



# Sandy City, Utah

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

## Meeting Agenda

### City Council

*Brooke Christensen, District 1*  
*Maren Barker, District 2*  
*Kristin Coleman-Nicholl, District 3*  
*Chris McCandless, District 4*  
*Steve Fairbanks, At-large*  
*Linda Martinez Saville, At-large*  
*Zach Robinson, At-large*

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**Tuesday, April 10, 2018**

**5:15 PM**

**Council Chambers**

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

The Sandy City Council has adopted Rules of Procedure which are available at the rear of the Council Chambers and online at: <http://sandy.utah.gov/government/city-council/procedure-guidelines.html>. Consent Calendar items have been previously considered or are otherwise routine in nature and will be considered in a single motion unless a Council Member wishes to discuss an item separately. In compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (801) 568-7141.

\*For the April 10, 2018 City Council Meeting, the Chair will allow public comment for each item listed on the agenda at the time the item is heard. Comments on items or issues not listed on the agenda will be heard during the Citizen Comment portion of the meeting. Public comments may not exceed 3 minutes per speaker, per agenda item.

### **4:30 Dinner**

### **5:15 Council Tour**

1. [18-118](#) Public Works Department Recommending the City Council tour the Waste Management Materials Reclamation Facility on 8652 S. 4000 W. West Jordan, UT 84088.

### **7:15 Council Meeting**

#### **Roll Call**

Opening Remarks / Prayer / Pledge of Allegiance

Agenda Planning Calendar Review

Council Member Business

Council Office Director's Report

Mayor's Report

CAO Report

Citizen Comments

Citizen comments is for public comment on issues not listed on the agenda.

## Special Recognition

2. [18-095](#) City Council recommending Special Recognition to Treven Cole
3. [18-109](#) Parks and Recreation Department presenting annual Arbor Day proclamation.

**Attachments:** [APRIL 10 Arbor Day Proclamation 2018](#)

## Consent Calendar

4. [18-111](#) Approval of the March 27, 2018 Minutes.
5. [18-116](#) Approval of the April 3, 2018 Minutes.
6. [18-114](#) City Council Office recommending the Council adopt Resolution #18-18C canceling the April 24, 2018 City Council Meeting

**Attachments:** [March 27, 2018 Minutes.pdf](#)

**Attachments:** [April 3, 2018 Minutes.pdf](#)

**Attachments:** [APRIL 10 Resolution 18-18c](#)

## Council Items

7. [18-113](#) Waste Management presentation on recycling
8. [18-112](#) Administration recommending the Council discuss glass recycling
9. [18-080](#) Sandy City Fire Department recommends that the City Council adopts the proposed fireworks restriction map.

**Attachments:** HB 38 Council Power Point Presentation  
[HB 0038 Fireworks Restrictions](#)

10. [18-117](#) Council Member Barker requesting discussion and recommending the City Council initiate a proposed code amendment to the Land Development Code, Chapter 15A-20-07 Planned Unit Development (PUD).

Attachments: [4-3-18 Proposed Amendment to Chapter 15A-20-07](#)

11. [18-115](#) Public Works Department Recommending the City Council adopt Resolution #18-14C

Attachments: [April 10 Resolution 18-14c](#)

## Adjournment



## Staff Report

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**File #:** 18-118, **Version:** 1

**Date:** 4/10/2018

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**Agenda Item Title:**

Public Works Department Recommending the City Council tour the Waste Management Materials Reclamation Facility on 8652 S. 4000 W. West Jordan, UT 84088.

**Presenter:** Waste Management

**Description/Background:**

The Council will board the bus at City Hall at 5:15 PM and will return at approximately 7:15 PM. Steel toed boots are required within the facility, if you are coming on the tour and own a pair please where them. For Council Members and staff who do not own steel toed boots, Public Works has a limited number of steel toes that will slip on over a standard pair of shoes. Please do not wear heels or open toed shoes.



# Sandy City, Utah

10000 Centennial Parkway  
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## Staff Report

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**File #:** 18-095, **Version:** 2

**Date:** 4/10/2018

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**Agenda Item Title:**

City Council recommending Special Recognition to Treven Cole



## Staff Report

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**File #:** 18-109, **Version:** 1

**Date:** 4/10/2018

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**Agenda Item Title:**

Parks and Recreation Department presenting annual Arbor Day proclamation.

**Presenter:** Scott Earl

**Description/Background:**

This Mayoral proclamation declares Sandy Pride Day (May 19, 2018) as Arbor Day in Sandy City.



Arbor Day 2018

## PROCLAMATION

**WHEREAS**, Sandy City desires to promote the importance of trees for the benefits they provide for its citizens, and the environment, and

**WHEREAS**, Sandy City has chosen to be a leader in the planting and maintaining of trees in and around our beautiful City, and

**WHEREAS**, Sandy City annually celebrates Sandy Pride Day on May 19, 2018 and in conjunction with the nationally celebrated Arbor Day, and where the annual support of Sandy's great volunteers provides the City with the most benefits to our urban forest

**THEREFORE BE IT RESOLVED**, as Mayor of Sandy City I hereby proclaim May 19, 2018 as Arbor Day in Sandy, Utah and encourage all residents and visitors to become active in the promoting and preservation of trees.

Mayor\_\_\_\_\_

Date\_\_\_\_\_



## Staff Report

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**File #:** 18-111, **Version:** 1

**Date:** 4/10/2018

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Approval of the March 27, 2018 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*  
*Maren Barker, District 2*  
*Kristin Coleman-Nicholl, District 3*  
*Chris McCandless, District 4*  
*Steve Fairbanks, At-large*  
*Linda Martinez Saville, At-large*  
*Zach Robinson, At-large*

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Tuesday, March 27, 2018

5:15 PM

Council Chambers

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### Roll Call

#### **Administration:**

Mayor Kurt Bradburn  
CAO Matthew Huish  
Deputy to the Mayor Evelyn Everton  
Assistant CAO Shane Pace  
Assistant CAO Korban Lee  
Economic Development Director Nick Duerksen  
City Attorney Bob Thompson  
Executive Secretary Legal Chris Edwards  
Senior Civil Attorney Darien Alcorn  
Lead PIO/Media Specialist Robin Saville  
Communications Coordinator Elyse George  
Community Development Director James Sorensen  
Long Range Planning Manager Jake Warner  
Zoning Administrator Mike Wilcox  
Business Licence Administrator Leslie Casaril  
Administrative Services Director Brian Kelley  
Fire Chief Bruce Cline  
Battalion Chief/Fire Marshall Robert DeKorver  
Deputy Police Chief William O Neil  
Parks & Recreation Director Scott Earl  
Assistant Director Parks & Recreation Dan Medina  
Public Utilities Director Tom Ward  
Public Works Director Mike Gladbach

**Present:** 5 - Council Member Brooke Christensen  
Council Member Maren Barker  
Council Member Kristin Coleman-Nicholl  
Council Member Steve Fairbanks  
Council Member Zach Robinson

**Absent:** 2 - Council Member Chris McCandless  
Council Member Linda Martinez Saville

### 5:15 Council Meeting

## Opening Remarks / Prayer / Pledge of Allegiance

Chairwoman Linda Martinez-Saville welcomed all those in attendance.

Council Member Brooke Christensen offered the opening prayer.

Council Member Maren Barker led the audience in the pledge.

## Agenda Planning Calendar Review

Michael Applegarth reviewed the Agenda Planning Calendar.

## Council Member Business

Steve Fairbanks proposed recognition for a 2018 Sterling Scholar competition winner for vocal performance. The Council agreed.

## Council Office Director's Report

No Report.

## Mayor's Report

Mayor Bradburn addressed the budget process along with a few Council questions.

## CAO Report

Matt Huish excused Police Chief Thacker who was attending a conference. He expressed appreciation to Council Member Steve Fairbanks for his annual cakes to City Employees. He informed the Council on the implementation of the new Outlook system, and a full time analyst for Administrative Services.

Dan Medina addressed the Richardson Property timeline.

Mike Gladbach addressed the ground breaking for the new Public Works facility.

## Legislative Report

Evelyn Everton reported on the Wasatch Front Regional Council meeting.

## Citizen Comments

Steve Van Maren recommended that the City Council incorporate a time certain for public comments on their agenda.

Jim Edwards spoke regarding the water transfer fund.

Comments were Closed.

Citizen comments is for public comment on issues not listed on the agenda.

## Consent Calendar

## Approval of the Consent Calendar

**A motion was made by Kristin Coleman-Nicholl seconded by Zach Robinson to approve the Consent Calendar. The motion carried by the following vote:**

**Yes:** 5 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Steve Fairbanks  
Zach Robinson

**Absent:** 2 - Chris McCandless  
Linda Martinez Saville

1. [18-090](#) Approval of the February 27, 2018 Council Meeting Minutes.

**Attachments:** [February 27, 2018 Minutes.pdf](#)

Item approved.

2. [18-093](#) Approval of the March 13, 2018 Minutes.

**Attachments:** [March 13, 2018 Minutes.pdf](#)

Item approved.

## Council Items

3. [18-078](#) Sandy City Fire Department's Wildland deployment to California presentation.

**Attachments:** [California Wildfire Deployment IV Final](#)

Chief Cline introduced Fire Logistics Coordinator Joe Spicer and Fire Captain/Paramedic Ryan Lessner. They presented a report on their participation in the 2017 California wildfires.

4. [18-095](#) City Council recommending Special Recognition to Treven Cole

Postponed to another night.

5. [18-086](#) Resolution #18-07M appointing Jeff Lovell as an alternate member of the Sandy City Planning Commission.

**Attachments:** [Jeff Lovell Planning Commission Letter](#)  
[PC RESOLUTION 18-07M \(Jeff Lovell\)](#)

Jeff Lovell introduced himself to the Council.

Mike Applegarth called item's #5, #6, and #7.

**A motion was made by Brooke Christensen seconded by Zach Robinson to adopt Resolution 18-07M, appointing Jeff Lovell as an alternate member to the Sandy City Planning Commission; adopting Resolution 18-08M appointing Cory Shupe as**

a regular member of the Sandy City Planning Commission, and adopting Resolution 18-09 M re-appointing Ron Mortimer as a regular member of the Sandy City Planning Commission..... The motion carried by the following vote:

**Yes:** 4 - Brooke Christensen  
Maren Barker  
Steve Fairbanks  
Zach Robinson

**No:** 1 - Kristin Coleman-Nicholl

**Absent:** 2 - Chris McCandless  
Linda Martinez Saville

6. [18-087](#) Resolution #18-08M appointing Cory Shupe as a regular member of the Sandy City Planning Commission.

**Attachments:** [PC RESOLUTION 18-08M \(Cory Shupe\)](#)

7. [18-088](#) Resolution #18-09M re-appointing Ron Mortimer as a regular member of the Sandy City Planning Commission.

**Attachments:** [PC RESOLUTION 18-09M \(Ron Mortimer\)](#)

8. [17-100](#) City Council Office recommending that the Council discuss short term rentals.

**Attachments:** [March 27, 2018 STR Process and Calendar](#)  
[March 27, 2018 Important parts of an STR ordinance](#)  
[March 27, 2018 Fire Department Memo](#)  
[March 27, 2018 City Attorney Memo](#)  
[March 27, 2018 Community Development Memo](#)  
[March 27, 2018 Mayor Bradburn Position on STR's](#)  
[March 27, 2018 Presentation](#)  
[March 27, 2018 Draft STR language for Title 15A](#)  
[March 27, 2018 Redline draft STR language for Title 15A](#)  
[March 27, 2018 Draft STR language for Title 5](#)  
[March 27, 2018 Redline draft STR language for Title 5](#)

Steve Fairbanks introduced the discussion on Short Term Rentals.

Dustin Fratto led the discussion.

Darien Alcorn spoke regarding a key element for short term rentals.

Council questions were entertained.

Comments from the Public:

Tomsen & Stephanie Reed spoke on short term rentals, owner occupancy, and families being able to operate a short term rental from their home.

Brooke DSouza spoke in favor of allowing more short term rentals.

Elliot Abbott was hopeful that the Council comes up with a resolution especially regarding corporations who are purchasing multiple homes for short term rentals and destroying the character of neighborhoods.

Ross & Leisa Lingwall spoke in favor of owner occupancy for short term rentals.

Lori Black asked the Council to consider the long term effects on the City and single family homes and neighborhoods when it comes to allowing short term rentals.

Bill Lee felt that the focus should be on the health and safety of the community not the aesthetics and how short term rentals impact the ski industry.

Public comments concluded.

Council discussion continued.

Chris McCandless joined the Council meeting at approximately 7:30 p.m.

## Rollcall

**Present:** 6 - Council Member Brooke Christensen  
Council Member Maren Barker  
Council Member Kristin Coleman-Nicholl  
Council Member Chris McCandless  
Council Member Steve Fairbanks  
Council Member Zach Robinson

**Absent:** 1 - Council Member Linda Martinez Saville

11. [18-044](#) Council Member Robinson requesting adoption of Ordinance 18-10 related to idling vehicles.

**Sponsors:** Robinson

**Attachments:** [March 27, 2018 Ordinance 18-10](#)

Zach Robinson introduced the adoption of the idling vehicles ordinance.

Ashley Miller, advocate and representative BREATH UTAH, was supportive of the anti idling ordinance.

Steven Kelsey also spoke in favor of the idling ordinance.

Brooke DSousa was supportive of the idling ordinance.

Celeste Kelsey was supportive of the idling ordinance.

Josh Sundae expressed frustration over the relation of high density housing and additional idling vehicles.

Public comments concluded.

Council discussion followed.

**A motion was made by Kristin Coleman-Nicholl, seconded by Chris McCandless, to approve Ordinance 18-10 the development of idle free zones within Sandy City striking the word "service" and correcting the date to 2018... The motion carried by the following vote:**

**Yes:** 5 - Brooke Christensen  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson

**No:** 1 - Maren Barker

**Absent:** 1 - Linda Martinez Saville

## 7:00 Public Hearings

12. [ZONE-01-18-5340](#) Hinton Property Rezone - David George has submitted an application requesting a zone change of a parcel located at 825 E. 7800 S., approximately 1.09 acres, from R-1-20A "Single Family Residential District" to R-1-8(INF) "Single Family Residential District". File #: ZONE-01-18-5340.

**Attachments:** [PC Staff Report-Hinton-signed \(2.23.18\)](#)  
[PC Minutes 3.1.18-final \(Hinton only\)](#)  
[Ordinance #18-08](#)

Jake Warner introduced the Hinton Property Rezone.

David George applicant spoke briefly on the rezone.

Public Hearing opened then closed as there were no comments.

Council discussion followed.

Robert DeKorver addressed Mrs. Christensen's question on private lanes.

**A motion was made by Chris McCandless, seconded by Kristin Coleman-Nicholl, to adopt Ordinance 18-08, Hinton Rezone located at approximately 825 E. 7800 S. to be rezoned from the R-1-20A Zone to the R-1-8(INF) Zone according to the recommendation of the Planning Commission and the facts, findings, and conclusion contained in the staff report presented to the Planning Commission.... The motion carried by the following vote:**

**Yes:** 4 - Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson

**No:** 2 - Brooke Christensen  
Maren Barker

**Absent:** 1 - Linda Martinez Saville

10. [ANEX 3-18-5378](#) The Community Development Department is recommending the City Council adopt Resolution #18-15C indicating the intent to annex an unincorporated area located at approximately 9560 S. and 9572 S. 1700 E., setting a hearing to consider such an annexation, and directing publication of a hearing notice.

**Attachments:** [Annexation Map \(GIS\)](#)  
[Sandy City annexation form, Visser properties 1 consent letter](#)  
[WATERFORD III ANNEXATION MAP](#)  
[Waterford III ANNEXATION RESOLUTION](#)

James Sorensen addressed the resolution for the intent to annex

**A motion was made by Kristin Coleman-Nicholl, seconded by Chris McCandless, that the City Council adopt Resolution #18-15C, setting a public hearing to consider the Waterford III Annexation located at 9560 S. and 9572 S. 1700 E... The motion carried by the following vote:**

**Yes:** 5 - Brooke Christensen  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson

**No:** 1 - Maren Barker

**Absent:** 1 - Linda Martinez Saville

9. [18-007](#) City Council Office requesting review and discussion of Council policies.

**Attachments:** [Council Policy Review April 3, 2018](#)  
[Draft Attendance Resolution](#)  
[Draft Advice & Consent Policy](#)

Michael Applegarth requested that this item be tabled to another meeting.

**A motion was made by Zach Robinson seconded by Chris McCandless to table the Council Policies discussion to a future Council Meeting....the motion carried by a unanimous voice vote in favor.**

## Adjournment

The meeting adjourned at approximately 9:15 p.m. by Chris McCandless seconded by Zach Robinson. The next scheduled meeting of the City Council is Tuesday, April 3, 2018 at 7:00 p.m.

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Linda Martinez-Saville, Chair  
Sandy City Council

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Pam Lehman  
Meeting Clerk







## Staff Report

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**File #:** 18-116, **Version:** 1

**Date:** 4/10/2018

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Approval of the April 3, 2018 Minutes.

Motion to approve the minutes as presented.



# Sandy City, Utah

10000 Centennial Parkway  
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Phone: 801-568-7141

## Meeting Minutes

### City Council

*Brooke Christensen, District 1*  
*Maren Barker, District 2*  
*Kristin Coleman-Nicholl, District 3*  
*Chris McCandless, District 4*  
*Steve Fairbanks, At-large*  
*Linda Martinez Saville, At-large*  
*Zach Robinson, At-large*

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Tuesday, April 3, 2018

5:15 PM

Council Chambers

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### 5:15 p.m. Council Meeting

Linda announced the closed door meeting.

Meeting went into Recess

Meeting Reconvened

**Chris McCandless made a motion seconded by Kris Coleman-Nicholl to hold a Closed Door Session to discuss the character, professional competence, or physical or mental health of an individual.... The motion carried by the following vote:... The motion carried by the following vote:**

**Yes:** 7 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

### **Possible Closed Session:character, professional competence, or physical or mental health of an individual.**

1. [18-101](#) Emergency Manager recommending that the Council participate in a "Table Top Emergency Exercise: Extreme Event."  
  
The City Council participated in a table top Emergency Exercise: Extreme Event, held in the Multi-Purpose Room.

### **Roll Call**

Council Office Director Michael Applegarth  
Council Office Analyst Dustin Fratto

#### **Administration:**

Mayor Kurt Bradburn  
CAO Matthew Huish

Assistant CAO Shane Pace  
Economic Development Director Nick Duerksen  
City Attorney Bob Thompson  
Community Development Director James Sorensen  
Deputy Fire Chief Derek Maxfield  
Parks & Recreation Director Scott Earl  
Deputy Police Chief William O'Neil  
Support Service Manager Public Utilities Kim Bell  
Engineering Manager-Public Utilities Richard Benham  
Assistant Public Works Director Paul Browning  
Emergency Manager Jeff Mulcahy

**Present:** 6 - Council Member Brooke Christensen  
Council Member Maren Barker  
Council Member Kristin Coleman-Nicholl  
Council Member Chris McCandless  
Council Member Zach Robinson  
Council Member Linda Martinez Saville

**Absent:** 1 - Council Member Steve Fairbanks

### Opening Remarks / Prayer / Pledge of Allegiance

Chairwoman Linda Martinez-Saville welcomed all those in attendance.

Mayor Bradburn offered the opening prayer.

Linda Martinez-Saville led the audience in the pledge.

### Agenda Planning Calendar Review

Michael Applegarth addressed the upcoming items on the Agenda Calendar.

### Council Member Business

Zach Robinson asked if the City Council will continue with the 5:15 meeting start time.

Mike Applegarth noted that the 5:15 p.m. start time was an experiment, and that it was up to the City Council to make a recommendation and direct staff to revise their policies to continue.

### Council Office Director's Report

No Report.

### Mayor's Report

Mayor Bradburn informed the Council that the 2018 Amphitheater schedule is now on line.

### CAO Report

Matt Huish noted that several of the Department Directors were out of town. He also excused Evelyn Everton.

## Citizen Comments

Josh Sundae expressed concern with the idling ordinance that the Council adopted last week, and how the policy does not make sense to him.

Citizen comments is for public comment on issues not listed on the agenda.

## Council Items

2. [18-100](#) Council Member McCandless proposing the adoption of a land use restriction for the "Ricahrdson Property."

**Attachments:** [Resolution 18-16C](#)

Chris McCandless addressed the proposal for adoption of a land use restriction for the Richardson Property.

Council comments and questions followed.

**A motion was made by Kristin Coleman-Nicholl, seconded by Zach Robinson, to adopt Resolution 18-16C, a resolution approving restrictions on the sale of real property and to remove the word "substantial" from the document.. The motion carried by the following vote:**

**Yes:** 6 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Steve Fairbanks

3. [18-007](#) City Council Office requesting review and discussion of Council policies.

**Attachments:** [Council Policy Review April 3, 2018](#)

[Draft Attendance Resolution](#)

[Draft Advice & Consent Policy](#)

Michael Applegarth led the discussion on Council policies.

The Council addressed the Council attendance policy, infrastrure policy to be brought back for adoption on the Consent Calendar, individual Council member budgets, Advice and Consent, and establishing a policy for on-line viewers, and adjusting City Council Meeting time.

Council questions and comments followed.

**A motion was made by Maren Barker, seconded by Brooke Christensen, to do away with the water garbage policy, the life of animal licensure policy, and both travel policies that are currently in the Council policies ... The motion passed by**

**the following vote:**

**Yes:** 6 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Steve Fairbanks

**A motion was made by Maren Barker, establishing a City Council Meeting Attendance Policy for members of the City Council with an amendment to paragraph 4 to read "the Council Meeting is inclusive of any public noticed City Council meeting" .... motion failed for lack of a second.**

**A motion was made by Kris Coleman-Nicholl seconded by Chris McCandless, requesting that Mr. Applegarth go back to the drawing board to design a new draft resolution for the City Council Attendance Policy, and to take into consideration all of the Council's comments when drafting the new policy.**

**Council discussion followed. . . . The motion carried by the following vote:**

**Yes:** 5 - Brooke Christensen  
Kristin Coleman-Nicholl  
Chris McCandless  
Zach Robinson  
Linda Martinez Saville

**No:** 1 - Maren Barker

**Absent:** 1 - Steve Fairbanks

**A motion was made by Maren Barker and seconded by Brooke Christensen to agree with the \$14,000 Council Member budget proposal ... The motion carried by the following vote:**

**Yes:** 5 - Brooke Christensen  
Maren Barker  
Chris McCandless  
Zach Robinson  
Linda Martinez Saville

**No:** 1 - Kristin Coleman-Nicholl

**Absent:** 1 - Steve Fairbanks

**A motion was made by Maren Barker to take the \$14,000 funding for individual Council Budgets (\$2,000 for each Council Member) from the Council dinner line item ... The motion failed for lack of a second.**

**A motion was made by Chris McCandless, seconded by Kristin Coleman-Nicholl, to approve the reduced Contingency option to take \$14,000 from Contingency leaving a balance of \$56,000 in the Contingency Fund, and instructing Staff to utilize that category as the 2018-2019 budget.... The motion carried by the following vote:**

**Yes:** 6 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Steve Fairbanks

**A motion was made by Chris McCandless, seconded by Kristin Coleman-Nicholl, to approve the Advise and Consent Policy of Mayoral appointments as drafted by Staff and placed appropriately in the record.**

**Kris Coleman Nicholl asked for a friendly amendment to add the word "Qualified" in front of the word candidate; and to also add a new item #5 stating that when a candidate is being considered, wages and benefits must be disclosed by the Administration prior to the City Council interview and vote.**

**Council discussion followed.**

**Kris Coleman Nicholl called the question seconded by Chris McCandless. Kris Coleman Nicholl, Chris McCandless, Brooke Christensen, Zach Robinson, Linda Martinez Saville, voted in favor of calling the question. Maren Barker voted in opposition to calling the question.**

**... The motion carried by the following vote:**

**Yes:** 4 - Kristin Coleman-Nicholl  
Chris McCandless  
Zach Robinson  
Linda Martinez Saville

**No:** 2 - Brooke Christensen  
Maren Barker

**Absent:** 1 - Steve Fairbanks

**A motion was made by Maren Barker seconded by Zach Robinson requesting that the Administration send out a survey to residents' regarding the start time of the City Council Meetings, with options of a start time of 5:15 p.m. or 7:00 p.m., and have the results brought back to the Council.**

**Kris Nicholl asked if the Council could review the questions prior to the survey being sent out.**

**Maren Barker stated that she was fine with that.**

**Matt Huish indicated that the Administration would be happy to do that.**

**Yes:** 6 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Steve Fairbanks

**Adjournment**

The meeting adjourned at approximately 8:35 p.m. by Chris McCandless and seconded by Zach Robinson. The next scheduled meeting of the City Council is Tuesday, April 10, 2018 at 7:00 p.m.

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Linda Martinez-Saville, Chair  
Sandy City Council

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Pam Lehman  
Meeting Clerk



# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
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## Staff Report

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**File #:** 18-114, **Version:** 1

**Date:** 4/10/2018

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**Agenda Item Title:**

City Council Office recommending the Council adopt Resolution #18-18C canceling the April 24, 2018 City Council Meeting



RESOLUTION #18-18 C

A RESOLUTION CANCELING THE APRIL 24, 2018 CITY COUNCIL MEETING.

WHEREAS, the City Council having established a 2018 annual meeting schedule for the City Council according to the provisions of Section 52-4-101, Utah Code Annotated, the Utah Open and Public Meetings Act; and

WHEREAS, the City Council desires to adjust its annual meeting schedule for 2018;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sandy City, Utah, that it does hereby amend its regular meeting schedule by canceling the April 24, 2018 City Council Meeting.

PASSED AND APPROVED this 10<sup>th</sup> day of April, 2018.

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Linda Martinez Saville, Chairman  
Sandy City Council

ATTEST:

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City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



# Sandy City, Utah

10000 Centennial Parkway  
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## Staff Report

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**File #:** 18-113, **Version:** 1

**Date:** 4/10/2018

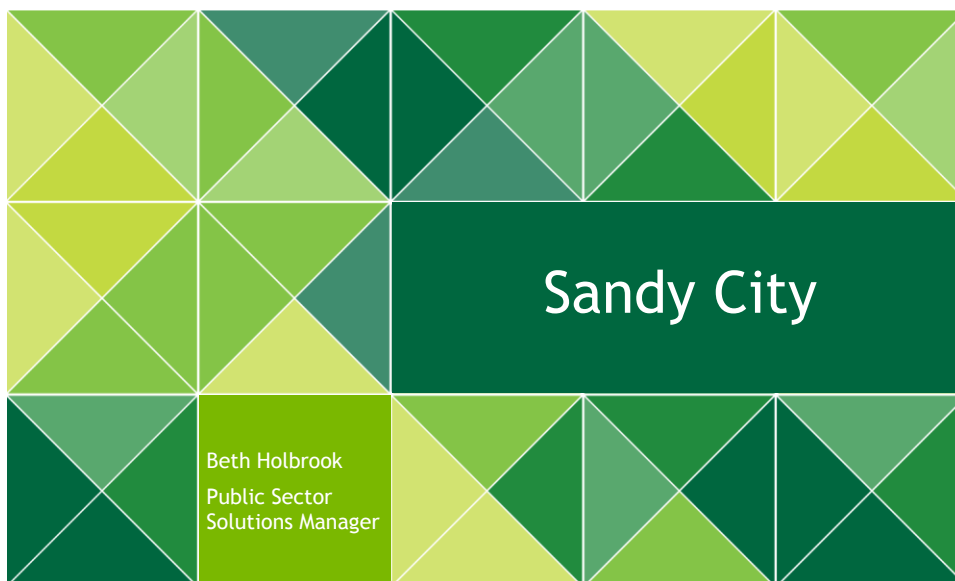
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**Agenda Item Title:**

Waste Management presentation on recycling

**Presenter:** Beth Holbrook

# Waste Management 2017 Annual Recycling Report



## Dear Sandy City:

Sandy City has a vibrant, growing community with big plans for the future. With easy access to beautiful natural surroundings and opportunities for community involvement, Sandy City is a great place to visit and live. Waste Management is delighted to provide waste and recycling services to your community, keeping it clean and green.

In 2017, Sandy City and Waste Management began working together to tackle contamination in the community through our Think Green grant. We are excited to see the results of the city's Recycling Contamination Initiative.

We are proud to support the Sandy Amphitheatre in 2017.

We are committed to providing quality services that help the community thrive. Our entire team prioritizes safe operations - whether its maintaining our trucks to the highest standards or the daily safety briefings our drivers attend. Our team follows and promotes WM's six tenets of safe driving because we care about your community and its well-being.

This report summarizes the city's waste and recycling activity in 2017. we have also included some resources to remind residents about the right recycling practices for 2018.

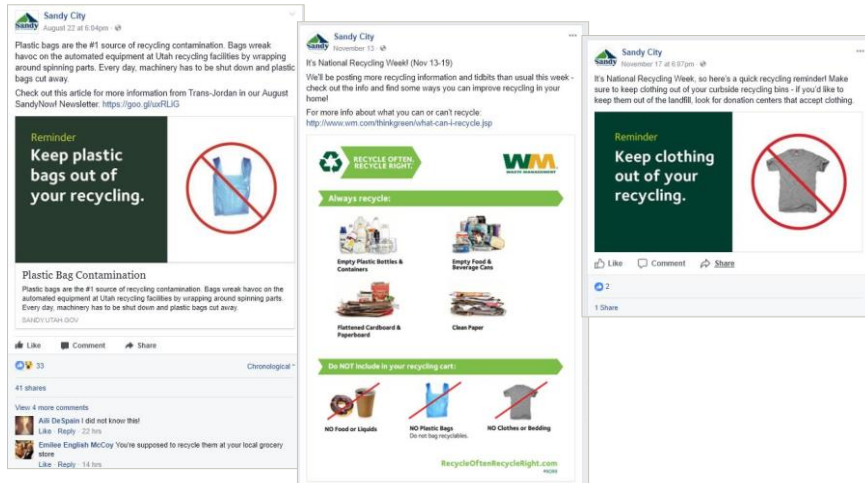
We look forward to working together and appreciate your business.

Sincerely,  
Beth Holbrook  
Your Waste Management Representative





## Communicating to Residents via Social Media



## Waste Management is committed to a green future, together.

### 2017 Environmental Impact

In Utah, we recycled 22,095 tons of bottles, cans, paper and cardboard.



were offset by recycling.



saved by recycling.

#### COMPRESSED NATURAL GAS (CNG) TRUCKS

Our CNG fleet saved 496,000 gallons of diesel fuel and cut greenhouse gas emissions by 868 metric tons.



equivalent electricity saved by recycling.



saved by recycling.





# Our Service Commitment to You

At Waste Management, we strive to provide excellent service and a quality experience to all our customers.

Waste Management services approximately 23,975 homes each month in Sandy City.

With weekly trash and recycling, and seasonal green waste, this adds up to an average of 209,781 touchpoints each month and 2,517,375 for the year.

2017 Service Success Rate is 99.98%		
Missed Pickup Reported: 516	Courtesy Pickup Request: 308	ETA Inquiry: 263



# Overview of Recycling in Sandy City





## Contamination Varies Drastically

25% Contamination Average in 2017



Confidence in audit results: 90%

Over 3,300 pounds audited in 2017.

Sandy City recycled 5,795 tons in 2017.

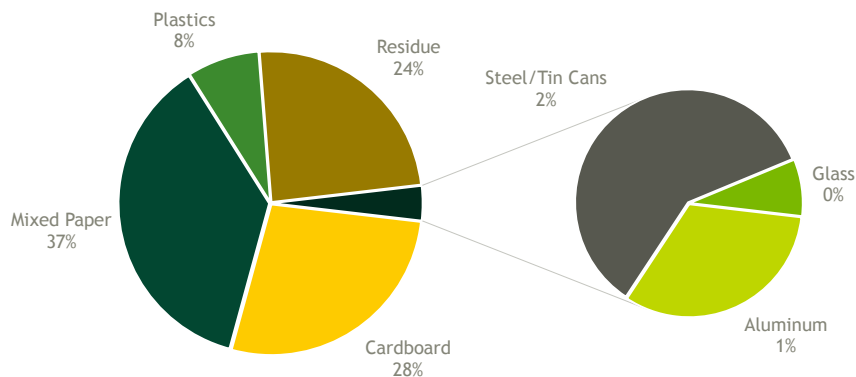
Approximately 1,414 tons were contamination, and 4,381 were recycled. Sandy City can do better.

WM is excited to work with Sandy City to bring contamination down in 2018.



## Mixed Paper Dominated the Recycling Mix

Materials in Recycling Stream for 2017\*



\*Material makeup based on audit results since January 2016 to Dec 2017 Audit confidence level 87%.

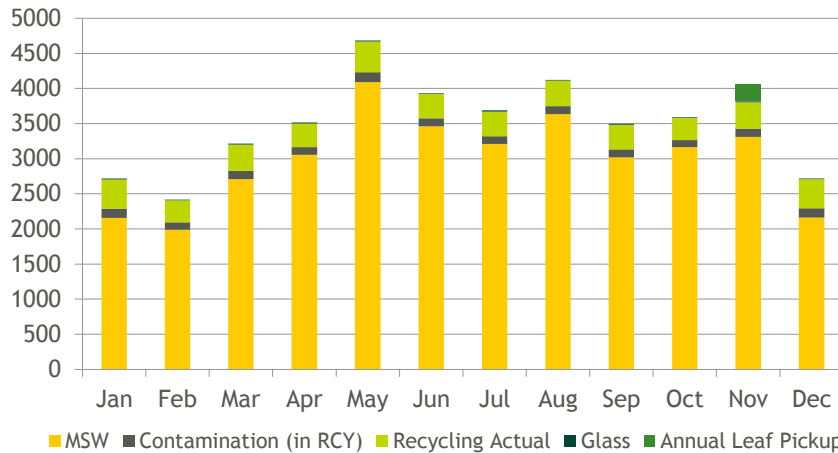




## Volume Peaks in Warmer Months

Average diversion is 10.7%

Monthly Residential Tons Collected by Commodity

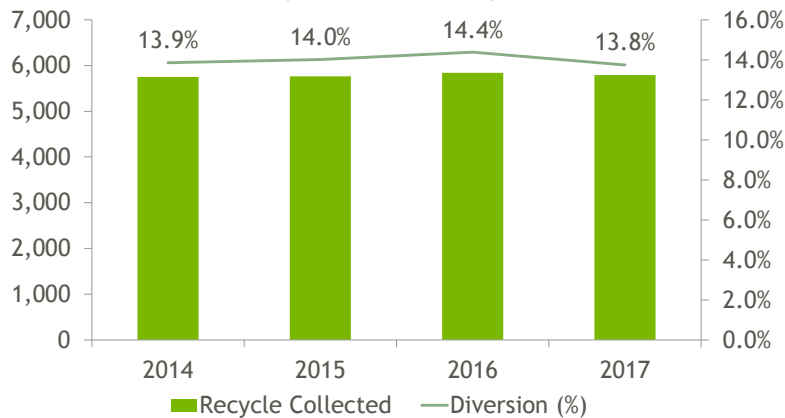


Note: 13.7% of stream collected via recycling; 24.4% of stream considered contamination. Recycling actual is total tons of recycling collected minus (-) contamination.



## Tons Recycled Relatively Steady

Residential Annual Diversion  
(Tons, % of Total)



Note: Data does NOT reflect actual recycling tons or contamination. Totals are tons collected and delivered to MRF with contamination.



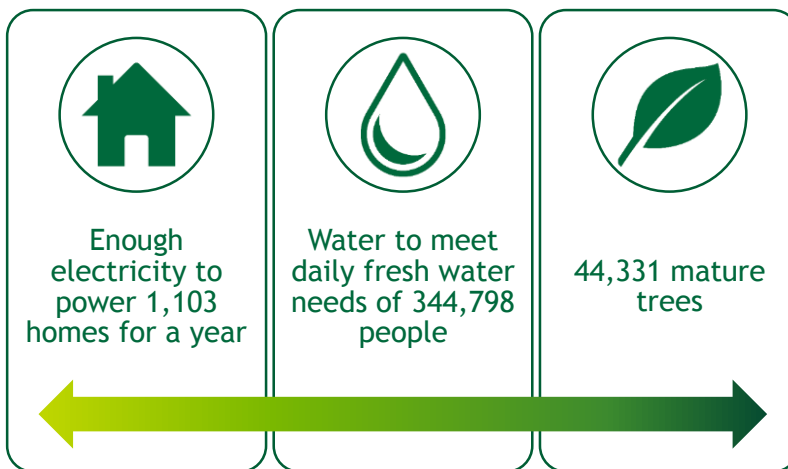


## Recycling Impacts



## Diverse Benefits Created

Recycling 4,381 tons\* in 2017 saved:



\*Calculations considered when generating green facts: 5,765 tons were collected in residential recycling. After removing average contamination of 1,414 tons, 4,381 were truly recycled and had environmental benefit.







## Reducing Emissions for Cleaner Air

Sandy City residents  
sent 23,146 tons\* to  
be recycled since  
2014.

That's equal to  
conserving over  
77,459 metric tons  
of CO<sub>2</sub> equivalent.

As calculated by the US EPA WARM Model

\*Contamination NOT considered when calculating environmental impact since 2014.



## 23,146 tons\* of material is...

... enough to  
cover a  
football field  
over 78 feet  
high with  
recyclables.

...enough to  
fill over 16  
hot air  
balloons.

\*Contamination NOT considered when calculating environmental impact since 2014.



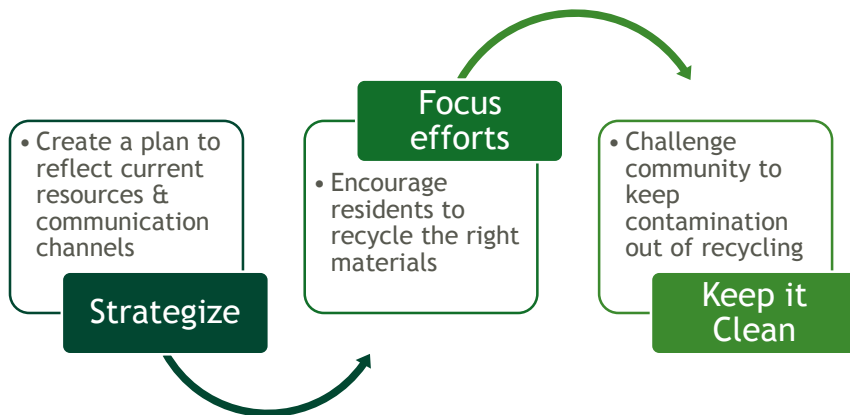


## Inspiration for Your Community



## The 2018 Challenge

Let's work together to encourage the right recycling habits!





## Recycling Right, Every Time

Educate and inspire residents easily

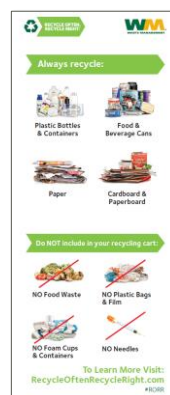


Free material to download, distribute, and raise awareness of recycling basics available at [RecycleOftenRecycleRight.com](http://RecycleOftenRecycleRight.com).



## Free Marketing Tools

We Make It Simple



[RecycleOftenRecycleRight.com](http://RecycleOftenRecycleRight.com)





## Cart Tagging Made Easy

**Recycling Basics**

Maybe it's time to make a commitment to get back to the basics of good recycling. It's time to practice the basics of the basic recycling.

Visit [RecycleOffenderRecycling.com](http://RecycleOffenderRecycling.com) to make the process of recycling easier. There's always a difference.

Visit [RecycleOffenderRecycling.com](http://RecycleOffenderRecycling.com) to make the process of recycling easier. There's always a difference.

**Recycle all empty plastic bottles, cans and paper.** Recycle them in the recycling bin. Do not put them in the trash.

**Keep fluids and liquids out of the recycling bin.** No liquids or solids in the bin.

**Keep recyclables loose and not bagged in plastic bags.** Do not put them in the recycling bin. Do not put them in the trash.

For more tips on how to recycle right, visit [RecycleOffenderRecycling.com](http://RecycleOffenderRecycling.com).

Para más consejos sobre cómo reciclar bien, visite [RecycleOffenderRecycling.com](http://RecycleOffenderRecycling.com).

**WM**

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Your Waste Management Driver  
Si conductor de Waste Management

**Customer Service 661-947-7197**

**WM**

**THINK GREEN**

**Recycling Basics**

Take your recycling commitment to the next level.

Llevar su compromiso con el reciclaje al siguiente nivel.

Visit [RecycleOffenderRecycling.com](http://RecycleOffenderRecycling.com) to make the process of recycling easier. There's always a difference.

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**WM**

**THINK GREEN**



## Easy to Share, Easy to Inspire

Pre-made material for social media

Let's sort this out. #Recycling101 <http://rorr.com> pic.twitter.com/qUbV1mQEDG

**Tweet This**

**Answer**

Yes. Clean pizza boxes (without food or paper liners) are acceptable. At one point, these were made with a wax coating that prevented recycling.

#Recycling101 Quiz: Can pizza boxes go in your curbside bin? Learn more via @WasteManagement <http://rorr.com>

**Tweet This**



Thank you for being a  
loyal Waste Management  
customer. We appreciate you!



## Your Waste Management Team

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# Sandy City, Utah

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

## Staff Report

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**File #:** 18-112, **Version:** 1

**Date:** 4/10/2018

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**Agenda Item Title:**

Administration recommending the Council discuss glass recycling

**Presenter:** Shane Pace & Mike Gladbach



## Staff Report

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**File #:** 18-080, **Version:** 1

**Date:** 4/10/2018

---

**Agenda Item Title:**

Sandy City Fire Department recommends that the City Council adopts the proposed fireworks restriction map.

**Presenter:**

Battalion Chief/Fire Marshal Robert DeKorver

**Description/Background:**

Battalion Chief/Fire Marshal Robert DeKorver will present the updated fireworks restriction map and policies.

**Fiscal Impact:**

**Further action to be taken:**

**Recommended Action and/or Suggested Motion:**

Sandy City Fire Department recommends that the City Council adopts the proposed fireworks restriction map.



# FIREWORK RESTRICTION UPDATES

By: Robert DeKorver, Fire Marshal





# HOUSE BILL 38

Anyone can sell Class C common state approved explosives in the state

- June 24 until July 25, December 29 until December 31, two days before and on the Chinese New Year's Eve

A person may not discharge Class C common state approved explosives in the state except as follows:

- Between the hours of 11 am until 11 pm except on July 4 and 24
- The hours on those days are 11 am until midnight

# HOUSE BILL 38 CONTINUED

## • Discharge Dates:

- Beginning on July 2 and ending on July 5
- Beginning on July 22 and ending on July 25
- Beginning at 11 am on December 31 and ending at 1 am on the following day
- Beginning at 11am on the Chinese New Year's Eve and ending at 1 am on the following day

• If New Year's Eve is on a Sunday and the local municipality determines to celebrate New Year's Eve on the prior Saturday, then a person may discharge Class C common state approved explosive on that prior Saturday.

# HOUSE BILL 38 CONTINUED

- A person is guilty of an infraction if they discharge:
  - Outside the legal discharge dates and times
  - In an area in which fireworks are prohibited
- Punishable by a fine of up to \$1,000
- A municipality or metro township may prohibit the discharge of a class C common state approved explosive in certain areas with hazardous environmental conditions.
  - Mountainous, brush covered, forest covered, or dry grass areas
  - Within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas
  - The wild land urban interface area, which means the line, area, or zone, where structures or other human development meet or intermingle with undeveloped wildland



## Exhibit B



**FIREWORKS RESTRICTIONS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: Jani Iwamoto

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to the permissible discharge of fireworks.

**Highlighted Provisions:**

This bill:

- ▶ amends and clarifies the dates on which a person may legally discharge fireworks;
- ▶ increases the criminal fine for discharging fireworks outside of permitted dates and times;
- ▶ clarifies when a municipality may prohibit a person from discharging fireworks;
- ▶ increases the areas within which a municipality or the state forester may prohibit the discharge of fireworks;
- ▶ in certain situations, requires local governments and the state forester to create and provide maps identifying areas in which fireworks are prohibited due to hazardous environmental conditions;
- ▶ requires retailers that sell fireworks to display:
  - maps a county provides indicating areas within the county in which fireworks are prohibited due to hazardous environmental conditions; and
  - signs regarding permissible discharge dates and times and certain criminal penalties;
- ▶ prohibits the state forester from limiting or restricting the discharge of fireworks within municipal boundaries;
- ▶ imposes civil liability when certain fireworks discharge causes a fire; and
- ▶ makes technical and conforming changes.



**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

## AMENDS:

**10-8-47**, as last amended by Laws of Utah 2012, Chapter 140**11-3-8**, as last amended by Laws of Utah 1993, Chapter 234**15A-5-202.5**, as last amended by Laws of Utah 2016, Chapter 216**53-7-221**, as enacted by Laws of Utah 1993, Chapter 234**53-7-225**, as last amended by Laws of Utah 2016, Chapter 216**65A-8-212**, as last amended by Laws of Utah 2013, Chapter 307

## ENACTS:

**53-7-225.1**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **10-8-47** is amended to read:

**10-8-47. Intoxication -- Fights -- Disorderly conduct -- Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, or tobacco to minors -- Possession of controlled substances -- Treatment of alcoholics and narcotics or drug addicts.**

(1) A municipal legislative body may:

(a) prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights, bullfights, and all disorderly conduct and provide against and punish the offenses of assault and battery and petit larceny;

(b) ~~[the municipal legislative body may]~~ restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house, or place in the city;

(c) ~~[the municipal legislative body may]~~ regulate and prevent the discharge of firearms,

rockets, powder, fireworks in accordance with Section 53-7-225, or any other dangerous or combustible material;

(d) ~~[the municipal legislative body may]~~ provide against and prevent the offense of obtaining money or property under false pretenses and the offense of embezzling money or property in all cases where the money or property embezzled or obtained under false pretenses does not exceed in value the sum of \$500; and

(e) ~~[may]~~ prohibit the sale, giving away, or furnishing of narcotics, alcoholic beverages to a person younger than 21 years of age, or tobacco to any person younger than 19 years of age~~[-cities may,]~~.

(2) A city may:

(a) by ordinance, prohibit the possession of controlled substances as defined in the Utah Controlled Substances Act or any other endangering or impairing substance, provided the conduct is not a class A misdemeanor or felony~~[-]~~; and

(b) provide for treatment of alcoholics, narcotic addicts, and other persons who are addicted to the use of drugs or intoxicants such that a person substantially lacks the capacity to control the person's use of the drugs or intoxicants, and judicial supervision may be imposed as a means of effecting their rehabilitation.

Section 2. Section 11-3-8 is amended to read:

**11-3-8. Conflicting local ordinances prohibited.**

A county, city, ~~[or]~~ town, or metro township may not adopt an ordinance or regulation in conflict with Sections 53-7-220 through 53-7-225.

Section 3. Section 15A-5-202.5 is amended to read:

**15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

(1) For IFC, Chapter 3, General Requirements:

(a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance".

(b) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted

and rewritten as follows: "1. When the fire code official determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials, any of the following may occur:

[+] 1.1. If the existing or historical hazardous environmental conditions exist in a municipality, the legislative body of the municipality may prohibit the ignition or use of an ignition source in:

1.1.1. mountainous, brush-covered, [~~or~~] forest-covered, or dry grass-covered areas [~~or~~];

1.1.2. within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;

1.1.3. the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose[~~;~~]; or

1.1.4. a limited area outside the hazardous areas described in this paragraph 1.1 to facilitate a readily identifiable closed area, in accordance with paragraph 2.

[2] 1.2. [~~Except as provided in paragraph 3, if the~~] If the existing or historical hazardous environmental conditions exist in an unincorporated area, the state forester may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph [+] 1.1 that are within the unincorporated area, after consulting with the county fire code official who has jurisdiction over that area.

[3] 1.3. If the existing or historical hazardous environmental conditions exist in a metro township created under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class[~~;~~] on and after May 12, 2015, the metro township legislative body may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph [+] 1.1 that are within the township.[~~u~~]

2. If a municipal legislative body, the state forester, or a metro township legislative body closes an area to the discharge of fireworks under paragraph 1, the legislative body or state forester shall:

2.1. designate the closed area along readily identifiable features like major roadways,



114 waterways, or geographic features;

115 2.2. ensure that the boundary of the designated closed area is as close as is practical to  
116 the defined hazardous area, provided that the closed area may include areas outside of the  
117 hazardous area to facilitate a readily identifiable line; and

118 2.3. identify the closed area through a written description or map that is readily  
119 available to the public.

120 3. A municipal legislative body, the state forester, or a metro township legislative body  
121 may close a defined area to the discharge of fireworks due to a historical hazardous  
122 environmental condition under paragraph 1 if the legislative body or state forester:

123 3.1. makes a finding that the historical hazardous environmental condition has existed  
124 in the defined area before July 1 of at least two of the preceding five years;

125 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the  
126 defined area described; and

127 3.3. before May 1 of each year the defined area is closed, provides the map described  
128 in paragraph 3.2 to the county in which the defined area is located.

129 4. A municipal legislative body, the state forester, or a metro township legislative body  
130 may not close an area to the discharge of fireworks due to a historical hazardous environmental  
131 condition unless the legislative body or state forester provides a map, in accordance with  
132 paragraph 3."

133 (c) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On  
134 line 10 delete the words "International Property Maintenance Code and the".

135 (d) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete  
136 the word "shall" and replace it with the word "may".

137 (e) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the  
138 following: "Exception: Where storage is not directly below the sprinkler heads, storage is  
139 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler  
140 heads in occupancies meeting classification as light or ordinary hazard."

141 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

(a) IFC, Chapter 4, Section 403.10.2.1, College and university buildings, is deleted and replaced with the following:

"403.10.2.1 College and university buildings and fraternity and sorority houses.

(a) College and university buildings, including fraternity and sorority houses, shall prepare an approved fire safety and evacuation plan, in accordance with Section 404.

(b) Group R-2 college and university buildings, including fraternity and sorority houses, shall comply with Sections 403.10.2.1.1 and 403.10.2.1.2."

(b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following footnotes:

(i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation drill for fire conducted at least every two months, to a total of four emergency evacuation drills during the nine-month school year. The first emergency evacuation drill for fire shall be conducted within 10 school days after the beginning of classes. The third emergency evacuation drill for fire, weather permitting, shall be conducted 10 school days after the beginning of the next calendar year. The second and fourth emergency evacuation drills may be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock down for violence. If inclement weather causes a secondary school to miss the 10-day deadline for the third emergency evacuation drill for fire, the secondary school shall perform the third emergency evacuation drill for fire as soon as practicable after the missed deadline."

(ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the monthly required emergency evacuation drill can be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock down for violence. The routine emergency evacuation drill for fire must be conducted at least every other evacuation drill."

(iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are required to have one emergency evacuation drill per year, provided the following conditions are met:

(A) The building has a fire alarm system in accordance with Section 907.2.

(B) The rooms classified as assembly shall have fire safety floor plans as required in

Subsection 404.2.2(4) posted.

(C) The building is not classified a high-rise building.

(D) The building does not contain hazardous materials over the allowable quantities by code."

Section 4. Section **53-7-221** is amended to read:

**53-7-221. Exceptions from Utah Fireworks Act.**

(1) Sections [53-7-220](#) through [53-7-225](#) do not apply to class A, class B, and class C explosives that are not for use in Utah, but are manufactured, stored, warehoused, or in transit for destinations outside of Utah.

(2) Sections [53-7-220](#) through [53-7-225](#) do not supersede Section [23-13-7](#), regarding use of fireworks and explosives by the Division of Wildlife Resources and federal game agents.

(3) Section [53-7-225](#) does not supersede Section [65A-8-212](#) regarding the authority of the state forester to close hazardous areas.

Section 5. Section **53-7-225** is amended to read:

**53-7-225. Times for sale and discharge of fireworks -- Criminal penalty -- Permissible closure of certain areas -- Maps and signage.**

(1) ~~[This]~~ Except as provided in Section [53-7-221](#), this section ~~[supercedes]~~ supersedes any other code provision regarding the sale or discharge of fireworks.

(2) A person may sell class C common state approved explosives in the state as follows:

(a) beginning on June ~~[23]~~ 24 and ending on July ~~[27]~~ 25;

(b) beginning on December 29 and ending on December 31; and

(c) two days before and on the Chinese New Year's eve.

(3) ~~[Except as provided in Subsection (5), a county or municipality may not prohibit any person from discharging]~~ A person may not discharge class C common state approved explosives in the state except as follows:

(a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:

(i) beginning on July ~~[1]~~ 2 and ending on July ~~[7]~~ 5; and

(ii) beginning on July ~~[21]~~ 22 and ending on July ~~[27]~~ 25;

(b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

or

(ii) if New Year's eve is on a Sunday and the ~~[local governmental jurisdiction]~~ county, municipality, or metro township determines to celebrate New Year's eve on the prior Saturday, then ~~[it is lawful to discharge Class]~~ a person may discharge class C common state approved explosives on that prior Saturday within the county, municipality, or metro township; and

(c) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.

(4) A person ~~[who violates the time restrictions stated in Subsection (3)(a), (b), or (c)]~~ is guilty of an infraction~~[-]~~, punishable by a fine of up to \$1,000, if the person discharges a class C common state approved explosive:

(a) outside the legal discharge dates and times described in Subsection (3); or

(b) in an area in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#).

(5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, a metro township, or the state forester may not prohibit a person from discharging class C common state approved explosives during the permitted periods described in Subsection (3).

(b) (i) As used in this Subsection (5)(b), "negligent discharge":

(A) means the improper use and discharge of a class C common state approved explosive; and

(B) does not include the date or location of discharge or the type of explosive used.

~~[(5)]~~ (ii) A [county or] municipality or metro township may prohibit [any person from discharging];

(A) the discharge of class C common state approved explosives~~[- (a) as provided]~~ in certain areas with hazardous environmental conditions, in accordance with Subsection

[15A-5-202.5\(1\)\(b\)](#); or

~~[(b) in accordance with a municipal ordinance prohibiting]~~

(B) the negligent discharge of class C common state approved explosives.

(iii) A county may prohibit the negligent discharge of class C common state approved explosives.

(c) The state forester may prohibit the discharge of class C common state approved explosives as provided in Subsection [15A-5-202.5\(1\)\(b\)](#) or Section [65A-8-212](#).

(6) If a municipal legislative body, the state forester, or a metro township legislative body provides a map to a county identifying an area in which the discharge of fireworks is prohibited due to a historical hazardous environmental condition under Subsection [15A-5-202.5\(1\)\(b\)](#), the county shall, before June 1 of that same year:

(a) create a county-wide map, based on each map the county has received, indicating each area within the county in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#);

(b) provide the map described in Subsection (6)(a) to:

(i) each retailer that sells fireworks within the county; and

(ii) the state fire marshal; and

(c) publish the map on the county's website.

(7) A retailer that sells fireworks shall display:

(a) a sign that:

(i) is clearly visible to the general public in a prominent location near the point of sale;

(ii) indicates the legal discharge dates and times described in Subsection (3); and

(iii) indicates the criminal charge and fine associated with discharge:

(A) outside the legal dates and times described in Subsection (3); and

(B) within an area in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#); and

(b) the map that the county provides, in accordance with Subsection (6)(b).

Section 6. Section **53-7-225.1** is enacted to read:

**53-7-225.1. Civil liability.**

(1) (a) An individual who negligently, recklessly, or intentionally causes or spreads a

fire through discharge of a class C explosive is liable for the cost of suppressing that fire and any damages the fire causes.

(b) If the individual described in Subsection (1)(a) is a minor, the parent or legal guardian having legal custody of the minor is liable for the costs and damages for which the minor is liable under this section.

(c) A court may waive part or all of the parent or guardian's liability for damages under Subsection (1)(b) if the court finds:

(i) good cause; and

(ii) that the parent or legal guardian:

(A) made a reasonable effort to supervise and direct the minor; or

(B) in the event the parent or guardian knew in advance of the negligent, reckless, or intentional conduct described in Subsection (1)(a), made a reasonable effort to restrain the minor.

(2) (a) The conduct described in Subsection (1) includes any negligent, reckless, or intentional conduct, regardless of whether:

(i) the person discharges a class C common state approved explosive:

(A) within the permitted time periods described in Subsection [53-7-225\(3\)](#); or

(B) in an area where discharge was not prohibited under Subsection [53-7-225\(5\)\(b\)](#) or (c); or

(ii) the fire begins on:

(A) private land;

(B) land owned by the state or a political subdivision of the state;

(C) federal land; or

(D) tribal land.

(b) Discharging a class C explosive in an area in which fireworks are prohibited due to hazardous environmental conditions, in accordance with Subsection [15A-5-202.5\(1\)\(b\)](#), constitutes the negligent, reckless, or intentional conduct described in Subsection (1).

(3) A person who incurs costs to suppress a fire described in Subsection (1) may bring

an action under this section to recover those costs against an individual described in Subsection (1).

(4) A person who suffers damage from a fire described in Subsection (1) may:

(a) bring an action under this section for those damages against an individual described in Subsection (1); and

(b) pursue all other legal remedies in addition to seeking damages under Subsection (4)(a).

Section 7. Section **65A-8-212** is amended to read:

**65A-8-212. Power of state forester to close hazardous areas -- Violations of an order closing an area.**

(1) (a) If the state forester finds conditions in a given area in the state to be extremely hazardous, "extremely hazardous" means categorized as "extreme" under a nationally recognized standard for rating fire danger, he shall close those areas to any forms of use by the public, or to limit that use, except as provided in Subsection (5).

(b) The closure shall include, for the period of time the state forester considers necessary, the prohibition of open fires, and may include restrictions and prohibitions on:

(i) smoking;

(ii) the use of vehicles or equipment;

(iii) welding, cutting, or grinding of metals;

(iv) subject to Subsection (5), fireworks;

(v) explosives; or

(vi) the use of firearms for target shooting.

(c) Any restriction or closure relating to firearms use:

(i) shall be done with support of the duly elected county sheriff of the affected county or counties;

(ii) shall undergo a formal review by the State Forester and County Sheriff every 14 days; and

(iii) may not prohibit a person from legally possessing a firearm or lawfully

310 participating in a hunt.

311 (d) The State Forester and County Sheriff shall:

312 (i) agree to the terms of any restriction or closure relating to firearms use;

313 (ii) reduce the agreement to writing;

314 (iii) sign the agreement indicating approval of its terms and duration; and

315 (iv) complete the steps in Subsections (1)(d)(i) through (d)(iii) at each 14 day review

316 and at termination of the restriction or closure.

317 (2) Nothing in this chapter prohibits any resident within the area from full and free  
318 access to his home or property, or any legitimate use by the owner or lessee of the property.

319 (3) The order or proclamation closing or limiting the use in the area shall set forth:

320 (a) the exact area coming under the order;

321 (b) the date when the order becomes effective; and

322 (c) if advisable, the authority from whom permits for entry into the area may be  
323 obtained.

324 (4) Any entry into or use of any area in violation of this section is a class B  
325 misdemeanor.

326 (5) The state forester may not restrict or prohibit the discharge of fireworks within the  
327 municipal boundaries of a city, town, or metro township.





## Staff Report

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**File #:** 18-117, **Version:** 1

**Date:** 4/10/2018

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**Agenda Item Title:**

Council Member Barker requesting discussion and recommending the City Council initiate a proposed code amendment to the Land Development Code, Chapter 15A-20-07 Planned Unit Development (PUD).

**Presenter:**

Council Member Barker

**Description/Background:**

On May 23, 2017, after a tour of Planned Unit Developments (PUD) and a series of City Council discussions, Council Member Barker introduced two PUD code amendments. The City Council opted not to pursue either amendment at that time.

Under the Council's Concept Approval Guideline a Council Member may reintroduce previously considered proposals. Therefore, Council Member Barker recommends the Council initiate one of the previously considered code amendments, namely, an amendment to the amenities or design options the Planning Commission may require in a PUD. A redlined draft of the proposed amendment is attached to this agenda item.

**Further action to be taken:**

The Community Development Department and Council Office will formally pursue the recommended code amendment and schedule its consideration at a Planning Commission hearing if directed by the City Council.

**Recommended Action and/or Suggested Motion:**

Motion to formally initiate the code amendment to Chapter 15A-20-07 as included in the staff report.

### 15A-20-07 Planned Unit Development District (PUD)

This section calls for substantial compliance with the intent of the General Plan and land Development Code regulations 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.

A. **Purpose.** The purpose of the planned unit development is:

1. To encourage a quality living environment through greater flexibility of design than is possible solely through the typical application of zoning regulations.
2. 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.
3. 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.

B. **Design Objectives for Planned Unit Developments.** Every planned unit development shall be designed to achieve the following design objectives:

1. Provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities.
2. Be related to existing and proposed land use and circulation plans of the community and not constitute a disrupting element in the neighborhood.

3. 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.
  4. Open space and recreation areas and facilities should be located adjacent to dwelling units or be easily accessible therefrom.
  5. Open space and recreational areas should be the focal point for the overall design of the development.
- C. **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:
1. **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.
  2. **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 area, streets, or alleys and shall be accessible by the residents. Said open space shall be devoted to landscaping, preservation of natural features, 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 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, flood plain, 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.
  3. **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 if recommended by the Transportation Engineer and approved by the Planning Commission if it is determined that the plan submitted is appropriate, e.g., a sidewalk on one side, waiver of parkstrip area, etc.. The pavement width shall be a minimum of 27 feet with at least a 37 foot right-of-way. Private streets shall be subject to the same inspections and construction standards as required for public streets. 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&R's for all projects with a private street system.
  4. **Parking.** The following minimum parking shall be provided for all multi-family planned

unit developments: (Ord 10-26, Amended 7-30-2010)

a. Table of Parking Ratios

One bedroom unit	1.5 parking spaces per unit
Two bedroom unit	2.0 parking spaces per unit
Three or more bedroom unit	2.5 parking spaces per unit
Guest parking spaces	0.25 parking spaces per unit
Storage parking spaces for recreational vehicle storage	As determined necessary by the Planning Commission

- b. All parking areas, covered or open, shall have a landscaped buffer adjacent to any public right of way.
- c. 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:

- (1) The topography of the proposed site.
- (2) To enhance and protect local property values of adjacent developments and neighborhoods.
- (3) To improve the overall appearance of the development for the density of units - e.g., attached garages and underground garages.
- (4) Review the location of all garages and may require that they be attached or underground for the multi-family units. All covered parking shall be placed in locations adjacent and convenient to the buildings that they are intended to serve.
- (5) 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.
- (6) Garages shall be used for vehicle parking only.
- (7) Tandem spaces shall be counted only as one space.

5. **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.

6. **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 10 feet in width shall be required along the property line(s). 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.
7. **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.
8. **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.

#### D. Development Standards

1. **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 criteria shall be used by the Planning Commission principally to assure the design objectives in this section of this chapter are met.
  - a. **Feasible Development.** A planned unit development shall be of sufficient size, composition, and arrangement to enable its feasibility as a complete development.
  - b. **Density.** The density allowed for a planned unit development shall be no greater than the zone in which it is located.
  - c. **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.

- d. **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 chapter 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.
- e. **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.
- f. **Driveways and Alleys.** When consistent with this Title, a private driveway or alley may be provided for access to a maximum of four lots as long as sufficient guest parking is provided. A private driveway or alley must comply with all established standards in this Title.
- g. **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.
- h. **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 the City's Noise Ordinance.
- i. **Security.** The development shall be designed to support security services, taking into account public safety recommendations from the Police Department.
- j. **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, non-residential, 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.

2. **Desirable Amenities.** Amenities and/or usable open space shall be required for a planned unit development. 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:
  - a. Increase in common or private open space above the 40 percent minimum, particularly when the project contains significant non-buildable open space.
  - b. Creation of significant recreation or site amenities, including but not limited to, barbeque pits, common patio areas, gazebos, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.
  - c. Additional project landscaping and other open space amenities as may be deemed appropriate under a Conditional Use Permit.

#### E.Non-Residential Uses

2. Non-commercial, non-residential 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.
3. 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.
4. 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.
5. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be designed as integrated portions of the total planned unit development and shall project the residential character.

#### F.Maintenance of Common Facilities



1. 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.
2. 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:
  - a. The private association must be established prior to the sale of any unit(s).
  - b. Membership must be mandatory for the original buyer and any successive buyers of a unit(s) in a planned unit development whether or not the unit is owner occupied or rented.
  - c. 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.
  - d. Each member of the association shall be assessed a prorata share of the costs incurred by the association, and the association shall have the power to collect those costs.
3. The Planning Commission may also require dedication of scenic easements to assure 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.
4. A Post-Construction Storm Water Maintenance Plan must be prepared and submitted with the plans for approval for all privately owned or maintained facilities that warrant compliance with the Utah General Construction Permit (UGCP) regulation, according to the Sandy City Development Standards and Requirements for Storm Water.
5. The owner of a development that warrants compliance with the UGCP regulation, must submit a signed Storm Water Maintenance Agreement using the Sandy City agreement template according to the Sandy City Development Standards and Requirements for Storm Water. (Ord 15-22, Amended 7-15-2015)



## G. Review Process

1. **Development Review.** 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(s) of the Community Development Department to become acquainted with the substantive and procedural requirements of this Code.

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 & 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.

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 Code, 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.

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.

2. **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:
  - a. General Development Application Form.
  - b. Preliminary plat, if the property is to be subdivided, including project size (acres), proposed lot lines, and plot designs.
  - c. 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.

- d. 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, non-residential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures, and improvements.
- e. Grading and drainage plan. The existing site conditions including contours at 2 foot intervals, water course, flood plains, unique natural features, and all existing mature trees.
- f. Utility plan. The existing and proposed utility systems (e.g., sanitary sewers, storm sewers and water, electric, gas, telephone lines, and cable).
- g. Road plan and profiles.
- h. 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.
- i. The existing and proposed pedestrian and bicycle circulation system including its inter-relationship with the vehicular circulation system indicating proposed treatment of points of conflict.
- j. Other studies and analyses requested by staff or Planning Commission which may include geotechnical studies, traffic impact analysis, market feasibility analysis, water needs analysis, etc.
- l. 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.
- m. The proposed treatment of the perimeter of the development including materials and techniques used such as berming, landscaping, screens, fences, and walls.
- n. 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).
- o. Property plat from the Salt Lake County Recorders Office showing the area to be developed.

- p. Fees as established by City Council
- q. The following written documents shall be submitted with the application:
  - 1. 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.
  - 2. 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.
  - 3. 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 non-residential 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.
- r. Erosion and sediment control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An Erosion and Sediment Control Plan (Storm Water Pollution Prevention Plan) shall be included in the Grading and Drainage Plan(s) described in this Chapter. The Erosion and Sediment Control Plan shall be prepared in accordance with the Jordan Valley Municipalities Permit (Permit UTS000001) and the Utah General Construction Permit (Permit UTRC000000) for projects that warrant compliance with the Utah General Construction Permit (UGCP) regulation.
- s. For all projects that warrant compliance with the UGCP regulation, a Notice of Intent (NOI) must be submitted to the Utah State Division of Water Quality. This applies to projects that disturb one acre or more or that are part of a larger common plan of development that affects one acre or more.
- t. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and submitted for review and approval by the Public Utilities Department for the following cases:
  - (1) Land disturbing activity that generally disturbs one or more acres of land;
  - (2) Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
  - (3) Land disturbing of less than one acre of land, and if in the discretion of the Public Utilities Director such activity poses a unique threat to water quality,

- air quality, or public health safety;
  - (4) The creation and use of borrow pits;
  - (5) Development of a single-family home;
  - (6) Processing of earthen materials such as top soil and gravel screening;
  - (7) Construction of parking lots;
  - (8) Demolitions.
- u. If a SWPPP and/or NOI are required for a project, they must be submitted and approved by the Public Utilities Department prior to obtaining any of the following Sandy City permits or approvals:
- (1) Grading permit
  - (2) Subdivision plan approval (residential)
  - (3) Site plan approval (commercial)
  - (4) Building permit
  - (5) Road cut permit
- v. Projects that warrant compliance with the UGCP regulation are required to use the State template, in order to satisfy state regulation. The template is also necessary to create an environment of manageability and equality among all permit applicants.
- w. For projects that warrant compliance with the UGCP, the SWPPP shall be managed via an internet-based management system.
- (1) The online SWPPP management system shall meet audit requirements of the state of Utah.
  - (2) The online SWPPP management system shall be reviewed and approved by the Public Utilities Department prior to approval of the SWPPP and issuance of the permits or approvals listed in the section above.
  - (3) Reports and data shall be made available upon request.
  - (4) City Staff shall have viewing access rights.

- x. As part of the Jordan Valley Municipalities Permit, Sandy City encourages a Low Impact Development (LID) approach, which includes the implementation of structural BMP's where practicable, that infiltrate, evapotranspire or harvest and use storm water for the site to protect water quality.
  - (1) All development that warrants compliance with the UGCP, must include an LID analysis per the Sandy City Development Standards and Requirements for Storm Water. (Ord 15-22, Amended 7-15-2015)

### 3. Preliminary Review

- a. 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.
- b. 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 Code and other applicable City and agencies' standards.

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 Code, 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.

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 Code 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.

- H. **Planning Commission Review.** 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.

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.

**I. Validity of Preliminary Review.**

1. 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 (1) 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.
2. If a final plat which covers only a portion of the approved preliminary plat is recorded within the one (1) 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 (1) year from the date of recording that final plat.
3. 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.
4. 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.

**J. 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.

1. 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.
2. 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.

**K. Amendments to the Final Development Plan.** 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 section 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, underdrains, and/or irrigation.

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.

**L. 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.



**M. 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 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.





## Staff Report

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**File #:** 18-115, **Version:** 1

**Date:** 4/10/2018

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**Agenda Item Title:**

Public Works Department Recommending the City Council adopt Resolution #18-14C

**Presenter:** Mike Gladback

**Recommended Action and/or Suggested Motion:**

Motion to adopt resolution #18-14C, a resolution authorizing the execution of an interlocal cooperation agreement between sandy suburban improvement district and sandy city relating to improvements to 8800 south pipeline from state street to center street (150 east)

RESOLUTION #18-14 C

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SANDY SUBURBAN IMPROVEMENT DISTRICT AND SANDY CITY RELATING TO IMPROVEMENTS TO 8800 SOUTH PIPELINE FROM STATE STREET TO CENTER STREET (150 EAST)

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

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, permits public agencies to enter into cooperative agreements to provide joint undertakings and services; and

WHEREAS, City desires to construct road improvements in 8800 South Street from State Street to Center Street (150 East) (the “8800 South Reconstruction Project”); and

WHEREAS, the District desires the City to replace a portion of its sanitary sewer system in 8800 South Street as part of the 8800 South Reconstruction Project; and

WHEREAS, the City and the District intends to set the obligations and responsibilities of both parties in completion of these improvements; and

WHEREAS, it has been determined that the best interests of the City and the general public will be served by the execution of the attached Interlocal Cooperation Agreement and by participating as required therein; and

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

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

1. It does hereby approve the attached agreement described as an interlocal agreement between Sandy Suburban Improvement District and Sandy City relating to improvements to 8800 South pipeline from State Street to Center Street (150 East).

2. The Hon. Kurt Bradburn, Mayor of Sandy City, is hereby authorized to execute the agreement on behalf of Sandy City Corporation and to act in accordance with its terms.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Linda Martinez Saville, Chairman  
Sandy City Council

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2018.

**INTERLOCAL COOPERATION AGREEMENT**  
**between**  
**SANDY CITY**  
**and**  
**SANDY SUBURBAN IMPROVEMENT DISTRICT**  
**FOR IMPROVEMENTS TO 8800 SOUTH PIPELINE FROM**  
**STATE STREET TO CENTER STREET (150 EAST)**

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**THIS INTERLOCAL COOPERATION AGREEMENT** ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018 (the "Effective Date") between SANDY CITY, a municipal corporation of the State of Utah ("City"), and SANDY SUBURBAN IMPROVEMENT DISTRICT, a local district organized in Salt Lake County (the "District"). The City and District are collectively referred to herein as the "Parties."

**WITNESSETH:**

**WHEREAS**, UTAH CODE ANN. § 11-13-101, *et seq.* (the "Interlocal Cooperation Act"), authorizes public agencies to enter into joint agreements with each other on a basis of mutual advantage to provide services and facilities in a manner consistent with best geographic, economic, population, and other factors influencing the needs and development of local communities; and

**WHEREAS**, the City intends to construct road improvements in 8800 South Street from State Street to Center Street (150 East) (the "8800 South Reconstruction Project"); and

**WHEREAS**, the District desires the City to replace a portion of its sanitary sewer system in 8800 South Street as part of the 8800 South Reconstruction Project; and

**WHEREAS**, the City and the District desire to enter into this interlocal cooperation agreement to set forth the obligations and responsibilities of both Parties in completion of these improvements.

**AGREEMENT:**

**NOW, THEREFORE**, for and in consideration of the mutual promises, covenants, and provisions contained herein, the Parties mutually hereby agree as follows:

**1. 8800 South Reconstruction Project.** The City shall include as part of the 8800 South Reconstruction Project a schedule for repairing and replacing the existing sanitary sewer pipeline (the "Sanitary Sewer Replacement Schedule"), as shown in Exhibit A of this Agreement, attached hereto and incorporated herein by this reference. The City hereby agrees that the 8800 South Reconstruction Project, inclusive of the Sanitary Sewer Replacement Schedule, will be competitively bid in accordance with all laws, ordinances, rules and procedures applicable to Sandy City construction projects.

2. **Sanitary Sewer Pipeline Access.** The District hereby grants to the City all required permission and access for work to be performed in accordance with the Sanitary Sewer Replacement Schedule.

3. **Public Bid Opening; District Deposit.** City shall inform the District of the date and time of the public bid opening for the 8800 South Reconstruction Project, and a representative of District shall attend. Within thirty (30) days after the bid opening, District shall deposit with City an amount equal to one hundred percent (100%) of the bid amount for the Sanitary Sewer Replacement Schedule, plus a twenty percent (20%) contingency (the "Deposit").

4. **Award of Bid.** Based on the bids received and applicable laws, ordinances, rules and procedures applicable to Sandy City construction projects, and in City's sole discretion, City shall select the lowest responsive and responsible bidder. City shall thereafter inform District of the City's selection and the selected contractor's bid amount for the Sanitary Sewer Replacement Schedule. If District determines to proceed with the Sanitary Sewer Replacement Schedule work (the "Sanitary Sewer Improvements"), and the bid amount is more or less than the Deposit, the Deposit shall be adjusted accordingly within fifteen (15) days. If the District determines not to proceed with the Sanitary Sewer Improvements, the District may terminate this Agreement upon written notice to the City given within fifteen (15) days, and the City shall refund the Deposit.

5. **Use of Deposit.** The City shall require its contractor to account separately for the Sanitary Sewer Improvements in the contractor's pay requests and shall pay that amount from the Deposit, less any standard retention held in accordance with City's ordinances, rules, regulations and policies generally applicable to City construction projects and to the 8800 South Reconstruction Project. In the event the actual costs of the Sanitary Sewer Improvements are higher than the Deposit, the District shall pay the additional amount required within thirty (30) days of receiving an invoice from the City. In the event the actual costs of the Sanitary Sewer Improvements are lower than the Deposit, the City will refund the balance of the amount deposited within thirty (30) days of determining the final cost of the Sanitary Sewer Improvements.

6. **Construction Management, Contract Administration, and Inspection.**

(a) The City shall perform all construction management and contract administration relating to the 8800 South Reconstruction Project and the Sanitary Sewer Improvements at no additional cost to the District. The City shall manage and administer the construction contract in accordance with the City's ordinances, rules, regulations and policies generally applicable to City construction projects and the 8800 South Reconstruction Project.

(b) The City shall not perform inspections of the Sanitary Sewer Improvements. The District shall provide inspectors and perform inspections based on the District's standards and specifications. The District shall have access at all times to visit and inspect the site during performance of any and all work related to the Sanitary Sewer Improvements. The District shall also have access to the City's contractor to schedule inspections and to give instruction or direction to the contractor in the field; provided that the

District shall inform the City's representative of all communications that may affect the cost or schedule of the 8800 South Reconstruction Project and/or the Sanitary Sewer Improvements.

(c) The City shall designate on the plans for the 8800 South Reconstruction Project that the existing sanitary sewer line will be removed and replaced with a new sanitary sewer line meeting the District's standards. The Sanitary Sewer Improvements shall be designed and constructed in accordance with all of the District's rules and regulations. The District shall be responsible for inspection of the improvements.

## **7. Modifications and Change Orders.**

(a) The District agrees that if it modifies or cancels this Agreement at any time after it has been signed, the District shall pay any cancellation penalties or costs incurred by the City as a result of the Sanitary Sewer Improvements scope being modified or cancelled.

(b) The District shall be responsible for all actual costs associated with the Sanitary Sewer Improvements. Any costs incurred by the City as a result of any Sanitary Sewer Improvements scope or schedule changes will be the responsibility of the District. The City may approve change orders for the 8800 South Reconstruction Project in its sole discretion; however, the City shall consult with the District prior to approving any change order affecting the schedule or cost of the Sanitary Sewer Improvements. The District shall promptly respond to any changed site conditions affecting the Sanitary Sewer Improvements with reasonable modifications as needed to keep the 8800 South Reconstruction Project and Sanitary Sewer Improvements on schedule.

(c) The District shall notify the City of any desired revisions to the Sanitary Sewer Replacement Schedule or Sanitary Sewer Improvements scope, and the City shall determine, in its sole discretion, whether such changes or additions may be incorporated. If the District requests changes in the scope of the Sanitary Sewer Improvements work associated with extra work, or changes in the planned Sanitary Sewer Improvements scope, and City determines to incorporate such changes or additions, a modification to this Agreement approved in writing by the Parties hereto and an adjustment to the Deposit is required prior to the start of work on any requested changes or additions. If the changes in the scope are associated with changed site conditions or other emergency, work may commence immediately, and the costs may be paid from the Deposit as contingency costs; upon reasonable request from the City, the District shall replenish the contingency portion of the Deposit to twenty percent (20%) of the remaining Sanitary Sewer Improvements work within fifteen (15) days of such request.

## **8. Ownership, Operation, and Maintenance of Sanitary Sewer Improvements.**

After acceptance of the Sanitary Sewer Improvements, the District shall be responsible for all operation and maintenance costs related to the Sanitary Sewer Improvements. The City shall continue to own and operate the right-of-way for 8800 South Street, and the District shall comply with the City's requirements for permitting prior to performing any future maintenance, repair or replacement of the Sanitary Sewer Improvements.

**9. Termination.** This Agreement shall terminate (i) two (2) years after the Effective Date or (ii) when all work related to the Sanitary Sewer Improvements is fully completed and accepted by the District, whichever comes first. Either Party may terminate this Agreement at any time prior to award of the construction contract as set forth above, upon written notice to the other Party.

**10. Miscellaneous Provisions.** The following provisions are also an integral part of this Agreement:

(a) *Binding Agreement.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective Parties hereto.

(b) *Captions.* The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent thereof.

(c) *Counterparts.* This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.

(d) *Liability and Indemnification.* The Parties are both governmental entities under the "Utah Governmental Immunity Act" (Utah Code Ann. § 63-30-1, et seq.) (the "Act"). Consistent with the terms of the Act, and as provided herein, it is mutually agreed that each Party is responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officials, or employees. Neither Party waives any defenses otherwise available under the Act nor does any Party waive any limits of liability currently provided by the Act.

(e) *Severability.* The provisions of this Agreement are severable, and should any provision hereof be deemed void, voidable, unenforceable or invalid, such void, voidable, unenforceable or invalid provision shall not affect the other provisions of this Agreement, and those other provision shall remain in full force and effect.

(f) *Waiver of Breach.* Any waiver by either Party of any breach of any kind or character whatsoever by the other Party, whether such breach be direct or implied, shall not be construed as a continuing waiver of, or consent to any subsequent breach of this Agreement.

(g) *Amendment.* This Agreement may not be modified except by an instrument in writing signed by the Parties hereto.

(h) *Interpretation.* This Agreement shall be interpreted, construed and enforced according to the substantive laws of the State of Utah. This Agreement is the result of arms-length negotiations between the Parties, and both the City and the District have had substantive input regarding the various provisions of this Agreement. Accordingly, each of the Parties affirms its desire that this Agreement be interpreted in an absolutely neutral fashion with no

regard to any rule of interpretation (or the like) requiring that the provisions of this Agreement be construed to favor of the non-drafting Party.

(i) *Notice.* Any notice required or permitted to be given hereunder shall be deemed sufficient if given by any communication in writing and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three (3) days after such notice is deposited in the United States Mail, postage prepaid, and certified and addressed to the Parties as set forth below:

District: Sandy Suburban Improvement District  
8855 South 700 West  
Sandy, Utah 84070

City: Sandy City Public Works Director  
10000 S. Centennial Parkway  
Sandy, UT 84070

Copy to: Sandy City Attorney's Office  
10000 Centennial Parkway, Suite 301  
Sandy, UT 84070

(j) *Assignment.* Neither Party may assign its rights or delegate its duties under this Agreement to any other person(s) or entity(ies) without prior written consent of the other Party.

(k) *Survival.* All of the Parties' respective representations, covenants, warranties, and obligations including, without limitation, any obligation to indemnify, set forth herein shall survive the Termination of this Agreement.

(l) *Exhibits and Recitals.* The recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of this Agreement.

(m) *Interlocal Cooperation Act.* In satisfaction of the requirements of the Interlocal Cooperation Act, and in connection with this Agreement, the Parties hereby agree as follows:

(i) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Cooperation Act;

(ii) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Cooperation Act;

(iii) A duly executed original counterpart of this Agreement shall be filed with the keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Cooperation Act;



(iv) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and

(v) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by a joint board of the representatives for both the District and the City, or their designees. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

(n) *Protection of the Scrivener.* No provision of this Agreement, nor any ambiguities that may be contained within this Agreement, shall be construed against any Party on the grounds that such Party or Party's counsel drafted the provision at issue or that the provision at issue contains a covert, representation or warranty of such Party.

**IN WITNESS WHEREOF**, the Parties hereto enter into this Agreement as of the date first written above.

**SANDY CITY**

By: \_\_\_\_\_  
Mayor Kurt Bradburn

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Molly Spira, Sandy City Recorder

Approved as to Legal Form:

By: \_\_\_\_\_  
Sandy City Attorney

**SANDY SUBURBAN IMPROVEMENT DISTRICT**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Legal Form:

By: \_\_\_\_\_  
Sandy Suburban Improvement District Attorney