



# Community Development Department

Tom Dolan  
Mayor

Byron Jorgenson  
Chief Administrative Officer

Michael G. Coulam  
Director

## MEMORANDUM

January 26, 2017

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**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** Planning Commission and City Council Liaison – CODE-1-17-5182  
 Amend Title 15A, Chapter 3, Officers, Boards and  
 Commissions Land Development Code, Revised  
 Ordinances of Sandy City, 2008

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HEARING NOTICE: *This Code Amendment was noticed in the paper at least 10 days prior to the first Planning Commission meeting.*

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### BACKGROUND

Through a request from the Sandy City Council, the Executive Director of the City Council Office, Michael Applegarth has filed a request to amend Title 15A, Chapter 3, Officers, Boards and Commissions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider removing the Planning Commission liaison from the Board of Adjustment and the City Council liaison from the Planning Commission and Board of Adjustment.

### ANALYSIS

On October 25, 2016, after discussion and comments from each of the Council members, the Council made a motion to propose a language amendment to the Land Development Code by striking the language regarding a Council member serving as a liaison to the Planning Commission. The motion carried with a 6-1 vote.

Some of the Council members felt that having a member attend the Planning Commission meetings, even though they did not participate in the decision or take a vote, may create conflicts or influence some of the decisions. Others felt that it was good to have a liaison, but only in a passive role.

Historically there has been a liaison from both the City Council and the Planning Commission to the Board of Adjustment. Staff is recommending that if the Council liaison to the Planning Commission is removed, that the other liaison positions be removed as well. The Board of Adjustment is the appeal authority for hearing land use appeals from the Planning Commission.

Having a member of the land use authority (the Planning Commission) sit on stage during the appeal hearing may cause, or at least give the appearance of, a conflict.

### **NON-CONFORMING USES**

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

### **LAND DEVELOPMENT CODE PURPOSE COMPLIANCE**

The Sandy City Land Development Code in §15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

#### **15A-01-03 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 Amendment will fulfill the purpose of having fair, consistent, and equitable standards and procedures for the review and approval of all proposed land

development within Sandy City.

#### **GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

#### **OTHER**

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: 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 (R.O.S.C. Sec. 15A-01-03(A)).

#### **STAFF RECOMMENDATION**

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by having fair, consistent, and equitable standards and procedures for the review and approval of all proposed land development within Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Brian McCuiston  
Zoning Administrator

Reviewed by:



## Exhibit "A"

### *15A-03-03 Land Use Authorities*

#### **A. Planning Commission**

1. **Purpose.** The Planning Commission shall make recommendations to the Mayor and the City Council as more specifically set forth herein and make determinations as specifically delegated to it as set forth in this Code. This does not include policy making powers of the City that remain under the control of elected officials.
2. **Creation and Membership**
  - a. **Membership and Alternates.** There is hereby created a Planning Commission for Sandy City, Utah, to be known as the Sandy City Planning Commission. Said Commission shall consist of seven members and two alternates to be appointed by the Mayor, with the advice and consent of the City Council. The alternates shall attend all meetings but shall not vote on Commission decisions unless serving in the place of a regular member. When an alternate is needed to fill the place of a regular member, the two alternate members shall rotate the responsibility. ~~Additionally, one member of the City Council shall be appointed semi-annually by the Council to serve as the City Council's liaison to the Planning Commission. Such Council member shall have the right to attend all meetings of the Commission and take part in all discussions but shall not vote on Commission decisions.~~ Funding for the Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.

### *15A-03-04 Appeal Authorities*

#### **A. Board of Adjustment**

1. **Purpose.** In order to provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Board of Adjustment has been created to exercise the powers and duties provided hereafter.
2. **Creation and Membership.** The Board of Adjustment shall consist of five regular members and two alternate members.
  - a. The Mayor shall appoint the members and alternate members with the advice and consent of the City Council for a term of five years.
  - b. The Mayor shall appoint regular members of the Board of Adjustment to terms so that the term of one member expires each year. The Mayor shall appoint alternate members in such a manner that at least a 2-1/2 year gap will exist between term expirations.

- ~~e. One member of the Planning Commission shall be appointed semi-annually by the Commission to serve as the Commission's liaison to the Board of Adjustment. Such Planning Commission member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions but shall not vote on the Board of Adjustment decisions. Notwithstanding, the Commission's liaison to the Board of Adjustment shall not take part in discussions or decisions on conditional use permit appeals. (Ord 16-15, Amended 3-28-2016)~~
- ~~d. One member of the City Council shall be appointed semi-annually by the Planning Commission to serve as the Council's liaison to the Board of Adjustment. Such Council member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions but shall not vote on the Board of Adjustment decisions.~~
- ce. All members and alternate members of the Board of Adjustment shall be residents of the City. Any member or alternate member of the Board of Adjustment relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
- df. Alternate members are to serve in the absence of members of the Board of Adjustment upon request of the chairman. Alternate members are to attend all meetings of the Board of Adjustment. The chairman shall establish a service rotation system which provides that alternate members serve on the Board approximately the same amount.
- eg. Members of the Board of Adjustment may be removed as established by the City's Administrative and Legislative Codes.
- fh. Vacancy on the Board of Adjustment.
- (1) The Mayor, with the advice and consent of the City Council, shall fill any vacancy.
  - (2) The person appointed shall serve for the unexpired term of the member or alternate member whose seat was vacated.

City	Council elects (votes on) Chair?	Mechanism of election	When elected?	Chair's term	Can be reelected?	Who presides at meetings?	Council elects (votes on) Vice Chair?	Council appoints liaison to Planning Commission?	Compensation for PC liaison
Logan	Yes		Each calendar year	1 year					
Marriott-Slaterville	Yes	Nominations & voice votes	Each calendar year	1 year		Chair	Yes	No	N/A
Murray	Yes	Nominations & voice vote. Ballots if needed	Each calendar year	1 year	Yes, but no more than two consecutive terms	Chair presides at Committee of the Whole, retreats, workshops. Presiding officer at council meetings rotates monthly.	Yes. No term limit.	No	N/A Council officers including Chair/Vice Chair do not receive additional compensation.
Ogden	Yes	Nominations & voice vote	Each calendar year	1 year	Yes, no term limit	Chair	Yes	No	N/A
Provo	Yes	Voice vote	Each calendar year	1 year	No	Chair	Yes	No	N/A
Salt Lake City	Yes		Each calendar year	1 year					
South Salt Lake City	Yes	Nominations & Identifying ballot	Each calendar year	1 year		Chair presides at Regular Council, work, special and emergency meetings. Council members rotate conducting meetings	Yes	No	N/A
Taylorsville	Yes	Ballot vote	Each calendar year	1 year		Chair	Yes	No	N/A