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MEMORANDUM

September 10, 2020

To: City Council via Planning Commission
From: Community Development Department
Subject: Amend Public Notice Requirements
Amend Title 21, Chapter 36, Notice Requirements, of the
Sandy Municipal Code

CODE-09-20-5907

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 the City, the Community Development Department is proposing to amend Title 21, Chapter 36, Notice Requirements, of the Sandy Municipal Code. The purpose of the Code Amendment is to align the development code regulations with recent amendments to State requirements. This proposal will also exceed certain minimum State mandated noticing requirements on certain types of land use applications, by requiring both mailed and physical posting of public notice of public meetings. The full text of the proposed changes are shown in Exhibit "A" (final draft – no redline format) and Exhibit "B" (final draft – redline format).

BACKGROUND

The City Council has discussed making changes to our public notice process at a couple recent meetings. Staff assisted the Council in creating an initial draft of some proposed changes to Title 21-36-2, focused on requiring posting physical notice to the affected properties (see Exhibit C"). On August 25, 2020, the Council approved a motion to move forward with the proposed amendment through the formal code amendment process.

In recent years, the State Code has been amended several times, but our City Code hasn't had any revisions to it since 2008. While staff reviewed the entire chapter, we found that it would be appropriate to incorporate several amendments to this chapter to align it with State Code and City Policies.

ANALYSIS

The initial code amendment draft from the City Council (see exhibit “C”) included three main changes to the existing section 21-36-2. First was to increase the radius of mailing to property owners surrounding the subject property to 500 feet. This change matches current practice by staff. Second change was to further define the standards for posting a public notice sign to a property. The third added a requirement for certain applications to require both mailed notice and physical public notice sign posted to the subject property.

As staff reviewed this chapter in greater depth, it was discovered that larger changes to this entire chapter were needed to address changes to the State Code and make sure the entire chapter aligned with the proposed changes requested by the City Council. As a result, staff has essentially re-written and reorganized the entire chapter.

Staff has eliminated any code sections that are directly repeating state code, such as existing section 21-36-1, and those that no longer are applicable or needed, such as 21-36-5 and 21-36-7 (see Exhibit “D” – existing code). We have moved and added to the existing section 21-36-9, to replace 21-36-1. This revised first section establishes minimum requirements for public notices that are no longer established by State Code. It clarifies and codifies existing practices and administration of public notices for both public meetings and public hearings.

The second section addresses notifications to third-parties, which means neighboring property owners. Staff has incorporated the draft changes that the City Council directed staff to incorporate into the code. Staff is proposing some additional modifications to the initial draft (see Exhibit “C” for reference) that further refine the requirements of this section. Those changes are outlined as follows:

- Included clarifying language to section (a) that these notices are required when concerning a specific parcel of property, and language that these regulations do not exempt State Code regulations.
- In subsection (a)(1), staff is proposing to increase the mailed notices to be postmarked at least five (5) days prior to the city meeting. Staff has also moved clarifying language from the former section (c) that these notices will be mailed to any owner of property within the 500 foot radius, regardless of whether they are within city boundaries.
- Added clarifying language that when posting a property with a physical notice sign, that it is to be done at least ten (10) days prior to the city meeting.
- In section (b), staff has clarified types of land use applications (and provided some clarification to limit certain applications that aren’t near residential properties) that would require both types of public notice (mailed and physical sign posted). Staff eliminated variances from these land use applications that was shown in the original draft. Staff felt that the original intent of requiring posting of a public notice sign to the property was intended for applications that could constitute a large/major change to the area. Variances don’t fit that criteria as they are very rare and usually don’t consider a major change.
- Staff has eliminated the proposed section (c), as that language was incorporated into (a)(1).

In the third section of this chapter, staff has included references to certain cases that require different public notice requirements. Rather than copy those codes verbatim, they are only referenced with a title specifying the land use application that applies to those differing standards. This way, we won’t need to alter our city code should the state law change.

In summary, we have kept and refined language of this chapter that are not included in the state code or go above or beyond the minimum requirements established in state code. All other sections merely reference the requirements found in state statutes.

Staff would also point out the potential impacts of this proposed amendment. The proposed changes will provide more notice to the neighboring property owners by increasing the required mailing time, the increased radius, and the requirement to post the property on some applications. Conversely, this may cause some delays to the applicants in processing their advancement to the Planning Commission or City Council.

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 Amendment would promote fair procedures that are efficient and effective. It would also respect the rights of all applicants and affected citizens.

GENERAL PLAN COMPLIANCE

The General Plan encourages citizen involvement (see Goal 3.0 of the Growth, Land Use and Community Identity section of the General Plan). This code amendment would further that goal and objective.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation amend Title 21, Chapter 36, Notice Requirements, 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 creating consistency and equitable standards in Sandy City.
2. Compliance with the Goals and Policies of the General Plan by encouraging citizen participation in Sandy City that will invite public input and to inform and involve citizens in the planning process.

Planner:

Reviewed by:



Mike Wilcox
Zoning Administrator