



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

MONICA ZOLTANSKI  
MAYOR

SHANE E. PACE  
CHIEF ADMINISTRATIVE  
OFFICER

## Staff Report Memorandum

### June 20, 2024

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To: City Council via Planning Commission

From: Community Development Department

Subject: Amendments to Title 21 of the Land Development Code related to Elements of the General Plan CA04262024-0006761

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**Public Hearing Notice:** This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

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#### Request

The proposed Code Amendments would update Title 21, *Land Development Code*, Chapter 6, *General Plan*, Section 2, *Plan Elements*. The code amendments ensure the General Plan Elements referenced in the Land Development Code are consistent with the requirements of the Utah Code. The specific amendments to the Land Development Code are included as Exhibit "A" (red-lined version) and Exhibit "B" (clean version).

#### Background

Sandy City is in the process of updating the General Plan and will eventually begin an adoption process. At that time, the General Plan Update will need to meet the requirements of the State Law ([UCA § 10-9a, Part 4 General Plan](#)), and the City's land use code under [Chapter 21-6, General Plan](#). The proposed code amendment will bring the City's land use code into compliance with state law provisions.

Case History	
Case Number	Case Summary
N/A	Previously referenced in the 2008 Land Development Code under § 15A-06. No other case history files found related to this chapter of the code.

#### Public Notice

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah Code § 10-9a-205.

**Analysis**

The requirements for a General Plan in the LDC are generally consistent with Utah Code, except for [Sec. 21-6-2, Plan Elements](#), which needs to be updated to be in line with current state law ([UCA § 10-9a-403](#)). As such, the proposed amendments remove specific descriptions for each element, and replace it with a general reference to state law with the following language: “*The General Plan shall include elements in accordance with the provisions of the Utah Code Annotated as are currently in effect or as may be amended.*” The specific language of the proposed code amendment is shown under Exhibit “A” (red-lined version) and Exhibit “B” (clean version).

**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 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 amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety and welfare; ensures consistency and equitable standards; establishes fair procedures that are efficient and effective in terms of time and expense; facilitates the orderly growth and development of Sandy City; and is consistent with the Sandy City General Plan.

**General Plan Compliance**

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for all uses and zoning categories within Sandy City.

**Recommendation**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, related to Elements of the General Plan as shown in Exhibit “A”, based on the following findings:

**Findings:**

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by promoting the public health, safety, and welfare; ensuring consistent and equitable standards; establishing fair procedures that are efficient and effective in terms of time and expense; and by facilitating the orderly growth and development of Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Melissa Anderson  
Zoning Administrator

Exhibits:

- A. Proposed code amendments (red-lined version)
- B. Proposed code amendments (clean version)

File Name: \\FSUSERS\CH-USERS\USERS\PLN\STAFFRPT\2024\CA04262024-0006761 - GENERAL PLAN CODE AMENDMENT\STAFF REPORT\STAFF REPORT - GENERAL PLAN CODE AMENDMENT.FINAL.DOCX

## **CHAPTER 21-6. GENERAL PLAN<sup>1</sup>**

### **Sec. 21-6-1. Purpose and Scope.**

The City shall prepare and adopt a comprehensive, long-range General Plan for the present and future needs of the City and for the general purpose of guiding and accomplishing coordinated, efficient and harmonious growth, and development of all or any part of the land within the City, including any areas outside of its boundaries, that, in the City's judgment, bear relation to the planning of the City. Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when considering territory outside the boundaries of the City, action may be taken only with the concurrence of the county or other municipalities affected. The General Plan may provide for:

- (1) Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics and recreational, educational, and cultural opportunities;
- (2) The reduction of waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (3) The efficient and economical use, conservation, and production of the supply of:
  - a. Food and water; and
  - b. Drainage sanitation and other facilities and resources;
- (4) The use of energy conservation and solar and renewable resources;
- (5) The protection of urban development;
- (6) The protection and promotion of housing, including moderate income housing;
- (7) The protection and promotion of air quality;
- (8) The protection of open space and natural areas;
- (9) Historic preservation;
- (10) Identification of uses of land that are likely to require an expansion or significant modification of services or facilities provided by affected entities;
- (11) The protection and promotion of economic growth and development; and
- (12) An Official Street Map.

(LDC 2008, § 15A-06-01)

### **Sec. 21-6-2. Plan Elements.**

~~The General Plan shall address and include at least the following:~~ The General Plan shall include elements in accordance with the provisions of the Utah Code Annotated as are currently in effect or as may be amended.<sup>2</sup>

- ~~(1) —Goals and Policies Element. This element describes the community's goals for its future and carries the goals through an analysis of the community to the policies and programs for goal implementation. Goals are the ultimate accomplishment towards which the City's actions should be directed. Policies are statements of the City's general intention and serve as a continuing guide to implementing goals.~~

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<sup>1</sup> State law reference(s)—General plan, U.C.A. 1953, § 10-9a-401 et seq.

<sup>2</sup> State law reference(s)—General plan, U.C.A. 1953, § 10-9a-403 et seq.

## Exhibit "A"

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- (2) ~~*Growth, Community Identity, and Land Use Element.*~~ This element designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the General Plan.
- (3) ~~*Commercial/Industrial Element.*~~ This element describes a hierarchy of commercial development levels that have been identified for Sandy City and have been generally assigned to geographic areas. This is a very broad classification system that can help provide adequate and accessible commercial services to maximize the compatibility of commercial and residential uses and to increase the employment opportunities within the City.
- (4) ~~*Transportation and Traffic Circulation Element.*~~ This element consists of the general location and extent of existing and proposed freeways, arterial and collector streets, bicycle and pedestrian ways, trails, mass transit, and any other modes of transportation that the Planning Commission and City Council considers appropriate, all correlated with the population projections and the proposed land use element of the General Plan.
- (5) ~~*Housing Element.*~~ This element includes goals and policies addressing the housing needs in the City. These needs include a variety of housing types and choices. The housing element not only addresses single-family subdivisions but also includes mixed use development, planned unit development, apartment complex development, or mobile home park development. Moderate income housing is also addressed and includes goals and policies to facilitate it.
- (6) ~~*Environmental Hazards Element.*~~ This element addresses the protection, conservation, development, and use of natural resources, including the quality of air, forest, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.
- (7) ~~*Public Services and Facilities Element.*~~ This element shows general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services. It addresses the City's community facilities, schools, libraries, multipurpose centers, Federal facilities, health facilities, and financing of community facilities.
- (8) ~~*Economic Element.*~~ This element may be composed of appropriate studies and forecasts, as well as an Economic Development Plan, that may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.
- (9) ~~*Parks, Recreation, and Trails Element.*~~ This element covers a broad range of recreational and cultural activities that are important to the City's quality of life, including parks, recreation, open space, urban forestry, multi-use trails, arts and entertainment, and cultural resources. It reviews and summarizes key issues and policies addressed in detail in the General Plan.
- (10) ~~*Official Street Map.*~~ This map shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities, and provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the City or other government authorities time to purchase or otherwise reserve the land.
- (11) ~~*Recommendations.*~~ The General Plan may also contain recommendations for implementing all or any portion of the General Plan, including the use of land use ordinances, Capital Improvement Plan, economic and community development, redevelopment, promotion, and any other appropriate action.

~~(12) Other. The General Plan may contain provisions addressing any other matters listed in the General Plan purpose and scope statement above.~~

(LDC 2008, § 15A-06-02)

State law reference(s)—Required contents of development plan, U.C.A. 1953, § 10-9a-~~401~~403.

### **Sec. 21-6-3. Preparation of the General Plan.**

In preparing the General Plan, the City shall make careful and comprehensive surveys, research, and studies of the existing conditions and probable future growth of the City and its environs.

(LDC 2008, § 15A-06-03)

### **Sec. 21-6-4. General Plan Adoption.**

(a) *Planning Commission.*

- (1) The Planning Commission shall provide notice, as provided in this title, of its intent to make a recommendation to the City Council for a General Plan or a comprehensive General Plan amendment when the Planning Commission initiates the process of preparing its recommendation.
- (2) After completing its recommendation for a proposed General Plan or amendment, the Planning Commission shall schedule and hold a public hearing on the proposed plan or amendment. The Planning Commission shall provide notice of the public hearing, as provided by this title.
- (3) After the public hearing, the Planning Commission may modify the proposed General Plan or amendment.
- (4) The Planning Commission shall forward its recommendation and the proposed General Plan or amendment to the City Council.

(b) *City Council.*

- (1) The City Council shall consider the recommendation of the Planning Commission for a proposed General Plan or amendment at a public meeting after notice as provided by this title and may:
  - a. Make any revisions to the proposed General Plan or amendment that it considers appropriate.
  - b. Adopt or reject the proposed General Plan or amendment either as proposed by the Planning Commission or after making any revision that the City Council considers appropriate.
  - c. Provide suggestions to the Planning Commission for its consideration if the City Council rejects the proposed General Plan or amendment.

(LDC 2008, § 15A-06-04)

State law reference(s)—Plan preparation, public hearing, etc., U.C.A. 1953, § 10-9a-404 et seq.

### **Sec. 21-6-5. Effect of the General Plan.**

Except as provided in Section 21-6-6, the General Plan is an advisory guide for land use decisions.

(LDC 2008, § 15A-06-05)

**Sec. 21-6-6. Public Uses to Conform to the General Plan.**

After the City Council has adopted a General Plan, no street, park or other public way, ground, place, or space, no publicly-owned building or structure, and no public utility, whether publicly- or privately-owned, may be constructed or authorized until and unless it conforms to the current General Plan.

(LDC 2008, § 15A-06-06)

**Sec. 21-6-7. Effect of the Official Street Map.**

- (a) The City may adopt an Official Street Map.
- (b) The Official Street Map does not:
  - (1) Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances as set forth below; or
  - (2) Require the City to immediately acquire property it has designated for eventual use as a public street.
- (c) This section does not prohibit the City from:
  - (1) Recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with the State code concerning exactions.
  - (2) Acquiring the property through purchase, gift, voluntary dedication, or eminent domain.
  - (3) Requiring the dedication and improvement of a street if the street is found necessary by the City because of a proposed development and if the dedication and improvement are consistent with the State code concerning exactions.

(LDC 2008, § 15A-06-07)

State law reference(s)—Effect of official maps, U.C.A. 1953, § 10-9a-407.

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