



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: April 11, 2023

**RE: Text Amendment: Early Notification
PLNPCM2016-00300**

PROJECT TIMELINE:

Briefing 1: February 4, 2020
Briefing 2: April 11, 2023
Set Date: February 4, 2020
Public Hearing: March 3, 2020
Potential Action: March 24, 2020

ISSUE AT-A-GLANCE

The Council will be briefed about a proposal that would change various sections of the *Salt Lake City Code* relating to early notification of the public and recognized community organizations for land use projects. Title 21A (Zoning Ordinance), Title 2-Chapter 2.60 (Recognized Community Organization Ordinance) would be amended.

This petition would move all Planning and zoning-related issues out of 2.60-Recognized Community Organizations and put them into 21A – Zoning. There are a few outstanding questions about the items proposed to remain in 2.60 as noted in the memo below (*Potential Changes to Chapter 2.60 - Recognized Community Organizations*)

Please note it has been three years since the initial briefing for this item. It was first briefed in February 2020. Due to several circumstances, Council staff has not been able to put back on the agenda until now. Two public hearings were held in October of 2020. The Council continued the public hearing so the public could comment on potential new information and changes to the draft ordinance. Because of the time that has passed the April 11, 2023 briefing will be conducted as though this is being heard for the first time.

The Council initiated this petition to clarify early notification regulations for public outreach. The proposed changes are intended to increase awareness and participation by the public while providing a timely review process for applicants.

The Planning Commission forwarded a positive recommendation to the Council.

Outline of Staff Report

- Outline the outstanding policy questions. - Pages 2-3
- Summary of previously requested changes 3-5
- Outline of proposed changes - Pages 5-9 (*for those not familiar with this proposal, it may be helpful to read this section first*)

Outstanding Policy Question

Current early notification requirement language requires the city to provide notification for any changes to city code, such as budget adoption and amendments. This could create some potential unintended processing delays for the City. Staff was asked to provide options for the council to consider that would address this issue for certain Council actions. See the section below titled *Potential Changes to Chapter 2.60 - Recognized Community Organizations*, pages 4-5, for a full discussion of the issue.

- **Staff prepared options for the Council to consider in order to move forward with this zoning amendment:**
 1. Adopt the following list in the Chapter 2.60 and then Departments/Divisions would be responsible to meet these conditions. (*The zoning related items are proposed to be moved to Title 21A-Zoning*)
 - City code amendments that change ordinances related to obtaining a permit or licenses issued by the City.
 - Major changes to street capacity or travel modes, including but not limited to, changes to the transportation master plan.
 - Major upgrades or changes to a public facility or structure's, function, access and purpose and amending or adopting a master plan.
 - New construction of major public facilities and structures
 2. Request all city departments and divisions adopt an early notification policy within one year of adoption of this ordinance
 - This may be helpful because it would allow the departments/divisions to identify the issues they deal with that need early engagement.
 - The Council could provide some general direction on what they think would need early notification such as:
 - City code amendments that change ordinances related to obtaining a permit or licenses issued by the City.
 - Major changes to street capacity or travel modes, including but not limited to, changes to the transportation master plan.
 - Major upgrades or changes to a public facility or structure's, function, access and purpose and amending or adopting a master plan.
 - New construction of major public facilities and structures
- **The proposed ordinance provides the following exemptions from the early notification process:**
 - a. Amendments related to recently enacted legislation if the code amendment are:
 - i. subject to an adoption deadline or action date set forth in the legislation;
 - ii. related to funding City-related projects; or
 - iii. Are necessary for essential City functions.

- b. A temporary land use regulation meeting the requirements of Utah Code Section 10-9a-504 or its successor.
- c. City code amendments proposed to respond to a natural disaster or other emergency potentially affecting the safety or well-being of individuals.
- d. City code amendments to mitigate the City's exposure to liability where prompt action is reasonably necessary.
- e. The timeframe for the early notification process identified in Sections 21A.10.015.C 1 and 2 may be modified where a land use applicant requests in writing that a decision be made as per Section 10-9a-509.5 (or its successor) of the Utah Code.

Administrative staff recommended the following exemption be added to the list:

- Any land use project where an existing federal or state law or regulation sets a deadline timeline requires a decision or action which would place the requirements of this chapter in direct conflict with the federal or state law.

Currently there are not exemptions from the notification process

- *Does the Council support including these exemptions from the early notification process?*
- *Does the Council support including the recommendation pertaining to State and Federal laws and regulations?*

February 4, 2020 Work Session Requested Changes

During the work session briefing, Planning staff told the Council there were a few changes that needed to be made to the final ordinance. These were identified after the ordinance was transmitted. Council Members were supportive of including these changes. Attached A is the updated ordinance with the proposed changes. Those changes are identified below with the red underlined text.

1. During the briefing Council Member Johnston expressed concern that a public hearing might be held very early in the process. Staff has suggested the following language to ensure a public hearing would not be held any sooner than 14 days after the early notification was sent.

Page 3 - Early Notification: The city shall provide notice of a pending land use application to the individuals stated in this section. The city shall provide at least forty-five (45) days for the recipients of the notice to provide comment on the pending land use application before a decision approving or denying the application is made by the applicable land use authority, or recommendation is made if the approval authority is the city council. **No public hearing shall be held sooner than fourteen (14) days after the notice has been provided.**

2. Clarify notice the City's GIS will be used to identify the property owners and tenants who will receive the notification

Page 3 - Property owners and tenants within three hundred feet (300') of property subject to a pending land use application **utilizing available information from Salt Lake City geographic information system records.** City-wide zoning map amendments are exempt from this requirement.

3. Clarify that a community outreach event may be held instead of a meeting of the recognized community organization as long as it meets the requirements listed

Page 5-6 - The city will schedule the item for an outreach event to educate, engage, and receive input from the public. An outreach event will be held **instead of the recognized community organization meeting** when:

- (1) A recognized community organization does not respond within fourteen (14) days of when the notice of pending land use application was sent as to whether it wants to review the matter,
 - (2) Within fourteen (14) days of receiving the notice of pending land use application, the recognized community organization does not schedule the item for a recognized community organization meeting;
 - (3) The recognized community organization will not meet within forty-five (45) days of receiving the notice from the city;
 - (4) The project is within six hundred feet (600') of the boundaries of another recognized community organization's district;
 - (5) The subject property is located west of 2200 West;
 - (6) The project is a master plan or master plan amendment that impacts multiple recognized organizations;
 - (7) The project is a text amendment to the zoning ordinance.
4. Clarify notice the City's GIS will be used to identify the property owners and tenants who will receive the notification for the community outreach event. The notification will include the type of event, how to participate, and the event location.

Page 6 - The City will also notify the public, property owners and tenants within three hundred (300') feet of subject property, and recognized community organizations who may be affected by the project or who have specifically requested notification of the outreach event for those situations noted in section 2a. of this subsection. **Notices will be sent utilizing available information from Salt Lake City geographic information system records. The notice shall include information detailing the type of outreach event, how to participate, when it will occur and the location if applicable.**

5. Clarify that mailings for public hearings are for properties within 300' of the property line and the City GIS system will be used to identify the property owners and tenants who will receive the notification

Page 6-7: Mailing For Public Hearing: Notice by first class mail shall be provided: a minimum of twelve (12) calendar days in advance of the public hearing to all owners and tenants of the land as shown on the Salt Lake City geographic information system records within three hundred feet (300') from the **property line** subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the property line subject to an application for sexually-oriented business requiring conditional site plan review pursuant to Chapter 21A.36 if this title. 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. Notice by first class mail for zoning text amendments shall only be required if a notice requesting the mailing is received by the planning director.**

6. An Outreach Event is given a more robust definition:

Page 12: Outreach Events: Outreach events are opportunities for members of the public to learn about and provide comments on land use applications and proposed amendments to land use regulations. An outreach event includes but is not limited to an open house, online forums, presentations at community events, social media posting and dialogue, or other events determined appropriate by the planning director. These events are used to expand involvement opportunities for community members by providing a chance to ask questions and provide comments on an issue or have involvement in the decision-making process.

Potential Changes to Chapter 2.60 - Recognized Community Organizations

The proposed ordinance would copy portions of Chapter 2.60 - Recognized Community Organizations, related to public noticing and codify them in title 21A-Zoning. However, Chapter 2.60 would largely remain in effect.

Section 2.60.50 outlines the responsibilities of the city pertaining to noticing the public on city actions/projects. The Attorney's Office notes current ordinance requires the city to notify the applicable recognized community organization chair(s) for the following types of projects. Most of these are planning-related; however, the highlighted items have a much wider impact.

- Alley vacation
- City Code amendments
- Conditional use
- Demolition of contributing principal buildings located within a local historic district or landmark sites
- Major changes to street capacity or travel modes
- Major upgrades to public facilities and structures
- Master Plan amendment or policy amendments to be adopted by the City Council
- Master Plan or policies to be adopted by the City Council
- New construction of major public facilities and structures
- Planned development
- Zoning map amendment

The following notification requirement applies to these changes listed above:

The recognized community organization Chair(s) have forty-five (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 forty-five (45) day period. Where a project is within six hundred feet (600') of the boundaries of another recognized community organization's 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.

This means, any changes to city code, such as budget adoption and amendments, must follow this early notification requirement.

The provision, “All City Code Amendments” and other highlighted sections are not included in the proposed new ordinance for 21A. Planning staff has proposed only including the changes related to zoning/planning issues.

Since the petition is currently before the council, it is possible for the Council to further amend Chapter 2.60. For example, the requirement to notice “city code amendments” could be removed, amended or some exceptions could be added. *Planning staff included three exceptions to the early notification process that will apply to land use items: Recently enacted legislation, temporary land use regulations changes due to natural disaster or other emergency situations.*

If the Council would like to discuss potential changes to this Chapter, it is possible to move forward by adopting the ordinance as related to 21A, but keep the petition to address potential changes to Chapter 2.60 open.

ADDITIONAL INFORMATION

After the Planning Commission forwarded their positive recommendation, the Attorney’s Office noted a few edits to the language needed to be made. Most are grammatical and intended to make the ordinance more understandable.

Planning Staff will give a short summary of those changes during the work session briefing. Additionally, Council staff will review those changes and if any items that need further review, staff will bring it to the Council’s attention via email.

Summary of Changes

Planning Staff provided the following table which outlines the proposed changes compared to the current ordinance.

Early Notification Text Amendment – Revision Summary

Topic	Current Language	Proposed Changes
<i>Notification requirements for land use applications</i>	The current ordinance is vague and is not clear on land use notification requirements.	Create new section within the Zoning Ordinance to address public engagement/early notification requirements
<i>What Requires Early Notification?</i>	<p>The following applications currently require early notification:</p> <ul style="list-style-type: none"> • Alley Vacations • Changes to City Regulations • Conditional Uses • Demolition of contributing structures in local historic districts and Landmark Sites • Master Plans and Master Plan Amendments • Planned Developments • Re-zonings 	<p>Proposed changes include the existing list with the addition of the following:</p> <ul style="list-style-type: none"> • Design Review (depending on scope of review) • New Construction of principal structures for multi-family and non-residential uses in local historic districts

<i>Engagement Period</i>	No public hearing or decision can be held/made within the 45-day period.	No decision could be made within 45-day period, but a public hearing or briefing could be held.
<i>Notice to stakeholders</i>	Only requires notice to recognized community organizations	Requires notice to: <ul style="list-style-type: none"> • Applicable recognized community organization(s) • Property owners within 300 feet of subject property • Additional stakeholders may be noticed given type of application and potential impacts
<i>Posting of property</i>	Sign posting is not required when an application is received.	Once a complete application is received, City would post a sign on the subject property giving notice of the pending land use application with instructions on how to obtain additional information
<i>Response from recognized organizations</i>	Recognized organizations are not required to notify the city whether or not they would like to review the project.	Recognized organizations would be required to let the City know within 14 days of receiving the notice whether they would like to review the project.
<i>Engagement activity (recognized organization meeting v. open house/outreach event)</i>	A recognized organization meeting or open house would be held for certain projects. If a recognized organization does not schedule the item for a meeting, no additional engagement activity is required.	A recognized organization meeting or open house would be held for certain projects. If a recognized organization does not schedule the item for a meeting within 14 days, the item would be scheduled for a city-sponsored outreach event.
<i>Outreach event</i>	Current language states an open house can be held in certain circumstances.	Updates “open house” to “outreach event”. New definition created for an “outreach event” that will allow city staff to use best engagement practices given the scope of the project and will not limit the City to only hold “open houses”.
<i>Open House Notices</i>	Open house notices are not required to be sent to property owners and tenants within 300 feet of the subject project.	Open house notices would be sent to all property owners and tenants within 300 feet of the subject project.
<i>Exceptions</i>		List of exceptions added such as items subject to adoption deadline, items responding to emergency situations.

<i>Language clarification</i>		Minor changes to clarify language in various chapters in zoning code. Language clarification and reference changes.
<i>Subdivision clarifications</i>	Regulations are unclear regarding notice to recognized organizations.	Remove the requirements for subdivision processes. Subdivisions under state law are very technical in nature, if they meet technical aspects, it must be approved. Street/alley closures or vacations will still require notice to recognized community organizations.

Process Flow Chart

Attachment B, of the Planning Commission staff report includes the following flow chart that outlines the Early Notification process.



