 7, 8, 10 Reserving 7

## Ο

Officers 12, 25

# Р

Partnership 4 Perpetual Existence 25 Postal Rate (nonprofit) 22 Principal Office 8, 30 Purpose 8, 12, 25, 32

## R

**Reinstate 24** 

## S

Sales *see tax exemption* Steps to Organizing 5

## Т

Tax Exemption Sales 5, 21 Income 5, 21

# U

Unrelated Business Income Tax (UBI) 21

# **ATTACHMENT II**

# Salt Lake City Planning Division Public Input Process Policy

#### **Community Organization Notification and Response**

Within four days of deeming the application complete, the Project Planner will send a notice the applicable recognized community organizations Chair(*s*) inquiring as to whether they want to review the request for zoning map amendment, conditional use, planned development, alley vacation, master plan and / or master plan amendment.

The Project Planner should include as much information about the request as possible when contacting both the recognized community organizations Chair(s) and Business Groups. This can be sent via email (preferably) or US mail and stating the time frame when the request could be presented. Copies of all contact should be kept in the case file and on Accela as part of the public record

The recognized community organizations chair(s) have 45 days to provide comments, prior to the request being scheduled for a public hearing. If comments are not received within the 45 days, the Project Planner may proceed with scheduling the item for public hearing.

- a. The Planner is expected to attend the recognized community organizations(*s*) meeting to answer questions regarding the zoning ordinances, planning process, or plan policies.
- b. The Planner is not there to advocate or speak for the Applicant.
- c. The Planner may only present the information to the recognized community organizations where the project is a City Initiated Petition that the Planning Division is speaking on behalf of the City.
- d. The Planner should:
  - i. take notes on what issues are raised and the general sentiment of the Community Council towards the project
  - ii. get a general count of the number of citizens in attendance at the meeting and reflect this in the Staff Report in the event the recognized community organizations does not submit anything in writing
- 1. Where a regular scheduled recognized community organizations meeting will not be held within the 45 day time limit or other meeting as per the recognized community organizations, the Project Planner will request a meeting with the executive board to obtain input. This typically occurs in the months of July, August and December.

- 2. Where a project is within 600 feet of the boundaries of another recognized community organizations district, west of 2200 West, or a text amendment, the Planner will schedule the item for the upcoming monthly Open House. When an Open House is to be held, the Project Planner will send information to applicable recognized community organizations chairs and business groups, with information about the project so they can inform their members of the Open House. The Open House notice should also be sent to the individuals on the mailing list for the project in the case of a matter affecting a geographic area, such as a rezoning, so affected property owners may attend and comment.
- 3. For text amendments, the Project Planner should strive to compile and notify a list of individuals, or groups who may be interested / affected by the proposed regulations.
- 4. Where the issue is high profile or controversial, Open City Hall should be used.
- 5. Once information has been presented to a recognized community organization neither the Applicant nor the Planner is obligated to return to the group. If the Applicant agrees to return to the recognized community organizations, the Planner will notify the recognized community organizations. Chair that we will begin working toward scheduling the public hearing.
- 6. Where applicable, the project should be scheduled with the applicable City Advisory Boards. This is especially important with master plans, master plan amendments, zoning text amendments, etc. Contact Board Staff to schedule the item on the next agenda. The Boards include:
  - a. Historic Landmark Commission
  - b. Transportation Advisory Board
  - c. Business Advisory Board
  - d. Public Lands Advisory Board
  - e. Public Utilities Advisory Board
  - f. Housing Trust Fund Adv. Board
  - g. Airport Authority
  - h. HAAB

Joel Paterson- Planning Manager Kevin Young- Deputy Director Dan Velasquez-Manager Emy Maloutas, Director Jeff Niermeyer- Director LuAnn Clark- Director Allen McCandless-Planning Director Randy Isbell-Administrator

#### **Open Houses**

- 1. Open Houses are held for:
  - a. City-wide zoning text amendments and policy documents (e.g., community plans, small area plans, historic preservation plan)
  - b. Current Planning Projects that are within 600 feet of 2 or more recognized Community Organizations boundaries
  - c. Projects located west of 2200 West.
- 2. The Open Houses are held on the third Thursday of the month. They are usually held on the first floor hallway and in Room 126 of City Hall but may be held off-site (usually at the Library). They are scheduled from 4:30 6:00 p.m. On rare occasions they may be held on other days and in other locations.

- 3. The applicable Secretary is responsible to ensure the agendas are sent to the list serve and are posted on the webpage. Although there is not a legal notification requirement, the agenda and list serve notices should be sent and posted at least 2 weeks prior to the meeting.
- 4. Documents relating to the Open House agenda items should also be posted to the website prior to the meeting where appropriate.

# **ATTACHMENT III**

#### DRAFT FREQUENTLY ASKED QUESTIONS

# ABOUT PROPOSED ORDINANCE AMENDMENT FOR RECOGNIZED COMMUNITY ORGANIZATIONS

#### Updated: June 29, 2013

#### Q: What is the purpose of the proposed changes?

A: Chapters 2.60 and 2.62 were developed during the 1980s, adopted in 1990. For several years, the City has been aware that Chapters 2.60 and 2.62 are in need of an update because they are not inclusive of all the various community groups/organizations that exist outside of the neighborhood-based organizations (community councils) that existed at the time the ordinance was first adopted. Over the years there are many new diverse community groups/organizations that want to be involved in City issues or haven't yet been included. Many of the community groups/organizations that have been involved in City issues seem to form based upon either geographic area or item of interest.

# Q: Shouldn't more participation be encouraged through neighborhood community councils rather than allowing more opportunity for groups to form based upon interest or geographic location? Doesn't it make more sense to improve community council effectiveness rather than weakening their political power?

A: Over the years, the City's efforts have been to expand public engagement and encourage public participation as part of City government. Community groups have formed in the past based upon a common interest or upon geographic location. There are groups who wish to be independent from the community councils and the City wants to continue encouraging public participation at all levels.

The City recognizes there are many groups/organizations who have not participated in City government and the City wants to be more inclusive of all groups. There are some groups choosing not to join a neighborhood community council but rather represent an issue as a particular neighborhood group outside a community council.

There are many organizations already formed, such as religious entities, and the City would like their input on City issues. The intent of this ordinance change is not to weaken community councils' effectiveness. Community council input is valued by the City as much as other community organizations. Meeting the minimum requirements, such as being in good standing as a non-profit organization with bylaws, will allow all community organizations to be equally valued.

If community councils are successful at inviting other community organizations to join their meetings this would be a win situation for the neighborhood.

# Q: In the past, some community council boundaries have overlapped resulting in delays for some development proposals because the timing of two community council meetings. With this in mind, how does the City plan to keep all the various community organizations informed?

A: If there are several community organizations that have expressed interest on a particular development or proposal, the Administration will plan an open house to inform all interested parties.

Overlapping boundaries will no longer be a problem with delaying a proposal.

# Q: Will community organizations continue to be notified in advance of planning issues such as zoning map amendments, conditional use, planned developments, alley vacations, master plan

#### and/or master plan amendments?

A: During the March 26, 2013 briefing, the City Council expressed interest in maintaining language of this nature in the ordinance to give recognized community organizations the opportunity to hear an issue and schedule the issue on their agenda. The Administration has since submitted to the Council a revised ordinance that responds with the Council's expressed intent as part of Section 2.60.050 Responsibilities of City.

# Q: Will community councils that are not currently registered with the State of Utah as a non-profit be notified by the City of this ordinance change and given the opportunity to register?

A: Yes, the City will notify each community council that currently doesn't have a non-profit status to register with the State of Utah.

# Q: If a community organization has an interest to apply for City funding through the Salt Lake City Neighborhood Grant Program is there any criteria that the organization needs to meet?

A: A community organization interested in applying for City funding would need to meet the minimum requirements in the proposed ordinance as follows.

- a. Properly register as a nonprofit corporation in good standing with the State of Utah.
- b. Adopt bylaws which include the following provisions:
  - i. A clear definition of membership
  - ii. A policy of open participation of all persons who are members of the organization
  - iii. A policy against discrimination
  - iv. Attendance to meetings is o[en to the general public
  - v. Meetings will provide an opportunity for public input
- c. Organizations must hold at least one meeting of their membership each year.

# Q: When a community organization registers with the State of Utah as a non-profit, does this mean an organization automatically obtains a federal 501c tax exempt status?

A: Obtaining a federal 501c tax exempt status is a separate process from registering as a non-profit with the State of Utah. The following sub Q&As are taken directly from The Utah Nonprofits Association's website [source: <u>https://utahnonprofits.org/nonprofit-resource-center/starting-a-nonprofit</u>]. The Administration has prepared a recognized community organization resource informational sheet that would lead a community organization to learn more about how to apply for non-profit status (see Administration's transmittal).

#### "Q: How long does it take to get nonprofit status?

A: Plan that it will take a minimum of three to six months to prepare and process the paperwork. Using the sample documents contained in Utah Nonprofits Association's handbook, the process of applying for 501(c)(3) status is not as difficult as some people fear. The first step, incorporating with the State of Utah, is simply a matter of preparing the Articles of Incorporation and submitting them to the Division of Corporations. The IRS Form 1023 and the Bylaws take a bit longer, but are still straightforward. Plan that each interaction with the IRS takes approximately three months.

# *Q:* Are there organizations that are not required to file Form 1023, Application of Recognition of Exemption?

*A: Yes. The I.R.S. gives automatic exemption to two types of organizations: 1. Churches, conventions or associations of churches, or church-affiliated auxiliaries of a*  church, religious schools, etc. 2. Any organization (other than a private foundation) normally having annual gross receipts of not more than \$5,000.

The I.R.S. considers these organizations as exempt automatically if they meet the requirements of section 501(c)(3).

#### *Q:* What are the requirements once annual gross receipts are over \$5,000?

A: Once annual gross receipts are over \$5,000 the organization has 90 days after the end of the tax year to file Form 1023. If filed within this 15 month period, the organization's exemption will be recognized retroactively to the date it was organized. See IRS publication 557 for more details on the calculation of gross receipts (www.irs.gov/pub/irs-pdf/p557.pdf).

#### Q: Should I file Form 1023 even when it's not required?

*A:* A Nonprofit Organization Operating Manual" published by The Foundation Center states that some organizations may choose to file Form 1023 even though they are not required to do so for the following reasons:

1. In order to receive a determination letter that recognizes your section 501(c)(3) status and specifies whether contributions to them are tax deductible.

2. To reassure potential contributors and foundation grant officers that you are indeed tax exempt under 501(c)(3). The IRS publishes a list of tax-exempt organizations on their website so contributors can check on-line.

3. To protect your organization. If later down the road the IRS does not agree your group qualifies for tax-exempt status your group might end up paying income taxes on contributions it received."

#### Q: Can community councils expect to still have City Council Members join their meetings?

A: Public participation is a high priority for the City Council. They will continue to value community councils and will continue to support them by visiting meetings when their schedules permit.

#### Q: Why is Salt Lake Association of Community Councils (SLACC) being removed from City code?

A: SLACC has not formally met since Mayor Corradini's administration and the City no longer provides funding to SLACC.

Under the proposed ordinance amendments, each community organization will be held in equal regard by the City. Each organization that wants to be recognized by the City will be required to register according to minimum requirements.

#### Q: Why is the City removing the requirement of having a petition from a City Council Member or any recognized neighborhood or community organization when a community group/organization wants to change its number, name or boundaries and holding a public hearing before the City Council when a community or neighborhood organization wants to change its number, name or boundaries?

A: Over the past years, community councils have "self-governed" to agree upon amending boundaries. Therefore the proposed changes reflect the community councils' self-governing process.

#### **Q:** Once a community organization meets the minimum requirements to be a recognized

#### community organization is there a renewal requirement?

A: A community organization recognized by City code must renew its status by January 31 of each year. Failing to do so will result in removal of the community organization from the City registration of recognized community organizations.

#### Q: What is the City's plan to engage the public beyond planning related issues?

A: The City has plans to utilize best public engagement practices at a level to inform, engage, and seek feedback from the community that fits within the scope of any City proposal or project. Each City Department will develop policies on their notice procedures to provide sufficient notice to community organizations and to provide sufficient time for public feedback.

# Q: At the Council's March 26 briefing, the Council expressed its intent to have the Administration inform the Council how the City plans to provide resources, training and other mechanisms to help streamline the steps required to become a recognized community or neighborhood organization. What does this entail?

A: The Administration has since prepared a resource informational sheet for community organizations on how to set up a non-profit status along with a Neighborhood Grant Program summary sheet that provides information on the minimum requirements in addition to the grant processes.

#### Q: Should the open meetings act apply to community organizations?

A: The City can encourage community organizations to comply with the Open Meetings Act.

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?



Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

# Introduction

The Salt Lake City Council is considering changes to City Code that will broaden recognition of community groups and organizations beyond neighborhood-based organizations -- most commonly community councils. The proposal will also take public engagement beyond planning-related issues. (Click here to listen to the Council's discussion from the March 23, 2013 City Council meeting-beginning at 03:08)

The Council wants to know your thoughts about the proposed changes for recognized community organizations in the City. The spirit of the revisions is designed to broaden recognition of community groups and organizations beyond neighborhood-based organizations (community councils) and expand public engagement.

Through these proposed changes, the City intends to have all departments expand public engagement and notification with all community groups and organizations that have an interest in being involved in City issues. Mayor Becker's Administration desires to improve outreach efforts to community groups and organizations that haven't been reached in the past and strengthen City relationships.

COUNCIL'S INTENT FROM THEIR MARCH 23 DISCUSSION:

It is the intent of the Council to ask the Administration to:

1. Include as part of the ordinance amendment the spirit of the Planning Division's policy about public input process when a zoning map amendment, conditional use, planned development, alley vacation, master plan and/or master plan amendment is involved. The policy reads: "The Planner is expected to attend the recognized community organization(s) meeting to answer questions regarding the zoning ordinances, planning process or plan policies."

The Council expressed interest in maintaining language of this nature in the ordinance to give recognized community organizations the opportunity to hear an issue and schedule the issue on their agenda.

2. Consider continuing discussion about noticing once a public engagement person is hired by the City.

3. Provide to the Council on how the City plans to provide resources, training and other mechanisms to help streamline the steps required to become a recognized community or neighborhood organization.

## COUNCIL'S NEXT STEPS:

1. A Public Hearing will be scheduled for July 11, 2013. The public can provide comments to the City Council at their formal meeting held at the City Council, City & County Building, 451 S State Street, Room 315, 7:00 pm.

## BACKGROUND:

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

For the past several years, the City has been aware that Chapters 2.60 and 2.62, which were adopted in 1990, are in need of an update. These two chapters are not inclusive of all the various community groups and organizations that have formed since the ordinance was first adopted. Over the years, there have been many diverse community groups and organizations that want to be involved in City issues but haven't been able to due to the current structure. Many of the community groups and organizations that have been involved in City issues seem to form based upon either geographic area or item of interest.

At the time Chapters 2.60 and 2.62 were adopted, community councils were the common group for community members to join in order to participate and get involved in planning related issues. These two chapters were adopted to outline the process for these community groups and organizations to be recognized as an official neighborhood-based organization. The benefit to being officially recognized meant the City would obtain the neighborhood-based organizations' input regarding various City planning and administrative services. Neighborhood-based organizations would receive notifications of applications to zoning ordinances, planned developments or conditional use applications and copies of Planning Commission meeting agendas.

The practice to have community groups and organizations officially recognized by the City as outlined in current code has not been taking place over the past several years. In addition, the practice to have neighborhood-based organizations go before the Council for a public hearing regarding a boundary change hasn't been practiced. The way the City conducts and embraces public engagement has evolved since the adoption of these two chapters. In practice, participation from these other community groups is valued as much as the originally-recognized neighborhood-based organizations (community councils).

The proposed ordinance amendment would: (click here for more details on items listed below): 1. Refer to community groups/organizations as a "recognized community organization" rather than a "neighborhood based organization."

2. Provide a definition for a recognized community organization to be more inclusive for all community groups/organizations that have an interest in participating in City issues.

3. Combine Chapters 2.60 (SLACC and Neighborhood Based Organization Recognition), and 2.62 (Recognized or Registered Organization Notification Procedures) into a single Chapter of 2.60 titled "Recognized Community Organizations."

4. Redefine the "Purpose" of a recognized community organization which will allow community members to organize as a group representing either a geographic area or item of interest. The proposed ordinance states that Salt Lake City values these organizations and holds each in equal regard (Section 2.60.010).

5. Remove Salt Lake Association of Community Councils (SLACC) as the recognized umbrella citywide organization.

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

6. Change the process on how groups/organizations are recognized by the City.

7. Outline a new registration process on how to become a recognized community organization with the City.

8. Outline City responsibilities that include engaging the public beyond planning related issues.

9. Outline community recognized organizations'responsibilities.

10. Identify members of a community organization as volunteers.

11. Amend zoning text to Chapter 21A.10 (General Application and Public Hearing Procedures and zoning conditional uses procedures) by deleting the requirement for a petitioner to obtain a signed statement from the appropriate community organization that states petitioner has met with that organization and explained the proposal before making an application. However, it is reported by the Planning Division that common practice by petitioners has been to take a petition to the community organization after an application has been made.

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

As of July 5, 2013, 10:37 AM, this forum had:Attendees:221Participants:14Minutes of Public Comment:42

# 14 participants posted comments

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

Name not shown in District 2

July 1, 2013, 3:01 PM

No, I think that rather than fracture even more the community organizations, the city should more fully support the community councils that are already present. The city wants more community input and involvement, yet they cut the funding that assisted community councils with getting word out about meetings and events. When that happened, many community councils were no longer able to send out mailers about upcoming meetings. This reduced the number of participants at meetings. Now that we are coming out of a recession, and the council feels it is OK to implement a tax, this funding and support of community councils should be reinstated.

The community councils should continue to have a special relationship with the city since it is representative government of a specific geographical area in the city.

Sheila O'Driscoll in District 6

July 1, 2013, 12:06 PM

No, it will not.

The people I know and live next to in my neighborhood don't need another organization to meet with to be come informed about what the city council, planning commission and Mayor are doing. Most of us our out working to provide for our families and try to maintain some kind of quality of life.

The city would better use its limited resources by engaging representatives from public associations and private groups that already exist in the organized community councils.

For example, I sent 5 kids through the public schools systems in SLC. I participated as a parent in the school community councils and the PTA. During the same period of time, I participated as a trustee or resident of the SHCC. It was easy for me to share information between these groups because I was already there. Most schools had a news letter that went out weekly or monthly to the student body and their families. Right there is a way to inform hundreds of people from various neighborhoods in this city of issues that do and could impact them. There is no reason that the local churches and private organizations could not be made aware of the city council contact list of phone numbers, addresses, and email addresses for people in the city who want to contact the city council or their liaisons about issues or concerns they have.

Right now on the SHCC there are at least 20 positions open for trustees from the various neighbor hoods as well as at large positions.

A sign on a street with heavy vehicle and pedestrian traffic will alert more people in an area of an issue than the open houses the city usually holds. For example the last open house I attended was held from 4:30 to 6:00pm. The format was noisy and chaotic and a good portion of the people who may of wanted to attend couldn't because they were probably at work!!!

Don't move on this now. There needs to be a lot more done before you provide another job that the city can't afford for a person who can't begin to contact all the people in various groups in SLC. Phil Carlson as well as others who have served as chairs and members of the SHCC have practical experience and knowledge of just how much time energy and effort it takes to keep a community organization running.

Listen to them!

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

I think this is a great tool for building community and involving citizens in policy making decisions. My only question is how do you intend to inform and encourage people about this program?

I applaud the city for trying to create an inclusive environment for community building.

#### Kyle Deans in District 5

I feel that the process of recognizing these organizations still must have some standards and

guidelines. If there are no standards and guidelines many groups could form and demand to be recognized. A weak system could spur many temporary groups that simply have a small issue with something the city did, and decide to form a group and attempt to be recognized. I could also anticipate several members of a Community Council simply not agreeing with the leaders of their Community Council and choosing to form a new group, because they were in the minority.

If handled properly and each new recognized group has legitimate leadership, a long range purpose along with a mission statement then I would say it's a good idea. However, as stated above, I could see it quickly getting out of hand. I would also hate to see the Community Councils lose their political power, as they have built that up through many years of responsible organization and leadership.

## Maggie Shaw in District 7

June 19, 2013, 2:25 PM

June 18, 2013, 5:23 PM

June 24, 2013, 10:16 AM

No.Although I like the idea of more participation, I worry that expanding to many groups and hiring a community liaison to deal with these groups will just add another layer to buffer the mayor and the council from public input.As a member of the Sugar House Community Council I can attest that we welcome more participation and encourage it. I would like to see more participation through the current community council system. I am curious how the City would recognize these groups? What criteria? Do they have to be a 501c3?

I would like the city to do a better job of notifying neighborhoods when planning, zoning, and transportation changes are to occur. Right now there is a perception that the mayor's office and the council work independent from public opinion. The streetcar decision was considered by many as a foregone conclusion. If expanding the criteria is an attempt get rid of this perception, I do not think it will help.

## Brad Bartholomew in District 1

This is one of those times where you can actually see the unintended consequences before they happen. While I see where the Mayor's office is coming from, having a desire to get more people involved and participating, I also see the problems this will bring. Instead of just the dozen or so community councils that city officials have to visit, they will now also have to visit with dozens of smaller single issue groups. If the Mayor's office spent more time in strengthening the community councils his administration might not have the perception of not being transparent it currently has among residents. The city should place more support towards the community councils, helping them with attendance and community activities. This would bring more people into city discussions though All comments sorted chronologically

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

the community councils that are already in place.

esther hunter in District 4

June 15, 2013, 4:44 PM

I support this expansion as an important additional step for community wide involvement; codifying community council involvement as still needed and early access to building permit data as an invaluable tool to save time and money in this part of the permitting process. The Planning Departments new written policy has in it steps that eliminate the ability for a community council, or anyone else, to hold an application hostage. This is important for community councils and for all groups.

I would like to encourage the City to help facilitate the peaceful integration of the many of stake holder groups within a geographic area with the community councils. Allowing a check box to share emails and make introductions would be a good start. The more people around the table the better so we can find good solutions to common problems. To many areas, community councils no longer means residents. Many neighborhood level organizations have restructured to include different interest groups such as developers, businesses, utilities, schools, etc. around the same table. We have found this to work pretty well.

Having said that, finding other ways to shorten the over all land use application process is still needed.

We have been piloting a program of "extremely early" neighborhood, business and developer discussions in our area, (via early access to building permit applications). So far (three years) we have found that this extra and early time has saved money and completely avoided delays in this part of the process. Is has allowed us to build extremely good relationships across the different perspectives.

I look forward to the same level of engagement in all departments of the City.

I continue to find the written guidelines for submitting community council statements extremely helpful and fair.

1. The nature of the meeting at which the organization's recommendation was obtained including the number participating (i.e., executive committee, board, general membership, or otherwise)

2. The notice procedure for the meeting at which such recommendation was made;

(Door to door flyer, Google lists/email, Web posting, survey, etc.)

3. The vote on such recommendation

4. List all dissenting reports.

#### Name not shown in District 5

## June 15, 2013, 12:47 PM

A district-based method of allocating input and influence, i.e., based upon where you live, is the most democratic form of representation and is what our entire system of government has been based on, including at the national and state levels. To move toward representation based on specific issues or topics (or ethnicities, labor unions, etc.) would encourage the dominance of special interest groups. Such groups will receive money from larger lobbyist groups outside the city wanting to influence the debate and the votes within the city. We have enough special interests in politics already, let's not

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

institutionalize it at the city level. Everyone has an equal opportunity to be represented in the Community Council system we have now, it's the best way to provide diversity and inclusion. Let's fix what isn't working with it, instead of weakening it by introducing the balkanizing force of special interest politics.

A fundamental frustration we have is that the Mayor and Council seem determined to fundamentally transform Salt Lake City to conform to the liberal-Democrat model of government and justify it in the name of diversity, inclusion, and going green. But this way of governing has ruined cities like Chicago, Detroit, and San Francisco, and states like California. We already have ample proof that this model cannot sustain itself financially and undermines society by encouraging social welfare dependence and discouraging entrepreneurship. Because the Mayor & most of the Council are Democrats, we don't expect them to be sympathetic to this criticism, we just hope those reading Open City Hall will wake up and spread the word—Salt Lake needs more "diversity" in City leadership!

#### Name not shown in District 6

Listen to the community council folks squeal at the thought of losing what they perceive is their power via the City's current policy. I urge the City to move forward in expanding the opportunities for greater community input from those most impacted by an issue, many of whom may not have the time or inclination to organize until a specific issue arises. May I add that most of these people/factions fall outside the realm of power hungry community councils that often exist for the glorification of the groupies involved with little effort towards outreach or true representation of those that fall within the boundaries of such organizations. Thus flexibility should be the key in setting up a structure to expand community input. More specifically, non-profit status should not be required for start-up groups--perhaps a requirement to obtain it within five years of organization, since some will not last following the resolution of a specific issue. Requiring it immediately will, again, deter opportunities for real and expanded community input. And, since so many of the current community-based organizations do not provide outreach, I also urge the City to move forward in taking the responsibility for notification to residents within geographic areas to be impacted by development issues.

## Philip Carlson in District 7

June 13, 2013, 5:43 PM

No.

To broaden the definition would fracture the little attention the City pays to community councils. I believe this will effectively allow city departments to discount both their duties to inform the public as well as the opinions generated from those organizations. Such specialized interests as Theater Organs (or FIDOs, or Nature Park) organizations should not be allowed the same status as established community organizations. The biggest problems with community council system is 1st that the City does not value the input they give and has decreased the input it even allows, and 2nd balkanization of the councils based on special interests of small geographical areas (and possibly personality conflicts).

Solution for the 1st: Move back to the historical significance the City placed on Community Council opinions. Over a decade of "streamlining" would need to be rolled back. (Too many examples to list

June 14, 2013, 10:29 AM

I believe the more knowledge is as widely publicized as possible, the more people will be involved and do so in a timely manner.

Lynn Schwarz in District 7

# **Community Based Organizations ordinance**

Will expanding the criteria for City-recognized community groups encourage you and your neighbors to be more involved in City issues?

here.)

Solution to the 2nd: A) Place a Recognition Ordinance that recognizes One Community Council for each of the City's Planning areas (8 or 9). This would be a return to the original Community Councils. B) to allow for the special interests that apply to smaller geographical areas there can be a Neighborhood Council system that would be subordinate to the Community Council. There are many ways this could be set up, and I believe each of the 9 reorganized councils could be able to find their own solutions.

For more in depth discussion on this topic I am available to anyone interested in these ideas. I am a former Trustee of the Sugar House Community Council which I was honored to chair 2 of my 12+ years on it's Board.

Sincerly, Philip Carlson 801-694-2478 text/cell PhilipCarlsonSHCC@StoryCupboard.com

Judi Short in District 5

No. I couldn't possibly participate more than I already do. I am interested to hear what other groups think on the various issues, and welcome more participation at the community council level. Whatever can be done to get people to participate.

# Thomas Tischner in District 5

From what I've seen in the past year or two, I don't believe input from any group or individual will have any impact on the council unless it agrees with whatever they have already decided they want, or some pet project they like. Basically, I don't think they give a damn what constituents think or want.

# Blaine Gale outside Salt Lake City

The Great Salt Lake Chapter of the American Theatre Organ Society would be strengthened by the official recognition of this organization's goals and efforts toward promoting social well-being through improved community arts in theater attractions.

# June 13, 2013, 8:36 AM

June 13, 2013, 10:27 AM

June 13, 2013, 1:59 PM

June 13, 2013, 4:56 PM

# SALT LAKE CITY COUNCIL STAFF REPORT

**DATE:** March 21, 2013

TO: City Council Members

FROM: Jan Aramaki, City Council Staff Member

- **RE:** Proposed amendments to City code pertaining to recognized community organizations including: a) combine Chapters 2.60 and 2.62; and b) amend Chapter 21A.10 (General Application and Public Hearing Procedures and zoning conditional uses procedures) to remove the requirement for a signed statement from the appropriate community organization stating the petitioner met with that organization and explained the proposal
- CC: David Everitt, Cindy Gust-Jenson, Eric Shaw, Mary DeLaMare-Schaefer, Ed Rutan, Paul Nielson, Nole Walkingshaw, Mayor and Council Liaisons, community council chairs

# **PURPOSE:**

The purpose of the proposed amendments to *Salt Lake City Code* is to broaden recognition of community groups/organizations beyond neighborhood based organizations (community councils) and to align Chapters 2.60 and 2.62 and Chapter 21A.10 with the City's Transparency policy.<sup>1</sup> The focus of the existing ordinance is Planning issues. A key discussion point in this process has been recognition of the need for public engagement to go beyond just planning related issues.

The Administration indicates that these proposed amendments will allow the Planning Division to share their public engagement process as a model for other City departments with the intent to have all departments expand public engagement and notification with all community groups/organizations. The Administration has stated the desire to improve outreach efforts to community groups/organizations that haven't been reached in the past, and to strengthen City relationships with all community groups/organizations.

# **BACKGROUND:**

Chapters 2.60 and 2.62 were developed during the 1980s, adopted in 1990. For the past several years, the City has been aware that Chapters 2.60 and 2.62 are in need of an update because they are not inclusive of all the various community groups/organizations that exist outside of the neighborhood-based organizations (community councils) that existed at the time the ordinance was first adopted. Over the years there are many diverse community groups/organizations that want to be involved in City issues or haven't yet been involved. Many of the community groups/organizations that have been involved in City issues seem to form based upon either geographic area or item of interest.

<sup>&</sup>lt;sup>1</sup> Attachment I: Mayor/Council joint resolution adopted in 2009, Open and Transparent Government

At the time Chapters 2.60 and 2.62 were adopted, community councils were the common group for community members to join in order to participate and get involved in planning related issues. These two Chapters were adopted to outline the process for these community groups/organizations to be recognized as an official neighborhood-based organization. The benefit to being officially recognized meant the City would obtain neighborhood-based organizations' input regarding various City planning and administrative services. Neighborhood-based organizations would receive notifications of applications to zoning ordinances, planned developments or conditional use applications and copies of Planning Commission meeting agendas.

The practice to have community groups/organizations be officially recognized by the City as outlined in current code has not been taking place over the past several years. In addition, the practice to have neighborhood-based organizations go before the Council for a public hearing regarding a boundary change has also not been practiced. The way the City conducts public engagement has evolved since the adoption of these two Chapters. In practice, participation from these other community groups is valued as much as the originally-recognized neighborhood-based organizations.

# **KEY ELEMENTS:** (Ordinance amendments)

The Administration requests that the City Council considers adopting ordinance amendments that will combine Chapters 2.60 and 2.62 and amend Sections of Title 21A pertaining to the recognition of neighborhood-based organizations. The proposal fits in with the Council's Neighborhood Quality of Life priority.

The proposed ordinance amendment would:

- 1. Refer to community groups/organizations as a "recognized community organization" rather than a "neighborhood based organization."
- 2. Provide a definition for a recognized community organization to be more inclusive for all community groups/organizations that have an interest in participating in City issues.

"A voluntary group of individuals organized around a particular community interest for the purpose of collectively addressing issues and interests common to that group."

3. Combine Chapters 2.60 (SLACC and Neighborhood Based Organization Recognition), and 2.62 (Recognized or Registered Organization Notification Procedures) into a single Chapter of 2.60 titled "Recognized Community Organizations."

By combining the two chapters, the requirement to have planning division staff members encourage all zoning petitions, planned development and/or conditional use applicants to meet with recognized organizations is removed from City code. The Administration indicates that history has demonstrated that sometimes because of the timing of a community council meeting, a petitioner/developer encounters the challenge of being scheduled on a community council agenda – which in some cases have impacted development deadlines. Also, there have been challenges for a petitioner/developer being required to attend and present a proposal at two different meetings whenever community councils' boundaries overlap.

According to the Administration, the proposed amendment requires all City Divisions/Departments to develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. Planning has prepared a public input process policy. This policy was presented to the community and the Planning Commission prior to the recommendation of the Planning Commission. The policy documents reflect the existing practices of the Planning Division as they relate to land-use applications and does not eliminate any existing practice or notice<sup>2</sup>.

- 4. Redefine the "Purpose" of a recognized community organization which will allow community members to organize as a group representing either a geographic area or item of interest. The proposed ordinance states that Salt Lake City values these organizations and holds each in equal regard (Section 2.60.010).
- 5. Remove Salt Lake Association of Community Councils (SLACC) as the recognized umbrella citywide organization. According to the Administration, SLACC has not formally met since Mayor Corradini's administration and the City no longer provides funding to SLACC.

Under the proposed ordinance amendments, each community organization will be held in equal regard by the City. Each organization that wants to be recognized by the City will be required to register according to minimum requirements.

- 6. Change the process on how groups/organizations are recognized by the City:
  - a. Remove the requirements of:
    - i. having a petition from a City Council Member or any recognized neighborhood or community organization when a community group/organization wants to change its number, name or boundaries
    - ii. holding a public hearing before the City Council when a community or neighborhood organization wants to change its number, name or boundaries.

The Administration states that over the past years, community councils have "self-governed" to agree upon amending boundaries. Therefore the proposed changes reflect the community councils' self-governing process.

- b. Minimize the required steps to become a recognized community/neighborhood organization by the City (Section 2.60.030):
  - i. Properly register as a non-profit corporation in good standing with the State of Utah
  - ii. Adopt bylaws which include the following provisions:
    - A clear definition of membership
    - A policy of open participation of all persons who are members of the organization
    - A policy against discrimination
    - Attendance to meetings is open to the general public
    - Meetings will provide an opportunity for public input.
  - iii. Organizations must hold at least one meeting of their membership each year.
- 7. Outline the registration process to become a recognized community organization:

<sup>&</sup>lt;sup>2</sup> Attachment II – copy of Salt Lake City Planning Division Public Input Process Policy.

- a. file information on the organization with the City's Recorder's Office and the Recorder's Office shall make information available to the public on the City's website (this is in keeping with the City's transparency efforts)
- b. community organization to provide updated information on organization with the City Recorder's Office
- c. community organization to submit a request for an annual renewal by January 31 of each year. Failing to do so will result in removal of the community organization from the City registration of recognized community organizations.
- 8. Outline responsibilities of the City that include engaging the public beyond planning related issues:
  - a. adequately educate the public on City policy, procedures, and actions
  - b. utilize best public engagement practices at a level to inform, engage, and seek feedback from the community that fits within the scope of a any City proposal or project
  - c. each City Department will develop policies on their notice procedures to provide sufficient notice to community organizations in a timely manner and to provide sufficient time for public feedback
  - d. Recorder's Office will provide notification to community organizations to remind them of annual renewal registration
  - e. the City will notify the public about community organizations and encourage participation at least once a year (Section 2.60.050).
- 9. Outline responsibilities of community recognized organizations:
  - a. annually renew registration with the city
  - b. establish rules of decorum to create an atmosphere of respectful and civil dialogue
  - c. report to the City that accurately reflects their position taken by their organization on proposals being considered by the City.
  - d. foster open and respectful communication (Section 2.60.060).
- 10. Identify members of a community organization as volunteers (Section 2.60.070)
- 11. Amend zoning text to Chapter 21A.10 (General Application and Public Hearing Procedures and zoning conditional uses procedures) by deleting the requirement for a petitioner to obtain a signed statement from the appropriate community organization that states petitioner has met with that organization and explained the proposal before making an application. However, it is reported by the Planning Division that common practice by petitioners has been to take a petition to the community organization after an application has been made.

According to the Planning Division, after a petitioner completes an application, the Planning Division will continue to encourage this dialogue by attending a recognized community organization(s) meeting to answer questions regarding proposals relating to: zoning map

amendment, conditional use, planned development, alley vacation, master plan and / or master plan amendment.

# MATTERS AT ISSUE/POTENTIAL QUESTIONS FOR ADMINISTRATION:

## POLICY CONSIDERATIONS

#### THE COUNCIL MAY WISH TO ASK THE ADMINISTRATION:

- 1. To explain more specifically the benefit community groups/organizations will receive if they go through the process to become a recognized community organization.
- 2. The status of developing a grant process for community groups/organizations to use for communication. The Administration has indicated an interest in combining the communications funding with the "Lighter, Quicker, Cheaper" funding and administering the two items as one program.
- 3. Whether the community councils feel comfortable with the proposed amendment and whether their fears / perceptions expressed about being removed from land use decision making process have been alleviated.
- 4. Whether the intent is to have the Open and Public Meetings Act apply to recognized community organizations. For instance, the Act requires 24 hours notice prior to meeting, but there is no such requirement in the proposed ordinance amendment.
- 5. Whether the requirement to obtain a non-profit status could discourage the formation of new groups since the process can appear cumbersome and costly.
- 6. Whether the engagement plans of the City Departments will be published so that the public is aware of what they can expect. (Each City Department will develop policies on their notice procedures to provide sufficient notice to community organizations in a timely manner and to provide sufficient time for public feedback.)
- 7. Whether the Administration still anticipates challenges with providing information or notification when community organizations have overlapping boundaries.
- 8. The Administration sought input from the public on Open City Hall.

Does the Council wish to seek input again on this open forum and for how long?

Are there specific community groups/organizations the Council wishes to receive notice of this proposal?

The Council may be interested in the following comments taken from Open City Hall:

- Community organizations should be comprised of members who reside in Salt Lake City or have property ownership in Salt Lake City (proposed ordinance does not address this).
- Include procedures for handling grievances against organizations or against the City for not following the recognition ordinance (proposed ordinance does not address this).
- Require new organizations to include a minimum number of households.

- From previous involvement on a community council, community member states the message was given that this group had no power or authority to make a difference. Community councils are given a false expectation they have opportunity to make a change.
- Suggestion that departments have policies and procedures developed before ordinance is adopted so each department's notification process is transparent.
- Include in the purpose statement that the goal of the City is to solicit thoughtful, educated and reasoned participation from the public.

# **PUBLIC PROCESS**

The Administration has sought comments on this proposal since April of 2012. A public engagement process has included<sup>3</sup>:

- Information presented to community council chairs at the Mayor's breakfast
- Information presented to Salt Lake City Network of Community Councils
- Input from Planning, Mayor's cabinet, administrative staff, community council chairs (four different occasions), Business Advisory Board, Salt Lake City Network of Community Councils, attendees of the Planning's Monthly Open House in the Main Library Urban Room
- Articles in Planning Division newsletter
- Project website http://cboslc.com/
- Postings on City's website
- Open City Hall topic (comments attached)<sup>4</sup>
- Deservet News notice
- Social media
- Planning Commission public hearing

<sup>&</sup>lt;sup>3</sup> Attachment III – Administration's project chronology that gives details of Administration's public process

<sup>&</sup>lt;sup>4</sup> Attachment IV– Open City Hall comments received in response to Administration's posting.

## **ATTACHMENT I**

Mayor/Council joint resolution adopted in 2009, Open and Transparent Government

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One of the principles most cherished by Americans is that our system of democratic government is "of the people, by the people, and for the people." The Mayor and City Council members are individual citizens as well as the elected representatives of their constituents. The majority of the members of the City's boards and commissions are individual residents of the City who have been appointed to serve the public interest. Many City employees are also constituents of the City. Thus, Salt Lake City government is conducted by its constituents. However, the election or appointment of representatives does not end the general public's interest in how the business of City government is conducted, nor does it end the public's right to be involved in the City's decision-making. Communities are strong when residents understand and participate in the civic process, have access to good, clear information, and are able to place confidence in their public officials. The Mayor and City Council members believe that Salt Lake City government is the basis for accountability, improved decision-making, public and employee trust, and informed participation.

# **ATTACHMENT II**

# Salt Lake City Planning Division Public Input Process Policy

#### **Community Organization Notification and Response**

Within four days of deeming the application complete, the Project Planner will send a notice the applicable recognized community organizations Chair(*s*) inquiring as to whether they want to review the request for zoning map amendment, conditional use, planned development, alley vacation, master plan and / or master plan amendment.

The Project Planner should include as much information about the request as possible when contacting both the recognized community organizations Chair(s) and Business Groups. This can be sent via email (preferably) or US mail and stating the time frame when the request could be presented. Copies of all contact should be kept in the case file and on Accela as part of the public record

The recognized community organizations chair(s) have 45 days to provide comments, prior to the request being scheduled for a public hearing. If comments are not received within the 45 days, the Project Planner may proceed with scheduling the item for public hearing.

- a. The Planner is expected to attend the recognized community organizations(*s*) meeting to answer questions regarding the zoning ordinances, planning process, or plan policies.
- b. The Planner is not there to advocate or speak for the Applicant.
- c. The Planner may only present the information to the recognized community organizations where the project is a City Initiated Petition that the Planning Division is speaking on behalf of the City.
- d. The Planner should:
  - i. take notes on what issues are raised and the general sentiment of the Community Council towards the project
  - ii. get a general count of the number of citizens in attendance at the meeting and reflect this in the Staff Report in the event the recognized community organizations does not submit anything in writing
- 1. Where a regular scheduled recognized community organizations meeting will not be held within the 45 day time limit or other meeting as per the recognized community organizations, the Project Planner will request a meeting with the executive board to obtain input. This typically occurs in the months of July, August and December.

- 2. Where a project is within 600 feet of the boundaries of another recognized community organizations district, west of 2200 West, or a text amendment, the Planner will schedule the item for the upcoming monthly Open House. When an Open House is to be held, the Project Planner will send information to applicable recognized community organizations chairs and business groups, with information about the project so they can inform their members of the Open House. The Open House notice should also be sent to the individuals on the mailing list for the project in the case of a matter affecting a geographic area, such as a rezoning, so affected property owners may attend and comment.
- 3. For text amendments, the Project Planner should strive to compile and notify a list of individuals, or groups who may be interested / affected by the proposed regulations.
- 4. Where the issue is high profile or controversial, Open City Hall should be used.
- 5. Once information has been presented to a recognized community organization neither the Applicant nor the Planner is obligated to return to the group. If the Applicant agrees to return to the recognized community organizations, the Planner will notify the recognized community organizations. Chair that we will begin working toward scheduling the public hearing.
- 6. Where applicable, the project should be scheduled with the applicable City Advisory Boards. This is especially important with master plans, master plan amendments, zoning text amendments, etc. Contact Board Staff to schedule the item on the next agenda. The Boards include:
  - a. Historic Landmark Commission
  - b. Transportation Advisory Board
  - c. Business Advisory Board
  - d. Public Lands Advisory Board
  - e. Public Utilities Advisory Board
  - f. Housing Trust Fund Adv. Board
  - g. Airport Authority
  - h. HAAB

Joel Paterson- Planning Manager Kevin Young- Deputy Director Dan Velasquez-Manager Emy Maloutas, Director Jeff Niermeyer- Director LuAnn Clark- Director Allen McCandless-Planning Director Randy Isbell-Administrator

#### **Open Houses**

- 1. Open Houses are held for:
  - a. City-wide zoning text amendments and policy documents (e.g., community plans, small area plans, historic preservation plan)
  - b. Current Planning Projects that are within 600 feet of 2 or more recognized Community Organizations boundaries
  - c. Projects located west of 2200 West.
- 2. The Open Houses are held on the third Thursday of the month. They are usually held on the first floor hallway and in Room 126 of City Hall but may be held off-site (usually at the Library). They are scheduled from 4:30 6:00 p.m. On rare occasions they may be held on other days and in other locations.

- 3. The applicable Secretary is responsible to ensure the agendas are sent to the list serve and are posted on the webpage. Although there is not a legal notification requirement, the agenda and list serve notices should be sent and posted at least 2 weeks prior to the meeting.
- 4. Documents relating to the Open House agenda items should also be posted to the website prior to the meeting where appropriate.

# ATTACHMENT III

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## PROJECT CHRONOLOGY Petition #TMTL2012-00013

March, 2012	Staff was asked to begin researching potential amendment.	
April 5, 2012	Staff presented an introduction of the ordinance proposal at the Mayor's Breakfast with Community Council.	
April 12, 2012	Staff presented an introduction of the ordinance proposal to Salt Lake City Network of Community Councils.	
May 1, 2012	Website launched and notified the public, including existing organizations of the website through email list services and social media. <u>http://cboslc.com/</u>	
May 24, 2012	Presented flyers outlining the ordinance proposal to Community Council chairs at the Mayor's Breakfast.	
June 18, 2012	Routed email of draft ordinance to Planning, Mayors Cabinet and staff for comments.	
July 3, 2012	Newsletter article published in Planning Division newsletter.	
July 30, 2012	Posted update to website discussing comments and concerns with noticing and participation.	
August 1, 2012	Posted update to website including draft ordinance and summary of changes.	
August 2, 2012	Presented and discussed the draft ordinance at the Mayor's Breakfast with Community Council Chairs.	
August 16, 2012	Presented the proposed ordinance to attendees of the Planning Division's Monthly Open House in the Main Library Urban Rm.	
August 21, 2012	Petition initiation request signed by Mayor Ralph Becker.	
October 1, 2012	Presented and discussed the draft updated ordinance at Mayor's Breakfast with Community Council Chairs.	
October 8, 2012	Posted updated to website including updated ordinance and a discussion of how public comments have been addressed.	
October 9, 2012	Opened an Open City Hall Topic <u>http://www.peakdemocracy.com/1028</u> on the proposal notice sent to over 1400 subscribers, six comments were received.	
November 2, 2012	Notice published in the Deseret News	
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- November 2, 2012 Agenda posted and distributed to Planning Commission email list service and Community Council representatives.
- November 7, 2012 Posted update to website including a copy of the staff report and public hearing information.
- November 14, 2012 Presented and discussed the amendments with the Business Advisory Board.

November 14, 2012 Public Hearing with Planning Commission item tabled requesting updated information.

December 5, 2012 Posted update to the website including a discussion of the materials developed at the request of the Planning Commission, including a copy of the memorandum and Planning Divisions Public Engagement Policy.

December 12, 2012 Public Hearing reopened Planning Commission voted to forward a positive recommendation of the ordinance as presented in the staff report. The motion passed 4-1 in favor.

December 13, 2012 Reviewed the Planning Commission's recommendations following the public hearing at Mayor's Breakfast with Community Council Chairs. Staff posted a final update to the project website, discussing Planning Commission decision.

# ATTACHMENT IV

# **Community Based Organizations**

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

Public comments as of March 20, 2013, 11:48 AM

All Participants around Salt Lake City

Comments sorted chronologically



As with any public comment process, participation in Open City Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

# Introduction

This project is currently being reviewed by the Planning Commission. For uptodate information please got to http://cboslc.com/. Purpose - create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods.

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

As of March 20, 2013, 11:48 AM, this forum had:

Attendees:	267
Participants around Salt Lake City:	7
Minutes of Public Comment:	

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

# All Participants around Salt Lake City

Name not shown in District 6

October 25, 2012, 9:35 AM

Mr. Kisling's comments are hardly surprising under the circumstances. In fact one wonders if the Sugar House Community Council –SHCC (covers all of District 7 and part of District 6), isn't the one specifically targeted since it reflects all the questionable situations that the proposed revision of the 'Recognition Ordinance' targets. Despite the huge geographic area ostensibly represented by this group, there appear to be few members of the public/residents present at any given meeting, the business of which is conducted by 'trustees' who, in theory, 'represent' area residents.

Notification, according to SHCC, is done via the organization's website, though that process fails to account for those unaware of it. That Kisling references signage as a good notification alternative speaks volumes for the failure of SHCC's website to do that. But signage for an area comprising 700 East to Foothill Boulevard and 1700 South to SLC limits, is laughable; SHCC can hardly count on its 'trustees' to participate in any activities outside the monthly meetings such as outreach or fundraising, so it seems unlikely that its trustees would actually set up and take down meeting signage on a monthly basis.

Kisling appears to recognize this since he proposes, instead, that public bulletin boards and press releases be used as a viable alternative, again presupposing that residents impacted will actually see them.

Kisling also raises concerns that 'The proposed ordinance does not require City residency or property ownership of community organization members.' Since Kisling was an active member of the 'Say No to Rezoning' group that, by 'voice vote' of trustees present at the meeting scheduled to address the issue including public input, was designated to speak for SHCC in the Walmart rezoning hearings, rather than the council itself. That voice vote took place before not after public comments. Moreover, who knows who comprised the membership of Say No to Rezoning?

While it is logical that members of most representative organizations should consist of Salt Lake City residents exclusively, there may be appropriate exceptions. For example, when, in 2008, the Christus St. Joseph's Villa, a non-profit Catholic facility comprising skilled nursing, assisted living, rehabilitation, and senior apartments requested City approval to make changes on its skilled nursing facility to reflect a more modern view of elderly care-- home-like, rather than institutional, the community council for that area was assisted by sympathetic activists belonging to other community councils, who, together, were successful in defeating the proposal, and the facility was sold. Thus in such a situation, it also seems reasonable that non-profit advocacy groups, regardless of local residency or property ownership, be recognized to represent those with special interests, who, in that situation, had no voice -- the elderly, the disabled, Catholics (since it was the only Catholic facility in the area to accept Medicaid recipients).

Scott Kisling in District 7

October 22, 2012, 10:04 AM

Thank you for the opportunity for input on this important issue.

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

# All Participants around Salt Lake City

I question the need to revise the "Recognition Ordinance" at all. If the current ordinance creates any issues for the City those issues should be addressed by revision, rather than by outright repeal and replacement, which will surely bring unintended and as yet unidentified consequences.

As a previous Community Council Chair and long-time Community Council Trustee, I have several concerns with the City's latest attempt to revise the Recognition Ordinance:

1) The new ordinance doesn't state the purposes for which the City recognizes certain organizations; it simply "creates a framework for organization..." The law would no longer state that recognition is "for the purpose of providing citizen input and information to various city planning and administrative services." The legal interpretation is that the City (through revised 21A.10.020 Public Hearing Notice Requirements) is required to notify community organizations such as ours, but is not obligated to take our input into consideration. It will simply "value" them, using their new text.

2) The proposed ordinance does not require City residency or property ownership of community organization members; a Draper rugby team could conceivably petition Salt Lake City Government about City park usage and (in the new text) legally be "held in equal regard" to a group of City residents who prefer a different use for the same land.

3) I prefer to see reference to Utah's Open and Public Meetings Act rather than to require meetings to simply be "open to the general public." New undefined text often brings new problems. The above Act may state that while meetings must be open to the public, they do not have to be open to public participation.

4) Procedures for handling grievances against organizations – or against the City – for not following the Recognition Ordinance should be \*added\* to the ordinance. Such text is included by many cities, and may be helpful here for the City as much or more than for a community group.

5) The requirement for notifying members should be expanded to include what methods are acceptable. Portland offers a good template. It states that reasonable notice must be provided to the public at large, "although this does not need to be direct." Public bulletin boards and press releases (though it does not require an organization to guarantee publication of such) are two examples it gives as adequate. Some Community Councils in Salt Lake City use lawn signs to provide notice of meetings, which appears to be an effective method.

6) The requirement that the City publish boundaries for recognized organizations would help those petitioning the City. Salt Lake City does this now, but it should be made a requirement to ensure continuance. Including an article on resolving overlapping boundaries among recognized organizations would help all of us, and would simplify life for City planning and administrative employees. Portland has excellent text for this. It also has a means to prevent future overlapping boundaries and organization proliferation (occasionally a problem in Salt Lake City), by requiring new organizations to include a minimum number of households.

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

# All Participants around Salt Lake City

Community Councils have long argued that notification should be five weeks, and not 15 days, to ensure time to get the item on the agenda. Most city Recognition ordinances state that if the required period may injure or harm the public health, safety, welfare or result in a significant financial burden to the city, it shall not apply. The old ordinance, under 2.62.040 C gave groups such as Community Councils the ability to petition for more time, but was rarely if ever exercised. It, like the rest of 2.62, would be deleted under the City's latest revision attempt.

Others with Community Council experience will no doubt identify other possible consequences of the revision. I urge the City to be cautious in this revision, by instead making incremental changes to the current ordinance. Best regards, Scott

\_\_\_\_\_

#### Name not shown in District 6

### October 16, 2012, 11:13 AM

The proposed draft ordinance regarding community based organizations is a step in the right direction since it can open the door for new groups to organize by other criteria such as religion, ethnicity, small business area, etc. and have equal input with larger organizations in proposed zoning changes and Moreover, Salt Lake City's willingness to provide notification to those potentially new developments. impacted by such changes or developments is critical since many may fall through the cracks in terms of being aware of such changes until it is too late. Such notification will, additionally, present a more accurate and objective portrayal of 'all' possibilities, thus avoiding situations like that incurred during the Parley's Way Walmart rezoning request process. In an effort to prevent that rezoning, it has now become apparent that some in the area were persuaded to support that position by being told that Walmart would leave the area if rezoning was not approved, many of whom who now feel duped to find that Walmart is indeed opening a 'remodeled' store when the rezoning that would have enabled them to build new was denied. What it won't do is 'limit' the boundaries for such organizations, many of which are far too large to address the many unique situations that may exist within such boundaries, but have no 'real' representation in the absence of a more specific organization to address their specific needs. Lastly, while a 'for profit' community organization is undesirable, requiring 'non-profit' status may inhibit the formation of new groups since that process can be intimidating and costly for many start-up groups.

### JOY DANTINE in District 1

UNK in District 4; community-based programs (i.e. community-based government if you will) work for the community and its ill. With people, including gangs or former gang members - who needs taxes. Will power and ability to think beyond immediate needs and complaints will see us through to best meet all the needs of all; count on it. I completely KNOW this is a strategic partnership to say the least. I motion we bring this home.

### Amy Barry in District 7

October 9, 2012, 5:34 PM

October 10, 2012, 11:58 AM

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

# All Participants around Salt Lake City

I support the City's effort to broaden participation of other agencies/departments with community organizations. However, I would only support adoption of this ordinance at the time that all pertinent departments have their policies written. Without a written policy by which the community organization can reference there may be little to no notification of issues. For instance, the current notification time for planning issues to community councils is 45 days. I would have serious misgivings if the policy the planning division offered only required the 12 days notice to surrounding property owners. We need the opportunity to see what is proposed by the various departments to determine if they are adequate or become detrimental to active participation.

I also believe the recognition ordinance opening statement should reflect the goal of the city to solicit thoughtful, educated and reasoned participation from the public. To be able to participate in a thoughtful way the departments must write policies that enable that flow of information that provides more documents and time for community organizations to review and learn more about them as it relates to their geographic or interest area.

Name not shown in District 4

October 9, 2012, 4:40 PM

The focus on Community Organizations is interesting. Having been involved with a two community associations for a number of years, I would suggest that they are great social organizations but ineffective in trying to have an impact on policies and/or changes. On number of occasions, our associations tackled tough issues, did the research, made recommendations to the City Council but were told that a neighborhood association had no power or authority to impact change. SO? I would suggest that Neighborhood Associations be considered Social Organizations and a vehicle for the City to inform communities as to what the city had planned. I would STRONGLY RECOMMEND THAT ASSOCIATIONS ARE NOT GIVEN FALSE EXPECTATIONS that the members will really have to opportunity to cause change. Call a duck a duck. Specifically, regarding the changes, I wouldn't bother and spend the recovered time on more critical issues like lighting, parking, gangs, etc.

ERIC D. SHAW

MARY DE LA MARE-SCHAEFER

ROBERT FARRINGTON, JR. DEPUTY DIRECTOR

Chief of Staff David reritt

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT OFFICE OF THE DIRECTOR

CITY COUNCIL TRANSMITTAL

SAUT LAKE: GHIY

SCANNED TO: Nava SCANNED BY: Radre

MAYOR

Date Sent to City Council: 02/14/2

Date Received:

TO: Salt Lake City Council Kyle LaMalfa, Chair DATE: February 1, 2013

FROM: Eric D. Shaw, CED Director

**RE**: Petition TMTL2012-00013: Zoning Text Amendment by Mayor Ralph Becker to amend the City Code and Zoning Ordinance relating to Recognized Community Organizations

STAFF CONTACTS:

Nole Walkingshaw, Planning Programs Supervisor 801-535-7128 or <u>Nole.walkingshaw@slcgov.com</u>

**RECOMMENDATION:** 

That the City Council adopts the ordinance as recommended by the Planning Commission

**DOCUMENT TYPE:** Ordinance

BUDGET IMPACT: None

**DISCUSSION:** 

*Issue Origin*: Mayor Ralph Becker is requesting that the Salt Lake City Council approve a text amendment to modify Chapter 2.60, Recognized Community Organizations, of the Salt Lake City Code. The modification will create a framework for the public to effectively organize and be recognized by the City, for communication purposes, into community associations representing a geographic area or area of interest. This will be one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods.

*Analysis*: In his 2010 State of the City Address, Mayor Becker stated "We are constantly working at improving, defining and refining methods for public input." In that spirit, the Administration has been reviewing how the city interacts with the community. This review

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includes assessing how the city gives information and receives feedback. The Mayor's vision is to develop a process that engages the public in city decision-making to ensure that reasoned, fully-informed decisions are made. Mayor Becker initiated this petition request to modify certain elements of Chapter 2.60, Recognized Community Associations, of the Salt Lake City Code. In an effort to bolster the amount and diversity of public participation of community based groups, changes to the framework that defines a community based organization have been proposed. The current ordinance was developed during the 1980's and adopted in 1990. Since that time, the way we engage and notice the community has changed, but our recognition ordinance has remained the same. In the 1980's we had direct mailings, meetings with community councils, and newspaper notices. Today our capacity to notice the public and the opportunities for participation are very different. Significant technological advances over the past 30 years have proven to be effective at increasing citizen involvement in the planning process.

#### Our goals are:

- Finding effective ways of communicating and soliciting feedback
- Broadening the number and variety of participants in civic matters
- Informing and obtaining feedback from citizen representatives of the community
- Reaching the underrepresented segments of the community
- Reaching the groups who are most affected by actions taken by the city on various types of decisions or projects

The proposed ordinance defines recognized community organization. It can be either a geographically-defined organization (such as a community council, business group from a specific geographic area), or a special interest organization, (such as a cycling group or urban farmers, etc). The ordinance consolidates Chapters 2.60 and 2.62 of the City Code into a single chapter. It provides clear minimum standards and registration requirements and identifies the responsibilities of the city and the Recognized Community Organization.

The Planning Division solicited comments from applicable City Departments and Divisions and received support for forwarding this petition. Staff worked closely with CED and Mayor's Office representatives, as well as community liaisons, to develop the proposed ordinance. The ordinance recommended by the Planning Commission addresses the comments and concerns expressed by the Administration, which are included in the attached staff report.

*Master Plan Considerations:* A quality planning process depends upon good public engagement and community based organizations have been great sources of input. Each of our community master plans acknowledges the valued contributions of the community in the planning process. It remains the goal of the City to not only continue engaging community based organizations, but to strengthen those relationships. On January 5, 2009 the Mayor and City Council signed joint Resolution No. 62 of 2009 (Open and Transparent Government). The introduction captures the essence of the resolution and this amendment can be directly tied to the continued efforts of the city to expand communication and engagement with the community. One of the principles most cherished by Americans is that our system of democratic government is "of the people, by the people, and for the people." The Mayor and City Council members are individual citizens as well as the elected representatives of their constituents. The majority of the members of the City's boards and commissions are individual residents of the City who have been appointed to serve the public interest. Many City employees are also constituents of the City. Thus, Salt Lake City government is conducted by its constituents. However, the election or appointment of representatives does not end the general public's interest in how the business of City government is conducted, nor does it end the public's right to be involved in the City's decision-making. Communities are strong when residents understand and participate in the civic process, have access to good, clear information, and are able to place confidence in their public officials.

The Mayor and City Council members believe that Salt Lake City government serves the public and city employees best when it operates openly. Openness in government is the basis for accountability, improved decision-making, public and employee trust, and informed participation.

The sections of the zoning ordinance that will be amended as part of this petition are chapter references or organization name changes and are clerical in nature. Specific sections to be amended are Sections 21A.10.010. B and 21A.54.060A.8. Each requires the applicant to meet with the community based organization prior to making an application with the city, and requires a signature from the Community Council Chair prior to the application being considered complete. In essence, this grants authority to the Community Councils, which raises legal issues. For years, the Planning Division process has included taking the petition to the community organization after the application has been made, which affords the opportunity for the planner to be in attendance to hear the issues raised by the community and to claify the regulations and process. We are continuing our policy to engage the community on significant land use applications, and plan to continue with the same notification and presentation policies that are currently in place.

**ISSUES:** There were several concerns raised throughout the process of developing this ordinance. Staff took an active role in listening and trying to address these concerns through modifications to the draft ordinance and the preparation of a public engagement policy for the Planning Division. One of the first issues to arise was the impression that the city would remove the early involvement opportunities for community organizations on land-use applications. As noted above, due to the legal issues this requirement raises, it is proposed to be removed from the ordinance. However, the administrative practice of seeking public input prior to scheduling matters with decision making bodies will continue. The proposed changes also allow other ways to seek early engagement. The Planning Divisions public engagement policy reflects this practice and outlines the process in detail. Each department must create a public engagement policy that identifies how it will meet the requirements of the Recognized Community Organizations ordinance.

A second issue raised by the public was the requirement for geographically-based organizations to notice property owners and residents of their existence on an annual basis, and explain how to become involved with the community organization. There was a concern was that this placed an undue financial burden on the organization. To address this concern, the responsibility was given to the city to prepare annual notices and promote the community organizations. The desire for greater access to permit and petition requests was expressed. This information is available on our Accela Citizens Access page. New reports are being developed that will show application submissions, in detail, that will be posted on data.slcgov.com. Once these reports become refined we believe that this issue will be resolved.

### **PUBLIC PROCESS:**

Notices to the public for comments on the proposed text amendment:

- Launched website and notified the public, including existing organizations, of the website through email list services and social media. <u>http://cboslc.com/</u>
- Distributed multiple fliers through the Plan Salt Lake public outreach booths.
- Published an article about the proposal in the Planning Division Newsletter July 3, 2012
- Presented the proposed ordinance to attendees of the Planning Division's Monthly Open House in the Main Library Urban Room on August 16, 2012
- Posted an online discussion on the webpage on October 8, 2012. This discussion reflects changes to the ordinance based upon comments received from the community.
- Launched an Open City Hall Topic <u>http://www.peakdemocracy.com/1028</u> on the proposal on October 9, 2012, and sent notice to over 1400 subscribers; six comments were received.
- Notice published in the <u>Deseret News</u> on November 2, 2012, for the Planning Commission public hearing on November 14, 2012.

Public meetings and review sessions held for the text amendment:

- Presented an introduction of the ordinance proposal at the Mayor's Breakfast with Community Council Chairs on April 5, 2012
- Presented an introduction of the ordinance proposal to Salt Lake City Network of Community Councils on April 12, 2012
- Presented flyers outlining the ordinance proposal to Community Council chairs at the Mayor's Breakfast on May 24, 2012
- Presented and discussed the draft ordinance at the Mayor's Breakfast with Community Council chairs on August 8, 2012
- Presented the draft ordinance at Mayor's Breakfast with Community Council Chairs on October 1, 2012
- Presented the draft ordinance to the Business Advisory Board at their meeting on November 14, 2012.
- Reviewed the Planning Commission's recommendations following the public hearing on December 13, 2012 Mayor's Breakfast with Community Council Chairs at the Mayor's Breakfast with Community Council Chairs.

Public Hearings:

- A public hearing with the Planning Commission was noticed and held on November 14, 2012. Based upon public comments and discussion with the Planning Commission the matter was tabled. Additional information was requested.
- On December 12, 2012 staff presented a memo to the Planning Commission addressing the requested information. The Planning Commission reopened the public hearing allowing members of the community to speak. The Planning Commission voted to recommend the ordinance as presented in the staff report and the motion passed 4-1.

#### **RELEVANT ORDINANCES:**

Amendments to the Zoning Ordinance are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title 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." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 4 of the Planning Commission Staff Report (see Attachment 5B).

Sections 10-9a-204 and 205 of the Utah Code Title 10, Chapter 9a, Municipal Land Use, Development and Management Act regulate the requirements for noticing a general plan amendment and land use ordinance amendment. The petition for zoning amendment was published in the newspaper on November 2, 2012 meeting State Code noticing requirements.

# **TABLE OF CONTENTS**

- 1. PROJECT CHRONOLOGY
- 2. PROPOSED ORDINANCE
- 3. NOTICE OF CITY COUNCIL HEARING
- 4. MAILING LABELS A) COMMUNITY COUNCILS
- 5. PLANNING COMMISSION A) ORIGINAL NEWSPAPER NOTICE
  - B) STAFF REPORT November 14, 2012 Staff Report for Planning Commission
  - C) MEMO December 12, 2012 Memo to the Planning Commission
  - D) AGENDA AND MINUTES November 14, 2012 – Planning Commission December 12, 2012 – Planning Commission
- 6. ORIGINAL PETITION

**1. PROJECT CHRONOLOGY** 

## PROJECT CHRONOLOGY Petition #TMTL2012-00013

March, 2012	Staff was asked to begin researching potential amendment.
April 5, 2012	Staff presented an introduction of the ordinance proposal at the Mayor's Breakfast with Community Council.
April 12, 2012	Staff presented an introduction of the ordinance proposal to Salt Lake City Network of Community Councils.
May 1, 2012	Website launched and notified the public, including existing organizations of the website through email list services and social media. <u>http://cboslc.com/</u>
May 24, 2012	Presented flyers outlining the ordinance proposal to Community Council chairs at the Mayor's Breakfast.
June 18, 2012	Routed email of draft ordinance to Planning, Mayors Cabinet and staff for comments.
July 3, 2012	Newsletter article published in Planning Division newsletter.
July 30, 2012	Posted update to website discussing comments and concerns with noticing and participation.
August 1, 2012	Posted update to website including draft ordinance and summary of changes.
August 2, 2012	Presented and discussed the draft ordinance at the Mayor's Breakfast with Community Council Chairs.
August 16, 2012	Presented the proposed ordinance to attendees of the Planning Division's Monthly Open House in the Main Library Urban Rm.
August 21, 2012	Petition initiation request signed by Mayor Ralph Becker.
October 1, 2012	Presented and discussed the draft updated ordinance at Mayor's Breakfast with Community Council Chairs.
October 8, 2012	Posted updated to website including updated ordinance and a discussion of how public comments have been addressed.
October 9, 2012	Opened an Open City Hall Topic <u>http://www.peakdemocracy.com/1028</u> on the proposal notice sent to over 1400 subscribers, six comments were received.

November 2, 2012	Notice published in the Deseret News
November 2, 2012	Agenda posted and distributed to Planning Commission email list service and Community Council representatives.
November 7, 2012	Posted update to website including a copy of the staff report and public hearing information.
November 14, 2012	Presented and discussed the amendments with the Business Advisory Board.
November 14, 2012	Public Hearing with Planning Commission item tabled requesting updated information.
December 5, 2012	Posted update to the website including a discussion of the materials developed at the request of the Planning Commission, including a copy of the memorandum and Planning Divisions Public Engagement Policy.
December 12, 2012	Public Hearing reopened Planning Commission voted to forward a positive recommendation of the ordinance as presented in the staff report. The motion passed 4-1 in favor.
December 13, 2012	Reviewed the Planning Commission's recommendations following the public hearing at Mayor's Breakfast with Community Council Chairs. Staff posted a final update to the project website, discussing Planning Commission decision.

# 2. PROPOSED ORDINANCE

#### SALT LAKE CITY ORDINANCE No. \_\_\_\_\_ of 2013 (An ordinance amending chapter 2.60 and certain sections of title 21A and deleting chapter 2.62 of the *Salt Lake City Code* concerning recognition of community-based organizations)

An ordinance amending chapter 2.60 and certain sections of title 21A and deleting chapter 2.62 of the *Salt Lake City Code* pursuant to Petition No. TMTL2012-00013 concerning recognized community organizations.

WHEREAS, the Salt Lake City Planning Commission held public hearings on November 14, 2012 and December 12, 2012 to consider a request made by Salt Lake City Mayor Ralph Becker (Petition No. TMTL2012-00013) to amend chapter 2.60 (Administration and Personnel: SLACC and Neighborhood Based Organization Recognition); section 21A.10.010 (Zoning: General Application and Public Hearing Procedures: General Application Procedures); section 21A.10.020 (Zoning: General Application and Public Hearing Procedures: Public Hearing Notice Requirements); section 21A.16.030 (Zoning: Appeals of Administrative Decisions: Procedure); and section 21A.54.060 (Zoning: Conditional Uses: Procedures) of the *Salt Lake City Code* and deleting chapter 2.62 (Administration and Personnel: Recognized or Registered Organization Notification Procedures) thereof concerning the recognition of community-based organizations; and

WHEREAS, at its December 12, 2012 meeting, the planning commission voted to transmit a positive recommendation to the Salt Lake City Council on said application; 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 text of Salt Lake City Code chapter 2.60. That chapter 2.60 of

the Salt Lake City Code (Administration and Personnel: SLACC and Neighborhood Based

Organization Recognition), shall be, and hereby is, amended to read as follows:

#### Chapter 2.60 RECOGNIZED COMMUNITY ORGANIZATIONS

#### 2.60.010: PURPOSE

It is the policy of Salt Lake City to create a framework by which the people of the City may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

This Chapter sets out the basis for City recognition of such community organizations and the associated responsibilities and benefits.

#### 2.60.020: **DEFINITION**

Community Organization: A voluntary group of individuals organized around a particular community interest for the purpose of collectively addressing issues and interests common to that group. A community organization is not a subsidiary of Salt Lake City government.

#### 2.60.030: MINIMUM REQUIREMENTS

All community organizations seeking recognition pursuant to this chapter must comply with the following:

- 1. Properly register as a non profit corporation in good standing with the State of Utah;
- 2. Adopt by laws which include the following provisions:
  - a. A clear definition of membership;
  - b. A policy of open participation of all persons who are members of the organization;
  - c. A policy against discrimination;
  - d. Attendance to meetings is open to the general public;
  - e. Meetings will provide an opportunity for public input.
- 3. Organizations must hold at least one meeting of their membership each year.

#### 2.60.040: REGISTRATION

A. The Recorder's Office shall maintain an official registration of community organizations recognized under this ordinance (Chapter 2.60). Any community

organization meeting the requirements of Section 2.60.030 may register by filing with the Recorder's office the following:

- 1. Official name;
- 2. Boundaries where applicable;
- 3. The names, mailing addresses, telephone numbers and email addresses of its current officers;
- 4. The name, mailing address, email address and telephone number to serve as the recipient for official communications from the City;
- 5. Methods used to communicate with membership;
- 6. A copy of the organization's articles of incorporation and bylaws;
- 7. Time and place of regular meetings; and
- 8. Schedule for electing officers

The Recorder's Office shall make this information available to the public on the City website.

- B. It shall be the responsibility of the community organization to provide updated information and any changes to the items in Section A above to the Recorder's Office in a timely manner.
- C. Annual renewal of registration of community organization is required. By January 31 of each year, each registered community organization must submit a request for renewal of registration with current information required in Section A above. Failure to submit such a request by January 31 will result in removal of the community organization from the official Registration.

#### 2.60.050: RESPONSIBILITIES OF CITY

- A. The City shall adequately educate the public on City policy, procedures, and actions.
- B. Each City Department shall strive to utilize best public engagement practices to educate, engage, and receive input from the public at a level that is consistent with the scope of impact of a proposal or project.
- C. The City Departments shall develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. These include but are not limited to public meetings, development projects, planning activities, grant and funding opportunities, which may have a significant impact on the membership of a registered community organization. Notice shall be given to affected community based organizations in a timely manner, including information on the timeframe for a response.
- D. The Recorder's Office shall notify each registered community organization of pending requirement for re-registration by December 31 of each year.

E. In an effort to notify the public about the existence of community based organizations and encourage participation in these organizations, at least once a year the City shall make a reasonable attempt to provide a list of all community based organizations and their contact information to all residents, property owners, business owners, schools and non-profit agencies in Salt Lake City.

#### 2.60.060: RESPONSIBILITIES OF COMMUNITY ORGANIZATIONS

- A. Renew registration with the Recorder's Office on an annual basis.
- B. Establish orderly and democratic means for forming representative public input through civil and respectful dialogue.
- C. Establish and follow a clear method for reporting to the City actions which accurately reflect their position. Include the means by which a recommendation or decision was reached, how many members were involved and what the outcome was.
- D. By interaction with its members, residents, and the City, foster open and respectful communication between the community organization and representatives of City Departments on plans, proposals and activities affecting the interests of the community organization.

#### 2.60.070: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION

Recognized community organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized community organizations and their officers, trustees and directors shall be indemnified by the City pursuant to the Utah governmental immunities act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter. This defense and indemnification obligation on behalf of the City shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the community organization or its members. These provisions shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer.

SECTION 2. Deleting chapter 2.62 of the Salt Lake City Code. That chapter 2.62 of the

Salt Lake City Code (Administration and Personnel: Recognized or Registered Organization

Notification Procedures), shall be, and hereby is deleted in its entirety.

SECTION 3. <u>Amending text of Salt Lake City Code section 21A,10.010</u>. That section

21A.10.010 of the Salt Lake City Code (Zoning: General Application and Public Hearing

Procedures: General Application Procedures), shall be, and hereby is, amended to read as

follows:

#### **21A.10.010: GENERAL APPLICATION PROCEDURES:**

All applications required by the provisions of this title shall be processed in accordance with the following procedures:

- A. Determination of Completeness of Application: After receipt of an application, the zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.
- B. Remedy of Deficiencies: If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.
- C. Extensions of Time: The zoning administrator, upon written request, may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this title. An extension of time may also be granted by any body acting pursuant to this title unless this title expressly provides otherwise. The total period of time granted by such extension or extensions shall not exceed twice the length of the original period.
- D. Fees: The application shall be accompanied by all the fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by section 21A.10.020 of this chapter, in accordance with the fee schedule, including costs of mailing, preparation of mailing labels and all other costs relating to notification.

SECTION 4. <u>Amending text of Salt Lake City Code section 21A.10.020</u>. That section 21A.10.020 of the Salt Lake City Code (Zoning: General Application and Public Hearing

Procedures: Public Hearing Notice Requirements), shall be, and hereby is, amended to read as

follows:

#### 21A.10.020: 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. Public Hearing Required: Projects requiring a public hearing as required by this title shall be held after the following public notification:
  - 1. Mailing for Public Hearing: Notice by first class mail shall be provided:
    - a. A minimum of twelve (12) calendar days in advance of the public hearing;
    - b. To all owners and tenants of the land as shown on the Salt Lake City geographic information system records. Mailing labels shall be generated by the city at the time of application submittal and created using the Salt Lake City geographic information system records unless as stated otherwise in this title. A list of parties entitled to notice pursuant to chapter 21A.56 of this title shall be provided by the applicant with the application; and
    - c. Within three hundred feet (300') from the periphery of land subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the periphery of the land subject to application for sexually oriented businesses requiring conditional site plan review pursuant to chapter 21A.36 of this title.
  - 2. Notification to Recognized Organizations: The city shall give e-mail notification, or other form of notification chosen by the planning director, a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter 2.60 of this code
  - 3. Contents of Mailing Notice for Public Hearing: The first class mailing notice for any public hearing required pursuant to this title shall generally describe the subject matter of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.
  - 4. Posting for Public Hearing: The land subject to an application for a public hearing shall be posted by the city with a sign giving notice of the public hearing,

providing the date of the hearing including contact information for more information, at least ten (10) calendar days in advance of the public hearing.

- a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.
- b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.
- c. Exemption: This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for an administrative certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land, including boundaries of a historic district, or for text amendments to this title.
- 5. Publication: As required by state law, at least twelve (12) calendar days in advance of the first public hearing for an application for an amendment to the text of this title or other processes as required by state law, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

#### B. Special Noticing Requirements for Administrative Approvals:

- 1. Conditional Building and Site Design Review: The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:
  - a. Notification: The City shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. Recognized organizations are also entitled to receive notice pursuant to title 2, chapter 2.60 of this code by e-mail or other form chosen by the planning director.

At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing

and consider the issue; if there are no requests for a public hearing, the planning director may decide the issue administratively.

- 2. Determination of Noncontributing Status Within an H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days of the determination of noncontributing status of the property to all owners of the land and tenants, within eighty five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.
- 3. Notice of Application for Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in chapter 21A.52 of this title, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.
  - a. Contents of the Mailing Notice of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.

SECTION 5. Amending text of Salt Lake City Code section 21A.16.030.D.2. That

section 21A.16.030.D.2 of the Salt Lake City Code (Zoning: Appeals of Administrative

Decisions: Procedure), shall be, and hereby is, amended to read as follows:

- 2. Notice of Appeals of Administrative Decisions of the Historic Landmark Commission or Planning Commission: 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 shall schedule a public meeting to hear arguments by the appellant and respondent. 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 give e-mail notification, or other form of notification chosen by the appeals hearing officer, a minimum of twelve (12) calendar days in advance of the hearing to any organization entitled to receive notice pursuant to title 2, chapter 2.60 of this code.

#### SECTION 6. Amending text of Salt Lake City Code section 21A.54.060.A. That

section 21A.54.060.A of the Salt Lake City Code (Zoning: Conditional Uses: Procedures), shall

be, and hereby is, amended to read as follows:

- A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the planning director to be inapplicable or unnecessary to appropriately evaluate the application:
  - 1. The applicant's name, address, telephone number, and interest in the property;
  - 2. The property owner's name, address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application;
  - 3. The street address and legal description of the subject property;
  - 4. The zoning classification, zoning district boundaries, and present use of the subject property;
  - 5. A complete description of the proposed conditional use;
  - 6. Site plans, as required pursuant to section 21A.58.060 of this title;
  - 7. Traffic impact analysis, where required by the city transportation division;
  - 8. Mailing labels and a fee to cover postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to chapter 21A.10 of this title; and
  - 9. Other information or documentation the planning director may deem necessary for proper review and analysis of a particular application. Information which may be required under this subsection A10 shall not apply to a determination of completeness under subsection B of this section.

SECTION 7. <u>Effective Date</u>. 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,	
2013.			

### CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

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

Mayor's Action: \_\_\_\_\_Approved. \_\_\_\_\_Vetoed.

MAYOR

CITY RECORDER (SEAL) APPROVED AS TO FORM Salt Lake City Attorney's Office Date: TIAN UAP-Y 29, 2013 By: Development of the second secon

Bill No. \_\_\_\_\_ of 2013. Published: \_\_\_\_\_.

HB\_ATTY-#27796-v2-Ordinance\_amending\_community\_based\_organizations\_provisions.DOC

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#### SALT LAKE CITY ORDINANCE No. \_\_\_\_\_ of 2013 (An ordinance amending chapter 2.60 and certain sections of title 21A and deleting chapter 2.62 of the *Salt Lake City Code* concerning recognition of community-based organizations)

An ordinance amending chapter 2.60 and certain sections of title 21A and deleting chapter 2.62 of the *Salt Lake City Code* pursuant to Petition No. TMTL2012-00013 concerning recognized community organizations.

WHEREAS, the Salt Lake City Planning Commission held public hearings on November 14, 2012 and December 12, 2012 to consider a request made by Salt Lake City Mayor Ralph Becker (Petition No. TMTL2012-00013) to amend chapter 2.60 (Administration and Personnel: SLACC and Neighborhood Based Organization Recognition); section 21A.10.010 (Zoning: General Application and Public Hearing Procedures: General Application Procedures); section 21A.10.020 (Zoning: General Application and Public Hearing Procedures: Public Hearing Notice Requirements); section 21A.16.030 (Zoning: Appeals of Administrative Decisions: Procedure); and section 21A.54.060 (Zoning: Conditional Uses: Procedures) of the *Salt Lake City Code* and deleting chapter 2.62 (Administration and Personnel: Recognized or Registered Organization Notification Procedures) thereof concerning the recognition of community-based organizations; and

WHEREAS, at its December 12, 2012 meeting, the planning commission voted to transmit a positive recommendation to the Salt Lake City Council on said application; 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 text of Salt Lake City Code chapter 2.60. That chapter 2.60 of

the Salt Lake City Code (Administration and Personnel: SLACC and Neighborhood Based

Organization Recognition), shall be, and hereby is, amended to read as follows:

#### Chapter 2.60 SLACC AND NEIGHBORHOOD BASED ORGANIZATION RECOGNITION

#### 2.60.010: PURPOSE:

It is the policy of Salt Lake City to recognize neighborhood based community organizations for the purpose of providing citizen input and information to various city planning and administrative services. This chapter provides a process for such recognition. (Ord. 63-90 § 1, 1990)

#### 2.60.020: RECOGNITION OF SLACC AND NEIGHBORHOOD BASED ORGANIZATIONS:

- A. All organizations recognized pursuant to this chapter shall comply with the following conditions:
  - 1. Only properly registered not for profit corporations in good standing with the state of Utah may be recognized;
  - 2. To obtain recognition any community based organization shall submit to the city recorder the following information:

a. The articles of incorporation and bylaws of the community based organization.

(1) The bylaws shall contain a provision against discrimination and encouraging representation and participation from all qualified members.

b. A list of officers, directors or trustees of the organization together with their addresses and the address to which any notice to the organization should be sent.

e. No later than January 31 of each year any recognized organization seeking continuing recognition shall submit to the city recorder any changes in the information specified in subsections A2a and A2b of this section and a list of each meeting held by the organization in the preceding year and a description of the election procedure for officers, directors or trustees of the organization.

B. The Salt Lake Association of Community Councils (SLACC), or its legal successor, is recognized as the citywide organization in which community councils,

neighborhood councils and neighborhood associations participate by sending representation in accordance with SLACC bylaws.

- C. Neighborhood and community organizations representing the neighborhoods and communities defined on the list and map attached as exhibit A to the ordinance codified herein and maintained on file with the city recorder are hereby recognized. Membership in any neighborhood or community based organization must be open to anyone residing within or owning property within the boundaries of the organization. The number, name or boundaries of any community or neighborhood organization may be amended by the city council upon petition from a city council member, or any neighborhood or community organization recognized under this chapter All neighborhood or community organizations affected by such a petition shall hold a public hearing on the amendment request not less than fifteen (15) nor more than forty five (45) days after written notice of the request is received. Within thirty (30) days after the hearings before the affected community or neighborhood organization the city council shall hold a public hearing on the amendment request. The council shall act on the amendment petition by majority vote.
- D. All organizations recognized pursuant to this chapter shall comply with the provisions of the open meeting laws of the state of Utah and Salt Lake City.

#### 2.60.030: PARTICIPATION:

Recognized organizations are encouraged to make recommendations to the city on all matters affecting the city or the organizations' particular community or neighborhood. Recognized organizations shall be part of the city's notification process provided by chapter 2.62 of this title.

### 2.60.040: OPEN PARTICIPATION:

This chapter shall not preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by a decision to be considered by the city council or the mayor are encouraged and invited to participate whether through their recognized organization or individually.

# 2.60.050: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:

Recognized organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized organizations and their officers, trustees and directors shall be indemnified by the city pursuant to the Utah governmental immunity act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter or under chapter 2.62 of this title. This defense and indemnification obligation on behalf of the city shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the recognized organizations or their members

such as driving, inspecting property or other similar activities. This provision shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer.

### **RECOGNIZED COMMUNITY ORGANIZATIONS**

### 2.60.010: PURPOSE

It is the policy of Salt Lake City to create a framework by which the people of the City may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

This Chapter sets out the basis for City recognition of such community organizations and the associated responsibilities and benefits.

### **2.60.020: DEFINITION**

Community Organization: A voluntary group of individuals organized around a particular community interest for the purpose of collectively addressing issues and interests common to that group. A community organization is not a subsidiary of Salt Lake City government.

### 2.60.030: MINIMUM REQUIREMENT

All community organizations seeking recognition pursuant to this chapter must comply with the following:
1. Properly register as a non-profit corporation in good standing with the State of Utah;

- 2. Adopt bylaws which include the following provisions:
  - a. A clear definition of membership:
  - b. A policy of open participation of all persons who are members of the organization;
  - c. A policy against discrimination:
  - d. Attendance to meetings is open to the general public;
  - e. Meetings will provide an opportunity for public input.
- 3. Organizations must hold at least one meeting of their membership each year. State and and

## 2.60.040: REGISTRATION

- At The Recorder's Office shall maintain an official registration of community organizations recognized under this ordinance (Chapter 2.60). Any community organization meeting the requirements of Section 2.60.030 may register by filing with the Recorder's office the following:
  - 1. Official name;
  - 2. Boundaries where applicable;

- 3. <u>The names, mailing addresses, telephone numbers and email addresses of its</u> current officers;
- 4. The name, mailing address, email address and telephone number to serve as the recipient for official communications from the City;
- 5. Methods used to communicate with membership;
- 6. A copy of the organization's articles of incorporation and bylaws;
- 7. Time and place of regular meetings; and
- 8. Schedule for electing officers

The Recorder's Office shall make this information available to the public on the City website.

- B. It shall be the responsibility of the community organization to provide updated information and any changes to the items in Section A above to the Recorder's Office in a timely manner.
- C. Annual renewal of registration of community organization is required. By January 31 of each year, each registered community organization must submit a request for renewal of registration with current information required in Section A above. Failure to submit such a request by January 31 will result in removal of the community organization from the official Registration.

## 2.60.050: RESPONSIBILITIES OF CITY

- A. The City shall adequately educate the public on City policy, procedures, and actions.
- B. Each City Department shall strive to utilize best public engagement practices to educate, engage, and receive input from the public at a level that is consistent with the scope of impact of a proposal or project.
- C. The City Departments shall develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. These include but are not limited to public meetings, development projects, planning activities, grant and funding opportunities, which may have a significant impact on the membership of a registered community organization. Notice shall be given to affected community based organizations in a timely manner, including information on the timeframe for a response.
- D. The Recorder's Office shall notify each registered community organization of pending requirement for re-registration by December 31 of each year.
- E. In an effort to notify the public about the existence of community based organizations and encourage participation in these organizations, at least once a year the City shall make a reasonable attempt to provide a list of all community based organizations and their contact information to all residents, property owners, business owners, schools and non-profit agencies in Salt Lake City.

#### 2.60.060: RESPONSIBILITIES OF COMMUNITY ORGANIZATIONS

A. Renew registration with the Recorder's Office on an annual basis.

- B. Establish orderly and democratic means for forming representative public input through civil and respectful dialogue.
- C. Establish and follow a clear method for reporting to the City actions which accurately reflect their position. Include the means by which a recommendation or decision was reached, how many members were involved and what the outcome was.
- D. By interaction with its members, residents, and the City, foster open and respectful communication between the community organization and representatives of City Departments on plans, proposals and activities affecting the interests of the community organization.

### 2.60.070: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION

Recognized community organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized community organizations and their officers, trustees and directors shall be indemnified by the City pursuant to the Utah governmental immunities act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter. This defense and indemnification obligation on behalf of the City shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the community organization or its members. These provisions shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer.

SECTION 2. Amending text of Salt Lake City Code chapter 2.62. That chapter 2.62 of

the Salt Lake City Code (Administration and Personnel: Recognized or Registered Organization

Notification Procedures), shall be, and hereby is, amended as follows:

#### Chapter-2.62 RECOGNIZED OR REGISTERED ORGANIZATION NOTIFICATION PROCEDURES

2.62.010: PURPOSE: 2.62.020: ORGANIZATIONS ENTITLED TO NOTICE: 2.62.030: REQUIRED NOTICES;

# 2.62.040: PARTICIPATION IN PLANNING PROCESS: 2.62.050: OPEN PARTICIPATION:

#### 2.62.010: PURPOSE:

It is the policy of Salt Lake City to notify recognized or registered organizations of activities concerning the organizations and obtain input from these organizations concerning various city planning and administrative services. This chapter provides a process for such notification and obtaining such input.

#### 2.62.020: ORGANIZATIONS ENTITLED TO NOTICE:

- A. Recognized Organizations: Organizations recognized pursuant to chapter 2.60 of this title shall receive the notices and may participate in the processes established pursuant to this chapter.
- B. Registered Organizations: Any other entity, organization or person may register on an annual basis with the department of community and economic development to receive the notices specified in this chapter.

#### 2.62.030: REQUIRED NOTICES:

- A. The planning and zoning division shall submit to each recognized or registered organization copies of the planning commission public meeting agendas and shall also submit to neighborhood and community organizations recognized pursuant to subsection 2.60.020C of this title, or its successor subsection, applications for changes to zoning ordinances, planned developments or conditional use applications pertaining to territory located within, or within six hundred feet (600') of the border of such recognized organizations.
- B. Appeals hearing officer agendas shall be sent to all organizations recognized pursuant to subsection 2.60.020C of this title or its successor.
- C. Other city-administrative departments shall take reasonable steps to notify affected recognized organizations of any significant activities pertaining specifically to the recognized organization's geographic area.
- D. The failure to give any notice under this section shall not affect the validity of any act or decision and shall not give rise to any private right of action for such lack of notice.

#### 2.62.040: PARTICIPATION IN PLANNING PROCESS:

- A. Recognized and registered organizations are encouraged to make recommendations concerning matters of which they are given notice pursuant to this chapter. In making such recommendations the spokesperson for the organization shall specify the following:
  - 1. The nature of the meeting at which the organization's recommendation was obtained (i.e., executive committee, board, general membership, or otherwise);
  - 2. The notice procedure for the meeting at which such recommendation was made;
  - 3. The vote on such recommendation;
  - 4. Any dissenting reports.
- B. The Salt Lake City planning division staff shall encourage all zoning petition, planned development and/or conditional use applicants to meet with affected recognized organizations to discuss and receive input on the petition or application proposal prior to scheduling the matter for consideration by the planning commission. A report of the discussions with the affected recognized organizations and the applicant shall be contained in the planning commission staff report.

C. The mayor may, by executive order, establish certain classes of applications which can be delayed for additional consideration by organizations recognized pursuant to subsection 2.60.020C of this title or its successor. Upon request of the chairperson or authorized designee of such organization given in writing, prior to the meeting at which the application is to be considered, the city body considering the application shall continue the application for a period not to exceed four (4) weeks from the first meeting such application is heard to allow the recognized organization to consider the application at its own meeting. The mayor or the mayor's designee may notify the considering body that immediate action is necessary for the best interests of the city, in which case a request for delay shall not be granted.

#### 2.62.050: OPEN PARTICIPATION:

The notification and participation process specified in this chapter is not intended to preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by the decision to be considered at a public hearing are invited and encouraged to participate, whether through their recognized organization or individually.

SECTION 3. Amending text of Salt Lake City Code section 21A.10.010. That section

21A.10.010 of the Salt Lake City Code (Zoning: General Application and Public Hearing
Procedures: General Application Procedures), shall be, and hereby is, amended to read as

follows:

## 21A.10.010: GENERAL APPLICATION PROCEDURES:

All applications required by the provisions of this title shall be processed in accordance with the following procedures:

- A. Determination  $\Theta_0$ f Completeness  $\Theta_0$ f Application: After receipt of an application, the zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.
- B. Consultation With Neighborhood Organizations: In order for an application to be determined complete, the applicant must include, when required by title 2, chapter 2.62 of this code, a signed statement from the appropriate neighborhood organization that the applicant has met with that organization and explained the development proposal for which approval is being sought. The signed statement shall be on a form provided by the zoning administrator.
- CB. Remedy  $\Theta_0$ f Deficiencies: If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.
- $\underline{DC}$ . Extensions  $\underline{Oof}$  Time: The zoning administrator, upon written request, may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this title. An extension of time may also be granted by any body acting pursuant to this title unless this title expressly provides otherwise. The total period of time granted by such extension or extensions shall not exceed twice the length of the original period.
- ED. Fees: The application shall be accompanied by all the fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by section 21A.10.020 of this chapter, in accordance with the fee schedule, including costs of mailing, preparation of mailing labels and all other costs relating to notification.

SECTION 4. Amending text of Salt Lake City Code section 21A.10.020. That section

21A.10.020 of the Salt Lake City Code (Zoning: General Application and Public Hearing

Procedures: Public Hearing Notice Requirements), shall be, and hereby is, amended to read as

follows:

### 21A.10.020: 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. Public Hearing Required: Projects requiring a public hearing as required by this title shall be held after the following public notification:
  - 1. Mailing Ffor Public Hearing: Notice by first class mail shall be provided:
    - a. A minimum of twelve (12) calendar days in advance of the public hearing;
    - b. To all owners and tenants of the land as shown on the Salt Lake City geographic information system records. Mailing labels shall be generated by the city at the time of application submittal and created using the Salt Lake City geographic information system records unless as stated otherwise in this title. A list of parties entitled to notice pursuant to chapter 21A.56 of this title shall be provided by the applicant with the application; and
    - c. Within three hundred feet (300') from the periphery of land subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the periphery of the land subject to application for sexually oriented businesses requiring conditional site plan review pursuant to chapter 21A.36 of this title.
  - Notification Tto Recognized and Registered Organizations: The city shall give email notification, or other form of notification chosen by the planning director, a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 2.60 of this code
  - 3. Contents Oof Mailing Notice Ffor Public Hearing: The first class mailing notice for any public hearing required pursuant to this title shall generally describe the subject matter of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.
    - 4. Posting  $\underline{F}$  for Public Hearing: The land subject to an application for a public hearing shall be posted by the city with a sign giving notice of the public hearing,

providing the date of the hearing including contact information for more information, at least ten (10) calendar days in advance of the public hearing.

- a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.
- b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.
- c. Exemption: This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for an administrative certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land, including boundaries of a historic district, or for text amendments to this title.
- 5. Publication: As required by state law, at least twelve (12) calendar days in advance of the first public hearing for an application for an amendment to the text of this title or other processes as required by state law, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.
- B. Special Noticing Requirements Ffor Administrative Approvals:
  - 1. Conditional Building Aand Site Design Review: The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:
    - a. Notification: The City shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. Recognized and registered organizations are also entitled to receive notice pursuant to title 2, chapter 2.62 2.60 of this code by e-mail or other form chosen by the planning director.

At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing

and consider the issue; if there are no requests for a public hearing, the planning director may decide the issue administratively.

- 2. Determination Oof Noncontributing Status Within Aan H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days of the determination of noncontributing status of the property to all owners of the land and tenants, within eighty five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.
- 3. Notice Oof Application Ffor Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in chapter 21A.52 of this title, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.
  - a. Contents Oof Tthe Mailing Notice Oof Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.

SECTION 5. Amending text of Salt Lake City Code section 21A.16.030,D.2. That section 21A.16.030.D.2 of the *Sqlt Lake City Code* (Zoning: Appeals of Administrative Decisions: Procedure), shall be, and hereby is, amended to read as follows:

- 2. Notice Oof Appeals Oof Administrative Decisions Oof The Historic Landmark Commission Oor Planning Commission: 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 shall schedule a public meeting to hear arguments by the appellant and respondent. 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 give e-mail notification, or other form of notification chosen by the appeals hearing officer, a minimum of twelve (12) calendar days in advance of the hearing to any organization entitled to receive notice pursuant to title 2, chapter  $2.62 \ 2.60$  of this code.

SECTION 6. Amending text of Salt Lake City Code section 21A,54.060.A. That

section 21A.54.060.A of the Salt Lake City Code (Zoning: Conditional Uses: Procedures), shall

be, and hereby is, amended to read as follows:

A Star

- A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the planning director to be inapplicable or unnecessary to appropriately evaluate the application:
  - 1. The applicant's name, address, telephone number, and interest in the property;
  - 2. The property owner's name, address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application;
  - 3. The street address and legal description of the subject property;
  - 4. The zoning classification, zoning district boundaries, and present use of the subject property;
  - 5. A complete description of the proposed conditional use;
  - 6. Site plans, as required pursuant to section 21A.58.060 of this title;
  - 7. Traffic impact analysis, where required by the city transportation division;
  - 8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code;
  - 98. Mailing labels and a fee to cover postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to chapter 21A.10 of this title; and
  - 109. Other information or documentation the planning director may deem necessary for proper review and analysis of a particular application. Information which may be required under this subsection A10 shall not apply to a determination of completeness under subsection B of this section.

SECTION 7. <u>Effective Date</u>. 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 \_\_\_\_\_, 2013.

	CHAIRPERSON
ATTEST AND COUNTERSIGN:	
CITY RECORDER	
Transmitted to Mayor on _	
Mayor's Action:	_ApprovedVetoed.
	MAYOR
·	
CITY RECORDER	
(SEAL)	
Bill No of 2013.	
Published:	
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# 3. NOTICE OF CITY COUNCIL HEARING

# NOTICE OF PUBLIC HEARING

**TMTL2012-00013 Community Based Organizations** - A request by Mayor Becker for an amendment to the Salt Lake City Code. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. The amendment will affect sections 2.60 and 2.62 of the Salt Lake City Code. Related provisions of Title 21A- Zoning referencing sections 2.60 and 2.62 may also be amended as part of this petition. (Staff contact: Nole Walkingshaw at (801) 535-7128 or nole.walkingshaw@slcgov.com).

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 hearing will be held:

# DATE:

**TIME:** 7:00 p.m.

PLACE: Room 315 City & County Building 451 South State Street Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Nole Walkingshaw at 801-535-7128 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at <u>nole.walkingshaw@slcgov.com</u>.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at (801) 535-7757; TDD (801) 535-6021.

# 4. MAILING LABELS A. COMMUNITY COUNCILS

Terry Thomas 1848 Stallion Lane Salt Lake City, UT 84116

Brad Bartholomew 871 N. Poinsettia Dr. Salt Lake City, UT 84116

Angie Vorher 1988 Sir James Dr. Salt Lake City, UT 84116

Gordon Storrs 223 North 800 West Salt Lake City, UT 84116

Mike Harman 1044 West 300 South Salt Lake City, UT 84104

Randy Sorenson 1184 S. Redwood Dr. Salt Lake City, UT 84104-3325

Katherine Gardner 606 De Soto St., Salt Lake City, UT 84103

Jim Jenkin 212 5<sup>th</sup> Ave. Salt Lake City, UT 84103

Beverly Nelson 26 S. Wolcott St. Salt Lake City, UT 84102

D. Christian Harrison 336 W. Broadway, #308 Salt Lake City, UT 84101 Bill Davis 332 W. 1700 S. Salt Lake City, UT 84115

Thomas Mutter 228 E. 500 S. Salt Lake City, UT 84111

Gary Felt, Council Chair East Central Community PO Box 521809 Salt Lake City, UT 84152-1809

DeWitt Smith 328 E. Hollywood Ave. Salt Lake City, UT 84115

Esther Hunter 1049 Norris Place Salt Lake City, UT 84102

George Kelner 1000 Military Dr. Salt Lake City, UT 84105

Mark Brinton 1869 Logan Ave. Salt Lake City, UT 84108

Pete Taylor 933 S. 2300 E. Salt Lake City, UT 84108

Ellen Reddick 2177 Roosevelt Ave. Salt Lake City, UT 84108

R. Gene Moffitt 1410 Chancellor Way Salt Lake City, UT 84108 Philip Carlson 1917 E. 2700 S. Salt Lake City, UT 84106

5. PLANNING COMMISSION A. ORIGINAL NEWSPAPER NOTICE



Deseret News

# Order Confirmation for Ad #0000834632-01

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Product sltrib.com:: Scheduled	Date(s):	<u>Placement</u> Legal Liner Notice - 0998 11/2/2012			Position Public Meeting/Hear-ing Notices		
<u>Product</u> utahlegals.o Scheduled		Placement utahlegals.com 11/2/2012			<u>Positi</u> utahle	<u>on</u> gals.com	

Ad Content Proof Actual Size

Notice of Public Hearing

On Wednesday, November 14, 2012, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petition:

Tailowing perinon: TML2012-00013 Community Based Organizations - A request by Mayor Becker for an amendment to the Salt Lake City Code. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in aivia affairs and improve the livability and character of the city and its neighborhood. The amendment will affect sections 2.60 and 2.62 of the Salt Lake City Code. Related provisions of Title 21A- Zoning referencing sections 2.60 and 2.62 may diso be amended as part of this petition. (Staff contact: Nole Walkingshaw at (801) 535-7128 or nole-walkingshaw@slcgov.com).

PLNPCM2012-00546 Koren Presbyterian Church - A request by the Salt Lake City Council to amend the Puture Land Use Map for the property located at approximately 2018 East 2100 South. The request is to change the master plan designation from Institutional and Public Lands to Very Low Density Residential (less than five dwelling units per acre)to make it consistent with zoning of the property. The property is located in the R-1/12,000 (Single Family Residential) zoning district and is located in Council District #7, represented by SørenSimonsen. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.)

S35-7660 or maryann.pickering@slcgov.com.)
PLNPCM2010-00468 Parking and Transportation Demand Management - A public hearing proposed amendments to the Salt Lake Crty Zoning Ordinance to incorporate transportation demand management strategies into the city's off-street parking regulations, found in Chapter 21A.44 of the Zoning Ordinance. As part of this proposed text amendment, related sections of Title 21A would also be amended. Transportation demand management (IDM) is a system of regulations and policies that are designed to influence residents' and employees' travel decisions for the purpose of decreasing vehicle miles traveled, reducing traffic volume during peak periods, and varying travel modes. Effective TDM strategies this the reduce pollution, congestion and infrastructure costs while improving public health and promoting sustainable development. Developments that incorporate TDM strategies in their plans would be able to reduce their parking. Examples in clude transit passes, carpooling and bicyde lockers. (Staff contact: Nick Britton at 801-535-6107 or nick.britton@slcgov.com).

The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. For more information or for special ADA accommodations, which may include alternate formats, interpreters, and other auxiliary aids or additional information, please contact Michael Statt at 801-535-7976 or call TDD 801-535-6220 UPAXLP

5. PLANNING COMMISSION B. NOVEMBER 14, 2012 STAFF REPORT FOR PLANNING COMMISSION

# PLANNING COMMISSION STAFF REPORT

Recognized Community Organization Ordinance Zoning Text Amendment Petition# TMTL2012-00013 November 14, 2012



#### Applicant:

Mayor Ralph Becker

#### <u>Staff:</u>

Nole Walkingshaw, Planning Programs Supervisor, nole.walkingshaw@slcgov.com

Brendan Willig Planning Division Intern Brendan.Willig@slcgov.com

<u>Tax ID:</u> N/A

<u>Current Zone</u>: N/A

Master Plan Designation: N/A

Council District: City Wide

Community Council: City Wide

Current Use: N/A

#### **Applicable Regulations:**

- Ch. 2.60: SLACC and Neighborhood Based Organization Recognition
- Ch. 2.62: Recognized or Registered Organization Notification Procedures
- 21A.10.020: Public Hearing Notice Requirements
- 21A.10.030: Procedure

# Request

Mayor Ralph Becker is requesting a Zoning Text Amendment to modify Chapter 2.60 Recognized Community Associations. The modification will create a framework so that the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest. This will be one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. The Planning Commission's recommendation will be transmitted to the City Council for a public hearing and final decision.

# Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the proposal generally meets the applicable standards and therefore, recommends that the Planning Commission transmit a favorable recommendation to the City Council.

# **Potential Motions**

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report and testimony, I move that the Planning Commission transmit a favorable recommendation for petition TMTL2010-00013 to the City Council.

-or-

**Not Consistent with Staff Recommendation:** I move that the Planning Commission transmit a negative recommendation to the City Council based on the following findings (The Commission will have to make findings for each of the below criteria)

Attachments:	
<ul><li>A. Draft Ordinance</li><li>B. Public Input</li></ul>	<ol> <li>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;</li> <li>Whether a proposed text amendment furthers the specific purpose statements of the zoning</li> </ol>
	ordinance;
	3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
	4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

# Background

# **Project Description**

In his 2010 State of the City Address, Mayor Becker stated "We are constantly working at improving, defining and refining methods for public input." In that spirit, the administration has been reviewing how the city interacts with the community. This review includes assessing how the City gives information, and how the City receives feedback. The Mayor's vision for the city is to develop a process that engages the public in City decision making to ensure that the City makes reasoned, fully-informed decisions. Mayor Becker initiated this petition request to modify certain elements of Chapter 2.60 Recognized Community Associations. In an effort to bolster the amount of public participation of community based groups, changes to the framework that defines a community based organization have been proposed. The current ordinance was developed during the 1980's and adopted in 1990, since that time how we engage and notice the community has changed, but our recognition ordinance has remained the same. In the 1980's we had direct mailing, open houses, newspaper notices and property postings. Today our capacities to notice the public and the opportunities for participation are very different. Amazing technological advances over the past 30 years have proven to be great tools for increasing citizen involvement in the planning process.

Our goals are to:

- Find effective ways of communicating and soliciting feedback
- Broadening the people we reach and who participate
- Informing and obtaining feedback from a broader more representative community
- Reach the hard to reach groups
- Reach the groups who are most affected by actions taken by the City on various types of decisions or projects

The following is a list of key changes:

- 1. Consolidate Chapters 2.60 and 2.62 into a single chapter.
- 2. Remove the reference of SLACC (Salt Lake Association of Community Councils)
- 3. Provide new definition of Community Organization
- 4. Clarify minimum recognition requirements and registration requirements
- 5. Identify the responsibilities of the City and the Community Based Organizations
- 6. Remove the City from the boundary change process

Consolidate Chapters 2.60 and 2.62. This is proposed to simplify the ordinance and to help mitigate conflicts between the required notices within other sections of City Code and administrative processes. Chapter 2.60 currently identifies the purpose of the Recognition Ordinance, the formation of SLACC, requirements for open participation and grants partial indemnification to those organizations. The proposed changes preserve these areas with exception of the removal of SLACC. The Salt Lake Association of Community Councils was dissolved during the Mayor Corradini Administration. Funding for the organization and staff was discontinued by the City Council, since that time it has not met formally. The proposed ordinance would allow for a group of community organizations to create a recognized organization whereby the leadership of those organizations confers to discuss the issues of the City, pool resources and offer support for organizational values and administration.

The new draft purpose statement and definition intend to encourage a broader recognition of the community when compared to our current ordinance which only recognizes Community Councils and Neighborhood Based Organizations. The proposed language enables people to organize based upon geography and interests (such as cycling, business groups, urban farming, housing advocacy, etc.). The following is the proposed purpose statement and definition:

Purpose Statement: It is the policy of Salt Lake City to create a framework by which the people of the City may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

Community Organization: A voluntary group of individuals organized around a particular community interest for the purpose of collectively addressing issues and interest common to that group. Also, a community organization will not be considered a subsidiary of Salt Lake City Government.

Chapter 2.62 identifies the notification procedures the City has to follow for land use and other administrative applications. Currently this focuses on the Planning Division but we think all of the City should play by these rules and that the Zoning Ordinance already has provisions for ensuring notice. Chapter 2.62 is proposed to be removed completely. The key elements from this Chapter are being added to chapter 2.60. There are specific notification procedures for land-use applications found within the City's Zoning Code Section 21A supporting this amendment including requiring a notification of community council chairs for public hearings. The proposed ordinance goes beyond the current ordinance with respect to establishing an expectation of engagement. These specific expectations are listed in the draft ordinances in Section 2.60.05 Responsibilities of City.

Responsibilities of the Community Organization and City are clearly defined in the proposed? 2.60.050: Responsibilities of City and 2.60.060: Responsibilities of Community Organizations. These sections have evolved based upon the feedback we have received from the community. There are a couple points here worth discussion. In the initial drafts, the ordinance required Community Based Organizations to notify each property within its geographic boundary with information regarding involvement with the organization. This responsibility has been shifted away from the Community Based Organization to the City. The City will prepare and publish an annual report providing information on recognized organizations and how the public may get involved. A second key change to the ordinance from the initial drafts involves the notification and engagement between the City and Community Based Organizations. There have been concerns expressed that the ordinance has an intention to remove the community from the land-use decision making process. This is not the intention of this ordinance; this ordinance intends to broaden engagement with the community. There are several elements of the existing Recognition Ordinance??? that conflict with our land-use code. Due to the poor processes defined by the code we have been unable to follow the code, but through Departmental policies we have acted in good faith to meet the intent of the ordinance. We are looking to build upon better business practices which includes; online public forums like Salt Lake City's Open City Hall, the use of ideation strategies speakoutSLC, project specific websites which have permit comments and social media sharing, open houses and community events and gathering comments through urban interventions. To strengthen our commitments we have proposed the following amendment language under Section 2.60.50.C Responsibilities of City stating:

The City Departments shall develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. These include but are not limited to public meetings, development projects, planning activities, grant and funding opportunities, which may have a significant impact on the membership of a registered community organization. Notice shall be given to affected community based organizations in a timely manner, including information on the timeframe for a response.

This section of code places a great deal of responsibility on the City and especially workgroups outside of Planning where the documentation of their process and consideration of the engagement process is not a part of their daily routine. The Planning Division is currently developing a policy and procedures guide for how the Planning Division will engage early with the community based organizations on various types of projects and will share it with other Divisions so that they may utilize it as a template for their own. For example this section of code would require the Parks and Open Space Department to obtain public input prior to developing a new dog park, or the Transportation department prior to adopting a circulation plan.

Under the current ordinance, the number, name or boundaries of any community or neighborhood organization may only be amended by the City Council upon petition from a City Council Member, or any neighborhood or community organization recognized under this chapter. We have not been consistent in following this rule and there has been self governance and agreements reached between the community councils to amend the boundaries. The proposed changes intend to reflect the self governance which has occurred within the community. The propose process will require geographically based, community organizations to document their boundaries when they register with the City's Recorder Office. Although, there have been some concerns about overlapping districts, we believe these occurrences will be few and in some cases they may be appropriate. Should this occur and there is a development request within the overlapping area,

Planning Staff will determine the most effective way of informing the groups and soliciting feedback. Notification will be provided to all organizations involved.

Salt Lake City has taken broad steps to increase participation and openness. The traditional public input process tends to engage the same participants. Salt Lake City is a very diverse community with very active citizens. There are civically minded groups and individuals that are not participating in the development of public policy, for various reasons. Face to Face interaction is very important to public process development, but it is hard for many people to attend workshops, open houses, and public hearings. Therefore, the City is looking at new ways of engaging the public to participate in important policy development.

# Comments

# **Public Notice, Meetings and Comments**

Notice to the public for proposed text amendment includes:

- Launched website and notified the public, including existing organizations of the website through email. www.cboslc.com
- Distributed multiple fliers through the Plan Salt Lake public outreach booths.
- Published an article about the proposal in the Planning Division Newsletter July 3, 2012
- Presented the proposed ordinance to attendees of the Planning Division's Monthly Open House in the Main Library Urban Rm. August 16, 2012
- Posted an online discussion on the webpage on October 8, 2012. This discussion reflects changes to the ordinance based upon comments received from the community.
- Launched an Open City Hall Topic <u>http://www.peakdemocracy.com/1028</u> on the proposal on October 9, 2012, and sent notice to over 1400 subscribers.

Public meetings and review sessions held for the text amendment:

- Presented an introduction of the ordinance proposal at the Mayor's Breakfast with Community Council on April 5, 2012
- Presented an introduction of the ordinance proposal to Salt Lake City Network of Community Councils on April 12, 2012
- Presented flyers outlining the ordinance proposal to Community Council chairs at the Mayor's Breakfast on May 24, 2012
- Presented and discussed the draft ordinance at the Mayor's Breakfast with Community Council chairs on August 8, 2012
- Presented the draft ordinance at Mayor's Breakfast on October 1, 2012
- Presented the draft ordinance to the Business Advisory Board at their meeting on November 14, 2012.

# **City Department Comments**

The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition. Staff has been working closely with Community and Economic Development and the Mayor's Staff to develop the proposed ordinance.

# Analysis and Findings

# Options

If the proposed text amendment is supported by the Planning Commission, the Commission should then provide a favorable recommendation to the City Council for its approval. If the Planning Commission finds concerns with the proposed amendments, they may request that modifications be made, or they may want to forward a negative recommendation to the City Council. If the Planning Commission requests that modifications be made, they should provide specific feedback and direction to the Planning Staff. Planning Staff will use the provided feedback to make alterations to the proposed amendments and resubmit the proposal to the Planning Commission for its consideration.

# Findings

# 21A.50.050 Standards for general amendments.

A decision to amend the text of this title 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.

**A.** In making its decision concerning a proposed text amendment, the city council should consider the following factors:

# 5. 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;

**Finding:** A quality planning process depends upon good public engagement and community based organizations have been a great source of input. Each of our community master plans acknowledges the valued contributions of the community in the plan making process. It remains the goal of the City to not only continue engaging community based organizations but to strengthen that relationship. On January 5, 2009 the Mayor and City Council signed joint resolution No. 62 of 2009 (Open and Transparent Government). The introduction captures the essence of the resolution and this amendment can be directly tied to the continued efforts of the City to expand the communication and engagement with the community.

One of the principles most cherished by Americans is that our system of democratic government is "of the people, by the people, and for the people." The Mayor and City Council members are individual citizens as well as the elected representatives of their constituents. The majority of the members of the City's boards and commissions are individual residents of the City who have been appointed to serve the public interest. Many City employees are also constituents of the City. Thus, Salt Lake City government is conducted by its constituents.

However, the election or appointment of representatives does not end the general public's interest in how the business of City government is conducted, nor does it end the public's right to be involved in the

City's decision-making. Communities are strong when residents understand and participate in the civic process, have access to good, clear information, and are able to place confidence in their public officials.

The Mayor and City Council members believe that Salt Lake City government serves the public and City employees best when it operates openly. Openness in government is the basis for accountability, improved decision-making, public and employee trust, and informed participation.

The sections of the zoning ordinance that will be amended are chapter reference or organization name changes and are clerical in nature. Specific sections to be amended are Sections 21A.10.010. B and 21A.54.060A.8 each require the applicant to meet with the community based organization prior to making an application with the City. This is poor process and we have operated for years under a policy of taking the petition to the community organization after the application has been made. We are continuing our policy to engage the community on significant land-use applications and plan to continue with the same notification and presentation policies that are currently in place.

# 6. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

**Finding:** "Section 21A.02.030: Purpose and Intent: The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes."

Community based organizations have long been a part of establishing those values and will continue to be an integral part in the implementation and development of the City's code.

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

**Finding:** The proposed amendments are not site specific. Development that is within an overlay zone and requires a public hearing would have to meet the general requirements for public hearings including the notification requirements found is section 21A.10. Depending on the type of project, it may require early notification of community based organizations. The proposed ordinance will help specify those processes.

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

**Finding:** The intent of professional urban planning practice is to reflect the values and wishes of the community. By encouraging and recognizing community based organizations and identifying how the City notifies and solicits feedback from them, will help strengthen the planning process

The purpose statement of the proposed ordinance reflects these values and implements the best practices of urban planning.

# 2.60.010: PURPOSE

It is the policy of Salt Lake City to create a framework by which the people of the City may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

Attachment A Draft Ordinance

# Chapter 2.60 RECOGNIZED COMMUNITY ORGANIZATIONS (Draft Language)

# 2.60.010: PURPOSE

It is the policy of Salt Lake City to create a framework by which the people of the City may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

This Chapter sets out the basis for City recognition of such community organizations and the associated responsibilities and benefits.

# **2.60.020: DEFINITION**

Community Organization: A voluntary group of individuals organized around a particular community interest for the purpose of collectively addressing issues and interests common to that group. A community organization is not a subsidiary of Salt Lake City government.

# 2.60.030: MINIMUM REQUIREMENTS

All community organizations seeking recognition pursuant to this chapter must comply with the following:

- 1. Properly register as a non profit corporation in good standing with the State of Utah;
- 2. Adopt bylaws which include the following provisions:
  - a. A clear definition of membership;
  - b. A policy of open participation of all persons who are members of the organization;
  - c. A policy against discrimination;
  - d. Attendance to meetings is open to the general public;
  - e. Meetings will provide an opportunity for public input.
- 3. Organizations must hold at least one meeting of their membership each year.

#### 2.60.040: REGISTRATION

- A. The Recorder's Office shall maintain an official registration of community organizations recognized under this ordinance (Chapter 2.60). Any community organization meeting the requirements of Section 2.60.030 may register by filing with the Recorder's office the following:
  - 1. Official name;
  - 2. Boundaries where applicable;
  - 3. The names, mailing addresses, telephone numbers and email addresses of its current officers;
  - 4. The name, mailing address, email address and telephone number to serve as the recipient for official communications from the City;
  - 5. Methods used to communicate with membership;

- 6. A copy of the organization's articles of incorporation and bylaws;
- 7. Time and place of regular meetings; and
- 8. Schedule for electing officers

The Recorder's Office shall make this information available to the public on the City website.

- B. It shall be the responsibility of the community organization to provide updated information and any changes to the items in Section A above to the Recorder's Office in a timely manner.
- C. Annual renewal of registration of community organization is required. By January 31 of each year, each registered community organization must submit a request for renewal of registration with current information required in Section A above. Failure to submit such a request by January 31 will result in removal of the community organization from the official Registration.

# 2.60.050: RESPONSIBILITIES OF CITY

- A. The City shall adequately educate the public on City policy, procedures, and actions.
- B. Each City Department shall strive to utilize best public engagement practices to educate, engage, and receive input from the public at a level that is consistent with the scope of impact of a proposal or project.
- C. The City Departments shall develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. These include but are not limited to public meetings, development projects, planning activities, grant and funding opportunities, which may have a significant impact on the membership of a registered community organization. Notice shall be given to affected community based organizations in a timely manner, including information on the timeframe for a response.
- D. The Recorder's Office shall notify each registered community organization of pending requirement for re-registration by December 31 of each year.
- E. In an effort to notify the public about the existence of community based organizations and encourage participation in these organizations, at least once a year the City shall make a reasonable attempt to provide a list of all community based organizations and their contact information to all residents, property owners, business owners, schools and non-profit agencies in Salt Lake City

# 2.60.060: RESPONSIBILITIES OF COMMUNITY ORGANIZATIONS

- A. Renew registration with the Recorder's Office on an annual basis.
- B. Establish orderly and democratic means for forming representative public input through civil and respectful dialogue.
- C. Establish and follow a clear method for reporting to the City actions which accurately reflect their position. Include the means by which a recommendation or decision was reached, how many members were involved and what the outcome was.
- D. By interaction with its members, residents, and the City, foster open and respectful communication between the community organization and representatives of City Departments on plans, proposals and activities affecting the interests of the community organization.

# 2.60.070: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION

Recognized community organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized community organizations and their officers, trustees and directors shall be indemnified by the City pursuant to the Utah governmental immunities act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter. This defense and indemnification obligation on behalf of the City shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the community organization or its members. These provisions shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer.

# Amendments to Zoning Chapter of the Salt Lake City Code

# 21A.10.020: 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.

2. Notification To Recognized and Registered Organizations: The city shall give e-mail notification, or other form of notification chosen by the planning director, a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to <u>title 2</u>, <u>chapter 2.62</u>  $\theta$  of this code

# 21A.10.010: GENERAL APPLICATION PROCEDURES:

All applications required by the provisions of this title shall be processed in accordance with the following procedures:

- A. Determination Of Completeness Of Application: After receipt of an application, the zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.
- B. Consultation With Neighborhood Organizations: In order for an application to be determined complete, the applicant must include, when required by <u>title 2, chapter 2.62</u> of this code, a signed statement from the appropriate neighborhood organization that the applicant has met with that organization and explained the development proposal for which approval is being sought. The signed statement shall be on a form provided by the zoning administrator.
- C. <u>B.</u> Remedy Of Deficiencies: If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.
- D. <u>C.</u> Extensions Of Time: The zoning administrator, upon written request, may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this title. An extension of time may also be granted by any body acting pursuant to this

title unless this title expressly provides otherwise. The total period of time granted by such extension or extensions shall not exceed twice the length of the original period.

E. <u>D.</u> Fees: The application shall be accompanied by all the fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by section <u>21A.10.020</u> of this chapter, in accordance with the fee schedule, including costs of mailing, preparation of mailing labels and all other costs relating to notification. (Ord. 24-11, 2011)

# 21A.10.020: PUBLIC HEARING NOTICE REQUIREMENTS:

B. Special Noticing Requirements for Administrative Approvals:

1. Conditional Building and Site Design Review: The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:

a. Notification: The City shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. Recognized and registered organizations are also entitled to receive notice pursuant to <u>title 2</u>, chapter 2.62  $\theta$  of this code by e-mail or other form chosen by the planning director

## 21A.16.030: PROCEDURE:

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

D. Notice and Hearing: Upon receipt of an appeal, the appeals hearing officer shall give notice and hold a hearing on the appeal. Notice shall be given as follows:

3. The City shall give e-mail notification, or other form of notification chosen by the appeals hearing officer, a minimum of twelve (12) calendar days in advance of the hearing to any organization entitled to receive notice pursuant to <u>title 2</u>, chapter 2.62  $\theta$  of this code

# 21A.54.060: PROCEDURES:

A.8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to <u>title 2, chapter 2.62</u> of this code;

# The following two chapters are to be removed and replaced with the proposed language above.

# Chapter 2.60 SLACC AND NEIGHBORHOOD BASED ORGANIZATION RECOGNITION

#### 2.60.010: PURPOSE:

It is the policy of Salt Lake City to recognize neighborhood based community organizations for the purpose of providing citizen input and information to various city planning and administrative services. This chapter provides a process for such recognition. (Ord. 63-90 § 1, 1990)

# 2.60.020: RECOGNITION OF SLACC AND NEIGHBORHOOD BASED ORGANIZATIONS:

A. All organizations recognized pursuant to this chapter shall comply with the following conditions:

1. Only properly registered not for profit corporations in good standing with the state of Utah may be recognized;

- 2. To obtain recognition any community based organization shall submit to the city recorder the following information:
- a. The articles of incorporation and bylaws of the community based organization.
- (1) The bylaws shall contain a provision against discrimination and encouraging representation and participation from all qualified members.
- b. A list of officers, directors or trustees of the organization together with their addresses and the address to which any notice to the organization should be sent.
- c. No later than January 31 of each year any recognized organization seeking continuing recognition shall submit to the city recorder any changes in the information specified in subsections A2a and A2b of this section and a list of each meeting held by the organization in the preceding year and a description of the election procedure for officers, directors or trustees of the organization.
  - B. The Salt Lake Association of Community Councils (SLACC), or its legal successor, is recognized as the citywide organization in which community councils, neighborhood councils and neighborhood associations participate by sending representation in accordance with SLACC bylaws.

C. Neighborhood and community organizations representing the neighborhoods and communities defined on the list and map attached as exhibit A to the ordinance codified herein and maintained on file with the city recorder are hereby recognized. Membership in any neighborhood or community based organization must

be open to anyone residing within or owning property within the boundaries of the organization. The number, name or boundaries of any community or neighborhood organization may be amended by the city council upon petition from a city council member, or any neighborhood or community organization recognized under this chapter. All neighborhood or community organizations affected by such a petition shall hold a public hearing on the amendment request not less than fifteen (15) nor more than forty five (45) days after written notice of the request is received. Within thirty (30) days after the hearings before the affected community or neighborhood organization the city council shall hold a public hearing on the amendment request. The council shall act on the amendment petition by majority vote.

D. All organizations recognized pursuant to this chapter shall comply with the provisions of the open meeting laws of the state of Utah and Salt Lake City. (Ord. 63-90 § 1, 1990)

## 2.60.030: PARTICIPATION:

Recognized organizations are encouraged to make recommendations to the city on all matters affecting the city or the organizations' particular community or neighborhood. Recognized organizations shall be part of the city's notification process provided by chapter 2.62 of this title. (Ord. 63-90 § 1, 1990)

## 2.60.040: OPEN PARTICIPATION:

This chapter shall not preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by a decision to be considered by the city council or the mayor are encouraged and invited to participate whether through their recognized organization or individually. (Ord. 63-90 § 1, 1990)

#### 2.60.050: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:

Recognized organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized organizations and their officers, trustees and directors shall be indemnified by the eity pursuant to the Utah governmental immunity act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter or under chapter 2.62 of this title. This defense and indemnification obligation on behalf of the city shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the recognized organizations or their members such as driving, inspecting property or other similar activities. This provision shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer. (Ord. 63-90 § 1, 1990)

# Chapter 2.62 RECOGNIZED OR REGISTERED ORGANIZATION NOTIFICATION PROCEDURES

2.62.010: PURPOSE: 2.62.020: ORGANIZATIONS ENTITLED TO NOTICE: 2.62.030: REQUIRED NOTICES: 2.62.040: PARTICIPATION IN PLANNING PROCESS:

# 2.62.050: OPEN PARTICIPATION:



It is the policy of Salt Lake City to notify recognized or registered organizations of activities concerning the organizations and obtain input from these organizations concerning various city planning and administrative services. This chapter provides a process for such notification and obtaining such input. (Ord. 64-90 § 1, 1990)

## 2.62.020: ORGANIZATIONS ENTITLED TO NOTICE:

- A. Recognized Organizations: Organizations recognized pursuant to <u>chapter 2.60</u> of this title shall receive the notices and may participate in the processes established pursuant to this chapter.
- B. Registered Organizations: Any other entity, organization or person may register on an annual basis with the department of community and economic development to receive the notices specified in this chapter. (Ord. 38-08, 2008: Ord. 6-04 § 4, 2004: Ord. 64-90 § 1, 1990)

# 2.62.030: REQUIRED NOTICES:

- A. The planning and zoning division shall submit to each recognized or registered organization copies of the planning commission public meeting agendas and shall also submit to neighborhood and community organizations recognized pursuant to subsection <u>2.60.020</u>C of this title, or its successor subsection, applications for changes to zoning ordinances, planned developments or conditional use applications pertaining to territory located within, or within six hundred feet (600') of the border of such recognized organizations.
- B. Appeals hearing officer agendas shall be sent to all organizations recognized pursuant to subsection <u>2.60.020</u>C of this title or its successor.
- C. Other city administrative departments shall take reasonable steps to notify affected recognized organizations of any significant activities pertaining specifically to the recognized organization's geographic area.
- D. The failure to give any notice under this section shall not affect the validity of any act or decision and shall not give rise to any private right of action for such lack of notice. (Ord. 8-12, 2012: Ord. 23-10 § 23, 2010: Ord. 64-90 § 1, 1990)

#### 2.62.040: PARTICIPATION IN PLANNING PROCESS:

- A. Recognized and registered organizations are encouraged to make recommendations concerning matters of which they are given notice pursuant to this chapter. In making such recommendations the spokesperson for the organization shall specify the following:
- 1. The nature of the meeting at which the organization's recommendation was obtained (i.e., executive committee, board, general membership, or otherwise);
- 2. The notice procedure for the meeting at which such recommendation was made;
- 3. The vote on such recommendation;

4. Any dissenting reports.

- B. The Salt Lake City planning division staff shall encourage all zoning petition, planned development and/or conditional use applicants to meet with affected recognized organizations to discuss and receive input on the petition or application proposal prior to scheduling the matter for consideration by the planning commission. A report of the discussions with the affected recognized organizations and the applicant shall be contained in the planning commission staff report.
- C. The mayor may, by executive order, establish certain classes of applications which can be delayed for additional consideration by organizations recognized pursuant to subsection <u>2.60.020</u>C of this title or its successor. Upon request of the chairperson or authorized designee of such organization given in writing, prior to the meeting at which the application is to be considered, the city body considering the application shall continue the application for a period not to exceed four (4) weeks from the first meeting such application is heard to allow the recognized organization to consider the application at its own meeting. The mayor or the mayor's designee may notify the considering body that immediate action is necessary for the best interests of the city, in which case a request for delay shall not be granted. (Ord. 23-10 § 24, 2010: Ord. 64-90 § 1, 1990)

#### 2.62.050: OPEN PARTICIPATION:

The notification and participation process specified in this chapter is not intended to preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by the decision to be considered at a public hearing are invited and encouraged to participate, whether through their recognized organization or individually. (Ord. 64-90 § 1, 1990)

# Attachment B Public Input

# **Email Comments**

# 19

# Walkingshaw, Nole

From:Esther Hunter [estherehunter@live.com]Sent:Friday, October 05, 2012 7:46 AMTo:Walkingshaw, NoleCc:Sommerkorn, WilfordSubject:RcognitionAttachments:ECC BYLAWS JULY 2012.pdf; BYLAWS OF SUGAR HOUSE COMMUNITY COUNCIL.docx

Dear Nole,

First thank you so very much for all of the good and thoughtful work you are doing not only on this ordinance but the many projects that have made such a huge difference to the community.

Your work is appreciated probably much more than we all express. They are significant projects that continue to bring incredible sanity and benefit to us all. You get us and that speaks volumes.

After your presentation to the Mayor's Breakfast yesterday, I began to think about a few of the nuances that I /we have observed that would be very

helpful in the policy work you are documenting and creating that will go with the recognition ordinance and also in Planning's leadership of understanding with other departments.

I have noticed that some of this is completely second nature and obvious to Planning but not so much with other departments that have not had as much experience so I think it would be helpful to call out. Also some of this may not have been obvious to the City but I realized as I went from community to City and back to community...quite an eye opener. Here are five ...may have more as I keep thinking...would love to discuss when you have time.

#### best, Esther

1. There is a sort of unspoken code among community councils related to who takes the lead within the community when a project deals with community resources. The best topic I can think of to use as an example for this is parks. Parks have been classified as either neighborhood (e. g. pocket parks, Reservoir Park), regional, or City parks.

Here is an example:

Reservoir Park is within the geographic boundary of the University Gardens Neighborhood which is a part of East Central. However it borders Federal Heights Neighborhood that is within the GACC. When the project came around to take our the Reservoir, and what this land should become, this was primarily under Public Utilities vs Services because they owned the land.

Because this area has been classified neighborhood, within the community the ECC has the lead because it falls inside of the ECC geographic boundaries.

However, the ECC then contacted the GACC Chair and Board to invite the GACC to designate participate on the ECC land use committee. The GACC board

designated two people to represent them in the ECC process. This is the way we work among CC's.

In comparison, LIberty Park is classified and used as a city wide resource. In this case even though it technically is within the LIberty Wells community council boundaries, it borders 4-5 community councils and is a city wide resource.

Depending on the plans (e.g. Tracy Aviary projects) Liberty Wells will take the lead, but have involved not only the abutting Community Councils (we formed a friends and neighbors of Liberty Park Committee that was comprised of the 4-5 chairs of the abutting cc's) but we all know that there will be input from every community council.

Last is Herman Franks Park which has been regional. In this case because it is on the corner of 4 cc's again the geographic cc took the lead but input in this case came from all 4 cc's . In fact, Public Services went to all 4 meetings and also had an open house.

2. Community Councils are not all the same but governed by their set of bylaws (ECC and Sugar House attached, GACC referenced), policies and process, just like not all business organizations are the same. In some cases they CC primarily represents the residents, in most they have evolved to represent all and any within the geographic boundary including businesses, institutions, schools utilities, etc. In some it is the board that can act in others it takes a vote of the membership. These are just a few of the unique attributes.

The chair of the CC can explain the differences or maybe even a simple one page chart could be helpful. Maybe this chart is something SLCN could create and maintain/ post as an attachment to the guide you are creating and on the web??

3. Chairs are the official spokes persons for the organization. Most cc's include language to this effect: that it is only the Chair or their designee that can speak for the organization and the chair answers back to the membership and or board. Some times this has not been known by the City and the chair of designated person has been seen as the "same old person or usual suspects" making comments (we want to hear from more people) versus that there has been a whole process that the community utilized in order to form a position and that the chair is the only one authorized to make the comments for the CO.

#### Example:

#### ECC

"The Office of the Chairs

 Preside over General Membership meetings of ECC, Executive Board meetings of ECC, and any special meetings convened by ECC or the Executive Board.
 Implement decisions and take instructions from ECC or the Executive Board as the official spokesperson of ECC and its Executive Board to other community councils, government agencies, private entities, and any other groups, public or private. The Co-Chair, without express ECC or Executive Board authorization, is not authorized to obligate ECC in any manner.

3. Report to the Membership and the Executive Board any actions or positions taken on their behalf."

#### **Sugar House** <u>http://www.sugarhousecouncil.com/index.php/shcc-bylaws</u>

"The Chair shall, subject to the direction and supervision of the Board of Trustees: (i) be the chief executive officer of SHCC and have general and active control of its affairs and business and general supervision of its officers, agents, and employees; (ii) preside at all meetings of the Board of Trustees; (iii) see that all acts and decisions of the Board of Trustees are carried into effect; and, (iv) perform all other duties incident to the office of Chair and as from time to time may be assigned by the Board of Trustees."

GACC http://www.slc-avenues.org/GACC Bylaws 02 Aug 06.pdf

"4.2.5 The Chair shall represent the Council in meetings with Salt Lake City/County officials and the media. In specific cases, this responsibility may be delegated to committee chairs or Board members as deemed appropriate by the Chair."

4. One of the objectives of most community councils is to protect neighborhoods and the quality of life with in the neighborhoods.

Most City maps do not show neighborhood boundaries, only community council boundaries.

Depending on the community council area, neighborhoods within each community council are really important to us.

Maybe this is another thing SLCN could post on its web, a map that shows neighborhoods. One of the City areas that can really can have an impact on a neighborhoods is Transportation. Here are a couple of examples.

GACC <u>http://www.slc-avenues.org/Greater%20Avenues%20Community%20Council%20Neighborhoods.pdf</u> Sugar House <u>http://www.sugarhousecouncil.com/index.php/map</u>

In the ECC we have 4 neighborhoods and due to the high development pressure are always needing to explain to various departments why a main route is better on 900 East versus

800 East because 800 disrupts the quality of life within that neighborhood. If departments better understood the neighborhood boundaries this would provide a more easy interface between the City and community.

2 21 Some are not divided into neighborhoods but again there are the residential pockets that it is our job to protect.

5. SLCN has been developed to be a positive force in the community in behalf of CC's but also CO's and should be recognized in the same manner as a Vest Pocket CO is recognized.

Right from the beginning SLCN utilized community organization vs community councils within our bylaws. This is for any community organization would like to participate.

It has been organized to be an equivalent organization for communities as an example Vest Pocket or Local First is for local business.

property owner/residentbusiness property ownercommunity councilbusiness districtSLCNVest Pocket, Local First, etc.

This is the place where community councils regularly work together on larger issues across the community (e.g. the Urban Forest, city wide zoning changes, etc. ).

This organization fills the need and allows the time for in rich in depth discussion across the community councils on key topics in terms of representing community and neighborhoods...<u>both living entities to us</u>...while other feedback mechanisms like open houses, workshops focus on individual comments. Topics introduced at the Mayors breakfast, open house, even a community council meeting rarely have the time to allow this depth and level of healthy discussion that a community wide committee can do.

We have standing committees that include representatives from all interested in that particular topic.

While SLCN retained the 501c3 of SLACC there is no resemblance of the old SLACC in the organization. In fact the articles, bylaws, even the name has been purposely changed to represent what it is now: a service organization to further the mutual support and education of community organizations.

All community councils participate on line and most in meetings by either the chair or the chair designee. As such it is a good resource for the City to have more in depth discussions when it makes sense.

Planning and Public Services have made regular use of this opportunity and resource (ADU's, recognitions, Urban Forrest, water rate changes, etc.)

Rarely would SLCN take a positions, but defers back to each community council and it's process.

with warm regards, Esther

Esther Hunter & Gary Felt, Chairs, East Central Community Council 606 Trolley Square Salt Lake City, Utah 84102 east.central@live.com On the web at www.eastcentralcc.org

# Walkingshaw, Nole

From: Sent: To: Subject: Ellen Reddick [ellen@impactfactoryutah.com] Monday, October 08, 2012 7:47 PM Walkingshaw, Nole RE: Community Base Organizations ordinance review

Great thank you.

Ellen Reddick 801.581.0369

From: Walkingshaw, Nole [mailto:Nole.Walkingshaw@slcgov.com] Sent: Monday, October 08, 2012 5:42 PM To: Bonneville Hills - Ellen Reddick Subject: Re: Community Base Organizations ordinance review

The definition is broad and encompasses all groups equally. Community councils are no longer defined within the ordinance, but may register as a recognized organization.

On Oct 8, 2012, at 5:13 PM, "Ellen Reddick" <<u>ellen@impactfactoryutah.com</u>> wrote:

Hi Nole,

Does this ordinance state that all community based organizations are equal and each has a say in rezoning and master plan amendments?

I would like to see all organizations have an equal voice.

Ellen Reddick 801.581.0369

From: Walkingshaw, Nole [mailto:Nole.Walkingshaw@slcgov.com]

Sent: Monday, October 08, 2012 1:54 PM

**To:** Ball Park CC Chair; Bonneville Hills - Ellen Reddick; Capitol Hill CC Chair; Central City CC Chair; Downtown CC Chair; East Bench CC Chair; East Central CC Chair; East Liberty Park 1 CC Chair; East Liberty Park 2 CC Chair; Fairpark CC Chair; Glendale CC Chair; Greater Avenues CC Chair; Jordan Meadows CC Chair; Liberty Wells CC Chair; Poplar Grove CC Chair; Rose Park CC Chair; Stott, Michael; Sugar House CC Chair; Sunnyside East CC Chair; University Neighborhood Council CC Chair; Wasatch Hollow CC Chair; Westpointe CC Chair; Yalecrest CC Chair; 'Judi Short'; 'Esther Hunter' **Cc:** Hale, Karen; Coffey, Cheri; Sommerkorn, Wilford; DeLaMare-Schaefer, Mary **Subject:** Community Base Organizations ordinance review

Dear Council Chairs,

We have made some efforts to incorporate the discussions we have had with you in our rewrite of the Community Based Ordinances recognition ordinance. This information is reflected in the
updated draft which may be viewed on Open City Hall at <u>http://www.peakdemocracy.com/1028</u>. There is also a discussion on the project page providing greater detail issues <u>http://cboslc.com/updated-draft-ordinance/</u>.

Your comments and sharing of this information with your community is appreciated. Below is a short introduction including links to the topic which may be forwarded on to your community.

Salt Lake City is in the process of updating its ordinances relating to the recognition of **Community Based Organizations**. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. Please go to <u>http://www.peakdemocracy.com/1028</u> to find out more and let us know your opinion. Additional information about the project can be found on the <u>project web page</u>. This includes a discussion of recent changes to the draft ordinance, based upon public input received thus far. <u>http://cboslc.com/updated-draft-ordinance/</u>

Respectfully,

Nole Walkingshaw Salt Lake City Planning

## Walkingshaw, Nole

From: Sent:	Esther Hunter [estherehunter@live.com] Monday, October 08, 2012 6:36 PM
То:	Walkingshaw, Nole
Cc:	ECC Executive Board; Julia Robertson; SLCN Trustees
Subject:	Re: Community Base Organizations ordinance review

Hello Noel,

1. We found the following language to be very helpful in giving feedback to the City. Are you planning to keep this in the policy document that you are creating?

The nature of the meeting at which the organization's recommendation was obtained (i.e., executive committee, board, general membership, or otherwise);

2. The notice procedure for the meeting at which such recommendation was made;

3. The vote on such recommendation;

4. Any dissenting reports

2. This language seems new: It would be helpful to understand what this means to the City and what it is meant to do.

These provisions shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer.

3. New, the language for involvement suggests that City departments engage the community based orgs. in City projects but almost more critical are private developments and master plan changes. Why is this no longer listed and or how will this be considered in the new policy information?

4. Is the City agreeing to advance this new ordinance in combination with the new policy you are developing or will they be sequential?

with warm regards, Esther Co-Chair, ECC

From: Walkingshaw, Nole

Sent: Monday, October 08, 2012 1:54 PM

**To:** <u>Ball Park CC Chair</u>; <u>Bonneville Hills - Ellen Reddick</u>; <u>Capitol Hill CC Chair</u>; <u>Central City CC Chair</u>; <u>Downtown CC Chair</u>; <u>East Bench CC Chair</u>; <u>East Central CC Chair</u>; <u>East Liberty Park 1 CC Chair</u>; <u>East Liberty Park 2 CC Chair</u>; <u>Fairpark CC</u> <u>Chair</u>; <u>Greater Avenues CC Chair</u>; <u>Jordan Meadows CC Chair</u>; <u>Liberty Wells CC Chair</u>; <u>Poplar Grove CC Chair</u>; <u>Rose Park CC Chair</u>; <u>Stott</u>, <u>Michael</u>; <u>Sugar House CC Chair</u>; <u>Sunnyside East CC Chair</u>; <u>University Neighborhood Council CC Chair</u>; <u>Wasatch Hollow CC Chair</u>; <u>Westpointe CC Chair</u>; <u>Yalecrest CC Chair</u>; <u>Judi Short</u>'; <u>'Esther Hunter'</u>

**Cc:** <u>Hale, Karen</u> ; <u>Coffey, Cheri</u> ; <u>Sommerkorn, Wilford</u> ; <u>DeLaMare-Schaefer, Mary</u> **Subject:** Community Base Organizations ordinance review

Dear Council Chairs,

We have made some efforts to incorporate the discussions we have had with you in our rewrite of the Community Based Ordinances recognition ordinance. This information is reflected in the updated draft which may be viewed on Open City Hall at <u>http://www.peakdemocracy.com/1028</u>. There is also a discussion on the project page providing greater detail issues <u>http://cboslc.com/updated-draft-ordinance/</u>.

Your comments and sharing of this information with your community is appreciated. Below is a short introduction including links to the topic which may be forwarded on to your community.

Salt Lake City is in the process of updating its ordinances relating to the recognition of **Community Based Organizations**. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. Please go to <u>http://www.peakdemocracy.com/1028</u> to find out more and let us know your opinion. Additional information about the project can be found on the <u>project web page</u>. This includes a discussion of recent changes to the draft ordinance, based upon public input received thus far. http://cboslc.com/updated-draft-ordinance/

Respectfully,

Nole Walkingshaw Salt Lake City Planning

## Walkingshaw, Nole

From:Christopher Thomas [christopher.c.thomas@gmail.com]Sent:Thursday, September 27, 2012 1:33 PMTo:Walkingshaw, NoleSubject:Re: Comments on Recognized Community Organizations draft ordinance

Hey Nole,

Is there any chance you could get together for a quick meeting (half hour or so) regarding the community recognition ordinance?

Are there times that would work for you in the next week or so?

Thanks,

Sent from my iPhone

On Sep 5, 2012, at 9:18 AM, "Walkingshaw, Nole" <<u>Nole.Walkingshaw@slcgov.com</u>> wrote:

Christopher and others,

Thanks for the comments and discussion. Others have expressed the same concerns about noticing, and I will try to help clarify the reasonable attempt language. As a note this is not a new requirement, our current ordinance requires this notification. One idea that I have had is to develop a better relationship with the community newspapers. I believe there is a sugar house paper, east bench paper etc. that may be a good means of communication the on goings of the councils and be considered to be notice. Thoughts on that?

Thanks, Nole

From: Christopher Thomas [mailto:christopher.c.thomas@gmail.com]
Sent: Wednesday, September 05, 2012 7:18 AM
To: Walkingshaw, Nole
Cc: <u>SHCC EC@yahoogroups.com</u>
Subject: Comments on Recognized Community Organizations draft ordinance

Hi Nole:

I don't have final comments for you at this time, but I discussed the draft ordinance with the Sugar House Community Council Executive Committee, and I wanted you to be aware of a primary concern we have.

The draft ordinance states:

"For organizations with geographic boundaries, at least once a year, the organization makes a reasonable attempt to notify every household, property owner, place of business, school and nonprofit organization within its boundaries and to encourage representation and participation from all qualified members;"

We have several considerations regarding this proposed requirement:

-I am not aware of any way for the Sugar House Community Council to obtain addresses for "every household, property owner, place of business, school and nonprofit organization" within our boundary. Property owners, especially, may reside outside of our boundary, and I'm not aware of any mechanism for us to locate addresses for these property owners. If there is a way for us to obtain these addresses, for instance through a City registration program, we would love to learn more.

-Even if we did have addresses for "every household, property owner, place of business, school and nonprofit organization," putting together a mailing for a boundary the size of our Sugar House neighborhood would be prohibitively expensive.

-We are wondering whether there would be an opportunity to "piggyback" a Sugar House Community Council notice in the Salt Lake City utility bill for one month out of the year. While piggybacking on the utility bill would not allow us to contact all property owners, It would allow us to meet the new proposed notification requirement for most households, places of business, schools, and nonprofit organizations. I imagine that this option would be helpful to other community councils as well. If the notice were printed as an insert, it could still be prohibitively expensive; if included as a printed statement on a page of the bill, in a way that incurs no additional expense, that would be the most attractive option.

-Apart from a utility bill notification, I'm wondering what other kinds of communication would be considered a "reasonable attempt" at meeting the notification requirement. Having a website and a mailing list? Staffing a booth at a community-wide event? I think it would be helpful to have some examples that are within the realm of possibility. Otherwise, it may be worth considering the removal of this requirement.

We may some additional concerns that I will communicate to you in writing, but want to share this primary concern in advance. I would be happy to speak with you by phone or correspond over email.

Thanks!

Copied: SHCC Executive Committee

-Christopher Thomas SHCC Chair

## Walkingshaw, Nole

From: Sent:	Patrice Schulze [patrice.schulze@gmail.com] Monday, September 24, 2012 6:24 PM
To:	Walkingshaw, Nole
Subject:	Fwd: Trustees' meeting and Changes to the Recognition Ordinance.

Other comment from sunnyside east trustee

Sent from my iPhone

Begin forwarded message:

From: John Worlock <jjworlock@msn.com> Date: September 24, 2012 12:06:47 AM MDT To: Patrice Schulze <patrice.schulze@gmail.com>, <duane.bush@coldwellutah.com>, <amyhrussell@yahoo.com>, <pete\_taylor@comcast.net>, <nancycowie@hotmail.com>, <ralphgoch@aol.com>, <br/><br/>southwestriches.com>, <d.tesch@comcast.net>, <rubymt@aol.com>, <lonrr@msn.com>, <ollelarsson@aol.com>, <jjworlock@msn.com> Subject: Trustees' meeting and Changes to the Recognition Ordinance.

Dear Pat:

You don't need any <u>more</u> agenda items. It will be difficult enough to chew, swallow and digest the changes that the city proposes. I think the best we can do is to organize a committee (the usual suspects) to present the matter coherently to the membership meeting later in October.

I am sad to tell you that I cannot attend the trustees' meeting on Tuesday, October 2, as I have a prior commitment for that evening. You will begin to think of me as the absentee-secretary!

Meanwhile, I suspect that I will have some things to say about the city's proposed changes to the "Recognition Ordinance." For example:

The first few paragraphs outline the process through which we must organize to be recognized as a community council. We'll have to study it to be sure our ByLaws are consistent with their rules.

I am concerned, as the SugarHouse folks are, about the requirement to reach **every resident** who is eligible for membership. I think we come reasonably close to that requirement, through our email address list. I suspect that, given the demonstrable impossibility of 100% compliance, the provision will never be enforced.

As I read it, we are free to define our own boundaries. But that can't be true, as we just might take over some of another neighborhood's residents. We won't, but I guess we are free to include the condos on the golf course, just south of Wasatch Drive.

Here is the language defining a "Community Organization: A voluntary group of individuals organized around a particular community interest (e.g., community council, small business, ethnic group, religious organization, environmental advocate, etc.) for the purpose of collectively addressing issues and interests common to that group." Notice that there is no need for a geographical boundary. The "etc" suggests that we might define our membership as those individuals who have expressed an interest in the threats to the tranquillity of the neighborhood, for

1 29 example. A much smaller and more approachable membership. We could, in fact form a separate "community organization" made up of the elected trustees of SEA.

My imagination runs rampant..... I suspect that the city has some ordinances elsewhere that actually define the boundaries and the duties of the various official Neighborhood Councils throughout the city. These Community Organizations may be in addition to Neighborhood Councils. Who knows?

I hope you can get someone from the city to come and tell us what is going on. Joyce Valdez for sure, but maybe also someone from Planning. Both meetings: the imminent trustees' meeting (I wish I could be there!) and the later membership meeting.

Best wishes, John

From: patrice.schulze@gmail.com

To: amyhrussell@yahoo.com; jensen.bryan@hotmail.com; d.tesch@comcast.net; duane.bush@coldwellutah.com; jjworlock@msn.com; Rubymt@aol.com; joyce.valdez@slcgov.com; lonrr@msn.com; michael.ely@hsc.utah.edu; nancycowie@hotmail.com; ollelarsson@aol.com; ptaylor@grnslc.com; pete\_taylor@comcast.net; ralphgoch@aol.com; redlafs@yahoo.com; utahinternational@gmail.com; susan.poulin@sothebysrealty.com CC: joyce.valdez@slcgov.com Subject: Date: Sun, 23 Sep 2012 12:11:36 -0600

Please join me on Tuesday evening October 2 for a trustees meeting at my home, address below at 7:30 pm. One item on the agenda is the city's proposed changes to the recognition ordinance. As drafted it seems to restrict our notification of matters. This is particularly troubling when it comes to planning commission agendas. For instance, it removes the obligation of a developer to share plans with the neighbors that might be impacted by new building/renovations. The notification period would be reduced to 15 days with no requirement to preview the plans with neighbors who would be impacted.

The city is working on a revised draft which should be available next week. For a good explanation of all of this, please read the attached letter sent to the city by the Sugarhouse neighborhood council.

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Please rsvp to me and let me know of other agenda items. Thanks

X

Patrice W. Schulze

2122 East Hubbard Ave

Salt Lake City, UT 84108

W: 801-983-7446

C: 801-631-4995

www.schulzeconsulting.org

## Walkingshaw, Nole

From:	Esther Hunter [estherehunter@live.com]
Sent:	Thursday, September 13, 2012 12:50 PM
To:	SLComNet
Cc:	Walkingshaw, Nole; Gina Zwkovic; Dennis Faris; Jan Brittain; Ikpershing@gmail.com
Subject:	SLCN Meeting Follow-up (1 of 2)

Good Morning,

It was so nice to see you all, this morning. Here is part one of the things you requested this am.

1. <u>Gina. Jan, Lynn and Dennis</u> – A new Google Group invitation has just been sent to you. If you do not receive the invitation within a day, please let me know. Sometimes your email address or in-box is set with filters that block this type of email. You will notice that a non-verified came back on two of the addresses.

dennisfaris@gmail.com		10:34am	Email
lkpershing@gmail.com	Lynn Kennard Pershing	10:34am	Email
urban.growth@yahoo.com	None	10:34am	Email - non-verified
wilshirejan@comcast.net	None	10:34am	Email - non-verified

### 2. Draft Recognition Ordinance

Nole verified that the draft ordinance does NOT include a requirement for 501c3 status. The draft requires the same level of registration as is currently in place with the City and the State NOT a 501c3. Karen Hale, Communication Director in the Mayors Office is the lead for the recognition policy. You can reach Karen at <u>karen.hale@slcgov.com.</u>

3. <u>Notice at application or other ideas and programs that could give early visibility to those orgs. that are interested.</u>

Nole described to me several of his Planning projects that are considering ways for early notice for those that would like to have this data. He will be happy to meet with the P & I Committee to discuss these. He is going to draft a summary of these projects and then give me a call to schedule a time in the next few weeks before the recognition ordinance is at the Council.

4. SLCN Trustee email information:

Polly Hart <u>pollyh@xmission.com</u> Bill Davis <u>wld3rd@gmail.com</u> Virginia Hylton <u>Virginiahylton@gmail.com</u> Michael Hughes <u>hesmichael@hotmail.com</u> Esther Hunter <u>ecchair@live.com</u>

5. <u>Committee Chairs</u> that we have listed on Google: Some of the committees have Google groups that are set for active discussions.

Healthy Tree Committee <u>Macohn9@gmail.com</u> Bylaws Dewitt Smith <u>dewitt@darnfastnet.com</u> Policy & Issues Esther Hunter <u>estherehunter@live.com</u> Communications Michael Hughes <u>hesmichael@hotmail.com</u>

Best to you all , Esther

Esther Hunter & Gary Felt

## Chairs, East Central Community Council

Home of Heart & Soul Porchfest www.eastcentralcc.org

From:	Walkingshaw, Nole
То:	<u>Sugar House CC Chair</u>
Cc:	SHCC EC@vahoogroups.com; Hale, Karen; Mayors Liaisons
Subject:	RE: Comments on Recognized Community Organizations draft ordinance
Date:	Wednesday, September 05, 2012 9:18:00 AM

Christopher and others,

Thanks for the comments and discussion. Others have expressed the same concerns about noticing, and I will try to help clarify the reasonable attempt language. As a note this is not a new requirement, our current ordinance requires this notification. One idea that I have had is to develop a better relationship with the community newspapers. I believe there is a sugar house paper, east bench paper etc. that may be a good means of communication the on goings of the councils and be considered to be notice. Thoughts on that?

Thanks,

Nole

From: Christopher Thomas [mailto:christopher.c.thomas@gmail.com]
Sent: Wednesday, September 05, 2012 7:18 AM
To: Walkingshaw, Nole
Cc: SHCC\_EC@yahoogroups.com
Subject: Comments on Recognized Community Organizations draft ordinance

Hi Nole:

I don't have final comments for you at this time, but I discussed the draft ordinance with the Sugar House Community Council Executive Committee, and I wanted you to be aware of a primary concern we have.

The draft ordinance states:

"For organizations with geographic boundaries, at least once a year, the organization makes a reasonable attempt to notify every household, property owner, place of business, school and nonprofit organization within its boundaries and to encourage representation and participation from all qualified members;"

We have several considerations regarding this proposed requirement:

-I am not aware of any way for the Sugar House Community Council to obtain addresses for "every household, property owner, place of business, school and nonprofit organization" within our boundary. Property owners, especially, may reside outside of our boundary, and I'm not aware of any mechanism for us to locate addresses for these property owners. If there is a way for us to obtain these addresses, for instance through a City registration program, we would love to learn more.

-Even if we did have addresses for "every household, property owner, place of business, school and nonprofit organization," putting together a mailing for a boundary the size of our Sugar House neighborhood would be prohibitively expensive.

-We are wondering whether there would be an opportunity to "piggyback" a Sugar House Community Council notice in the Salt Lake City utility bill for one month out of the year. While piggybacking on the utility bill would not allow us to contact all property owners, It would allow us to meet the new proposed notification requirement for most households, places of business, schools, and nonprofit organizations. I imagine that this option would be helpful to other community councils as well. If the notice were printed as an insert, it could still be prohibitively expensive; if included as a printed statement on a page of the bill, in a way that incurs no additional expense, that would be the most attractive option.

-Apart from a utility bill notification, I'm wondering what other kinds of communication would be considered a "reasonable attempt" at meeting the notification requirement. Having a website and a mailing list? Staffing a booth at a community-wide event? I think it would be helpful to have some examples that are within the realm of possibility. Otherwise, it may be worth considering the removal of this requirement.

We may some additional concerns that I will communicate to you in writing, but want to share this primary concern in advance. I would be happy to speak with you by phone or correspond over email.

Thanks!

Copied: SHCC Executive Committee

-Christopher Thomas SHCC Chair 
 From:
 Patrice Schulze

 To:
 Walkingshaw, Nole

 Subject:
 Fwd: Trustees" meeting and Changes to the Recognition Ordinance.

 Date:
 Monday, September 24, 2012 7:35:39 PM

Other comment from sunnyside east trustee

Sent from my iPhone

Begin forwarded message:

From: John Worlock <<u>jjworlock@msn.com</u>>
Date: September 24, 2012 12:06:47 AM MDT
To: Patrice Schulze <<u>patrice.schulze@gmail.com</u>>,
<<u>duane.bush@coldwellutah.com</u>>, <<u>amyhrussell@yahoo.com</u>>,
<<u>pete\_taylor@comcast.net</u>>, <<u>nancycowie@hotmail.com</u>>,
<<u>ralphgoch@aol.com</u>>, <<u>bryan@southwestriches.com</u>>,
<<u>d.tesch@comcast.net</u>>, <<u>rubymt@aol.com</u>>, <<u>lonrr@msn.com</u>>,
<<u>ollelarsson@aol.com</u>>, <<u>jjworlock@msn.com</u>>
Subject: Trustees' meeting and Changes to the Recognition
Ordinance.

Dear Pat:

You don't need any **more** agenda items. It will be difficult enough to chew, swallow and digest the changes that the city proposes. I think the best we can do is to organize a committee (the usual suspects) to present the matter coherently to the membership meeting later in October.

I am sad to tell you that I cannot attend the trustees' meeting on Tuesday, October 2, as I have a prior commitment for that evening. You will begin to think of me as the absentee-secretary!

Meanwhile, I suspect that I will have some things to say about the city's proposed changes to the "Recognition Ordinance." For example:

The first few paragraphs outline the process through which we must organize to be recognized as a community council. We'll have to study it to be sure our ByLaws are consistent with their rules.

I am concerned, as the SugarHouse folks are, about the requirement to reach **every resident** who is eligible for membership. I think we come reasonably close to that requirement, through our email address list. I suspect that, given the demonstrable impossibility of 100% compliance, the provision will never be enforced.

As I read it, we are free to define our own boundaries. But that can't be true, as we just might take over some of another neighborhood's residents. We won't, but I guess we are free to include the condos on the golf course, just south of Wasatch Drive.

Here is the language defining a "*Community Organization: A voluntary group of individuals organized around a particular community interest (e.g., community council, small business, ethnic group, religious organization, environmental advocate, etc.) for the purpose of collectively addressing issues and interests common to that group."* Notice that there is no need for a geographical boundary. The "etc" suggests that we might define our membership as those individuals who have expressed an interest in the threats to the tranquillity of the neighborhood, for example. A much smaller and more approachable membership. We could, in fact form a separate "community organization" made up of the elected trustees of SEA.

My imagination runs rampant..... I suspect that the city has some ordinances elsewhere that actually define the boundaries and the duties of the various official Neighborhood Councils throughout the city. These Community Organizations may be in addition to Neighborhood Councils. Who knows?

I hope you can get someone from the city to come and tell us what is going on. Joyce Valdez for sure, but maybe also someone from Planning. Both meetings: the imminent trustees' meeting (I wish I could be there!) and the later membership meeting.

Best wishes,

John

From: patrice.schulze@gmail.com

To: amyhrussell@yahoo.com; jensen.bryan@hotmail.com; d.tesch@comcast.net; duane.bush@coldwellutah.com; jjworlock@msn.com; Rubymt@aol.com; joyce.valdez@slcgov.com; lonrr@msn.com; michael.ely@hsc.utah.edu; nancycowie@hotmail.com; ollelarsson@aol.com; ptaylor@grnslc.com; pete\_taylor@comcast.net; ralphgoch@aol.com; redlafs@yahoo.com; utahinternational@gmail.com; susan.poulin@sothebysrealty.com

CC: joyce.valdez@slcgov.com Subject:

Date: Sun, 23 Sep 2012 12:11:36 -0600

Please join me on Tuesday evening October 2 for a trustees meeting at my home, address below at 7:30 pm. One item on the agenda is the city's proposed changes to the recognition ordinance. As drafted it seems to restrict our notification of matters. This is particularly troubling when it comes to planning commission agendas. For instance, it removes the obligation of a developer to share plans with the neighbors that might be impacted by new building/renovations. The notification period would be reduced to 15 days with no requirement to preview the plans with neighbors who would be impacted.

The city is working on a revised draft which should be available next week. For a good explanation of all of this, please read the attached letter sent to the city by the Sugarhouse neighborhood council.

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Please rsvp to me and let me know of other agenda items. Thanks

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Patrice W. Schulze

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		3 approved cboslc.com x nole.walkingsh aw@slcgov.co m2 204.124.13.151	Thank you for the comments the 12 da referring to is actually 10 days in most that is for notice to a public hearing. Th had been using for complex land-use was based upon a division policy not of are not changing that policy. The new of requires the various division of the City the community to establish policies and for engagement, such that the commu involved in the process. The Planning currently working on our policies and w with other divisions to be used as a ter	instances and ne 45 days we applications ordinance. We ordinance draft y that work with nd procedures nity remains Division is vill share it	Post
			Proposed language "The City Departm develop policies and procedures to sh will provide notice and early participatio opportunities for pending major city ac include but are not limited to public me development projects, planning activiti funding opportunities, which may have impact on the membership of a register community organization. Notice shall be affected community based organization manner, including information on the ti	ow how they on tions. These eetings, es, grant and a significant ered be given to ns in a timely	

boslc.com/wp-admin/edit-comments.php

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## a response."

Patrice Schulze 1 approved pat@schulzeco nsulting.org 67.186.241.253	Submitted on 2012/10/16 at 3:34 pm The notification requirement of 12 calendar days is unreasonable for community councils. Taking out weekends, this gives us just 8 days to consider the implications of a proposed zoning issue, organize a meeting of our council or trustees and formulate a neighborhood response. We need at least 30 days to create a thoughtful response. This change to the ordinance is reducing our ability to be heard on matters that may materially affect our neighborhoods.	Updated Draft Ordinance 4 View Post
Larry Streadbeck 1 approved larry@palletex.c om 70.102.13.30	Submitted on 2012/10/09 at 5:07 pm Is the original Ordinance (No. 63 of 1990) still in effect? I notice that it is not referenced in the new DRAFT. There are some interesting "guiding principles" in the ordinance that are worth reiterating, such as: "the Mayor and the City Council are encouraged to schedule regular meetings with recognized () organizations", "the Mayor and the City Council intend to provide through the City's budget process for reasonable assistance to such () organizations" and " () organizations are encouraged to assist the City agencies in determining priority needs of () including master planning and ordinances".	Updated Draft Ordinance 4 View Post
nwalkingshaw 7128 3 approved cboslc.com x nole.walkingsh aw@slcgov.co m2 204.124.13.151	Submitted on 2012/09/05 at 7:10 am [In reply to Christopher Thomas. Christopher, Please feel free to contact me anytime. I can be reached at 801-535-7128 or by email at <u>nole.walkingshaw@slcgov.com</u> mailto:nole.walkingshaw@slcgov.com Thanks, Nole Walkingshaw	Draft Ordinance 2 View Post
Christopher Thomas 1 approved christopher.c.th omas@gmail.c om	Submitted on 2012/08/22 at 10:42 am Hi there – I am the Chair of the Sugar House Community Council. I have concerns I about the proposed ordinance that I would like to submit for review and consideration. When should I have my comments to you? Is there someone I can contact by phone? Thanks,	Draft Ordinance 2 View Post
204.113.19.47 Nole	Submitted on 2012/04/17 at 6:15 am	Community Based

boslc.com/wp-admin/edit-comments.php

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# **Community Council Comments**

#### September 17, 2012

TO: Salt Lake City Council Planning Director, Salt Lake City



Sugar House Community Council

#### **RE:** Proposed Changes to the Recognition Ordinance

The Sugar House Community Council (SHCC) Executive Committee has reviewed the draft of the proposed changes to Chapter 2.60 Recognized Community Organizations. The SHCC executive committee has strong objections to changes that seem designed to eliminate participation from organized community groups with specific regard to land use and zoning issues.

The SHCC is a community organization designed to promote public participation in our community. We believe this participation is important to the services of the city and that better decisions are made with our involvement. In particular the issue of conditional uses and zoning changes for development projects has the potential for significant impact on our communities and neighborhoods. We understand the desire to allow developers a more speedy approval process, but we strongly object to doing so at the expense of public participation.

#### **OMISSIONS**

The proposed changes **remove** many provisions that are important components in the notification process for community councils.

### 2.62.030 REQUIRED NOTICES:

A. The planning and zoning division shall submit to each recognized or registered organization copies of the planning commission public meeting agendas and shall also submit to neighborhood and community organizations recognized pursuant to subsection 2.60.020C of this title, or its successor subsection, applications for changes to zoning ordinances, planned development or conditional use applications pertaining to territory located within, or within six hundred (600') of the border of such recognized organizations.

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

*C.* Other city administrative departments shall take reasonable steps to notify affected recognized organizations of any significant activities pertaining specifically to the recognized organization's geographic area.

#### 2.62.040: PARTICIPATION IN PLANNING PROCESS:

*B.* The Salt Lake City planning division staff shall encourage all zoning petition, planned development and/or conditional use applicants to meet with affected recognized organizations

to discuss and receive input on the petition or application proposal prior to scheduling the matter for consideration by the planning commission. A report of the discussions with the affected recognized organizations and the applicant shall be contained in the planning commission staff report.

These sections have been completely removed from the recognition ordinance and effectively cut out community council involvement in land use and zoning issues in our geographic area.

Currently we get notification of conditional use and zoning change petitions 45 days prior to the anticipated hearing before the planning commission. We receive a copy of the petition and some detail of the conditional use or zoning change project. The new provision would eliminate this advance notice and simply direct planning staff to alert us 12 days prior by any methods they choose. Many community organizations meet only once a month and the 12 day notice and lack of detail is insufficient in promoting thoughtful public comments/participation. Conditional uses and zoning changes have significant impact on the Sugar House area and the omission of these provisions is detrimental to our ability to gather input.

While planning staff have the master plan to guide them we find there are instances when provisions in the master plan are ignored in favor of other aspects. Additionally we believe it is important to provide input during the design phase to allow developers to decide if they want to incorporate ideas from residents at a time when the cost to do so isn't too prohibitive. **Community councils are more familiar** with their master plan and the area to give thoughtful, reasoned comments that effectively eliminating us from the discussion is a huge step backward in citizen participation.

**Removing the provision that directs planning staff to encourage petitioners to meet with the affected community council is tantamount to eradicating our involvement at all.** Of course, developers are not very interested in what the surrounding community has to say and would gladly not make the effort to solicit our input if given the choice. Under the current proposed recognition ordinance community councils would receive some vague notice 12 calendar days before the issue is going before the planning commission. Concerned citizens would only find out about the details of the project at the planning commission hearing and then have a grand total of 2 minutes to give our thoughts. If the vision of the city is to promote citizen involvement that is reasoned and pertinent this is not the path to take.

The SHCC is concerned that the direction of the recognition ordinance appears to eliminate the few provisions we had to effectively participate in the land use and zoning process in regards to notification and participation in the planning process. The balance between developer's needs and citizen input is not achieved with the proposed changes. We strongly object to the removal of the provision that a report of the discussion be included in the planning staff report to the planning commission. The city should be erring on the side of more feedback not less. The removal of community council discussions eliminates a vital component of the staff report especially given the new provision that conditional use projects "may" come before the planning commission if enough interest exists from public comments. This is huge step backward in open and transparent public policy.

#### 2.60.30: PARTICIPATION

Recognized organizations are encouraged to make recommendations to the city on all matters affecting the city or the organizations' particular community or neighborhood. Recognized organizations shall be part of the city's notification process provided by chapter 2.62 of this title.

Valuing citizen input needs to be stated in the recognition ordinance and notification should be focused on giving community organizations adequate notice to learn about the project, ask questions, and provide input and 12 days is insufficient to accomplish this task.

#### 2.60.010: PURPOSE

It is the policy of Salt Lake City to recognize neighborhood based community organizations for the purpose of providing citizen input and information to various city planning and administrative services. This chapter provides a process for such recognition.

Replacing this language with new language of providing a framework to organize into organizations raises the concern that the city is removing the language that specifically addresses our role of providing citizen input to various city planning and administrative services. Removing language that outlines citizen input and replaces it with language that states that the city will "value" each organization equally is too ineffectual. We appreciate and value the efforts by the proposed recognition ordinance to broaden the scope of citizen organizations to include businesses, ethnic groups, etc, but feel we can achieve expanding recognition and not lose the focus on "taking the input" vs. just "valuing" it.

#### ADDITIONAL CONCERNS

The new ordinance allows that a planning commission hearing for a conditional use project "may" occur if there is sufficient interest. This attempt to fast track the process for developers becomes an avenue in which participation is stifled. Given that the 12 calendar day notification is inadequate on all fronts there are instances where conditional use and zoning changes could not receive any citizen review. This is counter to efforts to increase transparency. We recognize the importance of development in our community however it should be more out in the open and not in the shadows of the planning office.

The SHCC also has a concern regarding the following proposed provision:

#### 2.60.30: MINIMUM REQUIREMENTS

A.(c) For organizations with geographic boundaries, at least once a year, the organization makes a reasonable attempt to notify every household, property owner, place of business, school and nonprofit organization within its boundaries and to encourage representation and participation from all qualified members;

The SHCC boundaries are extremely vast compared to many other community councils. We struggle with ways in which to notify our neighbors of issues with our limited budget. The burden of notifying

every household, property owners and businesses in an area such as Sugar House is extremely cost prohibitive. This section needs to be more clearly delineated as to what the city is going to deem reasonable.

We would also like to see reference to procedures for handling grievances should the city not recognize an organization.

In conclusion, the SHCC executive committee welcomes updates to the recognition ordinance that allow for more citizen participation in the process. We have some general concerns that need clarification on requirements for recognition in order to eliminate questions. However, we strongly object to the rewrite of participation in the planning and zoning areas. The proposal as exists today would significantly reduce public comments and participation in land use issues. Salt Lake City should do more to include thoughtful participation from residents and the omissions from the planning process appear to favor fast tracking conditional uses and zoning change applications in favor of the developer. We are seriously concerned at the effective removal of community organizations in this process.

## **Open City Hall and Website Comments**

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

Public comments as of November 5, 2012, 4:36 PM

All Participants around Salt Lake City

Comments sorted chronologically



As with any public comment process, participation in Open City Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

## Introduction

Purpose - create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods.

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

As of November 5, 2012, 4:36 PM, this forum had:

Attendees:	210
Participants around Salt Lake City:	7
Minutes of Public Comment:	21

50

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

## All Participants around Salt Lake City

## Name not shown in District 6

October 25, 2012, 9:35 AM

Mr. Kisling's comments are hardly surprising under the circumstances. In fact one wonders if the Sugar House Community Council –SHCC (covers all of District 7 and part of District 6), isn't the one specifically targeted since it reflects all the questionable situations that the proposed revision of the 'Recognition Ordinance' targets. Despite the huge geographic area ostensibly represented by this group, there appear to be few members of the public/residents present at any given meeting, the business of which is conducted by 'trustees' who, in theory, 'represent' area residents.

Notification, according to SHCC, is done via the organization's website, though that process fails to account for those unaware of it. That Kisling references signage as a good notification alternative speaks volumes for the failure of SHCC's website to do that. But signage for an area comprising 700 East to Foothill Boulevard and 1700 South to SLC limits, is laughable; SHCC can hardly count on its 'trustees' to participate in any activities outside the monthly meetings such as outreach or fundraising, so it seems unlikely that its trustees would actually set up and take down meeting signage on a monthly basis.

Kisling appears to recognize this since he proposes, instead, that public bulletin boards and press releases be used as a viable alternative, again presupposing that residents impacted will actually see them.

Kisling also raises concerns that 'The proposed ordinance does not require City residency or property ownership of community organization members.' Since Kisling was an active member of the 'Say No to Rezoning' group that, by 'voice vote' of trustees present at the meeting scheduled to address the issue including public input, was designated to speak for SHCC in the Walmart rezoning hearings, rather than the council itself. That voice vote took place before not after public comments. Moreover, who knows who comprised the membership of Say No to Rezoning?

While it is logical that members of most representative organizations should consist of Salt Lake City residents exclusively, there may be appropriate exceptions. For example, when, in 2008, the Christus St. Joseph's Villa, a non-profit Catholic facility comprising skilled nursing, assisted living, rehabilitation, and senior apartments requested City approval to make changes on its skilled nursing facility to reflect a more modern view of elderly care-- home-like, rather than institutional, the community council for that area was assisted by sympathetic activists belonging to other community councils, who, together, were successful in defeating the proposal, and the facility was sold. Thus in such a situation, it also seems reasonable that non-profit advocacy groups, regardless of local residency or property ownership, be recognized to represent those with special interests, who, in that situation, had no voice -- the elderly, the disabled, Catholics (since it was the only Catholic facility in the area to accept Medicaid recipients).

## Scott Kisling in District 7

October 22, 2012, 10:04 AM

Thank you for the opportunity for input on this important issue.

Page 3 of 6

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

## All Participants around Salt Lake City

I question the need to revise the "Recognition Ordinance" at all. If the current ordinance creates any issues for the City those issues should be addressed by revision, rather than by outright repeal and replacement, which will surely bring unintended and as yet unidentified consequences.

As a previous Community Council Chair and long-time Community Council Trustee, I have several concerns with the City's latest attempt to revise the Recognition Ordinance:

1) The new ordinance doesn't state the purposes for which the City recognizes certain organizations; it simply "creates a framework for organization..." The law would no longer state that recognition is "for the purpose of providing citizen input and information to various city planning and administrative services." The legal interpretation is that the City (through revised 21A.10.020 Public Hearing Notice Requirements) is required to notify community organizations such as ours, but is not obligated to take our input into consideration. It will simply "value" them, using their new text.

2) The proposed ordinance does not require City residency or property ownership of community organization members; a Draper rugby team could conceivably petition Salt Lake City Government about City park usage and (in the new text) legally be "held in equal regard" to a group of City residents who prefer a different use for the same land.

3) I prefer to see reference to Utah's Open and Public Meetings Act rather than to require meetings to simply be "open to the general public." New undefined text often brings new problems. The above Act may state that while meetings must be open to the public, they do not have to be open to public participation.

4) Procedures for handling grievances against organizations – or against the City – for not following the Recognition Ordinance should be \*added\* to the ordinance. Such text is included by many cities, and may be helpful here for the City as much or more than for a community group.

5) The requirement for notifying members should be expanded to include what methods are acceptable. Portland offers a good template. It states that reasonable notice must be provided to the public at large, "although this does not need to be direct." Public bulletin boards and press releases (though it does not require an organization to guarantee publication of such) are two examples it gives as adequate. Some Community Councils in Salt Lake City use lawn signs to provide notice of meetings, which appears to be an effective method.

6) The requirement that the City publish boundaries for recognized organizations would help those petitioning the City. Salt Lake City does this now, but it should be made a requirement to ensure continuance. Including an article on resolving overlapping boundaries among recognized organizations would help all of us, and would simplify life for City planning and administrative employees. Portland has excellent text for this. It also has a means to prevent future overlapping boundaries and organization proliferation (occasionally a problem in Salt Lake City), by requiring new organizations to include a minimum number of households.

http://www.peakdemocracy.com/1028

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

## All Participants around Salt Lake City

Community Councils have long argued that notification should be five weeks, and not 15 days, to ensure time to get the item on the agenda. Most city Recognition ordinances state that if the required period may injure or harm the public health, safety, welfare or result in a significant financial burden to the city, it shall not apply. The old ordinance, under 2.62.040 C gave groups such as Community Councils the ability to petition for more time, but was rarely if ever exercised. It, like the rest of 2.62, would be deleted under the City's latest revision attempt.

Others with Community Council experience will no doubt identify other possible consequences of the revision. I urge the City to be cautious in this revision, by instead making incremental changes to the current ordinance. Best regards,

Scott

## Name not shown in District 6

## October 16, 2012, 11:13 AM

The proposed draft ordinance regarding community based organizations is a step in the right direction since it can open the door for new groups to organize by other criteria such as religion, ethnicity, small business area, etc. and have equal input with larger organizations in proposed zoning changes and new developments. Moreover, Salt Lake City's willingness to provide notification to those potentially impacted by such changes or developments is critical since many may fall through the cracks in terms of being aware of such changes until it is too late. Such notification will, additionally, present a more accurate and objective portrayal of 'all' possibilities, thus avoiding situations like that incurred during the Parley's Way Walmart rezoning request process. In an effort to prevent that rezoning, it has now become apparent that some in the area were persuaded to support that position by being told that Walmart would leave the area if rezoning was not approved, many of whom who now feel duped to find that Walmart is indeed opening a 'remodeled' store when the rezoning that would have enabled them to build new was denied. What it won't do is 'limit' the boundaries for such organizations, many of which are far too large to address the many unique situations that may exist within such boundaries, but have no 'real' representation in the absence of a more specific organization to address their specific needs. Lastly, while a 'for profit' community organization is undesirable, requiring 'non-profit' status may inhibit the formation of new groups since that process can be intimidating and costly for many start-up groups.

## JOY DANTINE in District 1

## October 10, 2012, 11:58 AM

UNK in District 4; community-based programs (i.e. community-based government if you will) work for the community and its ill. With people, including gangs or former gang members - who needs taxes. Will power and ability to think beyond immediate needs and complaints will see us through to best meet all the needs of all; count on it. I completely KNOW this is a strategic partnership to say the least. I motion we bring this home.

Amy Barry in District 7

October 9, 2012, 5:34 PM

http://www.peakdemocracy.com/1028

Salt Lake City is currently reviewing its ordinance relating to "Recognized Community Associations" What is your opinion on the proposed changes?

## All Participants around Salt Lake City

I support the City's effort to broaden participation of other agencies/departments with community organizations. However, I would only support adoption of this ordinance at the time that all pertinent departments have their policies written. Without a written policy by which the community organization can reference there may be little to no notification of issues. For instance, the current notification time for planning issues to community councils is 45 days. I would have serious misgivings if the policy the planning division offered only required the 12 days notice to surrounding property owners. We need the opportunity to see what is proposed by the various departments to determine if they are adequate or become detrimental to active participation.

I also believe the recognition ordinance opening statement should reflect the goal of the city to solicit thoughtful, educated and reasoned participation from the public. To be able to participate in a thoughtful way the departments must write policies that enable that flow of information that provides more documents and time for community organizations to review and learn more about them as it relates to their geographic or interest area.

Name not shown in District 4

October 9, 2012, 4:40 PM

The focus on Community Organizations is interesting. Having been involved with a two community associations for a number of years, I would suggest that they are great social organizations but ineffective in trying to have an impact on policies and/or changes. On number of occasions, our associations tackled tough issues, did the research, made recommendations to the City Council but were told that a neighborhood association had no power or authority to impact change. SO? I would suggest that Neighborhood Associations be considered Social Organizations and a vehicle for the City to inform communities as to what the city had planned. I would STRONGLY RECOMMEND THAT ASSOCIATIONS ARE NOT GIVEN FALSE EXPECTATIONS that the members will really have to opportunity to cause change. Call a duck a duck. Specifically, regarding the changes, I wouldn't bother and spend the recovered time on more critical issues like lighting, parking, gangs, etc.

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· · ·			Proposed language "The City Departments develop policies and procedures to show he will provide notice and early participation opportunities for pending major city actions include but are not limited to public meeting development projects, planning activities, gi funding opportunities, which may have a sig impact on the membership of a registered community organization. Notice shall be giv affected community has ed organizations in	ow they . These gs, rant and gnificant ren to	

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affected community based organizations in a timely manner, including information on the time frame for

#### a response."



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Walkingshaw Your comments are important thank you! Organization 1 approved 1 View nole.walkingsh Post aw@slcgov.co m 192.168.38.47 In Response Author Comment То Check for Spam **Bulk Actions** Apply ) 7 items Thank you for creating with WordPress. Version 3,3,2

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5. PLANNING COMMISSION C. DECEMBER 12, 2012 MEMO TO THE PLANNING COMMISSION



# Communication to Planning Commission

Community & Economic Development Planning Division

То:	Planning Commission Members
From:	Nole Walkingshaw
Date:	December 12, 2012
CC:	Karen Hale, Mayors Office; Mary DeLaMare-Schaefer, Community and Economic Development
Re:	Additional information for the Recognized Community Organization Ordinance Text Amendment Petition# TMTL2012-00013. Tabled November 14, 2012

On November 14, 2012 the Planning Commission tabled the decision on the Recognized Community Organizations Ordinance, text amendment Petition# TMTL2012-00013. This matter was tabled following the public hearing and it was requested that staff presents additional information regarding the Planning Divisions policies on public engagement and present an alternative definition specifically defining and separating community councils from other recognized community organizations.

The purpose of the proposed amendment is stated in the ordinances purpose statement. It is important to note that the intent of this amendment is not to take away from the organizations currently recognized by the City. This ordinance intends to strengthen the opportunities for the community to engage with the City building upon the efforts of the past participants.

Purpose Statement: It is the policy of Salt Lake City to create a framework by which the people of the City may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the City and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

During the public hearing a common concern expressed from the community was the desire to maintain early public notice on major City initiatives and development projects. There was a feeling that the proposed draft ordinance may limit these opportunities. Section 2.60.50.C of the draft ordinance
requires departments to develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. In response to these concerns the Planning Division has prepared the Salt Lake City Planning Divisions Public Input Process Policy, see Attachment A. It is important to note the difference between policies designed to engage the public early in the decision making/development process and the legal requirements found in code Section 21A.10.020 Public Hearing Notice Requirements. The public hearing notice requirements found in Section 21A.10.020 have been recently amended and adopted by the City Council with the purpose of standardizing a common notice requirement for public hearings.

Staff was asked to prepare a second definition specifically defining community councils. Below is a draft definition for your review. The intent of the ordinance to recognize a variety of groups equally, a unique definition may give rise to the perception or codification of special privileges not afforded to others. For example in policy guides established by departments would read community organization/community council or they would have to separate the issues stating they would go to one or the other or both. The Salt Lake City Planning Division Public Input Process Policy lists only community organizations. Staff recommends maintain the single definition, it clearly permits and embraces the community councils and the Planning Divisions public input policy establishes the expectation for early engagement with all recognized community organizations.

## 2.60.020: DEFINITION

- A. Community Organization: A voluntary group of individuals organized around a particular community interest for the purpose of collectively addressing issues and interests common to that group. A community organization is not a subsidiary of Salt Lake City government.
- B. <u>Community Council: A voluntary group of residents and owners of real property in a</u> <u>defined geographic area of the city for the purpose of collectively addressing issues and</u> <u>interests common to and widely perceived throughout that area. A Community Council</u> <u>is not a subsidiary of the Salt Lake City government.</u>

At this time Staff recommends that the Planning Commission adopts the ordinance presented in the staff report subject to the findings listed there in. Staff also recommends the Planning Commission review the Salt Lake City Planning Division Public Process Policy, offering suggestions for improvement and expectations that will help better assist the Planning Commission in their decision deliberation processes.

ATTACHMENT A:

Salt Lake City Planning Divisions Public Input Process Policy

# Salt Lake City Planning Division Public Input Process Policy

#### **Community Organization Notification and Response**

Within four days of deeming the application complete, the Project Planner will send a notice the applicable recognized community organizations Chair(*s*) inquiring as to whether they want to review the request for zoning map amendment, conditional use, planned development, alley vacation, master plan and / or master plan amendment.

The Project Planner should include as much information about the request as possible when contacting both the recognized community organizations Chair(s) and Business Groups. This can be sent via email (preferably) or US mail and stating the time frame when the request could be presented. Copies of all contact should be kept in the case file and on Accela as part of the public record

The recognized community organizations chair(s) have 45 days to provide comments, prior to the request being scheduled for a public hearing. If comments are not received within the 45 days, the Project Planner may proceed with scheduling the item for public hearing.

- a. The Planner is expected to attend the recognized community organizations(*s*) meeting to answer questions regarding the zoning ordinances, planning process, or plan policies.
- b. The Planner is not there to advocate or speak for the Applicant.
- c. The Planner may only present the information to the recognized community organizations where the project is a City Initiated Petition that the Planning Division is speaking on behalf of the City.
- d. The Planner should:
  - i. take notes on what issues are raised and the general sentiment of the Community Council towards the project
  - ii. get a general count of the number of citizens in attendance at the meeting and reflect this in the Staff Report in the event the recognized community organizations does not submit anything in writing
- 1. Where a regular scheduled recognized community organizations meeting will not be held within the 45 day time limit or other meeting as per the recognized community organizations, the Project Planner will request a meeting with the executive board to obtain input. This typically occurs in the months of July, August and December.
- 2. Where a project is within 600 feet of the boundaries of another recognized community organizations district, west of 2200 West, or a text amendment, the Planner will schedule the item for the upcoming monthly Open House. When an Open House is to be held, the Project Planner

will send information to applicable recognized community organizations chairs and business groups, with information about the project so they can inform their members of the Open House. The Open House notice should also be sent to the individuals on the mailing list for the project in the case of a matter affecting a geographic area, such as a rezoning, so affected property owners may attend and comment.

- 3. For text amendments, the Project Planner should strive to compile and notify a list of individuals, or groups who may be interested / affected by the proposed regulations.
- 4. Where the issue is high profile or controversial, Open City Hall should be used.
- 5. Once information has been presented to a recognized community organization neither the Applicant nor the Planner is obligated to return to the group. If the Applicant agrees to return to the recognized community organizations, the Planner will notify the recognized community organizations. Chair that we will begin working toward scheduling the public hearing.
- 6. Where applicable, the project should be scheduled with the applicable City Advisory Boards. This is especially important with master plans, master plan amendments, zoning text amendments, etc. Contact Board Staff to schedule the item on the next agenda. The Boards include:
  - a. Historic Landmark Commission
  - b. Transportation Advisory Board
  - c. Business Advisory Board
  - d. Public Lands Advisory Board
  - e. Public Utilities Advisory Board
  - f. Housing Trust Fund Adv. Board
  - g. Airport Authority
  - h. HAAB

Joel Paterson- Planning Manager Kevin Young- Deputy Director Dan Velasquez-Manager Emy Maloutas, Director Jeff Niermeyer- Director LuAnn Clark- Director Allen McCandless-Planning Director Randy Isbell-Administrator

#### **Open Houses**

- 1. Open Houses are held for:
  - a. City-wide zoning text amendments and policy documents (e.g., community plans, small area plans, historic preservation plan)
  - b. Current Planning Projects that are within 600 feet of 2 or more recognized Community Organizations boundaries
  - c. Projects located west of 2200 West.
- 2. The Open Houses are held on the third Thursday of the month. They are usually held on the first floor hallway and in Room 126 of City Hall but may be held off-site (usually at the Library). They are scheduled from 4:30 6:00 p.m. On rare occasions they may be held on other days and in other locations.

- 3. The applicable Secretary is responsible to ensure the agendas are sent to the list serve and are posted on the webpage. Although there is not a legal notification requirement, the agenda and list serve notices should be sent and posted at least 2 weeks prior to the meeting.
- 4. Documents relating to the Open House agenda items should also be posted to the website prior to the meeting where appropriate.

5. PLANNING COMMISSION D. NOVEMBER 14 AND DECEMBER 12, 2012 AGENDA'S AND MINUTES

# SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA In Room 326 of the City & County Building at 451 South State Street Wednesday, November 14, 2012, at 5:30 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in the Employee Break room on the third floor of the City and County Building.

A WORK SESSION is not scheduled for this meeting The regular meeting will start at 5:30 p.m. in Room 326 APPROVAL OF MINUTES FOR OCTOBER 24, 2012 REPORT OF THE CHAIR AND VICE CHAIR REPORT OF THE DIRECTOR

#### **PUBLIC HEARING(S)**

#### **Administrative Matters**

- PLNPCM2012-00618, PLNPCM2012-00619, and PLNSUB2012-00705 Glendale Branch Library -A request by the Salt Lake City Library for conditional use, planned development, and minor subdivision approval of the Glendale Branch Library project located at approximately 1375 S. Concorde Street. The subject property is zoned R-1/7,000 (Single-Family Residential District) and is located in City Council District 2 represented by Kyle LaMalfa. (Staff contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com).
- PLNPCM2012-00751 Ronald McDonald House A request by Casey McDonough, representing the Ronald McDonald House for conditional use approval of an eleemosynary facility (a facility that provides temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members). The Applicant would like to build a new building adjacent to their existing facility located at approximately 935 East South Temple. The subject property is located in the RMF-35 (Residential Multi-family) zoning district and is located in Council District 3, represented by Stan Penfold. (Staff contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com).

#### Legislative Matters

- 3. <u>TMTL2012-00013 Community Based Organizations</u> A request by Mayor Becker for an amendment to the Salt Lake City Code. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. The amendment will affect sections 2.60 and 2.62 of the Salt Lake City Code. Related provisions of Title 21A- Zoning referencing sections 2.60 and 2.62 may also be amended as part of this petition. (Staff contact: Nole Walkingshaw at (801) 535-7128 or nole.walkingshaw@slcgov.com).
- 4. <u>PLNPCM2012-00546 Korean Presbyterian Church</u> A request by the Salt Lake City Council to amend the Future Land Use Map for the property located at approximately 2018 East 2100 South. The request is to change the master plan designation from Institutional and Public Lands to Very Low Density Residential (less than five dwelling units per acre) to make it consistent with zoning of the property. The property is located in the R-1/12,000 (Single Family Residential) zoning district and is located in Council District #7, represented by Søren Simonsen. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.)

- 5. <u>West Capitol Hill Amendments (PLNPCM2012-00462, 00463, 00464)</u> Three petitions initiated by Mayor Becker as part of analysis identifying zoning and master plan conflicts within the RDA project area. The request is for several related zoning map amendments, Capitol Hill Master Plan amendments and a text amendment to the MU Mixed Use zoning district. The proposal would make the following changes:
  - Amend Master Plan future land use designation from "General Commercial" in the area of 400 West between 600-800 North to "High Density Mixed Use," and to rezone those parcels to MU Mixed Use to match the surrounding area;
  - Amend the Master Plan future land use designations from "Medium Density Residential" and "General Commercial" for most of the west side of 300 West between 400 and 500 North to "Medium Density Mixed Use," and to rezone four RMF-35 parcels to MU to allow for commercial/retail uses along the 300 West corridor;
  - Amend the Master Plan future land use designation, for one commercial property located on the northeast corner of 300 West and 300 North, from "Medium Density Residential" to "Medium Mixed Use," to rectify a conflict;
  - Amend the text of the MU: Mixed Use zoning district to encourage residential through changes to the unit requirements for multi-family residential and to generally bring the district regulations closer to its intended purpose.

The zoning text amendment is city-wide will generally affect sections 21A.32.130 MU Mixed Use District. Related provisions of Title 21A-Zoning may also be amended as part of this petition. Other properties affected by the petition are located in Council District 3, represented by Stan Penfold. (Staff Contact: Michaela Oktay at 801-535-6003 or michaela.oktay@slcgov.com).

6. <u>PLNPCM2010-00468 Parking and Transportation Demand Management</u> - A public hearing proposed amendments to the Salt Lake City Zoning Ordinance to incorporate transportation demand management strategies into the city's off-street parking regulations, found in Chapter 21A.44 of the Zoning Ordinance. As part of this proposed text amendment, related sections of Title 21A would also be amended. Transportation demand management (TDM) is a system of regulations and policies that are designed to influence residents' and employees' travel decisions for the purpose of decreasing vehicle miles traveled, reducing traffic volume during peak periods, and varying travel modes. Effective TDM strategies thus reduce pollution, congestion and infrastructure costs while improving public health and promoting sustainable development. Developments that incorporate TDM strategies in their plans would be able to reduce their parking. Examples include transit passes, carpooling and bicycle lockers. (Staff contact: Nick Britton at 801-535-6107 or nick.britton@slcgov.com).

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at <u>www.slctv.com</u>.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance of the hearing in order to attend. Accommodations may include alternate formats, interpreters and other auxiliary aids. This is an accessible facility. For questions, requests or additional information, please contact the Salt Lake City Planning Office at: 801-535-7757/TDD 801-535-6220.

<u>TMTL2012-00013 Community Based Organizations</u> - A request by Mayor Becker for an amendment to the Salt Lake City Code. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. The amendment will affect sections 2.60 and 2.62 of the Salt Lake City Code. Related provisions of Title 21A- Zoning referencing sections 2.60 and 2.62 may also be amended as part of this petition. (Staff contact: Nole Walkingshaw at (801) 535-7128 or nole.walkingshaw@slcgov.com).

Mr. Nole Walkingshaw, Program Manager, reviewed the petition as presented in the Staff Report (located in the case file). He explained the missing pages that were mistakenly left out of the published PDF file and reviewed what was contained on the pages. Mr. Walkingshaw stated it was Staff's recommendation that the Planning Commission forward a favorable recommendation to the City Council for the petition as presented.

The Commissioners and Staff discussed the requirement for the Community Organizations to register as non-profit Corporations with the State. They discussed the need for that requirement and if it was feasible for small groups. Staff explained the idea for the requirement was to help make the groups be more formalized and structured. The Commission and Staff reviewed the requirement, the possible cost and hassle of requiring groups to meet it.

The Commission and Staff discussed the need to bring all the Community Councils in to compliance with the ordinance and the current requirements for Community Councils. They discussed the ways the City would communicate with the Community Councils and Community Organizations.

The Commission and Staff discussed how boundaries are changed and how they would be addressed with the proposal.

#### PUBLIC HEARING 6:18:08 PM

Chairperson Gallegos opened the Public Hearing.

The following people spoke in opposition to the proposal: Ms. Judy Short, Sugar House Community Council Ms. Cindy Cromer Ms. Amy Barry, Sugar House City Council Mr. Steve Alder, Community Council Member

Salt Lake City Planning Commission November 14, 2012

Mr. Steve Johnson, Fairpark Community Council Ms. Anne Cannon

The following comments were made:

- Sugarhouse Community Council was a 501C3 and has established bylaws
- Letters in the utility bills would help to notify the community of Community Organizations.
- Notice requirement to Community Councils was necessary,
- Accela reports are not enough information
- Table the issue until the process was made clearer
- Not appropriate to identify members of Community Organizations as volunteers as that was not always the case.
- All community involvement was important
- Sugarhouse has been filing yearly the document required by the City Recorder for the last five years.
- Oppose the approving of the ordinance as the policies for how the communities groups will participate are not in place.
- Removal of language that was not necessary was great.
- Removal of the notice provisions would hinder the Public involvement in the process.
- The noticing period needs to be lengthened as 12 days was not long enough to review issues.
- There was a need for additional language regarding the intent on what Community Councils are and how they are recognized by the City.

Chairperson Gallegos closed the Public Hearing.

## DISCUSSION 6:40:45 PM

Mr. Walkingshaw stated the word "volunteer" came from the State code and allowed for the City to offer the Community groups indemnification, as was requested. He stated he was not sure if there was a way to change the wording and still offer that protection.

The Commissioners and Staff discussed the number of Community Council in the City. Staff indicated there are roughly 23 and he had met repeatedly with them regarding this proposal. The Commissioners and Staff discussed the noticing provision for Community Councils and when they should receive that notice for a project. It was stated that if the Community Councils receive the notice of a proposal early in the process it gave the developer a chance to

address the Communities concerns prior to presenting the proposal to the Commission. Mr. Walkingshaw explained the twelve day notice was the legal requirement for a Public Hearing.

Mr. Sommerkorn stated this was a policy and the proposal would require that all divisions in the City develop a written policy of how the notification and involvement process would be conducted. He stated the Planning Commission would have input on the Planning Division's policy as it was developed.

Mr. Walkingshaw stated the ordinance currently stated the Applicant would meet with the Community Council prior to making an application.

The Commissioners stated that was not necessary. Staff stated that was the part that was being struck from the ordinance and the process followed by the Planning Division was not being changed.

The Commissioners asked if Staff agreed that it was premature to adopt the proposal when the rest of the process was still being developed. They asked if there was a reason that this part was being done first.

Mr. Walkingshaw stated Staff could continue to work on their part and get the Commissions opinions however; Staff would like to get comments from the City Council as well. He stated to get all the paperwork together was going to take a lengthy amount of time.

The Commissioners and Staff discussed if the current proposal would work with future changes to the ordinance. Staff stated the current policy could be adopted and made to work with the policies that would be proposed in the future. Staff explained that all groups would be notified of proposals in the City but earlier involvement would be directed to those groups that were specifically affected by a proposal. Staff stated this would happen at a City level to determine who should be involved in the early parts of the process making sure that groups with similar interests or the greatest impacts were involved.

Commissioner Drown asked how many of the current Community Councils were within the minimum requirements and if there were any other groups that were not being recognized.

Mr. Walkingshaw stated Staff felt the current list of Community Councils generally fit the proposed requirements. He stated there were not any organizations that would not comply and if one arose Staff would work with the group to help them meet the requirements.

Commissioner Adams stated she would be in favor of tabling the issue for further review and asked Staff if that was something they would do.

Mr. Walkingshaw stated he would follow the Commission's recommendation.

Commissioner Taylor asked if there were any concerns about it becoming a problem in terms of having special interest becoming more influential then the individual Citizens.

Mr. Walkingshaw stated Staff would work with the individuals that wanted to be involved as a group. He stated they were not looking to restrict involvement to any one group.

Mr. Nick Norris, Planning Manager stated the City feels all input was valuable regardless of where it came from. He stated the role of the ordinance was to help the City make better decisions. Mr. Norris asked the Commission if what they were requesting was that Staff put the policies on paper and include them in the ordinance.

Mr. Sommerkorn stated it was his understanding that the Public would like to see the policies articulated and reviewed prior to the approval of the proposal. He stated the policies would not be part of the ordinance.

Commissioner Fife asked what the benefit would be to an organization, if they went through the proposed process.

Mr. Walkingshaw stated they would get the early notice for the issues. He stated the City recognized the value of these organizations in the process.

The Commissioners discussed the options to table the proposal or send it to the City Council. They discussed what would be approved by the Commission as far as policies were concerned. They discussed the role of Community Councils and other Community Organizations.

#### MOTION <u>7:01:04 PM</u>

Commissioner Woodhead stated regarding petition TMTL2012-00013 the Recognized Community Organization Ordinance, she moved that the Planning Commission table the ordinance until such time as Planning Staff was able to come back to the Planning Commission with policies associated with the ordinance that would give the Planning Commission more information about how the ordinance would work in terms of both

# Community Councils and other organizations specifically with regards to notice and City interaction. Commissioner Flores-Sahagun seconded the motion.

Commissioner Fife asked if the Planning Departments policies were what was being requested or if every City Department was required to have their plan included prior to approval.

Commissioner Woodhead stated she thought the Planning Commission only had authority over the Planning Department.

Mr. Norris stated anything that the City was doing that would require Planning Commission approval would come through the Planning Division in one way or another.

Mr. Walkingshaw asked if the Commission was requesting two definitions for Community Councils and Community based organizations.

Commissioner Woodhead stated that would be an option to bring for consideration.

Mr. Sommerkorn stated that issue could possibly be addressed in the policies as well.

Commissioners Drown, Dean, Adams, Flores-Sahagun, Ruttinger, Taylor and Woodhead voted *"aye"*. Commissioners Wirthlin and Fife voted "nay". The motion passed 7-2.

#### <u>7:04:48 PM</u>

PLNPCM2012-00546 Korean Presbyterian Church - A request by the Salt Lake City Council to amend the Future Land Use Map for the property located at approximately 2018 East 2100 South. The request is to change the master plan designation from Institutional and Public Lands to Very Low Density Residential (less than five dwelling units per acre) to make it consistent with zoning of the property. The property is located in the R-1/12,000 (Single Family Residential) zoning district and is located in Council District #7, represented by Søren Simonsen. (Staff Maryann Pickering at (801) 535-7660 contact: or maryann.pickering@slcgov.com.)

Ms Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated it was Staff's recommendation that the Planning Commission forward a favorable recommendation to the City Council for the petition as presented.

Mr. Søren Simonsen stated he was not speaking for the City Council. He gave a background for the proposal and the unusual nature of the property. Mr. Simonsen stated

# SECONDAMENDED SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA In Room 326 of the City & County Building at 451 South State Street Wednesday, December 12, 2012, at 5:30 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in the Room 126of the City and County Building.

A WORK SESSION is not scheduled for this meeting The regular meeting will start at 5:30 p.m. in Room 326 APPROVAL OF MINUTES FOR NOVEMBER 28, 2012 REPORT OF THE CHAIR AND VICE CHAIR REPORT OF THE DIRECTOR

#### **Briefing**

 <u>PLN2012-00799 Circulation and Streetscape Amenities Plan</u> – A request by Mayor Ralph Becker, in behalf of Salt Lake City, requesting the City adopt the Circulation and Streetscape Amenities Plan for the Sugar House Business District. (Staff contact: Michael Maloy at 801.535.7118 or <u>michael.maloy@slcgov.com</u>).

#### PUBLIC HEARING(S)

#### **Administrative Matters**

- 2. PLNPCM2012-00726 The Front Climbing Club Additional Building Height Conditional Use- A request by The Front Climbing Club, represented by Dustin Buckthal, for a Conditional Use for additional building height in order to accommodate the construction of a tall climbing wall at approximately 1460 S 400 West. The request is for an additional 30 feet, for a total of 90 feet of height. The subject property is located in the CG (General Commercial) zoning district and is located in Council District 5, represented by Jill Remington Love.(Staff Contact: Daniel Echeverria at 801-535-7165 or daniel.echeverria@slcgov.com).
- 3. Petitions PLNPCM2012-00608, PLNPCM2012-00609, PLNSUB2012-00607, and PLNPCM2012-00610 Liberty Heights Fresh - A request by Steven Resublivision amendment and a conditional located at approximately 1290 South 11 or Last. The subject property is zoned R-1/7,000 (Single-Family Residential District) and is located in City Council District 5 represented by Jill Remington Love. (Staff contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com).
- 4. **PLNPCM2012-00785 Salt Lake City Employee Medical Clinic Conditional Use** A request by Salt Lake City Corporation and PEHP for conditional use approval for a proposed medical clinic to be included in the existing office building located at 230 South 500 East. The clinic would be located on the 5<sup>th</sup> floor of the building, which is located in the RO (Residential Office) zoning district and is located in Council District 4, represented by Luke Garrott (Staff contact: Casey Stewart at (801) 535-6260 or casey.stewart@slcgov.com)

#### Legislative Matters

- 5. <u>PLNPCM2012-00360 700 South to 900 South 700 East to 900 East Rezone</u> A petition initiated by the Salt Lake City Council to rezone Approximately 189 Properties Between 700 South and 900 South and 700 East and 900 East.
  - Existing residential properties proposed to be rezoned from Low Density and Moderate Density Multi-Family residential (RMF-30 and RMF-35) to Single and Two Family Residential (R-2).
  - Existing Commercial Properties at 679 East 900 South and 705 East 900 South proposed to be rezoned from Low Density Multi-Family Residential (RMF-30) to Neighborhood Commercial (CN).

• Existing Commercial Properties at 801 South 800 East and 774 East 800 South proposed to be rezoned from Low Density Multi-Family Residential (RMF-30) to Small Neighborhood Business (SNB). The properties are located in Council District 4, represented by Luke Garrott.

(Staff contact: Ray Milliner at ray.milliner@slcgov.com or 801-535-7645).

#### **Unfinished Business**

- 8. <u>PLNPCM2011-00640 Form Based Code for West Temple Gateway</u> The Salt Lake City Planning Commission will consider a petition submitted by Mayor Ralph Becker to amend the Salt Lake City Zoning Title and Map from D-2 Downtown Support District and RMF-75 High Density Multi-Family Residential District to FB-UN1 and FB-UN2 Form Based Urban Neighborhood District for properties located approximately between 700 South Street and Fayette Avenue (975 South), and between West Temple Street and 300 West Street. The purpose of the zoning amendment is to ensure future development will enhance residential neighborhoods and encourage compatible commercial development in compliance with the City Master Plan. Related provisions of Title 21A Zoning may also be amended as part of this petition. The subject properties are located in Council District 4, represented by Luke Garrott, and Council District 5, represented by Jill Remington Love. (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com)
- 9. <u>TMTL2012-00013 Community Based Organizations</u> A request by Mayor Becker for an amendment to the Salt Lake City Code. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. The amendment will affect sections 2.60 and 2.62 of the Salt Lake City Code. Related provisions of Title 21A- Zoning referencing sections 2.60 and 2.62 may also be amended as part of this petition. (Staff contact: Nole Walkingshaw at (801) 535-7128 or nole.walkingshaw@slcgov.com)

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance of the hearing in order to attend. Accommodations may include alternate formats, interpreters and other auxiliary aids. This is an accessible facility. For questions, requests or additional information, please contact the Salt Lake City Planning Office at: 801-535-7757/TDD 801-535-6220.

Appeal of Planning Commission Decision- Any person adversely affected by a final decision of the planning commission may appeal the decision by filing a written appeal with the appeals hearing officer within ten (10) calendar days following the date on which a record of decision is issued.

# SALT LAKE CITY PLANNING COMMISSION MEETING Room 126 of the City & County Building 451 South State Street, Salt Lake City, Utah Wednesday, December 12, 2012

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:33:10 PM . Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Michael Gallegos; Vice Chair Emily Drown; Commissioners Bernardo Flores-Sahagun, Michael Fife, Clark Ruttinger, Marie Taylor and Mary Woodhead. Commissioners Lisa Adams, Angela Dean and Matthew Wirthlin were excused.

Planning Staff members present at the meeting were: Eric Shaw, CED Director; Wilford Sommerkorn, Planning Director; Nick Norris, Planning Manager; Nole Walkingshaw, Program Manager; Nick Britton, Senior Planner; Casey Stewart, Senior Planner;, Michael Maloy, Principal Planner; Ray Milliner, Principal Planner; Daniel Echeverria, Associate Planner and Michelle Moeller, Senior Secretary.

## **FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Chairperson Michael Gallegos; Commissioners Michael Fife, Bernardo Flores-Sahagun, Clark Ruttinger and Mary Woodhead. Staff members in attendance were Nick Norris Daniel Echeverria and Ray Milliner.

The following locations were visited:

- 700 South and 900 South- Staff gave an overview of the proposal. The Commissioners asked if the proposal prevented duplexes. Staff stated lot size determined what could be built, but most lots would not be large enough for duplexes to be constructed.
- West Temple Gateway- Staff identified the driveway, access and use issues.
- Climbing Wall- Staff gave overview of proposal.

# APPROVAL OF THE MINUTES FROM THE November 28, 2012 MEETING MOTION <u>5:34:15 PM</u>

Commissioner Fife made a motion to approve the November 28, 2012 minutes. Commissioner Drown seconded the motion. Commissioners Taylor, Woodhead and Flores-Sahagun abstained. The motion passed unanimously.

# **REPORT OF THE CHAIR AND VICE CHAIR** <u>5:34:52 PM</u>

Chairperson Gallegos stated this was the last meeting of the Planning Commission for the year and wished everyone a happy holiday season. He stated the City Council also held their last meeting for the year on December 11, and asked Mr. Sommerkorn to report on any items that were approved or reviewed by the Council.

Mr. Wilford Sommerkorn, Planning Director, stated the City Council approved the Design Guidelines for the Historic Districts which included the residential, commercial and sign guidelines. He stated the City Council had approved additional areas in the TSA zoning as well as the Signature Books rezone.

Vice Chairperson Drown stated she had nothing to report at this time.

# **REPORT OF THE DIRECTOR** <u>5:36:15 PM</u>

Mr. Wilford, Sommerkorn, Planning Director, stated there were a couple of items previously approved that needed some changes made. He stated there was also a previously approved plan development being modified that Staff wanted to make the Commission aware of. Mr. Sommerkorn asked Mr. Britton and Mr. Joyce to present the subject items.

Mr. Nick Britton, Senior Planner reviewed the wording that needed to be changed in the Parking and Transportation Demand Management ordinance as outlined in the memo given to the Commissioners (located in the case file). He stated the current language would correct the language to be in line with what was intended by the ordinance in the beginning.

The Commissioners stated they understood the proposed changes and the intent of the language.

Mr. Everett Joyce, Senior Planner, reviewed the approved Plan Development for Rowland Hall and explained the three phases of the project. He stated Rowland Hall had requested a temporary use in Phase two and three which would consist of another soccer field and a parking lot both of which are allowed in the ordinance. Mr. Joyce stated the soccer field and the parking lot would be in place until the Applicant was ready to start the second phase of building the gymnasium. He stated the temporary use would be limited to five years at which time the project would be reviewed and re-evaluated.

Mr. Sommerkorn stated the phase two and three areas were shown as grass in the approved petition therefore, their request was not largely changing the proposal and fit within the minor modification provision of the ordinance.

The Commissioners asked about parking in the area and if it would increase the traffic for the neighborhood.

Staff explained the proposed parking lot would alleviate some of the parking that was currently on the street.

The Commission and Staff discussed the parking arrangements for Rowland Hall and how parking would be accommodated after the gym was constructed.

Mr. Sommerkorn reviewed the request by the City Council for Staff to redesign the Master Planning Process and stated Staff had been working diligently on it. He stated Staff would be sending items to the Commission for their comment via email. Mr. Sommerkorn stated a briefing was scheduled for January 8, and asked the Commission to send their comments to Staff prior to this meeting.

Mr. Nick Norris, Planning Manager stated there would be an open house tomorrow December 13, at the City Library to view a short film regarding the changes to downtown and also provide an opportunity for citizens to tell their downtown story. He explained a video log was being created to help establish what the communities' values were for downtown.

The Commission asked if the film was available for public view other than at the Open House.

Staff stated individuals would need to check with KUED for availability.

## BRIEFING 5:47:46 PM

<u>PLN2012-00799 Circulation and Streetscape Amenities Plan</u> – A request by Mayor Ralph Becker, in behalf of Salt Lake City, requesting the City adopt the Circulation and Streetscape Amenities Plan for the Sugar House Business District. (Staff contact: Michael Maloy at 801.535.7118 or <u>michael.maloy@slcgov.com</u>). Mr. Michael Maloy, Principal Planner reviewed the purpose for the proposal and turned the time over to Ms. Hutchinson for a presentation. He stated the proposal would be brought back to the Commission at a later date for approval.

Ms. Robin Hutchinson, Director of Transportation, introduced Mr. John Nepsted, Consultant and Mr. Ed Butterfield, RDA. She reviewed the circulation and Streetscape plan as outlined in the Staff Report (located in the case file).

The Commissioners asked questions regarding how the pedestrian first policy was addressed in the proposal.

Ms. Hutchinson reviewed the recommendations that improved the pedestrian environment in a number of locations.

The Commission and Ms. Hutchinson discussed the effects to the business on 2100 South and if bicycle lanes would be added to the Sugarhouse business district.

The Commission asked when the proposal would be brought before them for approval.

Staff stated it would most likely be at the last meeting in January.

The Commission and Ms. Hutchinson discussed if parking would be available along the street car route. Ms. Hutchinson stated parking would not be provided as the intent was to reduce single occupant vehicles.

# PUBLIC HEARING 6:17:04 PM

<u>PLNPCM2012-00726 The Front Climbing Club Additional Building Height</u> <u>Conditional Use</u>- A request by The Front Climbing Club, represented by Dustin Buckthal, for a Conditional Use for additional building height in order to accommodate the construction of a tall climbing wall at approximately 1460 S 400 West . The request is for an additional 30 feet, for a total of 90 feet of height. The subject property is located in the CG (General Commercial) zoning district and is located in Council District 5, represented by Jill Remington Love.(Staff Contact: Daniel Echeverria at 801-535-7165 or <u>daniel.echeverria@slcgov.com</u>).

Mr. Daniel Echeverria, Associate Planner reviewed the petition as outlined in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission approve the petition as presented. The Commission asked for clarification on the language in the Staff Report that stated there would be a ninety foot climbing wall. They asked if it was a ninety foot building with a smaller wall.

Staff stated the building would enclose the climbing wall and that the Applicant could better address the height of the climbing wall. He stated the building would not be taller than ninety feet.

Mr. Dustin Buckthal, Applicant, and Mr. Rob Merrick, Architect, reviewed the height of the wall and the building and stated the building would not go over the ninety feet.

The Commission asked if there were any foreseen parking issues.

Mr. Buckthal reviewed the available parking and explained additional parking was available on site as well as street parking in the area.

Mr. Merrick stated the proposal met the parking requirements for the building size.

## PUBLIC HEARING 6:22:14 PM

Chairperson Gallegos opened the Public Hearing seeing there was no one present to speak for or against the petition; Chairperson Gallegos closed the Public Hearing.

## DISCUSSION<u>6:22:32 PM</u>

The Commissioners asked about the signage allowed on the site.

Mr. Norris stated the signage regulations for the CG zoning district determine the type and size of signs allowed in the area,

## MOTION <u>6:23:14 PM</u>

Commissioner Fife stated in regards to Conditional Use PLNPCM2012-00726, based on the findings listed in the Staff Report and the testimony given, he moved that the Planning Commission approve the proposed Conditional Use with the five conditions listed in the Staff Report. Commissioner Drown seconded the motion. The motion passed unanimously.

## <u>6:23:55 PM</u>

<u>PLNPCM2012-00785 Salt Lake City Employee Medical Clinic Conditional Use</u> - A request by Salt Lake City Corporation and PEHP for conditional use approval for a proposed medical clinic to be included in the existing office building located at 230 South 500 East. The clinic would be located on the 5<sup>th</sup> floor of the building, which is located in the RO (Residential Office) zoning district and is located in Council District 4, represented by Luke Garrott (Staff contact: Casey Stewart at (801) 535-6260 or <u>casey.stewart@slcgov.com</u>)

Mr. Casey Stewart, Senior Planner reviewed the petition as outlined in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission approve the petition as presented

## PUBLIC HEARING 6:26:38 PM

Chairperson Gallegos opened the Public Hearing seeing there was no one present to speak for or against the petition; Chairperson Gallegos closed the Public Hearing.

## **MOTION** <u>6:26:51 PM</u>

Commissioner Woodhead stated in regards to PLNPCM2012-00785, Conditional Use request by the Salt lake City PEHP Medical Clinic, based on the findings listed in the Staff Report and the testimony given, she moved that the Planning Commission approve the petition subject to the conditions listed in the Staff Report. Commissioner Flores-Sahagun seconded the motion. The motion passed unanimously

## <u>6:27:43 PM</u>

PLNPCM2012-00360 700 South to 900 South 700 East to 900 East Rezone - A petition initiated by the Salt Lake City Council to rezone Approximately 189 Properties Between 700 South and 900 South and 700 East and 900 East.

- Existing residential properties proposed to be rezoned from Low Density and Moderate Density Multi-Family residential (RMF-30 and RMF-35) to Single and Two Family Residential (R-2)
- Existing Commercial Properties at 679 East 900 South and 705 East 900 South proposed to be rezoned from Low Density Multi-Family Residential (RMF-30) to Neighborhood Commercial (CN).
- Existing Commercial Properties at 801 South 800 East and 774 East 800 South proposed to be rezoned from Low Density Multi-Family Residential (RMF-30) to Small Neighborhood Business (SNB).

# The properties are located in Council District 4, represented by Luke Garrott. (Staff contact: Ray Milliner at <u>ray.milliner@slcgov.com</u> or 801-535-7645).

Mr. Ray Milliner, Principal Planner reviewed the petition as outlined in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission forward a favorable recommendation to the City Council for petition PLNCM2012-00360.

# PUBLIC HEARING 6:32:37 PM

Chairperson Gallegos opened the Public Hearing

Ms. Mary Bishop, East Liberty Park Community Council, stated careful review to determine what the best zoning for each block was needed. She stated each street and property needed to be reviewed to determine what was the best use for each area.

Mr. Darryl High, Liberty Park Community Council, stated they were worried about the impacts to the residential uses in the area and how they would be protected. He stated it may impact any growth for the 9<sup>th</sup> and 9<sup>th</sup> business district and future growth for the City as well.

The Commission asked if the Community Council was proposing zoning for single family or multiple family dwellings.

Mr. High stated the Community Council debated the issue at their last meeting as there was room for improvement in the area and some of the properties could be better used if they were allowed to have multiple family dwellings.

Ms. Bishop stated there were so many different types of properties in the area and the blocks were large so it would be a benefit to look at each property as an individual before deciding what it should be zoned.

Commissioner Woodhead asked how the Community Council felt about the proposal to combine lots in order to create larger multifamily dwelling units.

Ms. Bishop stated the Community Council saw each street as an individual zoning issue that needed to be address very carefully and the zoning be flexible.

The following individuals spoke in support of the proposal: Mr. Larry Bishop

The following comments were made:

- The down zone of the general neighborhood would be good for the area and allow for more multifamily homes.
- Leave the zoning on the current multifamily homes as is.

The following individuals spoke in opposition of the proposal: Mr. Jerry Hatch, Mr. Norm Elliott, Ms. Clara McKenna, Mr. John Luker and Mr. Tosh Hatch

The following comments were made:

- Maintaining the low density residential zoning would keep the integrity of the neighborhood, keep if family orientated.
- Parking would be an issue
- Late night business traffic would fuel late activities at Liberty Park which would not be a good thing.
- Keep the home and land values intact.
- Rezoning to high density would change the character of the neighborhood.
- 705 East and 900 South zoning needs to stay low moderate density zoning.
- Proposal would be detrimental to the area.
- Traffic and late hours from the business would cause negative issues in the neighborhood.
- Rezone would be a detriment to the neighboring properties due to noise, parking and activities in the area.
- Single family residents would be better for the area

Chairperson Gallegos asked Staff to readdress the intent of the rezoning.

Mr. Milliner stated the intent was to take subject parcels and rezone them from a multi family zone and reduce them to single and two family zoning. He explained this would allow for single family or duplexes to be constructed, currently if the lot size allowed a multi family or apartment style structure could be constructed.

Chairperson Gallegos asked if this was preserving the integrity of the existing neighborhood.

Mr. Milliner stated yes, that was the intent of the proposal.

The Commission and Staff discussed the commercial zoning in the area and what the proposal would allow. It was stated that the proposal would change the zoning to

neighborhood commercial which would allow for business that would support the neighborhood such as a neighborhood grocery or other small retail type uses with a height limit of twenty five feet. Staff gave examples of other areas that are similar to this zoning.

Chairperson Gallegos closed the Public Hearing.

# DISCUSSION 6:59:15 PM

The Commission stated they had the following concerns:

- After listening to the Public comments it may seem that miss information was sent out.
- Changing the zoning at 705 East 900 South could have a negative effect on the neighborhood.
- What the effect would be of down zoning the housing in the area.
- There was a conflict regarding the 700 East parcels between the community council and the residents. The Council was saying that the lower density zoning on 700 East did not make sense for future use of these properties.
- Higher density residential and lower density commercial had relatively the same impact.
- Single family housing could be successful if it was close to the park.

The Commissioners and Staff discussed how and why this area was chosen for the rezone and if the City Council needed to host meetings with the public to understand the publics concerns before moving ahead with the proposed rezone. Staff stated public outreach had been done and this was the first time he had heard the request for multiple family zoning. The Commission stated they were not certain that the Community had enough information to have an informed opinion on the proposal.

Commissioner Fife stated the comments were directed to the parcel at 705 East and 900 South however, the general feeling was that the public did not want intensification of uses in the neighborhood and this proposal prevented the intensification of uses in the neighborhood.

The Commission discussed possibly tabling the proposal to better inform the public. Staff reviewed the public outreach done for the proposal and the response to the outreach. The Commission stated there was a good response to the petition and the noticing standards were met.

The Commission discussed possible motions and language that could be added to the motion to clarify what was being requested.

The Commission and Staff discussed the zoning of the parcel at 705 East and 900 South, its history and what the proposal was requesting.

## **MOTION** <u>7:15:24 PM</u>

Commissioner Woodhead stated in regards to the Zoning Map Amendment PLNPCM2012-00360, She moved that the Planning Commission forward a positive recommendation for the zoning map amendment to the City Council with the exception that the property at 705 East 900 South be zoned small neighborhood business as opposed to the zoning proposed in the Staff Report. She stated the motion was based on the testimony, plans presented, and the findings written in this staff report. Commissioner Fife seconded the motion. Commissioners Fife, Ruttinger, Taylor and Woodhead voted "aye". Commissioners Drown and Flores-Sahagun voted "nay". The motion passed 4-2.

#### <u>7:16:45 PM</u>

PLNPCM2011-00640 Form Based Code for West Temple Gateway - The Salt Lake City Planning Commission will consider a petition submitted by Mayor Ralph Becker to amend the Salt Lake City Zoning Title and Map from D-2 Downtown Support District and RMF-75 High Density Multi-Family Residential District to FB-UN1 and FB-UN2 Form Based Urban Neighborhood District for properties located approximately between 700 South Street and Fayette Avenue (975 South), and between West Temple Street and 300 West Street. The purpose of the zoning amendment is to ensure future development will enhance residential neighborhoods and encourage compatible commercial development in compliance with the City Master Plan. Related provisions of Title 21A Zoning may also be amended as part of this petition. The subject properties are located in Council District 4, represented by Luke Garrott, and Council District 5, represented by Jill Remington Love. (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com)

Mr. Michael Maloy, Principal Planner reviewed the petition as outlined in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission forward a favorable recommendation to the City Council for petition PLNCM2011-00640.

The Commission asked Staff to review the comments from Mr. Jamison.

Mr. Maloy stated the comments were sent in a letter to the Commission regarding a number of uses that were allowed in the D2 zone that would no longer be allowed in the FBUN2 zone. He stated Mr. Jamison was requesting that those uses be reintroduced as Conditional Uses in the proposed zone.

Chairperson Gallegos stated the public hearing for this item was held on October 24, 2012, he asked the Commission for discussion regarding the vehicle access and opening up the public comment regarding vehicle access in the area.

The Commission agreed to open the public hearing.

# PUBLIC HEARING 7:40:49 PM

Chairperson Gallegos opened the public hearing for comments regarding vehicle access. He stated this was not the last time public comments would be heard and explained that the City Council would take public comments when this petition was heard at their meeting.

The following individuals spoke to the proposal: Mr. Paul Christensen, Mr. Will Jamison, Mr. Reid Jacobson

The following comments were made:

- Restrictions on parking and access would restrict the uses of the properties on 300 West.
- Snow removal in the alleys would be difficult.
- People in the alleys would be more dangerous than people walking on a sidewalk with a curb cut.
- There are conflicts in existence currently regarding required setbacks.
- More time needs to be spent in determining what can be done on the properties in the area.
- The narrow widths of the lot limited the ability to access properties from the alley and provide adequate off street parking
- Some parking should be required for all properties.
- Access from only the alley way was not ideal.
- Access from the street should be allowed for optimal parking and use of the property.
- Cub cuts would not be a hindrance to the pedestrian use of the area but would better serve the businesses in the area.
- Option 3 would be the most ideal option for the area

The Commission asked for clarification on option 3.

Staff reviewed Option 3 and its aspects as outlined in the petition.

Chairperson Gallegos closed the Public Hearing.

Mr. Maloy explained there would be pedestrian access to the properties on 300 West and on street parking allowing access to the businesses. He stated the reason this was an RDA exercise was to change what was there as it was not presently working. Mr. Maloy stated the goal was to create a walkable neighborhood with pedestrian friendly businesses.

Commissioner Woodhead stated she was not convinced that the proposal was optimal for 300 West as it was a vehicle friendly street. She stated the notion that people could not pull off of 300 West in to a business seemed a little bit of a stretch. Commissioner Woodhead stated this proposal would work on other streets in the neighborhood and on the interior streets but not on 300 West. She reviewed the existing business on the street, the access that was currently in place and stated requiring a new business to have different access did not seem ideal.

Audience members stated they were under the impression that the Public Hearing was still open for the proposal and asked the Commission to let them speak.

Chairperson Gallegos stated there would be a Public Hearing at the City Council meeting where further issues could be addressed.

It was asked when the City Council meeting would be held.

Mr. Sommerkorn stated the time and date of the meeting would be determined by the City Council. He stated the soonest it would be heard would be around February of 2013.

The Commissioners stated they were not ready to forward a recommendation on the proposal as there were small issues such as parking on 300 West and what Conditional Uses would be allowed in the zoning. They asked if the item should be tabled and further discussion held to clarify the concerns.

Mr. Norris stated based on what had been heard and the additional Public Comments it would be Staffs preference to hear the rest of the concerns of the public so that we can work out the issues prior to moving ahead with approval. He stated requiring alley access was a big change for the City that we may not be ready for but other options could be put in place. Mr. Norris stated 300 West as it was today would not remain as such in the future and would eventually be changed to a pedestrian orientated street.

Chairperson Gallegos stated the item was tabled for Staff to provide additional information that was requested by the Commission, it was not a continuation of the Public Hearing. He stated Staff had returned with the information however, there were still some things that needed clarification and discussion. Chairperson Gallegos asked the

Commission what they would like to do at this point, open up the Public Hearing, table the issue or make a motion to forward a favorable recommendation to the City Council.

Mr. Sommerkorn stated the individuals that did not get a chance to speak could send their comments to Michael Maloy to incorporate them into the proposal.

The Commission stated they were comfortable with opening the Public Hearing to address the additional concerns.

## MOTION <u>8:09:34 PM</u>

Commissioner Fife made a motion to reopen the public hearing. Commissioner Taylor seconded the motion. Commissioners Taylor, Fife, Ruttinger, and Drown voted "Aye". Commissioners Woodhead and Flores-Sahagun voted "nay". The motion passed 4-2.

#### PUBLIC HEARING 8:10:36 PM

Chairperson Gallegos opened the Public Hearing.

The following individuals spoke in opposition of the proposal: Mr. Abe Shaw, Mr. Mark Broadbent, Mr. Will Jamison and Mr. Rich Broadbent. The following comments were made:

- The proposal was written for future development and did not take existing business owners into consideration
- Incorporate existing businesses into the plan and review what would be best
- Proposed zoning was to limited
- Food processing should be added back in as a use
- Proposal was to restricting to uses and possible business in the area
- Current uses not in the proposal need to be added as Conditional Uses
- Businesses just want to continue and possibly expand if needed

Chairperson Gallegos closed the Public Hearing.

#### DISCUSSION

The Commission and Staff discussed the area that was covered by the proposal.

The Commission gave the following direction to Staff:

- Add food processing back into the proposal as a use.
- Review a combination of both alley and street access.
- Review the parking availability and requirements.

#### MOTION <u>8:25:20 PM</u>

Commissioner Fife stated in regards to PLNPCM2011-00640, he moved to table the petition to a future Planning Commission meeting until a time that was determined by Staff. He stated the future meeting would not include a Public Hearing but would be to hear updates on the requested changes. Commissioner Flores-Sahagun seconded the motion. The motion passed unanimously

#### <u>8:33:49 PM</u>

TMTL2012-00013 Community Based Organizations - A request by Mayor Becker for an amendment to the Salt Lake City Code. The purpose of this revision is to create a framework by which the people of the City may effectively organize into community associations representing a geographic neighborhood or area, or area of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. The amendment will affect sections 2.60 and 2.62 of the Salt Lake City Code. Related provisions of Title 21A- Zoning referencing sections 2.60 and 2.62 may also be amended as part of this petition. (Staff contact: Nole Walkingshaw (801) 535-7128 at or nole.walkingshaw@slcgov.com)

Mr. Nole Walkingshaw, Program Manager reviewed the petition as outlined in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission forward a favorable recommendation to the City Council for petition PLNCM2012-00013.

Staff and the Commission discussed the term Community Council, its purpose in the ordinance and the importance of having it recognize a variety of organizations. They discussed how the organizations would be notified and who would get notification.

#### MOTION8:44:22 PM

Commissioner Drown moved to open the Public Hearing. Commissioner Taylor seconded the motion. The motion passed unanimously.

# PUBLIC HEARING 8:44:46 PM

Chairperson Gallegos opened the Public Hearing

Ms. Ester Hunter, Central City Community Council, expressed the following:

- Need to expand the definition of Community Councils,
- The early notice on all application is key to public involvement,
- Community Councils represent neighborhoods and communities as an entity,
- All Community Council feedback is not equal; encourage feedback standard be kept such as
  - When was notice given to neighborhood
  - How feedback was taken
  - How many in meeting what were the comments

Ms. Hunter explained the way the Central City Community Council notifies the public of items and how they get people involved in the process.

Ms. Judy Short, Sugar House Community Council, stated it was important to let people know what was happening in the city and the Community Councils are a way to do that. She stated an email notifying the Community Councils of applications could be sent. Ms. Short stated Open City Hall was not the best resource; they would like the Planner to meet with Community Councils at the beginning of the process.

Commissioner Flores-Sahagun stated the Community Council should discuss their issues with the Developer during the review period.

Mr. Walkingshaw explained the pre-application meetings that were held where issues could be addressed however, all the details may not be discussed at these meeting or the projects may never come about. He stated the best time to start the conversation was when the application was deemed complete and ready to be processed.

The Commission and Staff discussed the options for notifying the Community Councils by email and at what time it would happen during the process.

Chairperson Gallegos closed the Public Hearing.

The Commissioners and Staff discussed the requirement for Community Councils to reach out to individuals in order to encourage them to be involved in organizations and agreed this would be done by the City not the individual Community Councils. They discussed the notification and participation for items and its difficulty.

#### **MOTION** <u>9:02:47 PM</u>

Commissioner Drown stated in regards to TMTL2012-00013, based on the findings listed in the staff report and testimony, she move that the Planning Commission transmit a favorable recommendation to the City Council. Commissioner Woodhead seconded the motion. Commissioners, Drown, Woodhead, Flores-Sahagun and Fife voted "aye". Commissioner Taylor voted "nay" The motion passed 4-1.

The meeting adjourned at <u>9:03:48 PM</u>

6. ORIGINAL PETITION