



# 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*

---

**Tuesday, September 11, 2018**

**5:15 PM**

**Council Chambers**

---

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: <https://sandy.utah.gov/government/city-council/procedure-guidelines>. Public comment will be taken on all voting items. Each speaker is allowed one minute per voting item, except for noticed Public Hearings in which case each speaker is allowed three minutes. The Citizen Comment sections of the meeting are for issues not listed on the agenda. Each speaker is allowed three minutes to address the Council during Citizen Comments. If a citizen is unable to attend a meeting in person, he or she may provide written comments to the City Council Executive Director by 3:00 PM the day of the Council Meeting to have those comments distributed to the City Council and have them read into the record at the appropriate time.

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.

### **4:30 Dinner**

### **5:15 Council Meeting**

#### **Roll Call**

#### **Non-voting Items**

Council Member Business

Council Office Director's Report and Calendar Review

Mayor's Report

CAO Report

Legislative Report

#### **Citizen Comments**

## Information Items

1. [18-270](#) Envision Utah requesting that the Council receive a presentation regarding Point of the Mountain Phase 3  
  
**Attachments:** [Vision Handouts](#)
2. [18-335](#) Administration presenting results of the glass recycling survey.  
  
**Attachments:** [GlassSoleSource](#)  
[Glass Recycling - Preliminary](#)
3. [18-334](#) City Council Office updating the Council on the Short-Term Rental Ordinance  
  
**Attachments:** [Council Staff Memo STR Update](#)
4. [18-337](#) Administration presenting code amendments creating an administrative code enforcement program in Sandy City.  
  
**Attachments:** [Draft Administrative Code Enforcement Text.docx](#)

## Voting Items

## Consent Calendar

5. [18-344](#) Mayor Bradburn requesting the City Council's advice and consent on the appointment of Wendy Downs as the City Recorder.  
  
**Attachments:** [18- Wendy Downs City Recorder](#)
6. [18-333](#) Council office recommending the Council adopt "A Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to Serve on Special Committees"  
  
**Attachments:** [Resolution 18-40C](#)
7. [18-343](#) Approval of the September 4, 2018 Minutes.  
  
**Attachments:** [September 4, 2018 Minutes](#)

## Council Items

8. [18-340](#) City Council Office recommending the City Council adopt ordinance 18-25 amending title 22 of the Revised Ordinances of Sandy City by adding a section to regulate special committees  
  
**Attachments:** [Ordinance 18-25](#)

9. [18-336](#) Council Member Robinson introducing amendments to the Council Media Policy.

Attachments: [Draft \(Amended\) Media Policy.docx](#)

## 7 to 8:00 17th Annual Utah Healing Field 9/11 Memorial Ceremony

### Time Certain Items and Public Hearings

Prayer / Pledge of Allegiance

### Citizen Comments

Public Hearing(s)

10. [ANEX-07-18-5450\(CC\)](#) East Willow Creek Annexation  
2771-3036 East Willow Creek Drive (8500 South)  
Mountain Views, Community #19
- Attachments: [Council report](#)  
[Ordinance 18-27\(9.7.18\)](#)
11. [CODE-08-18-5477\(CC\)](#) Wireless Communication Facilities in the Public Right-of-Way  
Amend Title 15A, Chapters 11 Special Uses, & 37, Definitions, Land  
Development Code, Revised Ordinances of Sandy City, 2008
- Attachments: [Staff Report CC.pdf](#)  
[Small Cell Ordinance EDIT CC.pdf](#)  
[City Council Ordinance 18-28 \(002\).pdf](#)  
[Small Cell Highlights.pdf](#)
12. [CODE-06-18-5437\(CC\)](#) Parking Reductions - Amend Title 15A, Chapter 24-03 - Special Access  
and Parking Provisions, Land Development Code, Revised Ordinances of  
Sandy City, 2008
- Attachments: [Staff Report.pdf](#)  
[18-26](#)

### Adjournment



## Staff Report

---

**File #:** 18-270, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

Envision Utah requesting that the Council receive a presentation regarding Point of the Mountain Phase 3

**Presenter:**


Robert Grow, C.E.O.

Ari Bruening, President and C.O.O.



# REGIONAL VISION FOR THE POINT OF THE MOUNTAIN

JOBS



**1 Highly-trained workforce**

The quality of Utah's workforce is the number one factor in attracting, retaining, and growing high-paying "innovation economy" jobs. The desired workforce is diverse and highly educated, with a focus on in-demand fields. While a portion of this workforce will undoubtedly be generated by attracting workers from out of state, Utahns can fill the bulk of these jobs if they have the required skills.

ENVIRONMENT


**2 Improved air quality & reduced resource use**

Employers and Utahns increasingly demand a sustainable approach to natural resources like air, water, and energy. The Point of the Mountain can demonstrate sustainability by facilitating electric vehicle use, promoting non-automobile travel, reducing air emissions and energy use in buildings, using water-wise landscaping, and implementing new technologies.



**3 Connected trails, parks, and open space**

The Point of the Mountain is already home to extensive open spaces and trails, paragliding, and the Jordan River. Continued implementation of thoughtful and ambitious trail, park, and open space planning will establish a world-class network for people and wildlife, connecting the mountain ranges and the Jordan River.



COMMUNITY DESIGN

**4 Vibrant urban centers**

Vibrant places include housing, jobs, shops, amenities, and open space. They bring destinations closer to home, shorten driving trips, increase the convenience of walking and biking, and improve affordability by diversifying housing types. The prison and other large sites at the Point of the Mountain are ideal for the creation of major urban centers, without disrupting existing single-family neighborhoods.



**5 Jobs close to where people live**

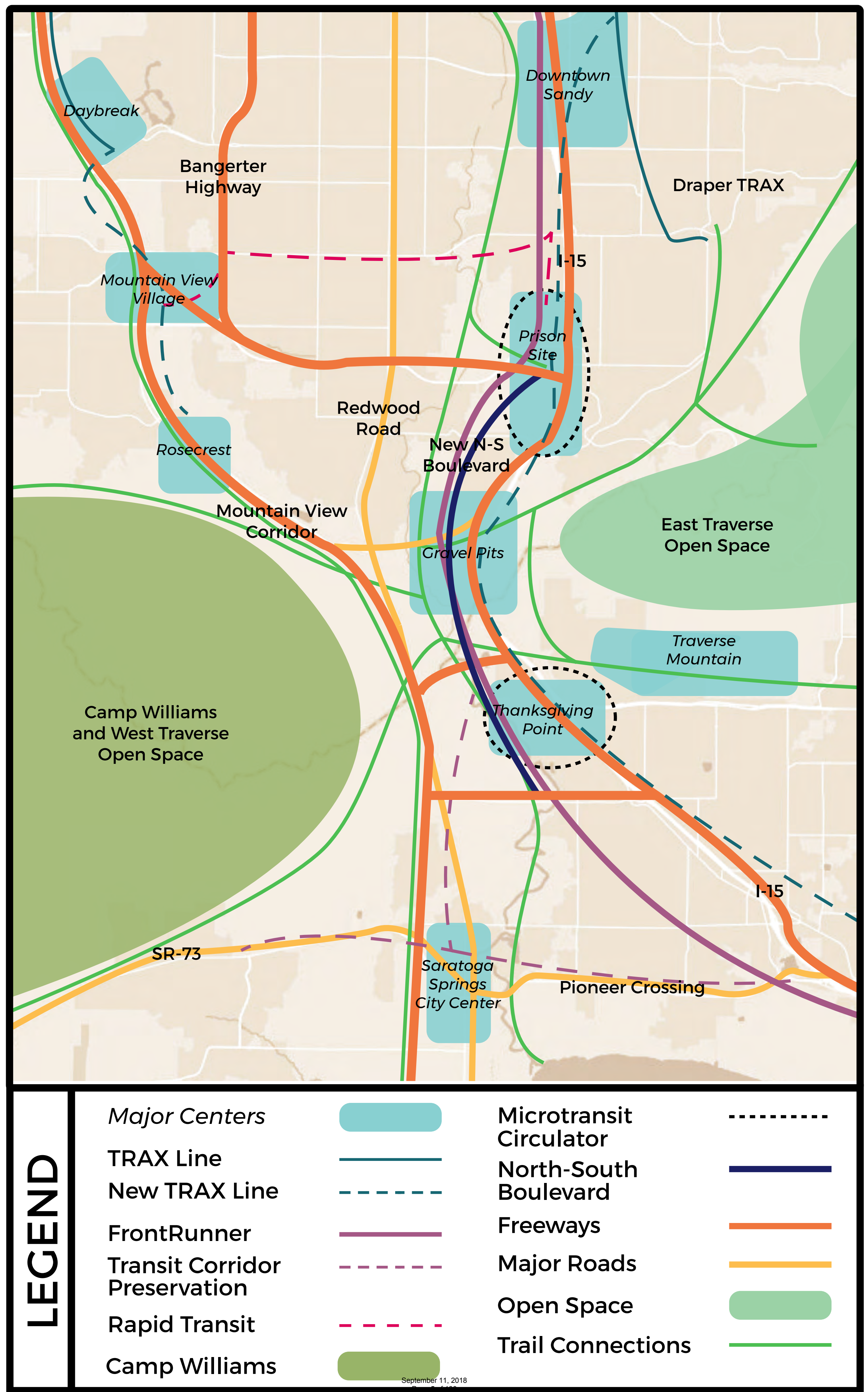
Jobs and housing in close proximity reduce commuting distances, decrease traffic volumes during peak hours, improves air quality, lower travel times and expenditures, and enhance quality of life. While housing is needed in proximity to east-side jobs in both Utah and Salt Lake counties, jobs are needed in proximity to west-side housing in both counties. Completing west-side infrastructure like the Mountain View Corridor will improve the west side's attractiveness for jobs.



**6 A variety of community and housing types**

A variety of community and housing types ensures housing affordability and a high quality of life that matches what Utahns want and can afford. Such variety includes single-family suburbs and walkable communities in neighborhood, community, and urban centers.





TRANSPORTATION

**7 New north-south boulevard**

A new north-south road from Bangerter Highway in Draper to 2100 North in Lehi will serve as an alternative to I-15, Mountain View, and Redwood Road. This new boulevard or main street will include public transportation in a dedicated right-of-way. It will encourage active transportation, stimulate growth of urban centers, and provide an alternative for shorter, local trips.



**8 Connected street network**

Street networks efficiently move people and goods. Connected arterials, collectors, and local streets provide multiple alternative travel routes and enhance walking and biking. Additional crossings of the Jordan River and I-15 will be necessary.



**9 World-class public transit**

Public transportation moves people, addresses air quality, fosters high-quality urban centers, improves affordability, and attracts "innovation economy" employers and employees. As connected, shared, and autonomous vehicles revolutionize travel, FrontRunner will increasingly serve as a backbone for long-distance trips. Light rail and/or "micro-transit" options will improve local mobility.



**10 North-south & east-west throughput**

The Point of the Mountain bottleneck limits transportation connections between Salt Lake and Utah counties. It is essential to maximize the capacity of Mountain View, Redwood Road, I-15, FrontRunner, and light rail. High-speed east-west connections between I-15 and Mountain View are also needed to increase east-west capacity. In addition to 2100 North and Bangerter Highway, a new connection closer to the county line should be explored.



PRISON SITE

**11 Catalytic center at the prison site**

The Draper prison site's 700 acres hold tremendous opportunity for catalyzing growth in high-paying jobs by (1) establishing a nationally-known research and university presence, (2) attracting marquee employers, and (3) creating a high-quality urban center that attracts employers and employees.

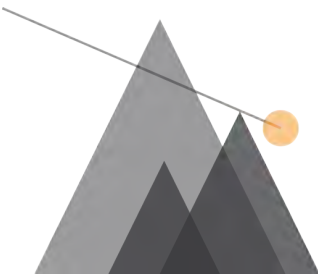


**12 Research and university presence**

Establishing a nationally-recognized research and university presence will catalyze growth in high-paying jobs by strengthening the innovation workforce, spurring research and technology transfer, and creating a "wow" factor to brand the area and the state as a place to be.







# VISION FOR THE POINT OF THE MOUNTAIN DRAPER PRISON SITE PLACEMAKING EXAMPLE

## JOBS



### 1 Highly-trained workforce

A strong presence for education, including higher education, trains Utahns for the innovation jobs of the future. Industry, school districts, higher education, and others collaborate to maximize impact. Companies have access to student labor, while students can experience hands-on learning in research and industry.

## ENVIRONMENT

### 2 Improved air quality & reduced resource use

The place becomes a demonstration site for sustainability. Energy efficiency, on-site energy generation and storage, and low-emission appliances improve air quality, along with electric vehicle charging infrastructure and preferred parking. Public transportation, proximity of housing to jobs and amenities, and walkable design reduce driving. Water-wise landscaping means less water is needed.



### 3 Connected trails, parks, and open space

Located near two major mountain ranges, key open space and trail systems, and the Jordan River Parkway, the site is an ideal meeting point for diverse types of recreation. A network of parks, trails, and open spaces provides quality of life and allows travel by foot or bicycle. A portion of the existing prison is preserved to provide historic context and authenticity.

## COMMUNITY DESIGN

### 4 Vibrant urban centers

A vibrant urban area includes jobs, shopping, housing, and amenities in a walkable setting close to public transportation. People can travel conveniently with or without a car and enjoy a vibrant environment for living, working, or playing. The prison site offers a diverse range of housing types, transportation opportunities, and amenities without significant disruption of nearby single-family neighborhoods.

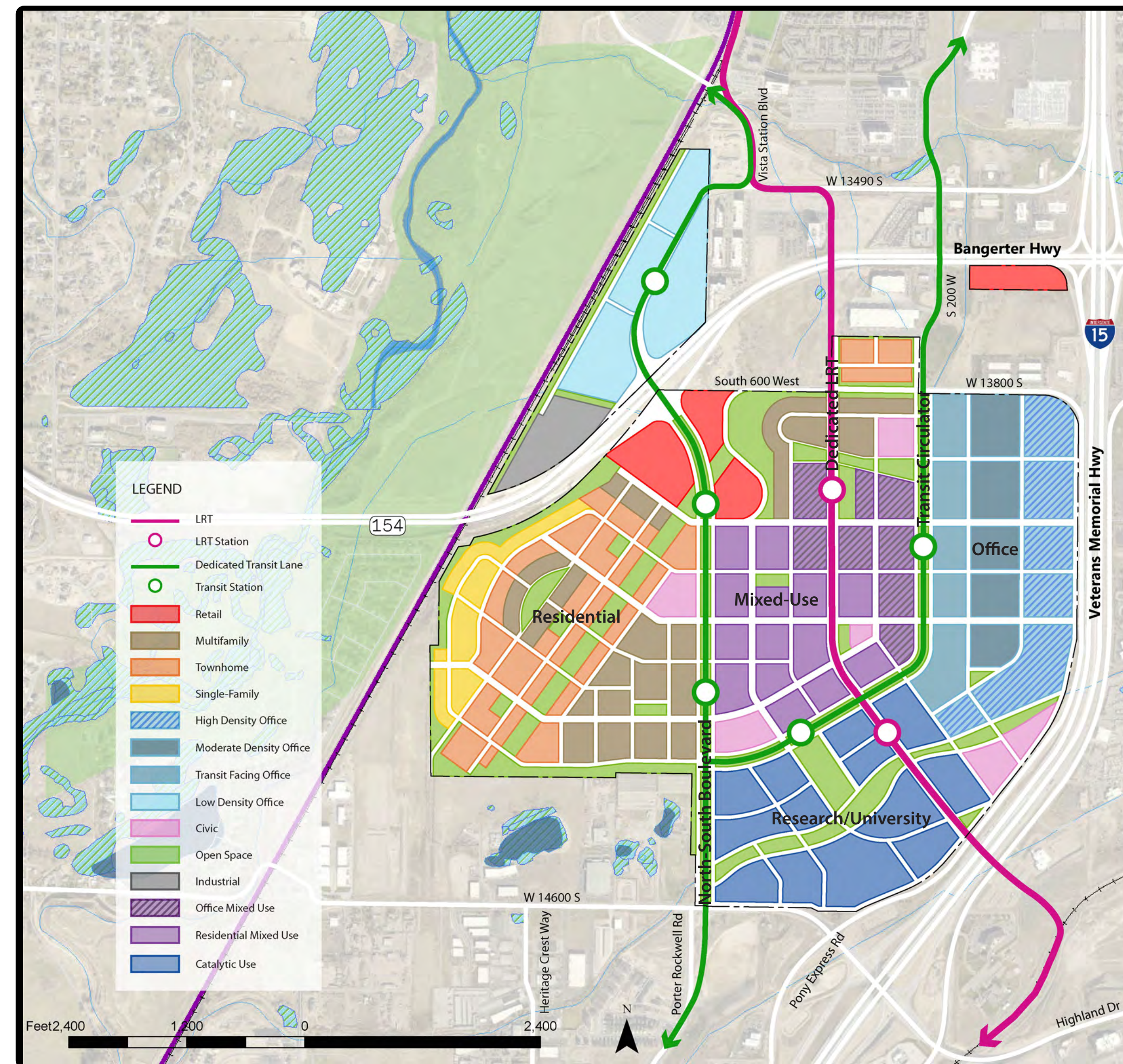


### 5 Jobs close to where people live

Jobs and housing are close together on the site, and housing in surrounding communities is also proximate and well-connected through roads and public transportation, including existing automobile and FrontRunner corridors and planned TRAX lines.

### 6 Variety of community and housing types

A number of housing options are available at the prison site, including urban-style apartments, townhomes in a less intense setting, and single-family neighborhoods. Public transportation and roads provide access from a variety of places. This diversity of housing means people of a variety of backgrounds and incomes can live in places they desire.



## TRANSPORTATION

### 7 New north-south boulevard

A new boulevard links the Bangerter Highway 600 West interchange to Porter Rockwell Boulevard and continues south to Lehi 2100 North. The road accommodates bicycles, pedestrians, and public transportation and carries local trips without using freeway capacity. This boulevard connects at the prison site, making the site a gateway for this "main street" connection between Utah and Salt Lake counties.



### 8 Connected street network

A dispersed street network promotes walking, biking, and public transportation and provides alternative travel routes. A new road across I-15 at 13800 South improves connectivity to the east, and the new north-south boulevard improves connectivity to the south. This plan for the Draper Prison Site prioritizes a well-connected street network that is easy to understand and navigate for residents, employees, and others who travel to and through the site.

### 9 World-class public transit

Light rail or similar mode connects the site to the TRAX Blue Line, the Draper FrontRunner station, and points north and south. A micro-transit shuttle circulates throughout the site and to the FrontRunner station to provide on-demand, convenient mobility. A vehicle in its own lane runs north and south along the new boulevard.



### 10 North-south and east-west throughput

The new north-south boulevard improves throughput by allowing local trips to avoid traveling on a freeway. Access to Bangerter Highway and to I-15 is also excellent.

## PRISON SITE

### 11 Catalytic center at the prison site

Incentives and other mechanisms are utilized to locate one or more marquee employers on the site. The marquee employers attract other jobs, as well as employees. Sites are available for jobs in urban, mixed-use settings as well as in more campus-style settings. There are also opportunities for start-ups.



### 12 Research and university presence

A nationally-recognized research presence creates a "wow" factor that attracts employers and employees and contains open space that is appealing and important to residents. Research and technology transfer also boosts job growth, as does the skilled workforce that is trained there. This university presence is clearly visible and accessible from I-15.





## Staff Report

---

**File #:** 18-335, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

Administration presenting results of the glass recycling survey.

**Presenter:**

Shane Pace and Eric Richards

**Description/Background:**

Administration is exploring the option of curbside glass recycling or continue with storage bins in key locations throughout the City. Recently, a survey was completed to assess residents interest in glass recycling and if there was enough interest to implement a opt-in curbside program. The results of the survey will be presented which indicate higher than expected interest.

**Fiscal Impact:**

Expanding the number of bins in our community would not cost the City any additional costs. Waste Management has offered to expand the number of bins already in place. The curbside program would be opt-in by the residents and they would pay the full cost of the program. The City would charge an additional one dollar per month to cover its costs to administer the billing of customers.

**Further action to be taken:**

Advertise an "Intent to Solicit Source" to verify there are no other entities willing to provide curbside glass recycling. Enter into negotiations with Momentum Recycling to provide curbside recycling.

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

Administration recommends we move forward with negotiations on a contract with Momentum Recycling to provide the curbside glass recycling services.

## **INTENT TO SOLE SOURCE – GLASS RECYCLING**

Sandy City is considering providing curbside glass recycling for residents through a third-party vendor. Residents would opt into the service and pay a monthly fee. The glass materials would be picked up once a month.

It is our belief that Momentum Recycling is now the only supplier that offers this service in Utah.

If there is any company who wants to dispute this as a sole source claim can contact the Sandy City Purchasing Department at (801) 352-4477. This request for other suppliers will remain open until THURSDAY, SEPTEMBER 27, 2018 at 3:00 PM. After that time, if no one has come forth to say they can also provide this service, the purchase will be considered a sole source item.

For Sandy City,  
Erica Langenfass  
Purchasing Agent

# CITY SURVEY



## Glass Recycling PRELIMINARY REPORT

**Survey Topic** | Glass Recycling

**Survey Period** | June 14 - July 6, 2018

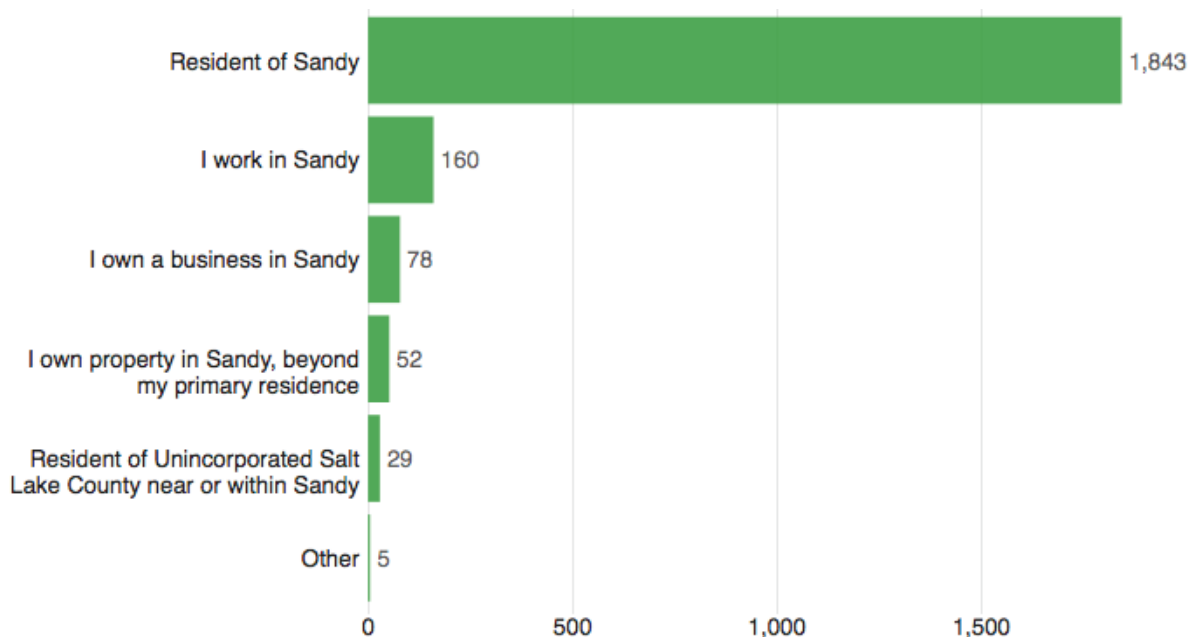
**Report Date** | July 9, 2018

## Methodology

- Utilized the Qualtrics Research Core Platform to collect and analyze responses
- Survey participants were solicited via e-mail from the Citizen Connect Demographic Pool and through posting on social media, Nextdoor and City website.
- **42%** of responses came from the Citizen Connect Panel  
**58%** from social media, Nextdoor, website, etc
- Responses were collected from **June 14 - July 6, 2018**
- **1896 total responses**
- We did not perform any cross analyses based on demographic data, as all respondents were not from our Citizen Connect Demographic Pool.
- Respondants were not able to take the survey multiple times or “stuff the ballot box.”
- Text responses are copied and pasted verbatim as entered by respondents, so there may be spelling & grammatical errors in free text responses.

## Response Breakdown

“How are you connected to Sandy City? (Select all that apply)”

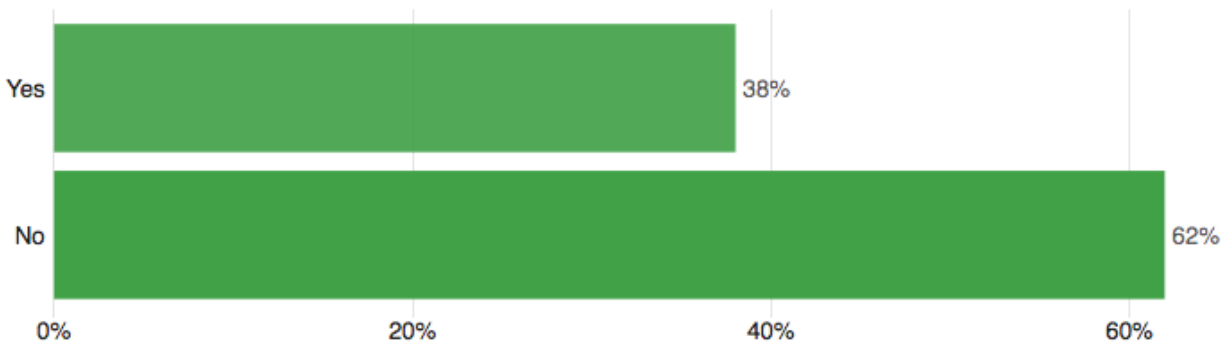


### Answers indicating “Other”:

- My sisters and parents live in sandy
- Former resident with potential to move back
- I grew up in Sandy my parents live there and I visit frequently
- I was a resident in Sandy and will be moving back
- I live in Cottonwood Heights and I make purchases and recreate in Sandy

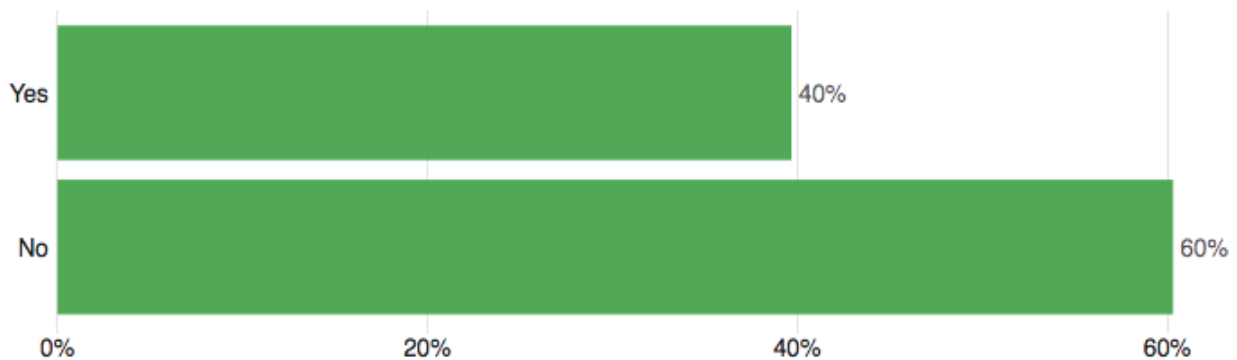
## Current Recycling Behavior

**“Do you currently recycle glass at one of the drop-off locations around Salt Lake County?”**



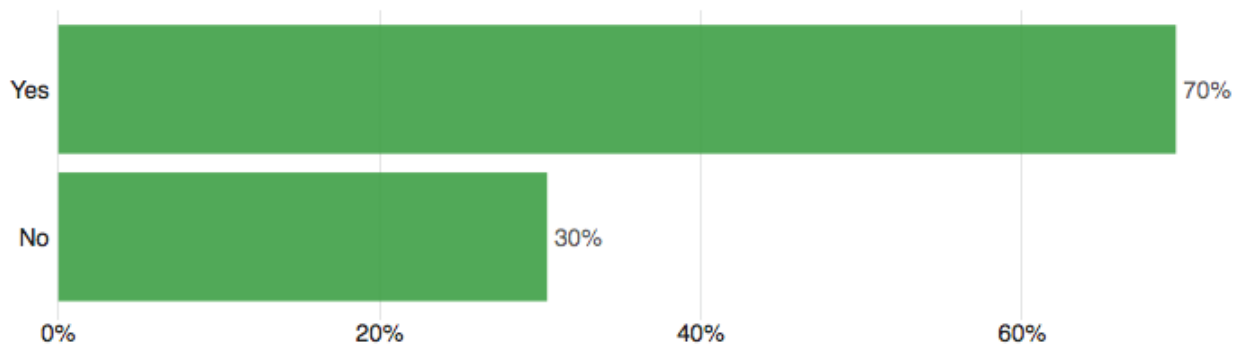
Breaking this out by panel vs. non-panel, both groups showed a similar pattern between yes and no. However, more of the non-panel group currently recycles, as they answered this question 43% to 57% yes/no (the panel group answered 31% to 69% yes/no).

**“Are you aware of the the two glass recycling locations in Sandy? (Public Works Building: 8775 South 700 West, Sandy Amphitheater: 9310 South 1300 East)”**



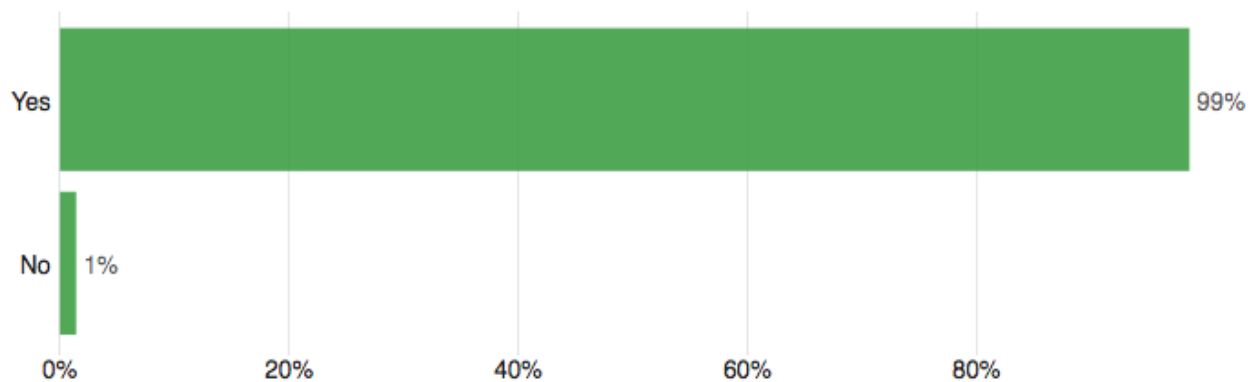
Much like the previous question, both groups showed a similar pattern between yes and no, but the non-panel group was slightly more aware of the locations with a 45% to 55% split and the panel group much less aware of the locations at 33% to 67%.

For those who are aware of the Sandy recycling locations: “Do you currently use either of the glass recycling locations in Sandy?”



Of the 40% who answered “yes” to the previous awareness question, 70% use the Sandy glass collection locations. Again, both groups showed a similar pattern between yes and no, but the non-panel group indicated slightly more use of the Sandy locations with a 72% to 28% split and the panel group slightly less use of the locations at 65% to 35%.

“Do you regularly recycle other materials at your home (paper, plastic, etc)?”

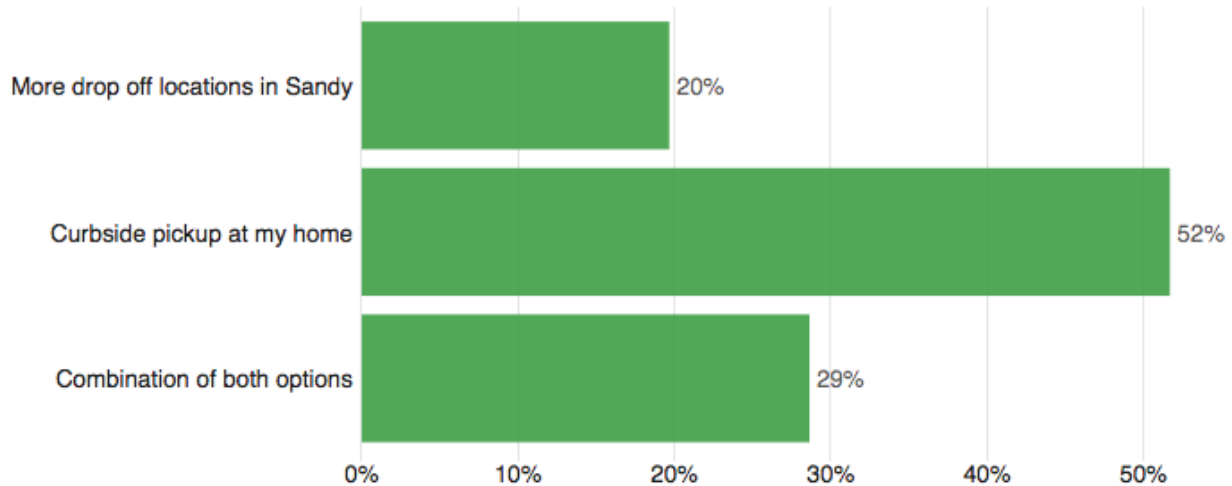


Across all respondents, 99% regularly recycle other materials at home. There was no significant difference in this spread between panel and non-panel groups.

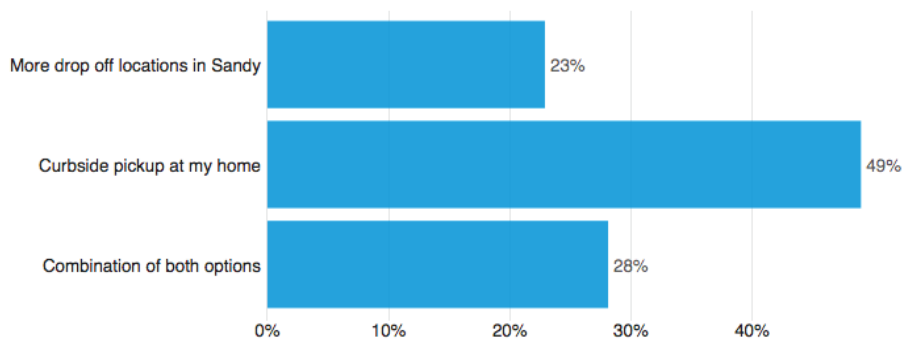


# Glass Recycling Preferences

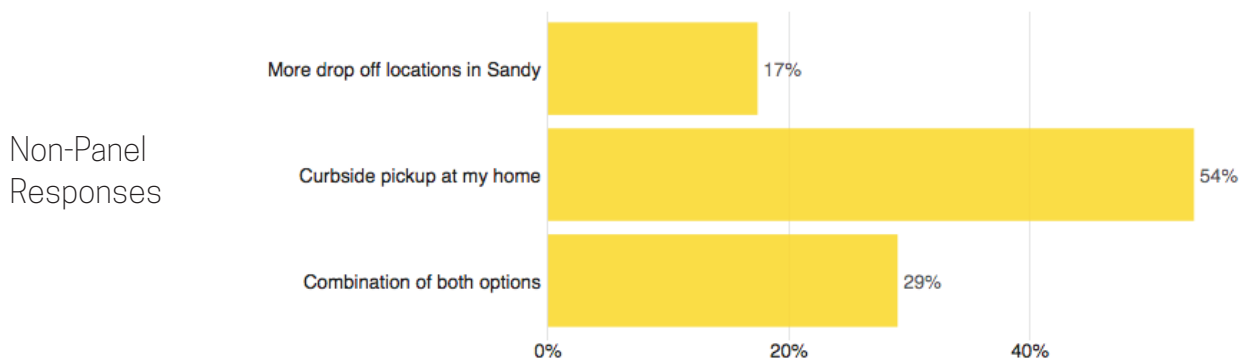
“How would you prefer to recycle glass?”



Panel vs. non-panel, both groups showed a similar pattern. However, slightly more of the non-panel group would prefer Curbside Pick-up or Combination of Both Options than the panel group. See the breakout below - the panel and non-panel groups are blue and yellow, respectively.

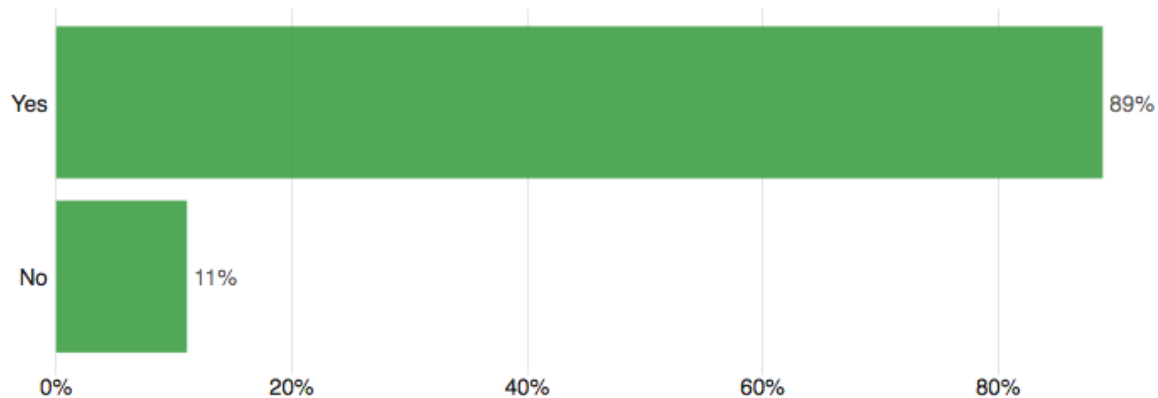


Citizen Connect  
Panel Responses



Non-Panel  
Responses

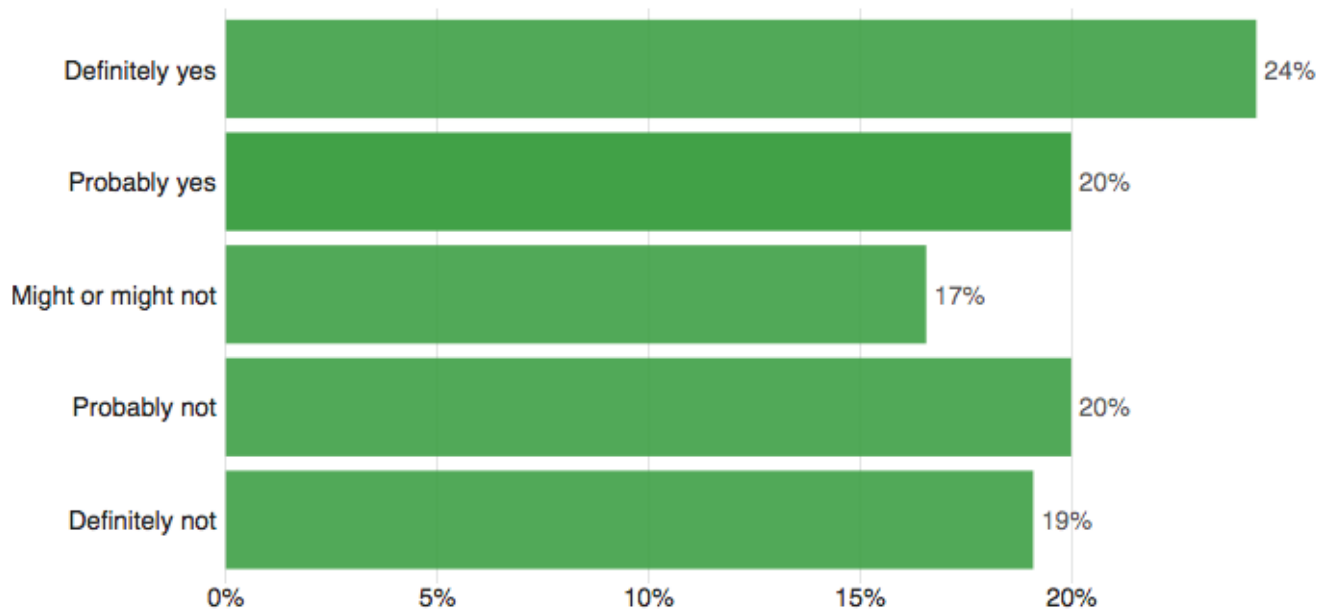
Of those who don't currently recycle glass: "If the city offered curbside pickup, would you start recycling glass?"



Of the 62% of participants who indicated in Question 2 that they currently do not recycle glass, 89% said they would start recycling if curbside pickup was offered. Please note, that this question was asked prior to any information about monthly cost, so participant sentiment may have changed after that information. Both panel and non-panel groups showed a similar pattern, with a slightly elevated preference from the non-panel group at 91% (89% of the panel group selected yes).

“With the community’s support, the monthly curbside glass collection service is estimated to be \$8/month per household. Would you pay that amount for curbside glass recycling collection?”

(Please note, this service would be on an opt-in basis. Only those who elect to have curbside glass pick-up would pay the estimated \$8/month)”

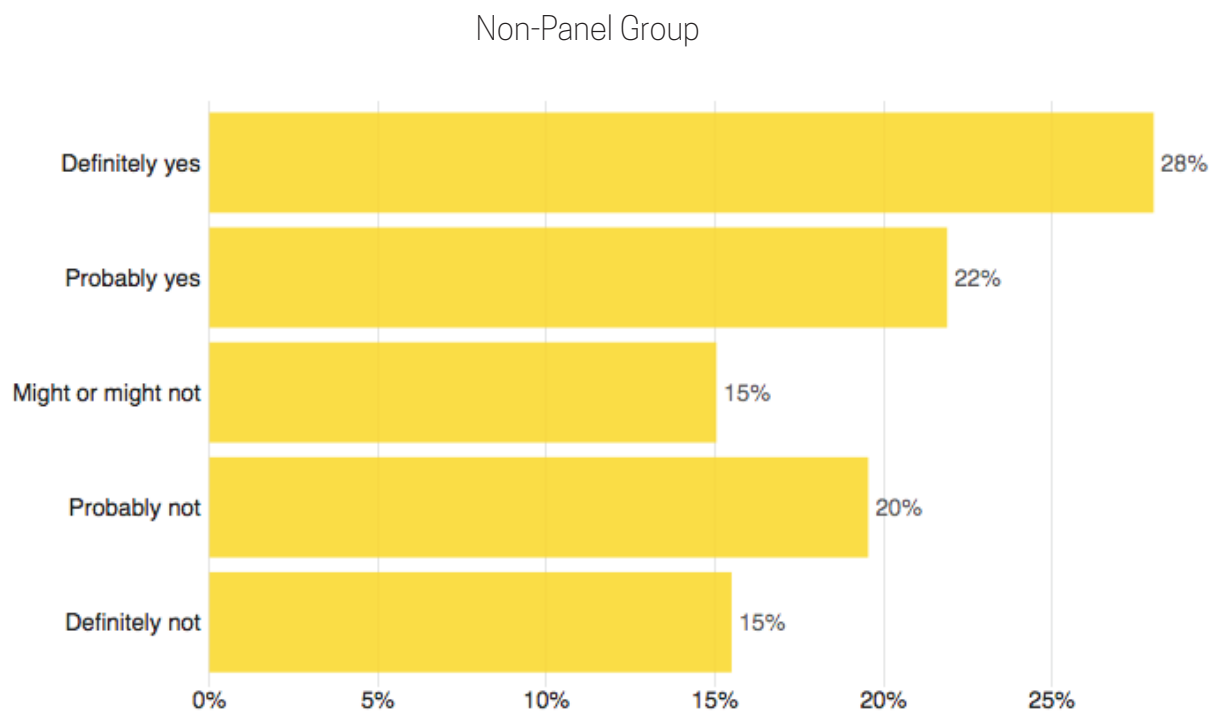
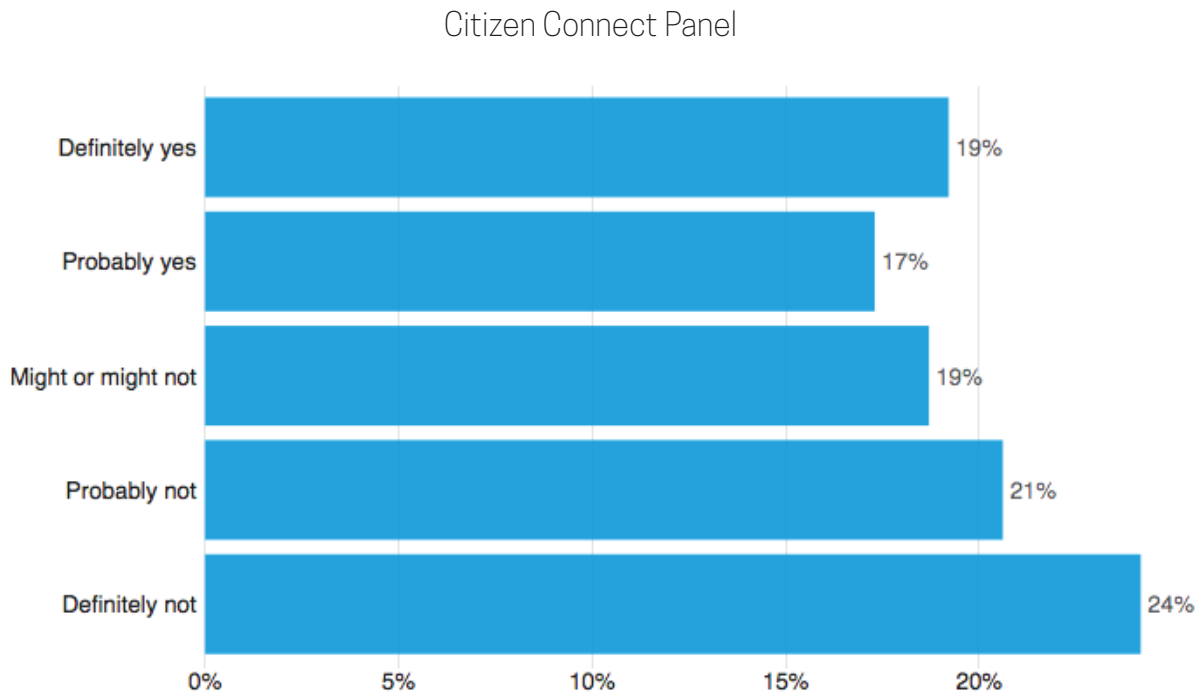


Across all responses, 24% indicated they would definitely opt-in to curbside glass collection at \$8/month, with 44% overall indicating a positive response. Of the remaining 66% of responses, 17% were neutral and 39% were a negative response.

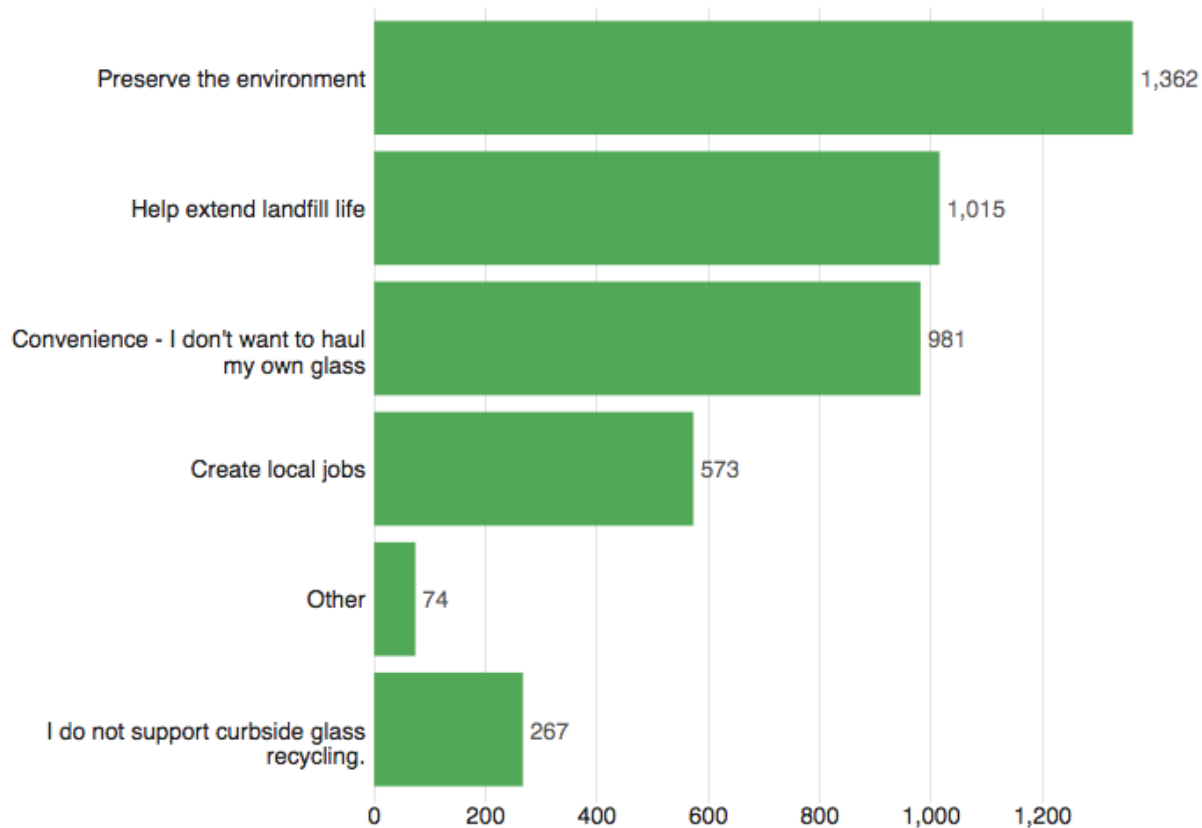
This pattern of response does differ between groups, with the Citizen Connect panel indicating a much more negative response and the non-panel group with a higher positive response. See the breakout on the next page - the panel and non-panel groups are blue and yellow, respectively.

“With the community’s support, the monthly curbside glass collection service is estimated to be \$8/month per household. Would you pay that amount for curbside glass recycling collection?”

#### Breakout By Group:



**“Why would you support a curbside glass recycling program? (Select all that apply)”**



Across both groups, answers followed the same pattern.

**Answers indicating “Other”:**

(Text responses are copied and pasted verbatim as entered by respondents, so there may be spelling & grammatical errors)

- Now that i am aware of dropoff I will do that!
- It will make easier for other people who don't recycle them because they dont want to go to those locations.
- I do not want to have an additional monthly fee to recycle glass. Does the value of the recycled glass not support the program?
- Too expensive
- I drop off my glass at the south jordan place. The windows at the senior center are closed and I could not figure out how to get the glass in there. It's easy to drop it off once every 2 months so I would not support curbside recycling.
- Want to do it but 8 per month is too much for us to afford
- But it's still cheaper to drive to the Sandy Ampitheater to recycle my glass once a month
- I support it...but for \$8/mo. I would rather drive and drop off. We don't have that much glass each month.

- With children and full time jobs I'm don't have the time to do additional trip to various locations. Grocery shopping is pick up now, which is such a convenient time saver to spend more time with my small family.
- not enough people recycle glass. It was available, maybe they would do so. \$8.00 is likely to keep many from recycling curb side.
- I support the program but I don't use enough glass to warrant \$8.00 per month. Drop off locations would be fine.
- Maybe more people would use glass over plastic if the recycling was more convenient.
- All of the above along with it's the right thing to do
- I would support it, but not enough to pay \$8 per month when I can drop it off for free. I and I doubt many others go through enough glass to make the cost worthwhile.
- I want to, but the price would be too high.
- I will use the drop off sites in sandy now that I know where they are. I don't use enough glass to justify an \$8/mo fee.
- I just got used to hauling the glass to the amphitear. Would like curbside but 8.00 is a lot. We hardly have 10 bottles a month. I changed my purchasing habits to avoid items in glass when we moved here.
- il would love curb side glass recycling however I think \$8.00 a month is a bit high when I can just drop off at one of the locations while doing my errands. I do not have a huge amount of glass recycling.
- Drop off, do not have significant amount of glass to be recycled. 99% plus of packaging is plastic
- I want to encourage others to recycle
- happy to do if it's helpful in someway
- I want to recycle, but not at \$8/mo
- Getting others recycling more like we do... hate how much I see going in regular trash because it takes effort to collect and drop off
- cost and low utilization by public
- I don't use a lot of glass
- Lived in Germany for an extended time. It became so involved and they developed so many rules that it became a time consuming bother: all colors had to be separated into separate bins, everything had to be washed before placing in the recycling bin, after research we determined that only 15% was actually usable for recycling, the other 85% was in a landfill after all the bother.
- Do not have a lot of glass to recycle. Until now i did not know about the Sandy locations. I have used the Draper dropoff site.
- It might encourage others to recycle glass.
- I typically don't purchased products that are glass
- It's a no brainer! Glass should be one of the easiest things to recycle.
- I always have glass and hate throwing it out.
- May encourage more people to recycle

- “Help extend landfill life” is a terrible way to look at it. How about “To keep things out of the landfill altogether”?
- Shut in and don’t drive
- Knowing glass is needed and used wisely.
- I use so little glass I don’t see the point
- Just keeping recyclables out of the landfill.
- We throw out a lot of glass we need this at my street.
- I don’t recycle enough glass to pay that amount but think its a great option for those who have a need.
- I live in Salt Lake City and a few of my neighbors have curbside pick up. I haul our glass recycling to a convenient drop off station- my gym.
- I support recycling of glass and anything recyclable, but don’t want to pay to have anything recyclable collected. I’ll take it to the curb; someone who will directly and immediately benefit from the recycling can pay for the collection at the curb and processing thereafter.
- I didn’t know we didn’t recycle glass. I’ve been putting it in the bin all year!
- I feel more people would recycle glass if it were more convenient.
- I think more people would recycle glass instead of throwing it away.
- We already do curbside, through Momentum Recycling.
- It should be included in the cost of what we already pay.
- I do NOT sponsor additional cost to do curbside pickup. Please adjust budget to include pickup of glass.
- encourage others to recycle glass who otherwise would not
- Revenue from recycling glass should pay for its collection and even be profitable rather than charging residents for it.
- i dont use very many glass bottles and \$8/mo wouldn’t be worth it
- Would love the convenience, but not at \$8/month
- It would help Sandy recycle glass - since most people likely don’t know about glass drop off locations. I’m very interested in glass recycling but didn’t know these were available in Sandy.
- I wouldn’t vote to pay to recycle glass but if it ends up being a curbside pickup then I would do it.
- If it were free or along with the current recycling, I would be supportive, but it should pay for itself or not be done.
- I don’t recycle and do not want to pay extra money.
- maybe it would get more people to actually do it
- I think more people would recycle their glass if there was curbside recycling, however, we are very close to Draper glass recycling and use that one
- I will use the drop-off location, now that I know about it.
- The amphitheater is a few miles from my home, and I visit it about once a month to drop off a small crate of glass bottles, etc. There’s no way I need a weekly glass recycling service. I used to drop my glass off further south at the Sandy Public Works center until it burned down. The key is getting out the info on where glass can be taken to be recycled. Having a bin at the Smiths at 9400 South and Highland would be great.

- More people would participate if they didn't have to drive to drop off
- I've had this service in other places where I've lived and it's great
- Hopefully it would help other people take notice and decide to recycle glass and think more about their consumption in general.
- I find it ridiculous that we don't recycle glass already...
- I wanna recycle but the recycling of the product and reduction in waste should pay for the recycling.
- We don't Use a Knouff glass to justify paying for the recycling.
- It is a valuable resource to recyclers. Pickup shouldn't cost us. The recyclers should paybthe city for collecting it!





# Sandy City, Utah

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

## Staff Report

---

**File #:** 18-334, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

City Council Office updating the Council on the Short-Term Rental Ordinance

**Presenter:** Dustin Fratto



# Sandy City Council Office

10000 South Centennial  
Parkway Suite 231  
Sandy, UT 84070  
O | 801-568-7141  
[Sandy.Utah.Gov](http://Sandy.Utah.Gov)

## Memorandum

September 11, 2018

To: Council Members

From: Dustin Fratto, City Council Management Analyst

Subject: Update on the STR Ordinance

---

Council,

On August 21, 2018 the Council adopted a short-term rental (STR) ordinance with an effective date of Saturday October 20, 2018 (60 days from adoption). Since adoption of the ordinance, the Community Development Department (CD) has been holding weekly brainstorming sessions to determine how best to administer the ordinance. They've been extremely inclusive of Council Staff and have invited us to participate in each session. These weekly meetings will continue up until October 20<sup>th</sup>, or until they're deemed unnecessary. During the brainstorming sessions a few administrative decisions have been reached:

- Applications for the STR permit and business license are projected to be accepted beginning Monday October 22, 2018. Out of fairness no one will be placed in any kind of queue prior to October 22<sup>nd</sup>.
- Sometime near the end of September or the beginning of October staff will hold a few educational meetings open to the public aimed at helping residents understand the ordinance and the application process. At least one of these sessions will be recorded and made available online.
- CD, in coalition with the City Communications Department, will begin producing an e-kit that will be available on the City website aimed at helping residents to understand the ordinance and application process.
- CD has assigned Zoning Technician Darryll Wolnik as the Department's point of contact for the upcoming registration process [dwolnik@sandy.utah.gov](mailto:dwolnik@sandy.utah.gov).
- A banner will be placed on the homepage of the City website linking to updates and other important information related to the STR ordinance.



## Sandy City Council Office

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

During the August 21<sup>st</sup> STR public hearing the Council requested further discussion and an update from staff regarding two topics:

**How to handle proof of primary residency for applicants who have not lived in their residence long enough to have claimed it as their primary residence on their State and Federal tax returns.**

The Community Development Department may issue a special use permit and STR business license to an applicant who has not lived at their residence long enough to have claimed it as their primary residence on their state and federal tax returns with the following requirements:

1. The applicant provides the signed affidavit swearing primary residency.
2. The applicant provides government issued ID listing the address of the property as the address of the owner.
3. The applicant provides their federal and state tax returns, claiming primary residency, by July 1<sup>st</sup> of the following year. If the tax returns are not provided, the special use permit and business license will not be renewed.

**What is the Cost of hiring a contractor to assist in administering the STR ordinance?**

The Community Development Department has issued a Request for Proposals (RFP) defining their needs in administering the ordinance and are expecting responses within the next few weeks. At that time, the Council will be updated with the total cost to implement and administer the ordinance.



## Staff Report

---

**File #:** 18-337, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

Administration presenting code amendments creating an administrative code enforcement program in Sandy City.

**Presenter:**

Shane Pace

**Description/Background:**

On October 3, 2017 the Council Office gave a presentation on the differences between the criminal model of code enforcement that Sandy City currently utilizes, and an administrative (or civil) model of code enforcement. The Council expressed strong interest in pursuing an administrative model. Administration has been conducting further research to develop the draft ordinance.

The new short-term rental ordinance presupposes an administrative code enforcement model. The short-term rental ordinance included a 60-day deadline for the adoption of the administrative code enforcement amendments. The last Tuesday for the City Council to adopt administrative code enforcement is October 16, 2018.

**Fiscal Impact:**

The fiscal impact is undetermined. It is anticipated that the revenue from administrative fines will cover the cost of the program including the retention of a qualified hearing officer.

**Further action to be taken:**

The draft ordinance will be scheduled for final adoption.

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

Discussion only. No action required.

# DRAFT

Subject to Change

Title #

## ADMINISTRATIVE CODE ENFORCEMENT

### Chapter 1 ADMINISTRATIVE CODE ENFORCEMENT

#### #-1-1. DECLARATION OF PURPOSE.

The City Council of Sandy City finds that the enforcement of the Revised Ordinances of Sandy City and applicable state codes throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, and quality of life. The City Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings. The City Council further finds that comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations. Failure to comply with an administrative code enforcement action may require the City Attorney to file a judicial action to gain compliance.

#### #-1-2. SCOPE.

The provisions of this Title may be applied to all violations of the Revised Ordinances of Sandy City. It has been designed as an additional remedy for the City to use in achieving compliance of its ordinances.

#### #-1-3. DEFINITIONS.

"Abatement" Any action the city may take to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding up, securing or replacement of property.

"Administrative citation" means a citation issued to a responsible person that gives notice of a violation and the civil fee for such violation.

"Administrative order" means an order issued by an administrative hearing officer. The order may include an order to enter upon private property to abate a violation of Sandy City code, to pay civil fines and administrative costs, or take any other action as authorized or required by this title and applicable state codes.

"Administrative hearing officer" means a person appointed by the mayor or his designee to preside over administrative hearings.

"Code enforcement tax lien" A lien recorded with the county recorder and the county treasurer to facilitate collection of outstanding civil penalties, administrative fees, and costs.

"Cost, actual" means the cost of professional consultants, contractors, subcontractors and equipment incurred by the city to perform an abatement.

# DRAFT

## Subject to Change

"Cost, administrative" means costs incurred by the city, including wages, professional hearing officer services, supplies and overhead, to ensure compliance with the Revised Ordinances of Sandy City.

"Director" means Director of Community Development or the Director of Animal Services.

"Enforcement Official" A person authorized by the mayor to issue and pursue a notice of violation under this title.

"Itemized statement of costs" means a written notice to a responsible person, itemizing the city's actual costs and administrative cost of abating a code violation.

"Municipal action" means an administrative citation, an itemized statement of costs, or a notice of emergency abatement.

"Notice of emergency abatement" means a written notice that informs a responsible person of emergency abatement actions taken by the city and provides and itemized statement of costs for those actions.

"Responsible Person" or "Responsible Party" means the person(s) determined by the city who is responsible for causing or maintaining a violation of the Revised Ordinances of Sandy City, policies, regulations, or applicable state codes. The term "responsible person" shall include, but is not limited to, a property owner, and animal owner who is responsible for the violation of any provision of the Revised Ordinances of Sandy City, policies, regulations, or applicable state codes.

### #-1-4. CRIMINAL PROSECUTION RIGHT.

The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies are available.

### #-1-5. SERVICE OF NOTICE REQUIREMENTS.

- (a) Whenever a notice is required to be given under this title it shall be served by one of the following methods:
- i. Personal service;
  - ii. Regular mail, postage prepaid, to the last known address of a responsible person;
  - iii. Posting the notice conspicuously on or in front of the property that is the subject of the municipal action;
  - iv. Publication in a newspaper of general circulation if service has not been accomplished after reasonable efforts to comply with (a) i-iii above; or
  - v. As directed by the administrative hearing officer.

# DRAFT

## Subject to Change

- (b) Failure of a responsible person to actually receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above.
- (c) Service by regular mail in the manner set forth above shall be deemed served on the fourth day after the date of mailing.
- (d) The failure of a person, other than a responsible person, to be served notice in accordance with this section shall not affect the validity of any proceeding taken hereunder.

### #-1-6. APPOINTMENT AND QUALIFICATIONS OF THE ADMINISTRATIVE HEARING OFFICER.

- (a) The mayor, with the consent of the city council, shall appoint an administrative hearing officer to preside at administrative hearings.
- (b) A person appointed to serve as an administrative hearing officer shall either be law trained or have significant experience with the requirements and operation of administrative hearing processes. The person shall be free from any bias or conflict of interest that might affect impartiality of decisions.

### #-1-7. POWERS OF ADMINISTRATIVE HEARING OFFICER.

- (a) An administrative hearing officer shall have authority to hold an administrative hearing for violations of the Revised Ordinances of Sandy City.
- (b) An administrative hearing officer may continue a hearing for good cause shown by one of the parties or if the administrative hearing officer independently determines that due process has not been adequately afforded to a party.
- (c) At the request of any party to an administrative hearing, an administrative hearing officer may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful by the administrative hearing officer to decide issues at the hearing. All costs related to the subpoena, including witness and mileage fines, shall be borne by the party requesting the subpoena.
- (d) The administrative hearing officer may reduce civil fines or fees upon a finding of good cause. The administrative hearing officer may reduce the fines to what is just and equitable under the circumstances; however, in connection with an appeal regarding an itemized statement of costs, the administrative hearing officer may not order the responsible person to pay less than actual costs incurred by the city and shall require the responsible person to pay the administrative costs as established in the consolidated fee schedule.
- (e) An administrative hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of: granting a continuance; ordering compliance by issuing an administrative order; ensuring compliance of that order; authorizing the city to enter upon private property to inspect or abate a violation; modifying an administrative order, assessing costs of abatement; assessing civil fines; or, where extraordinary circumstances exist, granting a new hearing.

# DRAFT

## Subject to Change

- (f) An administrative hearing officer may require a responsible person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement official handling the matter for the city.
- (g) An administrative hearing officer shall not make any order that would require or allow a person to violate state law or city ordinance.

### #-1-8. FAILURE TO ATTEND ADMINISTRATIVE HEARING.

A person who fails to appear at an administrative hearing shall be deemed to have waived all rights in connection with the hearing, including the right to appeal. Provided that proper notice of the hearing has been given as provided in #-1-5, an administrative order may be entered against a person based upon the failure to appear.

### #-1-9. ADMINISTRATIVE ORDER.

- (a) A person and the city may enter into a stipulated agreement, which shall be signed by both parties. Such agreement may be entered as an administrative order. Entry of such agreement shall constitute a waiver of the right to an administrative hearing and the right to appeal.
- (b) Within ten days after all evidence and testimony are presented, the administrative hearing officer shall issue a written administrative order that affirms, rejects or modifies the itemized statement of costs, administrative citation, notice of emergency abatement or other municipal action.
- (c) The administrative order shall specify the evidence supporting the administrative hearing officer's decision and the action required to satisfy the order.
- (d) The administrative hearing officer may assign the party who prevails at the administrative hearing to prepare findings of fact and conclusions of law.
- (e) An administrative hearing officer may issue an administrative order that requires a person to cease from violating the Revised Ordinances of Sandy City and to take any necessary corrective action.
- (f) An administrative hearing officer may order the city to enter the property and abate all violations, including the removal of animals in violation of an applicable code requirement. Whenever an order of abatement is entered, the administrative hearing officer shall order the responsible person to pay to the city the actual costs of the abatement and the administrative costs of the city to perform the abatement.
- (g) An administrative hearing officer may revoke a hobby license, an animal license, the right to possess animals.
- (h) As part of an administrative order, an administrative hearing officer may establish specific deadlines for the payment of fines and costs, and condition the total or partial assessment of civil fines on the responsible person's ability to take necessary corrective actions by specified deadlines. Such fines shall continue to accrue until the responsible person complies with the administrative hearing officer's decision and corrects the violation.
- (i) An administrative order imposing civil fines for failure to abate a violation of the Revised Ordinances of Sandy City by a stated deadline, shall continue to accrue additional fines until the responsible person complies with the administrative hearing officer's decision and corrects the violation but



# DRAFT

## Subject to Change

shall not exceed the fine limit set by Utah State Code (76-3-S301). (Fine limits set by the state [https://le.utah.gov/xcode/Title76/Chapter3/76-3-S301.html?v=C76-3-S301\\_2018050820190701](https://le.utah.gov/xcode/Title76/Chapter3/76-3-S301.html?v=C76-3-S301_2018050820190701))

- (j) An administrative hearing officer may schedule subsequent review hearings as may be necessary or as requested by the city to ensure compliance with an administrative order.
- (k) An administrative hearing officer may order a person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement official handling the matter for the city.
- (l) An administrative hearing officer may revoke or suspend a business license, a building permit, or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of real property or a structure where a violation is located as provided in Sandy City code.
- (m) An administrative order shall become final on the date of signing by an administrative hearing officer.
- (n) An administrative order shall be served on all parties.
- (o) An administrative hearing officer may take any action reasonably necessary to obtain compliance with the applicable city ordinances.
- (p) An administrative hearing officer may assess civil fines and costs of abatement and administrative costs to a responsible person.

### #-1-10. FAILURE TO COMPLY.

- (a) It shall be unlawful for any person to fail to comply with the terms and deadlines set forth in an administrative order.
- (b) A violation of this section shall be a class B misdemeanor.
- (c) Upon failure of a person to comply with the terms and deadline set forth in the administrative order, the city may use all appropriate legal means to recover the civil fines and administrative costs and to obtain compliance.

### #-1-11. APPEAL.

- (a) Any person adversely affected by an administrative order made in the exercise of the provisions of this title may file a petition for review in the district court.
- (b) The petition shall be barred unless it is filed within thirty (30) days after the administrative order is final.
- (c) In the petition, the person may only allege that the administrative order was arbitrary, capricious or illegal.
- (d) The court shall:
  - i. Presume that the administrative order is valid;
  - ii. Review the record to determine whether the order was arbitrary, capricious, or illegal; and
  - iii. Affirm the administrative order if it is supported by substantial evidence in the record.
- (e) Within one hundred twenty (120) days after submitting the petition, the party petitioning for appeal shall request a copy of the record from the proceedings.

# DRAFT

## Subject to Change

- i. The city shall not submit copies of files to the reviewing court until the party petitioning for appeal has paid all required costs.
- ii. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within one hundred eighty (180) days after the petition for review was filed shall be grounds for dismissal of the petition.
- (f) The court review shall be limited to the record of the proceeding. The court may not accept or consider any evidence outside such record unless that evidence was offered to the administrative hearing officer and the court determines that the administrative hearing officer improperly excluded it. The court may call witnesses and take evidence if there is no record.
- (g) The filing of a petition for review with the district court does not stay execution of an administrative order. Before filing a petition, a person may request the administrative hearing officer to stay an administrative order. Upon receipt of a request to stay, the administrative hearing officer may order the administrative order to be stayed pending district court review if the administrative hearing officer finds such stay to be in the best interest of the city.

### #-1-12. ABATEMENT.

- (a) Abatement of Violation: Any condition caused, maintained, or permitted to exist in violation of any provisions of the Revised Ordinances of Sandy City may be abated by the city pursuant to the procedures set forth in this title.
- (b) Enforcement Official Authority: An enforcement official is authorized to enter upon any property or premises to abate any violation of the Revised Ordinances of Sandy City pursuant to an administrative order when the Animal Control Director, or Community Development Director, or a designee with the approval of the Chief Administrative Officer. The administrative hearing officer may assess all actual and administrative costs incurred by the city for the abatement to the responsible person(s) and use any remedy available under the law to collect such costs. If additional abatements for the same or substantially similar code violations are necessary within one year of the date of any default judgment or administrative order, the enforcement official may assess additional costs against the responsible person(s) for the subsequent abatement(s).
- (c) The responsible person shall be liable for all actual and administrative costs associated with the abatement of the hazard. Costs may be recovered pursuant to this title through procedures set forth herein or through a court of competent jurisdiction.
- (d) Abatement By Responsible Person: If the city undertakes preparatory or other steps to perform an abatement pursuant to an administrative order, but the responsible person abates the violation before the city completes the abatement, the administrative hearing officer may still order the responsible person to pay all actual and administrative costs incurred by the city in undertaking preparatory or other steps to abate the violation.
- (e) Itemized Account: When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the city. The report shall contain the names and addresses of the responsible person, and the tax parcel numbers.
- (f) Notice: The enforcement official shall notify the responsible person(s) of the abatement action taken by the city. The notice shall be served within ten (10) business days of completion of the

# DRAFT

## Subject to Change

abatement and shall include a description of the work performed and an itemized accounting of costs, and shall demand full payment of all abatement costs, within twenty (20) days of the date of the notice.

- (g) Abatement Cost Hearing: Within ten (10) days of the notice provided for in subsection D of this section, the responsible person(s) may request a hearing; to contest the costs of the abatement, and the administrative hearing officer shall schedule and hold such a hearing according to the requirements of this title.

### #-1-13. EMERGENCY ABATEMENT

#### (a) Requirements for Emergency Abatement:

- i. Whenever the administrative hearing officer determines that a hazard exists that presents a clear and immediate danger, the administrative hearing officer may issue an emergency administrative order directing one or more of the following actions be taken:
  - (1) Immediate evacuation of any and all owners, tenants and occupants, and prohibiting occupancy until all imminent hazards have been corrected;
  - (2) Posting of the premises as unsafe, substandard, or dangerous;
  - (3) Boarding, fencing, or securing any building or site;
  - (4) Razing and grading the premises to the extent necessary to remove any imminent hazard to the general public;
  - (5) Making emergency repairs;
  - (6) Confiscating endangered domesticated animals; or
  - (7) Taking any other action appropriate to eliminate or protect the public against an imminent hazard.
- ii. This emergency administrative order shall be served on the responsible person(s), together with an administrative citation, at or before the time the ordered actions are to take place.
- iii. The enforcement official has the authority, based on probable cause, to direct city personnel to enter the property without a search warrant or court order to accomplish the above listed acts to abate the imminent hazard.
- iv. The enforcement official shall pursue, and the administrative hearing officer shall order only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard.
- v. The city may also pursue any other administrative or judicial remedy to abate violations.

- (b) Notice for Emergency Abatement: After an emergency abatement, the city shall provide the responsible person with the itemized statement of costs and notify the responsible person of the abatement action taken, and the location of any seized and removed personal property. This notice and itemized statement of costs shall be served within ten (10) business days after completion of the emergency abatement.

- (c) Request for Hearing in Case of Emergency Abatement: The responsible person(s) may request a code enforcement hearing to challenge the costs of an abatement. If timing of the emergency actions results in the notice of abatement being issued and served prior to a requested code enforcement hearing under the notice of violation, the hearing on the merits of the notice of

# DRAFT

## Subject to Change

violation can be consolidated with any requested hearing under this subsection to challenge a cost or abatement action.

### #-1-14. NON-PROPERTY RELATED EMERGENCY LICENSE SUSPENSION OR REVOCATION, EMERGENCY CEASE AND DESIST ORDERS:

- (a) Authority: The administrative hearing officer may issue an administrative order suspending or revoking a license or permit and/or an emergency cease and desist order on an emergency basis if:
  - i. Credible facts known by, or presented to, the administrative hearing officer show an imminent hazard; and
  - ii. The imminent hazard requires immediate action by the city.
- (b) Requirements: In issuing an emergency order, the enforcement official shall:
  - i. Limit the emergency order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare;
  - ii. Issue a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for the enforcement official's utilization of emergency proceedings; and
  - iii. Serve the emergency order together with an administrative citation on the persons who are required to comply with the order.

### #-1-15. CIVIL PENALTIES:

- (a) Assessment:
  - i. Any person violating any provision of the Revised Ordinances of Sandy City may be subject to the assessment of civil penalties for each violation, except civil penalties shall not be assessed when a criminal case has been filed for the same violation.
  - ii. Interest at the default rate provided in the Utah Code shall be assessed on all outstanding civil penalties, costs and/or unpaid fee balances, compounded monthly, until the penalties and fees have been paid in full.
  - iii. Civil penalties for violations of any provision of the Revised Ordinances of Sandy City or Utah Code shall be assessed pursuant to the city's fee schedule.
  - iv. If a responsible person fails to comply with an administrative order within the time stated, civil penalties shall accrue as of the date of the administrative citation and shall continue to accrue and be owed to the city for each and every subsequent day of violation.
- (b) Failure to Pay Penalties: The failure of any person to pay civil penalties assessed within the specified time may result in the city pursuing any and all legal remedies to collect the civil penalties.

### #-1-16. RECOVERY OF FINES AND COSTS:

- (a) Purpose:
  - i. The city council finds that there is a need to recover administrative costs incurred by enforcement officials to ensure compliance with the Revised Ordinances of Sandy City.

# DRAFT

## Subject to Change

- ii. The city council further finds that the assessment of costs in addition to penalty assessments is an appropriate method to recover actual costs of abating violations, performing re-inspections, retaining attorneys, preparing for and conducting hearings, title searches, and any additional costs incurred by the city for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties.
- (b) Assessment of Re-inspection Fines: Notification of re-inspection fines and costs shall be described on the administrative citation.
- (c) Filing Fees: A request for hearing for any of the permitted purposes under this title shall be accompanied by a filing fee as prescribed in the city's fee schedule.
- (d) Failure to Timely Pay Filing Fees and Costs: The failure of any person to pay assessed costs or filing Fees by the deadline specified in the Revised Ordinances of Sandy City or in a city invoice will result in no hearing being scheduled.
- (e) Statement of Intent Regarding Recovery of Code Enforcement Penalties and Costs through Liens and Collection Actions: The city council finds that recordation of code enforcement tax liens will assist in the collection of penalties, fines and costs and otherwise achieve compliance with the Revised Ordinances of Sandy City. The city council further finds that collection of civil penalties and assessed costs is important in deterring future violations and maintaining the integrity of Sandy City code. The procedures established in this title shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the Revised Ordinances of Sandy City.
- (f) Procedures for Tax Liens without a Judgment:
  - i. The city treasurer is authorized to record with the county treasurer a code enforcement tax lien against real property for the accrued fines, penalties and costs incurred during a city performed abatement.
  - ii. The failure of any person with a legal or financial interest in the property to actually receive the notice of code enforcement tax lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding penalties, costs and fines associated with an abatement.
- (g) Cancellation of Code Enforcement Tax Lien: Once payment in full is received for the outstanding fines, penalties and assessed costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the city treasurer shall either record a notice of satisfaction against the same property, or provide the property owner with the notice of satisfaction to be recorded. The notice of satisfaction shall include the same information as provided for in the original code enforcement tax lien. Such notice of satisfaction shall cancel the code enforcement tax lien.
- (h) Procedures for Tax Liens with a Judgment: Once a civil judgment has been obtained from the appropriate court approving fines, penalties and costs against the responsible person(s), the city treasurer may record that judgment as a code enforcement tax lien against any real property owned by the responsible person(s).
- (i) Recovery Of Costs Through Judicial Writ: After obtaining a civil judgment awarding fines, penalties and/or costs, the city treasurer may enforce the judgment by use of all appropriate legal means, including, but not limited to, garnishment of wages and accounts and foreclosure on real and personal property.

#-1-17. ABATEMENT FUND:

# DRAFT

## Subject to Change

There is hereby established a revolving fund to be known as the abatement fund to defray costs of code violation abatements. The fund shall be reimbursed by collection of fines, assessed costs and filing fees collected pursuant to this title, together with accruing interest, if any. The city treasurer shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used and expended to pay for abatements where the city must act and advance the costs. All monies recovered from the sale or transfer of seized or forfeited property shall be paid to the city treasurer, who shall credit the amount to the abatement fund.



## Staff Report

---

**File #:** 18-344, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

Mayor Bradburn requesting the City Council's advice and consent on the appointment of Wendy Downs as the City Recorder.

**Presenter:**

Mayor Bradburn

**Description/Background:**

City Recorder Molly Spira is retiring. Mayor Bradburn intends to appoint Deputy City Recorder Wendy Downs as the new City Recorder effective October 19, 2018

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

Adopt Resolution consenting to the appointment of Wendy Downs effective October 19, 2018.

Resolution #18-\_\_\_\_

A RESOLUTION OF THE SANDY CITY COUNCIL CONSENTING TO THE  
APPOINTMENT OF WENDY DOWNS AS THE SANDY CITY RECORDER EFFECTIVE  
OCTOBER 19, 2018

BE IT RESOLVED, by the City Council of Sandy City, Utah, that the Council hereby  
consents to the appointment of Wendy Downs as the Sandy City Recorder effective  
October 19, 2018.

PASSED AND APPROVED this 11<sup>th</sup> day of September 2018.

\_\_\_\_\_  
Steve Fairbanks, Chair  
Sandy City Council

ATTEST:

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

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





## Staff Report

---

**File #:** 18-333, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

Council office recommending the Council adopt "A Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to Serve on Special Committees"

**Presenter:** Dustin Fratto

**Description/Background:**

On September 4th, 2018 the Council requested edits to the attached policy manual as presented by Council Member Christensen and staff. It was requested that the Council Office make the recommended changes and then place the policy manual on the consent calendar for the next available Council Meeting.

At present the processes related to appointment and operation of special committees within the City is convoluted at best. Each committee has different membership numbers, appointment dates, term limits, etc. Accurately tracking membership has been difficult for staff and confusing for residents interested in participating. Furthermore, it is in the best interest of the City and our residents that these advisory special committees conduct their business as openly as feasible. For these reasons the Council should consider adopting the attached policy manual which will standardize processes and procedures for special committees while requiring that they conduct business as openly as possible.

**Further action to be taken:**

Upon adoption of the attached policy manual:

1. Title 22 of the Revised Ordinances of Sandy City will need to be updated with a section regarding special committees (item 18-324 on tonight's agenda)
2. Staff liaison's to special committee's will need to work with their committee to develop bylaws that will be approved by the Council
3. Staff liaison's to special committee's and Council staff will need to bring back resolutions appointing and/or re-appointing committee members to follow the guidelines set in the policy manual for the Council to adopt

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

Motion to adopt Resolution 18-40C

**Resolution No. 18-40C**

**A RESOLUTION OF THE SANDY CITY COUNCIL ADOPTING A  
POLICY AND PROCEDURE GUIDE FOR THE APPOINTMENT OF  
CITIZENS, STAFF, AND ELECTED OFFICIALS TO SERVE ON  
SPECIAL COMMITTEES.**

**WHEREAS** the Mayor and City Council have previously jointly created a number of special committees for the purpose of advising the City Council;

**WHEREAS** the special committees previously created by the Mayor and City Council have been governed by inconsistent bylaws, policies, and rules, which have been amended and departed from over the years since the special committees were originally created;

**WHEREAS** the City Council desires to resolve questions that have arisen regarding the status of various special committees that are currently in existence, to resolve questions regarding the appointment of members to special committees, clarify the procedures by which special committees operate, and affirm the valuable role that special committees play in assisting the Mayor and City Council;

**WHEREAS** the City Council has prepared and approved a Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to Serve on Special Committees (the "Policy Manual");

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SANDY CITY:**

1. The Policy Manual attached hereto and incorporated herein as **Exhibit A** is hereby approved. The Policy Manual will govern the organization and operation of all special committees jointly created in the City by the Mayor and City Council whether currently existing or created in the future.

2. The City Council may amend or revise the Policy Manual in the future by amending this resolution or by passing a separate resolution.

3. This resolution takes effect upon adoption.

**APPROVED AND ADOPTED** on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Steve Fairbanks, Chairman  
*Sandy City Council*

**Attest:**

\_\_\_\_\_  
Molly Spira, *City Recorder*

# **Exhibit A**

## ***The Policy Manual***



**A Policy and Procedural Guide for the Appointment of  
Citizens, Staff, and Elected Officials to Serve on  
Special Committees**

1. **TITLE:** A Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to Serve on Special Committees.
2. **PURPOSE:** To provide written policies and procedures detailing the administration of special committees, providing a description of duties, establishing minimum requirements for service and setting the term for service, and establish the method by which the City Council and Mayor may create these bodies and make appointments.
3. **SCOPE:** These policies and procedures are applicable to all individuals or groups who have been delegated responsibility in support of any Sandy City Special Committee. They apply to all special committees except as superseded by local, state, or federal law. Committees that shall adhere to the policies and procedures found within this manual include the Arts Guild, Civic Center Architectural Review Committee, Historic Committee, Community Development Block Grant (CDBG) Committee, and the Public Utilities Advisory Board. Other special committees may be added to the scope of this manual by joint resolution of the Mayor and City Council.
4. **EXCEPTIONS:**
  - a. Individual committee bylaws may further define the requirements found in this manual.
  - b. This manual doesn't apply to any external committee, board, or commission, regardless of whether or not the Mayor or Council appoint one or more representatives to said committee.
  - c. This manual doesn't apply to any statutory committee, board, or commission required by federal, state, or local law.
  - d. This manual doesn't apply to any executive committee as defined in Title 6-2-7 of the Sandy City Code: *The Mayor may solicit the advice of private parties and may administratively establish, drawing from City personnel and private parties, and executive committees to assist and provide counsel in the administration of City affairs. Any such committees so organized shall report to, be coordinated by, and have a liaison with the City through the executive branch of City government in a manner designated by the Mayor.*
  - e. This manual doesn't apply to any ad-hoc committees created by the Mayor or Council that are temporary in nature.
5. **DEFINITIONS:** The following terms and definitions apply:
  - a. **Special Committees (Committee):** A standing group of Sandy City residents, Sandy City business owners, experts, or other individuals who are jointly appointed by the Mayor and City Council to advise them on matters of importance to the City.
  - b. **Committee Member (Member):** An individual who is appointed by the Mayor or City Council to serve on a special committee who is not serving as a staff or council liaison.
  - c. **External Committee, Board, or Commission:** Refers to a Committee, Board, or Commission that is not operated or organized by Sandy City, but instead by a group or

organization external to the City. These committees, boards, or commissions sometimes host liaisons or representatives who are appointed by the Sandy City Mayor or Council.

- d. **Term:** Will mean the duration of any appointment to a board, commission, or committee or as a committee member, officer, liaison, or representative.

**6. RESPONSIBILITY:** The following entities have responsibility in committee appointment and administration

- a. **Special Committee:** It is the responsibility of special committees to advise the City Council regarding legislative matters and to advise the Mayor regarding administrative matters. A special committee has no final decision making authority.
- b. **City Council:** It is the responsibility of the City Council ("Council") to appoint qualified individuals as committee members. The Council may also appoint individual Council Members as Council Liaisons as described herein. Both council appointed committee members and council liaisons serve at the pleasure of the City Council.
- c. **Mayor:** It is the responsibility of the Mayor's Office ("Mayor") to appoint qualified individuals as committee members. The Mayor, or his appointee, will coordinate all staff activities for the committees including the appointment of one or more staff liaison's as described in this manual for each committee. Both mayoral appointed committee members and staff liaison's serve at the pleasure of the Mayor.
- d. **Council Liaison(s):** Appointed by the Council majority as described herein. A Council liaison will serve as an ex-officio, non-voting committee liaison and will assist their assigned committee in the following ways:
  - i. Informs the committee members about items of special interest, as directed by the Council.
  - ii. Reports on actions of the committee to the City Council.
- e. **Chairperson:** The Chairperson is a Committee Member appointed to a one-year term as elected at-large by the members of said committee. The Chairperson will:
  - i. Work with the staff liaison to set meeting agendas.
  - ii. Lead each meeting of the committee ensuring that the committee members and those in attendance adhere to the rules of procedure adopted by the committee.
  - iii. Advise the staff liaison and assist them with their duties.
- f. **Vice-Chairperson:** The Vice-Chairperson is a Committee Member appointed to a one-year term as elected at-large by the members of said committee. The Vice-Chairperson will:
  - i. Execute all powers of the Chairperson in their absence.

- g. **Staff Liaison(s):** Appointed by the Mayor as described herein. Staff liaisons will serve as an ex-officio non-voting committee liaison and will assist their assigned committee in the following ways:
  - i. Serves as the secretary and treasurer of the committee.
  - ii. Develops, sets, and publishes the meeting agenda in consultation with the chairperson.
  - iii. Keeps a record of meeting audio recordings, notes, and minutes.
  - iv. Informs the committee members of items of special interest.
  - v. Ensures that the work of the committee complements City goals.
  - vi. Monitors committee member participation and terms making it known to the City Council and Mayor when member appointments are due to expire.
  - vii. Represents the committee to the Mayor's Office, City Staff, and other committees.
  - viii. Makes committee presentations to the City Council as needed.
  - ix. Researches and provides background information and analysis on issues under consideration by the committee.
  - x. Drafts letters, memorandums, and other items of communication as requested by the committee.
  - xi. Provides professional and technical assistance to the committee.
  - xii. Facilitates any required or necessary training for the committee.
  - xiii. Ensures that the committee adheres to all applicable laws, ordinances, and policies.
- h. **Special Committee Members:** Have the responsibility to fulfill the goals, mission, and agenda of the committee they represent as full voting members.
- i. **Alternate Special Committee Members:** Have the responsibility to attend all meetings, but not vote on committee decisions unless serving in the place of a regular committee member. When an alternate is needed to fill the place of a regular member, the alternates will rotate the responsibility.
- j. **City Council Executive Staff:** Will maintain a directory of all committees; In addition, council staff will solicit applications for committee membership.

## 7. PROCEDURES

- a. All special committees shall be created by joint-resolution of the Mayor and City Council. When a new committee is created it shall be added to this manual, and will adhere to the policies and procedures prescribed within.
- b. In addition to this manual, each committee will operate under its own set of bylaws to be adopted by the committee and approved by the Mayor and City Council through a joint resolution.
- c. Each committee will hold meetings as required by their committee bylaws, and at such times as required by the Staff Liaison(s), the Mayor, or a majority of the City Council. All meetings of each special committees shall at minimum:
  - i. Publish annually an anticipated meeting schedule for the upcoming year including the date, time, and place of the anticipated meetings to the Utah Public Notice Website.
  - ii. Publish an agenda for each meeting at least 24 hours prior to the start of the meeting, posting one copy on the Utah Public Notice Website and one physical copy at City Hall. The agenda must detail each item that will be discussed, if an item is not on the agenda no final action can be taken on that item.
  - iii. Publish the date, time, and place of each individual meeting on the Utah Public Notice Website and at City Hall.
- d. Sandy City requires that each committee keep minutes via an audio recording of all meetings.
  - i. The audio of all committee meetings shall be recorded. The recording must include the date, time, place, and committee members in attendance at the meeting and are public documents that must be made available to the public. The audio recording must be complete and unedited.
- e. Generally all parts of committee meetings shall be open to the public. The rare circumstances when a meeting can be closed to the public can be found in Utah State Code Title 52-4.
- f. Committees generally receive no funding. Funding requests may be considered by the City Council on an annual basis prior to the adoption of the annual Sandy City Tentative Budget, or as otherwise deemed necessary by the City Council.
- g. Each committee, excluding the CDBG Committee, will consist of a minimum of three (3) and as many as seven (7) voting committee members. As many as five (5) appointed by a quorum of the City Council, and as many as two (2) appointed by the Mayor. The CDBG Committee will consist of a minimum of three (3) and as many as nine (9) voting committee members. As many as seven (7) appointed by a quorum of the City Council, and as many as two (2) appointed by the Mayor.



- h. Two alternate committee members may be appointed to each committee, one by the Mayor and one by a quorum of the City Council.
- i. Appointments of Committee Members will be for a term of two years. Appointments will be staggered to four (4) on odd numbered years and three (3) on even numbered years. Appointments will begin on January 1 and end on December 31. Appointments to vacant positions will serve to complete the unfulfilled term of service left by the vacancy. Any alternate committee members will be appointed on even numbered years. The CDBG Committee shall define an appointment process within the Committee Bylaws. Citizen Committee Members serve on a volunteer basis without compensation.
- j. It is the responsibility of the Mayor and the Council to monitor committee progress, recruit service members, and make timely appointments to said committees.
- k. The staff liaison, or the council liaison may recommend that the Mayor terminate a Mayoral appointment, or that the City Council terminate a Council appointment and declare the position vacant. The Mayor may not terminate a Council appointment, and the Council may not terminate a Mayoral appointment.
- l. It is appropriate for the Mayor and members of the City Council to recruit and ask to serve select citizens whose talents, expertise, and interest are most aligned with the mission, goals, and agenda of the committee in question.
- m. The City will maintain on file, for a period of two years, applications for committee service for review of the Mayor or City Council at any time.
- n. Should no action be taken by either the Mayor or the City Council to fill committee vacancies the incumbent committee members and liaisons, shall continue serving until such action takes place.
- o. The Mayor, or the Mayor's designee, shall appoint one or more non-voting Staff Liaisons for each committee who will serve to assist the committee as described herein. These Liaisons serve at the pleasure of the Mayor.
- p. With a majority vote, Citizen Committee Members may request in writing, through the Office of the Mayor, a change in assigned Staff Liaison for cause.
- q. The City Council may choose to appoint a maximum of two (2) ex-officio, non-voting, Council Liaison(s) for each committee who will serve to assist the committee as described herein. These Liaisons serve at the pleasure of the City Council.
- r. The City Department(s) under which a newly formed committee functions shall be designated by the Mayor.
- s. The Committee Chairperson, a majority of the Committee, the Staff Liaison, the Mayor, or a quorum of the City Council may request that an item be added to a committee meeting agenda providing the request provides a reasonable amount of time for the agenda to be amended if necessary.

- t. No committee member, officer, or liaison, has the authority to represent, act, or negotiate on behalf of the City or to commit City funds for any purpose.
  - u. A majority of the voting membership in attendance at any meeting of a Special Committee will constitute a quorum. A quorum is necessary to act on any agenda item. The positive or negative vote of the full quorum is required to approve or deny any action by the committee.
  - v. All committees may solicit other volunteer help to serve as deemed appropriate by the staff-liaison or a quorum of the voting members.
  - w. Members of any special committee are subject to the "Municipal Officers and Employees Ethics Act" as found in Title 10-3-13 of the Utah State Code.
- 8. MINIMUM REQUIREMENTS:** Except as superseded by said bylaws, local, state, or federal laws; a person filing an application for a position on a committee shall:
- a. Undergo a state and local background check through the Records Division of the Sandy City Police Department.



## Staff Report

---

**File #:** 18-343, **Version:** 1

**Date:** 9/11/2018

---

Approval of the September 4, 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*

---

Tuesday, September 4, 2018

5:15 PM

Council Chambers

---

### 5:15 Council Meeting

#### Roll Call

Council Office Director Michael Applegarth  
Council Office Analyst Dustin Fratto

#### **Administration:**

Mayor Kurt Bradburn  
CAO Matthew Huish  
Deputy to the Mayor Evelyn Everton  
Assistant CAO Shane Pace  
Assistant CAO Korban Lee  
City Attorney Bob Thompson  
Community Development Director James Sorensen  
Fire Chief Bruce Cline  
Parks & Recreation Director Scott Earl  
Police Captain Justin Chapman  
Public Utilities Director Tom Ward  
Public Works Director Mike Gladbach

**Present:** 5 - Council Member Brooke Christensen  
Council Member Kristin Coleman-Nicholl  
Council Member Steve Fairbanks  
Council Member Zach Robinson  
Council Member Linda Martinez Saville

**Absent:** 2 - Council Member Maren Barker  
Council Member Chris McCandless

#### Non-voting Items

##### Agenda Planning Calendar Review

Mike Applegarth reviewed the Agenda Planning Calendar along with a few upcoming items.

## Council Member Business

Brooke Christensen attended the presentation and tour of the Cairns District sponsored by the Administration. The Heritage Festival will be held this Saturday, September 8th from 11:00 a.m. to 2:00 p.m. The Chamber of Commerce Board has asked her to be on the Ambassador Club.

Zach Robinson requested a demonstration on the new Fire Department equipment. He spoke regarding a new communications policy for the City Council Office.

Steve Fairbanks will be attending the League of Cities and Towns Fall Conference next week which could impact scheduling for next week's agenda planning meeting.

## Council Office Director's Report

Mike Applegarth read a letter into the record from Harper and Carter Compton regarding an update to a slide in a city park. A response will be sent to Harper and Carter on behalf of the City Council and Mayor.

Linda Saville paid tribute to Babe Malstrom, a long time Sandy resident, who recently passed away. She presented mugs to the Mayor and Council which was a request from Babe Malstrom.

## Mayor's Report

Mayor Bradburn updated the Council on the dedication ceremony to honor former Mayor Tom Dolan at the River Oaks Club House on Monday, September 10, 2018 at 8:15 a.m.

## CAO Report

No Report.

## Legislative Report

Evelyn Everton updated the Council on issues being discussed during the Legislative Interim Session.

## Citizen Comments

Steve Van Maren suggested a few changes to the proposed Short Term Rental Ordinance. He felt that some of the concepts discussed may not have been captured regarding HOA's. He asked if the Council would be open to further recommendations.

Dustin Fratto responded to Mr. Van Maren's comments regarding HOA's.

James Sorensen reported that the City does not regulate HOA's and they are not required to turn their bylaws into the City.

Citizen Comments were closed.

## Voting Items

## Consent Calendar

## Approval of the Consent Calendar

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

**Yes:** 5 - Brooke Christensen  
Kristin Coleman-Nicholl  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**Absent:** 2 - Maren Barker  
Chris McCandless

1. [18-328](#) Approval of the August 21, 2018 Minutes.

**Attachments:** [August 21, 2018 Minutes](#)

Item approved.

2. [18-321](#) Approval of the August 28, 2018 Minutes.

**Attachments:** [August 28, 2018 Minutes](#)

Item approved.

## Council Items

3. [18-327](#) Council Member Robinson recommending the City adopt Resolution 18-46C on climate change.

**Attachments:** [Resolution 18-46C](#)

Zach Robinson thanked the Council and Administration for allowing him to put Resolution 18-46C for climate change on the agenda. He explained the recommendation for this resolution to impose fees on businesses that pollute.

## Public Comment

Dave Folland introduced the sequence of speakers.

Dave Ryser, explained how the resolution came to be, and the warming climate and effects on the environment.

Arthur Sutherland, spoke on the importance of controlling climate change and carbon emissions, and getting the attention of Congress.

Glen Johnson spoke on the scientific evidence of climate change and evidence that it is human caused.

David Folland thanked the Council for consideration of this resolution to help protect the children's future, and provide an insurance policy for our kids. Congress needs to hear our voice.

Comments were closed.

Council question and discussion followed.

**A motion was made by Kristin Coleman-Nicholl, seconded by Linda Martinez Saville, to adopt Resolution 18-46 C, a resolution urging Congress to levy a revenue-neutral fee on the caron in fossil fuels... The motion was denied by the following vote:**

**Yes:** 3 - Kristin Coleman-Nicholl  
Zach Robinson  
Linda Martinez Saville

**No:** 1 - Brooke Christensen

**Absent:** 2 - Maren Barker  
Chris McCandless

**Abstain:** 1 - Steve Fairbanks

Councilman Chris McCandless arrived at approximatley 6:26 p.m.

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

**Absent:** 1 - Council Member Maren Barker

4. [18-325](#) Council Member Christensen recommending the Council adopt "A Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to Serve on Special Committees"

**Attachments:** [Resolution 18-40C](#)

Brooke Christensen recommending the City Council adopt a policy for the Appointment of Citizens, Staff, and Elected Officials to Serve on Special Committees. She asked Dustin Fratto to explain the process that has been followed.

Council questions and discussion followed.

**Kris Nicholl made the motion seconded by Chris McCandless to table Resolution No. 18-40C, a resolution of the Sandy City Council, adopting a Policy and Procedure Guide for the appointment of Citizens, Staff, and Elected Officials to serve on Special Committees; and to bring the policy back with the Council's recommended changes discussed during the meeting, and to bring the amended draft back for adoption, and to have it placed on the Consent Calendar for adoption at the September 11, 2018 City Council Meeting...the motion was approved by the following vote:**

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

**Absent:** 1 - Maren Barker

5. [18-324](#) City Council Office recommending the City Council adopt ordinance 18-25 amending title 22 of the Revised Ordinances of Sandy City by adding a section to regulate special committees

**Attachments:** [Ordinance 18-25](#)

This item was tabled.

**Zach Robinson made the motion seconded by Chris McCandless to table Ordinance 18-25 amending Title 22 of the Revised Ordinances of Sandy City by adding a section to regulate special committees to a future date.....the motion carried by a unanimous voice vote.**

6. [18-322](#) Council Member Christensen recommending that the Council make appointments to the Community Development Block Grant (CDBG) Committee

**Attachments:** [Greg Wilson](#)

[Nate Nichol](#)

Brooke Christensen briefed the Council on the recommendations for appointments to the Community Development Block Grant (CDBG) Committee.

**Zach Robinson made the motion seconded by Chris McCandless to adopt Resolution 18-41C a resolution appointing Greg Wilson as a regular member to the Sandy City Community Development Block Grant (CDBG) Committee; to also adopt Resolution #18-42C a resolution appointing Nate Nichol as a regular member to the Sandy City Community Development Block Grant (CDBG) Committee with terms beginning September 5, 2018 and expiring on June 30, 2020**

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

**Absent:** 1 - Maren Barker

7. [18-323](#) Council Member Christensen recommending that the Council make appointments to the Historic Committee



**Attachments:** [Sheldon Wayne](#)  
[Terry Parkin](#)  
[Sean Kowallis](#)

Brooke Christensen briefed the Council on the appointments to the Historic Committee.

**Zach Robinson made the motion seconded by Linda Martinez Saville to adopt Resolution #18-44C, a resolution appointing Sheldon Wayne as a Regular Member to the Sandy City Historic Committee with a term beginning September 5, 2018 and expiring December 31, 2019; adopting Resolution #18-45C a resolution appointing Terry Parkin as a regular member to the Sandy City Historic Committee with a term beginning September 5, 2018 and ending December 31, 2019; and Resolution #18-43C appointing Sean Kowallis as a regular member to the Sandy City Historic Committee with his term beginning September 5, 2018 and expiring on December 31, 2020**

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

**Absent:** 1 - Maren Barker

8. [18-320](#) Council Member Nicholl recommending amendment to Title 6, Sandy City Administrative Code pertaining to Council-Mayor Relationships.

**Attachments:** [Ordinance 18-24.docx](#)

Kris Coleman Nicholl sponsored the recommendation to amend Title 6, Sandy City Administrative Code pertaining to Council-Mayor Relationships.

**Chris McCandless made the motion seconded by Zach Robinson to adopt Ordinance 18-24 an ordinance amending Title 6, of the revised ordinances of Sandy City adopting revisions to the Administrative Code; also providing a saving clause for the ordinance and an effective date....the motion passed by the following vote.....**

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

**Absent:** 1 - Maren Barker

9. [18-318](#) Council Office proposing a position reclassification.

**Attachments:** [Draft Senior Management Analyst- City Council.pdf](#)

Mike Applegarth introduced the recommended position reclassification for the Council Analyst to Senior Management Analyst.

**Kris Coleman Nicholl made a motion seconded by Zach Robinson to support the analyst reclassification as presented....motion carried by the following vote:**

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

**Absent:** 1 - Maren Barker

10. [18-326](#) Council Member Nicholl recommending an amendment to the Sandy City Purchasing Code clarifying the City Council's contracting authority.

**Attachments:** [Title 11 - Council Contracting Authority Proposed Amendment.docx](#)

Kris Coleman Nicholl presented the code amendment to clarify that the City Council has the ability to contract for professional services.

**Kris Coleman Nicholl made a motion seconded by Chris McCandless to support the language and further development of the proposed code amendment to the Sandy City Purchasing Code clarifying the City Council's contracting authority and to bring it back on the Consent Calendar for adoption.....the motion carried by the following vote:**

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

**Absent:** 1 - Maren Barker

## 7:00 Time Certain Items and Public Hearings

### Prayer / Pledge of Allegiance

Council Member Brooke Christensen offered the opening prayer.

Council Member Linda Martinez Saville led the audience in the pledge.

## Citizen Comments

There were no Citizen Comments.

## Adjournment

The meeting adjourned at approximately 7:25 p.m. by Kris Coleman Nicholl seconded by Brooke Christensen. The next scheduled meeting of the City Council is Tuesday, September 11, 2018 at 5:15 p.m.

---

Steve Fairbanks, Chair  
Sandy City Council

---

Pam Lehman  
Meeting Clerk





## Staff Report

---

**File #:** 18-340, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

City Council Office recommending the City Council adopt ordinance 18-25 amending title 22 of the Revised Ordinances of Sandy City by adding a section to regulate special committees

**Presenter:** Dustin Fratto

**Description/Background:**

This amendment will add a new section to Chapter 1 of Title 22 in order to regulate those committees created jointly by resolution of the Mayor and Council, special committees. The code amendment states:

22-1-8. Special Committees.

- (a) Creation: The City Council and Mayor may jointly create special committees to advise the Council on legislative matters and the Mayor on administrative matters, or to serve Sandy City in other ways.
- (b) Applicability: Unless otherwise provided by state law, federal law, this code, or executive order this chapter shall apply to all city special committees whether presently organized or to be organized at a future date.
- (c) Procedural Guide: Jointly created special committees shall be governed by the policy and procedure manual, titled "A Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to serve on Special Committees" ("Policy Manual"), which may be amended from time to time by resolution of the city council.
- (d) Retirement Eligibility: Members of special committees are not benefited employees and are not eligible to participate in the Utah retirement system, unless otherwise entitled to benefits as employees of the City or other entity.

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

Motion to adopt ordinance 18-25

ORDINANCE #18-25

AN ORDINANCE ENACTING TITLE 22, CHAPTER 1, SECTION 8, "SPECIAL COMMITTEES"; ALSO PROVIDING A SAVING CLAUSE FOR THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to enact an ordinance of Sandy City, to be codified at Title 22, "Legislative Code", Chapter 1, "City Council", Section 8 "Special Committees" of the Revised Ordinances of Sandy City; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

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

Section 1. The Special Committees ordinance of Title 22, Chapter 1 of the Revised Ordinances of Sandy City is hereby enacted as set forth in **Exhibit "A"** which is attached to and incorporated in this ordinance.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 4. This ordinance shall become effective upon publication of a summary thereof and the City Recorder is hereby directed to publish such summary as soon as practically possible.

PASSED AND APPROVED by the Sandy City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

---

Steve Fairbanks  
Sandy City Council Chair

PRESENTED to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Kurt Bradburn, Mayor

ATTEST:

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

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

SUMMARY PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2018.

## **Attachment "A"**

### **22-1-8.        Special Committees.**

- (a) Creation: The City Council and Mayor may jointly create Special Committees to advise the Council on legislative matters and the Mayor on administrative matters, or to serve Sandy City in other ways.
- (b) Applicability: Unless otherwise provided by state law, federal law, this code, or executive order this chapter shall apply to all city Special Committees whether presently organized or to be organized at a future date.
- (c) Procedural Guide: Jointly created Special Committees shall be governed by the policy and procedure manual, titled "A Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to serve on Special Committees" ("Policy Manual"), which may be amended from time to time by resolution of the city council.
- (d) Retirement Eligibility: Members of Special Committees are not benefited employees and are not eligible to participate in the Utah retirement system, unless otherwise entitled to benefits as employees of the City or other entity.



## Staff Report

---

**File #:** 18-336, **Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

Council Member Robinson introducing amendments to the Council Media Policy.

**Presenter:**

Council Member Robinson

**Description/Background:**

The existing Council Media Policy is primarily reactive and describes the steps taken when a media representative contacts the Council Office or Council Members. It does not anticipate the need for the City Council to communicate proactively, and fails to adequately address social media platforms.

**Fiscal Impact:**

There is no fiscal impact associated with this item.

**Further action to be taken:**

Council Member Robinson will take the Council's feedback into consideration and incorporate recommendations into a proposed final draft.

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

Motion to continue developing a revised media policy to be brought back for final consideration.



# Sandy City Council

## Policies and Procedures

Original Approval Date: March 17, 2015

Revision:

Chapter:

Section:

Date Council Approved:

---

SUBJECT: Council Communication Policy

### BACKGROUND:

Council Members are independently elected officials, and the City Council as a whole is an independently elected branch of City government. The City Council strives to maintain and cultivate a collaborative relationship with the Mayor and Administration. The City Council and its Members individually have interest in proactively communicating information to residents and the media. This policy is intended as a guide to Council Members and Council Office staff when sharing information or addressing requests from media representatives. In the areas of mass communication and media relations, it is important for Sandy City to “speak” with a unified voice to the greatest extent feasible.

### POLICY:

1. The City Council encourages open, responsive, and productive public outreach, communication and media relations.
2. The City Council respects the right and responsibility of independently elected officials to provide information to constituents and the media. Elected officials retain their First Amendment rights. As independently elected officials, City Council Members have the discretion to proactively contact media organizations or utilize social media. When engaging the public via traditional or social media, Council Members are strongly encouraged to first consult with Administration’s Communications staff and/or Council Office staff, and offer content which facilitates constructive, meaningful public awareness and debate.
3. The Council Office and Council Members individually may utilize social media to enhance communications with citizens. The Council Office is responsible for managing and maintaining social media accounts for the Council as a whole. The purpose of any City Council social media platform is educational and shall be limited to providing factual information about actions of the City Council. Questions about City Council social media content shall be decided by the City Council Chair.
4. Council members may choose to create and manage their own social media accounts to communicate with the public. These accounts may be subject to public records laws.

**Sandy City Council**  
Policies and Procedures

5. Requests from media representatives to speak with a specific Council Member shall be referred to the Council Member requested. City Council Members retain the discretion to personally respond to media requests, or delegate the response to the appropriate staff representative. When engaging the media as an individual, Council Members should make clear that their views and opinions do not represent the views and opinions of the entire Council.
6. Requests from media representatives for general information about the City Council, its actions or policies shall be referred to the Council Chair. The Council Chair retains the discretion to personally respond on behalf of the City Council, or delegate the response to the appropriate staff representative.
7. In order to ensure timely, complete and accurate responses to media requests and maintain unanimity where feasible, Council Members and/or the Council Chair on behalf of the Council are encouraged to notify Administration's Communications staff, and/or Council Office staff before offering a response to a media request.
8. This policy is internal to the City Council and is not intended to infringe or restrict the Mayor's communication policies. Citizens often contact the City Council about Sandy City issues they learn about through various media outlets. In order to be as responsive to residents and up-to-date as possible the City Council appreciates appropriate opportunities for advanced consultation in Sandy City sponsored media events or other information releases.



## Staff Report

**File #:**  
ANEX-07-18-5450(CC),  
**Version:** 1

**Date:** 9/11/2018

---

### Agenda Item Title:

East Willow Creek Annexation  
2771-3036 East Willow Creek Drive (8500 South)  
Mountain Views, Community #19

### Presenter:

Brian McCuiston

### Description/Background:

Josh and Danielle Green are requesting annexation for properties located at 2771 - 3036 East Willow Creek Drive (8500 South). The area under consideration for annexation contains 40 parcels, but 37 property owners. All but three of the parcels have existing homes. Twenty-seven property owners have consented, with four owners opposing the proposed annexation. The other property owners have not signed a consent form, but have been contacted and are aware of the proposed annexation request. The south side of Willow Creek Drive is bordered by Sandy City.

There are two existing Salt Lake County zoning districts for these unincorporated parcels. There are six townhome units plus two single-family dwellings that are zoned RM. The other parcels are zoned A-1. The A-1 Zone allows single family homes on minimum 10,000 square foot lots. Staff is proposing to annex the subject properties into the City with the R-2-10 zone for the six townhome units and R-1-10 for the other parcels.

On July 31, 2018, the City Council adopted Resolution #18-39C, indicating an intent to annex this unincorporated areas, set a hearing date and directed the publication of hearing notice.

### Recommended Action and/or Suggested Motion:

The Planning Commission reviewed this request on September 6, 2018. They are forwarding a positive recommendation to approve this annexation and zone the properties R-2-10 and R-1-10 (see zoning map) based upon the following findings:

1. The area is contiguous to the Sandy City boundary (south side).
2. The properties are located within an area designated in the Sandy City General Plan for incorporation.
3. The City is annexing this area without a petition according to Utah Code 10-2-418.
4. The City can provide a high level of other municipal services to these properties.
5. The R-2-10 and R-1-10 zones are appropriate for these parcels based upon current land use and lot sizes (as shown on proposed zoning map).

---

**File #:**  
ANEX-07-18-5450(CC),  
**Version:** 1

---

**Date:** 9/11/2018



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

September 6, 2018

---

**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** East Willow Creek Annexation (R-2-10 and R-1-10) Zones  
2771 – 3036 East Willow Creek Drive  
(Community #19 – Mountain Views)

ANEX-07-18-5450  
Approximately 14.9  
acres

---

**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area.*

### BACKGROUND

Josh and Danielle Green are requesting annexation for properties located at 2771 – 3036 East Willow Creek Drive (8500 South). The area under consideration for annexation contains 40 parcels, but 37 property owners. All but three of the parcels have existing homes. Twenty-seven property owners have consented, with four owners opposing the proposed annexation. The other property owners have not signed a consent form, but have been contacted and are aware of the proposed annexation request.

The south side of Willow Creek Drive is bordered by Sandy City.

### ANALYSIS

The annexation is being considered by the City for the following reasons:

1. The area is **contiguous** to the Sandy City boundary (south side).
2. The properties are located within an area designated in the **Sandy City General Plan** for incorporation.
3. The City is presently providing **fire service and emergency medical service** to this area.
4. The City can provide a high level of other **municipal services** to these properties.

### General Plan

Portions of the **Sandy City General Plan** which relate to this application are as follows:

p.43 *Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.*

p.44 *Require proposed zoning changes to be in harmony with established neighborhoods.*

### **Zoning**

There are two existing Salt Lake County zoning districts for these unincorporated parcels. There are six townhome units plus two single-family dwellings that are zoned RM. The other parcels are zoned A-1. The A-1 Zone allows single family homes on minimum 10,000 square foot lots.

In general, when Sandy City annexes a property into the City from Salt Lake County we have always been sensitive to what the property was zoned in the County. In most cases we have been able to zone property to a comparable zone as we annex them into the City. As we have done this we have taken into account the existing properties that are adjacent to the area being annexed and try to assure that the annexed area is compatible with the existing area.

Staff is proposing to annex the subject properties into the City with the R-2-10 zone for the six townhome units and R-1-10 for the other parcels.

### **STAFF RECOMMENDATION**

It is recommended that the Planning Commission send a positive recommendation to the City Council that the East Willow Creek Annexation be approved and zoned R-2-10 and R-1-10 based upon the following findings:

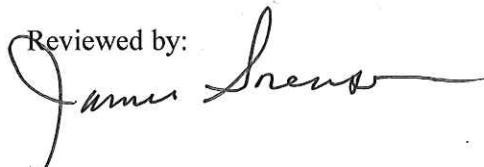
1. The area is **contiguous** to the Sandy City boundary (south side).
2. The properties are located within an area designated in the **Sandy City General Plan** for incorporation.
3. The City is presently providing **fire service and emergency medical service** to this area.
4. The City can provide a high level of other **municipal services** to these properties.
5. The R-2-10 and R-1-10 zones are appropriate for these parcels based upon current land use and lot sizes (as shown on proposed zoning map).

Planner:



Brian McCuistion  
Planning Director

Reviewed by:



James Sorensen  
Community Development Director

Legal Review:



Darien Alcorn  
City Attorney

Waterford Annexation

<u>Property Owner</u>	<u>Sidwell Number</u>	<u>Market Value (2018)</u>	<u>Acres</u>
Hyland, James and Barbara	22-35-352-015	\$639,900	.12
Smith, Brian and Michael	22-35-352-019	\$642,800	.13
Eckwortzel, Gary	22-35-352-023	\$565,800	.13
Hendry, Michael and Karan	22-35-352-024	\$725,500	.14
Humphrey, Melisa and Christopher	22-35-352-017	\$590,900	.14
Meier, Nadyne	22-35-352-018	\$663,400	.15
Williams, William	22-35-352-013	\$657,600	.32
Pyper, Mark and Anne	22-35-352-014	\$855,800	.32
Doyle, Zane and Debbie	22-35-352-010	\$231,100	.27
Doyle, Zane and Debbie	22-35-352-002	\$495,300	.31
Willow Creek Home, LLC	22-35-352-003	\$693,600	.35
Terry, Michelle	22-35-352-004	\$654,900	.36
Sanders, Ryan and Melanie	22-35-352-005	\$561,400	.35
Naylor, Maryam	22-35-377-001	\$535,300	.26
Mitchell, Scott and Kristine	22-35-377-002	\$517,700	.30
Holmes, Cynthia	22-35-377-003	\$426,700	.27
Fyfe, Sean and Laura	22-35-377-004	\$440,200	.27
Pettersen, Ann Marie	22-35-377-005	\$640,100	.28
Duke, Joy	22-35-377-006	\$1,198,800	.24
Barber, David and Kandace	22-35-377-020	\$1,084,000	.38
Morgan, Joyce	22-35-377-023	\$1,124,300	.42
Janice W HALL FAM TR ET AL	22-35-377-010	\$905,300	.25
Janice W HALL FAM TR ET AL	22-35-377-012	\$20,500	.09
Ottowicz, Jozef and Anna	22-35-377-022	\$732,900	.73
Martinez, Dan and Ileana	22-35-377-019	\$711,600	.57
Heath, Grant and Paula	22-35-378-014	\$1,035,200	.40
Heath, Grant and Paula	28-02-129-020	\$111,090	.79
Seager, Shawn and Alyssa	22-35-378-013	\$654,500	.27
Green, Danielle and Joshua	22-35-378-012	\$645,600	.28
Woodward, Jacob and Kathryn	22-35-378-011	\$653,700	.28
Butterfield, Brent and Kimberlee	22-35-378-010	\$740,000	.26
Halupka, Frederick JR, and Karline	22-35-378-009	\$461,200	.33
Bradford, Wendy	22-35-378-008	\$588,700	.31
Angwin, Grant and Johanna	22-35-378-007	\$501,300	.34
Haradin, West	22-35-378-015	\$518,600	.28
Athas, Beatrice	22-35-378-005	\$452,200	.28
Baldrige, David and Munson, Deann	22-35-378-004	\$479,300	.26
Sandberg, Landon	22-35-378-003	\$468,300	.24
Finch, Lawrence	22-35-378-002	\$482,000	.23
Layton, Shelly	22-35-378-001	\$430,600	.24



EAST WILLOW CREEK ANNEXATION  
RESOLUTION #18-39C

A RESOLUTION INDICATING INTENT TO ANNEX  
AN UNINCORPORATED AREA, SETTING A HEARING  
TO CONSIDER SUCH AN ANNEXATION, AND  
DIRECTING PUBLICATION OF HEARING NOTICE.


The City Council of Sandy City, State of Utah, finds and determines as follows:

1. Sandy City ("City") desires to annex a certain contiguous unincorporated area, totaling approximately 14.9 acres, located at approximately 2771 East to 3036 East Willow Creek in Salt Lake County, Utah, and more specifically described in the description attached hereto as Appendix "A".
2. The City is authorized to annex the area without a petition pursuant to Utah Code Annotated §10-2-418.
3. The annexation of that portion of an island or peninsula, leaving unincorporated the remainder of that island or peninsula, is in the City's best interests.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sandy City, Utah that it does hereby:

1. Indicate the City Council's intent to annex the area described in Appendix "A".
2. Determine that not annexing the entire unincorporated island or unincorporated peninsula is in the City's best interest.
3. Set a public hearing for September 11, 2018, at 7:05 p.m. to consider the annexation.
4. Direct the City Recorder to publish and send notice of such hearing in accordance with Utah Code Annotated §10-2-418.

ADOPTED by the Sandy City Council this 31<sup>st</sup> day of July, 2018.

  
Steve Fairbanks, Chair  
Sandy City Council

ATTEST:

  
City Recorder

RECORDED this 7<sup>th</sup> day of August, 2018.





# **APPENDIX A**

## APPENDIX A – LEGAL DESCRIPTION

### EAST WILLOW CREEK DRIVE ANNEXATION

#### TO SANDY CITY

JULY 3, 2018

Beginning at a Northwesterly Corner of the current Sandy City Boundary established by the COBBLE CANYON LANE ANNEXATION to Sandy City, recorded August 21, 2014 as Entry No. 11900999 in Book 2014P of Plats at Page 214 in the office of the Salt Lake County Recorder, said point lies North 89°55'05" West 231.70 feet, more or less, along the Section Line (record bearing for this Section Line shown on the recorded plat of said COBBLE CANYON LANE ANNEXATION is North 89°54'48" West) from the South Quarter Corner of Section 35, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence from said point of beginning, along said current Sandy City Boundary the following three (3) courses (Note: The record bearings of the current Sandy City Boundary established by said COBBLE CANYON LANE ANNEXATION have been rotated 0°00'17" counterclockwise to coincide with the bearing base of this description):

(1) South 30°57'21" West 193.42 feet (record = South 30°57'38" West);  
(2) South 35°27'32" West 86.32 feet (record = South 35°27'49" West);  
(3) South 45°32'03" West 83.72 feet (record = South 45°32'20" West) to intersect an easterly line of the current Sandy City Boundary established by the OAK VALLEY DRIVE ANNEXATION to Sandy City, recorded August 21, 2014 as Entry No. 11901003 in Book 2014P of Plats at Page 215 in the office of said Salt Lake County Recorder;

thence along said current Sandy City Boundary the following four (4) courses:

(1) North 0°00'03" East 295.12 feet (record = North 0°00'20" East) to intersect the Section Line;  
(2) North 89°55'05" West 1216.70 feet (record = (North 89°54'48" West) along said Section Line to intersect the southwesterly right-of-way line of Tracy Drive;  
(3) North 30°00'17" West 82.902 feet (record = North 30°00'00" West) along said southwesterly right-of-way line of Tracy Drive;

(4) Northwesterly 150.976 feet along the arc of a tangent curve to the left having a radius of 224.683 feet, a central angle of 38°30'00" and a chord bearing and length of North 49°15'17" West 148.151 feet (record North 45°15'00" West) along said southwesterly right-of-way line of Tracy Drive;

thence departing from the current Sandy City Boundary, along the southerly right-of-way line of Willow Creek Drive as dedicated by WILLOW CREEK SUBDIVISION NO. 12, recorded April 7, 1971 as Entry No. 2378809 in Book II of Plats at Page 89 in the office of said Salt Lake County Recorder, North 68°30'00" West 445.51 feet; thence crossing said Willow Creek Drive, to and along the westerly boundary of that parcel of land currently identified by Parcel No. 22-35-352-015 described by that certain Warranty Deed, Entry No. 11274260, Book 9964, Pages 2891-2892, North 21°30'00" East 180.00 feet to the Northwest Corner of said Parcel; thence South 77°01'51" East 202.24 feet along the northerly boundary of the following five (5) parcels of land identified as follows:

(1) said Parcel No. 22-35-352-015;  
(2) Parcel No. 22-35-352-019 described by Warranty Deed, Entry No. 12729032, Book 10653, Pages 2283-2285;

(3) Parcel No. 22-35-352-023 described by Warranty Deed, Entry No. 9583713, Book 9230, Pages 7422-7423;

(4) Parcel No. 22-35-352-024 described by Corrective Warranty Deed, Entry No. 12150863, Book 10370, Page 1626;

(5) Parcel No. 22-35-352-017 described by Warranty Deed, Entry No. 12603219, Book 10591, Pages 7589-7590;

thence South 68°30'00" East 311.34 feet along the northerly boundary of the following five (5) parcels of land identified as follows:

(1) said Parcel No. 22-35-352-017;

(2) Parcel No. 22-35-352-018 described by Trust Transfer Deed, Entry No. 11498929, Book 10069, Pages 5209-5210;

(3) Parcel No. 22-35-352-013 described by Warranty Deed, Entry No. 10671823, Book 9708, Page 7991;

(4) Parcel No. 22-35-352-014 described by Warranty Deed, Entry No. 10352606, Book 9572, Page 2495;

(5) Parcel No. 22-35-352-010 described by Quit Claim Deed, Entry No. 11686995, Book 10160, Pages 6781-6785, to the Northwest Corner of Lot 1, said WILLOW CREEK SUBDIVISION NO. 12; thence along the north boundary of said WILLOW CREEK SUBDIVISION NO. 12, East 892.568 feet to the Northwest Corner of WILLOW CREEK SUBDIVISION 12 PLAT "A" subdivision, recorded October 1, 1976 as Entry No. 2862041 in Book 76-10 of Plats at Page 205 in the office of said Salt Lake County Recorder; thence along the north boundary of said subdivision, East 275.72 feet, more or less, to the Southwest Corner of that parcel of land currently identified by Parcel No. 22-35-377-012 and described in that certain Warranty Deed, Entry No. 12624085, Book 10602, Pages 5328-5329; thence along the boundary of said Parcel the following four (4) courses: (1) North 60.015 feet; (2) North 88°08'07" East 44.459 feet; (3) North 65°07'57" East 17.156 feet; (4) South 9.891 feet, more or less, to the Northwest Corner of that parcel of land currently identified by Parcel No. 22-35-377-022 described by that certain Warranty Deed, Entry No. 6966512, Book 7980, Page 2035; thence along the boundary of said Parcel the following two (2) courses: (1) East 194.904 feet; (2) South 107.06 feet; thence along the easterly boundary of that parcel of land currently identified as Parcel No. 22-35-377-019 described by that certain Warranty Deed, Entry No. 12682525, Book 10631, Pages 410-411, South 275.22 feet;

thence along the easterly boundary of that parcel of land currently identified as Parcel No. 22-35-378-014 described by that certain Quit Claim Deed, Entry No. 9552449, Book 9216, Pages 5182-5183, South 18.00 feet, more or less, to intersect the Section Line; thence along said Section Line, South 89°55'05" East 18.30 feet to the Point of Beginning.

The above-described area contains approximately 14.9 acres.



Date: May 9th 2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Jo Angwin.

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2944 Willow Creek Drive, Sandy, UT 84093

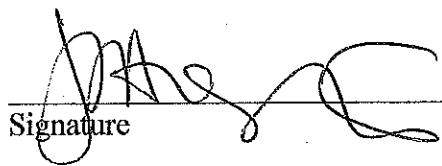
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801 243 5022

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature

Date: 5/9/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is B. Arbo.

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2914 McManis St.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-747-2217

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

B. Arbo  
Signature

\_\_\_\_\_  
Signature

Date: 5/7/2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is DAVID D. BAIZER

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2979 Willow Creek Drive, Sandy, UT 84093

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-831-1060

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

David D. Baizer  
Signature

\_\_\_\_\_  
Signature

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

Date: 5/21/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Wendy Bradford

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

29600 E. Willow Creek Dr., Sandy, UT 84093

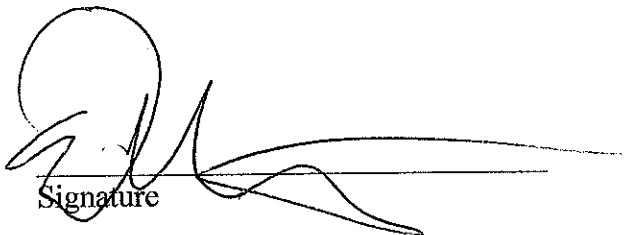
This property is part of an island or peninsula and is contiguous to Sandy City.

☒ I (we) **CONSENT** to have Sandy City annex this property.

☒ I (we) can be reached at : 801 518 3623

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature



Date: 5/19/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Debbie Doyle

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2843 Willow Creek Dr.  
2 lots

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-891-2003

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Debbie Doyle  
Signature

\_\_\_\_\_  
Signature

Date: 5/9/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Joy Duke

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2969 Willow Creek Dr. Sandy, UT 84093.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-550-5544

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Signature

Joy Duke

Signature

Date: 5/5/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is LARRY & Patti Finch

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2870 Willow Creek Dr Sandy, 84093

This property is part of an island or peninsula and is contiguous to Sandy City.

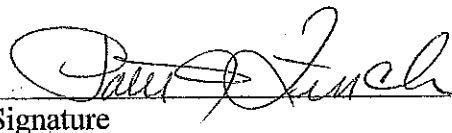
I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801/930-9967

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

  
Signature

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

Date: 5/9/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Laura Fyfe.

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2945 E. willow Creek Dr.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at (801) 634-4848

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Laura Fyfe  
Signature

\_\_\_\_\_  
Signature

Date: 4-26-18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Josh Green.

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

3004 E Window Creek Dr

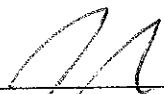
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-231-0654

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Date:

9/9/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Janice Hall.

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

3017 Willow Creek Dr.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : \_\_\_\_\_

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Janice Hall  
Signature

Janice Hall  
Signature

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENTDate: 4-27-2018Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070My name is Paula + Tom Heath

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at:

3030 E. Willow Creek Dr

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.I (we) can be reached at: 801 647 7138

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

GT Heath

Signature

Paula R Heath

Signature

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

Date: 12 May 2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Eric Humphrey ~~E. R. Humphrey~~

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2793 E Willow Creek Rd Sandy, UT

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-205-8997

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature



Date: 5/9/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Dan Martinez

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

3036 E. Willow Creek Dr., Sandy, UT 84093

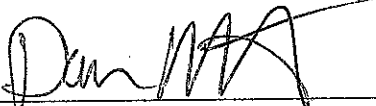
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-502-6092

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

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

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is

NABYWE NEIER

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2795 E. Willow Creek Drive

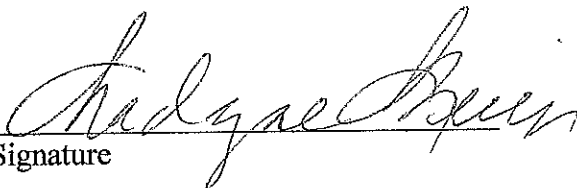
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : (801) 733-9414

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature

Date: May 12, 2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Curtis Mitchell

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2884 Willow Creek Dr. Sandy, UT 84093

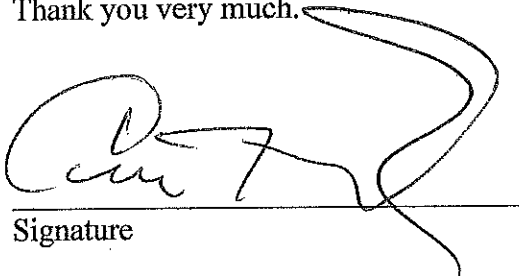
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-641-6006

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature

Date: 5-9-18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Jim & Joyce Magan

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

3005 Willow Creek Drive

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property. JMC

I (we) can be reached at : 801-450-9102

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Joyce Magan  
Signature

Jim Magan  
Signature

Date: 5/8/2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is DEANN MUNSON / DAVID BALDRIDGE

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2900 E. WILLOW CREEK DR, SANDY UT. 84093

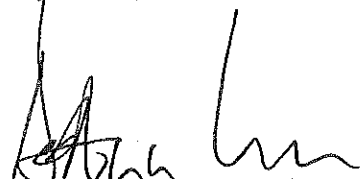
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-733-5015

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Date: 5.16.18

RECEIVED

JUN 13 2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Brian Pettersen

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2961 E Willow Creek Dr.

This property is part of an island or peninsula and is contiguous to Sandy City.

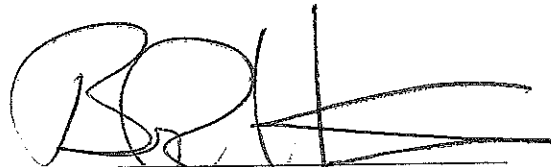
I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-5145085

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Signature

Date:

5/7/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is

Mark Pyper

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2827 Willow Creek Dr.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

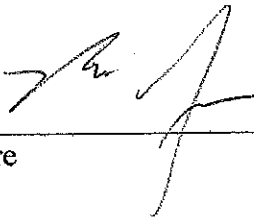
I (we) can be reached at :

801 / 641-1501

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Signature



Signature

Date: May 5, 2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Ryan Sorensen.

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2005 E William Allen Dr Sandy UT 84093

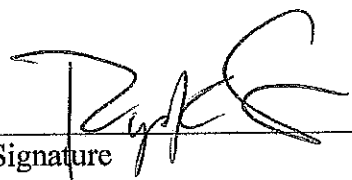
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801 308 0909

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature



Date: April 27, 2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Shawn Seager & Alyssa Seager

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

3018 Willow Creek Dr.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801 824 1066

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

[Signature]  
Signature

[Signature]  
Signature

RECEIVED  
MAY 21 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

Date: May 17, 2018

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Michelle Terry

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2871 E. Willow Creek Dr, Sandy UT 84093

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801 910 8779

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Michelle Terry  
Signature

\_\_\_\_\_  
Signature

Date: 5/20/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED  
JUN 13 2018  
SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Elaine Turley

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2857 E. Willow Creek Dr

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : \_\_\_\_\_

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

Elaine Turley  
Signature

\_\_\_\_\_  
Signature

Date: May 16/18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

My name is Shelly Walsen

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2858 E. Willow Arch Dr.

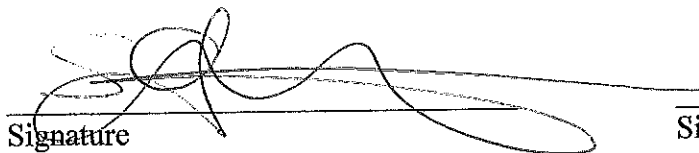
This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 702-525-4700

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

  
Signature

\_\_\_\_\_  
Signature

Date:

5/5/18

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Katie Woodward

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2992 Willow Creek Dr.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801 450 4226

Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

K Woodward  
Signature

J Woodward  
Signature

RECEIVED

JUN 13 2018

SANDY CITY  
COMMUNITY DEVELOPMENT

Date: 5-19-18

Attn: James Sorensen  
Sandy City Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

My name is Skylar Wright

I am (we are) the property owner(s) of property in the unincorporated area of Salt Lake County located at :

2903 1/2 Willow Creek Dr.

This property is part of an island or peninsula and is contiguous to Sandy City.

I (we) **CONSENT** to have Sandy City annex this property.

I (we) can be reached at : 801-694-9531

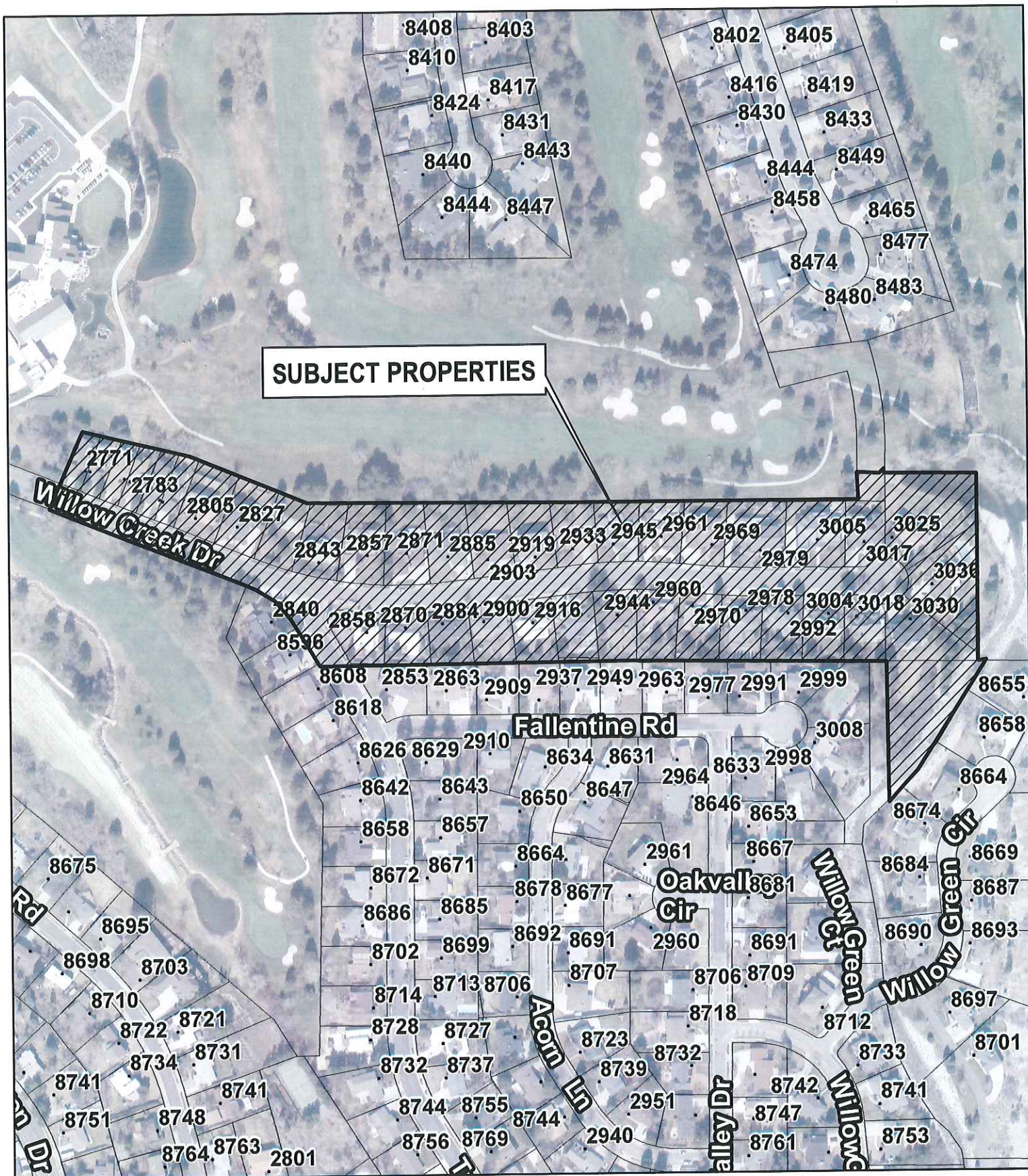
Note: Since this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Sandy City. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv).

Thank you very much.

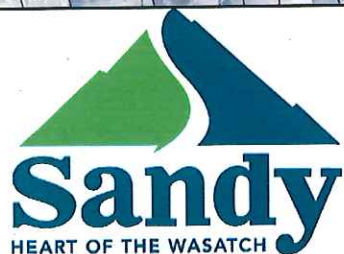
  
Signature

\_\_\_\_\_  
Signature

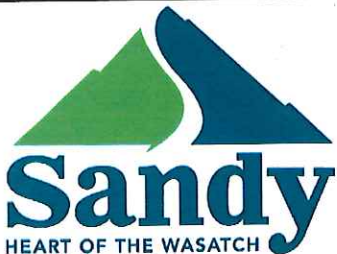
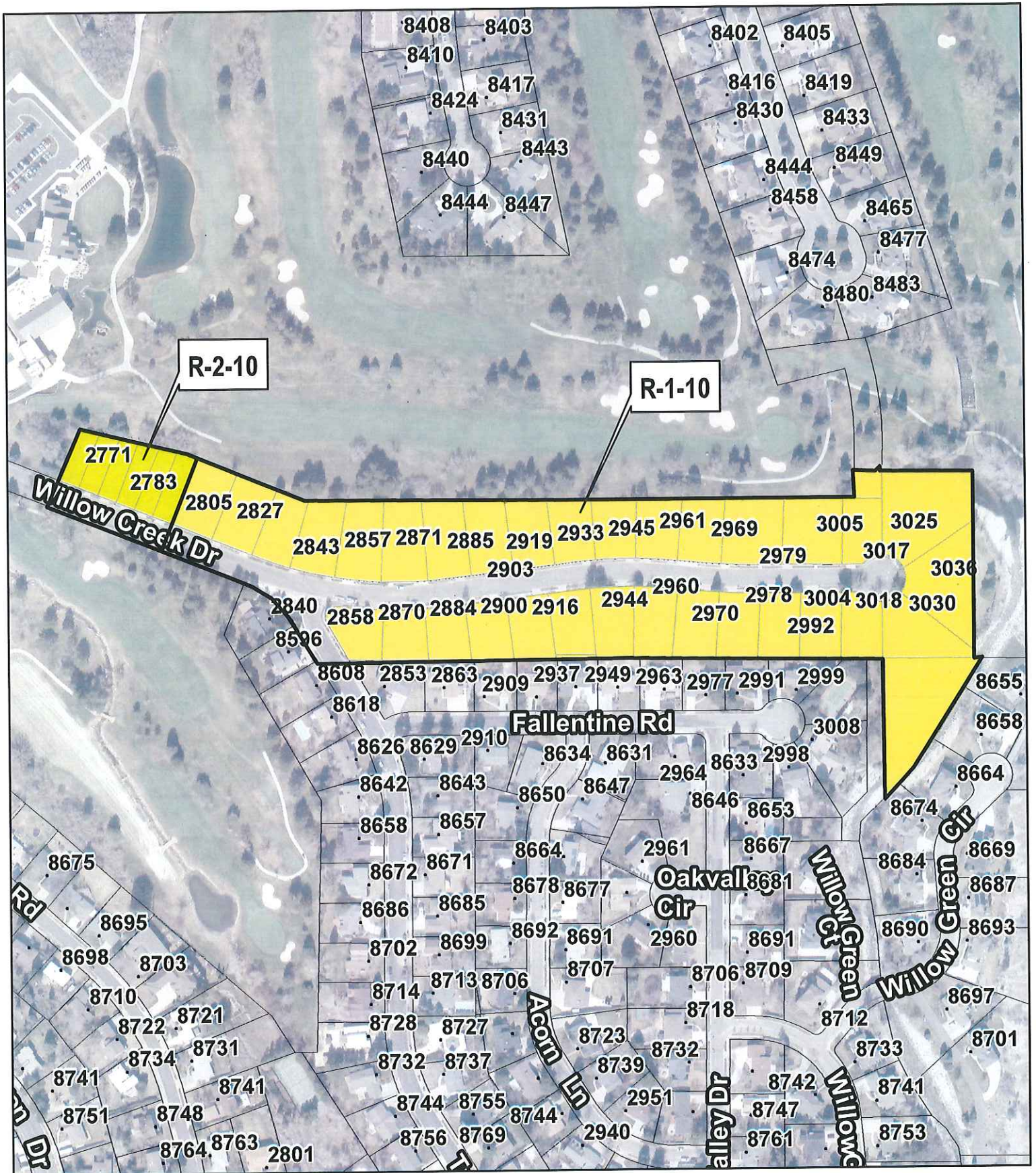




**East Willow Creek Annexation  
ANEX-07-18-5450  
2771 - 3036 E. Willow Creek Dr.**







## Zone Districts

 R-1-10 Zone District

 R-2-10 Zone District

**East Willow Creek Annexation  
ANEX-07-18-5450**

**2771 - 3036 E. Willow Creek Dr.**



ORDINANCE #18-27\_\_\_\_\_

AN ORDINANCE ANNEXING TERRITORY LOCATED AT APPROXIMATELY  
2771 EAST TO 3036 EAST WILLOW CREEK IN SALT LAKE COUNTY,  
COMPRISING APPROXIMATELY 14.9 ACRES INTO SANDY CITY;  
ESTABLISHING ZONING FOR THE ANNEXED PROPERTIES; ALSO PROVIDING  
A SEVERANCE AND EFFECTIVE DATE FOR THE ANNEXATION

The Sandy City Council finds:

1. Section 10-2-418, Utah Code Annotated, authorizes the City to annex contiguous areas within unincorporated county islands without a petition if it satisfies certain statutory requirements.
2. The City has complied with all statutory requirements, including without limitation: (1) the areas proposed to be annexed, located at approximately 2771 East to 3036 East Willow Creek in Salt Lake County, comprising approximately 14.9 acres ("Area"), are contiguous areas and are contiguous to the City; (2) the areas proposed to be annexed are within the City's adopted expansion area; and (3) the annexation meets the requirements of section 10-2-418.
3. On July 31, 2018, the City adopted Resolution #18-39C, attached hereto as **Exhibit "A"**, describing the Area and indicating the City's intent to annex the Area. The City determined that not annexing the entire island or peninsula was in its best interest.
4. The City published Notice to hold a public hearing on the proposed annexation of the Area. The Notice was published at least once a week for three successive weeks in a newspaper of general circulation within the City and within the Area, and the City sent written notice to the board of each special district whose boundaries contain some or all of the Area, and to the Salt Lake County legislative body. The Notice, a copy of which is attached hereto as **Exhibit "B"**, complied with all statutory requirements.
5. On or about September 11, 2018, the City Council held a public hearing on the proposed annexation.
6. The annexation of the Area is completed and takes effect on the date of the lieutenant governor's issuance of a certificate of annexation as per Section 10-2-425(4), Utah Code Annotated.

NOW, THEREFORE, BE IT ORDAINED by the City Council that it does hereby:

1. Adopt an ordinance annexing the Area as shown in Exhibit "A" and on the plat filed in the office of the Sandy City Recorder.

2. Determine that not annexing the entire island or peninsula is in the City's best interest.
3. Zone the Area to R-2-10 for the six townhome units and R-1-10 for the other parcels.
4. Confirm that, pursuant to Section 10-2-425(4), Utah Code Annotated, this annexation is completed and takes effect upon the date of the lieutenant governor's issuance of a certification of annexation.
5. Declare that all parts of this ordinance are severable and that if the annexation of the Area shall, for any reason, be held to be invalid or unenforceable, this shall not affect the validity of any associated or subsequent annexation.
6. Affirm that this ordinance shall become effective upon the later of publication as provided by law or adoption of a Salt Lake County resolution consenting to the annexation.

PASSED AND APPROVED by vote of the Sandy City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

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

\_\_\_\_\_  
Chair, Sandy City Council

\_\_\_\_\_  
Mayor, Sandy City

PRESENTED to the Mayor of Sandy City this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED by the Mayor of Sandy City this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

## **EXHIBIT A**

EAST WILLOW CREEK ANNEXATION  
RESOLUTION #18-39C

A RESOLUTION INDICATING INTENT TO ANNEX  
AN UNINCORPORATED AREA, SETTING A HEARING  
TO CONSIDER SUCH AN ANNEXATION, AND  
DIRECTING PUBLICATION OF HEARING NOTICE.

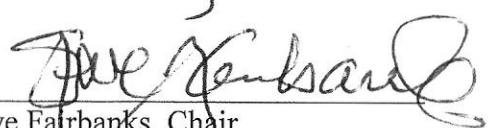
The City Council of Sandy City, State of Utah, finds and determines as follows:

1. Sandy City ("City") desires to annex a certain contiguous unincorporated area, totaling approximately 14.9 acres, located at approximately 2771 East to 3036 East Willow Creek in Salt Lake County, Utah, and more specifically described in the description attached hereto as Appendix "A".
2. The City is authorized to annex the area without a petition pursuant to Utah Code Annotated §10-2-418.
3. The annexation of that portion of an island or peninsula, leaving unincorporated the remainder of that island or peninsula, is in the City's best interests.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sandy City, Utah that it does hereby:

1. Indicate the City Council's intent to annex the area described in Appendix "A".
2. Determine that not annexing the entire unincorporated island or unincorporated peninsula is in the City's best interest.
3. Set a public hearing for September 11, 2018, at 7:05 p.m. to consider the annexation.
4. Direct the City Recorder to publish and send notice of such hearing in accordance with Utah Code Annotated §10-2-418.

ADOPTED by the Sandy City Council this 31<sup>st</sup> day of July, 2018.

  
Steve Fairbanks, Chair  
Sandy City Council

ATTEST:

  
City Recorder

RECORDED this 7<sup>th</sup> day of AUGUST, 2018.



# **APPENDIX A**

## APPENDIX A – LEGAL DESCRIPTION

### EAST WILLOW CREEK DRIVE ANNEXATION

#### TO SANDY CITY

JULY 3, 2018

Beginning at a Northwesternly Corner of the current Sandy City Boundary established by the COBBLE CANYON LANE ANNEXATION to Sandy City, recorded August 21, 2014 as Entry No. 11900999 in Book 2014P of Plats at Page 214 in the office of the Salt Lake County Recorder, said point lies North 89°55'05" West 231.70 feet, more or less, along the Section Line (record bearing for this Section Line shown on the recorded plat of said COBBLE CANYON LANE ANNEXATION is North 89°54'48" West) from the South Quarter Corner of Section 35, Township 2 South, Range 1 East, Salt Lake Base and Meridian; thence from said point of beginning, along said current Sandy City Boundary the following three (3) courses (Note: The record bearings of the current Sandy City Boundary established by said COBBLE CANYON LANE ANNEXATION have been rotated 0°00'17" counterclockwise to coincide with the bearing base of this description):

- (1) South 30°57'21" West 193.42 feet (record = South 30°57'38" West);
- (2) South 35°27'32" West 86.32 feet (record = South 35°27'49" West);
- (3) South 45°32'03" West 83.72 feet (record = South 45°32'20" West) to intersect an easterly line of the current Sandy City Boundary established by the OAK VALLEY DRIVE ANNEXATION to Sandy City, recorded August 21, 2014 as Entry No. 11901003 in Book 2014P of Plats at Page 215 in the office of said Salt Lake County Recorder;

thence along said current Sandy City Boundary the following four (4) courses:

- (1) North 0°00'03" East 295.12 feet (record = North 0°00'20" East) to intersect the Section Line;
- (2) North 89°55'05" West 1216.70 feet (record = (North 89°54'48" West) along said Section Line to intersect the southwesterly right-of-way line of Tracy Drive;
- (3) North 30°00'17" West 82.902 feet (record = North 30°00'00" West) along said southwesterly right-of-way line of Tracy Drive;
- (4) Northwesternly 150.976 feet along the arc of a tangent curve to the left having a radius of 224.683 feet, a central angle of 38°30'00" and a chord bearing and length of North 49°15'17" West 148.151 feet (record North 45°15'00" West) along said southwesterly right-of-way line of Tracy Drive;

thence departing from the current Sandy City Boundary, along the southerly right-of-way line of Willow Creek Drive as dedicated by WILLOW CREEK SUBDIVISION NO. 12, recorded April 7, 1971 as Entry No. 2378809 in Book II of Plats at Page 89 in the office of said Salt Lake County Recorder, North 68°30'00" West 445.51 feet; thence crossing said Willow Creek Drive, to and along the westerly boundary of that parcel of land currently identified by Parcel No. 22-35-352-015 described by that certain Warranty Deed, Entry No. 11274260, Book 9964, Pages 2891-2892, North 21°30'00" East 180.00 feet to the Northwest Corner of said Parcel; thence South 77°01'51" East 202.24 feet along the northerly boundary of the following five (5) parcels of land identified as follows:

- (1) said Parcel No. 22-35-352-015;
- (2) Parcel No. 22-35-352-019 described by Warranty Deed, Entry No. 12729032, Book 10653, Pages 2283-2285;

(3) Parcel No. 22-35-352-023 described by Warranty Deed, Entry No. 9583713, Book 9230, Pages 7422-7423;

(4) Parcel No. 22-35-352-024 described by Corrective Warranty Deed, Entry No. 12150863, Book 10370, Page 1626;

(5) Parcel No. 22-35-352-017 described by Warranty Deed, Entry No. 12603219, Book 10591, Pages 7589-7590;

thence South 68°30'00" East 311.34 feet along the northerly boundary of the following five (5) parcels of land identified as follows:

(1) said Parcel No. 22-35-352-017;

(2) Parcel No. 22-35-352-018 described by Trust Transfer Deed, Entry No. 11498929, Book 10069, Pages 5209-5210;

(3) Parcel No. 22-35-352-013 described by Warranty Deed, Entry No. 10671823, Book 9708, Page 7991;

(4) Parcel No. 22-35-352-014 described by Warranty Deed, Entry No. 10352606, Book 9572, Page 2495;

(5) Parcel No. 22-35-352-010 described by Quit Claim Deed, Entry No. 11686995, Book 10160, Pages 6781-6785, to the Northwest Corner of Lot 1, said WILLOW CREEK SUBDIVISION NO. 12; thence along the north boundary of said WILLOW CREEK SUBDIVISION NO. 12, East 892.568 feet to the Northwest Corner of WILLOW CREEK SUBDIVISION 12 PLAT "A" subdivision, recorded October 1, 1976 as Entry No. 2862041 in Book 76-10 of Plats at Page 205 in the office of said Salt Lake County Recorder; thence along the north boundary of said subdivision, East 275.72 feet, more or less, to the Southwest Corner of that parcel of land currently identified by Parcel No. 22-35-377-012 and described in that certain Warranty Deed, Entry No. 12624085, Book 10602, Pages 5328-5329; thence along the boundary of said Parcel the following four (4) courses: (1) North 60.015 feet; (2) North 88°08'07" East 44.459 feet; (3) North 65°07'57" East 17.156 feet; (4) South 9.891 feet, more or less, to the Northwest Corner of that parcel of land currently identified by Parcel No. 22-35-377-022 described by that certain Warranty Deed, Entry No. 6966512, Book 7980, Page 2035; thence along the boundary of said Parcel the following two (2) courses: (1) East 194.904 feet; (2) South 107.06 feet; thence along the easterly boundary of that parcel of land currently identified as Parcel No. 22-35-377-019 described by that certain Warranty Deed, Entry No. 12682525, Book 10631, Pages 410-411, South 275.22 feet;

thence along the easterly boundary of that parcel of land currently identified as Parcel No. 22-35-378-014 described by that certain Quit Claim Deed, Entry No. 9552449, Book 9216, Pages 5182-5183, South 18.00 feet, more or less, to intersect the Section Line; thence along said Section Line, South 89°55'05" East 18.30 feet to the Point of Beginning.

The above-described area contains approximately 14.9 acres.

## **EXHIBIT B**



## **NOTICE OF PUBLIC HEARING**

On **Thursday, September 6, 2018, at approximately 6:15 pm**, the Sandy City Planning Commission will consider annexing a certain contiguous unincorporated area, totaling approximately 14.9 acres, located at approximately 2771 – 3036 East Willow Creek Drive (8500 South), in Salt Lake County. It is being proposed to annex these properties into the City with the R-2-10 zone for the six townhome units and R-1-10 for the other parcels.

The Planning Commission will make a recommendation concerning annexation and zoning of these properties and forward them to the City Council. **The Council will hold a public hearing on Tuesday, September 11, 2018 at approximately 7:05 p.m.**, at which time a final decision on the annexation and zoning will be made.

If you have questions or comments concerning this proposal, please attend the Planning Commission, or City Council Meeting to be held in the City Council Chamber, located on the west end of the main level of City Hall, 10000 South Centennial Parkway (170 West), or please call Brian McCuiston, Planning Director at 801-568-7268 or by email at: [bmccuiston@sandy.utah.gov](mailto:bmccuiston@sandy.utah.gov) and he will forward your comments to the Commission or Council.

<b>Posted</b>	<b>August 18, 2018</b>	<b>Sandy City Hall Sandy Parks &amp; Recreation Salt Lake County Library - Sandy Sandy City Website (<a href="http://www.sandy.utah.gov">http://www.sandy.utah.gov</a>) Utah Public Notice Website (<a href="http://pmn.utah.gov">http://pmn.utah.gov</a>)</b>
---------------	------------------------	--

<b>Published</b>	<b>August 23, 2018</b>	<b>Salt Lake Tribune</b>
------------------	------------------------	--------------------------



## Staff Report

**File #:**  
CODE-08-18-5477(CC),  
**Version:** 1

**Date:** 9/11/2018

---

### **Agenda Item Title:**

Wireless Communication Facilities in the Public Right-of-Way  
Amend Title 15A, Chapters 11 Special Uses, & 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008

**Presenter:** Wade Sanner

### **Description/Background:**

The Community Development Department has filed a request to amend Title 15A, Chapters 11, Special Uses & 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to allow for the installation, operation, collocation, modification and removal of small wireless communication facilities in the public right-of-way in Sandy.

### **Fiscal Impact:**

### **Further action to be taken:**

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

The Planning Commission reviewed this request on September 6, 2018 and forwarded a positive recommendation to the City Council to adopt the proposed ordinance amendments as shown in Exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

September 11, 2018

---

**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** Wireless Communication Facilities in the Public Right-of-Way  
Amend Title 15A, Chapters 11 Special Uses, & 37,  
Definitions, Land Development Code, Revised Ordinances  
of Sandy City, 2008

CODE-08-18-5477

---

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

---

### REQUEST

The Community Development Department has filed a request to amend Title 15A, Chapters 11, Special Uses & 37, Definitions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to allow for the installation, operation, collocation, modification and removal of small wireless communication facilities in the public right-of-way in Sandy.

### BACKGROUND

In fall of 2015, City staff was approached by Mobilite to install wireless small communication facilities (SWFs) in the City's public right-of-way. Upon review of Sandy City Land Development Code, staff discovered that there were no provisions in the code to address this proposal. During the next few months, other wireless providers including: AT&T, Extenet, and Verizon approached the City with similar proposals. Staff approached the Mayor and City Council to receive direction on how to proceed. Staff was directed to draft an ordinance in order to allow these facilities. The Mayor and City Council added the caveat that staff should ensure this implementation was simple and permissive, while utilizing strong stealth design to minimize visual clutter in the public right-of-way. While staff was researching SWF implementation in other states and drafting an ordinance, the Utah State Legislature drafted and passed Senate Bill 189 (SB 189). Upon learning of the Legislature's ordinance, staff waited to draft a city ordinance to ensure

compliance with SB 189. Upon passage of SB 189, staff began to draft a new ordinance to reflect the state's mandates and ensure compliance with state law.

## ANALYSIS

A small cell wireless facility (SWF) is a low-powered cellular radio access node that operates in a range of approximately 300 feet. The equipment transmits a wireless signal to and from a defined area, but provides coverage to a significant smaller space. By distributing the antenna system, the facilities provide greater coverage for data transfer between the macro (large monopole) sites and the end user. In order to ensure the most efficient and direct signal, the antennas need be placed where high amounts of cellular traffic occurs. This typically occurs along major roadways and areas of high concentration of people (for example Rio Tinto Stadium). A number of entities provide this service.

The providers typically involve two types of companies: those that provide direct service (i.e. cellular company), or those that provide infrastructure who then rent this infrastructure to the service provider. The service seen by the end user is a higher, faster, more efficient data use on a cellular device. It is important to note that SWFs technology focuses more on data transfer and not on voice transfer between the end user the macro site. This technology could be enhanced for future implementation of higher speed data transfers such as the fifth generation of connectivity, or 5G. This technology is greatly preferred by the tech industry, and can be very beneficial to Sandy City as whole.

SWFs provide a number of benefits to Sandy City residents, they:

- Provide better cellular performance for the residents of Sandy City.
- Make efficient use of space for cellular coverage minimizing macro cellular sites throughout the City.
- Enhance wireless communication service for the residential and commercial neighborhoods.

However, in implementing small cell technology in Sandy City, staff was concerned with the following items:

- Cluttering the public right-of-way with SWFs by allowing large utility boxes and other infrastructure in the public right-of-way.
- Proliferate in residential neighborhoods throughout the City.
- Create non-aesthetically appealing poles and SWFs design that do not fit the character of neighborhoods.
- Could create traffic visibility hazards.

To address these issues, staff feels that the proposed code amendment will create sensible regulations that would allow for smart SWFs implementation in Sandy City. The following items are briefly discussed in order to mitigate any potential issues with the SWF implementation.

1. SB 189 mandates that local jurisdictions must allow the implementation of SWFs in the public right-of-way, but still allows local jurisdiction to exercise zoning, land use and planning authority regarding wireless support structures and utility poles. In order to

mitigate visual clutter, the proposed code amendment defines and regulates that SWFs must utilize a stealth design. Stealth design is defined to ensure implementation is integrated harmoniously with existing fixtures, as well as be consistent with nearby or architectural features. The ordinance further regulates:

- a. Per SB 189, poles can be 50 feet in height, with antennas extending no more than 10 feet above the utility pole. The proposed code amendment is encouraging the pole height to be no higher than 30 feet on minor arterials, and 20 feet on local streets.
  - b. Ensure any new poles constructed will match existing poles, including: height, color, materials, etc. No new wood poles for SWFs are permitted.
  - c. Preference for approval will be granted in utilizing infrastructure at street intersections including: street signs, traffic lights, light poles, etc.
  - d. No antenna will be allowed to extend in to the sidewalk or street intended for travel.
  - e. All pole-mounted equipment will be mounted close to the pole horizontally, with utility boxes to be installed underground where feasibly possible.
  - f. SWFs and antennas must be sized to avoid visual clutter in the right-of-way.
2. In order to obtain a permit, the applicant must first submit a Master SWFs Plan to be reviewed by the Development Review Team and Community Development Director. The Master SWFs Plan must include:
    - a. A pre-submittal meeting with the Development Review Team.
    - b. A scaled site plan of all SWFs to be installed by the applicant and their locations as part of a master small cell plan.
    - c. Photo Simulations.
    - d. Letters of agreement for permission to locate SWFs on poles and other facilities.
    - e. After a master plan has been approved by the Community Development Director, the applicant may only submit 25 SWF permits at one time.
    - f. Any permit may be granted a technical necessity exception. A technical necessity exception is issued if an applicant cannot meet the standards of the SWFs. The technical necessity exception may be issued by the Community Development Director, if the applicant supplies further information to prove that the proposed antenna cannot meet components of the code. Any outside review will be paid for by the applicant.
  3. Included in the ordinance are amendments to Chapter 37 regarding applicable definitions for the new code section.

### **NON-CONFORMING USES**

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

### **PLANNING COMMISSION PUBLIC HEARING**

This item was heard by the Planning Commission in a public hearing on September 6, 2018. Planning Commission forwarded a unanimous positive recommendation to the City Council.

## **LAND DEVELOPMENT CODE PURPOSE COMPLIANCE**

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

### **15A-01-03 Purpose**

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

#### **1. General**

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

#### **2. Implementation of General Plan**

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

#### **3. Comprehensive, Consistent and Equitable Regulations**

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

#### **4. Efficiently and Effectively Managed Procedures**

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

One of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City. Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration.



### GENERAL PLAN COMPLIANCE


The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective.

### STAFF RECOMMENDATION

The Planning Commission reviewed this request on September 6, 2018 and forwarded a positive recommendation to the City Council to adopt the proposed ordinance amendments as shown in Exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner: 

Reviewed by: 

Wade Sanner  
Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CODE-08-18-5477- Small Cell Ordinance

## Exhibit A

### 15A-11-25 Wireless Communications Facilities in the Public Right-of-Way

- A. General Scope.** This section and not Section 15A-11-24 shall apply to the construction, modification, removal and operation of small wireless communications facilities (SWFs) installed in the public right-of-way (ROW). All references to SWFs in this chapter shall refer only to SWFs in the ROW and not SWFs located anywhere outside of the ROW. No person shall install, construct, modify, or otherwise place any SWF within the public right-of-way except pursuant to the provisions of this chapter. The definitions used in this chapter are found in Chapter 15A-37.
- B. Purpose.** The purpose of this section is to reasonably regulate, to the extent permitted by Utah and federal law, the installation, operation, collocation, modification and removal of SWFs in the City of Sandy in a manner that protects and promotes public health, safety and welfare, and balances the benefits that flow from robust personal wireless services with the unique and historic character, aesthetics and local values of the City. This section is intended to meet the following goals, to the extent not inconsistent with applicable federal and State law:
1. Promote and protect the public health, safety, and welfare by reducing the visibility of SWFs to the fullest extent possible, including, but not limited to the following method: camouflage or stealth concealment, design techniques and placing SWFs and related accessory equipment, which is not placed on or in the utility pole underground, except equipment which cannot be placed underground if the SWF is to function properly.
  2. Provide for the managed development and installation, maintenance, modification, and removal of wireless communication infrastructure in the City with the fewest number of SWFs needed to provide cell service, in a nondiscriminatory manner.
  3. Encourage the deployment of smaller, less intrusive SWFs to supplement existing larger macro-cell sites.
  4. Encourage the deployment of SWFs primarily along major and minor arterials, and major and minor collectors, and limit the deployment of new Utility Poles along local streets and residential districts where the streets are 60 feet wide or narrower, and new poles and SWFs in historic districts, and design districts where they are discouraged or not allowed.
  5. Encourage the location of SWFs in non-residential areas, in a manner that minimizes the total number of SWF support poles needed throughout the City.
  6. Encourage the location of SWFSWFs to utilize existing Right-of-Way corridors, and encourage SWFSWFs to be installed at street intersections. Encourage collocation of SWFs on new and existing sites.
  7. Encourage the location of SWFs, to the extent economically and technically feasible, at places and in areas where the adverse visual impact on the community is minimized.



8. Enhance the ability of Wireless Service Providers to provide services to the community quickly, effectively, and efficiently.
9. Effectively manage SWFs in the ROW.
10. Nothing herein is intended to waive or limit the City's right to enforce or condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to public health and safety.
11. Provide for the nondiscriminatory use of the Right-of-Way.

This section does not intend, and shall not be interpreted or applied to:

1. Prohibit or effectively prohibit personal wireless services; or
2. Unreasonably discriminate among Wireless Service Providers of functionally equivalent personal wireless services; or
3. Regulate the installation, operation, collocation, modification or removal of SWFs on the basis of the environmental effects of RF emissions to the extent that such emissions comply with all applicable FCC regulations; or
4. Prohibit or effectively prohibit any collocation or modification that the City may not deny under Utah or federal law; or
5. Preempt or conflict with any applicable Utah or federal law.

**C. Applicant, Permit.** Any person seeking to locate or modify a SWF or Utility Pole in the ROW shall, except as otherwise provided herein, first submit an application, and in historic and design districts, obtain a permit under this section, and shall provide to the City on an application form provided by or acceptable to the City information sufficient, in the City's reasonable discretion, to enable the City to make an informed determination regarding such permit. Fees for permits will be established by the Sandy City Council.

1. **Exceptions to Permitting.** Wireless Service Providers are not required to submit an application, obtain a permit, or pay a fee for the following activities, but shall provide not less than 10 days' notice to the City Public Works and Public Utilities Departments of such activities: routine maintenance; the replacement of a small wireless facility with a small wireless facility that is substantially similar or smaller in size; the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing Utility Poles, in compliance with the National Electrical Safety Code; or any other installation or activity otherwise allowed by superseding law

A Wireless Service Provider shall obtain a permit for work that requires excavation or cutting of any road, sidewalk or other surface or closing of sidewalks or vehicular lanes in the Right-of-Way. The City shall process and approve the permit within the same time period the City processes and approves a permit for all other types of entities.

2. Lessees to comply with this section. Applicants who enter into lease or license agreements with the City to locate, modify or collocate SWFs on City-owned light, sign, traffic signal or other poles shall be required in those instruments to comply with the provisions of this section, except as specifically negotiated and clearly stated in the written instrument otherwise.

Compliance. All persons subject to this section shall: At all times comply with all applicable statutes, laws, ordinances, and policies; upon reasonable request, timely provide written confirmation sufficient for customary land survey purposes concerning location of SWFs; upon reasonable request, timely provide the City with accurate as-built maps and plans certifying location of SWFs in paper copies and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each SWF required by the City, including but not limited to height of the SWF, range of transmission, type of transmission (cellular, voice, data, wi-fi, etc.), nature of the pole or support, permittee of the pole or support, and similar information; upon request, timely make available to the City, books, records, maps and other documents maintained with respect to SWFs for inspection at reasonable times and places; pay all applicable fees required by the City. Subject to Superseding Federal and State Law. The provisions of this section shall be subject to and superseded by conflicting applicable federal or State law now in force or hereafter enacted.

#### **D. Operational Standards.**

1. Federal and State Requirements. All SWFs shall meet the current standards and regulations of the United States Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal and Utah State governments with the authority to regulate SWFs. If such standards and regulations are changed, then the permittees shall bring such facilities into compliance with such revised standards and regulations within the time period mandated by the controlling federal or State agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the SWF facility at the permittee's expense.
2. Radio Frequency Standards. If concerns or complaints regarding compliance with radio frequency emissions standards for a SWF have been communicated to the City, the City may request that the permittee provide information demonstrating compliance which the permittee shall promptly provide. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request, and the permittee of the SWF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the SWF does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the SWF at the permittee's expense. Any reasonable costs incurred by the City, including reasonable consulting costs needed in the Director's discretion, to verify compliance with these requirements, shall be paid by the permittee.

3. **Signal Interference.** All SWFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone, other SWFs, and other communication services utilized by nearby residential and non-residential properties. SWFs shall not interfere with any public safety communications except with the written approval of the public safety agency whose communications are so affected. The applicant shall provide a written statement from a qualified radio frequency engineer certifying that a technical evaluation of existing and proposed SWFs indicates no potential interference problems with the communications referred to just above. The permittee of the SWF shall allow the City to monitor interference levels with public safety communications during this process. In addition, the permittee of a SWF shall notify the City at least fourteen (14) calendar days prior to the introduction of new personal wireless service or changes in existing personal wireless service, and shall allow the City to monitor interference levels with public safety or other communications during the testing process. The permittee shall not begin new service or change service of the SWF until the City has notified the permittee that the SWF is acceptable, or the expiration of the fourteen (14) days, whichever occurs first.
4. **Operation and Maintenance.** To ensure the structural integrity of SWFs and the support poles on which they are mounted, the permittee of a SWF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes, State of Utah Blue-Stakes laws, and with the City's Standard Specifications and Details for Municipal Construction as most recently promulgated. If upon inspection, or upon other reliable evidence, the City concludes that a SWF support pole or SWF fails to comply with such codes or constitutes a danger to persons or property, then, upon written notice being provided to the permittee of the SWF, the permittee shall have thirty (30) days from the date of notice to demonstrate that the SWF or support pole is structurally sound and safe, or to bring such SWF into compliance. Upon good cause shown by the permittee, the City may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the permittee fails to bring such SWF into compliance within said time period, and fails to remove the SWF, then the City may remove such SWF at the permittee's expense. The City may, in its discretion require an industry-standard pole load analysis be completed and submitted to an authority indicating that the Utility Pole, to which the SWF is to be attached, will safely support the load.
5. **Abandonment and Removal.** If a SWF has not been in use for a period of three (3) months, the permittee of the SWF shall notify the City of the non-use, and shall indicate whether re-use is expected within the ensuing three (3) months. Any SWF that is not operated for a continuous period of six (6) months shall be considered abandoned. The City, in its sole discretion, may require that an abandoned SWF be removed. The permittee of such SWF shall remove the same within thirty (30) days of receipt of written notice from the City. If such SWF is not removed within said thirty (30) days, the City may remove it at the permittee's expense, and any approved permits for the SWF shall be deemed to have expired.

6. Hazardous Materials.

- a. No permittee and no agent or subcontractor of a permittee shall use, store or release hazardous materials in, on, about or from any SWFs or any property on which any SWF is located, except those necessary for the operations of the SWF, and only in accordance with all applicable laws governing such materials. No permittee and no agent or subcontractor of a permittee shall store, generate, release or dispose of hazardous materials in or on any SWFs or any City property without the prior signed written consent of the City's mayor or chief administrative officer, and only if such writing clearly allows such storage, generation, release or disposal of hazardous materials.
- b. If a permittee discovers that any spill, leak or release of any quantity of hazardous materials has occurred on, in or under any SWF, the permittee shall promptly notify all appropriate governmental agencies and the City. In the event such release is caused by the permittee, a lessee or permittee, their officers, employees agents or subcontractors, the permittee shall (or shall cause others to) unless otherwise directed by the City, promptly and fully investigate, cleanup, remediate and remove all such hazardous materials as may remain and so much of any portion of the environment as shall have become contaminated, all in accordance with applicable government requirements, and a plan approved by the City, and shall replace any removed portion of the environment (such as soil) with uncontaminated material of the same or better character as existed prior to contamination.

**E. Applications and Submissions.** No SWF shall be collocated, and no new, modified, or replacement SWF support pole associated with a SWF may be placed in the right-of-way, and no initial location, collocation, or modification constituting a substantial change to any SWF may occur except upon the issuance of a permit after submission of a written application from an applicant, reviewed and approved by the City in accordance with this section. Permits issued hereunder shall be of general applicability. A SWF on a wire strung between poles does not require a permit or application. All SWFs shall be reviewed pursuant to the following procedures:

1. **Pre-submittal Meeting.** Before first application submittal, applicants shall schedule and attend a pre-submittal consultation meeting with City staff for all facilities intended for installation in the public Right-of-Way, unless waived by the Director or his designee because the City determines that it already has sufficient information about an applicant's proposed facilities, or because the proposed facilities are expected to have little impact on the City. City staff will endeavor to provide applicants an appointment within fifteen (15) working days after a written request for an appointment is received.
2. **Twenty-Five Permits Per Application.** A consolidated application may be submitted for the collocation of no more than twenty-five (25) SWFs if all of the SWFs are substantially of the same type and proposed for collocation on substantially the same type of structures, or at the applicant's discretion, an applicant may file a consolidated application for the installation, modification or replacement of up to twenty-five (25 ) Utility Poin the ROW. An applicant may file no more than three (3) consolidated

applications within any 30-day period or multiple applications for more than seventy five (75) Utility Poles or SWFs within any 30-day period. A consolidated application may not combine applications solely for collocation of SWFs on existing Utility Poles with applications for the installation, modification, or replacement of a Utility Pole. If the City denies the application for one (1) or more Utility Poles or SWFs in a consolidated application, the City may not use the denial as a basis to delay the application process of any other Utility Pole or small wireless facility in the same consolidated application.

3. **Submittal Requirements.** In addition to an application form signed by an authorized official or employee of an applicant, signal interference letter, and required submittal fees, each applicant shall submit the following documents in a form acceptable to the City:
  - a. An accurately scaled site plan of all of applicant's SWFs and wireless facility support poles within one mile of the facility to be installed; such site plan shall be submitted in paper and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each SWF required by the City, including but not limited to height and dimensions of the SWF, range of transmission, type of transmission (cellular, voice, data, wi-fi, etc.), nature of the pole or support, permittee, owner and operator of the pole or support, and similar information;
  - b. Accurate photo simulation of all proposed above-ground SWFs, collocations, and modifications of existing SWFs;
  - c. A scaled elevation view and other supporting accurate drawings, calculations, and other documentation of the proposed SWF and support pole for it;
  - d. If required by the City, documentation showing the financial and technical ability and legal capacity of the applicant to perform the work requested, and to operate and maintain the SWFs for longer than one year;
  - e. Letters, agreements, or other documents showing permissions to locate SWFs on the poles or in facilities of the City or other permittees, and if an applicant places SWFs or related accessory equipment on City poles, then it shall have an executed signed master license agreement with the City, and a pole attachment permit or agreement from the City for each City pole;
  - f. Letters, reports or memoranda signed by appropriate qualified professionals where required by the City, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, pole height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Director to be necessary to assess compliance with this section;
  - g. Submission of evidence of required licenses and registrations from federal and State regulatory bodies, including the Federal Communications Commission, necessary for the services to be provided; and

- h. A franchise from the City allowing the wireless provider to operate in the Right-of-Way if it does not already have a fiber-optic franchise from the City.
- 4. Other Information. Each applicant for a SWF permit or for the erection of a Utility Pole in the ROW shall provide to the Director, unless waived by the Director, the following information and documents:
  - a. The business form of the person making the application.
  - b. If the applicant is a partnership or limited partnership, the names and addresses of all such partners and their respective interests; if a corporation, the names and addresses of the officers and directors of the corporation and the names of any persons holding more than ten percent of the common and preferred stock of the company, together with their proportionate interests indicated.
  - c. A proposed plan for the installation, operation and maintenance of the applicant's communications system indicating methods of construction, including specifications for design, installation, technical capacity and maintenance, and arrangements with any other company or person for use of poles or other facilities.
  - d. The most current financial statement of the applicant.
  - e. The applicant's experience in the field of service it plans to provide in the City.
  - f. The applicant's capability to provide cellular service, if reasonably in question.
  - g. The applicant's agreement to pay the fees and rates for use of the Right-of-Way provided in this section.
  - h. An attestation by an authorized officer of the applicant that the SWF will be operational for use by a Wireless Service Provider within 270 days after the day on which the City issues the permit except in the case that the lack of commercial power or communications transport infrastructure to the site delays completion, or for other good cause reasonably beyond the control of the provider approved by the Director.

The Community Development Department may share information on the location of SWFs and wireless communication support poles with other applicants applying for administrative approvals or permits under this section, or other organizations seeking to locate SWFs within the City, provided that doing so does not violate any records confidentiality requirements of Utah Code Section 63G-2-305, and provided however, that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable, or that the information provided by an applicant is correct.

- 5. Applications for New and Modified or Replacement Poles. Each application to erect a new, modified or replacement wireless communications pole in the Right-of-Way shall be reviewed by the Director or his designee for conformance to this section and the Land Development Code using the Site Plan review procedures set forth in the Land

Development Code. Should the Director determine that the proposed pole or SWF will have a significant adverse visual impact, (e.g., due to proximity to historic or aesthetically significant structures, views, and/or community features) or otherwise be incompatible with the surrounding area the Director may deny the application or refer the application to the Telecommunications Review Group for a recommendation. A Wireless Service Provider may replace or upgrade a Utility Pole only with the written approval of the Utility Pole's owner.

6. **Power and Fiber-Optic Connections.** With all applications for SWFs, each applicant shall provide written documentation from the wireless communications pole or SWF permittee affirming that an agreement has been reached with the applicant to allow for legal access to and from the pole or facility. The City may require evidence that agreement has been reached for the legal provision of needed services with Rocky Mountain Power or other lawful electricity provider for electricity and other providers of facilities (such as fiber-optic service) needed to operate and maintain the SWF.

#### **F. Time Frame for Review.**

1. Subject to the tolling provisions of subparagraph (3) next below, within thirty (30) days of the date on which an applicant submits an application seeking collocation of a SWF or for a new, modified, or replacement Utility Pole, the City shall: determine whether the application is complete; and notify the applicant that the City's determination of whether the application is complete.
2. If the City determines, within the applicable time period described in Subsection (3), that an application is incomplete: the City shall specifically identify the missing information in the written notification sent to the applicant; and the processing deadline for the application is tolled: from the day on which the City sends the applicant the written notice to the day on which the City receives the applicant's missing information; or as the applicant and the City agree.
3. An application for a SWF expires if: the City notifies the Wireless Service Provider that the Wireless Provider's application is incomplete, in accordance with this section; and the Wireless Service Provider fails to respond within 90 days after the day on which the City notifies the Wireless Service Provider under this section.
4. The City shall: process an application on a nondiscriminatory basis; and approve or deny an application: for the collocation of a SWF, within sixty (60) days after the day on which the City receives the complete application; and for a new, modified, or replacement Utility Pole, within one hundred and five (105) days after the day on which the City receives the complete application. If the City fails to approve or deny an application within the applicable time period described in Subsection (4), the application is approved. Notwithstanding Subsections (4), the City may extend the applicable period described in Subsection (4) for a single additional period of ten (10) business days, if the City notifies the applicant before the day on which approval or denial is originally due.

If the City denies an application it shall document the basis for the denial, including any specific law on which the denial is based; and shall send such documentation to the applicant on or before the day on which the City denies the application.

**G. Compliance with Applicable Law.**

1. Notwithstanding the approval of an application for Collocation or non-substantial modification as described herein, all work done pursuant to permits issued hereunder must be completed in accordance with all applicable building and safety requirements as set forth in the Revised Ordinances of Sandy City Utah, 1978 (Rev. Ord. of Sandy), the Land Development Code, the site plan approval (if applicable), and all other applicable regulations. In addition, all SWFs shall be operated and maintained in compliance with the following requirements:
  - a. They shall comply with all applicable permits or licenses issued by a local, State or federal government agency with jurisdiction over the SWF;
  - b. They shall comply with license or lease agreements, easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
  - c. They shall be maintained in good working condition and to the standards established at the time of application approval, or as required by then-current federal or State law; and
  - d. They and the areas around them shall remain free from trash, debris, litter, graffiti, and other forms of waste and vandalism. Any graffiti shall be promptly removed or painted over, and any damage shall be repaired as soon as practicable after a permit is granted by the City, when required, and in no instance more than ten (10) calendar days from the time of notification by the City or after discovery by the permittee of the SWF.
2. Compliance Report. Upon request by the City, the applicant shall provide a compliance report within forty five (45) days after installation of a SWF, demonstrating that as installed and in operation, the SWF complies with all conditions of approval, applicable City ordinances and applicable regulations.

**H. Permit and Renewal Term.** Any validly issued permit for a SWF or Utility Pole will automatically expire at 12:01 a.m. local time exactly ten (10) years and one (1) day from the issuance date. If there is no basis for denial, an authority shall grant the renewal of an application under this section for an equivalent duration. No renewal shall be valid unless all of a wireless provider's SWFs and related wireless communication facilities fully comply with this section, Utah State Code, and City ordinances.

**I. Siting, Design, Stealth Implementation.**

1. Siting and Design. SWFs and related facilities shall meet the requirements of this section unless the applicant can clearly show and the Director finds that such requirements are not technically and economically feasible for the applicant.



2. **Stealth Implementation.** Construction of SWFs must utilize stealth implementation meeting the provisions of this section if such camouflage measures are technically and economically feasible consistent with Utah law. A SWF or a supporting pole employ stealth design or implementation when it: (1) is integrated harmoniously into an outdoor fixture such as a light pole, in a manner which minimizes or eliminates visual impact, avoids notice, or is not readily apparent; or (2) uses design which mimics and is consistent with the nearby natural or architectural features or replaces existing facilities so that the presence of the SWF is not readily apparent. Stealth Implementation includes the following methods of implementation, which shall be required of all SWFs and related facilities which are placed in the Right-of-Way. All SWFs and supporting poles on which they are mounted shall comply with the following requirements, subject to the exceptions in this section, or Technical Necessity Exceptions found in the Special Uses chapter of the Sandy City Land Development Code.
3. **Height of the Combined Pole and Antenna.** For all new facilities and substantial modifications to existing facilities, height of the combined pole and Antenna, including after a change or collocation under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 1996, except as otherwise required by Section 6409(a), as measured from the base of the pole at ground level (including any concrete or other support) will, except in respect to poles legally erected before the effective date of this section, be limited to 50 feet in height for City streets which are not residential streets, and major and minor arterial streets, although the City encourages poles no higher than thirty (30) feet on major and minor arterials, and not more than twenty (20) feet on local streets. An Antenna associated with a SWF may not extend more than ten (10) feet above the top of a Utility Pole existing on or before September 1, 2018. The height restrictions may be exceeded only with a technical necessity exception provided and paid for by the applicant. The height will be reviewed by the Telecommunications Review Group and approved or denied by the Director. SWFs shall be located no closer to the nearest building than the combined height of the pole and Antenna.
4. **Antennas.** No Antenna shall be taller than ten (ten) feet above the top of the wireless communications pole or pole extender on which it is mounted except as otherwise allowed by Utah Code Section 54-21-602.
5. **Power to Pole.** Power to the SWF support pole must come through the base of the pole.
6. **Use Existing Poles.** Wireless Service Providers of SWFs are encouraged, to the extent practicable, to use existing Utility Poles and other infrastructure, including street signs, light poles, traffic lights, and other similar infrastructure.
7. **Invisibility of Seams, Bolts, Wires, Cables, Assemblies.** Seams, bolts/screws, Antennas, wires, cables, and conduits and shroud assembly shall be fabricated and installed in a manner so as to reduce visibility. Wires and cables which cannot be placed inside a pole shall be placed in conduits which are as inconspicuous as is commercially feasible.
8. **Wireless Facility Poles – Construction and Finish.** To the extent technically and economically feasible, wireless facility poles installed by a Wireless Service Provider

shall be constructed of metal or a material, which when painted or otherwise finished, looks like metal, such as fiberglass, and shall match nearby existing City light poles in appearance. New wood poles will not be allowed. Antennas and all related accessory equipment, including mounting mechanisms, must be painted and repainted to match the pole.

9. Decorative poles. If necessary to collocate a SWF, a Wireless Service Provider may replace a Decorative Pole, if the replacement pole reasonably conforms to the appearance of the replaced Decorative Pole.
10. Sharing of Poles Encouraged. Sharing of wireless communication poles and Utility Poles is encouraged for all SWFs where feasible.
11. Street Intersection Preference. Wireless Service Providers are encouraged to locate SWFs where feasible at or near the corners of street intersections.
12. No Extension into Traveled ROW. Except for a traffic signal pole, City light pole or City light fixture, no portion of any SWF or its supporting pole shall extend into portion of the Right-Of-Way or any public sidewalk intended for travel by vehicles or pedestrians, nor shall any SWF be placed in the median of any street.
13. New and Replacement Poles – Designed for Collocation. New and replacement wireless communication poles shall match nearby existing City light poles, and shall be designed and constructed to permit the pole or other support facility to accommodate SWFs from at least two (2) Wireless Service Providers on the same pole, unless the Director approves an alternative design, or unless the applicant clearly demonstrates that doing so is not practically feasible. Collocation of SWFs shall be allowed by the permittees of SWFs except where impracticable or otherwise illegal. A permittee which installs a new pole or a pole replacing a City-owned pole shall be responsible for the maintenance of the pole at its expense, but the City shall be allowed to maintain any lights, traffic semaphores, or other-City-owned equipment on the pole at the City's expense. City will own the new pole.
14. Pole Extender. A pole extender may be used instead of replacing an existing pole, provided the pole extender is safe, structurally sound and can otherwise meet the requirements of this section, unless a further height increase is required and confirmed in writing by the pole owner, and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities and does not extend the total height of the pole, with the pole extender, more than fifty (50) feet. The pole extender shall be painted or finished to substantially match the color of the pole and the diameter of the pole measured at the top of the pole. A "pole extender" as used herein is a structure affixed between the Utility Pole and the Antenna for the purpose of increasing the height of the Antenna above the pole.
15. Pole-Mounted Equipment. All pole-mounted equipment and Antennas must: be installed as close to the pole horizontally as technically and economically feasible and enclosed in a container approved by the Director as technically and economically feasible, but no

larger than six (6) cubic feet in volume for an Antenna, and no larger than twenty eight (28) cubic feet for all wireless equipment, including the Antenna, ground and pole-mounted equipment; to minimize impacts to the visual profile, painted flat and non-reflective colors to match the supporting pole, placed behind existing signs, and oriented away from prominent views; all required or permitted signage in the Right-of-Way must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures; and all conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible. To the extent reasonably feasible, each SWF shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies on Utility Poles on the same pole and near the proposed SWF.

16. Aesthetic Impacts. Each SWF shall be sited and maintained to minimize the negative aesthetic impacts to the Right-of-Way.
17. Traffic Signals. Each SWF shall be designed such that antenna installations on traffic signal poles are placed in a manner so that the size and appearance, of the signal will not be significantly altered, and so that there be no alteration in the function of the signal.
18. Visual Clutter. To the extent technically and economically feasible each SWF shall be designed and maintained such that all Antennas, mast arms, related accessory equipment, and other facilities and elements are sized to minimize visual clutter.
19. Newly Installed Equipment boxes and underground equipment. All newly installed equipment boxes and related accessory equipment shall be located in a manner that poses no significant risk to public safety and such that boxes and equipment meet the aesthetic requirements of this section, and if such equipment is not installed on or in a pole, then it shall be installed in a flush-to-grade or underground equipment vault whenever all cable and utility facilities, other than City poles and attachments, are so placed.
20. Interference of SWFs. No SWF shall alter vehicular circulation, usual travel, public safety or parking within the Right-of-Way or impede vehicular, bicycle, or pedestrian access or visibility along the Right-of-Way. No SWF may be located or maintained in a manner that causes unreasonable interference. "Unreasonable interference" means any use of the Right-of-Way that disrupts or interferes with its use by the City or operation of City improvements, use by the general public, or other person authorized to use or be present upon the Right-of-Way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right -of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare. In addition, no SWF or Utility Pole may obstruct, damage, or interfere with: another utility facility in a Right-of-Way; or a utility's use of the utility's facility in a Right-of-Way.
21. Relocation. Wireless Service Providers are encouraged to locate or relocate SWFs and wireless communication poles concurrently with other users of the Right-of-Way in order to minimize disruption. Wires and communication cables serving SWFs shall be installed within existing underground ducts or conduit where feasible.

22. Relocation at City Request. After adequate written notice to a Service Wireless Provider, the Public Works Director may require a Wireless Service Provider, at the Wireless Service Provider's sole expense and in accordance with the standards in this chapter applicable to such facility, to relocate a facility in the Right-of-Way in a timely manner as the City deems necessary to maintain or reconfigure the Right-of-Way for other public projects or take any actions necessary to protect public health, safety and welfare.
23. Signs, Advertising. No SWF may display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations or required by law or permit condition. Every SWF shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number and street address to contact the facility owner's operations center. Such identifying signs shall be less than three (3) by five (5) inches in size with letters between ten (10) and fourteen (14) points in size, and shall be clearly visible and readable.
24. Historic and Design Districts. An applicant shall obtain a permit before collocating a pole or a SWF in a historic or design district. Such poles and SWFs shall meet the pole-height and stealth requirements of this section, and shall match, as closely as economically and technically feasible, the closest City light poles in the zone where located.

**J. Technical Necessity Exceptions.** If an applicant cannot meet the requirements of stealth design in this section because of engineering or technological incapability or substantial implacability ("technical reasons"), an applicant may apply for a technical necessity exception, which may be granted by the Director after receiving a recommendation from the Telecommunications Facilities Group, provided that even where a technical necessity exception is allowed, the applicant shall, to the extent it can, meet the requirements of this section of the code. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed.

1. New Poles and SWFs in Residential Districts. No new Utility Poles or SWFs shall be permitted in a public Right-of-way which is not more than sixty (60) feet wide as depicted in the official plat records and adjacent to single family residential lots, other multi-family residences, or undeveloped land that is designated for residential use by zoning or deed restrictions unless the applicant demonstrates to the reasonable satisfaction of the City's Director or Telecommunications Review Group that without such Utility Pole the applicant will be unable to will not meet the applicant's reasonable wireless communication needs and qualifies for a technical necessity exception under this chapter. Evidence submitted with the application for the technical necessity exception may consist of, but shall not be limited to, the following things:
  - a. No existing poles with a suitable height are located within the geographic area required to meet the applicant's engineering requirements even if applicant increases the number of existing poles and antennas it uses;

- b. Existing poles do not have sufficient structural strength to support applicant's proposed SWF;
- c. The applicant's proposed SWFs would cause electromagnetic interference with the SWFs on the existing SWFs or the existing SWF would cause interference with the applicant's proposed SWF;
- d. The applicant demonstrates that there are other limiting factors that render existing poles, cabinets and other SWFs on or in which applicant might collocate unsuitable for collocation; and
- e. Any poles erected anywhere other than at the intersections of streets shall be centered between trees where practicable, but shall be no closer than ten (10) feet from any tree in the ROW.

## 2. Independent Consultant Review

- a. The City Council authorizes the Community Development Director to, in his or her discretion, select and retain an independent consultant with expertise in telecommunications satisfactory to the Community Development Director in connection with any permit application.
- b. The Community Development Director may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to: Permit application completeness or accuracy; planned compliance with applicable RF exposure standards; whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity; whether technically feasible and potentially available alternative locations and designs exist; the applicability, reliability and/or sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; and any other issue that requires expert or specialized knowledge identified by the Community Development Director.
- c. The applicant must pay for the cost of such review and for the technical consultant's initial testimony as requested by the Director, and must provide a reasonable advance deposit of the estimated cost of such review with the City prior to the commencement of any work by the technical consultant. The applicant must provide an additional advance deposit to cover the consultant's testimony and expenses at any meeting where that testimony is requested by the Community Development Director. Where the advance deposit(s) are insufficient to pay for the cost of such review and/or testimony, the Director shall invoice the applicant who shall pay the invoice in full within ten (10) calendar days after receipt of the invoice. No permit shall issue to an applicant where that applicant has not timely paid a required fee. The Director has the discretion to hold a public hearing in deciding matters under this section.

**K. Performance Bonds.** Each Wireless Service Provider shall provide to the City and shall maintain for the period it has SWFs in the City's ROW a bond to assure the performance of its obligations under this section with a company with an A.M. Best's rating of B+ or better

in an amount of 140 percent of the City's reasonable estimated cost of removal of the facilities to be installed or constructed by applicant. The City may require that the amount of the surety bond be increased if the City reasonably believes that the amount of the bond is insufficient to cover the City's cost of removal of a Wireless Service Provider's facilities or support poles, or if the Wireless Service Provider increases the number such poles or facilities. If the Wireless Service Provider fails to perform its obligations under this chapter in any respect, including making any payment to the City required by this Agreement or by applicable law for reimbursable costs incurred by the City, the City may, after thirty (30) days' written notice to the Wireless Service Provider, if the obligation is not performed by the Wireless Service Provider, withdraw or make a claim for that amount from the security fund.

**L. Related Accessory Equipment.** Related accessory equipment for all SWFs shall meet the following requirements: All shall be placed on or inside of poles where they meet stealth requirements, or placed underground or flush-mounted to ground level consistent with Utah Code Section 54-21-207. Cabinets and other accessory components which cannot feasibly be placed underground shall be grouped as closely as reasonably possible and camouflaged to the extent reasonably possible unless otherwise approved by the Director; the total footprint on or under the ground of the SWF shall not exceed six (6) square feet; and no SWF or related accessory equipment shall exceed thirty (30) feet in height, unless placed on or inside of poles.

1. **Lighting.** SWFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, except in cases in which the SWF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, it must be approved by the Director. The City may review the available lighting alternatives and approve the design that would cause the least disturbance to the nearby properties and surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. No visible flashing indicator lights or similar devices will be allowed in the Right-Of-Way, unless part of existing light poles where lighting is an intended use, and unless such flashing lights or similar devices are part of the City's normal lighting program for such facilities, unless otherwise approved by the Director for good cause.
2. **Noise.** Noise generated at the site of a SWF must not exceed the levels permitted by City or Salt Lake County ordinances, except that a SWF permittee may, when necessary, exceed such standards for a reasonable period of time during installation, removal and repairs, not to exceed two (2) hours in any day without prior authorization from the City.

**J. Pruning Trees and Shrubs.** If a permittee or its contractor determines that trees and vegetation in the Right-of-Way interfere with the installation, maintenance, or removal of applicant's SWFs and need trimming, it shall request of the Public Works Department that such trimming or pruning be done with sufficient specificity for the City to assess the need to perform the work. If the trees or vegetation unreasonably interfere with the permittee's needed installation, removal or maintenance of such SWFs, and if the City has not trimmed or removed the vegetation within fifteen (15) days of such request, then the permittee may by



its own employees or by a contractor perform the needed work, provided (1) that it first give at least three (3) business days' written notice to the Public Works Department of the work it intends to do in detail with respect to each tree or shrub, and (2) provided the Public Works Department does not send a written objection before the end of the three (3) day period. The Public Works Department may allow such trimming and pruning on less notice when the need to trim a tree or vegetation is due to an emergency, or is urgently needed in order to repair a SWF which is seriously damaged or is not operating properly. All pruning and trimming performed by or for a permittee shall comply with City ordinances and the American National Standard for Tree Care Operation (ANSI A300) and Best Management Practices: Utility Pruning of Trees and be conducted under the direction of an arborist certified with the International Society of Arboriculture.

**K. Damage and Repair.** No applicant for or permittee of any SWF, or anyone acting on such person's behalf shall take any action or permit any action to take place which may impair or damage any Right-of-Way or the property of another located in, on, or adjacent thereto.

If a Wireless Service Provider's activity causes damage to a Right-of-Way, the Wireless Service Provider shall repair the Right-of-Way to substantially the same condition as before the damage. If a Wireless Service Provider fails to make a repair required by an authority under Subsection(s) within a reasonable time after written notice, the authority may: make the required repair; and charge the Wireless Service Provider the reasonable, documented, actual cost for the repair.

If the damage described in Subsection (2) causes an urgent safety hazard, an authority may: immediately make the necessary repair; and charge the Wireless Service Provider the reasonable, documented, actual cost for the repair.

1. Notice of Work. Unless otherwise provided in a permit, no person or anyone acting on such person's behalf shall commence any non-emergency work in or about the Right-of-Way without ten (10) days' written notice to the Department of Public Works and permittees of property adjacent or near the work area and likely affected by such work of the intent to do so. The notice shall contain a reasonably detailed description of the work to be performed, the properties and area to be affected by it, and a reasonable estimate of the time the work is expected to take. The Department of Public Works may develop a procedure for dispensing with this notice procedure in situations where the impact of the work to be performed is not substantial, or in cases of emergency where notice is not practical in the discretion of the Department.
2. Repair and Emergency Work. In the event of an unexpected and urgently needed repair or emergency, a permittee may commence repair or emergency work as reasonably required under the circumstances, provided notice is given to the City and property owners as promptly as possible, which shall contain the information required in Section 15A-39-15, and reasonably detailed information about the work performed and how it is likely to affect the City, the public using the Right-of-Way, the adjacent or nearby property or permittees, utility and telecommunications equipment permittees.

3. **Removal of Unauthorized SWFs.** Within forty five (45) days of written notice by the City, a permittee shall, at its sole expense, remove any SWF from the Right-of-Way upon any of the following events: Termination or expiration of such person's permit, approval, or license under which the SWF was authorized; abandonment of a SWF within the Right-of-Way; the facility having been constructed or located without the prior grant of a permit, or constructed or located at a location not so permitted; or circumstances reasonably determined by the City to be inconsistent with public health, safety, or welfare, the circumstances of which were not known at or which arose after the time of the issuance of any permit, approval, or license.
4. **Failure to Remove or Relocate.** If any person subject to this section who owns, controls, or maintains any unauthorized SWFs within the Right-of-Way fails to remove or relocate any SWFs as required in this section, the City may cause such removal or relocation and charge the permittee for the costs incurred.
5. **Emergency Removal or Relocation of SWFs.** The City reserves the right to cut, alter, remove, or relocate any SWFs located within the Right-of-Way as necessary in the event of an imminent or current public health or safety emergency.
6. **Damage to SWFs by City.** The City shall not be liable for any damage or destruction of any SWF damaged by the City, its contractors or agents which was not relocated or removed by the permittee within the time required by the City.

**L. Insurance.** Unless specifically agreed to by the City after evaluating the risk, a person subject to this section shall secure and maintain in force the following liability insurance policies (or evidence of self-insurance satisfactory to the City):

1. Two million dollars for personal injury or death to any one person and \$3,000,000 aggregate for personal injury or death per single accident or occurrence.
2. Two million dollars for property damage to any one person and \$3,000,000 aggregate for property damage per single accident or occurrence.
3. Two million dollars for all other types of liability including claims for damages for invasion of the right of privacy; for defamation of any person, firm, or corporation; for the violation or infringement of any copyright, trademark, trade name, service mark or patent; or for damage to any other person, firm, or corporation arising out of or alleged to arise out of failure to comply with the provisions of any statute, regulation or resolution of the United States, State of Utah, or any local agency with jurisdiction.

Such insurance shall specifically name as additional insured the City, its officers, volunteers and employees, and shall further provide that the policy shall not be modified or canceled during the life of the permit without giving at least 30 days' written notice to the City.

A person subject to this section shall file with the City copies of all certificates of insurance showing up-to-date coverage, additional insured coverage, and evidence of payment of premiums as set forth above before commencing any work in the Right-of-Way, and upon request by the City. Coverage shall not be changed or canceled without approval of the City,

and failure to maintain required insurance may be considered a breach of this agreement. The City may at its option review all insurance coverage. If it is determined by the City Risk Manager that circumstances require and that it is reasonable and necessary to increase insurance coverage and liability limits to adequately cover the risks of the City, the City may require additional insurance to be acquired. The City shall provide written notice should the City exercise its right to require additional insurance. All insurance shall provide 30 days' prior written notice to the City in the event of modification or cancellation. The City shall be provided written notice within 30 days after any approved reduction in the general annual aggregate limit.

The Director or the City's Risk Manager may require increases in insurance coverage when the dollar values change by more than 20 percent as measured by the CPI-U.

**M. Indemnification.** A person subject to this section shall, at its sole expense, fully indemnify, defend and hold harmless the City, and in its capacity as such, the officers and employees thereof, from and against any and all claims, suits, actions, liability and judgments for damage or otherwise (except those arising from the sole negligence on the part of the City, its employees or agents) (A) for actual or alleged injury to persons or property, including loss of use of property due to an occurrence, whether or not such property is physically damaged or destroyed, in any way arising out of or through or alleged to arise out of or through the acts or omissions of such person or its officers, agents, employees, or contractors or to which such person or its officers', agents', employees' or contractors' acts or omissions in any way contribute, and whether or not such acts or omissions were authorized or contemplated by the permit or applicable law; (B) arising out of or alleged to arise out of any claim for damages for such person's invasion of the right of privacy, defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm or corporation; and/or (C) arising out of or alleged to arise out of such person's failure to comply with the provisions of any statute, regulation or applicable policy of the United States, state of Utah or any local agency applicable to such person in its business. Nothing herein shall be deemed to prevent the City, its officers, or its employees from participating in the defense of any litigation by their own counsel at such parties' expense. Such participation shall not under any circumstances relieve a person subject to this section from its duty of defense against liability or of paying any judgment entered against the City, its officers, or its employees.

**N. Assignments or Transfers of Permits.** The City reserves the right to require in any permit issued under this section that ownership or control of a person subject to this section shall not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of such person, by operation of law or otherwise without the prior written consent of the City, which consent the City may withhold or condition in its discretion. The subleasing of the space on poles is permitted, subject to the terms of this section and the terms of any license or lease agreement for use of the poles.

1. Absent extraordinary and unforeseeable circumstances, no permit shall be assigned or transferred before construction of the SWFs has been completed.

2. A permittee and the proposed assignee or transferee shall provide and certify the following to the City not less than one hundred and twenty (120) days prior to the proposed date of transfer: Detailed information setting forth the nature, terms and conditions of the proposed assignment or transfer; all information otherwise reasonably required by the City of a permit applicant under this section with respect to the proposed assignee or transferee; and an application fee which shall be set by the City, plus any other costs actually and reasonably incurred by the City in processing and investigating the proposed assignment or transfer.
3. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial, and other requisite qualifications to carry on the activities of the permit required by applicable laws, ordinances, approvals, licenses and permits.
4. Any transfer or assignment of a permit without the prior written consent of the City as set forth herein shall be void and shall result in revocation of the existing permit.
5. Before a transfer is effective, the transferee shall file with the Director a signed statement signed by the transferee that the transferee shall accept of all permit terms and conditions. Failure to submit the notice required herein shall be a cause for the City to revoke the applicable permits pursuant to and following the procedure set out in this section.

**O. Transfers Affecting Control.** Any transactions which singularly or collectively result in a change of fifty percent (50%) or more of the ownership or working control of the permittee, or of the ownership or control of affiliated entities which have ownership or working control of the permittee, or of control of the capacity or the SWFs or substantial parts thereof shall be considered an assignment or transfer requiring City approval. Transactions between affiliated entities are not exempt from City approval; however, a transfer by a permittee to another person or entity controlling, controlled by, or under common control with the permittee shall not require City approval, provided notice thereof is timely provided to the City. Approval shall not be required for mortgaging purposes.

**P. Obligation to Comply with this Section.** An applicant or permittee shall not be relieved of its obligation to comply with every provision of the Revised Ordinances of Sandy City, this section, any permit issued hereunder or any applicable law or regulation by reason of any failure of the City to notice, enforce or prompt compliance by the applicant or permittee.

**Q. Conflicts with Prior Ordinances.** In the event that any City ordinance or regulation, in whole or in part, adopted prior to the effective date of this chapter, conflicts with any provisions in this section, the provisions of this section will control.

**R. Violations.** Any unauthorized installation made prior to obtaining a permit, approval of an applicant's master plan, and violations of other related requirements of the City, may be grounds for denial of an application, or other sanctions allowed by law.

**S. Revocation or Termination.** A permit granted hereunder may be revoked (or revoked in respect to those facilities in the permit determined to violate the following subparagraphs) for the following reasons: Construction or operation anywhere in the City without a permit contrary to city ordinances; construction or operation at an unauthorized location;

unauthorized assignment of a permit; unauthorized sale, assignment or transfer of all of a permittee's assets, or a substantial interest therein; misrepresentation by or on behalf of a person in any application upon which the City relies in making any decision herein; abandonment of SWFs in the ROWs without timely removal and restoration as required by law; Failure to relocate or remove SWFs as required in this section; Failure to pay taxes, compensation, fees or costs when and as due; Insolvency or bankruptcy of the permittee; Violation of a provision of this section; or Violation of the terms of a permit.

**Standards for Revocation or Lesser Sanctions.** In determining whether a person subject to this section has violated or failed to comply with provisions of this section or of a permit, the Director shall determine the appropriate action to take considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors: Whether the misconduct was egregious; whether substantial harm resulted; whether the violation was intentional; whether there is a history in the City or in other jurisdictions within the last five years of prior violations of the same or other requirements; whether there is a history of overall compliance in the City or in other jurisdictions within the last five years; and whether the violation was voluntarily disclosed, admitted or cured.

- T. Notice and Duty to Cure.** In the event that the City believes that grounds exist for revocation of a permit, the City shall give the person subject to this section written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing such person a reasonable period of time not exceeding thirty (30) days to furnish evidence: That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance. That rebuts the alleged violation or noncompliance. That it would be in the public interest to impose some penalty or sanction less than revocation.
- U. Limited Exemptions from Standards.** All exemptions granted under this section are subject to review and reconsideration by the Community Development Director. The applicant always bears the burden to demonstrate why an exemption should be granted. An applicant seeking an exemption under this section for SWFs on the basis that a permit denial would effectively prohibit personal wireless services must demonstrate with clear and convincing evidence all the following: A significant gap in an applicant's service coverage exists; and all alternative sites identified in the application review process are either technically infeasible or not potentially available.
- V. Appeals.** A person aggrieved by a decision of the City may appeal to the City's Board of Adjustment, and may not appeal to district court without first appealing to the Board of Adjustment.
- W. Severability.** If any provision of this section or any amendments thereto is in conflict with any applicable federal or State law now in force or hereafter enacted, such provision shall be inoperative to the extent of such conflict and be treated as though it had not been included herein, but all other provisions of this section shall remain in force. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this section unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this section and shall not affect the validity of the remaining portions of this

section. The City hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this section irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this section might be declared unconstitutional, preempted or otherwise invalid.

- X. Headings and Captions.** Headings and captions used in this section other than the section, article, division and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.
- Y. Force Majeure Events.** Neither a Wireless Service Provider nor the City shall not be in breach of its obligations under this section nor shall the City nor a Wireless Service Provider incur any liability to the other for any losses or damages of any nature whatsoever incurred or suffered by that other (otherwise than under any express indemnity in this section) if and to the extent that it is prevented from carrying out those obligations by, or such losses or damages are caused by, a Force Majeure Event, except to the extent that the relevant breach of its obligations would have occurred, or the relevant losses or damages would have arisen, even if the Force Majeure Event had not occurred (in which case this Section shall not apply to that extent).

As soon as reasonably practicable following the date of commencement of a Force Majeure Event, and within a reasonable time following the date of termination of a Force Majeure Event, the Wireless Service Provider or the City invoking it shall submit to the other reasonable proof of the nature of the Force Majeure Event and of its effect upon the performance of the Wireless Service Provider's or the City's obligations under this Agreement.

Each Wireless Service Provider and its subcontractors shall, at all times take all reasonable steps within their respective powers and consistent with good operating practices (but without incurring unreasonable additional costs) to: prevent Force Majeure Events affecting the performance of the provider's obligations under this section; mitigate the effect of any Force Majeure Event; and comply with its obligations under this section.

A Wireless Service Provider and the City invoking a Force Majeure Event shall consult together in relation to the above matters following the occurrence of such an event. "Force Majeure Event" means the occurrence of: an act of war (whether declared or not), hostilities, invasion, act of foreign enemies, terrorism or civil disorder; ionizing radiations, or contamination by radioactivity from any nuclear fuel, or from any nuclear waste from the combustion of nuclear fuel, radioactive toxic explosive or other hazardous properties of any explosive nuclear assembly or nuclear component thereof; pressure waves from devices travelling at supersonic speeds or damage caused by any aircraft or similar device; a strike or strikes or other industrial action or blockade or embargo or any other form of civil disturbance (whether lawful or not), in each case affecting on a general basis the industry related to the affected services and which is not attributable to any unreasonable action or inaction on the part of the wireless facilities provider or any of its subcontractors or suppliers and the settlement of which is beyond the reasonable control of all such persons; specific incidents of exceptional adverse weather conditions in excess of those required to be designed for in this section which are materially worse than those encountered in the relevant



places at the relevant time of year during the forty (40) years prior to the time the wireless services provider first provides service through SWFs within the City; tempest, tornado, earthquake or any other natural disaster of overwhelming proportions; pollution of water sources; discontinuation of electricity supply; or other unforeseeable circumstances beyond the control of the wireless service provider against which it would have been unreasonable for it to take precautions and which the it cannot avoid even by using its best efforts, which in each case directly causes the wireless service provider to be unable to comply with all or a material part of its obligations under this section.

## **15A-38 Definitions.**

**Applicant** The person who applies for a permit, license, or other right under this chapter.

**Antenna** Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devised and configurations; and exterior apparatus designed for telephone, radio or television communications through the sending and/or receiving of wireless communications signals.

**Base Station** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a pole as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

- A. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed personal wireless services and fixed personal wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Section of the Land Development Code, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

**Collocate or Collocation** To install, mount, maintain, modify, operate, or replace a small wireless facility: on a wireless support structure or Utility Pole; or for ground-mounted equipment, adjacent to a wireless support structure or Utility Pole.

**Decorative Pole** A City-owned or managed pole: that is specially designed and placed for an aesthetic purpose; and on which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than: a small wireless facility; a specialty designed informational or directional sign; or a temporary holiday or special event attachment; or on which no appurtenance or attachment has been placed, other than: a small wireless facility; a specialty designed informational or directional sign; or a temporary holiday or special-event attachment.

**Design District** An area: that is zoned or otherwise designated by City ordinance or code; and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

**Director** The Director of the Community Development Department, or the Director's designee.

**Eligible Facilities Request** A collocation or modification that is not a substantial modification any request for modification of an Existing Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station involving: Collocation of new transmission equipment. Removal of transmission equipment. Replacement of transmission equipment.

**Emergency** Any occurrence, or substantial imminent threat thereof, whether natural, technological or man-made, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

**Hazardous Materials** Any substance: Which is flammable, explosive, radioactive, toxic, corrosive, infectious, carcinogenic, mutagenic or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of Utah or any political subdivision thereof; or which contains asbestos, organic compounds known as polychlorinated biphenyls, chemicals known to cause cancer or reproductive toxicity or petroleum, including crude oil or any fraction thereof; or which is or becomes defined as a pollutant, contaminant, hazardous waste, hazardous substance, hazardous material or toxic substance under the Resource Conservation and Recovery Act, 42 U.S.C. § § 6901-6987; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § § 9601-9657; the Hazardous Materials Transportation Act, 49 U.S.C. § § 1801-1812; the Clean Water Act, 33 U.S.C. § § 1251-1387; the Clear Air Act, 42 U.S.C. § § 7401-7642; the Toxic Substances Control Act, 15 U.S.C. § § 2601-2655; the Safe Drinking Water Act, 42 U.S.C. § § 300f-300j; the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. § § 11001-11050; under title 19, chapter 6 of the Utah Code, as any of the same have been or from time to time may be amended; and any similar federal, state and local laws, statutes, ordinances, codes, rules, regulations, orders or decrees relating to environmental conditions, industrial hygiene or Hazardous Materials on the Property, including all interpretations, policies, guidelines and/or directives of the various governmental authorities responsible for administering any of the foregoing, now in effect or hereafter adopted, published and/or promulgated; or the presence of which on the Property requires investigation or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy, or common law; or the presence of which on the Property causes or threatens to cause a nuisance on the Property or to adjacent properties or poses or threatens to pose a hazard to the health and safety of persons on or about the Property.

**Land Development Code** Sandy City Land Development Revised 2008.

**Micro Wireless Facility** A type of small wireless facility: that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and on which any exterior antenna is no longer than 11 inches; and that only provides Wi-Fi service.

**Nondiscriminatory** Treating similarly situated entities the same absent a reasonable, and competitively neutral basis, for different treatment.

**Personal Wireless Services** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined at 47 U.S.C. Section 332 (c)(7)(C), or as modified from time to time in the United States Code.

**Permittee** The person who has received a permit to operate or maintain a SWF under this ordinance, or that person's authorized representative.

**Pole Agreement** An Agreement by the owner of a pole in the ROW to place a SWF on the pole.

**Related Accessory Equipment** The transmission equipment customarily used with, and incidental to Wireless Communication Facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

**Section 6409(a)** Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.

**Section 6409(a) Modification** Any eligible facilities request that does not cause a substantial change and submitted for approval pursuant to Section 6409(a) and the FCC's regulations at 47 C.F.R. §1.40001 and following sections.

**Small Wireless Communications Facility** A type of wireless facility: (a) on which each Wireless Service Provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (b) for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any: (i) electric meter; (ii) concealment element; (iii) telecommunications demarcation box; (iv) grounding equipment; (v) power transfer switch; (vi) cut-off switch; (vii) vertical cable run for the connection of power or other service; (viii) WirelessService Provider antenna; or (ix) coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.

**Substantial Modification** A proposed modification or replacement to an existing wireless support structure that will substantially change the physical dimensions of the wireless support structure under the substantial modification standard established in 47 C.F.R. Sec. 1.40001(7); or (b) a proposed modification in excess of the site dimensions specified in 47 C.F.R. Part 1,

Appendix C, Sec. III.B. An explanatory Note is the thresholds for a substantial modification outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial modification would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).

**SWF** Small Wireless Communication Facility

**Technical Necessity Exception** The allowance of a facility to be maintained because of engineering or technological incapability or significant implacability reasons.

**Telecommunications Review Group** Comprised of the directors of the Sandy City departments of Community Development, Public Works, Public Utilities, and the City Attorney, or their designees, and others appointed from time to time by the City's CAO.

**Utility Pole** A pole or similar structure that: is in a Right-of-Way; and is or may be used, in whole or in part, for: wireline communications; electric distribution; lighting; traffic control; signage; a similar function to a function described in Subsections (28)(a)(i) through (v); or the collocation of a small wireless facility.

Utility pole *does not* include: a wireless support structure; a structure that supports electric transmission lines; or a municipally owned structure that supports electric lines used for the provision of municipal electric service.

**Wireless Telecommunications Facility** An equipment at a fixed location that enables wireless communication between user equipment and a communications network, including: equipment associated with wireless communications; and regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.

Wireless Facility *does not* include: the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or Utility Poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility.

**Wireless Service** Any service using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public using a wireless facility. "Wireless service" includes the use of Wi-Fi.

**Wireless Service Provider** A company or other entity providing wireless cell service, or a company providing services to such a company or entity by contract.



## ORDINANCE 18-28

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, CHAPTER 11, "SPECIAL USE STANDARDS", AND CHAPTER 37, "DEFINITIONS" TO ADD A NEW SECTION TO CREATE NEW STANDARDS FOR REGULATION AND IMPLEMENTATION OF SMALL CELL ANTENNAS IN SANDY CITY; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, Chapter 11, "Special Use standards" and Chapter 37, "Definitions" by adding a new section to create new standards for regulation and implementation of small cell antennas in Sandy City; and

WHEREAS, the Planning Commission held a public hearing on September 6, 2018 which meeting was preceded by notice by publication in the Salt Lake Tribune on August 23, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library-Sandy, and the Utah Public Notice Website - <http://pmn.utah.gov> on August 18, 2018; and

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

WHEREAS, a public meeting was held by the Sandy City Council on September 11, 2018 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on August 23, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library-Sandy, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on August 18, 2018; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

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

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

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

Section 1. Amendment. Title 15A is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Steve Fairbanks, Chairman  
Sandy City Council

ATTEST:

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

PRESENTED to the Mayor of Sandy City for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Kurt Bradburn, Mayor

ATTEST:

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

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

## **Exhibit A**

### **15A-11-25 Wireless Communications Facilities in the Public Right-of-Way**

**A. General Scope.** This section and not Section 15A-11-24 shall apply to the construction, modification, removal and operation of small wireless communications facilities (SWFs) installed in the public right-of-way (ROW). All references to SWFs in this chapter shall refer only to SWFs in the ROW and not SWFs located anywhere outside of the ROW. No person shall install, construct, modify, or otherwise place any SWF within the public right-of-way except pursuant to the provisions of this chapter. The definitions used in this chapter are found in Chapter 15A-37.

**B. Purpose.** The purpose of this section is to reasonably regulate, to the extent permitted by Utah and federal law, the installation, operation, collocation, modification and removal of SWFs in the City of Sandy in a manner that protects and promotes public health, safety and welfare, and balances the benefits that flow from robust personal wireless services with the unique and historic character, aesthetics and local values of the City. This section is intended to meet the following goals, to the extent not inconsistent with applicable federal and State law:

1. Promote and protect the public health, safety, and welfare by reducing the visibility of SWFs to the fullest extent possible, including, but not limited to the following method: camouflage or stealth concealment, design techniques and placing SWFs and related accessory equipment, which is not placed on or in the utility pole underground, except equipment which cannot be placed underground if the SWF is to function properly.
2. Provide for the managed development and installation, maintenance, modification, and removal of wireless communication infrastructure in the City with the fewest number of SWFs needed to provide cell service, in a nondiscriminatory manner.
3. Encourage the deployment of smaller, less intrusive SWFs to supplement existing larger macro-cell sites.
4. Encourage the deployment of SWFs primarily along major and minor arterials, and major and minor collectors, and limit the deployment of new Utility Poles along local streets and residential districts where the streets are 60 feet wide or narrower, and new poles and SWFs in historic districts, and design districts where they are discouraged or not allowed.
5. Encourage the location of SWFs in non-residential areas, in a manner that minimizes the total number of SWF support poles needed throughout the City.
6. Encourage the location of SWFSWFs to utilize existing Right-of-Way corridors, and encourage SWFSWFs to be installed at street intersections. Encourage collocation of SWFs on new and existing sites.
7. Encourage the location of SWFs, to the extent economically and technically feasible, at places and in areas where the adverse visual impact on the community is minimized.

8. Enhance the ability of Wireless Service Providers to provide services to the community quickly, effectively, and efficiently.
9. Effectively manage SWFs in the ROW.
10. Nothing herein is intended to waive or limit the City's right to enforce or condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to public health and safety.
11. Provide for the nondiscriminatory use of the Right-of-Way.

This section does not intend, and shall not be interpreted or applied to:

1. Prohibit or effectively prohibit personal wireless services; or
2. Unreasonably discriminate among Wireless Service Providers of functionally equivalent personal wireless services; or
3. Regulate the installation, operation, collocation, modification or removal of SWFs on the basis of the environmental effects of RF emissions to the extent that such emissions comply with all applicable FCC regulations; or
4. Prohibit or effectively prohibit any collocation or modification that the City may not deny under Utah or federal law; or
5. Preempt or conflict with any applicable Utah or federal law.

**C. Applicant, Permit.** Any person seeking to locate or modify a SWF or Utility Pole in the ROW shall, except as otherwise provided herein, first submit an application, and in historic and design districts, obtain a permit under this section, and shall provide to the City on an application form provided by or acceptable to the City information sufficient, in the City's reasonable discretion, to enable the City to make an informed determination regarding such permit. Fees for permits will be established by the Sandy City Council.

1. Exceptions to Permitting. Wireless Service Providers are not required to submit an application, obtain a permit, or pay a fee for the following activities, but shall provide not less than 10 days' notice to the City Public Works and Public Utilities Departments of such activities: routine maintenance; the replacement of a small wireless facility with a small wireless facility that is substantially similar or smaller in size; the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing Utility Poles, in compliance with the National Electrical Safety Code; or any other installation or activity otherwise allowed by superseding law

A Wireless Service Provider shall obtain a permit for work that requires excavation or cutting of any road, sidewalk or other surface or closing of sidewalks or vehicular lanes in the Right-of-Way. The City shall process and approve the permit within the same time period the City processes and approves a permit for all other types of entities.

2. Lessees to comply with this section. Applicants who enter into lease or license agreements with the City to locate, modify or collocate SWFs on City-owned light, sign, traffic signal or other poles shall be required in those instruments to comply with the provisions of this section, except as specifically negotiated and clearly stated in the written instrument otherwise.

Compliance. All persons subject to this section shall: At all times comply with all applicable statutes, laws, ordinances, and policies; upon reasonable request, timely provide written confirmation sufficient for customary land survey purposes concerning location of SWFs; upon reasonable request, timely provide the City with accurate as-built maps and plans certifying location of SWFs in paper copies and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each SWF required by the City, including but not limited to height of the SWF, range of transmission, type of transmission (cellular, voice, data, wi-fi, etc.), nature of the pole or support, permittee of the pole or support, and similar information; upon request, timely make available to the City, books, records, maps and other documents maintained with respect to SWFs for inspection at reasonable times and places; pay all applicable fees required by the City. Subject to Superseding Federal and State Law. The provisions of this section shall be subject to and superseded by conflicting applicable federal or State law now in force or hereafter enacted.

#### **D. Operational Standards.**

1. Federal and State Requirements. All SWFs shall meet the current standards and regulations of the United States Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal and Utah State governments with the authority to regulate SWFs. If such standards and regulations are changed, then the permittees shall bring such facilities into compliance with such revised standards and regulations within the time period mandated by the controlling federal or State agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the SWF facility at the permittee's expense.
2. Radio Frequency Standards. If concerns or complaints regarding compliance with radio frequency emissions standards for a SWF have been communicated to the City, the City may request that the permittee provide information demonstrating compliance which the permittee shall promptly provide. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request, and the permittee of the SWF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the SWF does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the SWF at the permittee's expense. Any reasonable costs incurred by the City, including reasonable consulting costs needed in the Director's discretion, to verify compliance with these requirements, shall be paid by the permittee.

3. **Signal Interference.** All SWFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone, other SWFs, and other communication services utilized by nearby residential and non-residential properties. SWFs shall not interfere with any public safety communications except with the written approval of the public safety agency whose communications are so affected. The applicant shall provide a written statement from a qualified radio frequency engineer certifying that a technical evaluation of existing and proposed SWFs indicates no potential interference problems with the communications referred to just above. The permittee of the SWF shall allow the City to monitor interference levels with public safety communications during this process. In addition, the permittee of a SWF shall notify the City at least fourteen (14) calendar days prior to the introduction of new personal wireless service or changes in existing personal wireless service, and shall allow the City to monitor interference levels with public safety or other communications during the testing process. The permittee shall not begin new service or change service of the SWF until the City has notified the permittee that the SWF is acceptable, or the expiration of the fourteen (14) days, whichever occurs first.
4. **Operation and Maintenance.** To ensure the structural integrity of SWFs and the support poles on which they are mounted, the permittee of a SWF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes, State of Utah Blue-Stakes laws, and with the City's Standard Specifications and Details for Municipal Construction as most recently promulgated. If upon inspection, or upon other reliable evidence, the City concludes that a SWF support pole or SWF fails to comply with such codes or constitutes a danger to persons or property, then, upon written notice being provided to the permittee of the SWF, the permittee shall have thirty (30) days from the date of notice to demonstrate that the SWF or support pole is structurally sound and safe, or to bring such SWF into compliance. Upon good cause shown by the permittee, the City may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the permittee fails to bring such SWF into compliance within said time period, and fails to remove the SWF, then the City may remove such SWF at the permittee's expense. The City may, in its discretion require an industry-standard pole load analysis be completed and submitted to an authority indicating that the Utility Pole, to which the SWF is to be attached, will safely support the load.
5. **Abandonment and Removal.** If a SWF has not been in use for a period of three (3) months, the permittee of the SWF shall notify the City of the non-use, and shall indicate whether re-use is expected within the ensuing three (3) months. Any SWF that is not operated for a continuous period of six (6) months shall be considered abandoned. The City, in its sole discretion, may require that an abandoned SWF be removed. The permittee of such SWF shall remove the same within thirty (30) days of receipt of written notice from the City. If such SWF is not removed within said thirty (30) days, the City may remove it at the permittee's expense, and any approved permits for the SWF shall be deemed to have expired.



6. Hazardous Materials.

- a. No permittee and no agent or subcontractor of a permittee shall use, store or release hazardous materials in, on, about or from any SWFs or any property on which any SWF is located, except those necessary for the operations of the SWF, and only in accordance with all applicable laws governing such materials. No permittee and no agent or subcontractor of a permittee shall store, generate, release or dispose of hazardous materials in or on any SWFs or any City property without the prior signed written consent of the City's mayor or chief administrative officer, and only if such writing clearly allows such storage, generation, release or disposal of hazardous materials.
- b. If a permittee discovers that any spill, leak or release of any quantity of hazardous materials has occurred on, in or under any SWF, the permittee shall promptly notify all appropriate governmental agencies and the City. In the event such release is caused by the permittee, a lessee or permittee, their officers, employees agents or subcontractors, the permittee shall (or shall cause others to) unless otherwise directed by the City, promptly and fully investigate, cleanup, remediate and remove all such hazardous materials as may remain and so much of any portion of the environment as shall have become contaminated, all in accordance with applicable government requirements, and a plan approved by the City, and shall replace any removed portion of the environment (such as soil) with uncontaminated material of the same or better character as existed prior to contamination.

**E. Applications and Submissions.** No SWF shall be collocated, and no new, modified, or replacement SWF support pole associated with a SWF may be placed in the right-of-way, and no initial location, collocation, or modification constituting a substantial change to any SWF may occur except upon the issuance of a permit after submission of a written application from an applicant, reviewed and approved by the City in accordance with this section. Permits issued hereunder shall be of general applicability. **A SWF on a wire strung between poles does not require a permit or application.** All SWFs shall be reviewed pursuant to the following procedures:

1. **Pre-submittal Meeting.** Before first application submittal, applicants shall schedule and attend a pre-submittal consultation meeting with City staff for all facilities intended for installation in the public Right-of-Way, unless waived by the Director or his designee because the City determines that it already has sufficient information about an applicant's proposed facilities, or because the proposed facilities are expected to have little impact on the City. City staff will endeavor to provide applicants an appointment within fifteen (15) working days after a written request for an appointment is received.
2. **Twenty-Five Permits Per Application.** A consolidated application may be submitted for the collocation of no more than **twenty-five (25)** SWFs if all of the SWFs are substantially of the same type and proposed for collocation on substantially the same type of structures, or at the applicant's discretion, an applicant may file a consolidated application for the installation, modification or replacement of up to twenty-five (25 ) Utility Poin the ROW. An applicant may file no more than **three (3) consolidated**

applications within any 30-day period or multiple applications for more than seventy five (75) Utility Poles or SWFs within any 30-day period. A consolidated application may not combine applications solely for collocation of SWFs on existing Utility Poles with applications for the installation, modification, or replacement of a Utility Pole. If the City denies the application for one (1) or more Utility Poles or SWFs in a consolidated application, the City may not use the denial as a basis to delay the application process of any other Utility Pole or small wireless facility in the same consolidated application.

3. Submittal Requirements. In addition to an application form signed by an authorized official or employee of an applicant, signal interference letter, and required submittal fees, each applicant shall submit the following documents in a form acceptable to the City:
  - a. An accurately scaled site plan of all of applicant's SWFs and wireless facility support poles within one mile of the facility to be installed; such site plan shall be submitted in paper and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each SWF required by the City, including but not limited to height and dimensions of the SWF, range of transmission, type of transmission (cellular, voice, data, wi-fi, etc.), nature of the pole or support, permittee, owner and operator of the pole or support, and similar information;
  - b. Accurate photo simulation of all proposed above-ground SWFs, collocations, and modifications of existing SWFs;
  - c. A scaled elevation view and other supporting accurate drawings, calculations, and other documentation of the proposed SWF and support pole for it;
  - d. If required by the City, documentation showing the financial and technical ability and legal capacity of the applicant to perform the work requested, and to operate and maintain the SWFs for longer than one year;
  - e. Letters, agreements, or other documents showing permissions to locate SWFs on the poles or in facilities of the City or other permittees, and if an applicant places SWFs or related accessory equipment on City poles, then it shall have an executed signed master license agreement with the City, and a pole attachment permit or agreement from the City for each City pole;
  - f. Letters, reports or memoranda signed by appropriate qualified professionals where required by the City, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, pole height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Director to be necessary to assess compliance with this section;
  - g. Submission of evidence of required licenses and registrations from federal and State regulatory bodies, including the Federal Communications Commission, necessary for the services to be provided; and

- h. A franchise from the City allowing the wireless provider to operate in the Right-of-Way if it does not already have a fiber-optic franchise from the City.
4. Other Information. Each applicant for a SWF permit or for the erection of a Utility Pole in the ROW shall provide to the Director, unless waived by the Director, the following information and documents:
- a. The business form of the person making the application.
  - b. If the applicant is a partnership or limited partnership, the names and addresses of all such partners and their respective interests; if a corporation, the names and addresses of the officers and directors of the corporation and the names of any persons holding more than ten percent of the common and preferred stock of the company, together with their proportionate interests indicated.
  - c. A proposed plan for the installation, operation and maintenance of the applicant's communications system indicating methods of construction, including specifications for design, installation, technical capacity and maintenance, and arrangements with any other company or person for use of poles or other facilities.
  - d. The most current financial statement of the applicant.
  - e. The applicant's experience in the field of service it plans to provide in the City.
  - f. The applicant's capability to provide cellular service, if reasonably in question.
  - g. The applicant's agreement to pay the fees and rates for use of the Right-of-Way provided in this section.
  - h. An attestation by an authorized officer of the applicant that the SWF will be operational for use by a Wireless Service Provider within 270 days after the day on which the City issues the permit except in the case that the lack of commercial power or communications transport infrastructure to the site delays completion, or for other good cause reasonably beyond the control of the provider approved by the Director.

The Community Development Department may share information on the location of SWFs and wireless communication support poles with other applicants applying for administrative approvals or permits under this section, or other organizations seeking to locate SWFs within the City, provided that doing so does not violate any records confidentiality requirements of Utah Code Section 63G-2-305, and provided however, that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable, or that the information provided by an applicant is correct.

5. Applications for New and Modified or Replacement Poles. Each application to erect a new, modified or replacement wireless communications pole in the Right-of-Way shall be reviewed by the Director or his designee for conformance to this section and the Land Development Code using the Site Plan review procedures set forth in the Land

Development Code. Should the Director determine that the proposed pole or SWF will have a significant adverse visual impact, (e.g., due to proximity to historic or aesthetically significant structures, views, and/or community features) or otherwise be incompatible with the surrounding area the Director may deny the application or refer the application to the Telecommunications Review Group for a recommendation. A Wireless Service Provider may replace or upgrade a Utility Pole only with the written approval of the Utility Pole's owner.

6. Power and Fiber-Optic Connections. With all applications for SWFs, each applicant shall provide written documentation from the wireless communications pole or SWF permittee affirming that an agreement has been reached with the applicant to allow for legal access to and from the pole or facility. The City may require evidence that agreement has been reached for the legal provision of needed services with Rocky Mountain Power or other lawful electricity provider for electricity and other providers of facilities (such as fiber-optic service) needed to operate and maintain the SWF.

#### **F. Time Frame for Review.**

1. Subject to the tolling provisions of subparagraph (3) next below, within thirty (30) days of the date on which an applicant submits an application seeking collocation of a SWF or for a new, modified, or replacement Utility Pole, the City shall: determine whether the application is complete; and notify the applicant that the City's determination of whether the application is complete.
2. If the City determines, within the applicable time period described in Subsection (3), that an application is incomplete: the City shall specifically identify the missing information in the written notification sent to the applicant; and the processing deadline for the application is tolled: from the day on which the City sends the applicant the written notice to the day on which the City receives the applicant's missing information; or as the applicant and the City agree.
3. An application for a SWF expires if: the City notifies the Wireless Service Provider that the Wireless Provider's application is incomplete, in accordance with this section; and the Wireless Service Provider fails to respond within 90 days after the day on which the City notifies the Wireless Service Provider under this section.
4. The City shall: process an application on a nondiscriminatory basis; and approve or deny an application: for the collocation of a SWF, within sixty (60) days after the day on which the City receives the complete application; and for a new, modified, or replacement Utility Pole, within one hundred and five (105) days after the day on which the City receives the complete application. If the City fails to approve or deny an application within the applicable time period described in Subsection (4), the application is approved. Notwithstanding Subsections (4), the City may extend the applicable period described in Subsection (4) for a single additional period of ten (10) business days, if the City notifies the applicant before the day on which approval or denial is originally due.

If the City denies an application it shall document the basis for the denial, including any specific law on which the denial is based; and shall send such documentation to the applicant on or before the day on which the City denies the application.

Field Code Changed

#### **G. Compliance with Applicable Law.**

1. Notwithstanding the approval of an application for Collocation or non-substantial modification as described herein, all work done pursuant to permits issued hereunder must be completed in accordance with all applicable building and safety requirements as set forth in the Revised Ordinances of Sandy City Utah, 1978 (Rev. Ord. of Sandy), the Land Development Code, the site plan approval (if applicable), and all other applicable regulations. In addition, all SWFs shall be operated and maintained in compliance with the following requirements:
  - a. They shall comply with all applicable permits or licenses issued by a local, State or federal government agency with jurisdiction over the SWF;
  - b. They shall comply with license or lease agreements, easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
  - c. They shall be maintained in good working condition and to the standards established at the time of application approval, or as required by then-current federal or State law; and
  - d. They and the areas around them shall remain free from trash, debris, litter, graffiti, and other forms of waste and vandalism. Any graffiti shall be promptly removed or painted over, and any damage shall be repaired as soon as practicable after a permit is granted by the City, when required, and in no instance more than ten (10) calendar days from the time of notification by the City or after discovery by the permittee of the SWF.
2. Compliance Report. Upon request by the City, the applicant shall provide a compliance report within forty five (45) days after installation of a SWF, demonstrating that as installed and in operation, the SWF complies with all conditions of approval, applicable City ordinances and applicable regulations.

**H. Permit and Renewal Term.** Any validly issued permit for a SWF or Utility Pole will automatically expire at 12:01 a.m. local time exactly ten (10) years and one (1) day from the issuance date. If there is no basis for denial, an authority shall grant the renewal of an application under this section for an equivalent duration. No renewal shall be valid unless all of a wireless provider's SWFs and related wireless communication facilities fully comply with this section, Utah State Code, and City ordinances.

#### **I. Siting, Design, Stealth Implementation.**

1. Siting and Design. SWFs and related facilities shall meet the requirements of this section unless the applicant can clearly show and the Director finds that such requirements are not technically and economically feasible for the applicant.

2. **Stealth Implementation.** Construction of SWFs must utilize stealth implementation meeting the provisions of this section if such camouflage measures are technically and economically feasible consistent with Utah law. A SWF or a supporting pole employ stealth design or implementation when it: (1) is integrated harmoniously into an outdoor fixture such as a light pole, in a manner which minimizes or eliminates visual impact, avoids notice, or is not readily apparent; or (2) uses design which mimics and is consistent with the nearby natural or architectural features or replaces existing facilities so that the presence of the SWF is not readily apparent. Stealth Implementation includes the following methods of implementation, which shall be required of all SWFs and related facilities which are placed in the Right-of-Way. All SWFs and supporting poles on which they are mounted shall comply with the following requirements, subject to the exceptions in this section, or Technical Necessity Exceptions found in the Special Uses chapter of the Sandy City Land Development Code.
3. **Height of the Combined Pole and Antenna.** For all new facilities and substantial modifications to existing facilities, height of the combined pole and Antenna, including after a change or collocation under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 1996, except as otherwise required by Section 6409(a), as measured from the base of the pole at ground level (including any concrete or other support) will, except in respect to poles legally erected before the effective date of this section, be limited to 50 feet in height for City streets which are not residential streets, and major and minor arterial streets, although the City encourages poles no higher than thirty (30) feet on major and minor arterials, and not more than twenty (20) feet on local streets. An Antenna associated with a SWF may not extend more than ten (10) feet above the top of a Utility Pole existing on or before September 1, 2018. The height restrictions may be exceeded only with a technical necessity exception provided and paid for by the applicant. The height will be reviewed by the Telecommunications Review Group and approved or denied by the Director. SWFs shall be located no closer to the nearest building than the combined height of the pole and Antenna.
4. **Antennas.** No Antenna shall be taller than ten (ten) feet above the top of the wireless communications pole or pole extender on which it is mounted except as otherwise allowed by Utah Code Section 54-21-602.
5. **Power to Pole.** Power to the SWF support pole must come through the base of the pole.
6. **Use Existing Poles.** Wireless Service Providers of SWFs are encouraged, to the extent practicable, to use existing Utility Poles and other infrastructure, including street signs, light poles, traffic lights, and other similar infrastructure.
7. **Invisibility of Seams, Bolts, Wires, Cables, Assemblies.** Seams, bolts/screws, Antennas, wires, cables, and conduits and shroud assembly shall be fabricated and installed in a manner so as to reduce visibility. Wires and cables which cannot be placed inside a pole shall be placed in conduits which are as inconspicuous as is commercially feasible.
8. **Wireless Facility Poles – Construction and Finish.** To the extent technically and economically feasible, wireless facility poles installed by a Wireless Service Provider



shall be constructed of metal or a material, which when painted or otherwise finished, looks like metal, such as fiberglass, and shall match nearby existing City light poles in appearance. New wood poles will not be allowed. Antennas and all related accessory equipment, including mounting mechanisms, must be painted and repainted to match the pole.

9. Decorative poles. If necessary to collocate a SWF, a Wireless Service Provider may replace a Decorative Pole, if the replacement pole reasonably conforms to the appearance of the replaced Decorative Pole.
10. Sharing of Poles Encouraged. Sharing of wireless communication poles and Utility Poles is encouraged for all SWFs where feasible.
11. Street Intersection Preference. Wireless Service Providers are encouraged to locate SWFs where feasible at or near the corners of street intersections.
12. No Extension into Traveled ROW. Except for a traffic signal pole, City light pole or City light fixture, no portion of any SWF or its supporting pole shall extend into portion of the Right-Of-Way or any public sidewalk intended for travel by vehicles or pedestrians, nor shall any SWF be placed in the median of any street.
13. New and Replacement Poles – Designed for Collocation. New and replacement wireless communication poles shall match nearby existing City light poles, and shall be designed and constructed to permit the pole or other support facility to accommodate SWFs from at least two (2) Wireless Service Providers on the same pole, unless the Director approves an alternative design, or unless the applicant clearly demonstrates that doing so is not practically feasible. Collocation of SWFs shall be allowed by the permittees of SWFs except where impracticable or otherwise illegal. A permittee which installs a new pole or a pole replacing a City-owned pole shall be responsible for the maintenance of the pole at its expense, but the City shall be allowed to maintain any lights, traffic semaphores, or other-City-owned equipment on the pole at the City's expense. City will own the new pole.
14. Pole Extender. A pole extender may be used instead of replacing an existing pole, provided the pole extender is safe, structurally sound and can otherwise meet the requirements of this section, unless a further height increase is required and confirmed in writing by the pole owner, and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities and does not extend the total height of the pole, with the pole extender, more than fifty (50) feet. The pole extender shall be painted or finished to substantially match the color of the pole and the diameter of the pole measured at the top of the pole. A "pole extender" as used herein is a structure affixed between the Utility Pole and the Antenna for the purpose of increasing the height of the Antenna above the pole.
15. Pole-Mounted Equipment. All pole-mounted equipment and Antennas must: be installed as close to the pole horizontally as technically and economically feasible and enclosed in a container approved by the Director as technically and economically feasible, but no

larger than six (6) cubic feet in volume for an Antenna, and no larger than twenty eight (28) cubic feet for all wireless equipment, including the Antenna, ground and pole-mounted equipment; to minimize impacts to the visual profile, painted flat and non-reflective colors to match the supporting pole, placed behind existing signs, and oriented away from prominent views; all required or permitted signage in the Right-of-Way must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures; and all conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible. To the extent reasonably feasible, each SWF shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies on Utility Poles on the same pole and near the proposed SWF.

16. Aesthetic Impacts. Each SWF shall be sited and maintained to minimize the negative aesthetic impacts to the Right-of-Way.
17. Traffic Signals. Each SWF shall be designed such that antenna installations on traffic signal poles are placed in a manner so that the size and appearance, of the signal will not be significantly altered, and so that there be no alteration in the function of the signal.
18. Visual Clutter. To the extent technically and economically feasible each SWF shall be designed and maintained such that all Antennas, mast arms, related accessory equipment, and other facilities and elements are sized to minimize visual clutter.
19. Newly Installed Equipment boxes and underground equipment. All newly installed equipment boxes and related accessory equipment shall be located in a manner that poses no significant risk to public safety and such that boxes and equipment meet the aesthetic requirements of this section, and if such equipment is not installed on or in a pole, then it shall be installed in a flush-to-grade or underground equipment vault whenever all cable and utility facilities, other than City poles and attachments, are so placed.
20. Interference of SWFs. No SWF shall alter vehicular circulation, usual travel, public safety or parking within the Right-of-Way or impede vehicular, bicycle, or pedestrian access or visibility along the Right-of-Way. No SWF may be located or maintained in a manner that causes unreasonable interference. "Unreasonable interference" means any use of the Right-of-Way that disrupts or interferes with its use by the City or operation of City improvements, use by the general public, or other person authorized to use or be present upon the Right-of-Way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right -of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare. In addition, no SWF or Utility Pole may obstruct, damage, or interfere with: another utility facility in a Right-of-Way; or a utility's use of the utility's facility in a Right-of-Way.
21. Relocation. Wireless Service Providers are encouraged to locate or relocate SWFs and wireless communication poles concurrently with other users of the Right-of-Way in order to minimize disruption. Wires and communication cables serving SWFs shall be installed within existing underground ducts or conduit where feasible.

**Comment [S01]:** Utah Code Section 54-21-207 applies to installing a structure requires that

22. Relocation at City Request. After adequate written notice to a Service Wireless Provider, the Public Works Director may require a Wireless Service Provider, at the Wireless Service Provider's sole expense and in accordance with the standards in this chapter applicable to such facility, to relocate a facility in the Right-of-Way in a timely manner as the City deems necessary to maintain or reconfigure the Right-of-Way for other public projects or take any actions necessary to protect public health, safety and welfare.
23. Signs, Advertising. No SWF may display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations or required by law or permit condition. Every SWF shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number and street address to contact the facility owner's operations center. Such identifying signs shall be less than three (3) by five (5) inches in size with letters between ten (10) and fourteen (14) points in size, and shall be clearly visible and readable.
24. Historic and Design Districts. An applicant shall obtain a permit before collocating a pole or a SWF in a historic or design district. Such poles and SWFs shall meet the pole-height and stealth requirements of this section, and shall match, as closely as economically and technically feasible, the closest City light poles in the zone where located.

**J. Technical Necessity Exceptions.** If an applicant cannot meet the requirements of stealth design in this section because of engineering or technological incapability or substantial implacability ("technical reasons"), an applicant may apply for a technical necessity exception, which may be granted by the Director after receiving a recommendation from the Telecommunications Facilities Group, provided that even where a technical necessity exception is allowed, the applicant shall, to the extent it can, meet the requirements of this section of the code. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed.

1. New Poles and SWFs in Residential Districts. No new Utility Poles or SWFs shall be permitted in a public Right-of-way which is not more than sixty (60) feet wide as depicted in the official plat records and adjacent to single family residential lots, other multi-family residences, or undeveloped land that is designated for residential use by zoning or deed restrictions unless the applicant demonstrates to the reasonable satisfaction of the City's Director or Telecommunications Review Group that without such Utility Pole the applicant will be unable to will not meet the applicant's reasonable wireless communication needs and qualifies for a technical necessity exception under this chapter. Evidence submitted with the application for the technical necessity exception may consist of, but shall not be limited to, the following things:
  - a. No existing poles with a suitable height are located within the geographic area required to meet the applicant's engineering requirements even if applicant increases the number of existing poles and antennas it uses;

- b. Existing poles do not have sufficient structural strength to support applicant's proposed SWF;
- c. The applicant's proposed SWFs would cause electromagnetic interference with the SWFs on the existing SWFs or the existing SWF would cause interference with the applicant's proposed SWF;
- d. The applicant demonstrates that there are other limiting factors that render existing poles, cabinets and other SWFs on or in which applicant might collocate unsuitable for collocation; and
- e. Any poles erected anywhere other than at the intersections of streets shall be centered between trees where practicable, but shall be no closer than ten (10) feet from any tree in the ROW.

2. Independent Consultant Review

- a. The City Council authorizes the Community Development Director to, in his or her discretion, select and retain an independent consultant with expertise in telecommunications satisfactory to the Community Development Director in connection with any permit application.
- b. The Community Development Director may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to: Permit application completeness or accuracy; planned compliance with applicable RF exposure standards; whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity; whether technically feasible and potentially available alternative locations and designs exist; the applicability, reliability and/or sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; and any other issue that requires expert or specialized knowledge identified by the Community Development Director.
- c. The applicant must pay for the cost of such review and for the technical consultant's initial testimony as requested by the Director, and must provide a reasonable advance deposit of the estimated cost of such review with the City prior to the commencement of any work by the technical consultant. The applicant must provide an additional advance deposit to cover the consultant's testimony and expenses at any meeting where that testimony is requested by the Community Development Director. Where the advance deposit(s) are insufficient to pay for the cost of such review and/or testimony, the Director shall invoice the applicant who shall pay the invoice in full within ten (10) calendar days after receipt of the invoice. No permit shall issue to an applicant where that applicant has not timely paid a required fee. The Director has the discretion to hold a public hearing in deciding matters under this section.

**Comment [LS2]:** Does the City have any intention of adding a member to the team to review this technical background? Charging the applicant each time for outside review is excessive

**K. Performance Bonds.** Each Wireless Service Provider shall provide to the City and shall maintain for the period it has SWFs in the City's ROW a bond to assure the performance of its obligations under this section with a company with an A.M. Best's rating of B+ or better

in an amount of 140 percent of the City's reasonable estimated cost of removal of the facilities to be installed or constructed by applicant. The City may require that the amount of the surety bond be increased if the City reasonably believes that the amount of the bond is insufficient to cover the City's cost of removal of a Wireless Service Provider's facilities or support poles, or if the Wireless Service Provider increases the number such poles or facilities. If the Wireless Service Provider fails to perform its obligations under this chapter in any respect, including making any payment to the City required by this Agreement or by applicable law for reimbursable costs incurred by the City, the City may, after thirty (30) days' written notice to the Wireless Service Provider, if the obligation is not performed by the Wireless Service Provider, withdraw or make a claim for that amount from the security fund.

**L. Related Accessory Equipment.** Related accessory equipment for all SWFs shall meet the following requirements: All shall be placed on or inside of poles where they meet stealth requirements, or placed underground or flush-mounted to ground level consistent with Utah Code Section 54-21-207. Cabinets and other accessory components which cannot feasibly be placed underground shall be grouped as closely as reasonably possible and camouflaged to the extent reasonably possible unless otherwise approved by the Director; the total footprint on or under the ground of the SWF shall not exceed six (6) square feet; and no SWF or related accessory equipment shall exceed thirty (30) feet in height, unless placed on or inside of poles.

1. **Lighting.** SWFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, except in cases in which the SWF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, it must be approved by the Director. The City may review the available lighting alternatives and approve the design that would cause the least disturbance to the nearby properties and surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. No visible flashing indicator lights or similar devices will be allowed in the Right-Of-Way, unless part of existing light poles where lighting is an intended use, and unless such flashing lights or similar devices are part of the City's normal lighting program for such facilities, unless otherwise approved by the Director for good cause.
2. **Noise.** Noise generated at the site of a SWF must not exceed the levels permitted by City or Salt Lake County ordinances, except that a SWF permittee may, when necessary, exceed such standards for a reasonable period of time during installation, removal and repairs, not to exceed two (2) hours in any day without prior authorization from the City.

**J. Pruning Trees and Shrubs.** If a permittee or its contractor determines that trees and vegetation in the Right-of-Way interfere with the installation, maintenance, or removal of applicant's SWFs and need trimming, it shall request of the Public Works Department that such trimming or pruning be done with sufficient specificity for the City to assess the need to perform the work. If the trees or vegetation unreasonably interfere with the permittee's needed installation, removal or maintenance of such SWFs, and if the City has not trimmed or removed the vegetation within fifteen (15) days of such request, then the permittee may by

its own employees or by a contractor perform the needed work, provided (1) that it first give at least three (3) business days' written notice to the Public Works Department of the work it intends to do in detail with respect to each tree or shrub, and (2) provided the Public Works Department does not send a written objection before the end of the three (3) day period. The Public Works Department may allow such trimming and pruning on less notice when the need to trim a tree or vegetation is due to an emergency, or is urgently needed in order to repair a SWF which is seriously damaged or is not operating properly. All pruning and trimming performed by or for a permittee shall comply with City ordinances and the American National Standard for Tree Care Operation (ANSI A300) and Best Management Practices: Utility Pruning of Trees and be conducted under the direction of an arborist certified with the International Society of Arboriculture.

**K. Damage and Repair.** No applicant for or permittee of any SWF, or anyone acting on such person's behalf shall take any action or permit any action to take place which may impair or damage any Right-of-Way or the property of another located in, on, or adjacent thereto.

If a Wireless Service Provider's activity causes damage to a Right-of-Way, the Wireless Service Provider shall repair the Right-of-Way to substantially the same condition as before the damage. If a Wireless Service Provider fails to make a repair required by an authority under Subsection(s) within a reasonable time after written notice, the authority may: make the required repair; and charge the Wireless Service Provider the reasonable, documented, actual cost for the repair.

If the damage described in Subsection (2) causes an urgent safety hazard, an authority may: immediately make the necessary repair; and charge the Wireless Service Provider the reasonable, documented, actual cost for the repair.

1. **Notice of Work.** Unless otherwise provided in a permit, no person or anyone acting on such person's behalf shall commence any non-emergency work in or about the Right-of-Way without ten (10) days' written notice to the Department of Public Works and permittees of property adjacent or near the work area and likely affected by such work of the intent to do so. The notice shall contain a reasonably detailed description of the work to be performed, the properties and area to be affected by it, and a reasonable estimate of the time the work is expected to take. The Department of Public Works may develop a procedure for dispensing with this notice procedure in situations where the impact of the work to be performed is not substantial, or in cases of emergency where notice is not practical in the discretion of the Department.
2. **Repair and Emergency Work.** In the event of an unexpected and urgently needed repair or emergency, a permittee may commence repair or emergency work as reasonably required under the circumstances, provided notice is given to the City and property owners as promptly as possible, which shall contain the information required in Section 15A-39-15, and reasonably detailed information about the work performed and how it is likely to affect the City, the public using the Right-of-Way, the adjacent or nearby property or permittees, utility and telecommunications equipment permittees.



3. **Removal of Unauthorized SWFs.** Within forty five (45) days of written notice by the City, a permittee shall, at its sole expense, remove any SWF from the Right-of-Way upon any of the following events: Termination or expiration of such person's permit, approval, or license under which the SWF was authorized; abandonment of a SWF within the Right-of-Way; the facility having been constructed or located without the prior grant of a permit, or constructed or located at a location not so permitted; or circumstances reasonably determined by the City to be inconsistent with public health, safety, or welfare, the circumstances of which were not known at or which arose after the time of the issuance of any permit, approval, or license.
4. **Failure to Remove or Relocate.** If any person subject to this section who owns, controls, or maintains any unauthorized SWFs within the Right-of-Way fails to remove or relocate any SWFs as required in this section, the City may cause such removal or relocation and charge the permittee for the costs incurred.
5. **Emergency Removal or Relocation of SWFs.** The City reserves the right to cut, alter, remove, or relocate any SWFs located within the Right-of-Way as necessary in the event of an imminent or current public health or safety emergency.
6. **Damage to SWFs by City.** The City shall not be liable for any damage or destruction of any SWF damaged by the City, its contractors or agents which was not relocated or removed by the permittee within the time required by the City.

**L. Insurance.** Unless specifically agreed to by the City after evaluating the risk, a person subject to this section shall secure and maintain in force the following liability insurance policies (or evidence of self-insurance satisfactory to the City):

1. Two million dollars for personal injury or death to any one person and \$3,000,000 aggregate for personal injury or death per single accident or occurrence.
2. Two million dollars for property damage to any one person and \$3,000,000 aggregate for property damage per single accident or occurrence.
3. Two million dollars for all other types of liability including claims for damages for invasion of the right of privacy; for defamation of any person, firm, or corporation; for the violation or infringement of any copyright, trademark, trade name, service mark or patent; or for damage to any other person, firm, or corporation arising out of or alleged to arise out of failure to comply with the provisions of any statute, regulation or resolution of the United States, State of Utah, or any local agency with jurisdiction.

Such insurance shall specifically name as additional insured the City, its officers, volunteers and employees, and shall further provide that the policy shall not be modified or canceled during the life of the permit without giving at least 30 days' written notice to the City.

A person subject to this section shall file with the City copies of all certificates of insurance showing up-to-date coverage, additional insured coverage, and evidence of payment of premiums as set forth above before commencing any work in the Right-of-Way, and upon request by the City. Coverage shall not be changed or canceled without approval of the City,

and failure to maintain required insurance may be considered a breach of this agreement. The City may at its option review all insurance coverage. If it is determined by the City Risk Manager that circumstances require and that it is reasonable and necessary to increase insurance coverage and liability limits to adequately cover the risks of the City, the City may require additional insurance to be acquired. The City shall provide written notice should the City exercise its right to require additional insurance. All insurance shall provide 30 days' prior written notice to the City in the event of modification or cancellation. The City shall be provided written notice within 30 days after any approved reduction in the general annual aggregate limit.

The Director or the City's Risk Manager may require increases in insurance coverage when the dollar values change by more than 20 percent as measured by the CPI-U.

**M. Indemnification.** A person subject to this section shall, at its sole expense, fully indemnify, defend and hold harmless the City, and in its capacity as such, the officers and employees thereof, from and against any and all claims, suits, actions, liability and judgments for damage or otherwise (except those arising from the sole negligence on the part of the City, its employees or agents) (A) for actual or alleged injury to persons or property, including loss of use of property due to an occurrence, whether or not such property is physically damaged or destroyed, in any way arising out of or through or alleged to arise out of or through the acts or omissions of such person or its officers, agents, employees, or contractors or to which such person or its officers', agents', employees' or contractors' acts or omissions in any way contribute, and whether or not such acts or omissions were authorized or contemplated by the permit or applicable law; (B) arising out of or alleged to arise out of any claim for damages for such person's invasion of the right of privacy, defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm or corporation; and/or (C) arising out of or alleged to arise out of such person's failure to comply with the provisions of any statute, regulation or applicable policy of the United States, state of Utah or any local agency applicable to such person in its business. Nothing herein shall be deemed to prevent the City, its officers, or its employees from participating in the defense of any litigation by their own counsel at such parties' expense. Such participation shall not under any circumstances relieve a person subject to this section from its duty of defense against liability or of paying any judgment entered against the City, its officers, or its employees.

**N. Assignments or Transfers of Permits.** The City reserves the right to require in any permit issued under this section that ownership or control of a person subject to this section shall not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of such person, by operation of law or otherwise without the prior written consent of the City, which consent the City may withhold or condition in its discretion. The subleasing of the space on poles is permitted, subject to the terms of this section and the terms of any license or lease agreement for use of the poles.

1. Absent extraordinary and unforeseeable circumstances, no permit shall be assigned or transferred before construction of the SWFs has been completed.

2. A permittee and the proposed assignee or transferee shall provide and certify the following to the City not less than one hundred and twenty (120) days prior to the proposed date of transfer: Detailed information setting forth the nature, terms and conditions of the proposed assignment or transfer; all information otherwise reasonably required by the City of a permit applicant under this section with respect to the proposed assignee or transferee; and an application fee which shall be set by the City, plus any other costs actually and reasonably incurred by the City in processing and investigating the proposed assignment or transfer.
  3. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial, and other requisite qualifications to carry on the activities of the permit required by applicable laws, ordinances, approvals, licenses and permits.
  4. Any transfer or assignment of a permit without the prior written consent of the City as set forth herein shall be void and shall result in revocation of the existing permit.
  5. Before a transfer is effective, the transferee shall file with the Director a signed statement signed by the transferee that the transferee shall accept of all permit terms and conditions. Failure to submit the notice required herein shall be a cause for the City to revoke the applicable permits pursuant to and following the procedure set out in this section.
- O. Transfers Affecting Control.** Any transactions which singularly or collectively result in a change of fifty percent (50%) or more of the ownership or working control of the permittee, or of the ownership or control of affiliated entities which have ownership or working control of the permittee, or of control of the capacity or the SWFs or substantial parts thereof shall be considered an assignment or transfer requiring City approval. Transactions between affiliated entities are not exempt from City approval; however, a transfer by a permittee to another person or entity controlling, controlled by, or under common control with the permittee shall not require City approval, provided notice thereof is timely provided to the City. Approval shall not be required for mortgaging purposes.
- P. Obligation to Comply with this Section.** An applicant or permittee shall not be relieved of its obligation to comply with every provision of the Revised Ordinances of Sandy City, this section, any permit issued hereunder or any applicable law or regulation by reason of any failure of the City to notice, enforce or prompt compliance by the applicant or permittee.
- Q. Conflicts with Prior Ordinances.** In the event that any City ordinance or regulation, in whole or in part, adopted prior to the effective date of this chapter, conflicts with any provisions in this section, the provisions of this section will control.
- R. Violations.** Any unauthorized installation made prior to obtaining a permit, approval of an applicant's master plan, and violations of other related requirements of the City, may be grounds for denial of an application, or other sanctions allowed by law.
- S. Revocation or Termination.** A permit granted hereunder may be revoked (or revoked in respect to those facilities in the permit determined to violate the following subparagraphs) for the following reasons: Construction or operation anywhere in the City without a permit contrary to city ordinances; construction or operation at an unauthorized location;

unauthorized assignment of a permit; unauthorized sale, assignment or transfer of all of a permittee's assets, or a substantial interest therein; misrepresentation by or on behalf of a person in any application upon which the City relies in making any decision herein; abandonment of SWFs in the ROWs without timely removal and restoration as required by law; Failure to relocate or remove SWFs as required in this section; Failure to pay taxes, compensation, fees or costs when and as due; Insolvency or bankruptcy of the permittee; Violation of a provision of this section; or Violation of the terms of a permit.

Standards for Revocation or Lesser Sanctions. In determining whether a person subject to this section has violated or failed to comply with provisions of this section or of a permit, the Director shall determine the appropriate action to take considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors: Whether the misconduct was egregious; whether substantial harm resulted; whether the violation was intentional; whether there is a history in the City or in other jurisdictions within the last five years of prior violations of the same or other requirements; whether there is a history of overall compliance in the City or in other jurisdictions within the last five years; and whether the violation was voluntarily disclosed, admitted or cured.

- T. Notice and Duty to Cure.** In the event that the City believes that grounds exist for revocation of a permit, the City shall give the person subject to this section written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing such person a reasonable period of time not exceeding thirty (30) days to furnish evidence: That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance. That rebuts the alleged violation or noncompliance. That it would be in the public interest to impose some penalty or sanction less than revocation.
- U. Limited Exemptions from Standards.** All exemptions granted under this section are subject to review and reconsideration by the Community Development Director. The applicant always bears the burden to demonstrate why an exemption should be granted. An applicant seeking an exemption under this section for SWFs on the basis that a permit denial would effectively prohibit personal wireless services must demonstrate with clear and convincing evidence all the following: A significant gap in an applicant's service coverage exists; and all alternative sites identified in the application review process are either technically infeasible or not potentially available.
- V. Appeals.** A person aggrieved by a decision of the City may appeal to the City's Board of Adjustment, and may not appeal to district court without first appealing to the Board of Adjustment.
- W. Severability.** If any provision of this section or any amendments thereto is in conflict with any applicable federal or State law now in force or hereafter enacted, such provision shall be inoperative to the extent of such conflict and be treated as though it had not been included herein, but all other provisions of this section shall remain in force. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this section unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this section and shall not affect the validity of the remaining portions of this

section. The City hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this section irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this section might be declared unconstitutional, preempted or otherwise invalid.

**X. Headings and Captions.** Headings and captions used in this section other than the section, article, division and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

**Y. Force Majeure Events.** Neither a Wireless Service Provider nor the City shall not be in breach of its obligations under this section nor shall the City nor a Wireless Service Provider incur any liability to the other for any losses or damages of any nature whatsoever incurred or suffered by that other (otherwise than under any express indemnity in this section) if and to the extent that it is prevented from carrying out those obligations by, or such losses or damages are caused by, a Force Majeure Event, except to the extent that the relevant breach of its obligations would have occurred, or the relevant losses or damages would have arisen, even if the Force Majeure Event had not occurred (in which case this Section shall not apply to that extent).

As soon as reasonably practicable following the date of commencement of a Force Majeure Event, and within a reasonable time following the date of termination of a Force Majeure Event, the Wireless Service Provider or the City invoking it shall submit to the other reasonable proof of the nature of the Force Majeure Event and of its effect upon the performance of the Wireless Service Provider's or the City's obligations under this Agreement.

Each Wireless Service Provider and its subcontractors shall, at all times take all reasonable steps within their respective powers and consistent with good operating practices (but without incurring unreasonable additional costs) to: prevent Force Majeure Events affecting the performance of the provider's obligations under this section; mitigate the effect of any Force Majeure Event; and comply with its obligations under this section.

A Wireless Service Provider and the City invoking a Force Majeure Event shall consult together in relation to the above matters following the occurrence of such an event. "Force Majeure Event" means the occurrence of: an act of war (whether declared or not), hostilities, invasion, act of foreign enemies, terrorism or civil disorder; ionizing radiations, or contamination by radioactivity from any nuclear fuel, or from any nuclear waste from the combustion of nuclear fuel, radioactive toxic explosive or other hazardous properties of any explosive nuclear assembly or nuclear component thereof; pressure waves from devices travelling at supersonic speeds or damage caused by any aircraft or similar device; a strike or strikes or other industrial action or blockade or embargo or any other form of civil disturbance (whether lawful or not), in each case affecting on a general basis the industry related to the affected services and which is not attributable to any unreasonable action or inaction on the part of the wireless facilities provider or any of its subcontractors or suppliers and the settlement of which is beyond the reasonable control of all such persons; specific incidents of exceptional adverse weather conditions in excess of those required to be designed for in this section which are materially worse than those encountered in the relevant

places at the relevant time of year during the forty (40) years prior to the time the wireless services provider first provides service through SWFs within the City; tempest, tornado, earthquake or any other natural disaster of overwhelming proportions; pollution of water sources; discontinuation of electricity supply; or other unforeseeable circumstances beyond the control of the wireless service provider against which it would have been unreasonable for it to take precautions and which the it cannot avoid even by using its best efforts, which in each case directly causes the wireless service provider to be unable to comply with all or a material part of its obligations under this section.

#### **15A-38 Definitions.**

**Applicant** The person who applies for a permit, license, or other right under this chapter.

**Antenna** Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devised and configurations; and exterior apparatus designed for telephone, radio or television communications through the sending and/or receiving of wireless communications signals.

**Base Station** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a pole as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

- A. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed personal wireless services and fixed personal wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Section of the Land Development Code, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.



- B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

**Collocate or Collocation** To install, mount, maintain, modify, operate, or replace a small wireless facility: on a wireless support structure or Utility Pole; or for ground-mounted equipment, adjacent to a wireless support structure or Utility Pole.

**Decorative Pole** A City-owned or managed pole: that is specially designed and placed for an aesthetic purpose; and on which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than: a small wireless facility; a specialty designed informational or directional sign; or a temporary holiday or special event attachment; or on which no appurtenance or attachment has been placed, other than: a small wireless facility; a specialty designed informational or directional sign; or a temporary holiday or special-event attachment.

**Design District** An area: that is zoned or otherwise designated by City ordinance or code; and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

**Director** The Director of the Community Development Department, or the Director’s designee.

**Eligible Facilities Request** A collocation or modification that is not a substantial modification any request for modification of an Existing Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station involving: Collocation of new transmission equipment. Removal of transmission equipment. Replacement of transmission equipment.

**Emergency** Any occurrence, or substantial imminent threat thereof, whether natural, technological or man-made, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

**Hazardous Materials** Any substance: Which is flammable, explosive, radioactive, toxic, corrosive, infectious, carcinogenic, mutagenic or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of Utah or any political subdivision thereof; or which contains asbestos, organic compounds known as polychlorinated biphenyls, chemicals

known to cause cancer or reproductive toxicity or petroleum, including crude oil or any fraction thereof; or which is or becomes defined as a pollutant, contaminant, hazardous waste, hazardous substance, hazardous material or toxic substance under the Resource Conservation and Recovery Act, 42 U.S.C. § § 6901-6987; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § § 9601-9657; the Hazardous Materials Transportation Act, 49 U.S.C. § § 1801-1812; the Clean Water Act, 33 U.S.C. § § 1251-1387; the Clear Air Act, 42 U.S.C. § § 7401-7642; the Toxic Substances Control Act, 15 U.S.C. § § 2601-2655; the Safe Drinking Water Act, 42 U.S.C. § § 300f-300j; the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. § § 11001-11050; under title 19, chapter 6 of the Utah Code, as any of the same have been or from time to time may be amended; and any similar federal, state and local laws, statutes, ordinances, codes, rules, regulations, orders or decrees relating to environmental conditions, industrial hygiene or Hazardous Materials on the Property, including all interpretations, policies, guidelines and/or directives of the various governmental authorities responsible for administering any of the foregoing, now in effect or hereafter adopted, published and/or promulgated; or the presence of which on the Property requires investigation or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy, or common law; or the presence of which on the Property causes or threatens to cause a nuisance on the Property or to adjacent properties or poses or threatens to pose a hazard to the health and safety of persons on or about the Property.

**Land Development Code** Sandy City Land Development Revised 2008.

**Micro Wireless Facility** A type of small wireless facility: that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and on which any exterior antenna is no longer than 11 inches; and that only provides Wi-Fi service.

**Nondiscriminatory** Treating similarly situated entities the same absent a reasonable, and competitively neutral basis, for different treatment.

**Personal Wireless Services** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined at 47 U.S.C. Section 332 (c)(7)(C), or as modified from time to time in the United States Code.

**Permittee** The person who has received a permit to operate or maintain a SWF under this ordinance, or that person's authorized representative.

**Pole Agreement** An Agreement by the owner of a pole in the ROW to place a SWF on the pole.

**Related Accessory Equipment** The transmission equipment customarily used with, and incidental to Wireless Communication Facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

**Section 6409(a)** Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.

**Section 6409(a) Modification** Any eligible facilities request that does not cause a substantial change and submitted for approval pursuant to Section 6409(a) and the FCC's regulations at 47 C.F.R. §1.40001 and following sections.

**Small Wireless Communications Facility** A type of wireless facility: (a) on which each Wireless Service Provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (b) for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any: (i) electric meter; (ii) concealment element; (iii) telecommunications demarcation box; (iv) grounding equipment; (v) power transfer switch; (vi) cut-off switch; (vii) vertical cable run for the connection of power or other service; (viii) WirelessService Provider antenna; or (ix) coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.

**Substantial Modification** A proposed modification or replacement to an existing wireless support structure that will substantially change the physical dimensions of the wireless support structure under the substantial modification standard established in 47 C.F.R. Sec. 1.40001(7); or (b) a proposed modification in excess of the site dimensions specified in 47 C.F.R. Part 1, Appendix C, Sec. III.B. An explanatory Note is the thresholds for a substantial modification outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial modification would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).

**SWF** Small Wireless Communication Facility

**Technical Necessity Exception** The allowance of a facility to be maintained because of engineering or technological incapability or significant implacability reasons.

**Telecommunications Review Group** Comprised of the directors of the Sandy City departments of Community Development, Public Works, Public Utilities, and the City Attorney, or their designees, and others appointed from time to time by the City's CAO.

**Utility Pole** A pole or similar structure that: is in a Right-of-Way; and is or may be used, in whole or in part, for: wireline communications; electric distribution; lighting; traffic control; signage; a similar function to a function described in Subsections (28)(a)(i) through (v); or the collocation of a small wireless facility.

Utility pole *does not* include: a wireless support structure; a structure that supports electric transmission lines; or a municipally owned structure that supports electric lines used for the provision of municipal electric service.

**Wireless Telecommunications Facility** An equipment at a fixed location that enables wireless communication between user equipment and a communications network, including: equipment associated with wireless communications; and regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.

Wireless Facility *does not* include: the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or Utility Poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility.

**Wireless Service** Any service using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public using a wireless facility. "Wireless service" includes the use of Wi-Fi.

**Wireless Service Provider** A company or other entity providing wireless cell service, or a company providing services to such a company or entity by contract.



## Staff Report

---

**File #:**  
CODE-06-18-5437(CC),  
**Version:** 1

**Date:** 9/11/2018

---

**Agenda Item Title:**

Parking Reductions - Amend Title 15A, Chapter 24-03 - Special Access and Parking Provisions, Land Development Code, Revised Ordinances of Sandy City, 2008

**Presenter:**

Mike Wilcox

**Description/Background:**

The Community Development Department has filed a request to amend Title 15A, Chapter 24-03, Special Access and Parking Provisions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes in our code that responds to changes in market conditions regarding parking requirements, specifically to allow for parking reductions based on certain criteria.

Staff recommended to Planning Commission that the proposed code amendment be approved. On September 6, 2018, the Planning Commission reviewed the request and provided a unanimous recommendation to the City Council to approve the proposed ordinance amendment. See the attached staff report for more details. An update on the outcome of the Planning Commission meeting will be provided during the City Council meeting. Minutes from that meeting won't be available, but a recording of the meeting will be available.

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

That the City Council adopt the proposed ordinance #18-26, which is an amendment to the Land Development Code and shown in Exhibit "A", for the following reasons:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

August 29, 2018

---

**To:** City Council via Planning Commission  
**From:** Community Development Department  
**Subject:** Parking Reductions  
Amend Title 15A, Chapter 24-03, Special Access and  
Parking Provisions, Land Development Code, Revised  
Ordinances of Sandy City, 2008

CODE-05-18-5437

---

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

---

PROPERTY CASE HISTORY	
Case Number	Case Summary
CODE-5-18-5412	Adopted changes to section 15A-24-03(b), Parking Reduction/Increase on June 12, 2018 through ordinance #18-18. The changes removed the ability to reduce required parking on a development and refined the criteria to allow a development to be over parked.

### REQUEST

The Community Development Department has filed a request to amend Title 15A, Chapter 24-03, Special Access and Parking Provisions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes in our code that responds to changes in market conditions regarding parking requirements, specifically to allow for parking reductions based on certain criteria that help address specific needs.

### BACKGROUND

Earlier this year, staff brought forward some proposed changes to this section of code. Staff proposed changes to section 15A-24-03(b) that dealt with parking reduction and increase requests. The original proposal was to make the criteria to qualify for a parking increase/decrease to be more clearly defined. The proposal was altered during the City Council Meeting to only allow for parking increases and eliminate all other provisions pertaining to reductions. A separate motion was made after approving these changes to direct staff to bring back another code amendment to address parking decreases.

The code originally read as follows before any amendments were made:

**B. Parking Reduction/Increase.**

1. In cases where parking, other than herein required, may be appropriate, the Planning Commission may increase or reduce requirements based upon actual usage of employees and customers, but in no case shall the requirements be increased or reduced by more than 25 percent.
2. At the time of site plan review, a parking plan shall be submitted showing all parking spaces, the overall circulation system, an analysis of the parking demand for the specific land uses proposed, and other justification as necessary for requesting reductions in parking space requirements.
3. Developments may be under parked upon the review and approval of the Planning Commission if justified with a walkable design that demonstrates such and/or where local multi-modal transit systems exist or are immediately planned that would help reduce the number of needed parking stalls and automobile trips.

This section of code was amended to be the following:

**B. Parking Increase.** Developments are required to provide a certain number of parking stalls, as determined by this code, based on the land uses associated with the site. In some cases, it may be appropriate to allow for more than the required parking. At the time of site plan review, a parking plan shall be submitted showing all parking spaces, the overall circulation system, and justification for requesting increases in parking space requirements as specified below:

1. **Increase up to 10%.** The Director may approve an increase of up to 10% of the amount of required parking upon review of one or more of the following that justifies the request:
  - a. **Parking Demand Analysis.** A study provided by a licensed transportation engineer that demonstrates actual usage of employees and customers of the proposed land use or similarly situated land uses in other locations.
  - b. **Market Demand Analysis.** A study provided by a licensed real estate professional or real estate financial professional that provides estimates of current market demand for a particular land use.
2. **Increase above 10%.** The Planning Commission may approve an increase of up to 25% of the amount of required parking upon review of the criteria listed in section 15A-24-03(B)(1). The Planning Commission may approve a request to increase the amount of parking provided beyond the 25% increase of required parking if the additional parking is sited within a parking structure that meets the following criteria:



- a. The parking structure contains at least 90% or more of the total proposed parking stalls of the development; and
- b. The footprint of the parking structure consumes no more than 50% of the above grade total site area, is contained within the proposed building footprint, or is completely underground; and
- c. The parking structure contains at least three levels; and
- d. The parking structure does not exceed the height of the surrounding buildings within the site.

### **ANALYSIS**

Staff is seeking some revisions to the Development Code that would allow for some reductions in the amount of parking that is provided within a development. A developer is currently required to provide no more and no less than the required parking as required by other sections of this chapter. There is no flexibility in these requirements, except for those found in section 15A-24-03(B), Parking Increase, as cited above. Staff's proposal would add a new section C that follows a similar pattern of requirements of the preceding section. After receiving feedback from the Council and other staff members, this proposed section has been revised from the original proposal. The requirements for reductions are proposed to be more stringent than those for an increase. It introduces a graduated scale of additional requirements for greater percentage reductions. For example, the Community Development Director would have the ability to make minor adjustments based upon the applicant providing at least one of the criteria found in the section up to 10% of the required amount of parking. The Planning Commission would have the ability to approve requests up to 25%. However for every 5% above 10%, the applicant must meet an additional criterion as listed in the section.

The other proposed changes are just paragraph formatting that is needed to add this additional section.

### **NON-CONFORMING USES**

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

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

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

#### **15A-01-03 Purpose**

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

#### **1. General**

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.

- c. To stabilize property values.
  - d. To enhance the economic well-being of Sandy City and its inhabitants.
2. **Implementation of General Plan**  
To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
3. **Comprehensive, Consistent and Equitable Regulations**  
To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
4. **Efficiently and Effectively Managed Procedures**
  - a. To promote fair procedures that are efficient and effective in terms of time and expense.
  - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
  - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

One of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City. Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration.

#### **GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective.

#### **STAFF RECOMMENDATION**

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

- 1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City.
- 2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:

Reviewed by:



Mike Wilcox  
Zoning Administrator



File Name: S:\USERS\PLN\STAFFRPT\2018\CODE-05-18-5437\_PARKING REDUCTION\STAFF REPORT.DOCX

## Exhibit "A"

### 15A-24-03 Special Access and Parking Provisions

- C. **Parking Reduction.** Developments are required to provide a certain number of parking stalls, as determined by this code, based on the land uses associated with the site. In some cases, it may be appropriate to allow for less than the required amount of parking. At the time of site plan review, a parking plan shall be submitted showing all proposed parking spaces, the overall circulation system, and justification for requesting reductions in parking space requirements as specified below:
1. **Reduction up to 10%.** The Director may approve a reduction of up to 10% of the amount of required parking upon satisfactory review of one (1) or more of the following that applies to the request:
    - a. **Parking Demand Analysis.** A study provided by a licensed transportation engineer that demonstrate projected usage of residents, employees, and customers of the proposed land uses or similarly situated land uses in other locations.
    - b. **Market Demand Analysis.** A study provided by a qualified real estate market analyst that estimate current market demand for a particular land use. For the purpose of this section, a real estate analyst shall be defined as a real estate professional with expertise in financial analysis in support to the financing, acquisition, marketing and leasing of real property based on the study of economic conditions and market trends.
    - c. **Walkability and Multi-Modal Design.** Provide a site plan design that demonstrates walkable elements and promotes multiple modes of transportation. A study by a licensed transportation engineer shall provide a quantitative analysis of the anticipated parking demand and automobile trips based on the proposed design.
    - d. **Proximity to Transit.** A site that is within a half-mile ADA route distance of existing or immediately planned local fixed mass transit station that would help reduce the number of needed parking stalls and automobile trips.
  2. **Reduction above 10%.** The Planning Commission may approve a reduction above 10% of the amount of required parking. Upon satisfactory review of two (2) or more of the criteria listed in section 15A-24-03(C)(1), they may approve up to a 15% reduction. Upon satisfactory review of three (3) or more of those criteria, they may approve up to a 20% reduction. Upon satisfactory review of all four (4) of those criteria, they may approve up to a 25% reduction.
  3. **Residential Parking Reduction.** If a reduction to any parking requirement is granted for a residential development, it shall be required of the developer/owner to provide a minimum of one (1) stall to each residential unit and include it in the base sale or lease price of the unit.

4. **Amendments.** Any amendments to the approved site plan or change in land use will cause any previously approved parking reductions for the site to be reviewed again by the appropriate authority and ensure that the required justification requirements have been met.

**D. Shared Parking.**

1. **Shared Parking Proposal.** Notwithstanding any other parking requirements provided in this Chapter, when land uses occupy the same lot or adjacent lots, the total number of off-street parking spaces required for each use may be combined and shared. A proposal for sharing off-street parking shall be presented to the Director. If the proposal involves the accommodation of more than 10 parking spaces (total accumulated spaces required for all involved uses), the Director may present the proposal to the Planning Commission for site plan review.
2. **Requirements.** In order to qualify for approval for shared parking, applicants shall present the following:
  - a. The location and identity of each use that will share the facility.
  - b. The total parking requirement for each use.
  - c. The projected hours of operation of each use and the hours during which the peak parking demand will be experienced.
  - d. The number of existing and/or proposed parking spaces.
  - e. A site plan that provides for a distance of no greater than 500 feet from the nearest entrance of each use to the nearest edge of the parking facility.
  - f. A site plan that demonstrates that the proposed shared parking facility will comply with all standards required by this Code for parking lot development.

**E. Drive-Thru Business Stacking Space.**

(See Commercial, Office, Industrial, & Transit Corridor Development Standards Chapter)

- F. Excessive Parking.** Developments shall not have parking in excess of that required by this Code without prior approval of the Director or Planning Commission, upon written justification of the specific need for more parking spaces than the provisions of this Code allows. In addition, developers are encouraged to work out shared parking agreements with adjacent users wherever possible according to the provisions for shared parking contained within this Code.

- G. Prohibited Parking.** No parking shall occur in any alley, driveway, service driveway, traffic aisle (either public or ways open to the public), delivery area (other than for a minimal period of time needed for the delivery of goods and materials to a specific tenant) or other

location designed for through traffic unless:

1. Said area has been specifically designated for parking on the original approved site plan; or,
2. The original site plan has been specifically modified by written approval of the City Transportation Engineer, for parking space use; and
3. Be designed in accordance with the parking designs specified in this chapter.

## ORDINANCE 18-26

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, CHAPTER 24-03, "SPECIAL ACCESS AND PARKING PROVISIONS" TO ALLOW FOR PARKING REDUCTIONS TO THE PARKING REQUIREMENTS IF CERTAIN CRITERIA IS MET; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, Chapter 24-03, "Special Access and Parking Provisions" to allow for parking reductions to the parking requirements if certain criteria is met; and

WHEREAS, the Planning Commission held a public hearing on September 6, 2018 which meeting was preceded by notice by publication in the Salt Lake Tribune on August 23, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library-Sandy, and the Utah Public Notice Website - <http://pmn.utah.gov> on August 16, 2018; and

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

WHEREAS, a public meeting was held by the Sandy City Council on September 11, 2018 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on August 23, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library-Sandy, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on August 16, 2018; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

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

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

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

Section 1. Amendment. Title 15A is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Steve Fairbanks, Chairman  
Sandy City Council

ATTEST:

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

PRESENTED to the Mayor of Sandy City for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Kurt Bradburn, Mayor

ATTEST:

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

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