

Sandy City Council

Original Approval Date:

Revision:

Chapter:

Section:

Date Council Approved:

SUBJECT: Development Agreements

BACKGROUND:

The Municipal Land Use, Development and Management Act, Utah Code § 10-9a-1 allows cities to, “enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.”

On (date to be inserted), 2016 the Sandy City Land Development Code was amended to allow the use of development agreements, specifically, Title 15A, Chapter 2. This policy is intended to guide the development agreement process.

POLICY:

1. Development agreements should be exercised cautiously as an exception to traditional methods, and not the preferred tool for land use planning. The City may consider a development agreement for a proposed project only when traditional land use techniques do not suffice to accomplish a project that otherwise meets City land use goals.
2. If utilized, development agreements are intended to clarify ambiguities in the Sandy City Land Development Code, exercise pre-existing discretion authorized by the Code, or fill a gap where the Code is otherwise silent.
3. Development agreements shall not be extemporaneously drafted in public meeting.
4. Sandy City development agreements shall be recorded with the County Recorder so notice of the agreement may be provided to current and future property owners.
5. The Sandy City Zoning Map shall be amended to indicate the presences of a

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development agreement for a specific parcel.

6. Fiscal impacts of development agreements to the City shall be disclosed to the City Council, Planning Commission, and the public.

PROCESS:

1. In their review of project applications, Community Development Department staff shall identify those projects that may be accomplished more successfully under a development agreement than traditional land use planning techniques. Potential projects should be brought to the attention of the City Council in a Council Work Session with a clear indication from staff as to why traditional techniques fail to best facilitate the project or meet City land use goals.
2. Staff should not engage in negotiations with an applicant regarding content of a potential development agreement until the City Council has voted affirmatively to consider the use of a development agreement and has described goals to be accomplished with the development agreement.
3. In order to avoid confusion that can result from ex-parte communication, the Community Development Department shall be the sole point of contact for drafting development agreements. The Community Development Department will include all affected City departments in its review of potential development agreement projects. The Community Development Department will be the lead in coordinating with the Planning Commission and/or the City Council as envisioned by the Land Development Code and this policy.
4. Community Development staff should schedule additional Work Sessions as needed for additional guidance from the City Council. In order to provide staff with clear instruction, Council guidance shall be formalized through a motion and affirmative vote.
5. The draft development agreement shall be brought to the City Council for discussion prior to presenting the development agreement to the Planning Commission at a public hearing. No development agreement shall be considered final by the City Council until the Planning Commission has conducted a public hearing and provided the City Council with a formal recommendation. City Council approval shall be required for the City to execute any development agreement entered into pursuant to Title 15A, Chapter 2.
6. If a project is under consideration by the City Council that has gone through the traditional land use development process, and after the public the hearing the City Council believes that the project could be better accomplished through a development agreement, the City Council should table the vote on the project to allow the conditions of a potential development agreement to be discussed between the applicant and the staff. The Council will avoid listing conditions, offering suggestions or altering site plans of any potential development agreement at a public hearing, but should provide guidance and direction regarding topics that staff and the applicant should consider and discuss.