



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Meeting Agenda

City Council

Brooke Christensen, District 1
Alison Stroud, District 2
Kristin Coleman-Nicholl, District 3
Monica Zoltanski, District 4
Marci Houseman, At-large
Zach Robinson, At-large
Cyndi Sharkey, At-large

Tuesday, August 17, 2021

5:15 PM

City Hall & Online

Business Session *Amended Agenda*

Web address to view complete packet: <http://sandyutah.legistar.com>

This Council Meeting will be conducted both in-person, in the Sandy City Council Chambers at City Hall, and via Zoom Webinar. Residents may attend and participate in the meeting either in-person or via the webinar link below. Those who attend in-person, and who are not fully vaccinated for COVID-19, are recommended to wear a mask while attending the meeting.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_HX0IveOTOGgj1VJugTMmw

After registering, you will receive a confirmation email containing information about joining the webinar.

Or listen by phone:

For higher quality, dial a number based on your current location.

Dial:

US : +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 821 2770 8554

Passcode: 886577

In addition to participating in the meeting in-person or through Zoom, citizen's may also use eComment to send their comment directly to the City Council Members. EComment will close one hour prior to the beginning of the meeting. Please click on the appropriate eComment link below to submit your comment.

5:15 Council Meeting

Prayer / Pledge of Allegiance

Business Session Items

Informational Items

1. [21-311](#) Public Utilities presenting a 2021 Drought and Water Conservation Update.

Attachments: [Memo - City Council RE Water Conservation](#)
[2021 Drought and Water Conservation Plan update - Sandy Public Utilities 0806](#)
[Fact Sheet - Water Conservation 2021](#)

Consent Calendar

2. [21-304](#) Public Utilities Department recommending the City Council adopt Resolution 21-32C reappointing Don Milne to the Metropolitan Water District of Salt Lake Sandy for a four year term beginning on January 1, 2021 and expiring on December 31, 2024.

Attachments: [PU Letter of Support.pdf](#)
[Resolution 21-32C.pdf](#)

3. [21-307](#) Approval of the July 13, 2021 minutes.

Attachments: [July 13, 2021](#)

4. [21-309](#) Approval of the July 20, 2021 Minutes

Attachments: [July 20, 2021](#)

5. [21-310](#) Approval of the July 27, 2021 Minutes

Attachments: [July 27, 2021](#)

Voting Items

6. [CA06232021-0006081_CC](#) Amendments Related to Development Moratorium on Properties East of Wasatch Blvd
Amend Title 21, Chapter 15, Sensitive Area Overlay Zone and Title 21, Chapter 20, Residential Development Standards, of the Sandy Municipal Code

Attachments: [Click here to eComment on this item](#)
[Staff Report](#)
[Exhibit A - Revised](#)
[Exhibit B - Revised](#)
[PC Minutes 07.15.21 Draft](#)
[21-23 Ordinance- LDC-Title 21, Chapters 15 and 20 Development in Sensitive /](#)
[21-24 ORDINANCE-Terminating Ord 21-14](#)

7. [21-305](#) Second Reading: Council Member Robinson recommending that the Council create a discussion timeline and implement an incremental decision making process as related to the future of Alta Canyon Sports Center
- Attachments:** [Click here to eComment on this item](#)
[August 17 Memorandum.pdf](#)
8. [21-306](#) City Attorney's Office recommending that the Council adopt a resolution authorizing the execution of an interlocal cooperation agreement between Sandy City and Alta Canyon Recreation District.
- Attachments:** [Click here to eComment on this item](#)
[Resolution 21-31C.pdf](#)
9. [21-323](#) Administration requesting Council discussion on Little Cottonwood Canyon transportation priorities.
- Attachments:** [Click here to eComment on this item](#)
[UDOT Council Comments.pdf](#)
[UDOT Presentation.pdf](#)
[UDOT Letter.pdf](#)

Standing Reports

Agenda Planning Calendar Review & Council Office Director's Report

Council Member Business

Mayor's Report

CAO Report

After 6:00 Time Certain Items

10. [21-303](#) General Citizen Comments
- Attachments:** [Click here to eComment on this item](#)

This is the time set aside for the public to comment on any City business that is NOT already listed on the agenda. If you wish to comment on business that IS listed on the agenda please follow the eComment link to that agenda item or participate live and comment during that agenda item. Public comment will occur no sooner than 6:00 PM. Each speaker is allowed three minutes. Citizens wishing to comment must access the meeting either in-person or via the Zoom webinar link above. The call-in number is for listening only.

Adjournment



Staff Report

File #: 21-311, **Version:** 1

Date: 8/17/2021

Agenda Item Title:

Public Utilities presenting a 2021 Drought and Water Conservation Update.

Presenter:

Tom Ward

Description/Background:

Please see memo attached.

Recommended Action and/or Suggested Motion:

Information only, no action required.



TOM WARD, P.E.
PUBLIC UTILITIES DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

To: City Council
From: Tom Ward, P.E., Director of Public Utilities *TW*
Date: August 5, 2021
Re: 2021 Drought and Water Conservation Update

PURPOSE

The goal of this presentation to Council will be to provide an update on Sandy City's water supply as well as water use and conservation data pertaining to this summer of drought. In addition, we will introduce the Water Conservation Plan update draft and the forthcoming process for public and Council input into final Plan for approval by Council and submittal to the State in December 2021. Please find attached the following documents:

- 2021 Drought and Water Conservation update slide presentation
- Water Conservation Plan update slide presentation
- Summary of water conservation resources for Sandy water customers titled "Fact Sheet: Water Conservation 2021"

BACKGROUND

This past June is officially one of the hottest and driest on record; July was not much better. Since Governor Cox issued an emergency drought declaration on June 8, the entire state has ramped up efforts to communicate with residents about drought actions and water conservation measures. Additionally, a handful of new programs and campaigns have been unveiled over the past two months.

As state, regional, and local governments have been reacting to the drought this summer, Sandy City Public Utilities staff has been simultaneously working with a professional engineering consultant to update its Water Conservation Plan. This plan is required by the state and must be updated and approved by the City's governing body every five years. Sandy's plan update is due to the State in December 2021.

During the August 17th City Council Meeting, our consultant, Keith Larson of Bowen Collins & Associates, will present a brief overview of the updated Water Conservation Plan draft update. We will discuss plan highlights and the process for public input and plan adoption. We will also identify some of the areas of potential public policy action to be deliberated as part of the plan update, as well as considered for implementation with Council ordinance adoption and budgeting. Please feel free to contact me with any questions (801.568.6074 or tward@sandy.utah.gov).



2021 DROUGHT AND WATER CONSERVATION UPDATE



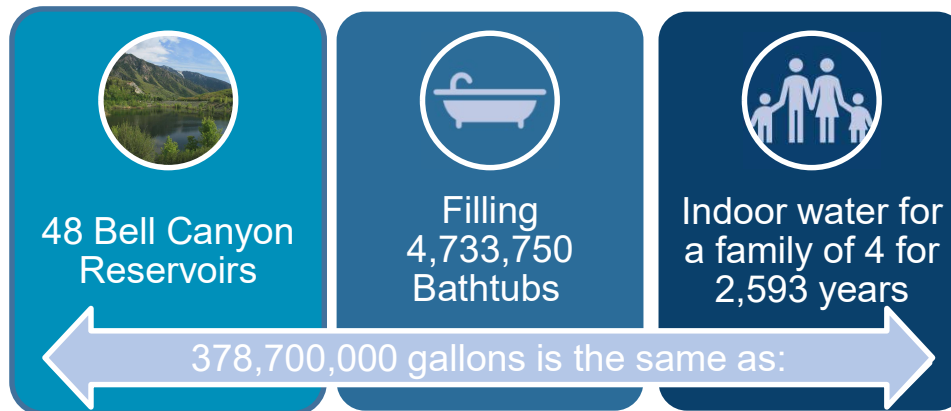
378,700,000
gallons saved

(Year to date- compared to last year at this time)

Complete information at: <https://sandy.utah.gov/1687/Sandy-City-Water-Use>



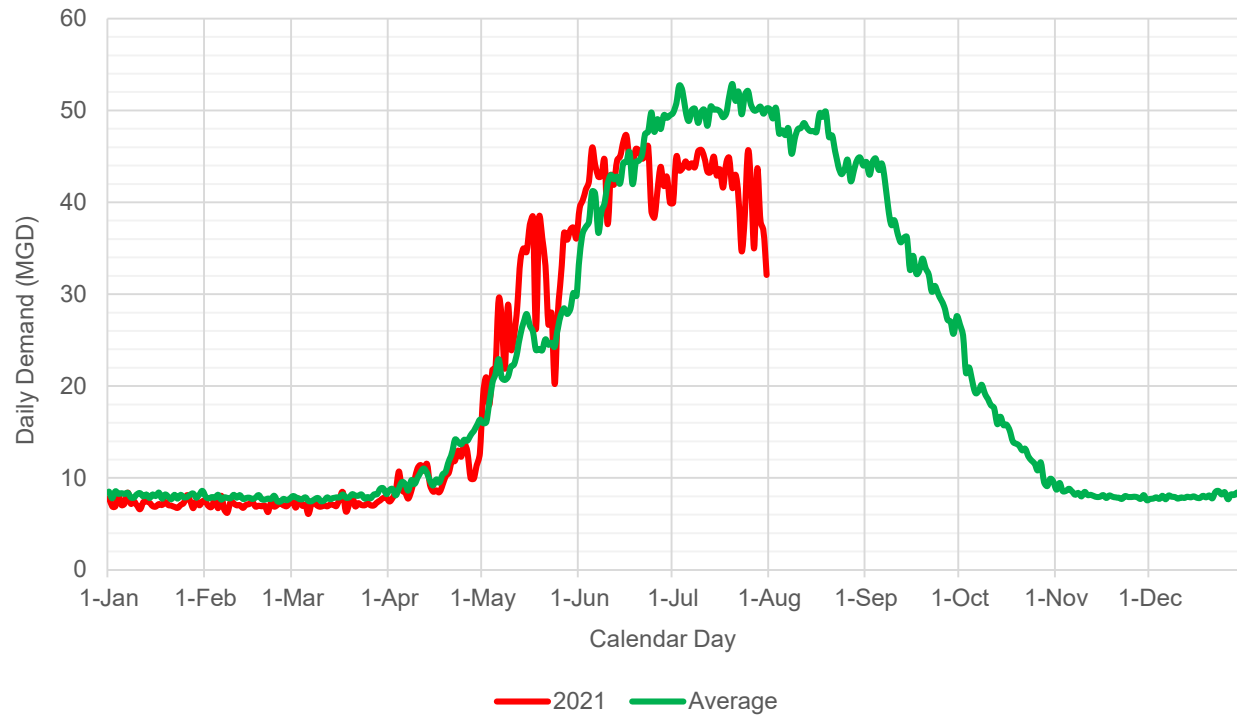
Year to Date Water Use Comparison (January - July 31st)	
	Gallons
July 2020	4,850,120,000
July 2021	4,471,420,000
Total Savings	378,700,000
Percent Reduction	8%



Complete information at: <https://sandy.utah.gov/1687/Sandy-City-Water-Use>

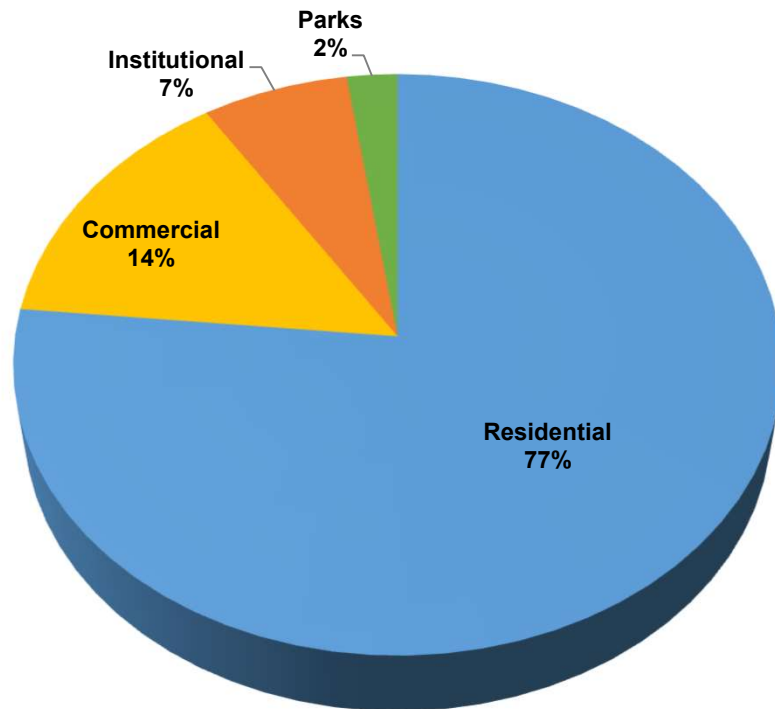


10 Year Average vs. 2021 Daily Demand (MGD)

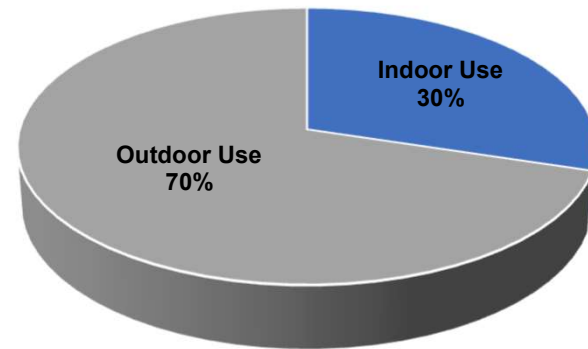


Complete information at: <https://sandy.utah.gov/1687/Sandy-City-Water-Use>

2020 Water Usage by Connection Type



Residential Indoor vs. Outdoor Water Use



Complete information at: <https://sandy.utah.gov/1687/Sandy-City-Water-Use>



WATER CONSERVATION PLAN

(Updated every five years and adopted by Ordinance)

**WATER CONSERVATION PLAN:
TIMELINE FOR 2021**

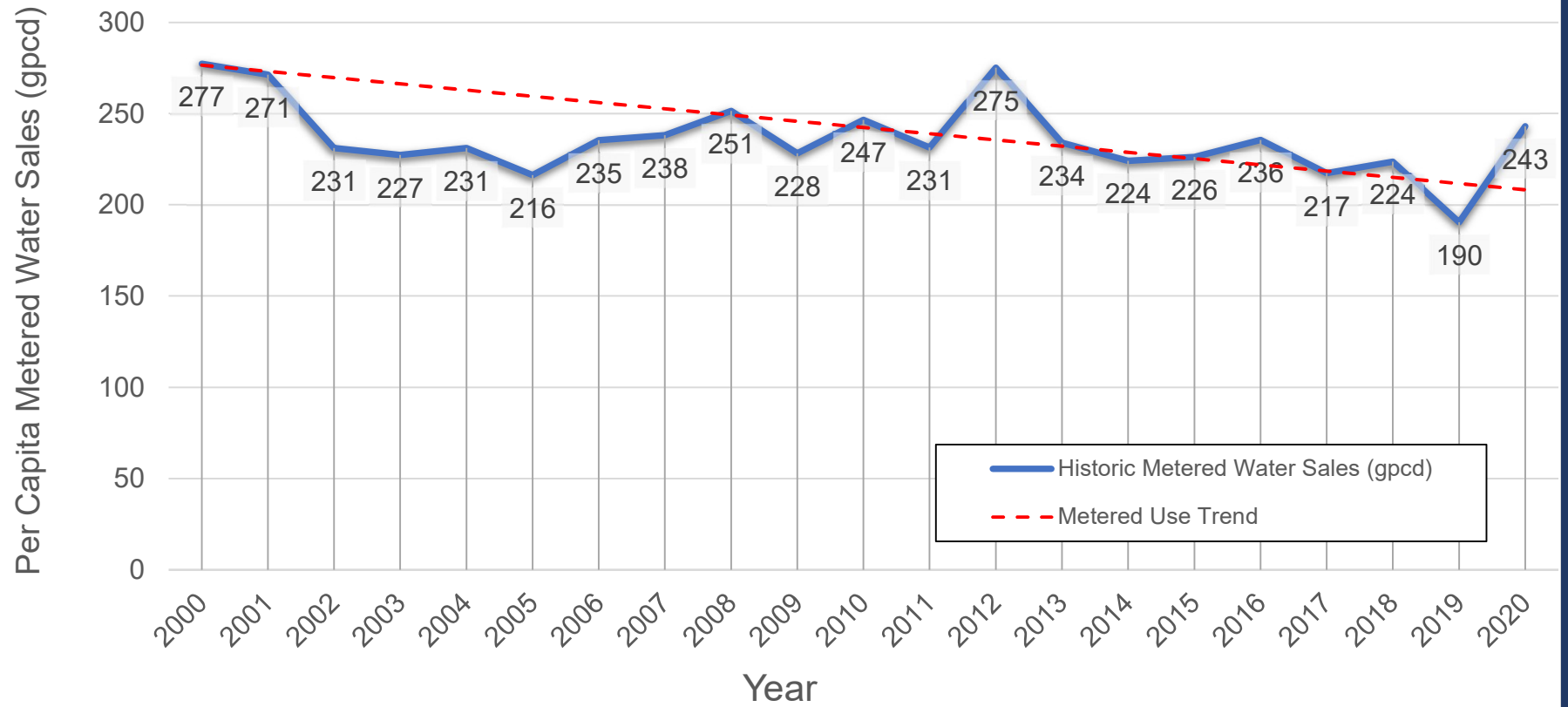


**WATER CONSERVATION PLAN:
CURRENT WATER USE**

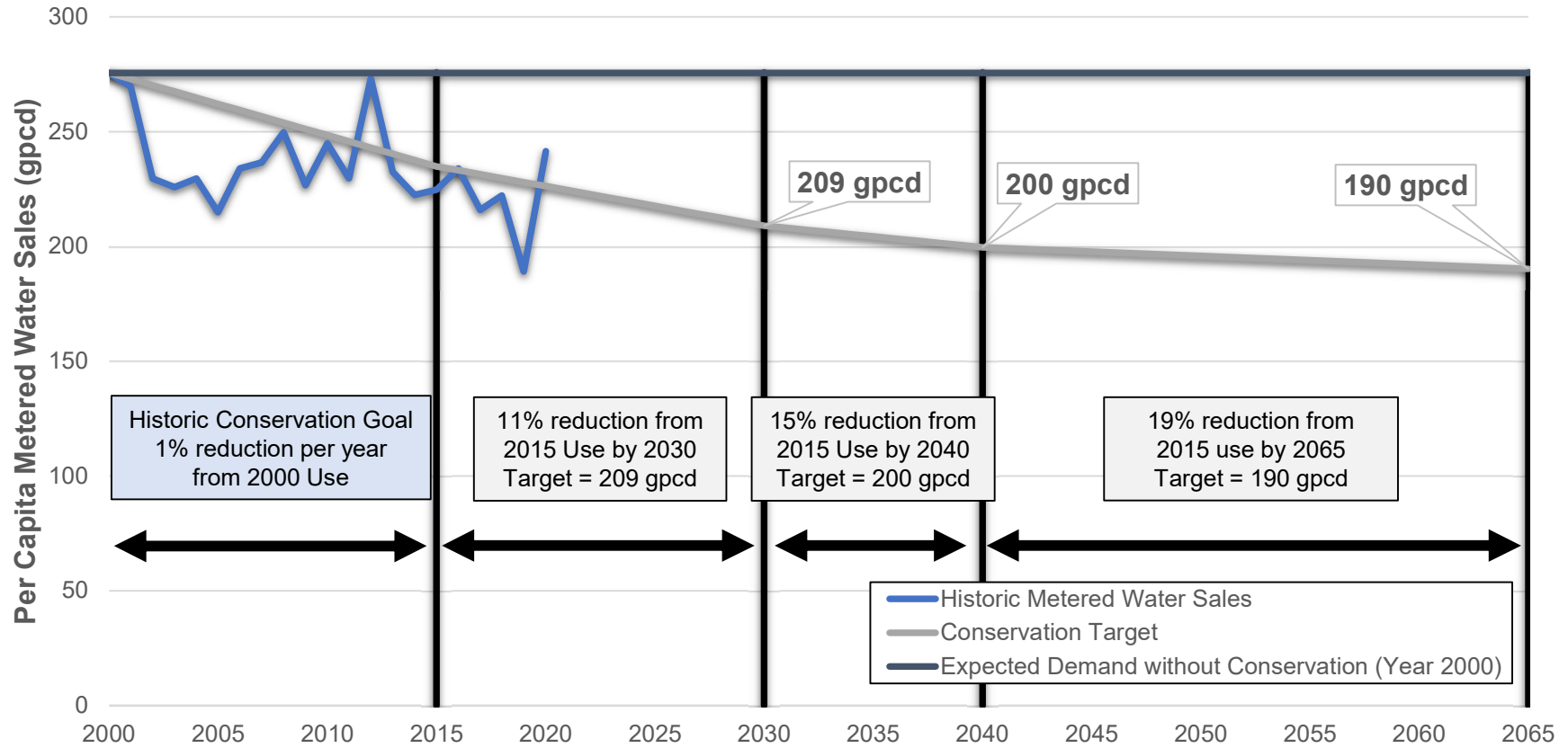
Customer Class	Indoor Use (gpcd)	Outdoor Use (gpcd)	Total Use (gpcd)
Residential	55	131	186
Commercial	12	29	41
Institutional	1	15	15
TOTAL	68	175	243

NOTE: Totals are based on metered water sales in 2020.

WATER CONSERVATION PLAN: WATER USE HISTORIC TREND

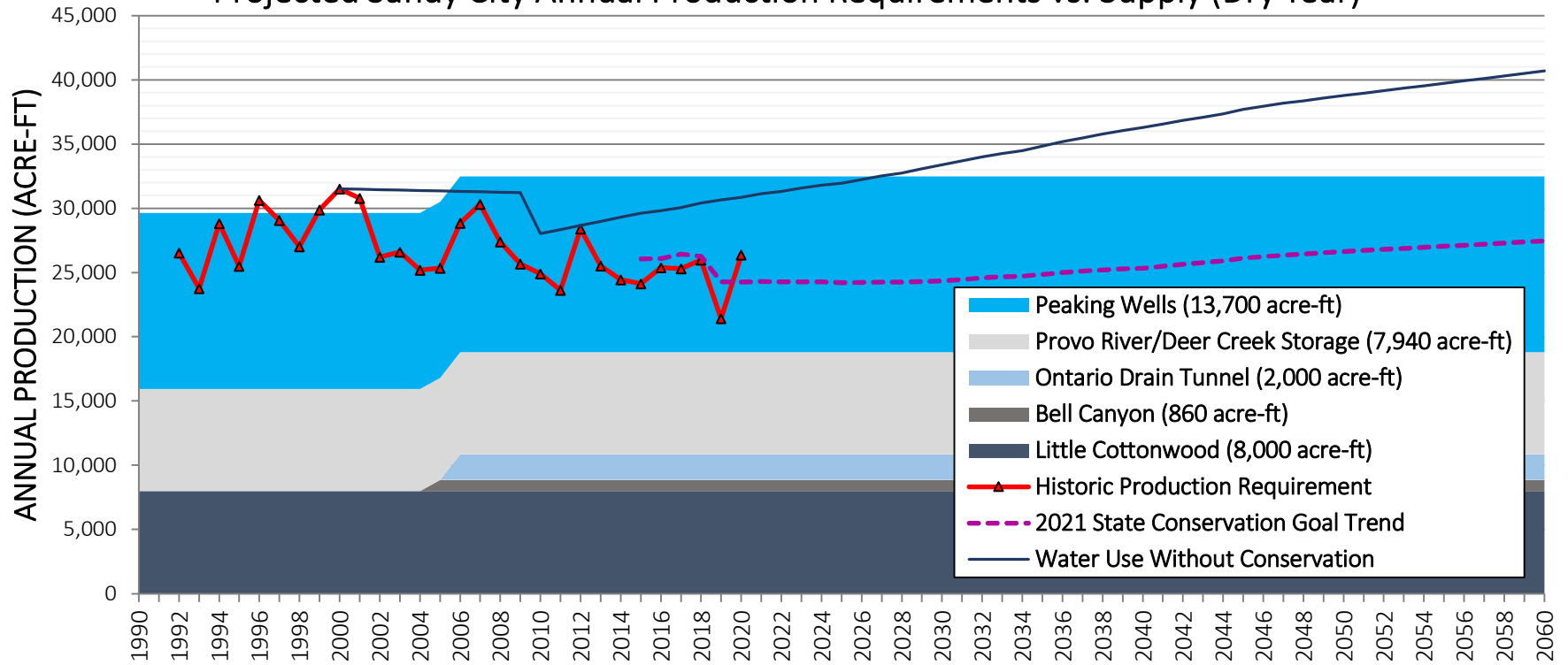


WATER CONSERVATION PLAN: HISTORIC AND FUTURE CONSERVATION GOALS



**WATER CONSERVATION PLAN:
CONSERVATION IMPACTS ON
SUPPLY AND DEMAND**

Projected Sandy City Annual Production Requirements vs. Supply (Dry Year)



NOTE: Volumes given are 2060 projected supply.

Current Conservation Practices

Sandy Currently has 32 conservation practices in place. The practices are broken down into the following categories:

Public Awareness

- Advanced Metering Infrastructure with Water Watch text/email usage updates
- Conservation Website & Social Media Campaigns

Education & Training

- Sego Lily Gardens – Demonstrations and Water Week events
- Water conservation education programs in schools
- Water system audits

Rebates, Incentives, & Rewards

- Toilet replacement rebates
- Smart irrigation controller rebates

Ordinances & Standards

- Water Efficient Landscaping
- Timing of Landscape Watering
- Waste Prohibited Ordinance

Water Pricing

- Current Block Rate Structure





Looking ahead...

**WATER CONSERVATION PLAN:
PROPOSED NEW CONSERVATION
PRACTICES**

Conservation Goal	Timeline	Cost Estimate	Measure
Water Shortage and Drought Plan	By 2025	\$20,000	Completion of recommendation report
Utility Bill Improvements	Ongoing	\$30,000/year	Conservation Messaging included on Utility Bills
Continued Public Education Efforts	Ongoing	\$15,000/year	Overall reduction of citywide water consumption
Water Conservation Classes	Begin in 2022	Funded by Staff Position	Hold 1 class per quarter Launch online course
Localscapes Rebate	Begin in 2021	State-funded	# of xeriscape landscapes (City or Resident)
Flip Your Strip Rebate	Begin in 2021	State-funded	# of park strips converted annually
Update Conservation Ordinances/Standards	Complete by 2023	Varies	Present to Council in 2023
Propose Additional Conservation Ordinances/Standards	Complete by 2025	Varies	Present to Council periodically through 2025
Evaluate Water Rate Structure	Complete in 2021	\$15,000	Completion of recommendation report
AWWA Water Audit Program	Complete by 2025	\$5,000/year	Completed audit score and record





PENDING ACTION ITEMS:

1. Conservation Plan- Public Input & Adoption
2. Ordinances
3. Tiered water rates review
4. Drought pricing review
5. Drought Response Plan review
6. Additional Seasonal Staff for Customer Support



THE END



WATER CONSERVATION RESOURCES:

- Sign up for [Water Watch](#)
- Schedule a free [Water Check](#)
- Participate in [rebate programs](#)
 - Smart Irrigation Controller
 - Toilet Replacement
 - Localscapes
 - Flip Your Strip
- Visit water wise demonstration gardens
 - [Sego Lily Gardens](#)
 - [Jordan Valley Conservation Garden Park](#)
- Virtual Resources
 - [Sandy City Public Utilities](#)
 - [Slow the Flow](#)
 - [Utah Division of Water Resources](#)
 - [USU Center for Water-Efficient Landscaping](#)

DROUGHT RESOURCES:

- Virtual Resources
 - [Sandy City Public Utilities](#)
 - [Utah Division of Water Resources](#)
 - [Drought Information | Sandy City, UT - Official Website](#)
 - [Drought – Water Utah](#)



SANDY ACTION ITEMS:

- a. Keep saving water - we are doing a good job so far!...(and here is how we can do better)
- b. Public – brown out non-active play areas
- c. Sandy parks – continue to save, brown out non-play areas, Importance of keeping play areas priority for healthy/safe turf for high use.
- d. Council – Direct public to our resource web site, inquiries to our office. (include web link). Ordinances. Water rates.



**STATE RECOMMENDED DROUGHT
RESPONSE ACTION ITEMS:**

1. Water Less
2. Don't water if it's windy.
3. Water at the right time.
4. Prioritize your watering.
5. Raise your mower.
6. Get a rebate.

Water Conservation in 2021

SUMMARY

If you have been following the news, you have probably heard that Governor Cox has declared a state of drought emergency in Utah. While he sets the tone for state decisions and facilities, each municipality navigates water conservation in a way that suits their own needs and availability. Sandy established our Smart Water management and conservation culture many years ago and will continue with enhanced conservation and education measures. It seems unlikely that we will need to shift to emergency level restrictions this year, but we need to conserve water, so we continue to have water stored in the event of future years of ongoing drought.

BACKGROUND

The Governor has declared a state of drought emergency and water agencies statewide are ramping up efforts to educate Utahns about water conservation and smart water use. While Sandy has long had smart water practices in place, we are joining efforts to remind the public to treat water as the precious resource that it is. Sandy has an adequate supply of water this year. However, we must remember the water currently available reflects an average of the past several years of water availability. In 2021, so far, Sandy's snowpack and stream runoff are close to record lows and Little Cottonwood Creek, Bell Canyon, and the Provo River are only at approximately 30-40% of their normal water levels. At this point, it is certain that we will be withdrawing from our water reserves rather than expanding them this year. This is not a problem in the short term, but if this turns out to be the beginning of a multi-year drought, we will deplete our water reserves. While Sandy can withstand a one-year drought, we must acknowledge that the multi-year droughts that many of our neighboring states have encountered over the past fifty years are possible in Utah, as well. If this year's drought extends into the future, the entire state will likely encounter increased water prices and more drastic water conservation measures. Our goal in Sandy is to continue education and conservation efforts now, so our residents and business owners are already water wise before drought measures grow more extreme. Please remember, water is life; we all need this precious resource, and we all need to work together to conserve water where we can.

SANDY'S SMART WATER MANAGEMENT

The Sandy parks department is both one of the city's biggest water users and one of our best examples of water conservation practices. Over the past five years the parks department has taken many extra steps to reduce their water usage by nearly 20%. Here is a summary of some of their most water-efficient measures; these same resources are also available to all Sandy residents, schools, businesses, and churches:

- **Sign up for FREE smartphone text and/or email alerts with Sandy's Water Watch.** Every Sandy water customer has a smart meter connection to the city's water system. Sandy parks uses the city's smart meter Water Watch software to track water use and send text alerts if water use exceeds conservation goals for each park. Register your Smart Meter to save water and money this summer: sandy.utah.gov/waterwatch
- **Schedule a FREE Water Check.** The Park's staff inspect, audit, and maintain/fix inefficiencies (sprinklers, pipe leaks, adjust run times) in our parks. Residents can get a free water audit and watering recommendations from USU Extension. Information on a self-audit and a link to sign up for a free USU professional audit can be found here: <https://sandy.utah.gov/1568/Water-Audit>
- **Smart Irrigation Controller FREE Rebates.** Smart controllers in Sandy's Parks reduce water use 10-40% by automatically adjusting watering schedules around wind or precipitation. Residents, businesses, and schools can get their own smart irrigation controllers and a \$75 rebate while they last at: www.Utahwatersavers.org
- **Help us Fix Water Waste – Use the CityServe App.** *See something? Say something!* If you see a leak on city property, you may have found it before we have. Please use the [CityServe app](#) to report watering issues in the city or give us a call to give us a heads up.

DROUGHT RESPONSE ACTIONS

During a drought, little changes make a big difference. Here are actions you can take to do your part:

- **Water less, but don't entirely stop watering.** – If you water at least one less time per week, you can save an estimated 3,000 gallons of water for a quarter-acre yard. Grass is resilient and can survive with only 1-inch of water a month. Although your lawn may not stay green with less water, it can enter dormancy during times of drought and high temperatures and recover when conditions improve. The Division of Water Resources has created a [Weekly Lawn Watering Guide](#) to simplify data into how many days per week to water based on conditions in your county. For more information about lawn dormancy go to: <https://cwel.usu.edu/research/is-your-lawn-dead-or-dormant/>
- **Don't water if it's windy.** – If the wind speed is above 5 mph, most of the water will blow where it's not needed and/or evaporate. Turn your sprinklers off on windy days, or get a smart controller that automatically delays watering cycles on windy days. For more outdoor watering tips go to: <https://slowtheflow.org/outdoor-tips/more-tips/>
- **Water at the right time.** – Sandy City has a Time-of-Day Watering Ordinance that prohibits watering between the hours of 10 a.m. and 6 p.m. to reduce evaporative loss. You can read more about the ordinance [here](#) (go to Section 8-3-2).
- **Prioritize your watering.** –
 - #1 - Trees
 - # 2 - Shrubs
 - # 3 - Perennials
 - # 4 - Annuals
 - # 5 - Grass

For more information on prioritizing your irrigation go here:

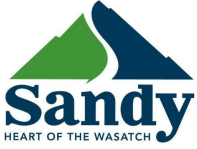
<https://www.usu.edu/today/story/ask-an-expert---how-to-prioritize-home-irrigation-during-a-drought>

- **Raise your mower.** – Set your blades at 3-4 inches. Taller grass means deeper roots that can access water that is deeper in the soil. Tall grass also shades roots and soil to reduce evaporation loss. For more information on basic turfgrass care, go here: <https://extension.usu.edu/yardandgarden/research/basic-turfgrass-care>

ADDITIONAL RESOURCES

- **Water Wise Demonstration Gardens:** Looking for ideas and inspiration? Consider visiting Sandy City's own [Sego Lily Garden](#) at 1472 E Sego Lily Drive (10200 South), open 8 a.m. to 8 p.m., Monday through Saturday. Sandy residents can also visit the regional [Conservation Garden Park](#) at 8275 South 1300 West and online. These resources feature water wise plants, turf samples, landscaping ideas, as well as various water wise irrigation options. At these demonstration gardens, residents can take self-guided tours, pick up educational materials, and get advice from on-site conservation experts.
- **Virtual Resources:** For more water conservation information, visit [Sandy City's website](#); it is a treasure trove of water conservation resources. Find information about native and water wise plants, local demonstration gardens, water conservation tips for both inside and outside your home, landscaping ideas aimed at reducing water consumption, rebates for smart controllers and low-flow toilets, scheduling a water audit, running your own water audit, and more.
- **Landscaping Ordinances:** If you or someone you know in Sandy decides to move ahead with landscaping changes this year and are concerned about the code, you can read about Sandy's landscaping ordinances here [go to Section 19-2-1]: https://library.municode.com/ut/sandy/codes/city_code

If you need assistance, please contact our Water Education and Outreach Coordinator at (801) 568-7187. Our staff can assist you with getting signed up for Water Watch or helping to connect you with other resources. We are also amid updating our Water Conservation Plan, which will guide our future efforts. This project will include Council briefings and opportunities for input from Council and the public during the latter half of 2021.



Staff Report

File #: 21-304, **Version:** 1

Date: 8/17/2021

Agenda Item Title:

Public Utilities Department recommending the City Council adopt Resolution 21-32C reappointing Don Milne to the Metropolitan Water District of Salt Lake Sandy for a four year term beginning on January 1, 2021 and expiring on December 31, 2024.

Presenter:

Tom Ward, Public Utilities Director

Description/Background:

The Metropolitan Water District of Salt Lake & Sandy (District) was established in 1935 by the Salt Lake City Commission. Salt Lake City is the founding member and Sandy City joined the District in 1990. The District's primary function is to create a firm water supply for its member cities. The District also provides water to others on a surplus basis.

The District is citizen-administered through a Board of Trustees comprised of seven board members which serve four year terms. Five of the Trustees are appointed by the Salt Lake City Council and two Trustees are appointed by the Sandy City Council. Sandy's current representatives include Don Milne and John Kirkham.

Further action to be taken:

City Council Office to provide a completed resolution to the Public Utilities Department and to the Metropolitan Water District.

Recommended Action and/or Suggested Motion:

Motion to adopt Resolution 21-32C.



MEMORANDUM

To: Alison Stroud, Council Chair

From: Tom Ward, PE, Public Utilities Director *TW*

CC: Mayor Bradburn, Matt Huish

Date: July 21, 2021

Re: Metropolitan Water District of Salt Lake & Sandy
Board Appointment Recommendation for Don Milne

I respectfully recommend Don Milne to be reappointed to the Metropolitan Water District of Salt Lake and Sandy (Metro Water) Board of Trustees.

As you may recall, the Metro Board is a governance board. Sandy Council appoints 2 members to the 7 member board, with Salt Lake City appointing the other 5. As you have heard me say, Sandy City benefits tremendously by appointing highly qualified and respected individuals to the Metro Water governing board. This board is very involved in technical, fiscal, administrative, public health, sustainability, safety, reliability, and customer service decisions for Metro to assure a high quality, efficient, and reliable water supply for Sandy. The impacts to Sandy of a failure of the Metro system cannot be understated from a public health, economic and social perspective.

Our current board appointees are Don Milne and John Kirkham. Don's term expired this year, and he is interested and willing to serve an additional term. Don is a long time Sandy City resident. He is highly respected in the Utah and western states water community. Don is retired from the military and was Deputy Director for Los Angeles Public Works, with over 4,000 employees and one of the largest utility budgets in the country. Don currently serves on the Public Utilities Advisory Board as well as the Provo River Water Users Association where he serves as chair of the Engineering Committees, among other positions. His knowledge, expertise, and respect on those governing boards give Sandy sizeable influence and control over the management of those institutions that control our water supply. Metro Water consumes over \$11M of Sandy's annual \$22M water budget, and

represents over \$125M of Sandy investment with about \$75M indirect debt service. Efficient management of those institutions on behalf of Sandy saves our residents millions.

As one example, over the first part of this year, Don as chair of the Engineering Committee of the Provo River Water Users Association helped push and brainstorm with the Association engineers to redesign the Deer Creek Dam intake project to reduce it from a \$109M estimated cost down to \$50M. That \$59M project savings represents over \$10M savings to Sandy (Sandy indirectly pays through Metro about 18% of Provo River Association costs).

To lose Don from any of these boards would be a significant loss and potential impact to Sandy. Don's direct experience and role at Metropolitan Water gives Sandy a strong presence at those institutions that are so important to the continued sustainability, efficiency and high quality of our drinking water supply for Sandy.

Thank you for your consideration.

Resolution #21-32C

A RESOLUTION APPOINTING A REPRESENTATIVE FROM SANDY CITY TO THE BOARD OF TRUSTEES OF THE METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY

BE IT RESOLVED by the City Council of Sandy City, Utah that Donald Y. Milne be appointed to serve as a member of the Board of Trustees of the Metropolitan Water District of Salt Lake City and Sandy, as a representative of Sandy City for a term commencing on August 18, 2021, and expiring on December 31, 2024, except that such appointment may otherwise terminate as provided in the Metropolitan Water District Act.

PASSED AND APPROVE THIS ____ day of _____, 2021

Alison Stroud, Chair
Sandy City Council

ATTEST:

City Recorder

Recorded this ____ day of _____, 2021



Staff Report

File #: 21-307, **Version:** 1

Date: 8/17/2021

Approval of the July 13, 2021 minutes.

Motion to approve the minutes as presented.



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Meeting Minutes

City Council

Brooke Christensen, District 1
Alison Stroud, District 2
Kristin Coleman-Nicholl, District 3
Monica Zoltanski, District 4
Marci Houseman, At-large
Zach Robinson, At-large
Cyndi Sharkey, At-large

Tuesday, July 13, 2021

5:15 PM

City Hall & Online

City Council

Meeting Minutes

July 13, 2021

Work Session

5:15 Council Meeting

Roll Call

Present: 7 - Council Member Alison Stroud
Council Member Kristin Coleman-Nicholl
Council Member Zach Robinson
Council Member Monica Zoltanski
Council Member Marci Houseman
Council Member Cyndi Sharkey
Council Member Brooke Christensen

Council Staff:

Mike Applegarth, Executive Director
Dustin Fratto, Assistant Director
Liz Theriault, Policy & Communications Analyst
Tracy Cowdell, Council Attorney
Christine Edwards, Council Clerk

Administration:

Matt Huish, CAO
Lynn Pace, City Attorney
Bruce Cline, Fire Chief
Greg Severson, Police Chief
Dan Medina, Parks & Recreation Director
Tom Ward, Public Utilities Director
Mike Gladbach, Public Works Director
James Sorenson, Community Development Director
Brian Kelley, Finance Director
Nick Duerksen, Economic Development Director
Wendy Downs, City Recorder

Prayer / Pledge of Allegiance

Council Chair Cyndi Sharkey welcomed those in attendance.

Mike Applegarth, Council Executive Director offered the prayer.
Council Member Marci Houseman led the Pledge.

Work Session Items

1. [21-278](#) Election of City Council Chair and Vice Chair for a term beginning on July 14, 2021 and ending immediately after the first Council meeting of January 2022.

The Council held elections for a new Chair and Vice Chair. Council Member Alison Stroud was elected as the new Council Chair. Council Member Cyndi Sharkey was elected as the new Vice Chair. Council Chair Stroud presided over the rest of the City Council meeting.

2. [21-276](#) First Reading: Council Member Houseman presenting information about community connectedness as mental health protective factor and requesting discussion of ways Sandy City can foster a more connected community.

Sponsors: Houseman

Attachments: [Memo Connectedness in our Community A Mental Health Protective Factor Presentation Connectedness in our Community.pdf](#)

Council Member Marci Houseman presented this item and provided information on mental health during the Covid pandemic, which was the focus of the April Healthy Sandy Steering Committee meeting. Her presentation included statistics on suicide, risk factors and the protective factors that contribute to mental wellness. She focused her discussion on how social connectedness and support are key protective factors that can help buffer the effects of risk factors associated with suicide. Ms. Houseman reviewed the results from the Sandy Well Being survey which found that 73% of the respondents indicated that "social connections" are important/very important to their overall personal well being and she provided a comparison of how other cities are ranked in community connectedness. Ms. Houseman asked the Council for feedback and for their thoughts related to improving the community connectedness in Sandy. The discussion included the need for a plan, the role of the CDBG committee, neighborhood service projects, community education and support resources, supporting the LGBTQ community and enhancing existing city community programs. Council Member Houseman thanked the Council for their insight and encouraged the community to visit the Healthy Sandy website, which is a great resource, for more information.

Council recessed at 5:58 pm for two minutes.

Council reconvened and moved to Time Certain Items and heard General Citizen Comments.

3. [21-277](#) First Reading: Council Member Sharkey proposing that the Council consider the issue of Candidate Financial Disclosures and decide the matter in advance of candidate filing for the upcoming election.

Sponsors: Sharkey

Attachments: [Memorandum.pdf](#)

Council Member Sharkey introduced this item to discuss and determine if any changes need to be made to the filing due dates for candidate financial disclosures. Sandy City voted to participate in the Ranked Choice Voting pilot program for the 2021 municipal election which eliminates the need for a primary election and moves the candidate filing period to August 10 - 17, 2021. Ms. Sharkey reviewed legal analysis and opinions from Stan Lockhart of Utah Ranked Choice Voting and Lynn Pace, Sandy City Attorney. She reviewed analysis gathered by the office staff regarding other municipalities. Currently, Sandy City requires two financial disclosure filings prior to the election and one filing after the election. In conclusion, Ms. Sharkey stated that the data, opinions and analysis presented suggest no reason to change the city law regarding financial disclosure filing due dates. A procedural motion was made by Ms. Sharkey following the presentation.

A procedural motion was made by Cyndi Sharkey, seconded by Alison Stroud to leave financial disclosure requirements status quo and not to bring this item back for a second reading.

A lengthy Council discussion followed. The discussion included state filing requirements, the need to provide more information to residents, whether changes need to be made for this year, the burden on candidates to file additional disclosures and transparency. Wendy Downs, City Recorder, reviewed the process her office uses to notify candidates of filing due dates and responded to Council questions. Council Members expressed whether they were in support of the motion.

A motion was made by Zach Robinson, seconded by Kris Nicholl to call to question to end the discussion on the motion... The motion carried by the following vote:

**Yes: 6 - Alison Stroud
Kristin Coleman-Nicholl
Zach Robinson
Monica Zoltanski
Marci Houseman
Cyndi Sharkey**

No: 1 - Brooke Christensen

A roll call vote was immediately taken on the motion on the floor:

A procedural motion was made by Cyndi Sharkey, seconded by Alison Stroud to leave financial disclosure requirements status quo and not to bring this item back for a second reading....The motion carried by the following vote:

**Yes: 4 - Alison Stoud
Kristin Coleman-Nicholl
Marci Houseman
Cyndi Sharkey**

No: 3 - Brooke Christensen
Zach Robinson
Monica Zoltanski

4. [21-279](#) City Attorney and the Parks and Recreation Department recommending the Council review, discuss, and provide feedback on a draft interlocal agreement with the Alta Canyon Special Service District for the operation of Alta Canyon Sports Center.

Attachments: [Alta Canyon Recreation District - ILA Delivery of Limited Support Services-July 8 2021b CLEAN](#)

Lynn Pace City Attorney, reviewed the long-standing relationship between Sandy City and the Alta Canyon Special Services District(ACSSD). The interlocal agreement between the two entities expired in 2013. Mr. Pace is recommending that the Council consider memorializing the current practice between the two entities with a new interlocal agreement and formalize the agreement between Sandy City and ACSSD. Included in the Council packet is a draft ILA for Council review and consideration. Mr. Pace reviewed the agreement with the Council. He also discussed the need for the Council to address necessary changes to the current structural arrangement prior to considering any major capital improvements to the recreation center. Council questions and feedback followed. Mr. Cowdell, Council Attorney, recommended the Council think about the future of the governance of the ACSSD.

Standing Reports

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth had no report.

Council Member Business

Council Member Christensen thanked Administration, Public Works, Public Utilities, Community Development and Parks for their quick response and help with the clean up effort in Historic Sandy. The neighbors have noticed and appreciate the efforts - thank you.

Council Member Robinson asked when the Alta Canyon survey results would be available. Mr. Huish mentioned the survey closes on July 22nd. He also asked for more information on where the scooters are allowed in the city. Mr. Huish provided information and suggested the Council receive a presentation from the scooter company representatives.

Council Member Zoltanski mentioned the UDOT meeting regarding the canyons transportation plan taking place this evening and she encouraged Sandy residents to go on to the UDOT website, learn about the transportation alternatives under consideration, and provide feedback to UDOT. This is a huge infrastructure project funded by the taxpayers and she urged residents to weigh in and provide feedback to UDOT. Ms. Zoltanski extended her sympathies to the family of Masako Kenley and extended her appreciation to the police for their prompt work in this case. She also thanked the community for their help. She asked for an information dashboard to be added to the Sandy City website to communicate to the residents regarding the city's water conservation efforts.

Council Member Houseman finds the information on the city website regarding water conservation efforts very helpful and useful. UDOT has fact briefs on their website which provides information on the canyons transportation alternatives under consideration and she encouraged the community to provide feedback to UDOT during the comment period. She acknowledged Chief Cline, Chief Severson and Dan Medina for their responsiveness to the community and thanked them for their efforts.

Council Member Sharkey provided an update from the Utah League of Cities and Towns and spoke about some upcoming legislative issues: affordable housing, the need for housing and water related issues. She spoke about a presentation on the growth of Utah and the current economic climate which helps stimulate growth. In response to many residents' inquiries about the Mayor's race, Ms. Sharkey offered some comments. When choosing an elected official, she encouraged residents to prioritize character and choose the people who you believe are in it for public service, not public attention and who want to create a better Sandy. Please call her if you need more information.

Mayor's Report

Not present

CAO Report

Matt Huish, CAO, mentioned that a movie is being filmed in Dimple Dell Park. The following communications campaign have been sent out: Little Cottonwood Canyons EIS, Ranked Choice Voting, and the current drought conditions. There is a current survey out regarding Alta Canyon Recreation Center. The pickleball courts at Flat Iron Park are open and he thanked Dan Medina and the Parks staff for their help with the Independence Day celebration event.

Chief Cline provided information related to the current year's fireworks response. He reviewed the number of fireworks related calls received, provided details on the use of fireworks in restricted areas and the fires resulting from fireworks. There were no house fires or large losses this year. There will be extra staffing on the July 24th holiday. No citations were issued. Council questions and comments followed.

Chief Severson provided details to the Council on his department's response to recent criminal activities. He spoke about the incredible effort and support from the community that his department received. He spoke about the Masako Kenley investigation and said it was a display of the dedication to this community from our police department who went the extra mile. It was an all hands on deck response and he spoke about the expertise, experience and training of the officers in the Sandy Police Department. He is proud of his officers and the community.

After 6:00 Time Certain Items

5. [21-280](#) General Citizen Comments

Attachments: [Click here to eComment on this item](#)

Mr. John Winder, former Sandy City Council Member, spoke about the Community Action Team (CAT) and the Community Coordinators programs and asked if the City Council members supported bringing back those programs.

Mr. Steve VanMaren commented on the proposed schedule for financial disclosures. He thinks the disclosure due dates should start earlier, within a week of filing for candidacy, and be due monthly thereafter. He thinks this will allow residents to see the community support of the various candidates running for election.

Mr. Jim Edwards congratulated Council Member Stroud on her election as Council Chair. He believes that the different election this year requires different rules for financial disclosures filing due dates and thinks the first financial disclosure due date should be one week after filing for candidacy. He thinks the financial disclosure due dates should occur before the mail in ballots are available.

Mr. Aaron DeKeyser encouraged transparency and was in support of improved financial disclosure requirements. Since the fall election changed to Ranked Choice Voting, Mr. DeKeyser felt it was important to change the financial disclosure due dates and that it would be irresponsible not to make any changes. He thought there was confusion in the community about RCV and expressed support for the first financial disclosure due date to occur two weeks after filing for candidacy. He also believe that occupation information should be included on disclosure forms. He discussed special interests influence on local elections and the need to prioritize early access to as much voting information as possible.

Council moved to Item 3 on the Agenda.

Adjournment

Council unanimously agreed to adjourn the meeting at 7:45 pm.



Staff Report

File #: 21-309, **Version:** 2

Date: 8/17/2021

Approval of the July 20, 2021 Minutes

Motion to approve the minutes as presented.



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Meeting Minutes

City Council

Brooke Christensen, District 1
Alison Stroud, District 2
Kristin Coleman-Nicholl, District 3
Monica Zoltanski, District 4
Marci Houseman, At-large
Zach Robinson, At-large
Cyndi Sharkey, At-large

Tuesday, July 20, 2021

5:15 PM

City Hall & Online

City Council

Meeting Minutes

July 20, 2021

Business Session *Amended Agenda*

5:15 Council Meeting

Rollcall

Present: 7 - Council Member Alison Stroud
Council Member Kris Nicholl
Council Member Zach Robinson
Council Member Monica Zoltanski
Council Member Marci Houseman
Council Member Cyndi Sharkey
Council Member Brooke Christensen

Council Staff in Attendance:

Mike Applegarth, Executive Director
Dustin Fratto, Assistant Director
Liz Theriault, Policy & Communications Analyst
Tracy Cowdell, Council Attorney

Administration in Attendance:

Matt Huish, CAO
Lynn Pace, City Attorney
Greg Severson, Policy Chief
James Sorensen, Community Development Director
Ryan McConaghie, Deputy Fire Chief
Mike Gladbach, Public Works Director

Prayer / Pledge of Allegiance

Council Chair Alison Stroud welcomed those in attendance.

Council Member Christensen offered the prayer. Council Member Zoltanski led the Pledge of Allegiance.

Business Session Items

Informational Items

1. [21-282](#) City Recorder providing a demonstration of the new online campaign finance reporting system.

Attachments: [Quick Start Guide](#)

City Recorder Wendy Downs provided a demonstration of the new Easy Campaign Finance Portal. Council comments and questions followed.

2. [21-286](#) Update on the status and future of the Bulk Waste Cleanup Program.

Tracy Cowdell, Council Attorney, provided an update on the bulk waste program. He provided some background and history of the bulk waste program and the concerns associated with the program. Mr. Cowdell reviewed the process used to draft a framework for the new bulk waste ordinance which he has forwarded to the DEQ for their review. He also spoke about the need to educate the community about following the guidelines for bulk waste and a commitment by the city to enforce those guidelines. Mr. Cowdell asked the Council for direction regarding continuing his efforts. Council expressed support of Mr. Cowdell's efforts and continued work on the bulk waste program. Council questions and comments followed.

Consent Calendar

A motion was made by Kris Nicholl, seconded by Marci Houseman to approve the Consent Calendar. The motion carried by a unanimous voice vote.

3. [ANX0608202](#)
[1-006067\(CC](#)
[\)](#) The Community Development Department is recommending the City Council adopt Resolution #21-29c indicating the intent to annex an unincorporated area of road right-of-way (south half-width of Creek Road) located at approximately 1834 E. going west to Union Park Avenue, setting a public hearing to consider such annexation, and directing publication of a hearing notice.

Attachments: [Vicinity map \(updated\)](#)
[CREEK ROAD WEST-1 of 2](#)
[CREEK ROAD WEST-2 of 2](#)
[CREEK ROAD WEST ANNEXATION DESCRIPTION](#)
[Creek road annexation letter from County](#)
[Resolution 21-29C.pdf](#)

Item Adopted

The Community Development Department is recommending the City Council adopt Resolution #21-29c setting a public hearing to consider the Creek Road West Annexation, located at approximately 1834 E. going west to Union Park Avenue.

4. [ANX0608202](#)
[1-006069\(CC](#)
[\)](#) The Community Development Department is recommending the City Council adopt Resolution #21-28c indicating the intent to annex an unincorporated area of road right-of-way located at approximately 8160 E. Highland Drive going east through 8215 Rossett Green Lane, setting a public hearing to consider such annexation, and directing publication of a hearing notice.

Attachments: [Creek Road East Map](#)
[CREEK ROAD EAST ANNEXATION DESCRIPTION](#)
[Creek Road East 2021-06-02](#)
[Creek road annexation letter from County](#)
[Resolution 21-28C.pdf](#)

Item Adopted

5. [21-267](#) Approval of the June 29, 2021 Minutes

Attachments: [June 29, 2021](#)

Item Approved

6. [21-274](#) Approval of the June 15, 2021 Minutes

Attachments: [June 15, 2021](#)

Item Approved

7. [21-284](#) Approval of the June 22, 2021 Minutes

Attachments: [June 22, 2021](#)

Item Approved

Voting Items

8. [21-283](#) City Attorney recommending adoption of Ordinance 21-22 clarifying when the City Recorder provides notice to candidates to file campaign finance disclosure reports.

Attachments: [Click here to eComment on this item](#)
[21-22 Ordinance-Election Sec 2-1-4 Notification to Candidate](#)
[Signed Ordinance 21-22.pdf](#)

City Attorney Lynn Pace presented the ordinance to the Council which clarifies when the City Recorder provides notification to candidates about financial disclosure deadlines.

Public Comment opened.

Public Comment closed.

A motion was made by Cyndi Sharkey, seconded by Marci Houseman, to adopt Ordinance 21-22... The motion carried by the following vote:

Yes: 7 - Alison Stroud
Kris Nicholl
Zach Robinson
Monica Zoltanski
Marci Houseman
Cyndi Sharkey
Brooke Christensen

Standing Reports

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth, Council Office Director, provided a review of the calendar.

Council Member Business

Council Member Houseman praised the new online permitting system, and thanked the Parks and Recreation Department for the upcoming gear swap. She noted that the Sandy Club has had a great summer program and she shared some highlights from the Club. She also spoke about wellness activities at the Sandy Senior Center.

Council Member Christensen spoke about the upcoming National Day of Service, the variety of projects available, and the encouraging response of residents.

Council Member Sharkey expressed thanks for the Parks and Recreation Department for cleaning up graffiti in Quail Hollow Park. She also mentioned a tour she recently took with Waste Management at the Materials Recycling Facility.

Council Member Robinson mentioned recent traffic enforcement efforts from the Police Department. He mentioned the need to have recycling bins at the Food Truck Night. Mr. Robinson also posed a question about Alta Canyon Sports Center staffing challenges and the reported closure of some summer projects. He expressed discomfort with the professionalism of the last Council meeting.

Council Member Zoltanski mentioned the UDOT Little Cottonwood EIS Zoom meeting. She mentioned the Chinese cultural event at the Hale Centre Theatre. She suggested that Zoom participants should be able to participate via video at Council Meetings and that the meetings should be broadcast via social media.

Mayor's Report

There was no Mayor's Report

CAO Report

Matt Huish brought attention to the weekly COVID updates provided through Emergency Management. He spoke about the upcoming holiday and provided the time frame when fireworks will be legal. The Fire Department will have extra staffing in place. Public Utilities noted that water usage by City residents is down 6% from normal. The department continues to work on further water conservation efforts.

After 6:00 Time Certain Items

9. [21-285](#) General Citizen Comments

Attachments: [Click here to eComment on this item](#)

Steve VanMaren asked about the resolutions on the Consent Calendar. He also shared a story about a bicyclist riding with passengers in unsafe situations. Council Chair Stroud clarified the items on the Consent calendar as needing date corrections.

Mark Ciello raised concerns with PUD site plan that had been previously approved and expressed frustration with his ability to get information on the project.

Adjournment

Council unanimously agreed to adjourn the meeting at approximately 6:57 pm.



Staff Report

File #: 21-310, **Version:** 1

Date: 8/17/2021

Approval of the July 27, 2021 Minutes

Motion to approve the minutes as presented.



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Meeting Minutes

City Council

Brooke Christensen, District 1
Alison Stroud, District 2
Kristin Coleman-Nicholl, District 3
Monica Zoltanski, District 4
Marci Houseman, At-large
Zach Robinson, At-large
Cyndi Sharkey, At-large

Tuesday, July 27, 2021

5:15 PM

City Hall & Online

City Council

Meeting Minutes

July 27, 2021

Work Session

5:15 Council Meeting

Rollcall

Present: 7 - Council Member Alison Stroud
Council Member Kris Nicholl
Council Member Zach Robinson
Council Member Monica Zoltanski
Council Member Marci Houseman
Council Member Cyndi Sharkey
Council Member Brooke Christensen

Council Staff in Attendance:
Mike Applegarth, Executive Director
Dustin Fratto, Assistant Director
Liz Theriault, Policy & Communications Analyst
Christine Edwards, Council Clerk

Administration in Attendance:
Mayor Kurt Bradburn
Matt Huish, CAO
Lynn Pace, City Attorney
Bruce Cline, Fire Chief
Greg Severson, Police Chief
Dan Medina, Parks & Recreation Director
Tom Ward, Public Utilities Director
Mike Gladbach, Public Works Director
James Sorenson, Community Development Director
Brian Kelley, Finance Director
Nick Duerksen, Economic Development Director

Prayer / Pledge of Allegiance

Council Chair Alison Stroud welcomed those in attendance.

Josh Platz with Good Shepherd Boy Scout Troop offered the prayer.
Hyrum Hoover with Good Shepherd Boy Scout Troop led the Pledge.

Work Session Items

1. [21-289](#) Centennial Village Zoning Amendment Discussion - CBD A&E Zone

Attachments: [21-04-19 Centennial Village Retail. DOTArc Video.mp4](#)

Nick Duerksen, Economic Development Director, introduced Dan Simons with SPC Group and his team who provided an overview of the Centennial Village project and discussed with the Council a zoning amendment which would allow for automotive sales at this project location. Mr. David Truong, SPC Group investor spoke about his commitment to the development of this project. Mr. Tom Buckley with Salt Lake City Motors spoke about the high end luxury auto dealership that he would like to locate in Sandy at the Centennial Village development and provided background information about the dealership. Mr. Jon Lee with Design of Tomorrow Architects presented a visual presentation of the project and provided project details. Council questions and comments occurred throughout the presentation. Council expressed support for a zoning amendment for this project development area.

Following the presentation, Council moved to Standing Reports.
Council Member Robinson requested that Item #4 be rescheduled.

2. [21-281](#) UDOT providing and update to the City Council on the Little Cottonwood Canyon Environmental Impact Statement.

Attachments: [LCC EIS Presentation.pptx](#)

Mr. Josh Vanjura with UDOT presented on the Little Cottonwood Canyon Environmental Impact Statement regarding S.R. 210/Wasatch Blvd to Alta. The project purpose is to substantially improve transportation-related safety, reliability and mobility on S.R. 210 from Fort Union Boulevard through the Town of Alta for all users on S.R. 210. Mr. Vanjura spoke about the two preferred transportation alternatives under consideration by UDOT: Enhanced bus service and Gondola service. He spoke about the costs, transit time, reliability and parking needs related to both options. UDOT has extended the public comment period to September 3, 2021 and Mr. Vanjura encouraged the community to comment on the LCC EIS. UDOT is planning on announcing a decision on the preferred alternative in the first quarter of 2022.

Council questions and comments followed. Council provided feedback and expressed their concerns with the transportation options. The discussion included the use of electric buses, associated costs, parking structures, roadway tolls, ticket prices for the gondola, traffic, and the height and alignment of the gondola towers. Council thanked Mr. Vanjura for his presentation and encouraged the public to comment on the UDOT website.

3. [21-290](#) Council Member Houseman and Administration providing Central Wasatch Commission update and requesting Council discussion on Little Cottonwood Canyon transportation priorities.

Attachments: [CWC Mountain Transportation System Initiative](#)

[Brief.pdf](#)

[Pillars.pdf](#)

Council Member Houseman presented an update from the Central Wasatch Commission meeting. Ms. Houseman spoke about the Visitor Use study currently being conducted in partnership with US Forest Service which will help understand the actual capacity and visitor use in the canyons. Mr. Lance Kovel with the US Forest Service provided details on the visitor use study which is conducted every 5 years. Ms. Houseman also discussed the CWC Pillars document with the Council and next steps for the CWC.

Mayor Bradburn outlined the purpose of this evening's discussion is to gather the Council's concerns and feedback with the transportation options under consideration. Administration will forward those concerns along with the staff's concerns to UDOT. This is an ongoing discussion and will continue to develop. All concerns are valid.

Lynn Pace, City Attorney, acted as the facilitator for the discussion. He explained that there are two halves to the transportation discussion: one related to canyon transportation and the other related to the impact of getting to the canyon through Sandy City. The City has a powerful position to provide feedback to UDOT. Council Members provided feedback and addressed their concerns which included the following: efficient traffic management, parking structure, watershed issues, tax burden, additional buy-in from the ski resorts, the impact on Highland Drive, the permanency of the gondola towers, the greater flexibility of the bus option. Many members expressed the transportation option they supported. The Council provided a great deal of feedback and a lengthy discussion occurred.

Council recessed for five minutes at approximately 8:49 pm.

Council reconvened at 8:54 pm and moved to Item 5 on the Agenda.

4. [21-287](#) First Reading: Council Member Robinson proposing that the City pursue a biennial energy benchmarking program for all municipal buildings

Sponsors: Robinson

Attachments: [Memo Robinson July 27 2021.pdf](#)

[Memo Council Staff July 27 2021.pdf](#)

[SLC Elevate Buildings Website](#)

[SLC Benchmarking Ordinance](#)

[An Overview of Energy Star Portfolio Manager](#)

Item rescheduled.

5. [21-288](#) First Reading: Council Member Robinson recommending that the Council create a discussion timeline and implement an incremental decision making process as related to the future of Alta Canyon Sports Center

Sponsors: Robinson

Attachments: [Robinson Alta Canyon Memorandum](#)

Council Member Zach Robinson introduced the item and asked the Council to take a systematic approach moving forward with respect to the discussions and decisions related to the Alta Canyon Recreation Center. He proposed a timeline/schedule for discussion items (Exhibit A) and he asked the Council for feedback. A lengthy discussion occurred related to the existing governing structure (ACSSD) of Alta Canyon, the impact of the consultant's study, the budget, and the need to address related legal issues.

A procedural motion was made by Zach Robinson, seconded by Brooke Christensen to move this item forward to a second reading. The motion carried by a unanimous voice vote.

Following the presentation, Council moved to Adjourn the meeting.

Standing Reports

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth, Executive Director, mentioned that next week is Night Out Against Crime and there will be no City Council meeting that evening. The Council Office is participating with the Communications Department at the Canyons School District event to welcome new teachers to the district. The office is working to get the meeting agendas published two weeks in advance.

Council Member Business

Council Member Houseman gave a shout out to the fire department, Station 31 firefighters who helped a mother whose vehicle had run out of gas in front of the fire station. The fire fighters helped push the car off the road and then gave the mother and her son a tour of the fire station. Ms. Houseman thanked the fire fighters for their help to the community.

Council Member Robinson asked a question about the Night Out Against Crime event.

Council Member Christensen thanked the city staff who helped with today's tour with the Boy Scout troop.

Council Member Zoltanski thanked all the residents who have reached out to her with concerns about water conservation efforts implemented by the City and she directed them to the city website for resources and current information.

Council Member Sharkey thanked the code enforcement team and Alison Stroud for meeting with her. She has reported more than 50 illegally installed campaign signs to code enforcement. Ms. Sharkey thinks it is wrong for the people who make the laws for the City to ignore those laws and she asked all candidates to follow the rules and not waste our code enforcers' time. She thanked the code enforcement staff for their efforts and help. She reviewed our city's regulations for sign installation and detailed what constitutes an illegal sign installation.

Council Member Stroud encouraged the community to attend the Sandy Arts Guild upcoming production of Freaky Friday. You can go to the Sandy Arts Guild website for show dates, times and pricing.

Mayor's Report

Mayor Bradburn spoke about Covid restrictions and the President's recent announcements. Administration is watching the situation and will let the Council know if the County health guidelines change. At this year's Healing Fields event, the Utah Symphony will be playing. More details will be available soon. Volunteers will be needed to install the flags and take them down.

CAO Report

Matt Huish, CAO, thanked the fire department staff. The Balloon Festival takes place on the weekend of August 13th at Storm Mountain Park.

Chief Cline provided information about his department's response to fireworks related calls during the month of July and he shared data detailing fireworks related calls, illegal fire works, citations issued and fires resulting from fireworks. This was a successful year and he thought the communication efforts helped in this effort.

Council moved to Time Certain Items and heard General Citizen Comments.

After 6:00 Time Certain Items

6. [21-291](#) General Citizen Comments

Attachments: [Click here to eComment on this item](#)

Council Chair Alison Stroud invited the public to participate in General Citizen Comments:

Mr. John Winder spoke about the community coordinator program and community action program and other city committees and encouraged the Council to look at bringing back these programs. He hoped that the new Mayor in January will support these programs. He use to have season tickets at the Amphitheater and wondered why there is not an option to purchase season tickets any longer. He suggested forming a committee to help the newly elected Mayor select department heads. He would also like to see the Awards Banquet event brought back.

Mr. Dave Fields, President and General Manager of Snowbird thanked the Council for their support. He spoke about the UDOT transportation options under consideration for Little Cottonwood Canyon. After much analysis, he believes the gondola is the best option and Snowbird Resort will be supporting the gondola transportation option. Less vehicles going up the canyon roads is a good thing and Snowbird currently provides transportation for it's employees to reduce the number of vehicles going up the canyon road. Snowbird has more than 1,000 acres of private land in the canyon and is committed to putting this land in to a conservation easement if UDOT selects the gondola transportation option. This is the only option to handle the current demand. The gondola option is good for skiers/snowboarders, good for the watershed, wildlife and for air quality.

Mark Ciullo has been coming for the last ten months seeking details on the Farnsworth Farms development project. He spoke about the lack of details and he reviewed past comments made by staff at a past council meeting: Darien Alcorn, Tracy Cowdell and James Sorenson. He shared his understanding of the process and he asked the Council for their help. He asked the Council to contact him if they had any questions.

Mr. Jim Edwards spoke about the EIS study by UDOT and was concerned about the proposed parking structure at 9400 South and Highland. He believes it could turn into an eyesore and suggested that a traffic study be done for that area. Mr. Edwards spoke about earlier comments made regarding illegal campaign signs and how banners placed by the government/school district are allowable. He urged the Council to take another look at the ordinance. No harm is being done by installing signs on fences or in park strips.

Mr. Carl Fisher with Save our Canyons shared his thoughts on the UDOT Little Cottonwood Canyon EIS study. One of the major constraints is the availability of parking. Both the gondola or bus option only moves about 1,000 people an hour. He thinks we can do better with the bus option which will avoid the crush of people trying to park by the gondola and feels the gondola will be intrusive to the canyons with a significant visual impact. He spoke about the transit transfers associated with the gondola option. He currently rides the buses up the canyons and thinks we just need more bus service. Parking by both Big and Little Cottonwood Canyons is an issue that needs to be addressed and he expressed a desire to further discuss this issue with the Council.

Ms. Lindsey Butrum lives in Little Cottonwood Canyon and she and her neighbors are strongly opposed to the UDOT gondola transportation option which she feels will directly impact them. People riding the gondola will be able to see into her home and backyard. She will loose the privacy she currently enjoys and does not think this option will solve

the traffic problems in the area.

Ms. Emily Pitsch expressed concerns with the UDOT EIS and thinks the EIS has not explored all the options. Little Cottonwood Canyons is used throughout the year, not just during the ski season. She emphasized that the EIS is a draft and feels changes can be made. She thinks tolling of the roads and improved bus service. The gondola is limited and requires many transit transfers to utilize. She expressed concerns for the protection of the watershed.

Public comment closed.

Council moved to Item 2 on the Agenda.

Adjournment

Council unanimously agreed to adjourn the meeting at approximately 9:18 pm.



Staff Report

File #:

CA06232021-0006081_CC,

Version: 1

Date: 8/17/2021

Agenda Item Title:

Amendments Related to Development Moratorium on Properties East of Wasatch Blvd
Amend Title 21, Chapter 15, Sensitive Area Overlay Zone and Title 21, Chapter 20, Residential
Development Standards, of the Sandy Municipal Code

Presenter:

Mike Wilcox

Description/Background:

On April 6, 2021, the City Council found that a compelling, countervailing public interest exists in enacting a temporary land use ordinance (see Ordinance 21-14) to allow the City administration time to identify, investigate, evaluate, and define how the natural hazards associated with steep slope foothill property areas should be addressed and regulated to protect the health, safety and welfare of all the citizens of Sandy City, and to allow the City Council adequate time to evaluate and enact appropriate regulations. The affected area (as shown in the map below) is restricted from any new development or applications for up to six months.

From that initial analysis, Staff has proposed several changes to two chapters of the Land Development Code to address the concerns stated in Ordinance 21-14, the Sensitive Area Overlay (SAO) Zone (Chapter 15) and Residential Development Standards (Chapter 20), in particular the Planned Unit Development (PUD) Section of that chapter. These alterations do not represent sweeping changes but rather refinements to our existing code requirements that provide further clarity to existing code and introduces some new requirements. Departments that are involved with the review process has contributed and gave input on the suggested changes.

A full staff report is attached with further details.

The Planning Commission recommended approval to the City Council on July 15, 2021. Staff has proposed a few minor clarification changes since the Planning Commission meeting, that affect two sections of the affected chapters based on comments received from the public and the Planning Commissioners and with consultation with Legal Department staff (see Sec. 21-15-4(b)(7)(a)(5) & Sec. 21-20-7(3)(j)).

Recommended Action and/or Suggested Motion:

That the City Council adopt the proposed ordinance #21-23, which contains amendments to Title 21, Chapter 15, Sensitive Area Overlay Zone and Title 21, Chapter 20, Residential Development Standards, of the Sandy Municipal Code as shown in Exhibit "A", for the following reasons:

File #:
CA06232021-0006081_CC,
Version: 1

Date: 8/17/2021

-
1. Compliance with the Purpose of the Land Development Code by promoting the orderly development and creating consistency and equitable standards in Sandy City.
 2. Compliance with the Goals and Policies of the General Plan by: providing for orderly and efficient development which will be compatible with the natural and built environment; providing standards, guidelines and criteria having the effect of minimizing flooding, erosion, and other environmental hazards; and to protect natural scenic character of the hillsides, and preserving, enhancing, and integrating natural open spaces into the urban fabric of Sandy City.

That the City Council adopt the proposed ordinance #21-24, which would end the temporary land use regulation enacted with ordinance #21-14.



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

July 15, 2021

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendments Related to Development Moratorium CA06232021-0006081
on Properties East of Wasatch Blvd
Amend Title 21, Chapter 15, Sensitive Area
Overlay Zone and Title 21, Chapter 20, Residential
Development Standards, of the Sandy Municipal
Code

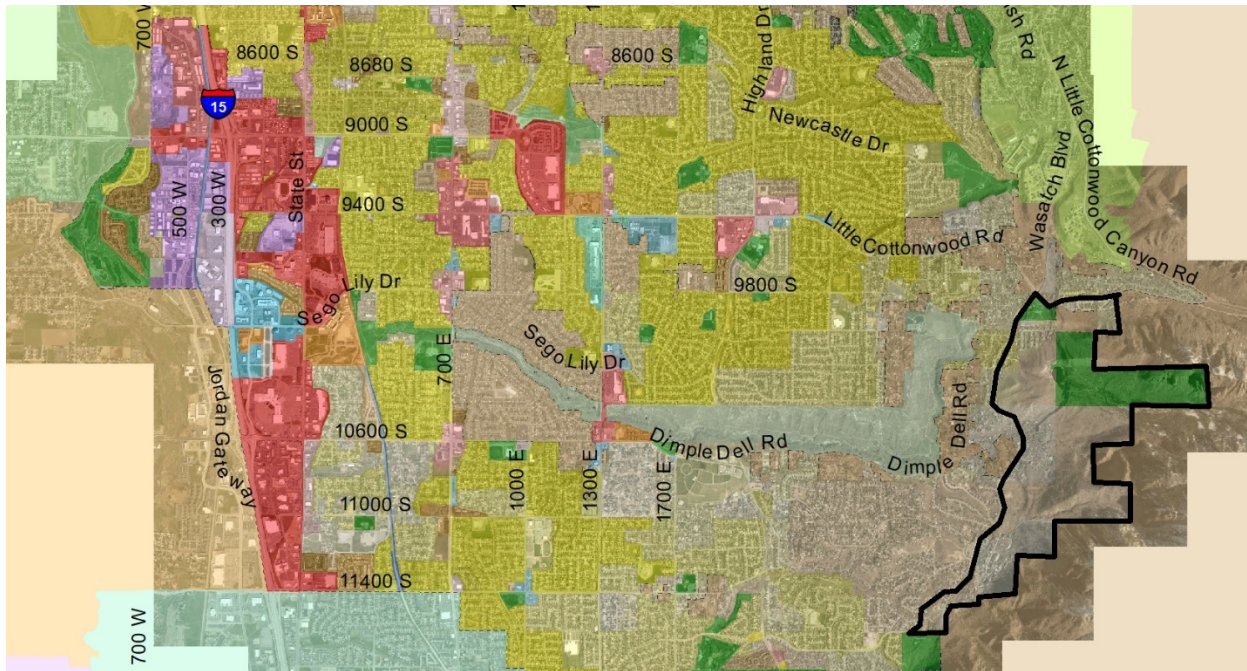
HEARING NOTICE: *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

REQUEST

On behalf of Sandy City, the Community Development Department is proposing to amend Title 21, Chapter 15, Sensitive Area Overlay Zone and Title 21, Chapter 20, Residential Development Standards, of the Sandy Municipal Code. The purpose of the Code Amendment is to address concerns with development in sensitive lands areas of the city and to address any deficiencies in the City's regulatory controls and protections over those areas. These proposed amendments are in response to the temporary land use regulations enacted by the City Council on April 6, 2021 (see Ordinance 21-14). The full text of the proposed changes is shown in Exhibit "A" (redlined) and a clean version shown in Exhibit "B".

BACKGROUND

On April 6, 2021, the City Council found that a compelling, countervailing public interest exists in enacting a temporary land use ordinance (see Ordinance 21-14) to allow the City administration time to identify, investigate, evaluate, and define how the natural hazards associated with steep slope foothill property areas should be addressed and regulated to protect the health, safety and welfare of all the citizens of Sandy City, and to allow the City Council adequate time to evaluate and enact appropriate regulations. The affected area (as shown in the map below) is restricted from any new development or applications for up to six months. Departments that are involved with the review process have contributed and gave input on the suggested changes.



ANALYSIS

From the collective analysis of several departments, Community Development staff has proposed several changes to two chapters of the Land Development Code to address the concerns stated in Ordinance 21-14, the Sensitive Area Overlay (SAO) Zone (Chapter 15) and Residential Development Standards (Chapter 20), in particular the Planned Unit Development (PUD) Section of that chapter. These alterations do not represent sweeping changes but rather refinements to our existing code requirements that provide further clarity to existing code and introduces some new requirements.

The main objectives of the proposed amendments to the SAO Zone include:

- Drainage and Debris Flow Corridors
- Earthquake Fault Lines and Affected Areas
- Rockfall Hazards
- Requirements to Alter Hillsides for Road/Driveway Access
- Technical Dispute Resolutions
- Better Describe Protected Hillsides
- Cut/Fill and Retaining Walls
- Comprehensive Sensitive Lands Map
- Clarify Exceptions on Previously Disturbed Slopes

The main objectives of the proposed amendments to the PUD Zone include:

- Open Space Requirements
- Clustering of Development
- Compatibility to Adjacent Uses
- Clarification on Density Calculation
- PUD Building Height Clarification
- Unique Standards Related to SAO Affected Lands

These amendments affect areas within the SAO mapped areas and the lands zoned PUD.

NON-CONFORMING USES

This Code Amendment would not create any non-conforming use situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
- c. To stabilize property values.
- d. To enhance the economic well-being of Sandy City and its inhabitants.

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed code amendments would promote the orderly growth and development of Sandy City. It would also further fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

GENERAL PLAN COMPLIANCE

The General Plan has several goals and policies that would be furthered by these proposed amendments such as:

- Provide for orderly and efficient development which will be compatible with the natural and built environment.
- Provide standards, guidelines and criteria having the effect of minimizing flooding, erosion, and other environmental hazards and to protect natural scenic character of the hillsides.
- Preserve, enhance, and integrate natural open spaces into the urban fabric of Sandy City.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to amend Title 21, Chapter 15, Sensitive Area Overlay Zone and Title 21, Chapter 20, Residential Development Standards, of the Sandy Municipal Code, as shown in Exhibit "A," based on the following findings:

1. Compliance with the Purpose of the Land Development Code by promoting the orderly development and creating consistency and equitable standards in Sandy City.
2. Compliance with the Goals and Policies of the General Plan by: providing for orderly and efficient development which will be compatible with the natural and built environment; providing standards, guidelines and criteria having the effect of minimizing flooding, erosion, and other environmental hazards; and to protect natural scenic character of the hillsides, and preserving, enhancing, and integrating natural open spaces into the urban fabric of Sandy City.

Planner:



Mike Wilcox
Zoning Administrator

CHAPTER 21-15. SENSITIVE AREA OVERLAY ZONE

Sec. 21-15-1. Purpose.

- (a) This chapter shall provide standards, guidelines, and criteria having the effect of minimizing flooding, erosion, and other environmental hazards and protecting the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds.
- (b) The standards, guidelines, and criteria established by this chapter shall include, but shall not be limited to, the following:
 - (1) The protection of the public from the natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
 - (2) The minimization of the threat and consequential damages of fire by establishing fire protection measures.
 - (3) The preservation of natural features, wildlife habitat, and open space.
 - (4) The preservation of public access to mountain areas and natural drainage channels.
 - (5) The retention of natural features such as drainage channels, streams, hillside areas, ridge lines, rock outcroppings, vistas, trees, and other natural plant formations.
 - (6) The preservation and enhancement of visual and environmental quality by use of natural vegetation, and the minimization of grading in hillside areas.
 - (7) The assurance of an adequate transportation system for the sensitive area, to include consideration of the City's approved Transportation Plan. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.
 - (8) The establishment of on-site and off-site traffic facilities that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at any time.
 - (9) The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and preserve open space and natural landscape.
 - (10) The establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
 - (11) The encouragement of location, design, and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain.
 - (12) The encouragement of the use of creative design teams composed of professional landscape architects, engineers, and others.
 - (13) The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.

(LDC 2008, § 15A-15-01)

Sec. 21-15-2. Scope and Application.

- (a) *Application of the Sensitive Area Overlay Zone.* The Sensitive Area Overlay Zone includes areas of 30 percent or greater slope; floodplain, streams, lakes, ponds and wet land areas; and areas with a high potential of damage from natural hazards, such as surface rupture during an earthquake, rock fall or debris flow, and other similar environmental conditions. Such areas are designated on the map entitled the "Sandy City Sensitive Area Overlay Zone Map." A copy of the map, drawn to scale of one inch equals 1,000 feet, is

available for review in the Community Development Department. Regulations of this chapter may apply to an area outside of the mapped Sensitive Area Overlay Zone if the Director determines that the environmental conditions of the subject area qualify it as a sensitive area, and the map shall thereafter be amended to include such area in the Sensitive Area Overlay Zone.

- (b) *Effect of Provisions.* This chapter makes provisions in addition to those set forth elsewhere in this title. In the event of conflict between such other provisions and the provisions of this chapter, the more restrictive provisions shall apply.

(LDC 2008, § 15A-15-02)

Sec. 21-15-3. Review and Approval Procedure.

- (a) *Development Review.* To help expedite review of a development proposal, prior to submitting an application for development in a sensitive area, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.
- (1) If requested by staff, they shall attend a meeting where representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
 - (2) At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, International Fire Code and any other applicable ordinances or codes of Sandy City, and provide information concerning the City's review requirements and procedures.
- (b) *Application.* Prior to any development activity taking place within a sensitive area, an application for development must be submitted to the Community Development Department and must contain the information and be in the format required by the applicable chapters of this title (subdivision, site plan review, planned unit development, etc.). All reports shall be prepared by a qualified person licensed in the State of Utah to practice their specialty. If a license is not required, the person shall have demonstrated expertise in the field of practice. In addition to the application requirements set forth in other chapters of this title, applications for development in sensitive areas shall include certain of the following as determined by the City Engineer:
- (1) General Development Application Form.
 - (2) A topographic contour map, tied to a land-based survey, with coloration, shading or hatching indicating areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 20 and 30 percent, and areas of 30 percent or greater, with contour lines spaced no less than two feet apart vertically.
 - (3) Location of the proposed project in relation to abutting public streets.
 - (4) The total acreage, number of lots, and proposed density for proposed residential developments.
 - (5) The total acreage, number of lots, and proposed density for proposed commercial developments.
 - (6) The location and approximate size, in square feet, of the proposed lots, including sensitive areas of 30 percent or greater slope, and the usable land for each lot.

- (7) Location of known hazards (e.g., faults, natural drainage channels, rockfall, debris flow, etc.) and the boundaries of the 100-year floodplain, as applicable.
- (8) Location of other environmentally sensitive areas, including wildlife corridors.
- (9) Proposed location of structures in relationship to all environmentally sensitive areas.
- (10) A General Geotechnical/Geological Report prepared by a qualified engineering geologist (with qualifying credentials and engineering stamp included in the report), which shall include the following components, unless the City Engineer determines a specific component is not applicable to the proposal:
 - a. Soil Characteristics Component, which shall include data regarding the nature, distribution, and strength of soils within the project area as well as:
 1. Unified classification of all soils with liquid limit, shrink-swell potential, and general suitability for development.
 2. Estimate of the normal highest elevation of the water table.
 3. Flood history and potential, proximity to known floodplain area and drainage channels, springs, and other hydrological features.
 4. Liquefaction analysis.
 - b. Vegetation Component, which shall include a slope stabilization and a revegetation report which shall comply with Section 21-25-4 and include:
 1. Location and identification of existing vegetation.
 2. The vegetation to be removed and the method of disposal.
 3. The vegetation to be planted.
 4. Slope stabilization measures to be installed.
 5. Analysis of the environmental effect of development, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
 6. Topsoil stockpile areas.
 - c. Geologic Conditions Component, which shall be site-specific and shall identify all known, suspected, and potential faults and other geologic hazards. Hazards may originate on- or off-site. They may have been previously mapped or unmapped. This component shall include, but is not limited to, the following:
 1. Location of active and historical faults and a recommendation for a setback of proposed structures from the faults.
 2. Characteristics of the geological material and identification of anomalies of the terrain.
 3. Depth and geological evaluation of bedrock.
 4. Map of hazards or any features of interest.
 5. Boring and test pit logs, ~~and~~ trench reports, aerial photographs, references with citations, and other supporting information as applicable to the report.
 6. Slope stability analysis, including the angle of repose.
 7. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.

-
- d. Debris Flow Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by the flow of rock, soil, organic material, and water in any combination of the above. The report will be for the full upstream debris basin. The report will include, but is not limited to, the following:
1. Boring, test pit and trench logs.
 2. Estimates of the number and frequency of past events and their thickness and volume.
 3. Estimates of the recurrence, depth, and impact forces of future events.
 4. Consideration of various rainfall intensities, avalanche risk assessment, and de-vegetation by wildfire events with accompanying debris flow estimates due to de-vegetated conditions.
- e. Landslide Report, which shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hyland, 1996). This shall include both static and dynamic conditions.
- f. Rock Fall Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by a rock or rocks falling, rolling, sliding, or taking the form of an avalanche. The report shall include, but is not limited to, the following:
1. Estimates of the number and frequency of past events.
 2. Estimates of the recurrence and impact forces of future events.
 3. A comparative risk analysis with and without suggested mitigations to protect from rock fall hazards.
 4. Consideration of both possibility and probability of a rock fall event at set recurrence intervals, then assessing the risk of development at set long-term intervals. Intervals shall be at 1-year, 10-years, and 100-years.
35. Modeling results.
- fg. Grading and Drainage Plans. The plans shall include a Stormwater Management and Erosion Grading Plan on the methods by which surface water, natural drainages, flooding, erosion, and sedimentation loss will be accommodated during and after construction. The plan shall include the following information:
1. *Grading Plan.* The Grading Plan shall show existing and proposed elevation contours, tied to a land-based survey, and shall include elevations, lines, and grades, including the location and depth of all proposed cuts and fills of the finished earth surfaces using a contour interval of two feet or less. Access or haul road location, treatment, maintenance requirements and limits of disturbance shall be included.
 2. *Cleared Area.* The proposed area to be graded shall be clearly delineated on the plan, and the area amount stated in square feet.
 3. *Drainage Calculations and Details.*
 - (i) All calculations and any required details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures shall be shown.
 - (ii) Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Equations should include factors of:
 - A. Rainfall intensity and energy.
-

- B. Soil erodibility.
 - C. Land slope and length of slope or topography.
 - D. Condition of the soil surface and land management practices in use.
 - E. Surface cover (e.g., grass, woodland, crop, pavement, etc.).
- (11) The City Engineer may require trenching, boring, and test pits along with additional information for developments in the Sensitive Area Overlay Zone.
 - (12) All reports shall identify any potential impacts or hazards resulting from construction or disturbance by the development and include written recommendations for construction of proposed improvements and other measures to mitigate potential impacts and hazards.
 - (13) The City may require proposed lots, streets and structures to be staked for field inspection.
 - (14) All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Sandy City shall be made available to the City Engineer, as a part of the review and approval process, so that the City Engineer can better advise the Planning Commission.
 - (15) A comprehensive detailed site map of the proposed development showing site specific mapping performed as part of the geologic investigation, including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazards, delineation of any recommended setback distances from hazards, and recommended location for structures. Buildable and non-buildable areas shall be clearly identified.

(c) *Preliminary Review.*

- (1) Upon submittal of an application and all supporting information and attendance at a Development Review Meeting, if necessary, the application for the development proposal shall be forwarded to the reviewing departments and agencies. They will review it preliminarily to determine if the application and plan, together with all supporting information, is complete and complies with all the requirements of this title, including the sensitive area development standards as set forth hereafter, and other applicable City and agencies' standards.
- (2) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted, or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant will be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised application, plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
- (3) Upon resubmittal, the development proposal will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the application for the development proposal and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this Code and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the application is incomplete and the review cannot proceed further until all required, necessary, and requested information is submitted.
- (4) An applicant may dispute the study area boundary of a study or report required by the city or the presence of mapped or unmapped hazards within a particular area by submitting a written request to the City Engineer accompanied by technical and geologic evidence in the form of a site-specific geologic hazards report. The City Engineer may retain other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the applicant. The City Engineer may allow deviations from previously mapped boundary lines

or hazards only if the site-specific geologic hazards report clearly and conclusively establishes that the disputed boundary is incorrect or that the mapped hazards are not present within a particular area.

- (45) When the application is determined to be complete, all development proposals in sensitive areas will be submitted to the Planning Commission for Preliminary Review. The Planning Commission will review the development proposal, including staff analysis, of all supporting information and all requested supplemental information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
- (56) After all requested information has been received and reviewed by the Planning Commission, the Planning Commission will determine if preliminary review is complete and impose development requirements.
- (d) *Final Approval.*
- (1) After the Planning Commission determines that preliminary review is complete and imposes development requirements, the applicant shall submit to the Department a final development plan, together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission.
 - (2) The Department, together with the other reviewing departments and agencies, shall review the final development plan to determine compliance with all requirements, corrections, additions, etc. When the final development plan has been determined to be complete and in compliance with all requirements, all fees paid and guarantees posted, the plan shall be approved and signed by the appropriate City departments and officials.
- (e) *Appealing a Land Use Authority's Decision.* The applicant, a board or officer of the City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision or determination made by the Land Use Authority in the administration or interpretation of this title.
- (f) *Panel of Experts for Appeals of Geologic Hazard or Sensitive Areas.* An applicant who has appealed a decision of the land use authority administering or interpreting the Sensitive Area Overlay Zone may request the City to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal. If the applicant makes a request for a panel of qualified experts, the City shall assemble the panel, which shall consist of, unless otherwise agreed by the applicant and the City:
- (1) One expert designated by the City;
 - (2) One expert designated by the applicant; and
 - (3) One expert chosen jointly by the City designated expert and the applicant's designated expert.

A member of this expert panel assembled by the City may not be associated with the application that is the subject of appeal. The applicant shall pay one-half of the cost of the panel as well as the City's appeal fee that is established by the City Council.

(LDC 2008, § 15A-15-03)

Sec. 21-15-4. Development Standards for Sensitive Areas.

- (a) *Standards for Sensitive Areas Containing 30 percent or Greater Slopes.*

(1) *Usable Land.*

- a. Single-family structures shall be located only upon areas constituting usable land, which area shall be fully contiguous, be at least 5,000 square feet in size and have a minimum dimension, both length and width, of 50 feet.
- b. All other structures, including clustered single-family, multifamily, commercial, industrial, institutional, and accessory structures, shall be located upon usable land as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.

(2) *Setback requirements.*

- a. No dwellings or accessory structures shall be constructed within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.
- b. All other structures which require a building permit, including commercial, industrial, institutional, and structures accessory thereto, shall be set back as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
- c. Structures requiring a building permit shall be set back no further than 150 feet from a public or private street unless otherwise approved by the Fire Marshal.

(3) *Trails.* A trail may be constructed to access upper/lower portions of residential/commercial property subject to the following conditions:

- a. No cut or fill of the hillside may be in excess of two feet. All cuts or fills shall be properly retained.
- b. The trail should follow a meandering course and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.
- c. The trail shall be screened with native landscape materials.
- d. The Trail Plan shall be submitted to the Director and City Engineer for review and must be approved prior to any construction and/or hillside cuts.

(4) *Fencing.* All fences located on slopes of 30 percent or greater shall be dark brown, dark green or black vinyl coated chainlink to blend in with the native landscaping. In no case shall the following types of fences be allowed: uncoated chainlink, masonry, block, wood, or other sight obscuring material. Fence construction shall comply with the Environmental Hazards Element as contained in the General Plan.

(b) *Development Standards for All Sensitive Areas.*

(1) *Maximum Impervious Material Coverage.* The maximum impervious material coverage that shall be allowed upon lots:

- a. Upon which structures are located, shall be 50 percent for those in residential zoning districts of R-1-15 or below and 40 percent for those in zoning districts of R-1-20 or above of the total lot area (excluding pad lots and clustered subdivisions), including dwelling units, accessory buildings, patios, decks, driveways, etc.; provided, however, that the maximum impervious material coverage may exceed the allowable percentage upon review and approval of a special exception by the Planning Commission. The Planning Commission shall use the following criteria when making a decision to increase lot coverage:

1. The home is of comparable size to other homes in the general vicinity;
2. The increase is needed to create a safe drive access for the home; and

3. The increase is the minimum required to meet Subsections (b)(1)a.1 and 2 of this section.
 - b. Upon which multifamily dwellings, commercial, industrial, institutional, pad lots, clustered subdivisions and accessory structures are proposed, shall be determined during site plan review and approved by the Planning Commission. The Planning Commission will base their decision on information received from the developer in relation to mitigation measures which can be imposed to handle excess runoff.
- (2) *Drainage and Erosion.*
- a. Lots and buildable areas shall be arranged so as to ensure adequate setbacks from drainage channels as determined by the City Engineer after review of the submitted reports and applicable 100-year floodplain. The final plat shall reflect these building restrictions.
 - b. Facilities for the collection of stormwater runoff shall be required to be constructed on development sites and according to the following requirements:
 1. Such facilities shall be the first improvement or facilities constructed on the development site, with the exception of sewer and water lines.
 2. Such facilities shall be designed to detain safely and adequately the maximum expected stormwater runoff for a 25-year storm (together with the stormwater discharge from the site not to exceed 0.2 cubic feet per second per acre or at a rate not higher than the flow rate before development of the site, whichever is less) on the development site for a sufficient length of time to prevent flooding and erosion during stormwater runoff flow periods.
 3. Such facilities shall be designed to divert surface water away from cut or fill surfaces.
 4. As much as possible, the existing natural drainage system shall be utilized in its unimproved state.
 5. Where drainage channels are required, wide shallow swales, lined with appropriate vegetation, shall be used instead of cutting narrow, deep drainage ditches.
 6. Flow retarding devices, such as detention/retention ponds and recharge berms, shall be used, where practical, to minimize increases in runoff volume and peak flow discharge rate due to development. Areas which have shallow or perched groundwater or areas that are unstable shall be given additional consideration, and additional requirements may be imposed.
 - c. Storm Water Analysis and Drainage Plans shall meet the requirements identified in Sandy City Standard Specifications.
 - d. Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between December 1 and April 15 of the following year.
 - e. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standard Specifications.
- (3) *Vegetation and Revegetation.*
- a. Vegetation shall be removed only when absolutely necessary for the construction of buildings, roads, and filled areas.
 - b. All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation which has good erosion control characteristics.
-

- c. New plantings shall be protected with a mulch material and fertilized in conjunction with the planting and watering schedule described in Subsection (b)(3)e of this section.
 - d. The use of persons or firms having expertise in the practice of revegetation (e.g., licensed landscape architects or certified nurserymen) shall supervise the planting and installation of revegetation cover.
 - e. After the completion of off-site improvements, vegetation should be planted in all disturbed areas during the following time periods only:
 - 1. March 15 through May 15 and September 15 through October 31.
 - 2. If irrigated, planting may be done during summer months.
 - f. Generally, no vegetation shall be removed on a continuous hillside, crest (upslope or downslope), with a slope 30 percent or greater. However, for uses such as trails and open space improvements, the City Engineer may approve designated areas of vegetation that can be removed or disturbed in conjunction with a Revegetation or Slope Stabilization Plan.
 - g. Topsoil removed during site construction shall be reserved for later use on areas requiring vegetation or landscaping such as cut and fill slopes.
 - h. All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces (e.g., roads, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
 - i. The property owner and/or developer shall be fully responsible for any destruction or damage of native or applied vegetation identified as necessary for soil retention and shall be responsible to replace such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the Director.
- (4) *Geology.*
- a. Dwellings and commercial buildings shall be set back from any active faults as required by the City Engineer.
 - b. No dwellings, commercial buildings or off-site improvements shall be allowed on any area considered to be susceptible to landslide, rockfall or debris flow or problems associated with perched or shallow groundwater, except as approved by the City Engineer. Special requirements to mitigate the potential effects of such hazards may be imposed by the City Engineer prior to approval of the project or issuance of building permits.
- (5) *Fire Protection.*
- a. Areas without a recognized water supply shall meet special requirements as established by the Planning Commission, upon recommendation of the City Fire Marshal.
 - b. Each development site and building permit for lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the City Fire Department to see that it complies with the International Fire Code regarding access roadways for fire apparatus.
 - c. Spark arresters shall be installed in every fireplace constructed for indoor or outdoor use as regulated by the most current version of the International Fire Code.
 - d. Development adjacent to public lands shall provide access to these lands for fire protection vehicles and equipment.
-

-
- e. Buildings and structures constructed in areas designated by Sandy City as Wildland—Urban Interface Areas shall be constructed using ignition-resistant construction as determined by the Fire Marshal. Section 502 of the 2015 International Wildland—Urban Interface Code (IWUIC), as it may be amended from time to time, as promulgated by the International Code Council, shall be used to determine fire hazard severity. A copy of the map designating the Wildland—Urban Interface Area is located in the office of the Sandy City Fire Marshal.
- (6) *Grading, Cuts and Fill.*
- a. Exposed unstable surfaces of a cut or fill shall not be steeper than one vertical to two horizontal.
- b. All permanent fill shall be stabilized and finished to reduce risk associated with settling, sliding or erosion.
- c. The top and bottom edges of slopes caused by an excavation or fill up to ten vertical feet shall be at a minimum of ~~three~~five horizontal feet from the property line or public right-of-way lines.
- d. The maximum vertical height of all cuts or fills shall be ten feet. Under exceptional circumstances, the Planning Commission may approve cuts or fills in excess of ten feet with a recommendation from the City Engineer. Cuts or fills shall be measured from natural grade to finished grade. The burden of demonstrating exceptional circumstances shall be on the developer of the property, but may include:
1. Cutting or filling of areas designated as anomalies.
 2. Cutting to allow for required sight triangles.
 3. Areas previously modified, altered or disturbed.
 4. Cuts or fills as required by the City Engineer to mitigate any unsafe condition, such as slopes exceeding 50 percent.
 5. Unusual topographic features, such as bowls or rises that don't exceed slope limitations but may inhibit sound construction.
 6. Other conditions as approved by the Planning Commission.
- e. All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope.
- f. No grading, cuts, fills, or terracing will be allowed on a continuous hillside ~~containing~~of 30 percent or greater slope, crest (upslope or downslope) unless otherwise determined by the Planning Commission upon recommendation of the Director and City Engineer.
- (7) *Streets and Ways.* Streets, roadways, and private streets, lanes and driveways shall follow as nearly as possible the natural terrain minimizing cuts and fills. In addition to the standards identified in Chapter 21-21, the following additional standards shall apply:
- a. Streets, roadways, and private streets, lanes, and driveways through protected 30 percent or greater slopes are prohibited unless all of the following criteria are met and approved by the Planning Commission upon recommendation of the Director and City Engineer:
1. No alternative location for access is feasible or available;
 2. No individual segment or increment of the street, roadway, private street, lane, or driveway is more than 150 feet in length that crosses any continuous 30 percent or greater slopes;
-

3. All crossings of a continuous 30 percent or greater slope shall be designed and constructed to eliminate significant adverse environmental, or safety impacts as determined by AASHTO guidelines and geotechnical report recommendations;
4. Under no circumstances shall any segment of a street, roadway, private street, lane, or driveway cross a continuous slope greater than 50%; and
5. Streets, roadways, private streets, lanes, and driveways shall follow natural contour lines where possible. If the natural contour lines do not reasonably facilitate access to the development site, an alternative private access road or driveway may be designed and submitted for approval.

- ab.** Access easements shall be provided to all adjoining developed and non-developed areas for emergency and firefighting equipment when determined necessary by the Fire Marshal. Driveways located upon each lot extending beyond 150 feet from a public or private street may be deemed a Fire Department access road, as determined by the Fire Marshal, and must follow the design requirements of a private lane.
- bc.** A cul-de-sac is permitted up 750 feet in length. It may exceed 750 feet in length through a special exception reviewed by the Planning Commission. This request to extend the length of the cul-de-sac requires a recommendation from the Director and City Engineer. The following shall be evaluated in reviewing the special exception:
1. Based upon the subject property's geographical constraints, it can be demonstrated that extending the road would better accomplish the stated purposes of this chapter.
 2. It can be demonstrated that public safety will be improved above existing conditions.
- cd.** Variations of the street design standards developed to solve special visual aesthetics and functional problems may be presented to the Planning Commission upon recommendation from the City Engineer for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.
- de.** Development sites which are located near canyon trails shall provide access to those trails. Parking areas at trailheads may be required by the Planning Commission.
- ef.** The maximum amount of impervious surface for streets and roadways shall not exceed 20 percent of the entire development site.
- fg.** The maximum grade of all streets or rights-of-way for vehicle traffic shall be 10 percent, unless permitted by the City Engineer and Fire Marshal.

(8) *Architectural Design.*

- a. Buildings proposed for construction in hillside or canyon areas shall be designed to be visually compatible with the natural setting of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as wood or composite materials such as hardi-plank, brick (earth colors) and stone, with architectural-grade asphalt shingle or tile, are considered to be most appropriate.
- b. The Planning Commission shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. The design and materials shall comply with the City Architectural Design Standards. Building permits for such structures shall not be granted until building materials and colors have been approved by the Planning Commission.
- c. Innovative designs for single-family dwelling units (e.g., earth-sheltered dwellings with grass roofs, etc.), may be allowed after approval by the Planning Commission and Building and Safety Division.

- (9) *Developer/Property Owner Responsibility.* The developer/property owner shall be jointly and severally responsible for making all improvements in accordance with the development site approval.
 - (10) *Guarantee for Improvements.* In addition to the provisions requiring the posting of a guarantee as set forth elsewhere in the ordinances of Sandy City, the property owner may be required by the Director and City Engineer to guarantee the completion of revegetation projects, the stabilization of grading sites, cuts and fill and construction of stormwater runoff facilities.
- (c) *Jordan River Regulations.* In addition to those requirements specifically outlined in Chapter 17.10 of the Salt Lake County Code, the following requirements shall be completed prior to development:
- (1) The Jordan River Basin has been identified and mapped by Salt Lake County as having a "High Liquefaction Potential." Because of this special characteristic of this area, a site-specific natural hazards study for residential subdivisions, single-family structures, multifamily residential structures, industrial, and commercial buildings must be completed and accepted by the Sandy City Engineer before approval for required permits, licenses, and other approvals are issued. The study shall address the soil conditions of the property to be developed, the natural hazards that exist, and proposed mitigation measures to mitigate, if possible, the natural hazards. If the natural hazard cannot be mitigated in a satisfactory manner, no approval shall be given by the Sandy City Engineer.
 - (2) All developments shall comply with the recommendations as made by the Jordan River District and Parkway Development Study completed by Bingham Engineering and accepted by Sandy City in February 1995. Copies of that study are on file with the City for information and inspection by the public.

(LDC 2008, § 15A-15-04; Ord. No. 14-29, 9-28-2014; Ord. No. 15-22, 7-15-2015; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Sec. 21-15-5. Special Exceptions.

- (a) *Previously Platted Lots.* If a lot which contains or is adjacent to 30 percent or greater slopes was platted, approved and recorded prior to the adoption of sensitive area (or similar) regulations either in Salt Lake County or Sandy and such lot does not comply with Sandy City's current Sensitive Area Overlay Zone, a property owner may request a special exception from the Director to allow construction on the property at reduced or no setback from the 30 percent or greater slope. If it is determined that this exception applies, the lot will not be required to proceed through Sensitive Area Overlay Zone review though special requirements to protect the health, safety and welfare of the lot owner and residents of the City will be imposed before the issuance of a building permit. A property owner may request this exception only if the lot complies with the following:
 - (1) *Qualifications.* Property which qualifies for the exception is limited to the following:
 - a. Subdivision lots approved and recorded prior to the enactment of sensitive overlay (or similar) regulations which were applicable to the property, or subdivision lots approved and recorded under different regulations than currently apply to the property;
 - b. The lot contains or is adjacent to 30 percent or greater slope and cannot be built upon in compliance with the setbacks required by the Sensitive Area Overlay Zone in effect at the time the request is made;
 - c. The lot does not have the amount of usable land area required by the Sensitive Area Overlay Zone in effect at the time the request is made;
 - d. The slope is stable and suitable for construction as determined by the City Engineer;
 - e. Measures can be imposed which mitigate or eliminate hazards created by construction near the slope; and

- f. The development shall comply with all other requirements of this title, including driveway slopes and cuts and fills, unless the Board of Adjustment approves a variance.
- (2) *Information to be Submitted.* The following information shall be submitted for review and recommendation of the Director and City Engineer prior to approval of a building permit:
- a. Evidence that the lot was platted prior to the imposition of sensitive area overlay (or similar) regulations or in compliance with previous regulations.
 - 1. Evidence shall include copies of the subdivision plat approval and recordation and copies of the regulations which governed the subdivision at the time it was approved and recorded.
 - 2. If it is claimed that no regulations were in effect at the time the subdivision plat was approved and recorded, a statement from the appropriate governmental entity that a search of their records was conducted and that no regulations were in effect.
 - b. A geotechnical report from a licensed civil engineer that identifies the following:
 - 1. The depth of undisturbed soil below grade.
 - 2. Soil compaction and stability.
 - 3. Rock fall and debris flow potential.
 - 4. Angle of repose.
 - 5. Conditions on or near the property which if disturbed by construction may create hazards to the property or adjacent property.
 - 6. Recommendations for construction and siting to assure safety of the development and adjoining properties from these hazards.
 - c. Before the construction of a structure (e.g., single-family dwelling, multifamily dwelling, commercial building, accessory structure, pool, etc.) shall be allowed, an engineered plot plan stamped and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted and include the following information:
 - 1. Location of all existing and proposed structures.
 - 2. Existing and proposed contour lines at two-foot intervals.
 - 3. Retaining walls or other measures to address the safety of the subject and adjoining properties if determined necessary by the City Engineer.
 - 4. Existing and proposed vegetation types and locations.
- (3) *Imposition of Additional Requirements.* The City Engineer and Director may impose requirements on the building permit as follows:
- a. To mitigate or eliminate anticipated impacts from development.
 - b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and the City Engineer to assure that the mitigation measures are effective and remain in place and functional.
 - c. That a notice be recorded on the property with the County Recorder that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.
-

(4) *Application for Variance.* If a property owner is requesting to build on the 30 percent or greater slope, an application for a variance from the Board of Adjustment shall be submitted.

(b) Natural Slopes that were Previously Disturbed or Developed Slopes. A property owner whose property contains or is adjacent to what was a natural continuous 30 percent or greater slopes may request a special exception to allow construction at reduced setbacks or no setback from the slope or on the slope. A property owner may request the exception during the preliminary review or, upon individual lots, after final development approval.

(1) *Qualifications.* Property which qualifies for the exception is limited to the following:

- a. The property contains or is adjacent to areas of a continuous 30 percent or greater slope;
- b. The slope was previously disturbed or altered;
- c. The disturbance or alteration was conducted legally either prior to the imposition of any sensitive area regulations on the property or was consistent with the sensitive area regulations in effect at the time the disturbance or alteration was conducted;
- d. The slope is stable and suitable for construction as determined by the City Engineer;
- e. Measures can be imposed which mitigate or eliminate hazards created by construction near to or additional disturbance or alteration of the slope;
- f. All development on the property complies with all other requirements of this title, such as driveway slopes and cuts and fills, maximum impervious coverage, etc.; and
- g. No other exceptions or any variances are requested or necessary.

(2) *Information to be Submitted.* The property owner shall submit the following for review and recommendation of the Director and City Engineer to the Planning Commission:

- a. All submittals required for preliminary and final review of property within a Sensitive Area Overlay Zone.
- b. Evidence that the disturbance or alteration occurred legally prior to the imposition of sensitive area overlay (or similar) regulations or consistent with sensitive area overlay (or similar) regulations in effect at the time the disturbance or alteration occurred.
 1. Evidence shall include copies of permits from the governmental entity that had authority to issue such permits at the time the alteration/disturbance took place accompanied by copies of any sensitive area (or similar) regulations in effect at the time of the disturbance or alteration.
 2. If copies of permits are not available, the following may be acceptable: credible evidence in the form of documents (including photographs) or sworn affidavits from an individuals with first-hand knowledge documenting when the work was done, by whom and whether it was legal or not, together with written statements from the appropriate governmental entity that a search of their records was conducted and that either no permit was found, no permit was required, and/or no regulations were in effect and that the work was consistent with all regulations in effect at the time it was performed.
- c. A study and report from a licensed civil engineer which specifically addresses the slopes upon which the applicant is requesting reduced setbacks, including geologic conditions, soils, and vegetation, impacts of development (including aesthetics) and recommended mitigation measures for those impacts. (This information may be contained in the Geologic Report submitted with the application).

(3) *Granting of Special Exemption.* The Planning Commission may grant the special exception and establish a reduced setback from the 30 percent or greater slope, determine that no setback from the slope is

required or allow building on the slope if it finds that the property complies with all the qualifications for the exception listed above.

- (4) *Imposition of Additional Requirements.* The Planning Commission shall impose requirements:
- a. To mitigate or eliminate anticipated impacts from development.
 - b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and City Engineer to assure that the mitigation measures are effective and remain in place and functional.
 - c. That a notice be recorded on the property that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.
- (c) *Determination of Anomalies for 30 Percent or Greater Slopes.* The City Engineer shall review all requests for development on 30 percent or greater slopes to determine if anomalies exist. If an anomaly is determined to exist, the City Engineer shall forward to the Planning Commission a recommendation regarding development of the area affected by the anomaly. This recommendation will be made as part of the preliminary review of the project. The City Engineer shall consider the following criteria in making a recommendation:
- (1) An anomaly in the terrain is an isolated odd, peculiar or irregular terrain feature not consistent with the surrounding terrain. It is typically naturally occurring.
 - (2) For engineering purposes there are two types of anomalies recognized:
 - a. *Bump/bulge/dish.* A bump, bulge or dish can be found on a hillside where the hill in general does not exceed the 30 percent slope limit but the bump, bulge or dish does. This type of anomaly should stand alone and be relatively small in area (less than the buildable area of a residential lot). It should not be part of a series of bumps, bulges or dishes that could be considered a single larger protected feature, thus no longer an anomaly. For example, in the course of excavating for a foundation, the anomaly is actually removed or filled. If the bump/bulge type terrain feature is determined to be an anomaly, setbacks standards (ten-foot minimum with 20-foot average) would apply only to the remaining areas designated as over 30 percent.
 - b. *Ribbon.* The ribbon represents a long narrow and abrupt ridge line. The terrain both above and below the ridge has a slope less than 30 percent, but the narrow ridge line, or ribbon, exceeds 30 percent over a small distance. The impact of a cut through the ribbon on drainage and erosion should also be considered. All standard specifications regarding construction or roads and driveways remain in place.
 - (3) The following questions should be considered as a minimum when requesting a recommendation to declare a terrain feature an anomaly:
 - a. Is it truly an isolated feature not in proximity to other areas of 30 percent or greater slope?
 - b. What is the relationship (i.e., orientation, distance) of this feature to other areas that exceed 30 percent or greater slope area (if they exist)?
 - c. What cuts/fills are planned (i.e., will the feature disappear in the course of construction)?
 - d. Can you maintain a slope of less than 30 percent after the cut/fill, or does the surrounding area have too much slope to accomplish that?
 - e. Is the feature manmade?
 - f. Does it reasonably conform to the intent of the definition?

(LDC 2008, § 15A-15-05; Ord. No. 15-04, 3-23-2015)

Sec. 21-15-6. Construction, Grading and Contour Map and Issuance of Building Permits.

- (a) There shall be no construction, development, or grading upon the development site until final approval has been granted.
- (b) Before the construction of a structure upon lots shall be allowed, an engineered plot plan stamped, dated and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted. The plot plan shall be drawn to a standard scale (at least one inch equals ten feet or other scale approved by the City Engineer) and shall be submitted to the Director or designated staff representative. The plot plan shall show lot lines, existing and proposed contours at two-foot intervals, location of proposed structures, walks, decks driveways, patio areas, etc. The plot plan shall also include vegetation, drainage, erosion controls, and location of limits of disturbance fencing (required) and be attached to the building permit.

(LDC 2008, § 15A-15-06)

Sec. 21-20-7. Planned Unit Development District (PUD).

This section calls for substantial compliance with the intent of the General Plan and regulations of this title and other provisions of this Code related to the public health, safety, and general welfare, but also offers the advantages of large-scale planning for residential development and efficient use of land.

- (1) *Purpose.* The purpose of the planned unit development is:
 - a. To encourage a quality living environment through greater flexibility of design than is possible solely through the typical application of zoning regulations.
 - b. To encourage a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
 - c. To encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to give imagination and variety in the physical pattern of the development.
- (2) *Design Objectives for Planned Unit Developments.* Every planned unit development shall be designed to achieve the following design objectives:
 - a. Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities.
 - b. Be related to existing and proposed land use and circulation plans of the community and not constitute a disrupting element in the neighborhood.
 - c. The internal street system and pedestrian connections should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation, activities, functions of the common areas and open space.
 - d. Open space and recreation areas and facilities should be located adjacent to dwelling units or be easily accessible therefrom.
 - e. Open space and recreational areas should be the focal point for the overall design of the development.
- (3) *Development Requirements.* To be approved, a planned unit development project must show a high commitment to excellence, ensuring better quality of life for future tenants and be compatible with adjacent residential areas. The following are required for all planned unit development projects:
 - a. *Ownership.* The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
 - b. *Open Space.* Unless otherwise approved by the Planning Commission, common and private open space shall be provided and shall not cover less than 40 percent of the gross site area. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets ~~right-of-way~~, or alleys and shall be accessible by the residents. Said open space shall be devoted to landscaping, preservation of natural features, ~~trails~~, patios, and recreational areas. Private open space (that provided for each dwelling unit for personal use) shall be located immediately adjacent to, attached to, or within the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. Common open space ~~must constitute at least one quarter of the required open space. It~~ may be distributed throughout the planned unit development and need not be in a single large area. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space. Open space within a Sensitive Area Overlay Zone ~~shall require conditional use approval. These areas may include, but are not limited to, 30 percent or greater slope areas, fault zones, floodplains,~~

~~high water table, and wetlands. These areas~~ may only be included as open space when they have been designed as an integral part of the project, as enumerated in subsection 21-20-7(2) above.

- c. *Interior Streets.* The design of public and private streets within a planned unit development shall follow City standards for width of right-of-way and construction. Existing City standards of design and construction may be modified as allowed in this Code. The interior street system in an entire planned unit development project shall be dedicated to the City as a utility easement. All private streets shall be conveyed to a private association. The original developer/builder will also be required to establish a City-approved road maintenance fund for all private streets. This provision will be required in the CC&Rs for all projects with a private street system.
- d. *Parking.* The minimum parking requirements outlined in this code shall be adhered to except as allowed herein.
 - 1. All parking areas, covered or open, shall have a landscaped buffer adjacent to any public right-of-way.
 - 2. There shall be no less than 1.5 covered parking spaces (1.0 carports, 0.5 garages) per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages/carports should be increased or reduced:
 - (i) The topography of the proposed site.
 - (ii) To enhance and protect local property values of adjacent developments and neighborhoods.
 - (iii) To improve the overall appearance of the development for the density of units (e.g., attached garages and underground garages).
 - (iv) Review the location of all garages and may require that they be attached or underground for the multifamily units. All covered parking shall be placed in locations adjacent and convenient to the buildings that they are intended to serve.
 - (v) To assist the project in reaching affordable rent levels for low and moderate income individuals as determined by the U.S. Department of Housing and Urban Development.
 - (vi) Garages shall be used for vehicle parking only.
 - (vii) Tandem spaces shall be counted only as one space.
- e. *Building Materials.* Building materials, roofing materials, and building design shall be reviewed and approved by the Planning Commission. High-quality exterior materials shall be used, including brick, stone, synthetic stucco, prefinished panel, composite materials, or other materials of similar quality, durability, and low maintenance.
- f. *Landscaping on Public Right-of-Way.* Where a planned unit development is adjacent to a public right-of-way, a permanent open space at least ten feet in width shall be required along the property lines. This area shall be kept free of buildings and structures (except fences as approved by the Planning Commission) and permanently maintained in street trees and other landscaping, screened or protected by natural features, or as approved by the Planning Commission.
- g. *Exterior Fencing.* Exterior fencing shall be provided as approved by the Planning Commission. Acceptable fencing materials include architecturally-designed brick or block fences, wrought iron fences, post and rail fences, vinyl fences, pre-cast concrete, or structural wood fences with square metal posts with tongue-in-groove redwood siding and redwood for all other wood members. Additional landscape buffers may also be required with the width and landscaping specifications as determined by the Planning Commission.

h. *Street Lights.* Appropriate street lighting is required. If the streets are to be dedicated to the public, the lights shall comply with the City's Street Light Plan. If the streets are private, the lights may be altered, but must be approved by the Planning Commission. The applicant shall submit a plan which indicates the type and location of street lights in relation to the proposed site landscaping.

i. Clustering of Development. Any clustering of units must be done in a way to create usable open spaces and preserve sensitive land areas (such as wildlife corridors, steep slopes, fault zones, etc.).

j. Compatible Land Use and Building Arrangement. Appropriate site design and layout must reflect the surrounding land uses and existing context of the area. Like uses, similar building placement, and setbacks, - limited building height shall as allowed in the zoning be required of the adjacent to surrounding properties (e.g., single-family detached lots adjacent to similar scale attached single-family arrangements) to provide a transition prior to denser clustered housing arrangements. Alternatively, a large continuous open space area (minimum depth of twice the adjacent zone rear setback minimum) shall act as a buffer prior to transitioning to different land use densities.

(4) *Development Standards.*

a. *Required Elements.* Residential developments shall be guided by a total design plan in which the following development standards may be varied to allow flexibility and creativity in site design, building design, and location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as they determine appropriate. The Commission may require specific setbacks, a lower residential density, and a height limitation. ~~This~~These criteria shall be used by the Planning Commission principally to ensure the design objectives in this section of this chapter are met.

1. *Feasible Development.* A planned unit development shall be of sufficient size, composition, and arrangement to enable its feasibility as a complete development.

2. *Density.* ~~The density allowed for a planned unit development shall be no greater than the zone in which it is located. Any individual phase of the planned unit development shall not exceed the overall density maximum of the given zone district unless a phasing plan is approved per subsection 21-20-13 below. The number in the given PUD Zone District, is the maximum number of units per acre of land area within the boundaries of the proposed development, which is calculated as follows:~~

(i) If the development contains no land area within the Sensitive Area Overlay, gross land area shall be used to calculate the number of units per acre.

(ii) If the development contains areas within the Sensitive Area Overlay, net buildable land area shall be used to calculate the number of units per acre. This is calculated by subtracting any acreage within non-buildable or inaccessible areas, as determined in the Sensitive Area Overlay Zone (e.g., natural hazards, flood plains, fault zones, continuous slopes of 30% or greater, etc.), shall be subtracted from the gross land area.

3. *Site Calculations.* Specific calculations addressing the percentage of open space (common and private), impervious versus pervious coverage, and site improvements must be submitted with all project applications.

4. *Lot Requirements.* No specific yard, setback, or lot size requirement shall be imposed in the planned unit development. However, the purpose and objectives of this section must be complied with in the final development plan. The Planning Commission may require certain setbacks within all or a portion of the planned unit development.

5. Building Height. No structure shall exceed a maximum of 35' to the peak of roof from average finished grade.

~~56.~~ *Traffic Circulation.* Points of primary vehicular access to the planned unit development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the planned unit development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided.

~~67.~~ *Driveways and Alleys.* A private driveway or alley must comply with all established standards in this Code.

~~78.~~ *Privacy.* Each planned unit development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of the property, the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

~~89.~~ *Noise Attenuation.* When, in the opinion of the Director, a proposed planned unit development may be situated in a noisy environment which will adversely affect the peace, tranquility, and privacy of its inhabitants or surrounding inhabitants, an acoustical analysis may be required. Said analysis shall be conducted by a qualified acoustical engineer and include a description of the noise environment and the construction or other methods necessary to attenuate the noise to the required level according to the noise standards of Chapter 13-2.

~~910.~~ *Security.* The development shall be designed to support security services, taking into account public safety recommendations from the Police Department.

~~1011.~~ *Pedestrian and Bicycle Paths.* Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths which may be physically separated from vehicular traffic to serve residential, nonresidential, and recreational facilities in or adjacent to the development. The Planning Commission may require connections to regional trail systems, activity centers, pedestrian and/or bicycle overpasses, underpasses, or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas, or other uses that will receive considerable pedestrian and/or recreational trails use from the development.

- b. *Desirable Amenities.* The following are desirable amenities or design options which may be required by the Planning Commission depending on the size, scale, impacts, and nature of each individual planned unit development project, including planned unit development zoning districts, conditional uses in residential districts, and overlay zones:
1. Increase in common or private open space above the 40 percent minimum, particularly when the project contains significant non-buildable open space.
 2. Creation of significant recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.
 3. Additional project landscaping and other open space amenities as may be deemed appropriate under a conditional use permit.

(5) *Nonresidential Uses.*

- a. Noncommercial, nonresidential uses of a religious, educational, or recreational nature shall be designed primarily for the use of the residents of the proposed planned unit development. The applicant shall submit as part of the preliminary development plan such evidence to substantiate the request for such use as the Director may require.

- b. Commercial uses proposed within the planned unit development shall be designed primarily for the use of the residents of the project. The developer shall provide a Fiscal Impact Study that shall demonstrate that the amount of land proposed is needed for such a commercial use, that it can realistically be supported by the residents of the project, and the impacts which will be imposed on the City's municipal services and tax base by such use. The Fiscal Impact Study shall be evaluated by the Planning staff and their findings communicated to the Planning Commission along with the preliminary development plan.
 - c. Commercial development within a planned unit development shall be located so as to be accessible in a manner that does not create traffic congestion or hazards to any street within or outside the planned unit development. Location, off-street parking, and loading requirements shall be identified and recommended by the Development Committee to the Planning Commission as appropriate to the particular planned unit development. Consideration shall be given to anticipated pedestrian, bicycle, and vehicular traffic adjacent to developments that may provide multiple use of off-street parking facilities and the types of commercial uses provided. Drive-thru services shall be excluded.
 - d. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and nonresidential development shall be designed as integrated portions of the total planned unit development and shall project the residential character.
- (6) *Maintenance of Common Facilities.*
- a. A planned unit development shall be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.
 - b. The common open space and other facilities provided may be conveyed to a public agency or private association. The common open space, recreational facilities, and private streets (including a Road Maintenance Fund established by the original developer/builder) conveyed to a private association shall include, as part of the aforementioned instruments, a declaration of covenants and restrictions that will govern the association and shall require maintenance of any common facilities. The provisions shall include, but not be limited to, the following:
 - 1. The private association must be established prior to the sale of any unit.
 - 2. Membership must be mandatory for the original buyer and any successive buyers of a unit in a planned unit development, whether or not the unit is owner occupied or rented.
 - 3. The private association must be responsible for liability insurance, local taxes (if any), the maintenance of common open space and other facilities, rules and regulations outlining the powers, enforcement authority, and limitations of the association.
 - 4. Each member of the association shall be assessed a pro rata share of the costs incurred by the association, and the association shall have the power to collect those costs.
 - c. The Planning Commission may also require dedication of scenic easements to ensure open space shall be maintained. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final development plan, the City may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.
 - d. Post-Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications.
-

(7) *Review Process.*

a. *Development Review.*

1. To help expedite review of a development proposal, prior to submitting an application for planned unit development, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.
2. If requested by staff, they shall attend a meeting at which representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, the Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
3. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.
4. Staff members may request that additional studies or information, such as Geotechnical Studies, Traffic Impact Analyses, Market Feasibility Analyses, or Water Needs Analyses, be submitted, together with the application for site plan review.

b. *Application.* An application for a planned unit development must be submitted to the Community Development Department and must contain the information and, if the project is to be subdivided, be in the format required by the subdivision review procedure available from the Community Development Department. The application must include the following:

1. General Development Application Form.
 2. Preliminary plat, if the property is to be subdivided, including project size (acres), proposed lot lines, and plot designs.
 3. Landscaping Plan. A Landscape Plan, prepared under the direction of a licensed landscape architect or other qualified professional, shall be required for all open space required or provided in a planned unit development. Said Landscaping Plan shall indicate the spacing, sizes, and specific types of landscaping material. All open space provided shall be irrigated. The only exception shall be where the Planning Commission determines an area, because of its natural beauty or uniqueness, would be most beneficial to the project and the community if left in its natural or existing condition. Existing mature trees shall be preserved where appropriate. The location of trees must be considered when planning common open space, location of buildings, underground services, walls, paved areas, playgrounds, and parking areas.
 4. Architectural building elevations. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per types, nonresidential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures, and improvements.
 5. Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.
-

6. Utility Plan. The existing and proposed utility systems (e.g., sanitary sewers, storm sewers and water, electric, gas, telephone lines, and cable).
7. Road Plan and profiles.
8. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas and other major points of access to public rights-of-way to the development including identification of jurisdictional control (including major points of ingress and egress to the development). Notations of proposed ownership, public and private, should be included where appropriate.
9. The existing and proposed pedestrian and bicycle circulation system including its interrelationship with the vehicular circulation system indicating proposed treatment of points of conflict.
10. Other studies and analyses requested by staff or the Planning Commission, which may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
11. Adjacent property information. Enough information on land areas adjacent to the proposed development to indicate the relationships between the proposed development and existing and proposed adjacent areas including land uses, zoning classifications, densities, traffic and pedestrian circulation systems, public facilities, and unique natural features of the landscape.
12. The proposed treatment of the perimeter of the development including materials and techniques used such as berming, landscaping, screens, fences, and walls.
13. Names and addresses of property owners within 300 feet of the proposed project on mailing labels from the Salt Lake County Recorder's Office (when required by staff).
14. Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
15. Fees as established by City Council.
16. The following written documents shall be submitted with the application:
 - (i) A legal description of the total site proposal for development including a statement of present and proposed ownership and present Land Use or Phasing Plan.
 - (ii) A statement of planning objectives to be achieved by the planned unit development through the particular approach prepared by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - (iii) Quantitative data for the following: total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for usable open space), total amount of nonresidential construction including a separate figure for commercial, public, quasi-public, or private facilities, if applicable, fiscal impact studies, where necessary, environmental assessments, where necessary, and other studies as required by the Director.
17. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standards Specifications.

c. *Preliminary Review.*

1. If, prior to submitting the application for review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
2. Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the site plan and subdivision plat shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with all the requirements of this title and other applicable City and agencies' standards.
 - (i) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
 - (ii) Upon resubmittal, the site plan and subdivision plat will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this title and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

(8) *Planning Commission Review.*

- a. When preliminary review of the site plan and subdivision plat has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required. If the property is to be subdivided, the subdivision review requirements shall be complied with, including notice and hearing requirements.
- b. The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

(9) *Validity of Preliminary Review.*

- a. Once the Planning Commission determines that preliminary review is complete, the preliminary plat is valid for 12 months. The Planning Commission may grant a one-year extension of the preliminary plat, provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat approval.
- b. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one-year time limit or extension thereof, the validity of the unrecorded portion of the

- preliminary plat may be extended by the Planning Commission for one year from the date of recording that final plat.
- c. If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment of the originally approved preliminary plat.
 - d. The Director may, in his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.
- (10) *Final Review.* After review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and subdivision plat, together with all supporting documents, which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission to the Community Development Department.
- a. The Community Development Department, along with the other reviewing departments and agencies, shall review the site plan and subdivision plat and supporting information to determine compliance with all requirements, corrections, additions, etc.
 - b. After such determination, the item may be scheduled for review by the Planning Commission upon referral by the Director or upon the request of the Planning Commission. The final development plan shall be reviewed to determine substantial compliance of the final development plan with the preliminary development plan requirements. Said review shall also determine the final development plan's quality and compliance with the purpose and design objectives of a planned unit development. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form. In addition, any new items not submitted with the preliminary development plan, any final plats, any required dedication documents, and/or guarantee of improvements shall be submitted at this time.
- (11) *Amendments to the Final Development Plan.*
- a. Minor changes in the location, siting, or character of buildings and structures may be authorized by the Director if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized under this subsection may cause any of the following:
 - 1. A change in the use and/or character of the development.
 - 2. An increase in the overall density and/or intensity of use.
 - 3. An increase in overall coverage of structures.
 - 4. A reduction or change in character of approved open space.
 - 5. A reduction of required off-street parking.
 - 6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, and utility networks.
 - 7. A reduction in required street pavement widths.
 - 8. Changes in storm drains, under drains, and/or irrigation.
 - b. Any major changes in use or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above, must be made by the Planning Commission after receipt of such a recommendation by the Planning staff. Such amendments may be made only if they are shown to be required by changes in conditions that
-

have occurred since the final development plan was approved. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

- (12) *Failure to Begin Development.* If no substantial construction has occurred in the planned unit development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan shall be required for any development on the subject property. The Planning Commission, upon showing good cause by the developer, may extend the time for beginning construction a maximum period of 12 months for one time only.
- (13) *Phased Planned Developments.* If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A Phasing Plan, including size and order of phases, ~~shall~~ may be approved by the Planning Commission if individual phases of the planned unit development exceed the overall density of the zone if the approved overall Phasing Plan does not exceed the maximum density of the zone. Such Phasing Plan shall have the written approval of all property owners. In addition, the approved Phasing Plan shall be submitted to the City Recorder for recordation with the County Recorder's Office as a covenant to run with the land.

(LDC 2008, § 15A-20-07; Ord. No. 10-26, 7-30-2010; Ord. No. 15-22, 7-15-2015; Ord. No. 15-22, 7-15-2015; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

CHAPTER 21-15. SENSITIVE AREA OVERLAY ZONE

Sec. 21-15-1. Purpose.

- (a) This chapter shall provide standards, guidelines, and criteria having the effect of minimizing flooding, erosion, and other environmental hazards and protecting the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds.
- (b) The standards, guidelines, and criteria established by this chapter shall include, but shall not be limited to, the following:
 - (1) The protection of the public from the natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
 - (2) The minimization of the threat and consequential damages of fire by establishing fire protection measures.
 - (3) The preservation of natural features, wildlife habitat, and open space.
 - (4) The preservation of public access to mountain areas and natural drainage channels.
 - (5) The retention of natural features such as drainage channels, streams, hillside areas, ridge lines, rock outcroppings, vistas, trees, and other natural plant formations.
 - (6) The preservation and enhancement of visual and environmental quality by use of natural vegetation, and the minimization of grading in hillside areas.
 - (7) The assurance of an adequate transportation system for the sensitive area, to include consideration of the City's approved Transportation Plan. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.
 - (8) The establishment of on-site and off-site traffic facilities that ensure ingress and egress for vehicles, including emergency vehicles, into all developed areas at any time.
 - (9) The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and preserve open space and natural landscape.
 - (10) The establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
 - (11) The encouragement of location, design, and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain.
 - (12) The encouragement of the use of creative design teams composed of professional landscape architects, engineers, and others.
 - (13) The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.

(LDC 2008, § 15A-15-01)

Sec. 21-15-2. Scope and Application.

- (a) *Application of the Sensitive Area Overlay Zone.* The Sensitive Area Overlay Zone includes areas of 30 percent or greater slope; floodplain, streams, lakes, ponds and wet land areas; and areas with a high potential of damage from natural hazards, such as surface rupture during an earthquake, rock fall or debris flow, and other similar environmental conditions. Such areas are designated on the map entitled the "Sandy City Sensitive Area Overlay Zone Map." A copy of the map, drawn to scale of one inch equals 1,000 feet, is

available for review in the Community Development Department. Regulations of this chapter may apply to an area outside of the mapped Sensitive Area Overlay Zone if the Director determines that the environmental conditions of the subject area qualify it as a sensitive area, and the map shall thereafter be amended to include such area in the Sensitive Area Overlay Zone.

- (b) *Effect of Provisions.* This chapter makes provisions in addition to those set forth elsewhere in this title. In the event of conflict between such other provisions and the provisions of this chapter, the more restrictive provisions shall apply.

(LDC 2008, § 15A-15-02)

Sec. 21-15-3. Review and Approval Procedure.

- (a) *Development Review.* To help expedite review of a development proposal, prior to submitting an application for development in a sensitive area, persons interested in undertaking development may meet informally with a members of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.
- (1) If requested by staff, they shall attend a meeting where representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
 - (2) At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, International Fire Code and any other applicable ordinances or codes of Sandy City, and provide information concerning the City's review requirements and procedures.
- (b) *Application.* Prior to any development activity taking place within a sensitive area, an application for development must be submitted to the Community Development Department and must contain the information and be in the format required by the applicable chapters of this title (subdivision, site plan review, planned unit development, etc.). All reports shall be prepared by a qualified person licensed in the State of Utah to practice their specialty. If a license is not required, the person shall have demonstrated expertise in the field of practice. In addition to the application requirements set forth in other chapters of this title, applications for development in sensitive areas shall include certain of the following as determined by the City Engineer:
- (1) General Development Application Form.
 - (2) A topographic contour map, tied to a land-based survey, with coloration, shading or hatching indicating areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 20 and 30 percent, and areas of 30 percent or greater, with contour lines spaced no less than two feet apart vertically.
 - (3) Location of the proposed project in relation to abutting public streets.
 - (4) The total acreage, number of lots, and proposed density for proposed residential developments.
 - (5) The total acreage, number of lots, and proposed density for proposed commercial developments.
 - (6) The location and approximate size, in square feet, of the proposed lots, including sensitive areas of 30 percent or greater slope, and the usable land for each lot.

- (7) Location of known hazards (e.g., faults, natural drainage channels, rockfall, debris flow, etc.) and the boundaries of the 100-year floodplain, as applicable.
- (8) Location of other environmentally sensitive areas, including wildlife corridors.
- (9) Proposed location of structures in relationship to all environmentally sensitive areas.
- (10) A General Geotechnical/Geological Report prepared by a qualified engineering geologist (with qualifying credentials and engineering stamp included in the report), which shall include the following components, unless the City Engineer determines a specific component is not applicable to the proposal:
 - a. Soil Characteristics Component, which shall include data regarding the nature, distribution, and strength of soils within the project area as well as:
 1. Unified classification of all soils with liquid limit, shrink-swell potential, and general suitability for development.
 2. Estimate of the normal highest elevation of the water table.
 3. Flood history and potential, proximity to known floodplain area and drainage channels, springs, and other hydrological features.
 4. Liquefaction analysis.
 - b. Vegetation Component, which shall include a slope stabilization and a revegetation report which shall comply with Section 21-25-4 and include:
 1. Location and identification of existing vegetation.
 2. The vegetation to be removed and the method of disposal.
 3. The vegetation to be planted.
 4. Slope stabilization measures to be installed.
 5. Analysis of the environmental effect of development, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
 6. Topsoil stockpile areas.
 - c. Geologic Conditions Component, which shall be site-specific and shall identify all known, suspected, and potential faults and other geologic hazards. Hazards may originate on- or off-site. They may have been previously mapped or unmapped. This component shall include, but is not limited to, the following:
 1. Location of active and historical faults and a recommendation for a setback of proposed structures from the faults.
 2. Characteristics of the geological material and identification of anomalies of the terrain.
 3. Depth and geological evaluation of bedrock.
 4. Map of hazards or any features of interest.
 5. Boring and test pit logs, trench reports, aerial photographs, references with citations, and other supporting information as applicable to the report.
 6. Slope stability analysis, including the angle of repose.
 7. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.

- d. Debris Flow Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by the flow of rock, soil, organic material, and water in any combination of the above. The report will be for the full upstream debris basin. The report will include, but is not limited to, the following:
 - 1. Boring, test pit and trench logs.
 - 2. Estimates of the number and frequency of past events and their thickness and volume.
 - 3. Estimates of the recurrence, depth, and impact forces of future events.
 - 4. Consideration of various rainfall intensities, avalanche risk assessment, and de-vegetation by wildfire events with accompanying debris flow estimates due to de-vegetated conditions.
- e. Landslide Report, which shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hylland, 1996). This shall include both static and dynamic conditions.
- f. Rock Fall Hazard Component, which shall be site-specific and shall identify all known, suspected, and potential hazards caused by a rock or rocks falling, rolling, sliding, or taking the form of an avalanche. The report shall include, but is not limited to, the following:
 - 1. Estimates of the number and frequency of past events.
 - 2. Estimates of the recurrence and impact forces of future events.
 - 3. A comparative risk analysis with and without suggested mitigations to protect from rock fall hazards.
 - 4. Consideration of both possibility and probability of a rock fall event at set recurrence intervals, then assessing the risk of development at set long-term intervals. Intervals shall be at 1-year, 10-years, and 100-years. 5. Modeling results.
- g. Grading and Drainage Plans. The plans shall include a Stormwater Management and Erosion Grading Plan on the methods by which surface water, natural drainages, flooding, erosion, and sedimentation loss will be accommodated during and after construction. The plan shall include the following information:
 - 1. *Grading Plan.* The Grading Plan shall show existing and proposed elevation contours, tied to a land-based survey, and shall include elevations, lines, and grades, including the location and depth of all proposed cuts and fills of the finished earth surfaces using a contour interval of two feet or less. Access or haul road location, treatment, maintenance requirements and limits of disturbance shall be included.
 - 2. *Cleared Area.* The proposed area to be graded shall be clearly delineated on the plan, and the area amount stated in square feet.
 - 3. *Drainage Calculations and Details.*
 - (i) All calculations and any required details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures shall be shown.
 - (ii) Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Equations should include factors of:
 - A. Rainfall intensity and energy.
 - B. Soil erodibility.

- C. Land slope and length of slope or topography.
 - D. Condition of the soil surface and land management practices in use.
 - E. Surface cover (e.g., grass, woodland, crop, pavement, etc.).
- (11) The City Engineer may require trenching, boring, and test pits along with additional information for developments in the Sensitive Area Overlay Zone.
 - (12) All reports shall identify any potential impacts or hazards resulting from construction or disturbance by the development and include written recommendations for construction of proposed improvements and other measures to mitigate potential impacts and hazards.
 - (13) The City may require proposed lots, streets and structures to be staked for field inspection.
 - (14) All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Sandy City shall be made available to the City Engineer, as a part of the review and approval process, so that the City Engineer can better advise the Planning Commission.
 - (15) A comprehensive detailed site map of the proposed development showing site specific mapping performed as part of the geologic investigation, including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazards, delineation of any recommended setback distances from hazards, and recommended location for structures. Buildable and non-buildable areas shall be clearly identified.
- (c) *Preliminary Review.*
- (1) Upon submittal of an application and all supporting information and attendance at a Development Review Meeting, if necessary, the application for the development proposal shall be forwarded to the reviewing departments and agencies. They will review it preliminarily to determine if the application and plan, together with all supporting information, is complete and complies with all the requirements of this title, including the sensitive area development standards as set forth hereafter, and other applicable City and agencies' standards.
 - (2) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted, or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant will be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised application, plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
 - (3) Upon resubmittal, the development proposal will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the application for the development proposal and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this Code and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the application is incomplete and the review cannot proceed further until all required, necessary, and requested information is submitted.
 - (4) An applicant may dispute the study area boundary of a study or report required by the city or the presence of mapped or unmapped hazards within a particular area by submitting a written request to the City Engineer accompanied by technical and geologic evidence in the form of a site-specific geologic hazards report. The City Engineer may retain other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the applicant. The City Engineer may allow deviations from previously mapped boundary lines or hazards only if the site-specific geologic hazards report clearly and conclusively establishes that the disputed boundary is incorrect or that the mapped hazards are not present within a particular area.
-

- (5) When the application is determined to be complete, all development proposals in sensitive areas will be submitted to the Planning Commission for Preliminary Review. The Planning Commission will review the development proposal, including staff analysis, of all supporting information and all requested supplemental information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
 - (6) After all requested information has been received and reviewed by the Planning Commission, the Planning Commission will determine if preliminary review is complete and impose development requirements.
- (d) *Final Approval.*
- (1) After the Planning Commission determines that preliminary review is complete and imposes development requirements, the applicant shall submit to the Department a final development plan, together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission.
 - (2) The Department, together with the other reviewing departments and agencies, shall review the final development plan to determine compliance with all requirements, corrections, additions, etc. When the final development plan has been determined to be complete and in compliance with all requirements, all fees paid and guarantees posted, the plan shall be approved and signed by the appropriate City departments and officials.
- (e) *Appealing a Land Use Authority's Decision.* The applicant, a board or officer of the City, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision or determination made by the Land Use Authority in the administration or interpretation of this title.
- (f) *Panel of Experts for Appeals of Geologic Hazard or Sensitive Areas.* An applicant who has appealed a decision of the land use authority administering or interpreting the Sensitive Area Overlay Zone may request the City to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal. If the applicant makes a request for a panel of qualified experts, the City shall assemble the panel, which shall consist of, unless otherwise agreed by the applicant and the City:
- (1) One expert designated by the City;
 - (2) One expert designated by the applicant; and
 - (3) One expert chosen jointly by the City designated expert and the applicant's designated expert.

A member of this expert panel assembled by the City may not be associated with the application that is the subject of appeal. The applicant shall pay one-half of the cost of the panel as well as the City's appeal fee that is established by the City Council.

(LDC 2008, § 15A-15-03)

Sec. 21-15-4. Development Standards for Sensitive Areas.

- (a) *Standards for Sensitive Areas Containing 30 percent or Greater Slopes.*
 - (1) *Usable Land.*

- a. Single-family structures shall be located only upon areas constituting usable land, which area shall be fully contiguous, be at least 5,000 square feet in size and have a minimum dimension, both length and width, of 50 feet.
 - b. All other structures, including clustered single-family, multifamily, commercial, industrial, institutional, and accessory structures, shall be located upon usable land as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
- (2) *Setback requirements.*
- a. No dwellings or accessory structures shall be constructed within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.
 - b. All other structures which require a building permit, including commercial, industrial, institutional, and structures accessory thereto, shall be set back as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
 - c. Structures requiring a building permit shall be set back no further than 150 feet from a public or private street unless otherwise approved by the Fire Marshal.
- (3) *Trails.* A trail may be constructed to access upper/lower portions of residential/commercial property subject to the following conditions:
- a. No cut or fill of the hillside may be in excess of two feet. All cuts or fills shall be properly retained.
 - b. The trail should follow a meandering course and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.
 - c. The trail shall be screened with native landscape materials.
 - d. The Trail Plan shall be submitted to the Director and City Engineer for review and must be approved prior to any construction and/or hillside cuts.
- (4) *Fencing.* All fences located on slopes of 30 percent or greater shall be dark brown, dark green or black vinyl coated chainlink to blend in with the native landscaping. In no case shall the following types of fences be allowed: uncoated chainlink, masonry, block, wood, or other sight obscuring material. Fence construction shall comply with the Environmental Hazards Element as contained in the General Plan.
- (b) *Development Standards for All Sensitive Areas.*
- (1) *Maximum Impervious Material Coverage.* The maximum impervious material coverage that shall be allowed upon lots:
- a. Upon which structures are located, shall be 50 percent for those in residential zoning districts of R-1-15 or below and 40 percent for those in zoning districts of R-1-20 or above of the total lot area (excluding pad lots and clustered subdivisions), including dwelling units, accessory buildings, patios, decks, driveways, etc.; provided, however, that the maximum impervious material coverage may exceed the allowable percentage upon review and approval of a special exception by the Planning Commission. The Planning Commission shall use the following criteria when making a decision to increase lot coverage:
 - 1. The home is of comparable size to other homes in the general vicinity;
 - 2. The increase is needed to create a safe drive access for the home; and
 - 3. The increase is the minimum required to meet Subsections (b)(1)a.1 and 2 of this section.
-

- b. Upon which multifamily dwellings, commercial, industrial, institutional, pad lots, clustered subdivisions and accessory structures are proposed, shall be determined during site plan review and approved by the Planning Commission. The Planning Commission will base their decision on information received from the developer in relation to mitigation measures which can be imposed to handle excess runoff.
- (2) *Drainage and Erosion.*
- a. Lots and buildable areas shall be arranged so as to ensure adequate setbacks from drainage channels as determined by the City Engineer after review of the submitted reports and applicable 100-year floodplain. The final plat shall reflect these building restrictions.
 - b. Facilities for the collection of stormwater runoff shall be required to be constructed on development sites and according to the following requirements:
 - 1. Such facilities shall be the first improvement or facilities constructed on the development site, with the exception of sewer and water lines.
 - 2. Such facilities shall be designed to detain safely and adequately the maximum expected stormwater runoff for a 25-year storm (together with the stormwater discharge from the site not to exceed 0.2 cubic feet per second per acre or at a rate not higher than the flow rate before development of the site, whichever is less) on the development site for a sufficient length of time to prevent flooding and erosion during stormwater runoff flow periods.
 - 3. Such facilities shall be designed to divert surface water away from cut or fill surfaces.
 - 4. As much as possible, the existing natural drainage system shall be utilized in its unimproved state.
 - 5. Where drainage channels are required, wide shallow swales, lined with appropriate vegetation, shall be used instead of cutting narrow, deep drainage ditches.
 - 6. Flow retarding devices, such as detention/retention ponds and recharge berms, shall be used, where practical, to minimize increases in runoff volume and peak flow discharge rate due to development. Areas which have shallow or perched groundwater or areas that are unstable shall be given additional consideration, and additional requirements may be imposed.
 - c. Storm Water Analysis and Drainage Plans shall meet the requirements identified in Sandy City Standard Specifications.
 - d. Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between December 1 and April 15 of the following year.
 - e. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standard Specifications.
- (3) *Vegetation and Revegetation.*
- a. Vegetation shall be removed only when absolutely necessary for the construction of buildings, roads, and filled areas.
 - b. All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation which has good erosion control characteristics.
 - c. New plantings shall be protected with a mulch material and fertilized in conjunction with the planting and watering schedule described in Subsection (b)(3)e of this section.
-

- d. The use of persons or firms having expertise in the practice of revegetation (e.g., licensed landscape architects or certified nurserymen) shall supervise the planting and installation of revegetation cover.
 - e. After the completion of off-site improvements, vegetation should be planted in all disturbed areas during the following time periods only:
 - 1. March 15 through May 15 and September 15 through October 31.
 - 2. If irrigated, planting may be done during summer months.
 - f. Generally, no vegetation shall be removed on a continuous hillside, crest (upslope or downslope), with a slope 30 percent or greater. However, for uses such as trails and open space improvements, the City Engineer may approve designated areas of vegetation that can be removed or disturbed in conjunction with a Revegetation or Slope Stabilization Plan.
 - g. Topsoil removed during site construction shall be reserved for later use on areas requiring vegetation or landscaping such as cut and fill slopes.
 - h. All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces (e.g., roads, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
 - i. The property owner and/or developer shall be fully responsible for any destruction or damage of native or applied vegetation identified as necessary for soil retention and shall be responsible to replace such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the Director.
- (4) *Geology.*
- a. Dwellings and commercial buildings shall be set back from any active faults as required by the City Engineer.
 - b. No dwellings, commercial buildings or off-site improvements shall be allowed on any area considered to be susceptible to landslide, rockfall or debris flow or problems associated with perched or shallow groundwater, except as approved by the City Engineer. Special requirements to mitigate the potential effects of such hazards may be imposed by the City Engineer prior to approval of the project or issuance of building permits.
- (5) *Fire Protection.*
- a. Areas without a recognized water supply shall meet special requirements as established by the Planning Commission, upon recommendation of the City Fire Marshal.
 - b. Each development site and building permit for lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the City Fire Department to see that it complies with the International Fire Code regarding access roadways for fire apparatus.
 - c. Spark arresters shall be installed in every fireplace constructed for indoor or outdoor use as regulated by the most current version of the International Fire Code.
 - d. Development adjacent to public lands shall provide access to these lands for fire protection vehicles and equipment.
 - e. Buildings and structures constructed in areas designated by Sandy City as Wildland—Urban Interface Areas shall be constructed using ignition-resistant construction as determined by the Fire Marshal. Section 502 of the 2015 International Wildland—Urban Interface Code (IWUIC), as it may be amended from time to time, as promulgated by the International Code Council, shall be
-

used to determine fire hazard severity. A copy of the map designating the Wildland—Urban Interface Area is located in the office of the Sandy City Fire Marshal.

- (6) *Grading, Cuts and Fill.*
- a. Exposed unstable surfaces of a cut or fill shall not be steeper than one vertical to two horizontal.
 - b. All permanent fill shall be stabilized and finished to reduce risk associated with settling, sliding or erosion.
 - c. The top and bottom edges of slopes caused by an excavation or fill up to ten vertical feet shall be at a minimum of five horizontal feet from the property line or public right-of-way lines.
 - d. The maximum vertical height of all cuts or fills shall be ten feet. Under exceptional circumstances, the Planning Commission may approve cuts or fills in excess of ten feet with a recommendation from the City Engineer. Cuts or fills shall be measured from natural grade to finished grade. The burden of demonstrating exceptional circumstances shall be on the developer of the property, but may include:
 1. Cutting or filling of areas designated as anomalies.
 2. Cutting to allow for required sight triangles.
 3. Areas previously modified, altered or disturbed.
 4. Cuts or fills as required by the City Engineer to mitigate any unsafe condition, such as slopes exceeding 50 percent.
 5. Unusual topographic features, such as bowls or rises that don't exceed slope limitations but may inhibit sound construction.
 6. Other conditions as approved by the Planning Commission.
 - e. All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope.
 - f. No grading, cuts, fills, or terracing will be allowed on a continuous hillside containing 30 percent or greater slope, crest (upslope or downslope) unless otherwise determined by the Planning Commission upon recommendation of the Director and City Engineer.
- (7) *Streets and Ways.* Streets, roadways, and private streets, lanes and driveways shall follow as nearly as possible the natural terrain minimizing cuts and fills. In addition to the standards identified in Chapter 21-21, the following additional standards shall apply:
- a. Streets, roadways, and private streets, lanes, and driveways through protected 30 percent or greater slopes are prohibited unless all of the following criteria are met and approved by the Planning Commission upon recommendation of the Director and City Engineer:
 1. No alternative location for access is feasible or available;
 2. No individual segment or increment of the street, roadway, private street, lane, or driveway is more than 150 feet in length that crosses any continuous 30 percent or greater slopes;
 3. All crossings of a continuous 30 percent or greater slope shall be designed and constructed to eliminate significant adverse environmental, or safety impacts as determined by AASHTO guidelines and geotechnical report recommendations;
 4. Under no circumstances shall any segment of a street, roadway, private street, lane, or driveway cross a continuous slope greater than 50%; and
-

5. Streets, roadways, private streets, lanes, and driveways shall follow natural contour lines where possible. If the natural contour lines do not reasonably facilitate access to the development site, an alternative private access road or driveway may be designed and submitted for approval.
 - b. Access easements shall be provided to all adjoining developed and non-developed areas for emergency and firefighting equipment when determined necessary by the Fire Marshal. Driveways located upon each lot extending beyond 150 feet from a public or private street may be deemed a Fire Department access road, as determined by the Fire Marshal, and must follow the design requirements of a private lane.
 - c. A cul-de-sac is permitted up 750 feet in length. It may exceed 750 feet in length through a special exception reviewed by the Planning Commission. This request to extend the length of the cul-de-sac requires a recommendation from the Director and City Engineer. The following shall be evaluated in reviewing the special exception:
 1. Based upon the subject property's geographical constraints, it can be demonstrated that extending the road would better accomplish the stated purposes of this chapter.
 2. It can be demonstrated that public safety will be improved above existing conditions.
 - d. Variations of the street design standards developed to solve special visual aesthetics and functional problems may be presented to the Planning Commission upon recommendation from the City Engineer for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.
 - e. Development sites which are located near canyon trails shall provide access to those trails. Parking areas at trailheads may be required by the Planning Commission.
 - f. The maximum amount of impervious surface for streets and roadways shall not exceed 20 percent of the entire development site.
 - g. The maximum grade of all streets or rights-of-way for vehicle traffic shall be 10 percent, unless permitted by the City Engineer and Fire Marshal.
- (8) *Architectural Design.*
- a. Buildings proposed for construction in hillside or canyon areas shall be designed to be visually compatible with the natural setting of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as wood or composite materials such as hardi-plank, brick (earth colors) and stone, with architectural-grade asphalt shingle or tile, are considered to be most appropriate.
 - b. The Planning Commission shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. The design and materials shall comply with the City Architectural Design Standards. Building permits for such structures shall not be granted until building materials and colors have been approved by the Planning Commission.
 - c. Innovative designs for single-family dwelling units (e.g., earth-sheltered dwellings with grass roofs, etc.), may be allowed after approval by the Planning Commission and Building and Safety Division.
- (9) *Developer/Property Owner Responsibility.* The developer/property owner shall be jointly and severally responsible for making all improvements in accordance with the development site approval.
- (10) *Guarantee for Improvements.* In addition to the provisions requiring the posting of a guarantee as set forth elsewhere in the ordinances of Sandy City, the property owner may be required by the Director
-

and City Engineer to guarantee the completion of revegetation projects, the stabilization of grading sites, cuts and fill and construction of stormwater runoff facilities.

- (c) *Jordan River Regulations.* In addition to those requirements specifically outlined in Chapter 17.10 of the Salt Lake County Code, the following requirements shall be completed prior to development:
- (1) The Jordan River Basin has been identified and mapped by Salt Lake County as having a "High Liquefaction Potential." Because of this special characteristic of this area, a site-specific natural hazards study for residential subdivisions, single-family structures, multifamily residential structures, industrial, and commercial buildings must be completed and accepted by the Sandy City Engineer before approval for required permits, licenses, and other approvals are issued. The study shall address the soil conditions of the property to be developed, the natural hazards that exist, and proposed mitigation measures to mitigate, if possible, the natural hazards. If the natural hazard cannot be mitigated in a satisfactory manner, no approval shall be given by the Sandy City Engineer.
 - (2) All developments shall comply with the recommendations as made by the Jordan River District and Parkway Development Study completed by Bingham Engineering and accepted by Sandy City in February 1995. Copies of that study are on file with the City for information and inspection by the public.

(LDC 2008, § 15A-15-04; Ord. No. 14-29, 9-28-2014; Ord. No. 15-22, 7-15-2015; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)

Sec. 21-15-5. Special Exceptions.

- (a) *Previously Platted Lots.* If a lot which contains or is adjacent to 30 percent or greater slopes was platted, approved and recorded prior to the adoption of sensitive area (or similar) regulations either in Salt Lake County or Sandy and such lot does not comply with Sandy City's current Sensitive Area Overlay Zone, a property owner may request a special exception from the Director to allow construction on the property at reduced or no setback from the 30 percent or greater slope. If it is determined that this exception applies, the lot will not be required to proceed through Sensitive Area Overlay Zone review though special requirements to protect the health, safety and welfare of the lot owner and residents of the City will be imposed before the issuance of a building permit. A property owner may request this exception only if the lot complies with the following:
- (1) *Qualifications.* Property which qualifies for the exception is limited to the following:
 - a. Subdivision lots approved and recorded prior to the enactment of sensitive overlay (or similar) regulations which were applicable to the property, or subdivision lots approved and recorded under different regulations than currently apply to the property;
 - b. The lot contains or is adjacent to 30 percent or greater slope and cannot be built upon in compliance with the setbacks required by the Sensitive Area Overlay Zone in effect at the time the request is made;
 - c. The lot does not have the amount of usable land area required by the Sensitive Area Overlay Zone in effect at the time the request is made;
 - d. The slope is stable and suitable for construction as determined by the City Engineer;
 - e. Measures can be imposed which mitigate or eliminate hazards created by construction near the slope; and
 - f. The development shall comply with all other requirements of this title, including driveway slopes and cuts and fills, unless the Board of Adjustment approves a variance.

- (2) *Information to be Submitted.* The following information shall be submitted for review and recommendation of the Director and City Engineer prior to approval of a building permit:
- a. Evidence that the lot was platted prior to the imposition of sensitive area overlay (or similar) regulations or in compliance with previous regulations.
 1. Evidence shall include copies of the subdivision plat approval and recordation and copies of the regulations which governed the subdivision at the time it was approved and recorded.
 2. If it is claimed that no regulations were in effect at the time the subdivision plat was approved and recorded, a statement from the appropriate governmental entity that a search of their records was conducted and that no regulations were in effect.
 - b. A geotechnical report from a licensed civil engineer that identifies the following:
 1. The depth of undisturbed soil below grade.
 2. Soil compaction and stability.
 3. Rock fall and debris flow potential.
 4. Angle of repose.
 5. Conditions on or near the property which if disturbed by construction may create hazards to the property or adjacent property.
 6. Recommendations for construction and siting to assure safety of the development and adjoining properties from these hazards.
 - c. Before the construction of a structure (e.g., single-family dwelling, multifamily dwelling, commercial building, accessory structure, pool, etc.) shall be allowed, an engineered plot plan stamped and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted and include the following information:
 1. Location of all existing and proposed structures.
 2. Existing and proposed contour lines at two-foot intervals.
 3. Retaining walls or other measures to address the safety of the subject and adjoining properties if determined necessary by the City Engineer.
 4. Existing and proposed vegetation types and locations.
- (3) *Imposition of Additional Requirements.* The City Engineer and Director may impose requirements on the building permit as follows:
- a. To mitigate or eliminate anticipated impacts from development.
 - b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and the City Engineer to assure that the mitigation measures are effective and remain in place and functional.
 - c. That a notice be recorded on the property with the County Recorder that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.
- (4) *Application for Variance.* If a property owner is requesting to build on the 30 percent or greater slope, an application for a variance from the Board of Adjustment shall be submitted.
-

- (b) Natural Slopes that were *Previously Disturbed or Developed*. A property owner whose property contains or is adjacent to what was a natural continuous 30 percent or greater slope may request a special exception to allow construction at reduced setbacks or no setback from the slope or on the slope. A property owner may request the exception during the preliminary review or, upon individual lots, after final development approval.
- (1) *Qualifications*. Property which qualifies for the exception is limited to the following:
- a. The property contains or is adjacent to areas of a continuous 30 percent or greater slope;
 - b. The slope was previously disturbed or altered;
 - c. The disturbance or alteration was conducted legally either prior to the imposition of any sensitive area regulations on the property or was consistent with the sensitive area regulations in effect at the time the disturbance or alteration was conducted;
 - d. The slope is stable and suitable for construction as determined by the City Engineer;
 - e. Measures can be imposed which mitigate or eliminate hazards created by construction near to or additional disturbance or alteration of the slope;
 - f. All development on the property complies with all other requirements of this title, such as driveway slopes and cuts and fills, maximum impervious coverage, etc.; and
 - g. No other exceptions or any variances are requested or necessary.
- (2) *Information to be Submitted*. The property owner shall submit the following for review and recommendation of the Director and City Engineer to the Planning Commission:
- a. All submittals required for preliminary and final review of property within a Sensitive Area Overlay Zone.
 - b. Evidence that the disturbance or alteration occurred legally prior to the imposition of sensitive area overlay (or similar) regulations or consistent with sensitive area overlay (or similar) regulations in effect at the time the disturbance or alteration occurred.
 1. Evidence shall include copies of permits from the governmental entity that had authority to issue such permits at the time the alteration/disturbance took place accompanied by copies of any sensitive area (or similar) regulations in effect at the time of the disturbance or alteration.
 2. If copies of permits are not available, the following may be acceptable: credible evidence in the form of documents (including photographs) or sworn affidavits from an individuals with first-hand knowledge documenting when the work was done, by whom and whether it was legal or not, together with written statements from the appropriate governmental entity that a search of their records was conducted and that either no permit was found, no permit was required, and/or no regulations were in effect and that the work was consistent with all regulations in effect at the time it was performed.
 - c. A study and report from a licensed civil engineer which specifically addresses the slopes upon which the applicant is requesting reduced setbacks, including geologic conditions, soils, and vegetation, impacts of development (including aesthetics) and recommended mitigation measures for those impacts. (This information may be contained in the Geologic Report submitted with the application).
- (3) *Granting of Special Exemption*. The Planning Commission may grant the special exception and establish a reduced setback from the 30 percent or greater slope, determine that no setback from the slope is required or allow building on the slope if it finds that the property complies with all the qualifications for the exception listed above.
-

- (4) *Imposition of Additional Requirements.* The Planning Commission shall impose requirements:
- a. To mitigate or eliminate anticipated impacts from development.
 - b. For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and City Engineer to assure that the mitigation measures are effective and remain in place and functional.
 - c. That a notice be recorded on the property that indicates the nature of the special exception, that mitigating measures have been imposed and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.
- (c) *Determination of Anomalies for 30 Percent or Greater Slopes.* The City Engineer shall review all requests for development on 30 percent or greater slopes to determine if anomalies exist. If an anomaly is determined to exist, the City Engineer shall forward to the Planning Commission a recommendation regarding development of the area affected by the anomaly. This recommendation will be made as part of the preliminary review of the project. The City Engineer shall consider the following criteria in making a recommendation:
- (1) An anomaly in the terrain is an isolated odd, peculiar or irregular terrain feature not consistent with the surrounding terrain. It is typically naturally occurring.
 - (2) For engineering purposes there are two types of anomalies recognized:
 - a. *Bump/bulge/dish.* A bump, bulge or dish can be found on a hillside where the hill in general does not exceed the 30 percent slope limit but the bump, bulge or dish does. This type of anomaly should stand alone and be relatively small in area (less than the buildable area of a residential lot). It should not be part of a series of bumps, bulges or dishes that could be considered a single larger protected feature, thus no longer an anomaly. For example, in the course of excavating for a foundation, the anomaly is actually removed or filled. If the bump/bulge type terrain feature is determined to be an anomaly, setbacks standards (ten-foot minimum with 20-foot average) would apply only to the remaining areas designated as over 30 percent.
 - b. *Ribbon.* The ribbon represents a long narrow and abrupt ridge line. The terrain both above and below the ridge has a slope less than 30 percent, but the narrow ridge line, or ribbon, exceeds 30 percent over a small distance. The impact of a cut through the ribbon on drainage and erosion should also be considered. All standard specifications regarding construction or roads and driveways remain in place.
 - (3) The following questions should be considered as a minimum when requesting a recommendation to declare a terrain feature an anomaly:
 - a. Is it truly an isolated feature not in proximity to other areas of 30 percent or greater slope?
 - b. What is the relationship (i.e., orientation, distance) of this feature to other areas that exceed 30 percent or greater slope area (if they exist)?
 - c. What cuts/fills are planned (i.e., will the feature disappear in the course of construction)?
 - d. Can you maintain a slope of less than 30 percent after the cut/fill, or does the surrounding area have too much slope to accomplish that?
 - e. Is the feature manmade?
 - f. Does it reasonably conform to the intent of the definition?

(LDC 2008, § 15A-15-05; Ord. No. 15-04, 3-23-2015)

Sec. 21-15-6. Construction, Grading and Contour Map and Issuance of Building Permits.

- (a) There shall be no construction, development, or grading upon the development site until final approval has been granted.
- (b) Before the construction of a structure upon lots shall be allowed, an engineered plot plan stamped, dated and signed by a licensed civil engineer, licensed surveyor or licensed architect shall be submitted. The plot plan shall be drawn to a standard scale (at least one inch equals ten feet or other scale approved by the City Engineer) and shall be submitted to the Director or designated staff representative. The plot plan shall show lot lines, existing and proposed contours at two-foot intervals, location of proposed structures, walks, decks driveways, patio areas, etc. The plot plan shall also include vegetation, drainage, erosion controls, and location of limits of disturbance fencing (required) and be attached to the building permit.

(LDC 2008, § 15A-15-06)

Sec. 21-20-7. Planned Unit Development District (PUD).

This section calls for substantial compliance with the intent of the General Plan and regulations of this title and other provisions of this Code related to the public health, safety, and general welfare, but also offers the advantages of large-scale planning for residential development and efficient use of land.

- (1) *Purpose.* The purpose of the planned unit development is:
 - a. To encourage a quality living environment through greater flexibility of design than is possible solely through the typical application of zoning regulations.
 - b. To encourage a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
 - c. To encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to give imagination and variety in the physical pattern of the development.
- (2) *Design Objectives for Planned Unit Developments.* Every planned unit development shall be designed to achieve the following design objectives:
 - a. Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities.
 - b. Be related to existing and proposed land use and circulation plans of the community and not constitute a disrupting element in the neighborhood.
 - c. The internal street system and pedestrian connections should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation, activities, functions of the common areas and open space.
 - d. Open space and recreation areas and facilities should be located adjacent to dwelling units or be easily accessible therefrom.
 - e. Open space and recreational areas should be the focal point for the overall design of the development.
- (3) *Development Requirements.* To be approved, a planned unit development project must show a high commitment to excellence, ensuring better quality of life for future tenants and be compatible with adjacent residential areas. The following are required for all planned unit development projects:
 - a. *Ownership.* The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
 - b. *Open Space.* Unless otherwise approved by the Planning Commission, common and private open space shall be provided and shall not cover less than 40 percent of the gross site area. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, street right-of-way, or alleys and shall be accessible by the residents. Said open space shall be devoted to landscaping, preservation of natural features, trails, patios, and recreational areas. Private open space (that provided for each dwelling unit for personal use) shall be located immediately adjacent to, attached to, or within the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. Common open space must constitute at least one quarter of the required open space. It may be distributed throughout the planned unit development and need not be in a single large area. Landscaped roof areas or decks attached to individual units may not be calculated as part of required common open space. Open space within a Sensitive Area Overlay Zone may only be included as open space when they have been designed as an integral part of the project, as enumerated in subsection 21-20-7(2) above.

- c. *Interior Streets.* The design of public and private streets within a planned unit development shall follow City standards for width of right-of-way and construction. Existing City standards of design and construction may be modified as allowed in this Code. The interior street system in an entire planned unit development project shall be dedicated to the City as a utility easement. All private streets shall be conveyed to a private association. The original developer/builder will also be required to establish a City-approved road maintenance fund for all private streets. This provision will be required in the CC&Rs for all projects with a private street system.
- d. *Parking.* The minimum parking requirements outlined in this code shall be adhered to except as allowed herein.
 - 1. All parking areas, covered or open, shall have a landscaped buffer adjacent to any public right-of-way.
 - 2. There shall be no less than 1.5 covered parking spaces (1.0 carports, 0.5 garages) per unit. The Planning Commission may consider the following criteria in determining whether or not the number of garages/carports should be increased or reduced:
 - (i) The topography of the proposed site.
 - (ii) To enhance and protect local property values of adjacent developments and neighborhoods.
 - (iii) To improve the overall appearance of the development for the density of units (e.g., attached garages and underground garages).
 - (iv) Review the location of all garages and may require that they be attached or underground for the multifamily units. All covered parking shall be placed in locations adjacent and convenient to the buildings that they are intended to serve.
 - (v) To assist the project in reaching affordable rent levels for low and moderate income individuals as determined by the U.S. Department of Housing and Urban Development.
 - (vi) Garages shall be used for vehicle parking only.
 - (vii) Tandem spaces shall be counted only as one space.
- e. *Building Materials.* Building materials, roofing materials, and building design shall be reviewed and approved by the Planning Commission. High-quality exterior materials shall be used, including brick, stone, synthetic stucco, prefinished panel, composite materials, or other materials of similar quality, durability, and low maintenance.
- f. *Landscaping on Public Right-of-Way.* Where a planned unit development is adjacent to a public right-of-way, a permanent open space at least ten feet in width shall be required along the property lines. This area shall be kept free of buildings and structures (except fences as approved by the Planning Commission) and permanently maintained in street trees and other landscaping, screened or protected by natural features, or as approved by the Planning Commission.
- g. *Exterior Fencing.* Exterior fencing shall be provided as approved by the Planning Commission. Acceptable fencing materials include architecturally designed brick or block fences, wrought iron fences, post and rail fences, vinyl fences, pre-cast concrete, or structural wood fences with square metal posts with tongue-in-groove redwood siding and redwood for all other wood members. Additional landscape buffers may also be required with the width and landscaping specifications as determined by the Planning Commission.
- h. *Street Lights.* Appropriate street lighting is required. If the streets are to be dedicated to the public, the lights shall comply with the City's Street Light Plan. If the streets are private, the lights

may be altered, but must be approved by the Planning Commission. The applicant shall submit a plan which indicates the type and location of street lights in relation to the proposed site landscaping.

- i. Clustering of Development. Any clustering of units must be done in a way to create usable open spaces and preserve sensitive land areas (such as wildlife corridors, steep slopes, fault zones, etc.).
 - j. Compatible Land Use and Building Arrangement. Appropriate site design and layout must reflect the surrounding land uses and existing context of the area. Like uses, similar building placement, and setbacks, as allowed in the zoning of the adjacent surrounding properties (e.g., single-family detached lots adjacent to similar scale attached single-family arrangements) to provide a transition prior to denser clustered housing arrangements. Alternatively, a large continuous open space area (minimum depth of twice the adjacent zone rear setback minimum) shall act as a buffer prior to transitioning to different land use densities.
- (4) *Development Standards.*
- a. *Required Elements.* Residential developments shall be guided by a total design plan in which the following development standards may be varied to allow flexibility and creativity in site design, building design, and location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan as they determine appropriate. The Commission may require specific setbacks, a lower residential density, and a height limitation. These criteria shall be used by the Planning Commission principally to ensure the design objectives in this section of this chapter are met.
 1. *Feasible Development.* A planned unit development shall be of sufficient size, composition, and arrangement to enable its feasibility as a complete development.
 2. *Density.* Any individual phase of the planned unit development shall not exceed the overall density maximum of the given zone district unless a phasing plan is approved per subsection 21-20-13 below. The number in the given PUD Zone District, is the maximum number of units per acre of land area within the boundaries of the proposed development, which is calculated as follows:
 - (i) If the development contains no land area within the Sensitive Area Overlay, gross land area shall be used to calculate the number of units per acre.
 - (ii) If the development contains areas within the Sensitive Area Overlay, net buildable land area shall be used to calculate the number of units per acre. This is calculated by subtracting any acreage within non-buildable or inaccessible areas, as determined in the Sensitive Area Overlay Zone (e.g., natural hazards, flood plains, fault zones, continuous slopes of 30% or greater, etc.), shall be subtracted from the gross land area.
 3. *Site Calculations.* Specific calculations addressing the percentage of open space (common and private), impervious versus pervious coverage, and site improvements must be submitted with all project applications.
 4. *Lot Requirements.* No specific yard, setback, or lot size requirement shall be imposed in the planned unit development. However, the purpose and objectives of this section must be complied with in the final development plan. The Planning Commission may require certain setbacks within all or a portion of the planned unit development.
 5. *Building Height.* No structure shall exceed a maximum of 35' to the peak of roof from average finished grade.

6. *Traffic Circulation.* Points of primary vehicular access to the planned unit development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the planned unit development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided.
 7. *Driveways and Alleys.* A private driveway or alley must comply with all established standards in this Code.
 8. *Privacy.* Each planned unit development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of the property, the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
 9. *Noise Attenuation.* When, in the opinion of the Director, a proposed planned unit development may be situated in a noisy environment which will adversely affect the peace, tranquility, and privacy of its inhabitants or surrounding inhabitants, an acoustical analysis may be required. Said analysis shall be conducted by a qualified acoustical engineer and include a description of the noise environment and the construction or other methods necessary to attenuate the noise to the required level according to the noise standards of Chapter 13-2.
 10. *Security.* The development shall be designed to support security services, taking into account public safety recommendations from the Police Department.
 11. *Pedestrian and Bicycle Paths.* Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths which may be physically separated from vehicular traffic to serve residential, nonresidential, and recreational facilities in or adjacent to the development. The Planning Commission may require connections to regional trail systems, activity centers, pedestrian and/or bicycle overpasses, underpasses, or traffic signalization in the vicinity of schools, playgrounds, parks, shopping areas, or other uses that will receive considerable pedestrian and/or recreational trails use from the development.
- b. *Desirable Amenities.* The following are desirable amenities or design options which may be required by the Planning Commission depending on the size, scale, impacts, and nature of each individual planned unit development project, including planned unit development zoning districts, conditional uses in residential districts, and overlay zones:
1. Increase in common or private open space above the 40 percent minimum, particularly when the project contains significant non-buildable open space.
 2. Creation of significant recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.
 3. Additional project landscaping and other open space amenities as may be deemed appropriate under a conditional use permit.
- (5) *Nonresidential Uses.*
- a. Noncommercial, nonresidential uses of a religious, educational, or recreational nature shall be designed primarily for the use of the residents of the proposed planned unit development. The applicant shall submit as part of the preliminary development plan such evidence to substantiate the request for such use as the Director may require.
 - b. Commercial uses proposed within the planned unit development shall be designed primarily for the use of the residents of the project. The developer shall provide a Fiscal Impact Study that
-

shall demonstrate that the amount of land proposed is needed for such a commercial use, that it can realistically be supported by the residents of the project, and the impacts which will be imposed on the City's municipal services and tax base by such use. The Fiscal Impact Study shall be evaluated by the Planning staff and their findings communicated to the Planning Commission along with the preliminary development plan.

- c. Commercial development within a planned unit development shall be located so as to be accessible in a manner that does not create traffic congestion or hazards to any street within or outside the planned unit development. Location, off-street parking, and loading requirements shall be identified and recommended by the Development Committee to the Planning Commission as appropriate to the particular planned unit development. Consideration shall be given to anticipated pedestrian, bicycle, and vehicular traffic adjacent to developments that may provide multiple use of off-street parking facilities and the types of commercial uses provided. Drive-thru services shall be excluded.
 - d. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and nonresidential development shall be designed as integrated portions of the total planned unit development and shall project the residential character.
- (6) *Maintenance of Common Facilities.*
- a. A planned unit development shall be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.
 - b. The common open space and other facilities provided may be conveyed to a public agency or private association. The common open space, recreational facilities, and private streets (including a Road Maintenance Fund established by the original developer/builder) conveyed to a private association shall include, as part of the aforementioned instruments, a declaration of covenants and restrictions that will govern the association and shall require maintenance of any common facilities. The provisions shall include, but not be limited to, the following:
 - 1. The private association must be established prior to the sale of any unit.
 - 2. Membership must be mandatory for the original buyer and any successive buyers of a unit in a planned unit development, whether or not the unit is owner occupied or rented.
 - 3. The private association must be responsible for liability insurance, local taxes (if any), the maintenance of common open space and other facilities, rules and regulations outlining the powers, enforcement authority, and limitations of the association.
 - 4. Each member of the association shall be assessed a pro rata share of the costs incurred by the association, and the association shall have the power to collect those costs.
 - c. The Planning Commission may also require dedication of scenic easements to ensure open space shall be maintained. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final development plan, the City may, at its option, cause such maintenance to be performed and assess the costs to the affected property owners or responsible association.
 - d. Post-Construction Storm Water Maintenance Agreements are required according to requirements identified in Sandy City Standard Specifications.
-

(7) *Review Process.*

a. *Development Review.*

1. To help expedite review of a development proposal, prior to submitting an application for planned unit development, persons interested in undertaking development may meet informally with a member of the Community Development Department to become acquainted with the substantive and procedural requirements of this title.
2. If requested by staff, they shall attend a meeting at which representatives from various departments involved in review of developments are generally present, including the Community Development Department, Public Works Department, Public Utilities Department, City Attorney's Office, Building and Safety Division, Fire Department, Police Department, Parks and Recreation Department, the Department of Economic Development, and other departments as necessary. This meeting is sometimes referred to as the Development Review Meeting.
3. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this title, the International Building Code, and any other applicable ordinances or codes of Sandy City and provide information concerning the City's review requirements and procedures.
4. Staff members may request that additional studies or information, such as Geotechnical Studies, Traffic Impact Analyses, Market Feasibility Analyses, or Water Needs Analyses, be submitted, together with the application for site plan review.

b. *Application.* An application for a planned unit development must be submitted to the Community Development Department and must contain the information and, if the project is to be subdivided, be in the format required by the subdivision review procedure available from the Community Development Department. The application must include the following:

1. General Development Application Form.
 2. Preliminary plat, if the property is to be subdivided, including project size (acres), proposed lot lines, and plot designs.
 3. Landscaping Plan. A Landscape Plan, prepared under the direction of a licensed landscape architect or other qualified professional, shall be required for all open space required or provided in a planned unit development. Said Landscaping Plan shall indicate the spacing, sizes, and specific types of landscaping material. All open space provided shall be irrigated. The only exception shall be where the Planning Commission determines an area, because of its natural beauty or uniqueness, would be most beneficial to the project and the community if left in its natural or existing condition. Existing mature trees shall be preserved where appropriate. The location of trees must be considered when planning common open space, location of buildings, underground services, walls, paved areas, playgrounds, and parking areas.
 4. Architectural building elevations. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per types, nonresidential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures, and improvements.
 5. Storm Water Analysis and Drainage Plans shall meet requirements in Sandy City Standard Specifications.
-

6. Utility Plan. The existing and proposed utility systems (e.g., sanitary sewers, storm sewers and water, electric, gas, telephone lines, and cable).
 7. Road Plan and profiles.
 8. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas and other major points of access to public rights-of-way to the development including identification of jurisdictional control (including major points of ingress and egress to the development). Notations of proposed ownership, public and private, should be included where appropriate.
 9. The existing and proposed pedestrian and bicycle circulation system including its interrelationship with the vehicular circulation system indicating proposed treatment of points of conflict.
 10. Other studies and analyses requested by staff or the Planning Commission, which may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
 11. Adjacent property information. Enough information on land areas adjacent to the proposed development to indicate the relationships between the proposed development and existing and proposed adjacent areas including land uses, zoning classifications, densities, traffic and pedestrian circulation systems, public facilities, and unique natural features of the landscape.
 12. The proposed treatment of the perimeter of the development including materials and techniques used such as berming, landscaping, screens, fences, and walls.
 13. Names and addresses of property owners within 300 feet of the proposed project on mailing labels from the Salt Lake County Recorder's Office (when required by staff).
 14. Property plat from the Salt Lake County Recorder's Office showing the area to be developed.
 15. Fees as established by City Council.
 16. The following written documents shall be submitted with the application:
 - (i) A legal description of the total site proposal for development including a statement of present and proposed ownership and present Land Use or Phasing Plan.
 - (ii) A statement of planning objectives to be achieved by the planned unit development through the particular approach prepared by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - (iii) Quantitative data for the following: total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for usable open space), total amount of nonresidential construction including a separate figure for commercial, public, quasi-public, or private facilities, if applicable, fiscal impact studies, where necessary, environmental assessments, where necessary, and other studies as required by the Director.
 17. Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) are required according to the requirements identified in Sandy City Standards Specifications.
-

- c. *Preliminary Review.*
1. If, prior to submitting the application for review, it is determined that the applicant has not attended a Development Review Meeting, staff may request that the applicant do so in order to expedite the orderly review of the proposal before proceeding to the subsequent stages of review.
 2. Upon submittal of an application and supporting information and attendance at a Development Review Meeting, if necessary, the site plan and subdivision plat shall be forwarded to the reviewing departments and agencies who shall review it preliminarily to determine if the plan, together with all supporting information, is complete and complies with all the requirements of this title and other applicable City and agencies' standards.
 - (i) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted or that some of the specifics of the plan or information do not comply with the requirements of this title, the applicant shall be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
 - (ii) Upon resubmittal, the site plan and subdivision plat will again be forwarded to the reviewing departments and agencies, and to the Planning Commission, if required. The applicant shall be required to resubmit the plan and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this title and other applicable City and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.
- (8) *Planning Commission Review.*
- a. When preliminary review of the site plan and subdivision plat has been determined to be complete and in compliance with all requirements, the plan, together with all supporting information, will be forwarded to the Planning Commission for review, if required. If the property is to be subdivided, the subdivision review requirements shall be complied with, including notice and hearing requirements.
 - b. The Planning Commission shall review the plan, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.
- (9) *Validity of Preliminary Review.*
- a. Once the Planning Commission determines that preliminary review is complete, the preliminary plat is valid for 12 months. The Planning Commission may grant a one-year extension of the preliminary plat, provided the plat still complies with all applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat approval.
 - b. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one-year time limit or extension thereof, the validity of the unrecorded portion of the

- preliminary plat may be extended by the Planning Commission for one year from the date of recording that final plat.
- c. If the developer desires to change the grade or location of streets within the subdivision, or desires to increase the number of lots in the subdivision, or substantially alters the original subdivision design, the developer must apply for an amendment of the originally approved preliminary plat.
 - d. The Director may, in his discretion, approve changes to the preliminary plat to decrease the number of lots in the subdivision, to make minor lot boundary changes, or to make other minor changes without requiring that it be reviewed by the Planning Commission.
- (10) *Final Review.* After review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and subdivision plat, together with all supporting documents, which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and Planning Commission to the Community Development Department.
- a. The Community Development Department, along with the other reviewing departments and agencies, shall review the site plan and subdivision plat and supporting information to determine compliance with all requirements, corrections, additions, etc.
 - b. After such determination, the item may be scheduled for review by the Planning Commission upon referral by the Director or upon the request of the Planning Commission. The final development plan shall be reviewed to determine substantial compliance of the final development plan with the preliminary development plan requirements. Said review shall also determine the final development plan's quality and compliance with the purpose and design objectives of a planned unit development. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form. In addition, any new items not submitted with the preliminary development plan, any final plats, any required dedication documents, and/or guarantee of improvements shall be submitted at this time.
- (11) *Amendments to the Final Development Plan.*
- a. Minor changes in the location, siting, or character of buildings and structures may be authorized by the Director if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized under this subsection may cause any of the following:
 - 1. A change in the use and/or character of the development.
 - 2. An increase in the overall density and/or intensity of use.
 - 3. An increase in overall coverage of structures.
 - 4. A reduction or change in character of approved open space.
 - 5. A reduction of required off-street parking.
 - 6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, and utility networks.
 - 7. A reduction in required street pavement widths.
 - 8. Changes in storm drains, under drains, and/or irrigation.
 - b. Any major changes in use or rearrangement of lots, blocks, building tracts or groupings, or any changes in the provision of open space and significant changes as noted above, must be made by the Planning Commission after receipt of such a recommendation by the Planning staff. Such amendments may be made only if they are shown to be required by changes in conditions that
-

have occurred since the final development plan was approved. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

- (12) *Failure to Begin Development.* If no substantial construction has occurred in the planned unit development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan shall be required for any development on the subject property. The Planning Commission, upon showing good cause by the developer, may extend the time for beginning construction a maximum period of 12 months for one time only.
- (13) *Phased Planned Developments.* If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A Phasing Plan, including size and order of phases, may be approved by the Planning Commission if individual phases of the planned unit development exceed the overall density of the zone if the approved overall Phasing Plan does not exceed the maximum density of the zone. Such Phasing Plan shall have the written approval of all property owners. In addition, the approved Phasing Plan shall be submitted to the City Recorder for recordation with the County Recorder's Office as a covenant to run with the land.

(LDC 2008, § 15A-20-07; Ord. No. 10-26, 7-30-2010; Ord. No. 15-22, 7-15-2015; Ord. No. 15-22, 7-15-2015; Ord. No. 19-23 , § 1(Exh. A), 10-8-2019)



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7256

Meeting Minutes

Planning Commission

Dave Bromley
Michael Christopherson
Monica Collard
Ron Mortimer
Jamie Tsandes
Cameron Duncan
Jeff Lovell
Daniel Schoenfeld (Alternate)

Thursday, July 15, 2021

6:15 PM

On-Line

Meeting procedures are found at the end of this agenda.

Electronic Meeting

Planning Commission Chairman Statement

In accordance with, Utah Code 52-4-207(4) Open and Public Meeting Act, I have determined that to protect the health and welfare of Sandy citizens, an in person Planning Commission meeting, including attendance by the public and the Planning Commission is not practical or prudent.

Considering the continued rise of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain in the Sandy City Council Chambers.

The Center for Disease Control states that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes or talks and may be spread by people who are non-symptomatic.

It is my intent to safeguard the lives of Sandy residents, business owners, employees and commission members by meeting remotely through electronic means without an anchor location.

Community Development staff are hereby authorized and directed to include a copy of the above notice with each Planning Commission agenda.

Jeff Lovell, Chair
Sandy City Planning Commission

Webinar Password: 865869

The July 15, 2021 Sandy City Planning Commission meeting will be conducted via Zoom Webinar. Public comment may be allowed after the presentation of the particular item by the Staff and Applicant, as directed by the Planning Commission Chairman. Each speaker is allowed two minutes. Citizens wishing to comment must access the meeting via the Zoom Webinar link below and must use the "raise hand" feature. The call-in number is for listening only. If a citizen is unable to attend a meeting via Zoom, he or she may e-mail the Planning Director at bmccuiston@sandy.utah.gov by 3:00 PM the day of the Planning Commission meeting to have those comments distributed to the Commission members and/or have them read into the record at the appropriate time.

Register in advance for this webinar:
<https://us02web.zoom.us/j/82188608452>

After registering, you will receive a confirmation email containing information about joining the webinar.

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592

Webinar ID: 821 8860 8452

FIELD TRIP

[21-268](#) Field Trip for 7-15-21

Attachments: [map.pdf](#)

6:15 PM REGULAR SESSION

Welcome

Pledge of Allegiance

Introductions

Public Meeting Items

1. [SUB051720](#) Derricott Subdivision (Preliminary Review)
[21-006052](#) 8566 S. Johnsonway Dr.
[Community #6 - High Point]

Attachments: [Staff report.pdf](#)
[Maps and materials.pdf](#)

Craig Evans introduced this item to the Planning Commission.

Daniel Derricott presented this item to the Planning Commission.

Jeff Lovell opened this item to public comment..

Steve Van Maren shared concerns with 5 foot sidewalk requirement and time frame for completing the project.

Mike Derricott commented on the permit for the shed and completing construction within time frame and the possibility to get an extension if not completed within time frame.

Daniel Derricott explained that they do make the sidewalk 5 feet and the park strip 4 feet so it doesn't encroach on the property line.

Jeff Lovell closed this item to public comment.

Craig Evans commented further on the timing of the building permit and the possible need to add additional time for the Certificate of Occupancy.

Brittany Ward further explained the standard is to require a 5-foot sidewalk and 5-foot park strip unless they're in the downtown area.

Cameron Duncan asked if we have the ability to waive the 5 foot sidewalk requirement for established developments.

Craig Evans replied that it has been done in the past through a special exception request.

Darien Alcorn further commented that as long as we meet the noticing requirements and meet all of the findings without having it in writing then they would be able to do it.

Craig Evans commented that the notice only mentioned of a 2 lot subdivision and there was no mention of a right of way.

Brittany Ward further commented on the right of way.

Brian McCuiston commented that we can go back and review notes from the development review team meeting and condition number 1.

Dave Bromley asked Brittany Ward about the condition of the existing sidewalk when determinations are made.

Brittany Ward replied that the condition of the sidewalk is taken into consideration when the development is built.

Dave Bromley commented about the inconsistency of having a 4 foot sidewalk versus a 5

foot sidewalk.

Ryan Kump commented further on curb & gutter and sidewalk requirements.

A motion was made by Dave Bromley, seconded by Cameron Duncan that the Planning Commission determine that the preliminary review is complete for the Derricott Subdivision, located at 8566 S. Johnsonway Dr. with one additional condition that the applicant remove the existing 4 foot sidewalk and install a new 5 foot sidewalk appropriately transitioned to the north and south within the right of way.

Yes: 5 - Dave Bromley, Cameron Duncan, Ron Mortimer, Jamie Tsandes, Jeff Lovell

Absent: 3 - Monica Collard, Michael Christopherson, Daniel Schoenfeld

DRAFT

2. [MSC051120](#) Benson Way Partial Street Vacation
[21-006047](#) Approx. 9270 S. and Benson Way
[Community #4 - Historic Sandy]

Attachments: [Staff report.pdf](#)
[Maps and materials.pdf](#)

Craig Evans introduced this item to the Planning Commission.

Dave Bromley asked about the area labeled 'new right-of-way' on the exhibit and why it does not connect all the way to the Larry Miller property.

Ryan Kump commented that it's for the wings of the driveway and that it will need to be amended through final review to put in an easement to tie that together in order to put in an easement.

Jeff Lovell opened this item to public comment.

Christine Wheat asked what is going to happen to the empty lot and if and when new homes will be built. Commented on issues with the public driving through her property to access the empty lot.

Jeff Lovell closed this item to public comment.

Ryan Kump commented about redrawing the property line for lot 401 and to rebuild fence to help protect Christine Wheat's driveway. He doesn't have a timeline for when homes will be built on empty lot.

A motion was made by Cameron Duncan seconded by Ron Mortimer that the staff recommend that the Planning Commission forward a positive recommendation to the City Council for the partial street right-of-way vacation of a portion of Benson Way based on the four findings outlined in the staff report.

Yes: 5 - Cameron Duncan, Ron Mortimer, Dave Bromley, Jamie Tsandes, Jeff Lovell

Absent: 3 - Monica Collard, Michael Christopherson, Daniel Schoenfeld

3. [SUB051020](#) Mt. Jordan Meadows No. 4 Subdivision (Preliminary Review)
[21-006046](#) Approx. 9270 S. and Benson Way
[Community #4 - Historic Sandy]

Attachments: [Staff report.pdf](#)
[Maps and materials.pdf](#)

Craig Evans introduced this item to the Planning Commission.

Jeff Lovell opened this item to public comment.

Steve Van Maren asked about utilities for the two buildable house lots and if parcels A and B are subject to Parks Department.

Greg Flint commented about the entrance.

Jeff Lovell closed this item to public comment.

Ryan Kump explained that they did stub in utilities and commented on new fence property line. Explained that parcels A and B will remain City property for now.

A motion was made by Dave Bromley, seconded by Jamie Tsandes that the Planning Commission determine that preliminary review is complete and that the special exception request for non-buildable parcel creation be approved for the Mt. Jordan Meadows No. 4 Subdivision, located at approximately 9270 S. and Benson Way, based on the four findings outlined in the staff report.

Yes: 5 - Dave Bromley, Jamie Tsandes, Ron Mortimer, Cameron Duncan, Jeff Lovell

Absent: 3 - Monica Collard, Michael Christopherson, Daniel Schoenfeld

- [SPX070720](#) Mt. Jordan Meadows No. 4 Special Exception Request
[21-006098](#) Approx. 9270 S. and Benson Way
[Community #4 - Historic Sandy]

Public Hearing Item

4. [CA06232021-0006081](#) Amendments Related to Development Moratorium on Properties East of Wasatch Blvd
Amend Title 21, Chapter 15, Sensitive Area Overlay Zone and Title 21, Chapter 20, Residential Development Standards, of the Sandy Municipal Code

Attachments: [Staff Report](#)

[Exhibit A](#)

[Exhibit B.pdf](#)

[Ordinance 21-14 Temporary Land Use Regulation-Properties on Wasatch Blvd.pdf](#)

Mike Wilcox introduced this item to the Planning Commission.

Jeff Lovell commented that emails were received from Phil Mosher, Jeff Richards, David Tillotson, Michael Braun and Richard & Pamela Kinnersley. He asked that Mike Wilcox comment on the concern addressed in Phil Mosher's email regarding inconsistencies from the City with the cancelled sewer project in his area.

Mike Wilcox explained that he doesn't have enough information to address the concern.

James Sorensen commented that the City is not over sewer projects and would need to be addressed with the sewer company.

Jeff Lovell mentioned concerns from Jeff Richards email about land that could not be accessed through the slope and requested that it not be included in the calculation of the developable land. Also had same request for land that was in a flood plain, fault or 30% slope and to create a set back buffer between different land uses.

Mike Wilcox commented on the concern and explained how the proposed changes to the code would address those scenarios.

Jeff Lovell opened this item to public comment.

Justin Ethington commented on his support to the new zoning codes & the amendment on density and concerns on the over development on the Wasatch bench.

Andy Myers shared that residents have formed a nonprofit organization called Save the Wasatch Bench to ensure residents are represented and heard in the final outcome.

Jenny Wakeland spoke in support of proposed amendments.

Burke Staker supports the updated ordinance and shared his concern of factoring in buildable land to an inaccessible slope and asked Mike Wilcox to explain why the City would allow developers the flexibility to allow developers to do that.

Nichole Lambert asked a question about the moratorium duration.

Steve Van Maren commented on the restrictions on building roads through slopes and that it should be closer to 30%.

Melissa Holmstead wanted to state her support of the proposed changes.

Travis Johnson commented that he lives in Sandy, and owns a lot in Lost Canyon and is trying to build and is caught up on the moratorium and supports the proposed changes.

Jeff Lovell closed this item to public comment.

Mike Wilcox responded to Steve Van Maren's comment about slope and explained that code has always allowed for alterations on hillsides to allow for access. In response to Burke Staker's comment Mike Wilcox explained that the proposed amendment is designed to strike a balance between development rights and non-disturbance of natural open space .

Darien Alcorn responded to Nichole Lambert's question about the moratorium. She explained that the adoption of the ordinance was April 6 and the time limit was not to exceed 6 months and that it could be lifted at any time but will not go past October 6.

Dave Bromley commented on lighting and to keep things in the residential area as they currently are.

Cameron Duncan also agrees on residential lighting and maybe the City can look into a dark sky ordinance in the future to limit light pollution.

A motion was made by Cameron Duncan, seconded by Dave Bromley that the Planning Commission forward a positive recommendation to amend Title 21, Chapter 15, Sensitive Area Overlay Zone and Title 21, Chapter 20, Residential Development Standards, of the Sandy Municipal Code, as shown in Exhibit "A," based on the 2 findings outlined in the staff report.

Yes: 5 - Cameron Duncan, Dave Bromley, Ron Mortimer, Jamie Tsandes, Jeff Lovell

Absent: 3 - Monica Collard, Michael Christopherson, Daniel Schoenfeld

Administrative Business

1. [21-269](#) Planning Commission minutes

Attachments: [06.17.2021 PC Minutes \(DRAFT\).pdf](#)

An all-in favor motion was made by Ron Mortimer to approve the meeting minutes for 06.15.2021

2. Sandy City Development Report
3. Director's Report

Adjournment

A unanimous vote was taken to adjourn.

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256

ORDINANCE 21-23

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 15, “SENSITIVE AREA OVERLAY ZONE” AND CHAPTER 20, “RESIDENTIAL DEVELOPMENT STANDARDS”, TO ADDRESS CONCERNS WITH DEVELOPMENT IN SENSITIVE LANDS AREAS OF THE CITY AND TO ADDRESS ANY DEFICIENCIES IN THE CITY’S REGULATORY CONTROLS AND PROTECTIONS OVER THOSE AREAS; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 15, “Sensitive Area Overlay Zone” and Chapter 20, “Residential Development Standards”, to address concerns with development in sensitive lands areas of the city and to address any deficiencies in the City’s regulatory controls and protections over those areas. These proposed amendments are in response to the temporary land use regulations enacted by the City Council on April 5, 2021 (see Ordinance 21-14); and

WHEREAS, the Planning Commission held a public hearing on July 15, 2021, which meeting was preceded by notice posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on June 29, 2021; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on August 17, 2021 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. Whereby appeals can be heard and

decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit “A”**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this ____ day of _____, 2021.

Alison Stroud, Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2021.

ORDINANCE 21-24

AN ORDINANCE PROVIDING FOR THE TERMINATION OF ORDINANCE 21-14 WHICH ENACTED A TEMPORARY LAND USE REGULATION PROHIBITING DEVELOPMENT ON PROPERTIES LOCATED EAST OF WASATCH BOULEVARD.

WHEREAS, on April 5, 2021, the City Council passed a temporary land use Ordinance 21-14 to allow the City administration time to identify, investigate, evaluate and define how the natural hazards associated with the steep slope foothill property areas should be addressed and regulated to protect the health, safety and welfare of all the citizens of Sandy City, and to allow the City Council adequate time to evaluate and enact appropriate regulations; and

WHEREAS, that ordinance was set to remain in effect for a period not to exceed six months; and

WHEREAS, the City Council has now adopted Ordinance 21-23 which enacts additional regulations for steep slope foothill property areas; and

WHEREAS, the adoption of Ordinance 21-23 makes the temporary land use regulation contained in Ordinance 21-14 unnecessary; and

WHEREAS, the City Council has determined that it is in the best interest of the City to terminate Ordinance 21-14.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, Utah, as follows:

Section 1. Ordinance 21-14 is hereby terminated.

Section 2. This ordinance shall become effective on the same date as Ordinance 21-23.

PASSED AND APPROVED this ____ day of _____, 2021.

Alison Stroud, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2021.

SUMMARY PUBLISHED this ____ day of _____, 2021.



Staff Report

File #: 21-305, **Version:** 1

Date: 8/17/2021

Agenda Item Title:

Second Reading: Council Member Robinson recommending that the Council create a discussion timeline and implement an incremental decision making process as related to the future of Alta Canyon Sports Center

Presenter: Council Member Zach Robinson

Description/Background:

Please review the attached memorandum. I'm proposing that the Council outline a series of discussions and decisions that need to be made as related to Alta Canyon. I believe that making incremental decisions will allow us to better move forward to efficiently solve this very important issue.

Further action to be taken:

Hold discussions and meet deadlines per the outlined schedule found in Exhibit A of the attached memorandum.

Recommended Action and/or Suggested Motion:

Motion to move forward with the Alta Canyon discussion and decision outline found in Exhibit A and to direct the Chair to schedule the discussions, including any Council Member proposals, as outlined.



Sandy City Council Office

10000 South Centennial
Parkway Suite 231
Sandy, UT 84070
O | 801-568-7141
Sandy.Utah.Gov

MEMORANDUM

August 17, 2021

To: City Council Members

CC: Mike Applegarth, Council Executive Director

From: Zach Robinson, Council Member At-large

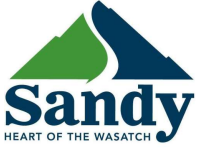
Subject: Second Reading: Creating a timeline and implementing incremental decision making as related to Alta Canyon Sports Center

Throughout my tenure on the Council, we have repeatedly held markedly similar conversations about Alta Canyon Sports Center with very little movement towards making any real decisions. The future of Alta Canyon is a complicated question that we cannot expect to answer all at once. Instead, the Council needs to take a step back, stop trying to solve the problem in one fell swoop, and focus on smaller and more incremental decisions. Tonight, I would like the Council to begin this process by implementing additional structure, committing to dates, and outlining incremental decisions that we can take to help us more efficiently solve this very important issue.

During our discussion on July 27th the Council encouraged me to move forward with my initial proposal, giving me a few recommendations for potential changes. I did my best to incorporate as many of those recommendations as possible in my final proposal (Exhibit "A"). I would like to point out that I've changed the discussion dates from date specific to "TBD" (to be determined) while maintaining the "latest completion dates" for each of the topics. This change is meant to allow the Council to move as quickly (or slowly) through the discussion process as is necessary, while still holding us accountable to a deadline for each topic. You will also notice that I added a "major decision" at the end of each topic that would require us to identify an appropriate timeline for the next topic in line. I believe that following this format will allow us to have more focused discussions, allow for individual Council members to bring forward their proposals on each topic at the appropriate time, and encourage the Council to make the necessary decisions regarding Alta Canyon more efficiently. To that end, I propose that the Council adopt the attached timeline found in Exhibit "A".

Exhibit "A"

Topic	Discussion Date(s)	Discussion Items	Major Decisions	Latest completion date:
Outline Future Discussions	7/27/2021	<ol style="list-style-type: none"> 1. What are the major decisions that need to be discussed and made as related to Alta Canyon Sports Center? 2. Can the Council make these decisions incrementally? 3. What is the timeline, deadlines, and dates for these conversations 	<ol style="list-style-type: none"> 1. Adopt a plan of attack moving forward with a process and outline to address the pressing considerations at Alta Canyon 	8/31/2021
Governing Structure of Alta Canyon	9/14/2021	<ol style="list-style-type: none"> 1. What should be the governing structure of Alta Canyon? 	<ol style="list-style-type: none"> 1. Does the Alta Canyon Board remain or get dissolved? 3. Identify timeline for next topic of discussion 	12/31/2021
Financing - Major improvements	TBD	<ol style="list-style-type: none"> 1. What are the options for the taxing district? 2. What are our options for funding major improvements at Alta Canyon? 3. What are the major improvements we should be considering (if any?) 4. How does these options impact taxpayers? 	<ol style="list-style-type: none"> 1. Does the Special Services District remain, change, or get dissolved? 2. How should we finance major improvements? (user fees, bonding, general fund, property tax increase, other) 3. What level of major improvement are we willing to invest in? 4. Identify timeline for next topic of discussion 	6/30/2022
Operations	TBD	<ol style="list-style-type: none"> 1. Depending on the governing structure, what options do we have in terms of how Alta Canyon operates? 2. What are our options/preferences for financing the operations of Alta Canyon? 3. How can we better understand what programs Alta Canyon should provide? 	<ol style="list-style-type: none"> 1. Where does Alta Canyon fit operationally within the City? 2. How should the ongoing operations of Alta Canyon be financed? 3. Which Alta Canyon programs are important to the Council? 3. Identify timeline for next topic of discussion 	6/30/2022
Long-term Vision	TBD	<ol style="list-style-type: none"> 1. What is the future of Alta Canyon and where can/should it go? 2. What is the feedback and recommendations that we've received from our area experts (AECOM)? 	<ol style="list-style-type: none"> 1. Reassess and determine next steps 	TBD



Staff Report

File #: 21-306, **Version:** 1

Date: 8/17/2021

Agenda Item Title:

City Attorney's Office recommending that the Council adopt a resolution authorizing the execution of an interlocal cooperation agreement between Sandy City and Alta Canyon Recreation District.

Presenter: Lynn Pace, City Attorney

Description/Background:

Please review the attached resolution, which includes the interlocal cooperation agreement as Exhibit "A"

Recommended Action and/or Suggested Motion:

Motion to adopt Resolution 21-31C

RESOLUTION # 21-31C

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SANDY CITY AND ALTA CANYON RECREATION DISTRICT.

BE IT KNOWN AND REMEMBERED that the City Council of Sandy City, State of Utah, finds and determines as follows:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Agreement Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "Act"), public agencies, including political subdivisions of the State of Utah, are authorized to enter into mutually advantageous agreements for joint and cooperative actions; and

WHEREAS, Sandy City and the Alta Canyon Recreation District desire to contract for the services and enter into the Interlocal Agreement ("Agreement"), substantially in the form attached as **Exhibit "A"**; and

WHEREAS, the attached Agreement has been prepared to accomplish such purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sandy City that:

1. It does hereby approve the attached Agreement described as an Interlocal Agreement for Delivery of Limited Support Services Regarding Services between Alta Canyon Recreation District and Sandy City, substantially in the form attached hereto as **Exhibit "A"**.
2. This Agreement is in the best interest of the City and its residents.
3. The Hon. Kurt Bradburn, Mayor of Sandy City, is hereby authorized to execute the Agreement on behalf of the City and to act in accordance with its terms.
4. This resolution is effective upon adoption. The effective date of this Agreement shall be the date as indicated in the Agreement.

PASSED AND APPROVED by the Sandy City Council on this ____ day of _____, 2021.

Alison Stroud
Sandy City Council Chair

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2021.

Exhibit “A”

**INTERLOCAL AGREEMENT BETWEEN
SANDY CITY AND ALTA CANYON RECREATION DISTRICT
FOR DELIVERY OF LIMITED SUPPORT SERVICES**

THIS INTERLOCAL AGREEMENT ("**Agreement**") is made and entered into this _____ day of _____, 2021, by and between **SANDY CITY**, a municipal corporation of the State of Utah (hereafter "**City**"), and **ALTA CANYON RECREATION DISTRICT**, a body corporate and politic of the State of Utah (hereinafter "**District**").

WITNESSETH:

WHEREAS, the City and the District are public agencies and are therefore authorized under the Utah Interlocal Co-operation Act, Section 11-13-101, *et seq.*, Utah Code Annotated, as amended, to enter into agreements with each other which enable them to make the most efficient use of their powers and resources; and

WHEREAS, the District desires to receive a broad range of support services from the City under circumstances which are efficient and consistent with good management practices of governmental economy; and

WHEREAS, the City and the District have independently reviewed the service delivery requirements of the District, and have determined that the support services can be most efficiently delivered by the City; and

WHEREAS, the City and the District have heretofore entered into interlocal co-operative agreements by which the City agreed to provide support services to the District; and

WHEREAS, the City has continuously provided services to the District for many years, many of them without a formal written agreement between the parties, during which period the City staff have met with the District's Board of Trustees monthly, and have provided essentially all the services needed to operate and staff the District programs; and

WHEREAS, the parties know of no pending claims for injuries to third parties or claims of one party against the other arising out of either the provision of services by the City, or arising out of Capital Improvements made to the property of the District by the City since the termination of the last written agreement between the parties; and

WHEREAS, the City and the District hereby declare that the public health, safety, welfare and convenience will be improved by having the City provide the support services identified in this Agreement; and

WHEREAS, the parties wish to (a) establish the efficient delivery of specified support services by the City to the District; (b) to compensate Sandy City for the costs of such services; and (c) to provide for liability, insurance, and other needed expenses and services, and to provide for the other aspects of the relationship between the parties; and

WHEREAS, on an annual basis the City adopts a budget for the operation of District programs, which budget may be modified from time to time; and

WHEREAS, the parties have been working under a financial arrangement by which revenues from or for the District are placed in a City account for the District, and from which the City then pays for the services set out in the City Budget on the District's behalf.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. FUNDING OF SERVICES.

(a) All revenues of the District, including property taxes assessed by the District, except for monies reasonably needed to fund the District's responsibilities set out in Subsection 3(a) below, shall be under the City's control, and shall be used by the City (a) for the operation, maintenance, staffing and repair of the Alta Canyon Recreation District Center and its programs; and (b) if budgets allow and upon approval by the City and the District, for needed Capital Improvements.

(b) As used herein, the term "**Capital Improvement**" means (a) the acquisition of land or easements, (b) the purchase of machinery or equipment that are fixtures to the real property, (c) the planning, engineering, design, and construction of new or remodeled or expanded facilities, or (d) the performance of any extraordinary, non-recurring major maintenance of existing facilities, all of which may be acquired, purchased, or constructed to improve, maintain, or develop the District property.

(c) The City shall pay the expenses for services, supplies, insurance, in its reasonable discretion to meet the needs of the District.

2. PAST SERVICES, EXPENDITURES, ACCESS TO CITY BOOKS AND RECORDS.

Except with respect to things about which a party lacks knowledge or has no reason to know, the parties hereby ratify the services, operations, actions, maintenance, repairs, Capital Improvements, and expenditures of the City previously rendered for the District. The City shall provide to the District reasonable access to review the City's records related to its services, and financial books and records related to this Agreement.

3. SERVICES, INSURANCE, CAPITAL IMPROVEMENTS TO BE PROVIDED BY THE PARTIES.

(a) District Responsibilities. The District shall be responsible to fulfill the duties of its Board of Trustees, including setting policy and providing high-level direction and budget approval for the operations, programs, facilities, maintenance, repair, and Capital Improvements of the District, and meeting regularly with the City's Director of Parks and Recreation or his or her Assistant Director, about the funding, operation and needs of the District and its patrons.

(b) City Responsibilities. Subject to sufficient funding from the receipt of District taxes, fees, and other revenues, the City agrees to continue to provide the Services in the manner and at the level it presently provides to the District for its operations, programs, property and facilities at 9565 South Highland Drive, Sandy, Utah, as detailed in the

City's annual budget ("**Services**") in a professional and ethical manner in compliance with applicable laws and standards of performance. The City shall have no obligation to provide additional services, maintenance, or repairs above the level agreed to herein, or beyond the level of the constraints of the City budget, even if such limitation results in injury to the District or third parties.

(c) The City's rendition of the Services, replacing equipment, making repairs and improvements to District real property, the standards of performance in the discipline of employees, and other matters incident to the performance of the Services, including the control of personnel performing them, shall be exclusively in the City's discretion. All District services, improvements, Capital Improvements, and functions which are not specifically identified in this Section shall remain the sole responsibility of the District.

(d) The City shall make reasonable efforts to follow the policies and direction of the Board of Trustees relative to the City's duties under this Agreement. The City shall have no responsibility to make Capital Improvements to the District property, to make major repairs, replace equipment, or do other services for which there is inadequate funding from District revenues. Notwithstanding the foregoing, the City may, in its sole discretion, make repairs, replace equipment, and make Capital Improvements to the property and equipment of the District with its own funds, provided that any Capital Improvements which substantially alter the appearance of the District's real property, facilities or buildings, or which will substantially modify the operations of the District or its facilities, must first be approved in writing by the District or in a meeting of the District's Board of Trustees.

(e) The City's Director of Parks and Recreation, or the Assistant of the Director of Parks and Recreation, and such City staff as are reasonably needed, shall meet regularly with the District's Board of Directors.

4. REPORTS. The City shall provide a report to the District at its monthly Board of Trustees' meetings in such form and containing such information as the District may reasonably request concerning the completion by City of the Services to be performed herein.

5. RESPONSE TO SERVICE DELIVERY COMPLAINTS. The City shall be responsible for receiving and responding in a timely manner to any Service delivery questions or complaints. In the event the District receives complaints concerning Services rendered by the City hereunder, it shall forward the complaints to the City through a process agreed to by the parties. The parties shall cooperate in addressing complaints, and shall share relevant information regarding claims, demands, or lawsuits arising from the City's Services under this Agreement.

6. FOLLOW LAWS. The parties, their agents and employees shall follow all laws applicable to their services and obligations under this Agreement, including the laws of the State of Utah, and of the United States.

7. OTHER CLAIMS AND OBLIGATIONS. No payment or obligation due under this Agreement may be used as a credit or set-off against any other claim, debt, or obligation. Nothing herein shall obligate the City to finance the upgrade or expansion of the District's capital facilities.

8. RIGHT OF CITY TO DIRECT EMPLOYEES AND ESTABLISH PERFORMANCE STANDARDS. Except as otherwise provided in this Agreement, the City shall have the exclusive right to direct, discipline, establish and implement standards of performance for its employees.

9. RISK MANAGEMENT INDEMNIFICATION AND LIABILITY. Both parties are governmental entities under the Governmental Immunity Act of Utah, Title 63G-7-101, *et seq.*, Utah Code Annotated (1953), as amended. Consistent with the terms of this Act, the City and the District agree to retain and manage their separate risks of liability, and to indemnify each other as follows:

(a) Retention of Separate Risks. The City and the District shall each, separately, be responsible for all damages to persons or property that occur as the result of the negligence or fault of its own individual officers, agents, or employees. The District retains all responsibility and risk for the public facilities or Capital Improvements of the District as they existed and were designed as of the effective date of the first interlocal Agreement between the parties for limited supported services by the City ("**First City Services Date**"), and for all claims arising prior to that date. The City shall be responsible for its negligent maintenance of, and repairs and Capital Improvements to the District's property and facilities after the First City Services Date, except as otherwise provided herein, and except to the extent due to the negligence or breach of the obligations of the District, and except for structural failures not directly caused by the negligence of the City, its officers, agents or employees which cause bodily injury or damages. **Notwithstanding anything else contained herein, the City shall not be liable for damage, injuries, or losses caused by insufficient District revenues.**

(b) District Indemnification of City. The District shall indemnify, defend and hold harmless the City, its officers, agents, employees and volunteers from all damages, costs or expenses in law or equity, including attorneys' fees, that may at any time arise or be set up because of damages to property, personal or bodily injury received by reason of negligent or wrongful acts or omissions of the District, its officers, employees, agents or volunteers, Board of Trustees, including failure to adequately fund the District's services, operations, programs, repairs, materials, or Capital Improvements, or their breach of this Agreement. In the event that the City's tender of its defense, based upon the foregoing, is rejected by the District, and the District is later found by a court of competent jurisdiction to have breached this Agreement or engaged in negligent or wrongful acts or omissions, the District agrees to pay City's reasonable costs, expenses and attorneys' fees incurred in proving such negligent or wrongful acts or omissions, or breach of this Agreement.

(c) City Indemnification of District. The City shall indemnify, defend and hold harmless the District, its officers, agents, employees and volunteers from all damages, costs or expenses in law or equity, including attorneys' fees, that may at any time arise or be set up because of damages to property, personal or bodily injury received by reason of negligent or wrongful acts or omissions of the City, its officers, employees, agents or volunteers, or their breach of this Agreement. In the event that the District's tender of its defense, based upon the foregoing, is rejected by the City, and the City is later found by a court of competent jurisdiction to have breached this Agreement or engaged in negligent or wrongful acts or omissions, the City agrees to pay the District's reasonable costs, expenses and attorneys' fees incurred in proving such negligent or wrongful acts or omissions, or breach of this Agreement.

(d) No Waiver of Governmental Immunity. Neither party waives any defenses available under the Governmental Immunity Act of Utah (the “**Act**”), nor does any party waive any limits of liability provided by the Act.

(e) Insurance. The City shall secure and maintain insurance meeting the requirements of **Appendix “A”**, attached hereto as set forth in the City annual budget.

10. CITY AND DISTRICT PERSONNEL NOT AGENTS OF EACH OTHER. The City and District employees providing services pursuant to or consistent with the terms of this Agreement are solely the officers, agents, or employees of their respective employing entities, and not of the other party. Each party shall assume any and all liability for the payment of salaries, wages, or other compensation due or claimed due, including workers' compensation claims, and each party shall hold the other harmless therefrom. The City shall not be liable for compensation or indemnity to any District officer or employee for any injury or sickness arising out of his or her employment, and the District shall not be liable for compensation or indemnity to any City officer or employee for injury or sickness arising out of his or her employment, and each party hereby agrees to hold the other party harmless against any such claim.

11. NO THIRD-PARTY RELIANCE. This Agreement is solely for the benefit of the City and the District and is not intended to create any right, privilege, or cause of action in any third party, whether referred to herein or not, which claim is expressly denied.

12. TERM, AUTOMATIC RENEWAL, REVIEW AND DISCUSSION OF TERMS. The term of this Agreement shall commence upon its execution by both parties and delivery of a copy of the fully signed Agreement to the other party and shall continue until June 30, 2022, (the “**Original Term**”) unless terminated earlier as provided herein. Subject to budget annual appropriation by the City Council, this Agreement shall automatically renew from year to year (each a “**Renewal Term**”) for up to ten additional years after the Original Term, subject to the right of either party to terminate this Agreement as set forth herein on 180 days written notice to the other. The parties shall meet and discuss the terms hereof at reasonable times upon the request of either party.

13. ADMINISTRATION AND REPRESENTATIVES.

(a) The City appoints its Director of Parks and Recreation as its representative and initial contact for all matters relating to the City's administration of this Agreement.

(b) The District appoints the current Chair of its Board of Trustees as its representative and initial contact for all matters relating to the District's administration of this Agreement.

(c) Either party may designate another person than the person named herein by written notice the party's representative named herein, or (i) the City's Mayor or CAO may designate another person; (ii) the District's Board of Trustees may name another person than the chair of the Board of Trustees.

(d) No separate legal entity is created by this Agreement, however, to the extent that any administration of this Agreement becomes necessary, then the parties'

representatives just named, or their designees, shall constitute a joint board for such purpose.

14. ENTIRE AGREEMENT; AMENDMENTS, NO WAIVER. This Agreement constitutes the entire agreement of the parties, and replaces all prior agreements and understandings, written or oral, between the parties. This Agreement may only be modified in writing signed by both parties. The failure of a party to insist upon strict adherence to any term of this Agreement on any occasion shall not be considered a waiver of such party's rights or deprive such party of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement.

15. TERMINATION. This Agreement may be terminated as follows:

(a) by mutual agreement of the parties;

(b) upon thirty (30) days' written notice by either party to the other if the other party fails to cure a default within that thirty (30)-day period, or if the default cannot be cured within such 30-day period, then such longer period as is reasonably required to cure; or

(c) upon 180 days' written notice by either party to the other.

16. PROPERTY DIVISION ON TERMINATION.

(a) All real or personal property of the District maintained, repaired, modified, improved, or constructed under this Agreement shall remain the property of the District except as otherwise agreed by the parties.

(b) The parties do not anticipate that they will jointly acquire or hold any real or personal property in this cooperative undertaking, but in the event that any such property is acquired by the parties jointly for the undertaking, and paid for by both of them, then it shall be divided as the parties' representatives shall agree, or, if no agreement is reached, then it shall be divided according to their respective payments for the property; or if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the parties' proportionate share of the purchase of the item of property.

(c) If real or personal property is purchased at one party's sole expense in connection with this Agreement, then the property so purchased shall be and remain the property of the party which purchased it.

17. INDEPENDENT CONTRACTORS, NO PARTNERSHIP OR JOINT VENTURE. The parties agree that the relationship between them is created by this Agreement and is that of independent contractors. No agent, employee or servant of one party is or shall be deemed to be an employee, agent or servant of the other. None of the benefits provided by either party to its employees, including but not limited to worker's compensation insurance, health insurance and unemployment insurance, shall be, as a result of this Agreement, available to the employees, agents, or servants of the other. Each party is solely and entirely responsible for its acts and for the acts of its agents, employees, servants and/or subcontractors during the performance of this Agreement. Nothing herein contained shall constitute a partnership between or joint venture by the parties hereto or constitute any party the agent of the other. No

party shall hold itself out contrary to the terms of this section, and no party shall become liable by any representation, act or omission of the other contrary to the provisions hereof.

18. SEVERABILITY. If any provision of this Agreement shall be held or deemed to be, or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.

19. TITLES AND CAPTIONS. The titles and captions of this Agreement are for convenience only, and shall be deemed part of this Agreement and in no way define, limit, augment, extend or describe the scope, content or intent of any part or parts of this Agreement.
IN WITNESS WHEREOF, the parties each execute this Agreement on the dates set out below.

ATTEST:

SANDY CITY

City Recorder

Kurt Bradburn, Mayor

Date: _____

APPROVED AS TO FORM AND COMPLIANCE
WITH APPLICABLE LAW:

Attorney for Sandy City

Print name: _____

ATTEST:

ALTA CANYON RECREATION DISTRICT

Date: _____

Title: _____

APPROVED AS TO FORM AND COMPLIANCE
WITH APPLICABLE LAW:

Attorney for Alta Canyon Recreation District

Print name: _____

Appendix "A"

INSURANCE AND BOND REQUIREMENTS FOR: PARTIES CONTRACTING WITH SANDY CITY FOR:

INTER-LOCAL AGREEMENT BETWEEN SANDY CITY and ALTA CANYON RECREATION CENTER

Contracting party shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the contracting party, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contracting party's proposal.

A. MINIMUM LIMITS OF INSURANCE

Contracting party shall maintain limits no less than:

1. PUBLIC OFFICIALS ERRORS & OMISSIONS COVERAGE: \$3,000,000 combined single limit per occurrence, Broad Form Commercial General Liability is required.
2. PROPERTY INSURANCE: On Alta Canyon Recreation District buildings at replacement cost.

B. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retention, exceeding 5% limit of policy, must be declared to and approved by Sandy City. At the option of Sandy City, either; the insurer may be required to reduce or eliminate such deductibles or self-insured retention as respects Sandy City, its officers, officials and employees; or the contracting party may be required to procure a bond guaranteeing payment of losses and related investigations, claim distribution and defense expenses.

C. NOTICE OF INCIDENT OR ACCIDENT

Contracting party shall agree to disclose to Sandy City, all incidents or occurrences of accident, injury, and/or property damage covered by the insurance policy or policies.

D. OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain, the following provisions:

I. General Liability and Automobile Liability Coverages.

A. Sandy City, its officers, officials, employees and volunteers are to be covered as an additional insured as respects: liability arising out of activities performed by or on behalf of the contracting party; products and completed operations of the contracting party; premises owned, leased, hired or borrowed by the contracting party. The coverage shall contain no special limitations on the scope of protection afforded to Sandy City, its officers, officials, employees or volunteers.

B. The contracting party's insurance coverage shall be a primary insurance as respects to Sandy City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by Sandy City, its officers, officials, employees or volunteers shall be in excess of the contracting party's insurance and shall not contribute with it.

C. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Sandy City, its officers, officials, employees or volunteers.

D. The contracting party's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

II. Workers' Compensation and Employers Liability Coverage.

The insurer shall agree to waive all rights of subrogation against Sandy City, its officers, officials, employees and volunteers for losses arising from work performed by the contracting party for Sandy City.

III. All Coverages.

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to Sandy City.

E. ACCEPTABILITY OF INSURERS

Insurance and bonds are to be placed with insurers admitted in the State of Utah with a Bests' rating of no less than A-, IX, and in the limits as listed in this document, unless approved by the Director of Risk Management.

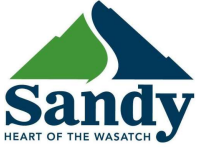
F. VERIFICATION OF COVERAGE

Contracting party shall furnish Sandy City with certificates of insurance and with original endorsements effecting coverage required by this clause. The

certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be furnished to and accepted by Sandy City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, with all endorsements, at any time.

G. SUBCONTRACTORS

Contracting party shall include all subcontractors as an insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.



Staff Report

File #: 21-323, **Version:** 1

Date: 8/17/2021

Agenda Item Title:

Administration requesting Council discussion on Little Cottonwood Canyon transportation priorities.

Presenter:

Lynn Pace, City Attorney

Description/Background:

On July 27, 2021, the Council received a briefing and update from representatives of the Utah Department of Transportation (UDOT) as to the current status of the Little Cottonwood Canyon transportation study and the draft environmental impact statement (EIS) that UDOT has prepared for the consideration and evaluation of canyon transportation options. The City Attorney, Lynn Pace, has been asked by Mayor Bradburn to coordinate and facilitate the Administration's participation with UDOT and the CWC as to the development of the EIS for canyon transportation options, and to coordinate with UDOT and the Utah Transit Authority (UTA) as to transportation improvements within Sandy City that will connect with and complement those anticipated canyon transportation improvements. The Administration has created a committee, comprised of representatives from each of the affected City Departments, who meet regularly to discuss and work on these issues.

UDOT has announced that it will accept public comments and feedback on the draft EIS until September 3, 2021. Since Sandy City is located at the mouth of Little Cottonwood Canyon, these canyon transportation decisions will have a greater impact upon Sandy City than upon any other local community. For that reason, the Administration feels strongly that Sandy City should prepare and submit a response from the City to the draft EIS. We also feel strongly that in order to maximize the influence of our comments, the City's elected officials should, to the extent possible, speak with one, united voice as to these issues. We would like to prepare and submit a joint statement from the Mayor and the City Council. To that end, following UDOT's presentation on July 27th, Administration solicited the feedback and recommendations from Council members on this important policy issue. Those recommendations and feedback have been compiled for discussion during the August 24, 2021 City Council Meeting.

UDOT Presentation – Council Member Comments Summary
City Council Meeting – July 27, 2021

- **Alison Stroud:**
 - If large parking structure on 9400 S we should consider how people are getting there especially via Highland

- **Brooke Christensen:**
 - Concerns
 - Watershed quality
 - Traffic through city
 - Impacts to neighborhoods
 - Impacts to safety
 - Impacts to city resources – public works, fire, police
 - Taxes

- **Cyndi Sharkey:**
 - A concern is that we do nothing
 - This is a chance to be transformational to do something different
 - We aren't solving for today we are solving for decades out
 - How can the solution to a problem be doing more of the same?
 - Population growth won't stop we need to do something
 - Considering mobility, safety, and reliability – one thing is clear avalanches are a big issue
 - The transportation option that can help mitigate that risk is what we should go with – that's the gondola
 - Bad weather conditions – buses won't help, we need the gondola
 - Gondola seems to be the most environmentally friendly
 - Air and water will do better with the gondola
 - Has the potential to get more people off the road and a second way in and out for safety and medical reasons
 - Miles of destructive roadway if we widen
 - Protect water quality
 - Less parking stalls and traffic circulation at 9400 S
 - Something to be said about people willing to ditch their car for gondola ride instead of the bus

- **Kris Nicholl:**
 - Wants a recommendation from staff especially from Nick

- **Marci Houseman:**

- Buses aren't going anywhere – by choosing gondola we aren't eliminating buses
- Widening little cottonwood canyon vs. gondola is the decision she is making
- She filtered the two options with the Sandy City priority document
- Need to look at it with a layering approach
- Both have pros and cons
- She thinks the worst thing we can do to the watershed is to widen the canyon
- One bad accident or poor weather will still slow down traffic with the bus option
- She is prioritizing reliability over mobility
- She would pick the gondola option
- Getting cars off the road
 - If we have the right balance of high tolls and smaller fee for gondola
- Snowbird is considering conservation easement and will pay for their employees to ride the gondola to work
- It can serve a year-round recreation need
- Improve canyon experience – gondola ride is experiencing the canyon in a different way for those who don't ski, hike or bike
- Gondola is much safer in her opinion

- **Monica Zoltanski:**

- Worried we can build super transit system and still have too much traffic
- Cost is a concern
 - Is this a good use of state money and public resources?
 - How can we pay all this money without having ski resorts be a part of the solution?
 - What are the resorts doing?
 - They could limit the number of ski passes per day or limit number of parking spaces
 - Need more buy in from the resorts
- Enhanced bus option is her choice
 - It is more minimal – low snow year, in the summer, the buses could be utilized in other areas they aren't just sitting idle, they are put to public use all throughout the year
 - Building a parking garage is permanent but not as permanent as a gondola going up 70 meters high
 - Doesn't want permanent structures that can't be repurposed
 - It makes sense to move forward with the bus option

- Try this first and then years forward we can look at a gondola option
 - Need to move forward with a more conservative option first
 - Widening the road is not great but neither is building towers for the gondola
 - On bad weather days we could say no private vehicles on the road
- **Zach Robinson**
 - Concerns:
 - Volume of cars on road is his number one concern
 - He struggles with the fact that they are still letting 70% of cars on road with both options
 - Decreasing the volume needs to happen no matter what option they choose
 - Water quality
 - Minimize environmental impact as much as possible is very important
 - Traffic management
 - Public safety
 - Year-round accessibility
 - Enhanced bus service is his preferred choice currently
 - Mobility issue is the bigger issue in his mind
 - On average he thinks there are more good weather days than bad weather days
 - Hopes bus service never goes away and that it is year-round not just ski season

UDOT SR-210 Proposal - Sandy City Council Meeting Comments

City Council Meeting - July 27, 2021

Concern	Council Member							Total Count	Total Percent
	Cyndi Sharkey	Monica Zoltanski	Brooke Christensen	Kris Nicholl	Alison Stroud	Marci Houseman	Zach Robinson		
Traffic	1	1	1		1		1	5	71%
Watershed Quality	1		1			1	1	4	57%
Environmental		1	1	1			1	4	57%
9400 S Parking Structure		1		1	1			3	43%
Cost		1	1					2	29%
Volume of Cars			1				1	2	29%
Safety			1				1	2	29%
Neighborhood/Arterial Streets Impact		1	1					2	29%
Widening Canyon Road	1					1		2	29%
City Resources Impact			1					1	14%
Economic Impact							1	1	14%
Year-Round Accessibility							1	1	14%
Doing Nothing	1							1	14%
Amount of Concrete/Asphalt					1			1	14%
No Resort Responsibility		1						1	14%
Avalanche Mitigation	1							1	14%
Snowshed included in Gondola Pricing	1							1	14%
Building Towers for Gondola		1						1	14%
Serving only the resorts		1						1	14%
Widening Wastach Blvd.		1						1	14%
Option Preference									
Enhanced Bus with Roadway Widening (Mobility)		1					1	2	29%
Gondola from La Caille (Reliability)	1					1		2	29%



August 13, 2021

To Whom it May Concern,

These comments are submitted on behalf of Sandy City in response to the Utah Department of Transportation draft Environmental Impact Statement prepared for potential transportation improvements within Little Cottonwood Canyon. In that draft EIS, UDOT has identified two preferred canyon transportation alternatives: enhanced bus service (with roadway widening); or a gondola.

1. **Sandy City does not presently support or oppose either of the proposed alternatives.** We recognize that there are pros and cons to each of the proposals and depending upon how the selected transportation plan is implemented, either alternative could have significant long-term consequences for Sandy City.
2. Regardless of which transportation alternative is ultimately selected, we want to reiterate our concerns about several **key priorities for Sandy City**, and how the implementation of the selected transportation mode may impact the city.
 - a. **Water quality.** Protection of the Little Cottonwood Canyon watershed is our top priority. We believe that getting people into the canyon is secondary to getting safe and clean water out of the canyon. On any given day, Sandy City receives 100% of its water from Little Cottonwood Creek, and the water flowing past the ski resorts may arrive at Sandy City taps in as little as 4 hours. Regardless of which transportation alternative is selected, every precaution and best management practices must be used to minimize any negative impact to the stream and the watershed, both in the design and construction of the transportation improvements.
 - b. **Connection to Sandy City transportation system.** We believe that UDOT's current study is inadequate alone because it only focuses on Wasatch Boulevard (from the north) and the Little Cottonwood Canyon Road. Any canyon transportation system selected will not be successful unless it also analyzes and considers any traffic improvements needed to connect to that system, with improvements to 9400 South, Wasatch Boulevard (from the south), and the parking/mobility hub located at 9400 South and Highland Drive. While we support and acknowledge the need to study and plan for canyon transportation improvements, we also request that UDOT immediately initial a corresponding study of the transportation improvements that will be needed within Sandy City.



KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

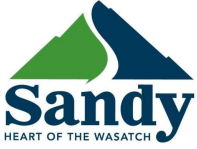
c. **Getting cars off the road and reducing congestion.** Regardless of which canyon transportation mode is selected, we believe that UDOT should immediately explore and implement other available means to incentivize the use of alternate transportation methods, such as tolling, elimination of roadside parking, charging for parking at the ski resorts, limited hours of access for private vehicles, increased frequency of bus service, variable traffic lanes, allowing any ski pass to be used as a transit pass, etc. These canyon transportation strategies can and should be utilized immediately, as a “first phase” of the transportation strategy, even before the long-term canyon transportation mode is designed and constructed.

d. **Improve the experience of canyon visitors.** In addition to transportation improvements, we should also focus our collective efforts to enhance the overall experience for visitors, not just with facilities and amenities at the ski resorts and in the canyon, but also in the surrounding communities.

Thank you for your consideration of these issues. We look forward to continued dialogue with UDOT as we work together to address these priorities.

Sincerely,

Mayor Kurt Bradburn



Staff Report

File #: 21-303, **Version:** 1

Date: 8/17/2021

Agenda Item Title:

General Citizen Comments

Description/Background:

This is the time set aside for the public to comment on any City business that is NOT already listed on the agenda. If you wish to comment on business that IS listed on the agenda please follow the eComment link to that agenda item, or participate live during that agenda item. Public comment will occur no sooner than 6:00 PM. Each speaker is allowed three minutes. Citizens wishing to comment live must access the meeting in-person OR virtually via the Zoom Webinar link. The call-in number is for listening only.