



7505 S Holden Street
Midvale, UT 84047
801-567-7200 ext. 1022
Midvale.Utah.gov

**Midvale Planning Commission Meeting
Notice and Agenda
October 14, 2026
6:00 p.m.**

Public notice is hereby given that the Midvale City Planning Commission will consider the items listed below during their regularly scheduled meeting on Wednesday, October 14, 2026, at 6:00 p.m. This meeting will be held in person at Midvale City Hall, 7505 S Holden Street, Midvale, Utah or electronically with an anchor location at Midvale City Hall, 7505 S Holden Street, Midvale, Utah. The meeting will be broadcast at the following link:
Midvale.Utah.gov/YouTube.

Midvale City Staff publishes a packet of information containing item specific details by 6:00 p.m. the Thursday prior to the meeting date on the [Planning Commission Agendas & Minutes](#) page. The QR code included on the right will also take you to this webpage.



Public comments for Public Hearing items may be done in person on the scheduled meeting date, submitted electronically on the Agendas & Minutes webpage, or by emailing planning@midvaleut.gov by 5:00 p.m. on October 13, 2026 to be included in the record.

I. Pledge of Allegiance

II. Roll Call

III. Minutes

- a. Review and Approval of Minutes from the September 23, 2026 Meeting.

IV. Public Hearing

*If items marked with ** are forwarded, the City Council will hear them on November 17, 2026 after 6 p.m.*

- a. **Midvale City initiated zoning code text amendment amending Title 17 to prohibit halfway houses/residential reentry centers. *[Elizabeth Arnold, Senior Planner]*
- b. **Midvale City initiated zoning code text amendment to Sections 17-2-1, 17-3-14, and 17-5-4 updating provisions to align with Utah State Code related to adversely affected parties and appeal standing. *[Daniel Van Beuge, Deputy City Attorney]*

V. Staff Update/Other Business

- a. Planning Department Report/Training.

VI. Adjourn

All meetings are open to the public; however, there is no public participation except during public hearings. Members of the public will be given an opportunity to address the Commission during each public hearing item. The Commission reserves the right to amend the order of the agenda if deemed appropriate. No item will be heard after 9:30 p.m. without unanimous consent of the Commission. Items not heard will be scheduled on the next agenda.

A copy of the foregoing agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at Midvale.Utah.gov and the State Public Notice website at <http://pmn.utah.gov>. Commission Members may participate in the meeting via electronic communication. Commission Members' participation via electronic communication will be broadcast and amplified so all Commission Members and persons present in the Council Chambers will be able to hear or see the communication.

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the Community Development Executive Assistant at (801) 567-7211, providing at least three working days' notice of the meeting.



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Midvale City
PLANNING AND ZONING COMMISSION
Minutes
23rd Day of September 2026
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR: Michael Edwards

COMMISSION VICE CHAIR: Shane Liedtke

COMMISSION MEMBERS: Robyn Anderson
Candace Tippetts
Chase Brauchie

STAFF: Adam Olsen, Community Development Director
Katie Thorne, Community Development Exec. Assistant
Daniel Van Beuge, Deputy City Attorney
Wendelin Knobloch, Planning Director
Elizabeth Arnold, Senior Planner
Jonathan Anderson, Planner II
Matthew Pierce, IT Director

REGULAR MEETING

Chair Edwards called the Planning & Zoning Commission meeting to order at 6:00 p.m. He explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; the item will be opened to the public for their comments on public hearing agenda items; the Midvale Deputy City Attorney will then brief the Commission on their role on the given item; and then the Commission would deliberate and decide.

ROLL CALL

Chair Edwards	Present
Vice Chair Liedtke	Present
Commissioner Tippetts	Present
Commissioner Anderson	Present
Commissioner Erickson	Excused
Commissioner Brauchie	Present

MINUTES

1. REVIEW AND APPROVE MINUTES OF AUGUST 26, 2026.

MOTION: Vice Chair Liedtke MOVED to approve the minutes of August 26, 2026. SECONDED by Commissioner Anderson. Chair Edwards called for a voice vote.

The motion passed unanimously with all voting in favor.

PUBLIC HEARINGS

1. Midvale City Initiated zoning code text amendment to Section 17-7-1.4 in the Single Family Residential-1 Zone of the Midvale Municipal Code for corner lot exceptions to permit garages to encroach into front setbacks.

This amendment proposes to add language to the front setback exceptions in the SF-1 Zone to allow garages to encroach into the front setback on one side in certain instances. This language is based on exceptions that were adopted in 2022 that permit single car garages or carports to be expanded into the side yard setback if specific conditions can be met. It will harmonize the language for some of the conditions that are shared between the existing side yard exception and the new language for the front yard exception.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

-ZONING CODE AMENDMENT CRITERIA-

Midvale City Code 17-3-1(F) outlines the criteria necessary for amendments to the zoning code. A proposal may only be approved if it demonstrates one or more of the following:

1. The proposed amendment promotes the objectives of the general plan and purposes of this title;
2. The proposed amendment promotes the purposes outlined in Utah State Code 10-20-101;
3. The proposed amendment more clearly explains the intent of the original language or has been amended to make interpretation more straightforward; or
4. Existing zoning code was the result of a clerical error or a mistake of fact.

Staff finds that the proposal meets the second criteria listed above by meeting (i) and (k) of Utah State Code 10-20-101(1). This zoning code text amendment would provide fundamental fairness in land use regulation-(i) and protect property values-(k) of single family homes that otherwise could not have a two-car garage with standard setbacks.

STAFF RECOMMENDATION:

Staff advises that the Planning Commission recommend approval of the text amendment to the City Council with the following finding:

Findings:

1. The amendment complies with Midvale City Code 17-3-1(E)(1).

APPLICANT:

No Comment.

PUBLIC HEARING:

No Comment.

MOTION: Commissioner Tippetts MOVED to close the public hearing. The motion was SECONDED by Vice Chair Liedtke. Chair Edwards called for a voice vote. The motion passed unanimously with all voting in favor.

DISCUSSION:

Commissioner Brauchie requested clarification regarding the required angle for intersecting property lines.

Jonathan Anderson, Planner II, explained that the specified angle requirement is intended to allow property owners to make more effective use of available yard space and to minimize the creation of unusable areas resulting from unique roadway alignments or canal configurations in order for older structures to have a standard two car garage that is typical of new houses constructed.

Chair Edwards requested clarification regarding the number of properties within Midvale City that could be affected by the proposed text amendment.

Jonathan Anderson stated that the proposed text amendment would likely apply to only a limited number of properties; however, Staff has not calculated a specific number of affected properties.

MOTION: Commissioner Tippetts MOVED that we recommend approval of the zoning code text amendment as provided in the attachments, with the finding noted in the staff report. The motion was SECONDED by Vice Chair Liedtke. Chair Edwards called for a roll call vote. The vote was as follows:

Chair Edwards	Yes
Vice Chair Liedtke	Yes
Commissioner Tippetts	Yes
Commissioner Anderson	Yes
Commissioner Brauchie	Yes

The motion passes unanimously.

DISCUSSION

1. Discussion on a General Plan Update.

Adam Olsen, Community Development Director, introduced the proposed update of the Midvale City General Plan. He explained that the current effort is focused primarily on updates to the Land Use Element and outlined the purpose and scope of the proposed amendments.

Byron Head, Paulo Aguilera, and Britton Corbett, representatives from the Wasatch Front Regional Council (WFRC) and University of Utah Master's student, presented an overview of the ongoing update to the City's General Plan Land Use Element. The presentation included a review of existing plans, current socioeconomic and land use conditions, housing trends, employment and commuting patterns, and a preliminary fiscal land use analysis. Staff explained that the project will further evaluate identified opportunity areas, incorporate recently adopted plans, and develop implementation strategies to guide future growth and redevelopment.

They reviewed key planning themes identified through previous planning efforts, including housing choice, economic vitality, neighborhood stability, multimodal transportation, community identity, environmental resilience, and inclusion. They also presented existing conditions data showing projected population and employment growth, demographic trends, housing characteristics, and employment activity within the City. A housing gap analysis was presented, identifying housing supply and affordability challenges across multiple income levels, along with a preliminary review of the fiscal impacts associated with various land use patterns.

Chair Edwards requested clarification regarding Midvale City's proportion of renter-occupied housing compared to surrounding communities.

Paulo Aguilera explained that while specific comparative figures have not been calculated as part of this update during the presentation, previous analyses have shown that Midvale has a notably higher proportion of renter-occupied housing than many neighboring jurisdictions.

Commissioner Brauchie inquired whether there are established benchmarks or reference standards identifying an ideal balance between renter-occupied and owner-occupied housing for a community of Midvale's size.

Paulo Aguilera and Byron Head explained that there is no universally accepted or objective ratio. They continued by expressing that both housing types provide distinct benefits and that an appropriate balance depends on community goals and priorities.

The Wasatch Front Regional Council staff also included considerations related to housing stability, flexibility, and the ability for residents to remain within the community through various stages of life. They also reviewed employment and commuting patterns, including the movement of workers into and out of Midvale City. The presentation concluded with an overview of the project schedule, including upcoming public engagement efforts, preparation of an existing conditions report, and future updates to the Planning Commission and City Council.

Commissioner Tippetts was excused from the meeting at 6:53 p.m.

STAFF UPDATE/OTHER BUSINESS

1. Planning Department Report
 - a. Valuable sessions attended and things learned at the recent APA Conference.
 - i. Tour of the Lagoon Amusement Park.
 - ii. Use of AI in Planning.
 - iii. UDOT Trail Session.
 - iv. New Visitor Center at Antelope Island.
 - v. How the Great Salt Lake deals with Water Level Difficulties and other Environmental Impacts.

ADJOURN

Chair Edwards made the motion to adjourn 7:05 p.m. No one opposed. The meeting adjourned at 7:05 p.m.

Katie Thorne, CD Executive Assistant

Approved this ____ day of ____ 2026.



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MIDVALE CITY PLANNING COMMISSION STAFF REPORT 10/14/2026

SUBJECT

Midvale City initiated zoning code text amendment amending Title 17 to prohibit halfway houses/residential reentry centers.

SUBMITTED BY

Elizabeth Arnold, Senior Planner

BACKGROUND AND ANALYSIS

As a result of community concerns, City staff began reviewing the City's existing zoning regulations related to residential facilities providing transitional housing to individuals transitioning from incarceration to community living. The review was initiated following concerns regarding the use of residential properties for this type of housing and the potential for similar uses to occur within residential zoning districts.

As part of this review, staff is proposing to add definitions for three related terms to the City's zoning code: "halfway house," "community correctional center," and "residential reentry center." The proposed definitions are intended to provide clarity regarding the types of residential facilities that provide housing and services specifically to individuals transitioning from incarceration.

Under the City's zoning regulations, uses that are not specifically identified as permitted or otherwise allowed within a zoning district are not permitted within that district. Currently, the zoning code does not specifically define or identify halfway houses, community correctional centers, or residential reentry centers as land uses. By establishing definitions for these uses, the City can clearly identify and distinguish them within the zoning code. Because these uses are not identified as permitted uses in any zoning district, they would not be permitted.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

-ZONING CODE AMENDMENT CRITERIA-

Midvale City Code 17-3-1(F) outlines the criteria necessary for amendments to the zoning code. A proposal may only be approved if it demonstrates one or more of the following:

1. The proposed amendment promotes the objectives of the general plan and purposes of this title;
2. The proposed amendment promotes the purposes outlined in Utah State Code 10-20-101;
3. The proposed amendment more clearly explains the intent of the original language or has been amended to make interpretation more straightforward; or
4. Existing zoning code was the result of a clerical error or a mistake of fact.

Staff finds that this proposal meets the third criteria listed above because the proposed amendment provides greater clarity and specificity regarding uses that provide residential housing and services to individuals transitioning from incarceration. By establishing definitions for “halfway house,” “community correctional center,” and “residential reentry center,” the amendment makes the application and interpretation of the existing zoning regulations more straightforward and clearly identifies these uses within the zoning code.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of the text amendment with the following finding:

1. The amendment complies with Midvale City Code 17-3-1(F)(1).

RECOMMENDED MOTION

“I move that we recommend approval of the amendment as provided in the attachments, with the finding noted in the staff report.”

ATTACHMENTS

1. Draft Ordinance

17-2-3 "C" definitions.

"Common ownership" means ownership of the same property by different persons.

"Community correctional center" means a residential facility that provides transitional housing, supervision, and supportive services to individuals transitioning from incarceration to community living and that is operated by, or under contract with, the Utah Department of Corrections.

"Community council" means a neighborhood-based organization created for the purpose of providing citizen input regarding planning and development issues, and other relevant city business and decisions. Officially recognized community councils of the city include the Union community council and the Midvale community council.

17-2-18 "R" definitions.

"Residential parking" means a parking area or structure used exclusively for residential, noncommercial uses.

"Residential reentry center" means a residential facility that provides transitional housing, supervision, and supportive services to individuals transitioning from incarceration to community living and that is operated by, or under contract with, the Federal Bureau of Prisons.

"Restaurant" means a business in which food is prepared and sold for consumption.

17-2-8 "H" definitions.

"Habitable space (room)" means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered "habitable space."

"Halfway house" means a transitional residential facility that provides a structured and supervised environment for individuals transitioning from incarceration or other institutional custody to community living. "Halfway house" includes "community correctional center" and "residential reentry center." "Halfway house" does not include "residential facility for persons with a disability."

"Hardscape" means patios, landings, decks and paths. Does not include driveways and sidewalks.



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MIDVALE PLANNING COMMISSION STAFF REPORT 10/14/2026

SUBJECT

Midvale City Initiated Zoning Code Text Amendment to Sections 17-2-1, 17-3-14, and 17-5-4 Updating Provisions to Align with Utah State Code Related to Adversely Affected Parties and Appeal Standing.

SUBMITTED BY

Daniel Van Beuge, Deputy City Attorney

BACKGROUND AND OVERVIEW

Midvale City is seeking to amend Sections 17-2-1, 17-3-14, and 17-5-4 of the Midvale Municipal Code to better align the Midvale Municipal Code with the Utah State Code. The proposed text amendment would change who has standing to appeal land use decisions and procedures to handle land use appeals.

The current standing requirements and procedural processes for appealing City land use decisions in the Midvale Municipal Code are overly broad and, in some instances, inconsistent with recent changes to the Utah State Code for appealing land use decisions. The proposed amendment will narrow and clarify who has standing to appeal land use decisions. The proposed amendment will also remove inconsistencies between the City's procedural process and recent legislative changes for appealing land use decisions. It is necessary to amend Midvale Municipal Code Sections 17-2-1 "A" *Definitions*, 17-3-14 *Appeals and reconsideration process*, and 17-5-4 *Organization* to address these issues.

The proposed text amendment meets the required criteria for a zoning code text amendment under Midvale Municipal Code 17-3-1(F)(1) and (2). As provided under Midvale Municipal Code 17-3-1(F)(1), the proposed amendment promotes the purposes of the Title 17 because it removes inconsistencies with state regulations (see Midvale Municipal Code 17-1-6(A)). The proposed amendment as promotes the purposes outlined in Utah Code Ann. § 10-20-101(1)(i) as it "provide[s] fundamental fairness in land use regulation."

STAFF RECOMMENDATION

Staff advises that the Planning Commission recommend approval of the text amendment to the City Council with the following finding:

1. The amendment complies with Midvale City Code 17-3-1(F)((1) and (2).

RECOMMENDED MOTION

I move that we recommend approval of the zoning code text amendment as provided in the attachments, with the finding noted in the staff report.

ATTACHMENTS

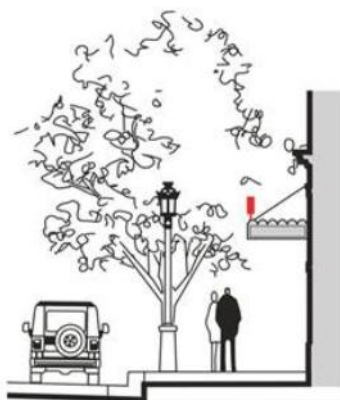
1. Draft Language for Midvale Municipal Code Sections 17-2-1 "*A*" *Definitions*, 17-3-14 *Appeals and Reconsideration Process*, and 17-5-4 *Organization*.

17-2-1 "A" definitions.

"Abandoned sign" means a sign structure which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found. Within one year after vacation of a tenant or change of ownership in an existing business, all on-site nonconforming signs must be removed or brought into compliance by the property owner. Nonconforming off-premises signs lacking advertising for a period of one year shall also be considered abandoned. If removal does not occur voluntarily, Midvale City may remove the entire nonconforming sign, both face and structure, and all costs incurred shall be the responsibility of the property owner. Once determined abandoned and nonconforming, such signs shall not regain any legal nonconforming status later, even if the original business reoccupies the property.

"Above-canopy sign" means a sign which is mounted entirely above the front fascia of a canopy and oriented parallel to the building wall surface.

Above-Canopy Sign



"Access" means vehicular and/or pedestrian ingress and egress to structures, facilities or property.

"Access, secondary" means an access point to property that does not qualify as legal or required access, but is intended as an additional means of vehicular access. Secondary access is not intended for general traffic circulation.

Accessory Structure, Unoccupied. See "Unoccupied accessory structure."

Accessory Dwelling Unit, External. See "External accessory dwelling unit."

Accessory Dwelling Unit, Internal. See "Internal accessory dwelling unit."

"Accessory use" means a land use that is customarily incidental and subordinate to the primary land use on a lot.

"Active building permit" means any building permit that has not expired.

"Administrative conditional use permit" means a permit issued by the community and economic development department for a specified use upon proof of compliance with certain objective criteria.

"Administrative lot line adjustment" means the relocation of the property line between two adjoining lots with the consent of the owners of record which can be processed by the community and economic development department.

"Adversely affected party" means the same as the term is defined in section 10-20-102 of the Utah Code Annotated, as amended.

"Affected entity" means the same as that term is defined in Section ~~10-9a-103~~10-20-102 of the Utah Code Annotated, as amended.

"Affordable housing" means a dwelling unit, occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent of the median gross income of Salt Lake County households.

"A-frame sign" means a sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position. Usually temporary and/or moveable.

Agent, owner's. See "Owner's agent."

"Agriculture" means use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

"Allowed use" means a land use that is permitted in a specific zone without the necessity of any conditional use or other special use permit. Allowed uses are subject to review in accordance

with Section [17-3-3](#) and may require business licenses and/or building permits and associated zoning approvals in accordance with the relevant sections of Midvale Municipal Code.

Alteration, building. See "Building alteration."

"Amusement house" means any house, building, premises or any other structure or portion thereof, whether temporary or permanent, designed for the purposes of amusement, entertainment or fright that:

- A. Is advertised to the public for patrons to tour or move through; or
- B. Requires a building permit under the building code; or
- C. Violates health or safety codes, including but not limited to the fire code.

An "amusement house" use can be for either profit or nonprofit. An "amusement house" use is allowed in zones allowing an "entertainment center" use, and in residential zones if it is part of a community event within a public facility or church.

"Animal clinic/hospital" means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to hospital use. Use does not include outside boarding of animals.

"Animated sign" means a sign which includes motion or rotation of any part by mechanical or artificial means, or subdued color changes.

"Antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

Antenna, freestanding. See "Freestanding antenna."

Antenna, roof-mounted. See "Roof-mounted antenna."

Antenna, temporary. See "Temporary antenna."

Antenna, wall-mounted. See "Wall-mounted antenna."

Antenna, whip. See "Whip antenna."

"Apartment" means a dwelling unit within a multi-unit dwelling with exclusive living, cooking, sleeping and bathroom areas.

"Apiary" means the assembly of one or more colonies of bees at a single location.

"Appeals and variance hearing officer" means an independent contractor appointed by the city to fill the position of an appeal authority with the powers and duties as designated by Chapter [17-5](#).

"Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

"Applicant" means the owner of the property that is the subject of the application, or the owner's agent.

"Application" means a written request for development approval including, but not limited to, an alteration or revision to an approved master planned development, conditional use permit, zoning or rezoning, subdivision, or annexation. The term "application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

"Architectural detail" means physical features or components of a building or structure.

Architecture, step back. See "Step back architecture."

"Arterial street" means a street which serves or is designed to serve a high volume of traffic, such as 7200 South Street, and which provides for traffic movements between communities and/or other heavy traffic generating areas.

"Assembly hall" means a hall where many people can congregate.

"Assembly use" means a business where finished parts are put together to develop a final product. These uses include computer and electronic assembly, and similar uses, but do not include vehicle or manufacturing type uses.

"Assisted living facility" means a residential facility where several individuals live independently and are provided various levels of physical care depending on need. Generally for senior adults, but may be for other physically disabled persons. Not for persons who cannot function normally on an independent basis.

"Athletic, tennis, health club" means an establishment that provides for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers and lockers.

"Attached building" means a building connected on one or more sides to an adjacent building by a common party wall with a separate exterior entrance for each building.

"Auditorium" means a large room to accommodate an audience in a building such as a school or theater. "Auditorium" also includes a large building for public meetings or performances.

Avenues Neighborhood. The "Avenues neighborhood" is bounded by I-15 to the east, Bingham Junction to the west, Center Street to the south, and Ninth Avenue to the north.

"Average foot candle (AFC)" means the level of light measured at an average point of illumination between the brightest and darkest areas, at the ground surface or four to five feet above the ground surface.

Awning. See "Canopy."

Awning sign. See "Canopy sign." (Ord. 2021-19 § 1 (Att. A); Ord. 2021-17 § 1 (Att. A); Ord. 2019-03 § 1 (Att. B); Ord. 2017-14 § 1; Ord. 2015-01 § 1 (Att. C); Ord. 2012-09 § 2 (Att. B); Ord. 6/16/2009O-10 § 3; Ord. 1/20/2009O-3 § 1; Ord. 7/11/2006O-9 § 1; Ord. 8/10/2004O-25 § 1(6); Ord. 12-11-2001C § 2)

The Midvale Municipal Code is current through Ordinance 2026-12, passed April 21, 2026.

Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvale.utah.gov](http://www.midvale.utah.gov)

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17-3-14 Appeals and reconsideration process.

The applicant, ~~a board or officer of the municipality staff~~, or ~~any other person with standing to challenge an adversely affected party a decision administering or interpreting this title~~ may appeal ~~a the~~ decision ~~administering or interpreting this title~~ as follows:

A. *Zoning Code Interpretation and Administration.* All city decisions which interpret or administer this title may be appealed to the appeal authority within ten calendar days of final action by filing notice of appeal with the director of the community and economic development department.

B. *Finality of Action.* A final action occurs when the deciding body has ~~issued a adopted and executed written findings of fact and conclusions of law~~ written decision on the matter in question.

~~C. *Standing to Appeal.* The following persons have standing to appeal a final action:~~

- ~~1. Any person who submitted written comment or testified on a proposal before the community and economic development department or planning commission;~~
- ~~2. The owner of any property within three hundred feet of the boundary of the subject site;~~
- ~~3. Any city official, board or commission having jurisdiction over the matter; and~~
- ~~4. The owner of the subject property.~~

~~D.~~ *Form of Appeals.* Appeals must be filed with the director of the community and economic development department and must be in writing. An appeal must include the following information:

1. Name of the appellant;
2. Address of the appellant;
3. Telephone number of the appellant;
4. If applicable, an Explanation of the appellant's standing to appeal how the appellant qualifies as an adversely affected party;
5. Intent to be represented by legal counsel; and

6. A comprehensive statement of the reasons for the appeal, including the specific provisions of law that are alleged to be violated by the action taken.

~~ED.~~ *Action on Appeals to the Appeal Authority.* The appeal authority, as established by Chapter 17-5, shall comply with the following standards for all appeals under this title:

1. The appeal authority, in consultation with the appellant, shall set a date and time for the appeal;
2. The appeal authority shall notify the ~~owner~~ applicant and the city of the appeal date and time;
3. The appeal authority shall consider the written appeal, final action and all other pertinent information from the appellant and the city;
4. The appellant has the burden of proving that the city erred in its decision;
5. The appeal authority shall ensure the appeal is conducted in accordance with the standards established by Part 711, Appeal Authority, ~~and~~ Variances, and District Court Review of Title 10, Chapter ~~9a20~~, of the Utah Code Annotated, as amended.
6. The appeal authority may affirm, reverse, or affirm in part and reverse in part any properly appealed decision or may remand the matter with directions for specific areas of review or clarification. Appellate review is limited to consideration of only those matters raised in the written appeal and the ~~staff's~~ city's responses thereto, unless the appeal authority, by motion, enlarges the scope of the appeal to accept information on other matters; and
7. Within ~~thirty~~ 30 days, the appeal authority shall prepare written:
 - a. Findings of fact, which explain the circumstances of the decision; and
 - b. Conclusions of law in support of its decision.

~~FE.~~ *Appeal from the Appeal Authority.* The applicant, the city, or an adversely affected party ~~any person aggrieved by city action on the project~~ may appeal from the final action of the appeal authority to ~~third~~ Third district District court Court of Salt Lake County within ~~thirty~~ 30 days of final action. The decision shall stand ~~and~~ and those affected by the decision may act in reliance on it, unless and until the district court stays the final action pending review. The district court shall

conduct the appeal in accordance with the standards established by ~~Part 8, District Court Review, of Title 10, Chapter 9a, Section 10-20-1109~~ of the Utah Code Annotated, as amended.

~~GF.~~ *City Council Call-Up.* Within ~~fifteen~~ 15 calendar days of final action on any project by the planning commission or staff, the city council, on its own motion, may call up the final action for review. The city recorder shall give prompt notice of the call-up to the chairman of the planning commission together with the date set by the council for consideration of the merits of the matter. The recorder shall also provide notice as required by Section 17-3-9. In calling a matter up, the council may limit the scope of the hearing to certain issues.

~~HG.~~ *Stay of Approval Decision Pending Call-Up.* Upon call-up, any ~~approval granted decision~~ by the planning commission or staff will be suspended until the city council has taken final action on the appeal.

~~IH.~~ *Notice.* Notice ~~of any council – of all appeals or call-up proceeding at which the matter will s-~~ shall be given to all affected parties of any proceedings or process where the issue is to be heard and evidence is to be gathered shall be given to the applicant. (Ord. 2020-01 § 1 (Exh. A); Ord. 2012-09 § 2 (Att. B); Ord. 8/10/2004O-25 § 1(5); Ord. 12-11-2001C § 2. Formerly 17-3-13)

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17-5-4 Organization.

The hearing officer shall organize and implement the powers and duties of the position as follows:

A. The hearing officer shall adopt reasonable policies and procedures in accordance with city ordinances and state law to govern the functioning of the position and the conduct of meetings. Such policies and procedures shall be approved by the city council.

B. The hearing officer shall act in a quasi-judicial manner and respect due process from all parties.

C. ~~Public hearings and public meetings are not required, provided notice is given to all affected parties of any proceedings or process where the issue is to be heard and evidence is to be gathered.~~ Hearings may be open to the public. The hearing officer may only allow the following people to present or speak during the hearing:

1. The appellant or the appellant's representatives;

2. The land use applicant or the land use applicant's representatives; and

3. The municipality's representatives.

D. The hearing officer shall hold meetings as needed to consider applications within the powers and duties defined in Section [17-5-2](#).

E. Decisions made by the hearing officer shall become effective upon the execution of written findings of fact and conclusions of law on the matter in question. (Ord. 2012-09 § 1 (Att. A))

The Midvale Municipal Code is current through Ordinance 2026-12, passed April 21, 2026.

Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvale.utah.gov](http://www.midvale.utah.gov)

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